

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: S901

Date Received Stamp:

31/10/2023

NDOCs No: 539570224-18236

*Required

Submitter Details

Full Name*	John Collyns		
Organisation	Retirement Villages Association of New Zealand Incorporated		
Contact Person	Luke Hinchey / Alice Hall		
Postal address*			
Telephone*	Email*	Alice.Hall@chapmantripp.com / Luke.Hinchey@chapmantripp.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)

31 October 2023

Date*

RMA Submission Form for Publicly Notified Plan Change 29

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

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

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

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).

Please see attached.

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.



Form 5

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Nelson City Council (*Council*)

Name of submitter: Retirement Villages Association of New Zealand Incorporated (RVA)

- 1 This is a submission on the Council's proposed amendments to the Nelson City District Plan (*District Plan*) on Housing and Hazards – Plan Change 29 (PC29).
- 2 The RVA could not gain an advantage in trade competition through this submission.

INTRODUCTION

- 3 The RVA welcomes this opportunity to provide feedback on PC29. The RVA and its members have a significant interest in how PC29 will provide for the ageing population and housing types for that population, particularly retirement villages in Nelson.
- 4 New Zealand, including Nelson, has a rapidly increasing ageing population and longer life expectancy and there is a growing trend of people wishing to live in retirement villages.
- 5 The under-provision of retirement living and aged care in New Zealand is at crisis point, with the growing ageing population facing a significant shortage in appropriate accommodation and care options. This problem is immediate, and demographic changes mean that the demand for retirement accommodation and aged care will continue to grow.
- 6 The Government recently recognised the ageing population as one of the key housing and urban development challenges facing New Zealand in its overarching direction for housing and urban development – the Government Policy on Housing and Urban Development (GPS-HUD).¹ The GPS-HUD records that "[s]ecure, functional housing choices for older people will be increasingly fundamental to wellbeing".² The government strategy *Better later life – He Oranga Kaumatua 2019 to 2034* recognises that "[m]any people want to age in the communities they already live in, while others wish to move closer to family and whānau, or to move to retirement villages or locations that offer the lifestyle and security they want".³

¹ The GPS-HUD was issued in September 2021 (available [online](#)).

² GPS-HUD, page 10.

³ *Better Later Life – He Oranga Kaumatua 2019 to 2034* (available [online](#)), page 32.

- 7 The RVA considers PC29 needs to adequately address the critical need for retirement accommodation and aged care in Nelson. It must also provide clear and consistent planning provisions for retirement villages. It is also important that potential effects from retirement villages are managed proportionately and efficiently with the least regulation and prescription necessary. The significant benefits of retirement villages also need to be given appropriate weight.
- 8 The RVA is also seeking national consistency in the planning approach for retirement villages through the intensification planning instruments required under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*). National consistency will greatly assist with streamlining and making more efficient, the delivery of retirement villages across New Zealand.
- 9 Nelson City Council (*the Council*) is a Tier 2 authority under the National Policy Statement for Urban Development 2020 (*NPSUD*).⁴ As a Tier 2 authority, the Council is not required to implement the medium density residential standards (*MDRS*) of the Enabling Housing Act. Accordingly, the NPSUD requires the Council to amend its District Plan to enable heights and density of urban form commensurate with the greater of:⁵
- 9.1 the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- 9.2 relative demand for housing and business use in that location.
- 10 That said, the Council appears to have embraced the intensification provisions of the Enabling Housing Act and has used the MDRS as a guideline in preparing PC29. The MDRS have been adopted across most of its residential zones, with the exception of the General Residential Zone which adopts some but not all of the MDRS.⁶ This submission takes the same approach and uses the PC29 provisions for residential activities as a starting point to develop more focused measures that enable and promote the provision of retirement housing and care.
- 11 This submission is set out as follows:
- 11.1 **Background:** This section introduces the RVA, retirement villages and the regulatory regime applying to retirement villages. It then sets out New Zealand's ageing population demographics and outlines the retirement housing and care crisis and the wellbeing and health issues arising from that crisis. Finally, it sets out the role of retirement villages in addressing that crisis and the other benefits of retirement villages.
- 11.2 **What PC29 must deliver for retirement villages:** This section sets out the outcomes the RVA considers PC29 must deliver for retirement villages. The key outcomes sought by the RVA are:

⁴ NPSUD, Appendix 1.

⁵ NPDUD, Policy 5.

⁶ Including a lower building height and more restrictive height in relation to boundary and building coverage standards.

- (a) recognition in objectives and policies of the increasing aging population and the specialist housing and care needs of this demographic;
- (b) Tailored provision for retirement villages in both residential and commercial zones; and
- (c) retirement village-specific planning provisions that adopt the key features of the PC29 provisions for all residential activities, but as appropriately modified.

11.3 **Relief sought:** This section sets out the relief sought by the RVA to address the key outcomes it seeks in relation to PC29. The RVA's specific submission points and relief sought on PC29 is set out in **Appendix 1**.

BACKGROUND

Retirement Villages Association

- 12 The RVA is a voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages throughout New Zealand. The RVA was incorporated in 1989 to represent the interests of retirement village owners, developers and managers, to government, develop operating standards for the day-to-day management of retirement villages, and protect their residents' wellbeing.
- 13 Today, the RVA has 407 member villages throughout New Zealand, with approximately 38,520 units that are home to around 50,000 older New Zealanders. This figure is 96% of the registered retirement village units in New Zealand.⁷ The RVA's members include all five publicly-listed companies (Ryman Healthcare, Summerset Group, Arvida Group, Oceania Healthcare, and Radius Residential Care Ltd), other corporate groups (such as Metlifecare and Bupa Healthcare) independent operators, and not-for profit operators (such as community trusts, and religious and welfare organisations).

Retirement villages

- 14 'Retirement village' is an umbrella term given to all types of retirement living. There are two main types of retirement villages - 'comprehensive care villages' and 'lifestyle villages':
 - 14.1 Comprehensive care retirement villages provide a full range of living and care options to residents from independent living, through to serviced care, rest home, hospital and dementia level care.
 - 14.2 Lifestyle retirement villages focus mostly on independent living units with a small amount of serviced care provided on a largely temporary basis.
- 15 Approximately 65% of registered retirement villages have some level of aged residential care within the village. Approximately 19,300 aged care beds are part of a retirement village, which is 50% of all age care beds in the country.⁸

⁷ There are also almost 6,000 Occupation Right Agreements for care suites as part of the aged care system.

⁸ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, July 2022, page 4.

- 16 'Retirement village' is defined in section 6 of the Retirement Villages Act 2003 (*RV Act*) as:

... the part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum as consideration and regardless of [various factors relating to the type of right of occupation, consideration, etc]...

A regulated industry

- 17 The retirement village industry is regulated by the RV Act, as well as associated regulations and codes of practice established through the RV Act. The regulatory regime is focussed on consumer protection via a comprehensive disclosure regime, so that residents make an informed decision to move to a village.
- 18 This regulatory regime includes the following:
- 18.1 Registration of retirement villages with the "Registrar of Retirement Villages". The Registrar places a memorial on the land title. The memorial means that the village can only be sold as a retirement village and that the residents' tenure is ranked above all other creditors to the village. The residents have absolute rights to live in their units and have access to the village amenities.
 - 18.2 Retirement village operators are required to appoint a "Statutory Supervisor" whose job is to protect residents' interests and report to the Registrar and the Financial Markets Authority that the village is being operated in a financially prudent manner.
 - 18.3 Operators are required to provide intending residents with a disclosure statement that sets out the village's ownership, financial position, status, and a range of other important information. This statement provides comprehensive guidance to ensure that a resident's decision to move into a retirement village is an informed one.
 - 18.4 Before signing a contract (an "Occupation Right Agreement" or "ORA"), an intending resident must consult a solicitor who must explain the details of the contract and sign an affirmation that they have provided that advice.
- 19 The codes of practice that regulate the industry include a code of practice and a code of residents' rights.⁹ The Code of Practice is administered by the Ministry of Business, Innovation and Employment, and it governs the day-to-day management of the villages. The Code sets out the minimum standards for the operation of retirement villages. These standards address a wide variety of matters, including documents that operators must provide to intending residents, staffing policies and procedures, safety and security policies, fire and emergency procedures, the frequency and conduct of meetings between residents and operators, complaint procedures, as well as communications with residents.
- 20 The Code of Residents' Rights is set out in the RV Act.¹⁰ The Code is a summary of the minimum rights conferred on retirement village residents. It ensures that

⁹ Both codes are available online ([Code of Practice](#) and [Code of Residents Rights](#)).

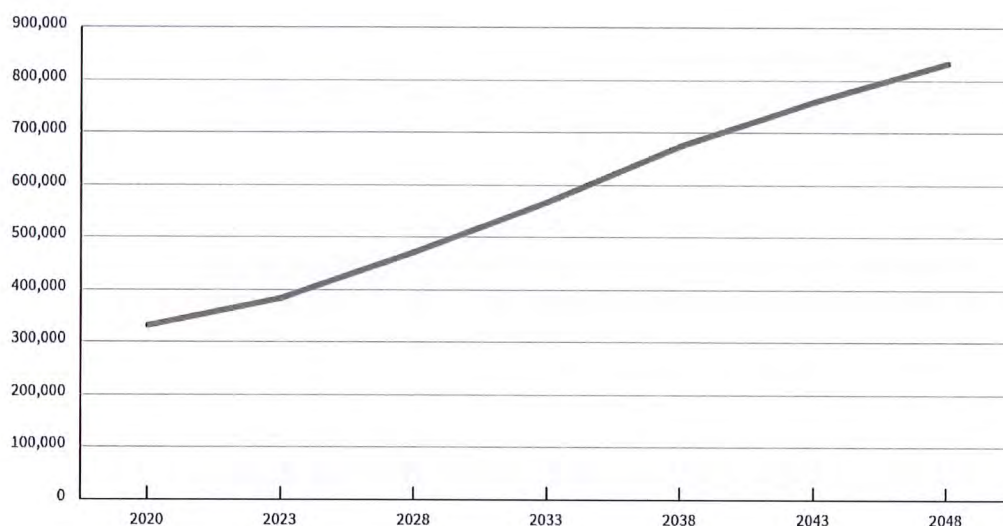
¹⁰ Schedule 4.

residents are respected and consulted on material matters that affect their contracts.¹¹

New Zealand's and Nelson's ageing population

- 21 The proportion of older people in our communities compared to the rest of the population is increasing. Soon, there will be more people aged 65+ than children aged under 14 years.¹² By 2034, it is expected that New Zealand will be home to around 1.2 million people aged 65 and over, just over a fifth of the total population.¹³
- 22 The growth in the 75+ age bracket is also increasing exponentially (as illustrated by the graph below, at Figure 1). It is estimated that 364,100 people in New Zealand were aged over 75 in 2022. By 2048, the population aged 75+ is forecasted to more than double to 804,600 people nationally.¹⁴
- 23 In Nelson, the growth in the 75+ age bracket (which is the predominant demographic in retirement villages) is increasing at a similar rate. Statistics New Zealand in its 2018 census found that on census night there were 4,263 people usually resident in Nelson City aged over 75.¹⁵ By 2048, they estimate this number is forecasted to more than double to 10,940.¹⁶

Figure 1 75+ years population 2020 - 2048



Source: JLL Research and Consultancy; Statistics New Zealand (medium forecast scenario)

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- ¹¹ The Code sets out a residents' rights to services, information, and consultation, the right to complain, the right to a speedy and efficient process for resolving disputes, the right to use a support person or representative in dealings with the operator or other residents at the village, the right to be treated with courtesy, and the right not to be exploited by the operator.
- ¹² Better Later Life – He Oranga Kaumatua 2019 to 2034, page 6.
- ¹³ Ibid.
- ¹⁴ Statistics New Zealand, Population Projections.
- ¹⁵ Statistics New Zealand, 2018 Census, Ethnic group (detailed single and combination) by age and sex, for the census usually resident population count, 2013 and 2018 Censuses (RC, TA, SA2, DHB): <https://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE8277>
- ¹⁶ Statistics New Zealand, Subnational population projections, by age and sex, 2018(base)-2048 update: <https://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE8616> (medium projection, for Nelson City)

- 24 Older people aged 85+ comprise the most rapidly increasing age group in the country, with the numbers projected to almost triple from 93,500 in 2022 to 227,600 in 2048. Given around 45% of this age group require aged care beds, this growth will create a need for a minimum of an additional 84,700 aged care beds to be provided by 2048.
- 25 The ageing population of New Zealand reflects the combined impact of:
 - 25.1 Lower fertility;
 - 25.2 Increasing longevity (due to advances in medical technology and increased survival rates from life-threatening diseases); and
 - 25.3 The movement of the large number of people born during the 1950s to early 1970s into the older age groups.
- 26 The largest increases in the 65+ age group will occur in the 2020s and 2030s, when the large birth cohorts of the 1950s and 1960s (the “baby boomers”) move into this age group.

The retirement housing and care crisis

- 27 The under-provision of retirement living and aged care in New Zealand is at crisis point, with the growing ageing population facing a significant shortage in appropriate accommodation and care options. This problem is immediate, and projected to worsen in the coming decades as older age groups continue to grow.¹⁷
- 28 The demand for quality living options is significantly higher than the current supply. The supply is decreasing due to closures of older style small and poor-quality aged care homes, which are usually conversions of old houses. These usually do not offer the living standard that residents deserve. At the same time, demand for retirement housing and care is increasing.
- 29 This crisis is evidenced by the increasing number of RVA members’ villages that have waiting lists (including existing villages and those under construction). Many RVA member villages have waiting lists of two or more years. These lists are comprised of people who have expressed an interest in living in a retirement village. The waitlists show the desperate need in New Zealand for more retirement living and care options.
- 30 The ageing population and longer life expectancy, coupled with a trend towards people wishing to live in retirement villages that provide purpose-built accommodation, means that demand is continuing to grow. This is creating a severe and growing shortage of retirement villages, as supply cannot match demand. The national penetration rate for retirement villages (i.e. the percentage of the population aged 75+ who choose to live in a village) is 14.3%. If the existing penetration rate continues, we can expect an increase of approximately 34,000 residents, and a national demand for an additional 26,000 retirement village units

¹⁷ See, for example, Stats NZ (2020). Housing in Aotearoa: 2020, which outlines the need for changing size and suitability of housing, acknowledging the ageing population. For further detail on the question of ‘what is the ideal place to grow older’, see Janine Wiles, Kirsty Wild, Ngaire Kerse, Mere Kēpa, Carmel Peteru (2011). Resilient Ageing in Place Project Recommendations and Report. The University of Auckland, Auckland.

by 2033.¹⁸ In reality, the demand will be higher as the penetration rate continues to grow.

- 31 This increasing demand is reflected in the development pipeline.¹⁹ In 2022, there was a total of 216 villages in the development pipeline.²⁰ This development pipeline, if realised, will help ease the short-term anticipated shortfall in supply of quality retirement living and aged care options in New Zealand. However, further development of new villages, beyond the current pipeline, is needed to meet the longer-term predicted shortfall. It is anticipated that at least 10 new large-scale villages each year are going to be required across New Zealand, just to keep up with demand over the next 20 years.
- 32 Further, the COVID-19 pandemic has exacerbated this issue. Overall, retirement villages performed remarkably well in protecting the most vulnerable by providing safe communities and companionship during the tough periods of lockdown. This performance has resulted in an even stronger demand to access retirement villages and further limited stock available.²¹
- 33 As discussed in more detail in subsequent sections of this submission, a key barrier to meeting the increasing demand is the significant delay between the consenting and construction stages of developments. Even if the resource consent process goes smoothly, the development of a retirement village is around a 10-year project for most new villages. But, many retirement villages face years of delays during the consenting process. Delays are frustrating and costly for all involved, and are especially prejudicial to the wellbeing of older persons who are living in unsuitable accommodation while waiting for a retirement village to be completed.

Social issues arising from the shortage of housing and care for older people

- 34 Providing appropriate accommodation and care for older persons is a critical social issue facing New Zealand. A failure to recognise and provide for appropriate housing and care for the ageing population in future planning will impact on the mental and physical health and wellbeing of some of society's most vulnerable members, and have flow on effects that will impact the wider community as a whole.

Suitability of accommodation

- 35 Many of New Zealand's older residents are currently living in unsuitable accommodation. "Unsuitable accommodation" in this context can mean a couple or a single person living in a large house that is expensive and difficult to maintain and heat properly, has barriers to mobility such as stairs, or is built on a hill, or has a garden that they cannot maintain. Unsuitable accommodation could also include housing that is of such a distance from key services and amenities that it limits their access to their community and care needs.
- 36 In this context, it is important to note that retirement villages have a very different new-build pattern than the rest of the country's new-build housing stock.²² New Zealand's general housing stock is dominated by three or more-bedroom dwellings,

¹⁸ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, July 2022, page 18.

¹⁹ The 'development pipeline' refers to the development of new villages (both actual and planned).

²⁰ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2021, page 17.

²¹ Ibid, pages 5 and 25.

²² CRESA, Retirement Village Housing Resilience Survey (June 2014), and Equity Release – Realities for Older People (August 2016).

with the average size of new builds increasing from around 115 m² in 1976 (33 m² per person) to 200 m² in 2013 (71 m² per person).

- 37 In contrast, the retirement village industry is building units that match the needs of smaller households, with approximately 90% of retirement village units providing one or two bedrooms.²³
- 38 Retirement units are also purpose-built for older people. They are accessible for those with mobility restrictions, are modern, warm and comfortable, and responsibility for their upkeep and maintenance falls on the village operator rather than the resident.
- 39 Further, retirement villages generally offer extensive on-site amenities, such as pools, gyms, theatres, libraries, bars and restaurants, communal sitting areas, activity rooms, bowling greens, and landscaped grounds. These amenities are provided to meet the specific needs of retirement village residents, leading to significant positive benefits for residents.

Mental wellbeing

- 40 Mental wellbeing issues are also growing, including isolation, loneliness, and related depression due to many older people living alone, and often also being separated from family and friends due to their increasing mobility restrictions.
- 41 This presents a serious social issue for New Zealand. There is little doubt that older people are particularly vulnerable to social isolation or loneliness because friends and family have either died or moved away, or they have restricted mobility or income. This isolation impacts on the individual's quality of life and wellbeing, adversely affecting their health and increasing their use of health and social care services. In exploring the prevalence of this issue, one study estimates that between 5 and 16% of people aged 65+ report loneliness, while 12% feel socially isolated.²⁴
- 42 Based on recent data collected by UMR Research New Zealand,²⁵ the most important factors for people when deciding to move into a retirement village are 'security and safety', 'peace of mind' and 'hassle-free lifestyle'. Importantly, the data also shows that retirement villages deliver on these important factors. The changing structure of society, resulting in families living far apart and older people living on their own, has resulted in many older people feeling isolated and lonely. Villages provide safe, warm, appropriate housing and a community of interest for their residents with the opportunity for socialisation should they choose to take it up. Villages therefore directly combat isolation and loneliness felt by so many older people.
- 43 Longitudinal studies into recorded lifespans show that older people who are part of a social group have a better chance of living longer than those who are not.

²³ CRESA, Equity Release – Realities for Older People, August 2016.

²⁴ Social Care Institute for Excellence, Research Briefing number 39, Preventing loneliness and social isolation: Intervention and Outcomes, October 2011.

²⁵ UMR Research New Zealand, 'Residents Survey – Retirement Villages Association', January 2021. The results were based on questions asked in an online survey distributed to 100 retirement villages across New Zealand.

Australian studies suggest that retirement village residents live longer and happier lives than the same cohort who live elsewhere.²⁶

- 44 Retirement villages are an important way to fight social isolation and loneliness. Facilitating the development of appropriate accommodation and care for the ageing population and enabling older people to move into purpose built, comfortable and secure dwellings not only improves the quality of life of these older people, but also has wider benefits for the community as a whole. The improved social and health support provided in retirement villages alleviates pressure placed on health and social care services freeing up these resources for other community members. The movement of older people into retirement villages also releases existing housing stock for other people, as addressed in more detail below.

The role of retirement villages

Addressing the retirement housing and care crisis

- 45 Retirement villages already play a significant part in housing and caring for older people in New Zealand. As previously noted, currently 14.3% of the 75+ age group population live in retirement villages, a penetration rate that has risen from around 9.0% of the 75+ age population at the end of 2012.²⁷ It is likely that this rate will continue to increase over time.
- 46 In Nelson, the penetration rate is higher than the national average, with 20.8% of the 75+ age group population living in a retirement village.
- 47 As previously mentioned, RVA's members have 407 villages across the country, providing homes for around 50,000 residents. Over the next 5 to 10 years, that is anticipated to grow significantly with 86 new villages and 130 expansions to existing villages, providing 22,200 homes for approximately additional 28,900 residents. Retirement villages therefore will play a growing role in addressing the retirement housing and care crisis.
- 48 In Nelson, there are currently 9 existing villages that are home to around 1161 residents. Several additional villages will be needed in the district to meet the growth in the 75+ demographic.
- 49 The RVA's members have established reputations for building high quality villages to address the needs of residents and employing professional and caring staff. Through this experience, retirement village operators have developed in depth and specialist knowledge and expertise in the development of purpose-built retirement villages. Importantly, retirement village operators are not developers, and have a long-term interest in their villages and residents.
- 50 Retirement villages also cater to a wide range of residents with differing levels of health and independence, offering a range of housing options and care to meet the specific needs of the residents. These are features that often distinguish retirement village operators from typical residential developers who generally do not deliver purpose-built environments for the ageing population.
- 51 Retirement village operators are therefore well placed to help to address the retirement housing and care crisis. To do so, it is critical that the construction,

²⁶ For example, studies undertaken by the Illawarra Retirement Trust, a retirement village operator based in Wollongong, NSW.

²⁷ Ibid, page 15.

operation and maintenance of retirement villages are appropriately provided for in district plans.

Providing a range of accommodation options to suit different needs

- 52 Retirement villages provide appropriate accommodation and care for a vulnerable sector of our community with different housing and care needs compared to the rest of the population.
- 53 Retirement villages allow older people to continue living in their established community, while down-sizing to a more manageable property (i.e. without stairs or large gardens). Retirement village living provides security, companionship and peace of mind for residents.²⁸ Residents will also, in most cases, have easy access to care and other support services.
- 54 The RVA has seen a marked change in retirement accommodation over the last 20 years. In the past, lifestyle villages without care were relatively common. As the population ages, the retirement village industry is seeing a greater demand for a 'continuum of care' in one location - from independent units through to hospital and dementia care. Today, many villages are being developed with some degree of residential care in their campus. Some villages are committed to a full continuum of care, while others focus on providing a smaller number of rest home beds that are available for residents if they are needed.
- 55 Another important trend is for operators to build serviced apartments, where a resident moves in and out of care as required but without having to physically move from their apartment. These developments are a direct response to market demands. The sector is focused on providing a mix of independent living units and care options to meet the range of financial, social and other resources our residents have.
- 56 A number of operators also focus on providing social housing as part of their villages. This can be a mix of affordable Occupation Right Agreements and rental units.
- 57 'Care only' facilities are increasingly rare. This is because under the current government funding regime for health care provision, it is not possible to justify the capital cost of building stand-alone residential care facilities. As a result, no residential care facilities, apart from extensions to existing facilities, have been built in the last five years or so.
- 58 Ultimately, the retirement village industry provides appropriate accommodation to address the specific needs of the older population, including a range of large and smaller scaled retirement villages and aged care homes with differing services, amenities and care. This variety enables differing price points and options, which are vital to enabling choices for the growing ageing population.

Retirement villages' role in addressing the general housing crisis

- 59 Retirement villages also help to ease demand on the residential housing market and assist with the housing supply shortage in New Zealand. That is because growth in retirement village units is faster than growth in the general housing stock. And, the majority of new villages are located in major urban centres. The retirement village

²⁸ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018). Brown, N.J., "Does Living Environment Affect Older Adults Physical Activity Levels?". Grant, Bevan C. (2007) 'Retirement Villages', *Activities, Adaptation and Aging*, 31:2, 37-55.

sector therefore also contributes significantly to the development of New Zealand's urban areas, and the particular challenges urban areas face.

- 60 New build data from Statistics NZ shows that retirement village units constituted between 5% and 8% of all new dwellings between June 2016 and June 2021.
- 61 The retirement village sector allows older New Zealanders to free up their often large and age-inappropriate family homes and move to comfortable and secure homes in a retirement village. The RVA estimates that around 5,500 family homes are released back into the housing market annually through new retirement village builds. This represents a significant contribution to easing the chronic housing shortage. A large-scale village, for example, releases approximately 300 houses back onto the market to be more efficiently used by families desperate for homes. To illustrate, retirement units are generally occupied by an average of 1.3 people per unit, compared to an average of 2.6 people per standard dwelling.

Other benefits of retirement villages

- 62 In addition to the important role of retirement villages in addressing the housing crisis and providing the ageing population with housing and care tailored to their needs, the retirement village sector also produces other broader benefits:
- 62.1 The sector employs approximately 19,000 people to support day-to-day operations. Between 2018 and 2026, approximately 9,500 new jobs will have been created from construction of new villages. The sector contributes around \$1.1 billion to New Zealand's GDP from day-to-day operations.²⁹ More recently, and importantly, the sector has generated jobs in industries that have been impacted by COVID-19 (such as hospitality and accommodation).
- 62.2 The contribution of retirement village construction is also substantial. For example, a large-scale new village will cost in the order of \$100-\$200 million to construct. Retirement village construction is also expected to employ approximately 5,700 FTEs each year.³⁰
- 62.3 Retirement villages also support Te Whatu Ora, Health New Zealand by providing health care support for residents that would otherwise be utilising the public healthcare system thereby reducing "bed blocking" in hospitals.
- 62.4 Due to the lower demand for transport (including because of on-site amenities), retirement villages contribute proportionately less to transport emissions than standard residential developments. Operators also invest in a range of other methods to reduce carbon emissions from the construction and operation of villages.

WHAT PC29 MUST DELIVER FOR RETIREMENT VILLAGES

Better enable housing and care for the ageing population

- 63 As explained above, promoting the wellbeing of older persons within our communities requires district plans to better enable the construction of new retirement villages. In the experience of RVA members, cumbersome, rigid and uncertain resource management processes and practices are a major impediment to

²⁹ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018) page 4.

³⁰ Ibid.

delivering necessary retirement housing and care. In particular, resource consent processes take too long, are unnecessarily complex, and often do not provide for retirement living options properly because the relevant plans are not fit for purpose.

- 64 PC29 represents a major opportunity to better enable the provision of a diverse range of retirement housing and care options, using fit-for-purpose planning provisions. If this opportunity is not taken now, the existing consenting challenges facing retirement village operators are likely to be perpetuated for many years.
- 65 In fact, the RVA submits that the Council must take this step in order to give effect to the NPSUD through PC29. The NPSUD specifically recognises that well-functioning urban environments must enable all people and communities to provide for their wellbeing, health and safety (Objective 1). For the reasons explained above, achieving this wellbeing objective in relation to older persons within our community means providing for their specific housing and care needs.
- 66 The NPSUD also states that contributing to well-functioning urban environments means enabling a "*variety of homes*" to meet the "*needs ... of different households*" (Policy 1). That policy cannot be achieved in our centres without enabling intensification of our urban environments. Policy 5 of the NPSUD requires PC29 to enable intensification (through building heights and densities) commensurate with the greater of:
- 66.1 the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- 66.2 relative demand for housing and business use in that location.
- 67 These NPSUD policies therefore require PC29 to specifically provide for suitable and diverse housing choices and options for our ageing population as part of the intensification of urban environments.
- 68 To achieve this, the RVA submits that PC29 must ensure that the District Plan specifically and appropriately provides for and enables retirement villages in all relevant residential and commercial/mixed use zones where there is demand.
- 69 The Council is not required to implement the MDRS as set out in the Enabling Housing Act, but has chosen to use the MDRS as a guideline in preparing PC29. Under the MDRS, retirement villages are a type of 'four or more' residential units, which must be assessed as a restricted discretionary activity. Given the Council's use of the MDRS as a guideline for PC29, the RVA considers PC29 must include a restricted discretionary activity rule for retirement villages in all relevant residential zones.
- 70 Overall, the RVA considers the outcomes outlined above can only be achieved by providing for specific objectives, policies and rules for the ageing population and retirement villages. In the experience of RVA members, without specific provisions, retirement village proposals face material uncertainty and consenting barriers. Council officers often attempt to apply general residential approaches that are not fit-for-purpose for retirement villages. The retirement village-specific provisions sought by the RVA are set out in the following sections of this submission.

Recognise that retirement villages are a residential activity

- 71 A key issue with many existing district plans is their failure to explicitly recognise that retirement villages are a residential activity. This issue has resulted in significant consenting challenges. Members of the community, and sometimes even

council officers, can take the view that retirement villages are non-residential activities that should only be provided for in non-residential zones. In other cases, district plans have compartmentalised different parts of a village requiring different assessments (such as differentiating residential units from the ancillary amenities in a village. These issues lead to significant interpretation issues, delays and unnecessary assessment and notification processes.

- 72 Retirement villages are clearly a residential activity.³¹ They provide permanent homes for the residents that live there. Retirement villages do provide a range of ancillary services. However, those services are provided for residents only and complement the residential function of retirement villages by meeting the particular needs of older residents. The residential nature of retirement villages is reflected in the National Planning Standard definition, which recognises the key function of villages as a "*residential complex or facilities*" for the provision of "*residential accommodation for people who are retired*".³²
- 73 PC29 recognises that retirement villages are a residential activity (through the reference in the definition to homes for the elderly). It provides a permitted activity for residential land uses. This approach is supported in principle.
- 74 However, the experience of the RVA's members is that a retirement village-specific rule is required to provide a set of focused matters of discretion that provide for and acknowledge the differences that retirement villages have from other residential activities.

Provide for retirement villages in the Residential zones

- 75 The RVA members' experience is that older people want to stay in the communities in which they currently live, and have lived for many years, during their retirement. This is called 'ageing in place'. It allows residents to remain close to their families, friends, familiar amenities and other support networks. It promotes activities that improve residents' wellbeing, including physical activity, social engagement and intergenerational activity, due to the easily accessible surrounding destinations in a familiar neighbourhood. It allows residents to access public transport to facilitate these activities as independent driving ability declines. It allows residents to continue to play an integral part in the communities that they helped establish.
- 76 For these reasons, the majority of retirement village residents come from dwellings located in surrounding suburbs.
- 77 It is noted that the Christchurch Replacement District Plan Independent Hearings Panel (chaired by a former High Court judge, with members including another former High Court judge, an Environment Court judge and experienced independent commissioners) acknowledged the importance of ageing in place:³³

[332] Dr Humphrey's evidence stressed the clear health and social evidence of people ageing in their own communities. We have also taken particular note of Dr Humphrey's evidence as to the importance of providing choice for ageing in place. That evidence was supported by the evidence of Mr de Roo. We find that ageing in place, whereby older persons have choices

³¹ The definition of 'residential activity' as set out in the National Planning Standards is: "*means the use of land and building(s) for people's living accommodation*".

³² National Planning Standard, page 62.

³³ Decision 10 – Residential (part) (and relevant definitions and associated planning maps) (10 December 2015).

to downsize from their family homes yet remain within their familiar neighbourhoods, is important not only for the wellbeing of our older citizens but also for the communities of which they should continue to contribute to and be part of. In addition to providing choice, assisting affordability is also important. Those priorities are also generally reflected in the Statement of Expectations.

- 78 Similar issues were recognised in the Proposed Auckland Unitary Plan section 32 evaluation:³⁴

Existing legacy plans do not provide the flexibility required by retirement villages to construct buildings that are 'fit for purpose' in terms of providing for a range of housing and care choices for older people and those requiring care or assisted living. As Auckland's population continues to grow, it is important that a choice of housing is provided for older people, particularly in locations that provide good amenity and access to community services and facilities.

- 79 Both the Auckland Unitary Plan and Christchurch District Plan provide for the construction of retirement villages as a restricted discretionary activity in the key residential zones. Many other plans also use this approach. It also aligns with the MDRS rules for 'four or more' residential units.
- 80 The RVA members' experience is that sites in existing residential areas that are appropriate for retirement villages are extremely rare. Sites of the required size and in good locations are highly unique and valuable resources in our larger cities. They need to be efficiently used.
- 81 Accordingly, the RVA seeks specific provisions to enable retirement villages in all appropriate residential zones.

Provide for change to existing urban environments

- 82 There are a range of differences between retirement villages and 'typical' residential dwellings. These differences mean that retirement villages can change existing urban environments that are often dominated by 'typical' dwellings. This change has not been acknowledged properly in legacy plans leading to significant consenting challenges.
- 83 Because of their functional and operational needs, retirement village and aged care facilities tend to be larger (in height, bulk and length) than 'typical' residential housing in order to properly cater for the residents' needs.
- 84 To illustrate, retirement villages contain a range of unit types to cater for the different care and mobility needs of the residents. The accommodation ranges from independent townhouses and apartments, through to serviced apartments, hospital beds and dementia rooms. While independent living villas, townhouses and apartments will include full kitchens, bathrooms, lounges and other household amenities, serviced apartments and care rooms will not always have these amenities. These factors may be a key driver for the layout and amenities within a unit and also within a village. For example, serviced apartments and care rooms need to have quick, accessible, and all-weather access to communal living and dining areas. In the experience of RVA members', council officers often attempt to

³⁴ Auckland Unitary Plan Section 32 Report, Part 2.50.

redesign village layouts based on what they think might be suitable, without proper knowledge of villages and residents' needs.

- 85 In addition, retirement villages often include a wide range of amenities and services for resident needs and convenience. Services range from communal indoor and outdoor amenity areas, gardens, pools, gyms, libraries, reflection spaces, hairdressing services and cafés and bars through to welfare and medical facilities. These are important amenities and services as many retirement village residents are frail or have mobility restrictions (making it more difficult for them to travel to access amenities and services). They also provide a better quality of life for residents than could be offered without these communal amenities and services. For example, a townhouse would not have space for a pool or gym.
- 86 Retirement villages also use new, low maintenance building products and design techniques to ensure their efficient operation. These design requirements can result in change when compared to surrounding neighbourhoods that were built many decades in the past.
- 87 The experience of RVA members' is that communities (particularly neighbouring landowners seeking to preserve status quo interests) and council officers often can have an expectation as to how sites are going to be used. Typically, that expectation is not for medium or higher density retirement accommodation. In part, this is because, traditionally, planning provisions have ignored the unique features of retirement villages. Further, the significant positive effects and community benefits of retirement villages are sometimes not given sufficient weight.
- 88 The failure of district plans to recognise the functional and operational needs of retirement villages, and provide for change to the character and amenity of existing neighbourhoods to enable the benefits of retirement villages, has created significant consenting challenges.
- 89 The NPSUD now requires district plans to provide for change to existing urban environments. It creates an expectation that *"New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations"* (Objective 4). Further, the NPSUD recognises that amenity values can differ among people and communities. It also recognises that changes can be made via increased and varied housing densities and types, noting that changes are not, of themselves, an adverse effect (Policy 6).
- 90 The importance of this direction is also clearly set out in the Ministry for the Environment's (MfE) and the Ministry of Housing and Urban Development's (HUD) final decisions report on the NPSUD, which provides that:³⁵

Urban areas are dynamic and complex, continually changing in response to wider economic and social change. The current planning system can be slow to respond to these changing circumstances and opportunities, which can lead to a mismatch between what is enabled by planning and where development opportunity (or demand) exists. This can lead to delays in supply, or incentivise land banking.

³⁵ MfE and HUD, *"Recommendations and decisions report on the National Policy Statement on Urban Development"* (Wellington, 2020), page 59.

- 91 Further, as noted Policy 5 of the NPSUD provides for change by enabling intensification commensurate with relative demand for housing and business use in appropriate locations.
- 92 While PC29 generally captures retirement villages under the umbrella of residential activities and residential units, the general provisions fail to recognise the unique operational, functional and locational features of retirement villages. Specific provision is therefore necessary to enable much needed retirement housing and care and to acknowledge the changes ahead.

Recognise the intensification opportunities provided by larger sites

- 93 As discussed above, sites in existing residential areas that are appropriate for retirement villages are extremely rare, due to the need for sites to be large enough to accommodate all parts of a village and be located in close proximity to community services and amenities. Given large sites are a rare resource, it is important they are developed efficiently to maximise the benefits from their development. This approach is consistent with the enabling intensification approach of the NPSUD.
- 94 As well as providing intensification opportunities, large sites also provide unique opportunities to internalise potential impacts of intensification on neighbours and the neighbourhood. For example, additional height can be located towards the centre of a site without adverse dominance, shading or privacy effects.
- 95 This approach was adopted in the Auckland Unitary Plan, with the residential zones including a policy to enable more efficient use of larger sites.³⁶

Recognise the unique internal amenity needs of retirement villages

- 96 A key consenting challenge faced by the RVA members is an expectation in district plans that the internal amenity controls used for traditional housing typologies (e.g. outlook, outdoor living spaces) are appropriate for retirement villages.
- 97 This approach fails to recognise the unique functional and operational needs of retirement villages (discussed above). For example, residents have access to a wide range of communal spaces as well as their individual homes. Their amenity is provided by the village as a whole rather than via an individual space. Other factors, such as proximity to communal spaces, may be more relevant to the overall level of amenity experienced by residents.
- 98 Retirement village operators also have a long and positive track record and understanding of what works for their residents. Over many years, operators have provided high quality environments for their residents – significantly better than typical housing typologies have delivered. The quality of life provided to residents is also paramount to the RVA's members.
- 99 The RVA notes that these points were accepted by the Christchurch Replacement District Plan Independent Hearing Panel:³⁷

[331] Considering costs, benefits and risks, we have decided against imposing internal amenity controls on retirement villages. On this matter, we accept the position of Ryman and the RVA that there is no evidence at this time that there is a problem requiring

³⁶ H3.3(8), H4.3(8), H5.3(9).

³⁷ Decision 10 – Residential (part) (and relevant definitions and associated planning maps) (10 December 2015).

intervention. We have also borne in mind the caution expressed by Mr Collyns as to the untested impacts of such regulation on the cost of delivering the affordable housing end of the retirement village market. Having said that, we are also mindful that it is at this “affordable” end of the market where residents have the least market power and hence, greatest vulnerability. However, on the basis of Mr Collyns’ evidence, we have assumed that the RVA’s members would act responsibly. Also, we have noted that the Council did not seek to address this topic in its closing submissions and took from that some concurrence with the retirement village sector position as to the lack of any need for regulatory intervention at this time. However, we record that this is a matter where the Council, as plan administrator, has an ongoing plan monitoring responsibility.

100 Similarly, a number of internal amenity standards in the Auckland Unitary Plan apply to dwellings, but not to retirement units.³⁸ Many other district plans also treat retirement villages differently in terms of internal amenity controls.

101 There are two internal amenity standards in PC29 that the RVA considers require amendment when applied to retirement villages:

101.1 *Outdoor living space:* Retirement villages provide a range of private and communal outdoor areas that can be enjoyed by residents. All of these areas should be counted towards this amenity standard. In addition, retirement village residents tend to spend a significant amount of their recreational time inside, given their sensitivity to temperature extremes. A proportion of these indoor areas should also be counted towards this amenity standard to reflect the actual usage patterns of village residents.

101.2 *Outlook space:* The standard is not workable for all units across a comprehensive site. Furthermore, such a standard is simply not needed. Residents of a village have a much greater degree of choice of ‘living rooms’ than residents of typical residential dwellings (including communal sitting areas, dining rooms, a library, activity room and chapel). These communal spaces are typically well orientated for daylight and enjoying an outlook into a large and attractive outdoor space.

Provide clear and focused matters of discretion

102 The RVA’s members have faced significant cost and delay in consenting retirement villages in residential zones. Often, the process requirements are significantly out of proportion with the adverse effects of the activity, and do not recognise its substantial benefits.

103 An example of this issue is excessive and extraneous information requests. Over time, the amount of information that is required to support an application for consent has substantially increased. Council officers often request information that is not relevant to the assessment of the effects of a retirement village proposal, such as information regarding electricity supply, internal lighting, hallway width, planter box size, and outdoor furniture. It is not uncommon to receive unsolicited design change requests from council urban designers. These requests add cost and delay, and distract from the key issues. Council officers have too much discretion to require applicants to provide further information, and have the ability to wield the threat of notification if the requested information is not provided. By way of example, one RVA member received seven requests for further information following lodgement of an application, which resulted in a five-month delay in the decision being issued.

³⁸ For example, H4.6.12, H4.6.13 and H4.6.15.

Another application resulted in four further information requests and a four-month delay.

- 104 It is therefore important that matters of discretion for decision-making are clear and focused on the aspects that matter. A key issue with PC29 is the broad discretion to consider on-site amenity. Other matters of discretion also need to be refined to provide clear direction. In addition, positive effects of proposals should be an explicit matter for decision-makers to consider.

Provide appropriately focused notification rules

- 105 Notification is a significant cause of the cost and delay of consenting processes. RMA processes currently provide multiple opportunities for opposition to projects. These opportunities are the reason for significant delays in processing consents. 'NIMBYism' is unfortunately a hall mark of the RMA. Self-interested neighbours can create huge delays and disputes for no material environmental benefit.
- 106 That said, notification has an important role in the resource management system. But it must be proportionate to the issues at hand. Notification is only beneficial, and should only be required, where it is likely to uncover information that will assist the decision-making process. The costs of public notification are too high for it to be required simply for persons to 'be heard'.
- 107 Applications for residential activities that are anticipated in residential zones (i.e. through restricted discretionary activity status) should not be publicly or limited notified. Rather, the time for public participation is at the plan making stage where residential zones and appropriate/inappropriate activities can be clearly identified. This approach has been adopted in PC26 and is supported by the RVA.

Use the MDRS as a guideline

- 108 The Enabling Housing Act sets medium density residential standards that guide when residential activities require closer assessment and when limited notification of proposals can be available. As discussed, while the Council is not required to implement the MDRS, it has used the standards as a guideline for PC29.
- 109 The retirement village-specific provisions sought by the RVA take a similar approach to the MDRS (given that retirement villages are a form of development with four or more residential units) with the standards informing matters of discretion.
- 110 The RVA submits that the MDRS approach will result in a level of standardisation that will set expectations for the scale of development across larger centres in New Zealand. The standards have been deemed to 'cover the ground' in relation to the key matters relevant to residential proposals. With some amendments to reflect the specific nature of retirement villages, the RVA considers these standards should set a relevant baseline for the construction of retirement villages.
- 111 Furthermore, it is important PC29 does not inadvertently make retirement village developments more difficult to consent, construct and use than standard residential development. Such an outcome would be unfair at one level. At another, it would significantly exacerbate the retirement housing and care crisis that is already resulting in poor wellbeing outcomes for older people.

Provide for retirement villages in commercial and mixed-use zones (i.e. Inner City and Suburban Commercial zones)

- 112 The RVA's members generally seek to locate their villages in established, good quality residential areas. These locations are most suited for residents to 'age in place'. However, there is a lack of suitable sites in existing residential areas. To

respond to the retirement living and care crisis, RVA members therefore also establish and operate retirement villages in some commercial and mixed-use zones where there is good access to services and amenities.

- 113 It is important in this regard that Policy 5 of the NPSUD is not limited to residential zones. It also requires councils to ensure district plans provide for intensification of urban non-residential zones.
- 114 The Inner City and Suburban Commercial zones provide opportunities for retirement villages. These areas serve the surrounding local communities and provide close access for amenities to residents who are often unable to walk long distances. Residents' wellbeing is improved when social engagement and activities are easily accessible.

RETIREMENT VILLAGE-SPECIFIC PROVISIONS

- 115 To address the issues outlined above, the RVA seeks that PC29 is amended to provide retirement-village specific provisions as follows:

Objectives and policies that appropriately recognise the acute need for retirement housing and care in all relevant residential zones

- 116 As detailed in this submission, the rapidly ageing population is a significant resource management issue. The objectives and policies of the Plan must enable appropriate accommodation and care for the ageing population as follows:

116.1 A policy to provide for the housing and care needs of the ageing population;

116.2 A policy that recognises the need for change over time to the existing character and amenity of neighbourhoods to provide for the diverse and changing needs of the community;

116.3 A policy that recognises the need to provide for a range of housing and care options for older people and to recognise the functional and operational needs of retirement villages;

116.4 A policy to enable the efficient use of larger sites; and

116.5 A policy that directs that density standards are to be used as a baseline for the assessment of the effects of developments.

- 117 PC29 does not include a policy to provide for retirement villages. The RVA considers that a retirement village specific policy is required in order to give effect to the NPSUD, as discussed in greater detail above, and to provide policy guidance for the retirement village-specific rules sought in the submission. This policy must recognise and provide for the benefits of retirement villages and their functional and operational needs, in order to provide a well-functioning urban environment that enables all people and communities to provide for their wellbeing.

- 118 The RVA considers PC29 must also include additional provisions to enable appropriate accommodation and care for the ageing population as set out above.

Rules to enable retirement villages in the Residential Zones, Inner City and Suburban Commercial Zones

- 119 As detailed in this submission, retirement villages need to be provided for as a residential activity and enabled in the Residential Zones, as follows:

- 119.1 A rule that permits the use and operation of retirement villages, recognising that this activity is expected and encouraged in residential zones; and
 - 119.2 A rule that regulates the construction of retirement villages as a restricted discretionary activity, recognising that this activity is anticipated in residential zones with limited matters requiring assessment.
- 120 Retirement villages also need to be provided for as a residential activity and enabled in the Inner City and Suburban Commercial Zones, as follows:
- 120.1 Retirement village specific rules that recognise that this activity is appropriate for mixed-use zones, and that retirement units may be located on the ground floor as a restricted discretionary activity in accordance with the relevant matters of discretion.
- 121 The RVA considers that a retirement-villages specific rule is required to be added to the Plan (including to reflect the National Planning Standards definition). The RVA seeks that retirement villages are provided for as a permitted activity, with the construction of the retirement village being a restricted discretionary activity under a separate rule. Further, the RVA considers that the construction of retirement villages should have focused matters of discretion that appropriately recognise the unique features of retirement villages, as well as the substantial benefits of this type of development in residential areas.

Tailored matters of discretion for retirement villages

- 122 As detailed in this submission, retirement villages are different to typical residential dwellings. They therefore do not necessarily fit in with the typical controls imposed on residential developments. It is therefore critical to provide tailored and fit for purpose retirement village matters of discretion, as follows:
- 122.1 Recognise the positive effects of retirement villages;
 - 122.2 Focus effects assessments on exceedances of relevant standards in relation to effects on neighbours, effects on the safety of adjacent streets or public open spaces, and effects arising from the quality of the interface between the village and adjacent streets or public open spaces (to reflect the policy framework within the MDRS and NPSUD); and
 - 122.3 Enable the efficient use of larger sites and the functional and operational needs of retirement villages to be taken into account when assessing effects.
- 123 The RVA considers that the matters of discretion for retirement villages should also be aligned with the approach taken for residential units where applicable, but modified to take into account the activity-specific characteristics of retirement villages.
- 124 It is also important that other rules do not render retirement villages discretionary or non-complying, resulting in losing the benefit of clear and focused matters of discretion.

Proportionate notification

- 125 As noted, a key consenting issue for retirement village operators across the country relates to the delays, costs and uncertainties associated with notification processes. Consistent with the direction of the MDRS relating to four or more residential units, applications for retirement villages in the relevant residential zones should not be publicly notified based on density effects. In addition, limited notification should

only be used where a retirement village application proposes a breach of a relevant density standard that manages external amenity effects and the relevant effects threshold in the RMA is met.

- 126 PC29 currently precludes public or limited notification of an application for residential units that is a restricted discretionary activity. The RVA supports the approach that notification for retirement villages should also be precluded in such cases (noting its submission that construction of retirement villages should always be a restricted discretionary activity, regardless of breaches of standards).

Clear, targeted and appropriate development standards

- 127 The RVA considers the development standards for retirement villages should generally reflect the MDRS density standards in the residential zones, as proposed in PC26, except where amendments are necessary to reflect the particular characteristics of retirement villages. The outdoor living court, outlook space, and glazing to street standards should generally reflect the MDRS with some amendments. No additional development standards should apply.
- 128 Building length is limited in PC29 by Rules REr.18S and REr.19S. Due to their functional and operational need, retirement village proposals are likely to exceed this standard. The RVA seeks that this standard is amended to include a matter of discretion relating to functional or operational needs of activities, rather than arbitrarily preventing buildings of a particular length.
- 129 Similarly, the RVA seeks that retirement villages either be excluded from bicycle parking requirements or that these are calculated on visitor and staff numbers only. This is because the residents of a retirement village are elderly and have reduced mobility (particularly those in care rooms). It is therefore inappropriate to calculate bicycle parking requirements using the general population as the yardstick.
- 130 The RVA supports the development standards for retirement villages in the Medium Density and High Density Residential Zones being equally or more enabling than the MDRS density standards.

Providing for retirement villages in commercial zones

- 131 As discussed above, commercial zones enable mixed uses, including residential activities, and may contain suitable sites for retirement villages. In order to give effect to Policy 5 of the NPSUD, the RVA submits that PC29 must provide for intensification in these zones. The RVA seeks that fit-for-purpose retirement village planning provisions are applied in the Inner City Zones and the Suburban Commercial Zones, similar to those proposed for residential zones. Any other zones which enable residential activities should also be treated similarly.
- 132 The RVA considers the Inner City Zones and Suburban Commercial Zones are not sufficiently enabling of retirement villages under PC29. There are no retirement village-specific rules in the Inner City or Suburban Commercial Zones chapters. The RVA therefore seeks more comprehensive provisions for retirement villages similar to those sought for the residential zones, and with some additional restrictions on ground floor activities to acknowledge the need to preserve land for commercial uses in some cases. The RVA also seeks retirement-village specific objectives and policies as for the residential zones.

DECISION SOUGHT

133 The RVA seeks:

133.1 Amendments to Plan Change 9 as set out in paragraphs 63-132 above;

133.2 Without limiting the generality of the above, the specific relief set out in **Appendix 1**;

133.3 Any alternative or consequential relief to address the matters addressed in this submission.

134 The RVA wishes to be heard in support of this submission.

135 If others make a similar submission, the RVA will consider presenting a joint case with them at a hearing

Signed for and on behalf of Retirement Villages Association of New Zealand Incorporated
by John Collyns

John Collyns, Executive Director
31 October 2023

Address for service of submitter:

Retirement Villages Association of New Zealand Incorporated
c/- Luke Hinchey

Email address: Luke.Hinchey@chapmantripp.com

APPENDIX 1 – SPECIFIC SUBMISSION POINTS AND RELIEF SOUGHT

Provision	Submission Position	Reason for submission	Relief Sought
Chapter 2: Meaning of Words			
MW.iii: Definitions			
Comprehensive Housing Development	Oppose in Part	The RVA considers that the definition for Comprehensive Housing Development should be amended to include reference to “retirement unit” (as per the below additional definition sought to be included) to acknowledge the development of these units within the Comprehensive Housing Development Area.	<i>The RVA seeks to amend the definition as follows:</i> Comprehensive Housing Development Means three or more residential/~~retirement units~~, located in the Residential Zone – Comprehensive Area, Standard Area and Lower Density Area only, designed and planned in an integrated manner, where all required resource and subdivision consents are submitted together, along with sketch plans of the proposed development. The land on which the proposed residential/~~retirement~~ units are to be sited must form a separate, contiguous area. N/B: All references within the Comprehensive Housing Development chapter and appendix guide that refers to “residential unit” requires a consequential amendment to also refer to “retirement unit”.
Residential Activity	Oppose in Part	The RVA considers that the definition for residential activity should be amended to align with the National Planning Standards.	The RVA seeks to amend the definition as follows: Residential Activity Means the use of land and buildings by people for living accommodation ~~where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site~~



Provision	Submission Position	Reason for submission	Relief Sought
			~~as their home and permanent address; and includes accessory buildings and leisure activities.~~ ~~a. Accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident as described above, or~~ ~~b. Emergency and refuge accommodation, or~~ ~~c. Accommodation for supervision staff and residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not places where residents are subject to detention.~~
Retirement Unit	Oppose in Part	The RVA considers that a 'retirement unit' definition is required to acknowledge the differences from typical residential units in terms of functional and operational needs.	<i>The RVA seeks to add the following 'retirement unit' definition to the Operative Plan:</i> <u>Retirement Unit</u> <u>Means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.</u>
Retirement Village	Oppose in Part	The RVA considers that the definition for retirement village should be inserted to ensure consistency with the National Planning Standards.	<i>The RVA seeks to add the following 'retirement village' definition to the Proposed Plan:</i> <u>Retirement Village</u> <u>Means a comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.</u>



Provision	Submission Position	Reason for submission	Relief Sought
Chapter 7: Residential Zones			
Objective RE1 – Living Style	Support in Part	The RVA supports Objective RE1 as it reflects the need for a diversity of residential development consistent with the NPSUD. However, the RVA considers the objective requires amendment to reflect the evidence in its submission concerning the resource management issues relating to the ageing population. The objective needs to clearly recognise and enable the housing and care needs of the ageing population.	<i>The RVA seeks to amend the objective as follows:</i> RE1 Living Style The option of a diversity of residential styles based on the differing characteristics of areas of the city, and differing community and demographic needs. <i>In the alternative:</i> A new objective to enable the housing and care needs of the ageing population.
Policy RE1.9 – Provision of housing for an ageing population	Insert New Policy	The policies for the Residential Zones (eg RE1.6 – 1.8) address housing supply and choice, however they do not address the particular resource management issues relating to the ageing population covered in this submission. The RVA consider that a policy to provide for and acknowledge the following should be integrated into the District Plan: - The diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons; and - The functional and operational needs of retirement villages.	<i>The RVA seeks that a new policy is included in the Residential objective and Policies chapter, as follows:</i> <u>RE1.9 – Provision of housing for an ageing population</u> 1. <u>Enable retirement villages that:</u> a. <u>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services; and</u> b. <u>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.</u> 2. <u>Encourage the scale and design of retirement villages to:</u> a. <u>Be of a high-quality and be aligned with the planned urban character of the zone; and</u>



Provision	Submission Position	Reason for submission	Relief Sought
			b. <u>Achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</u>
RE2.9 – Quality Living Environments for Residents	Oppose in Part	In the experience of the RVA’s members, the on-site amenity needs of retirement villages are often poorly understood by Council officers. Retirement village operators are best placed to design retirement villages that meet the needs of residents. The Residential Design Guide makes no specific reference to retirement villages. In the experience of the RVA’s members, applying requirements designed for standards residential activities in the same manner to retirement villages gives rise to unnecessary consenting complexities (as retirement villages are a unique activity with substantially differing functional and operational needs).	<i>The RVA seeks that the policy be amended to recognise the unique functional and operational needs of retirement villages.</i> <i>The RVA seeks to exclude retirement villages from the applicability of the Residential Design Guide within Appendix 14, opting instead to include all relevant matters within the matters of discretion specific to the retirement village activity.</i>
RE2.10, RE2.11 & RE2.12	Insert New Policies	In addition to the current policies for the Residential Zones, the RVA considers that the following should be considered: - A policy regarding the intensification opportunities provided by larger sites should be included in the District Plan. This policy recognises that larger sites can accommodate greater	<i>The RVA seeks that three new policies are included in the Residential objective and Policies chapter, as follows:</i> <u>RE2.10 – Larger Sites</u> <u>Recognise the intensification opportunities provided by larger sites by providing for more efficient use of those sites.</u> <u>RE2.11 – Changing Communities</u> <u>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Medium and High Density Residential Zones will change</u>



Provision	Submission Position	Reason for submission	Relief Sought
		intensification while internalising environmental effects. - A policy is required that recognises the diverse and changing residential needs of communities, and that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities. This policy gives effects to Objective 4 and Policy 6 of the NPSUD. - It is appropriate for the density standards to be utilised as a baseline for the assessment of effects of developments as noted in the submission above. This policy provides clarity to plan users and Council officers as to the approach for assessment of environmental effects.	<u>over time to enable a variety of housing types with a mix of densities.</u> <u>RE2.12 – Role of Density Standards</u> <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u>
General Residential Zone			
RER.17A – Residential activity	Support in part Insert new rule	PC29 currently addresses retirement villages within a general residential activity rule. The RVA considers that all residential zones (General Residential, Medium Density, and High Density) should include a retirement village specific rule (reflecting the same standards required of them as other	<i>The RVA seeks to insert a new retirement village specific rule into the General Residential, Medium Density, and High Density Residential Zone rules as follows:</i> <u>RER.17X Retirement Village</u> <u>RER.17X.1 Permitted:</u> <u>A retirement village is a permitted activity provided that:</u>



Provision	Submission Position	Reason for submission	Relief Sought
		residential activities in relation to infrastructure) that provides for retirement village activities as a permitted activity, recognising that retirement villages are residential activities that are appropriate in residential zones and provide substantial benefit including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.	a. <u>Habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and</u> b. <u>Stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.</u> <u>Rer.17X.2 Controlled</u> <u>Not applicable</u> <u>Rer.17X.3 Discretionary/Non-complying</u> <u>Rer.17X.3</u> <u>Activities that contravene Rer.17X.1.a are a non-complying activity.</u> <u>Rer.17X.4</u> <u>Activities that contravene Rer.17X.1.b are discretionary.</u> <u>Assessment Criteria</u> <u>Rer.17X.5</u> a. <u>The capacity and suitability of the existing reticulated network for the proposed development.</u> b. <u>The suitability of alternative utility networks or on-site facilities.</u> c. <u>Maintenance and operational requirements.</u> d. <u>The likely service needs for the future development of adjacent or nearby land considering the planned built character of the zone.</u>



Provision	Submission Position	Reason for submission	Relief Sought
			e. <u>The resilience of the services to the likely effects of climate change.</u> f. <u>The timing of works and projects facilitated through the long term plan (or equivalent plans prepared by the reticulated network owner).</u>
Rer.17B Residential units	Oppose in part	The RVA supports restricted discretionary activity status for the construction of retirement village buildings, but considers retirement villages require their own rule and set of focused matters of discretion so to provide for and acknowledge the differences that retirement villages have from other residential activities.	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i>
Rer.17XX – Construction of buildings for a retirement village.	Insert new rule	The RVA considers the standard relating to wheelchair access should not apply as all retirement village buildings will be designed by operators to meet the particular needs of their residents. The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of the retirement village. The RVA also seeks that the construction of retirement villages is precluded from being publicly and limited notified to remain consistent with how other residential activities are treated.	<u>Rer.17XX Construction of buildings for a retirement village.</u> <u>Rer.17XX.1 Permitted:</u> <u>Not applicable</u> <u>Rer.17XX.2 Controlled</u> <u>Not applicable</u> <u>Rer.17XX.3 Discretionary/Non-complying</u> <u>Activity status: Restricted Discretionary</u> <u>Matters of Discretion are limited to:</u> 1. <u>The effects of the building design and development layout on:</u> a. <u>The safety of the street and any adjacent public open space; and</u>



Provision	Submission Position	Reason for submission	Relief Sought
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- b. The quality of the interface between the retirement village buildings and the street and any adjacent public open space;
 - c. Adjoining sites with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and
 - d. The ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and
 - e. Effects on the safe and efficient operation of the transport network.
2. When assessing the matters in (1), consider:
- a. The need to provide for efficient use of larger sites.
 - b. The functional and operational needs of the retirement village.
3. The positive effects of the construction, development and use of the retirement village.

Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval or affected persons.

Rer.17XX.4 – Assessment Criteria

Regard is to be had to the following matters:



Provision	Submission Position	Reason for submission	Relief Sought
			a. <u>Safety of the street:</u> i. <u>whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security.</u> b. <u>Quality of the interface:</u> i. <u>whether development provides a high quality interface with the street or public open space. This includes providing articulation and modulation of the building form, minimising long expanses of blank walls and at grade carparking/garage doors.</u> ii. <u>whether development provides landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.</u> c. <u>Neighbouring sites:</u> i. <u>without limiting the ability to achieve the planned built character for the zone, whether:</u> a. <u>mitigate visual dominance effects through the articulation and modulation of building design; and</u> b. <u>mitigate privacy effects on adjoining sites, through the orientation and design of habitable rooms and outdoor</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; and</u> c. <u>mitigate shading effects on adjoining sites through building placement, setbacks, stepping or breaks in building form along side or rear boundaries.</u> d. <u>Parking, Access and Servicing:</u> i. <u>whether safe and efficient access that is easily identifiable is provided from the street to the site.</u> ii. <u>whether vehicle access, cycle parking and carparking areas are designed as low speed environments with appropriate provision for pedestrian movement.</u> iii. <u>whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).</u> iv. <u>whether the development can be adequately serviced for firefighting water supply in accordance with the New Zealand Fire Service Water Supplies Code of Practice.</u> e. <u>Safe operation of the transport network:</u> i. <u>see Appendix 10 and Appendix 11.</u>



Provision	Submission Position	Reason for submission	Relief Sought
Rer.17F – Outdoor Living Court	Support in Part	The RVA consider that as a result of retirement villages providing a range of private and communal outdoor areas, the standard must be amended to enable communal areas to count towards the amenity standard. Further, indoor living spaces are particular important for retirement village residents given their sensitivity to the elements.	<i>The RVA seeks to amend the permitted section of Rer.17F to provide for outdoor living court requirements that are appropriate for retirement villages:</i> Rer.17F.1 Any residential unit must be provided with an outdoor living court having at least the following area and dimensions per residential unit: a. ... b. ... c. ... d. ... e. ... f. ... <u>For retirement units:</u> a. <u>The outdoor living court may be whole or in part grouped cumulatively in 1 or more communally accessible locations and/or located directly adjacent to each retirement unit; and</u> b. <u>A retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living court.</u>
Rer.17L – Outlook and Privacy	Support in Part	In a retirement village environment multiple communal spaces are available for residents, and residents do not rely on the outlook from retirement units alone for their amenity needs. In addition, the layout of retirement villages	<i>The RVA seeks to amend the permitted section of REr.17L to provide for the outlook and privacy requirements that are appropriate for retirement villages:</i> Rer.17L.1



Provision	Submission Position	Reason for submission	Relief Sought
		(particularly care rooms) means that it can be difficult to comply with the proposed standard. The RVA considers amendments should be made to Rer.17L to provide for outlook space requirements that are appropriate for retirement villages.	Residential units are permitted if: a. ... b. ... c. ... d. ... e. ... f. ... g. ... h. ... <u>For retirement units, the above applies with the following modification:</u> a. <u>The minimum dimensions for a require outlook space are 1 metre in depth and 1 metre in width for a living area and all other habitable spaces.</u>
Rer.17.M – Glazing to the Street	Support in Part	The RVA supports Rer.17.M and the windows to street provisions in principle which reflect the windows to street standard of the MDRS, however consider that the standard should be amended to provide for retirement units and remove the requirement for these to be provided when facing a private vehicle and pedestrian accessway.	<i>The RVA seeks to amend the permitted section of REr.17M to provide for retirement units within the rule requirements:</i> Rer.17M.1 Residential/<u>retirement</u> units are permitted if: a. Any residential <u>or retirement</u> unit facing the <u>public</u> street has a minimum of 20% of the street-facing façade in the form of windows or doors. b. ... c. ...



Provision	Submission Position	Reason for submission	Relief Sought
			d. For the purpose of this rule, where a residential/ retirement unit faces more than one street, the 20% glazing shall be calculated based on the total of all street facing facades (excluding roof spaces fully enclosed by the gable).
Medium Density Residential Zone			
Rer.18A – Residential activity	Support in part	PC29 currently addresses retirement villages within a general residential activity rule.	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i>
Rer.18X – Retirement Village	Insert new rule	The RVA considers that all residential zones (General Residential, Medium Density, and High Density) should include a retirement village specific rule (reflecting the same standards required of them as other residential activities in relation to infrastructure) that provides for retirement village activities as a permitted activity, recognising that retirement villages are residential activities that are appropriate in residential zones and provide substantial benefit including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.	<u>RER.18X Retirement Village</u> <u>Rer.18X.1 Permitted:</u> <u>A retirement village is a permitted activity provided that:</u> <u>Habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and</u> <u>Stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.</u> <u>Rer.18X.2 Controlled</u> <u>Not applicable</u> <u>Rer.18X.3 Discretionary/Non-complying</u> <u>Rer.18X.3</u> <u>Activities that contravene Rer.18X.1.a are a non-complying activity.</u> <u>Rer.18X.4</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>Activities that contravene Rer.18X.1.b are discretionary.</u> <u>Assessment Criteria</u> <u>Rer.18X.5</u> a. <u>The capacity and suitability of the existing reticulated network for the proposed development.</u> b. <u>The suitability of alternative utility networks or on-site facilities.</u> c. <u>Maintenance and operational requirements.</u> d. <u>The likely service needs for the future development of adjacent or nearby land considering the planned built character of the zone.</u> e. <u>The resilience of the services to the likely effects of climate change.</u> f. <u>The timing of works and projects facilitated through the long term plan (or equivalent plans prepared by the reticulated network owner).</u>
Rer.18B Residential units	Oppose in part	The RVA supports restricted discretionary activity status for the construction of retirement village buildings, but considers retirement villages require their own rule and set of focused matters of discretion so to provide for and acknowledge the differences that retirement villages have from other residential activities.	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i> <u>Rer.18XX Construction of buildings for a retirement village.</u> <u>Rer.18XX.1 Permitted:</u> <u>Not applicable</u>
Rer.18XX – Construction of buildings for a retirement village.	Insert new rule	The RVA considers the standard relating to wheelchair access should not apply as all retirement village buildings will be designed	<u>Rer.18XX.2 Controlled</u> <u>Not applicable</u>



Provision	Submission Position	Reason for submission	Relief Sought
		by operators to meet the particular needs of their residents. The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of the retirement village. The RVA also seeks that the construction of retirement villages is precluded from being publicly and limited notified to remain consistent with how other residential activities are treated.	<u>Rer.18XX.3 Discretionary/Non-complying</u> <u>Activity status: Restricted Discretionary</u> <u>Matters of Discretion are limited to:</u> 1. <u>The effects of the building design and development layout on:</u> a. <u>The safety of the street and any adjacent public open space; and</u> b. <u>The quality of the interface between the retirement village buildings and the street and any adjacent public open space;</u> c. <u>Adjoining sites with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and</u> d. <u>The ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and</u> e. <u>Effects on the safe and efficient operation of the transport network.</u> 2. <u>When assessing the matters in (1), consider:</u> a. <u>The need to provide for efficient use of larger sites.</u> b. <u>The functional and operational needs of the retirement village.</u>



Provision	Submission Position	Reason for submission	Relief Sought
			3. <u>The positive effects of the construction, development and use of the retirement village.</u> <u>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval or affected persons.</u> <u>Rer.18XX.4 Assessment Criteria</u> <u>Regard is to be had to the following matters:</u> <u>a. Safety of the street:</u> <u>i. whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security.</u> <u>b. Quality of the interface:</u> <u>i. whether development provides a high quality interface with the street or public open space. This includes providing articulation and modulation of the building form, minimising long expanses of blank walls and at grade carparking/garage doors.</u> <u>ii. whether development provides landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.</u> <u>c. Neighbouring sites:</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<i>i. <u>without limiting the ability to achieve the planned built character for the zone, whether:</u></i> <i>a. <u>mitigate visual dominance effects through the articulation and modulation of building design; and</u></i> <i>b. <u>mitigate privacy effects on adjoining sites, through the orientation and design of habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; and</u></i> <i>c. <u>mitigate shading effects on adjoining sites through building placement, setbacks, stepping or breaks in building form along side or rear boundaries.</u></i> <i>d. <u>Parking, Access and Servicing:</u></i> <i>i. <u>whether safe and efficient access that is easily identifiable is provided from the street to the site.</u></i> <i>ii. <u>whether vehicle access, cycle parking and carparking areas are designed as low speed environments with appropriate provision for pedestrian movement.</u></i> <i>iii. <u>whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened and can be safely</u></i>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>serviced by appropriate collection vehicles (if on-site collection is proposed).</u> <u>iv. whether the development can be adequately serviced for firefighting water supply in accordance with the New Zealand Fire Service Water Supplies Code of Practice.</u> <u>e. Safe operation of the transport network:</u> <u>i. See Appendix 10 and Appendix 11.</u>
Rer.18F – Outdoor Living Court	Support in Part	The RVA consider that as a result of retirement villages providing a range of private and communal outdoor areas, the standard must be amended to enable communal areas to count towards the amenity standard. Further, indoor living spaces are particular important for retirement village residents given their sensitivity to the elements.	<i>The RVA seeks to amend the permitted section of Rer.18F to provide for outdoor living court requirements that are appropriate for retirement villages:</i> Rer.18F.1 Any residential unit must be provided with an outdoor living court having at least the following area and dimensions per residential unit: a. ... b. ... c. ... d. ... e. ... f. ... <u>For retirement units:</u> a. <u>The outdoor living court may be whole or in part grouped cumulatively in 1 or more communally</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>accessible locations and/or located directly adjacent to each retirement unit; and</u> b. <u>A retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living court.</u>
Rer.18L – Outlook and Privacy	Support in Part	In a retirement village environment multiple communal spaces are available for residents, and residents do not rely on the outlook from retirement units alone for their amenity needs. In addition, the layout of retirement villages (particularly care rooms) means that it can be difficult to comply with the proposed standard. The RVA considers amendments should be made to Rer.17L to provide for outlook space requirements that are appropriate for retirement villages.	<i>The RVA seeks to amend the permitted section of REr.18L to provide for the outlook and privacy requirements that are appropriate for retirement villages:</i> Rer.18L.1 Residential units are permitted if: a. ... b. ... c. ... d. ... e. ... f. ... g. ... h. ... <u>For retirement units, the above applies with the following modification:</u> <u>The minimum dimensions for a require outlook space are 1 metre in depth and 1 metre in width for a living area and all other habitable spaces.</u>



Provision	Submission Position	Reason for submission	Relief Sought
Rer.18.M – Glazing to the Street	Support in Part	The RVA supports Rer.18.M and the windows to street provisions in principle which reflect the windows to street standard of the MDRS, however consider that the standard should be amended to provide for retirement units and remove the requirement for these to be provided when facing a private vehicle and pedestrian accessway.	<i>The RVA seeks to amend the permitted section of REr.18M to provide for retirement units within the rule requirements:</i> Rer.18M.1 Residential/<u>retirement</u> units are permitted if: - Any residential <u>or retirement</u> unit facing the <u>public</u> street has a minimum of 20% of the street-facing façade in the form of windows or doors. For the purpose of this rule, where a residential/<u>retirement</u> unit faces more than one street, the 20% glazing shall be calculated based on the total of all street facing facades (excluding roof spaces fully enclosed by the gable).
Rer.18S – Maximum Building Length	Support in Part	The RVA considers that “functional and operational need” should be a matter of discretion when considering any infringements to the maximum building length rule. This is because the functional and operational needs of retirement villages often drive building lengths, however effects can be mitigated through building design.	<i>The RVA seeks to amend the matters of discretion of REr.18S as follows:</i> Rer.18S.3 Discretion is restricted to visual dominance, privacy and shading effects on neighbouring sites and the <u>functional or operational needs of the activity</u>. Rer.18S.4 Assessment Criteria



Provision	Submission Position	Reason for submission	Relief Sought
			d. <u>The extent of the functional and/or operational needs of the activity that relate to the infringement of this rule</u>
High Density Residential Zone			
Rer.19A – Residential activity	Support in part	PC29 currently addresses retirement villages within a general residential activity rule.	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i>
Rer.19X – Retirement Village	Insert new rule	The RVA considers that all residential zones (General Residential, Medium Density, and High Density) should include a retirement village specific rule (reflecting the same standards required of them as other residential activities in relation to infrastructure) that provides for retirement village activities as a permitted activity, recognising that retirement villages are residential activities that are appropriate in residential zones and provide substantial benefit including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.	<u>Rer.19X Retirement Village</u> <u>Rer.19X.1 Permitted:</u> <u>A retirement village is a permitted activity provided that:</u> <u>Habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and</u> <u>Stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.</u> <u>Rer.19X.2 Controlled</u> <u>Not applicable</u> <u>Rer.19X.3 Discretionary/Non-complying</u> <u>Rer.19X.3</u> <u>Activities that contravene Rer.19X.1.a are a non-complying activity.</u> <u>Rer.19X.4</u> <u>Activities that contravene Rer.19X.1.b are discretionary.</u> <u>Assessment Criteria</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>Rer.19X.5</u> <u>The capacity and suitability of the existing reticulated network for the proposed development.</u> <u>The suitability of alternative utility networks or on-site facilities.</u> <u>Maintenance and operational requirements.</u> <u>The likely service needs for the future development of adjacent or nearby land considering the planned built character of the zone.</u> <u>The resilience of the services to the likely effects of climate change.</u> <u>The timing of works and projects facilitated through the long term plan (or equivalent plans prepared by the reticulated network owner).</u>
Rer.19B Residential units	Oppose in part	The RVA supports restricted discretionary activity status for the construction of retirement village buildings, but considers retirement villages require their own rule and set of focused matters of discretion so to provide for and acknowledge the differences that retirement villages have from other residential activities.	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i> <u>RER.19XX Construction of buildings for a retirement village.</u> <u>RER.19XX.1 Permitted:</u> <u>Not applicable</u>
Rer.19XX – Construction of buildings for a retirement village.	Insert new rule	The RVA considers the standard relating to wheelchair access should not apply as all retirement village buildings will be designed by operators to meet the particular needs of their residents.	<u>RER.19XX.2 Controlled</u> <u>Not applicable</u> <u>RER.19XX.3 Discretionary/Non-complying</u>



Provision	Submission Position	Reason for submission	Relief Sought
		The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of the retirement village. The RVA also seeks that the construction of retirement villages is precluded from being publicly and limited notified to remain consistent with how other residential activities are treated.	<u>Activity status: Restricted Discretionary</u> <u>Matters of Discretion are limited to:</u> 1. <u>The effects of the building design and development layout on:</u> a. <u>The safety of the street and any adjacent public open space; and</u> b. <u>The quality of the interface between the retirement village buildings and the street and any adjacent public open space;</u> c. <u>Adjoining sites with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and</u> d. <u>The ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and</u> e. <u>Effects on the safe and efficient operation of the transport network.</u> 2. <u>When assessing the matters in (1), consider:</u> a. <u>The need to provide for efficient use of larger sites.</u> b. <u>The functional and operational needs of the retirement village.</u> 3. <u>The positive effects of the construction, development and use of the retirement village.</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval or affected persons.</u> <u>RER.19XX.4 – Assessment Criteria</u> <u>Regard is to be had to the following matters:</u> <u>a. Safety of the street:</u> <u>i. whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security.</u> <u>b. Quality of the interface:</u> <u>i. whether development provides a high quality interface with the street or public open space. This includes providing articulation and modulation of the building form, minimising long expanses of blank walls and at grade carparking/garage doors.</u> <u>ii. whether development provides landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.</u> <u>c. Neighbouring sites:</u> <u>i. without limiting the ability to achieve the planned built character for the zone, whether:</u> <u>a. mitigate visual dominance effects through the articulation</u>



Provisión	Submission Position	Reason for submission	Relief Sought
			<u>and modulation of building design; and</u> b. <u>mitigate privacy effects on adjoining sites, through the orientation and design of habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; and</u> c. <u>mitigate shading effects on adjoining sites through building placement, setbacks, stepping or breaks in building form along side or rear boundaries.</u> d. <u>Parking, Access and Servicing:</u> i. <u>whether safe and efficient access that is easily identifiable is provided from the street to the site.</u> ii. <u>whether vehicle access, cycle parking and carparking areas are designed as low speed environments with appropriate provision for pedestrian movement.</u> iii. <u>whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).</u> iv. <u>whether the development can be adequately serviced for firefighting water supply in</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>accordance with the New Zealand Fire Service Water Supplies Code of Practice.</u> <u>e. Safe operation of the transport network:</u> <u>i. see Appendix 10 and Appendix 11.</u>
RER.19F - Outdoor Living Court	Support in Part	The RVA consider that as a result of retirement villages providing a range of private and communal outdoor areas, the standard must be amended to enable communal areas to count towards the amenity standard. Further, indoor living spaces are particular important for retirement village residents given their sensitivity to the elements.	<i>The RVA seeks to amend the permitted section of RER.19F to provide for outdoor living court requirements that are appropriate for retirement villages:</i> RER.19F.1 Any residential unit must be provided with an outdoor living court having at least the following area and dimensions per residential unit: a. ... b. ... c. ... d. ... e. ... f. ... <u>For retirement units:</u> a. <u>The outdoor living court may be whole or in part grouped cumulatively in 1 or more communally accessible locations and/or located directly adjacent to each retirement unit; and</u> b. <u>A retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living court.</u>



Provision	Submission Position	Reason for submission	Relief Sought
REr.19L - Outlook and Privacy	Support in Part	In a retirement village environment multiple communal spaces are available for residents, and residents do not rely on the outlook from retirement units alone for their amenity needs. In addition, the layout of retirement villages (particularly care rooms) means that it can be difficult to comply with the proposed standard. The RVA considers amendments should be made to Rer.17L to provide for outlook space requirements that are appropriate for retirement villages.	<i>The RVA seeks to amend the permitted section of REr.19L to provide for the outlook and privacy requirements that are appropriate for retirement villages:</i> REr.19L.1 Residential units are permitted if: a. ... b. ... c. ... d. ... e. ... f. ... g. ... h. ... <u>For retirement units, the above applies with the following modification:</u> <u>The minimum dimensions for a require outlook space are 1 metre in depth and 1 metre in width for a living area and all other habitable spaces.</u>
REr.19.M - Glazing to the Street	Support in Part	The RVA supports REr.19.M and the windows to street provisions in principle which reflect the windows to street standard of the MDRS, however consider that the standard should be amended to provide for retirement units and remove the requirement	<i>The RVA seeks to amend the permitted section of REr.19M to provide for retirement units within the rule requirements:</i> REr.19M.1 Residential/<u>retirement</u> units are permitted if:



Provision	Submission Position	Reason for submission	Relief Sought
		for these to be provided when facing a private vehicle and pedestrian accessway.	a. Any residential or retirement unit facing the public street has a minimum of 20% of the street-facing façade in the form of windows or doors. b. ... c. ... d. For the purpose of this rule, where a residential/retirement unit faces more than one street, the 20% glazing shall be calculated based on the total of all street facing facades (excluding roof spaces fully enclosed by the gable).
RER.19S - Maximum Building Length	Support in Part	The RVA considers that “functional and operational need” should be a matter of discretion when considering any infringements to the maximum building length rule. This is because the functional and operational needs of retirement villages often drive building lengths, however effects can be mitigated through building design.	<i>The RVA seeks to amend the matters of discretion of RER.19S as follows:</i> RER.19S.3 Discretion is restricted to visual dominance, privacy and shading effects on neighbouring sites and the functional or operational needs of the activity. RER.19S.4 Assessment Criteria a. ... b. ... c. ... d. <u>The extent of the functional and/or operational need of the activity that relate to the infringement of this rule</u>



Provision	Submission Position	Reason for submission	Relief Sought
Chapter 8: Inner City			
Policy IC4.4 – Role of Density Standards	Insert New Policy	In addition to the current policies for the Inner City zone, the RVA considers that It is appropriate for the density standards to be utilised as a baseline for the assessment of effects of developments as noted in the submission above.	<i>The RVA seeks that a new policy is included in the Inner City objective and Policies chapter, as follows:</i> <u>IC4.4 – Role of Density Standards</u> <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u>
Policy IC4A.1 – Residential Amenity	Support in Part	The RVA considers policy support for retirement villages (and all other residential activities) at ground floor in the Inner City zone is required as it is appropriate to enable residential intensification in this zone where appropriate, whilst protecting the viability of this commercial area.	<i>The RVA seeks to amend policy IC4A.1 as follows:</i> IC4A.1 Residential Amenity Enable residential activities, and ensure development achieves a good level of amenity for residents consistent with the vibrant mixed use character of the City Centre, including by: - Locating residential/retirement units above ground floor level to provide privacy and at ground floor where appropriate; and - Orientating windows and balconies over the street; and - Providing adequate daylight access for residential units; and - Acoustically insulating residential/retirement units so they are reasonably quiet indoors; and - Providing the amenities necessary to meet the day-to-day needs of residents.



Provision	Submission Position	Reason for submission	Relief Sought
Policy IC4A.2 - Provision of housing for an ageing population	Insert New Policy	The RVA consider that a policy to provide for and acknowledge the following should be integrated into the District Plan to address the particular resource management issues relating to the ageing population covered in this submission: - The diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons; and - The functional and operational needs of retirement villages.	<i>The RVA seeks that a new policy is included in the Inner City objective and Policies chapter, as follows:</i> <u>IC4A.2 – Provision of housing for an ageing population</u> 1. <u>Enable retirement villages that:</u> a. <u>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.</u> b. <u>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.</u> 2. <u>Encourage the scale and design of retirement villages to:</u> a. <u>be of a high-quality and be aligned with the planned urban character of the zone; and</u> b. <u>achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</u>
ICr.35 - Daylight Admission	Oppose in Part	The RVA considers that infringements to built form standards should be considered as restricted discretionary activities with focussed matters of discretion included to manage the effects of the breach.	<i>The RVA seeks for an infringement to the permitted standards of ICr.35 to be a <u>restricted</u> discretionary activity and focussed matters of discretion provided.</i>
ICr.37A - Maximum Building Height	Oppose in Part	The RVA considers that infringements to built form standards should be considered as restricted discretionary activities with	<i>The RVA seeks for an infringement to the permitted standards of ICr.37A to be a <u>restricted</u> discretionary activity within the Inner City Fringe area and focussed matters of discretion provided.</i>



Provision	Submission Position	Reason for submission	Relief Sought
		focussed matters of discretion included to manage the effects of the breach.	
ICr.37D - Residential Activity	Support in Part	The RVA considers that residential activities should be considered as restricted discretionary activities, given that the notified assessment criteria can be used to prepare matters of discretion that appropriately manage the effects of the development.	<i>The RVA seeks that an amendment to rule ICr.37D.3 that activities that contravene a permitted condition are a <u>restricted discretionary activity</u> and focussed matters of discretion provided based on the assessment criteria.</i>
ICr.37E - Retirement Villages	Insert new rule	The RVA supports the provision for residential activities within the Inner City zone, however, considers that a retirement village should be specifically provided with their own rule and restricted discretionary activity status. The matters of discretion are based on the residential assessment criteria. However, a matter of discretion to preserve commercial use is not appropriate given it only applies when residential use is proposed at ground floor.	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i> <u>ICr.37E Retirement Village</u> <u>ICr.37E.1 Permitted:</u> <u>A retirement village is a permitted activity provided that:</u> <u>it is located above the ground floor of any building; and</u> <u>habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and</u> <u>stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.</u> <u>ICr.37E.2 Controlled</u> <u>Not applicable</u> <u>ICr.37E.3 Discretionary/Non-complying</u>



Provision	Submission Position	Reason for submission	Relief Sought
			<u>Activities that contravene a permitted condition are a restricted discretionary activity.</u> <u>Matters of Discretion are limited to:</u> <u>The positive effects of the construction, development and use of the Retirement Village.</u> <u>Mitigation measures to address risk from any flood or inundation hazards.</u> <u>The nature of any neighbouring activity, including in the case of any activity involving hazardous substances, any risk to human health posed by that substance.</u> <u>Where a retirement unit is proposed at ground floor level:</u> <u>the extent to which residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the road.</u> <u>the extent to which the design provides privacy for residents. activity can provide privacy.</u> <u>An application for resource consent made in respect of rule ICr.37E is precluded from being publicly notified.</u> <u>An application for resource consent made in respect of rule ICr.37E that complies with the relevant standards is precluded from being limited notified.</u>



Provision	Submission Position	Reason for submission	Relief Sought
ICr.40A - Outlook Space	Support in Part	In a retirement village environment multiple communal spaces are available for residents, and residents do not rely on the outlook from retirement units alone for their amenity needs. In addition, the layout of retirement villages (particularly care rooms) means that it can be difficult to comply with the proposed standard. The RVA considers amendments should be made to ICr.40A to provide for outlook space requirements that are appropriate for retirement villages. Furthermore, infringements to built form standards should be considered as restricted discretionary activities with focussed matters of discretion included to manage the effects of the breach.	<i>The RVA seeks that rule ICr.40A is amended to provide for retirement units and their functional and operational needs, and to also include any breach of this standard as a restricted discretionary activity only, as follows:</i> ICr.40A Outlook Space Residential/retirement units are permitted if: a. where building contains windows on the wall of a living room and/or bedroom of a residential/<u>retirement</u> unit an outlook space must be provided from the windows in accordance with the diagram and below; and b. ... c. ... d. ... i. ... ii. Not extend over an outlook space or outdoor living space required by another residential/<u>retirement</u> unit; and iii. ... e. ... f. Where outlook is provided within the site it must be clear and unobstructed by buildings, and must not extend over a neighbouring site, or an outlook space required by another residential/<u>retirement</u> unit on the same site; g. ... h. ...



Provision	Submission Position	Reason for submission	Relief Sought
			i. ... <u>For retirement units, the above applies with the following modification:</u> a. <u>The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms</u> ICr.40A.3 Activities that contravene a permitted condition are <u>restricted</u> discretionary. Matters of discretion to manage the breach of this standard can be provided to the Council if required. All references to residential units to be updated to refer to retirement units as well.

Chapter 9: Suburban Commercial

Policy SC2.5A – Scale of Buildings	Support in Part	The RVA considers that the following should be considered within the policy context relating to the scale of buildings: - A policy regarding the intensification opportunities provided by larger sites should be included in the District Plan as such sites provide opportunities to maximise intensification while internalising environmental effects.	<i>The RVA seeks to amend SC2.5A as follows:</i> Enable buildings of generally up to six storeys in areas of the Suburban Commercial Zone that adjoin the High Density Residential Zone to promote the efficient use of land in larger centres that have a diverse mix of activities. Enable buildings of generally up to three storeys in other Suburban Commercial Zone locations to promote the efficient use of land in centres that have a mix of commercial activities, while recognising their role within Nelson’s hierarchy of centres.
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Provision	Submission Position	Reason for submission	Relief Sought
			<u>Recognise the intensification opportunities provided by larger sites within the zone by providing for more efficient use of those sites.</u>
Policy SC2.5A – Role of Density Standards	Insert New Policy	In addition to the current policies for the Suburban Commercial zone, the RVA considers that it is appropriate for the density standards to be utilised as a baseline for the assessment of effects of developments as noted in the submission above.	<i>The RVA seeks that a new policy is included in the Suburban Commercial objective and Policies chapter, as follows:</i> <u>SC2.5A – Role of Density Standards</u> <u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u>
Policy SC2A.1 – Residential Amenity	Support in Part	The RVA considers policy support for retirement villages (and all other residential activities) at ground floor in the suburban commercial zone is required as it is appropriate to enable residential intensification in this zone where appropriate, whilst protecting the viability of this commercial area.	<i>The RVA seeks to amend policy SC2A.1 as follows:</i> SC2A.1 Residential Amenity Enable residential activities, and ensure development achieves a good level of amenity for residents consistent with the vibrant mixed use character of the City Centre, including by: - Locating residential/<u>retirement</u> units above ground floor level to provide privacy <u>and at ground floor where appropriate</u>; and - Orientating windows and balconies over the street; and - Providing adequate daylight access for residential units; and - Acoustically insulating residential/<u>retirement</u> units so they are reasonably quiet indoors; and - Providing the amenities necessary to meet the day-to-day needs of residents.



Provision	Submission Position	Reason for submission	Relief Sought
Policy SC2A.2 - Provision of housing for an ageing population	Insert New Policy	The RVA consider that a policy to provide for and acknowledge the following should be integrated into the District Plan to address the particular resource management issues relating to the ageing population covered in this submission: - The diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons; and - The functional and operational needs of retirement villages.	<i>The RVA seeks that a new policy is included in the Suburban Commercial objective and Policies chapter, as follows:</i> <u>SC4A.2 – Provision of housing for an ageing population</u> 1. <u>Enable retirement villages that:</u> a. <u>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.</u> b. <u>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.</u> 2. <u>Encourage the scale and design of retirement villages to:</u> a. <u>be of a high-quality and be aligned with the planned urban character of the zone; and</u> b. <u>achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</u>
SCr.20A - Residential Activity	Support in Part	The RVA considers that residential activities should be considered as restricted discretionary activities, given that the notified assessment criteria can be used to prepare matters of discretion that appropriately manage the effects of the development.	<i>The RVA seeks that an amendment to rule SCr.20A.3 that activities that contravene a permitted condition are a <u>restricted discretionary activity</u> and focussed matters of discretion provided based on the assessment criteria.</i>
SCr.20C - Retirement Villages	Insert new rule	The RVA supports the provision for residential activities within the Suburban	<i>The RVA seeks to insert a new retirement village specific rule framework as follows:</i>



Provision	Submission Position	Reason for submission	Relief Sought
		Commercial zone, however, considers that a retirement village should be specifically provided with their own rule and restricted discretionary activity status. The matters of discretion are based on the residential assessment criteria. However, a matter of discretion to preserve commercial use is not appropriate given it only applies when residential use is proposed at ground floor.	<u>SCr.20C Retirement Village</u> <u>SCr.30C.1 Permitted:</u> <u>A retirement village is a permitted activity provided that:</u> <u>1. it is located above the ground floor of any building; and</u> <u>2. habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and</u> <u>3. stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.</u> <u>SCr.20C.2 Controlled</u> <u>Not applicable</u> <u>SCr.20C.3 Discretionary/Non-complying</u> <u>Activities that contravene a permitted condition are a restricted discretionary activity.</u> <u>Matters of Discretion are limited to:</u> <u>1. The positive effects of the construction, development and use of the Retirement Village.</u> <u>2. Mitigation measures to address risk from any flood or inundation hazards.</u> <u>3. The nature of any neighbouring activity, including in the case of any activity involving hazardous substances, any risk to human health posed by that substance.</u>



Provision	Submission Position	Reason for submission	Relief Sought
			4. <u>Where a retirement unit is proposed at ground floor level:</u> a. <u>the extent to which residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the road.</u> b. <u>the extent to which the design provides privacy for residents. activity can provide privacy.</u> c. <u>An application for resource consent made in respect of rule SCr.20C is precluded from being publicly notified.</u> <u>An application for resource consent made in respect of rule SCr.20C that complies with the relevant standards is precluded from being limited notified.</u>
SCr.22 - Maximum Building Height	Oppose in Part	The RVA considers that infringements to built form standards should be considered as restricted discretionary activities with focussed matters of discretion included to manage the effects of the breach.	<i>The RVA seeks for an infringement to the permitted standards of SCr.22 to be a restricted discretionary activity and focussed matters of discretion provided.</i>
SCr.27 - Daylight Admission	Oppose in Part	The RVA considers that infringements to built form standards should be considered as restricted discretionary activities with focussed matters of discretion included to manage the effects of the breach.	<i>The RVA seeks for an infringement to the permitted standards of SCr.27 to be a restricted discretionary activity and focussed matters of discretion provided.</i>



Provision	Submission Position	Reason for submission	Relief Sought
SCr.30 - Outdoor Living Court – Residential activity	Oppose in Part	The RVA considers that infringements to built form standards should be considered as restricted discretionary activities with focussed matters of discretion included to manage the effects of the breach.	<i>The RVA seeks the following amendments to SCr.30:</i> SCr.30.1 Permitted Any residential/~~retirement~~ unit must be provided with an outdoor living court having at least the following area and dimensions per residential/~~retirement~~ units: a. ... b. ... c. ... <u>For retirement units:</u> a. <u>The outdoor living court may be whole or in part grouped cumulatively in 1 or more communally accessible locations and/or located directly adjacent to each retirement unit; and</u> b. <u>A retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living court.</u> <i>The RVA also seeks for an infringement to the permitted standards of SCr.30 to be a ~~restricted~~ discretionary activity and focussed matters of discretion provided.</i>
SCr.30A - Outlook Space	Support in Part	The RVA considers that in a retirement village environment (that has multiple communal spaces available for residents), the standard as notified is not directly relevant. The RVA considers amendments should be	<i>The RVA seeks that rule SCr.30A is amended to provide for retirement units and their functional and operational needs, and to also include any breach of this standard as a restricted discretionary activity only and focussed matters of discretion provided, as follows:</i>



Provision	Submission Position	Reason for submission	Relief Sought
		made to SCr.30A to provide for outlook space requirements that are appropriate for retirement villages. Furthermore, infringements to built form standards should be considered as restricted discretionary activities with focussed matters of discretion included to manage the effects of the breach.	SCr.30A Residential/<u>retirement</u> unit - Outlook Space Residential/retirement units are permitted if: ” <u>For retirement units, the above applies with the following modification:</u> <u>The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms</u> SCr.30A.3 Activities that contravene a permitted condition are <u>restricted</u> discretionary. Matters of discretion to manage the breach of this standard can be provided to the Council if required. All references to residential units to be updated to refer to retirement units as well.



Provision	Submission Position	Reason for submission	Relief Sought
SCr.30C – Residential unit – acoustic insulation	Support in Part	The RVA considers an amendment to SCr.30C is required to capture this rule under the new “retirement unit” definition.	<i>The RVA seeks to amend the rule to refer to retirement units.</i> <i>SCr.30C – Residential/<u>retirement</u> unit – acoustic insulation</i>
Volume 3: Appendices			
Appendix 10 - Standards and terms for parking and loading	Oppose in Part	The RVA seeks amendments to Appendix 10 to exclude developments with a dedicated garage or basement space from bicycle parking requirements. The RVA opposes Table AP10.4A, as due to the age and frequency of mobility constraints amongst retirement village residents, it is not practicable to apply the minimum number of onsite cycling requirements to retirement villages at the same rate as it is applied to other residential activities.	<i>The RVA seeks for retirement villages to be either excluded from the bicycle parking minimums, or for the following standards to be applied as applicable:</i> Table AP10.4A.1 <u>Retirement villages</u> <u>[Visitor Cycle Parking] N/A</u> <u>[Secure Long Stay Cycle Parking] Minimum 1, 0.1 per staff member* (for retirement villages without a dedicated garage or basement car parking space).</u>



N00CS: 539570224-18240

Received: 30/10/23
Submissions: 902

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

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

Submitter:

Full Name: John Joseph Fortak
Address:

Nelson 7010

Telephone:

Email: johnfortake@hotmail.com

Signature of Submitter:



Date: 28th 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...

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, very time consuming 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 in its entirety, so they can formulate and articulate a suitable response.
- f) 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.

I believe NCC should budget funds for a survey of inner city properties for the assessment of viability of dwellings incorporated into existing buildings and dwelling potential of vacant and soon to be vacant properties. Working with building owners to discuss the benefits of incorporating homes into the built fabric.

Some sort of incentive funding would also help property owners to seriously consider dwellings incorporated into their properties.

Does the councils town planners even know how many built unused spaces there are in the CBD?

Received: 30/10/23

Submission: 5903

NOOCS: 539570224-18242

Senior Planning Administrator

RMA Plan Submission

Nelson City Council

PO Box 645

Nelson 7040

Environmental.planning@ncc.govt.nz

Submitter:

Full Name: Nigel Perks

Address:

Telephone:

Email: info@nigelperksdiscovery.com

Signature of Submitter:

Date:

27 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...

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.

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- 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.

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.
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5) Sunlight Recession Planes and Shading Effects

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

6) Privacy and Outlook

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

7) Intensification

- a) I strongly oppose the High-Density Residential Zone. It is by no way in character or in keeping with any existing 'Low Rise' Nelson residential suburb and beyond the MDS legal mandate.
 - i) I ask Council to remove HDRZ from the plan completely.
 - ii) I ask Council to apply the new General Residential Zone equally across the entire Nelson district on the introduction of PC29, on the basis that AP15 Daylight Admission protection rules will apply to all pre-existing properties, unless the owner gives written approval to the contrary.
- b) I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - i) I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley.
- c) Building holiday apartments that sit empty for long periods, does not solve our intensification, growth and affordability dilemma, and yet it locks up our valuable housing resource. Eg Rocks & Haven Road has many empty apartments.
 - i) I ask Council to consider solutions to mitigate against new-build empty holiday apartments.
- d) I oppose the increase of residential units beyond 4, as a **restricted discretionary** activity that does **NOT** require notification and written approval from neighbours.
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to live in the City Centre because of its easy access to offices, shops, entertainment and varied open spaces and experiences’.

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- 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.
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- 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.
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- 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



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

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

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

OFFICE USE

Submission No: S904

Date Received Stamp:

30/10/23

NDOCs No: 539570224-18243

*Required

Submitter Details

Full Name*	Katherine Helen Waide		
Organisation			
Contact Person			
Postal address*			
Telephone*	Email*	kate.h.waide@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.

K. H. Waide

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)

27/10/2023

Date*

RMA Submission Form for Publicly Notified Plan Change 29

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

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

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

My submission is*:

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

attached to the back.

RMA Submission Form for Publicly Notified Plan Change 29

I seek the following decision from the Council*:

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

Note:

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

I am opposed to the plan 29 to intensify the beautiful Suburb of Stoke.

Stoke has been my home all of my life.

I own a small Sunny section which backs on to a Suburban/Commercial Zone.

If this plan goes ahead in its current form, I will face being blocked in with no Sunlight, more noise and no privacy.

Stoke offers very little job opportunities, in fact there were more shops and banks in the 80's than what there is to offer now.

Stoke has had some huge housing subdivisions, including the opening up of Exeter Street, Marsden Valley and Ngawhata just to name a few.

Stoke is a popular place for families as we have many schools, Primary, intermediate and the Zoned Nayland College.

Apartments and units are not what families need.

I propose that the existing public housing in areas such as Karaka Street, Orchard Street and Seaview road could all be redeveloped into medium density housing as this would bring these existing buildings into a modern 21st century and not have a negative effect on existing residential areas in Stoke.

I believe that intensification needs to stay within the Nelson CBD area where you are working and needing more of a vibrant atmosphere.

Unfortunately overseas co-operates and online shopping have changed our shopping habits and has had a negative affect on your local family owned business, hence the amount of vacant shops and buildings in the CBD.

Along with intensification in town, there needs to be at least another co-ed college built to

take the pressure off existing co-ed colleges. As a ratepayer I voted you in to work for me, not Central Government and I suggest that you opt out of this plan and redesign something else that does not have a negative effect on already existing homes.

Our infrastructure is already not coping with the amount of people already residing in Nelson.

Hospitals, Doctors, wastewater and the roads are a complete shambles, Nelson is becoming a rundown city which is a shame.

Rev 0.1

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

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

Environmental.planning@ncc.govt.nz

Submitter (Complete details below):Full Name: *Katherine Helen Waide*

Address:

Telephone:

Email: *Kate.h.waide@gmail.com*Signature of Submitter: *K.H. Waide*Date: *27/10/23*

Delete as applicable: -

I **COULD/COULD NOT** obtain an advantage in trade competition through this submission.I **WISH/DO NOT WISH** to be heard in support of my submission.

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- (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'.

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

8) Progressively Phased Intensification

- a) Firstly, Inner City should be the starting place to have the most significant intensification, before forcing it onto the residential neighbourhoods, this can give more time to complete a better design vision for our residential neighbourhoods.
 - i) I ask Council to make better utilization of Car Only spaces, by developing them into shared spaces, with Accommodation overhead. 'Nelsust' highlights 44% of the Inner City as Car only spaces.
 - ii) I ask Council to retain para ICd.11 'The zone enables and encourages an increase in the density and diversity of quality housing in the City Centre by enabling residential activity above ground floor level. It is expected that over time, more people will choose

to live in the City Centre because of its easy access to offices, shops, entertainment and varied open spaces and experiences’.

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

9) Intensification in hazard zones

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

10) On-street carparking

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

11) Social Housing

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

12) Infrastructure

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

Plan Change 29 was sprung on people and was difficult in parts to understand, daylight angles/ recession planes, etc far too hard to digest, figure out and read .. this caused much anger and anxiety for people and is unfair. Therefore I would like this Plan rejected and done properly.

I emailed our Mayor and Councillors, re Plan Change 29, the Mayor replied personally, but only 2 Councillors read my email.

There are many ordinary people like us who would like to submit, but who are not qualified, do not have the expertise, knowledge and confidence to do this ... also there are many people who do not have computer, or have ability to use one. Not everyone has social media ... Face Book etc accounts.

Please redo this Plan Change 29 ... I would like to think that local Building/ Landscape Architects will be given the opportunity to input, (without cause for exorbitant fees to Ratepayers) the process has to be done in the correct manner.

Infrastructure and roads need attention first. Streets for People and Richmond on the Rise are a waste of taxpayers' money... there are many more important projects need commonsense and practical attention.

Do not want to see intensification and development controlled by Kainga Ora, Developers, Iwi and other landowners.

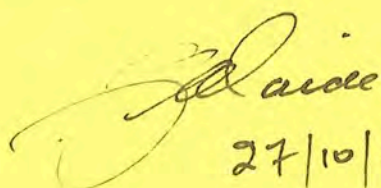
There is many empty housing in Nelson sitting empty – why? Where is the data re housing demand to justify this Plan?

We need to savour our Sunshine – a factor that makes your soul soar. Blocking it affects moods and mental health. Intensive housing leads to all sorts of social issues .. noise, loss of privacy, health, Covid and recurring viruses are here to stay and close living has been proven to be detrimental.

I would like to see a HEIGHT limit put on all buildings. No buildings on the ridgelines and we need to keep views of surrounds, hills, sea etc and not be blocked.

Lighting (the night Sky) has to be an important consideration.

Any intensification planned near existing buildings/homes, owners must be notified and have the right of objecting.


27/10/2023

Received: 30/10/23

Submission: 8905

NPOCS: 539570224-18248

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: David and Clare Haig

Address:

Telephone:

Email: david.clare.haig@gmail.com

Signature of Submitter:

Date: 26/10/2023

David Haig
Clare R Haig

Delete as applicable: -

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, 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 it in 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 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.

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. there was wholesale destruction of these from the 1960's onwards, and the very few remaining examples must absolutely be protected.
- 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. There is a shocking lack of design and aesthetic guidelines in even historic areas of Nelson, and it is time Council took up the challenge of recognising ugly and inappropriate designs for what they are.
- 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 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.
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- 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: S906
NDX: 539570224-18249

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

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

Submitter:

Full Name: **John Stone**

Address: :

Telephone:

Email: **zatujohn@gmail.com**

Signature of Submitter:



Date: **28th 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...

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) 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, very time consuming and unnecessary.
- c) 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.
- d) 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 the 7th Sept public meeting.
 - ii) PC29 media engagement was only increased because of public pressure at the 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.
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- 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, 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.
- b) 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.
- c) 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".
- d) 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: -
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 - vii) 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.
 - (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.
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- 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.
 - 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 car parking

- 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 lanes 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 the 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) 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 stormwater.

I appreciate the opportunity to record
my concerns. +

Thank you

John Sobue.

30/10/23

Submission: 5907

Nbocs: 539570224-18251

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

RECEIVED

30 OCT 2023

NELSON CITY COUNCIL

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: James Douglas McNabb

Address:

Telephone:

Email: jim.mcnaabb36@gmail.com.

Signature of Submitter:

Date:

J.D. McNabb
30/10/23.

Delete as applicable: -

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

I **WISH/DO NOT 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.
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- 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.

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- c) All existing houses built prior to and under the current daylight admission rules will be subjected to the loss of sunlight amenity under PC29 with the following effects: -
 - i) Increased levels of mental health illness, anxiety and stress.
 - ii) Increased levels of damp homes with associated mould and mildew and respiratory illnesses.
 - iii) Shadowing of 'Green Energy' Solar Arrays and Passive Solar Energy Heating.
 - iv) Increased heating costs, air pollution, carbon foot print, are all exasperated due to a large portion of Nelson housing is old, with un-insulated walls and single glazing and open fires were legislated out of use many years ago.
 - v) Reduction in property values and increased financial stress, because the house would be less desirable to live in.
 - vi) Residents, struggling with the cost-of-living crisis may not afford to heat their home.
 - vii) Property owners will be reluctant to invest in making additional new (low rise) infill improvements on their section, with affordable additional units that **COULD** be over shadowed and devalued by a wealthier developer who could afford to build a multi-storey development next door at any time in the future.
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 - i) I ask Council to remove HDRZ from the plan completely.
 - ii) I ask Council to apply the new General Residential Zone equally across the entire Nelson district on the introduction of PC29, on the basis that AP15 Daylight Admission protection rules will apply to all pre-existing properties, unless the owner gives written approval to the contrary.
- b) I am strongly opposed to all new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification.
 - i) I ask Council to ensure a minimum of two storey dwellings be built on all new green field developments. Eg Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley.
- c) Building holiday apartments that sit empty for long periods, does not solve our intensification, growth and affordability dilemma, and yet it locks up our valuable housing resource. Eg Rocks & Haven Road has many empty apartments.
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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.

Rec: 31/10/23.
Sub No: 5908
NDRC: 539570224-18256

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: Joel Collier.

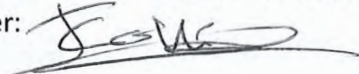
Full Name: Joel Collier

Address:

Nelson 701

Telephone:

Email: joelcollier@xtra.co.nz

Signature of Submitter: 

Date: **31st October 2023**

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

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

I 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, very time consuming 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 in its entirety, so they can formulate and articulate a suitable response.
- f) 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)
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 - 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".
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 - 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.
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- (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.

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 - iii) I strongly oppose the Medium and High density plan change in the Tahunanui Hills area (Tosswill, Tamaki etc).
- 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.
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- 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) 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, Tosswill Rd, Tamaki St, Chamberlian, 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.
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- c) I ask the Council to include a plan to mitigate against the increased capacity requirements for storm water.

Rec: 31/10/23
Sub No: 5909
NDoc: 339570224-18259
MUST be sent or delivered by 31/10/23 4pm to:

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

Submitter:

Full Name: Judith Lesley Haywood

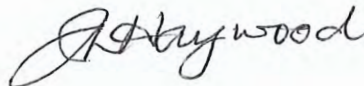
Address:

Nelson 7010

Telephone: - - - - -

Email: jub1149@xtra.co.nz

Signature of Submitter:



Date: 31st October 2023

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

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

I 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, very time consuming 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 in its entirety, so they can formulate and articulate a suitable response.
- f) 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.

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- 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.

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- i) ~~See attached photos (Mt St 1-6 and Konini St 1 & 2)~~
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Received: 30/10/23

Submitter: 5910

NBOS: 539570224-18261

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: Myron Oulton

Address:

Telephone:

Email: moandnic@tra.co.nz

Signature of Submitter: [Signature]

Date: 26.10.23

Delete as applicable: -

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

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

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- 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.