**Plan Change 14 Hearing**
**28 November 2011**
**Nelson City Council Chamber**

**Commissioners**: Cllr Derek Shaw (Chair), David Mead, Cllr Gail Collingwood, Cllr Ruth Copeland, Cllr Mike Ward

**Council Staff**: Lisa Gibellini, Matt Heale, Andrew James, Shane Overend, Reuben Peterson (notes).

**Expert witnesses**: Graham McIndoe

**Submitters**:

- Marsden Park Ltd (APL Properties Tony Quickfall);
- Gibbons Holdings (ML1), St Ledger Group (ML2) Mark and Kim Lile (ML3) (Landmark Lile Ltd, Mark Lile);
- Stoke Valley Holdings, SS1 (Staig and Smith); Staig and Smith SS2;
- Ian Jack

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9:03am: Site Visit departs
10:30am: Site Visit returns

Break

11:02am: Hearing Commences – Officer Overview

Powerpoint RAD 1197246, presented by Lisa Gibellini

Copy of maps, powerpoint and Urban Design Action Plan handed out.

DM: Is there an equivalent policy in the plan (DO14.3.1, pg154),
LG: there is policy now, this one is current and is being amended through this PC. Changes to make it legally robust – improve use, application

MW: Is there a current requirement to construct a road, rather than just provide for it?
LG: Yes

*11:21am: TQ enters (powerpoint slide currently displayed, Services Overlay subdivisions rule pg 98).*

RC: Can someone coming in for a Resource consent can choose between Res Disc or Disc?
LG: Yes, dependant on the amount of info they wish to provide, more info as stated in plan can result in res disc consent
RC: Would most people go for res disc?
LG: I would hope so.

LG: Ian Jack submissions need to be acknowledged in topics 25 and 27, this has not been done within the Officers Report. – reject statement 3 of submission 7 (Ian Jack).

11:38am LG finishes presentation

DM: clarification of what is new in the Plan, follow on from his last question. The new bit of the LTP?
LG: Plan was written with Financial Contributions in it, now that has changed
DM: Is there only one LTP at any one time
LG: Yes
DM: is there a minimum site area for CHD
LG: No

GC: If I build a fence now, what do I have to do,
LG: No fence rule currently, over 2m needs BC
GC: How will people know about the changes
LG: Residential design guides, information provided.

RC: What does the 4m line mean in front yards
LG: the Plan defines the front yard as 4m, this is where the rule applies.

DS: pg 60 of Submissions folder, St ledger group is not referenced, has this one been considered?
LG: *will check this out*

11:43am GM presentation powerpoint 1199473

DS: Grahams report starts page 259 officers report

DS: are copies of reports referenced available to view by commissioners
LG: yes

GM: refers to his pages 36 and 37 for Ian Jack submission response,

Questions of GM:
DM: distinction between smaller and bigger roads – why was this selected
LG: it is in sec32, one fence rule at the start of drafting, this changed by the steering group as those on a higher order road needed more ability to protect against traffic effects.

AJ: Introduces himself; will discuss the transport and roading after submitters. He has been involved in assessing subdivisions and road hierarchy, involved in LDM development, road policy and how they are funded through LTP etc,

SO: services, introduces himself, senior engineering officer development. Involved in PC from the start, did the LDM development and interaction with the PC.

12:01: TQ leaves

12:05: LUNCH DS adjourned hearing till 12:30pm.

12:25: TQ and John McLaughlin in room waiting for the start

12:36: DS Hearing reconvened – introduces the Panel

12:39: TQ and JM commences presentation

TQ: passes around supplementary papers

TQ: Marsden Park is the submitter, this is largest single subdivision in Nelson. One landowner going through all densities and aspects of design. Then reads supplementary papers.

TQ: asks panel to put themselves in the place of hearing subdivision application to ensure they can understand how some of the policies etc will work in practice.

Needs to be a clear cascade between obs, pols, rules.

What is the main RMA issue that this is trying to address – hasn't been clearly stated.

Concern over the extent of information requirements and the matters of restriction stated- discretion is not practicably restricted.

Intention is good, but the submitter does not think the benefits of the res disc and disc split will be achieved as the information requirements are too onerous.

Pg 47 disagree with Officer's report. See TQ supplementary paper

12:45pm: ML enters

This is the primary concern of Marsden Park. – should include 'where practicable' as per the submission. This would avoid the concern that roads will need to be connected in all cases.

Pg51, concern about subjective wording (reminds panel to put their 'consents' hat on when considering how this will work. SMART objectives (Specific, Measurable, Achievable, Realistic, Timely)

Concerns over definability of terms used and measurability. (examples given in papers)

What is the significant RM issue that the wording is seeking to resolve? Replace obscure wording with certain wording.

Marsden Park would have come to a pre hearing meeting but was not invited.

Objectives and policies can and should be simplified – they consider that Council should write the policy and it is not their role to provide wording.

Reference again to how would a consent officer understand something,

Statement 8: gives Orchard ST as an example where this would be a good idea but would need a discretionary activity consent.

Statement 11: the balance between flexibility and certainty

Statement 13: disagree that controlled activity status is inappropriate.

Statement 14: makes a point of specific over general theory. States that officers should check if other subdivisions have been granted for controlled activity in the landscape overlay (gives Dodson's Valley one as an example).

Directs panel to officers report pg 214 AP14.2.v and AP14.2.iii – issue is that it is a mandatory requirement to meet all the

requirements of 14. This is how it will be interpreted. Wording is prescriptive, but it is intended to be flexible. Create problems with interpretation down the track. Therefore they suggest that 'musts' be replaced with 'shoulds'.

1:12pm: TQ finished

DS: invites JM to speak
JM: issues for developers is uncertainty and having to continually justify their position and interpretation. Development is now marginally profitable therefore Council needs to be proactive to encourage a reasonable level of development. Shortage of property at reasonable price will put people off – city will die. An RC can take 3-4 years to come through in total. Time lag is an issue for developers = cost.

Questions

DM: statement 3, roading level. Addition of practicable but submission also asked for economically viable. Do they want this to stay – different bunch of issues
JM: yes this is also an issue – land topography means some development is not practicable from a $ side of things.
DM: how do we distinguish between two landowners who do not want to provide a connection, versus using cost as an argument
JM: easy to show if $ are the problem or not.
DM: submitter stated uncertain language is an issue – these words are used in seven c's etc – this wording is used throughout the urban design world
TQ: haven't thought of any different working to resolve this, arguments will be had at RC stage over uncertain wording. TQ is certain that there is more certain wording available.
TQ: break down 'inspiring outstanding' policy, doesn't work, what is it trying to achieve. How to interpret these – people know intuitively what it is seeking to achieve but can't demonstrate it.
DM: services overlay – pg 154 DO14.3. Status of the notes, they are not policy, and are not explanation and reasons.
TQ: could be easily fixed (put a 'g' in front of it) – it is a rule within the policy context
DM: you say it is not an RMA issue, but development does need it and it does need to be paid for
TQ: not justified as a policy – covered in other statutory processes.
DM: para 15, 'good quality / best practice' is there a distinction between 'best practice getting you towards good quality'
TQ: method is 'best practice' outcome is good quality
DM: possibly use both

DM: para 19, submitter worried about disc status on Comprehensive Housing Development (CHD) outside of high density one.
TQ: proposal doesn't incentivise CHD outside of these areas.
DM: are you saying same incentives should be provided outside of high density zone.
TQ: yes people should be able to go down this track as a way of encouraging better quality design.
DM: if we went down this route should there be another density trigger outside of high density areas
TQ: add wording so that there is a preference for non-notification but that it could still occur if there is a need for it.
DM: changes in AP 22 – mandatory wording should be replaced by ????
TQ: ????
DM: pg 225 AP22.7.2 using new addition 'amount of detail is relative…'
TQ: inconsistent with the musts and shalls, this conflict will result in dispute with consents application requirements.
TQ: the rules require all the information for every subdivision
MW: getting certainty and flexibility is the problem, needs significant change from both developers and council. Is this change on the way to achieving the flexibility?
JM: developer has to overlay it all with their return. They then have to sort out the detail with Council. They are seeking to streamline the wording – add certainty will help both sides from the outset.
RC: some indication given that there will be staff training given. Would this help or give comfort that the training will help.
JM: it should help but in the end it is the legal interpretation of the rule. Make it certain at the start will help more
RC: if it was replaced with 'should' will this help (AP14.2) can you give an example where you would provide less information
JM: required to provide drawings of the urban environment (1kms out) not relevant to their development, they turn it around as they are dealing with an integrated development. A smaller development would require this due to the context it sits in, but would add little benefit to MPL.
TQ: if you take 1km out from all developments this requires too much – should be applied on a case by case basis. Allows for pre-application meetings to set what is required.
JM: prehearing meetings – put proposal to a UD committee to set out what is required from any particular development. Currently requirement is to look at everything, can steer a person away from what might be the best opportunity.
TQ: JM would like to see the UD committee have a mandatory role in development assessment
RC: Ap14.2 does this help mitigate with issues.

TQ: inconsistent as it states 'must', the mandatory aspects must be removed. Staff don't always agree and there is turn over so the staff training might not help much.
DS: UDP is not currently mandatory, would you like it to be.
JM: currently it is a recommendation and staff may or not accept it. If you go to the UDP then the comment from them should be mandatory for Council to follow. You are dealing with professionals in the panel therefore you should accept it. There may be conflict with developer when it comes to money to implement something but the panel should understand this as they are professionals in this area.
TQ: consequential amendment could bring in the UDP recommendations as a 'must' item for the Council to consider.
JM: assessment should be at the front end
DS: cant think of an example of low density CHD>
TQ: neither, but doesn't want to exclude the opportunity to use this.
DS: how would neighbours feel to get CHD next to them as non-notified.
MW: is there an example of getting better use of land.
JM: there would be examples of this, could then use CHD provisions to handle this, provides flexibility. Questions is it offensive, if notified then one person can stop something. There should be some limitations on CHD in standard area. But allow for some of it.
DS: there is more work to come in a future PC on intensification
JM: will need smaller and smaller sections down the track
DM: will you be disc if you don't provide all the info
TQ: yes as I understand it
DM: a normal AEE would require most of these things to covered anyway
TQ: in a general sense yes. But context design is new, the extent of this might be outside of what is required a standard. The applicant might not put enough in and then be put in disc category.

1:47pm: TQ and JM finished

1:48pm Mark Lile (personal submission) tabled papers

1:50pm Jackie M and Stewart Calder enters

Wood area is only high density section of town, but policies make it hard to make the best use of this land eg garage being behind the house. Also reversing onto Collingwood street ???? Changes would impact on other aspects and objectives

Questions
RC: clarification on reverse manoeuvring for classified roads

ML: should have onsite turning on busy roads, space on the road should play a part, there is plenty of room to reverse onto Collingwood St within being in the traffic lane. Be careful of the opportunities that are affected.
RC: is there a more appropriate tool for determining reversing
ML: getting hard for intensification to occur
RC: do you have a solution'
ML: most CHD developments have benefited from existing rules. The change in the plan in High density, encourages CHD into the Wood, front yard rules.
ML: I would not want to live next to footpath at night
RC: Is there a difference to night time activity in different areas
ML: yes, main routes often have taller fences to protect themselves
RC: People make the choices of where they wish to live,
ML: I was aware of what the area was like
RC: would you still buy in this area if you knew the rules
ML: people will still build a tall fence as they would not be aware of the plan provisions
ML: most people developing in the Wood are putting up large fences.
DM: what is a 'decent fence'
ML: could have spikes on a permeable fence. But didn't want that just wanted a tall fence that couldn't be climbed
DS: what is a decent fence
ML: ours is secure and is private
DS: knows other people who live close to the road but haven't built a large fence
ML: suspects those people also want a decent fence.
DS: GM said that higher fences have increased crime stat
ML: suspects that this is daytime things, ML protecting himself from night time activity.
2:05pm concluded

2:07pm ML for Gibbons Holding and St Ledger group
Started on para 8 landscape overlay
Para 11
Explains how the decisions of the Plan hearings retained controlled standards.
Intended that subdivisions remains as a controlled activity

Questions
DM: Landscape Overlay, controlled activity status. What was the situation, under the RMA, at the time the provisions were prepared. What did the RMA say about controlled activities in 1996.
ML: to consider the community interests but there was never the ability to decline a controlled activity.

DM: recent changes in RMA into what matters can be considered under controlled and are these different to the past.
ML: not aware any significant change.
2:20pm ML Finished

2:22pm Jackie McNae (JMc) Solitare / Stoke Valley
Solitare originally bought hospital site to secure connections across it to the other land they own. Then sold it.
Focus changed from larger sites to smaller from the 1990's to 2000's. Private PC's applied for to give some more intensive development opportunities.
Made a point of the boom and bust of development recently – you therefore cannot plan with certainty to the timeframes for getting funding sorted between Council and developers through LTP.
Concerns about one landowner having to pay for the services for another.
PC needs to be consistent with current LTP and not pre-empting the outcome of the next LTP.
Gives examples of how Solitare and Stoke Valley Holdings have worked together and provided their own services,
Not satisfied with the Officers assessment, this issue would not be resolved.

Questions:
DM: interim situation seems to be main concern – are you looking for particular wording to support interim
JMc: no- concern over the whole change to Services Overlay, concern over one developer having to provide for the capacity to another, issue with the construct and funding for the other developer. No problem with considering another landowners but the problem is with the funding of it. Proposed change is taking away the incentive to come up with servicing ideas.
MW: the incentive is there as if you are working on your own you will be trying to come to an agreement with neighbouring properties.
JMc: yes there is but the proposal is to change this as it allows the neighbour to sit back and wait for the first developer to pay for the services to them. Stoke Valley and Solitare is a good example as they are working together to get the area developed. Roading and services need to happen through one to get to the other.
RC: Do you have any suggested wording to allow landowners to work together and to retain the connectivity desires
JMc: yes you should look at how neighbouring land works together, but how it is funded it is a step to far.
SC: this gives no incentive to work together as all developers will sit on their hands waiting for one to go first and provide the services for all. This results in increased risk for developers as one will have

higher development costs. The neighbour then can come on stream 6 months later without the costs of providing the services therefore the cost of development is different. Developers are currently aware that they need to share the costs.
RC: is the water issue common place?
SC: this was triggered by the McCashins, $500 000 to provide the water.
RC: does this come up in other developments around Nelson. Capacity is the issue usually from one property to another.
SC: this water issue is fairly unusual, but the theory could apply to any services. If developing now SC would wait as there is no advantage to go first. Uncompetitive to be the first person to go.
DS: understand that this was to ensure that others who do not work well together to do so.
JMc: it is the paying that is the problem. There have been some bad things happen for example spite strips. Comes down to the cost and the portion of this that goes on each section
MW: advantage of relationship with Mac's
SC: all developments are to some respect intertwined. There is always an attempt to collaborate firstly but sometime this doesn't work and people make their own choice to move. Under operative wording this would be removed and make people sit back and wait for the first person to go.
MW: is there no provision under the law to change for the betterment, one person pays then the others pay them back
SC: this would also be difficult with cash flow etc. Main problem is removing the ability to negotiate.
DM: Positive is that it states that Council will pay for some things to help with development. Policy says that in some situations the network can be funded by public money.
SC: agree this does help, provided you are in it for the long term, as it might not be accepted in the LTP first time around.
DM: if there are changes to be looked at would you like this to remain
SC: anything that would make developers more confrontational with each other is not a good thing
DM: other submitters have stated that the 'notes' should be taken to a method, as it is not clear if this is a policy etc – from TQ?
JMc: this could help, a method could have more ability to encourage the cooperation between developers.
DS: 2.6 concerns over the LTP. Are you comfortable with the process, are you happy with how they are linked.
JMc: concern over the use of future LTP thoughts in the current PC. Has impression that the provisions of the LTP might be significantly changed.

DS: general discussion over the role of the LTP and relationship with the PC. JMc concerned that NCC is pre-empting the LTP outcomes that haven't yet gone to consultation.
JMc: policies should be consistent with the current LTP as it has flexible funding arrangements set out in it.
GC: is the wording general enough to cope with the specifics of the LTP, or will we have to come back to change this again.
JMc: the PC has binding language that may be in conflict with the LTP.
3:07pm: Finished Solitare / Stoke Valley submissions

3:08pm Adjourned till 3:20pm

3:22pm JMc commences for Staig and Smith Submission – passes out papers

Discusses submission initially then moves on further submission

Supporting submissions put on landscape overlay rules

Main concern over controlled activity being removed 'specific over general'

Refers to infill development being an issue eg The Wood. Plus states that a number of points raised are the same as those of Mark Lile.

Makes a point of highlighting her own property, Princes Drive was reduced in level, exposing her property and therefore requiring a high fence at her request.

Questions
DM: Landscape Overlay, what is it trying to achieve
JMc: city backdrop, elevated land, backdrop to the community protection.
DM: controlled activity adds extra criteria to an application in this area
JMc: yes it is normal to get landscape input to the application, a lot usually happens before the application comes into Council.
DM: Are these provisions leading to poor outcomes
JMc: Council has all the discretion it needs to require roads etc to go in the right place, JMc cannot see what is missing from current provisions. If it is that bad in an area why not look at removing the zoning for residential
DM: balance for frontages is to not get too many garages etc
JMc: needs to be a balance, you are not going to get the ideal solution in all cases. Does not disagree with the goals. How would

you otherwise develop some of the narrow sections, example discussed are those on upper Collingwood St. Balance between private property owner amenity and public amenity. If the whole of the street was the same it would be bad, but as it is infill then there will be variety. Regulatory approach might be more appropriate in green field situations. Sections sizes are bigger and more opportunity to make this work.
GC: Landscape Overlay. Can you give example of subdivision that has gone through in the Landscape Overlay.
JMc: Bishopdale subdivision
RC: What is the technical issue in the rules as they stand.
JMc: general rule you are controlled, but not in the Landscape Overlay. This makes it discretionary in the cascade. The specific rule makes it controlled however. The correction should be made to the general rule but not the specific. Making it controlled in the Landscape Overlay.
MW: you mention you prefer non-regulatory methods – PC 14 is setting the scene for this to occur. A change in culture.
JMc: concern that you would end up in consents for what would otherwise be a good outcome.
JMc: this is an attempt to get urban design happening. But maybe this is not the best use of people's time. Should we have people spending time on fences as a consent issue. Discusses the fact that a 1.8m ugly fence is still ugly at 1.2m.
MW: rule doesn't exclude some bad things from happening
JMc: height is not the issue, it is the design
DS: the height of the fence allows or prohibits interaction between public and private. A tall fence prevents interaction.
JMc: writing rules to get perfection, this is not going to happen. Variety of living styles. My amenity on my section should not take a backseat to providing amenity for the street space. Heading for trouble and get negative publicity.
RC: the Nile street property, you can go to 1.2m solid and then 1.8m with permeability. This Nile Street example would be compliant.
JMc: it may be compliant under the new rules.

Concluded 4:03

4:05pm Ian Jack
Passes out text doc and separate photo doc (which is copy of powerpoint RAD 1199471)

My submission will be a bit unstructured, background and that this submission is on a private capacity. Not that of the company or the Institute of Architects. He has high quality urban design at heart and is a member of the panel.

The final form of the PC should be practicable and achievable, not imposing unnecessary layers of bureaucracy.
Reiterating JMc's point about the values of NZ'ers we hold our property rights dearly. Need to acknowledge this while still trying to get good quality Urban design.
Greenfield development is more straight forward and relevant to this PC. Is there more Council could do to mange urban design in these areas.

4:12 starts powerpoint

Anomaly with what is put forward is that most Greenfield development is on hillsides. We should consider how the rules are applied on hillsides.
First look at garages,
Nature of topography results in similar constraints to all housing, houses above or below roads, typical pattern of development has driveway off lower corner angling around to a garage then to the front door. This is the reality of building on a sloping site.
Front facing garages are not good, turns its back on the street, but outcome is often the result of the topography

Fences
Hillside subdivisions do not have an issue with front fences. Reality is that sections are difficult. Landscaping etc means fences are not usually required. How much of an issue is fencing in the front yard.
Greenfield development does not have a fence issue.
Design of fences, the fence in figure 27 Nile Street would not comply as the permeability is less than 50%. Stating permeability requirements, in a rule would result in the cheapest outcome which might not be nice. Maybe the rule should make a fence all permeable.
50% permeability is not easily achieved from a design perspective.
There should be an allowance for lower levels of permeability.
Photos and permeability percentages are given. 50% does not always look good.
Fences can be very bad but setting a high fence back a little bit can work, give something back by having landscaping in the front and higher fence set back. However doesn't help with the visibility, interaction with the street.
Relationship with, land topography, living areas, sun, wind etc often drive the fence design.
Council needs to look at itself with some of the poor outcomes from engineering designs, Moana / Tosswill example given

General support for PC. Consider how they apply to infill and greenfields, make sure we are achieving a good outcome and worthwhile.
Small area of land affected by high fencing
Hillside affected by garages,

Questions:
RC: what are the alternatives to a side on garage on hillsides,
IJ: garage in front of house, generally results in house below the garage. Or garage beside the house, often difficult to achieve. Garaging included within the envelope of the house might not be triggered by the rule
DM: Explore garage integrated within the envelope of the house. Might work for a two storied house as garage only a part of the façade.
IJ: a house on the top side of the road, recess the door of the garage or put a deck over it to reduce impact of the garage.
DM: easier on the top side of the road, more difficult where the house is below the road.
DM: figure 31 of GM evidence, Collingwood Street, a second story would have help to the appearance of the garages. Might get height in relation to boundary issues
IJ: side on garages are often a better outcome, might be way to write the rules to allow side one garages with controls.
DM: long narrow sections are hard to develop. A two storied dwelling towards the front can work.
DS: clarify the permeability amount, what is a rough range that would work better,
IJ: is lattice a desirable outcome for a fence, hunch is that 30-35% might be better, but need to look at Council's objectives,
DS: you have suggested removing the 1.2m solid area, should we be more flexible and allow fences to change as you move along,
IJ: the 1.2m solid and up to 1.8m permeable could give some bad outcomes. Better to have flexibility, allow to fence some areas but then have the rest open, allows for the use of this as outdoor living behind the fence but have the rest open.
DS: example of bottom corner on second page, trellis on top of solid fence not a good outcome. Looking around town, trend is more fences going up but none going down. Almost continuous high fences on some streets. Getting enclosed avenues.
IJ: agrees that this is happening in places, worst where it is a solid fence going up on the footpath level. High fences should be set back. Set permeability to a more attractive level.
MW: A set of rules are hard to meet all needs out there, what about more flexible guidelines, give a number of examples that people can choose from. Some fences are being lowered.

IJ: any to help educate the community, is good. New development is not the issue, real visual problem is in the inner city. But these are often where traffic noise etc is a problem.
MW: recent examples of very bad outcomes in the greenfields.
IJ: there are bad examples everywhere. But speaking generally few people on hills have front fences. Hillsides have different levels and different things to think about.
4:45pm Finished

Andrew James: No comments,

MW: roading hierarchy, lower end of Collingwood St is wide and backing out is not an issue
AJ: this is currently principle road and proposal is to reduce category. The wide road is to provide a cycleway to connect to cycleway. Vehicles reversing over cycleway would be dangerous. To reduce it to subcollector to allow reversing would not be suitable, If it is still seen as a wide road there should be some visual work to reduce the feel of the width,
GC: Do you agree with the officers report statements
AJ: Currently upper Collingwood St is subcollector, submitter wanted collector and I agree with that.
GC: I support collector road due to movement numbers, as it is an established area it will take time to change the properties that reverse out as they are already established.
AJ: most do turn, or not have parking at all. Existing situation, PC does not change it.
GC: most residences are established
RC: infill development on Milton Street, would not have room for turning.
AJ: Similar to the Brook with application for reversing, case by case consider if it is suitable to allow reversing. Safe etc. Make sure that there is visibility, is there a parking lane etc. There are still opportunity to apply for RC.
MH / LG: is there the need for an RC. Usually there is the need for a consent due to site area, if there is no ability to turn then this is just one of the items to be considered in the consent. Future intensification work could look at this more.
MW: where is the major issue, on private property or public.
AJ: for Council it is the public realm we look at
DM: is there a scope issue with the change from lower Collingwood Street as notified did not have subcollector changed.
General discussion that it is part of the whole change, all one road.
DS:
AJ: purpose of collector is to distribute traffic and form a link between neighbourhoods. Subcollector would mean it is not a

desired through road. To make it not a desired through road would require roading changes.
DS: there is no other alternative to form the collector. But Selwyn is an alternative,
AJ: yes it would be an alternative
DS: have you considered this then,
AJ: no this hasn't been considered, report based on the existing situation and how the road functions
DS: how would we change it if we wanted to
AJ: Physical changes to road formation would be needed and Council direction.
MH: changing the classification of a road with no submissions is outside of scope.
AJ: Selwyn has been discussed at a Council workshop but no decision could be made
DS: if we agreed to change it this could flip flop the situation for residents on the road – thinking about upper Collingwood St.

AJ departs 5:05pm.

GM: MPL raises information requirements. The requirements are reasonable, tailor how much info is provided for the size of the project. All info is readily available, easy to do. UDP recommendations should be made mandatory (MPL statement)
GM: the panel comments should not be mandatory, as they do not look at all the issues of a development and are time restricted. UDP supplements and contributes to a planning assessment but does not make the decision. TAG Wellington waterfront does make a decision but this has a much bigger time commitment, with a full report written.
MW: the UDP advice is taken into account?
GM: yes it is in Wellington, much more resource intensive.
RC: how many subdivision applications are there which need to be reviewed.
GM: don't know, but UDP only looks at the design, panel does not look at all issues.
MW: generally the UDP advice is taken seriously?
GM: if it is not there is little point in having the panel,
MW: even without it being mandatory it is a useful tool.
GM: it is but there is one example of great design, but this didn't influence the consent planners due to traffic/parking issue. Should be advisory but Council shouldn't be bound to it.
Issue ML raised over fence rule preventing people from stopping crime on their property. CPTED supports approach, drunken behaviour is a policing and licensing issue.

If a major issue exists, then there is the possibility of seeking consent to resolve the issue but still get a good outcome.
Need to avoid blank wall and closed off fences and spaces,
High fences can create visual degradation, there are ways of doing it well and still having security on sites.
Objectivity and subjectivity issue: Some things are qualitative and some are quantitative. If design was not subjective there would be no need for assessments.
IJ looked at the impact of land contours, which makes it appropriate and necessary to have garaging in the front yard. Is there a way of coming up with a permitted standard which would allow this. But to allow one through permitted excludes other situations which also occur. Make them all discretionary would help, but then lots of consents.
How much of an issue with fencing on hillside, not much but that is not a reason to remove it across the board. Problems on the flat.
Suggested solution, retain 1.2m, but where it can go higher add an or to fence rule b) or have an average permeability, over the front of the section. This could allow having a higher solid fence in one area of the frontage but then open for the rest of it (exclude the driveway) suggested 30%.
Living areas at the frontage would be a good idea, but normally only by consent as this would often drive the need for a taller solid fence. Easier to get the open space at the side or back. There are always alternatives.
GC: are we discussing double crossings at this PC.
GM: no but the fence suggestion above might encourage new ones.
DM: no-one has argued why you could have a higher fence on the classified road but not on unclassified.
MW: open areas can give you the feeling of windows to allow visibility better than lattice type.
GM: some degree of permeability does allow interaction and acknowledgement that there could be someone overlooking the street. Crime etc will move on. Most housing has some windows facing the street.
MW: even a door gives that impact, somebody might come out, this says that this is a house, people live here.
RC: the road classification as the trigger between the rules for fences
LG: explained the options for fences that were considered through the steering group.
RC: is there scope to allow for another category to split the fence rule
LG: no submitter has suggested changes
MH: submitters have sought removal so it could be in scope as it is in between keeping and removing.

GM: Infill is the main area where issues are developing. Traditionally it has been low fences, but now these are being replaced with high fences.
MW: by having a rule we might be encouraging people to try and get around it.
GM: People do take rules into account, there are other opportunities to gain the privacy that people want. Need to inform people of what the requirements are. People can still have a high fence considered by via consent.
GC: what happens if people continue to build high fences
LG: EIL by complaint and activity monitoring, but we are better to focus on being proactive and education.
GC: you do need the staff and material etc so this is not a weak link.
MH: recommendations to Council for inclusion in the LTP.
DS: lots of publicity when notified, why did we not get more submissions and no body at the hearing. Can we look at permitted standards for all the available situations for front yards, fences etc.
GM: there are so many variables, that it would be very difficult to achieve, so many variables, get very bad design outcomes by trying to do too much.
DS: if we can't come through with a permitted standard people will resent having to go through a RC.
GM: yes you could have permitted activities for 3 or 4 main situations. This might catch most of them, will still leave some. In explanatory statements say that some outcomes are anticipated to occur, may help with consent processing.

MATT notes 2mins till GM leaves

Discussing context statements
GM: straight forward thing to do, easy to get info on what is in the neighbouring area.
DM: real issue is how people respond to it.
GM: this makes people think about things up front. Even if they don't follow it they must explain why.
GC: how does the fence rule work for dog owners
GM: assessment allows pet containment
GC: what design would help?
GM: tell people to come back with options that meets all requirements, wire mesh would keep dogs in, lots of options

Finished Graham,

LG: St Ledger submission number has been missed, go to pg 95. It is the Industrial Zone rule, addressed in amendments to PC,

consequential amendments INr55, bottom of page 95, accepting in part about the blanket Services Overlay rule.
LG: raised other items that need to be changed '1km,
DM: pg112, 117, 215. recommend to change 1km to 'context'. Can we take out context totally?
LG: twice mentioned 1 km, first can be changed and second can be deleted?
DM: it is dependant on the size of the development how far out the context statement goes.
LG: 135, no submissions on this issue (MPL) PC introduced new UD objective. Talks about a number of RM issues. These issues have been raised in the PC. Barriers to achieving ……
PC is a wide approach, will cover more of the plan than just the Residential Zone as per this current PC. The words stated will apply to more areas than just the Residential Zone. TQ is right that it is a bit a fuzzy but this is the nature of a rolling review of the Plan. Better when we catch up with future PC's. The Residential Zone stuff explains how the words apply to there but not in other zones, this will come.
MH: you need to look at all objectives, both district wide and zone specific.
LG: recommend that we should identify the inspiring places, where are they.
DM: does the PC address the public space and private interface
LG: the private buildings are the main interaction with public space. Inspiring spaces objective would apply to any development. The policy then takes it to the residential level,
DM: how does this apply to small scale residential development
LG: options are change the objective to say that it applies to public spaces, and not across the board, or put it under the public spaces sections.
13A.5 delete
Policy 13A.5.1. and methods falls under objective 13A.3

Services Overlay:
Pg154
MPL, and Solitare and St Ledger all submitters
LG: explained how the policy works. Underlined is now stuff we do currently control. Simplified the statement about other plan change connections. Nobody submitted that it is not good practice to provide connections.
Only the bit within the development will be paid for by the developer. Shall be funded if it is not provided by the LTP. NCC chose to use the LTP method,
Policy tells you where to go.

If it is not in the LTP then the developer will need to fund it themselves. Can be annually (annual plan) or the LTP. This allows Council to go banker in effect.
What if it is not in the LTP (MW question). All developers that spoke today are in the LTP – see asset management plans. Can submit on this to sort out the order.
Council has had no strategic plan to date. Squeaky wheel gets it bought forward.
In the future the CDS would give direction and order, can prioritise the roll out of the services.
In the future a developer would come in and we could look at the CDS to see what the order of priority that would be.
Put in a case for how and when services are provided.
TAFM has strengthened council accountability in services provision.
Council can't do deals any more, it has to be through the LTP.
MPL tried to fund their development through the RC process, didn't work well.
This system will be clear and accountable, one place to go to get it sorted.
DM: f) 'the developer' seems wrong referring to one person.
Provision of the roading can be funded by 'development' rather than stating 'the'
RC: what about the upstream and downstream development.
Developers concerned about providing services to the upstream owners
LG: have agreed to remove the upstream and downstream statements.
SO: Marsden and Ngawhatu there are constraints both up and down. MPL example the sewer came from below, develop had the chance to put in a small pipe just for them, unless Council steps in.

MH: DO 14.3.1.iii explanation, provide connective to adjoining land with development potential….or funded by the developer. Need to change these as well if making any changes for to 'development'

GC: why was 'f' included why wasn't it separated out as it is important, seems to be tacked on to the end. Can this be separated out?
LG: c) is the same, developers in the structure plan areas are required to do the same thing.
DS: it does seem to follow in the list
LG: the note that is confusing people should have a reference to make sure it is read as part of the whole policy.
DM: or as a new policy
LG: but might get lost at the back, important to be up front,
LG: we have a separate policy about process.
DS: would you then need to repeat the list, not efficient

MH: a- e) is development on the site f) is off site.
On site are provided by the developer, off site can be through the LTP but can also be paid for by the developer to bring it forward.
MW: piece meal approach to development, if people pay for it they can do what they want
LG: CDS would set the priorities for development,
DS: the priority is currently set by the LTP.
GM: suggestion, after e) make a new f) says done by developer, vested in council
Current f) would be new g) …. LISA to provide.

LG: sec30 1 gb added that it is the role Council to consider the provision of infrastructure. Definitely a RMA matter

Landscape Rule:
183,
Controlled activity rule crossed out.
Subdivision in the landscape overlay is controlled if….excludes 'landscape overlay'
Checked NCS for landscape subdivisions, all have been processed as disc in the past 5 years. People have been following the most stringent category applies method.
In fixing this has reduced the status from disc to res disc, addressing ML items, if it is not a technical fix then it is no longer generally acceptable use controlled activity for landscape. They are not matters of discretion, but are limited to being a matter of control. If an application came in seeking something specific Council cannot change that.

CHD:
MPL raised seeking res disc non-notified in the general zone. Not appropriate to have this non-notified as this is not expected in the area.- therefore talk to neighbours might be required

Ap14.2,
Subdivision information requirements,
Pg 214,
States what is required if you are to be res disc,
Sets out what to provide. Amount of detail is to relate to the nature and scale of the development.
The rest of AP14.3 is assistance material as is stated up front.
It is standard practice, and represents good urban design. The musts and shalls, occur in the guidance section.
Standard practice in consent processing usually requires all this anyway.

Don't agree to JM suggestion to taking out 'engineering'

214 b) third built point
Engineering plans are standard requirement now,
These can be quite detailed,
If an application does not comply with standard practice/requirements then an application needs to show what is being done.
SO: still support that we need detailed plans, but their name can be changed. It is just a name change, we still need the details to show how the alternative design will work.
LG: however don't make a conflict with the statement in the LDM. No submission on that so it can't be changed.
MW: if you have an application stuck on a certain point you need to provide more info to support it,
LG: come to the staff and they tell you what you need to provide, what the issues are.
SO: LDM calls it 'drawings'
LG: no change is recommended, if you are below the standards, you need to provide enough information to ensure that it can be assessed and we know what we are going to consent to.
DS: can you use the term engineering drawings
MH: pg 214 third bullet point says refers to 2.3.1 of LDM. This has drawings so should be consistent with that.

LG: main submission points are around difficult things to deal with, fuzzy things (Urban design)
The PC tries to improve certainty but retain flexibility, difficult to achieve as they don't sit well together. If there has to an assessment then this is through the res disc, process but with a certain path. Non-notified. This results in the issues raised by submitters.
MW: this is about a culture shift and trust, a main issue through this PC.
LG: a certainty of process is desired by developers
The PC does require collaboration, this is noted in officer recommendations on future work, practice notes, (pg222) education, implementation of UD action plan. Major projects team and UDP have been very active. Lots of actions to take to make sure this PC is successful. Education.
DS: other methods are important a strong recommendation from the Panel. Could split them to minor and then other methods, panel could make a recommendation as such.

7:04pm Hearing closed