Plan Change 29 - Housing Plan Change approach to Schedules – Options memo

Introduction:

The purpose of this memo is to record the analysis that underpins the recommended approach to the potential conflict between the operative Schedules and proposed provisions in Plan Change 29 (PC29).

Background

The NRMP contains site specific schedules in each zone chapter. The Schedules contain specific rules and often include structure plans outlining expected patterns of development. Each schedule represents a plan change at some point in the plans history, often private plan changes.

The site specific approach to schedules allows for existing land use that doesn't align with the zone provisions or provides a structure plan to guide future subdivision applications for greenfield land, most of which are already under construction or partially completed. In addition to the structure plan provisions, much of the developed areas are subject to private covenants restricting housing types and density.

The Draft Whakamahere Whakatū Nelson Plan (DNP) largely removed any schedule that doesn't contain a structure plan, and the remaining structure plan schedules were renamed to precincts in line with the requirements of the national planning standards.

Issues

- Some schedules contain provisions that conflict with the provisions proposed in PC29.
- Some schedules apply to multiple zones, some of which are not included in PC29.
- Schedule U identifies significant natural features and landscapes in the Marsden Plateau Landscape Area, significant landscapes are a matter of national importance listed in section 6 of the Resource Management Act and PC29 has not undertaken any assessment to contradict the importance or value of this landscape.
- Some schedules identify biodiversity corridors or transport links that are important to connect significant areas of indigenous vegetation and wildlife habitat, or to provide greater connection and resilience to the transport network.

Table 1 compares the relevant provisions of the scheduled areas (in the PC29 zones) to the proposed PC29 provisions and makes recommendations about how to align the schedules with the PC29 provisions where appropriate. An analysis of the other schedules contained in the NRMP have not been included as they are out of the scope of PC29.

Options:

The following options were considered for the schedules within the PC29 area.

1. Change the references to the residential zone to the new General Residential Zone area in all residential zone schedules, to enable intensified residential development throughout the entire residential zone.
2. No change to any schedules – this would restrict housing yield in many of the large greenfield areas included in the residential zone schedules.
3. Schedule specific changes and upzoning to General Residential Zone as appropriate for each schedule – this aligns with the DNP approach, and enables continued development of structure plan areas (most of which are already underway) while applying updated zoning provisions where the schedule relies on general residential zone provisions for housing.
4. Delete all schedules – removes structure planned biodiversity corridors and transport links, unintended consequences for matters that are separate to housing issue.

Recommendation

Option 3 is the preferred option for Plan Change 29 (PC29), including Schedule specific changes to provisions and zoning as appropriate for each schedule as detailed in the following table:4 of the schedules (B,D, E and F) can be safely updated to General Residential Zone without ay change to the operation of the schedule.

- Schedule H can be removed in its entirety, it is obsolete.
- Schedule U should not be included in the general residential zone and retain its NRMP residential zoning based on the comprehensive and site specific set of rules for the schedule controlling landscape effects of development within this site.
- The rest of the schedules will retain their integrity under the proposed plan change 29 and can accommodate the proposed changes as written without any impact on the intent and impact of the schedule provisions.

Schedule	**NRMP Zone**	**PC29 Zone Proposed**	**Housing relevant provisions**	**Recommended approach**	**Comments/ reasons**
Bishopdale Pottery (Scheduled Site - Sch.B)	Residential	General Residential Zone (GRZ)	B.2 When pottery/brickworks activity ceases on the scheduled site, the normal Residential Zone	Update B.2 to refer to General Residential Zone	Brickwork/ pottery activities have ceased on the site. The Schedule provides contextual

			provisions will apply in all respects.		information for the site and the provisions do not conflict with PC29 proposed provisions.
Nelson Marlborough Health Services (now Te Whatu Ora) (Scheduled Site - Sch.C)	Residential	No change	Normal zone provisions apply to residential activities. Specific provisions apply to hospital activities and buildings.	No change	The Schedule enables the use of the site as the nelson hospital. The existing land use is not housing related and the provisions do not conflict with PC29 proposed provisions.
BP Annesbrook (Scheduled Site - Sch.D)	Residential	GRZ	GRZ provisions will apply to residential activities. All other activities will be captured by schedule rules.	Update D.2 to refer to General Residential Zone	The existing land use is not housing related. The provisions do not conflict with PC29 proposed provisions.
Ngawhatu Residential Area (Scheduled Site - Sch.E)	Residential, Residential high density, Rural High Density Small Holdings, Suburban Commercial, Open Space and Recreation	GRZ replaces res zoning only	E.3 makes subdivisions RDA where in general accordance with structure plan or DA if not. Rule REr.22 has Controlled activity status for conversion of existing buildings to apartments	Update E.2 to refer to General Residential Zone Add controlled activity rule from REr.22 to Schedule E because REr.22 will not apply to the new zone.	The site is subject to the Landscape and Services overlays.
Polytechnic (Scheduled Site - Sch.F)	Residential	High Density Residential Zone (HDR)	HDR housing provisions apply to residential activities	Update F.2 to refer to High Density Residential Zone	Schedule rules are specific to polytechnic activities and car parks

Trafalgar Street/Hathaway Court (Scheduled Site - Sch.G)	Residential	No change	Normal housing provisions apply to residential activities	No change	Site to retain existing zoning.
Bishopdale Subdivision Area (Scheduled Site – Sch.H)	Residential	GRZ	Maximum number of allotments is 68. Sets financial contributions for lots. No direct access to Waimea Rd	Remove schedule and update zoning to GRZ	More than 68 lots have already been built under resource consent. The financial contributions policy has been revised multiple times. The subdivision process will be sufficient to manage any transport issues with access on to Waimea rd.
Marsden Valley (Scheduled Site – Sch I)	Residential, Residential high density, Rural High Density Small Holdings, Suburban Commercial, Open Space and Recreation	GRZ replaces residential zones only	Rule I.3 makes subdivisions or buildings a Discretionary Activity where schedule specific standards about road layout and building within biodiversity corridors in I.2 are not met	No change to schedule. Where the schedule is more specific than the GRZ rules, the schedule will override GRZ as per rule I.3.1	The schedule specific standards in I.2 are not housing related and the provisions do not conflict with PC29 proposed provisions.
Marsden Plateau Landscape Area (Scheduled Site – Sch U)	Residential, Residential-high density, Residential-low density, Rural High Density Small Holdings, Suburban Commercial, Open Space and Recreation	No change	The schedule contains site specific permitted activity standards for residential activities and new buildings are controlled activities.	No change	The schedule contains a comprehensive set of rules for this schedule based on a site specific landscape assessment. The protection of outstanding natural

					features and landscapes from inappropriate subdivision, use, and development is a matter of national importance listed in Part 2 section 6 of the Resource Management Act, therefore the schedule provisions should remain.
Marsden Hills (Scheduled Site – Sch V)	Residential, Residential high density, Rural High Density Small Holdings, Suburban Commercial, Open Space and Recreation	GRZ replaces residential zones only	V.3 makes subdivisions a Discretionary Activity where schedule specific standards for road layouts in V.2 are not met	No change to schedule. Where the schedule is more specific than the GRZ provisions, schedule will override GRZ as per V.3	Schedule specific standards in V.2 do not conflict with PC29 proposed provisions.
Maitahi-Bayview Schedule X Schedule Proposed as part of Private Plan Change 28 (PPC28).	tbc	tbc	tbc	tbc	PPC28 is subject to appeal. This schedule may need to be reviewed and updated in light of the PC29 provisions once the appeal has been decided by the Environment Court.
Schedule J	Inner City Fringe (ICF)	ICF	none	Delete schedule.	The schedule was the subject of Plan Change 95/2 to the Transitional District

					Plan (Third Review, 1982 Nelson Section), approved 2003. The schedule provides for supermarket and large format retail on this specific site. Schedule was grandfathered into the plan, as it does not quite fit within the provisions of Rule ICr.78 (retail activity), which is now being deleted. This schedule conflicts with the PC29 proposed provisions.
Schedule K	Inner City Fringe	ICF	Schedule controls residential activities and building height in a manner similar to HPC provisions	Delete schedule	This schedule conflicts with the PC29 proposed provisions.