

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



31 October 2023

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

OFFICE USE
Submission No: S768
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17855

Submitter Details

Full Name ---
Organisation Suffolk Heights Limited
Contact Person Mark Lile
Postal Address Landmark Lile Limited, PO Box 343, Nelson 7040
Mobile Phone
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Trade Competition

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

Council Hearing

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

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

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

Dated: 31 October 2023

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

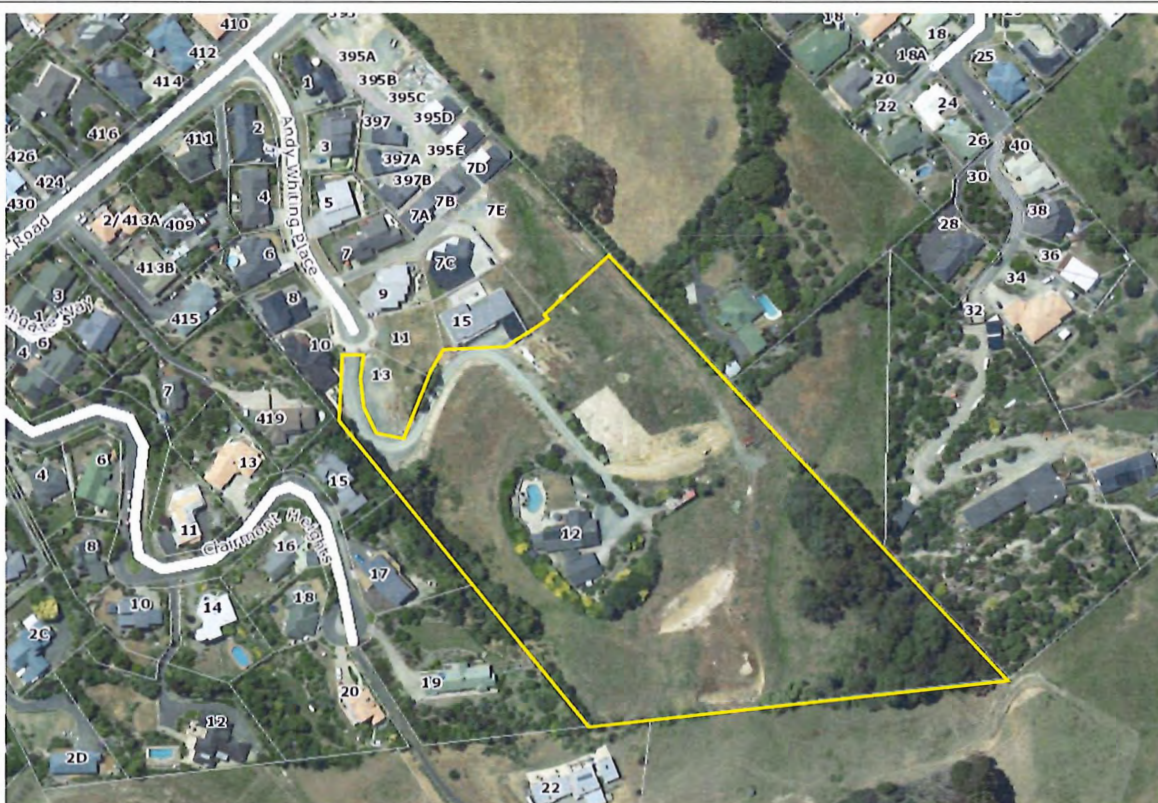
	Entire Plan Change		Papakāinga
☒	Residential	☒	Transport
	Inner City and City Fringe	☒	Mapping
	Industrial		Infrastructure
	Suburban Commercial		Area outside of Plan Change
☒	Natural Hazards/Climate Change	☒	Subdivision
	Heritage		Other

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

My submissions and the relief sought are as follows:

Submission

Suffolk Heights Limited (SHL) is the owner of the 2.2982-hecatres of residential land at 12 Andy Whiting Place (Lot 100 DP499751). SHL has been progressing the subdivision and development of this land, which created Andy Whiting Place, with additional stages yet to be developed.



12 Andy Whiting Place

SHL has gathered a high level of geotechnical information which has been thoroughly reviewed by consultants on behalf of the consent authority. The geological features of the site have been comprehensively mapped as a part of the subdivision and development process, with slope risks stabilised and certified as stable and suitable for residential use under section 106.

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

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

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

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

Map	Slope Instability Area 3 Overlay Oppose	
	<u>Reasons</u> The graphical extent / boundaries of the Slope Instability Area 3 Overlay are considered to be inaccurate. Sufficient care has not been taken to utilise the detailed geotechnical information available on Council property and resource consent files. While it is accepted that some undeveloped land contains some inherent slope instability risk, the very broad basis upon which the slope instability risks have been mapped has resulted in engineer certified and stable land from being included in this natural hazard overlay. Combined with the wider planning framework forming PC29, as outlined in other parts of this submission, the use of inaccurate base information will lead to significant and unreasonable implications for property owners. The impacts and costs are not considered to be justified under section 32 of the Act and will not achieve the sustainable management of natural and physical resources. <u>Relief Sought</u> <i>Either:</i> (a) Remove the Slope Instability Area 3 Overlay; or (b) Reassess the risks associated with all land within the Area 3 overlay, and (c) Amend the graphical extent / boundaries of the Slope Instability Area 3 Overlay to ensure they are accurate.	
Volume 1		
MW.iii	Meaning of Words	Support/oppose
	Natural Hazard Overlay <u>Reasons</u> Given the changes to all the provisions relating to natural hazards, the proposed changes to this definition are for the most part necessary and appropriate. The inclusion of slope instability area three overlay is however generally opposed as it is considered the risks do not warrant the inclusion of the land within this definition. As set out elsewhere in this submission, the basis upon which the slope instability areas have been identified is considered to be highly questionable and unreliable. While the need and importance of identifying hazards is fully recognised, it is considered fundamentally important for new provisions to have a sound basis and so for plan changes for the provisions to be fully justified under section 32. <u>Relief Sought</u> Remove slope instability area three overlay from the definition.	
Volume 2		
	Rules relating to overlays on Planning Maps	
REr.73	Fault Deformation Overlay – Building or network utility <u>Reasons</u> PC29 proposes to significantly change REr.73 which is currently entitled Fault Hazard Overlay. As set out in the tracked changes below, the current rule (clause (a)) permits building in the Overlay if the fault trace can be precisely located and buildings are setback at least 5m. REr.73.1 ~~Erection, extension or alteration of~~ <i>In the Fault Deformation Overlay a building within the Fault Hazard Overlay or a network utility (except an accessory building or an addition to a building or a network utility) is permitted provided that:</i> <i>a. where not a fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace-permitted activity.</i> <i>b. no setback is required in the portion of the Fault Hazard Overlay between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.</i> The new rule reverses this, requiring consent for any new building or network utility as a restricted discretionary activity. Discretion is restricted to a number of matters, including reference to risks as set out within a "statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards".	Oppose in part

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

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

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

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

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

REr.75R	<i>Slope Instability Area 3 Overlay – Accessory building</i> <u>Reasons</u> These new rules state: <i>REr.75R.1</i> <i>In the Slope Instability Area 3 Overlay an accessory building is a permitted activity provided that</i> <i>the building does not exceed a gross floor area of 10m²; and</i> <i>the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.</i> As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. As set out above, these new rules cannot be justified and are unnecessary for the subdivisions that have been consented on the basis on appropriate geotechnical information. <u>Relief Sought</u> Delete rule.
<i>Subdivision rules relating to overlays on the Planning Maps</i>	
REr.110	<i>Fault Deformation Overlay - Subdivision</i> Neutral <u>Reasons</u> PC29 proposes to change the current version of REr.110.1 and REr.110.3 as follows: <i>REr.110.1</i> <i>Subdivision is not a permitted activity.</i> <i>REr.110.3</i> <i>Subdivision in the Fault Hazard Deformation Overlay is a discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if: activity.</i> <i>the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or</i> <i>the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.</i> Resource consent is already required as a discretionary activity due to the Fault Hazard Overlay. <u>Relief Sought</u> Retain rule.
REr.110A	<i>Fault Awareness Overlay - Subdivision</i> Neutral <u>Reasons</u> PC29 proposes a new subdivision rule REr.100A as follows: <i>REr.110A.1</i> <i>Subdivision is not a permitted activity.</i> <i>REr.110A.3</i> <i>Subdivision in the Fault Awareness Overlay is a restricted discretionary activity.</i> <i>Discretion is restricted to:</i> <i>the level of fault hazard on the site; and</i> <i>the location, scale and nature of activities proposed for the sites created; and</i> <i>the level of risk including to people, property and infrastructure, both onsite and off the site; and</i> <i>mitigation measures recommended to reduce the risk including setback of platforms for buildings from the fault or fault zone if the fault or fault zone can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and</i> <i>the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented; and</i>

	vi. <i>the relevant matters of control and restricted discretion in REr.107 -Subdivision General.</i> As noted above, this raises the bar in terms of the hazard risk assessment. A geotechnical report would have been required for subdivision in any event. <u>Relief Sought</u> Retain rule.	
REr.112B	<i>Slope Instability Area 2 Overlay - Subdivision</i> Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under REr.107. <u>Relief Sought</u> Delete REr.112B.	
REr.112C	<i>Slope Instability Area 3 Overlay - Subdivision</i> Oppose <u>Reasons</u> In addition to the concerns raised above over the broad nature of the slope instability mapping, the discretionary activity for subdivision is considered to be unnecessary and inefficient. There is already a high level of care given in subdivision applications with the involvement of geotechnical engineering experts as a part of dealing with the requirements of the Fourth Schedule and Section 106 of the Act. The relevant and appropriate consideration of geotechnical stability and slope risk is already a part of application triggered under REr.107. <u>Relief Sought</u> Delete REr.112C.	
Volume 3		
AP11	Access standards	
11.3.1	<i>Design of vehicle access</i> Support <u>Reasons</u> The provision for rights of ways to be created with between 7 and 20 users is supported. This will not only reduce the number of consents required for rights of ways with more than 6 users, but also provide a more flexible framework that will support the needs of some forms of residential development. <u>Relief Sought</u> Retain rule.	

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Environmental.planning@ncc.govt.nz

Submitter:

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Signature of Submitter:

Peter Fierek

Date: **31st October 2023**

Plan Change 29

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

Firstly, I want to thank the council for their effort to tackle the housing shortage, trying to make housing affordable for working individual, couples and families, providing economical growth, making Nelson a better place and many other points I could list.

As an immigrant from Germany I was pretty surprised by the lack of developments going up, and all new settlements spreading outwards removing valuable agricultural and environmental important land. It just didn't make sense to me building ever bigger dwellings on ever smaller sections with less green spaces and trees. The questions I always had were, why do we have no basements here for storage and utilities, and why not build up like in Europe where a 60m² building footprint can provide 240m² of living space?

If designed in a smart way this can be achieved without negative impacts to existing neighborhoods and environment, and even provide habitats for wildlife we are trying to reintroduce into our lives.

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

General

A. The Plan Change 29 Process

- a. As a full time worker with a family I have no time and knowledge to understand the total effect of the proposed PC 29 and its supporting documentation due to its size and complexity.
- b. I have found PC 29 lacking in early public engagement and consultation by Council, with its severe implications towards the well-being of existing rate paying residents enjoyment of their properties, extremely stressful, very time consuming and unnecessary.
- c. The severe lack of trust between residents and Council has become significant given the following:
 - i. The PC29 submission timeframe was only extended because of public pressure at 7th Sept public meeting which I attended.
 - ii. PC29 media engagement was only increased after public backlash.
- d. Information regarding the negative impacts on existing residents of their properties has required individuals to research PC 29 to find out these aspects and share them with the wider public. Eg.
 - i. Loss of winter sunlight with new recession planes.
 - ii. Loss of on-street car parking with increased intensification due to no requirement for off-site car parking.
 - iii. Loss of privacy with bigger buildings that are closer to boundaries.
 - iv. Loss of property value with loss of views, sunlight, and privacy.
 - v. Increased levels of noise with increased residential dwellings around a boundary.
 - vi. Residential unit numbers per building can be increased on a 'restricted discretionary' basis without notification or written approval.

B. Hearing Panel

- a) I disagree with the make-up of the hearing panel, because of its 'biased' public perception following the vote on Councillor Courtneys proposal to withdraw PC29 at the 14th September Council meeting.
- b) I ask the Council to appoint Councillors from either side of the Sept 14th vote.
- c) If it is not followed then I ask that all Councillors are replaced with independent Commissioners.

C. Design Lead and Not Developer Lead Growth.

- a) Nelson CBD with its unique character should be cherished and protected, especially Trafalgar Street with its large trees. Multistory buildings should fit into our CBD characteristics with inner city living above retail.
- b) Residential neighborhoods like Mount Street with some old villas should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a case by case basis to maintain the essence of their character.
- c) Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighborhoods. They help considerably with the wellbeing of the residents and help to provide an essential part of the attraction of Nelson, which must all be considered during developing the growth of Nelson. They also provide living spaces for our wildlife which we should enhance.
- d) I ask the Council to create a broader level of protection for neighbourhoods beyond the heritage buildings and precincts to that of areas of historic character value from the early settlement years of Nelson.

D. Intensification

- a) I believe we do need to intensify but I strongly oppose the High-Density Residential Zone in its current form. It is by no way in character or in keeping with any existing 'Low Rise' Nelson residential suburb.
- b) I ask Council to ensure a minimum of two storey dwellings be built on all new developments.
- c) I ask the Council to implement rules to ensure new developments do not become holiday apartments and Airbnbs that sit empty for long periods.
- d) I ask Council to ensure that more than 4 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections, and taking up lots of on street car parking spaces.
- e) I ask the council to enhance the build of inner city apartments above retail that offer an alternative solution. For too many years we have seen a very slow progress here, Nelson needs to speed up here otherwise the CBD will have nothing to offer except a slowly dying retail sector.

E. On-street carparking

- a) Increased intensification without providing off-street carparking will result in more cars parked on-street enhancing significant hazards to pedestrians and road users in some areas of Nelson where roads are extremely narrow, with little or no footpaths, no berms, and no turning spaces. Some two-way roads are already down to single lane due to parking on one side or cars parked partly on footpaths.
- b) I ask council to implement off-street car parking to at least 1 car park per unit and prohibit parking on footpaths, make narrow roads safer by implementing no-stopping zones to make roads safer for all road users including pedestrians and cyclists.

F. Infrastructure

- a) I ask the council to ensure that any big developments that are part of infills within existing residential neighbourhoods have no negative impact on existing infrastructure. Existing infrastructure shall be investigated, upgraded and paid by the land developer prior to build to prevent ratepayers having to cover any future costs.

Site Specific to 90a Mount Street

My property and the adjacent neighboring property in the west both would fall under the High Density Residential Zone (HRZ). My professional background allowed me to investigate the impacts of a development on the neighbouring property with the rules and standards outlined in the Plan Change 29.

As shown in Appendix A – Image 1, the dwelling in 5 Konini is currently located below my dwelling having zero impact onto my property.

If a dwelling would be allowed to be built to its maximum extent based on the new rules it would completely dwarf my house and have an immense negative impact onto my property, as shown in Appendix A – Image 2.

G. Sunlight Recession Planes and Shading Effects

- a) Currently, we lose zero sunlight from the neighbouring property below us / west side, my family and I can enjoy the sun in winter from mid day until sunset and in summer from morning until sunset. Based on the sun study I undertook, a full scale development in the west / below us would have the following impact:
 - i) In winter on the shortest day of the year we would start losing sunlight shortly after midday 12pm, and all four bedrooms and the living room on the west side would be completely covered in shade by about 2pm until sunset – Appendix A – Image 3.
 - ii) In summer on the longest day of the year we would start losing sunlight shortly after 4pm, the western part of our house with living room and bedrooms would be 70% covered in shade at 6pm and after – Appendix A – Image 4.
- b) the loss of sunlight amenity under PC29 would have the following effects onto us:
 - Increased levels of mental health illness, anxiety and stress.
 - Increased levels of damp home with associated mould and mildew and respiratory illnesses.
 - Increased heating costs
 - Less prospect of investing in Solar systems for power supply, hot water and electric car charging.
 - Reduction in property values and increased financial stress, because the house would be less desirable to live in.
 - Less outdoor activities

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

I also strongly support the inclusion of Daylight and Sunlight policy statement RE2.3.i:

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

H. Privacy and Outlook

- a) Privacy is a critical part of enjoying a property.
 - i) As shown in Appendix A – Image 5, the view out of our master bedroom would be onto the neighbouring building and vice versa

I support the inclusion of RE2.4.i,

Privacy is an important component of amenity. However, not everyone requires privacy to the same degree. Indeed some relish an open outlook where they can keep in touch with the community. Where people do want privacy, however, they should be able to have it to a reasonable degree. [Height of buildings](#) and closeness to [boundaries](#) are key determinants of privacy, outlook, and views. The location of outdoor areas, such as decks and balconies are also important.

I am asking Council to immediately withdraw PC 29 and get Council Planning staff to refine the plan design and then put it back out for public consultation.

Kind Regards
Peter Fierek

Appendix A



Image 1 - Current development

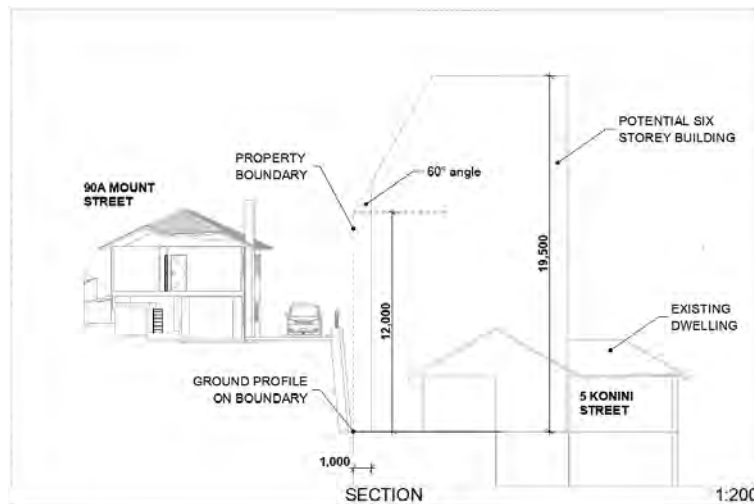


Image 2 – Typical Section with proposed development



Image 3 – Winter 21st June 2pm

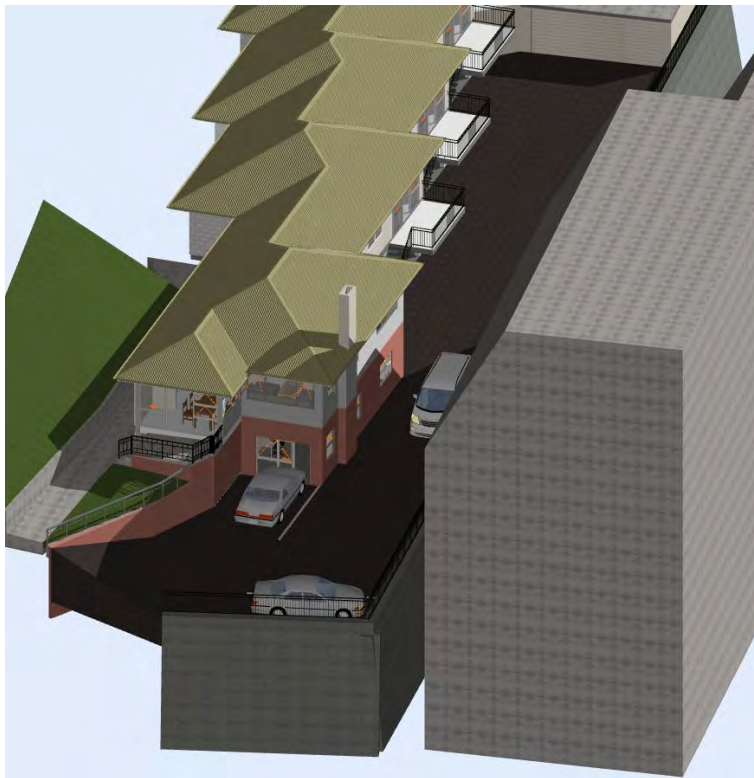


Image 4 – Summer 21st December 6pm



Image 5 – Master Bedroom

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



31 October 2023

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

OFFICE USE
Submission No: S770
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17860

Submitter Details

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

Trade Competition

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

Council Hearing

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

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

.....
Signature of Submitter

(or authorised person)

Dated: 31 October 2023

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

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

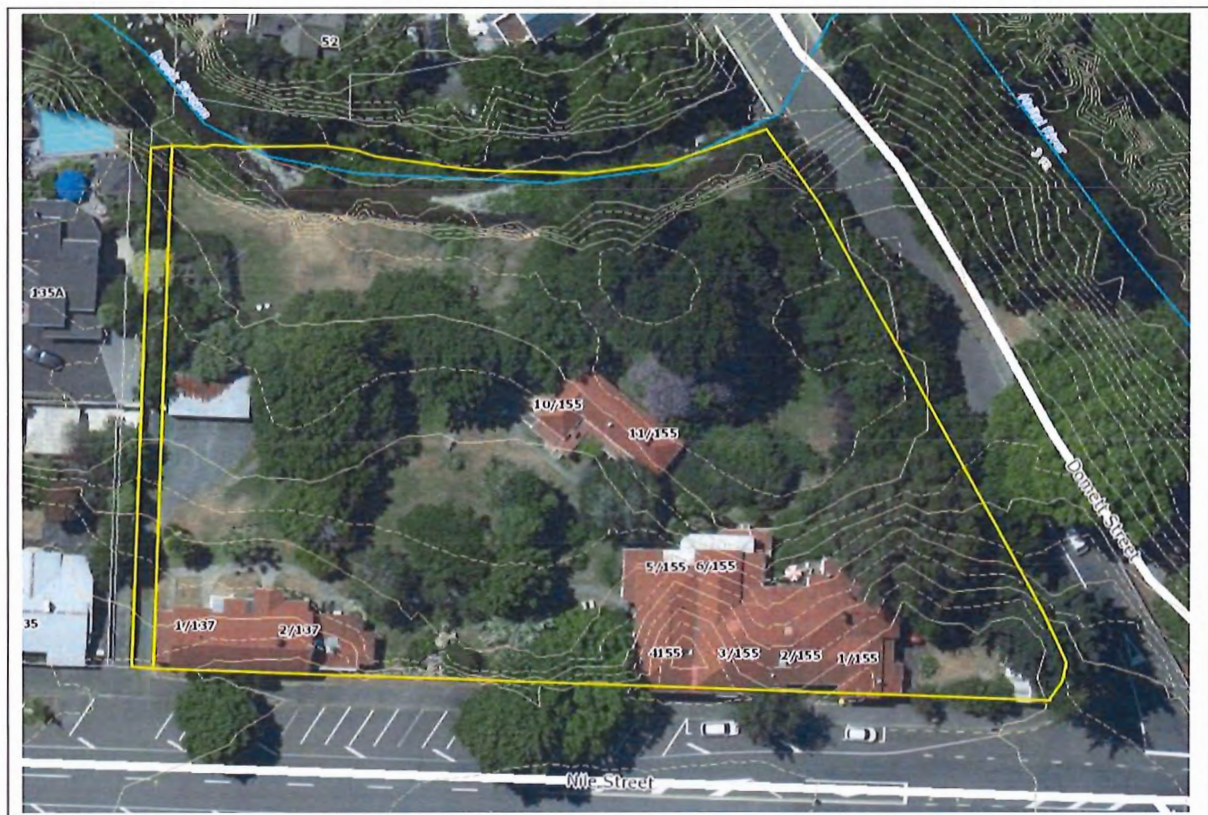
I/we:	☒	Oppose the Plan Change in part	☐	Oppose the Plan Change
	☐	Support the Plan change in part	☒	Support the Plan Change
	☐	Are Neutral about the Plan Change	☒	Request amendments to the Plan Change

My submissions and the relief sought are as follows:

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

Submissions

This submission is made by Wainui Properties Limited (WPL) who own the land at 137-155 Nile Street, Nelson City. See aerial photo below.



The Wainui Properties Site (137-155 Nile Street, Nelson City)

This site is 6409m² and is legally described within Record of Title NL51/245 as Pt Secs 350 351 Nelson City. Located at the eastern side of the Nile Street frontage is Wainui House, which is a Group B heritage building. The other buildings on this site are not heritage protected. The eastern side of the site is frontage to Domett Street with the Maitai River and walkway east of that.

The land itself is retained along the road boundary and so Nile Street sits approximately 3m higher in elevation than the southern side of this property. The land then falls gently down to the north, before reaching the concrete wall retaining the southern side of the Brook Stream.

Wainui Property Limited took possession of this site on 1 April 2023 and has since been gathering information and assessing the opportunities for developing this site for residential purposes. That process started without any specific knowledge of the content of PC29.

WPL supports PC29 as the overall objective of providing for residential intensification to provide for the anticipated needs of our growing population as required by the NPS-UD. The current Residential Lower Density zoning (600m² per unit) is considered to be inappropriate as this is considered to be an inefficient use of valuable residential land in close proximity (walking distance) to the City Centre. Likewise, this site is considered to have the capacity to absorb a well-designed residential development without impacting significantly on the character of the neighbourhood and adjacent residential amenity values.

Despite the capacity of this site to absorb high density development, while maintaining and enhancing the heritage values of Wainui House, it is considered that some of the proposed standards for the High Density Zone need to be amended in order to achieve sustainable management and the relevant objectives and policies of the NPS-UD.

It is also noted here that with the removal of Volume 3 Planning Maps, submissions cannot directly relate to planning map numbers. This submission therefore relates to the information contained within the online *isoplan* version of the NRMP and PC29 as provided by link on the Council's website.

It is also requested that the summary of submissions prepared in the next phase be undertaken in such a manner that this be prepared and made available by *provision*.

This submission identifies the specific provisions and the additional reasons for these submissions in the table that follows:

Planning Maps		
	Zones	Support/oppose
Map	High Density Zone <u>Reasons</u> The location, scale and attributes of this site make it well suited to High Density zoning. <u>Relief Sought</u> Retain zoning.	Support
Volume 1		
MW.iii	Meaning of Words	Support/oppose
	Building Coverage <u>Reasons</u> Given the removal of the car parking requirements the proposed changes to the definition of building coverage are considered to be necessary and appropriate. <u>Relief Sought</u> Retain the proposed change to this definition.	Support
DO16	Zones	
DO16.1.1.iv	High Density Residential Zone <u>Reasons</u> The description of the High Density Zone is considered to be appropriate. <u>Relief Sought</u> Retain.	Support
Volume 2		
Ch.7	Residential Zone	
RE1.2	Flexibility in development <u>Reasons</u> This enabling policy, along with the Comprehensive Housing Development provisions, encouraged innovation and good design. The NRMP also recognised that the site coverage and site area rules needed to be set aside for CHD in recognition of the different forms of development that these provisions encouraged. While the high-density intensions are supported (as set out in policy RE1.8), in the absence of the CHD guideline and associated rules, the enabling standards from PC29 will also lead to associated building forms that will require some flexibility in how some of the performance standards are applied (i.e. site coverage). <u>Relief Sought</u> Amend policy and associated methods to provide linkage with REr.19C and 19H.	Oppose in part
RE1.8	High Density Residential Zones <u>Reasons</u> This new policy is considered to be appropriate. <u>Relief Sought</u> Retain policy.	Support
RE2.3	Daylight and sunlight <u>Reasons</u> PC29 will fundamentally change the current daylight admission rules in the NRMP and yet PC29 does not proposed any change to policy RE2.3. It is considered that RE2.3 must also be amended as the new daylight admission rule will lead to additional shading impacts. <u>Relief Sought</u> In conjunction with amendments to the relevant daylight admission rules, change policy RE2.3 to provide appropriate recognition of the impacts anticipated from intensification.	Oppose

RE2.4	Privacy and outlook Oppose <u>Reasons</u> PC29 will fundamentally change the current bulk and location rules in the NRMP and yet PC29 does not propose any change to policy RE2.4. It is considered that RE2.4 must also be amended as the bulk and location rules will lead to additional impacts on privacy and outlook. <u>Relief Sought</u> In conjunction with amendments to the relevant bulk and location rules, change policy RE2.4 to provide appropriate recognition of the impacts anticipated from intensification.
RE2.5	scale Oppose <u>Reasons</u> PC29 will fundamentally change the current bulk and location rules in the NRMP and yet PC29 does not propose any change to policy RE2.5. It is considered that RE2.5 must also be amended as the bulk and location rules will lead to impacts on the building character and amenity of residential areas. <u>Relief Sought</u> In conjunction with amendments to the relevant bulk and location rules, change policy RE2.5 to provide appropriate recognition of the impacts anticipated from intensification.
Rules – High Density Residential Zone	
REr.19A	Residential activity Support <u>Reasons</u> The redevelopment of this site would comply with these proposed servicing standards. <u>Relief Sought</u> Retain.
REr.19B	Residential units Support <u>Reasons</u> WPL supports the requirement to provide for accessibility at a rate of 10%. WPL also supports the rule framework in so far as the restricted discretionary activity status is provided, as well as the non-notification and no affected person approvals. This is because of the importance of being able to make confident investment decisions as well as having efficient consent processes. <u>Relief Sought</u> Retain.
REr.19C	Site coverage Support in part <u>Reasons</u> The proposed standard of 50% site coverage is also generally supported as the current 30% standard would lead to an inefficient use of valuable residential land. However, PC29 also removes the current Comprehensive Housing Development (CHD) provisions which set aside the site coverage standard in recognition of providing for flexibility in development and encouraging good design. The CHD provisions also anticipate that good design could lead to shared outdoor living/ amenity space. Given the density enabled by PC29, and the likely format of such housing, it is highly likely that there will be many projects that do not comply with the 50% site coverage and so trigger the discretionary activity classification. This would negate the benefits of PC29 and so needs to be rectified. One way to achieve that would be to provide a bespoke calculation of building coverage for high density development. <u>Relief Sought</u> Amend rule to provide a bespoke definition of site coverage for high density development.
REr.19E	Other yards Support in part <u>Reasons</u> This rule is considered improve the current yard rule however the inclusion of eaves is considered to effectively set most building back at least 600mm further than the 1.0m standard signals. Eaves are considered to have very little impact on amenity values compared to the walls of buildings. <u>Relief Sought</u> Amend rule to exclude eaves

RER.19F	<i>Outdoor living court</i> Support <u>Reasons</u> This new rule is considered to provide a reasonable requirement for high density living. <u>Relief Sought</u> Retain.
RER.19H	<i>Permeable landscaped area</i> Support in part <u>Reasons</u> For the same reasons set out under RER.19C above, high density development is highly unlikely to involve a format where each new title would not have 20% permeable landscaped area. Insufficient consideration has therefore been given to the mechanics of this (and other) rules without also proposing a change to the definition of 'site'. <u>Relief Sought</u> Amend rule to take account of 'site' in the context of high-density development.
RER.19J	<i>Maximum building height</i> Support in part <u>Reasons</u> If development to the maximum potential scale, this new rule will substantially change the amenity and character of residential areas in the High Density Zone. It is considered that while some sites provide the scale and attributes that provide better capacity to accommodate high density development, the proposed 19.5m permitted building height is not appropriate in particular part of the Nelson setting. As such, WPL seek the opportunity for 15m in height, recognising that Nile Street is also approximately 3.0m higher than the site already. 15m or 4 storey's would then enable 3 storeys above the Nile Street footpath level on this site). <u>Relief Sought</u> Amend this rule by reducing the permitted building height to 15m.
RER.19K	<i>Daylight admission</i> Support in part <u>Reasons</u> If development to the maximum potential scale, this new rule will substantially change the daylight amenity received on residential sites in the High Density Zone. In conjunction with the reason set out in RER.19J above, it is considered that the medium density daylight admission provision's forming RER.18K would be more appropriate. <u>Relief Sought</u> Amend this rule to apply the medium density zone standard contained in RER.18K.
RER.19L	<i>Outlook and privacy</i> Support <u>Reasons</u> WPL considers that this proposed rule is reasonable and appropriate. <u>Relief Sought</u> Retain rule.
RER.19M	<i>Glazing to the street</i> Oppose <u>Reasons</u> While it is accepted that glazing to street frontages is important, it is considered that this would be more appropriately considered (as a matter of restricted discretionary) as a part of RER.19B. This would also then involve consideration of a wider package of design conditions, such as visual privacy and security. <u>Relief Sought</u> Delete rule and address as a part of RER.19B.
RER.19O	<i>Non-residential activities (excluding home occupations)</i> Support <u>Reasons</u> This rule effectively retaining the current discretionary activity status for non-residential activities. This is supported. <u>Relief Sought</u> Retain rule.

REr.19S	<i>Maximum building length</i> Support <u>Reasons</u> The proposed rule is supported as it proposed a reasonable and acceptable standard. <u>Relief Sought</u> Retain rule.
REr.19T	<i>Buildings adjoining a historic heritage precinct or scheduled building</i> Opposed <u>Reasons</u> Whilst it is accepted that development may impact on adjacent heritage buildings, this rule substantially reduces permitted height down to 8m across the entire property in these circumstances. This does not take account of the variable width / scale of properties such as 137-155 Nile Street. Nor does the rule address the distance the heritage item may be from an adjoining property boundary. In addition, for sites that contain a heritage building the effects of new buildings are already part of the resource consent process triggered under REr.86. It is considered that REr.19T places an inappropriate level of control over building height. <u>Relief Sought</u> Delete rule.
REr.19U	<i>Residential unit – minimum size</i> Support <u>Reasons</u> WPL considers that this proposed rule is reasonable and appropriate. <u>Relief Sought</u> Retain rule.

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

Received: 31/10/2023
Sub No: S771
NDOCS-539570224-17862

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

Submitter:

Environmental.planning@ncc.govt.nz

Full Name: **Trish and Charlie Goulter**

Address: :

Telephone:

Email: **happy.goulters@outlook.com**

Signature of Submitter:

Date: **31st October 2023**

We will **NOT** obtain an advantage in trade competition through this submission particularly when it comes to our business which is a vinegar factory on Tahunanui Drive. Due to the councils PC 29 proposals our type of business is not wanted in the Tahunana area and we are now being pressured to apply for a new discretionary resource consent when we already have a controlled resource consent to operate a vinegar factory since 2002. This has put us under tremendous stress and pressure which we are already under as our business tries to recover from the impact of covid and the current economical pressures.

The proposed PC29 will mean the following for us as a family business operating in Tahunanui:

This information was sourced directly from

Emily Bayliss Friend of Submitters

PC29 is on 'housing' (and hazards), however the proposal has effects upon commercial and industrial zones as well. I can see from the mapping software that your property is located within the current Suburban Commercial Zone, which is proposed to be amended, and within the proposed Liquefaction Hazard Overlay, which applies to the wider area west of Tahunanui Drive and out to the coast, as expressed on the plan below:

Changes to the Suburban Commercial Zone include:

- Increase in the maximum building height from 10m to 12m (approx 3 storeys) for your property as it is not next to a proposed high density residential area (the pale lemon coloured 'residential' zone to the west and south of your site is not being intensified as part of the Plan Change, but the opposite side of Tahunanui Drive is being upzoned to Medium and High Density Residential as shown in the darker yellow colours on the above map). Other Suburban Commercial Areas allow up to six storeys and 19.5 m heights where they abut a proposed high density residential areas.
- New buildings and significant external modifications to existing buildings will require resource consent, and given the site's location within the Liquefaction Hazard Overlay, a liquefaction

hazard risk assessment will be required which might include specifications for construction. Minor alterations and works inside existing buildings are excluded. There are some exceptions for non-habitable buildings - happy to talk you through these if this is of interest to you.

- Residential activities (new dwellings and the occupation of existing structures) are now permitted above ground floor and where a site is adequately serviced. Council has also recommended some new requirements for new dwellings in this zone in terms of the provision of outdoor courtyards, and importantly acoustic insulation which is required for bedrooms in new dwellings. Council will be mindful of what we call 'reverse sensitivity' where existing commercial activities become sources of complaints for new residential developments and this standard attempts to manage this. Importantly, commercial activities are still recognised as being a primary activity in this zone and are encouraged to be concentrated within the zone. It looks like you operate a vinegar manufacturing plant or similar - if you have a resource consent or have been operating legally for any length of time, the plan change is unlikely to affect your ability to operate on this site in your current capacity. However, new commercial *activities* are likely to require a resource consent, along with new *buildings*. Council would be considering whether any new use and or building is compatible with the surrounding uses and built forms, and will be seeking to manage adverse effects such as dust, odour and noise.

The PC29 proposes a medium density high rise apartments just across the road from our factory on Tahunanui Drive which will definitely have an impact on our vinegar plant as the two obviously do not go hand in hand hence our concerns as a family business which has been operational since 1998 on this site of 122 Tahunanui Drive – Goulter's Vinegar.

Our site has been zoned as 'Suburban Commercial' since 1998 or earlier, and this zone is now primarily intended for light commercial use (motels, food outlets, health and beauty, retail, offices etc).

We have found it difficult to digest the total effect of the proposed PC 29 and its supporting documentation due to its size and complexity and access to a paper copy of PC 29 and the Section 32 reports has not been made available for residents who do not have access to, or the ability to use a computer.

The early public engagement and consultation by Council, with its severe implications towards the well-being of existing rate paying residents enjoyment of their properties, extremely stressful, very time consuming and unnecessary.

- a) That I have been put in a position of hoping more qualified citizens than I, will make more comprehensive submissions covering my concerns as to the future of Nelson and its ratepaying residents.
- b) That Council Planning Staff have stated at numerous meetings "This is a 'Broad Brush approach' that requires public submissions to refine the plan". Such a statement implies PC 29 has been prematurely put out for public submissions in an incomplete and inaccurate state that requires the public to learn and understand in its entirety, so they can formulate and articulate a suitable response.
- c) The severe lack of Trust between residents and Council has become significant given the following:-
 - i) The PC29 submission timeframe was only extended from 27 to 56 working days because of public pressure at 7th Sept public meeting.

- ii) PC29 media engagement was only increased because of public pressure at 7th Sept public meeting.
- iii) Information regarding the negative impacts on existing residents' enjoyment of their properties is not forthcoming in every interaction with NCC members and staff. It is **'Deceit by Omission'** and has required individuals to research PC 29 to find out these aspects and share them with the wider public. Eg.
 - (1) Loss of winter sunlight with new recession planes.
 - (2) Loss of on street car parking with increased intensification due to no requirement for on-site car parking.
 - (3) Loss of privacy with bigger buildings that are closer to boundaries.
 - (4) Loss of property value with loss of views, sunlight, and privacy.
 - (5) Increased levels of noise with increased residential dwellings around a boundary.
 - (6) Residential unit numbers per building can be increased on a 'restricted discretionary' basis without notification or written approval.
 - (7) Exaggerated population forecasts.
 - (8) Council voted **NOT** to withdraw PC 29 on Sept 14th Meeting.
 - (9) Predetermined biased Councillors on the hearing panel.
 - (a) I am asking Council to immediately withdraw PC 29 and get Council Planning staff to refine the plan design and then put it back out for public consultation.

2) Hearing Panel

- a) I strongly disagree with the make-up of the hearing panel, because of its 'biased' public perception following the vote on Councillor Courtneys proposal to withdraw PC29 at the 14th September Council meeting.
 - i) I ask the Council to appoint Councillors from either side of the Sept 14th vote.
 - ii) If i) is not followed then I ask that all Councillors are replaced with independent Commissioners.

3) NCC's Population forecasts

- a) These are a pivotal aspect for the scale of which Nelson needs to enable intensification and growth. The forecasts used by NCC are not Statistics NZ medium projections, but are over inflated **'home grown'** projections that require the scale of intensification to be greater than those of Statistics NZ. I refer to the submission by Demographer, Dr Geoffrey Hayes.
- b) When challenged, NCC staff and the Mayor, always refer to the wider Nelson-Tasman regional growth, which is beyond the scope of PC29.
 - i) I ask the Council to use Statistics NZ medium projection forecasts for Nelson, as recommended by the NPSUD Capacity: Guide on Evidence and Monitoring, para 2.1.1 and amend its intensification requirements accordingly.

4) Design Lead and Not Developer Lead Growth.

- a) Nelson is a very special and unique place that needs to be protected with care. It is unlike any other district in NZ. It includes a 'Low Rise' City with a collection of heritage and non-heritage character buildings that have attracted people for generations and been a cherished holiday destination for many New Zealanders.

- b) Residential Neighbourhoods should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a neighbourhood, by neighbourhood basis to maintain the essence of their character.
- c) We need to protect and retain CBD historic facades as an essential part of the character of the Inner City.
- d) Contemporary Black Iron Clad Boxes, built only a few metres from 120-year-old Historic Homes is completely out of character and lacks a long-term vision for maintaining the attraction of Nelson for all the future residents and visitors. See attached photo (out of character 1)
- e) Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighbourhoods. They help considerably with the wellbeing of the residents and help to provide an essential part of the attraction of Nelson, which must all be considered during developing the growth of Nelson.
 - i) I ask the Council to create a broader level of protection for neighbourhoods beyond the heritage buildings and precincts to that of areas of historic character value from the early settlement years of Nelson and stop future 'out of character' developments.
 - ii) I ask the Council to appoint an Urban Development Agency (UDA), as per the Nelson Tasman 2050 proposal, (attached) to carefully guide growth and actively facilitate the emergence of cohesive urban neighbourhoods with a variety of high-quality housing choices.

5) Sunlight Recession Planes and Shading Effects

- a) Sunlight is a **CRITICAL** part of living in Nelson. It is not called the 'Sunshine Capital of NZ' for no reason. It is well documented that people relocate to Nelson because of the Sun and accept reduced wages called 'Sunshine Wages' for that privilege.
- b) TDC even 'Encourage the Sun into your home'. See <https://www.tasman.govt.nz/my-property/building-and-alteration/heating-and-insulation/energy-efficiency-and-heating-your-home/>
- c) I am unable to find a section 32 report regarding the winter sunlight shading effects on neighbouring properties. The daylight admission testing in the B&A memorandum dated 15/3/23 are only about maximising building bulk and height to enable increased floor plates at upper levels on a typical size section, rather than any loss of sunlight and the shading effects of a neighbour.
- d) Shape Nelson Website provides misleading information on 'How PC29 could affect you' with no mention of completely losing sunlight amenity with possible total shading over the winter months. Quote:- "**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".
- e) All existing houses built prior to and under the current daylight admission rules will be subjected to the loss of sunlight amenity under PC29 with the following effects: -
 - i) Increased levels of mental health illness, anxiety and stress.
 - ii) Increased levels of damp homes with associated mould and mildew and respiratory illnesses.

- iii) Shadowing of 'Green Energy' Solar Arrays and Passive Solar Energy Heating.
- iv) Increased heating costs, air pollution, carbon foot print, are all exasperated due to a large portion of Nelson housing is old, with un-insulated walls and single glazing and open fires were legislated out of use many years ago.
- v) Reduction in property values and increased financial stress, because the house would be less desirable to live in.
- vi) Residents, struggling with the cost-of-living crisis may not afford to heat their home.
- vii) Property owners will be reluctant to invest in making additional new (low rise) infill improvements on their section, with affordable additional units that **COULD** be over shadowed and devalued by a wealthier developer who could afford to build a multi-storey development next door at any time in the future.
- viii) NCC & TDC 'Housing We'd Choose' report dated June 2021 by M.e Consulting ranks 'Sunny' as the highest preference for housing choice in Nelson and yet PC29 will remove that amenity from its exiting residents, without warning or compensation.
 - (1) I ask the Council to maintain the AP15 Daylight Admission protection rules to all pre-existing properties, unless the owner gives written approval to the contrary.
 - (2) I strongly support the inclusion of Daylight and Sunlight policy statement Para RE2.3.i: The reception of daylight and sunlight to each household unit is a critical component of residential amenity that provides warmth and energy efficiency, and is vital for outdoor activities such as gardening and recreation. To ensure shading effects are minimised, and to ensure there is sufficient space around buildings to allow the admission of daylight to the site, this Plan has provided for daylight controls on all side and rear boundaries. The policy also applies to larger non-residential buildings such as schools or halls. The basic premise is that the daylight and sunlight received on a residential site should be no different whether or not the neighbour is residential. This philosophy applies whether the building is on an adjoining site or across a street.

6) Privacy and Outlook

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

7) Intensification

- a) I strongly oppose the High-Density Residential Zone. It is by no way in character or in keeping with any existing 'Low Rise' Nelson residential suburb and beyond the MDS legal mandate.
 - i) I ask Council to remove HDRZ from the plan completely.
 - ii) I ask Council to apply no greater than new General Residential Zone equally across the entire Nelson district on the introduction of PC29, on the basis that AP15 Daylight

Admission protection rules will apply to all pre-existing properties, unless the owner gives written approval to the contrary.

- b) I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - i) I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley.
- c) Building holiday apartments that sit empty for long periods, does not solve our intensification, growth and affordability dilemma, and yet it locks up a valuable housing resource. Eg Rocks & Haven Road has many empty apartments.
 - i) I ask Council to consider solutions to mitigate against new-build empty holiday apartments.
- d) I oppose the increase of residential units beyond 4, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
 - i) I ask Council to ensure that more than 4 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections, and taking up lots of on street car parking spaces, popping up in a residential street, without warning.
- e) Bigger older properties, could be better utilised and help with our growth if they were more easily allowed to be divided into multi-dwellings.
- f) Building inner city apartments that offer an alternative solution to 'retirement villages', can free up the bigger homes for new families to occupy. The 'retired' occupants may also be less likely to be reliant on a vehicle, which may more closely suit the growth model desired.
- g) Designing Inner-City roof gardens and balconies with green spaces for commercial hospitality use or places for apartment living residents to relax and enjoy the Nelson Sun.
- h) Incentivise rate paying residents to demolish or relocate their house in favour of replacing more units on the same section providing they comply with the suitable character or heritage of the neighbourhood.

8) Progressively Phased Intensification

- a) Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the residential neighbourhoods, this can give more time to complete a better design vision for our residential neighbourhoods.
 - i) I ask Council to make better utilization of Car Only spaces, by developing them into shared spaces, with Accommodation overhead. 'Nelsust' highlights 44% of the Inner City as Car only spaces. See attached photo (city area taken up by cars).
 - ii) I ask Council to retain para ICd.11 'The zone enables and encourages an increase in the density and diversity of quality housing in the City Centre by enabling residential activity above ground floor level. It is expected that over time, more people will choose to live in the City Centre because of its easy access to offices, shops, entertainment and varied open spaces and experiences'.
- b) Secondly, City Fringe would be the next zone to phase in for intensification.

- i) I ask Council to negotiate and/or incentivise Industry and car yards to relocate, to less essential land that can be better used for accommodation.
- c) Finally, the Residential Zones would be the last area to be phased in, by working out from the City Fringe Zone (and Central Stoke).
 - i) I would support Medium Density Residential Zones (3 storey 11m high) progressively expanding from the CBD (and Central Stoke) ***if required and over time***, providing AP15 Daylight Admission Protection rules remain in force for existing properties.

9) Intensification in hazard zones

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

10) On-street carparking

- a) Increased intensification without providing off street carparking will result in significant hazards to pedestrians and road users in some areas of Nelson where roads are extremely narrow, with little or no footpaths, no berms, high retaining walls, steep drop offs and no turning spaces. Some of these roads are all much narrower than would be expected under modern standards with some being barely a single vehicle wide.
- b) On street parked cars, have also narrowed two-way roads down to single lane for two-way access and forced parking on footpaths to become the 'norm'.
- c) Drivers must carefully share the roads with each other, cyclists and pedestrians, frequently having to pause where there is available space to allow vehicles to pass. Sometimes this requires driving over the kerb and onto footpaths.
- d) In places trucks, including the weekly waste collection vehicles have to reverse quite long stretches because of the lack of anywhere to turn.
- e) In places, visibility of oncoming vehicles is also very poor and dangerous.
- f) Driving up and reversing out of very steep driveways is challenging at best and potentially unsafe.
- g) Access for pedestrians, mobility scooters, cyclists, refuse collection and Emergency Service vehicles is difficult and unsafe.
- h) Intensification, without providing on-site car-parking in these narrow road access areas will cause fracturing of neighbourly relations and communities who live in these areas.
- i) See attached photos (Mt St 1-6 and Konini St 1 & 2)
 - i) I strongly recommend that the Hearings Panel conduct a thorough site inspection of the narrow streets of Nelson including, (but not limited to) Locking St, Mount St & Konini St, including on foot.
 - ii) I ask Council to provide a 'Comprehensive car parking management plan' as strongly encouraged by Policy 11 of the NPSUD 2020, to mitigate against the issues of on-street parking.

- iii) I ask Council to use traffic calming solutions that do not lose on-street car parking spaces. Eg. Speed Humps, instead of Choke Points.
- iv) I ask council to restrict more intensification in the neighbourhoods with narrow and hazardous road access to Standard Residential zoning for road user safety reasons. Eg (But not limited to:-) Mount St, Konini St, Locking St, Locking Tce, Northesk St (East) and Renwick Place.

11) Social Housing

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

12) Infrastructure

- a) I ask the Council to include a plan to mitigate against future drought situations with a greater demand on the same amount of water from the Maitai Dam, for a greater population.
- b) I ask the Council to include a plan to mitigate against the increased capacity requirements for our waste water systems.
- c) I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.

In closing we have found the PC29 proposal to be rushed and would like it to be laid out to the public in a way that most people can understand and digest for example: provide 3D drawings so we can have a true visual of the impact some of these proposed high rise buildings will have on the surrounding areas. The supporting documentation for the PC29 has so much jargon with allot of pages to it that most people either don't have the time or capability of deciphering what the proposals for our beautiful city are.....

We look forward to your response to our submission.

Thank you

Trish and Charlie Goulter



Summerset Group Holdings Limited
Level 27, Majestic Centre, 100 Willis St, Wellington
PO Box 5187, Wellington 6140
Phone: 04 894 7320 | **Fax:** 04 894 7319
Website: www.summerset.co.nz

31 October 2023

To: Nelson City Council
By email: environmental.planning@ncc.govt.nz

Received: 31/10/2023
Sub No: S772
NDOCS-539570224-17865

Dear Sir/Madam

Submission on Plan Change 29 on behalf of Summerset Group Holdings Limited

Summerset is one of New Zealand's leading and fastest growing retirement village operators, with more than 7,400 residents living in our village communities. We offer a range of independent living options and care, meaning that as our residents' needs change, we have support and options within the village. Summerset has 39 villages which are either completed or in development, spanning from Whangārei to Dunedin. We employ over 2,400 staff members across our various sites.

Summerset welcomes the opportunity to provide feedback to the Council on its Plan Change 29 to enable the intensification of development in substantial alignment with the Medium Density Residential Standards.

Summerset wishes to express its support for the submission of the Retirement Villages Association of New Zealand in its entirety. Summerset requests the Council engages constructively with the Retirement Villages Association in relation to Council's Proposed Plan Change.

Summerset could not gain advantage in trade competition through this submission. Summerset does wish to be heard in support of its submission. If others are making a similar submission, Summerset would consider presenting a joint case with them at the hearing.

Yours faithfully,

A blue ink handwritten signature, appearing to be "O. Boyd", written over a light blue circular stamp.

Oliver Boyd
National Development Manager

**SUBMISSION ON A REQUIREMENT FOR POLICY STATEMENT OR PLAN,
CHANGE OR VARIATION**

CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991

To: Nelson City Council
PO Box 645
Nelson 7040

Attention: Environmental Planning
environmental.planning@ncc.govt.nz

Name of submitter: Duncan Murray Unsworth and Bridget Helen Unsworth (**'the Submitter'**)

Introduction

1. This is a submission on Proposed Plan Change 29 Housing ("**PC29**") to the Nelson Resource Management Plan ("**NRMP**"), the purpose of which is to deliver residential intensification as required by the National Policy Statement for Urban Development ("**NPS-UD**") 2020 and consistent with the Nelson Tasman Future Development Strategy 2022-2052 ("**NTFDS**").
2. The site subject to this submission is 27 Brougham Street, Nelson ("**the Site**"), owned by Duncan Murray Unsworth and Bridget Helen Unsworth. The Site is located on the southern edge of the Nelson CBD and has an area of approximately 715m².
3. The Site is in the Lower Density Residential zone in the Nelson Resource Management Plan ("**NRMP**"), as shown in Figure 1, which enables up to one dwelling per 600m².
4. PC29 proposes to rezone the site to the Medium Density Residential zone, as shown in Figure 2, which is proposed to enable up three dwellings per site, each up to three storeys in height (11m).

Reasons for Submission

5. The Submitter supports PC29 in general, and the proposed Medium Density Residential zone specifically.
6. The Site meets the Council's own requirements for up-zoning land under PC29:
 - a) The is not at risk of coastal inundation from future potential sea level rise, being located well inland.
 - b) The site is not affected by either coastal or river flood hazards.
 - c) The site was not significantly affected by the August 2022 flood event.
 - d) The site is not located in an area that is defined as Slope Instability Area 1.
7. The Site is not proposed to be located within any of the new overlays, and this exclusion is supported by the Submitter, including the:
 - Liquefaction Hazard Overlay area
 - Fault Deformation Overlay
 - Fault Awareness Overlay
 - Four new slope instability overlays
 - Three new flood hazard overlays.
8. The Submitter therefore considers the Site is suitable to accommodate the Medium Density Residential Standards ("**MDRS**") as required of Tier 1 Councils by the Resource Management Enabling Housing Supply and Other Matters Amendment Act (2021), and that the proposed zone and pattern of surrounding zoning, will deliver a well-functioning urban environment.

Relief Sought

9. The Submitter supports PC29 and seeks that it be approved.
10. More specifically, the Submitter supports the proposed Medium Density Residential zoning at 27 Brougham Street, Nelson as it will deliver a well-functioning urban environment, and does not support any change to the zoning other than to achieve greater intensification than is currently proposed by the MDRS.

11. The Submitter supports the Site's exclusion from the Liquefaction Hazard Overlay, the Fault Deformation Overlay, the Fault Awareness Overlay, the four new slope instability overlays, and three new flood hazard overlays, and does not support any changes to the location of the overlays relative to or as they apply to the Site.
12. If the above relief is not accepted, the Submitter seeks that PC29 be declined.
13. The Submitter wishes to be heard in support of this submission.
14. If others make a similar submission, the Submitter would consider presenting a joint case with them at the hearing.

DATED at Auckland this 31st of **October 2023**

Signature:

Duncan Murray Unsworth and Bridget
Helen Unsworth

Address for Service:

Forme Planning Ltd
Suite 203, Achilles House
8 Commerce Street
Auckland 1010
hannah@formeplanning.co.nz

RMA Submission Form for Publicly Notified Plan Change 29

To: The Senior Planning Administrator

RMA Plan Submissions

Nelson City Council

PO Box 645

Nelson 7040

This is the Submission of

Allison Kaye McNabb,

Kayemcnabb.km@gmail.com

I WISH TO SPEAK TO MY SUBMISSION.

I oppose the Plan Change in its entirety.

I base this on the following:

THE PROBLEM COMES FIRST

The problem has been determined as a current and forecast lack of housing in Nelson.

In the opinion of two senior Demographic experts, Dr Geoffery Hayes and Professor Jackson, the method used to establish the population growth used to justify the need for Plan Change 29 is "seriously flawed".

I therefore submit that the Plan Change should be either completely withdrawn or altered in its entirety after full consideration and public discussion on properly established population growth expectations.

I also make the following comments:

1. We are advised by council that there is also pressure from Tasman District Council for Nelson City Council to “do our share” in the battle against urban sprawl which particularly in Tasman is spreading at speed across highly productive fruit and dairy farming land. No-one wants this.
 - a.) The simple solution to slow such developments in Tasman would be for TDC to require developers to fund the infrastructure for any new development. It is my understanding that TDC currently provide the infrastructure for new developments. Currently that provides a significant incentive for developers to purchase land in Tasman District to develop rather than land in Nelson and so the spread will continue. The demographic of rural landowners would suggest the sale of properties due to retirement and the unwillingness of the next generation to step into Dads shoes will continue to lead rural producers to “cash up” to a developer rather than wait for the less lucrative producer buyer.
 - b.) Im sure NCC planners will know how much more land is currently owned by developers or otherwise available in the territory and will also have calculated how many average sized sections that would accommodate and have been able to establish a fair assessment of how many dwellings that could yield, particularly as we now see a fair number of well designed apartment complexes being built in new development areas.
 - c.) Nelson has high sunshine hours, beaches and beautiful surroundings. It is also an established artisans area and is recognised as a hotbed of alternative and clever thinkers. It’s a very desirable place to live. That has long been evidenced by “sunshine wages” which are well known to be the result of people prepared to work for less to live here and by people willing to forgo promotion rather than transfer to another area out of this gorgeous region. It’s also a retirement haven for the well-heeled. Frankly, it appears to me that if you could build enough houses to completely satisfy demand this year, within another two or three years the demand would likely be just as great again. It’s that demand that keeps our real estate prices up and ensures that affordable housing for entry level purchasers is scarce. There are always people willing to pay what it takes to be here!. That’s common in desirable areas anywhere in the world. Any expectation that the demand will ever diminish and house prices will drop to an affordable level is likely a pipe dream. If for some unfathomable reason it did diminish, the consequent downward effect on values would alter the demographic and community that is Nelson forever and also the rateable income that Council expects.

Having and considering this sort of information is essential to properly addressing the problem.

2. Any forecast is no more than a speculative guess unless the requirement for housing has been properly investigated. To do this should involve an in depth look at the demographics and the available land and housing preferences by those are fortunate enough to own now or reasonably expect to own in the foreseeable future.
3. Information should include but not be limited to:
 - a.) What is the current population, how is it fairly and reasonably predicted to grow and what is the evidence for that growth?.
 - b.) What is the current predominant demographic?
 - c.) What is likely to effect or change the demographics of the Nelson population.

- d.) How likely is that?
- e.) Will that alter the actual housing requirement. I.e. does that require a percentage increase or decrease on the current expected build rates?.
- f.) What will the future democratic want? home ownership, apartment living, rental accommodation, large high density housing blocks, small self care units (of which hundreds are currently being built)
- g.) What are they buying for? Their residence, to let, as a holiday home, to house family, as an investment in real estate for capital gain?
- h.) How many houses are fully occupied and what, if anything can be done about that?
- i.) How many houses are expected to come onto the market by the number of higher density retirement village developments ?.
- j.) Will an increase in the number of residential units solve the problem of affordable housing.

PC29 appears to assume that an increase in housing will make properties more affordable. There is absolutely no evidence that I can find in any other desirable location that this is a realistic expectation. Living in a desirable location always costs more.

I therefore submit that the PC29 plan changes that have emanated from the projected housing need cannot be progressed until the need is determined from data that is solid and accurate and the need properly determined,

HOUSING DEMAND PREFERENCES STUDY

NCC and TDC jointly commissioned a study on Housing Demand Preferences from *m.e. Consulting* in 2021. I don't believe the situation in this region has changed dramatically, or at all, since 2021.

That study gave weight to some generally well known findings.

The most important thing to householders in both Nelson and Tasman (figure 4.9 and 4.10 of the report) is the **SUN**.

This is not reflected in the Executive Summary. That appears to be because the response from Renters is included in the executive summary. It is understandable that a "safe from crime and natural hazards" home is more important to renters. Many of them live in the few undesirable neighbourhoods of our region where crime and gang influences are part of their daily lives. I have to point out though, that very few of these will be the people that build or buy new houses/apartments. They are also not the people that will be able to afford the rent in the new houses/apartments that we can expect to see being built by private developers.

But, back to the SUN being the most desirable attribute.

Why on earth would Nelson City Council allow this region's main attribute to be undermined in its housing stock by the proposed recession angles.? NCC recession planes, generally known as our sun angles, are the most important protection for the main reason people come to live here, pay the price our land/houses command, and protect the number one most important thing to homeowners.

I therefore submit that the current recession planes (sun angles) be retained and the changed planes proposed in PC29 be removed.

CHANGING THE COMMUNITY ENVIRONMENT.

The Environment Court has already determined that putting high density social housing in predominantly residential areas will alter the nature of the community and has overturned the consent that had allowed it. Overseas studies clearly indicate that high density social housing is closely linked to an increase in crime and antisocial behaviour. Why then do we want to allow this to occur in our city. Social housing is an important facet of our society but in order not to exacerbate the problem or continue the cycle of lack of advantage social housing needs to be integrated into the communities where its placed in a manner that does not overwhelm them. The Environment Court has acknowledged this danger and supported the communities involved by overturning consent. Having a multi story building blotting out much of the sun in those neighbourhoods that are already facing the loss of their community is surely untenable.

I therefore submit that the proposed HDZs in and adjacent to existing communities be completely removed.

TIER 1 VS TIER 2

Nelson City Council reported at the time that it had requested the Select Committee on the Enabling Housing Supply Bill to include Nelson City in Tier One. This request was not granted therefore the creation of HDZs in is not mandated. I am therefore concerned at the unnecessary and severe impact this may have, particularly on residential properties in the vicinity of any of the proposed HDZs outside the Inner City-Centre.

We are aware that NCC has included the social housing provider, Kainga Ora, in its discussions, presumably as a stakeholder. The ratepayers of Nelson, who we would consider to have been very poorly informed, were not considered high enough on the stakeholder list to be allowed input (and the FDS does not translate to consultation on these changes) and had no prior knowledge of the dramatic changes that were proposed. Nelson is not a Tier 1 City and should not be subjected to Tier 1 planning . Tier 2 allows for intensification at a level that the Government determined was sufficient and this should be the planning scope that is adhered to.

I therefore submit that any changes that have been proposed to allow building density above that required by Tier 2 for any reason, be completely removed

THE CHURCH HILL VIEW SHAFT.

The Church Hill View Shaft should be retained. It would appear from the overview provided on PC29 that the trees which line both sides of Trafalgar Street are the foremost reason for this proposed change. I submit that the trees should be better managed by council or replaced with a more appropriate variety to retain this view. While street planting is beneficial and beautiful the trees selected for Trafalgar street

have become very problematic for both council and the businesses operating on and around it as they have become bigger. They provide shade in the summer and a green atmosphere that can be soothing to some however they are poorly managed and cause many problems and frequent damage to the buildings that would not be tolerated in any other neighbourhood. Eg broken panes in the heritage veranda windows at the Nelson Women's Club building at 294 Trafalgar St. (note NCC declined to pay for the damage) With co-joined buildings, of which there are many in Trafalgar street there is a requirement for guttering to take the rainfall from two rooves and I am sure the council is well aware of the flooding of buildings through walls and ceilings that occurs during any decent rainfall. This is hugely exacerbated by leaf fall in the autumn when building owners are required to significantly increase the frequency of gutter clearing which is expensive, time consuming and only due to the leaf fall from these trees. Health and Safety requirements mean that either cherry pickers or scaffolding is required each time as well as a street safety plan which has to be developed, sought and paid for from council. I am sure most businesses in Trafalgar St would be happy to see the trees go! While its nice to see street planting to allow it to be unmanaged and detrimental to both buildings and the Church Hill View Shaft is appalling. To then seek to alter the plan by removing the protection of the iconic view to allow this to continue is abhorrent. A much better alternative is to either thin and continue to manage the size and density of the trees to ameliorate the problems or remove the current trees altogether (probably in some sort of rotation to retain a green ambience and plant something more suitable.

HOWEVER it appears to me that the council trees are not the real issue here. The predominant reason appears to be that if, as a high density zone, 6 story buildings are to be built in the city centre as proposed by PC29, they will undoubtedly block that view. Yet another reason to say no to 6 story buildings

I therefore submit that the existing Church Hill View Shaft should be retained.

HOUSING DENSITY

If the planning changes are kept to be consistent with Tier 2 requirements and no more than that, ie

- a) By the removal of the proposed High Density Residential Zones (HDZ and any changes that permit Tier 1 density developments
- b) By ensuring that any plan changes are to be restricted to Tier 2 requirements. Nelson is designated a Tier 2 City and as such is not mandated by government to have High Density Zones .

this will ensure that we don't develop areas of increased crime and antisocial behaviour and don't detrimentally effect our communities.

At one public meeting Mandy Bishop said that these HD buildings would not be built immediately. No they probably wont, but they CAN be built. Im sure Mandy will acknowledge that it is almost impossible to turn the clock back. If the Plan change is in place the first such building consented sets a precedent that is almost, if not impossible, to stop an avalanche if conditions make it viable. Developers are there to make money, not friends and will not hesitate to use the courts to defend their rights. In their

situation I doubt many of us would differently. Lets not wreck our regions lifestyle by even considering this

I submit that HDZ's may be required in the future but that Nelson has the advantage of taking a "wait and see" approach so as to be able to reasonably address the Environmental courts and community effects over time before considering such changes for Nelson.

SUN FOR OUR HOMES

1. Remove any alteration of sunshine protection (recession planes)

- a) It is important to recognise the number 1 most important consideration for housing in Nelson is SUN (the e.m. Study) and the current protections of sunshine should be maintained by keeping the current recession planes.
- b) This would place adverse effects on the health and wellbeing of the community. Sun is a known psychological mood enhancer and is necessary for the absorption of Vitamin D
- c) The potential to have the sun taken away would have a detrimental effect on current residential values.
- d) Nelson proudly claims the title of Sunniest City in New Zealand. The fact that we generally have the highest sunshine hours in any year is a major drawcard, not only for tourists but for most residents.
- e) Houses in Nelson are built "to the sun" and the living areas face the sun rather than the street as is common in many places.
- f) Building to the sun provides warmth, particularly in winter. Solar panels need roofline sun, we all need sun for absorption of vitamin D and morale. These benefits are currently protected by daylight angles and the loss of them cannot help but have a significant effect on any community but more particularly in Nelson where it has been the drawcard that brought so many residents here.
- g) Allowing buildings that effect the sun fall on neighbouring houses will deter homeowners from investing in solar energy. This is in direct opposition to NCC's Climate emergency stance. We should all be looking towards energy self sufficiency and NCC should not be actively supporting opposing planning decisions.

There is no incentive to invest when at any time someone can erect a building next to you that diminishes the sunlight that reaches your house.

Any potential reduction in the use of solar energy to heat or power houses in Nelson is in absolute conflict with NCC's Climate emergency declaration. It is also due serious consideration that this could be inflicted on the people living in the lower socio economic areas, affecting the less fortunate side of society in this beautiful city.

Leaving the sunlight angles (recession planes) as they are in residential areas should not be hugely impactful on the potential for higher density housing.

The proposed Plan Change 29 allows for extensive areas of suburban infill where up to 3 dwellings can be built on one section. There is potential for 3 story buildings where the current recession planes can be met by careful planning of not only the building but the permeable surface and off street parking. It would surely be prudent to take a "wait and see" approach by allowing design initiatives, suburban infill and apartment style housing to gain momentum and acceptance.

I submit as above, that the current recession planes be retained.

CONSENTS

2. Retain the requirement for a notified consent for any building in excess of two stories(or the equivalent meterage height) should be retained and any alteration of the proposed use of any building including to the number of dwellings/ apartments that will be contained within the building should be required to follow the same process.

We are aware from discussions with staff that if, for example, a three story building containing three family apartments gained consent that any alteration that does not alter the predominant use (in this case housing) or the envelope of the building it would be regarded as a minor alteration and not notified. We believe then that this would allow a developer to build a large footprint 3 story building consented as having three apartments to then seek a and obtain an amendment for a minor change to allow 40 single room bedsits, build it and sell it to Kainga Ora. To any neighbourhood or community this is a serious concern and it is certainly against the intent of my submission. It would be a useful and no doubt optional path for a developer to take in some circumstances and the Plan should be constructed to ensure that no such loopholes are not available.

I submit that any building consent for residential or accommodation buildings of more than two stories require any alteration that increases the number of units or resident capacity should require further notification and the same process as the original consent. This prevents the scenario of changing a 3 dwelling apartment block to a multiple single unit block without providing the affected community the right to have objections heard.

NATURAL JUSTICE

Bias

I have contacted the Mayor with my concerns in respect of the two Council panellists on the hearing panel. While the Mayor does not accept my concerns are justified, I believe that having two of the three panellists who have consistently voted in support of PC29 show a bias that cannot fairly be ignored, particularly when vote counts have been very close.

I do agree that local councillors should better understand the desires of the Nelson people than any panellist from outside the region.

I believe it is incumbent on council to correct this situation of bias. It could be relatively simply resolved by either replacing one of the council panellists with a councillor who has consistently voted against the plan or by appointing two more panellists from Nelson City Council who have consistently voted against this contentious Plan Change 29. Only then would natural justice prevail.

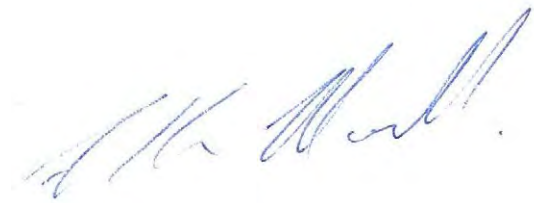
Timeframe

I also submit that although some “stakeholders” had many months to provide input and understand the ramifications (and advantages to them) of a very complex plan and changes, the time and information

given to Nelson ratepayers by NCC was woefully inadequate. Despite the extension provided by the Mayor and CEO, putting together the information from numerous complex and lengthy documents on a laptop to be able to answer a simple question was pretty impossible. Much was extracted like hens teeth and much is so difficult to find on a website that make searching like finding the veritable needle in the haystack.

I therefore submit that Council seriously consider the issue of perceived bias and also acknowledge just how difficult a position many ratepayers have been put in when trying to determine what the overall effects of the proposed changes will be.

I wish to speak to my submission.



Rec: 31/10/23
Submission: 5775
NDOW: 539570224
-17872

Richard Daniell's Submission

Proposed Plan Change 29

30 October 2023

I wish to be heard.

I oppose proposed plan change 29 in its entirety.

Invalid objectives

The rationale given by Nelson City Council for plan change 29 on its website is to (i) accommodate population growth, (ii) fulfill obligations Nelson city has in relation to a national policy statement, and to (iii) meet a housing need in Nelson. Two of these three arguments are deeply-flawed.

It is misleading of council to claim that it has an intensification obligation of this magnitude under the national policy statement, it does not. To knowingly promulgate the notion that there is such a demanding obligation is wrong.

Fundamentally population changes across New Zealand are static, and forecast to decline. Accommodating population is therefore not a valid objective. There is however an objective to create more houses, and this is to accommodate inward migration so let's call it what it is. It is a desire to accommodate an increasing number of people seeking to immigrate to Nelson from elsewhere in New Zealand, and overseas.

Population growth masquerading as economic growth

In his seminal work "*Capital in the 21st Century*" the renowned French economist Thomas Piketty reports on his research in which he clearly shows that two-thirds of what western politicians call economic growth is simply economic activity related to population growth. The remaining one-third is the long-term driver of prosperity, and depends on productivity and innovation. Piketty points out that only economic growth unrelated to population increase is of long-term value, and that the ultimate outcome of the population growth is to reduce per-person income as the economic "pie" is spread across a greater number of people.

Nelson is already highly dependent on population growth as part of the unsustainable illusion of economic growth. A consequence of the Plan Change 29 will be to further increase our dependence on the unsustainability of population growth. At some point we have to stop the madness, and the more dependent we have become on housing growth, the harder that adjustment will be. It is then that we will have to deal with a whole lot of people in construction and related industries being out of work, and a population with vastly insufficient employment opportunities.

Unaffordable housing

Unaffordable housing is not just about house supply, it is also determined by demand and by earnings to price ratio. A headlong rush to cheaper, high density housing will not solve the problem, it will make it worse. Nelson needs high-paying jobs, and it needs the kind of housing that high-paid people want to live in. It also needs to abandon the idea that bringing more people here will solve something, it will exacerbate the unaffordability.

High value employment

Having created two technology companies in Nelson employing a lot of sought after talented people who are well paid, I can say from experience that it is an international competition to get talent here, to build a "smart sustainable city". The talent is easily enticed elsewhere on the planet. The people who could lead Nelson to a brighter future will not want to live in or near high-density low-cost housing. Consequently, the proposed solution embodied by Plan Change 29 will mean a loss of talent, lower value jobs, lower income and houses that are more unaffordable.

Productivity and politics

As Piketty points out, the only long-term solution to prosperity is to focus on productivity and innovation in sustainable employment. Focusing on population growth-related employment (house and infrastructure creation) will ultimately end in tears, but a focus on productivity, value and innovation will end in greater per capita income and wealth, and thus more affordable houses. Politicians find this to be a hard topic to address. It is much easier to throw open the borders and create a bubble of short-term prosperity as too many people bid up the prices of too few houses. It looks and feels like a success. House prices go up, people feel wealthy and incumbent governments tend to get re-elected – encouraging them to do it all over again. The problem is the fundamentals are all wrong, and in the long run problems are exacerbated not addressed.

What would be better?

The wholesale changes proposed are strategically naïve, poorly thought through and will fail to meet their objectives. There are many better alternatives to the proposed direction of the city. The old plan would be better, although no doubt it could do with some well thought out tweaks.

Richard Daniell

rpd57@me.com



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

Senior Planning Administrator
RMA Plan Submission
Nelson City Council
PO Box 645
Nelson 7040
Environmental.planning@ncc.govt.nz

Submitter (Complete details below):

Full Name: Warwick James Rogers

Address:

Telephone:

Email: Warwick.rogers@gmail.com

Signature of Submitter: 

Date: 31/10/23

Delete as applicable: -

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

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

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

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

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

2) Hearing Panel

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

3) NCC's Population forecasts

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

4) Design Lead and Not Developer Lead Growth.

- a) Nelson is a very special and unique place that needs to be protected with care. It is unlike any other district in NZ. It includes a 'Low Rise' City with a collection of heritage and non-heritage character buildings that have attracted people for generations and been a cherished holiday destination for many New Zealanders.
- b) Residential Neighbourhoods should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a neighbourhood, by neighbourhood basis to maintain the essence of their character.
- c) We need to protect and retain CBD historic facades as an essential part of the character of the Inner City.
- d) Contemporary Black Iron Clad Boxes, built only a few metres from 120-year-old Historic Homes is a thoughtless lack of long-term vision for maintaining the attraction of Nelson for all the future residents and visitors.
- e) Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighbourhoods. They help considerably with the wellbeing of the residents and help to provide an essential part of the attraction of Nelson, which must all be considered during developing the growth of Nelson.
 - i) I ask the Council to create a broader level of protection for neighbourhoods beyond the heritage buildings and precincts that still have historic character value from the early settlement years of Nelson.
 - ii) I ask the Council to appoint an Urban Development Agency (UDA) to carefully guide growth and actively facilitate the emergence of cohesive urban neighbourhoods with a variety of high-quality housing choices.

5) Sunlight Recession Planes and Shading Effects

- a) Sunlight is a **CRITICAL** part of living in Nelson. It is not called the 'Sunshine Capital of NZ' for no reason. It is well documented that people relocate to Nelson because of the Sun and accept reduced wages called 'Sunshine Wages' for that privilege.
- b) TDC even 'Encourage the Sun into your home'. See <https://www.tasman.govt.nz/my-property/building-and-alteration/heating-and-insulation/energy-efficiency-and-heating-your-home/>
- c) All existing houses built prior to and under the current daylight admission rules will be subjected to the loss of sunlight amenity under PC29 with the following effects: -
 - i) Increased levels of mental health illness, anxiety and stress.
 - ii) Increased levels of damp homes with associated mould and mildew and respiratory illnesses.
 - iii) Shadowing of 'Green Energy' Solar Arrays and Passive Solar Energy Heating.
 - iv) Increased heating costs, air pollution, carbon foot print, are all exasperated due to a large portion of Nelson housing is old, with un-insulated walls and single glazing and open fires were legislated out of use many years ago.
 - v) Reduction in property values and increased financial stress, because the house would be less desirable to live in.
 - vi) Residents, struggling with the cost-of-living crisis may not afford to heat their home.
 - vii) Property owners will be reluctant to invest in making additional new (low rise) infill improvements on their section, with affordable additional units that **COULD** be overshadowed and devalued by a wealthier developer who could afford to build a multi-storey development next door at any time in the future.
- (1) I ask the Council to maintain the AP15 Daylight Admission protection rules to all pre-existing properties, unless the owner gives written approval to the contrary.
- (2) I strongly support the inclusion of Daylight and Sunlight policy statement Para RE2.3.i: The reception of daylight and sunlight to each household unit is a critical component of residential amenity that provides warmth and energy efficiency, and is vital for outdoor activities such as gardening and recreation. To ensure shading effects are minimised, and to ensure there is sufficient space around buildings to allow the admission of daylight to the site, this Plan has provided for daylight controls on all side and rear boundaries. The policy also applies to larger non-residential buildings such as schools or halls. The basic premise is that the daylight and sunlight received on a residential site should be no different whether or not the neighbour is residential. This philosophy applies whether the building is on an adjoining site or across a street.

6) Privacy and Outlook

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

7) Intensification

- a) I strongly oppose the High-Density Residential Zone and the Medium Density Residential Zone. They are in no way in character or in keeping with any existing 'Low Rise' Nelson residential suburb and beyond the MDS legal mandate.
 - i) I ask Council to remove HDRZ and MDRZ from the plan completely.
 - ii) I ask Council to apply the new General Residential Zone equally across the entire Nelson district on the introduction of PC29, on the basis that AP15 Daylight Admission protection rules will apply to all pre-existing properties, unless the owner gives written approval to the contrary.
- b) I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - i) I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley.
- c) Building holiday apartments that sit empty for long periods, does not solve our intensification, growth and affordability dilemma, and yet it locks up our valuable housing resource. Eg Rocks & Haven Road has many empty apartments.
 - i) I ask Council to consider solutions to mitigate against new-build empty holiday apartments.
- d) I oppose the increase of residential units beyond 4, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
 - i) I ask Council to ensure that more than 4 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections, and taking up lots of on street car parking spaces, popping up in a residential street, without warning.
- e) Bigger older properties, could be better utilised and help with our growth if they were more easily allowed to be divided into multi-dwellings.
- f) Building inner city apartments that offer an alternative solution to 'retirement villages', can free up the bigger homes for new families to occupy. The 'retired' occupants may also be less likely to be reliant on a vehicle, which may more closely suit the growth model desired.
- g) Designing Inner-City roof gardens and balconies with green spaces for commercial hospitality use or places for apartment living residents to relax and enjoy the Nelson Sun.
- h) Incentivise rate paying residents to demolish or relocate their house in favour of replacing more units on the same section providing they comply with the suitable character or heritage of the neighbourhood.

8) Progressively Phased Intensification

- a) Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the residential neighbourhoods, this can give more time to complete a better design vision for our residential neighbourhoods.
- b) I ask Council to retain para ICd.11 'The zone enables and encourages an increase in the density and diversity of quality housing in the City Centre by enabling residential activity above ground floor level. It is expected that over time, more people will choose to live in the City Centre because of its easy access to offices, shops, entertainment and varied open spaces and experiences'.

- c) Secondly, City Fringe would be the next zone to phase in for intensification.
- d) Finally, the Residential Zones would be the last area to be phased in, by working out from the City Fringe Zone (and Central Stoke).
 - i) I would support Medium Density Residential Zones (3 storey 11m high) progressively expanding from the CBD (and Central Stoke) ***if required and over time, providing AP15 Daylight Admission Protection rules remain in force for existing properties.***

9) Intensification in hazard zones

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

10) On-street carparking

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

11) Social Housing

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

12) Infrastructure

- a) I ask the Council to include a plan to mitigate against future drought situations with a greater demand on the same amount of water from the Maitai Dam, for a greater population.

- b) I ask the Council to include a plan to mitigate against the increased capacity requirements for our waste water systems.
- c) I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.

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

31 October 2023

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

OFFICE USE
Submission No: S777
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17877

Submitter Details

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

Trade Competition

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

Council Hearing

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

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



.....
Signature of Submitter

(or authorised person)

Dated: 31 October 2023

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

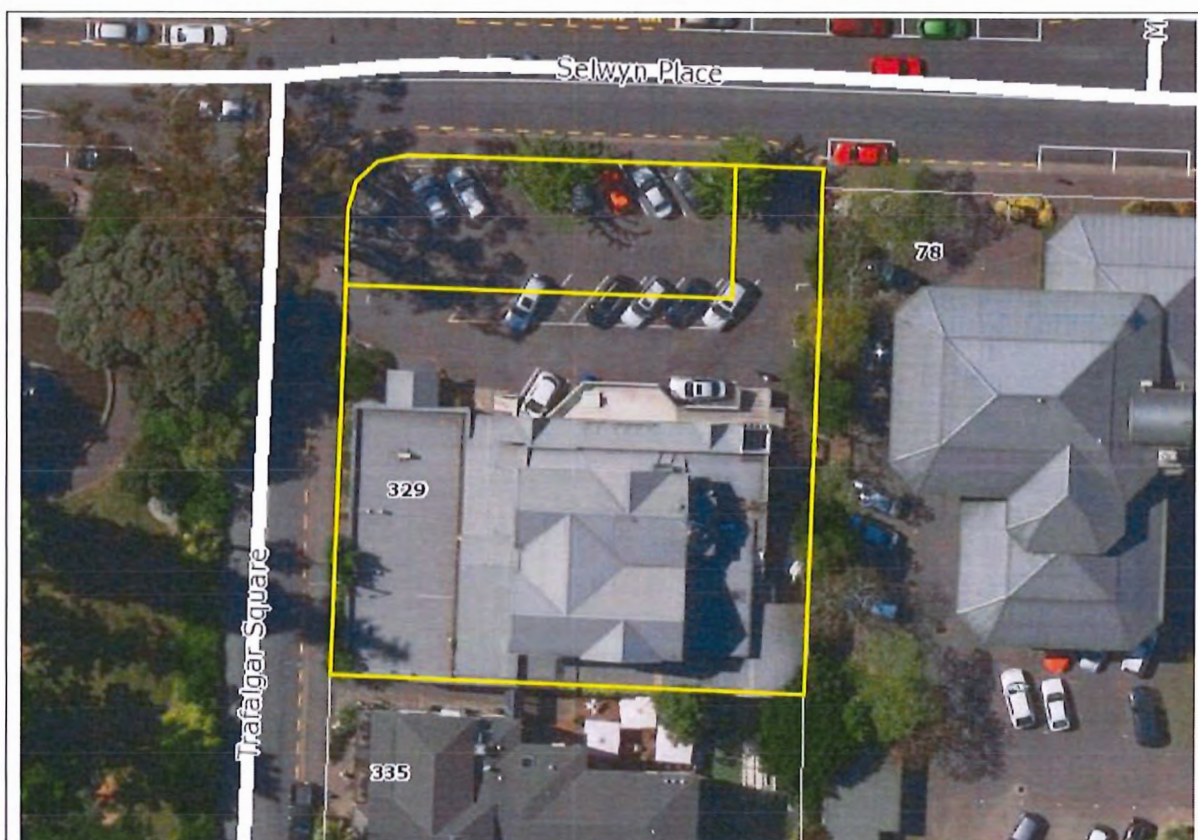
☒	Entire Plan Change	☐	Papakāinga
☐	Residential	☐	Transport
☒	Inner City and City Fringe	☒	Mapping
☐	Industrial	☐	Infrastructure
☐	Suburban Commercial	☐	Area outside of Plan Change
☐	Natural Hazards/Climate Change	☐	Subdivision
☒	Heritage	☐	Other

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

My submissions and the relief sought are as follows:

Submissions

This submission is from Trafalgar House Limited (THL) who owns the land at 329 Trafalgar Square, Nelson. This is a corner site, with frontage also to Selwyn Place. This site, occupied by a two storied commercial building toward the southern side and parking in front, is currently within the Inner City – Fringe Zone with frontage to the Ring Road.



The site at 329 Trafalgar Square

Trafalgar House Limited fully supports PC29 in so far as this encourages and provides for intensification of the Inner City (City Centre and Fringe). It is considered that the provisions that provide for intensification of the City will lead to:

- A more efficient use and development of the land resource; and
- Lead to a more vibrant City Centre;
- Achieve the key objectives of the National Policy Statement on Urban Development;
- Achieve the key outcomes contained in the Nelson Tasman Future Development Strategy;
- Achieve the sustainable management of natural and physical resources.

THL also supports the removal of the heritage precincts as those are considered to be counterproductive when considering the wider objective and policies of the NPSUD.

This submission identifies the specific provisions and the additional reasons for these submissions in the table that follows:

DO16	Zones	
DO16.1.1.ix	City Fringe	Support
	<u>Reasons</u> The proposed change to the description of the City Fringe is supported as it provides a more appropriate and accurate statement of the purpose and function of this area.	
	<u>Relief Sought</u> Retain change to DO16.1.1.ix.	
Volume 2		
Ch.8	Inner City Objectives and Policies	
ICd.11	description	Support
	<u>Reasons</u> The proposed additional description of the City Fringe is supported as it provides a more appropriate and accurate statement of the purpose and function of this area, including how this area will change over time.	
	<u>Relief Sought</u> Retain ICd.11.	
ICd.17	City fringe	Support
	<u>Reasons</u> The proposed additional description of the City Fringe is supported as it provides a more appropriate and accurate statement of the purpose and function of this area, including how this area will change over time.	
	<u>Relief Sought</u> Retain ICd.17.	
IC1	Form and access	Support
	<u>Reasons</u> The proposed change to objective IC1 is considered to be more appropriate in the context of the change enabled by PC29.	
	<u>Relief Sought</u> Retain changes to IC1.	

IC1.1	<i>Strength of the city centre</i> Support <u>Reasons</u> The proposed change to policy IC1.1 is considered to be more appropriate in the context of the change enabled by PC29. <u>Relief Sought</u> Retain changes to policy IC1.1.
IC2.3	<i>Quality of the public realm</i> Support <u>Reasons</u> This new policy, and the supporting explanation, is supported. So too is the deletion of policy IC2.2. These changes are necessary as a consequence of providing for intensification. <u>Relief Sought</u> Retain policy IC2.3 and the supporting explanation. Delete IC2.2.
IC2.4	<i>views</i> Support <u>Reasons</u> The deletion of IC2.4 is supported as this is a necessary impact from intensification. Likewise, the street trees on Trafalgar Street have already removed the view from the top of the Church Steps with associated wider benefits to the City Centre. <u>Relief Sought</u> Delete IC2.4 views.
IC3	<i>Site amenity</i> Oppose in part <u>Reasons</u> The proposed change to objective IC3 places retains a significant focus on site development being sympathetic to the character of the heritage buildings in the Inner City. However given other changes in PC29 that remove the heritage precinct (for example), it is considered that the objective should have a broader focus. Proposed Policy IC3.3 (addressed below) in fact provides a much more relevant set of relevant qualities beyond just heritage. <u>Relief Sought</u> Amend Objective IC3 to be broader than simply on heritage buildings.
IC3.1.vii	<i>Method</i> Support <u>Reasons</u> This new method identifies the requirement to obtain resource consent for new buildings in the City Centre, which includes the City Fringe. <u>Relief Sought</u> Retain new method IC3.1.viii.
IC3.1	<i>Street wall – Trafalgar, Hardy and Bridge Streets</i> Support <u>Reasons</u> This change is considered to be appropriate as a part of achieving the objective. <u>Relief Sought</u> Retain change to IC3.1.
IC3.2	<i>Street appearance – remainder of zone</i> Support <u>Reasons</u> The proposed changes to this policy are supported and they align appropriately to the wider objective. The policy is to achieve a quality and attractive street frontage which is also supported. <u>Relief Sought</u> Retain IC3.2.

IC3.3	Style and form – city centre Support <u>Reasons</u> The changes proposed to policy IC3.3 are supported. <u>Relief Sought</u> Retain changes to policy IC3.3.
IC3.3.iv	Method Support <u>Reasons</u> This new method identifies the requirement to obtain resource consent for new buildings in the City Centre, which includes the City Fringe. This is to ensure that new development contributes positively to the amenity of the Inner City and so that the wider objectives for the zone are achieved. Given the focus of that consent process, and the provision for non-notification and no written approvals in the rule, this is fully supported. <u>Relief Sought</u> Retain new method IC3.3.iv.
IC3.4	building height Support <u>Reasons</u> This new policy and the supporting explanation and methods are supported as this provides a significant component to achieving the intensification objective. <u>Relief Sought</u> Retain ICr.3.4.
IC4A	housing Support <u>Reasons</u> This objective seeks a diverse range of housing choices which is supported. <u>Relief Sought</u> Retain IC4A.
IC4A.1	Residential amenity Support <u>Reasons</u> This new policy also seeks to enable residential activity while ensuring a good standard of amenity for the residents. This policy is supported. <u>Relief Sought</u> Retain IC4A.1.
Rules – Inner City Zone	
ICr.35	Daylight admission Support <u>Reasons</u> Given that there is Open Space and Recreation land on the edge of the City Fringe in places, it is important that the intensification objectives is not constrained by this other zoned land. <u>Relief Sought</u> Retain chances to ICr.35.
ICr.37A	Maximum building height Support <u>Reasons</u> The increase in the permitted building height in the Inner City centre and City Fringe is considered to provide appropriately for intensification and achievement of the proposed objectives. <u>Relief Sought</u> Retain ICr.37, including the supporting assessment criteria and explanation.

ICr.37B	<i>New buildings and alterations and amendment to buildings</i> Oppose in part <u>Reasons</u> The permitted activity standard does not allow external alterations to a building without resource consent approval unless it is a minor alteration that does not change its external design and appearance. Given the subjectivity of this standard, it is considered that this will inevitably result in a large number of resource consent applications, with many being for alterations that have no bearing on the wider amenity and quality of the Inner City environment. Refinement of this rule is therefore required to ensure it can be administered clearly, consistently and efficiently. The requirement to obtain resource consent (without notification or written approvals) for new buildings is supported. The use of the words “Outside of” within ICr.37B.4 is also open to interpretation. This needs to be amended to ensure clear administration. A change to ICr.37B.4(a)(i) on the assumption that the criterion relates to effects of buildings on Trafalgar, Hardy and Bridge Streets. <u>Relief Sought</u> Amend ICr.37B.1 clarify what constitutes a minor alteration. Retain ICr.37B.3. Amend ICr.37B.4(a)(i) by replacing the words “Outside of” with “On”.
ICr.37C	<i>Residential unit – minimum size</i> Support <u>Reasons</u> This rule introduces a minimum residential unit size which is supported. <u>Relief Sought</u> Retain ICr.37C.
ICr.37D	<i>Residential activity</i> Support <u>Reasons</u> This rule makes residential activity a permitted activity such to compliance with the listed standards. <u>Relief Sought</u> Retain ICr.37D.
ICr.40	<i>Outdoor living court – Residential activity</i> Support <u>Reasons</u> The current outdoor living court requirements are considered to be outdated and unnecessary. <u>Relief Sought</u> Delete ICr.40.
ICr.40A	<i>Outlook space</i> Support <u>Reasons</u> In conjunction with deleting ICr.40, this rule provided a more appropriate standards for residential units. <u>Relief Sought</u> Retain ICr.40A
ICr.72	<i>Maximum building height</i> Support <u>Reasons</u> With the proposed new rule ICr.37A it is appropriate that ICr.72 be deleted. <u>Relief Sought</u> Delete ICr.72.

ICr.73	<i>External appearance</i> Support <u>Reasons</u> With the proposed new rule ICr.37B it is appropriate that ICr.73 be deleted. <u>Relief Sought</u> Delete ICr.73.
ICr.73A	<i>Design and External Appearance</i> Support <u>Reasons</u> With the proposed new rule ICr.37B it is appropriate that ICr.73A be deleted. <u>Relief Sought</u> Delete ICr.73A.
ICr.74	<i>Landscaping</i> Support <u>Reasons</u> With the proposed new rule ICr.37B it is appropriate that ICr.74 be deleted. <u>Relief Sought</u> Delete ICr.74.
ICr.78	<i>Retail activity</i> Support <u>Reasons</u> This rule change is supported as it will provide the opportunity for the Inner City to development with a more diverse range of retailing activities, and help achieve a well-functioning urban environment (NPS-UD). This change is also supported as the control of distributional effects has significantly changed since 1996 and so PC29 rectifies that. <u>Relief Sought</u> Retain change.

Senior Planning Administrator
RMA Plan Submission
Nelson City Council
PO Box 645
Nelson 7040
environmental.planning@ncc.govt.nz

Submitter: Dr Hayden Thomas & Family
Full Name: **Hayden Vinsen Thomas**
Address:

Telephone:
Email: **hayden@equilibriumnelson.nz**
Signature of Submitter:



Date: **30th October 2023**

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

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

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

(please note, much of this submission has been the result of a group consultation by concerned residents and cogently put together as a template for use - thanks to the hard work of several neighbours, one in particular for whom I am very grateful for their efforts. I have added my personalised responses where appropriate under the themes below).

- **The Plan Change 29 Process.**

I wish to state that...

- While I agree that housing in Nelson needs to be intensified, I feel the proposed PC 29 is very lengthy and complex to understand and likely difficult to implement. It provides a very generalised and haphazard

approach that I feel has a danger of destroying the fabric of our great little city.

- Accessing a hard copy of the plan and reports has proved difficult and was not made easily available for residents who couldn't access (or preferred not to view it) on a computer (without the personal cost of printing such a lengthy document).
- The lack of early public engagement and consultation by Council has caused unnecessary stress and time wasting. Much of the consultation with the potentially affected residents should have been done before the current plan was put out and this would have resulted in a more efficient, better response.
- I have spoken to many concerned residents and they echo my feelings. I am hopeful the Council takes on board the many considered opinions I am hearing and some very qualified and reasoned arguments against the PC 29 in its current form.
- That Council Planning Staff have stated at numerous meetings "This is a 'Broad Brush approach' that requires public submissions to refine the plan". Such a statement implies PC 29 has been prematurely put out for public submissions in an incomplete and inaccurate state that requires the public to learn and understand in its entirety, so they can formulate and articulate a suitable response.
- The lack of Trust between residents and Council has become significant given the following:
 - The PC29 submission timeframe was only extended from 27 to 56 working days because of public pressure at 7th Sept public meeting.
 - PC29 media engagement was only increased because of public pressure at 7th Sept public meeting.
 - Information regarding the negative impacts on existing residents' enjoyment of their properties is not forthcoming in every interaction with NCC members and staff. It is '**Deceit by Omission**' and has required individuals to research PC 29 to find out these aspects and share them with the wider public. Eg:
 - Loss of winter sunlight with new recession planes.
 - Loss of on street car parking with increased intensification due to no requirement for on-site car parking.
 - Loss of privacy with bigger buildings that are closer to boundaries.
 - Loss of property value with loss of views, sunlight, and privacy.

- Increased levels of noise with increased residential dwellings around a boundary.
- Residential unit numbers per building can be increased on a 'restricted discretionary' basis without notification or written approval.
- Exaggerated population forecasts.
- Council voted **NOT** to withdraw PC 29 on Sept 14th Meeting.
- Predetermined biased Councillors on the hearing panel.
 - I am asking Council to immediately withdraw PC 29 and get Council Planning staff to refine the plan design and then put it back out for public consultation.

- **Hearing Panel**

- I strongly disagree with the make-up of the hearing panel, because of its 'biased' public perception following the vote on Councillor Courtneys proposal to withdraw PC29 at the 14th September Council meeting.
 - I ask the Council to appoint Councillors from either side of the Sept 14th vote.
 - If i) is not followed then I ask that all Councillors are replaced with independent Commissioners.

- **Design Lead and Not Developer Lead Growth.**

- A recent Stuff article spoke well about the need for a considered design led approach rather than haphazard developer lead infill high density buildings. There is a definite need for considered growth to preserve and enhance our unique city. As the owner of a lovingly restored heritage villa in an area designated as a six story, high density area, I am very concerned some developments will impact the heritage value and feel of large areas of the city which is a particular charm and drawcard.
- As a parent of young children who are scared to walk past Franklin Village alone, I am concerned that potential developments of multi-story single room apartments for social housing rather than integrated, mixed type dwellings will adversely affect safety and perceived safety of the areas they are in. Currently my children walk a long way around the hospital area to attend school to avoid the groups that congregate outside the Franklin building. I am concerned there is potential for a similar building at the Examiner St site which is nearby the Girls College and on the route to

Hampden Street School. There are many ways to address this successfully as in other cities without the creation of potential future ghettos.

- Residential Neighbourhoods should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a neighbourhood, by neighbourhood basis to maintain the essence of their character.
- We need to protect and retain CBD historic facades as an essential part of the character of the Inner City.
- Contemporary box designs, built only a few metres from 120+ year-old historic homes is completely out of character and lacks a long-term vision for maintaining the attraction of Nelson for all the future residents and visitors. I note that in Newmarket, Auckland there was effort made for new builds to echo the heights and proportions of those historic storefronts which successfully tied new development to the heritage sites adjacent.
- Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighbourhoods. This is also essential from a health and wellbeing perspective as we are biophilic beings. Green outlooks has been shown to directly improve health measures and the inverse true too that a concrete jungle adversely affects mental and physical health.
- I ask the Council to create a broader level of protection for neighbourhoods beyond the heritage buildings and precincts to that of areas of historic character value from the early settlement years of Nelson and stop future 'out of character' developments.
- I ask the Council to appoint an Urban Development Agency (UDA), as per the Nelson Tasman 2050 proposal to carefully guide growth and actively facilitate the emergence of cohesive urban neighbourhoods with a variety of high-quality housing choices.

- **Sunlight Recession Planes and Shading Effects**

- Sunlight is a **CRITICAL** part of living in Nelson. It is not called the 'Sunshine Capital of NZ' for no reason. It is well documented that people relocate to Nelson because of the Sun and accept reduced wages called 'Sunshine Wages' for that privilege.
- TDC even 'Encourage the Sun into your home'. See <https://www.tasman.govt.nz/my-property/building-and-alteration/heating-and-insulation/energy-efficiency-and-heating-your-home/>
- I am unable to find a section 32 report regarding the winter sunlight shading effects on neighbouring properties. The daylight admission testing

in the B&A memorandum dated 15/3/23 are only about maximising building bulk and height to enable increased floor plates at upper levels on a typical size section, rather than any loss of sunlight and the shading effects of a neighbour.

- Shape Nelson Website provides misleading information on 'How PC29 could affect you' with no mention of completely losing sunlight amenity with possible total shading over the winter months. Quote:- "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".
- All existing houses built prior to and under the current daylight admission rules will be subjected to the loss of sunlight amenity under PC29 with the following effects: -
 - Increased levels of mental health illness, anxiety and stress.
 - Increased levels of damp homes with associated mould and mildew and respiratory illnesses.
 - Shadowing of 'Green Energy' Solar Arrays and Passive Solar Energy Heating.
 - Increased heating costs, air pollution, carbon foot print, are all exasperated due to a large portion of Nelson housing is old, with un-insulated walls and single glazing and open fires were legislated out of use many years ago.
 - Reduction in property values and increased financial stress, because the house would be less desirable to live in.
 - Residents, struggling with the cost-of-living crisis may not afford to heat their home.
 - Property owners will be reluctant to invest in making additional new (low rise) infill improvements on their section, with affordable additional units that ***COULD*** be over shadowed and devalued by a wealthier developer who could afford to build a multi-storey development next door at any time in the future.
 - NCC & TDC 'Housing We'd Choose' report dated June 2021 by M.e Consulting ranks 'Sunny' as the highest preference for housing choice in Nelson and yet PC29 will remove that amenity from its existing residents, without warning or compensation.
 - I ask the Council to maintain the AP15 Daylight Admission protection rules to all pre-existing properties, unless the owner gives written approval to the contrary.
 - I strongly support the inclusion of Daylight and Sunlight policy statement Para **RE2.3.i**: The reception of daylight and

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

- **Privacy and Outlook**

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

- **Intensification**

- I strongly oppose the High-Density Residential Zone. It is by no way in character or in keeping with any existing 'Low Rise' Nelson residential suburb and beyond the MDS legal mandate.
 - I ask Council to remove HDRZ from the plan completely.
 - I ask Council to apply no greater than 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.
- I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley.
- Building holiday apartments that sit empty for long periods, does not solve our intensification, growth and affordability dilemma, and yet it locks up a

valuable housing resource. Eg Rocks & Haven Road has many empty apartments.

- I ask Council to consider solutions to mitigate against new-build empty holiday apartments.
 - I oppose the increase of residential units beyond 4, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
 - I ask Council to ensure that more than 4 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections, and taking up lots of on street car parking spaces, popping up in a residential street, without warning.
 - Bigger older properties, could be better utilised and help with our growth if they were more easily allowed to be divided into multi-dwellings.
 - Building inner city apartments that offer an alternative solution to 'retirement villages', can free up the bigger homes for new families to occupy. The 'retired' occupants may also be less likely to be reliant on a vehicle, which may more closely suit the growth model desired.
 - Designing Inner-City roof gardens and balconies with green spaces for commercial hospitality use or places for apartment living residents to relax and enjoy the Nelson Sun.
 - Incentivise rate paying residents to demolish or relocate their house in favour of replacing more units on the same section providing they comply with the suitable character or heritage of the neighbourhood.
-
- **Progressively Phased Intensification**
 - Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the surrounding residential neighbourhoods, this can give more time to complete a better design vision for our residential neighbourhoods.
 - I ask Council to make better utilization of Car Only spaces, by developing them into shared spaces, with Accommodation overhead. 'Nelsust' highlights 44% of the Inner City as Car only spaces. See attached photo (city area taken up by cars).
 - I ask Council to retain para ICd.11 'The zone enables and encourages an increase in the density and diversity of quality housing in the City Centre by enabling residential activity above ground floor level. It is expected that over time, more people will choose to live in the City Centre because of its easy access to

offices, shops, entertainment and varied open spaces and experiences’.

- Secondly, City Fringe would be the next zone to phase in for intensification.
 - I ask Council to negotiate and/or incentivise Industry and car yards to relocate, to less essential land that can be better used for accommodation.
- Finally, the Residential Zones would be the last area to be phased in, by working out from the City Fringe Zone (and Central Stoke).
 - I would support Medium Density Residential Zones (3 storey 11m high) progressively expanding from the CBD (and Central Stoke) ***if required and over time***, providing AP15 Daylight Admission Protection rules remain in force for existing properties.
- **Intensification in hazard zones**
 - I ask Council to apply no greater than General Residential Zoning rules in all Hazard overlays, because these areas have been assessed as vulnerable and given that we are in a climate crisis, with increasing record-breaking weather events, affecting increasing areas of Nelson in ways not seen before then, I believe those areas should be treated with caution.
- **On-street carparking**
 - Increased intensification without providing off street carparking will result in significant hazards to pedestrians and road users in some areas of Nelson where roads are extremely narrow, with little or no footpaths, no berms, high retaining walls, steep drop offs and no turning spaces. Some of these roads are all much narrower than would be expected under modern standards with some being barely a single vehicle wide.
 - On street parked cars, have also narrowed two-way roads down to single lane for two-way access and forced parking on footpaths to become the ‘norm’.
 - Drivers must carefully share the roads with each other, cyclists and pedestrians, frequently having to pause where there is available space to allow vehicles to pass. Sometimes this requires driving over the kerb and onto footpaths.

- In places trucks, including the weekly waste collection vehicles have to reverse quite long stretches because of the lack of anywhere to turn.
- In places, visibility of oncoming vehicles is also very poor and dangerous.
- Driving up and reversing out of very steep driveways is challenging at best and potentially unsafe.
- Access for pedestrians, mobility scooters, cyclists, refuse collection and Emergency Service vehicles is difficult and unsafe.
- Intensification, without providing on-site car-parking in these narrow road access areas will cause fracturing of neighbourly relations and communities who live in these areas.
 - I strongly recommend that the Hearings Panel conduct a thorough site inspection of the narrow streets of Nelson including, (but not limited to) Locking St, Wellington St, Mount St & Konini St, including on foot.
 - I ask Council to provide a 'Comprehensive car parking management plan' as strongly encouraged by Policy 11 of the NPSUD 2020, to mitigate against the issues of on-street parking.
 - I ask Council to use traffic calming solutions that do not lose on-street car parking spaces. Eg. Speed Humps, instead of Choke Points.
 - I ask council to restrict more intensification in the neighbourhoods with narrow and hazardous road access to Standard Residential zoning for road user safety reasons. Eg (But not limited to:-) Mount St, Wellington St, Konini St, Locking St, Locking Tce, Northesk St (East) and Renwick Place.

- **Social Housing**

- As mentioned about in the first section, significant care and attention must be considered with all social housing because there are too many examples across the country where this has resulted in disharmony in communities.
- High density living for the homeless and vulnerable will not result in healthy outcomes for all concerned.
- Careful design controls from the concept stage onwards, will be rewarded in the long run, with less support required by Mental Health Services, Charity Services, Police and Social Services.
 - I would like to see Council working closely with Kainga Ora, to provide a 'transparent' way of creating new Social Housing Developments that 'Fit' with the long-term design vision of Nelson.

- I would like to see Council have more fit for purpose controls for antisocial behaviour that affects the existing neighbour's enjoyment of their property.

- **Infrastructure**

- I ask the Council to include a plan to mitigate against future drought situations with a greater demand on the same amount of water from the Maitai Dam, for a greater population.
- I ask the Council to include a plan to mitigate against the increased capacity requirements for our waste water systems.
- I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.

RMA Submission Form for Publicly Notified Plan Change 29



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

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

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

OFFICE USE

Submission No: S779

Date Received Stamp:

31/10/2023

NDOCs No: 539570224-17884

*Required

Submitter Details

Full Name*	Yvonne Anne Graham		
Organisation			
Contact Person			
Postal address*			
Telephone*		Email*	yvonnegraham12@gmail.com

Trade Competition*

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

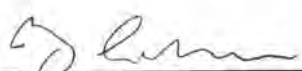
- ☒ I/we **could not** gain an advantage in trade competition through this submission.
- ☐ I/we **could** gain an advantage in trade competition through this submission. *if yes, please complete the following:*
- ☐ I/we **are** directly affected by an effect of the subject matter of this submission that: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

Council Hearing*

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

Public information

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


Signature of Submitter*

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

30/10/23
Date*

RMA Submission Form for Publicly Notified Plan Change 29



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

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

- | | | |
|--------|--|--|
| I/we*: | ☐ Oppose the Plan Change in part | ☒ 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)

Please see additional letter.

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).

Reject Plan Change 29, and consider other
options for intensification and infrastructure.
See attached letter.

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.

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

Submission for Nelson City Council Notified Plan Change 29

In addition to the opposed Plan Changes in Council's Submission Form, I have the following comments:

Van Diemen Street is at maximum density:

Driveways exit alongside almost all front properties onto a narrow and dangerous road. The previous change in zoning from Residential 1 to a sub-Collector Road resulted in entirely predictable accidents on a regular basis: ambulances, smashed wing mirrors, and early morning upturned cars on the "race track" into town. The density of traffic from the south and Richmond prevents residents from crossing the road for hours daily. Recently I saw a large bus swaying close to the kerb at end of school time with small children on the narrow path alongside. Of note, there is no continuous footpath on the upper side at the top end of the street, and Fairfield Park has no path around the top lower side of van Diemen.

A once beautiful heritage street has been turned into one of "two most dangerous streets in Nelson" by a previous decision to change the zoning without any consultation with the residents.

Yvonne Graham

yvonnegraham12@gmail.com

30 October 2023



Air Training Corps Association of New Zealand
Nelson Branch
Supporting No. 23 (Squadron) ATC

PO Box 2080, Stoke, Nelson 7011 www.nelsonatc.co.nz



File No: PC29 Submission

28 October 2023

Nelson City Council
PO Box 645
Nelson 7040
Environmental.planning@ncc.govt.nz

Submission on Proposed Plan Change 29 Housing and Hazards to the Nelson Resource Management Plan

To Whom it May Concern,

This letter is a submission on Plan Change (PC29) proposed by the Nelson City Council ("Council") prepared by the Air Cadet Unit Support Committee ("the submitter") in relation to the cadet unit facilities ("site").

The submitter will not gain an advantage in trade competition through this submission.

The submitter will not be directly affected by an effect of the subject matter of the submission that:

- a) adversely affects the environment, and
- b) does not relate to the trade competition or the effects of trade competitions.

The submitter wishes to be heard in support of this submission and would agree to consider presenting a joint case with other submitters who make a similar submission.

Submitter: Unit Support Committee
No.23 (Nelson) Squadron Air Training Corp
New Zealand Cadet Forces

Email: usc.23sqn@cadetforces.org.nz

Address for Service: C/- Eliot Sinclair: Claire McKeever
claire.mckeever@eliotsinclair.co.nz

Site location and Context

The ATC headquarter buildings are located at 1 Dakota Street ("site") and the Confidence Course (known as "the Concourse") is located on Trent Drive (refer to Figures 1 and 2 below).



Figure 1. 1 Dakota Street: ATC Headquarters

The Headquarters Site is legally described as Section 114 Suburban South District and is held within the Record of Title NL13B/222 and is on the land that makes up the majority of the Nelson Airport. This land is owned by NCC and leased to Nelson Airport Ltd (NAL). The concourse area is Part Section 86 Suburban South District and is owned by NAL as shown in Figure 2. The site location is at the corner of Dakota Street and Tangemere Place as shown below. (Underlying parcel address is 111 Trent Drive Tahunanui when searching Planning Maps)

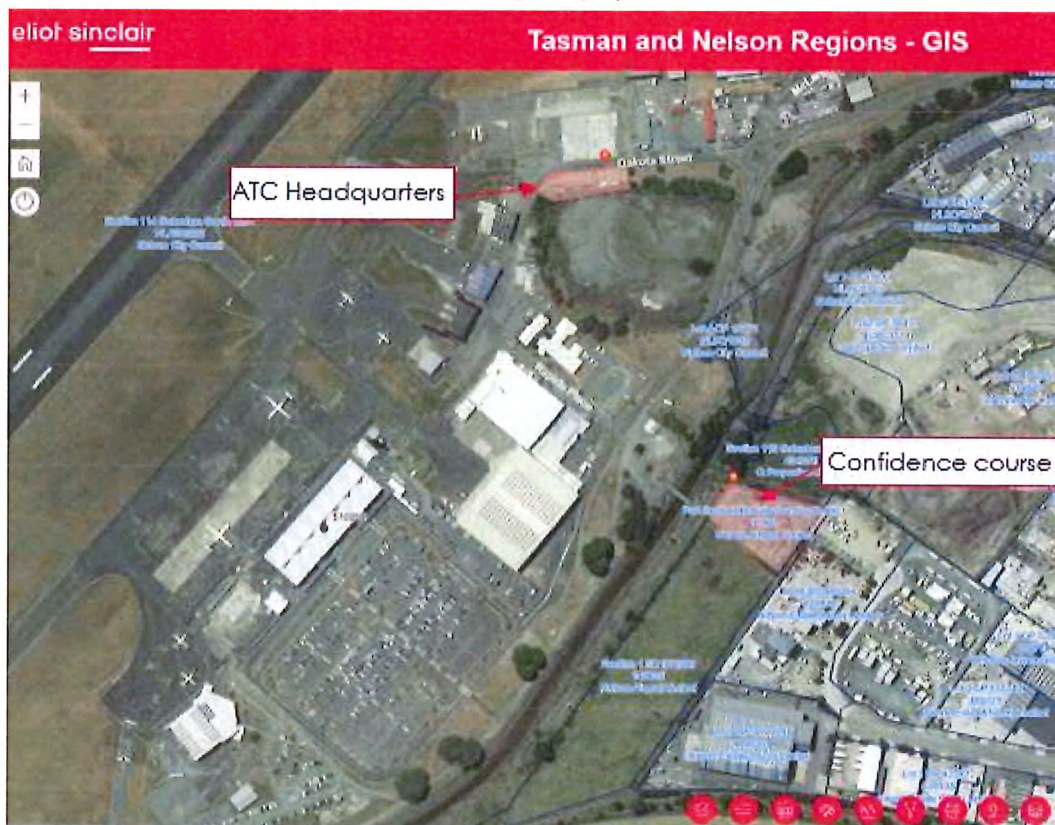


Figure 2. Aerial Image of ATC Facilities: Source ES GIS

ATC have been located at the airport since 1950. Both facilities are also used by other Nelson Cadet Force units (Army Cadets and Sea Cadets).

Cadet Forces

The Air Training Corp (ATC) mission is *“To develop and enable self-disciplined, confident and responsible young New Zealanders.”*

The aims of ATC are to:

- foster a spirit of adventure and teamwork, and to develop those qualities of mind and body essential for good citizens and leaders.
- provide challenging and disciplined training activities, which will be useful in either Service or civilian life.
- promote an awareness of the Armed Forces, and the role they play in the community.

ATC is supported nationally by Air Training Corps Association of New Zealand (ATCANZ) and a local Support Committee in Nelson. This branch is the community linkage to the unit and supplies funding, venues, equipment and volunteers. Air Cadet units are administered and have uniforms supplied by the NZ Defence Force but are supported and funded by the community.

No. 23 (“Ghost”) Nelson Squadron was established in Nelson in 1942 has 60 cadet members in 2023 aged from 13-19. This year members of 23 Squadron will participate in parades, bushcraft and survival camps, shoot in national competitions, learn about and go flying in light aircraft, visit Air Force and Army bases, use radios and leadership skills to co-ordinate activities, travel on exchange programs, learn first aid, help out at community events, get fit, have fun and become more confident.

In respect of community activities, this year the Cadets have participated in Poppy day fundraising in conjunction with the Returned Services Association (RSA) and have taken part in Nelson and Tasman ANZAC day services, including this year’s inaugural Purple Poppy day at Marsden Cemetery to commemorate the service of all Service Animals.

The squadron is run by volunteer leaders who dedicate their time to provide this opportunity for Nelson youth alongside the support of the Unit Support Committee (made up of Cadet parents). Fundraising is a core part of Support Committee efforts to keep the Cadet program affordable for all participants, especially for subsidising the cost of training activities and camps.

In summary, the Air Cadet unit provide a valuable service to the youth of Nelson and this submission is intended to prevent the rules placing an unanticipated burden on

our volunteer run, community organisation. Unlike the commercial facilities, the Air Cadet facility is not critical infrastructure, does not contain high value items and is only occupied for short periods of time each week.

Submission

This submission has been prepared by following the notification of PC29 by Nelson City Council.

The submitter **supports** the need for the Council to be able to manage development in urban areas that are potentially susceptible to natural hazards and recognises that the site location in the current Industrial zone and in the vicinity of the ATC building (described above) has been identified by PC29 as shown in Figure 3 below as being located in:

- PC29 Inundation overlay (East side of lease area)
- PC29 High Hazard Overlay (South side of lease area)
- PC29 Flood Hazard Overlay (West side of lease area at existing building location)

While the wider site (111 Trent Drive) also has overlays identified in:

- PC29 Floodway
- PC29 Liquefaction Overlay

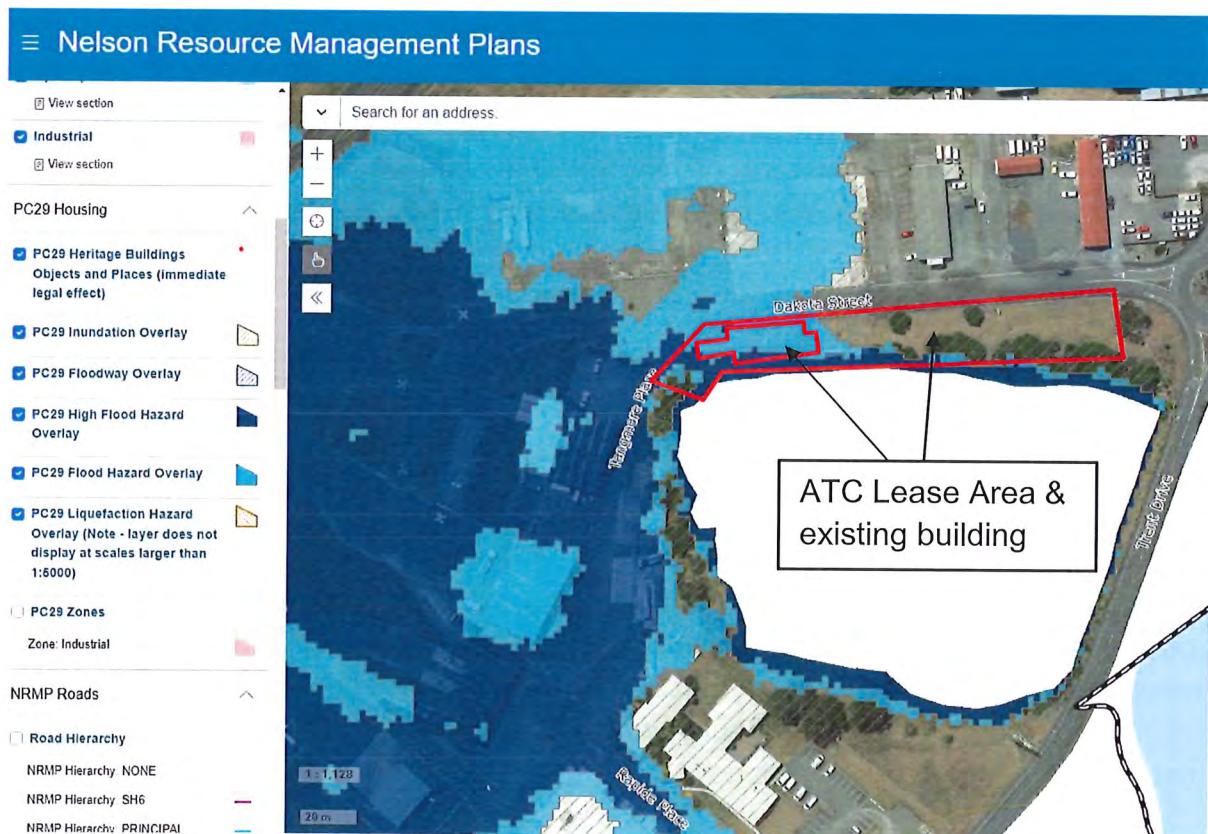


Figure 3: Site location as Proposed by PC29 Source: NCC EPlan

The submitter requests that new proposed rules relating to hazards in the current industrial zone (INr.59, INr.60, INr.60A – Inr.60F) be comprehensively considered in conjunction with PC30 Airport proposed rules to avoid inconsistency between decisions on rules proposed in two separate Plan Change processes.

It is ATC's submission that it is not clear from the EPlan whether rule INr.60 in relation to "Inundation Overlays – Low lying ground susceptible to localised Stormwater ponding or tidal inundation" shown as greyed out in the EPlan, is proposed to be removed and replaced by of INr.60B "Flood Areas except Flood paths and Floodways – Buildings and below Ground swimming pools" for sites and proposed works that are shown in the Proposed Inundation Overlay only.

If it is NCC's intention to remove INr.60, then ATC **requests amendment** to the proposed wording of **INr.60B** to request it be consistent with existing rule INr.60 which allows up to 20% extension of ground floor area as a permitted activity subject to conditions, on the basis that any additional building at the eastern end of the ATC lease area would be located in the proposed Inundation overlay only (not the Flood Hazard or High Flood Hazard Overlays as can be seen in Figure 3 above).

Reasons for the Submission

The submitter has also made a recent submission on PC30 (submission #517). In that submission, the submitter supported the new Airport zone, as it relates to the ATC facilities (both headquarters at Dakota Street and Concourse at Trent Drive) within the Airport Environs Precinct ("AEP"). The submitter also **requested amendment** of the Airport zone definitions and rules to clarify that ATC activities are intended to be permitted by associated rules within the new precinct, and to enable replacement accessory buildings to be provided in conjunction with existing buildings in respect to minimum floor levels.

Since that time ATC have received a further submission opposing the requested site specific amendments from GP Investments Limited on the basis that they consider the ATC amendments requested are inconsistent with PC29 Hazard requirements. ATC notes PC29 was not notified during the submission period of PC30, however the further submission process was.

Therefore, ATC has prepared this submission on PC29 in relation to the proposed Hazard related changes to the current Industrial zone provisions to ensure that consistency between the two separate plan changes is achieved.

As described in the PC30 submission (#517):

The existing headquarter buildings at Dakota Street currently belong to Nelson Airport Limited (NAL). Recently, a wing has been closed by NAL due to the presence of asbestos and can no longer be used by the Cadet unit. This means that the number

of cadets (60) do not fit within the remaining building. Further, this requires cadets to be standing outside in Winter at 9pm in the evening (Wednesday parade night) when entire squadron briefing occurs before dismissal.

Given these challenges, the Submitter is working with NAL to resolve this, and there may yet also need to be a replacement building in a similar or adjacent location on Dakota Street. The proposed new rules under PC30 would cause this building project to become significantly more difficult and costly to achieve with respect to potentially requiring higher minimum floor levels to be achieved for the replacement building (Proposed Rule AIRPz.48). For context, the existing ground level is approximately 1m below the proposed 15.35m NCC datum definition.

If that rule applies to the site, it is likely to create additional cost challenges in respect of being able to connect a replacement building to the existing principal building. The practicality of having a building extension or new build located 1m higher than the existing building and complying with the runoff rules on such a small site as the ATC building is also questionable (i.e. the rule will be impractical in our case). Either this will result in resource consent costs for non-compliance with proposed minimum floor levels as a discretionary or non-complying activity under rule AIRPz48 or; alternatively will create additional building costs for compliance by having to connect two buildings with different floor levels (to be considered as a permitted activity).

Given the use of the building is primarily for 3 ½ hours once a week, it was submitted as part of PC30 that it would be preferable for the submitter that a new accessory (replacement) buildings proposed in conjunction with an existing building, be able to be exempt from the proposed PC30 minimum floor level rule, noting that the building it is not considered to be 'significant infrastructure' to airport activities. A suggested rule amendment was proposed and the submitter is happy to work with NAL and NCC to amend further if it is more appropriate to apply only to the ATC replacement building situation (rather than any other accessory replacement buildings that may be required in the wider precinct).

In regard to PC29, there are no minimum floor level rules proposed in relation to flood hazards (as have been put forward by PC30 process), however the imposition of new hazard overlays and associated rules in the Industrial zone would add additional considerations to the building works noted above. We re-attach the ATC submission on PC30 which is to be read in conjunction with this submission in respect of amendment to the District Plan as part of the PC29 process.

In particular, the change from INr.60 permitted activity rule that currently allows a 20% increase in gross floor area for a building in an inundation overlay, appears to have been reduced to 10% in Rule INr.60B.1 and has also been changed to only permit an addition to an existing building. Similar to the submission on PC30, this would create difficulty for ATC as it is impractical and likely to create additional cost challenges in

respect of being able to connect a replacement building to the existing principal building, at a different floor level and with a smaller floor area (10%) that would likely be used up with stairs to connect the two rather than creating useable floor area.

We submit that:

Either INr.60 be retained by PC29 rather than deleted or if not;

Rule INr.60B.1 be amended.

Submission	Support/Oppose	Decision Sought
Changes to relevant Planning Maps which identify the ATC site with respect to natural hazard overlays.	Support	Retain as proposed by PC29
In future amend proposed Zone Natural Hazard rules relevant to the Airport Environs Precinct and Industrial zone so that PC29 and PC30 outcomes are consistent with one another in Natural Hazards	Support with consequential amendments as needed in respect of ATC site.	Amend Natural Hazard zone rules to account for PC30 outcomes & PC29 Industrial Zone outcomes as needed
Amendment to Proposed Permitted Activity rule INr.60B.1	In Flood Areas, except any Flood Path or Floodway a building activity is a permitted activity provided that it is: a. a below ground swimming pool that is not greater than 1m above the ground level; or b. maintenance, repair or alteration to a building which does not result in any increase to site coverage; or c. in the Flood Hazard Overlay or the Inundation Overlay, additions to an existing building, and new buildings that:	Amend proposed rule to be consistent with permitted inundation overlay INr.60.

	i. is are up to 40m² 20m² gross floor area; and ii. all additions and new buildings are up to 40m² 20m² gross floor area cumulatively over a 10 year period from the date of notification of the Plan Change; or d. in the High Flood Hazard Overlay, an addition to an existing building where: i. it is located above the flood flow levels; or ii. which does not occupy flood storage capacity or impede flood flows, as provided in statement issued by an experienced Chartered Professional Engineer practicing in flood hydrology; or e. a tent, marquee and other structure associated with a temporary event; or f. an open structure without a floor.	
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Summary

ATC Unit Support Committee request that small amendments be made to proposed Industrial Zone Hazard rules to ensure that existing educational ATC activities and uses, that are complementary to Airport Activities, are provided for as requested in Table 1 above and that consistency is achieved between PC29 and PC30 Plan Change processes, for which the PC30 submission is attached.

If you have any questions, my contact details are provided above.

Yours sincerely,



Claire McKeever
Unit Support Group Committee Member

**Appendix 1: Submission on PC30 Nelson Airport Private Plan Change by
Submitter (#517)**



Air Training Corps Association of New Zealand
Nelson Branch
Supporting No. 23 (Squadron) ATC
PO Box 2080, Stoke, Nelson 7011 www.nelsonatc.co.nz



File No: PC30 Submission

10 July 2023

Nelson City Council
PO Box 645
Nelson 7040
Environmental.planning@ncc.govt.nz

Submission on Proposed Private Plan Change 30 Nelson Airport to the Nelson Resource Management Plan and a Notice of Requirement to extend the Nelson Airport Runway

To Whom it May Concern,

This letter is a submission on the Private Plan Change (PC30) proposed by the Nelson Airport ("Council") prepared by the Air Cadet Unit Support Committee ("the submitter") in relation to the cadet unit facilities ("site").

The submitter will not gain an advantage in trade competition through this submission.

The submitter will not be directly affected by an effect of the subject matter of the submission that:

- a) adversely affects the environment, and
- b) does not relate to the trade competition or the effects of trade competitions.

The submitter wishes to be heard in support of this submission and would agree to consider presenting a joint case with other submitters who make a similar submission.

Submitter: Unit Support Committee
No.23 (Nelson) Squadron Air Training Corp
New Zealand Cadet Forces

Email: usc.23sqn@cadetforces.org.nz

Address for Service: C/- Eliot Sinclair: Claire McKeever

claire.mckeever@eliotsinclair.co.nz

Site location and Context

The ATC headquarter buildings are located at 1 Dakota Street (“site”) and the Confidence Course (known as “the Concourse”) is located on Trent Drive (refer to Figures 1 and 2 below).

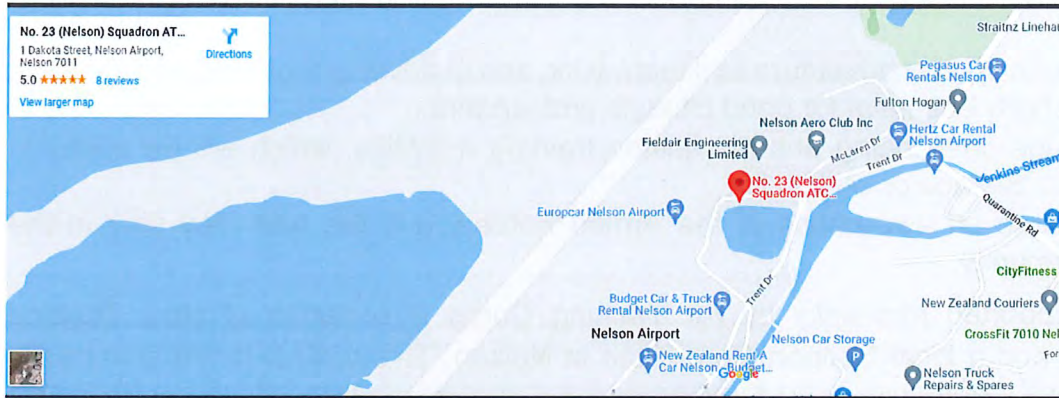


Figure 1. 1 Dakota Street: ATC Headquarters

The Headquarters Site is legally described as Section 114 Suburban South District and is held within the Record of Title NL13B/222 and is on the land that makes up the majority of the Nelson Airport. This land is owned by NCC and leased to Nelson Airport Ltd (NAL). The concourse area is Part Section 86 Suburban South District and is owned by NAL as shown in Figure 2.

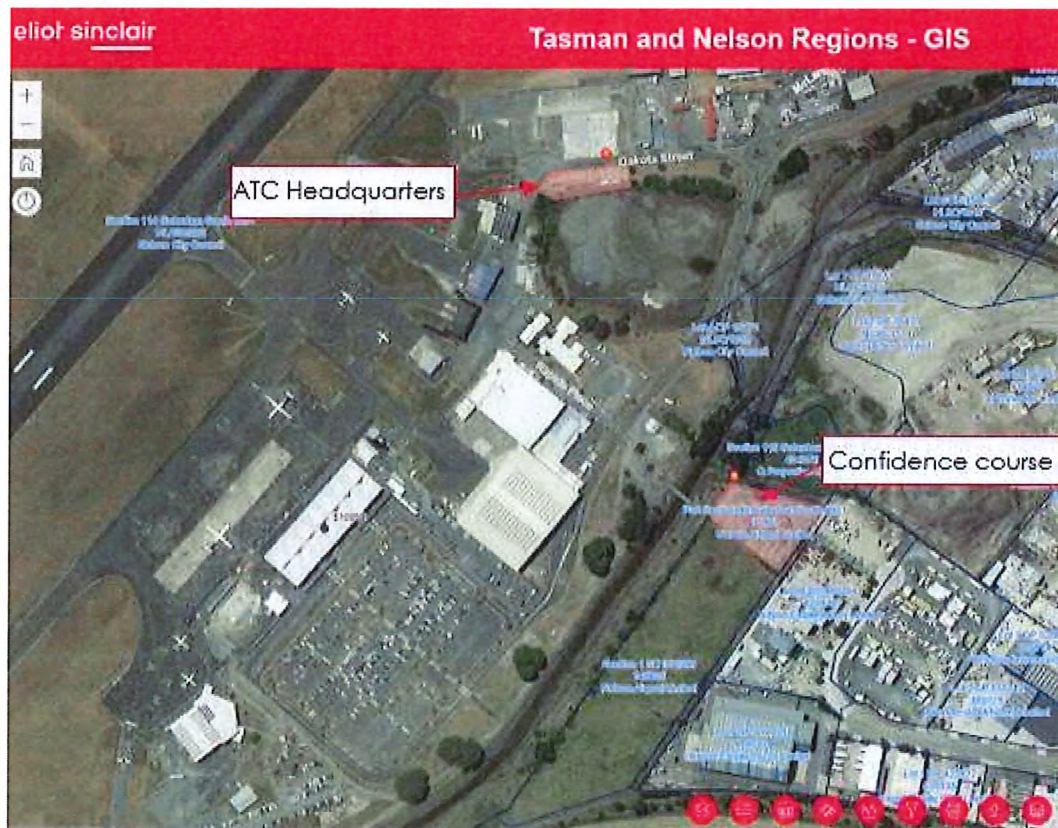


Figure2. Aerial Image of ATC Facilities: Source ES GIS

ATC have been located at the airport since 1950. Both facilities are also used by other Nelson Cadet Force units (Army Cadets and Sea Cadets).

Cadet Forces

The Air Training Corp (ATC) mission is *“To develop and enable self-disciplined, confident and responsible young New Zealanders.”*

The aims of ATC are to:

- foster a spirit of adventure and teamwork, and to develop those qualities of mind and body essential for good citizens and leaders.
- provide challenging and disciplined training activities, which will be useful in either Service or civilian life.
- promote an awareness of the Armed Forces, and the role they play in the community.

ATC is supported nationally by Air Training Corps Association of New Zealand (ATCANZ) and a local Support Committee in Nelson. This branch is the community linkage to the unit and supplies funding, venues, equipment and volunteers. Air Cadet units are administered and have uniforms supplied by the NZ Defence Force but are supported and funded by the community.

No. 23 (“Ghost”) Nelson Squadron was established in Nelson in 1942 has 60 cadet members in 2023 aged from 13-19. This year members of 23 Squadron will participate in parades, bushcraft and survival camps, shoot in national competitions, learn about and go flying in light aircraft, visit Air Force and Army bases, use radios and leadership skills to co-ordinate activities, travel on exchange programs, learn first aid, help out at community events, get fit, have fun and become more confident.

In respect of community activities, this year the Cadets have participated in Poppy day fundraising in conjunction with the Returned Services Association (RSA) and have taken part in Nelson and Tasman ANZAC day services, including this year’s inaugural Purple Poppy day at Marsden Cemetery to commemorate the service of all Service Animals.

The squadron is run by volunteer leaders who dedicate their time to provide this opportunity for Nelson youth alongside the support of the Unit Support Committee (made up of Cadet parents). Fundraising is a core part of Support Committee efforts to keep the Cadet program affordable for all participants, especially for subsidising the cost of training activities and camps.

In summary, the Air Cadet unit provide a valuable service to the youth of Nelson and this submission is intended to prevent the rules placing an unanticipated burden on our volunteer run, community organisation. Unlike the commercial facilities, the Air Cadet facility is not critical infrastructure, does not contain high value items and is only occupied for short periods of time each week.

Submission

This submission has been prepared by following the notification of PC30 by Nelson Airport Limited.

The submitter **supports** the Airport zoning proposed under PC30 as it includes the ATC facilities (both headquarters at Dakota Street and Concourse at Trent Drive) within the Airport Environs Precinct (“AEP”) shown in Figure 3 however, **requests amendment** of the Airport zone definitions and rules to clarify that ATC activities are intended to be permitted by associated rules within the precinct, and to clearly enable replacement accessory buildings to be provided in the future.

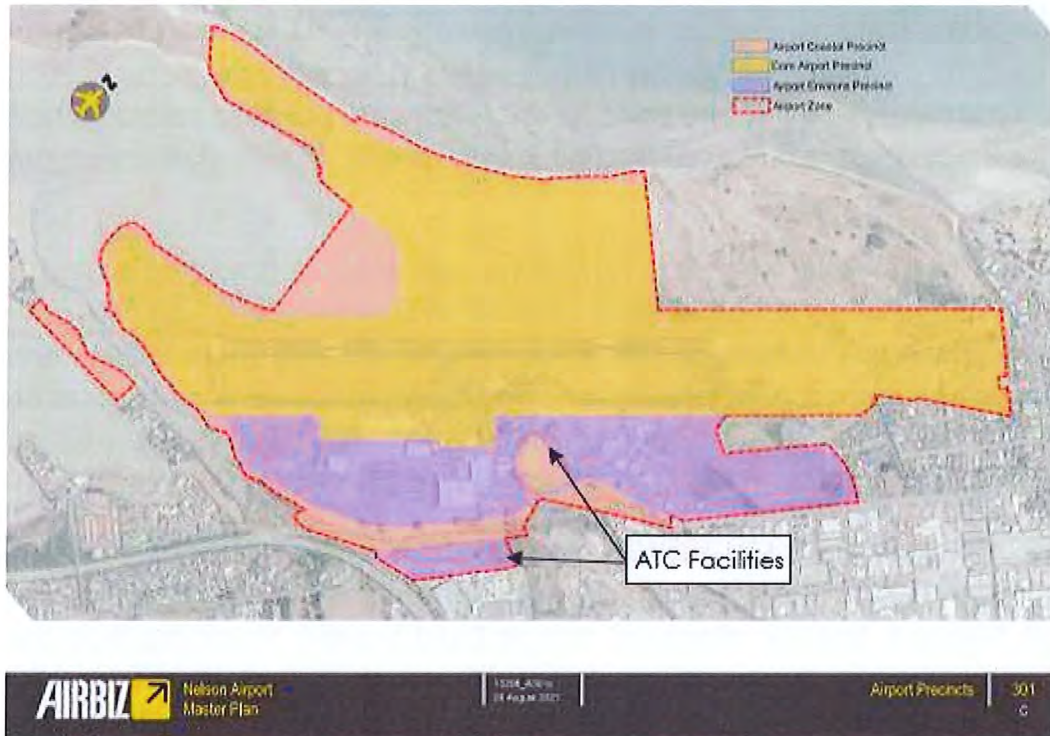


Figure 3. Special Purpose Airport Zone: ATC facilities are proposed to be Airport Environs Precinct

Reasons for the Submission

The ATC Unit Support Committee (“the submitter”) considers that ATC activities can be considered “educational” as it relates to the proposed definition for an “Airport Related Activity” and are comfortable that the existing use of the facilities at the site are permitted.

Educational facility: land or buildings used, or activities necessary for, the provision of regular instruction or training including the use of ancillary administrative, cultural, recreational and commercial facilities.

However, the submitter wishes it’s activities to be excluded from the definition of Activities Sensitive to Airport Noise (ASAN) which is proposed to apply to Educational facilities. The ATC activity is not trade-related and is not industrial and therefore does not fit within the exclusions as proposed in PC30. Since the ATC activities are an existing use fully compatible with airport operations, it is considered that a small amendment to the proposed definition would be appropriate, which in turn would allow rule AIRPz.24 to be applied and enable ATC existing activities to be considered permitted.

There is an existing complementary synergy between the interest of Air Cadets to be located near the airport, such that the ATC activities are considered by the submitter to be ancillary rather than providing specific support to, or providing services to, the

airport. The submitter therefore requests a small amendment to the definition of “*Airport Related Activity*” to ensure that it’s activities are included.

In addition to the above, the existing headquarter buildings at Dakota Street belong to Nelson Airport Limited (NAL). Recently, a wing has been closed by NAL due to the presence of asbestos and can no longer be used by the Cadet unit. No longer being able to use this part of the building means that the number of cadets (60) do not fit within the remaining building. Further, this requires cadets to be standing outside in Winter at 9pm in the evening (Wednesday parade night) when entire squadron briefing occurs before dismissal. Further, one porta-loo has had to be provided outside which is not ideal for the number of cadets in the unit, particularly in when activities occur in the rain and on winter evenings.

Given these challenges, the Submitter is working with NAL to resolve this with a replacement building in a similar or adjacent location on Dakota Street. The proposed new rules may cause this building project to become significantly more difficult and costly to achieve with respect to potentially requiring higher minimum floor levels to be achieved for the replacement building (Rule AIRPz.48). For context, the existing ground level is approximately 1m below the proposed 15.35m NCC datum definition.

If this rule applies to the site, this is likely to create additional cost challenges in respect of being able to connect a replacement building to the existing principal building. The practicality of having a building extension or new build located 1m higher than the existing building and complying with the runoff rules on such a small site as the ATC building is also questionable (i.e. the rule will be impractical in our case). Either this will result in resource consent costs for non-compliance with proposed minimum floor levels as a discretionary or non-complying activity under rule AIRPz48 or; alternatively will create additional building costs for compliance by having to connect two buildings with different floor levels (to be considered as a permitted activity).

Given the use of the building is primarily for 3 ½ hours once a week, it would be preferable for the submitter that a **new accessory (replacement) buildings proposed in conjunction with an existing building, be able to be exempt from the proposed minimum floor level rule**, noting that the building it is not considered to be ‘significant infrastructure’ to airport activities. A suggested rule amendment is proposed in Table 1 below, however the submitter is happy to work with NAL and NCC to amend further if it is more appropriate to apply only to the ATC replacement building situation (rather than any other accessory replacement buildings that may be required in the precinct).

The submitter also wishes to be able to continue to maintain the Concourse area given it relies on volunteer time and donated materials to so. This maintenance can include landscaping, mowing, small amounts of earthworks and construction and maintenance of small structures. It is considered this is covered by proposed rules, and for this reason the submitter supports other zone rules as proposed in PC30.

Submission	Support/Oppose	Decision Sought
Changes to relevant Planning Maps which identify the ATC site facilities as Airport Precinct Environs.	Support	Retain as proposed by PC30
Amendment to Proposed definition for "Activities Sensitive to Airport Noise"	Support with amendment as follows: Activities Sensitive to Airport Noise (ASAN) means 1. Residential activities; or 2. Educational facilities, including preschools but excluding: (a) Educational facilities or training associated with Industrial activities, or Trade Related Activities; and (b) Flight training (including accommodation directly associated with a flight training facility), Trade Related Activity training or other Industrial activity related training facilities located within the Special Purpose Airport Zone and; (c) NZ Cadet force units 3. Visitor Accommodation; or 4. Health facility.	Amend definition to exclude the ATC training/educational activities from being considered 'noise sensitive'.
Amendment to Proposed definition for "Airport Related Activity"	Support with amendment as follows: Airport Related Activity means an ancillary activity or service that provides support to <u>or is complementary to</u> Nelson Airport or an Aviation Activity. This includes: 1. land transport activities; 2. a Building or Structure; 3. servicing and infrastructure; 4. police stations, fire stations, Heath facilities and Educational facilities including NZ Cadet Force units; 5. Retail and Commercial activities and industry associated with the needs of Airport passengers, visitors and employees and / or	Amend definition to include the ATC training activities.

	aircraft movements and Airport businesses; 6. Ancillary Office facilities; 7. Renewable energy generation for the purpose of using energy within Designation DAA1, and can extend to supplying an immediate community, or connecting into the distribution network.	
Amendment to proposed Permitted activity Rule AIRPz.48	AIRPz.48 Building on low lying sites AIRPz.48.1 Building is permitted if: a) <u>It is a replacement accessory building constructed at or above the same floor level as the existing principal building; otherwise;</u> <u>(b) (a)</u>The ground level (excluding water bodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: i) in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development); and ii) such that stormwater runoff from the site is not directed onto other sites or into any river or stream, and natural water flows from other sites are not obstructed; and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site; and <u>c) b)</u> The minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	Amend rule to enable new accessory buildings to be constructed at existing floor levels, or similar wording
All other AIRPz Objectives, Policies and Rules	Support with any other consequential amendments for the above as required	Support (with consequential amendment if required for the above)

Table 1 Submission

Summary

ATC Unit Support Committee request that small amendments to proposed Special Purpose Zone definitions and rules are made to ensure that existing educational ATC activities and uses, that are complementary to Airport Activities, are provided for as

requested in Table 1 above.

If you have any questions, my contact details are provided above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'CMK', followed by a comma.

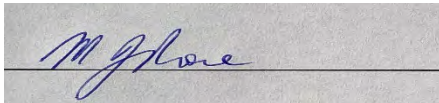
Claire McKee

Unit Support Group Committee Member

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

Senior Planning Administrator
RMA Plan Submission
Nelson City Council
PO Box 645
Nelson 7040
Environmental.planning@ncc.govt.nz

Full Name: Michael James Rose
Rose Family Trust
Address:
Telephone:
Email: mikerose.rose@gmail.com



Signature of Submitter:

Date: 31/10/2023

I could not obtain an advantage in trade competition through this submission.
I wish to be heard in support of my submission.

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

Submission Point 1: High Density Residential zones (HDZ)

Our key submission points are as follows:

1. We oppose the proposed HDZ in residential areas where there is no walkable access to amenities (supermarkets, schools and public transport) as well where there is a risk of increasing natural hazards (e.g. floods and land instability).
2. We support the proposed increase in residential density in the inner city with mixed residential and commercial zones as these areas provide residents with direct walkable access to shopping and public transport services.
3. If HDZ are approved for some areas, we particularly oppose the proposed HDZ in the Tahunanui Hills area. We ask the Council to remove Tahunanui Hills from the proposed HDZ and make it GRZ because of ongoing slope instability in this area, lack of infrastructure, lack of the essential amenities (no supermarkets or public transport) within walking distance, and the increased likelihood of slips directly caused by intensification development and frequent weather events.
4. We ask the Council to make sure all proposed HDZ have walkable access to a supermarket (not a local dairy). For example, Christchurch planners are only proposing HDZ within 800m of a supermarket.
5. We ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. E.g. Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley. Infrastructure is easier and cheaper to develop on flat land and would provide more housing without affecting neighbouring properties.
6. We support the establishment of multi storey or underground car parks to free up more land within the inner city for development..
7. We support the inclusion of Daylight and Sunlight policy statement Para RE2.3.i: The reception of daylight and sunlight to each household unit is a critical component of residential amenity that provides warmth and energy efficiency, and is vital for outdoor activities such as gardening and recreation.

Reasons for our opposition to the proposed Tahunanui High Density Zone

1. Slope instability

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

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

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

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

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

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

Many properties in the proposed HDZ have already experienced slips, such as at Tossill Road where slips have blocked Tossill Road several times (see Figure 1 attached to this submission). Many owners have geotechnical reports that show areas unsuitable for building and where remedial action may be needed.

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

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

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

We developed our Tamaki Street section 27 years ago. We had a geotechnical report prepared due to the potential instability of the hill. Our report showed that only part of the section was deemed suitable for building. The unsuitable land is now in trees that support the hillside. We have observed in dry weather large cracks on the dirt and grass around our house and other houses on the hill (see Figures 2 and 3 attached to this submission). We have cracks in our concrete and in neighbours concrete due to movement on the hill.

During our 36 years of living in Tamaki Street, we have experienced a number of high rainfall events where access to our home has been cut off after slips have occurred on both sides of Tosswill Road and on Tamaki Street. On one occasion we stood up to our knees in muddy slip mud and debris helping a neighbour trying unsuccessfully to divert a slip going through their basement. We have often watched water pour down steep Tamaki Street after a storm. We have observed weeping coming through new seal in lower Tamaki Street from small springs after heavy rain. As stated in the Johnston report while some springs on the Tahunanui hills have been intercepted by the stormwater system, their distribution is widespread and not all have been controlled, this is certainly my experience. Seismic activity combined with a storm event in a high-density area could be a disaster as mentioned in several reports on the Tahunanui slump.

Zoning areas on the Tahunanui Hills HDZ with no resource consent mean that existing stormwater systems which are already compromised and frequently overflow contributing to slips on the Hills will not be required to be upgraded by the developer as part of a considered resource consent process. The impact from the additional development without the developers having to contribute to upgrading overall stormwater could be disastrous for existing residents.

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

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

1. The physical extent of the slope instability overlay may additionally be expanded to include areas of interest outside those included in this study, such as land earmarked for future development.
2. The overlay set out in the Beca report has been prepared from desk study only. refinement of the instability and run-out zones may be completed from field mapping. This step may be applicable for developed areas on land particularly prone to landslides and/or land earmarked for future development.
3. Report does not identify full extent of areas impacted by slope instability across hillslopes.
4. Risk assessments require additional considerations, including likelihood of slope failure and the potential consequences to a particular element at risk. Neither of these are considered in our susceptibility overlay given its primary purpose is to inform the need for further geotechnical assessment.
5. Does not show deep seated failures (i.e. Tāhunanui Slump), nor areas of hill creep. The maximum downslope extent of solid debris difficult to determine.
6. Tāhunanui - An extensive scarp formed along the head scarp of the Tāhunanui slump core below Princes Drive. Deep seated movement impacting multiple residential properties was recorded in this area. Shallow slope failures were additionally observed along the abandoned sea cliff along Tāhunanui Drive and near Port Nelson

As set out in the report above the study to identify the hazard overlays was a desktop study only and there is likely other areas on the Tahunanui hill not yet part of the hazard overlay impacted by slope instability. As the report it a desktop study it also does not show the deep seated failures like the Tahunanui Slump.

2. Amenities

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

3. Traffic

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

HDZ does not require access to parking spaces. This may be sensible in inner city living however, HDZ will aspire the already often hazardous and limited on street car parking on the Tāhunanui Hills if permitted.

4. Sunlight and Shading Effects

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

- All 3 edges of our property could have 6 story high apartments one metre from the boundary enclosing our property in a very high box of buildings. This could compromise our health.
- Hill properties like ours already have additional shading issues directly from the hill which is another reason for not having high density development on hills.
- The lack of sunlight could result in existing homes becoming dark and damp with associated mould and mildew.
- Our house could lose property value if it is surrounded on all sides by apartments. We still have a mortgage so there will be increased financial stress if this is to occur.
- Privacy and outlook is a critical part of enjoying a property.

5. Trees and Gardens in the Tāhunanui Hills HDZ

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

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

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

6. Recreation

Tamaki Street is one of the steepest streets in New Zealand and it has over 400 steps at the top to Princess Drive. Many walkers, runners, tourists and locals walk daily from the bottom of Tamaki Street

up the hill for fitness, well-being and to enjoy the peaceful beautiful view down the hill to the sea. We estimate around 100 walkers a day walk up and down Tamaki Street. They enjoy the established gardens and birdlife. 6 storey apartments would reduce the number of birds, the trees and the views and peacefulness will be severely compromised. This city walking trail could be lost because of shading from the 6 storey apartments, reduced access caused by parking and traffic.

7. Intensification

It will be expensive for developers to fulfil the requirements to build 6 storey buildings on the hill. The resulting apartments therefore would be fewer in number and expensive to buy. The Tāhunanui HDZ could easily become developments of expensive holiday apartments that sit empty for long periods. This does not solve our intensification, growth and affordability dilemma, and yet it locks up our valuable housing resource.

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

Submission Point 2: The Plan Change 29 Process

In our opinion, the PC29 process needs to be paused and reevaluated before progressing to the hearing stage. This is for the following reasons:

- We have found the lack of early public engagement and consultation on Plan Change 29 extremely stressful. For example, we will be severely affected by our property in the Tāhunanui Hills being zoned high density with 6 story apartments potential on 5 sides of our property. We only found out about the plan change by chance through a family member. There was no letter or email from the Nelson City Council. When we questioned this we were told we should have read the Nelson Evening Mail and we should have been looking on the Nelson City Council website. We have still received nothing by email or letter from the Council about the proposed change plan to our property.
- We question why the hearing panel is not made up of independent hearing commissioners as it is a council led plan change.
- The forecasts used by NCC for population growth which have informed the intensification requirements are not Statistics NZ medium projections.

Given the above, we request the following:

1. We are asking Council to withdraw PC29 and have planning staff refine the plan design and follow the proper procedure of consultation and public engagement.
2. We ask the Council to appoint independent hearing commissioners for the plan change.
3. We ask the Council to use Statistics NZ medium projection forecasts and amend its intensification requirements accordingly.
4. We ask the Council to inform all rate payers individually with emails and letters about any changes to their property zoning and to give each ratepayer the opportunity to respond.

Thank you for the opportunity to submit on PC29.

Mike Rose
Rose Family Trust



Figure 1: This property in Tosswill Road will be zoned high density suitable for 6 story apartments. The property has regular slips and has 2 hazard slip overlays



Figure 2: Trees plants on unstable land on Tamaki Street



Figure 3: Cracks in pathing at our next door Tamaki Street property

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

31 October 2023

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

OFFICE USE
Submission No: S782
Date Received Stamp: 31/10/2023
NDOCs No: 539570224-17894

Submitter Details

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

Trade Competition

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

Council Hearing

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

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



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

Dated: 31 October 2023

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

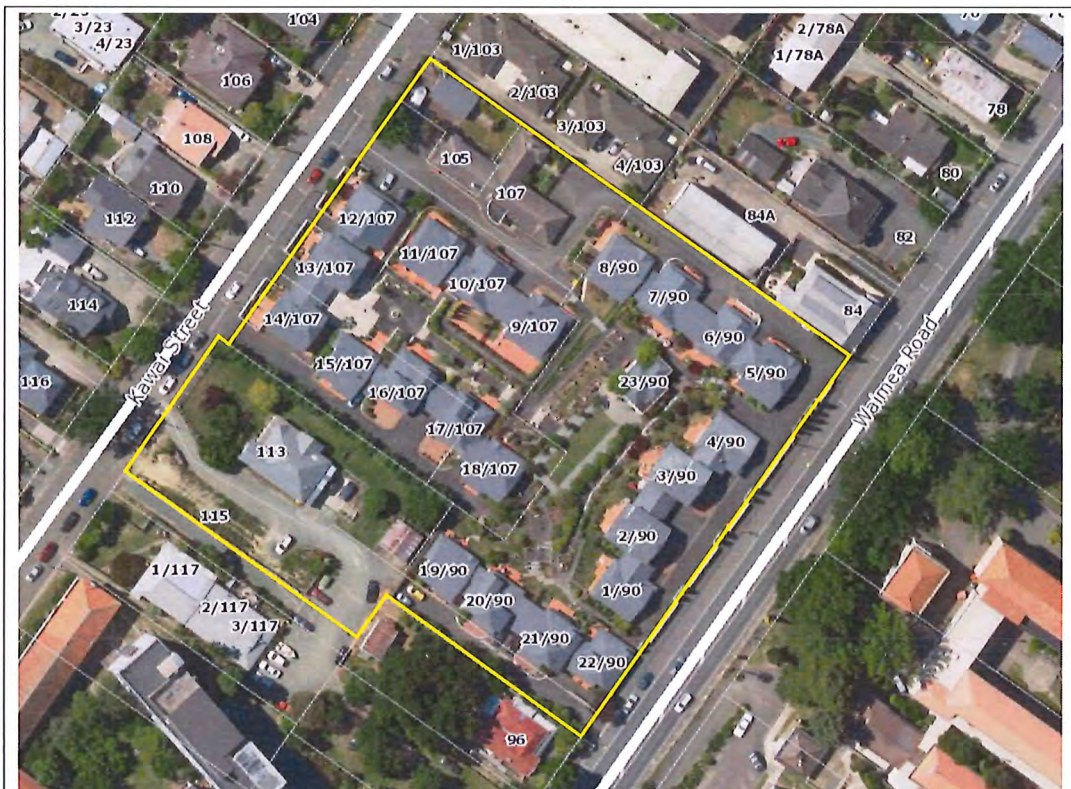
☐	Entire Plan Change	☐	Papakāinga
☐	Residential	☐	Transport
☐	Inner City and City Fringe	☒	Mapping
☐	Industrial	☐	Infrastructure
☐	Suburban Commercial	☐	Area outside of Plan Change
☐	Natural Hazards/Climate Change	☐	Subdivision
☐	Heritage	☐	Other

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

My submissions and the relief sought are as follows:

Submissions

This submission is made by MGT Holdings as owners of 113 and 115 Kawai Street, Nelson South. MGT is also the owner of the Roundhay Retirement Village and medical centre (105-107 Kawai Street and 90 Waimea Road). As shown on the aerial photo below, numbers 113 and 115 have a combined area of 2396m² so are and ideally suited to accommodate some of the residential growth that is anticipated in the coming decades. This part of the Nelson South is also close to schools, commercial services, employment, the Hospital and recreational opportunities that provide for an ideal location for higher density living. These sites are immediately adjoining Roundhay, a residential retirement village and with Franklyn Hall to the south, being an established high density residential development. In the context of this site and the wider area, PC29 is therefore fully supported.



The site at 107 - 117 Kawai Street and 90 Waimea Road, Nelson South

This submission identifies the specific provisions and the additional reasons for these submissions in the table that follows:

Planning Maps		
	Zones	Support/oppose
Map	High Density Zone Support <u>Reasons</u> The location, scale and attributes of this site make it well suited to High Density zoning. <u>Relief Sought</u> Retain zoning.	
Volume 1		
MW.iii	Meaning of Words	Support/oppose
	Building Coverage Support <u>Reasons</u> Given the removal of the car parking requirements the proposed changes to the definition of building coverage are considered to be necessary and appropriate. <u>Relief Sought</u> Retain the proposed change to this definition.	
Ch.5	District wide objectives and policies	
DO16	Zones	Support/oppose
DO16.1.1.iv	High Density Residential Zone Support <u>Reasons</u> The description of the High Density Zone is considered to be appropriate. <u>Relief Sought</u> Retain.	

Volume 2		
Ch.7	Residential Zone	
RE1.2	Flexibility in development Oppose in part <u>Reasons</u> This enabling policy, along with the Comprehensive Housing Development provisions, encouraged innovation and good design. The NRMP also recognised that the site coverage and site area rules needed to be set aside for CHD in recognition of the different forms of development that these provisions encouraged. While the high-density intensions are supported (as set out in policy RE1.8), in the absence of the CHD guideline and associated rules, the enabling standards from PC29 will also lead to associated building forms that will require some flexibility in how some of the performance standards are applied (i.e. site coverage). <u>Relief Sought</u> Amend policy and associated methods to provide linkage with REr.19C and 19H.	
RE1.8	High Density Residential Zones Support <u>Reasons</u> This new policy is considered to be appropriate. <u>Relief Sought</u> Retain policy.	

RE2.3	<i>Daylight and sunlight</i> Oppose <u>Reasons</u> PC29 will fundamentally change the current daylight admission rules in the NRMP and yet PC29 does not proposed any change to policy RE2.3. It is considered that RE2.3 must also be amended as the new daylight admission rule will lead to additional shading impacts. <u>Relief Sought</u> In conjunction with amendments to the relevant daylight admission rules, change policy RE2.3 to provide appropriate recognition of the impacts anticipated from intensification.
RE2.4	<i>Privacy and outlook</i> Oppose <u>Reasons</u> PC29 will fundamentally change the current bulk and location rules in the NRMP and yet PC29 does not propose any change to policy RE2.4. It is considered that RE2.4 must also be amended as the bulk and location rules will lead to additional impacts on privacy and outlook. <u>Relief Sought</u> In conjunction with amendments to the relevant bulk and location rules, change policy RE2.4 to provide appropriate recognition of the impacts anticipated from intensification.
RE2.5	<i>scale</i> Oppose <u>Reasons</u> PC29 will fundamentally change the current bulk and location rules in the NRMP and yet PC29 does not proposed any change to policy RE2.5. It is considered that RE2.5 must also be amended as the bulk and location rules will lead to impacts on the building character and amenity of residential areas. <u>Relief Sought</u> In conjunction with amendments to the relevant bulk and location rules, change policy RE2.5 to provide appropriate recognition of the impacts anticipated from intensification.

	<i>Rules – High Density Residential Zone</i>
RER.19A	<i>Residential activity</i> Support <u>Reasons</u> The redevelopment of this site would comply with these proposed servicing standards. <u>Relief Sought</u> Retain.
RER.19B	<i>Residential units</i> Support <u>Reasons</u> MGT supports the requirement to provide for accessibility at a rate of 10%. MGT also supports the rule framework in so far as the restricted discretionary activity status is provided, as well as the non-notification and no affected person approvals. This is because of the importance of being able to make confident investment decisions as well as having efficient consent processes. <u>Relief Sought</u> Retain.
RER.19C	<i>Site coverage</i> Support in part <u>Reasons</u> The proposed standard of 50% site coverage is also generally supported as the current 40% standard would lead to an inefficient use of valuable residential land. However, PC29 also removes the current Comprehensive Housing Development (CHD) provisions which set aside the site coverage standard in recognition of providing for flexibility in development and encouraging good design. The CHD provisions also anticipates that good design could lead to shared outdoor living/ amenity space. Given the density enabled by PC29, and the likely format of such housing, it is highly likely that there will be many projects that do not comply with the 50% site coverage and so trigger the discretionary activity

	classification. This would negate the benefits of PC29 and so needs to be rectified. One way to achieve that would be to provide a bespoke calculation of building coverage for high density development. <u>Relief Sought</u> Amend rule to provide a bespoke definition of site coverage for high density development.
REr.19E	<i>Other yards</i> Support in part <u>Reasons</u> This rule is considered improve the current yard rule however the inclusion of eaves is considered to effectively set most building back at least 600mm further than the 1.0m standard signals. Eaves are considered to have very little impact on amenity values compared to the walls of buildings. <u>Relief Sought</u> Amend rule to exclude eaves
REr.19F	<i>Outdoor living court</i> Support <u>Reasons</u> This new rule is considered to provide a reasonable requirement for high density living. <u>Relief Sought</u> Retain.
REr.19H	<i>Permeable landscaped area</i> Support in part <u>Reasons</u> For the same reasons set out under REr.19C above, high density development is highly unlikely to involve a format where each new title would not have 20% permeable landscaped area. Insufficient consideration has therefore been given to the mechanics of this (and other) rules without also proposing a change to the definition of 'site'. <u>Relief Sought</u> Amend rule to take account of 'site' in the context of high-density development.
REr.19J	<i>Maximum building height</i> Support <u>Reasons</u> This rule is supported as this part of Nelson is considered to have good capacity to accommodate high density development, with Franklyn Hall already characterising this local area. There are also large buildings within Nelson College to the east and at Nelson Hospital further south. <u>Relief Sought</u> Retain rule.
REr.19K	<i>Daylight admission</i> Support <u>Reasons</u> In order to accommodate high density development as provided for under REr.19J it is also important that this rule be retained as proposed. <u>Relief Sought</u> Retain rule.
REr.19L	<i>Outlook and privacy</i> Support <u>Reasons</u> It is considered that this proposed rule is reasonable and appropriate. <u>Relief Sought</u> Retain rule.

REr.19O	Non-residential activities (excluding home occupations) Support <u>Reasons</u> This rule effectively retaining the current discretionary activity status for non-residential activities. This is supported. <u>Relief Sought</u> Retain rule.
REr.19S	Maximum building length Support <u>Reasons</u> The proposed rule is supported as it proposed a reasonable and acceptable standard. <u>Relief Sought</u> Retain rule.
REr.19U	Residential unit – minimum size Oppose in part <u>Reasons</u> While this rule is appropriate for most forms of residential activity, it does not provide recognition to retirement village living whereby residents also share indoor living spaces such as in the form of lounges, dining rooms, libraries and recreational areas. It is therefore considered that either an exemption be provided to retirement village forms of residential development, or the rule allows the inclusion of the area (m²) used for other common indoor spaces. <u>Relief Sought</u> Amend rule to provide specifically for retirement villages, either with an exemption or through the inclusion of common indoor spaces when calculating unit areas.

Volume 3		
AP10	Standards and terms for parking and loading	Support/oppose
AP10.4A.1	Parking spaces for cycles <u>Reasons</u> This new rule requires 1 visitor parking space per 20 beds and 1 secure long stay cycle parking space per 15 beds. <u>Relief Sought</u> Retain	Support
AP10.4B	End of trip facilities <u>Reasons</u> This new rule requires showers, accessible showers, and changing rooms for staff associated with the number of cycle and micro mobility parking spaces provided. <u>Relief Sought</u> Retain	Support

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received: 31/10/23
Sub No: 5783
NPS: 539570224-
17896

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: Susan Gibson Address: Telephone: Email: gibson5@xtra.co.nz
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- ☒ I could not obtain an advantage in trade competition through this Submission.
☒ I wish to be heard in support of my Submission at the Council Hearing.

I OPPOSE the Plan Change; and particularly the following

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

I SEEK the following decision from the Council

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

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

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

Other comments or concerns I have about Plan Change 29

See attached

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

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

.....
Submitter

..... 30 October 2023
Date

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

Tuesday 19th September

I do not support plan change 29 in its entirety – but if it is to be approved I would like the following to be considered and changes made.

To create a successful higher density Nelson community, high density housing must be driven by the desire for healthier outcomes for all Nelson residents (new and existing).

Communities must take the lead, as the developer-driven model can focus far too much on profits at the expense of the occupants lifestyle, mental health and at the sacrifice of the character and appeal of Nelson. At the community meetings Nelson Council, on several occasions, advised in order to be financially beneficial to the developers 5+ stories is their 'sweet spot' – Has plan change 29's proposal of six storey buildings in existing residential areas been designed to attract the developers? Because measuring the recent response and feedback from the Nelson community it is unlikely that Nelson Council's proposed plan change 29 has been driven by its communities opinion, happiness, lifestyle or mental health.

Pride and egos can sometimes hinder what is right for a community, it can compromise the vision of a city, so it never reaches it's true potential. I ask that Nelson Council be open to change and consideration of it's community; to put aside their egos and personal accomplishment to achieve a future design for Nelson that we can all be proud of. I ask that you listen to your community and work with your community as a team not against the team.

The design phase is of the utmost importance, as is researching and understanding the needs of the communities who currently live in these areas and for the new occupants who will be housed in these developments now and into the future.

They must consider how to ensure there is a mix of users. For denser housing to work well, it needs to have homes for families, couples, single people, pet owners, disabled and retirees.

Who does the Council propose the 6 storey apartments for?

- They aren't suitable for families
- Most couples will eventually want children (so not suitable long term)
- They don't suit pet owners
- They would be unaffordable for most single people
- Nelson is a holiday destination so they make fantastic lock up and leave holiday homes or Air B n B's - 3 of the current Nelson apartment buildings only have a permanent occupancy of 30-50%

- The fire resistant doors aren't manageable for many of our elderly or disabled
- If not designed well with individual green spaces or shared green space mental health can be affected
- If 6 stories are built beside single dwellings you lose the character, privacy, SUN, and appeal of living in Nelson

Residential high density needs to be considerate of peoples privacy, it needs to aim for sustainable housing using the suns energy for solar and green spaces for mental health. This will enhance the community, decrease isolation and increase neighbourhood satisfaction.

The proposed Plan change 29 daylight angles do not take into account the impact this will have on existing residents health both mentally and physically – I ask that the current daylight angles remain and not be altered. We should all be entitled to sunshine and the energy (including solar) it produces for our homes to be healthy, mould free, damp free and warm.

We must undertake careful planning around areas identified as potential hazard zones such as liquefaction, flood, coastal and earthquake. New Zealand is overdue for the alpine 8 fault line to rupture. It was due around 2017 – the alpine 8 is one of the largest sources of seismic, or earthquake, hazards in New Zealand – historically, when this fault ruptures it produces an earthquake of about magnitude 8.0 – We must be prepared for this by building low level no more than 3 stories in the city centre and 2 stories in the existing residential areas .

KEEP THE CHARACTER OF NELSON WITH BUILDS THAT ARE APPROPRIATE

HOW WE CAN RESOLVE HOUSING

PLACE RULES AROUND AIR B n B's – HOST ONLY ONES OR BAN THEM

HIGH DENSITY IN THE INNER CITY TO 3 STORIES WITH SHOPS ON THE BOTTOM AND ACCOMMODATION ABOVE

MOVE NMIT AND HAVE THE WHOLE BLOCK AS PURPOSE BUILT HIGH DENSITY

HIGH DENSITY THE NEW SUBDIVISIONS SO THEIR FUTURE OWNERS PURCHASE KNOWING WHAT IMPACT THE NEIGHBOURING PROPERTIES WILL HAVE ON THEM. THEY CAN BE BUILT WITH APPEAL RATHER THAN SQUEEZING THEM IN BETWEEN EXISTING LOW LEVEL BUILDINGS – AVOIDING A POORLY PLANNED, VISUALLY UNAPPEALING COMMUNITY HOUSING

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: Susan Gibson
Address:

Telephone:
Email: gibson50extra.co.nz

☒ I do not obtain an advantage in trade competition through this Submission

☒ I wish to be heard in support of my Submission at the Council Hearing

Received: 31/10/23
SUB No: 5783
NDCCS: 539570224
17896

I OPPOSE the Plan Change; and particularly the following

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1. rear and side yard setback of not less than 1.5 metres
2. an amendment to ensure one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. that Council will prioritise housing growth and intensification within the inner City, before the current residential zones.

I 100% reject Plan change 29 in its entirety – but if it is not rejected then I would like to request the following change

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

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

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

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

Susan Gibson

Date 22/10/2023

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter: Pauline Allen
Full Name: DAVID ALLEN*
Address: 47 Domett St,
Nelson 7010

Telephone: 03-5480592
Email:

Received: 31/10/23
Sub No: 5784
NDOS: 539570224-
1805T

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

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

Other comments or concerns I have about Plan Change 29

On the 31 March 2017, I received a letter from the Nelson City Council, stating
" your property at 47 Domett St Nelson. Valuation Number 1980002600 is identified as being affected by;
Fault hazard, flood hazard and liquefaction hazard

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

See the attached copy of the submission that I made in 2017 stating it would be a backward step to change the present Zoning.

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

David Allen
...David Allen.

Submitter

.....
Date

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

Tuesday 19th September

From: Submission Confirmation website@ncc.govt.nz
Subject: Nelson Consultation: Draft Nelson Plan Feedback
Date: 2 December 2020 at 9:00 PM
To: dave.pauline@xtra.co.nz



Dear David Allen

Thank you for your submission on the Draft Nelson Plan Feedback

Your SubmissionId is 25312. You have uploaded 0 documents.

This email is intended for you to keep as confirmation of your submission.

You have submitted the following information:

- Organisation: NA
- Position: Resident of Domett St, Nelson 7010
- Email: dave.pauline@xtra.co.nz
- Address: 47 Domett Street
- Nelson, 7010
- Phone: 03 5480592
- Mobile: NA

Subject(s) submitted on:

Subject Answer Summary

Part 1
How
the
Plan
works

Part 1
How
the
Plan
works

2017- Submission

Council's Planned change of Zoning in the Domett St Area from Residential to Medium Density Residential. Any changes to the present Residential Zone would greatly affect our valuation. I received a letter from the Nelson City Council on March 31 2017 stating that our residence at 47 Domett St. is on the Earthquake Fault Line, also subject to flooding and liquefaction hazard and flooding. It would be a backward step for the Council to make changes to the present Zone and allow any buildings to be constructed up to three stories. It would be an irrational decision for the Council to grant building permit for and building up to 11 meters tall. I strongly object to have any to present Zoning. Thank you for inviting submissions on this matter.

David Allen

System Generated Mail - Do Not Reply

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: *Pauline Margaret ALLEN*
Address: *47 Domett St
Nelson 7010*
Telephone: *035480592*
Email:

*Received: 31/10/23
Sub No: 15784*

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

*NCCS: 539570224
-18051*

I OPPOSE the Plan Change; and particularly the following

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I 100% reject Plan change 29 in its entirety – but if it is not rejected then I would like to request the following change

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

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

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature *P.M. Allen* Date *21 Oct 2023*
to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5785

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: Christine Hansen
Address:

Telephone:
Email: thehansons@slingshot.co.nz

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

NOCS: 53957024
-18049.

I OPPOSE the Plan Change; and particularly the following

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

CHansen

Date 24/10/23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Rec: 31/10/23
5785
NDocs: 539570224

MUST be sent or delivered by 31/10/23 4pm to: -180049

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

Environmental.planning@ncc.govt.nz

Submitter (Complete details below):

Full Name: Christine Gail Hansen

Address:

Telephone:

Email: thehansens@slingshot.co.nz

Signature of Submitter: Ch Hansen

Date: 30/10/23

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

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

Firstly, I reject PC 29 in its entirety. If PC29 is not rejected by Council then these are my points...

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

- a) That I have found it difficult to digest the total effect of the proposed PC 29 and its supporting documentation due to its size and complexity.
- b) That I have found PC 29 lack of early public engagement and consultation by Council, with its severe implications towards the well-being of existing rate paying residents enjoyment of their properties, extremely stressful.
- c) That I have been put in a position of hoping more qualified citizens than I, will make more comprehensive submissions covering my concerns as to the future of Nelson and its ratepaying residents.
- d) That Council Planning Staff have stated at numerous meetings "This is a 'Broad Brush approach' that requires public submissions to refine the plan". Such a statement implies PC 29 has been prematurely put out for public submissions in an incomplete and inaccurate state that requires the public to learn and understand its entirety, so they can re-design it.
- e) I am asking Council to withdraw PC 29 and get Council Planning staff to refine the plan design and then put it back out for public submissions.

2) Hearing Panel

- a) I strongly disagree with the make-up of the hearing panel, because of its 'biased' public perception following the vote on Councillor Courtneys proposal to withdraw PC29 at the 14th September 2023 Council meeting.
 - i) I ask the Council to appoint Councillors from either side of the Sept 14th 2023 vote.

3) Intensification

- a) I strongly oppose the High-Density Residential Zone (HDRZ). It is by no way in character or in keeping with any existing 'Low Rise' Nelson residential suburbs.
 - i) I ask Council to remove HDRZ from the plan completely.
 - ii) I ask Council to apply the new General Residential Zone equally across the entire Nelson district on the introduction of PC29, on the basis Daylight Admission protection rules will apply to all pre-existing properties, unless the owner gives written approval to the contrary.
 - iii) I ask Council to consider the inclusion of one and two storey dwellings be built on all new green field developments.
- b) I oppose the increase of residential units beyond 4 per site, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
 - i) I ask Council to ensure that more than 4 units requires notification, to restrict large 'out of character' accommodation blocks spanning multiple sections, and taking up lots of on street car parking spaces, popping up in a residential street, without warning.
- c) Bigger older properties, could be better utilised and help with our growth if they were more easily allowed to be divided into multi-dwellings.

4) Sunlight Recession Planes and Shading Effects

- a) Sunlight is a **CRITICAL** part of living in Nelson.
- b) TDC even 'Encourage the Sun into your home'. See <https://www.tasman.govt.nz/my-property/building-and-alteration/heating-and-insulation/energy-efficiency-and-heating-your-home/>
- c) All existing houses built prior to and under the current daylight admission rules will be subjected to the loss of sunlight amenity under PC29 with the following effects: -
 - i) Increased levels of mental health illness, anxiety and stress.
 - ii) Increased levels of damp homes with associated mould and mildew and respiratory illnesses.
 - iii) Shadowing of 'Green Energy' Solar Arrays and Passive Solar Energy Heating. There is no incentive to put solar power onto existing houses given shading uncertainty.
 - iv) Increased heating costs, air pollution, carbon foot print, are all exasperated due to a large portion of Nelson housing is old, with un-insulated walls and single glazing and open fires were legislated out of use many years ago.
 - v) Reduction in property values and increased financial stress, because the house would be less desirable to live in.
 - vi) Residents, struggling with the cost-of-living crisis may not afford to heat their home.
 - vii) Property owners will be reluctant to invest in making additional new (low rise) infill improvements on their section, with affordable additional units that **COULD** be over shadowed and devalued by a wealthier developer who could afford to build a multi-storey development next door at any time in the future.
 - (1) I ask the Council to maintain the Daylight protection rules to all pre-existing properties, unless the owner gives written approval to the contrary.
 - (2) I strongly support the inclusion of a Daylight and Sunlight policy statement. The reception of daylight and sunlight to each household unit is a critical component of residential amenity that provides warmth and energy efficiency, and is vital for

outdoor activities such as gardening and recreation. To ensure shading effects are minimised, and to ensure there is sufficient space around buildings to allow the admission of daylight and sunlight to the site.

5) Design Lead and Not Developer Lead Growth.

- a. Nelson is a very special and unique place that needs to be protected with care. It is unlike any other district in NZ. It includes a 'Low Rise' City with a collection of heritage and non-heritage character buildings that have attracted people for generations and been a cherished holiday destination for many New Zealanders.
- b. Residential Neighbourhoods should be protected for future generations to enjoy and new developments thoughtfully designed and planned on a neighbourhood, by neighbourhood basis to maintain the essence of their character.
- c. We need to protect and retain CBD historic facades as an essential part of the character of the Inner City.
- d. That contemporary black iron clad boxes, could be built only a few metres from 120-year-old Historic Homes is a thoughtless lack of long-term vision for maintaining the attraction of Nelson for all the future residents and visitors.
- e. Green Spaces, Trees and Landscaping are essential for the look and feel of some of our older neighbourhoods. They help considerably with the wellbeing of the residents and help to provide an essential part of the attraction of Nelson, which must all be considered during developing the growth of Nelson.
 - i. I ask the Council to create a broader level of protection for neighbourhoods.
 - ii. I ask the Council to appoint an Urban Development Agency (UDA) to carefully guide growth and actively facilitate the emergence of cohesive urban neighbourhoods with a variety of high-quality housing choices.

6. Progressively Phased Intensification

- a. Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the residential neighbourhoods, this can give more time to complete public consultation between phasing giving a better design vision for our residential neighbourhoods.
 - i. I ask Council to make better utilization of Car Only spaces, by developing them into shared spaces, with Accommodation above.
- b. Secondly, City Fringe would be the next zone to phase in for intensification.
 - i. I ask Council to negotiate and/or incentivise Industry and car yards to relocate, to less essential land which could be better used for accommodation.
 - ii. Finally, the Residential Zones would be the last area to be phased in, by working out from the City Fringe Zone (and Central Stoke).

7. Intensification in hazard zones

- a. I ask Council to apply no greater than General Residential Zoning rules in all Hazard overlays, because these areas have been assessed as vulnerable and given that we are in a climate crisis, with increasing record-breaking weather events, affecting

increasing areas of Nelson in ways not seen before then, I believe those areas should be treated with caution.

8. On-street carparking

- a. Increased intensification will result in more on-street car parking and the narrow streets of Nelson will become a hazard to pedestrians, mobility scooters, cyclists, refuse collection and Emergency Service vehicles. This will cause fracturing of neighbourly relations and communities.
 - i. I ask Council to provide a Comprehensive car parking management plan to mitigate against these issues.

9. Social Housing

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

10. Infrastructure

- a. I ask the Council to include a plan to mitigate against future drought situations with a greater demand on the same amount of water from the Maitai Dam, for a greater population.
- b. I ask the Council to include a plan to mitigate against the increased capacity requirements for our waste water systems.
- c. I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.

Received: 31/10/23
Sub No: 5786

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: DAVID ALLEN
Address: 47 Domett St
Nelson 7010
Telephone: 03-5480592
Email:

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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

I SEEK the following decision from the Council

1. rear and side yard setback of not less than 1.5 metres
2. an amendment to ensure one car park is provided for each residential Unit in the areas presently proposed to be re zoned
3. that Council will prioritise housing growth and intensification within the inner City, before the current residential zones.

I 100% reject Plan change 29 in its entirety – but if it is not rejected then I would like to request the following change

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

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

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

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

David Allen

Date

21 Oct 2023

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received: 31/10/23
Sub No: 15786
NCC Docs: 539570226-18045

To: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 Nelson 7040	Submitter: Full Name: DAVID ALLEN Address: 47 Donnett St. Nelson 7010 Telephone: 03-5480592; Email:
---	---

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

I OPPOSE the Plan Change; and particularly the following

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I SEEK the following decision from the Council

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

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

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

Other comments or concerns I have about Plan Change 29

On the 31 March 2017, I received a letter from the Nelson City Council, stating
 "your property at 47 Donnett St. Nelson. Valuation Number 1980002600 is identified as being affected by:
 Fault hazard, flood hazard and liquefaction hazard

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

See the attached copy of the submission that I made in 2017 stating it would be a backward step to change the present Zoning.

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

David Allen

 David Allen

Submitter

.....
 Date

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

Tuesday 19th September

From: Submission Confirmation website@ncc.govt.nz
Subject: Nelson Consultation: Draft Nelson Plan Feedback
Date: 2 December 2020 at 9:00 PM
To: dave.pauline@xtra.co.nz



Dear David Allen

Thank you for your submission on the Draft Nelson Plan Feedback

Your SubmissionId is 25312. You have uploaded 0 documents.

This email is intended for you to keep as confirmation of your submission.

You have submitted the following information:

- Organisation: NA
- Position: **Resident of Domett St, Nelson 7010**
- Email: **dave.pauline@xtra.co.nz**
- Address: **47 Domett Street**
- **Nelson, 7010**
- Phone: **03 5480592**
- Mobile: NA

Subject(s) submitted on:

Subject Answer Summary

Part 1
How
the
Plan
works

2017- Submission

Part 1
How
the
Plan
works

Council's Planned change of Zoning in the Domett St Area from Residential to Medium Density Residential. Any changes to the present Residential Zone would greatly affect our valuation. I received a letter from the Nelson City Council on March 31 2017 stating that our residence at 47 Domett St. is on the Earthquake Fault Line, also subject to flooding and liquefaction hazard and flooding. It would be a backward step for the Council to make changes to the present Zone and allow any buildings to be constructed up to three stories. It would be an irrational decision for the Council to grant building permit for and building up to 11 meters tall. I strongly object to have any to present Zoning. Thank you for inviting submissions on this matter.

David Allen

System Generated Mail - Do Not Reply

Received: 31/10/23
Sub No: 5787

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: Roger Gordon Wilson
Address:

Telephone:
Email: jenrog35@gmail.com

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

Nbocs: 539 570 224
-18047

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12m, as it is not mandated under NPS-UD 2020
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For further in-depth information please refer to our neighbourhood group submission.

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

RG Wilson

Date

19-10-2023

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5758

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

TO: Senior Planning Administrator RMA Plan Submissions Nelson City Council PO Box 645 NELSON 7040	Submitter: Full Name: <u>Neal Rhodes</u> Address: Telephone: Email: <u>nealdrhodes@hotmail.com</u>
--	--



I do not obtain an advantage in trade competition through this Submission

UCCS: 539570244
-18055



I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

Neal Rhodes

Date 19.10.23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

Received: 31/10/23
Sub No: 5789

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

Submitter:
Full Name: Barry Beams
Address:

Telephone:
Email: bybeams@extra.co.nz

I do not obtain an advantage in trade competition through this Submission

NOCS: 539570224
-18043

I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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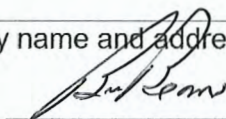
For further in-depth information please refer to our neighbourhood group submission.

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature



Date 22/10/23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5790

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: Yvonne Ruth Beams
Address:

Telephone:
Email: bybeams@xtra.co.nz

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

Nbocs: 539570224
-18041

I OPPOSE the Plan Change; and particularly the following

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

Yvonne Ruth Beams

Date

22/10/2023

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5791

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: SIMON MICHAEL KELLY
Address:
Telephone:
Email: smvkelly66@gmail.com

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

NOCS: 539570224
-18039

I OPPOSE the Plan Change; and particularly the following

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

Date 23/10/23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No 15792

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: Michelle Viskovich
Address:

Telephone:
Email: mmviskovich@gmail.com

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

Nbocs: 539570244
-18037

I OPPOSE the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12m, as it is not mandated under NPS-UD 2020
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For further in-depth information please refer to our neighbourhood group submission.

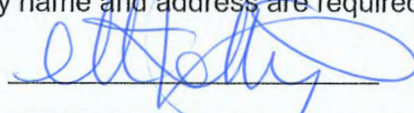
Other comments or concerns I have about Plan Change 29

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

Spread outwards into farmlands.

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

Submitter signature



Date

23/10/2023

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Recd: 31/10/23
Sub No: 5793

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: *Charlotte Townsend*
Address:

Telephone:
Email: *charlottesail@yahoo.co.nz*

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

NDocs: 539570224
-18035

I OPPOSE the Plan Change; and particularly the following

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

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

Charlotte Townsend

Date

21-10-23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5794
NDoss: 539570224-
18053

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter: *Deanna Chapman*
Full Name: *Deanna Maile Chapman*
Address:
Telephone:
Email: *dchapz62@gmail.com*

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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

I SEEK the following decision from the Council

1. rear and side yard setback of not less than 1.5 metres
2. an amendment to ensure one car park is provided for each residential Unit in the areas presently proposed to be re zoned
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For further in-depth information please refer to our neighbourhood group submission.

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature *[Signature]* Date *22.10.23.*

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: colleen Kidson
Address:

Telephone:
Email: Kidco@outlook.co.nz

Received 13/10/23
Sub No: 5795
NCCS: 539570224-
17917

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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2. the loss of the existing protection for sunlight to all properties, because it is a critical component of residential amenity in a city as it provides warmth and energy efficiency
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For further in-depth information please refer to our neighbourhood group submission.

Other comments or concerns I have about Plan Change 29

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

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

Submitter signature ED. Kidson Date 19/10/23
to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
SUB No: 5796

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter: Debby Verdak
Full Name: Deborah D m Verdak
Address:

Telephone:
Email: gestosuccess@outlook.com

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

NOCS: 539570224
-17915

I OPPOSE the Plan Change; and particularly the following

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2. the loss of the existing protection for sunlight to all properties, because it is a critical component of residential amenity in a city as it provides warmth and energy efficiency
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For further in-depth information please refer to our neighbourhood group submission.

Other comments or concerns I have about Plan Change 29

Removing Historical category will change the character of the city.

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

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

Submitter signature

Deborah

Date

19/10/23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5797
Noes: 539570226-17913

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name:
Address:

Jocelyn Tucker

Telephone:
Email:

rtucker@xtra.co.nz

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

I **OPPOSE** the Plan Change; and particularly the following

1. the creation of a High Density Residential Zone (HDZ), that has a max height greater than 12m, as it is not mandated under NPS-UD 2020
2. the loss of the existing protection for sunlight to all properties, because it is a critical component of residential amenity in a city as it provides warmth and energy efficiency
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I **SEEK** the following decision from the Council

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Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

JB Tucker

Date

21.10.23

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5798
Notes: 539570224-
1791

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter: Ron Tucker
Full Name:
Address:

Telephone:
Email: Rjtucker@xtra.co.nz

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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Other comments or concerns I have about Plan Change 29

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

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

Submitter signature

Date

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter:
Full Name: HEATHER RAE MCALISTER
Address:

Telephone: 03 5466 705
Email:

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

Received: 31/10/2023

Sub No: S799

NDOCS-539570224-17909

I OPPOSE the Plan Change; and particularly the following

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Other comments or concerns I have about Plan Change 29

Earthquake → effects + Flooding.

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

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

Submitter signature

HR McAlister

Date 21-10-2023

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023

Received: 31/10/23
Sub No: 5800
Docs: 539570224-
17907

SUBMISSION FORM FOR NELSON CITY COUNCIL NOTIFIED PLAN CHANGE 29

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

Submitter: Jill Stevenson
Full Name: Jill Mary Stevenson
Address:

Telephone:
Email: stevojill@gmail.com

I do not obtain an advantage in trade competition through this Submission

I wish to be heard in support of my Submission at the Council Hearing

I OPPOSE the Plan Change; and particularly the following

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Other comments or concerns I have about Plan Change 29

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

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Submitter signature

Date

to be delivered or emailed to environmental.planning@ncc.govt.nz by 4pm 31/10/2023