

PLAN CHANGE 05/02

OFFICERS REPORT ON RECOMMENDED DECISIONS

INTRODUCTION

Proposed Plan Change 05/02 contains, by topic, some 50 individual changes to various sections of the Nelson Resource Management Plan (NRMP).

The Plan Change seeks to rectify a number of deficiencies in the NRMP which have become apparent since the Plan was first released ten year ago. The necessity for these Changes has come about through a number of factors, including legislative change or amendments to various regulations, the need for administrative clarity in certain provisions of the Plan brought about through its on-going implementation, requests for additional listing of heritage items, or the desire to address specific development issues in respect of particular sites or zones in the City.

The Plan Change was publicly notified on 29 October 2005. 15 submissions, covering a total of 51 different subject areas, were received by the closing date for submissions of 16 December 2005.

Further submissions were called for by public notice dated 10 June 2006. A total of five further submissions were received by the closing date of 28 July 2006.

Submissions to Plan Change 05/02 were received from Mr Johnson (Planning Manager) on behalf of Nelson City Council. To avoid a situation of conflict, all submissions are to be heard by Independent Commissioner.

The following Officer's Report has been prepared to assist the Commissioner in hearing submissions and reaching decisions on Plan Change 05/02 in accordance with its statutory obligations under the First Schedule of the Resource Management Act 1991.

PROPOSED PLAN CHANGE 05/02

Proposed Plan Change 05/02 comprises 50 individual amendments to the Nelson Resource Management Plan, described in general terms below:

Change No	Subject Material
1	Archaeological Sites – introduces to DO4.1.5 the concept of the Archaeological Overlay in reflecting areas (rather than individual sites) of significance to Maori.
2 and 3	Heritage Overlay – introduce to DO 4.1.6(i) and DO4.1.11(i) the term “Heritage Overlay”, as defined in the Plan, to replace full listing of heritage, archaeological and landscape items it otherwise covers.
4	Heritage Appendix 1 – proposes a general introduction outlining the purpose of Appendix 1 and its relationship with Plan objectives, policies and rules.
5	Archaeological Values Appendix 3 - proposes a general introduction outlining the purpose of Appendix 3 and its relationship with Plan objectives, policies and rules.
6	Heritage Buildings, Wakefield Quay – changes the status of significant alterations to Group A heritage buildings in the Wakefield Quay Precinct from non-complying to restricted discretionary / discretionary, and clarifies standard heritage rules in respect of Group B and C heritage buildings.
7	Archaeological Sites – adds to Appendix 3 and the planning maps a further five NZ Archaeological Association sites, and deletes one.
8	Heritage Trees – adds 36 Heritage and Landscape Trees to Appendix 2.
9	Location of Buildings Over / Alongside Drains and Pipes – amends or adds for the Residential, Inner City, Suburban Commercial, Industrial, Open Space and Rural zones measurement on a horizontal plane, to clarify application of the rule to sloping ground.
10	Building on Low-Lying Sites – adds to the permitted activity standards in the Residential, Inner City, Suburban Commercial, Industrial and Rural zones the relationship of the site to the hydraulic grade level of the stormwater system serving the site.
11	Defensible Space / Fire Protection (Rural Zone) – requires all buildings greater than 10m ² to meet the requirements for defensible space and water for fire fighting purposes.
12	Residential Decks/Balconies – clarifies measurement of the 2m setback, to apply on the horizontal plane, and exempts decks or balconies with a finished floor level below that of the adjacent uphill property.
13	Garage Door Height – amends minimum height to 1.95m, from 2.2m.
14	Maximum Retail Floor Area (Suburban Commercial) – includes policy changes intended to clarify the appropriateness of commercial activity in various zones (Suburban Commercial and Inner City as opposed to Residential and Industrial) and seeks to regulate larger commercial buildings in the SC Zone by way of a permitted floor area of 1600m ² at Stoke and 800m ² in all other SC Zones, with breach of these standards a discretionary activity (where currently any building over 1000m ² is a controlled activity).
15	Projection of Verandahs (Appendix 18) – seeks to tighten compliance in rules requiring continuity in verandahs between neighbouring sites in the Inner City and Suburban Commercial Zones.
16	Chimney Height – defer to the Nelson Air Quality Plan provisions as these have been formulated for adequate dispersal of contaminants to air, for all Zones except in relation to height controls for the airport.
17	Height of Structures (Wakatu Estate) – reduces the maximum height to 15m, from 20m, in accordance with resource consent and a private plan change request.
18	Maximum height (All Zones) – clarifies that two methods can be used, and that maximum height can be exceeded on occasion.
19	Daylight (Adjoining Residential Zone – App 15) – seeks a maximum or average building height of 7.5m in using the Daylight Around method for a site adjoining any Residential Zone, to ensure that same daylight admission as if the non-residential neighbour was within a Residential Zone.
20	Application of Recession Plane (App 15) – clarifies that 45° recession angle applies only to that part of any building within 4m of the road boundary.

- 21 Daylight Calculation along Common Rights of Way or Access Serving up to 4 Users – limits application of measurement from centre-line of access and using daylight-over method.
- 22 Definition of Ground Level – clarifies “original” and “finished” ground level for calculation of building height, and provides protection from shading due to filling of sections.
- 23 Alterations / Additions – seeks consistency in use of recession angle methods in the event of building alterations.
- 24 Exemptions to Daylight Over Rule –strengthens the rules allowing only minor exemptions for dormer windows and gable roof ends.
- 25 Daylight Around Calculations – improves implementation of the daylight-around method for sloping land.
- 26 Chimney Dimensions – defines the point of measurement for chimney height and maximum width in order to be exempt from the definition of “Building”.
- 27 Home Occupations (Residential Zone) – clarifies the list of activities considered inappropriate home occupations.
- 28 Industrial Zone – amends Policy IN1.1 (limiting non-industrial activities) to reflect all subsequent policies (IN1.2-1.4) which come under the intent of Policy IN1.1.
- 29 Office Facilities (Industrial Zone) – seeks to limit office facilities to those that are essential and ancillary, in line with Policy IN1.1 (limiting non-industrial activities).
- 30 Non-Industrial Activities (Port Area) – better defines at policy level (IN1.3) and subsequently in the rules the types of activities appropriate to the Port Area, to protect the scarce resources of the Port.
- 31 Saxton Industrial Area – provides a description of changed industrial land use on the former freezing works site.
- 32 Map Amendment (Main Road Stoke) – zones the former “Mr Beans” site Residential (from Suburban Commercial) in accord with existing use.
- 33 Definition of “Contaminant” – redefined in accord with the RM Amendment Act 2003^(*).
(*) denotes changes brought about by the RM Amendment Act 2003.
- 34 Historic Heritage – adds a new definition of “historic heritage”, and affords appropriate recognition of historic heritage as a Resource Issue and District Objective of national importance and a relevant assessment criterion for the CMA^(*).
- 35 Reference Documents – amends the Plan to clarify obligations in respect of national environmental standards, iwi documents, and regulations^(*).
- 36 Resource Consent Processing – amends AD8 in respect of information to be supplied with resource consent applications^(*)
- 37 Resource Consent Decisions and Appeals – amends AD* to reflect the permitted baseline test, Sec 105 matters, the scope of Sec 106, and time limits on parties giving notice on Appeal Proceedings^(*).
- 38 Designations – clarifies the effect of a designation under s 176^(*).
- 39 Continuity of Facades and Access (Inner City Zone) - clarifies the access rule whereby property access across scheduled streets/squares is not permitted as of right.
- 40 Exemptions from Intersection Distance Standards – clarifies the exemption to crossing places close to an intersection.
- 41 Road Stopping (Esplanade Reserves) – provides for the provisions of Sec 77(3) of the Act to be over-ridden in order not to take esplanade reserve in the case of road stopping if to do so is unnecessary or inappropriate.
- 42 Comprehensive Housing Development (Site Area and Coverage) – amends the rules for CHD by introduction of non-complying status where there is significant departure from site area and coverage standards for the Residential Zone.
- 43 Comprehensive Housing Development (On and Off Site Amenity) – adds criteria for consideration in the design of CHD on on and off site amenity.

- 44 Comprehensive Housing Development (General Residential Policy) – changes the Residential Zone policy in respect of CHD so consistent with Changes 42 and 43, including that significant departure from the permitted baseline established by the relevant zone rules and the existing character of the area is inappropriate.
- 45 Scheduled Site (Nelson Polytechnic) – include 13 Alton St in Schedule F which sets out permitted activities on the site.
- 46 Heritage Building (46 Shelbourne Street) – identifies this as a Group A Heritage Building, at the owners request.
- 47 Road Formation Requirements (App 14) – Amends Table 14.5.1, road formation requirements, in accord with NZS4404 and NCC Engineering Standards.
- 48 Commercial Use of Public Roads and Parking Spaces – limits activities associated with the sale, hire, servicing or repair of vehicles operating outside the confines of their site.
- 49 Earthworks (Residential, Inner City, Suburban Commercial, Industrial, Open Space and Rural Zones) – reduces the permitted height of excavations to be retained by a building and limits the depth of excavations in line with their horizontal distance from any property boundary, extends the matters over which control is reserved or discretion restricted to include dust, noise and traffic effects, and limits fill to cleanfill.
- 50 Landfills – introduce new rules to cover landfills.

The Council resolved, in its meeting of 20 February 2007, to withdraw Plan Change 47. As Proposed Change 47 seeks consistency between the NRMP and Council's Engineering Standards, the latter which are now due to be revised later in the year, the Council's advice letter to submitters stated that withdrawal of the Change will enable a more enduring solution to ensure consistency between the two documents. The effect of withdrawing the plan change is that any submissions or further submissions lodged in relation to it no longer have any standing under this hearing. As such, they are not analysed and given comment in the following report.

The Proposed Plan Change is accompanied by a Section 32 Evaluation Report, dated October 2005 and available for inspection as part of the notified Plan Change. This contains an evaluation of the purpose of each Change, their likely costs and benefits, their efficiency and effectiveness in achieving their objectives, any risks, and the overall appropriateness of the proposed plan change.

SUBMISSIONS

As outlined earlier, 15 submissions and 5 further submissions were received to Plan Change 05/02.

Change No 47 and Related Submissions:

Only one of those submissions, from **Davis Ogilvie and Partners**, was limited to matters contained within Change No 47. Road formation standards were also addressed as part of submissions by Nelson City Council and Staig and Smith Ltd, and in further submissions from Landmark Lile Ltd and the New Zealand Institute of Surveyors.

Late Submission – Weyerhaeuser Nz Inc:

A submission lodged by **Weyerhaeuser NZ Inc** was received over a month late (received by Council on 19 January 2006). Given its lateness, and the fact that the Council did not include it in its summary of submissions with calling when further submissions, it would seem inappropriate that the Commissioner now consider this as

part of the hearing. This could be seen to prejudice other parties who may have had an interest in but been denied the opportunity for input. The content of the submission is however limited, specific to the definition of “landfill” (MW 97) under Change No 50 so as to exclude spoil dump activities arising from plantation forestry roading operations. Similar distinction may be warranted in respect of farm tracking, in which only cleanfill material is used. “Cleanfill Material” is separately defined in the Plan as a result of Change No 50 (MW.23). It may be appropriate by way of a future Plan Change to amend the landfill rule for each of the zones to permit a certain scale or type (cleanfill) of activity.

Challenge Under Section 32A of the Act – Progressive Enterprises Ltd:

The submission of **Progressive Enterprises Ltd** (Submission # 15) opposes Plan Change 05/02 in its entirety, for reasons set out below:

Submitter: Progressive Enterprises Limited Contact: Russell McVeagh (Barristers & Solicitors) Sub#: 15	Statement# 15.4
<u>Oppose</u>	
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.	

Progressive Enterprises’ submission does not afford comment on each of the Changes individually, but collectively challenges them pursuant to Section 32A of the Resource Management Act 1991 for reason of an insufficient Section 32 analysis and insufficient supporting information. It is appropriate that, as matters challenging the overall integrity of Plan Change 05/02, Progressive Enterprises’ submission is first given consideration by the Commissioner before moving to the more specific content of other submissions.

In terms of a Section 32 analysis, a number of the Changes are relatively minor, intended to aid interpretation or implementation of the Plan or reflect provisions of the Resource Management Amendment Act 2003. Detailed Section 32 analysis of those Changes is not considered necessary.

The Section 32 Evaluation Report prepared by Council to accompany Plan Change 05/02, although concise, does meet the statutory requirements of Section 32 of the Act. It provides a description of each of the Changes to assist in understanding of their purpose, then examines:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- Whether, having regard to their efficiency and effectiveness, the policies, rules and other methods are the most appropriate for achieving the objectives; taking into account:
- The benefits and costs of policies, rules and other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter.

The Reporting Officer has consulted Progressive Enterprises Ltd in the hope of confining the scope of its submission. The submission itself includes specific submissions in respect of Change Nos 14, 15 and 18, and these are afforded closer consideration in the following section of this Report.

Correspondence from Progressive Enterprises' Solicitors is included in Appendix 1. Following circulation of draft reports on Change Nos 14, 15 and 18, the Submitter has withdrawn its general submission against the whole of Plan Change 05/02, but retains an interest in respect of individual Change Nos 14, 15 and 18. The content of the Assessment in this Report as follows has been restricted accordingly.

Supporting Submissions from New Zealand Historic Places Trust:

The **New Zealand Historic Places Trust** (Submitter # 8) records its support for Change Nos 1, 2, 3, 4, 5, 34 and 46. These seek amendments to the Plan in response to the Resource Management Amendment Act 2003 which elevated the status of heritage protection under the Act, or add further archaeological or heritage listings to the Plan. The Trust requests that these Changes be adopted. There are no other submissions in relation to any of these Changes.

Unchallenged Plan Changes:

Given correspondence from Progressive Enterprises in which it is confirmed that it intends limiting the scope of its submission, 27 of the Changes (Nos 1-5, 12, 13, 16, 17, 21, 26-28, 31-41, 46, 48 and 50) are not challenged by way of submissions. It is recommended that the Commissioner adopt those Changes without further amendment.

All remaining submissions and further submissions are summarised and assessment of their content provided in the following section of this Report.

ASSESSMENT OF SUBMISSIONS AND RECOMMENDED DECISIONS

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 In Part

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 any 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"

Council should prepare a separate plan change to review:

- 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.
- notification and affected party approval requirements for resource consents affecting heritage buildings, including as NZHPT has an interest in impacts on buildings on its register.

Recommendation – Disallow Submission 8.6

Reasons:

- i) The scope of Plan Change 6 is limited to rules affecting the Wakefield Quay Precinct. The Council does not have jurisdiction to make changes to the general heritage rules of the Plan by way of submissions, and this is in effect acknowledged by the Trust in suggestion of a further Plan Change. The Submitter does however raise issues worthy of Council's consideration, particularly in view of the fact that the protection of historic heritage has been upgrade to *a matter of national importance* by the 2003 amendment to the Resource Management Act. It is recommended that these matters be considered in a future round of Plan Changes.
- ii) Wakefield Quay is not a heritage precinct under the Plan but has special qualities, which include a number of listed heritage buildings, needing to be protected. Rule REr.84 (Wakefield Quay Precinct) relates to buildings other than heritage buildings. There are separate and specific rules (Rules REr.85-REr.88) for alterations to, or the demolition or removal of heritage buildings, or for the erection of new buildings on the site of a heritage item. Cross reference to those relevant rules is considered to be all that is required in improving the legibility of the Plan, and that should most appropriately fall under the topic heading to Rule REr.84 (see (a) below).
- iii) Notwithstanding the above, the Submitter's suggestion that reference to Group A Heritage Buildings be retained in Rule REr.84.3 would have the effect of making any alteration of a Group A building a non-complying activity. This is more restrictive than Rule REr.85 for alterations to Group A buildings elsewhere in the Residential Zone (a discretionary activity) and indeed in Heritage Precincts covered by Rule REr.89 (a restricted discretionary activity).

Plan Amendments:

- a) Add below the topic heading for Rule REr.84 Wakefield Quay Precinct:
“For alteration, demolition or removal of listed heritage buildings, or new buildings on the site of a heritage building, Rule REr.85 to REr.88 apply.”
- b) Remove the corresponding explanations at the foot of REr.84.1 and REr.84.3, but retain the explanation at the foot of REr.84.5.
- c) Amend REr.84.3 by deleting in its entirety clause a) “the building is not a Group A heritage building listed in Appendix 1” from the restricted Discretionary Activity Heading, and deleting the words “if the building is not a Group A Heritage Building listed in Appendix 1” from the Discretionary Activity heading.

Change No. 7 Archaeological Sites

Submitter: Ngati Awa Manawhenua Trust Contact: 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# 8.1 Support The NZHPT supports proposed Change 7

Recommendation – Allow Submission 8.1, Allow Submission 3 in Part

Reasons:

- i) The submission of Ngati Awa Manawhenua Trust contains insufficient detail on location of the sites sought for inclusion in Appendix 3, and their archaeological merits. The Submitter may wish to present evidence on this at the Council hearing. It is noted that two of the sites requested for inclusion are streets, which could have significant implications on maintenance and upgrading of carriageways and reticulated services and utilities within them.
- ii) Appendix 3 is generated from the New Zealand Archaeological Association site recording scheme. NZAA has not advised Council that these sites identified by Ngati Awa Manawhenua Trust are in fact on its Register.

- iii) The Plan Change as notified updates Appendix 3 in accord with the NZAA Register, and accordingly affords appropriate recognition to and protection of significant archaeological sites in the district.

Plan Amendments:

- a) Adopt Plan Change 7 as notified, adding the five new sites (027/26, 027/69, 027/78, 026/60 and 026/62) and deleting 026/58.

Change No. 8 Heritage Trees

Submitter: Phillipps, John Charles Francis Sub#: 1	Statement# 1
<u>Support</u>	
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	

Further Submitter: Phillipps, John Charles Francis XSub#: 1	Statement# 1
<u>Support</u>	
Reasons: The historical data relating to this tree is important. Planted on an original town acre the tree is est. 120 – 140 years old and may have been planted by an early Nelson Mayor, Mr Sharp.	

Recommendation – Allow Submission 1 and Further Submission 1

Reasons:

- i) Appendix 2 in the Plan identifies heritage and landscape trees of significance in the District. The list of additional trees for inclusion in Appendix 2 had followed from assessment by professional advisors, including an independent arborist, and with consultation of owners and potentially affected neighbours. The submission and further submission support the Plan Change in respect of a tree on the submitter's property.

Plan Amendments:

- a) Adopt Plan Change 8 as notified and amend Appendix 2 accordingly.
- b) A consequential amendment due to listing of the additional heritage and landscape trees is the need to identify these as notations on the Planning Maps. This is not proposed in the Plan Change but is necessary to ensure appropriate administration of the rules. Clause 10(2) to the First Schedule of the Act allows for consequential amendments to the Plan.

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:

Submitter 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.

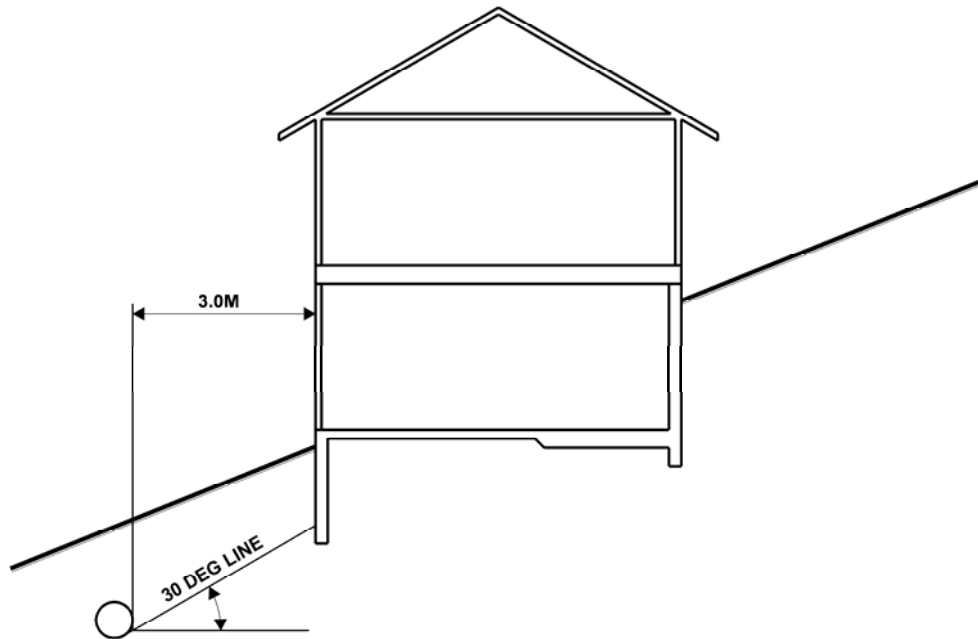
Recommendation – Allow Submission 6.1

Reasons:

- i) This rule was the subject of a Consent Order between the Council and the NZ Institute of Architects in 2003. The Plan Change was proposed because the rule failed to deal with the situation where the ground is sloping. The rule, as amended, will rectify this situation.
- ii) The Submitter's amendments seek to clarify the intent of the rule, including through the diagram, while ensuring consistency between the Zones and with the NCC Engineering Standards.

Plan Amendments:

- a) Amend Rule REr.34.1(a)(i) by replacing "centreline" with "near side", and Rule REr.34.1(a)(ii) by replacing "outside" with "near side".
- b) Add to the beginning of Rule REr.34.1(a)(iv) "which are located within 3m measured horizontally from the near side of the pipe of drain must have the base"
- c) Replace the existing diagram in Rule REr.34.5 with that below, and delete the two lines of text immediately above the existing diagram.
- d) Make similar amendments as a), b) and c) to Rules for the Inner City Zone (ICr.39.1), Suburban Commercial (SCr.28.1), Industrial (INr.32.1), and Open Space (OPr.28.1).
- d) Introduce a new and duplicate rule as REr.34 for the Rural Zone, as RUr.31.



Change No. 10

Buildings 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 notes that this rule has not been included in the Open Space (Recreation) Zone.

Reasons:

Consistency.

Remedy:

Include the rule in the Open Space (Recreation) Zone.

Recommendation – Allow Submission 6.2

Reason:

- i) The omission of the rule from the Open Space Recreation Zone was an over-sight, and should logically apply to all zones where buildings are permitted. The Submission corrects this.

Plan Amendments:

- a) Add a new clause to each of the following rules – REr.58.1, ICr54.1, SCr.47.1, INr.53.1, RUr.29.2 and OSr.25.1 – as follows:
 “the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and”

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.

Recommendation: Disallow Submission 13.1

Reasons:

- i) Defensible space, in relation to fire safety, is an area around a building that is clear or planted in low-flammability plants to stop the spread of fire from vegetation to a building, or from a building into surrounding vegetation. Originally the rule was only applied to residential buildings, but the change was proposed in order to give commercial/industrial buildings, workshops, hay sheds, garages etc which may contain valuable items, or may generate a fire, some level of protection.
- ii) The definition of “defensible space” (MW.39) allows for planting of low-flammability species, which includes some broad-leaf evergreen native species, within the defensible space. This would mitigate the Submitter’s concerns about the visual impacts of development.
- iii) The 10m² figure is an arbitrary one, but is put forward in order to exclude minor storage sheds, pump sheds and the like. It would include residential garaging and workshops which may be at risk of or from fire hazards
- iv) The proposed amendments to Rule RUr.28.1 in relation to on-site water storage for fire fighting purposes only cover buildings for residential, industrial or commercial purposes. The 10m² threshold will afford a level of protection for other buildings where water storage is not a Plan requirement.

Plan Amendments:

- a) Adopt Plan Change 11 as notified.

Change No. 14

Suburban Commercial - Maximum Retail Floor Area

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.

Further Submitter: Progressive Enterprises Limited
Contact: Daniel Minhinnick, Russel McVeagh
XSub#: 4

Statement# 4.1

Oppose

Details:

Progressive Enterprises Ltd opposes all parts of Hugh Briggs submission relation to proposed Change No. 14. Hugh Briggs submission supports the change in use for larger buildings and introduces a new set of assessment criteria for buildings which exceeds the permitted activity standard.

Reasons:

1. Hugh Briggs submission is inconsistent with that of Progressive Enterprises Ltd, and
2. For the reasons set out in Progressive Enterprises original submission, and
3. The criteria sought in Hugh Briggs submission are inappropriate and unreasonable.

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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 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"

Further Submitter: Hugh Briggs
XSub#: 3

Statement# 3.1

Support

Adequate controls can exist to ensure compatibility with commercial activities in suburban commercial zones.

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.1

Support

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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.

Further Submitter: Hugh Briggs
XSub#: 3

Statement# 3.2

Support

The word 'preferably' indicates clearly that this is the most rational place, but does not exclude opportunities for commercial activity in other zones.

-----O-----

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.

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement 2.7

Support

NZ Institute of Surveyors supports the submission made by Progressive Enterprises Ltd on proposed Change 14.

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.5

Oppose in part

The controls should be amended, rather than the entire proposed plan change being deleted.

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.2

Support

-----O-----

Recommendation:

- **Disallow Submission 2.1 and allow Further Submission 4.1**
- **Allow Submission 13.2 and Further Submissions 3.1 and 5.1**
- **Allow Submission 7.1 and Further Submission 3.2**
- **Allow in part Submission 15.1 and Further Submissions 2.7 and 5.2 and disallow Further Submission 3.5**

Reasons:

- i) Submission 2.1 proposes assessment criteria which are either essentially the same as the existing ones or modified by the proposed change, or are considered unreasonable given the Suburban Commercial zoning and development expectations for land affected ie requirement for a comprehensive landscape plan or the relationship of building form and location with other buildings in the SC Zone.
- ii) The amendments to Policy SC1.1 proposed through the plan change do not reflect the wider policy framework of the Plan in its acceptance that commercial development may on occasion be appropriate in other Zones. The word “preferably” recognises that situation.
- iii) The proposed changes to Rule SCr.21 acknowledge in terms of the permitted floor area (1600m² as opposed to 800m²) the different character of, and therefore the potential to mitigate the effects of larger buildings, in the Stoke Centre as opposed to other Suburban Commercial Zones. The rules also however have the effect of making any development in the Stoke Centre which exceeded the permitted activity standard, a discretionary activity (previously controlled). While this is considered appropriate for other Suburban Commercial areas which are typically smaller and serve more of a neighbourhood focus, it may be unreasonable in the Stoke Centre which has an essentially commercial character and is not bounded closely by residential buildings.
- iv) Progressive Enterprises (Submission 15.1) seeks deletion of Plan Change 14 in its entirety. That would have the effect of maintaining the operative rules of the Plan in which the permitted threshold for retail floor space is 1000m². That may not however appear to be in the Submitter’s own interests. The Council needs to consider whether it is limited in its ability to make any alternative relief.
- v) Alternative relief may provide controlled activity status for buildings in excess of 1600m² in the SC Zone at Stoke. While this is quite a substantial change from the proposed plan change which anticipates buildings in excess of 1600m² to be discretionary activities (to which there is likely to be opportunity for public submission), the implications of this must be considered against a return to the 1000m² controlled activity standard which Progressive Enterprises seeks. Council is still maintaining the ability to impose conditions on a larger building in Stoke as a controlled activity, to address its amenity, landscape, parking and other effects on the local environment.
- vi) The first paragraph in Rule SCr.21.5, in its reference to the 1000m² standard and control over visual aspects of development is no longer relevant to the new rules.

Plan Amendments:

- a) Delete the proposed wording for Policy SC1.1 which reads “and in recognition of the inappropriateness of commercial development in the Residential and Industrial zones.” and retain the word “preferably”. By way of a consequential amendment, the word “and” should also be retained. All other proposed amendments to Objective SC1 and the explanation and methods for Policy SC1.1 can remain as they clarify the intention of the Objective and Policy from which the rule changes have evolved.
- b) Confirm all proposed amendments to Rule SCr.21 but add a new Rule SCr.21.2 to read “The erection or substantial alteration of a building in the Stoke Centre where the gross floor area of the building is in excess of 1600m², is controlled. Control reserved over the visual appearance of the site and buildings (including advertising and landscaping), and the layout of, and access to, the site” and amend Rule SCr.21.3 to read “Activities that contravene a permitted or controlled condition are discretionary”.
- c) Make consequential amendments by deleting the last three sentences in the first paragraph in Rule SCr.21.5.

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)

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement# 2.8

Support

NZ Institute of Surveyors supports the submission made by Progressive Enterprises Ltd on proposed Change 15.

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.3

Support

Recommendation: Allow Submission 15.2 and Further Submissions 2.8 and 5.3

Reasons:

- i) The original wording in Appendix 18 provides a clear indication of the Council's intentions in respect of providing continuity of weather protection. Other provisions in AP18 relating to such things as the dimensions and height of verandahs are expected to be met unless impractical.

Plan Amendments:

- a) None – reject Plan Change 15.

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

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.4

Support

-----O-----

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

-----O-----

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."

-----O-----

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

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement# 2.9

Support

NZ Institute of Surveyors supports the submission made by Progressive Enterprises Ltd on proposed Change 18.

Recommendation: Allow Submissions 7.2 and 6.3, and Allow in Part Submissions 13.3 and 15.3 and Further Submissions 2.9 and 5.4

Reasons:

- i) The plan amendments seek to clarify the discretionary status of building height where exceeding the permitted standard measured using either the vertical or averaging height methods defined in MW.78 “Height”.
- ii) Submission 6.3 seeks to remedy a situation whereby the proposed plan amendments appear to make what would otherwise be a complying average height a discretionary activity. The implications of the amendments sought by Mr Johnson is that the discretionary status only applies to buildings in the Residential Zone of over 7.5m height or over 7.5m average height on sloping ground. This would appear to address the concerns raised in Submission 13.3.
- iii) Submissions 7.2 and 15.3 draw attention to the imposition of the Residential Zone height limit (7.5m or 7.5m average) across all other Zones, with no regard for the permitted height standards within each. Although the plan amendment “buildings over 7.5m or averaging (over) 7.5m on sloping ground are discretionary” is only to the rule explanation, it is inconsistent with the associated height rule for all other Zones. This will create confusion for users of the Plan.

Plan Amendments:

- a) Add to the end of Rules REr.32.1, ICr.24.1, ICr.72.1, SCr.22.1, INr.27.1, OSr.26.1 and RUr.32.1 the words: “(See MW.78 ‘Height’ for definition (including chimneys) and MW.79 ‘Height Measurement’) - **Note consequential changes to definition references in Chapter 2.**”
- b) Amend the wording for explanation in REr.32.5 to read “Therefore, buildings over 7.5m or averaging over 7.5m on sloping ground, are discretionary.”
- c) Add similar wording as (b) to Rules ICr.24.5, ICr.72.5, SCr.22.5, INr.27.5, OSr.26.5 and RUr.32.5, but subject to the following permitted height limits:
 - ICr.24.5 – 15m

- ICr.72.5 – 20m for the Intensive Development Area and 12m for the rest of the City Fringe
- SCr.22.5 – 10m for Stoke and Tahunanui, 21m for the Leisure Area on the landward side of Wakefield Quay, and 8m for the rest of the Suburban Commercial Zone
- INr.27.5 – 15m in the Nayland South Industrial Area and Saxton Road West, and 12m in the rest of the Zone
- OSr.26.5 – 18m in Trafalgar Park, Rutherford park and Saxton Field, and 7.5m for the rest of the zone
- RUr.32.5 – 12m.

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

Recommendation: Disallow Submissions 13.4 and 12.1

Reasons:

- The proposed changes reflect limitations that already apply to buildings on commercial or industrial zoned land adjoining the Residential Zone by virtue of AP15.9.i. This requires that buildings must fit within the arms of the daylight around angle up to a height of 7.5m. The change merely clarifies that requirement in earlier explanation (AP15.2) of where the daylight controls are to apply.

Plan Amendments:

- Confirm Change No 19 by making the proposed amendments to AP15.15.2.i.

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.

Remedy:

Amend the sentence to read “ only to that part of the building that intrudes into the 4^m setback”

Recommendation: Allow Submission 6.1

Reasons:

- i) The amended wording makes it clear that any part of a building which lies outside a recession plane of 45⁰ inclined into a residential site but which lies more than 4 metres beyond the road boundary, is not subject to this restriction.

Plan Amendments:

- a) Confirm Change No 20, but amend the final clause in the first sentence under AP15.3.1(b) to read “..only to that part of the building that intrudes into the 4m setback...”

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" in diagrams a) and b) in MW74

Recommendation: Allow Submission 6.5

Reasons:

- i) All measurements of height are made relative to original ground level, as in the diagrams and text of MW.79 ‘Height Measurement’. The words “where original ground level is used” in the notation to MW.79 is confusing as that is the only basis by which to measure height.

Plan Amendments:

- a) Confirm Change No 22, but delete the words “ where original ground level is used” from the note to MW.79 ‘Height Measurement’.

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 is 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.

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement# 2.2

Support

NZ Institute of Surveyors supports the submission made by Staig & Smith on proposed Change 23.

Recommendation: Allow Submissions 13.5 and 12.2, and Further Submission 2.2

Reasons:

- i) The second sentence in proposed Rule Ap15.6.v is confusing and does little to clarify the intention of the control.
- ii) The use of either method consistently across the whole building, both existing and any alterations, is a more practical and simple solution, will achieve the desired result in terms of mitigation of shading as required by the Plan, and will be easier to administer.

Plan Amendments:

- a) Confirm all proposed amendments under Plan Change 23, except delete Paragraph Ap15.6v and replace it with the following:
“When alterations/additions are carried out to existing buildings, the entire building (i.e. the alteration/addition and the original building) must comply with the same daylight control method (i.e. **either** daylight-over **or** daylight-around). “

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"

Recommendation: Allow Submission 5.1

Reasons:

- i) Council's concern about AP15.8.iii.b is one of implementation. The existing daylight over provisions allow exemptions for dormer windows of a certain size, and gable ends if no more than 1.5m high and less than 2.5m² in area, which would otherwise infringe the daylight-over provisions. The outcome of these limits is that buildings have been designed with in effect an extension of a side wall(s) that may breach the permitted height limit for the zone by a noticeable amount and over a considerable length of wall (but still within the 2.5m² restriction), with subsequent loss of daylight or shading of neighbouring properties where not anticipated by the Plan. This has, on occasions, caused problems in dealing with aggrieved neighbours in relation to new buildings or extensions to existing buildings. The proposed changes are intended to reinforce that exemptions are to apply only to minor intrusions.
- ii) Change No 24 seeks to amend the rules by both limiting the maximum width of the intruding roof-line or wall (up to 2.5m), and limiting the exceptions to roofs of 15 degree slope or greater.
- iii) Submission 5.1 seeks that AP 15.8.iii.b includes flat roofs, or at least exclude application of this rule only to roofs of greater than 15 degree slope. He states that with restriction in height and area of the intrusion, flat roofed projections will have little effect in comparison to a building with a pitched roof. It is expected that Mr Jerram will present examples to substantiate his submission at the hearing.
- iv) The Change provides for a maximum width of any intrusion. The 2.5m limit appears to be a more effective control over the scale and associated effects of such works, regardless of any particular roof form. There seems no basis in controlling roof pitch as a means to providing for minor exemptions.
- v) The AP15.8.iii.b as amended appears specific to "gable and gable-like roof ends" only, however previously included reference to alternative roof forms that have the same effect in terms of daylight control. Diagrams of those alternative roof forms remain in Appendix 15, and accordingly any amendments to the rule should retain cross-reference to them. This should be reflected in the heading and substance to AP15.8.iii.b.

- vi) It is noted that the amended rule refers to a definition of ‘gable’ in Chapter 2, but that is in fact not defined. This is not however considered necessary with inclusion of the diagrams.

Plan Amendments:

- a) Amend AP15.8.iii.b to read:

“Gable and other roof ends where the roof ridge is generally at right angles to the site boundary. The end of the ridge may be up to 1.5m above the indicator height and the end area when viewed in elevation is allowed to be up to 2.5m² in area and up to 2.5m in width. Up to one intrusion is permitted per boundary. The rule provides for gable roof ends, and other alternative roof forms as shown on the diagrams attached.”

- b) Amend the text to the diagrams, under the 15 degree gable roof end, to apply to all diagrams and to read:

Permitted Intrusions:

- *Maximum 1.5m high; and*
- *Maximum width of 2.5m; and*
- *Maximum area of 2.5m².*

- c) Adopt amendments to AP15.8.iii.a as proposed in Change No 24.

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."

Recommendation: Allow Submission 6.6

Reasons:

- The intention of Change No 25 is to require that the 2.0m line above point P follows the ground level instead of the horizontal. This recognises the implications for a sloping site, where the rule previously allowed for limited control of the downhill side of a building but excessive control on its uphill side.
- The alternative wording below has the same meaning as proposed in the submission but is clearer in its intent.

- iii) The amendments to AP15.9.iii.b, and the explanation which follows that, are repetitive. The submission allows for that to be streamlined, for clearer understanding of Plan users.

Plan Amendments:

- a) Amend the suggested wording in AP15.9.iii b) to read: “Buildings and structures complying with the special height limiting lines outside the angle.” Delete the original text and amendments to AP15.9.iii.b) proposed through Change No 25.
- 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 the boundary immediately adjacent to the point of consideration of the building. The maximum height then increases 0.5m for each 2m distance from the boundary. This is a recession plan of 14⁰ inclined into the site, measured from a point 2 metres above ground level at all points 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".

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.5

Support

Recommendation: Allow Submission 13.6 and Further Submission 5.5

Reasons:

- i) The proposed plan change states that the rule amendment is necessary for consistency with Policy IN1.1, however nowhere in that policy is the concept of “essential” activities referred to and neither is it defined in the Plan. As indicated by the Submitter, office facilities must be ancillary to an industrial activity to be permitted in the zone, and in that regard an appropriate relationship is ensured so as to protect industrial land resources from inappropriate or inefficient use.

Plan Amendments:

- a) Maintain Rule INr.22.1 as it is (by deleting the words “essential and”), and delete the word “essential” from the proposed amendments to Rule INr.22.5.

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 INr.23.1 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."

Recommendation: Allow Submission 13.7 in Part, and Allow Submission 14

Reasons:

- i) Policy IN1.3 and Rule INr.23 are limited to control over non-industrial activities in the port area. Industrial activities are permitted as of right, without need for resource consent. This may address part of the Submitters' concerns in respect of the leasing of floorspace and promoting the efficient use of resources.
- ii) The Submitters have highlighted the need to allow for legitimate and efficient use of Port land and resources. The proposed plan change will impose unreasonable restrictions on port users and lessees whose business activities may not be considered essential ancillary services. Change No 29 does however seek to manage land use activities so that they relate directly to or serve activities in the port area, and to that extent some need for control is warranted so as to prevent unrestricted non-industrial activity.

- iii) It is recommended that the phrase “essential ancillary services or activities” is deleted from both Policy IN1.3 and Rule INr.23, for similar reasons as expressed for Plan Change 29. The other proposed amendments to Policy IN1.3 can however remain as they provide explanation of the type of activities anticipated at the Port, and what other non-industrial activities may be appropriate.
- iv) Submitter 14 has suggested referring to the “Port Area” rather than the “Coastal Marine Area” in Rule INr.23.1. It is recommended that both areas be included, as a more appropriate acknowledgement of the functioning of this industrial area.
- v) The intention of INr.23 is more clearly expressed through amendments to Rule INr.23.5 (Explanation of the Rules) in referring to activities or facilities that relate directly to or serve activities in the Port and Coastal Marine Areas.

Plan Amendments:

- a) Delete the words in the fourth line of Paragraph IN1.3.i which reads: “and are essential ancillary services”, and the similar phrase in the fifth line which reads: “and are essential ancillary activities e.g. training rooms”. The other proposed amendments to Policy IN1.3 can remain. Delete the same words from Rule INr.23.1.
- b) Amend Rule INr.23.1 a) to read: “Such activities relate directly to, or serve activities in the port area and coastal marine area.”
- c) Amend the first sentence in Rule INr.23.5 to read: “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 or serve activities in the port area and coastal marine area.”
- d) Amend the final sentence in INr.23.5 to read: “The intention of the rule is to ensure that only office, recreational and other facilities that relate directly to or serve activities in the port area and coastal marine area are able to locate within the port industrial 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 resource consent, protects scarce industrial and reclaimed land, minimises the need to reclaim more, and maximises the use of land for port related activities.”

Change No. 42: Comprehensive Housing Developments (site area and coverage)

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

-----O-----

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

Further Submitter: Hugh Briggs
XSub#: 3

Statement # 3.6

Support in part

With improved performance standards and design guidelines, innovative housing can be dealt with as a discretionary activity. Retain a modified Change 42 – do not delete it.

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.7

Support

-----O-----

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)

Further Submitter: Hugh Briggs

XSub#: 3

Statement 3.11

Support

Hugh Briggs agrees with Jerram Tocker in that he believes arbitrary coverage provisions are unnecessary as there are (with recommended amendments) adequate assessment criteria in place to ensure good design and high standard of off-site amenity.

-----O-----

Submitter: Landmark Lile Ltd

Contact: Lile, Mark

Sub#: 7

Statement# 7.3

Oppose

Details/Reasons:

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.

Sec 32 report does not justify the necessity for these changes.

Remedy:

Delete the proposed changes.

Further Submitter: Hugh Briggs

XSub#: 3

Statement 3.12

Support in part

Hugh Briggs supports Landmark Lile Ltd's opposition to coverage controls but supports the need for more criteria and guidelines to be introduced with a degree of flexibility being provided for.

-----O-----

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

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement # 2.3

Support

NZ Institute of Surveyors supports the submission made by Staig & Smith on proposed Change 30.

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.3

Support in part

Hugh Briggs supports the need to delete the reference to non-complying status. With adequate criteria and design guidelines in place, proposals can be considered as discretionary activities.

Further Submitter: Landmark Lile Limited
Contact: Mark Lile
XSub#: 5

Statement# 5.6

Support

Recommendation: Allow Submissions 13.8, 12.3 and 7.3 and Further Submissions 5.7, 2.3 and 5.6, and allow in part Submissions 2.2 and 5.2 and Further Submissions 3.3, 3.6, 3.11 and 3.12.

Reasons:

- i) Change No 42 introduces a new status (non-complying activity, where previously discretionary) for comprehensive housing developments that exceed the permitted site area and site coverage rules for the Residential Zone by more than 20%, with associated amendments to the assessment criteria relevant to that.
- ii) 'Comprehensive housing development' is defined in the Plan (MW.30) as meaning three or more residential units, 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 units are to be sited must form a separate contiguous area. Only if a comprehensive housing development is designed in such a manner that it does not comply with the permitted rules in the Plan would it require resource consent (Rule REr.22). Most often this will relate to site area and coverage issues, amongst other things.
- iii) As a discretionary activity, the Plan already contains an appropriate degree of control over the design and effects of comprehensive housing development. The rules encourage innovation and flexibility in building design, providing there is appropriate attention to environmental and amenity standards on-site and within the neighbourhood. Comprehensive housing development is one residential style that meets the specific needs of the City population, both in built form and density of development. This accords with Objective RE1 and Policies RE1.1 and RE1.2 in the Plan. It is considered that non-complying status for such developments breaching the site area and site coverage rules by more than 20% does not adequately recognise the highly integrated design philosophy already required of proposed developments, and the additional guidelines already imposed through Appendix 22.
- iv) Submission 2.2 requests that some proposed amendments are deleted, but others to the assessment criteria are retained. There is a need for consistency as, if Rule REr.22.3, REr.23.3 and REr.24.3 are unchanged as a result of the submission, then cross-referencing to assessment criteria in Rules REr.23.4 and REr.24.4 is

irrelevant. Instead, assessment of comprehensive housing development is subject to the guidelines in Appendix 22 of the Plan (see REr.22.4(a)).

Plan Amendments:

- a) None – reject Change No 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.

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."
- 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
- 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

-----O-----

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 43

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.4

Support in part

-----O-----

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

Statement# 5.3

Support in part

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.

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.

Remedy:

Remove proposed Change 43 a) and b).
Amend proposed Change 43 c) by deleting the words "and standard"

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.7

Support in part

Supports the concerns of Jerram Tocker but recommends making his alterations rather than those of Jerram Tocker.

-----O-----

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

Statement# 7.4

Oppose

Details/ Reasons:

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.

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.
Sec 32 report does not justify the necessity for these changes.

Remedy:

Delete the proposed change.

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.8

Oppose

By making Hugh Briggs suggested alterations, CHD's will not be hindered, but better off-site amenity will be ensured and energy efficient techniques will be able to be used.

-----O-----

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

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement 2.4

Support

NZ Institute of Surveyors supports the submission made by Staig & Smith on proposed Change 43.

Oppose

Proposed Change 43 needs to be retained but in an amended form, to ensure better designs and better analysis of potential effects on local environments.

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Recommendation: Allow in Part Submission 2.3, 5.3, and 7.4 and Further Submissions 3.4, 3.7, 3.8 and 3.9, and Disallow Submission 13.8 and 12.4 and Further Submission 2.4.

Reasons:

- i) Disregarding any change in activity status for comprehensive housing developments under Change No 42, Change No 43 introduces amendments which will enhance the quality of the guidelines under Appendix 22. Appendix 22 will still apply to comprehensive housing developments whether discretionary or non-complying activities.
- ii) The proposed amendments to AP22.5.i(c)(ii) do not adequately explain the neighbourhood context to which building height must be responsive. The changes suggested in Submission 2.3 will address this in referring both to present development and that which may occur under the permitted Plan provisions.
- iii) The proposed amendments to AP22.5.i(c)(vi) in respect of density relate more specifically to proposed rule changes for site area and site coverage in the Residential Zone. The guideline may more appropriately read “density, as a feature of the amenity or character of the neighbourhood” without confining consideration only to existing density patterns or to any particular zone.
- iv) Submission 2.3 seeks to amend AP22.5.i(c)(vii) to read “the privacy, outlook and daylight/sunlight levels of neighbours should be no worse than could occur with any permitted development on the development site”. To limit impacts to a level determined by permitted standards in the Plan does not allow for reasonable judgement as to whether any additional effects would in fact be minor and therefore acceptable. As a guideline, (vii) may more appropriately read “maintaining acceptable levels of privacy, outlook and daylight / sunlight levels for neighbours”.
- v) Submission 2.3 suggests a new technique under AP22.6 (On-Site Amenity) – a comprehensive landscape plan. A landscape plan is specifically required under AP22.5.iii and through information to be submitted under AP22.8.3, and landscape treatment is part of items a) and b) in AP22.6.i. Further to this, the matters to be considered in preparation of that plan address impacts on neighbours and the streetscape, issues of off-site amenity and otherwise already covered under AP22.5.i, AP22.5.i(a) and AP22.5.i(c)(vii). The suggested amendments are considered unnecessary.
- vi) Submission 2.3 also seeks a new technique under AP22.6 – “the effects that permitted baseline development could have on adjoining sites”. Not only is this not a “technique” as prescribed by the introduction to AP22.6.i, but is otherwise covered by the Act. It may however be useful, in applying to all of the guidelines in AP22.5 as off-site effects, that a new rule or advisory note be added to the end of AP22.5i stating that in addressing the guidelines reference may be made to

both the environment as defined by present development and/or that which may occur under the permitted Plan provisions.

- vii) AP22.6.1(h) makes specific mention of solar water heating as an energy efficient technique. Concern has been expressed that this creates an expectation of inclusion of solar water heating in comprehensive housing developments. Given that similar heating solutions are not required in standard residential development, the concern is upheld. The removal of reference to “solar water heating” will not undermine the integrity or intent of the guideline.

Plan Amendments:

- a) Confirm Change No 43 but with the following alterations to the proposed amendments:
- AP22.5.i(c)(ii): “Keeping reasonable continuity of height which is compatible with the surrounding neighbourhood, taking into account both present development and what could be developed to permitted standards on the development site and adjoining sites.”
 - AP22.5.i(c)(vi): “Density, as a feature of the amenity or character of the neighbourhood”.
 - AP22.5.i(c)(vii): “Maintaining acceptable levels of privacy, outlook and daylight / sunlight levels for neighbours”.
 - Add to the end of AP22.5i a notation that: “in considering the guidelines above, consideration may be given to the environment as exists through present development and/or as may occur under permitted provisions of the Plan.”
 - AP22.6.i(h): “Energy and thermal-efficient design which incorporates active and passive energy efficient features and appliances.”

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 than permitted baseline developments would."
- d) retain

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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

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.10

Support in part

Proposed Change 44 needs to be retained in an amended form. Discretionary is an adequate mechanisms – developments do not need to be made non-complying.

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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."

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.13

Support in part

There could be some significant departures from the arbitrary standard which needs to be indicated. Recommend amending proposed Change 44© rather than deleting it.

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

Statement# 7.5

Oppose

Details/Reasons:

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.

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.

Sec 32 report does not justify the necessity for these changes.

Remedy:

Delete the proposed changes.

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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

Further Submitter: New Zealand Institute of Surveyors
Contact: Simon Jones
XSub#: 2

Statement 2.5

Support

NZ Institute of Surveyors supports the submission made by Staig & Smith on proposed Change 44.

Further Submitter: Hugh Briggs
XSub#: 3

Statement 3.14

Support in part

Hugh Briggs agrees with Staig & Smith Ltd in that CHDs should not be non-complying, however the proposed Change 44 should be amended as per Hugh Briggs recommendations rather than being deleted.

Recommendation: Allow in Part Submissions 2.4, 13.10, 7.5, 12.5 and Further Submissions 3.10, 3.13, 2.5 and 3.14, but disallow Submission 5.4.

Reasons:

- i) The policy amendments seek consistency with rule changes under Change No 42. If Change No 42 is rejected as recommended, there is no basis for associated amendments to the Residential Zone policy, and in particular RE1.1.i.
- ii) Comprehensive housing development anticipates flexibility in density, compensated through integrated and high quality urban design and built form. Reference to “density” in Policy RE1.2, proposed to be deleted under Change No 44, is therefore an appropriate inclusion in the policy, in recognising the interrelationship between Policy RE1.1 (Densities), Policy RE1.2, and AP22.5.i(c)(vi) in which density is identified as a matter affecting off-site amenity and neighbourhood character.
- iii) Maintenance of “streetscape”, as a new criterion (g) under Policy RE1.2, is a matter to which the guidelines for comprehensive housing development in Appendix 22 already refer. The proposed amendment will achieve consistency between Policy RE1.2 and AP22.5.
- iv) The proposed amendment to Policy 2.5, by addition of the word “existing”, will limit consideration of the compatibility of development to the existing character and amenity of residential areas. Submission 7.5 is accepted as any development should not be denied the opportunity to be assessed against the residential character of its environs as anticipated by the Plan.

Plan Amendments:

- a) Add new criterion (g) to Policy RE1.2 ; “g) does not diminish streetscape of adjacent roads”, but otherwise reject the proposed amendments under Change No 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# 1

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 for 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.

Recommendation: Allow Submission 11, Disallow Submission 9

Reasons:

- i) The Nelson Polytechnic was granted resource consent in 1999 to use the site at 13 Alton Street as part of the Nelson Polytechnic School of Visual Arts for a range of permitted activities listed in Schedule 'F' of the then proposed Nelson Resource Management Plan. At that time NMIT did not have legal rights over the site and the property was not included in the Schedule. The property was purchased by NMIT in 1999 and it is now appropriate that it be included within Schedule 'F'.
- ii) The site should be subject to the same planning framework as applies to the balance of the former "Griffin" site.
- iii) The issues of difference between the owners of 11 Alton Street (Masterton/Abbott) and NMIT have been resolved with NMIT constructing an acoustic wall, undertaking planting, and providing various other guarantees.
- iv) It would appear that the only remaining concern of the owners of 11 Alton Street is that future executives of NMIT may not honour the agreement which has recently been reached.

Plan Amendments:

- a) Adopt the proposed change by amending Planning Map 15 to include 13 Alton Street (Part Section 424 City of Nelson; Title NL57/156) within Schedule 'F' Polytechnic.

Change No. 49

Earthworks

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# 1

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).

Recommendation: Allow Submission 6.8 and Submission 4

Reasons:

- i) The inclusion of proposed amendments to REr.61.1(d) – and equivalent paragraphs for other zones) imposes greater restrictions on the installation of utility service lines than had been previously agreed by Council. The amendments sought through the submissions remedy the unintended effect on permitted activities such as excavation or filling of 1.2m or less, and the construction of utility service lines.

Plan Amendments:

- a) Adopt Plan Change 49, but subject to the following changes to Rule REr.61.1 and all equivalent zone rules:
 - Delete paragraph d) and add a new 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).