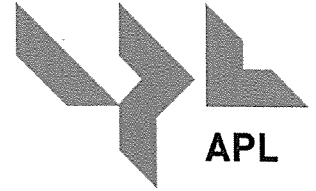


Property, Project, Resource Management, Valuation

APL Property Nelson Ltd
19 Halifax Street
PO Box 1593
Nelson, 7040
New Zealand

t: + 64 (3) 546 4256
f: + 64 (3) 546 4259
e: nelson@aplproperty.co.nz
www.aplproperty.co.nz



File Ref: 12087

24th August 2012

Matt Heale
Nelson City Council
PO Box 645
Nelson

RECEIVED

27 AUG 2012

NELSON CITY COUNCIL
Records

Dear Sir,

NOTICE OF S274 PARTY: ENV-2012-WLG-00088

In accordance with Section 274 of the Resource Management Act 1991, please find enclosed a copy of a notice from Marsden Park Limited who has an interest greater than the general public and who wishes to be party to the proceedings on the above appeal.

This notice has been submitted to the Environment Court.

Yours faithfully

TONY QUICKFALL
DIRECTOR

Email: tony.quickfall@aplproperty.co.nz

In the Environment Court ENV-2012-WLG-00088

Between

Mark and Kim Lile, Appellant

And

Nelson City Council, respondent

**Notice of a request to be a party to proceedings
Under section 274 of the Resource Management Act 1991**

To: The Registrar
Environment Court
PO Box 5027
Wellington

1. Marsden Park Limited (MPL) wishes to be a party to the following proceedings:

Mark and Kim Lile v Nelson City Council (ENV-2012-WLG-00088)

2. This is an appeal against the Nelson City Council's decision on a plan change to the Nelson Resource Management Plan (Plan Change 14) relating to residential subdivision, land development manual and comprehensive housing.
3. MPL has an interest in the proceedings that is greater than the interest in the general public under section 274(1)(d) of the Resource Management Act 1991.
 - a. MPL is a major developer with land in Marsden Valley, Nelson. MPL initiated a private plan change which was adopted by Nelson City Council (as plan change 13) for comprehensive rezoning of land in Marsden Valley including residential zoning. Plan change 13 and the rezoning is now operative.
 - b. MPL's landholdings and rezoning provide for further mixed density development in Marsden Valley, including a new suburban commercial centre and further residential lots. Total yield at full development will be around 600 lots.
 - c. MPL has subdivision consent granted and sales underway for the first 130 lots.
 - d. MPL has only recently become aware of the full potential implications of Plan Change 14 on its approved subdivision layout and potential to significantly affected land sales. Under plan change 14 resource consent will be required for location of front yard garages that were previously permitted.
 - e. Plan Change 14 will directly affect the MPL in terms of its approved subdivision, and in terms of future development of land in Marsden Valley.
4. MPL is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.
5. The specific parts of the appeal of interest to MPL are:

Topic 23 – streetscape policy
Topic 25 – front yard rule

6. MPL **supports** the relief sought by the appellant in respect of topic 23 and topic 25 for the following reasons:
- a. The plan change has the potential to compromise the layout and design of the Marsden Park development which has been created by leading New Zealand's urban and built form designers. The development incorporates best practice urban design and features mixed density housing, connectivity, high amenity landscape and streetscape, slow traffic management, reserves and greenspace including esplanade and wildlife reserves, and low impact stormwater features. Each section has been designed to give variation to street presentation, opportunity for a range of home designs, each with options for building and solar orientation. MPL was the recipient of the Nelson-Tasman 2010 Environment Awards for Best Urban Design and the development is recognised as meeting best practice urban design.
 - b. MPL's approved 130 lots include lots which are located on hills or which have been designed around urban design principles and features like access connections. On some lots it is not physically possible to comply with REr.25 without significantly compromising dwelling design and layout, to the point that a complying design will be uneconomic or impractical. Vehicle entranceways and some services will be required to be relocated in order for building consents to comply.
 - c. The changes (rule REr.25 and policy RE3.5) impose specific design detail which will require unnecessary resource consents and which will impose unnecessary costs for no benefit.
 - d. The changes are not necessary or required in order to achieve the Purpose of the Act, and are not the most efficient, effective or appropriate method of achieving the Purpose of the Act. The changes are likely to lead to more uniform design outcomes which are less likely to achieve the Act's Purpose than the design flexibility that it seeks to replace.
 - e. The changes inappropriately impose a one-size-fits-all, city-wide approach to front yard design in a city that has highly variable topography and aspect, and which in many cases requires site-specific design to achieve greatest efficiency of land use.
 - f. The changes will unduly restrict and discourage design innovation and will result in a more uniform streetscape and building layout, contrary to the NZ Urban Design Protocol.
 - g. The change to rule REr.25 will detrimentally affect sales of existing consented subdivisions, where resource consent is now required for non-complying garages which were previously a permitted activity.
 - h. The additional cost of Resource Consent, uncertainty of outcome (applications under Rule REr.25 can be declined), additional challenge and cost of bespoke

design, and additional processing time will dis-incentivise both greenfield and brownfield development of the Nelson Residential Zones.

- i. To comply, lot shape and subdivision design may need to be reconfigured to provide longer road frontages, to allow relocating garages previously sited between the road and the house, to the side of the house. This will result in:
 - Less efficient land use.
 - Significant increase in cost and provision of all services, including roads and footpaths.
 - Consequential and unnecessary impact on house cost and affordability.

7. MPL agrees to participate in mediation or other alternative dispute resolution of the proceedings.



.....
Tony Quickfall

Resource Management Consultant for Marsden Pak Limited

23 August 2012

The address for service for Marsden Park Ltd is:

APL Property

PO Box 1593

Nelson 7040

Attn: Tony Quickfall

tony.quickfall@aplproperty.co.nz