

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*	DIANE GAY GOODMAN		
Organisation	N/A		
Contact Person	AS ABOVE		
Postal address*			
Telephone*		Email*	dgoodman4436@gmail.com

OFFICE USE

Submission No: S482

Date Received Stamp:

30/10/2023

NDOCS-539570224-16857

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.

Figure 1

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 Oppose	☐ the Plan Change
	☐ Support the Plan change in part Support	☐ the Plan Change
	☐ Are Neutral about the Plan Change	☐ Request amendments to the Plan Change

My submission is*:

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

I wish to object to the planned D29 Nelson City Council proposal for the following reasons:

1. Lack of prior consultation, lack of proper timely information and majority of Councillors' arrogance in forcing this through.
2. The proposed plan, if not modified, will entirely alter the face of this city.
3. The population density proposal is not based on correct evidence.
4. The inability of Councillors to understand the implications of such far reaching and legally binding laws with the potential to penalise the established homeowners and ratepayers who they are paid to represent.
5. The power given to potential developers to overrule current homeowners with no power to veto.
6. The urgency given to this Plan without appropriate care and consideration of the possible serious implications.
7. I refer you to Dr Geoffrey Hayes' submission and the evidence based facts he endorses.
8. I also refer you to the many well attended public meetings called by concerned Nelson ratepayers.

RMA Submission Form for Publicly Notified Plan Change 29



I seek the following decision from the Council*:

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

Note:

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

Online submission

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

Submitter No.	S483
Submitter Name	Rachel Newton
Submitter first name	Rachel
Submitter surname	Newton
Submitter is contact	Yes
Email	racheldave.n@xtra.co.nz
Wish to be heard	No
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Inner City and City Fringe Zones	Inner City Zone	Oppose in part	6 story buildings are too tall for Nelson's inner city landscape, i.e retaining existing character Imperitive that good building design working hand in hand with excellent soft landscaping. Future challanges with climate change, extremely important to have plantings, trees as an intrgral part of any design to help reduce temperatures naturally versus hard landscaping & buidlings which produce more heat. Important for the people living within the CBD to produce a positve environment that makes it appealing for them to want to live within the city's heart. We must look to Europe to see how well they have designed & built within their city centres. The overall design of the city centre must be lead by an independant urban development agency not by developers.	Within the central business district agree that intensification of inner city living with building upwards with appartments to a MAXIMUM of 4 stories high with below ground carparking where appropriate DISAGREE with building 6 stories high

Inner City and City Fringe Zones	City Fringe Zone	Oppose	The entire character of the city fringe would be destroyed along with people's lives if adhoc high rise intensification is allowed. Climate change upon us it would be reckless to allow building where mature trees & plantings would be lost which we desperately need more of in the future not less. Nelson would loose large trees, the views of several church spires & other heritage details existing within the city fringe. Broad brush approach is not appropriate for infill building within the city fringe zone. Each proposed building requires to be on an individual case by case basis with neighbouring property owners given the right to oppose, support, opportunity for discussion & compromise with a new build next door. Recommend max double story building within the area Rutherford St boundary to Tasman St, including Nile St East to Selwyn Place Eastwards up to the base of the Grampians Hill. This retains the views to Nelson's showcase of beautiful old character homes, mature trees & gardens. Studies have proved that trees are helping reduce high summer temperatures in urban & city areas. This was certainly proven in Australia during summer 2022 where there were min of 5 degrees difference between urban streets that had street trees & streets that didn't. In the future as life becomes more challanging to civilisation due to climate change it is going to become more important that people feel happy & enriched by their surrounding environment. Study after study around the world has proven that human's mental, emotional & physical wellbeing require trees, soft landscaping, an enriched natural environment to help survie with todays pressures. Toronto based Mr Tye Farrow who has a master of Neuroscience Applied to Architecture has studied fully on our imperative it is for the physical & mental well being of people is what sort of building they live in with the surrounding environment. The rational & emotional mind are entwined when it comes to living spaces. In NZ law a neighbouring landowner could not unreasonably interfere with the use & the enjoyment of someone's property Overall I believe it would be a reckless decision to allow such a plan to go through as present presented.	No intensification of multi story buildings within the City Fringe Zone
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Online submission

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

Submitter No.	S484
Submitter Name	Philomena Donlon
Submitter first name	Philomena
Submitter surname	Donlon
Submitter is contact	Yes
Email	phildonlon@gmail.com
Wish to be heard	No
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	High Density Residential Zone	Oppose in part	I am delighted to see the potential rule changes allowing for more dense living in the designated areas. My only concern is that going from the current one or two stories to six stories is too high. From my reading of the proposals, there could be 2 six-story buildings at my current address, our section is about 900 sq metres. I think that is too intense. In a building of 6 stories, most people are dependant on using a lift for access and evacuation is more complex. Housing people in lower height terrace-style buildings is much more neighbour-friendly and it is possible to substantially increase density without streets looking higgledy-piggledy.	Max height of buildings 4 stories

Infrastructure	Infrastructure objectives and policies	Neutral	Resilience, and self-sufficiency, ability to function after a weather event, low-cost power available for heating.	<i>Not sure if this is the correct area. Please recategorise if not.</i> That all new buildings in Nelson are required to have solar panels incorporated into the roof and be insulated to a high standard.
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Residential Zones	Other	Oppose in part	From my reading of the documentation round Plan 29, it looks like a private outdoor space is not compulsory in some cases. If I have misread, please ignore this. Extracts: < < a. outdoor living courts for different residential units may be grouped cumulatively by area in one communal accessible location. REr.27.5 A requirement for a minimum outdoor living area is included for smaller sites in order to ensure that an adequate and useful outdoor living court is provided. On larger sites it is considered that there will be adequate area for a living court, without this being required in the Plan. Consent may be granted to reduce or waive the living court requirement in certain circumstances e.g. If the development directly adjoins a public park. > > It's hard for me to imagine what living without a private outdoor space would be like . From hanging out laundry to growing herbs to storing sports-shoes, not to mention accommodating smokers/vapers or barbequing meat/fish, there are a heap of reasons why people need a private outdoor space. And being outside, however small the space, when you are confined to home, by a pandemic or by chronic illness.	That each dwelling has its own private outdoor space.
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Online submission

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

Submitter No.	S485
Submitter Name	Rose Biss and Jack Andrew
Submitter Company/Group Name	Rose Biss and Jack Andrew
Submitter is contact	Yes
Email	bissan@actrix.co.nz
Wish to be heard	Yes
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	Medium Density Residential Zone	Oppose in part		Delete the Medium Density Residential Zone from the Tahunanui Hills. Medium density housing is best located firstly in hazard free areas and secondly where infrastructure services with sufficient capacity are in place. Infrastructure includes roading, stormwater, wastewater and water supply.

The roads serving this part of Tahunanui are too narrow and have poor sightlines. They are unsuitable for the increased traffic that will be generated by medium density housing, especially if no onsite parking is required for these houses. Unfortunately there is no longer any public transport on this part of the hills. The public bus service was withdrawn after the August 2022 landslips and no longer comes through the proposed new zones.

Existing stormwater and wastewater systems on the Tahunanui Hills are not designed for higher density housing. In recent years we have seen stormwater overflowing during high intensity rainfall events into properties along Tahunanui Drive and Tosswill Road.

Instability affects a band of land (old sea cliff) through the proposed Medium Density Residential Zone. The August 2022 rainfall event caused slipping along Tosswill Road, Chamberlain St and in the Tosswill Reserve. The slipping was significant enough to cause road closure. Denser housing development is likely to result in more land disturbance as building platforms are cut and retaining walls erected for these multi unit housing projects.

The proposed new height limits (12m for MDR) and steep daylight angles are too high. There are limited open space requirements and yards are too small. These new rules are likely to cause overlooking, loss of privacy and lack of daylight.

The Section 32 report while long and detailed does not adequately explain why Medium Density Residential zoning is the most effective and efficient zoning policy for our area on the Tahunanui Hills. There has been insufficient consultation for such a major change in housing density in this part of Nelson's residential area.

Residential Zones	High Density Residential Zone	Oppose in part	The roads serving this part of Tahunanui are too narrow and have poor sightlines. They are unsuitable for the increased traffic that will be generated by high density housing, especially if no onsite parking is required for these houses. Unfortunately there is no longer any public transport on this part of the hills. The local bus service was withdrawn after the August 2022 storm event and no longer comes through the proposed new zone. Existing stormwater and wastewater systems on the Tahunanui Hills are not designed for high density housing. In recent years we have seen stormwater overflowing through properties along Tahunanui Drive and in Tosswill Rd. Instability affects a band of land (old sea cliff) through the High Density Residential Zone. The August 2022 rainfall event caused land slipping along Tosswill Rd, Chamberlain St and in the Tosswill Reserve. The slipping was significant enough to cause road closure. Denser housing is likely to result in more land disturbance as building platforms are cut and retaining walls erected for these multi unit housing developments. The proposed new height limit (19m for HDR) and steeper daylight angles are too high. There are very limited open space requirements and yards are too small. These new rules are likely to cause overlooking, loss of privacy and lack of daylight. The Section 32 report, while long and detailed does not adequately explain why High Density Residential zoning is the most effective and efficient zoning policy for our area on the Tahunanui Hills.	Delete the High Density Residential Zone from the Tahunanui Hills. High density housing is best located firstly in hazard free areas and secondly where infrastructure services with sufficient capacity are in place. Infrastructure includes roading, stormwater, wastewater and water supply.
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Residential
Zones

General
Residential
Zone

Oppose

New developments with higher density and particularly greater height and smaller yards should not be allowed as of right to impact negatively on existing residential development. The existing policy allows some consideration of amenity effects on neighbouring properties.

We oppose the deletion of Policy RE1.2(c) and seek that it be retained.

30 October 2023

Nelson City Council
PO Box 645
Nelson 7040

Received: 30/10/2023

Sub No: S486

NDOCS-539570224-16859

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

Dear Sir/Madam

SUBMISSION: PLAN CHANGE 29

Submitter Details

Organisation	Chorus New Zealand Limited (Chorus)		
Contact Person	c/- Tom Anderson, Incite		
Postal Address	)		
Telephone		Email	tom@incite.co.nz

Trade Competition

Chorus could not gain an advantage in trade competition through this submission.

Council Hearing

Chorus wishes to be heard in support of this submission, and are prepared to present a joint case with others (including Connexa, FortySouth, One NZ and Spark).

Submission

This submission on Plan Change 29 to the Operative Nelson Resource Management Plan (NRMP) is on behalf of Chorus, and covers the same matters as the Connexa Limited, FortySouth Limited, One New Zealand Group Limited and Spark New Zealand Trading Limited submissions.

Each of these companies are a telecommunication service provider and network utility operators in New Zealand. Chorus is also recognised as a Requiring Authority by the Ministry for the Environment under the Resource Management Act 1991.

Telecommunications infrastructure is significant and essential to modern society, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

To this end, it is noted that Plan Change 29 enables densification of Nelson City, including through an increase in building heights, without specifically considering the telecommunication infrastructure which is necessary to accompany that densification. The companies support strategies and planning to intensify and better use existing urban environments as appropriate.

The main objective of Plan Change 29, as stated on the 'Shape Nelson' website (<https://shape.nelson.govt.nz/plan-change-29>) is to amend the Nelson Regional Management Plan (NRMP) to implement the NPS-UD by supporting housing delivery and the provision of well-functioning urban environments within Nelson while ensuring that natural hazard risks are appropriately managed and historic heritage is protected. This objective is supported by the telecommunication companies.

It is also stated on the 'Shape Nelson' website that the scope of Plan Change 29 includes *"changes to rules that focus on achieving a well-functioning urban environment (as defined in Policy 1 of the [National Policy Statement on Urban Development 2020 (NPSUD)]), within the General Residential Zone, Medium Density Residential zone, and High Density Residential zone areas.*

It is recognised in the NPSUD, that there should be integrated land use and infrastructure planning (Policy 10), and that, under subpart 1 of the NPSUD, which provides guidance to local authorities around providing development capacity that, in order for sufficient development capacity for housing and business land, the development capacity must be *infrastructure ready*.

The term *infrastructure ready* is detailed in clause 3.4(3) of the NPSUD as there being adequate infrastructure to support development of the land in the short term, as well as funding for adequate development infrastructure in the medium and long term.

Under the NPSUD, telecommunication infrastructure is defined as *additional infrastructure*. Under clause 3.5 of the NPSUD, *local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.*

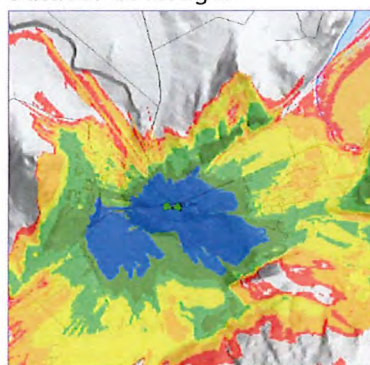
Telecommunication Facility Height

Currently, the NRMP provides for telecommunications through its zoned based chapters. Through analysing Plan Change 29, it is evident that, particularly for the Medium Density Residential, High Density Residential, City Centre, City Fringe and some Suburban Commercial areas, the permitted building height has been increased when compared to the Operative NRMP, without a corresponding increase to the relevant *aerial* rule in that area. This permitted height analysis is provided in the following table:

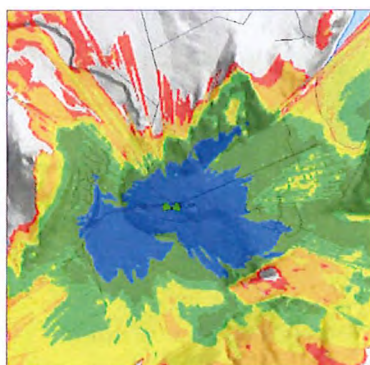
Zone	Area	Operative Permitted Building Height	PC29 Permitted Building Height	Operative Permitted Aerial Height
Residential	General Residential	7.5m (REr.32)	8m (REr.17J)	10.5m (REr.49)
	Medium Density Residential	7.5m (REr.32)	11m (REr.18J)	10.5m (REr.49)
	High Density Residential	7.5m (REr.32)	19.5m (REr.19J)	10.5m (REr.49)
	Residential Zone, Standard Area, Comprehensive Area, Lower Density Area	7.5m (REr.32)	No change	10.5m (REr.49)
Inner City	City Centre	15m (ICr.24)	24m (ICr.37A)	18m (ICr.49)
	City Fringe	12m or 20m (ICr.72)	24m (ICr.37A)	18m (ICr.49)
Suburban Commercial	Suburban Commercial	21m, 10m or 8m (SCr.22).	21m, 19.5m or 12m (SCr.22)	18m (SCr.42)

Mobile telecommunication facilities rely on line of sight to be able to perform their function. The following diagrams, provided by a Spark radiofrequency engineer, shows how a higher mast height provides better outdoor and indoor coverage for end users, as the higher mast height extends above local 'clutter' to provide line of sight:

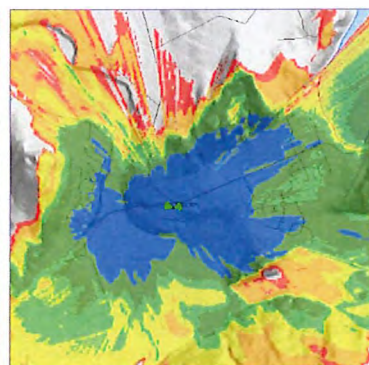
Outdoor Coverage:



8m Mast Height – Signal Strength (Blue = Excellent -> Red=Poor)

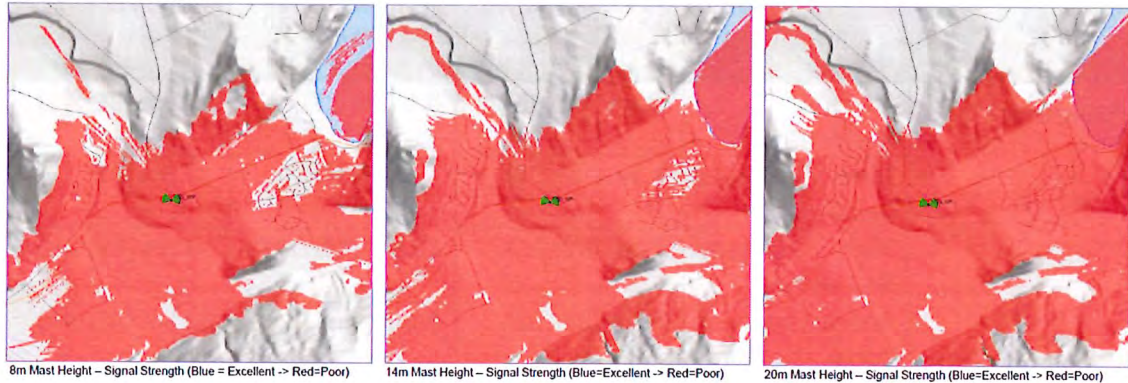


14m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)



20m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)

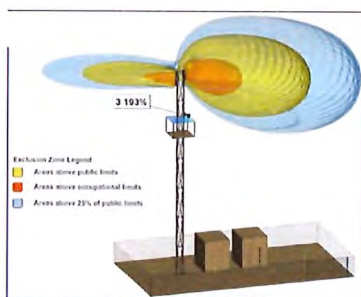
Indoor Coverage:



Clutter is commonly created by buildings and trees. Essentially, the proposed height provisions in Plan Change 29 allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities. As well as these provisions affecting potential future sites, they also create a potential reverse sensitivity effect on existing sites.

All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio transmitters, for people exposed at work and for the general public.

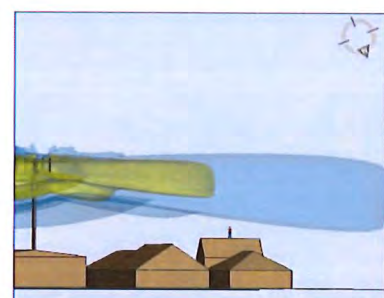
Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Essentially, the software requires inputs including tower height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits. An example is as follows:



An example of calculated exposure at a given location



An example of RF Lobes – Plan view



An example of RF lobe clearance from an elevation view

Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency.

The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD. However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they occur as part of achieving the objectives of the NPSUD, and as such Plan Change 29, should be provided for within the plan change provisions. By doing so, Plan Change 29 will better meet Objective DO14.4 and related Policy DO14.4.1.i and DO14.4.1.ii of the NRMP, concerning the efficient use, development and management of network utilities, as well as the aforementioned Clause 3.5 of the NPSUD.

The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand is recognised in the recently released *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations* from the Ministry for the Environment, which in its final form will be utilised in plans made under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposes a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights are generally supported by the telecommunication companies, however the companies will continue to work with the Ministry for the Environment as the regulations evolve.

An alternative approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment.

Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.

Natural Hazards

Plan Change 29 also proposes changes relating to natural hazard provisions.

In regard to natural hazards, Regulation 57 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF). exempts regulated activities under the NESTF¹ from having to comply with District Plan rules about natural hazards.

Section 6.11 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide*, published by the Ministry for the

¹ Regulated activities under the NESTF include all telecommunications activities (lines, cabinets, antennas and poles) in all zones, except for new poles on private sites in urban areas.

Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, via the following statement:

Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breadth of hazards including flooding, instability, earthquake and climate change.²

This approach has been followed in the aforementioned *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations*. Regulation 13.3.13 provides rules for infrastructure activities in natural hazard overlays, with subclause (4) stating that *this regulation does not apply to telecommunication facilities...*

The reason that such an approach has been adopted in national frameworks is due to the industry practice referred to in the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* as quoted above.

To provide a summary of that industry practice, the telecommunication companies rely on local authorities to identify hazards in their city or district. The companies then have resilience requirements as *essential infrastructure networks* and *lifeline utilities* under the Civil Defence Emergency Management Act 2002 (CDEMA). Under section 59 of the CDEMA a lifeline utility is required to take "*all necessary steps to undertake civil defence emergency management*" and be able, under section 60, to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Telecommunication network resilience to natural hazards is provided by avoiding the hazard in the first instance, but where the hazard cannot be avoided for the infrastructure to provide its function, designing the infrastructure to be as resilient as possible to the hazard.

Through the New Zealand Lifelines Council (NZLC) that the telecommunication companies are a part of, and 15 Regional Lifelines Groups, New Zealand's lifeline utility organisations work together on projects to understand and identify ways to mitigate impacts of hazards on lifeline utility infrastructure. NZLC in 2017 undertook its first infrastructure vulnerability assessment which was updated in 2020. This report highlights the resilience of telecommunication networks and some areas for focus on improving resilience. Telecommunication network resilience comes from a variety of ways and is constantly evolving and learning from the events response assessments:

- multiple networks (different providers offering alternative networks) provide for redundancy;

² Page 93 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide (copy at <https://www.mbie.govt.nz/dmsdocument/1347-nestf-2016-draft-users-guide-pdf%20>)

- multiple technologies (fibre fixed networks available alongside mobile networks);
- robustness (design codes for strength) with specific engineering design and certification taking into account the natural hazard information available. Consultancy companies such as Aurecon and WSP provide design and engineering certification for each new site (includes guidance that influences new-site selection in regard to natural hazard risk and mitigation requirements) and upgrading of existing sites;
- providers building their own networks with resilience in mind (building redundancy into their networks so that network component failures have a minimum impact);
- making arrangements to enable direct-to-satellite connectivity, which will enable mobile phone users to initially send and receive text messages, and later make calls, including to emergency services, if the mobile network is down;
- provide emergency roaming for 111 calls. This means, for example, if the Spark or One NZ networks are down, their customers can make 111 calls using the 2degrees network;
- fleet of temporary network solutions such as Cells on Wheels (CoW) or Cell on Platform (CoP) to restore any network components damaged during an emergency while the permanent asset is being repaired; and
- commercial imperative to keep customers connected.

Telecommunications are a complex of lifeline utility given that users have access to multiple networks including the mobile networks of Spark, One NZ, 2degrees and RCG and the fixed line fibre and copper networks of Chorus and other providers.

The diversity of interconnected networks has the advantage that via automatic failover arrangements between the operator's connectivity for customers will continue. NZLC has identified that the CDEMA obligations on private operators' infrastructure such as telecommunication is difficult to measure or enforce for private companies. The Building Code does mandate standards around critical buildings housing telecommunications equipment though design standards for other components of the network, such as mobile facilities, are not prescribed. Crown Infrastructure Partners as part of Government managed initiatives such as ultra-fast (UFB 1 & 2) and rural broadband infrastructure (RBI 1 & 2) rollouts or the Blackspots initiative, does have a prescribed construction standard. Although there is no network construction standard outside those contractually managed by Crown Infrastructure Partners, the telecommunication companies constantly review their networks including via:

- Commerce Commission as the regulator, who assess and report on the industry annually looking at competition in, and the performance and development of, telecommunications in New Zealand;
- Commerce Commission monitoring of asset quality in areas without competition;
- Ministry Business Innovation and Employment (MBIE), which is responsible for maintaining a robust regulatory environment for the information and communications technology (ICT) sector. The Telecommunications Act 2001 provides for investigations and reduce incentives for regulated parties to "game" the process or proceed slowly for strategic reasons' (MBIE 2018c);

- The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) under the Utilities Access Act 2010, which has a process for requiring a local authority to comment and request information when a network utility is proposing to work in the road; and
- Regional Lifeline assessments and reviews including post specific significant events reports such as Christchurch earthquakes, provide recommendations for improving network resilience.

On this basis, there is no need for a territorial local authority to further regulate the resilience of telecommunication networks. Such an approach has been accepted by Kaikoura District Council through their Plan Change 3, and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Change 1 to the Wellington Regional Policy Statement.

Conclusion

On the basis of the above information in relation to mobile facility height and locating telecommunication infrastructure in natural hazard areas, the attached submission points on specific provisions of Plan Change 29 are made.

The telecommunications companies would happily discuss the submission points, either via videoconference or a workshop, and would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,



Tom Anderson
Director/Principal Planner
Incite
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Chorus New Zealand Limited

The specific submissions and the decisions sought for the Proposed Plan Change 29 to the Nelson Resource Management Plan are as follows.

Note, in the relief sought, deletions are shown as ~~striketrough~~ and additional text shown in **bold and underlined**.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Volume 1: General			
Chapter 2: Meaning of Words			
Height	Support in Part	Lightning rods should be excluded from the measurement of height in the same way that chimneys, finials and solar panels are excluded from the measurement of height.	Amend the definition of height as follows: Note: ... <u>v. In determining the height of any building or structure, no account shall be taken of lightning rods that do not exceed 0.6m in diameter.</u>
New definition: regionally significant infrastructure	Support in Part	The proposed amendment to Objective DO14.4 specifically references regionally significant infrastructure. However, there is no definition in the Plan as to what this term encompasses. In other recently proposed or made operative district plans, that use this term (or similar) including the: - Proposed Wellington District Plan; - Proposed Marlborough Environmental Plan; and - Operative Christchurch District Plan. all recognise telecommunications networks as part of the term, as does the Natural and Built Environment Act.	Add a definition of regionally significant infrastructure that includes telecommunications networks.
Chapter 3: Administration			

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
AD8.3 Information to be included with subdivision applications	Support in Part	The information to be included in subdivision applications is supported. However, in relation to subclause o. the word <i>telephone</i> should be replaced with <i>telecommunications</i> in order to capture a statutorily defined term which encompasses a range of different communication methods that users of new allotments are likely to rely on. Consultation with telecommunication providers should also be an information requirement, so that the direction provided under subclause o. is informed.	Amend AD8.3(o) as follows: <i>Applications for subdivision consents must include the information required for other resource consents, set out above (where relevant), and the following additional material:</i> ... <i>o. Existing and proposed services such as storm water, sewerage, water supply, electricity and ~~telephone~~ telecommunications, to be indicated on the subdivision plan.</i> <u>ae Evidence of consultation with telecommunication network utility providers, to inform the location of proposed telecommunication services to be indicated on the subdivision plan required under o. above.</u>
Chapter 5: District Wide Objectives and Policies			
DO2.2.4 flood hazard: subdivision, use and development in flood areas	Support in Part	The operational and functional need for infrastructure that is located in a flood hazard area should be recognised in the objective.	Amend DO2.2.4 as follows: <i>Control subdivision, use and development within Flood Areas to ensure:</i> ... <i>3. significant risk to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard is avoided, <u>unless, for infrastructure, there is a functional or operational need for the infrastructure to be located in the flood hazard area;</u></i>
DO14.4 network utilities	Support	The proposed revision to DO14.4 is supported. It appropriately recognises that regionally significant infrastructure (a term which as detailed above needs to be defined and	Retain DO14.4 as notified (noting the submission point above to define the term regionally significant infrastructure).

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		include telecommunications) should not be restricted or compromised by subdivision use and development. In this regard, the objective appropriately recognises reverse sensitivity.	
<i>DO15.1 urban form</i> <i>DO15.1.1 encouragement of development</i> <i>DO15.1.1.i explanation and reasons</i>	Support	The explanation and reason to Objective DO15.1 and policy DO15.1.1 clearly seeks integration between land use and infrastructure, this is supported.	<i>Retain DO15.1, DO15.1.1 and DO15.1.1.i as notified.</i>
Volume 2: Zones			
Chapter 7 Residential Zone			
<i>REr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the residential zones need to be amended. In general, the height of an aerial should be either 17m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> , or 5m above the area height, whatever is the greater (noting that in the High Density Residential Area this equates to a 24.5m high mast, but 25m is proposed to provide consistency with other zones). Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above	Amend REr.49.1 as follows: <i>REr.49.1</i> <i>Aerials are permitted if:</i> <i>a. there are not more than 3 aerials per site, and</i> <i>b. any dish antenna is not located on a front site between the residential unit and the road boundary, and</i> <i>i. in the case of a dish antenna erected on a site owned or leased by a network utility operator, does not exceed a diameter of 1.2m, or</i> <i>ii. in the case of any other dish antenna, does not exceed a diameter of 1m, and</i> <i>c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1 – Heritage buildings, places and objects), and</i> <i>d. aerials attached to any building do not exceed the height of the building by more than ~~3m~~ 5m, and</i> <i>e. aerials that are not attached to a building do not exceed 10.5m in height,</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		ground level at the boundary, and inclining into the subject site at 45 degrees. In terms of height that an antenna can be attached to building, 5m is proposed as permitted under the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> In terms of mast diameter, the measurement point is important, for higher masts, as the submission point proposed, greater mast diameters are necessary. As such, it is proposed that the mast diameter is increased by 150mm to 600mm, and the measurement for masts to be made at a height of 6m above ground level, to account for any tapering toward the base of the mast which may be necessary for structural engineering purposes.	<u>i. 17m in height in the General Residential Area, Medium Density Residential Area, Standard Area, Comprehensive Area, Lower Density Area</u> <u>ii. 25m in the High Density Residential Area and are located ~~not closer than 4m from~~ so they are within a recession plane measuring 2.5m vertical and inclining at 45 degrees from any boundary (excluding a road boundary), and</u> <u>f. the supporting mast does not exceed 450mm 600mm in diameter, measured at a height of 6m above ground level up the mast.</u>
<i>REr.73 Fault Deformation Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.73.1 as follows: <i>REr.73.1</i> <i>In the Fault Deformation Overlay a building or a network utility (except an accessory building, <u>telecommunication network utilities</u>, or an addition to a building or a network utility) is not a permitted activity.</i>
<i>REr.74A Liquefaction Hazard Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the	Amend REr.74A.1 as follows: <i>REr.74A.1</i> <i>In the Liquefaction Hazard Overlay a building or network utility is a permitted activity provided that:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. the building or network utility does not contain a habitable space, has a gross floor area less than 36m² and is not more than 4.5m high; or b. it is an addition to an existing building or network utility; or c. the building or network utility occurs on a lot which was created by a subdivision that obtained resource consent, and where the subdivision application included a site-specific assessment of liquefaction for the lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard. <u>Note, REr.74A does not apply to telecommunication network utilities.</u>
REr.75B Slope Instability Area 1 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75B.	Amend REr.75B.1 as follows: <i>REr.75B.1</i> <i>In the Slope Instability Area 1 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.3m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total volume, and is spread over a minimum area of 30m²
REr.75C Slope Instability Area 1 Overlay Structures	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In	Amend REr.75C.1 as follows: <i>REr.75C.1</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<i>In the Slope Instability Area 1 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 1000kg (including 1000 litres of liquid).</i> <u>Note, REr.75C does not apply to telecommunication network utilities.</u>
<i>REr.75H Slope Instability Area 2 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75H.	Amend REr.75H.1 as follows: <i>REr.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m ³ in total volume, and is spread over a minimum area of 30m ²
<i>REr.75I Slope Instability Area 2 Overlay</i> <i>Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75I.1 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> <u>Note, REr.75I does not apply to telecommunication network utilities.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>REr.75N Slope Instability Area 3 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75N.	Amend REr.75N.1 as follows: <i>REr.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> - any cut <u>(excluding trenching for telecommunications network utilities)</u> does not exceed 0.6m in height; and - on any site the placement of fill <u>(excluding filling of any trenching undertaken for telecommunications network utilities)</u> does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²
<i>REr.75O Slope Instability Area 3 Overlay</i> <i>Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75O.1 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> <u>Note, REr.75O does not apply to telecommunication network utilities.</u>
<i>REr.82 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply	Amend REr.82.1 as follows: <i>REr.82.1</i> <i>In any Flood Path or Flood Overlay, or Floodway (with the exception of subdivisions approved after October 25th 1996), the following are permitted activities:</i> <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> <u>underground network utility lines; or</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		with natural hazard regulations. The same should be applied to the NRMP.	<i>c. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> <i>d. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> <i>e. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.83D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.83D.1 as follows: <i>REr.83D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> <i>a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u></i> <i>b. an underground network utility; or</i> <i>c. a network utility structure, including additions to an existing structure, up to 10m2 gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i> <i>d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.
<i>REr.83E Flood Areas except Flood Paths or Floodways Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.83E.	Amend REr.83E.1 as follows: <i>REr.83E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> b. <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, REr.83E does not apply to telecommunication network utilities.</u>
<i>REr.107 Subdivision - General</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend REr.107.2 matters of control follows: <i>REr.107.2</i> ... <i>Control reserved over:</i> viii. <i>development of the subdivision and sites having regard to:</i> a. <i>appropriate vehicle or micromobility access, and</i> b. <i>the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> c. <i>provision of services, <u>including evidence of consultation with telecommunication companies, and</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. future public and active transport patterns, and...
Chapter 8 Inner City Zone			
<i>ICr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the Inner City Zone need to be amended. In general, the height of an aerial should be either 25m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater. Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above ground level at the boundary, and inclining into the subject site at 45 degrees, when adjoining a residential area boundary. Subclause (f) is irrelevant, as masts attached to buildings are provided for under the NESTF.	Amend ICr.49.1 as follows: <i>ICr.49.1</i> <i>Aerials are permitted if:</i> a. any dish antenna does not exceed a diameter of: i. 3m in the City Centre, and ii. 5m in the City Fringe, and b. on the site of any Group A or B Heritage Building there are not more than 3 aerials per site, and c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d. aerials attached to a building do not exceed the height of the building by more than 7m, and e. aerials that are not attached to a building do not exceed ~~18m~~ 25m in height, <u>or the underlying building height for the site + 5m whichever is the greater, and</u> ~~f. the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.~~
<i>ICr.58 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built</i>	Amend ICr.58.1 as follows: <i>ICr.58.1</i> <i>In any Flood Path or Flood Overlay, or Floodway the following are permitted activities:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> b. <i>underground network utility lines; or</i> c. <i>above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> d. <i>earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> e. <i>the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>RER.59D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.59D.1 as follows: <i>ICr.59D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u> b. <i>an underground network utility; or</i> c. <i>a network utility structure, including additions to an existing structure, up to 10m2 gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.
ICr.59E Flood Areas except Flood Paths or Floodways Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the ICr.59E.	Amend ICr.59E .1 as follows: <i>ICr.59E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, ICr.59E does not apply to telecommunication network utilities.</u>
ICr.71B Slope Instability Area 2 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71B.	Amend ICr.71B.1 as follows: <i>ICr.71B.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> <i>any cut <u>(excluding trenching for telecommunications network utilities)</u> does not exceed 0.6m in height; and</i> <i>on any site the placement of fill <u>(excluding filling of any trenching undertaken for telecommunications network utilities)</u> does not exceed 3m³ in total</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>volume, and is spread over a minimum area of 30m²</i>
<i>ICr.71C Slope Instability Area 2 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.71C.1as follows: <i>ICr.71C.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> <u>Note, ICr.71C does not apply to telecommunication network utilities.</u>
<i>ICr.71H Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71H.	Amend ICr.71H.1 as follows: <i>ICr.71H.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>ICr.71I Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning</i>	Amend ICr.71I.1as follows: <i>ICr.71I.1</i> <i>In the Slope Instability Area 3 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>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<u>Note, REr.750 does not apply to telecommunication network utilities.</u>
ICr.81 Subdivision - General Except for subdivision located in any Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage overlays or Heritage Precinct	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend ICr.81.2 matters of control follows: ICr.81.2 ... Control reserved over: ix. development of the subdivision and sites having regard to: a. appropriate vehicle or micromobility access, and b. the intensity of residential units to be erected on each lot and the siting of such buildings, and c. provision of services, <u>including evidence of consultation with telecommunication companies,</u> ...

30 October 2023

Received: 30/10/2023

Sub No: S487

Nelson City Council
PO Box 645
Nelson 7040

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

Dear Sir/Madam

SUBMISSION: PLAN CHANGE 29

Submitter Details

Organisation	Connexa Limited (Connexa)		
Contact Person	c/- Tom Anderson, Incite		
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Trade Competition

Connexa could not gain an advantage in trade competition through this submission.

Council Hearing

Connexa wishes to be heard in support of this submission, and are prepared to present a joint case with others (including Chorus, FortySouth, One NZ and Spark).

Submission

This submission on Plan Change 29 to the Operative Nelson Resource Management Plan (NRMP) is on behalf of Connexa Limited, and covers the same matters as the Chorus New Zealand Limited, FortySouth Limited, One New Zealand Group Limited and Spark New Zealand Trading Limited submissions. Each of these companies are a telecommunication service provider and network utility operators in New Zealand.

Telecommunications infrastructure is significant and essential to modern society, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

To this end, it is noted that Plan Change 29 enables densification of Nelson City, including through an increase in building heights, without specifically considering the telecommunication infrastructure which is necessary to accompany that densification. The companies support strategies and planning to intensify and better use existing urban environments as appropriate.

The main objective of Plan Change 29, as stated on the 'Shape Nelson' website (<https://shape.nelson.govt.nz/plan-change-29>) is to amend the Nelson Regional Management Plan (NRMP) to implement the NPS-UD by supporting housing delivery and the provision of well-functioning urban environments within Nelson while ensuring that natural hazard risks are appropriately managed and historic heritage is protected. This objective is supported by the telecommunication companies.

It is also stated on the 'Shape Nelson' website that the scope of Plan Change 29 includes *"changes to rules that focus on achieving a well-functioning urban environment (as defined in Policy 1 of the [National Policy Statement on Urban Development 2020 (NPSUD)]), within the General Residential Zone, Medium Density Residential zone, and High Density Residential zone areas.*

It is recognised in the NPSUD, that there should be integrated land use and infrastructure planning (Policy 10), and that, under subpart 1 of the NPSUD, which provides guidance to local authorities around providing development capacity that, in order for sufficient development capacity for housing and business land, the development capacity must be *infrastructure ready*.

The term *infrastructure ready* is detailed in clause 3.4(3) of the NPSUD as there being adequate infrastructure to support development of the land in the short term, as well as funding for adequate development infrastructure in the medium and long term.

Under the NPSUD, telecommunication infrastructure is defined as *additional infrastructure*. Under clause 3.5 of the NPSUD, *local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.*

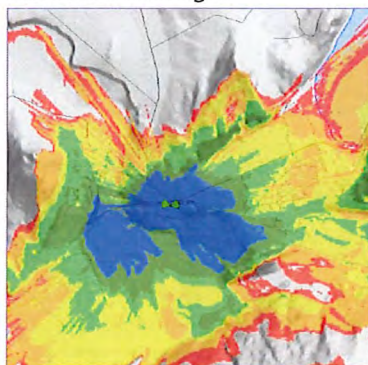
Telecommunication Facility Height

Currently, the NRMP provides for telecommunications through its zoned based chapters. Through analysing Plan Change 29, it is evident that, particularly for the Medium Density Residential, High Density Residential, City Centre, City Fringe and some Suburban Commercial areas, the permitted building height has been increased when compared to the Operative NRMP, without a corresponding increase to the relevant *aerial* rule in that area. This permitted height analysis is provided in the following table:

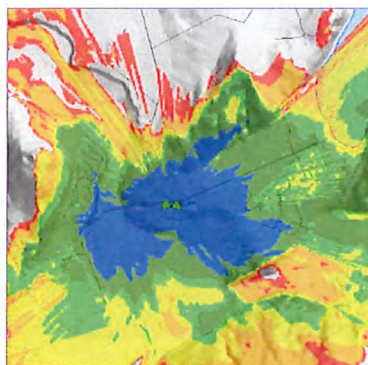
Zone	Area	Operative Permitted Building Height	PC29 Permitted Building Height	Operative Permitted Aerial Height
Residential	General Residential	7.5m (REr.32)	8m (REr.17J)	10.5m (REr.49)
	Medium Density Residential	7.5m (REr.32)	11m (REr.18J)	10.5m (REr.49)
	High Density Residential	7.5m (REr.32)	19.5m (REr.19J)	10.5m (REr.49)
	Residential Zone, Standard Area, Comprehensive Area, Lower Density Area	7.5m (REr.32)	No change	10.5m (REr.49)
Inner City	City Centre	15m (ICr.24)	24m (ICr.37A)	18m (ICr.49)
	City Fringe	12m or 20m (ICr.72)	24m (ICr.37A)	18m (ICr.49)
Suburban Commercial	Suburban Commercial	21m, 10m or 8m (SCr.22).	21m, 19.5m or 12m (SCr.22)	18m (SCr.42)

Mobile telecommunication facilities rely on line of sight to be able to perform their function. The following diagrams, provided by a Spark radiofrequency engineer, shows how a higher mast height provides better outdoor and indoor coverage for end users, as the higher mast height extends above local 'clutter' to provide line of sight:

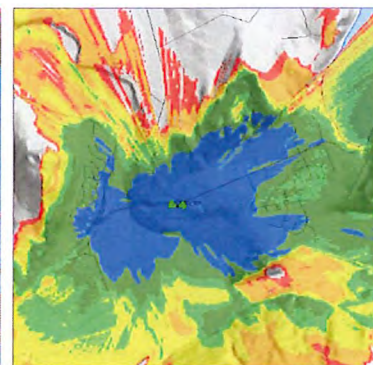
Outdoor Coverage:



8m Mast Height – Signal Strength (Blue = Excellent -> Red=Poor)

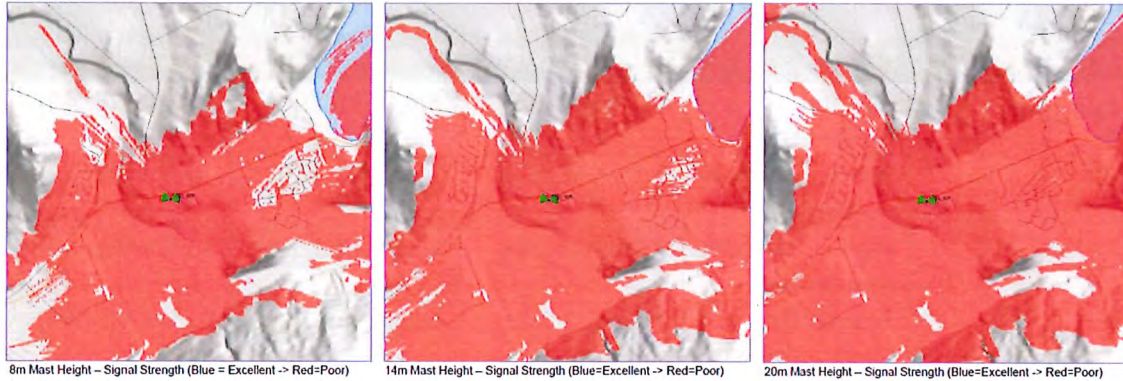


14m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)



20m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)

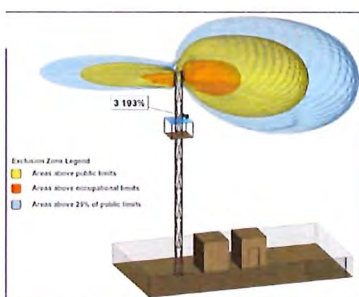
Indoor Coverage:



Clutter is commonly created by buildings and trees. Essentially, the proposed height provisions in Plan Change 29 allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities. As well as these provisions affecting potential future sites, they also create a potential reverse sensitivity effect on existing sites.

All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio transmitters, for people exposed at work and for the general public.

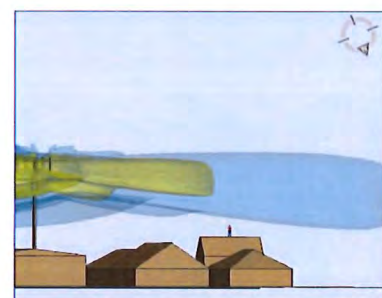
Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Essentially, the software requires inputs including tower height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits. An example is as follows:



An example of calculated exposure at a given location



An example of RF Lobes – Plan view



An example of RF lobe clearance from an elevation view

Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency.

The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD. However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they occur as part of achieving the objectives of the NPSUD, and as such Plan Change 29, should be provided for within the plan change provisions. By doing so, Plan Change 29 will better meet Objective DO14.4 and related Policy DO14.4.1.i and DO14.4.1.ii of the NRMP, concerning the efficient use, development and management of network utilities, as well as the aforementioned Clause 3.5 of the NPSUD.

The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand is recognised in the recently released *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations* from the Ministry for the Environment, which in its final form will be utilised in plans made under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposes a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights are generally supported by the telecommunication companies, however the companies will continue to work with the Ministry for the Environment as the regulations evolve.

An alternative approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment.

Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.

Natural Hazards

Plan Change 29 also proposes changes relating to natural hazard provisions.

In regard to natural hazards, Regulation 57 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF). exempts regulated activities under the NESTF¹ from having to comply with District Plan rules about natural hazards.

Section 6.11 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide*, published by the Ministry for the

¹ Regulated activities under the NESTF include all telecommunications activities (lines, cabinets, antennas and poles) in all zones, except for new poles on private sites in urban areas.

Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, via the following statement:

Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breadth of hazards including flooding, instability, earthquake and climate change.²

This approach has been followed in the aforementioned *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations*. Regulation 13.3.13 provides rules for infrastructure activities in natural hazard overlays, with subclause (4) stating that *this regulation does not apply to telecommunication facilities....*

The reason that such an approach has been adopted in national frameworks is due to the industry practice referred to in the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* as quoted above.

To provide a summary of that industry practice, the telecommunication companies rely on local authorities to identify hazards in their city or district. The companies then have resilience requirements as *essential infrastructure networks* and *lifeline utilities* under the Civil Defence Emergency Management Act 2002 (CDEMA). Under section 59 of the CDEMA a lifeline utility is required to take "*all necessary steps to undertake civil defence emergency management*" and be able, under section 60, to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Telecommunication network resilience to natural hazards is provided by avoiding the hazard in the first instance, but where the hazard cannot be avoided for the infrastructure to provide its function, designing the infrastructure to be as resilient as possible to the hazard.

Through the New Zealand Lifelines Council (NZLC) that the telecommunication companies are a part of, and 15 Regional Lifelines Groups, New Zealand's lifeline utility organisations work together on projects to understand and identify ways to mitigate impacts of hazards on lifeline utility infrastructure. NZLC in 2017 undertook its first infrastructure vulnerability assessment which was updated in 2020. This report highlights the resilience of telecommunication networks and some areas for focus on improving resilience. Telecommunication network resilience comes from a variety of ways and is constantly evolving and learning from the events response assessments:

- multiple networks (different providers offering alternative networks) provide for redundancy;

² Page 93 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide (copy at <https://www.mbie.govt.nz/dmsdocument/1347-nestf-2016-draft-users-guide-pdf%20>)

- multiple technologies (fibre fixed networks available alongside mobile networks);
- robustness (design codes for strength) with specific engineering design and certification taking into account the natural hazard information available. Consultancy companies such as Aurecon and WSP provide design and engineering certification for each new site (includes guidance that influences new-site selection in regard to natural hazard risk and mitigation requirements) and upgrading of existing sites;
- providers building their own networks with resilience in mind (building redundancy into their networks so that network component failures have a minimum impact);
- making arrangements to enable direct-to-satellite connectivity, which will enable mobile phone users to initially send and receive text messages, and later make calls, including to emergency services, if the mobile network is down;
- provide emergency roaming for 111 calls. This means, for example, if the Spark or One NZ networks are down, their customers can make 111 calls using the 2degrees network;
- fleet of temporary network solutions such as Cells on Wheels (CoW) or Cell on Platform (CoP) to restore any network components damaged during an emergency while the permanent asset is being repaired; and
- commercial imperative to keep customers connected.

Telecommunications are a complex of lifeline utility given that users have access to multiple networks including the mobile networks of Spark, One NZ, 2degrees and RCG and the fixed line fibre and copper networks of Chorus and other providers.

The diversity of interconnected networks has the advantage that via automatic failover arrangements between the operator's connectivity for customers will continue. NZLC has identified that the CDEMA obligations on private operators' infrastructure such as telecommunication is difficult to measure or enforce for private companies. The Building Code does mandate standards around critical buildings housing telecommunications equipment though design standards for other components of the network, such as mobile facilities, are not prescribed. Crown Infrastructure Partners as part of Government managed initiatives such as ultra-fast (UFB 1 & 2) and rural broadband infrastructure (RBI 1 & 2) rollouts or the Blackspots initiative, does have a prescribed construction standard. Although there is no network construction standard outside those contractually managed by Crown Infrastructure Partners, the telecommunication companies constantly review their networks including via:

- Commerce Commission as the regulator, who assess and report on the industry annually looking at competition in, and the performance and development of, telecommunications in New Zealand;
- Commerce Commission monitoring of asset quality in areas without competition;
- Ministry Business Innovation and Employment (MBIE), which is responsible for maintaining a robust regulatory environment for the information and communications technology (ICT) sector. The Telecommunications Act 2001 provides for investigations and reduce incentives for regulated parties to "game" the process or proceed slowly for strategic reasons' (MBIE 2018c);

- The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) under the Utilities Access Act 2010, which has a process for requiring a local authority to comment and request information when a network utility is proposing to work in the road; and
- Regional Lifeline assessments and reviews including post specific significant events reports such as Christchurch earthquakes, provide recommendations for improving network resilience.

On this basis, there is no need for a territorial local authority to further regulate the resilience of telecommunication networks. Such an approach has been accepted by Kaikoura District Council through their Plan Change 3, and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Change 1 to the Wellington Regional Policy Statement.

Conclusion

On the basis of the above information in relation to mobile facility height and locating telecommunication infrastructure in natural hazard areas, the attached submission points on specific provisions of Plan Change 29 are made.

The telecommunications companies would happily discuss the submission points, either via videoconference or a workshop, and would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,



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Incite

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Connexa Limited

The specific submissions and the decisions sought for the Proposed Plan Change 29 to the Nelson Resource Management Plan are as follows.

Note, in the relief sought, deletions are shown as ~~striketrough~~ and additional text shown in **bold and underlined**.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Volume 1: General			
Chapter 2: Meaning of Words			
Height	Support in Part	Lightning rods should be excluded from the measurement of height in the same way that chimneys, finials and solar panels are excluded from the measurement of height.	Amend the definition of height as follows: Note: ... <u>v. In determining the height of any building or structure, no account shall be taken of lightning rods that do not exceed 0.6m in diameter.</u>
New definition: regionally significant infrastructure	Support in Part	The proposed amendment to Objective DO14.4 specifically references regionally significant infrastructure. However, there is no definition in the Plan as to what this term encompasses. In other recently proposed or made operative district plans, that use this term (or similar) including the: - Proposed Wellington District Plan; - Proposed Marlborough Environmental Plan; and - Operative Christchurch District Plan. all recognise telecommunications networks as part of the term, as does the Natural and Built Environment Act.	Add a definition of regionally significant infrastructure that includes telecommunications networks.
Chapter 3: Administration			

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
AD8.3 Information to be included with subdivision applications	Support in Part	The information to be included in subdivision applications is supported. However, in relation to subclause o. the word <i>telephone</i> should be replaced with <i>telecommunications</i> in order to capture a statutorily defined term which encompasses a range of different communication methods that users of new allotments are likely to rely on. Consultation with telecommunication providers should also be an information requirement, so that the direction provided under subclause o. is informed.	Amend AD8.3(o) as follows: <i>Applications for subdivision consents must include the information required for other resource consents, set out above (where relevant), and the following additional material:</i> ... <i>o. Existing and proposed services such as storm water, sewerage, water supply, electricity and ~~telephone~~ telecommunications, to be indicated on the subdivision plan.</i> <u>ae Evidence of consultation with telecommunication network utility providers, to inform the location of proposed telecommunication services to be indicated on the subdivision plan required under o. above.</u>
Chapter 5: District Wide Objectives and Policies			
DO2.2.4 flood hazard: subdivision, use and development in flood areas	Support in Part	The operational and functional need for infrastructure that is located in a flood hazard area should be recognised in the objective.	Amend DO2.2.4 as follows: <i>Control subdivision, use and development within Flood Areas to ensure:</i> ... <i>3. significant risk to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard is avoided, <u>unless, for infrastructure, there is a functional or operational need for the infrastructure to be located in the flood hazard area;</u></i>
DO14.4 network utilities	Support	The proposed revision to DO14.4 is supported. It appropriately recognises that regionally significant infrastructure (a term which as detailed above needs to be defined and	Retain DO14.4 as notified (noting the submission point above to define the term regionally significant infrastructure).

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		include telecommunications) should not be restricted or compromised by subdivision use and development. In this regard, the objective appropriately recognises reverse sensitivity.	
<i>DO15.1 urban form</i> <i>DO15.1.1 encouragement of development</i> <i>DO15.1.1.i explanation and reasons</i>	Support	The explanation and reason to Objective DO15.1 and policy DO15.1.1 clearly seeks integration between land use and infrastructure, this is supported.	<i>Retain DO15.1, DO15.1.1 and DO15.1.1.i as notified.</i>
Volume 2: Zones			
Chapter 7 Residential Zone			
<i>REr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the residential zones need to be amended. In general, the height of an aerial should be either 17m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> , or 5m above the area height, whatever is the greater (noting that in the High Density Residential Area this equates to a 24.5m high mast, but 25m is proposed to provide consistency with other zones). Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above	Amend REr.49.1 as follows: <i>REr.49.1</i> <i>Aerials are permitted if:</i> <i>a. there are not more than 3 aerials per site, and</i> <i>b. any dish antenna is not located on a front site between the residential unit and the road boundary, and</i> <i>i. in the case of a dish antenna erected on a site owned or leased by a network utility operator, does not exceed a diameter of 1.2m, or</i> <i>ii. in the case of any other dish antenna, does not exceed a diameter of 1m, and</i> <i>c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1 – Heritage buildings, places and objects), and</i> <i>d. aerials attached to any building do not exceed the height of the building by more than ~~3m~~ 5m, and</i> <i>e. aerials that are not attached to a building do not exceed ~~10.5m~~ in height,</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		ground level at the boundary, and inclining into the subject site at 45 degrees. In terms of height that an antenna can be attached to building, 5m is proposed as permitted under the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> In terms of mast diameter, the measurement point is important, for higher masts, as the submission point proposed, greater mast diameters are necessary. As such, it is proposed that the mast diameter is increased by 150mm to 600mm, and the measurement for masts to be made at a height of 6m above ground level, to account for any tapering toward the base of the mast which may be necessary for structural engineering purposes.	<u>i. 17m in height in the General Residential Area, Medium Density Residential Area, Standard Area, Comprehensive Area, Lower Density Area</u> <u>ii. 25m in the High Density Residential Area and are located not closer than 4m from so they are within a recession plane measuring 2.5m vertical and inclining at 45 degrees from any boundary (excluding a road boundary), and</u> <u>f. the supporting mast does not exceed 450mm 600mm in diameter, measured at a height of 6m above ground level up the mast.</u>
<i>REr.73 Fault Deformation Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.73.1 as follows: <i>REr.73.1</i> <i>In the Fault Deformation Overlay a building or a network utility (except an accessory building, <u>telecommunication network utilities</u>, or an addition to a building or a network utility) is not a permitted activity.</i>
<i>REr.74A Liquefaction Hazard Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the	Amend REr.74A.1 as follows: <i>REr.74A.1</i> <i>In the Liquefaction Hazard Overlay a building or network utility is a permitted activity provided that:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. the building or network utility does not contain a habitable space, has a gross floor area less than 36m² and is not more than 4.5m high; or b. it is an addition to an existing building or network utility; or c. the building or network utility occurs on a lot which was created by a subdivision that obtained resource consent, and where the subdivision application included a site-specific assessment of liquefaction for the lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard. <u>Note, REr.74A does not apply to telecommunication network utilities.</u>
REr.75B Slope Instability Area 1 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75B.	Amend REr.75B.1 as follows: <i>REr.75B.1</i> <i>In the Slope Instability Area 1 Overlay earthworks are a permitted activity provided:</i> a. any cut <u>(excluding trenching for telecommunications network utilities)</u> does not exceed 0.3m in height; and b. on any site the placement of fill <u>(excluding filling of any trenching undertaken for telecommunications network utilities)</u> does not exceed 3m³ in total volume, and is spread over a minimum area of 30m²
REr.75C Slope Instability Area 1 Overlay Structures	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In	Amend REr.75C.1 as follows: <i>REr.75C.1</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<i>In the Slope Instability Area 1 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 1000kg (including 1000 litres of liquid).</i> <u>Note, REr.75C does not apply to telecommunication network utilities.</u>
<i>REr.75H Slope Instability Area 2 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75H.	Amend REr.75H.1 as follows: <i>REr.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m ³ in total volume, and is spread over a minimum area of 30m ²
<i>REr.75I Slope Instability Area 2 Overlay</i> <i>Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75I.1 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> <u>Note, REr.75I does not apply to telecommunication network utilities.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>REr.75N Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75N.	Amend REr.75N.1 as follows: <i>REr.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. any cut <u>(excluding trenching for telecommunications network utilities)</u> does not exceed 0.6m in height; and b. on any site the placement of fill <u>(excluding filling of any trenching undertaken for telecommunications network utilities)</u> does not exceed 20m ³ in total volume, and is spread over a minimum area of 10m ²
<i>REr.75O Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75O.1 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> <u>Note, REr.75O does not apply to telecommunication network utilities.</u>
<i>REr.82 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply	Amend REr.82.1 as follows: <i>REr.82.1</i> <i>In any Flood Path or Flood Overlay, or Floodway (with the exception of subdivisions approved after October 25th 1996), the following are permitted activities:</i> a. <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> b. underground network utility lines; or

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		with natural hazard regulations. The same should be applied to the NRMP.	<i>c. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> <i>d. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> <i>e. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.83D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.83D.1 as follows: <i>REr.83D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> <i>a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u></i> <i>b. an underground network utility; or</i> <i>c. a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i> <i>d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			e. <i>the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.</i>
<i>REr.83E Flood Areas except Flood Paths or Floodways Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.83E.	Amend REr.83E.1 as follows: <i>REr.83E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> b. <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, REr.83E does not apply to telecommunication network utilities.</u>
<i>REr.107 Subdivision - General</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend REr.107.2 matters of control follows: <i>REr.107.2</i> ... <i>Control reserved over:</i> viii. <i>development of the subdivision and sites having regard to:</i> a. <i>appropriate vehicle or micromobility access, and</i> b. <i>the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> c. <i>provision of services, including evidence of <u>consultation with telecommunication companies, and</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. future public and active transport patterns, and...
Chapter 8 Inner City Zone			
<i>ICr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the Inner City Zone need to be amended. In general, the height of an aerial should be either 25m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater. Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above ground level at the boundary, and inclining into the subject site at 45 degrees, when adjoining a residential area boundary. Subclause (f) is irrelevant, as masts attached to buildings are provided for under the NESTF.	Amend ICr.49.1 as follows: <i>ICr.49.1</i> <i>Aerials are permitted if:</i> a. any dish antenna does not exceed a diameter of: i. 3m in the City Centre, and ii. 5m in the City Fringe, and b. on the site of any Group A or B Heritage Building there are not more than 3 aerials per site, and c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d. aerials attached to a building do not exceed the height of the building by more than 7m, and e. aerials that are not attached to a building do not exceed ~~18m~~ 25m in height, <u>or the underlying building height for the site + 5m whichever is the greater</u>, and f. ~~the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.~~
<i>ICr.58 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built</i>	Amend ICr.58.1 as follows: <i>ICr.58.1</i> <i>In any Flood Path or Flood Overlay, or Floodway the following are permitted activities:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> b. <i>underground network utility lines; or</i> c. <i>above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> d. <i>earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> e. <i>the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.59D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.59D.1 as follows: <i>ICr.59D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u> b. <i>an underground network utility; or</i> c. <i>a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. <i>maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i> e. <i>the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.</i>
<i>ICr.59E Flood Areas except Flood Paths or Floodways</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the ICr.59E.	Amend ICr.59E .1 as follows: <i>ICr.59E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> b. <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, ICr.59E does not apply to telecommunication network utilities.</u>
<i>ICr.71B Slope Instability Area 2 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71B.	Amend ICr.71B.1 as follows: <i>ICr.71B.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>volume, and is spread over a minimum area of 30m²</i>
<i>ICr.71C Slope Instability Area 2 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.71C.1as follows: <i>ICr.71C.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> <u>Note, ICr.71C does not apply to telecommunication network utilities.</u>
<i>ICr.71H Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71H.	Amend ICr.71H.1 as follows: <i>ICr.71H.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>ICr.71I Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning</i>	Amend ICr.71I.1as follows: <i>ICr.71I.1</i> <i>In the Slope Instability Area 3 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>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<u>Note, REr.750 does not apply to telecommunication network utilities.</u>
<i>ICr.81</i> <i>Subdivision - General</i> <i>Except for subdivision located in any Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage overlays or Heritage Precinct</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend ICr.81.2 matters of control follows: <i>ICr.81.2</i> ... <i>Control reserved over:</i> ix. <i>development of the subdivision and sites having regard to:</i> a. <i>appropriate vehicle or micromobility access, and</i> b. <i>the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> c. <i>provision of services, <u>including evidence of consultation with telecommunication companies,</u></i> ...

30 October 2023

Nelson City Council
PO Box 645
Nelson 7040

Received: 30/10/2023
Sub No: S488
NDOCS-539570224-16866

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

Dear Sir/Madam

SUBMISSION: PLAN CHANGE 29

Submitter Details

Organisation	Aotearoa Tower Group Limited (trading as FortySouth)		
Contact Person	c/- Tom Anderson, Incite		
Postal Address			
Telephone		Email	tom@incite.co.nz

Trade Competition

FortySouth could not gain an advantage in trade competition through this submission.

Council Hearing

FortySouth wishes to be heard in support of this submission, and are prepared to present a joint case with others (including Chorus, Connexa, One NZ and Spark).

Submission

This submission on Plan Change 29 to the Operative Nelson Resource Management Plan (NRMP) is on behalf of FortySouth, and covers the same matters as the Chorus New Zealand Limited, Connexa Limited, One New Zealand Group Limited and Spark New Zealand Trading Limited submissions. Each of these companies are a telecommunication service provider and network utility operators in New Zealand

Telecommunications infrastructure is significant and essential to modern society, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

To this end, it is noted that Plan Change 29 enables densification of Nelson City, including through an increase in building heights, without specifically considering the telecommunication infrastructure which is necessary to accompany that densification. The companies support strategies and planning to intensify and better use existing urban environments as appropriate.

The main objective of Plan Change 29, as stated on the 'Shape Nelson' website (<https://shape.nelson.govt.nz/plan-change-29>) is to amend the Nelson Regional Management Plan (NRMP) to implement the NPS-UD by supporting housing delivery and the provision of well-functioning urban environments within Nelson while ensuring that natural hazard risks are appropriately managed and historic heritage is protected. This objective is supported by the telecommunication companies.

It is also stated on the 'Shape Nelson' website that the scope of Plan Change 29 includes *"changes to rules that focus on achieving a well-functioning urban environment (as defined in Policy 1 of the [National Policy Statement on Urban Development 2020 (NPSUD)]), within the General Residential Zone, Medium Density Residential zone, and High Density Residential zone areas.*

It is recognised in the NPSUD, that there should be integrated land use and infrastructure planning (Policy 10), and that, under subpart 1 of the NPSUD, which provides guidance to local authorities around providing development capacity that, in order for sufficient development capacity for housing and business land, the development capacity must be *infrastructure ready*.

The term *infrastructure ready* is detailed in clause 3.4(3) of the NPSUD as there being adequate infrastructure to support development of the land in the short term, as well as funding for adequate development infrastructure in the medium and long term.

Under the NPSUD, telecommunication infrastructure is defined as *additional infrastructure*. Under clause 3.5 of the NPSUD, *local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available*.

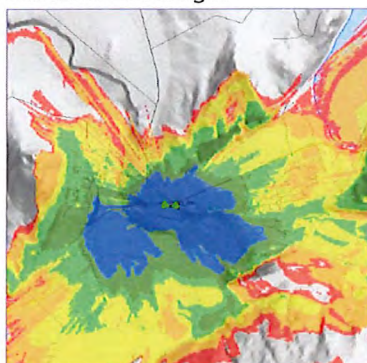
Telecommunication Facility Height

Currently, the NRMP provides for telecommunications through its zoned based chapters. Through analysing Plan Change 29, it is evident that, particularly for the Medium Density Residential, High Density Residential, City Centre, City Fringe and some Suburban Commercial areas, the permitted building height has been increased when compared to the Operative NRMP, without a corresponding increase to the relevant *aerial* rule in that area. This permitted height analysis is provided in the following table:

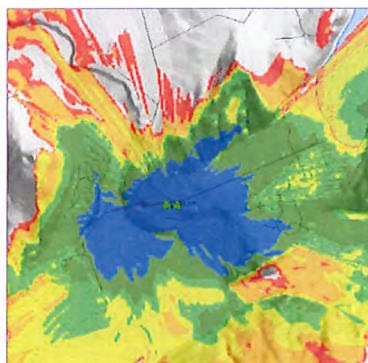
Zone	Area	Operative Permitted Building Height	PC29 Permitted Building Height	Operative Permitted Aerial Height
Residential	General Residential	7.5m (REr.32)	8m (REr.17J)	10.5m (REr.49)
	Medium Density Residential	7.5m (REr.32)	11m (REr.18J)	10.5m (REr.49)
	High Density Residential	7.5m (REr.32)	19.5m (REr.19J)	10.5m (REr.49)
	Residential Zone, Standard Area, Comprehensive Area, Lower Density Area	7.5m (REr.32)	No change	10.5m (REr.49)
Inner City	City Centre	15m (ICr.24)	24m (ICr.37A)	18m (ICr.49)
	City Fringe	12m or 20m (ICr.72)	24m (ICr.37A)	18m (ICr.49)
Suburban Commercial	Suburban Commercial	21m, 10m or 8m (SCr.22).	21m, 19.5m or 12m (SCr.22)	18m (SCr.42)

Mobile telecommunication facilities rely on line of sight to be able to perform their function. The following diagrams, provided by a Spark radiofrequency engineer, shows how a higher mast height provides better outdoor and indoor coverage for end users, as the higher mast height extends above local 'clutter' to provide line of sight:

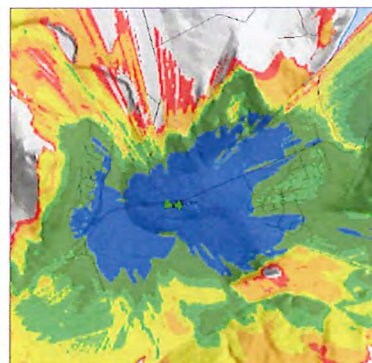
Outdoor Coverage:



8m Mast Height – Signal Strength (Blue = Excellent -> Red=Poor)

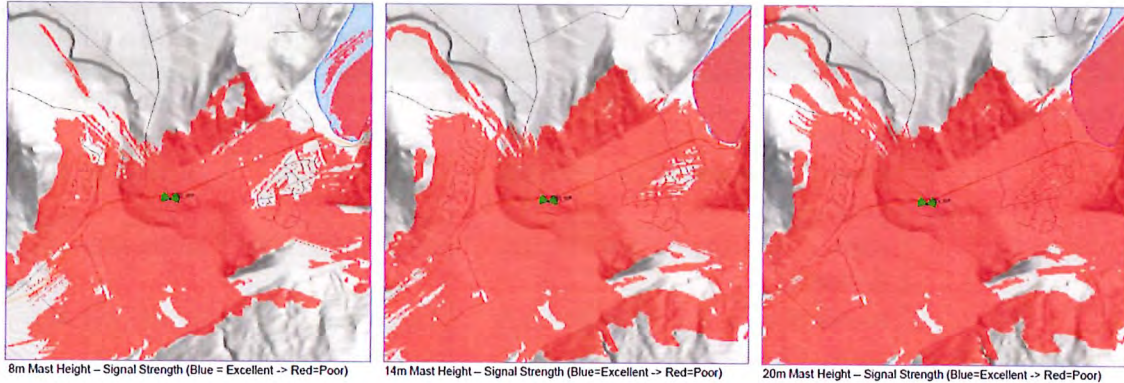


14m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)



20m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)

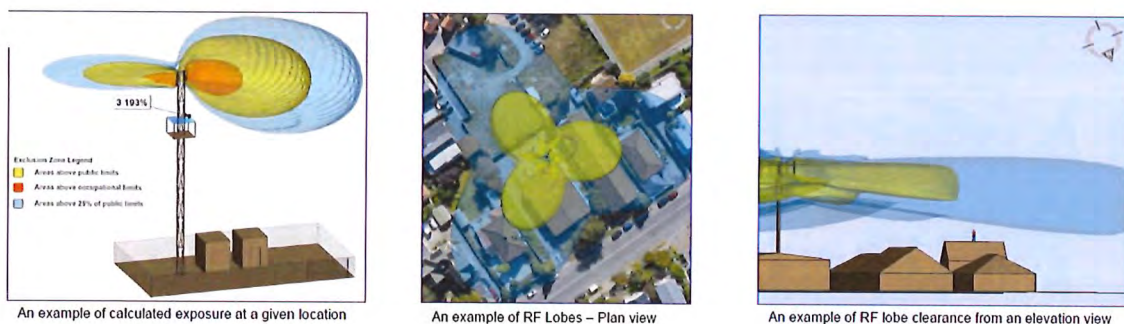
Indoor Coverage:



Clutter is commonly created by buildings and trees. Essentially, the proposed height provisions in Plan Change 29 allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities. As well as these provisions affecting potential future sites, they also create a potential reverse sensitivity effect on existing sites.

All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio transmitters, for people exposed at work and for the general public.

Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Essentially, the software requires inputs including tower height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits. An example is as follows:



Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency.

The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD. However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they occur as part of achieving the objectives of the NPSUD, and as such Plan Change 29, should be provided for within the plan change provisions. By doing so, Plan Change 29 will better meet Objective DO14.4 and related Policy DO14.4.1.i and DO14.4.1.ii of the NRMP, concerning the efficient use, development and management of network utilities, as well as the aforementioned Clause 3.5 of the NPSUD.

The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand is recognised in the recently released *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations* from the Ministry for the Environment, which in its final form will be utilised in plans made under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposes a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights are generally supported by the telecommunication companies, however the companies will continue to work with the Ministry for the Environment as the regulations evolve.

An alternative approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment.

Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.

Natural Hazards

Plan Change 29 also proposes changes relating to natural hazard provisions.

In regard to natural hazards, Regulation 57 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF), exempts regulated activities under the NESTF¹ from having to comply with District Plan rules about natural hazards.

Section 6.11 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide*, published by the Ministry for the

¹ Regulated activities under the NESTF include all telecommunications activities (lines, cabinets, antennas and poles) in all zones, except for new poles on private sites in urban areas.

Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, via the following statement:

Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breadth of hazards including flooding, instability, earthquake and climate change.²

This approach has been followed in the aforementioned *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations*. Regulation 13.3.13 provides rules for infrastructure activities in natural hazard overlays, with subclause (4) stating that *this regulation does not apply to telecommunication facilities....*

The reason that such an approach has been adopted in national frameworks is due to the industry practice referred to in the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* as quoted above.

To provide a summary of that industry practice, the telecommunication companies rely on local authorities to identify hazards in their city or district. The companies then have resilience requirements as *essential infrastructure networks* and *lifeline utilities* under the Civil Defence Emergency Management Act 2002 (CDEMA). Under section 59 of the CDEMA a lifeline utility is required to take "*all necessary steps to undertake civil defence emergency management*" and be able, under section 60, to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Telecommunication network resilience to natural hazards is provided by avoiding the hazard in the first instance, but where the hazard cannot be avoided for the infrastructure to provide its function, designing the infrastructure to be as resilient as possible to the hazard.

Through the New Zealand Lifelines Council (NZLC) that the telecommunication companies are a part of, and 15 Regional Lifelines Groups, New Zealand's lifeline utility organisations work together on projects to understand and identify ways to mitigate impacts of hazards on lifeline utility infrastructure. NZLC in 2017 undertook its first infrastructure vulnerability assessment which was updated in 2020. This report highlights the resilience of telecommunication networks and some areas for focus on improving resilience. Telecommunication network resilience comes from a variety of ways and is constantly evolving and learning from the events response assessments:

- multiple networks (different providers offering alternative networks) provide for redundancy;

² Page 93 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide (copy at <https://www.mbie.govt.nz/dmsdocument/1347-nestf-2016-draft-users-guide-pdf%20>)

- multiple technologies (fibre fixed networks available alongside mobile networks);
- robustness (design codes for strength) with specific engineering design and certification taking into account the natural hazard information available. Consultancy companies such as Aurecon and WSP provide design and engineering certification for each new site (includes guidance that influences new-site selection in regard to natural hazard risk and mitigation requirements) and upgrading of existing sites;
- providers building their own networks with resilience in mind (building redundancy into their networks so that network component failures have a minimum impact);
- making arrangements to enable direct-to-satellite connectivity, which will enable mobile phone users to initially send and receive text messages, and later make calls, including to emergency services, if the mobile network is down;
- provide emergency roaming for 111 calls. This means, for example, if the Spark or One NZ networks are down, their customers can make 111 calls using the 2degrees network;
- fleet of temporary network solutions such as Cells on Wheels (CoW) or Cell on Platform (CoP) to restore any network components damaged during an emergency while the permanent asset is being repaired; and
- commercial imperative to keep customers connected.

Telecommunications are a complex of lifeline utility given that users have access to multiple networks including the mobile networks of Spark, One NZ, 2degrees and RCG and the fixed line fibre and copper networks of Chorus and other providers.

The diversity of interconnected networks has the advantage that via automatic failover arrangements between the operator's connectivity for customers will continue. NZLC has identified that the CDEMA obligations on private operators' infrastructure such as telecommunication is difficult to measure or enforce for private companies. The Building Code does mandate standards around critical buildings housing telecommunications equipment though design standards for other components of the network, such as mobile facilities, are not prescribed. Crown Infrastructure Partners as part of Government managed initiatives such as ultra-fast (UFB 1 & 2) and rural broadband infrastructure (RBI 1 & 2) rollouts or the Blackspots initiative, does have a prescribed construction standard. Although there is no network construction standard outside those contractually managed by Crown Infrastructure Partners, the telecommunication companies constantly review their networks including via:

- Commerce Commission as the regulator, who assess and report on the industry annually looking at competition in, and the performance and development of, telecommunications in New Zealand;
- Commerce Commission monitoring of asset quality in areas without competition;
- Ministry Business Innovation and Employment (MBIE), which is responsible for maintaining a robust regulatory environment for the information and communications technology (ICT) sector. The Telecommunications Act 2001 provides for investigations and reduce incentives for regulated parties to "game" the process or proceed slowly for strategic reasons' (MBIE 2018c);

- The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) under the Utilities Access Act 2010, which has a process for requiring a local authority to comment and request information when a network utility is proposing to work in the road; and
- Regional Lifeline assessments and reviews including post specific significant events reports such as Christchurch earthquakes, provide recommendations for improving network resilience.

On this basis, there is no need for a territorial local authority to further regulate the resilience of telecommunication networks. Such an approach has been accepted by Kaikoura District Council through their Plan Change 3, and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Change 1 to the Wellington Regional Policy Statement.

Conclusion

On the basis of the above information in relation to mobile facility height and locating telecommunication infrastructure in natural hazard areas, the attached submission points on specific provisions of Plan Change 29 are made.

The telecommunications companies would happily discuss the submission points, either via videoconference or a workshop, and would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,



Tom Anderson

Director/Principal Planner

Incite

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FortySouth

The specific submissions and the decisions sought for the Proposed Plan Change 29 to the Nelson Resource Management Plan are as follows.

Note, in the relief sought, deletions are shown as ~~striketrough~~ and additional text shown in **bold and underlined**.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Volume 1: General			
Chapter 2: Meaning of Words			
Height	Support in Part	Lightning rods should be excluded from the measurement of height in the same way that chimneys, finials and solar panels are excluded from the measurement of height.	Amend the definition of height as follows: Note: ... <u>v. In determining the height of any building or structure, no account shall be taken of lightning rods that do not exceed 0.6m in diameter.</u>
New definition: regionally significant infrastructure	Support in Part	The proposed amendment to Objective DO14.4 specifically references regionally significant infrastructure. However, there is no definition in the Plan as to what this term encompasses. In other recently proposed or made operative district plans, that use this term (or similar) including the: - Proposed Wellington District Plan; - Proposed Marlborough Environmental Plan; and - Operative Christchurch District Plan. all recognise telecommunications networks as part of the term, as does the Natural and Built Environment Act.	Add a definition of regionally significant infrastructure that includes telecommunications networks.
Chapter 3: Administration			

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
AD8.3 Information to be included with subdivision applications	Support in Part	The information to be included in subdivision applications is supported. However, in relation to subclause o. the word <i>telephone</i> should be replaced with <i>telecommunications</i> in order to capture a statutorily defined term which encompasses a range of different communication methods that users of new allotments are likely to rely on. Consultation with telecommunication providers should also be an information requirement, so that the direction provided under subclause o. is informed.	Amend AD8.3(o) as follows: <i>Applications for subdivision consents must include the information required for other resource consents, set out above (where relevant), and the following additional material:</i> ... <i>o. Existing and proposed services such as storm water, sewerage, water supply, electricity and ~~telephone~~ <u>telecommunications</u>, to be indicated on the subdivision plan.</i> <u>ae Evidence of consultation with telecommunication network utility providers, to inform the location of proposed telecommunication services to be indicated on the subdivision plan required under o. above.</u>
Chapter 5: District Wide Objectives and Policies			
DO2.2.4 flood hazard: subdivision, use and development in flood areas	Support in Part	The operational and functional need for infrastructure that is located in a flood hazard area should be recognised in the objective.	Amend DO2.2.4 as follows: <i>Control subdivision, use and development within Flood Areas to ensure:</i> ... <i>3. significant risk to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard is avoided, <u>unless, for infrastructure, there is a functional or operational need for the infrastructure to be located in the flood hazard area;</u></i>
DO14.4 network utilities	Support	The proposed revision to DO14.4 is supported. It appropriately recognises that regionally significant infrastructure (a term which as detailed above needs to be defined and	Retain DO14.4 as notified (noting the submission point above to define the term regionally significant infrastructure).

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		include telecommunications) should not be restricted or compromised by subdivision use and development. In this regard, the objective appropriately recognises reverse sensitivity.	
<i>DO15.1 urban form</i> <i>DO15.1.1 encouragement of development</i> <i>DO15.1.1.i explanation and reasons</i>	Support	The explanation and reason to Objective DO15.1 and policy DO15.1.1 clearly seeks integration between land use and infrastructure, this is supported.	<i>Retain DO15.1, DO15.1.1 and DO15.1.1.i as notified.</i>

Volume 2: Zones

Chapter 7 Residential Zone

<i>REr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the residential zones need to be amended. In general, the height of an aerial should be either 17m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> , or 5m above the area height, whatever is the greater (noting that in the High Density Residential Area this equates to a 24.5m high mast, but 25m is proposed to provide consistency with other zones). Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above	Amend REr.49.1 as follows: <i>REr.49.1</i> <i>Aerials are permitted if:</i> <i>a. there are not more than 3 aerials per site, and</i> <i>b. any dish antenna is not located on a front site between the residential unit and the road boundary, and</i> <i>i. in the case of a dish antenna erected on a site owned or leased by a network utility operator, does not exceed a diameter of 1.2m, or</i> <i>ii. in the case of any other dish antenna, does not exceed a diameter of 1m, and</i> <i>c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1 – Heritage buildings, places and objects), and</i> <i>d. aerials attached to any building do not exceed the height of the building by more than ~~3m~~ 5m, and</i> <i>e. aerials that are not attached to a building do not exceed 10.5m in height,</i>
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Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		ground level at the boundary, and inclining into the subject site at 45 degrees. In terms of height that an antenna can be attached to building, 5m is proposed as permitted under the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> In terms of mast diameter, the measurement point is important, for higher masts, as the submission point proposed, greater mast diameters are necessary. As such, it is proposed that the mast diameter is increased by 150mm to 600mm, and the measurement for masts to be made at a height of 6m above ground level, to account for any tapering toward the base of the mast which may be necessary for structural engineering purposes.	<u>i. 17m in height in the General Residential Area, Medium Density Residential Area, Standard Area, Comprehensive Area, Lower Density Area</u> <u>ii. 25m in the High Density Residential Area</u> and are located ~~not closer than 4m from~~ <u>so they are within a recession plane measuring 2.5m vertical and inclining at 45 degrees from any boundary (excluding a road boundary), and</u> <u>f. the supporting mast does not exceed 450mm 600mm in diameter, measured at a height of 6m above ground level up the mast.</u>
<i>RER.73 Fault Deformation Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend RER.73.1 as follows: <i>RER.73.1</i> <i>In the Fault Deformation Overlay a building or a network utility (except an accessory building, <u>telecommunication network utilities</u>, or an addition to a building or a network utility) is not a permitted activity.</i>
<i>RER.74A Liquefaction Hazard Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the	Amend RER.74A.1 as follows: <i>RER.74A.1</i> <i>In the Liquefaction Hazard Overlay a building or network utility is a permitted activity provided that:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. the building or network utility does not contain a habitable space, has a gross floor area less than 36m² and is not more than 4.5m high; or b. it is an addition to an existing building or network utility; or c. the building or network utility occurs on a lot which was created by a subdivision that obtained resource consent, and where the subdivision application included a site-specific assessment of liquefaction for the lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard. <u>Note, REr.74A does not apply to telecommunication network utilities.</u>
REr.75B Slope Instability Area 1 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75B.	Amend REr.75B.1 as follows: REr.75B.1 <i>In the Slope Instability Area 1 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.3m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total volume, and is spread over a minimum area of 30m²
REr.75C Slope Instability Area 1 Overlay Structures	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In	Amend REr.75C.1 as follows: REr.75C.1

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<i>In the Slope Instability Area 1 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 1000kg (including 1000 litres of liquid).</i> <u>Note, REr.75C does not apply to telecommunication network utilities.</u>
<i>REr.75H Slope Instability Area 2 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75H.	Amend REr.75H.1 as follows: <i>REr.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m ³ in total volume, and is spread over a minimum area of 30m ²
<i>REr.75I Slope Instability Area 2 Overlay</i> <i>Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75I.1 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> <u>Note, REr.75I does not apply to telecommunication network utilities.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>REr.75N Slope Instability Area 3 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75N.	Amend REr.75N.1 as follows: <i>REr.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>REr.75O Slope Instability Area 3 Overlay</i> <i>Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75O.1 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> <u>Note, REr.75O does not apply to telecommunication network utilities.</u>
<i>REr.82 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply	Amend REr.82.1 as follows: <i>REr.82.1</i> <i>In any Flood Path or Flood Overlay, or Floodway (with the exception of subdivisions approved after October 25th 1996), the following are permitted activities:</i> <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> <i>underground network utility lines; or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		with natural hazard regulations. The same should be applied to the NRMP.	<i>c. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> <i>d. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> <i>e. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
REr.83D Flood Areas except Flood Paths or Floodways Network utility	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.83D.1 as follows: <i>REr.83D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> <i>a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u></i> <i>b. an underground network utility; or</i> <i>c. a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i> <i>d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.
<i>REr.83E Flood Areas except Flood Paths or Floodways</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.83E.	Amend REr.83E.1 as follows: <i>REr.83E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> <i>a. is not more than 3m³ in each calendar year of cleanfill material per site; and</i> <i>b. has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, REr.83E does not apply to telecommunication network utilities.</u>
<i>REr.107</i> <i>Subdivision - General</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend REr.107.2 matters of control follows: <i>REr.107.2</i> ... <i>Control reserved over:</i> <i>viii. development of the subdivision and sites having regard to:</i> <i>a. appropriate vehicle or micromobility access, and</i> <i>b. the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> <i>c. provision of services, including evidence of <u>consultation with telecommunication companies</u>, and</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. future public and active transport patterns, and...
Chapter 8 Inner City Zone			
<i>ICr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the Inner City Zone need to be amended. In general, the height of an aerial should be either 25m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater. Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above ground level at the boundary, and inclining into the subject site at 45 degrees, when adjoining a residential area boundary. Subclause (f) is irrelevant, as masts attached to buildings are provided for under the NESTF.	Amend ICr.49.1 as follows: <i>ICr.49.1</i> <i>Aerials are permitted if:</i> a. any dish antenna does not exceed a diameter of: i. 3m in the City Centre, and ii. 5m in the City Fringe, and b. on the site of any Group A or B Heritage Building there are not more than 3 aerials per site, and c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d. aerials attached to a building do not exceed the height of the building by more than 7m, and e. aerials that are not attached to a building do not exceed ~~18m~~ 25m in height, <u>or the underlying building height for the site + 5m whichever is the greater</u>, and f. ~~the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.~~
<i>ICr.58 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built</i>	Amend ICr.58.1 as follows: <i>ICr.58.1</i> <i>In any Flood Path or Flood Overlay, or Floodway the following are permitted activities:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> b. underground network utility lines; or c. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or d. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or e. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.
REr.59D Flood Areas except Flood Paths or Floodways Network utility	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.59D.1 as follows: <i>ICr.59D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u> b. an underground network utility; or c. a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. <i>maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i> e. <i>the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.</i>
ICr.59E Flood Areas except Flood Paths or Floodways Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the ICr.59E.	Amend ICr.59E .1 as follows: <i>ICr.59E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> b. <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, ICr.59E does not apply to telecommunication network utilities.</u>
ICr.71B Slope Instability Area 2 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71B.	Amend ICr.71B.1 as follows: <i>ICr.71B.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>volume, and is spread over a minimum area of 30m²</i>
<i>ICr.71C Slope Instability Area 2 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.71C.1as follows: <i>ICr.71C.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> <u>Note, ICr.71C does not apply to telecommunication network utilities.</u>
<i>ICr.71H Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71H.	Amend ICr.71H.1 as follows: <i>ICr.71H.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>ICr.71I Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning</i>	Amend ICr.71I.1as follows: <i>ICr.71I.1</i> <i>In the Slope Instability Area 3 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>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<u>Note, REr.750 does not apply to telecommunication network utilities.</u>
ICr.81 <i>Subdivision - General</i> <i>Except for subdivision located in any Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage overlays or Heritage Precinct</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend ICr.81.2 matters of control follows: <i>ICr.81.2</i> ... <i>Control reserved over:</i> <i>ix. development of the subdivision and sites having regard to:</i> <i>a. appropriate vehicle or micromobility access, and</i> <i>b. the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> <i>c. provision of services, <u>including evidence of consultation with telecommunication companies,</u></i> ...

Online submission

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

Submitter No.	S489
Submitter Name	Michael de Vigne
Submitter first name	Michael
Submitter surname	de Vigne
Submitter is contact	Yes
Email	kiwizen8@gmail.com
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	Medium Density Residential Zone	Oppose		1. I Oppose the provisions in Plan Change 29 relating to the Maximum Building Height and Daylight Admission as shown in attached document 1. 2. I would like the provisions to be scrapped and replaced with provisions that are more suitable for the Medium Density Residential Zones. 3. I have proposed some alternative changes that would be more suitable for Nelson's Medium Density Residential Zone. Please find the Proposals in the adjacent "Reasons" section.

<<<< Reasons for Opposition

>>>>

1. Maximum Building Height.

The 12m maximum height would deprive some neighbours of direct sunlight, especially during Winter making their houses cold, damp and unliveable.

The proposed tall buildings would negatively affect neighbouring property values. While on paper average property values might increase (and possibly rates as well), the reality is that heavily shaded properties would see a drop in their values and would be extremely difficult to sell to anyone, including Developers.

In Addition, 12m high buildings would look aesthetically out of place in a Medium Density Residential Zone. They would also obscure views and create parking issues.

Under the proposed Maximum Building Height rules the winners would be the Developers, the losers would be the neighbouring home owners.

2. Daylight Admission.

The proposed Daylight Admission rules would further deprive some neighbouring properties of direct sunlight. The proposed 60° angle is too steep. A maximum angle of 25° would go some way towards reducing shading of neighbouring properties.

<<<< Proposal >>>>

In Nelson there is a need for smaller, warmer, low maintenance, single storey homes for people starting out and for people looking to downsize. Many people who would like to downsize hang on in their larger

properties due to lack of suitable small properties on the market. Under new rules large properties could be subdivided or property owners could be allowed to build additional houses on their properties.

An example of a small property would be a property with a section size of 200 m² or less. This would allow for a 80m² two bedroom house (or semi-detached) with a 40 m² North facing garden and a single garage and carport on the South side of the house. The remaining land could be used for a shared driveway. People subdividing would have options such as selling the smaller sections or houses to pay off debt or supplement their retirement. They could also provide accommodation for family members. It would be a win for many more people including existing home owners.

New provisions relating to Plan Change 29 could include:

1. Allowing for subdivision of sections down to about 200m².
2. Retaining current rules around maximum building heights.
3. Revisiting current daylight angles rules to allow for intensification and still protect neighbouring properties from loss of direct sunlight.
4. Seeking solutions regarding rain water management that would enable greater site coverage.

<<<< An Additional Proposal >>>>

Another Option would be to allow for the Merging of Sections into larger parcels of land and building housing complexes featuring single or double storey houses. (This would depend on a Developer being able to find willing property sellers)

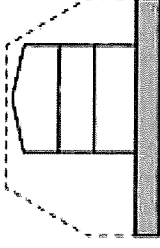
Documents included with submission

Document name	Plan Change 29 Neighbourhood standards
File	document1.jpg
Description	

The benefits of this scenario would be:

1. More efficient use of land and lower building costs due to economy of scale.
2. Attractive and well designed housing complexes that would be good investments and would enhance Nelson suburbs.
3. Complexes that would increase the Sense of Community with neighbours looking out for each other.
4. Secure lock up and go houses for people that like (or need) to travel. Security would be enhanced due to Housing Complexes having one entrance and greater community awareness.

Well-designed neighbourhood standards for the three proposed residential zones

	General residential zone (GRZ)	Medium density residential zone (MRZ)	High density residential zone (HRZ)
Maximum Building Height	8m (2 storeys)	11m + 1m (3 storeys)	19.5m (6 storeys)
Daylight admission (the maximum allowable building height decreases as the building gets closer to the side and rear boundaries, so that taller buildings leave space for daylight to get to the neighbouring properties)	3m + 45° angle	4m + 60° angle 	12m + 60° angle within first 23.5m from road boundary (22m building length + 1.5m road boundary setback); 4m + 60° angle after 23.5m from road boundary
Site Coverage (meaning the percentage of the site that can be covered by buildings)	40% maximum building coverage per site	50% maximum building coverage per site	50% maximum building coverage per site

30 October 2023

Nelson City Council
PO Box 645
Nelson 7040

Received: 30/10/2023
Sub No: S490
NDOCS-539570224-16868

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

Dear Sir/Madam

SUBMISSION: PLAN CHANGE 29

Submitter Details

Organisation	One New Zealand Group Limited (One NZ)		
Contact Person	c/- Tom Anderson, Incite		
Postal Address			
Telephone		Email	tom@incite.co.nz

Trade Competition

One NZ could not gain an advantage in trade competition through this submission.

Council Hearing

One NZ wishes to be heard in support of this submission, and are prepared to present a joint case with others (including Chorus, Connexa, FortySouth and Spark).

Submission

This submission on Plan Change 29 to the Operative Nelson Resource Management Plan (NRMP) is on behalf of One NZ, and covers the same matters as the Chorus New Zealand Limited, Connexa Limited, FortySouth and Spark New Zealand Trading Limited submissions. Each of these companies are a telecommunication service provider and network utility operators in New Zealand. Vodafone (the former name of One NZ) is listed as a Requiring Authority by the Ministry for the Environment under the Resource Management Act 1991.

Telecommunications infrastructure is significant and essential to modern society, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

To this end, it is noted that Plan Change 29 enables densification of Nelson City, including through an increase in building heights, without specifically considering the telecommunication infrastructure which is necessary to accompany that densification. The companies support strategies and planning to intensify and better use existing urban environments as appropriate.

The main objective of Plan Change 29, as stated on the 'Shape Nelson' website (<https://shape.nelson.govt.nz/plan-change-29>) is to *amend the Nelson Regional Management Plan (NRMP) to implement the NPS-UD by supporting housing delivery and the provision of well-functioning urban environments within Nelson while ensuring that natural hazard risks are appropriately managed and historic heritage is protected*. This objective is supported by the telecommunication companies.

It is also stated on the 'Shape Nelson' website that the scope of Plan Change 29 includes *"changes to rules that focus on achieving a well-functioning urban environment (as defined in Policy 1 of the [National Policy Statement on Urban Development 2020 (NPSUD)]), within the General Residential Zone, Medium Density Residential zone, and High Density Residential zone areas*.

It is recognised in the NPSUD, that there should be integrated land use and infrastructure planning (Policy 10), and that, under subpart 1 of the NPSUD, which provides guidance to local authorities around providing development capacity that, in order for sufficient development capacity for housing and business land, the development capacity must be *infrastructure ready*.

The term *infrastructure ready* is detailed in clause 3.4(3) of the NPSUD as there being adequate infrastructure to support development of the land in the short term, as well as funding for adequate development infrastructure in the medium and long term.

Under the NPSUD, telecommunication infrastructure is defined as *additional infrastructure*. Under clause 3.5 of the NPSUD, *local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available*.

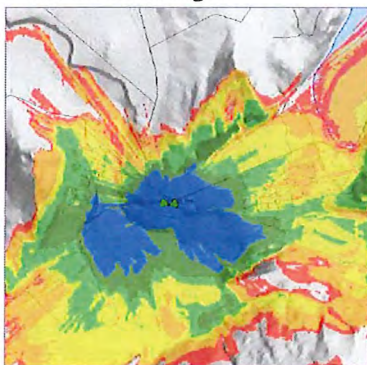
Telecommunication Facility Height

Currently, the NRMP provides for telecommunications through its zoned based chapters. Through analysing Plan Change 29, it is evident that, particularly for the Medium Density Residential, High Density Residential, City Centre, City Fringe and some Suburban Commercial areas, the permitted building height has been increased when compared to the Operative NRMP, without a corresponding increase to the relevant *aerial* rule in that area. This permitted height analysis is provided in the following table:

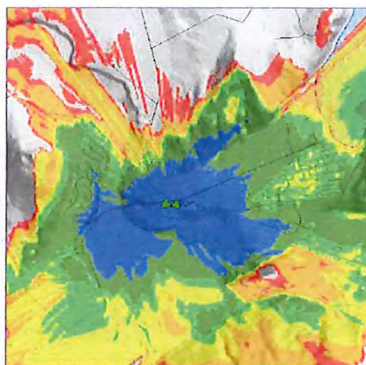
Zone	Area	Operative Permitted Building Height	PC29 Permitted Building Height	Operative Permitted Aerial Height
Residential	General Residential	7.5m (REr.32)	8m (REr.17J)	10.5m (REr.49)
	Medium Density Residential	7.5m (REr.32)	11m (REr.18J)	10.5m (REr.49)
	High Density Residential	7.5m (REr.32)	19.5m (REr.19J)	10.5m (REr.49)
	Residential Zone, Standard Area, Comprehensive Area, Lower Density Area	7.5m (REr.32)	No change	10.5m (REr.49)
Inner City	City Centre	15m (ICr.24)	24m (ICr.37A)	18m (ICr.49)
	City Fringe	12m or 20m (ICr.72)	24m (ICr.37A)	18m (ICr.49)
Suburban Commercial	Suburban Commercial	21m, 10m or 8m (SCr.22).	21m, 19.5m or 12m (SCr.22)	18m (SCr.42)

Mobile telecommunication facilities rely on line of sight to be able to perform their function. The following diagrams, provided by a Spark radiofrequency engineer, shows how a higher mast height provides better outdoor and indoor coverage for end users, as the higher mast height extends above local 'clutter' to provide line of sight:

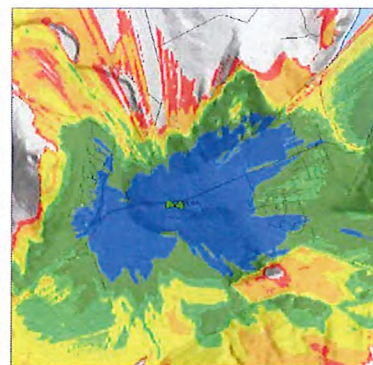
Outdoor Coverage:



8m Mast Height – Signal Strength (Blue = Excellent -> Red=Poor)

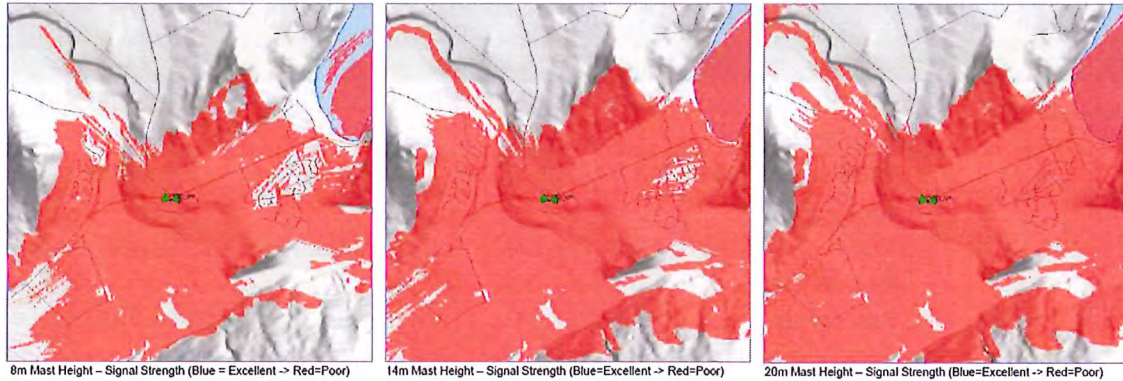


14m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)



20m Mast Height – Signal Strength (Blue=Excellent -> Red=Poor)

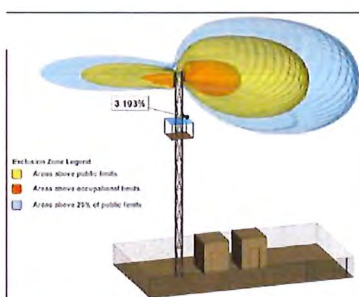
Indoor Coverage:



Clutter is commonly created by buildings and trees. Essentially, the proposed height provisions in Plan Change 29 allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities. As well as these provisions affecting potential future sites, they also create a potential reverse sensitivity effect on existing sites.

All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio transmitters, for people exposed at work and for the general public.

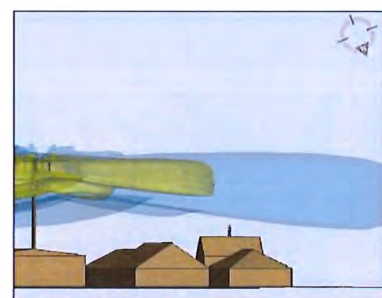
Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Essentially, the software requires inputs including tower height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits. An example is as follows:



An example of calculated exposure at a given location



An example of RF Lobes – Plan view



An example of RF lobe clearance from an elevation view

Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency.

The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD. However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they occur as part of achieving the objectives of the NPSUD, and as such Plan Change 29, should be provided for within the plan change provisions. By doing so, Plan Change 29 will better meet Objective DO14.4 and related Policy DO14.4.1.i and DO14.4.1.ii of the NRMP, concerning the efficient use, development and management of network utilities, as well as the aforementioned Clause 3.5 of the NPSUD.

The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand is recognised in the recently released *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations* from the Ministry for the Environment, which in its final form will be utilised in plans made under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposes a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights are generally supported by the telecommunication companies, however the companies will continue to work with the Ministry for the Environment as the regulations evolve.

An alternative approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment.

Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.

Natural Hazards

Plan Change 29 also proposes changes relating to natural hazard provisions.

In regard to natural hazards, Regulation 57 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF) exempts regulated activities under the NESTF¹ from having to comply with District Plan rules about natural hazards.

Section 6.11 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide*, published by the Ministry for the

¹ Regulated activities under the NESTF include all telecommunications activities (lines, cabinets, antennas and poles) in all zones, except for new poles on private sites in urban areas.

Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, via the following statement:

Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breadth of hazards including flooding, instability, earthquake and climate change.²

This approach has been followed in the aforementioned *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations*. Regulation 13.3.13 provides rules for infrastructure activities in natural hazard overlays, with subclause (4) stating that *this regulation does not apply to telecommunication facilities...*

The reason that such an approach has been adopted in national frameworks is due to the industry practice referred to in the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* as quoted above.

To provide a summary of that industry practice, the telecommunication companies rely on local authorities to identify hazards in their city or district. The companies then have resilience requirements as *essential infrastructure networks* and *lifeline utilities* under the Civil Defence Emergency Management Act 2002 (CDEMA). Under section 59 of the CDEMA a lifeline utility is required to take "*all necessary steps to undertake civil defence emergency management*" and be able, under section 60, to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Telecommunication network resilience to natural hazards is provided by avoiding the hazard in the first instance, but where the hazard cannot be avoided for the infrastructure to provide its function, designing the infrastructure to be as resilient as possible to the hazard.

Through the New Zealand Lifelines Council (NZLC) that the telecommunication companies are a part of, and 15 Regional Lifelines Groups, New Zealand's lifeline utility organisations work together on projects to understand and identify ways to mitigate impacts of hazards on lifeline utility infrastructure. NZLC in 2017 undertook its first infrastructure vulnerability assessment which was updated in 2020. This report highlights the resilience of telecommunication networks and some areas for focus on improving resilience. Telecommunication network resilience comes from a variety of ways and is constantly evolving and learning from the events response assessments:

- multiple networks (different providers offering alternative networks) provide for redundancy;

² Page 93 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* (copy at <https://www.mbie.govt.nz/dmsdocument/1347-nestf-2016-draft-users-guide-pdf%20>)

- multiple technologies (fibre fixed networks available alongside mobile networks);
- robustness (design codes for strength) with specific engineering design and certification taking into account the natural hazard information available. Consultancy companies such as Aurecon and WSP provide design and engineering certification for each new site (includes guidance that influences new-site selection in regard to natural hazard risk and mitigation requirements) and upgrading of existing sites;
- providers building their own networks with resilience in mind (building redundancy into their networks so that network component failures have a minimum impact);
- making arrangements to enable direct-to-satellite connectivity, which will enable mobile phone users to initially send and receive text messages, and later make calls, including to emergency services, if the mobile network is down;
- provide emergency roaming for 111 calls. This means, for example, if the Spark or One NZ networks are down, their customers can make 111 calls using the 2degrees network;
- fleet of temporary network solutions such as Cells on Wheels (CoW) or Cell on Platform (CoP) to restore any network components damaged during an emergency while the permanent asset is being repaired; and
- commercial imperative to keep customers connected.

Telecommunications are a complex of lifeline utility given that users have access to multiple networks including the mobile networks of Spark, One NZ, 2degrees and RCG and the fixed line fibre and copper networks of Chorus and other providers.

The diversity of interconnected networks has the advantage that via automatic failover arrangements between the operator's connectivity for customers will continue. NZLC has identified that the CDEMA obligations on private operators' infrastructure such as telecommunication is difficult to measure or enforce for private companies. The Building Code does mandate standards around critical buildings housing telecommunications equipment though design standards for other components of the network, such as mobile facilities, are not prescribed. Crown Infrastructure Partners as part of Government managed initiatives such as ultra-fast (UFB 1 & 2) and rural broadband infrastructure (RBI 1 & 2) rollouts or the Blackspots initiative, does have a prescribed construction standard. Although there is no network construction standard outside those contractually managed by Crown Infrastructure Partners, the telecommunication companies constantly review their networks including via:

- Commerce Commission as the regulator, who assess and report on the industry annually looking at competition in, and the performance and development of, telecommunications in New Zealand;
- Commerce Commission monitoring of asset quality in areas without competition;
- Ministry Business Innovation and Employment (MBIE), which is responsible for maintaining a robust regulatory environment for the information and communications technology (ICT) sector. The Telecommunications Act 2001 provides for investigations and reduce incentives for regulated parties to "game" the process or proceed slowly for strategic reasons' (MBIE 2018c);

- The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) under the Utilities Access Act 2010, which has a process for requiring a local authority to comment and request information when a network utility is proposing to work in the road; and
- Regional Lifeline assessments and reviews including post specific significant events reports such as Christchurch earthquakes, provide recommendations for improving network resilience.

On this basis, there is no need for a territorial local authority to further regulate the resilience of telecommunication networks. Such an approach has been accepted by Kaikoura District Council through their Plan Change 3, and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Change 1 to the Wellington Regional Policy Statement.

Conclusion

On the basis of the above information in relation to mobile facility height and locating telecommunication infrastructure in natural hazard areas, the attached submission points on specific provisions of Plan Change 29 are made.

The telecommunications companies would happily discuss the submission points, either via videoconference or a workshop, and would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,



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One NZ

The specific submissions and the decisions sought for the Proposed Plan Change 29 to the Nelson Resource Management Plan are as follows.

Note, in the relief sought, deletions are shown as ~~striketrough~~ and additional text shown in **bold and underlined**.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Volume 1: General			
Chapter 2: Meaning of Words			
Height	Support in Part	Lightning rods should be excluded from the measurement of height in the same way that chimneys, finials and solar panels are excluded from the measurement of height.	Amend the definition of height as follows: Note: ... <u>v. In determining the height of any building or structure, no account shall be taken of lightning rods that do not exceed 0.6m in diameter.</u>
New definition: regionally significant infrastructure	Support in Part	The proposed amendment to Objective DO14.4 specifically references regionally significant infrastructure. However, there is no definition in the Plan as to what this term encompasses. In other recently proposed or made operative district plans, that use this term (or similar) including the: - Proposed Wellington District Plan; - Proposed Marlborough Environmental Plan; and - Operative Christchurch District Plan. all recognise telecommunications networks as part of the term, as does the Natural and Built Environment Act.	Add a definition of regionally significant infrastructure that includes telecommunications networks.
Chapter 3: Administration			

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
AD8.3 Information to be included with subdivision applications	Support in Part	The information to be included in subdivision applications is supported. However, in relation to subclause o. the word <i>telephone</i> should be replaced with <i>telecommunications</i> in order to capture a statutorily defined term which encompasses a range of different communication methods that users of new allotments are likely to rely on. Consultation with telecommunication providers should also be an information requirement, so that the direction provided under subclause o. is informed.	Amend AD8.3(o) as follows: <i>Applications for subdivision consents must include the information required for other resource consents, set out above (where relevant), and the following additional material:</i> ... <i>o. Existing and proposed services such as storm water, sewerage, water supply, electricity and ~~telephone~~ <u>telecommunications</u>, to be indicated on the subdivision plan.</i> <u>ae Evidence of consultation with telecommunication network utility providers, to inform the location of proposed telecommunication services to be indicated on the subdivision plan required under o. above.</u>
Chapter 5: District Wide Objectives and Policies			
DO2.2.4 flood hazard: subdivision, use and development in flood areas	Support in Part	The operational and functional need for infrastructure that is located in a flood hazard area should be recognised in the objective.	Amend DO2.2.4 as follows: <i>Control subdivision, use and development within Flood Areas to ensure:</i> ... <i>3. significant risk to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard is avoided, <u>unless, for infrastructure, there is a functional or operational need for the infrastructure to be located in the flood hazard area;</u></i>
DO14.4 network utilities	Support	The proposed revision to DO14.4 is supported. It appropriately recognises that regionally significant infrastructure (a term which as detailed above needs to be defined and	Retain DO14.4 as notified (noting the submission point above to define the term regionally significant infrastructure).

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		include telecommunications) should not be restricted or compromised by subdivision use and development. In this regard, the objective appropriately recognises reverse sensitivity.	
<i>DO15.1 urban form</i> <i>DO15.1.1 encouragement of development</i> <i>DO15.1.1.i explanation and reasons</i>	Support	The explanation and reason to Objective DO15.1 and policy DO15.1.1 clearly seeks integration between land use and infrastructure, this is supported.	<i>Retain DO15.1, DO15.1.1 and DO15.1.1.i as notified.</i>
Volume 2: Zones			
Chapter 7 Residential Zone			
<i>REr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the residential zones need to be amended. In general, the height of an aerial should be either 17m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater (noting that in the High Density Residential Area this equates to a 24.5m high mast, but 25m is proposed to provide consistency with other zones). Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above	Amend REr.49.1 as follows: <i>REr.49.1</i> <i>Aerials are permitted if:</i> <i>a. there are not more than 3 aerials per site, and</i> <i>b. any dish antenna is not located on a front site between the residential unit and the road boundary, and</i> <i>i. in the case of a dish antenna erected on a site owned or leased by a network utility operator, does not exceed a diameter of 1.2m, or</i> <i>ii. in the case of any other dish antenna, does not exceed a diameter of 1m, and</i> <i>c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1 – Heritage buildings, places and objects), and</i> <i>d. aerials attached to any building do not exceed the height of the building by more than ~~3m~~ 5m, and</i> <i>e. aerials that are not attached to a building do not exceed ~~10.5m~~ in height,</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		ground level at the boundary, and inclining into the subject site at 45 degrees. In terms of height that an antenna can be attached to building, 5m is proposed as permitted under the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> In terms of mast diameter, the measurement point is important, for higher masts, as the submission point proposed, greater mast diameters are necessary. As such, it is proposed that the mast diameter is increased by 150mm to 600mm, and the measurement for masts to be made at a height of 6m above ground level, to account for any tapering toward the base of the mast which may be necessary for structural engineering purposes.	<u>i. 17m in height in the General Residential Area, Medium Density Residential Area, Standard Area, Comprehensive Area, Lower Density Area</u> <u>ii. 25m in the High Density Residential Area</u> and are located ~~not closer than 4m from~~ <u>so they are within a recession plane measuring 2.5m vertical and inclining at 45 degrees from any boundary (excluding a road boundary), and</u> <u>f. the supporting mast does not exceed 450mm 600mm in diameter, measured at a height of 6m above ground level up the mast.</u>
<i>REr.73 Fault Deformation Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.73.1 as follows: <i>REr.73.1</i> <i>In the Fault Deformation Overlay a building or a network utility (except an accessory building, <u>telecommunication network utilities</u>, or an addition to a building or a network utility) is not a permitted activity.</i>
<i>REr.74A Liquefaction Hazard Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the	Amend REr.74A.1 as follows: <i>REr.74A.1</i> <i>In the Liquefaction Hazard Overlay a building or network utility is a permitted activity provided that:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. the building or network utility does not contain a habitable space, has a gross floor area less than 36m² and is not more than 4.5m high; or b. it is an addition to an existing building or network utility; or c. the building or network utility occurs on a lot which was created by a subdivision that obtained resource consent, and where the subdivision application included a site-specific assessment of liquefaction for the lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard. <u>Note, REr.74A does not apply to telecommunication network utilities.</u>
REr.75B Slope Instability Area 1 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75B.	Amend REr.75B.1 as follows: REr.75B.1 In the Slope Instability Area 1 Overlay earthworks are a permitted activity provided: a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.3m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total volume, and is spread over a minimum area of 30m²
REr.75C Slope Instability Area 1 Overlay Structures	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In	Amend REr.75C.1 as follows: REr.75C.1

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<i>In the Slope Instability Area 1 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 1000kg (including 1000 litres of liquid).</i> <u>Note, REr.75C does not apply to telecommunication network utilities.</u>
<i>REr.75H Slope Instability Area 2 Overlay</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75H.	Amend REr.75H.1 as follows: <i>REr.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m ³ in total volume, and is spread over a minimum area of 30m ²
<i>REr.75I Slope Instability Area 2 Overlay</i> <i>Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75I.1 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> <u>Note, REr.75I does not apply to telecommunication network utilities.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>REr.75N Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75N.	Amend REr.75N.1 as follows: <i>REr.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> <i>any cut <u>(excluding trenching for telecommunications network utilities)</u> does not exceed 0.6m in height; and</i> <i>on any site the placement of fill <u>(excluding filling of any trenching undertaken for telecommunications network utilities)</u> does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>REr.75O Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75O.1 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> <u>Note, REr.75O does not apply to telecommunication network utilities.</u>
<i>REr.82 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply	Amend REr.82.1 as follows: <i>REr.82.1</i> <i>In any Flood Path or Flood Overlay, or Floodway (with the exception of subdivisions approved after October 25th 1996), the following are permitted activities:</i> <i><u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u></i> <i><u>underground network utility lines; or</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		with natural hazard regulations. The same should be applied to the NRMP.	<i>c. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> <i>d. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> <i>e. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.83D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.83D.1 as follows: <i>REr.83D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> <i>a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u></i> <i>b. an underground network utility; or</i> <i>c. a network utility structure, including additions to an existing structure, up to 10m2 gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i> <i>d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.
<i>REr.83E Flood Areas except Flood Paths or Floodways</i> <i>Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.83E.	Amend REr.83E.1 as follows: <i>REr.83E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> <i>a. is not more than 3m³ in each calendar year of cleanfill material per site; and</i> <i>b. has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, REr.83E does not apply to telecommunication network utilities.</u>
<i>REr.107</i> <i>Subdivision - General</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend REr.107.2 matters of control follows: <i>REr.107.2</i> ... <i>Control reserved over:</i> <i>viii. development of the subdivision and sites having regard to:</i> <i>a. appropriate vehicle or micromobility access, and</i> <i>b. the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> <i>c. provision of services, including evidence of <u>consultation with telecommunication companies, and</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. future public and active transport patterns, and...
Chapter 8 Inner City Zone			
<i>ICr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the Inner City Zone need to be amended. In general, the height of an aerial should be either 25m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater. Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above ground level at the boundary, and inclining into the subject site at 45 degrees, when adjoining a residential area boundary. Subclause (f) is irrelevant, as masts attached to buildings are provided for under the NESTF.	Amend ICr.49.1 as follows: <i>ICr.49.1</i> <i>Aerials are permitted if:</i> a. any dish antenna does not exceed a diameter of: i. 3m in the City Centre, and ii. 5m in the City Fringe, and b. on the site of any Group A or B Heritage Building there are not more than 3 aerials per site, and c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d. aerials attached to a building do not exceed the height of the building by more than 7m, and e. aerials that are not attached to a building do not exceed ~~18m~~ 25m in height, <u>or the underlying building height for the site + 5m whichever is the greater, and</u> f. ~~the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.~~
<i>ICr.58 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built</i>	Amend ICr.58.1 as follows: <i>ICr.58.1</i> <i>In any Flood Path or Flood Overlay, or Floodway the following are permitted activities:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> b. <i>underground network utility lines; or</i> c. <i>above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> d. <i>earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> e. <i>the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.59D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.59D.1 as follows: <i>ICr.59D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u> b. <i>an underground network utility; or</i> c. <i>a network utility structure, including additions to an existing structure, up to 10m2 gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. <i>maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i> e. <i>the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.</i>
ICr.59E Flood Areas except Flood Paths or Floodways Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the ICr.59E.	Amend ICr.59E .1 as follows: <i>ICr.59E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> b. <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, ICr.59E does not apply to telecommunication network utilities.</u>
ICr.71B Slope Instability Area 2 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71B.	Amend ICr.71B.1 as follows: <i>ICr.71B.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>volume, and is spread over a minimum area of 30m²</i>
<i>ICr.71C Slope Instability Area 2 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.71C.1as follows: <i>ICr.71C.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> <u>Note, ICr.71C does not apply to telecommunication network utilities.</u>
<i>ICr.71H Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71H.	Amend ICr.71H.1 as follows: <i>ICr.71H.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>ICr.71I Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning</i>	Amend ICr.71I.1as follows: <i>ICr.71I.1</i> <i>In the Slope Instability Area 3 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>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.</i>	<u>Note, REr.750 does not apply to telecommunication network utilities.</u>
<i>ICr.81</i> <i>Subdivision - General</i> <i>Except for subdivision located in any Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage overlays or Heritage Precinct</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend ICr.81.2 matters of control follows: <i>ICr.81.2</i> ... <i>Control reserved over:</i> <i>ix. development of the subdivision and sites having regard to:</i> <i>a. appropriate vehicle or micromobility access, and</i> <i>b. the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> <i>c. provision of services, <u>including evidence of consultation with telecommunication companies,</u></i> ...

30 October 2023

Nelson City Council
PO Box 645
Nelson 7040

Received: 30/10/2023

Sub No: S491

NDOCS-539570224-16871

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

Dear Sir/Madam

SUBMISSION: PLAN CHANGE 29

Submitter Details

Organisation	Spark New Zealand Trading Limited (Spark)		
Contact Person	c/- Tom Anderson, Incite		
Postal Address			
Telephone		Email	tom@incite.co.nz

Trade Competition

Spark could not gain an advantage in trade competition through this submission.

Council Hearing

Spark wishes to be heard in support of this submission, and are prepared to present a joint case with others (including Chorus, Connexa, FortySouth and One NZ).

Submission

This submission on Plan Change 29 to the Operative Nelson Resource Management Plan (NRMP) is on behalf of Spark, and covers the same matters as the Chorus New Zealand Limited, Connexa Limited, FortySouth and One New Zealand Group Limited submissions. Each of these companies are a telecommunication service provider and network utility operators in New Zealand. Spark, are listed as a Requiring Authority by the Ministry for the Environment under the Resource Management Act 1991.

Telecommunications infrastructure is significant and essential to modern society, and the safe, reliable and efficient functioning of telecommunication networks is vital for the national, regional and local economy and is in the public interest both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety".

To this end, it is noted that Plan Change 29 enables densification of Nelson City, including through an increase in building heights, without specifically considering the telecommunication infrastructure which is necessary to accompany that densification. The companies support strategies and planning to intensify and better use existing urban environments as appropriate.

The main objective of Plan Change 29, as stated on the 'Shape Nelson' website (<https://shape.nelson.govt.nz/plan-change-29>) is to *amend the Nelson Regional Management Plan (NRMP) to implement the NPS-UD by supporting housing delivery and the provision of well-functioning urban environments within Nelson while ensuring that natural hazard risks are appropriately managed and historic heritage is protected*. This objective is supported by the telecommunication companies.

It is also stated on the 'Shape Nelson' website that the scope of Plan Change 29 includes *"changes to rules that focus on achieving a well-functioning urban environment (as defined in Policy 1 of the [National Policy Statement on Urban Development 2020 (NPSUD)])*, within the General Residential Zone, Medium Density Residential zone, and High Density Residential zone areas.

It is recognised in the NPSUD, that there should be integrated land use and infrastructure planning (Policy 10), and that, under subpart 1 of the NPSUD, which provides guidance to local authorities around providing development capacity that, in order for sufficient development capacity for housing and business land, the development capacity must be *infrastructure ready*.

The term *infrastructure ready* is detailed in clause 3.4(3) of the NPSUD as there being adequate infrastructure to support development of the land in the short term, as well as funding for adequate development infrastructure in the medium and long term.

Under the NPSUD, telecommunication infrastructure is defined as *additional infrastructure*. Under clause 3.5 of the NPSUD, *local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available*.

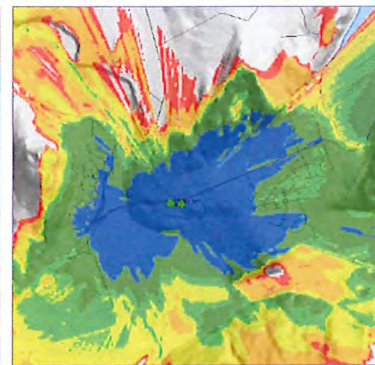
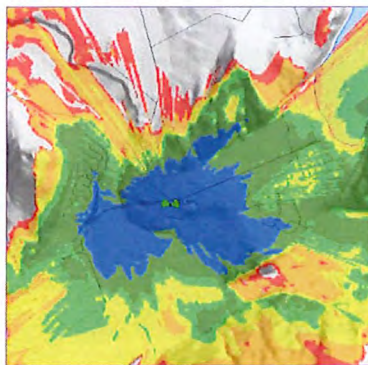
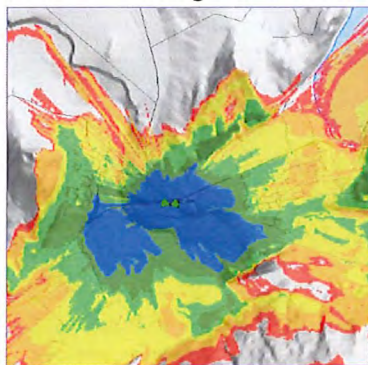
Telecommunication Facility Height

Currently, the NRMP provides for telecommunications through its zoned based chapters. Through analysing Plan Change 29, it is evident that, particularly for the Medium Density Residential, High Density Residential, City Centre, City Fringe and some Suburban Commercial areas, the permitted building height has been increased when compared to the Operative NRMP, without a corresponding increase to the relevant *aerial* rule in that area. This permitted height analysis is provided in the following table:

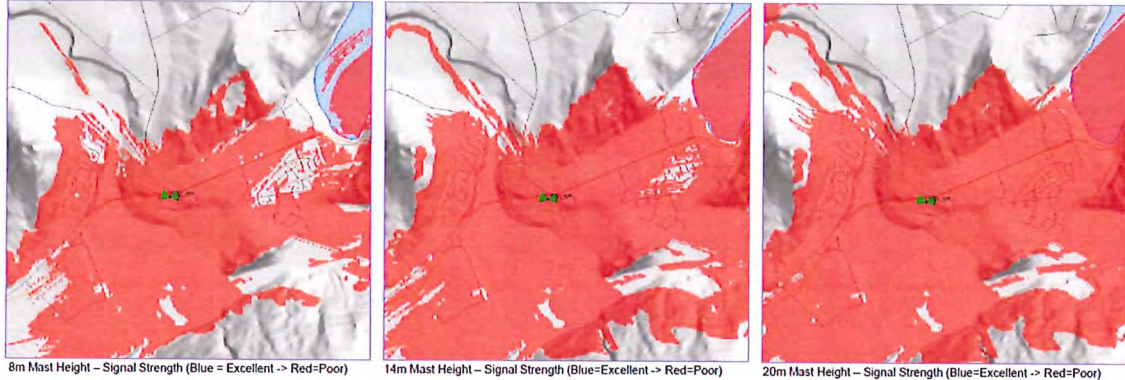
Zone	Area	Operative Permitted Building Height	PC29 Permitted Building Height	Operative Permitted Aerial Height
Residential	General Residential	7.5m (REr.32)	8m (REr.17J)	10.5m (REr.49)
	Medium Density Residential	7.5m (REr.32)	11m (REr.18J)	10.5m (REr.49)
	High Density Residential	7.5m (REr.32)	19.5m (REr.19J)	10.5m (REr.49)
	Residential Zone, Standard Area, Comprehensive Area, Lower Density Area	7.5m (REr.32)	No change	10.5m (REr.49)
Inner City	City Centre	15m (ICr.24)	24m (ICr.37A)	18m (ICr.49)
	City Fringe	12m or 20m (ICr.72)	24m (ICr.37A)	18m (ICr.49)
Suburban Commercial	Suburban Commercial	21m, 10m or 8m (SCr.22).	21m, 19.5m or 12m (SCr.22)	18m (SCr.42)

Mobile telecommunication facilities rely on line of sight to be able to perform their function. The following diagrams, provided by a Spark radiofrequency engineer, shows how a higher mast height provides better outdoor and indoor coverage for end users, as the higher mast height extends above local 'clutter' to provide line of sight:

Outdoor Coverage:



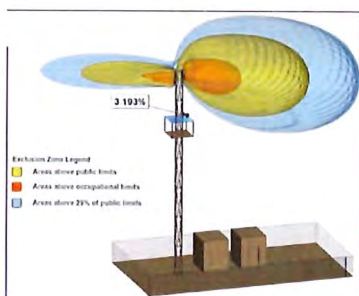
Indoor Coverage:



Clutter is commonly created by buildings and trees. Essentially, the proposed height provisions in Plan Change 29 allow for buildings to be constructed that 'block' existing and any future permitted mobile telecommunication facilities. As well as these provisions affecting potential future sites, they also create a potential reverse sensitivity effect on existing sites.

All proposed antennas must be assessed against New Zealand Standard 2772.1:1999 Radiofrequency fields - Maximum exposure levels. This document sets out limits for exposure to the radiofrequency radiation produced by all types of radio transmitters, for people exposed at work and for the general public.

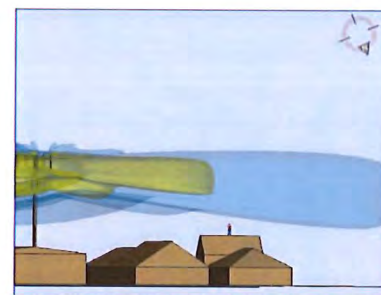
Essentially, radiofrequency engineers use a compliance software to establish and maintain safety compliance. Essentially, the software requires inputs including tower height, antenna model, transmit powers, nearby building heights and areas accessible to the public. The output graphically displays distances, both horizontally and vertically, that meet compliance including areas between 25% and 100% of the public limit and areas above occupational limits. An example is as follows:



An example of calculated exposure at a given location



An example of RF Lobes – Plan view



An example of RF lobe clearance from an elevation view

Through enabling the permitted building heights without enabling a corresponding increase in mobile telecommunication facility height potentially allows people to be exposed to greater levels of radiofrequency.

The telecommunications companies recognise and support the densification of cities that is promoted through the NPSUD. However this does come with a need to upgrade the existing telecommunication networks. Such upgrades, where they occur as part of achieving the objectives of the NPSUD, and as such Plan Change 29, should be provided for within the plan change provisions. By doing so, Plan Change 29 will better meet Objective DO14.4 and related Policy DO14.4.1.i and DO14.4.1.ii of the NRMP, concerning the efficient use, development and management of network utilities, as well as the aforementioned Clause 3.5 of the NPSUD.

The need for increased mobile telecommunication facility heights as part of the densification of cities in New Zealand is recognised in the recently released *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations* from the Ministry for the Environment, which in its final form will be utilised in plans made under the Natural and Built Environment Act 2023. In relation to mobile telecommunication facility heights, draft Regulation 13.2.33 proposes a height of 17m in areas zoned for residential and local centre activities, 20m in areas zoned for neighbourhood centre activities, and 25m in other zones. These heights are generally supported by the telecommunication companies, however the companies will continue to work with the Ministry for the Environment as the regulations evolve.

An alternative approach which the telecommunication companies have found to be effective in other cities and districts in New Zealand is to enable a mobile facility height which is 5m greater than the permitted building height in any given location. The 5m of clearance mitigates the local clutter effect and radiofrequency effects explained above, without being significantly taller than the anticipated building height in the surrounding environment.

Such an approach has been accepted by New Plymouth District Council through their Proposed District Plan (currently in the appeal resolution stage, with no appeals received relating to telecommunication facility height), and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Proposed Timaru District Plan.

Natural Hazards

Plan Change 29 also proposes changes relating to natural hazard provisions.

In regard to natural hazards, Regulation 57 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016* (NESTF), exempts regulated activities under the NESTF¹ from having to comply with District Plan rules about natural hazards.

Section 6.11 of the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide*, published by the Ministry for the

¹ Regulated activities under the NESTF include all telecommunications activities (lines, cabinets, antennas and poles) in all zones, except for new poles on private sites in urban areas.

Environment (August 2018) confirms the exemption of regulated telecommunications activities from having to comply with District Plan natural hazard rules, via the following statement:

Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF. It also makes clear that territorial authorities cannot make natural hazard rules that apply to regulated activities under the NESTF. This is because resilience is already factored into industry practice, and they will either avoid hazard areas or engineer structures to be resilient to the hazard risk. Natural hazards encompass the full breadth of hazards including flooding, instability, earthquake and climate change.²

This approach has been followed in the aforementioned *Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations*. Regulation 13.3.13 provides rules for infrastructure activities in natural hazard overlays, with subclause (4) stating that *this regulation does not apply to telecommunication facilities....*

The reason that such an approach has been adopted in national frameworks is due to the industry practice referred to in the *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide* as quoted above.

To provide a summary of that industry practice, the telecommunication companies rely on local authorities to identify hazards in their city or district. The companies then have resilience requirements as *essential infrastructure networks* and *lifeline utilities* under the Civil Defence Emergency Management Act 2002 (CDEMA). Under section 59 of the CDEMA a lifeline utility is required to take "*all necessary steps to undertake civil defence emergency management*" and be able, under section 60, to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Telecommunication network resilience to natural hazards is provided by avoiding the hazard in the first instance, but where the hazard cannot be avoided for the infrastructure to provide its function, designing the infrastructure to be as resilient as possible to the hazard.

Through the New Zealand Lifelines Council (NZLC) that the telecommunication companies are a part of, and 15 Regional Lifelines Groups, New Zealand's lifeline utility organisations work together on projects to understand and identify ways to mitigate impacts of hazards on lifeline utility infrastructure. NZLC in 2017 undertook its first infrastructure vulnerability assessment which was updated in 2020. This report highlights the resilience of telecommunication networks and some areas for focus on improving resilience. Telecommunication network resilience comes from a variety of ways and is constantly evolving and learning from the events response assessments:

- multiple networks (different providers offering alternative networks) provide for redundancy;

² Page 93 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 Users' Guide (copy at <https://www.mbie.govt.nz/dmsdocument/1347-nestf-2016-draft-users-guide-pdf%20>)

- multiple technologies (fibre fixed networks available alongside mobile networks);
- robustness (design codes for strength) with specific engineering design and certification taking into account the natural hazard information available. Consultancy companies such as Aurecon and WSP provide design and engineering certification for each new site (includes guidance that influences new-site selection in regard to natural hazard risk and mitigation requirements) and upgrading of existing sites;
- providers building their own networks with resilience in mind (building redundancy into their networks so that network component failures have a minimum impact);
- making arrangements to enable direct-to-satellite connectivity, which will enable mobile phone users to initially send and receive text messages, and later make calls, including to emergency services, if the mobile network is down;
- provide emergency roaming for 111 calls. This means, for example, if the Spark or One NZ networks are down, their customers can make 111 calls using the 2degrees network;
- fleet of temporary network solutions such as Cells on Wheels (CoW) or Cell on Platform (CoP) to restore any network components damaged during an emergency while the permanent asset is being repaired; and
- commercial imperative to keep customers connected.

Telecommunications are a complex of lifeline utility given that users have access to multiple networks including the mobile networks of Spark, One NZ, 2degrees and RCG and the fixed line fibre and copper networks of Chorus and other providers.

The diversity of interconnected networks has the advantage that via automatic failover arrangements between the operator's connectivity for customers will continue. NZLC has identified that the CDEMA obligations on private operators' infrastructure such as telecommunication is difficult to measure or enforce for private companies. The Building Code does mandate standards around critical buildings housing telecommunications equipment though design standards for other components of the network, such as mobile facilities, are not prescribed. Crown Infrastructure Partners as part of Government managed initiatives such as ultra-fast (UFB 1 & 2) and rural broadband infrastructure (RBI 1 & 2) rollouts or the Blackspots initiative, does have a prescribed construction standard. Although there is no network construction standard outside those contractually managed by Crown Infrastructure Partners, the telecommunication companies constantly review their networks including via:

- Commerce Commission as the regulator, who assess and report on the industry annually looking at competition in, and the performance and development of, telecommunications in New Zealand;
- Commerce Commission monitoring of asset quality in areas without competition;
- Ministry Business Innovation and Employment (MBIE), which is responsible for maintaining a robust regulatory environment for the information and communications technology (ICT) sector. The Telecommunications Act 2001 provides for investigations and reduce incentives for regulated parties to "game" the process or proceed slowly for strategic reasons' (MBIE 2018c);

- The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code) under the Utilities Access Act 2010, which has a process for requiring a local authority to comment and request information when a network utility is proposing to work in the road; and
- Regional Lifeline assessments and reviews including post specific significant events reports such as Christchurch earthquakes, provide recommendations for improving network resilience.

On this basis, there is no need for a territorial local authority to further regulate the resilience of telecommunication networks. Such an approach has been accepted by Kaikoura District Council through their Plan Change 3, and is up for consideration in other current processes, including the Proposed Wellington City District Plan and Change 1 to the Wellington Regional Policy Statement.

Conclusion

On the basis of the above information in relation to mobile facility height and locating telecommunication infrastructure in natural hazard areas, the attached submission points on specific provisions of Plan Change 29 are made.

The telecommunications companies would happily discuss the submission points, either via videoconference or a workshop, and would be happy to collaborate with other infrastructure providers for this as well.

Yours sincerely,



Tom Anderson
Director/Principal Planner
Incite
tom@incite.co.nz

Spark

The specific submissions and the decisions sought for the Proposed Plan Change 29 to the Nelson Resource Management Plan are as follows.

Note, in the relief sought, deletions are shown as ~~striketrough~~ and additional text shown in **bold and underlined**.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
Volume 1: General			
Chapter 2: Meaning of Words			
Height	Support in Part	Lightning rods should be excluded from the measurement of height in the same way that chimneys, finials and solar panels are excluded from the measurement of height.	Amend the definition of height as follows: Note: ... <u>v. In determining the height of any building or structure, no account shall be taken of lightning rods that do not exceed 0.6m in diameter.</u>
New definition: regionally significant infrastructure	Support in Part	The proposed amendment to Objective DO14.4 specifically references regionally significant infrastructure. However, there is no definition in the Plan as to what this term encompasses. In other recently proposed or made operative district plans, that use this term (or similar) including the: - Proposed Wellington District Plan; - Proposed Marlborough Environmental Plan; and - Operative Christchurch District Plan. all recognise telecommunications networks as part of the term, as does the Natural and Built Environment Act.	Add a definition of regionally significant infrastructure that includes telecommunications networks.
Chapter 3: Administration			

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
AD8.3 Information to be included with subdivision applications	Support in Part	The information to be included in subdivision applications is supported. However, in relation to subclause o. the word <i>telephone</i> should be replaced with <i>telecommunications</i> in order to capture a statutorily defined term which encompasses a range of different communication methods that users of new allotments are likely to rely on. Consultation with telecommunication providers should also be an information requirement, so that the direction provided under subclause o. is informed.	Amend AD8.3(o) as follows: <i>Applications for subdivision consents must include the information required for other resource consents, set out above (where relevant), and the following additional material:</i> ... <i>o. Existing and proposed services such as storm water, sewerage, water supply, electricity and ~~telephone~~ <u>telecommunications</u>, to be indicated on the subdivision plan.</i> <u>ae Evidence of consultation with telecommunication network utility providers, to inform the location of proposed telecommunication services to be indicated on the subdivision plan required under o. above.</u>
Chapter 5: District Wide Objectives and Policies			
DO2.2.4 flood hazard: subdivision, use and development in flood areas	Support in Part	The operational and functional need for infrastructure that is located in a flood hazard area should be recognised in the objective.	Amend DO2.2.4 as follows: <i>Control subdivision, use and development within Flood Areas to ensure:</i> ... <i>3. significant risk to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard is avoided, <u>unless, for infrastructure, there is a functional or operational need for the infrastructure to be located in the flood hazard area;</u></i>
DO14.4 network utilities	Support	The proposed revision to DO14.4 is supported. It appropriately recognises that regionally significant infrastructure (a term which as detailed above needs to be defined and	Retain DO14.4 as notified (noting the submission point above to define the term regionally significant infrastructure).

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		include telecommunications) should not be restricted or compromised by subdivision use and development. In this regard, the objective appropriately recognises reverse sensitivity.	
<i>DO15.1 urban form</i> <i>DO15.1.1 encouragement of development</i> <i>DO15.1.1.i explanation and reasons</i>	Support	The explanation and reason to Objective DO15.1 and policy DO15.1.1 clearly seeks integration between land use and infrastructure, this is supported.	<i>Retain DO15.1, DO15.1.1 and DO15.1.1.i as notified.</i>

Volume 2: Zones

Chapter 7 Residential Zone

<i>REr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the residential zones need to be amended. In general, the height of an aerial should be either 17m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater (noting that in the High Density Residential Area this equates to a 24.5m high mast, but 25m is proposed to provide consistency with other zones). Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above	Amend REr.49.1 as follows: <i>REr.49.1</i> <i>Aerials are permitted if:</i> <i>there are not more than 3 aerials per site, and</i> <i>any dish antenna is not located on a front site between the residential unit and the road boundary, and</i> <i>in the case of a dish antenna erected on a site owned or leased by a network utility operator, does not exceed a diameter of 1.2m, or</i> <i>in the case of any other dish antenna, does not exceed a diameter of 1m, and</i> <i>any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1 – Heritage buildings, places and objects), and</i> <i>aerials attached to any building do not exceed the height of the building by more than ~~3m~~ 5m, and</i> <i>aerials that are not attached to a building do not exceed ~~10.5m~~ in height,</i>
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Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		ground level at the boundary, and inclining into the subject site at 45 degrees. In terms of height that an antenna can be attached to building, 5m is proposed as permitted under the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> In terms of mast diameter, the measurement point is important, for higher masts, as the submission point proposed, greater mast diameters are necessary. As such, it is proposed that the mast diameter is increased by 150mm to 600mm, and the measurement for masts to be made at a height of 6m above ground level, to account for any tapering toward the base of the mast which may be necessary for structural engineering purposes.	<u>i. 17m in height in the General Residential Area, Medium Density Residential Area, Standard Area, Comprehensive Area, Lower Density Area</u> <u>ii. 25m in the High Density Residential Area and are located not closer than 4m from so they are within a recession plane measuring 2.5m vertical and inclining at 45 degrees from any boundary (excluding a road boundary), and</u> <u>f. the supporting mast does not exceed 450mm 600mm in diameter, measured at a height of 6m above ground level up the mast.</u>
<i>REr.73 Fault Deformation Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.73.1 as follows: <i>REr.73.1</i> <i>In the Fault Deformation Overlay a building or a network utility (except an accessory building, <u>telecommunication network utilities</u>, or an addition to a building or a network utility) is not a permitted activity.</i>
<i>REr.74A Liquefaction Hazard Overlay Building or network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the	Amend REr.74A.1 as follows: <i>REr.74A.1</i> <i>In the Liquefaction Hazard Overlay a building or network utility is a permitted activity provided that:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. the building or network utility does not contain a habitable space, has a gross floor area less than 36m² and is not more than 4.5m high; or b. it is an addition to an existing building or network utility; or c. the building or network utility occurs on a lot which was created by a subdivision that obtained resource consent, and where the subdivision application included a site-specific assessment of liquefaction for the lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard. <u>Note, REr.74A does not apply to telecommunication network utilities.</u>
REr.75B Slope Instability Area 1 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75B.	Amend REr.75B.1 as follows: <i>REr.75B.1</i> <i>In the Slope Instability Area 1 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.3m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total volume, and is spread over a minimum area of 30m²
REr.75C Slope Instability Area 1 Overlay Structures	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In	Amend REr.75C.1 as follows: <i>REr.75C.1</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<i>In the Slope Instability Area 1 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 1000kg (including 1000 litres of liquid).</i> <u>Note, REr.75C does not apply to telecommunication network utilities.</u>
<i>REr.75H Slope Instability Area 2 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75H.	Amend REr.75H.1 as follows: <i>REr.75H.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m ³ in total volume, and is spread over a minimum area of 30m ²
<i>REr.75I Slope Instability Area 2 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75I.1 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> <u>Note, REr.75I does not apply to telecommunication network utilities.</u>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
<i>REr.75N Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.75N.	Amend REr.75N.1 as follows: <i>REr.75N.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> <i>any cut <u>(excluding trenching for telecommunications network utilities)</u> does not exceed 0.6m in height; and</i> <i>on any site the placement of fill <u>(excluding filling of any trenching undertaken for telecommunications network utilities)</u> does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>REr.75O Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.75O.1 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> <u>Note, REr.75O does not apply to telecommunication network utilities.</u>
<i>REr.82 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply	Amend REr.82.1 as follows: <i>REr.82.1</i> <i>In any Flood Path or Flood Overlay, or Floodway (with the exception of subdivisions approved after October 25th 1996), the following are permitted activities:</i> <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> <i>underground network utility lines; or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		with natural hazard regulations. The same should be applied to the NRMP.	<i>c. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> <i>d. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> <i>e. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.83D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend REr.83D.1 as follows: <i>REr.83D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> <i>a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u></i> <i>b. an underground network utility; or</i> <i>c. a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i> <i>d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.
<i>REr.83E Flood Areas except Flood Paths or Floodways Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the REr.83E.	Amend REr.83E.1 as follows: <i>REr.83E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. <i>is not more than 3m³ in each calendar year of cleanfill material per site; and</i> b. <i>has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years</i> <u>Note, REr.83E does not apply to telecommunication network utilities.</u>
<i>REr.107 Subdivision - General</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend REr.107.2 matters of control follows: <i>REr.107.2</i> ... <i>Control reserved over:</i> viii. <i>development of the subdivision and sites having regard to:</i> a. <i>appropriate vehicle or micromobility access, and</i> b. <i>the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> c. <i>provision of services, <u>including evidence of consultation with telecommunication companies, and</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. future public and active transport patterns, and...
Chapter 8 Inner City Zone			
<i>ICr.49 Aerials</i>	Support in Part	For the reasons explained in the cover letter relating to functionality and reverse sensitivity matters (including ensuring that the rules in the plan align with Objective DO14.4 as proposed in Plan Change 29 – noting the submission point that telecommunications should be included in a definition of regionally significant infrastructure), the height of aerials in the different areas within the Inner City Zone need to be amended. In general, the height of an aerial should be either 25m as per the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i>, or 5m above the area height, whatever is the greater. Likewise, as per the aforementioned regulations, the aerial must be setback so that it does not protrude through a recession plane of 2.5m above ground level at the boundary, and inclining into the subject site at 45 degrees, when adjoining a residential area boundary. Subclause (f) is irrelevant, as masts attached to buildings are provided for under the NESTF.	Amend ICr.49.1 as follows: <i>ICr.49.1</i> <i>Aerials are permitted if:</i> a. any dish antenna does not exceed a diameter of: i. 3m in the City Centre, and ii. 5m in the City Fringe, and b. on the site of any Group A or B Heritage Building there are not more than 3 aerials per site, and c. any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d. aerials attached to a building do not exceed the height of the building by more than 7m, and e. aerials that are not attached to a building do not exceed ~~18m~~ 25m in height, <u>or the underlying building height for the site + 5m whichever is the greater, and</u> f. ~~the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.~~
<i>ICr.58 Flood Path, Floodway</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built</i>	Amend ICr.58.1 as follows: <i>ICr.58.1</i> <i>In any Flood Path or Flood Overlay, or Floodway the following are permitted activities:</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	a. <u>all telecommunication network utilities, whether underground or above ground, new infrastructure or upgrades to existing infrastructure;</u> b. <i>underground network utility lines; or</i> c. <i>above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or</i> d. <i>earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or</i> e. <i>the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.</i>
<i>REr.59D Flood Areas except Flood Paths or Floodways</i> <i>Network utility</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.59D.1 as follows: <i>ICr.59D.1</i> <i>In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is:</i> a. <u>a telecommunication network utility, whether underground or above ground, new infrastructure or upgrades to existing infrastructure.</u> b. <i>an underground network utility; or</i> c. <i>a network utility structure, including additions to an existing structure, up to 10m² gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or</i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			d. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site, or e. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.
ICr.59E Flood Areas except Flood Paths or Floodways Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from the ICr.59E.	Amend ICr.59E .1 as follows: <i>ICr.59E.1</i> <i>In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork:</i> a. is not more than 3m³ in each calendar year of cleanfill material per site; and b. has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years <u>Note, ICr.59E does not apply to telecommunication network utilities.</u>
ICr.71B Slope Instability Area 2 Overlay Earthworks	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71B.	Amend ICr.71B.1 as follows: <i>ICr.71B.1</i> <i>In the Slope Instability Area 2 Overlay earthworks are a permitted activity provided:</i> a. any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and b. on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 3m³ in total

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
			<i>volume, and is spread over a minimum area of 30m²</i>
<i>ICr.71C Slope Instability Area 2 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	Amend ICr.71C.1as follows: <i>ICr.71C.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> <u>Note, ICr.71C does not apply to telecommunication network utilities.</u>
<i>ICr.71H Slope Instability Area 3 Overlay Earthworks</i>	Support in Part	Earthworks which facilitate network utilities, including trenching, should be excluded from ICr.71H.	Amend ICr.71H.1 as follows: <i>ICr.71H.1</i> <i>In the Slope Instability Area 3 Overlay earthworks are a permitted activity provided:</i> a. <i>any cut (<u>excluding trenching for telecommunications network utilities</u>) does not exceed 0.6m in height; and</i> b. <i>on any site the placement of fill (<u>excluding filling of any trenching undertaken for telecommunications network utilities</u>) does not exceed 20m³ in total volume, and is spread over a minimum area of 10m²</i>
<i>ICr.71I Slope Instability Area 3 Overlay Structures</i>	Support in Part	As explained in the cover letter, telecommunication network construction is subject to requirements under the CDEMA, which require resilient networks. In recognition of this, both the NESTF and the <i>Targeted engagement draft - Natural and Built Environment (Transitional National Planning</i>	Amend ICr.71I.1as follows: <i>ICr.71I.1</i> <i>In the Slope Instability Area 3 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>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission	Relief sought
		<i>Framework) Regulations</i> exclude telecommunications from having to comply with natural hazard regulations. The same should be applied to the NRMP.	<u>Note, REr.750 does not apply to telecommunication network utilities.</u>
ICr.81 <i>Subdivision - General</i> <i>Except for subdivision located in any Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage overlays or Heritage Precinct</i>	Support in Part	Requiring resource consent for all subdivision is supported. In order to ensure new allotments are adequately serviced by telecommunications infrastructure, consultation with telecommunications companies should be explicitly listed as a matter of control (noting that the Nelson Tasman Land Development Manual 2020 does not require consultation with the network owners for telecommunications infrastructure).	Amend ICr.81.2 matters of control follows: <i>ICr.81.2</i> ... <i>Control reserved over:</i> ix. <i>development of the subdivision and sites having regard to:</i> a. <i>appropriate vehicle or micromobility access, and</i> b. <i>the intensity of residential units to be erected on each lot and the siting of such buildings, and</i> c. <i>provision of services, <u>including evidence of consultation with telecommunication companies</u>,</i> ...

SUBMISSION FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

To:

Senior Planning Administrator
RMA Plan Submissions
Nelson City Council
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Nelson 7040

Submitters:

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☒ We could not obtain an advantage in trade competition through this submission

☒ We wish to be heard in support of my submission at the Council Hearing



Signature of Submitters

Date: 28/10/23



Signature of Submitters

Date: 28/10/23

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

☒ Heritage

I / we:

☒ Oppose the plan change in Full

OUR SUBMISSION IS:

We OPPOSE Plan Change 29 in its entirety, 100%.

There are three primary reasons for this:

1. The potential adverse effects of the residential intensification provisions are unacceptable. We have many concerns with PC29, but have chosen to focus our discussion below on our primary concern, which is the proposed changes to daylight admissions.
2. We are not satisfied that PC29 represents a reasonable interpretation of the National Policy Statement for Urban Development (NPSUD), nor an appropriate extension of the Future Development Strategy (FDS).
3. We are not satisfied that the Council has followed due process in developing & notifying of the proposed change and we have concerns about the democratic process moving forward.

We elaborate on these points below:

Regarding the proposed General Residential Zone (GRZ), Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) and the related changes to daylight admissions / recession planes.

1. We refer primarily to detail summarised in the Council document *“Overview of Plan Change 29 proposed amendments to the Nelson Resource Management Plan (NRMP)”*
2. Background / context:
 - a. We own and live in the property at the northern edge of the Seymour Avenue Heritage Precinct (#13 Seymour). The property has a northern aspect, with a small yard to the north of the house and small utility area to the rear (east). The northern boundary is approximately 26m long. Refer Figure 1.
 - b. We purchased the house in 2012, just after starting a family. Having spent many years living in Auckland, we were seeking a more balanced lifestyle, and an escape from ‘big city’ problems including *intensification*.
 - c. Although the dwelling was small, run down, partially insulated, single-glazed and drafty, we felt it had good long-term potential to serve as our family home. It is close to town, had some remaining heritage fabric and a moderate yard. Most importantly for us, it has a northern aspect and good exposure to the sun.
 - d. Over the next 11 years we carefully planned and then initiated a major redevelopment of the property, at considerable cost. We had two primary objectives:
 - i. To restore the heritage fabric of the property and enhance the historic heritage of the neighbourhood, as these had been compromised by unsympathetic alterations in the past.

- ii. To modernise the property and create a reasonably sized, warm, healthy, family friendly, energy efficient dwelling, which can serve us as both a family home and full-time home-office, well into the future.
- e. To achieve the above, we sought to optimise exposure to sunlight and vistas to surrounding natural landscapes, with careful consideration of the movement of the sun through the seasons, and the protection offered by existing daylight admissions / recession planes.
- f. We see direct sunlight as an essential natural resource and depend on it at our home to:
 - i. Provide passive heating to the dwelling, which significantly reduces our energy consumption, particular during the winter months. This is particularly important because the dwelling also serves as my home-office. This also gives us potential to install solar panels in the future.
 - ii. Maintain a degree of self-sufficiency with food supply by growing our own vegetables and teaching our children how to do the same.
 - iii. Maintain a garden and a small area of lawn so our two young boys can enjoy burning off energy by playing sports in the yard.
 - iv. Maintain health and wellbeing – through exposure to Vitamin D, which is essential for immune system function, and also because relaxing in the sunshine at one's home is immensely beneficial for mental wellbeing and fundamental to the 'kiwi way of life'.
 - v. Dry our washing!
- g. Existing Daylight Admissions
 - i. Sunlight is one of the most valuable natural resources in Nelson, particularly in the winter months. The city has been shaped by its appreciation of the importance of sunlight. The current Nelson Resource Management Plan enshrines this understanding in black and white, and provides protection to existing properties from reallocation of this resource to new developments:
 1. *REr.35.5 - The daylight/sunlight controls are set to allow, except where prevented by topography or other natural features, at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.*
 2. *AP15.i - Daylight controls have been included in this Plan to ensure adequate minimum daylight standards for neighbouring residential properties.*
 3. *AP15.1.i - The controls are to ensure equitable access to daylight on all properties, and to ensure that minimum building separation, open space and amenity are maintained within residential areas. The daylight controls define angles within which a complying building must fit in order to allow adequate daylight onto adjoining sites.*

- ii. There is an inherent natural harmony in the built form of Nelson suburbs today because of these protections and the way they facilitate a close relationship between built form and nature. This harmony is palpable when walking the streets of inner-city Nelson, and it is one of the primary reasons why people fall in love with the place and decide to make it their home. The idea of *intensification* is in opposition to these qualities and needs to be approached very cautiously. We do not believe intensification is an appropriate driving principle for shaping the future of Nelson.

3. How this will be impacted by proposed PC 29:

- a. From a personal perspective, PC 29 will severely undermine our investment in Nelson, and our quality of life, for the following reasons:
 - i. The underlying zoning proposed for Seymour Avenue is Medium Density Residential. The property to the north (11 Seymour) is not currently part of the heritage precinct. PC 29 would permit development of this site with a recession plane on our north boundary of 4m+60°.

Although the proximity to our heritage property would mean a maximum height of 8m rather than 12m, the impact on our access to sunlight would be extremely detrimental as can be seen by comparing Figure 2a and 2b.

Figure 2a illustrates the midwinter midday sun exposure afforded by existing daylight admissions (2.5m + 25°) and Figure 2b shows the zone of additional midwinter shade that the provisions of PC29 would permit (based on a 25° sun angle). Even with the moderate changes to recession planes proposed for our scenario, the northern side of the living space and the entire yard could lose all access to direct sunlight in winter – when we need it most.

- ii. We also treasure the sense of space, privacy, and the views of the sky and surrounding green hills that the current daylight admissions provide. The proposed PC29 has potential to severely affect these.
- iii. The proposed PC29 attempts to give some protection to rear yard sun access by providing for a maximum building length of 22m. However, in properties such as ours, the northern boundary is only 26m. This offers no worthwhile protection – our full usable yard could lose all access to sunlight in the winter months.
- iv. With reference to Figure 3, the eastern boundary of our property is The Brook. On the opposite side of The Brook, properties are also proposed to be zoned as MDZ (4 & 6 Brook St, 74 Bronte St East). Similarly for north-western stretch of Seymour Ave (5, 5A, 9, 9A). It is unclear whether these properties would also be governed by the 8m limits as they do not directly 'adjoin' a heritage item. However, their proximity to heritage items means the height and density of development of these properties has potential to severely impact the historic heritage of our property, and the Seymour Ave Heritage precinct as a whole.

- v. These points illustrate the importance of providing coherency / compatibility between the underlying residential zoning and the Heritage Precinct status of an area. It is inappropriate for a heritage precinct and the surrounding properties to be zoned as Medium or High density residential. This incongruity is highly likely to lead to significant adverse impacts on the historic heritage of Nelson. The underlying zone of the Seymour Heritage precinct should therefore be GRZ, or the extents of the precinct should be extended to allow for a 'boundary zone' which includes houses that are in close proximity to the precinct.
- b. Figures 2c and 2d provide indications of how a property of similar proportions to ours would be affected by PC29 if it was not heritage listed, and was situated in either an MRZ or HRZ. Clearly, by considering daylight alone, there is potential for PC29 to have very significant adverse impact on a large number of Nelson residents and their homes. Council argues that the rate of uptake of potential development may be small (15% over 30 years). However, it is highly likely that every single multi-unit development in the proposed MRZ and HRZ that does go ahead will cause significant adverse impact to one or more established homes, and it is a lottery as to which homes are affected and which aren't. As a result, we feel that residential intensification proposed in PC29 is totally untenable and should be rejected in its entirety.

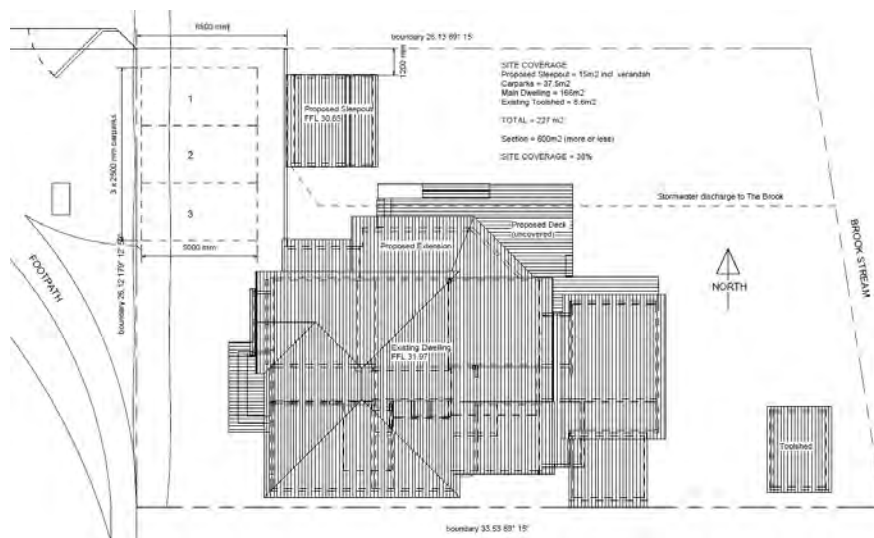


Figure 1 - Plan of 13 Seymour



Figure 2a: West elevation - Current daylight admission / recession plane (2.5m + 25°)

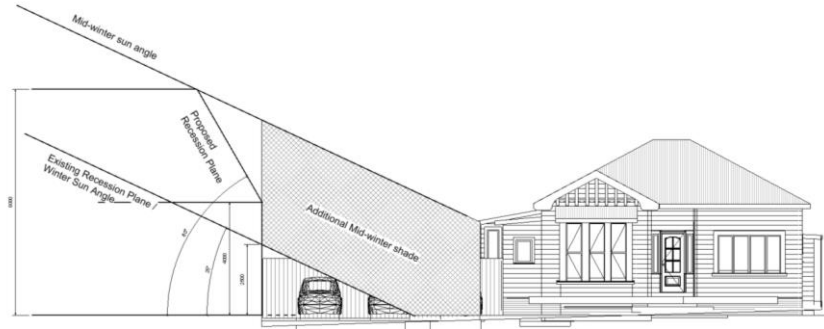


Figure 2b: West elevation – PC29 recession plane – MRZ + adjoining heritage object (4m + 60°, 8m max)

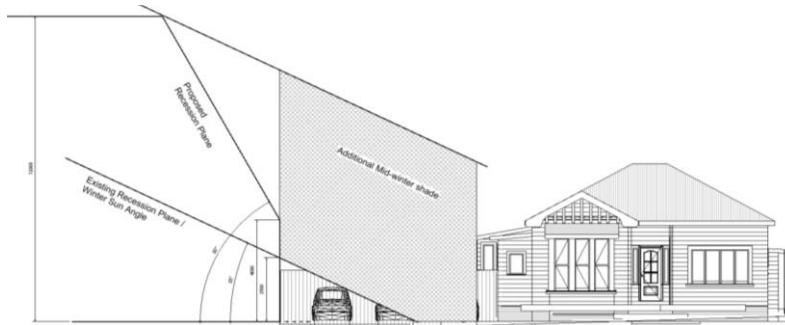


Figure 2c: West elevation (hypothetical) – PC29 recession plane – MRZ, no heritage object (4m + 60°, 12m max)

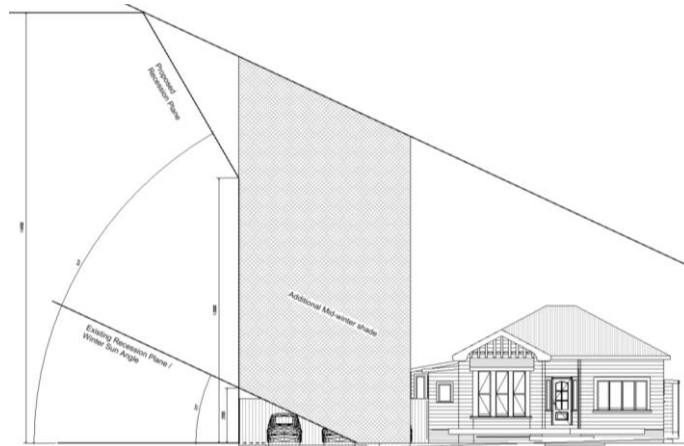


Figure 2d: West elevation (hypothetical) – PC29 recession plane – HRZ (12m + 60°, 19.5m max)

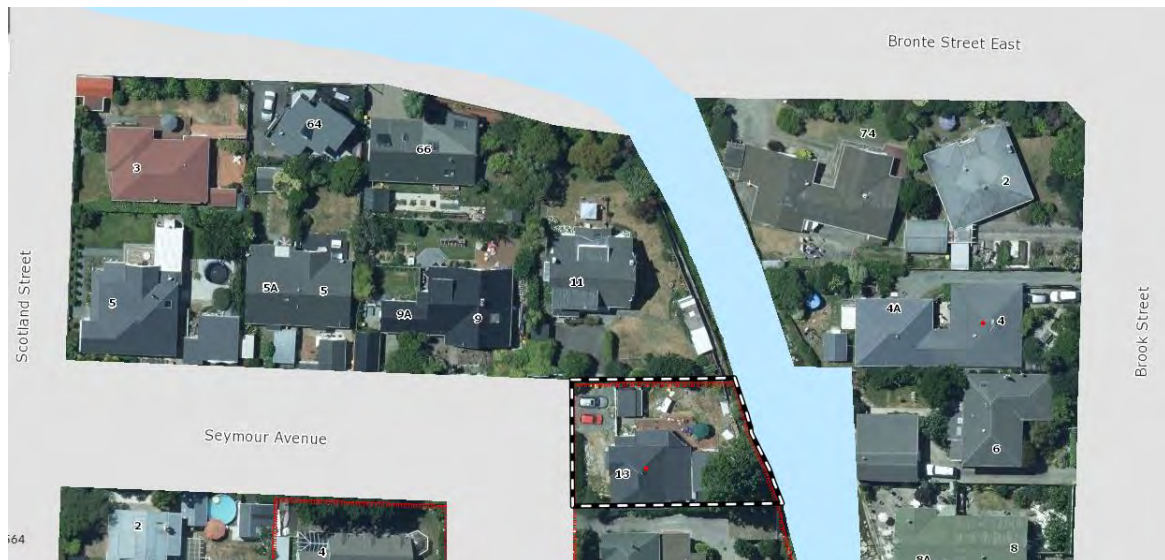


Figure 3: Properties with significant relationship to Northern boundary of Seymour Heritage Precinct

Regarding the Future Development Strategy (FDS), the Section 39 Report and requirements of the National Policy Statement for Urban Development (NPSUD).

- The NPSUD requires councils to provide *“at least sufficient development capacity to meet expected demand”*.
- The NPSUD appears to only *require intensification* to meet demands in the case of Tier 1 cities (eg: Auckland, Wellington, Christchurch) and not Tier 2 cities (eg: Nelson) - refer 3.31 and 3.36.
- Therefore, the intensification strategy put forth in Nelson’s FDS, which forms the basis of PC29, is not a response to a legal requirement from central government, as has been implied by Council on several occasions. Rather, it should be considered an *ideological exploration* on how Nelson might look if an intensification strategy was to be adopted.
- On the contrary, a *Plan Change* is ‘*where the rubber meets the road.*’ It is no longer an exploration in the realm of ideas – it has the potential to create very real, very serious adverse consequences for many hundreds, if not thousands of Nelson residents.
- As described above, there is a very high likelihood that every single multi-story development permitted by PC29 in existing residential neighbourhoods will have a major adverse impact on one or more existing properties, considering the principal of ‘*equitable access to daylight*’ and the deletion of existing daylight admissions alone.
- In the Section 32 Report, the analysis of impact of, and evaluation of alternative options to, MDZ and HDZ, appears to be little more than an exercise of ‘ticking the boxes’ to justify a predetermined agenda of intensification.

For example, with reference to ‘*Table 30 - Issue 1: Appropriate Height within the Medium Density and High Density Residential Zones - Evaluation of Options*’ - there has been zero consideration of the actual social and environmental costs associated with

intensification, and inadequate consideration of nuanced alternatives. Rather, the analysis is characterised throughout by a flawed circular logic that *'Intensification is the best option, therefore it maximises all benefits and minimises all costs'*.

- In developing PC29 from the FDU, without adequate consultation with affect communities, Council has created a document that is unreasonable and disassociated from the real lives and wishes of Nelson residents. This is why there has been unprecedented public backlash to PC29.
- Further to this, the scenarios explored in the FDU, and by extension PC29, appear to provide for a far greater level of growth than is reasonably required to meet growth forecasts:
 - According to the FDS, it is based on meeting demands “*under a medium or high growth scenario*”. In addition the FDS states:
 - “*It is important to remember that intensification will not happen all at once. In the capacity calculations we have assumed that 15% of potentially suitable sites will be developed over the next 30 years using conservative estimates about the density of development that might occur.*
 - In the year to June 2023, according to the Department of Statistics website, New Zealand’s population grew by 2.07%. 1.69% growth was due to net migration, only 0.37% was due to natural increase.
- Add to this the fact that the Nelson CBD is vastly underdeveloped at present, with the majority of buildings being only 1 or 2 story, and many empty sites – and it becomes clear that there is insufficient justification for the intensification strategy proposed in PC29.
- Therefore, we firmly request that the Council withdraws its proposal to intensify existing residential neighbourhoods. Instead, Council should reduce its growth expectations to a more moderate level, in keeping with the character of Nelson, and refocus its efforts on improving feasibility of new, residential development within the underdeveloped CBD, existing city fringe / mixed use zones, and other carefully selected sites where impact on neighbourhoods is tolerable.

Regarding Due Process:

1. There has been inadequate attempt by the Council to engage with the local community in developing the proposed PC29. This is evidenced by the very large number of concerned residents who have attended the public meetings. Noting also that the public meetings only occurred because of strong public reaction to the initial notification of PC29 – the Council, it seems, was hoping to get away without any such engagement.
2. When PC29 was publicly notified, there was inadequate attempt by Council to directly notify those residents adversely impacted. We received no direct communication and only heard through social media and a flyer prepared by a concerned citizen. There should be a legal requirement to ensure all affected parties are directly informed about such proposals. When

Councillor Stallard was questioned at the meeting on the eve of 7 September, why such notification was not provided, he suggested it was ‘a privacy issue’ and that Council didn’t want to ‘spam ratepayers’. However, on October 2, 2023, I received an unsolicited email from MayorNick@ncc.govt.nz regarding ‘Rod Dixon’s KiDSMARATHON function’. It appears the Council needs to address inconsistent standards in this regard and consider what information is pertinent to ratepayers.

3. The Council appears to have been remiss in their duty to carry out detailed social, environmental, and cultural impact assessments, and thoroughly evaluate all alternative options while developing PC29, before public notification. The analyses in the Section 32 Evaluation Report of the impacts of intensification are inadequate and based on flawed circular logic, as described above. The proposed intensification zones appear to be based solely on proximity to the CBD, and take very little consideration of other factors, including adverse impacts (both social and environmental) to existing neighbourhoods, as evidenced by the significant public backlash.
4. Hon Nick Smith declared at the public meeting on 4 October 2023 that there is a ‘*generational tension*’ around the issue of intensification and that he hoped the inclusion of Councillor O’Neill-Stevens on the review panel would ensure the ‘*youth*’ are represented. Because of this statement, we are concerned about the ability of the review panel to act objectively and without bias. We respectfully request that the panel members set aside any pre-determined agendas and considers all submissions, regardless of the age of the signatory, on their merits and as representing multiple generations of Nelson residents. In the case of the present submission - it is made on behalf of two adults and two young children.
5. We are concerned that recent publicity on PC29 may have intentionally (or unintentionally) provided misleading information which could have discouraged submissions. On October 5, 2023, The Nelson Leader published an article (Figure 4) with two statements that we believe are misleading:

1. *“It’s likely that the six-storey building is going to need resource consent for that rule alone”*

While factually correct, this statement is likely to give many residents the false hope that they will have an opportunity to influence proposals for high density developments in their neighbourhoods. We understand that in the cases described, resource consent would generally be non-notified, and be handled solely by the Council planners.

2. *“The rules in the plan change protect a property’s right for access to daylight between 10am and 2pm in the middle of winter”*

This statement appears to be either completely false, or intentionally misleading. As illustrated in Figure 2c and 2d, the proposed recession planes in no way protect a property’s right to *direct sunlight* in winter, which is how many residents will interpret this statement.

How easy will it be to build six storeys?

KATIE TOWNSHEND

For those living in proposed new high-density zones, Nelson City Council's Plan Change 29 is a daunting document.

Opponents to the plan have likened it to daylight robbery, warning of developments cropping up without any need for resource consent.

Under the proposed new rules, there would be three residential zones: the general residential zone will allow up to three residential units of up to two storeys, or 8m, tall; medium density would allow up to three units of up to three storeys, or 12m; and high density up to three units of up to six storeys, or 19m.

The biggest fear is around the six-storey buildings, with many people concerned one could be built next-door without so much as a heads-up before the builders move in.

That was a possibility in a black-and-white world, but in reality the rules were a lot more grey, council's senior planning adviser Coralie Barker said.

There are 185 planning rules a developer has to meet, and much of it will come down to the site being built on.

"What you can build on a site is really, really dependent on the site that you have available to you."

Those 185 rules are particularly important when it comes to the six-storey buildings.

One rule was a maximum of three units per site — so three homes.

Any more triggers the requirement for a resource consent. Realistically, any six-storey development will be more than three units to make it financially viable for a developer.

"It's likely that the six-storey building is going to need resource consent for that rule alone," council group manager envi-



Areas like parts of Nile St would be in high-density zones under Plan Change 29.

BRADEN FASTERSTUFF

ronmental management Mandy Bishop said.

And that's just one rule — fail to meet any of the rules, and it will require a resource consent. That includes things such as the amount of the site covered by the building — for six-storey buildings it is a maximum of 50% — and whether there are any natural hazards impacting the site.

Also, the distance from the boundary, and how much of the building is at the

maximum height, as the design is required to get shorter towards the back of the property to protect daylight angles for neighbours.

The planners point out that many factors come into play when looking at the impact on the daylight for neighbouring properties. For starters, the sun moves.

"The impact from a building changes throughout the day and throughout the year," Barker said.

"So the shade impacts that the building will have really depends on the orientation of the site. And whether it's flat or on a hill, what direction that hill faces, and the severity of the shade changes as well."

The rules in the plan change protect a property's right for access to daylight between 10am and 2pm in the middle of winter — the darkest time of the year and therefore when a development's impacts would be most extreme.

Figure 4: Recent article in Nelson Leader

WE SEEK THE FOLLOWING DECISIONS FROM THE COUNCIL:

1. We believe the proposed PC29 should be fully withdrawn, and that the Council should ‘go back to the drawing board’, particularly with respect to the strategy of *intensification*. We believe PC29 should never have been presented to the public in its current form because the assessment of environmental, social and cultural impact, and evaluation of alternatives, was inadequate (‘broad brush’ in the Council’s own words). We believe the impact on the community has already been unacceptably large – in terms of both the level of stress and concern it has created, and the demand on energy and time it has required of residents to understand potential impacts and prepare submissions. Our confidence in the Council has been severely shaken and we believe this can only be remedied with a full withdrawal of PC29.
2. We request that the Council adopts a policy to notify directly, in writing, all ratepayers who may be affected by a future proposed plan change.
3. If the Council declines to withdraw PC29, as a very minimum we request:
 - a. The ‘broad brush’ philosophy encapsulated in PC29 is discarded in favour of a much more nuanced approach, capable of engaging with, understanding, and respecting, the values of established neighbourhoods and communities.
 - b. In the medium term (15-30 years), the Council focus its intensification efforts on facilitating development of the largely underdeveloped CBD and existing city fringe / mixed use zones.
 - c. The proposed HRZ zones be deleted. We hold there is no place for three-to-six-storey development in Nelson’s residential suburbs, regardless of predicted levels of regional growth demand. The impact on *equitable daylight access* of established properties is alone untenable. The sun’s path has not changed. An arbitrary alteration of recession planes in the name of ‘intensification’ will introduce a major disharmony to Nelson, and irreparably alter the feel of the city, and quality of life of residents with established homes.
 - d. Growth expectations for Nelson be moderated by reasonable expectations of the level of intensification that its neighbourhoods and communities can tolerate. Residents should not be forced to hand over their long-standing access to the *valuable natural resource of direct sunlight* so that it can be reallocated to developers, to make intensification ‘feasible’.
 - e. That GRZ respect and preserve the existing daylight admissions as these have been carefully designed to provide *adequate minimum daylight standards*.
 - f. That an Urban Design Panel be established to oversee the quality of all future medium and high-density residential developments in Nelson so that goals and expectations driving the need for intensification can be clearly defined to ensure individual developments are truly fit for purpose, rather than being purely market driven. For example:
 - i. Ensuring developments provide a quota of affordable options for young kiwis to buy and live in, rather than more ‘lock and leaves’ for wealthy NZ and overseas investors.

- ii. Ensuring all new developments are carbon-neutral. The FDS declares Climate Change as one of the primary drivers for intensification. Therefore, it only makes sense to allow new high-density developments if they can be constructed without impacting the climate.
- iii. Establishing community specific qualitative requirements to ensure all developments enhance the quality of life and amenity of Nelson, rather than detract.

4. And in relation to the specific detail of PC29:

- a. The underlying zone of heritage precincts and neighbouring properties, including the full length of Seymour Avenue and the west side of Brook St adjacent to Seymour Avenue, should be GRZ rather than MRZ. The same principal should apply to other heritage precincts. This is to provide adequate buffering between multistorey and heritage buildings.
- b. Clarify / broaden the definition of '*buildings adjoining heritage items*' so that properties separated by minor waterways such as the Brook, and properties diagonally opposite heritage items are still considered to be adjoining. Perhaps 'adjoining, or within 50m of a heritage item'.
- c. That the Maximum Building Length rule be modified to offer protection to small sections as follows: 'the lesser of 22 m or half the adjoining boundary length'.

Online submission

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

Submitter No.	S493
Submitter Name	Jenni Komarovsky
Submitter first name	Jenni
Submitter surname	Komarovsky
Submitter is contact	Yes
Email	jenni.komarovsky@gmail.com
Wish to be heard	No
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Entire Plan Change	General opposition	Oppose in part		Consult with ratepayers and produce a better-thought out design to a more granular level.

1. Design – The city needs to be designed for retrofitting changes in the same way that subdivisions are designed i.e. at a very granular level, otherwise there is no cohesion, transparency or certainty. The current plan leaves too much to developers / owners and their need to make profits from future changes. The welfare of the citizens needs to be more important than the dollars.
2. Hodge-podge - Low density zones need a buffer of a medium density zone between them and a high density zone to minimise impacts. The current plan could leave people in a one-storey home being surrounded by tall buildings that remove all of their quality of life in terms of light, warmth and privacy.
3. Height - Six storeys is too high for Nelson. Quest apartment building in the centre of town is 5 storeys, which seems about right for the size of Nelson or in the town centre. The Rutherford Hotel is 10 storeys high and, as it says in its Wikipedia page, 'dominates the Nelson skyline and can be seen from other suburbs' (https://en.wikipedia.org/wiki/Rutherford_Hotel#Exterior). Six metres in the suburbs would create buildings that similarly dominate the skyline and create microclimates of shade and wind that would alter the small-town beauty of Nelson.
4. Save our skyline! – emotional wellbeing is affected by how closed in a community feels. Skylines and other natural landmarks should be preserved for people to look out on for a feeling of being close to a natural environment.
5. Centring – a city that feels right is one where the centre of town has high buildings and high density occupation, gradually going down in height and density towards the outer suburbs. The proposed plan doesn't have a large enough centred approach. Wellington is a prime example of this; it's a liveable, high-rise inner city with lower living in the suburbs. We need to make more of our inner city to reduce the number of vacant shops and increase the vibrancy by bringing people into the centre in dwellings. Shops below and living above works for most cities in the world, let's do the same.
6. Water inundation risk – The two density areas in the North Road / Atawhai Drive area and the slice of land between them is puzzling. There is no difference in risk from water and land settlement between one side of the road and the other. Has this decision been made on the potential for tall buildings that have a lovely recreational outlook (the park) rather than with any long-term risk mitigation in mind?
7. Smaller, closer living – to maintain character, Nelson should go down the path of allowing more dwellings on one title. For all the boomers about to retire with not enough savings and income to keep on paying ever-increasing rates and other bills, having a small dwelling at the back of their property to rent out would be such a sensible solution. It would keep people in their homes longer (always a consideration for the health / medical institutions), keep Nelson looking beautiful as older

people would have smaller gardens to manage and could cope with the upkeep better, and lessen the housing crisis. It would also create stronger communities of mixed ages and life stages rather than whole areas where wealthy people live in splendid isolation.

8. Obfuscation – I'm glad that Nelson residents turned out in droves to the public meetings, because the website is difficult to navigate and the map plan isn't easy to comprehend with the default settings on. Please don't assume that residents have any technical skills. Please present future ideas in much simpler visual bites that will enable full democracy. Most of my neighbours haven't had their say because they just don't understand what has been proposed.

9. Half the story – where is Tasman District Council's proposal so everyone can see the whole picture of the city at one glance? Richmond isn't a separate city and Nelson doesn't exist in isolation – please work co-operatively with the other council and present the full story.

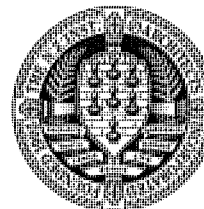
Online submission

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

Submitter No.	S494
Submitter Name	Robert Burton
Submitter first name	Robert
Submitter middle name	John
Submitter surname	Burton
Submitter is contact	Yes
Email	robbie@pottonandburton.co.nz
Wish to be heard	No
Joint presentation	No
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	High Density Residential Zone	Oppose	I strongly oppose the High-Density Residential Zone, which is an ill-considered and bizarrely insensitive response to questionable assumptions about population growth, and which will have the potential to seriously damage the character and quality of Nelson's residential neighbourhoods. While I have no problem with intensification (and would encourage the Council to make this easier), giving developers free rein to build six-story buildings in a high-density residential zone is an appalling perversion of good town planning. Not only is it in no way in keeping with the low-rise character of so much of the affected areas, but the daylight loss that this will create is simply not acceptable. In my case, with a property in Trafalgar Square west, the area between my property and Nile Street west would seem ripe for a high-rise development. If this happened I would lose significant daylight with the subsequent reduction of quality of life, the character of the entire neighbourhood (including South Street) would be compromised, and the value of my property would plunge. Given this, I would request that the Council remove HDRZ from the plan completely, for the reasons outlined above. I would request Council 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. In conclusion I am extremely disappointed in the lack of leadership and vision that has seen this proposal for a HDRZ included in Plan Change 29. It has already led to a huge amount of consternation and stress amongst Nelsonians, and I would have hoped for a more enlightened and thoughtful vision for our city.	I request that Council remove High Density Residential Zone from Plan Change 29.



Environmental Planning Department
Nelson City Council
Civic House
110 Trafalgar St
Nelson 7010

Date: 30/10/2023

Received: 30/10/2023
Sub No: S495
NDOCS-539570224-16876

Re. "Plan Change 29"

The Nelson & Marlborough branch of *Te Kāhui Whaihangā New Zealand Institute of Architects* represents 78 local members including registered architects, academics, retired architects, emerging professionals and students. We have members working throughout the region, both individually and as part of small, medium and large architectural practices.

We wish to submit our feedback on the proposed Plan Change 29 currently being consulted on by Nelson City Council. Our members have both experience of working within the local planning framework and expertise relating to planning, design and housing matters which is of relevance to this proposed plan change.

01 - SUMMARY

In general, we support the intent of the proposed Plan Change 29 (PC29) to intensify housing supply in and around our primary urban areas. For too long Nelson has relied upon a growth strategy that is predicated upon single detached dwellings on the fringes of the city at the neglect of our urban areas, and PC29 makes the right moves towards rectifying that. Intensifying our existing urban areas will create more housing choices, allow people to live closer to where they work and socialise, revitalise the central city, reduce our reliance on cars and allow for more efficient infrastructure investment.

However, we believe that in its current form PC29 is unable to deliver the high-quality housing and urban design outcomes that are needed. In particular,

- PC29 is not based upon a comprehensive neighbourhood and block level spatial plan, which was noted in the Nelson Tasman FDS2022-52 as a requirement for undertaking intensification in the region, and
- There is a lack of qualitative controls and standards in place to ensure that the resulting outcomes are of good quality.

PC29 is a rare opportunity for Nelson to make positive improvements to our housing supply and the liveability of our city. However, there is a very real and significant difference between 'intensification' and 'quality intensification,' and PC29 needs to do more to encourage the latter.

We urge Nelson City Council to continue with its intensification plans within Nelson while making the necessary changes to PC29 to ensure that the resulting outcomes are of good quality and will provide both high amenity dwellings and a positive impact on the urban form.

02 – PROCESS

We believe that an important step in the plan change process, the development of block and neighbourhood level spatial plans, has been missed. This is a critical component of designing for intensification and was a prerequisite within the FDS 2022-52 prior to undertaking an intensification plan change.

We urge council to undertake block and neighbourhood level spatial planning to assess the type of development which is most suited to various parts of the urban areas. Nelson's settlement pattern has created a hugely diverse range of urban conditions, with a wide variety of block sizes, topographical constraints, view shafts and orientations. It is difficult to have a 'one size fits all' approach to the planning rules when there is such a variety of different conditions, even within a single neighbourhood. Having a robust understanding of the specific requirements for each block and neighbourhood will allow for more tailored design and planning guidance.

The lack of any spatial plans means that there is no 'vision' in place to guide development of our neighbourhoods, nor any scheme that residents and developers can reference to have confidence that their proposal is consistent with the strategy for that area. Without a spatial plan, the design of our neighbourhoods will be an ad-hoc process, unsupported by necessary infrastructure planning and left open to site by site aspirations of developers.

We recommend that spatial planning be undertaken as a priority. This will require an investment; however the benefits will be multi-generational. Council can develop neighbourhood spatial plans on an incremental basis, tackling the low hanging fruit first by targeting areas where intensification is most needed and appropriate, and then releasing location specific plan changes as each spatial design is completed. By doing so council can expedite the delivery of intensification-focussed plan changes to areas of Nelson where it's most sorely needed, while doing so in a manner that creates a considered outcome and where infrastructure can be augmented and upgraded as required.

Additionally, there appeared to be a lack of community and industry engagement within the preparation of PC29, which has resulted in the community feeling caught out when it was announced and, understandably, having a strong reaction. We recommend that council commits to direct engagement with the community during the development of the spatial plans and associated plan changes.

03 – QUALITATIVE CONTROLS

Plan Change 29 appears to have strong links to the Medium Density Residential Standards (MDRS), albeit with modifications to accommodate the different residential zones and with other changes to suit the local context. One of problems present within the MDRS is the lack of qualitative controls to ensure that the resulting built outcomes are of suitable quality. PC29 appears to similarly focus more on the quantitative outcomes (such as number of dwellings, heights etc) rather than quality. This

needs to be addressed as a priority, otherwise there is very little that can be done to restrict poor quality development in our region.

To achieve this, we have several recommendations for ways to improve the quality of the built outcomes of this plan change:

1. DEVELOP URBAN DESIGN GUIDES

Creating a Nelson specific urban design guide is one of the most effective methods of encouraging quality design outcomes without becoming overly restrictive. Urban design guides are useful for both permitted development (in that they provide guidance and methods for achieving good designs within the planning framework, which can be used by landowners and developers to assist their planning process), and for discretionary/controlled development, where the guides can be used by developers to understand the types of approaches that would be viewed favourably by council. Plus, they are a document that can form part of the assessment criteria in the resource consenting process. The design guides should be linked to the planning clauses so that anyone submitting for a resource consent will need to nominate how their design responds to the guides. There are a lot of examples of highly effective urban design guides such as the [Auckland Design Manual](#) or the [Whangarei Urban Design Guidelines](#), the latter being a great example of how a city of similar size to Nelson has put qualitative guidelines in place.

The urban design guide can be used to guide the implementation of the neighbourhood and block spatial plans.

2. URBAN DESIGN PANEL

An Urban Design Panel (UDP) is a tool that can be utilised to enhance designs and provide guidance prior to being submitted for a resource consent. It allows developers to both access expert feedback on their proposal and acts as a body that can review the more qualitative aspects of a development. Nelson currently has an Urban Design Panel, however we recommend that this be developed into a more significant role within the resource consenting process by making the following changes:

- a. The panel should be composed of urban designers, landscape architects, architects and planners who are familiar with the intent of the PC29 and a Nelson specific Urban Design Guide, so that it can advise on how to align developments with the plan and guidance.
- b. Recommendations from the UDP are to carry more weight within resource consent decision making. Developers/designers will need to respond to the recommendations of the UDP in the consent application either through design changes or by providing a rationale as to why they chose not to accept these recommendations.
- c. Developments above a certain threshold (above a certain number of stories, number of units or in significant locations) will be obligated to present their scheme to the UDP. This ensures that significant development that will have a major impact on either the local urban form or on the amenity of the proposed dwellings will need to be reviewed prior to submitting a resource consent.

3. MINIMUM DWELLING STANDARDS.

In a similar vein to the Urban Design Guides, minimum dwelling standards ensure that poor quality units are avoided and new dwellings have sufficient internal amenity. Having minimum unit sizes (as noted in the proposed MDRZ & HDRZ rules) is insufficient to ensure that the resulting dwellings are of suitable quality and further controls are required to produce liveable homes. For example, [saddle bag](#) apartments may technically meet the planning rules however they result in poor amenity for the occupants and should be avoided.

The Auckland Design Manual includes dwelling standards within their design guide, as does the [Better Apartments Design Standards \(BADS\)](#) in Melbourne, which includes key metrics that must be met for units, such as:

- a. Functional layout
- b. Room depth
- c. Windows
- d. Storage
- e. Ventilation
- f. Private open space
- g. Accessibility

The minimum dwelling standards could be linked to the Urban Design Guides, however need to be referenced within the planning clauses to ensure that all development including 'permitted' will need to comply. If dwelling standards are included within the plan then the reference to minimum unit sizes can be removed, as the standards will ensure that each dwelling is suitable for occupation.

4. OVERLOOKING CONTROLS

In an urban environment the two primary amenity impacts on neighbouring dwellings are overshadowing and overlooking. Overshadowing is being addressed through height, setback and recession plane rules however there doesn't appear to be any controls managing overlooking and privacy. We recommend the adoption of overlooking controls to ensure habitable spaces remain private and are not adversely impacted by views from neighbouring buildings. Victoria has [overlooking standards](#) in place which could be reviewed for inclusion in this plan change – see an explanation of these standards [here](#). One of the benefits of this control is that it encourages windows and habitable rooms to be on the street facing and back yard facing sides of the development, which discourages 'sausage flat' typologies where units are directed towards the sides of the property and towards the neighbours. If side facing windows are required or windows that would otherwise look into neighbouring units then these can be managed through offsetting the windows, raising them above eye level or providing screening.

04 – DELIVERY STRATEGY

A challenge associated with undertaking brownfield intensification, particularly somewhere like Nelson, is that there is a tendency for it to be of a piecemeal, site by site basis. Not only is this an inefficient process, but it can also often result in poor outcomes, such as backyard infill, reduced green space and a lack of coordination of both urban form and infrastructure investment. In contrast, comprehensive (multi-site) intensification can deliver much better built outcomes, providing greater amenity to both the occupants of the new dwellings and their neighbourhoods. Multi-site development can also improve the commercial feasibility for developers. We suggest making modifications to the planning process to encourage comprehensive intensification rather than infill, such as by having dedicated resources within council who are tasked with facilitating and streamlining multi-site consent applications.

Additionally, we understand that Nelson City Council and Tasman District Council are currently undertaking a feasibility study on a joint Urban Development Agency (UDA). We strongly support this idea and believe that, done well, a UDA could be a powerful mechanism to develop comprehensive, high quality housing projects. Working with the private sector, a UDA offers the ability to enact council's neighbourhood spatial plans while maintaining high design and amenity outcomes.

We welcome the opportunity to provide input or feedback into the UDA feasibility study as we see this as an important tool as Nelson transitions towards well designed medium density.

05 - HERITAGE

The below is a summary of heritage issues and outcomes recommended, which is to be read alongside *Appendix 01 (attached)*.

There are four principle issues relating to built heritage where we oppose the proposed plan change. These comprise:

1. The proposed list has not been selected on the basis of a thematic historic review. This is a methodology that is considered industry best practice and used in the selection of heritage lists in many cities throughout NZ. Therefore, the proposed list does not reflect the unique social, historical, cultural and physical history of Nelson. The current and proposed list maintain an extreme imbalance in the listing of buildings, with almost 2/3rd of the current listings being pre-WWII housing.
This imbalance should be corrected with a complete review and new listings based on the Wilson *Thematic Historic Overview of Nelson*, 2011.
2. The plan change uses pairs of criteria which is not best practice and is likely to result in inaccurate assessments, while the criteria are identified as “significance” when in fact they are values. Significance is the sum of values. The criteria are lacking measure (relative degree) of value such as representativeness, level of authenticity, and rarity and they do not discuss the threshold of values for listing.
The criteria should be replaced with a single, fuller list of values and include a measure of value and threshold for listing. The whole of the plan change will need to be reviewed as a consequence of changing “significance” to the correct term, values.
3. There are numerous listed buildings that are proposed to be deleted. These include many inner-city properties in Bridge, Hardy, Russell and Rutherford Street. These have sufficient heritage values to be retained on the list, mainly as Group B.
4. The Church Hill view shaft, Inner-City Heritage Precinct and Wakefield Quay Heritage Precinct should not be removed but retained as the reasons for their inclusion in the operative plan remain.

Most other elements of the plan change relating to built heritage are either supported in part or fully supported. The plan change is silent on Māori and archaeological heritage. This should be addressed.

The heritage inventory, the basis for the selection of listed buildings in the plan, should be made available to the public, as is the case for plans in many territorial authority district plans.

06 – OTHER ITEMS

The following are responses to specific clauses within the proposed PC29:

1. The High Density Residential Zone (HDRZ) permits up to 6 stories however has a maximum of 3 units per site, with resource consent required for additional dwellings. We recommend revising this for a number of reasons;

- The intent of PC29 is to encourage more dwellings while discouraging amenity impacts to neighbouring properties. By limiting the number of dwellings while permitting buildings up to 19.5m this clause actively enables adverse impacts on neighbours while restricting the number of units able to be built.
- It is considered highly unlikely that a developer will build a six-storey building which contains only three units. In fact, given the additional compliance costs associated with building a residential building of more than three stories (such as lift access, fire, engineering etc), it is unlikely that any residential building with only three units will be built above three stories. Therefore under the proposed plan it is highly likely that any developer wanting to build over three stories will need to get a resource consent as they will need more than three units to allow the project to be commercially feasible.

If this is the case, then we recommend modifying the planning clause to:

- Remove the limit on the number of units permitted on a site in the HDRZ (amenity will be managed by the minimum dwelling standards listed above)
- Change the maximum permitted height within the HDRZ to be 12m (3 storeys) with 'Restricted Discretionary' up to 19.5m (6 storeys). Developments between 12-19.5m need to be in accordance with the Urban Design Guides and subject to a review by the Urban Design Panel.

This modification will enable more units to be permitted to be built while ensuring the more significant development work, which is likely to have greater amenity impacts on neighbouring properties, to be subject to greater qualitative controls.

2. The General Density Residential Zone (GDRZ) does not have minimum unit size controls, whereas the MDRZ & HDRZ do. As noted above, we recommend that dwelling standards be created which would remove the need to have minimum unit sizes, however we also suggest that whatever controls are put in place should be universal rather than specific to one or two of the new zones. There doesn't appear to be a rationale as to why the GDRZ doesn't have controls over this and there is a risk of sub-standard dwellings being built as a result.
3. Outlook space is limited to 4x4m for the principal living area and 1x1m for bedrooms. We recommend increasing this as it is insufficient to allow for good amenity to dwellings and suggests a much denser settlement pattern than is suitable in the GDRZ, MDRZ & HDRZ. By way of example the Auckland Unitary Plan requires 6x4m outlook from the principal living room, 3x3m outlook from the principal bedroom and 1x1m outlook from all other habitable rooms. We suggest that a **6x4m outlook** from the primary living space and **2x2m outlook** from all other habitable rooms is suitable in Nelson.
4. Clarification is requested about whether partial encroachment of a hazard overlay on a property title will trigger the need for a full assessment or if this is only required in situations where the proposed building zone is within the hazard overlay. This can have significant impacts on development and we seek confirmation about the proposed approach prior to providing comment.
5. We suggest reviewing whether to include a waste management report as a requirement for resource consent applications for developments with more than three units.
6. The increasing densification within our existing urban areas and the associated reduction in private green space for individual dwellings requires a robust strategy to increase the supply

of reserves and parks within Nelson. Ideally, houses in intensified areas should be no further than 250m from a park, which may require council purchasing strategic sites for adaption into park and play areas.

7. Consideration may be given to including concessions to projects with low carbon or high sustainability goals, such as increased height or increased site coverage, to incentivise projects which are in line with our long-term sustainability goals.

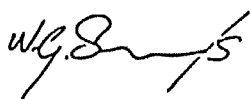
07 – CONCLUSION

While the Nelson & Marlborough branch of *Te Kāhui Whaihanga New Zealand Institute of Architects* strongly support the change in approach to growth and development which has been proposed by this plan change, namely the prioritisation of intensification over greenfield development, we remain concerned that more needs to be done to ensure that the outcomes are well designed, of high quality and can be supported by the necessary infrastructure and services.

Importantly, despite the negative response that has been received from some corners of the public, we encourage council to continue to commit to prioritising intensification in Nelson and to make the necessary changes to the process as highlighted above. We believe that there is a real opportunity for this plan change to enable Nelson to become a more liveable, vibrant city of the future and look forward to playing our role in this.

We welcome the opportunity to discuss this submission in more detail with council and to provide further input into the plan change process. We also wish to speak in support of this submission during the plan change hearing process.

Ngā mihi,



William Samuels

Chair, *Te Kāhui Whaihanga New Zealand Institute of Architects Nelson & Marlborough branch*
nelsonmarlborough@nzia.co.nz

APPENDIX 01 – HERITAGE REVIEW

Issue	Support/oppose	Outcome requested
1 The current and proposed list of individual buildings and heritage areas are not reflective of the unique social and physical history of Nelson and have not been compiled using industry best practice Thematic Overview methodology (refer John Wilson <i>Thematic Historic Overview of Nelson City</i>, October 2011¹). This review identified a serious imbalance of listings e.g., almost all listings are of pre-1950 houses, with little or no post war housing, post war commercial buildings, industrial buildings etc.	Oppose	Review all existing and previous heritage inventories (e.g., 1992, 2011) and recommendations to Council for listings of individual heritage buildings and heritage areas to ensure completeness and representativeness of key historical themes that define the unique physical and social history, character and development of Nelson city. New listings should be more representative where there are no or few examples identified by Wilson including: • post war housing • post war commercial buildings, • industry, • health and social services, • social organisations, • military, • schools, • transport and communications, • post war churches, • significant Nelsonians, • significant architectural styles; and • ethnic minorities. e.g., Braemar original building, 60 Franklyn Street which is the oldest psychiatric/psychopaedic hospital in New Zealand, 1874, design awarded to Charles Beatson after winning competition e.g., Historic areas including Bronte/Brougham Street, Wolfe Street and Mount Street. Refer to Wellington City Council Thematic Heritage Study of Wellington January 2013²
2 The current and proposed list do not include all Heritage NZ listed places in Nelson.	Oppose	Include all HNZ listed properties in the plan (e.g., 18 Ngatitama Street).
3 The research and assessments of individual heritage buildings, existing and proposed, in some instances, are not accurate. There are suppositions on a number of properties that they may have been designed by William Beatson. As the expert on the architect and author of a book on William Beatson, neither Ian Bowman nor his book were consulted. The supposed designs were not by Beatson. There are in the entry on 68 Britannia Heights, despite there being an extensive Heritage New Zealand file on the building for its listing by them.	Partially support	Review and correct all research to ensure it is accurate including removal of incorrect, conjectural references on buildings designed by William Beatson.

¹ <http://www.nelsoncitycouncil.co.nz/assets/About-nelson/downloads/1176312-thematic-historical-overview-of-nelson-city-OCT2011.pdf>

² <https://wellington.govt.nz/-/media/arts-and-culture/heritage/files/thematic-heritage-study.pdf>

Issue	Support/oppose	Outcome requested
4 The current and proposed pairing of listing criteria is opposed because the author of the criteria has confused values and significance (significance is a summation of values) and the criteria are grouped in pairs rather than listed singly which will likely result in areas of heritage value being missed in assessments. This is of particular importance when considering restricted discretionary consent applications as assessment on the heights of buildings adjacent to built heritage is related to impacts on heritage values.	Oppose	Replace the term significance with value and list values singly. Refer Wellington Regional Policy Statement 21 as an excellent example.
5 The proposed listing criteria are not complete as they do not include how values relate to historic themes (see 1 above), measure (relative degree) of value such representativeness, level of authenticity, rarity and nor do they discuss the significance threshold for listing – (e.g., Exceptional, considerable, moderate, little or none).	Oppose	Include measure of value including representativeness, authenticity, rarity etc. and explain the threshold used to include or exclude buildings. Refer Wellington Regional Policy Statement 21 as an excellent example ³ .
6 The heritage inventories will need to be reassessed based on singly listed heritage values (replacing significance with values) as discussed above with an overall assessment of significance.		Reassess all proposed and new listings (see 1 above) based on single heritage values with an overall assessment of significance (i.e., summary of values).
7 The review of the A, B and C listings to A and B only.	Support	A single- or two-tier ranking system of heritage listings is best practice in most New Zealand District Plans.
8 Proposed deletion of 17 Fifeshire.	Support	17 Fifeshire was modified significantly despite being listed on the NRMP and with Heritage NZ. The assessment of the impacts on the heritage values of the place resource consent was obviously lacking, and this lack of expertise in assessing future consents should be addressed as per 17 below.
9 Proposed deletion of 23 Allan Street, 12, 44, 95-97, 111-113, 118-120, Bridge Street, 80, 84, 253-257, 258, 264-268, 280, 326 Hardy Street, 13 Fountain Place, 33, 1/39 A, 52, 53 Russell Street, 52 Rutherford Street, 109 Rutherford Street (and others).	Oppose	These buildings individually and collectively have significant heritage values and should continue to be listed on the NRMP as Group B buildings. Other buildings are proposed to be removed from the list for insufficient information. It is not known what research, site visit, review of Council records took place, however, it is recommended that full research be undertaken to determine the heritage values or otherwise of these other buildings. It appears in many instances that the buildings have been recommended for de-listing as they have had render applied over weatherboards. This has little impact on authenticity of the place. Many of these places were constructed in the 1860s and the collection of buildings from the period is unique, in my experience, in NZ. This can be compared to the Nelson Mail building,

³ <https://www.gw.govt.nz/assets/Documents/2023/02/RPS-Full-Documents-Edited-December-2022-Updated.pdf>, pages 102-103

Issue	Support/oppose	Outcome requested
		which is recommended to retain category A, but which is a façade only, having the interior removed and replaced.
10 There has been no assessment of the actual settings of listed heritage buildings, other than the section on which the buildings are located.		Review the settings of all listed and proposed heritage places and include the extent of each setting (e.g., Porirua City Council District Plan).
11 Height controls on adjacent buildings to listed heritage buildings is endorsed, however control of only height and not other controls such as daylight admission and side and rear yard dimensions does not consider individual site characteristics of listed heritage buildings and areas and the potential effects on heritage values.	Partially support 	Review adjacent sites of all current and proposed listed properties to individually assess impacts of height, daylight admission, front, side and rear yard dimensions (e.g., Porirua City Council District Plan). Sites should include those additional places as per 1 above.
12 There is no public access to the heritage inventory.		Publish all information on currently listed and proposed listings to enable owners and others to review information on their properties (see 3 above) and to understand why they are are/proposed to be listed including updated and corrected information in PC 29-S32 Report Appendix 3N. Refer to Wellington City Heritage Inventory ⁴ .
13 The removal of the Church Hill View Shaft is opposed.	Oppose 	The removal of the view shaft will remove views to and from the cathedral steps. This view is still a critical Nelson view, the purpose of the viewshaft has not changed and should be retained. An argument put forward is that trees block out the view. Trees die, but the view and the cathedral will remain. Another argument is that the viewshaft will prevent taller buildings being constructed. The purpose of the viewshaft is to maintain views from and of the cathedral and the purpose has not changed.
14 The removal of the Inner-City Heritage Precinct and Wakefield Quay Heritage Precinct is opposed.	Oppose 	The inner-city heritage precinct retains sufficient buildings of heritage value and those supporting the heritage buildings to warrant retention. See 9 above. Similarly, retention of the Wakefield Quay heritage/character area is recommended as there are sufficient historic buildings along the Quay to warrant retention.
15 There is no mention of ICOMOS regarding assessment of heritage values or appropriate objectives, policies, and rules.		Include a description and discussion of the ICOMOS NZ charter in the plan. Refer Wellington City District Plan.
16 There is no mention of conservation plans as an appropriate means of managing built heritage.		Include a description and discussion of conservation plans in the plan. Refer Wellington City District Plan.

⁴ <https://www.wellingtoncityheritage.org.nz>

Issue	Support/oppose	Outcome requested
17 Nelson has no listed character areas.		A full, professional, and expert assessment of the location and extent of character areas should be actioned with the results modifying the implementation of the intensification proposals. There will be a consequent need to provide for character areas in the plan and appropriate design guidelines. Refer Wellington City District Plan.
18 The current rules have not prevented the demolition of a significant number of heritage buildings over the last 10 years.		The council should appoint a suitably qualified and experienced conservation architect to review all consents (e.g., Wellington City Council). Planners do not have the requisite skills to undertake assessments of resource consents for heritage buildings and areas.
The following changes to the proposed rules ICr.37B, REr.85-89 and REr.91, 92 are proposed.		
ICr.37B.3 and ICr.37B.4 d	Support	
REr.85.1	Support	
REr.85.2	Support	
REr.85.3	Partial support	Modifications should avoid all elevations visible from the road or other public locations.
REr.85.4	Partial support	The views of Heritage NZ should be obtained for all consents until a suitably qualified and experienced conservation architect is appointed to council.
REr.85.45 a	Partial support	Change significance to values and add overall significance.
REr.85.45 o	Oppose	Remove deletion of Wakefield Quay design guide.
REr.86.3	Partial support	Any new building on the site of a heritage item should not impact heritage values and significance, should not dominate, should not prevent visibility of the item from the road or other public place and not prevent intervisibility with other related places. A new building may not be appropriate. The views of Heritage NZ should be obtained for all consents until a suitably qualified and experienced conservation architect is appointed to council.
REr.87.3	Support	
REr.89.1 and 89.4	Partial support	New heritage areas defined in 1 above should be added to the list. Matters of discretion should be assessed against impact on heritage values and significance of the individual building and group. The views of Heritage NZ should be obtained for all consents until a suitably qualified and experienced conservation architect is appointed to council.

Issue	Support/oppose	Outcome requested
REr.89.1 and 89.4	Partial support	New heritage areas defined in 1 above should be added to the list. Matters of discretion should be assessed against impact on heritage values and significance of the individual building and group. The views of Heritage NZ should be obtained for all consents until a suitably qualified and experienced conservation architect is appointed to council.
REr.90	Partial support	New heritage precincts/areas defined in 1 above should be added to the list. Matters of discretion should be assessed against impact on heritage values and significance of the individual building and group. Any new building in a heritage precinct should not impact heritage values and significance, should not dominate, should not prevent visibility of the precinct from the road or other public place and not prevent intervisibility with other related places. The views of Heritage NZ should be obtained for all consents until a suitably qualified and experienced conservation architect is appointed to council.
REr.91.1	Oppose	The partial or complete demolition of a contributory building in a heritage precinct should be a full discretionary activity.
REr.92.1	Partial support	The design of fences should follow historic precedence and these often were of a height of 900 mm and of pickets or cast or wrought iron. 1800 mm high fences on street fronts are opposed.
REr.113	Support	
19 There is no discussion of additional listings of historic interiors of listed buildings.		A review of historic interiors, particularly those that are publicly accessible, for possible inclusion in the listing should be assessed e.g., original shop interiors.
20 The proposed plan change is silent on Māori and archaeological heritage.		Include Māori and archaeological heritage.

Senior Planning Administrator

RMA Plan Submission

Nelson City Council

PO Box 645

Nelson 7040

Environmental.planning@ncc.govt.nz

Submitter: Alan John York

Telephone:

Email: alan.york47@gmail.com

Signature of Submitter:



Date: 30/10/2023

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 PC 29 in its entirety but if it does go ahead, my specific observations and suggestions are shown below

MY SUBMISSION

Consultation Process

In my view the whole PC 29 consultation process has been lacking in many respects, not the least being that the changes comprise a huge volume of information which the general public is expected to read, assimilate and respond to, in an extremely short time period. We are not trained/qualified Town Planners.

In support of this view, Council Staff have indicated in meetings that "This is a 'Broad Brush approach' that requires public submissions to refine the plan". In effect, admitting that the Plan is incomplete.

The proposal should be withdrawn so that Council Planning staff can refine and complete it before re-submitting it to rate-payer scrutiny.

I suggest that the consultation process should include presentations of the plan including maps of the affected areas accompanied by simple scale-sized 'models' showing the potential worst-case impact on properties built to previous and current standards, for low, medium and high-density scenarios.

It is incumbent on the Council to ensure that all residents are aware of these planned and very significant far-reaching changes to their city. Entries in the local newspapers, alone, aren't adequate

since many people simply do not read them. I suggest bill-boards, signs and 'adverts' on local busses be used prior to and during the submission period.

NCC's Population Projections

It appears that the forecasts used by NCC are higher than the Statistics NZ medium projections, which will undoubtedly indicate a need for higher density accommodation than a more modest basis would.

Regulations that turn out to be 'over-egged' will result in unnecessary building density and so a carefully phased and managed approach, revised to suit changing conditions, is vital.

The Statistics NZ medium projections should be used.

NB. Notwithstanding the above, it has recently become apparent (see submission from Dr Geoffrey Hayes) that there are very considerable errors in the population growth projections used. These errors must, of course be corrected and the Plan revised accordingly.

Nelson

I moved to Nelson 10 years ago, my main incentive being the sunny climate and the 'ambience' of the city itself, and of the general area.

I have lived within high-rise environments and find the spacious, low-density layout and open skyline a major factor in Nelson's restful and pleasing ambience which is conducive to well-being and good quality of life. The beneficial effect of our beautiful Heritage Buildings, which significantly contribute to this atmosphere will become seriously compromised if modern block-like units are built in close proximity to their boundaries, thus significantly reducing the attraction of Nelson for current and future residents and visitors.

Sunlight is a CRITICAL part of life anywhere and in Nelson it 'goes with the territory'. It is known as the 'Sunshine Capital of NZ' for good reason and this is why people wish to live here. According to your own 2021 report on housing preferences, sunshine is the major reason people move to Nelson.

High density building will substantially reduce availability of this natural heat/energy saving resource, requiring the use of more 'fossil -based' energy in direct conflict of the 'low carbon' economy we are constantly told is necessary.

Residential properties must ensure a reasonable level of privacy. Building to within 1m of property boundaries will hardly ensure that!

I believe that High Density Residential zones are totally inappropriate for Nelson and its environs.

New 'Green Field' developments are the obvious and appropriate place for multi-story buildings and will ensure optimum utilisation of land that can accommodate increased intensification.

Additionally, Holiday homes that sit empty for long periods, do not contribute to availability and affordability of housing. These should be subject to minimum occupation periods per year.

Phased Intensification

The Inner City should be the starting place for the most significant intensification, before considering residential neighbourhoods.

There are considerable areas in and around the city centre (e.g. Vanguard and St. Vincent streets), currently occupied by 'light-industrial' enterprises, which would be ideal for multi-unit residential accommodation without impacting existing properties. The council should consider providing incentives to move these enterprises to less essential land in order to provide additional residential accommodation within the City.

City Fringe areas should be the next zone to phase in for intensification.

Finally, the Residential areas should be the last area to be considered for intensification.

In all cases, intensification should be planned with careful reference to the revised population estimates and lessons learned from previous phases.

Congestion

Increased intensification will result in the need for more on-street car parking and the already congested streets of Nelson will become a hazard to pedestrians, mobility scooters and cyclists, not to mention Infrastructure Maintenance and Emergency Service vehicles.

Social Housing

I have witnessed, first-hand, the significant detrimental impact that high-rise, high-density accommodation can have on the well-being of individuals and on society in general.

High density living for the homeless and vulnerable will result in unhealthy outcomes for all concerned.

Online submission

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

Submitter No.	S497
Submitter Name	Malachi Ng
Submitter first name	Malachi
Submitter middle name	Kepler
Submitter surname	Ng
Submitter is contact	Yes
Email	malachikepler@gmail.com
Wish to be heard	Yes
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Entire Plan Change	General opposition	Oppose		The decision I would like the council to make, is to either completely scrap the plan, or to amend it, forcing anyone who wishes to construct a building using this plan, to pay the amount that any affected house has been devalued by, upon the sale of that house, as well as a decently large fee to compensate for the impact that is made on the affected residents quality of life.

The Nelson Region is well known for not just its communities, attractions, and small town, but also for its weather. Nearly always sunny, minimal clouds. According to NIWA, Nelson/Tasman is the sunniest region in NZ. Many people recognise this as one of many reasons to move, or retire here. Plan 29 in its current form would ruin this and more.

Plan Change Number 29 is allowing the construction of huge 6 storey buildings in many areas, including my own, all without resource consent. This change would lose many Nelsonians huge amounts of money, without them having any say about it. According to a study by research group Motu, a house's value increases by a whopping 2.4%, for just 1 hour of direct sunlight. Houses that participated in the same study received 8.7 hours of direct sunlight every day on average, across the year. According to stuff, "If a multi-storey development was going to block three hours of direct sunlight a day on two houses each valued at \$1 million, the loss in value to the house owners is in the order of \$144,000." This statistic of \$144,000 across 2 households, accounts for only the most optimistic loss of direct sunlight. A 6 storey building directly next to one of these could all these hours but one, or at best 2. Taking the average 8.7 hours of sunlight into account, a house valued at \$1,000,000 could have a loss of \$184,800, nearly a fifth of the house's value. Not only the sun, but living right next to 6 stories of people, and the noise, obstruction, traffic and so much more they make will decrease the house's value by even more.

The costs for a resident would not just be taken off their house's value, but would also include many sun dependent expenses. For example, with a fraction of the sunlight, residents will have to pay far more for heating, and lighting, raising the power bill significantly. Not only that but houses that rely on solar power would lose

the investment they made when purchasing solar panels, hoping they would pay themselves off, would go completely to waste. Clearly, there are absolutely enormous costs that residents would be forced to pay if a large business decides to build an apartment right next to them, and they don't have a say in it.

Nelson is known for being a smaller town in a less urban environment. If the council decides to go ahead with Plan Change 29, and build huge apartments in the middle of small communities, it will absolutely demolish that reputation. Many residents have moved to Nelson with the main reason being the benefits of living in a less populated, smaller town. They chose to live surrounded by nature, and a friendly, strong community, as opposed to living surrounded by thousands of random people, in a busy, urban city, such as Wellington or Auckland. Constructing huge six storey buildings amidst small one or two storey homes would significantly take away from the unique atmosphere, quality of life, and one of the main reasons the residents moved there.

The main reason Plan Change 29 was made, is to bring down housing prices to become affordable for the next generation, so that Nelson will keep its population. If the idea is to try and adapt Nelson to become more like Christchurch, or even Wellington, then the plan will completely backfire. This is because while making houses more affordable, and the city larger is good, Nelson does not have as much to offer as the other cities. For example, Nelson does not have as good universities, such as the University of Canterbury in Christchurch, or the Victoria University in Wellington. While Nelson can build things like universities, and more, it is unlikely it can catch up to how developed cities like Christchurch and Wellington are. Also, as mentioned in the previous paragraph, if Plan Change 29 goes ahead it will detract from

some of the main reasons people want to be in Nelson in the first place. This means that if Nelson tries to become a city like Christchurch or Wellington, it will take away its best advantage when compared to those cities, and actually lose some of the current population, and much of the next generation.

Going ahead with Plan Change 29 will take hundreds of thousands of dollars from powerless residents, ruin Nelson's reputation as a small town and in doing so destroy the main reason many residents live here, and also backfire, and potentially even cause the population to decrease. The plan takes the voice, money, and quality of life from the people, so clearly, it should not go ahead.



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30 October 2023

Nelson City Council
Civic House
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Nelson, 7040

Re: Plan Change 29

About NelsonTasman2050

Our growing group of professionals in the built environment includes urban designers, architects, planners and engineers. It has been actively advocating for well-designed intensification since the initial discussions surrounding the Nelson Tasman Future Development Strategy 2022 - 2052 (**FDS**). We fully grasp the potential implications of Plan Change 29 (**PC29**) on the city.

NT2050 is genuinely committed to providing support in the development of plans that will usher in resilient, sustainable, affordable, equitable, and community-oriented urban environments.

As professionals in the built environment sector, we have had the privilege of living and working in various places across Aotearoa New Zealand as well as overseas, notably in Europe and Australia. These diverse experiences have provided us with not only the experience of what it means to live, work and play in well-planned and well-designed cities, but also with a comprehensive understanding of how to achieve this.

We have full confidence that our perspectives can make a substantial contribution to the development of PC29.

1. Summary

NelsonTasman2050 supports the intention of PC29 to encourage housing intensification in Nelson. However, we are not in favour of the blanket planning rules that are proposed to implement medium and higher density intensification.

The current liberal approach of PC29 leaves the resulting built environment outcomes too much to chance. It is highly likely that the uncoordinated urban form will be disappointing, leading to negative associations with urban living and thereby shoring up demand for greenfield expansion as an unintended consequence.

Well-designed intensification requires the proactive consideration of specific neighbourhood conditions to inform integrated urban regeneration spatial plans. These plans should form the basis for identifying parameters that ensure that each site development complements the spatial vision.

We urge Nelson City Council (**NCC**) to engage in comprehensive spatial planning and the development of integrated urban regeneration plans at a neighbourhood level.

Until such neighbourhood plans take effect, PC29 needs to find a balance between increasing urban development capacity and avoiding the potential negative long term impacts and effects of uncoordinated developments.

2. The Big Picture

1 *The Human Ecology of Overshoot: Why a Major 'Population Correction' Is Inevitable*, William E. Rees, 2023

Increasing pressures on natural and physical resources are symptomatic for modern society.¹ In this context it is of utmost importance that we create a framework that delivers a settlement pattern and urban form that is sustainable for the long term and allows the transition of our local society towards a more resilient, regenerative and self-sufficient community.

The FDS lays the groundwork for transitioning to a more sustainable settlement pattern by aiming to reduce destructive urban sprawl by prioritising urban intensification. Public consultation made clear that this policy direction is the preferred option. PC29 signals a significant shift in planning policy with the aim of enabling this intensification to take place in Nelson.

We fully agree with the intention of PC29 to encourage housing intensification. It is critical for Nelson to provide for more housing (including smaller units) and activity in central, well-connected parts of the city to enable mode shift, to bring

vitality back into the centre, to reduce pressure for urban sprawl, retain productive and natural land, build resilience and to lower our collective carbon footprint and consumption of natural resources.

For too long Nelson has relied on a growth strategy that is predicated upon single detached dwellings on the fringes of the city at the neglect of our urban areas. Intensifying our existing urban areas will create more equitable housing choices, allow people to live closer to where they work and socialise, revitalise the central city, reduce our reliance on cars and fossil fuels while encouraging walking, cycling and the use of public transport, reduce our collective land and resource use, as well as our greenhouse gas emissions and it will allow for more efficient infrastructure investment, ultimately reflecting in lower rates.

However, the currently proposed approach, that leaves the spatial configuration of new multi-storey buildings to pure chance, is bound to lead to disappointing results. Well-designed towns and cities do not happen by chance. They are the result of intricate design work - work that NCC needs to engage in.

3. A Better Process through Design

In contrast to the (typically suburban) blanket planning rules that are currently proposed by PC29, a design-led approach would consider individual site or block conditions such as location, aspect, topography, access to services and amenities, overland flow paths, flood protection and watercourses, infrastructure, significant trees and vegetation, heritage items and commercial aspects like land value vs. capitalisation etc.

Urban regeneration through medium and high density intensification is much more complex than suburban stand-alone housing developments and requires a higher level of design thinking.

For a successful intensification policy, NCC must design comprehensive neighbourhood plans first - these are plans that give some certainty about the form and location of future buildings, open space areas for outlook and privacy, future public and private green spaces, play areas, potential new laneways and so on. Our current FDS spells out the need for such neighbourhood plans already.

Only once a shared plan or vision is agreed with the community should we set the rules (e.g. for permitted activities) and assessment criteria that will enable this vision to become reality. With a clear picture at hand, the community will be

much more at ease about the trade-offs that intensification demands and will understand the enormous benefits that will come with it.

Opportunities through well-designed intensification following a designed neighbourhood plan process include

- easy wins by prioritising favourable undercapitalised sites
- building community support through pilot projects and a design process that leads to a shared vision for neighbourhood regeneration
- more efficient and cost-effective phasing in of supporting infrastructure
- better urban design outcomes (e.g. continuous streetscapes, overlooking, integration of green spaces, street trees and the retention of vegetation etc.)
- provision of new public open spaces (e.g. parks, playgrounds, space for overland flow paths, green infrastructure and new laneways) to support intensification
- creation of more efficient block patterns to maximise intensification potential and increase block permeability, supporting active and public transport modes
- influence on the mix of building typologies and unit sizes to provide for the whole community, including smaller, more affordable units

Unfortunately, we don't have a great track record of designing for regeneration in New Zealand. Our most successful projects to date, such as Auckland's Wynyard Quarter or Wellington's Waterfront, relied on urban development agencies to purchase and amalgamate individual sites before comprehensive masterplans could be enacted through bulk developments.

Overseas processes show, however, that even incremental intensification (such as a "mum and dad development") needs thoughtful design. For example, in Germany a carefully considered "Bebauungsplan" governs the intensification of any neighbourhood. In the UK it is common to develop regeneration masterplans that create a shared vision for affected communities. The best concepts are often procured through design competitions amongst qualified design professionals such as urban designers, landscape architects and architects.

We recommend that PC29 should give effect to new spatial neighbourhood plans for all medium and high density zones as well as the central zone. Given the time and effort required to procure these, neighbourhood plans could come into effect one by one as they become available, picking off the easiest and most obvious areas of town first. Within their respective boundaries these plans should spell out parameters for permitted building activities that would add to the agreed shared vision, one puzzle piece at a time.

4. In the Interim

We understand the implications of a proactive planning approach on timing. It could be years until the first spatial neighbourhood plan comes into effect.

Typically the uptake of this policy change would initially be slow, building to a faster pace over time as the development industry adjusts to the new settings. This would leave some time for the first spatial neighbourhood plans to be completed and taking effect.

In the meantime, PC29 needs to enable intensification (and thereby minimise sprawl), while managing and minimising associated risks, such as

- loss of future regeneration opportunities by overcapitalising potentially unfavourable sites (e.g. inner block sites)
- loss of open green space and less permeable area resulting in more risk of flash flooding ²
- the creation of low amenity urban areas that inadvertently increase demand for greenfield stand-alone housing at the edge of town

In the initial absence of a proactive spatial plan, we suggest limiting PC29's permitted activity status for medium and high density intensification to areas with advantageous orientation for outlook and amenity and thereby concentrating higher density development along street fronts so these developments can utilise the amenity of the road reserve.

We recommend revising the standards for the High and Medium Density Zones to provide a more targeted spatial approach to guide intensification. We welcome an opportunity to develop and test revised standards through case studies and scenarios. In the absence of spatial neighbourhood plans these revised standards for PC29 should be utilised in conjunction with Minimum

Dwelling Standards and a Nelson-specific Urban Design Guide (or more generic urban design guidance).

A. **Minimum Dwelling Standards** ensure that poor quality units are avoided and new dwellings have sufficient internal amenity. Having minimum unit sizes is insufficient to ensure that the resulting dwellings are of suitable quality and further controls are required to produce liveable homes. For example, saddle bag apartments may technically meet the planning rules however they result in poor amenity for the occupants and should be avoided. The Auckland Design Manual includes dwelling standards within their design guide, as does the Better Apartments Design Standards (BADs) in Melbourne, which includes key metrics that must be met for units, such as:

- a. Functional layout
- b. Room depth
- c. Windows
- d. Storage
- e. Ventilation
- f. Private open space
- g. Accessibility

B. A Nelson specific **Urban Design Guide** is one of the most effective methods of encouraging quality design outcomes without becoming overly restrictive. Urban design guides are useful for both permitted development (in that they provide guidance and methods for achieving good designs within the planning framework, which can be used by landowners and developers to assist their planning process), and for discretionary/controlled development, where the guides can be used by developers to understand the types of approaches that would be viewed favourably by council.

They are a document that can form part of the assessment criteria in the resource consenting process. The design guides should be linked to the planning clauses so that anyone submitting for resource consent will need to nominate how their design responds to the guides. There are a lot of examples of highly effective urban design guides such as the Auckland Design Manual or the Whangarei Urban Design Guidelines, the latter being a great example of how a city of similar size to Nelson has put qualitative guidelines in place.

The urban design guide can be used to guide the design and implementation of the spatial neighbourhood plans.

³ *Sprawl Repair Manual*,
Galina Tachieva, 2010

⁴ *Urban Design
Compendium*, Llewelyn-
Davies, 2000

In absence of a Nelson-specific Urban Design Guide, PC29 could reference more generic guidance, such as [Boffa Miskell's National Medium-Density Design Guidelines](#), the [Lexicon of New Urbanism](#), the *Sprawl Repair Manual*³ or the UK's Urban Design Compendium.⁴

Development that falls outside the permitted activity status will need stronger urban design guidance through the design and consenting process through a strengthened Urban Design Panel.

- C. An **Urban Design Panel (UDP)** is a tool that can be utilised to enhance designs and provide guidance prior to being submitted for resource consent. It allows developers to both access expert feedback on their proposal and acts as a body that can review the more qualitative aspects of a development with particular view to the potential risks from intensification, as highlighted above.

Nelson currently has an UDP. We recommend that this should assume a more significant and mandatory role within the resource consenting process by making the following changes:

- a. The panel should be composed of urban designers, landscape architects, architects and planners who are familiar with the intent of the PC29 and a Nelson specific Urban Design Guide, so that it can advise on how to align developments with the plan and guidance.
- b. Recommendations from the UDP are to carry more weight within resource consent decision making. Developers/designers will need to respond to the recommendations of the UDP in the consent application either through design changes or by providing a rationale as to why they chose not to accept these recommendations.
- c. All developments within the central, medium and high density zones that sit outside the permitted activity status (see our recommendations for adjustments to the requirements for permitted activities above) will be obligated to present their scheme to the UDP.

5. Additional Comments

5.1 Encourage comprehensive developments and Urban Development Agency

A challenge associated with undertaking brownfield intensification, particularly somewhere like Nelson, is that there is a tendency for this to happen “piecemeal”, site by site. Not only is this an inefficient process, but it can also often result in poor outcomes, such as backyard infill, reduced green space and a lack of coordination of both urban form and infrastructure investment. In contrast, comprehensive (multi-site) intensification can deliver much better built outcomes, providing greater amenity to both the occupants of the new dwellings and their neighbourhoods.

Multi-site development can also improve the commercial feasibility for developers. We suggest making modifications to PC29 to encourage comprehensive intensification akin to Auckland’s Unitary Plan and for NCC to have dedicated resources who are tasked with facilitating and streamlining multi-site consent applications.

Additionally, we understand that NCC and Tasman District Council are currently undertaking a feasibility study on a joint Urban Development Agency (**UDA**). We strongly support this idea and believe that, done well, a UDA could be a powerful mechanism to develop comprehensive, high quality housing projects. Working with the private sector, a UDA ultimately offers the ability to enact council’s spatial neighbourhood plans while maintaining high design and amenity outcomes.

5.2 Reduce carbon emissions and resource use

While urban intensification can significantly reduce long-term carbon emissions, especially in the realm of transportation, it is imperative to acknowledge the substantial carbon impact associated with demolition and new construction. As a proactive measure, we recommend the adoption of Nelson Urban Design Guidelines (see point B above) that would incorporate robust recommendations for new building designs aimed at minimising their carbon footprint and resource use. These design guidelines should encompass a dedicated section addressing materials and energy, with a focus on mitigating both embodied and operational carbon. This entails promoting the use of local, bio-based, and low-carbon materials.

NCC could incentivise projects with low carbon or high sustainability outcomes through a reduction of fees and development contributions, prioritised processing and/or through targeted subsidies e.g. for on-site energy generation or water management (permeable surfaces, rain gardens etc.).

5.3 Green Infrastructure

5 *Are we building harder, hotter cities? The vital importance of urban green spaces,*
Parliamentary Commissioner
for the Environment,
March 2023

In his report "Are we building harder, hotter cities? The vital importance of urban green spaces",⁵ the Parliamentary Commissioner for the Environment Simon Upton identified the loss of green spaces in New Zealand's towns and cities due to backyard infill development as problematic. He highlighted that new government rules, such as the Medium Density Residential Standards (aimed at promoting housing intensification), would likely add to this pressure. He urged that green spaces should not be optional and emphasises the environmental benefits of urban parks, reserves, gardens, vegetation, and street trees. While Upton supports intensification, he emphasised that not all intensification is the same, and that the style of infill townhouse development that is currently happening within our cities comes with risks for the existing network of urban green space.

6 *Sponge Cities, Can they help us survive more intense rainfall?,*
Kali Mercer, August 2023

NCC is advised to consider incorporating recommendations from the Sponge Cities 2023 report⁶ into PC29, Nelson's Urban Design Guidelines and the eventual design of spatial neighbourhood plans.

As mentioned above, we support the intent of PC29, but we believe that significant change are required to achieve the desired results.

We are eager to see the council open to integrating our insights into their deliberations. Furthermore, we want to emphasise our readiness to provide additional clarifications for any aspects of our submission and to share further insights as needed.

We would like to speak to the hearing commission in support of our submission.

Online submission

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

Submitter No.	S499
Submitter Name	Alexandra Mary Teague & Grant Leonard Russell
Submitter Company/Group Name	Alexandra Mary Teague & Grant Leonard Russell
Submitter first name	Alexandra
Submitter middle name	Mary
Submitter surname	Teague
Submitter is contact	Yes
Email	alexandra.teague@gmail.com
Wish to be heard	No
Joint presentation	Yes
Trade competition	I could not gain an advantage in trade competition through this submission.
Directly affected	N/A
Withhold contact details?	No

Submission points

Plan section	Provision	Support/oppose	Reasons	Decision sought
Residential Zones	High Density Residential Zone	Oppose		This submission requests that Council removes the Tahunanui hills area from the proposed High Density Residential Zone and replaces it with a General Residential Zone classification.

Reasons for opposition to the proposed Tahunanui High Density Zone (HDZ)

The principle reasons for this request include slope instability, inadequate infrastructure, lack of amenities, and destruction of amenity values and they are set out below:

Slope instability and Inadequate Infrastructure

Geotechnical data must be considered when determining zoning rules for the Tahunanui hills area, which has a well-documented established and recent history of, and ongoing potential for, significant natural hazard through slope instability. The existing council requirement for geotechnical reports to be undertaken for proposed developments in the area substantiates this concern.

Forecast extreme weather with higher intensity rainfall, along with the ever-present seismic risk, when combined with proposed residential intensification, have potential for catastrophic outcomes. Stormwater infrastructure is already stretched to its limits during heavy rain and it would not cope with intensification.

Reports by Beca in 2021 and 2022 highlight the elevated risk of future slope instability in the Tahunanui hills, most recently evidenced through the damaging August 2022 weather event. The scars of the Tosswill road slip have yet to heal (photo attached), yet this property is proposed to be in the HDZ. High (and even medium) density development would increase the potential for future slips on these hills, again damaging roads and services. Trees and bush stabilise steep hillsides and are important elements in mitigating damage during rainfall. In addition they are a habitat for re-established native birds. Development and intensification necessitate their removal. Weather and earthquakes are beyond our control but levels of development and intensification are within our grasp.

No access to necessary community amenities.

Document name NCC Plan Change Submission

File [nccchangeplansubmission.pdf](#)

Description PDF of submission points and photo (with formatting missing from online window)

Increased residential density is inappropriate in areas where residents will have no easy walkable access to shops and services. Any proposed HDZ should have safe walkable access to supermarkets, schools and public transport. The steep terrain of the Tahunanui hills means that access to shops and the school across the busy state highway, via often slippery steps, is impossible for wheelchairs, bicycles and prams. There is no supermarket within walking distance of the area. Access is hazardous for the elderly and the infirm and remains challenging for the able-bodied.

Without amenities residents require vehicles to live in this area. Planning rules for developments no longer require off-street parking to be provided, and already street-side parking is to capacity on roads that are narrow and steep.

Destruction of residential amenity:
Mental and physical wellbeing

Access to sunlight is necessary for mental and physical health and wellbeing. Daylight and sunlight are critical components that contribute to residential amenity, providing warmth and energy efficiency. They are vital for outdoor activities including gardening and recreation.

Intensification on the Tahunanui hills will deny this basic human right to existing residents adjacent to developments as well as to new residents. Property values (and ultimately capital values and rates) will plummet where sunlight and views are lost. Desirable areas will be no longer be desirable. Homes, gardens and streets will become damp and mouldy. The negative financial implications for owners would be life-changing.

Destruction of visual and recreational amenity Tamaki Street, long and steep, incorporates the famous steps to Princes Drive and is frequented daily by dozens of walkers, athletes, visitors and locals. The visual and recreational amenity that draws them to the Tāhunanui hills relies upon the low-rise human-scaled homes combined with open green spaces, both public and private, that ameliorate views to the beach. Proposed intensification would irreparably transform this environmental amenity, enjoyed regularly by Tāhunanui locals, Nelsonians and tourists.

Submitter S499 Continued
Alexandra Mary Teague and Grant Leonard Russell

31 October 2023

This submission requests that Council removes the Tahunanui hills area from the proposed High Density Residential Zone and replaces it with a General Residential Zone classification.

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No access to necessary community amenities

Increased residential density is inappropriate in areas where residents will have no easy walkable access to shops and services. Any proposed HDZ should have safe walkable access to supermarkets, schools and public transport. The steep terrain of the Tahunanui hills means that access to shops and the school across the busy state highway, via often slippery steps, is impossible for wheelchairs, bicycles and prams. There is no supermarket within walking distance of the area. Access is hazardous for the elderly and the infirm and remains challenging for the able-bodied.

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Photo of Tosswill Road slip post Aug 2022 (by author)



Nelson City Council Plan Change 29 Submission

Euan Laird

By way of introduction.

A key requisite for any official body, such as the Nelson City Council (NCC), is that it retains the faith of its "investors." Investors in this case, in the main, are the eligible Nelson City Council (NCC) public who elected them into office. As a general preamble one of my submissions is that NCC have totally broken faith with its investors in the way that it has presented Plan Change 29 (PC29) as a *fait accompli* that would go through unhindered. If one of the meetings that I attended is anything to go by NCC sorely misjudged the outcome of its PC29 publication, and every one of the questioners (in an audience of around 200) was scathing and deeply critical of PC29 as presented. If NCC does what it says it does on the label — "We are listening and hear what you say" — then they need to adopt a rethink and re-present mode to their constituents.

So.

- I. At the meeting I attended the Mayor stated that we have to follow the law i.e. the law relating to managing cities' growth and development as enacted by Central Govt. All well and good, but when such centrally enacted law is clearly contentious and open to interpretation and variation, then it is my belief that local govt such as NCC has the right to challenge central govt and question the manner, intent and interpretation of such law, and certainly the timing of its implementation. This is precisely what the Christchurch City Council is doing, Further I had, perhaps naively, a belief that there was a confederation of local govt bodies who communicated and actively campaigned, both for and against central govt, when centrally mandated legislation got things wrong.
2. As I understand it NCC breached the rules relating to Local Govt enactment in the manner in which it drew up and then promulgated PC29. The previous Mayor is on record on this, as is the current Mayor. Accordingly the appropriate and current solution is to revisit the process and at the very least promulgate PC29 as a "Draft Plan," open to comment and criticism and revision before being adopted as a "Provisional Plan" then open to further submission and panel hearings. I believe this is what the Tasman District Council (TDC) and Wellington City Council have done, and both are examples of best practice. As a consequence there has been nothing like the Nelson outcry in the TDC catchment. Indeed the NCC website states that "PC29 is not a full plan review, rather it is being progressed as an interim

response... ..” That statement is at variance to how the matter has been presented by NCC and further reinforces my statement on a "Draft Plan" and a "Provisional Plan" above.

3. There is an opacity in the NCC in relation to where each councillor sits on the matter of PC29. There were three councillors, plus the Mayor, at the initial meeting I attended, and not one of them put forward an alternative or contrary view, or at least said that NCC had some work to do on the issue. The fallback by all who

presented, Mayor, Councillor and NCC planning and consent staff, was "This is the law, and that is what we have to do." Maybe they were stunned into silence by the vehemence of the opposition to a matter they had rubber stamped in council. So I would call for a statement from each councillor as to the precise nature of their views on PC29, and how they have interpreted the angry feedback they are obviously now registering.

4. The initial time frame for NCC to receive submissions before the "panel" met to consider the final PC29 plan was woefully inadequate — the Nelson Resource Management Plan (NMRP) was operative on the 1st of September, 2023 and we were given only until the 19th September, 2023. The extension out to 31st October barely satisfies a requirement that "justice is not only done, but seen to be done." However I accept that time line, if, and only if, the "panel" considering the submissions is open and transparent and HONEST in their response. Whilst it is accepted that the process is moving forward it seems to me that on a matter of such profound import it is imperative "to make haste slowly." The timeline laid out by NCC that the plan is finalised and ready to enact by end 2024 is arbitrary and not centrally mandated. The "panel" must consider each and every submission received and by legislation must reply to each and every submitter with a summary of the submissions before they go on to formulate the plan to be enacted. The plan to be enacted is subject to Environment Court challenge. Such processes may well tie NCC up in Court for years. It seems to me to be axiomatic that the process could be considerably foreshortened and clarified if NCC accepted that they had misread the runes, and gave the plan a makeover in line with the heavy criticism it has received, rather than ploughing on doggedly and adhering to an artificial timeline. I am of the opinion that it will take the "panel" more than a few months to consider all of the many submissions they will undoubtedly receive, let alone getting the summary formulated and distributed to all of the submitters, who then have the right to address the "panel" in person and further present their views.

Clearly there is a fallback position available once the panel eventually submits their recommendations to the full NCC. The Council may then choose a number of options;

- A. Accepts the recommendations of the panel, whatever they may be. It should be noted here that the panel may choose to dramatically scale back PC29 in line with my beliefs, or indeed it may rubber stamp the original PC29 that was laid out in the Draft Plan.
- B. Rejects the recommendations, which could again lead to either an augmented or scaled back PC29.

- C. Accept a Notice of Motion (already tabled once by Cr Mel Courtney) to reject the entire process and go back to the drawing board as I believe it should, with a reconstituted panel.
5. There seems to have been a minimal or absent effort by NCC to assess the three precincts laid out in the changes envisaged i.e. General Residential Zone (GRZ), Medium Density Residential Zone (MDRZ) and High Density Residential Zone (HDRZ), in terms of what will happen, and where, and the outcomes. We are all aware that the central Nelson City CBD is haemorrhaging commercial and retail owners and tenants. A questioner at my initial meeting asked about the possibility of creating an Urban Development Authority (UDA) for Nelson. A UDA is a statutory body that is mandated to assess, buy and develop land for residential development. As such it can end up costing ratepayers a considerable sum of money annually and hence pushing rates further upwards. I think the central tenet of the question was not so much creating a UDA, rather an Urban Advisory Panel (UAP). Such a panel would survey and audit the Nelson CBD. Commercial, retail, hospitality, residential, vacant spaces, buildings in need of earthquake proofing, car parking and pedestrianisation pathways, public transport nodes and routes are examples of what such an audit would entail. This could lead to a map of current and future development possibilities, without the statutory overlay of a UDA.

[Type here]

Such a UAP could consist of all interested parties, including architects, planners, developers, residents, tenants, business owners, and so forth. Areas of possible future intensification could be identified and this would lead to a view of the possible future architectural, cultural, sociological and aesthetic landscape of the CBD. All and sundry could then submit and present in the light of augmented information. Identification of vacant land sites, moves by developers, planning for papakainga; these and other issues could identified in such an audit and lead to benefits for all concerned. Why hasn't this been considered ? If nothing else such a panel could run parallel to the current imbroglio and add further evidence for a final and revised PC29.

6. The "panel" considering submissions. It is my submission that NCC has seriously erred here in this fraught process. Panels of this nature are generally either totally composed of external members with expertise in the field or of internal NCC staff, such as planners, and not a hybrid of the two that we now have in Nelson. As I understand it there are only three members on the "panel," Trudie Brand (NCC Councillor), Rohan O'Neill-Stevens (NCC Deputy Mayor) and an external "very experienced town planner" (Mayor Smith's words) from Auckland, whom he has previously worked with when he was Housing Minister in a National govt. Both councillors are on record as being in favour of PC29 as currently promulgated. The size and composition of the "panel" are in serious breach of impartiality and risk being a "slam dunk" for the establishment view. The "panel" should be expanded to at least five with perhaps an architect and maybe a developer added to it. If the "panel" is left as it is, it will in my opinion be a rank article of local body partisan politics that is both undemocratic and not how Kiwis expect matters to be run. NCC needs to sort this out, urgently, or as Mayor Smith said at the meeting, "There is an election where you can record your dissatisfaction," and I refer to the local body elections of 2024.
7. Nelson city has an expected population growth of 3500 in the next ten years = 350 increase per year. The Reserve Bank of New Zealand (<http://www.rbnz.govt.nz/files-discussion/papers/PDF>) using panel data regression techniques estimates that 0.25 — 0.30 additional houses are built for every additional person in a region. Given $350 \times 0.3 = 105$ is the number of new dwellings required across the whole of Nelson city in each year of the 10 year aliquot. There are 17,238 occupied dwellings and 1185 unoccupied dwellings in Nelson city (<https://statsnz.contentdm.oclc.org>). My proposal that a UAP conducts an audit as above would probably find these figures to be in the right ballpark. The figure of 1185 unoccupied dwellings needs serious consideration and may well reveal that Nelson is definitely not in need of the planned for intensification. Such figures certainly negate the need for intensification on the widespread scale that

PC29 envisages, and certainly not with the rapidity of action that NCC has laid out in its PC29 schedule. So, why the rush, and where is the justification ?

8. I happen to live in the MDRZ, but right on the border with the HDRZ. We are in the river catchment flood zone, yet we are not exempt from PC29, as The Wood is, because of projected sea level rises. This is again farcical, as if the sea level rise occurs as planned for, then the physics of hydrology tells us that there will be no outward river flow whilst the sea level rises. Thus we will be at significant risk of river flooding, as for The Wood, yet we not exempt. Please answer this question for me ?

[Type here]

9. The scale of the HDRZ is too big and spread out for a city of our size. Ideally, and in conjunction with my proposed UAP audit, it would be contained within the borders of Halifax, Rutherford, Selwyn and Collingwood in the first instance. When, and only after this area has been demonstrated to be insufficient for the planned intensification demand, should it be expanded outwards, but only on an incremental basis, justified by the demographic increase and demand. As above I do not believe that the figures currently justify this demand, and certainly not to the boundaries of the current PC29 plan.
10. If we accept a degree of intensification then the planned HDRZ for the CBD is one with the least impact in terms of architecture, aesthetics and higher rise buildings, given that much of the HDRZ will lie within the CBD which is already littered with many higher rise buildings. To that end I would propose that the CBD defined by Halifax, Rutherford, Selwyn and Collingwood precinct is sufficient for HDRZ buildings, and that should be its limit. MDRZ could then be perhaps extended out from the CBD as above, incrementally and as and when demand predicates such an outward expansion and ending at the current PC29 HDRZ boundary. There should be no further need for intensification beyond this boundary, subject to a builder/ developer/ resident wishing to build say a two storey building in this outer zone, but in accord with appropriate RMA regulations. This retains the character of the vast majority of Nelson city, avoids endless litigation and stress over the NIMBY argument that is now rife within Nelson city, and yet will easily meet the dwelling demand for the projected population increase.
11. The current PC29 plan does not allow for car parking to be incorporated within the intensification building process. In other words, and particularly in the HDRZ, any or all vehicles associated with the HDRZ in particular, but also the MDRZ and the GRZ. Now while it may be argued that we are moving to a carless society and the 15 minute city concept will be paramount, there will still be a significant number of additional vehicles on the street. In the CBD are they going to have pay car parking meter fees during daylight hours ? Will these vehicles simply add to the clogged car parking facilities that Nelson city currently "enjoys ?" *Papakainga* dwellings are being cited as the prime exemplars of such dwellings, further exacerbating cultural and societal tensions. I think I have demonstrated that the scope and geography of the PC29 as currently laid out far exceeds that which is necessary, and I call upon NCC to reflect and reconsider, and maybe even apologise for getting it all so wrong.
12. One of the great unknowns of PC29 is the cost of such intensification. "Affordability" is touted as being a hallmark of such intensification. This is a fallacious myth. Building costs are skyrocketing, we live within a very

constrained cost of living crisis economy and the potential “affordable-bracket buyers” of such intensified development are probably already priced out of the market. Private developers are not going to intensify unless they are satisfied such development will meet commercial returns. Hence they may well build incorporating parking off street² in their developments, but this will only inflate the sale or rental income returns. Affordability then becomes a major issue.

[Type here]

This leads into the rental sector of such intensification and one that *papakāinga* and its counterparts will no doubt play a large role. This may well occur given that the central govt chequebook behind such development does not seem to need to meet the normal prudent investor criteria that a developer would follow. Such development then leads into "ghettoised" areas with all of the corollaries such as vehicle congestion, overcrowding, possible crime and anti-social behaviour. Is this what PC29 envisaged ?

13. PC29 lays out the intensification process that can occur if a planned intensification build meets all of the RMA strictures. It states that a publicly notified consent application does not need to occur in such circumstances. This is far beyond undemocratic and gives the average resident whose home/residence may be encroached upon by a higher rise building with no warning as to when such a build could occur. If nothing else it is imperative that publicly notified consents should be the absolute standard for all such development to occur. This is the absolute standard in the city of Melbourne, Australia. To the planners, councillors and naysayers who say this is too bureaucratic, I would say revisit the consents process, streamline and simplify, stop the eye watering, price gouging fees associated with consents and listen to your constituents.
14. It is indeed ironic that PC29 has at its heart planning, yet allows a scatter gun approach to development due to too wide a geography of each of the Residential Zones. Thus neighbourhood character and ambience could go out with the bathwater when a six storey build occurs smack within a street of single storey residential buildings, along with street congestion due to haphazard vehicle parking, wheelie bin (rubbish, recycling, green waste) placement, as the new build does not allow for off street car parking. The report by Market Economics, May, 2023, Appendix IG specifically addresses these and related issues.

"Under the proposed provisions the total capacity of PC29 amounts to five to nine times the level of long term demand."

15. There is a direct link between the built environment and subjective well-being = mental health. Seven pathways have been identified in the links;

1. Travel
2. Leisure
3. Work

4. Social relationships
5. Residential well-being
6. Emotional responses
7. Health.

Urban planning, when constructive, may enhance these seven pathways, but if the planning is arbitrary and not thought through there may well be significant residential unrest, including low or high level crime, violence, traffic congestion, and if nothing else residential stress and unhappiness. This is highly likely under PC29.

The possibility of three or six storey buildings within a metre of residential boundaries may cause sunlight deprivation and shade solar panelling leading to inefficiency and higher energy costs. Such costs are currently prevalent and rising and this leads to colder homes and poorer health outcomes as the work of Professor Philippa Chapman-Howden has demonstrated.

Existing properties would be overlooked and this results in an invasion of privacy. One attendee at the meeting I attended was in tears as he outlined the situation relating to his property and developer plans to surround him on three sides and shade him out and overlook his home. Such outcomes may well lead to a drop in the value of a resident's largest asset, his/her/their home, and this is hardly conducive to mental well-being. All of these adverse outfits could be mitigated and/or abolished if PC29 was revisited and restructured along the lines I have laid out.

So, in summary, NCC has promulgated a plan that is fraught with error and assumptions.

- a. PC29 is in breach of the regulations relating to town planning.
- b. NCC has not acted in good faith for its residents in challenging the central govt laws relating to such planning.
- c. The Mayor has dictated a composition of the panel given the task of considering the submissions and ruling on the final PC29 format that is partisan, and indeed biased, and needs expansion and reconsidering so that at least a balance and proportion in its makeup is achieved.
- d. We need a UAP to give further advice as to how PC29 is defined and implemented. We do not currently need a UDA.

- e. Given the relatively modest population increase that Nelson will undergo in the next ten years there is no urgency to ram this plan through, and indeed much to be gained for "making haste slowly."
- f. The current PC29 boundaries for each of the Residential Zones are too wide and arbitrary and need pruning and scaling back.

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- g. The zone of demarcation between The Wood Flood Plain and the River Flood Plain are arbitrary and bear no relationship to anticipated climate change and actual hydrological changes that will pertain in the future.
- h. There is little or no recognition of the need to consider neighbourhood zones, their architecture and ambience and the cultural and societal values inherent within long established neighbourhoods.
- i. Vehicle congestion may well rise as a result of the current PC29, and further add to traffic management chaos.
- j. Affordability seems to be lacking in the framework of PC29 and needs to be factored in before proceeding. The UAP audit I suggested may well highlight this crucial factor.
- k. The probable absence of publicly notified consents for the planned intensification builds is undemocratic and will lead to very high levels of neighbourhood anxiety and stress.
- l. Poorer health outcomes, loss of energy efficiency and reduction of home values are a high price to pay in this plan as currently promulgated.

Please take these issues seriously, reflect and reconsider, say sorry and start on a new page of paper. To do otherwise will result in a hugely upset electorate and will embroil NCC in endless complaint and probable litigation.

I have no Trade Competition in my submission.

I wish to present in front of the panel in support of my submission.

EUAN LAIRD

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