

**Nelson Resource Management Plan:
Proposed Plan Change 05/02
(General)**

Summary of Decisions Requested

**N.B 'Further Submissions' close:
28 July 2006**



2005/02 NRMP Proposed Changes – Summary of Decisions Requested (Summary by Topic)

Change No. 6 Heritage Buildings in the Wakefield Quay Precinct

Submitter: New Zealand Historic Places Trust/Pouhere Taonga
Contact: Paynter, Laura
Sub#: 8

Statement# 8.6

Oppose

Details:

The NZHPT opposes proposed Change 6 in part.

Change 6 clarifies that the heritage rules REr85-REr88 do apply to listed heritage buildings and the NZHPT supports the inclusion of additional language to this effect. However, NZHPT recommends that the demolition of a listed heritage building be a non-complying activity.

Remedy:

Retain the wording of REr84.3 "if the building is not a Group A Heritage Building listed in Appendix 1"

Amend the general heritage rules so that demolition of any listed heritage building (with the inclusion of Group C buildings that the demolition of is currently listed as permitted) is a non-complying activity.

Separate plan change request:

Review heritage rules for demolition (separate plan change).

Review notification and affected part approval requirements for resource consents affecting heritage buildings.

Notification of NZHPT should be carried out as an affected party on future reviewed of the heritage rules and consents.

Change No. 7 Archaeological Sites

Submitter: Chambers, E
Sub#: 3

Statement#: 3

Support

Details:

The alterations to Change 7 are supported and the following sites are recommended for inclusion:

- 1) Ngatiawa Street
- 2) Ngatitama Street
- 3) Hallowell Cemetery

Reasons:

Ngatiawa and Ngatitama are identified as Maori campsites (1828).

Hallowell Cemetery holds the bones of Maori Tupuna

Remedy:

Add the following sites to the Archaeological listing in Appendix 3 and the relevant planning maps.

- 1) Ngatiawa Street
- 2) Ngatitama Street
- 3) Hallowell Cemetery

Submitter: New Zealand Historic Places Trust/Pouhere Taonga
Contact: Paynter, Laura
Sub#: 8

Statement# 1

Support

The NZHPT supports proposed Change 7

Change No. 8 Heritage Trees

Submitter: Phillipps, John Charles Francis
Sub#: 1

Statement# 1

Support

Details:

Addition of Landscape Tree to Appendix 2:

48 Shelbourne Street - White Mulberry

Reasons:

The owner is delighted that the tree is to become a Landscape Tree and thus receive legal protection.

Remedy:

Addition of Landscape Tree to Appendix 2:

48 Shelbourne Street - White Mulberry

Change No. 9 Location of Buildings over or alongside Drains/Pipes

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6. 1

Oppose

Details:

Mr Johnson seeks to clarify the wording and significance of some of the proposed changes.

Reasons:

The intent of the wording relating to the diagram in REr.34.5 needs clarifying and the wording also needs to be made consistent between zones.

The significance of the 30 degree line in the diagram needs clarification.

In REr.34.1 the separation distance between structures and pipes or drains is inadequate in respect of larger drains/pipes, and differs from the NCC Engineering Standards.

Remedy:

The words "centreline" and "outside" in REr.34.1 a) i, ii and iv be replaced with "nearside".

The two lines of text above the diagram in REr.34.5 "1m for pipes... ..300mm diameter" be deleted.

The diagram in REr.34.5 be amended as per an alternative diagram supplied by Mr Johnson.

These decisions sought also relate to equivalent rules for other zones.

Change No. 10 Building on Low Lying Sites

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6.2

Support

Details:

The submission does not oppose proposed Change 10 but it is noted that this rule has not been included in the Open Space Zone.

Reasons:

Consistency.

Remedy:

Include the rule in the Open Space Zone.

Change No. 11 Defensible Space and Fire Protection

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13. 1

Oppose

Details:

The expansion of the concept of defensible space to all buildings larger than 10m² is excessive.

Reasons:

In some environments this will result in adverse impacts on other issues such as removal of bush and other landscaping which softens the impact of development in the environment.

Remedy:

Retain the rule as it exists in the operative plan.

Submitter: Briggs, Hugh Robert
Sub#: 2

Statement# 2.1

Support in part**Details:**

Supports control over larger buildings by deleting 'controlled activity' status but does not support the use of the 800m² floor limit threshold. Introduce clear guidelines to enhance appearance of larger buildings.

Reasons:

The design of a building to 'fit in' with adjacent residential areas is more of a significant issue than the actual size of the building. As controlled activities, there are no clear guidelines for enhancing the appearance of a building or for having building designs modified to alter their appearance.

Remedy:

Delete rule SCr.21.4 and replace with:

- "a) the extent to which expansive walls facing the road and/or adjacent residential zoned properties can be enhanced through the use of modulation of these facades with insets, different materials, colours, textures and also landscape treatment.
 - b) the extent to which the building form, location on the site and appearance considers and reflects the location of the dwellings and their amenity areas in the adjacent residential zones as well as other buildings in the suburban commercial zone.
 - c) the extent to which the site layout of the development, including the location of access, service yards, rubbish collection points and parking areas, will have minimal effects in the amenity of the neighbouring residential zoned properties.
 - d) efficient layout of the site that relates to adjacent commercial developments and the adjoining residential properties
 - e) safe access for vehicles to and from the site with minimal conflict with pedestrians in the vicinity
 - f) minimal effects on traffic flows from traffic generated by the development
 - g) provision of a comprehensive landscaping plan as part of development application to minimise usual impacts on adjacent residential properties and on streetscape where appropriate
 - h) extent to which a larger building would impact on the public services or assets such as streetscape, road reserve, parking areas
 - i) extent to which the larger floor area and proposed activity could have effects on the role of the CBD as the focal point of the city"
- In addition, submitter supports the three new assessment criteria proposed in Change 14k.

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.2

Oppose in part**Details:**

The submitter opposes the wording of proposed change 14 item c) which reads "and in recognition of the inappropriateness of commercial development in the Residential and Industrial Zones".

Reasons:

It is not always inappropriate to have a level of commercial development in the industrial zone.
The submitter does not see the necessity to add these words as the policy as it stands has the appropriate focus.

Remedy:

Delete proposed Change 14 c) which reads "and in recognition of the inappropriateness of commercial development in the Residential and Industrial Zones"

Submitter: Landmark Lile Ltd
Contact: Lile, Mark
Sub#: 7

Statement# 7.1

Oppose**Details:**

Opposed to the deletion of the word "preferably" in SC1.1

Reasons::

The change to SC1.1 does not take adequate account of the wider policy framework of the NRMP.
The s32 analysis report does not justify the necessity for this change.

Remedy:

Either delete the proposed change or amend it to acknowledge the overall effects based policy framework stated within IN1, IN1.1 and IN1.2.

Submitter: Progressive Enterprises Limited
Contact: McVeagh, Russell
Sub#: 15

Statement# 15.1

Oppose

Details:

Change 14 is unduly restrictive and may have the effect of inhibiting appropriate commercial and retail growth in Suburban Commercial zones.

Reasons:

Growth may be restricted/inhibited through the imposition of restrictive gross floor area maximums and the change from controlled to discretionary activity status for buildings exceeding the floor area requirement.

Remedy:

Delete proposed Change 14 in its entirety.

Change No. 15 Projection of Verandahs

Submitter: Progressive Enterprises Limited
Contact: McVeagh, Russell
Sub#: 15

Statement# 15.2

Oppose

Details:

The words "as far as practicable" are important in allowing appropriate flexibility for cases where continuity with the verandahs of neighbouring properties is not practicable.

Remedy:

Retain the words "as far as practicable" in Clause AP18.i.b)

Change No. 18 Maximum Height (all zones)

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.3

Oppose

Details:

Currently the definition of 'height' includes two methods. The standard method of measuring from ground to highest point of the building, and not exceeding 7.5m, or taking the average ground level method.

Reasons:

The effect of the change is that the method of allowing the ground level to be averaged to give an average height of 7.5m on sloping ground is now made discretionary. It seems inappropriate for the Council on the one hand to offer two methods of measurement, then on the other hand discriminate against one.

Remedy:

Delete proposed Change 18

Submitter: Landmark Lile Ltd
Contact: Lile, Mark
Sub#: 7

Statement# 7.2

Oppose

Reasons:

The explanation inserted does not acknowledge the permitted height standard for the subject zone.

Remedy:

Amend the wording for each explanation in SCr.22.5, INr.27.5, OSr.26.5, RUr.32.5, ICr.24.5 and ICr.72.5

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6.3

Support

Details:

Mr Johnson does not oppose proposed Change 18 but has suggested further clarification to Change 18 b).

Reasons:

For improved clarification.

Remedy:

Amend the addition of "Therefore, buildings over 7.5m" to read "Therefore, buildings over 7.5m or averaging over 7.5m on sloping ground are discretionary."

Submitter: Progressive Enterprises Limited
Contact: McVeagh, Russell
Sub#: 15

Statement# 15.3

Oppose

Details:

The imposition of a maximum height of 7.5m for buildings is too restrictive.

Reasons:

It may have the effect of inhibiting appropriate commercial and retain growth in this zone.

Remedy:

Delete the height control proposed in Clause SCr.22.5

Change No. 19 Daylight (zones adjoining residential zone)

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.4

Oppose

Details:

The amendments to the rules impact on the daylight around method.

Reasons:

This method is useful for taller, narrower buildings. The amendment would limit the height and therefore not encourage the efficient use of commercial and industrial land.

Remedy:

Delete proposed Change 19.

Submitter: Staig and Smith Ltd
Contact: Gibellini, Lisa
Sub#: 12

Statement# 12.1

Oppose

Details:

Staig & Smith Ltd believe that the amendments to the rules impact on the daylight around method which is a useful method for taller narrower buildings.

Reasons:

The amendment would limit the height, and would not encourage the efficient use of commercial and industrial land.

Remedy:

Withdraw plan Change 19

Change No. 20 Recession Plane Application

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 1

Support

Details:

Mr Johnson does not oppose proposed Change 20 but requests clarification.

Change No. 22 Definition of Ground Level

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6.5

Support

Details:

Mr Johnson does not oppose proposed Change 22 but does see the wording as a little confusing.

Reasons:

Wording is confusing and needs clarification.

Remedy:

Amend the footnote by deleting the words "where original ground level is used" diagrams a) and b) in MW74

Change No. 23 Alterations/Additions

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.5

Oppose in part

Details:

The meaning of the second sentence in plan Change 23 b) is confusing.

Reasons:

The meaning of the second sentence in plan Change 23 b) is confusing. The submitter questions whether its inclusion really necessary.

Remedy:

Review the wording of the second sentence in plan Change 23 b) so that its meaning is clear.

Submitter: Staig and Smith Ltd
Contact: Gibellini, Lisa
Sub#: 12

Statement# 12.2

Support in part

Details:

Staig and Smith support the intention behind proposed change 23 but do not consider the proposed method appropriate. Additions and alterations to dwellings should also comply with the daylight angles, but it is not practical nor efficient to require they use the same method as was used on the original house. Additions or alterations should be assessed as part of the whole house which would need to comply with one or other of the daylight rules.

Remedy:

Replace the change with the requirement for additions and extensions to be considered under daylight angles as part of the whole site of the dwelling. As long as the whole site of the dwelling complies with one of the daylight angles, that is sufficient.

Change No. 24 Daylight-Over Rule

Submitter: Jerram Tocker Architects Ltd
Contact: Jerram, David
Sub#: 5

Statement# 5.1

Oppose in part

Details:

Mr Jerram objects to the inclusion of the following sentence in AP15.8.iii b) "These exceptions are limited to roofs with a slope of 15 degrees or greater".

Reasons:

Many contemporary design styles include flat roofs. It is not reasonable to exclude flat roofs from this rule when the effect of any intrusion would be similar to an allowable 15 degree pitched design.

Remedy:

Remove the following sentence from AP15.8.iii b); "These exceptions are limited to roofs with a slope of 15 degrees or greater". Or change to read: "This rule includes flat roofs"

Change No. 25**Daylight-Around Method**

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6.6

Support**Details:**

Mr Johnson does not oppose proposed Change 25 but believes the proposed wording is confusing.

Reasons:

A greater level of precision is required to avoid confusion in dealings with members of the public.

Remedy:

Delete proposed wording AP15.9.iii b)

Amend AP15.9.iii b)i) to read "Apply the light angle (Figure 5) to find out how high exceptions may be. Start at 2m above ground level at Point P. This 2m height then follows the ground level at the boundary. The maximum height then increases 0.5m for each 2m of distance from the boundary. This is a recession plane of 14 degrees inclined into the site, measured from a point 2m above ground level along the relevant boundary."

Change No. 29**Office Facilities in the Industrial Zone**

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.6

Oppose**Details:**

The rule INr.22.1 a) as it stands is quite clear and appropriate in that if you are to have office facilities in the industrial zone they must be ancillary to the industrial activities undertaken.

Reasons:

There is no need to add the words "essential and"

Remedy:

Make the proposed amendment to rule INr.22.1 a) but delete the words "essential and".

Change No. 30**Non-Industrial Activities in the Port Area**

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.7

Oppose**Details:**

The submitter is entirely opposed to this change. Much of the land is leased, and these leases carry conditions over what the land must be utilised for.

Reasons:

It is inappropriate for the Council to get involved in regulating the market place and being involved in allocation of land.

The Council's reasons for the range of Changes are to protect the scarce land resource, and minimise the need for reclamation.

Trying to minimise the need for reclamation is related to the environment.

The Council appears to be protecting the scarce industrial land for Port activities, however this will fluctuate depending on the fortunes of the seafood industry. If these fortunes significantly decline, this could result in unutilised land and buildings which would be a waste.

Remedy:

Delete proposed Change 30.

Submitter: Sanford Limited
Contact: Walsh, Shane
Sub#: 14

Statement# 14

Oppose

Details:

Sanford Limited leases a substantial processing facility which it sub-lets to a number of port users. The amendments in proposed Change 30 and in particular the rewording of Rule INr.23.1 a) have the potential to limit Sanford's ability to assign its leases or sublet its premises to other port users.

Reasons:

The proposed amendments do not adequately take into account the special characteristics of the Port industrial zone and that it is an efficient use of the zone for port users to be located there. Port users do not necessarily carry out industrial activities at the port.

Remedy:

Amend rule INr23.1 as follows;

"Office recreational and other facilities (excluding commercial accommodation) within the Port industrial area are permitted if; a) such activities relate directly to, or serve activities in the port area"

Amend the explanation of INr.23.5 as follows;

"Rule provides exception for activities which rely on the special characteristics of the port area and zone which may not otherwise be permitted in the area but which relate directly to serve activities in the port area. For the avoidance of doubt, activities that are permitted by other rules in this table e.g. network utilities, are not constrained by rule INr.23.1

The intention of the rule is to ensure that only office, recreational and other facilities that relate directly to serve activities in the port area are able to locate within the Port zone as a permitted activity. This ensures that there is limited scope for the intrusion of non-port related activities into the Port industrial area without the need for a resource consent, protects scarce industrial and reclaimed land, minimises the need to reclaim more and maximises the use of land for Port related activities."

Submitter: Briggs, Hugh Robert
Sub#: 2

Statement# 2.2

Support in part

Details:

Mr Briggs supports the concepts behind the proposed changes to the activity status of comprehensive housing developments, however he does not agree with the mechanisms used. It is not necessary to have specific limits to the discretion on site coverage or density. Those applications that do not comply with the standards should be discretionary. Objectives and policies need to be clear and assessment criteria specific.

Reasons:

Each case should be taken on its own merits and the process dealt with as a discretionary activity. More intensive forms of development do not need to be made non-complying activities. The purpose of allowing CHD's is to have good integrated designs which provide a good level of on-site amenity and minimise off-site effects.

Remedy:

The applicant should be required to carry out a comprehensive analysis of the existing local environment, The essence is in having good clear design guidelines that ensure effects are adequately addressed and mitigation measures put in place.

Amend the existing rules but not in accordance with Change 42.

Change 42:

- a) delete - not necessary
- b) delete - not necessary
- c) delete sentences from "Non-compliance with them..." to "... objectives and policies of the Plan."
- d) delete - not necessary
- e) amend the third paragraph to read "There are no specified limits as to the extent of discretion for departing from the standards in REr.12 and REr.24 for the above reasons"
- f) retain
- g) delete - not necessary

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.8

Oppose

Details:

The comprehensive housing objectives, policies and rules are one means of encouraging a level of innovation for higher density development, provided it is planned on a comprehensive basis. The range of plan changes appear to discourage or make more restrictive the concept of comprehensive housing, making a range of such developments non-complying, based on rather arbitrary comparisons of density and other matters which when considered within an innovative design may not result in significant adverse effects. The submitter is concerned that the Council is sending the wrong message to the community.

Reasons:

These changes do not encourage innovation in high density urban design, particularly forcing a range of applications into a non-complying status. The hurdle for many will be seen as too high, and developers will be discouraged by considering innovative alternatives.

Remedy:

Delete proposed Change 42

Submitter: Jerram Tocker Architects Ltd
Contact: Jerram, David
Sub#: 5

Statement# 5.2

Oppose in part

Details:

Mr Jerram is opposed to the inclusion of Change 42 b iii).

Reasons:

While there are higher density housing areas zoned within the plan, there is no reason that successful developments should not take place within the remainder of the residential zone.

48% coverage for sites within the remainder of the zone is not adequate to achieve economic and sustainable development of sites. Retention of amenity values should be the deciding factor rather than coverage.

Remedy:

The proposed restrictions for South Street and the low density areas should remain, recognising that the reasoning for these zones includes such considerations as character areas and geotechnical constraints.

Delete the words "Remainder of zone 48%" from REr.24.3 iii)

Submitter: Landmark Lile Ltd
Contact: Lile, Mark
Sub#: 7

Statement# 7.3

Oppose

Details:

The introduction of such limits are considered to be an unnecessary hindrance to the formulation of innovative and sustainable residential housing developments that maximise the efficient use and development of a scarce land resource. The NRMP is an effects based document.

Site coverage standards are considered to be a crude way of gauging the character of a development and the associated effects on the environment.

Reasons:

The inclusions of energy efficiency techniques within AP22.6 requires careful consideration. CHD should promote/incorporate such features and appliances such as solar water heating. Non inclusion should not be judged as a negative.

With regard to RE2.5 and the insertion of the word 'existing', consideration should be given to the character of areas as 'intended' or 'enabled' by the Plan.

Remedy:

Delete the proposed changes.

Submitter: Staig and Smith Ltd
Contact: Gibellini, Lisa
Sub#: 12

Statement# 12.3

Oppose

Details:

The range of Plan changes appears to restrict comprehensive housing, making the range of such activities non-complying, based on arbitrary comparisons of density and other matters which when considered within an innovative design may not result in significant adverse effects.

Reasons:

If comprehensive developments become non-complying, there is no advantage to undertaking a comprehensive development.

The attraction of having comprehensives as discretionary activities is that it encourages developers to apply for all resource consents together and to consider amenity, landscaping and urban design as part of the consent process.

The submitter is concerned that NCC is sending the wrong message to the community. These changes do not give the message of encouraging innovation in high density urban design, forcing a range of applications into non-complying status.

Remedy:

Withdraw plan Change 42

Change No. 43 Comprehensive Housing Developments (on and off-site amenity)

Submitter: Briggs, Hugh Robert
Sub#: 2

Statement# 2.3

Support in part

Details:

Mr Briggs supports the majority of the changes. The on and off-site amenity performance are most critical to identify and mitigate for.

Reasons:

The design criteria need to clearly indicate what physical design factors are critical as to how the development will 'fit in' with the present character of the neighbourhood, taking into account what could be built on the site as a 'permitted baseline' development.

<p>Remedy: Make the proposed alterations with the following alterations and additions: a) retain b) add the following words to the end of the last sentence: "taking into account both present development and what could be developed as permitted activities on the development sites and adjoining sites." c) re-word (vi) as follows: "the density which should take particular consideration of the existing character and style of development in the low and standard density zones."</p> <p>Add the following new criteria (vii) to AP22.5.i c): "the privacy, outlook and daylight/sunlight levels of neighbours should be no worse than could occur with any permitted development on the development site." d) retain e) retain</p> <p>Add the following items d) and e) to AP22.5.i: "d) use of a comprehensive landscape plan to mitigate any potential adverse effects on adjacent properties and on the streetscape, with particular emphasis on i) boundary fencing and planting designed to create effective screening without undue shading, implemented in consultation with neighbours. ii) appropriate fencing or planting along street boundaries to reflect the existing character. e) the effects that permitted baseline developments could have on adjoining properties</p>	<p>Submitter: Gibbons Holdings Ltd Contact: Jackie McNae, Staig & Smith Ltd Sub#: 13 Statement# 13.8</p> <p><u>Oppose</u></p> <p>Details: The comprehensive housing objectives, policies and rules are one means of encouraging a level of innovation for higher density development, provided it is planned on a comprehensive basis. The range of plan changes appear to discourage or make more restrictive the concept of comprehensive housing, making a range of such developments non-complying, based on rather arbitrary comparisons of density and other matters which when considered within an innovative design may not result in significant adverse effects. The submitter is concerned that the Council is sending the wrong message to the community.</p> <p>Reasons: These changes do not encourage innovation in high density urban design, particularly forcing a range of applications into a non-complying status. The hurdle for many will be seen as too high, and developers will be discouraged by considering innovative alternatives.</p> <p>Remedy: Delete proposed Change 43</p>
<p>Submitter: Jerram Tocker Architects Ltd Contact: Jerram, David Sub#: 5 Statement# 5.3</p> <p><u>Support in part</u></p> <p>Details: Mr Jerram appreciates the intent of the insertions proposed in Change 43. However, the wording of the proposed Change 43 a) b) and c) will result in increased objections to CHDs from the general public and neighbours.</p> <p>Reasons: Obtaining consent for CHDs is difficult enough without adding further means for objection. It will be difficult to achieve changes in the overall density of areas over time.</p> <p>Remedy: Remove proposed Change 43 a) and b). Amend proposed Change 43 c) by deleting the words "and standard"</p>	<p>Submitter: Landmark Lile Ltd Contact: Lile, Mark Sub#: 7 Statement# 7.4</p> <p><u>Oppose</u></p> <p>Details: The introduction of such limits are considered to be an unnecessary hindrance to the formulation of innovative and sustainable residential housing developments that maximise the efficient use and development of a scarce land resource. The NRMP is an effects based document. Site coverage standards are considered to be a crude way of gauging the character of a development and the associated effects on the environment.</p> <p>Reasons: The inclusions of energy efficiency techniques within AP22.6 requires careful consideration. CHD should promote/incorporate such features and appliances such as solar water heating. Non inclusion should not be judged as a negative. With regard to RE2.5 and the insertion of the word 'existing', consideration should be given to the character of areas as 'intended' or 'enabled' by the Plan.</p> <p>Remedy: Delete the proposed changes.</p>

Submitter: Staig and Smith Ltd
Contact: Gibellini, Lisa
Sub#: 12

Statement# 12.4

Oppose

Details:

The range of Plan changes appears to restrict comprehensive housing, making the range of such activities non-complying, based on arbitrary comparisons of density and other matters which when considered within an innovative design may not result in significant adverse effects.

Reasons:

If comprehensive developments become non-complying, there is no advantage to undertaking a comprehensive development.

Remedy:

Withdraw plan Change 43

Change No. 44 Comprehensive Housing Developments (general residential policies)

Submitter: Briggs, Hugh Robert
Sub#: 2

Statement#: 2.4

Support in part

Details:

It is important to emphasise the essential element of flexibility in CHD's subject to them 'fitting in' or being compatible with the local neighbourhood context. Departures from the standard can be acceptable if the overall effects are not significant.

Reasons:

The essence of this policy is to enable flexibility in development styles, form and density.
It is important that the levels of off-site amenity are maintained and enhanced.

Remedy:

- a) retain
- b) retain
- c) amend the sentence at the end of RE1.1.i to read: "However, some flexibility is provided for in this policy for more intensive developments to occur subject to them having no greater impacts on the local neighbourhood that permitted baseline developments would."
- d) retain

Submitter: Gibbons Holdings Ltd
Contact: Jackie McNae, Staig & Smith Ltd
Sub#: 13

Statement# 13.10

Oppose

Details:

The comprehensive housing objectives, policies and rules are one means of encouraging a level of innovation for higher density development, provided it is planned on a comprehensive basis. The range of plan changes appear to discourage or make more restrictive the concept of comprehensive housing, making a range of such developments non-complying, based on rather arbitrary comparisons of density and other matters which when considered within an innovative design may not result in significant adverse effects. The submitter is concerned that the Council is sending the wrong message to the community.

Reasons:

These changes do not encourage innovation in high density urban design, particularly forcing a range of applications into a non-complying status. The hurdle for many will be seen as too high, and developers will be discouraged by considering innovative alternatives.

Remedy:

Delete proposed Change 44

Submitter: Jerram Tocker Architects Ltd
Contact: Jerram, David
Sub#: 5

Statement# 5.4

Oppose in part

Details:

Mr Jerram supports the intent of the proposed insertions in Change 44. With reference to Change 44 b); the wording of the proposed insertions will result in increased objections to CHDs from the general public and surrounding neighbours. With reference to Change 44 c); this clause does not appear to tie up with the objectives that CHDs are intended to provide.

Reasons:

Obtaining consent for CHDs is difficult enough without adding further means for objection.
The plan should signal that significant departures from the baseline are anticipated as long as amenity values are maintained or enhanced.

Remedy:

Delete Change 44 b). Replace the wording "but significant departure from the permitted baseline established by the relevant zone rules is not anticipated" in Change 44 c) to "significant departure from the permitted baseline established by the relevant zone rules is anticipated."

Submitter: Landmark Lile Ltd
 Contact: Lile, Mark
Sub#: 7 **Statement# 7.5**

Oppose

Details:
 The introduction of such limits are considered to be an unnecessary hindrance to the formulation of innovative and sustainable residential housing developments that maximise the efficient use and development of a scarce land resource. The NRMP is an effects based document.
 Site coverage standards are considered to be a crude way of gauging the character of a development and the associated effects on the environment.

Reasons:
 The inclusions of energy efficiency techniques within AP22.6 requires careful consideration. CHD should promote/incorporate such features and appliances such as solar water heating. Non inclusion should not be judged as a negative. With regard to RE2.5 and the insertion of the word 'existing', consideration should be given to the character of areas as 'intended' or 'enabled' by the Plan.

Remedy:
 Delete the proposed changes.

Submitter: Staig and Smith Ltd
 Contact: Gibellini, Lisa
Sub#: 12 **Statement# 12.5**

Oppose

Details:
 The range of Plan changes appears to restrict comprehensive housing, making the range of such activities non-complying, based on arbitrary comparisons of density and other matters which when considered within an innovative design may not result in significant adverse effects.

Reasons:
 If comprehensive developments become non-complying, there is no advantage to undertaking a comprehensive development.

Remedy:
 Withdraw plan Change 44

Change No. 45 Scheduled Site (Nelson Polytechnic)

Submitter: Nelson Marlborough Institute of Technology
 Contact: Jackie McNae, Staig & Smith Ltd
 Sub#: 11 Statement# 1

Support

Details:
 NMIT supports proposed Change 45 for the inclusion of 13 Alton Street in Schedule F.

Reasons:
 NMIT submitted a support for inclusion of 13 Alton Street in Schedule F in 1998, but it was not included at that time as NMIT did not have legal rights over the site. The remainder of the 'Griffin Site' was however included.
 In 1999 NMIT purchased 13 Alton Street and made an approach to NCC to include the site in Schedule F in a future plan change.
 Also in 1999 NMIT applied to use the site as part of its School of Visual Arts, in accordance with activities permitted under Schedule F. This was approved.
 Plan Change 45 is the culmination of several years of acknowledgement that 13 Alton Street should be subject to the same planning framework under the NRMP as applies to the balance of the 'Griffin Site'.

Remedy:
 Proposed Change 45 be confirmed.

Submitter: The Guesthouse Trust
Contact: Murray Masterton & Rona Abbott
Sub#: 9

Statement# 9

Oppose

Details:

The Guesthouse Trust request the removal of proposed Change 45.

- 1) It's inclusion has disrupted and is preventing completion of a 14 month long negotiated agreement between NMIT and 11 Alton Street.
- 2) The Guesthouse Trust have been assured that the extension to Schedule F to include 13 Alton Street was not going to be included in the current round of proposed changes.
- 3) Zoning fro 13 Alton Street is a special case for special reasons
- 4) Schedule F escalates the imbalance of power between a large institution and a private person.
- 5) The extension of Schedule F to 13 Alton Street is unnecessary
- 6) It is appropriate to consider the resource consent given 13 Alton Street in 1999.
- 7) Loss of residential property values and amenities
- 8) Fitting Nelson's plans for the future.

Reasons:

- 1) The Guesthouse Trust have been negotiating with NMIT on the use of 13 Alton Street as part of a staff car park for many months. This is now on hold as a result of the proposed inclusion on Schedule F. Their advice was that had the Council known about these ongoing negotiations that Change 45 would not have been included in this round of proposals.
- 2) NMIT had assured the Trust that the extension of 13 Alton Street would take place in three stages. NMIT acknowledges that notification of the proposed variation came as a surprise to them.
- 3) 13 Alton Street is a buffer zone between NMIT and Alton Street homes. Previously consented activities have not impacted on noise or security or interfere with residential amenities of number 11.
- 4) Retention of residential zoning on 13 Alton Street mean that the Trust can better retain the negotiated protections that have already been agreed with NMIT.
- 5) NMIT and its neighbours reached an original agreement in 1999, 2003 and 2004 which addressed the concerns of both parties therefore the proposed variation to Schedule F is unnecessary.
- 6) 11 Alton Street is The Guesthouse Trusts retirement home. They have not been informed of a formal application, nor has there been any consultation. They wish for the conditions on the 1999 resource consent to still stand which they consider will not be the case if the proposed change is accepted.
- 7) Should the proposal be accepted it will result in reduced property value and amenities for number 11.
- 8) The inclusion of 13 Alton Street will significantly affect its neighbour, number 11 as number 13 currently acts as a buffer. It would threaten the residential amenities and safeguards of number 11 and erode the street's remaining residential neighbourhood quality.

Remedy:

Delete proposed Change 45.

Submitter: Davis Ogilvie & Partners
Contact: Alley, Tony
Sub#: 10

Statement# 10

Oppose

Details:

Davis Ogilvie & Partners are opposed to road types III, IIIa, VI, VII, IX and X. They also oppose road type being classified in hypothetical maximum density household unit numbers.

Reasons:

There are currently too few roading choices and standards for flat and hillside land and excessive standards are required for minor roads in both flatter and hillside areas.

As the table stands, there is no limit on steep hillsides to the number of dwellings on the lower standards 7m carriageway and one 1.4m wide footpath, yet on the flat in excess of 20 households the minimum requirement is a 9m carriageway and 2 footpaths.

The cut off at what constitutes a hillside is still too severe and at the limit at which conventional roading can be applied. The figure should be more typically 10 degrees or 1 in 5.7 at which a 9m carriageway and footpaths and kerbside berms totaling 14.8m will require uphill to downhill or combined batters of about 2.6m. At 1 in 3.75 slopes such combined batters would be 4m high.

This is on potentially low traffic volume roads where the principle objective is good property access with little if any through traffic.

Allowing relaxations on low volume hillside roads in terms of both width and allowable gradients will in our view increase the range of land that can be successfully accessed by road rather than rights of way and will encourage roads to be provided. In relation to private access, in our view there is no need to provide an upper limit on the number of lots served. Under the current standards, ROW are the only means of accessing more difficult land. BY definition they are private access and have no effect on any one but the users. Low traffic volumes with occasional pedestrian access is easily handled by a 5m carriageway.

Remedy:

1. Class III: Amend indicative traffic volume to read "2000-5000 vehicles per day"
2. Class IIIa: Amend title to read "Sub-collector or Local Industrial Road" and amend Industrial traffic volume to read "1000-2000 vehicles per day".
3. Insert new Class IIIb road entitled "Local Industrial Cul-de-Sac" with:
 - Indicative traffic volume to read <1000 vehicles per day
 - Planning Zone - Industrial
 - Lane width - 2 at 3.0 metres
 - Parking width - 1 at 2 metres
 - Carriageway width - 8 metres
 - Footpaths - 1 at 1.4 metres away from the kerb
 - Berms and width 1 at 3 metres opposite path, 2 at 1 metres at path side minimum street reserve width 14.4 metres.
 - All other details as for Class III roads.
4. Class VI Residential Local Road; replace indicative traffic volume "20" with ">30" and replace "Potential Household Units" with "allotments".
5. Class VII Residential Local Hillside Road; replace indicative traffic volume ">20" with "<30" and replace "Potential Household Units" with "allotments". In note AP14.n6 delete "15 degrees" and replace with "10 degrees"
6. Class VIII Residential Minor Cul-de-Sac Road: replace indicative traffic volume "<20" with "<30" and replace "Potential Household Units" with "allotments". In the description add "or loop road".
7. Insert new Class VIIa - Residential Local - Hillside road with the following standards:
 - Indicative traffic volume <30 allotments
 - Lane width 1 at 4 metres
 - Parking width 1 at 2 metres
 - Carriageway width 6 metres
 - No. of footpaths 1 at 1.4m at kerb
 - Minimum street reserve 12 metres
 - Berms - as required for services
 - Maximum gradient 1 in 6
- 8) Add new class VIIb - Residential Local Hillside cul-de-sac with the following standards:
 - Indicative traffic volume <20 lots
 - Lane width 1 at 3m
 - Parking width 1 at 2m
 - carriageway width 5m
 - footpath 1 at 1.2m at kerb
 - berms as required for services
 - minimum reserve width 9m
 - maximum gradient 1 in 5
- 9) Class IX Residential Private Access;
 - in indicative traffic volume, delete "4-6 household units" and replace with "4 allotments"

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6.7

Support

Details:

Mr Johnson does not oppose the proposed Change 47 however he notes that the revised table 14.5.1 is at odds with the classification of some roads as shown in the Urban Road Hierarchy Map (Map A2.1).

Remedy:

Amend map A2.1 to be consistent with the hierarchies contained in table 14.5.1.

Add a footnote to the effect that "Where there is an inconsistency between Map A2.1 and table 14.5.1 then the table takes precedence."

Submitter: Staig and Smith Ltd
Contact: Gibellini, Lisa
Sub#: 12

Statement# 12.6

Oppose

Details:

The NRMP and Engineering Standards are not consistent with each other.

It is rare that subdivisions are constructed to provide for further subdivision of lots. It is not possible to assess the effects of re-subdivision or second dwellings as part of a subdivision and access design as these are future effects that might not occur. Sufficient road reserve width must be attained at the time of subdivision if there is an ability to accommodate future lots. Rule REr.23 should assess the potential effects on the number of users on roads and ROW through erection of second dwellings.

Reasons:

The Engineering Standards have not been subject to robust evaluation and are were not created with the best environmental practice or urban design principles in mind. It is not acceptable to copy without question and robust evaluation the Engineering Standards into the RMP. Sustainable management is about providing a roading solution that is responsive to the site in question, the community it will serve and the environment it is to be constructed within.

Prescriptive engineering standards cannot achieve minimal environmental impact through techniques such as low impact stormwater control, enhancing amenity through techniques such as separating parking from carriageways and about safety using techniques such as ensuring maximum overlooking and public orientation.

We would anticipate that an effects based roading and private access provisions in the Plan would reflect performance outcome orientated standards that are not prescriptive, but recognise that good urban design results from being responsive to the features of a particular site.

Many of the proposed engineering standards prevent the implementation of roading patters, layout and construction standards advocated nationally by the Urban Design Protocol and MfE.

If these proposals become part of the plan designs that are site responsive and better represent urban design practice will be unable to be implemented due to the high cost of and difficulty gaining engineering approval for designs after the resource consent process. No developer will want to go through a notified consent process to create roading and access that represents best practice urban design, if it is a controlled activity just to stick with the prescriptive engineering standards.

Remedy:

Undertake a comprehensive review of Appendix 14 and also the Engineering Standards to bring them in line with best environmental and urban design practice.

Withdraw proposed Change 47.

Refer to Staig & Smith submission to the Freshwater Plan Change as our comments there relate to these issues.

Change note AP14 note 3 to relate to number of household units/lots proposed to determine the carriageway construction, with the road reserve width determined by number of household units capable of being accommodated in accordance with the permitted activity standards for second dwelling.

Add to REr.23 compliance with Appendix 14 as well as the minimum net site area for permitted activities and as an assessment criteria for controlled and discretionary activities

Submitter: Nelson City Council
Contact: Johnson, Richard David
Sub#: 6

Statement# 6.8

Oppose

Details:

The proposed change will result in an unintended effect on permitted activities such as excavation/filling of 1.2m or less, and the construction of utility service lines.

Reasons:

The intent of the proposed change was to apply to the erection of structures such as buildings.

Remedy:

Delete paragraph d)

Amend paragraph c) to read "the excavation of fill:

- i) shall be retained immediately by a structure authorised by a building consent, and
- ii) the maximum height or depth of the fill or excavation shall not exceed 3m, and
- iii) the depth of any excavation adjacent to a property boundary shall not exceed the distance from that boundary measured on a horizontal plane, and"

Renumber existing paragraph e) as d).

Add new diagram (supplied by Mr Johnson) to rule REr.61.5 to aid interpretation of this rule.

Submitter: Transpower NZ Ltd
Contact: David le Marquand, Burton Consultants
Sub#: 4

Statement# 4

Support

Details:

Transpower supports the main thrust and intent of the objectives, policies and rules however the provisions relating to earthworks in each zone are cause for concern.

Reasons:

The numbering of condition d) may lead to misinterpretation and incorrect application of the condition to utility activities.

Remedy:

Make the changes as proposed but renumber condition d) so that it forms part of condition c). I.e. the current condition c) becomes c i) and the proposed condition d) becomes c ii).

All Changes - Entire Plan Change

Submitter: Progressive Enterprises Limited
Contact: Russell McVeagh (Barristers & Solicitors)
Sub#: 15

Statement# 15.4

Oppose

Details:

Progressive Enterprises Limited opposes the whole of the 05/02 Plan Change

Reasons:

- 1a) The plan change does not promote objectives that represent the most appropriate way of achieving the purpose of the RMA.
- b) To the extent that any of the proposed objectives are appropriate (and this is not considered to be the case), the proposed policies, rules or other methods are not the most appropriate means of achieving those objectives, having regard to their efficiency and effectiveness.
- c) The plan change will not enable the efficient use and development of resources within the Nelson District, and will not enable social, economic and cultural well being.
- d) Overall, the plan change will not promote sustainable management of resources, will not achieve the purpose of the RMA and is not consistent with Part II and other provision of the RMA and District Plan.
- 2) Progressive objects, pursuant to s32A on the basis that the plan change is supported by an insufficient s32 analysis and insufficient supporting information, including
 - a) A lack of information and analysis examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act as is required in s 32(3)(a) of the RMA.
 - b) No substantive or adequate assessment of matters such as;
 - i) the effectiveness or efficiency of the proposed changes in remedying the perceived problem and
 - ii) the cost of implementing the change having regard to the effectiveness or efficiency of the proposed changes

Remedy:

Progressive seeks that plan change 05/02 be declined in its entirety. However, Progressive reserves the right to alter its position should it be satisfied (for example through further analysis and expert evidence) that the plan change, or any aspect of it, meets the relevant statutory requirements and principles.

Any such further, other, or consequential relief to the provisions of the Plan Change be granted as is necessary or appropriate to give effect to the concerns of the submitter.

Addresses of submitters

Briggs, Hugh – 42 Strathaven Place, Atawhai, Nelson

Chambers, E – PO Box 2177, Stoke, Nelson

Davis Ogilvie & Partners – 277 Hardy Street Nelson (ATTN. Tony Alley)

Gibbons Holdings Ltd – c/o Staig & Smith, PO Box 913, Nelson (ATTN. J McNae)

Jerram Tocker Architects – PO Box 302, Nelson

Johnson, Richard – Nelson City Council, PO Box 645, Nelson

Landmark Lile Ltd – PO Box 343, Nelson

Nelson Marlborough Institute of Technology – c/o Staig & Smith, PO Box 913, Nelson

New Zealand Historic Places Trust – PO Box 19173, Wellington (ATTN. Laura Paynter)

Phillips, John – 48 Shelbourne Street, Nelson

Progressive Enterprises Ltd – c/o Russel McVeagh, PO Box 8/DX CX10085, Auckland I (ATTN. James Gardner-Hopkins / D Minhinnick)

Sanford Ltd – PO Box 443, Auckland (ATTN. Shane Walsh)

Staig & Smith – PO Box 913, Nelson (ATTN. Lisa Gibellini)

The Guesthouse Trust – 7 Martin Street, Monaco, Nelson

Transpower New Zealand Ltd – c/o Burton Consultants, PO Box 33-817, Takapuna, Auckland (ATTN. David le Marquand)