BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 29 to the Nelson Resource Management Plan

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STATEMENT OF EVIDENCE OF CAM WALLACE

Dated 20 June 2024

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1. INTRODUCTION

1.1 My full name is Cameron Wallace and I am a Partner and Urban Designer at Barker & Associates ("B&A").

1.2 I hold a Master of Urban Design (1st Class Honours) and a Bachelor of Planning (1st Class Honours) from the University of Auckland. I have been a Full Member of the New Zealand Planning Institute since 2014 and am a Member of the Urban Design Forum Aotearoa.

1.3 I have 16 years' professional experience working in urban design and urban planning, gained in both the public and private sector, in the United Kingdom and New Zealand. Since 2018, I have been employed as an urban designer at B&A. In my current role, I regularly assist local authorities and government departments with policy and district plan development in relation to growth management and urban design matters. I also provide up-front urban design input into a wide range of development schemes for private clients and Auckland Council, including multi-unit residential buildings in both greenfield and brownfield environments as well as more traditional greenfield subdivisions across New Zealand.

1.4 Of particular relevance to the matters that will be covered in my evidence, I am or have been a member of urban design and planning teams for policy planning and development projects including:

(a) Plan Change 9 – Rotorua District Plan, specifically acting as lead urban designer advising Council on implementation of the Medium Density Residential Standards, development of a complimentary High Density Residential Zone and development of non-statutory urban design guidelines;

(b) Queenstown Lakes Proposed District Plan Review, specifically ongoing provision of spatial analysis to inform an urban design review of existing provisions (with a focus on height and density of development) across all residential and commercial zones to

ensure alignment with Policy 1 and Policy 5 of the National Policy Statement on Urban Development;

(c) Nelson Tasman Future Development Strategy, specifically provision of strategic planning and urban design advice to Nelson City Council and Tasman District Council in relation to the identification of new suitable land for residential and commercial intensification to meet forecast demand through to 2050. This included a particular focus on understanding the likely uptake and realisation of residential intensification opportunities; and

(d) Intensification Plan Changes, specifically provision of urban design advice and evidence for a range of private and public sector clients to various intensification plan changes including Selwyn District, Waipa District, Waikato District, Hamilton City, Auckland City and Wellington City.

1.5 Nelson City Council ("Council") contracted B&A to provide technical advice on Urban Design for Council's Plan Change 29 (Proposed Plan Change 29 – "PC29") to the Nelson Resource Management Plan ("NRMP"). I authored the "Urban Design Considerations Memo" dated March 2023 and included as Part 3A of the s32 report informing PC29.

2. CODE OF CONDUCT

2.1 I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

3. SCOPE OF EVIDENCE

3.1 My evidence provides the following:

(a) Analysis of accessibility, taking a more detailed approach to the analysis to respond to the submissions challenging the type and extent of the proposed residential zones;

(b) Design testing of the key residential zone bulk and location standards for residential buildings to respond to submissions on the proposed building heights, building setbacks, daylight controls, site coverage and maximum building lengths in the proposed residential zones;

(c) Design testing of alternative residential zones standards to achieve a quality built environment as raised in submissions;

(d) Analysis of submissions relating to key bulk and location standards within the Inner City, City Fringe and Suburban Commercial Zones; and

(e) Commentary on best practice methods to ensure that planning decisions enable high quality urban design, responding to various submissions requesting different types of statutory and non-statutory design guidance.

3.2 I also attach as Attachment 1 a further Accessibility Analysis, dated 12 April 2024, to support some of the conclusions I make in this evidence.

4. BACKGROUND/ CONTEXT

4.1 PC29 is Nelson City Council's response to the National Policy Statement on Urban Development 2020 (NPSUD). It is intended to support greater housing provision, through intensification of existing urban areas, to support a well-functioning urban environment. PC29 also introduces additional controls relating to natural hazards and heritage.

4.2 PC29, as it relates to urban design matters, introduces a number of changes (including new zones) to areas currently within the Residential, Inner City and Suburban Commercial zones within the NRMP. These changes included the proposed introduction of three new residential zones (General, Medium Density and High Density) with associated changes to development standards and activity statuses, and amendments to a number of development standards relating to building density and height within the Inner City and Suburban Commercial zones.

5. ANALYSIS OF SUBMISSIONS

Zoning strategy & approach

5.1 A number of submissions raised opposition to the proposed extent of both the MDRZ and HDRZ. A number of reasons were given for this opposition including that the areas were not accessible, had limited infrastructure (e.g. footpaths) and were in areas with challenging topography.

5.2 In response to these submissions, additional accessibility analysis was undertaken and is included as Attachment 1 to my evidence. The zone extents, as notified, were built upon the broad accessibility analysis undertaken as part of the development of the Nelson Tasman Future Development Strategy 2022-2052. The additional accessibility analysis attached to this evidence took a much more granular approach of the entire urban area to help inform if any refinements to the zone extents were necessary.

5.3 Policy 5 of the NPSUD states:

> *"Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:*
>
> > *(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
> >
> > *(b) relative demand for housing and business use in that location. "*

5.4 In order to demonstrate compliance with Policy 5 of the NPSUD, it is necessary to determine the 'level of accessibility' for any given area across the entire NCC urban environment area and how this might translate to heights and density of urban form. This policy framework sets up an expectation that where accessibility increases, the density and height of urban form should also increase.

5.5 The NPSUD policy framework and guidance, including Policy 1(c), provides an outline of the destinations which need to be considered when seeking to establish a 'level of accessibility'. This includes jobs, commercial services, community services, natural spaces, and open spaces. In light of this direction, proximity to the following were considered:

(a) Nelson City Centre;

(b) Stoke and Tāhunanui Centres;

(c) Suburban Centres;

(d) Bus Stops;

(e) Primary, Intermediate, Secondary and Private Schools;

(f) Full-service supermarkets;

(g) Major Parks / Reserves (e.g. sportsfields);

(h) General recreational open spaces (e.g. parks with playgrounds); and

(i) Nelson Hospital.

5.6 Based on the results of the accessibility analysis (included as Attachment 1), I consider that the general intent and proposed approach to residential zones in notified Plan Change 29 remains sound. However, some refinements are proposed and included within Attachment 1 of my evidence to better align with the overall intent and requirements of Policy 5 of the NPSUD and respond to the additional accessibility analysis I have undertaken.

5.7 I note that the additional accessibility analysis has highlighted Atawhai, the Brook and properties around / along Mount Street and Tāhunanui as areas which do not perform particularly well in terms of accessibility relative to other parts of urban Nelson where more intensive zoning has been proposed.

5.8 In particular, the location and nature of Atawhai with only a small suburban commercial centre and detached from the main urban area of Nelson means it is unlikely to support greater levels of community and commercial services, even with increased demand that could arise from intensification.

5.9 Tāhunanui is also detached from a number of key amenities including secondary schooling and supermarkets. I note that some intensification of Tāhunanui may remain possible within the commercial zones but in general the area is heavily constrained through the combination of topography, natural hazard risk and the noise contours associated with Nelson Airport.

5.10 Areas around Mount Street are constrained by the topography of the area and resulting circuitous street network (in terms of both steepness and footpath provisions). This means that, while being centrally located, access to properties via modes other than private vehicles is not as direct to a wide range of services and amenities.

5.11 The nature of the Brook, being limited to a single access point and extending along a valley floor, means that much of the area is relatively detached from a wide range of services and amenities.

5.12 Nelson City Centre (and its surrounds), Stoke and Nelson South are all identified as having the highest level of accessibility to a wide range of commercial and community services relative to other areas of the Nelson urban area. As such, I consider that enabling higher density residential activities in these locations remains appropriate (but subject to some

refinement as shown in the maps within Attachment 1 of my evidence) and required to align with Policy 5 of the NPSUD. The majority of the MDRZ, as notified, is identified as having moderate to high levels of accessibility relative to the rest of urban Nelson.

5.13 Areas proposed to be retained within the MDRZ as notified, with the exception of three areas discussed further below, feature accessibility levels from moderate to high. Notably all of the areas (on a block basis) to be retained as MDRZ feature several commonalities which support their overall accessibility, including:

(a) They are within at most 800m / 10-minute walk of a bus service;
(b) They are within 800m / 10-minute walk of a primary and / or intermediate school;
(c) They are within a 400m / 5-minute walk of a public open space;
(d) They are within either 800m / 10-minute walk of a suburban commercial centre and / or Nelson City Centre / Stoke Town Centre.

5.14 The three areas proposed to be retained within the MDRZ as notified that feature a lower level of accessibility relative to other areas include land around Waimea Road / Kawai Street South (in Nelson South), land around Polstead Road / Karaka Street (in Stoke) and land around Koromiko Avenue, Marsden Road and Taupata Street (also in Stoke). The first two areas identified both sit at the fringe of the more accessible areas but also feature high concentrations of existing Kāinga Ora land. These areas will provide good opportunities for comprehensive redevelopment that can respond to the demand for social / public housing in Nelson. The latter area's accessibility is, in part, influenced by the long north/south street pattern but still benefits from access to those matters set out in paragraphs 7.11(a)-(d) but also being within 800m of a supermarket.

5.15 Maps showing the recommended changes are included in Attachment 1 of my evidence. I note that many of the proposed amendments to the zone extents are consistent with a number of submissions made on PC29.

High Density Residential zone & options considered

5.16 Multiple submissions were received in opposition to the introduction of a high-density residential zone as well as its overall extent with a number of submitters seeking a significant reduction in its extent. Much of the opposition appears to be against the principle of high-density housing in a Tier 2 city such as Nelson. I also note some submitters supported the proposed extent of the HDRZ.

5.17 Multiple submitters also requested the removal of the HDRZ. As an alternative, some submitters propose to enable (and incentivise) higher density residential development of suitably sized and located sites through an Enhanced Development Mechanism (EDM) and restricted discretionary resource consent process similar to section 14.13 of the Christchurch District Plan (SP Architects (S603) and Stephanie Phillips (S597)).

5.18 In my opinion, new and more intensive development in an established urban area, such as the areas around Nelson City Centre or Stoke Town Centre, is not inherently a negative outcome. Indeed, change and evolution in terms of built form and activity can generally be regarded as a normal (and positive) characteristic of successful cities, including smaller regional centres, that should be encouraged.

5.19 Planning provisions that enable development of high-density typologies provide greater design flexibility to developers (noting nothing in the Plan requires development to build to the full extent of what is enabled) and enables a greater degree of variety for more intensive residential dwellings in the Nelson urban area. Importantly, it also provides an

appropriate *alternative* to higher density housing located within centre zones or commercial areas.

5.20 Residential areas around centres can often be perceived as more desirable for residents who want access to nearby amenities, but equally do not want the increased levels of noise (especially during night hours) or perceptions of reduced privacy that can often be associated with apartment living within a centre. The HDRZ provisions, as notified, also provide for more openness between buildings than is available within a centre zone and this avoids competing demands with other lands uses such as commercial or visitor accommodation. In my opinion, only enabling higher density housing within a city centre environment of a large Tier 2 urban area would lead to poor urban design outcomes and would not be consistent with the requirements of the NPS-UD which seek greater variety in typologies in terms of location, size and cost to suit a wider range of demographics.

5.21 Further, the proposed level of development sought via the HDRZ as notified would provide some incentive to seek residential development opportunities immediately adjacent to the Nelson City Centre and other key amenities (e.g. schools and the Hospital) rather than more broadly as enabled across the entire Nelson urban area by the density provisions contained within both the GRZ and MDRZ. As such, there would be overall urban form, centre vitality and transport benefits in trying to direct the highest density of development to occur in and around the City Centre and other key amenities as possible.

5.22 I also consider that the submitters' concerns around "amenity effects" that could result from higher density housing relies on a narrow interpretation of amenity that is focussed on some residential amenity values for existing residents (e.g. sunlight) inconsistent with Policy 6 of the NPS-UD. The concept of amenity is much broader than issues around access to sunlight or personal aesthetic preferences around larger

building forms. This is not to say that those are unimportant, but rather amenity can be derived from a wider range of factors, including proximity / access to services and more affordable housing options. These factors need to be considered in terms of the wider population and an area's spatial location within an urban environment. These could include being in proximity to everyday services, shorter journey times to work or school (thus freeing up more leisure time or time with family), not having to purchase a private motor vehicle to participate in / or access the services available within a city, or having a home which is sized to match your budget or lifestyle preferences.

5.23 Overall, from an urban design perspective, I consider that it is necessary to facilitate the provision of high-density housing within the urban area of an established city such as Nelson and that those opportunities are not limited to existing centre environments.

5.24 The s42a report assesses two different options related to the provision of high-density housing in Nelson, including:

(a) Retain the notified PC29 HDRZ; or

(b) Convert the HDRZ to the MDRZ but still enable higher density housing on large sites in locations with high accessibility (a High Accessibility Overlay / "HAO"), subject to a restricted discretionary process to assess design.

High Density Development on Large Sites

5.25 In response to the issues raised in submissions, I was asked to provide advice on the parameters and standards which could be used to define the HAO.

5.26 The logic behind the introduction of the HAO is that it may still facilitate a greater density of development consistent with what is understood as high density residential in the most accessible locations, but on larger sites where development can be designed more comprehensively, are less restricted by awkward or small geometry, and can better internalise

potential adverse effects. A similar approach is already included in the NRMP (Comprehensive Housing Developments) and is also fairly standard across New Zealand with examples of which I have some familiarity in Christchurch, Auckland (referred to as Integrated Residential Development) and Queenstown.

5.27 Turning to the question of whether any HAO provisions should apply, there are two options. Firstly, broadly across an entire zone (e.g. MDRZ) or secondly, more targeted and enabled via an overlay control. As set out above, I remain of the opinion that there is urban design merit in facilitating high-density residential development that is not in a centre or commercial environment. This development should be concentrated in areas with good accessibility to services and amenities to help support a range of other desirable outcomes such as reduced need to travel via private motor vehicle, increased retail vibrancy, better utilisation of existing infrastructure etc. As such, I am of the opinion that application of any HAO standards would be best applied to those areas previously identified within the notified HDRZ, subject to refinements based on the more detailed accessibility analysis contained in Attachment 1 of my evidence.

5.28 In terms of the site parameters to which a HAO regime could apply, there is no strong logic, in urban design terms, for what would be an appropriate level. Examples from Christchurch and Queenstown set a threshold for sites over 1400m^2, while the integrated residential development provisions in Auckland apply to sites over 2000m^2. To inform what could be appropriate in the Nelson context, I carried out a high-level analysis of those parcels in the notified HDRZ.

5.29 In terms of site areas, sites which have not been subsequently redeveloped since their creation typically sit within a range of 500 m^2-900m^2, with the majority of sites less than 700m^2. If similar thresholds to Queenstown or Auckland were adopted three or four sites would need to

be amalgamated before being able to take advantage of any HAO provisions. Such a scenario could be challenging in terms of timing and financing making it less likely that any redevelopment would occur. As such, a smaller size threshold that would only require the amalgamation of two sites would be more appropriate to better enable opportunities for higher density residential development to occur. Based on the typical sizes of lots, I would consider 1000m^2 to be sufficient to achieve this.

5.30 In addition to the site area, another important consideration is the lot dimensions, in particular lot width. Dimensions have a large bearing on what can be physically accommodated on any given site and provides greater scope to incorporate viable floorplates (taking into account recession planes), outdoor open spaces and vehicle manoeuvring. Wider frontages also provide better opportunities to development to "front" streets and public open spaces which I consider to be a superior urban design outcome (as opposed to more typical intensification patterns where development runs perpendicular to the street). In terms of site widths, sites typically feature widths of between 16 to 20m, with some older parts of Nelson see sites as narrow as 10 to 14m. A number of larger sites above 20m are also observable but these are typically associated with sites which have previously been amalgamated for some form of comprehensive development or which feature non-residential uses (e.g. schools). Based on the above, a minimum frontage dimension to streets and public open spaces of 24m is recommended.

Residential – Design standards and approach

5.31 A wide range of submitters have sought amendments to various development standards, to make them either more enabling or more restrictive.

5.32 As a general comment, if it is considered that the planned urban built character of the HDRZ or an alternative HAO regime is a high-density zone, with a high bulk and scale of buildings as proposed by Council, the

development standards need to be designed to achieve this outcome. Similarly, for the MDRZ the development standards need to enable the types of development envisioned for the zone (e.g. terraced housing, walk up apartment buildings). A key feature of more intensive housing typologies is the general bulk and scale of these buildings, particularly larger floorplates than typical detached dwellings. Larger floorplates are a key characteristic so these must be enabled on typical sites within the corresponding zone. This contrast with the proposed GRZ, which while still affording opportunities for intensification, envisions this occurring on a smaller scale more akin to typical forms of infill development.

5.33 I acknowledge that to many submitters and further submitters the notified provisions of both the MDRZ and HDRZ represent a significant change in the nature of built form currently signalled within the Operative NRMP. However, the height limits and accompanying daylight envelope provisions established in both the MDRZ and HDRZ should enable rather than preclude the intended building typologies and also provide for reasonable internal floor to ceiling heights and ground floor level requirements to conform with the Building Code. They should also take into consideration the feasibility / viability of development. This particularly becomes an issue for apartment development where larger and more expensive concrete structures / foundations and vertical circulation areas are required. Further, achieving reasonable internal amenity with this type of construction necessitates a greater floor-to-floor height than is required for the lightweight timber construction that is more likely to be used in detached or terraced housing under three-storeys in height.

5.34 It is also important to note that the ability to maximise development potential on any lot and the resulting off-site effects, such as shading, is to a significant extent controlled by the combination of site width and size depth, and the impact this has on the daylight envelope control. In instances where sites are unusually narrow when compared with the

wider zone this will have the inevitable impact of limiting the bulk and scale of buildings which can be accommodated on a site. Furthermore, it is also important to note that additional development standards for maximum building coverage, ground floor open spaces, yards, outlook controls as well as the (likely) need or desire to provide for parking on site also serve to manage overall development intensity and associated effects.

Building Height

5.35 Multiple submitters supported the notified maximum building heights, whilst a number of submitters also opposed the notified residential zone building heights, with opposition received to the maximum building heights proposed for the GRZ, MDRZ and HDRZ. Kāinga Ora (S933) also requested the maximum building height in the HDRZ be increased to 22m.

5.36 A number of the concerns with the proposed height limits related to what some submitters consider would result in wholesale changes to the look and feel of existing residential areas and a significant reduction in existing residential amenity values. In my opinion, such a concern is unlikely to eventuate. Auckland, post adoption of the Auckland Unitary Plan, provides a useful example for understanding the impacts of more enabling development standards on the general character and amenity values of any given area. Despite widespread upzoning across neighbourhoods, predominantly in south and west Auckland, redevelopment of sites is generally concentrated to a small portion of overall sites within a given street or neighbourhood. There are notable runs of terraced housing or taller apartment buildings, but generally speaking, the majority of homes have remained as one-to-two storey detached houses on larger lots which has retained the existing suburban feel. The main exceptions to this are in areas where there are significant Kāinga Ora landholdings which encompass a significant portion of entire

neighbourhoods (e.g. Mt Roskill South). These have seen widespread redevelopment and regeneration that has created a distinctly urban / more intensive residential character.

5.37 With regard to the 8m permitted heights within the GRZ, this is consistent with comparable zones across a number of recently amended district and unitary plans (e.g. Christchurch and Auckland). A height of 8m will enable the development of up to 2-storeys whilst also accommodating an allowance for freeboard and varied roof profiles. 8m is at a level where achieving more than 2-storeys will be difficult, unless excavation is proposed when taking into minimum internal floor-to-ceiling heights for habitable rooms within the building code (2.4m) plus an allowance for structure / services (typically 0.3m minimum between floors). In my opinion, 2-storey dwellings are a common feature of suburban environments across Nelson and New Zealand. This would also better support the development of smaller scale terraced housing in the GRZ which helps to enable greater housing variety in terms of typology, location, size and cost across the Nelson urban area. I also note that a more restrictive HIRB standard is proposed to apply to the GRZ (as opposed to the MDRZ) which would result in increased setbacks for taller permitted building elements when compared with other residential zones ensuring potential adverse effects on existing residential amenity such as shading are minimised. Overall, I do not consider any changes to the permitted height within the GRZ is necessary or desirable in urban design terms.

5.38 With regard to the 11m permitted heights within the MDRZ, again this is consistent with a number of existing plans and building typologies classed as medium density housing. I also note that this is consistent with the MDRS which sets out the basic bulk and scale controls which relate to medium density developments, albeit only mandated for Tier 1 local authorities. Similarly to the GRZ, 11m comfortably enables the development of up to 3 storeys on a range of different sites and allows

for the accommodation of topographical change on a site (important for larger floorplates of apartments and terraced housing developments), freeboard (e.g. to avoid flood hazards), varied and sloping roof profiles and generous internal floor-to-ceiling heights. A reduction in building height would, in my opinion, unnecessarily reduce design flexibility and would undermine the delivery of common three-storey medium density typologies including narrower terraced houses and walk-up apartments. It could also encourage a proliferation of flat roofs and lower height internal spaces to ensure compliance with a lower height which would result in poorer urban design outcomes in terms of the cityscape and internal amenity.

5.39 Both typologies (narrow terraces and walk-up apartments) are important for attaining greater density of development within the MDRZ and helping to enable more people to live in the more accessible locations across Nelson. These types of typologies are common in Tier 1 urban environments and are increasingly common in both Tier 2 and Tier 3 urban environments across New Zealand where intensification has been enabled (refer to Figure 1 for example). This is especially important with the proposed removal of the HDRZ. Inclusion of an 11m height plus the 1m allowance for gabled roof forms (and other standards similar to the MDRS) will also have the benefit of enabling developers to "roll-out" established products / typologies[1] from other regions more easily without the need for unnecessary bespoke architectural solutions for Nelson.

[1] See for example the "Newton" typology from Auckland-based housebuilder, Ashcroft Homes (https://ashcrofthomes.co.nz/listings/newton-plan/)



Figure 1 - Top left, three-storey walk-up in Palmerston North; Top right, three-storey walk-up in New Plymouth; Bottom left, three-storey walk-up in Gisborne; Bottom right, three-storey terrace in Dunedin.

5.40 With regard to permitted height limits for higher density housing, as set out earlier it is proposed to replace the HDRZ with an overlay area enabling high density housing on large sites. As part of the HAO provisions, it is proposed to retain the 19.5m height limit (albeit with amended HIRB standards). I agree with Kāinga Ora (S933) that an increase to 22m for higher-density housing is appropriate to ensure adequate design flexibility (consistent with the matters described in paragraphs 5.32 and 5.33 above) to achieve 6-storey development. However, I do acknowledge that a height of 22m could also enable greater than 6-storeys of development (up to 7-storeys) as the height implications of design aspects such as freeboard and the roof profile can be shared across a greater number of floors. As such, it is my understanding that this could potentially conflict with the intended design outcomes of HAO of development up to 6-storeys. In my opinion, the urban design effects of such a change would be negligible when considered with proposed amendments to the HIRB control for CRD. Overall, I support an increase in building height for the CRD to 22m in urban design terms.

Height in relation to boundary (HIRB) / daylight

5.41 Multiple submitters opposed the notified daylight standards for the HDRZ and MDRZ and generally requested a reduction in the overall height in relation to the boundary. The requested decisions included:

(a) general requests to reconsider the daylight angles (making them more restrictive so that neighbouring properties receive greater levels of sunlight);

(b) requests to apply the operative variable daylight controls of Appendix 15 to the three new zones, with heights starting at 2.5m and an angle that depends on the orientation of the boundary in question;

(c) specific proposals for various different daylight control arm heights and angles;

(d) daylight control exemptions for party walls; and

(e) removal of the lower daylight control that applies to the rear portions of sites in the HDRZ.

5.42 As stated in paragraph 5.33, consideration of appropriate recession planes must take into account the types of housing sought to be enabled by the rules. This includes typologies with larger floorplates and ranging in height of between three to six storeys.

5.43 A number of different options have been considered in the development of the proposed standards and further testing has been undertaken in line with submissions. In the case of sites within the notified HDRZ and MDRZ, these feature typical widths of between 16 to 20m, with some older parts of Nelson see sites as narrow as 10 to 14m (although these are less common).

5.44 Recession planes in line with existing standards such as 2.5m + 25^{o} or 35^{o} (depending on the boundary orientation) would require setbacks of approximately, 18.25m and 12.15m respectively to accommodate a third storey of development. The most restrictive 2.5m + 25^{o} applies from the

southern boundary of a site which would be particularly problematic given the predominant cadastral pattern of Nelson which features east-west orientated blocks. Essentially, recession planes set at these levels would effectively eliminate any real ability to deliver medium density housing above one storey across a large number of sites within the MDRZ. Similarly, a commonly applied control of 3m + 45º would require setbacks for a third storey of 8m from the site boundary. When combined with the setback from the other side of a site, this would only leave a third storey of approximately 4m in width. Essentially, more restrictive recession planes if applied to side boundaries would severely compromise the intended built form outcomes of the MDRZ.

5.45 Despite the above, I believe there is merit in considering recession planes as applied to rear boundaries within the MDRZ in response to submissions received. In response to submissions, I have tested a range of different options including an additional recession plane of 4m + 35º applying only from the rear boundary of a site. These are shown in Figure 2 below.

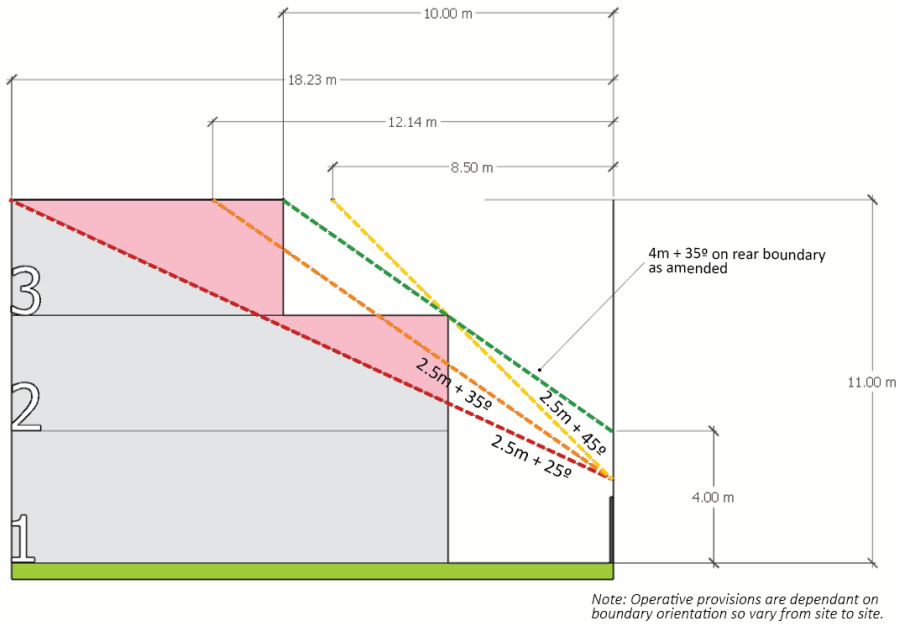


Figure 2 - Development Implications of various HIRB options

5.46 The application only to the rear boundary would continue to provide scope for more intensive three-storey building forms due to the typical

depth of sites found across Nelson (in comparison to the relatively narrow widths). I have done some basic 3d modelling of this proposed change to understand the potential impacts it may have. Key built form outcomes are that a typical third-storey of development (built to 11m) would effectively be setback around 10m from the rear boundary, while a typical second-storey would be setback approximately 5m. This contrasts with the 4m currently enabled by the notified standard. There are some urban design benefits and costs associated with this change. Key benefits include:

(a) It would maintain a higher degree of building separation at the rear of sites supporting higher levels of sunlight and / or tree canopy cover;

(b) Increased separation distances would support reductions in privacy impacts from overlooking of neighbouring sites and would also enable greater levels of outlook space to be provided at the rear of a development;

(c) The control would also support increased sunlight penetration to the rear of neighbouring sites which are typically utilised for private open space, helping to maintain a higher level of residential amenity for these sites (refer to Figure 3 below).

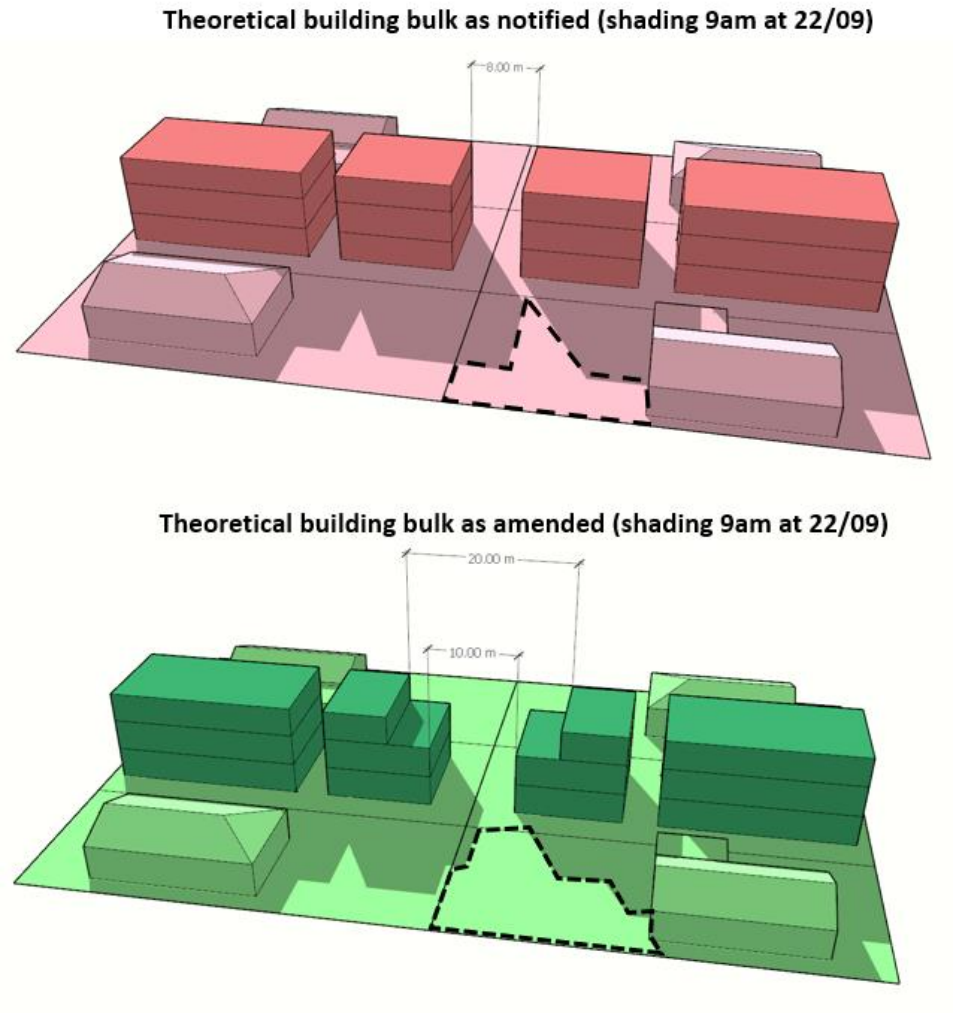


Figure 3 - Theoretical Shading from notified and amended MDRZ standards on typical Nelson sites.

5.47 Accordingly, I recommend an amendment to the HIRB standard to 4m + 35° as it applies to the rear yard of a site in the MDRZ. Overall, I consider that this will provide for increased amenity for existing and future residents in a manner which doesn't undermine either the design outcomes intended for the MDRZ or the delivery of more intensive forms of housing in Nelson.

5.48 With regard to the HAO provisions, it is proposed to simplify and amend the HIRB for qualifying sites to 8m+60°. A number of submissions were received opposing the notified recession plane controls within the HDRZ and revision to the existing controls in the NRMP. Submissions were also received around the potential complexity of the rule. Kāinga Ora (S933) sought an increase of the standard to 19m+60° standard.

5.49 The 12m + 60^0 that applied to the front portion of a site (the 4m + 60^0 applied to the rear portion) in the notified HDRZ was designed to work in conjunction with the maximum building length standard to encourage development towards the front of the site (consistent with permitter block-type development) and was also designed to be deliberately enabling taking into account typical sites which are often narrow (under 20m) within areas proposed to be included within the HDRZ. In light of the proposed approach to adopt the HAO in lieu of the HDRZ and submissions received, the recession planes that could apply were reconsidered. A number of additional options were considered, including:

(a) Reliance on the 4m+60^o within the MDRZ.

(b) Amendment to 8m+45^o; and

(c) Amendment to 8m+60^o.

5.50 Options (a) and (b) were discounted as they would not enable the development of viable floorplates at upper storeys towards the 19.5m height limit, assuming a 24m wide site. Option (c) was able to accommodate a 5 to 6 storey building with some additional setback of the upper two storeys. The potential shading impacts of Option (c) vs the notified HDRZ standards were similar (noting that overall height is the key driver of shading impact on immediately adjacent neighbours). The biggest difference in effects was greater setbacks of taller building elements which would help to reduce potential visual dominance, privacy and overlooking impacts onto neighbouring sites. Option (c) has the effect of forcing the tallest enabled building elements away from the boundary by a further 2.3m from the notified control. A basic 3D model of the built-form outcomes that could be enabled by Option (c) is shown in Figure 4 below.

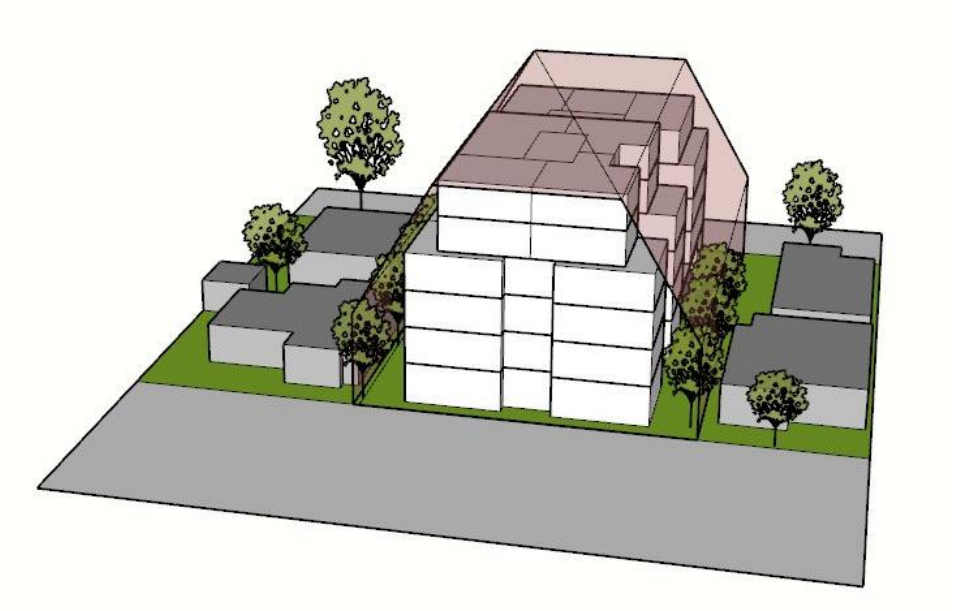


Figure 4 - Indicative Built Form outcomes from an 8m + 60^0 recession plane.

5.51 There are several benefits of this approach that help to respond to a range of submissions received. These include:

(a) It reduces complexity by having the same recession plane apply across the length of a side yard;

(b) A development looking to maximise floor area would need to set back the upper two storeys. This would have the effect of making a significant portion of the top two floors "disappear" from the view of immediate neighbours. Building setback can also have the function of obscuring or screening direct sight lines, thus reducing overlooking and privacy concerns;

(c) Assuming a 24m wide site, development of building up to approximately 4 to 5 storeys (depending on floor heights used) could still be designed without the need for upper storey setbacks (which do add complexity / cost) whilst also being able to accommodate required outlook and outdoor living court ("OLC") minimum dimensions.

5.52 Accordingly, I recommend an amendment to the HIRB standard to apply within the HAO be amended to 8m + 60^o along side and rear boundaries. Overall, I consider that this will provide for increased amenity for existing

and future residents of neighbouring sites over and above what was notified in a manner which doesn't undermine either the design / density outcomes intended for areas in the HAO or the delivery of more intensive forms of housing in Nelson.

Side and Rear Yards

5.53 Multiple submitters requested changes to the yard setbacks to permit party walls. In addition, multiple submitters also requested an increase in the yard setbacks for buildings to a dimension of at least 1.5m from the side and rear boundaries. Wainui Properties Ltd (S770) requested amendments to the yards rules to exclude eaves.

5.54 In general, I do not support the requested changes to side and rear yard dimensions. Increases will have the effect of decreasing design flexibility and creating on-site inefficiencies in design that could undermine the ability to deliver on the benefits of intensification. The 1m dimension provides for sufficient space to enable access / maintenance to occur along a boundary and is also well aligned to fire rating requirements of the NZ Building Code. In my experience, for more intensive development that could be enabled within the MDRZ, yards in excess of 1m are generally provided due to a combination of factors including:

(a) the location of vehicle access / manoeuvring (typically results in side yards of 6-7m;

(b) The location of outlook space and / or outdoor living courts (typically results in side yards to meet those minimum dimensions); and

(c) Building efficiencies associated with compliance of recession planes for taller buildings. In the case of the MDRZ, a 3-storey building would need to be set-back at least 4m to comply with a 4m +60^{o} recession plane.

5.55 In terms of the proposed HAO standards, I could support an increase in side and rear yards to a depth of 3m, acknowledging the larger building

forms that are intended to be enabled within this area. 3m would provide more suitable conditions to accommodate more meaningful landscaping along side and rear boundaries which can be used to soften and / or screen, taller buildings. Due to the proposed site size and width requirements for the HAO provisions to apply, an increase in side and rear boundaries would not unduly inhibit design flexibility.

5.56 With regard to building eaves, I agree in part with the submission of Wainui Properties Ltd although note that there is no set or maximum distance of eaves so any impact of allowing an exemption of eaves remains uncertain. Larger eaves could lead to a sense of complete enclosure along side and rear yards, reducing building separation and the degree of spaciousness between building on neighbouring sites. In my opinion this would be inconsistent with the purpose of the standard. If any exception was to be included within the plan, I consider that a specified maximum dimension for any eave must also be included. In this regard, 300mm would be sufficient to provide some flexibility and accommodate typical (albeit smaller) eaves seen in residential construction.

Site coverage / impervious area

5.57 Multiple submitters requested an increase in permitted building coverage in the GRZ, with suggestions ranging between 50% and 80%. Daniel Jackson (S530) sought the complete removal of building coverage standards. Multiple submitters also requested an increase in the minimum permeable landscape area to 25 or 30%. Whilst addressing different standards, any change to either needs to be considered together due to their inter-relationship.

5.58 I note that standards around landscaping / permeable surfaces also serve a stormwater function. I do not make any comment to them in this regard.

5.59 I do not support any changes to building coverage controls within the GRZ or MDRZ. The intent of the building coverage controls is to ensure that buildings are not excessively out of scale / character within a residential environment and to allow some space between buildings to support landscaping and other forms of on-site amenity. The lower building coverage enabled within the GRZ reflects the lower intensity of development anticipated within that zone which is also a reflection of the GRZ's accessibility. Given the lower building coverage requirements of the GRZ there is an opportunity to increase the minimum landscaping provisions to 25% to provide further differentiation between zones and support a different type of on-site amenity that is more suburban in nature than is enabled in the MDRZ.

5.60 In terms of the requested increases to site coverage, from a practical perspective an increase of 70% and upwards is unlikely to be possible on the majority of sites when other standards such as OLC's, yards and outlook spaces are factored in. For example:

- On a 300m2 site, the 1.5/1m yards alone would comprise 25% of the site area.
- On a 450m2 site, the 1.5m/1m yards alone would comprise 21% of the site area.

5.61 Increases in building coverage also have the potential to create even greater impacts around shading and visual dominance when considered with proposed building heights as they influence the overall "building envelope" enabled on a given site. Providing for some degree of openness on a site supports a degree of spaciousness between buildings and also affords better opportunities for sunlight penetration and meaningful landscaping to be incorporated into a design, consistent with a residential environment.

5.62 I also note that there are no building coverage limits in other zones including the Inner City, City Fringe and Suburban Commercial. As such,

there remains the opportunity to develop more intensive residential schemes with greater building coverage within other parts of Nelson.

Outdoor living court (OLC)

5.63 Multiple submitters requested general unspecified improvements to the OLC provisions, or larger balcony sizes, without providing specifying the relief sought.

5.64 Kāinga Ora (S933) requested amendments to the OLC rule [REr.19F] to delete clauses d) and e) requiring OLCs to d) not be located within 45° either side of due South; and e) to be directly accessible from a living room.

5.65 In general, I do not support any of the submissions seeking alterations to the OLC standards. There is a general concern from the majority of submitters that the standards are too small and that more generous minimum areas should be provided across all residential zones. Whilst I generally agree with the principle that larger areas of private outdoor open space can be more desirable (for some) and can support higher levels of certain types of on-site amenity, they also have the potential to reduce levels of intensification by reducing the given yield that can be obtainable on a site, require increased dwelling costs by increasing the land component of any given dwelling and they may not suit individuals who are seeking lower cost / lower maintenance lifestyles. This logic applies across all residential zones. Smaller OLC requirements will also better facilitate infill development to the rear of existing buildings. I also note that other controls such as building coverage and yards can also impact on the overall size of OLC's provided with the GRZ's 40% building coverage likely to influence greater areas of OLC being provided. In this regard, it could be expected that OLC's for development in the GRZ would naturally be larger than the MDRZ due to the lower total building coverage.

5.66 Requirements relating to increases in balcony sizes are also, in my opinion, unreasonable – especially as they relate to attached forms of housing. The standards, as notified, set a minimum dimension that is capable of accommodating a small table and chairs, a small barbeque and some pot plants along with circulation space. Increased balcony dimensions have the potential to add increased costs to more intensive typologies such as apartment buildings through more complex structural requirements for cantilevered balconies as well as increased maintenance / weatherproof issues for other forms of balconies. Ultimately, individual developers will have the ability to build larger balconies depending on their target market / demographic for ultimate sale. Similarly, future residents / purchasers will have the ability to choose dwellings based on their own preferences / trade-offs so suit individual circumstances and living arrangements.

5.67 Finally, I would note that PC29 does not envisage whole scale changes to existing patterns of urbanisation across Nelson. The majority of existing residential sites will likely remain unchanged from what currently exists and this will provide choice and variety in terms of larger OLC's.

5.68 Clauses related to the location of OLC's are designed to ensure a degree of functionality where those spaces are provided. The orientation requirement (REr.18F.1(d) and (e)) is designed to enable at least some opportunity for access to direct sunlight during the year, while its location linked to a living room helps to ensure a greater degree of usability and acts as an extension of the primary living space.

5.69 Based on the above, I do not consider any changes to the OLC standards in the GRZ, MDRZ and HAO are required from an urban design perspective.

Maximum building length

5.70 Multiple submitters requested modifying the maximum building length for sections with side boundaries shorter than 22m in length. For example, the lesser of 22 m or half the adjoining boundary length. The rationale behind this rule is to ensure adequate protection / sunlight access to smaller sites. Equally, there was a number of submitters who supported the notified maximum building length provision (REr.18S / REr.19S).

5.71 Ryman Healthcare (S898), Retirement Villages Association of New Zealand (RVA) (S901), Manuka Street Hospital (S881) have identified operational and functional needs associated with their specific activities which may make compliance with this rule challenging. RVA and Ryman Healthcare have sought to include additional matter of discretion and assessment criteria relating to consideration of the functional and / or operational needs of activities have this rule is infringed.

5.72 I do not support any reduction in the maximum building length standard. The 22m dimension has been developed to enable a reasonable depth of apartments back-to-back when orientated perpendicular to the street. This length also facilitates the development of a small run of terraced homes (between 3 and 5 dwellings depending on width). This length is also designed to ensure a relative degree of consistency with the scale of existing buildings in residential areas across Nelson.

5.73 From a practical perspective, reductions in this length or alignment with the adjoining boundary length would severely compromise the delivery of intended typologies within more intensive residential zones. Additionally, alignment of a maximum building length with an adjoining boundary length could result in impractically low maximum building dimensions (e.g. 2m) if a neighbouring site has been subdivided for 4m wide terraced housing already.

Privacy and outlook

5.74 The NZ Institute of Architects (S495) has requested a bigger outlook space for both the primary living areas [6x4m] and bedrooms [2x2m] across all three new zones. Multiple submitters have also requested unspecified improvements to the standards to improve privacy outcomes for both new and existing residential units and have also referenced a number of examples from the State of Victoria and New South Wales as reference points.

5.75 I have a degree of familiarity with the residential design standards applying to more intensive development in places like Victoria and New South Wales and note that many of these helped inform the thinking around development of the Auckland Unitary Plan provisions, within the context of New Zealand's resource management system. In turn, the Auckland Unitary Plan provisions influenced the development of the MDRS and some of these standards were used to inform the provisions to various zones through Plan Change 29. Standards from Victoria tend to be highly prescriptive and are often based on the location of existing windows, outdoor open spaces, and habitable rooms of adjacent development, whereas New South Wales adopts a discretionary design review process supported by guidelines (as opposed to standards to be strictly complied with).

5.76 From a practical perspective, I have concerns that an approach similar to that seen in Victoria will inevitably result in the need for every development to be highly bespoke resulting in increased costs through a reduction in standardisation of some design elements. This approach would also likely prevent the use of modular housing products / units which offers some opportunities for more efficient and cheaper construction.

5.77 I remain of the opinion that the outlook standards are appropriate, noting that they are just a minimum. In my experience in the design and review of a number of medium and high-density residential developments, I find that the minimum outlook requirements are often exceeded, especially as they relate to bedrooms which are often located on upper floors above living spaces where the greater outlook space extends or orientated towards streets and public open spaces.

5.78 With regard to a 4m x 4m outlook space from primary living areas, this distance aligns with OLC and recession plane controls to ensure an efficient site layout can be achieved. The width of an outlook space aligns to typical sizing associated with primary living rooms as well as narrower terraced units. In terms of its depth, a greater outlook depth of 6m as recommended (and which currently applies in Auckland) has encouraged a proliferation of development where the primary outlook space for living spaces is positioned at the first floor and looks directly over vehicle accessways (due to similarity in the dimensions required to facilitate reverse manoeuvring) to ensure a more efficient site layout in terms of total yield. This has had flow on impacts in terms of also orientating OLC's fronting vehicle accessways, compromising their amenity for residents. In my opinion, a smaller outlook space for living areas provides a greater degree of flexibility to achieve better design solutions on any given site.

5.79 In terms of bedrooms, a 1m deep outlook space is not uncommon is residential environments across Nelson or New Zealand. 1m (approximate) side yards are a common feature of many established residential areas in Nelson or New Zealand and internal building configuration naturally lends itself to having some bedrooms located along side boundaries. In practice, an increase in the minimum outlook dimension to 2m for bedrooms would have the effect of increasing typical side yard dimensions to 2m unless inefficient building setbacks are incorporated.

5.80 Finally, I also note that consideration of potential effects associated with outlook and privacy is proposed to be addressed through the assessment criteria set out in REr.18B.4 as part of a discretionary design review process for proposal of more than three dwellings. This specifically directs plan users to consider impacts on privacy and outlook of neighbouring sites and how different architectural treatments and landscaping can be used to address potential impacts.

5.81 Overall, I do not consider that any changes to the notified outlook controls for residential zones are necessary to address any potential urban design effects.

Minimum unit sizes & functional dwelling standards

5.82 The NZ Institute of Architects (S495) and Nelson Tasman 2050 (S498) requested additional residential minimum dwelling standards in lieu of minimum unit sizes. Additional submissions were received requesting increased minimum unit sizes based on the number of bedrooms (Samuel Nevin S629). Minimum Dwelling Standards that would apply to all new residential units and could include:

(a) Functional layout;
(b) Room depth;
(c) Windows;
(d) Storage;
(e) Ventilation;
(f) Private open space &
(g) Accessibility.

5.83 The further submission of Kāinga Ora (56.070) opposes this on the basis that the minimum dwelling sizes combined with other rules including for outlook, yards, and recession planes are sufficient to ensure a good standard of residential accommodation whilst enabling intensification and housing choice. The further submission also notes some of the

provisions requested by submitter are covered by other legislation such as the Building Act.

5.84 The minimum units areas set out within Plan Change 29 as notified are broadly comparable with other towns and cities across New Zealand. For example:

(a) Across residential and business zones, the Auckland Unitary Plan provides for minimum studio apartments sizes of between 30m^2 and 35m^2, and 45m^2 for one or more bedrooms;

(b) Across residential and business zones, the Wellington District Plan provides for minimum studio apartment sizes of 35m^2, and 40m^2 for one-bedroom units;

(c) The Christchurch District Plan enables studio apartments of 35m^2, and 45m^2 for one-bedroom units; and

(d) The Palmerston North District Plan enables dwellings with minimum sizes of 45m^2 without any qualifiers relating to bedrooms within identified multi-unit housing areas.

5.85 I note that the examples I have provided above do not include a range of ancillary detailed design requirements around layout, minimum dimensions, storage etc. as suggested by various submitters do not form part of the above planning frameworks. However, these are more broadly covered by policies and, in some instances assessment criteria, associated with the design review process for restricted discretionary resource consents.

5.86 Matters around private open space (refer to OLC's) and accessibility have been discussed elsewhere within my evidence. Potential standards relating to ventilation, windows, natural light, room depth are already addressed in sections G4 and G7 of the NZ Building Code.

5.87 In my opinion, the use of minimum unit sizes is a more appropriate approach than incorporating a wide range of minimum dwelling standards. Minimum unit sizes establish a broad envelope and provide

flexibility on the internal layout of a dwelling to suit consumer preferences, the individual site context and the applicable standards of the NZ Building Code. Minimum unit sizes also help to more easily establish potential housing yields which is an important consideration for infrastructure planning in areas where intensification is expected to occur.

5.88 Alignment with other proximate territorial authorities around standards is also considered beneficial as it provides a consistency across multiple areas in New Zealand. This will provide greater certainty for the wider development community and an ability to deliver modular or standardised terraced and apartment typologies over a wider area. This avoids the need for more expensive and bespoke internal dwelling designs depending on where development is occurring.

5.89 I do not support specifying minimum size standards for units of more than 1-bedroom. Firstly, an increase in minimum sizes with more bedrooms is based on an assumption that additional people will reside in the unit. While this may be the case, there are a number of situations where people may wish to live in / purchase a unit with an extra bedroom to utilise it as extra storage space, a study or as a guest room which may be used infrequently for visitors. In such situations a mandated increase in minimum unit sizes is unnecessary and may only serve to add increased costs onto future residents or discourage their development entirely. Secondly, there is no requirement to identify or specify the number of bedrooms as part of a resource consent process. In my experience, where minimum space requirements for more than 1-bedroom are specified, additional rooms are often labelled as sitting rooms or studies on plans to avoid triggering additional consent requirements.

5.90 I do note that some other territorial authorities include standards for minimum unit sizes for two and three-bedroom options. These typically range from 55m^2 for two-bedrooms to 90m^2 to three-bedrooms. These

minimum standards are, in my opinion, unnecessarily large and are set at a level which can set a price floor for construction that is not competitive with other housing typologies (e.g. existing detached dwellings). This actively discourages the development of anything but luxury apartment developments within commercial and residential zones. As such, higher minimum standards can act to reduce housing variety and limit the urban design benefits of intensification being realised.

Accessible / Universal Design

5.91 The notified Plan Change included a restricted discretionary activity standard in rules REr.17B.3 and Rer.18B.3 requiring 10% of units in multi-unit developments to be wheelchair accessible. This rule received both support and opposition through submissions.

5.92 I have concerns with the standards as notified as they could potentially undermine the development of typical medium density typologies. Three-storeyed, narrower, terraced homes are difficult to construct to the accessible standards recommended. In my experience, these types of dwellings will be important to support the overall level of intensification that can be realised in Nelson across the MDRZ. The topography of Nelson could also create challenges, especially as it applies to many areas within the GRZ could also create challenges in complying with REr.17B.3. As such, I could support the removal of these standards.

5.93 In my opinion, a more appropriate tool is to encourage accessibility / universal design through matters of discretion / assessment criteria. This provides flexibility for designers to respond to particular site conditions and the market they are looking to cater to, as provides an ability for Council to seek universal design outcomes through the design review process.

Windows to the street

5.94 Nelson City Council (S947) sought greater clarification over the interpretation and application of the 20% glazing standard (REr.17M, REr.18M). In particular how the lower part of the façade is identified, particularly for sloping sites where non-habitable spaces such as garaging or under floor storage are located (refer to Figure 5 for an example).



Figure 5 - Street facing façade of a sloping site (the lower portion sits below the red line)

5.95 PC29 as notified included some specified clarifications and exclusions related to the calculation of the area to meet the 20% glazing standard. This included the exclusion of non-habitable roof space for gable ended roofs to better enable a variety in roof forms to be developed to support an attractive and varied streetscape. Similarly, garage doors were excluded as these are typically large in area, opaque and not linked to a habitable space and thus would not contribute to supporting informal surveillance.

5.96 In urban design terms, the standard serves two design purposes (as informed by a reading of Policy RE3.5). Firstly, to promote a degree of attractiveness to the street from new buildings (e.g. avoiding large areas blank or featureless walls) and secondly to promote safety through informal surveillance of the street environment (refer to Figure 6 for an example of the outcomes the standard seeks to avoid). Based on these two design outcomes, I am of the opinion that the entirety of lower part

of the street facing façade, regardless of whether the lower portion includes a habitable space, should be captured in terms of calculating the 20% standard.



Figure 6 - A largely featureless street facing facade from a terraced house in Auckland

5.97 In partial response to the Council's submission, I consider that the standard could be better clarified by requiring that at least one window relates to an internal habitable space to ensure at least some opportunities for informal surveillance are provided for.

Business – Design standards and approach

New buildings

5.98 John Fitchett (S732) seeks to delete ICr.37B which requires a resource consent for every new building in the Inner City and City Fringe. Further, Gerrard Wilson (S555) seeks to review and amend the City Centre zone rules to ensure that reviving the commercial areas is a priority, and is enabled and not restricted by resource consent processes; and residential intensification of the commercial areas is incentivised over other residential areas, through more enabling rules in the central city area. Te Whatu Ora (S709) supported the proposed approach to design assessment for new buildings.

5.99 In my opinion, the rules applying to the Inner City and City Fringe zones are more enabling than residential zones. For example, residential activities are subject to a total of three simple development standards (Rules ICr.37C Minimum Unit Size, ICr.40A Outlook and ICr.43A Acoustic Insulation). This compares with the MDRZ which includes seven residential amenity related development standards.

5.100 The requirement for resource consent for new buildings in the Inner City and City Fringe is a trade-off in the more enabling provisions around activities and the scale of development. In my opinion, this would be particularly important in considering the design of mixed-use schemes which incorporate a significant residential component given the overall approach to minimising development standards. Further, this approach is consistent with how more intensive residential developments are proposed to be treated across Residential zones.

5.101 Reliance purely on a permitted development regime via development standards does not necessarily support positive urban design outcomes (or mitigate adverse effects) – especially as the scale and intensity of development increases. In addition, City Centres are an important "shop front" for outsiders of a whole city and some level of design control is appropriate and well established in New Zealand. Matters of discretion and assessment criteria have been proposed to provide clear direction to applicants as to what needs to be considered in the design process to provide a degree of certainty as part of the resource consent process.

Building heights in centres

5.102 Multiple submitters opposed the notified Inner city zone building heights and requested a reduction in height. The reduced building heights requested range from six storeys through to four storeys. Some seek taller apartments in site specific locations in the Inner City. Some submissions also specifically seek reduction in height limits for the Inner

City and City Fringe zones. Multiple submitters have also supported the notified Inner City and City Fringe zone building heights.

5.103 Multiple submitters also oppose the increase in heights in the suburban commercial zone. Submitters seek building heights between two storeys and four storeys, with two-to-three storeys sought for Stoke. In my opinion, there are no compelling urban design grounds to reduce the height strategy as it relates to the various commercial zones.

5.104 The Inner City / City Fringe areas have generally been identified as the most accessible within Nelson, indicating they are best suited for accommodating the highest levels of intensification. There has also been a number of submissions highlighting a desire to concentrate more intensive residential uses within the Inner City. In my opinion, height is a critical element to enabling this to occur. The height limits of 24m are equivalent to a six to seven storey building which is still relatively modest by New Zealand standards and still falls well below the height of the existing Rutherford Hotel and Clock Tower at Civic House (both approximately 40m).

5.105 Within the Suburban Commercial Zone, increased heights were enabled in Stoke and along Waimea / Vanguard Roads. These increased building heights respond well to the accessibility analysis undertaken. I note that building setback and recession plane ($4m+60^0$ applying to all with the removal of the HDRZ) standards will still apply where those sites border a residential zone. This will remain a binding factor limiting potential adverse amenity effects on neighbouring residential sites. This means you can get a 3-storey building approximately 3m from the boundary, but anything up to 19.5m would be set back by 9m from the boundary. I note that removal of the HDRZ would also necessitate the removal of the SCr.22.1(b). The impact of this would be that suburban commercial centres across Nelson would now default to a 12m height limit.

Inner City Sunlight Controls

5.106 Several submitters sought amendments to sunlight and daylight controls. This includes retention and strengthening of controls which currently exist within the NRMP.

5.107 In terms of sunlight access to streets open spaces, the maintenance of some degree of sunlight on streets and the limited public open spaces within a city centre environment is important in ensuring appropriate urban design outcomes for future residents and visitors. These outcomes relate to general issues of amenity.

5.108 For residents, it is important in supporting the trade-offs inherent in living within a typically smaller dwelling with limited (or no) access to private or communal outdoor open spaces. Such living arrangements are common in a centre environment. As such, public open spaces can function as an extension of one's own home.

5.109 For visitors (including local employees), a range of different reasons have been cited relating to why one visits public open spaces.[2] This includes their role as a potential transit route, access to nature / the outdoors, or it provides a more amenable and attractive place to wait / relax / meet friends than a street environment. I also note that access to both sunlight and shade (linked to canopy cover) is identified as a feature which may attract users to a public open space.[3] In my opinion, encouraging the use of public space is important in helping to foster social interaction and to support safety through increased levels of natural surveillance.

5.110 Ultimately, sunlight is just one factor that can influence the usability and attractiveness of a public open space. In this sense, expectations around maintaining permanent levels of sunlight to public open spaces throughout the year are, in my opinion, unreasonable when considering

[2] Taylor et al., (2020) What Visitors Want From Urban Parks: Diversity, Utility, Serendipity.
[3] Ibid, pg. 5.

the limitations they impose on even the modest levels of intensification proposed through Plan Change 29.

5.111 I have undertaken some additional modelling and note that retention of the operative sunlight controls would limit the development potential across the majority of the Inner City Zone (approximately 11ha or 55% of zoned land) and in many cases development above 4-storeys is unlikely to be achievable (refer to Figure 7 below).

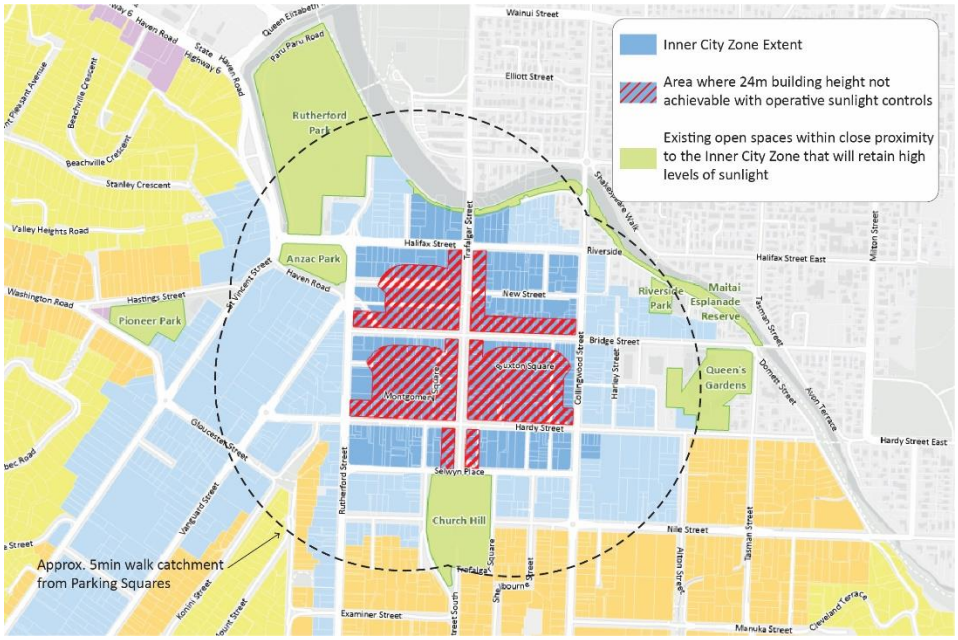


Figure 7 - Inner City Zoned land impacted by the Operative Sunlight Controls (assuming a 24m permitted height limit)

5.112 In considering potential shading impacts of larger buildings, it is important to recognise that shadowing is dynamic and changes throughout the course of the day as well as throughout the year. Generally speaking, most areas of the Inner City will retain sunshine at various points throughout any given day. Even under a worst-case scenario where every single site in the Inner City is developed to 24m in height with 100% site coverage, shading analysis indicates that large portions of Whakatu, Buxton and Montgomery Squares would still receive several hours of direct sunlight on the Winter Solstice (refer to Figure 8 below). Increases in shading will inevitably be observed where taller buildings are proposed, however it is unlikely that the proposed

changes would see widespread development of 24m high buildings across the Inner City as has been modelled below. Rather, a number of discreet projects with taller buildings spread around the City Centre is considered a more realistic scenario.

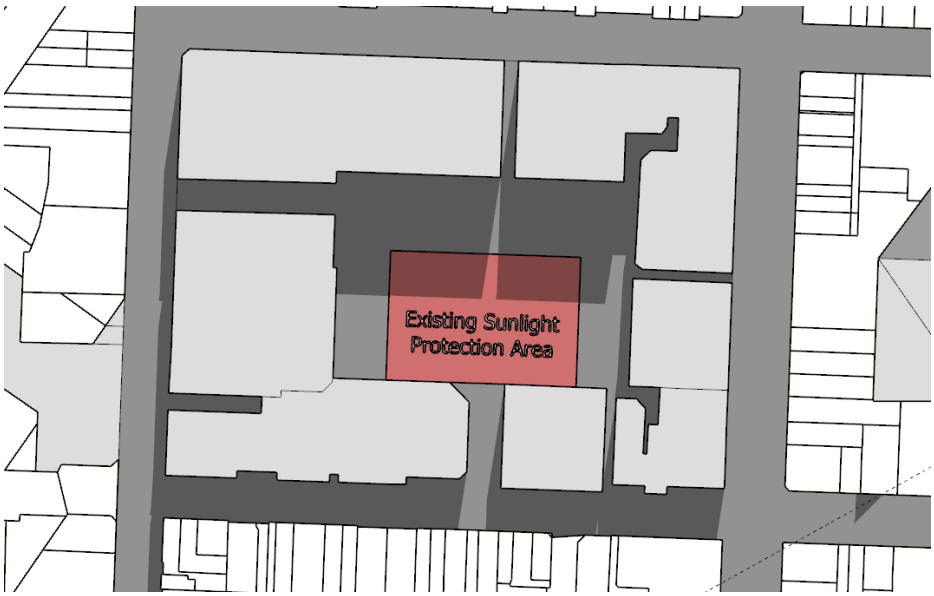


Figure 8 - Theoretical Worst-case Scenario of Shading in Montgomery Square on 22 June 12pm with 24m permitted building heights

5.113 Finally, I also note that there are a number of other public open spaces located in the immediate vicinity or within the city centre, where due to their location, orientation, elevation and size mean that they will continue to be afforded with high levels of direct sunlight throughout the year (refer to Figure 1). These include Queen's Gardens, Anzac Park, Church Hill, Rutherford Park, Matai River Esplanade Reserve, Riverside Reserve and Pioneer Park. The majority of these are located within an approximate 5-minute walking catchment from Whakatu, Buxton and Montgomery Squares and in several cases immediately adjoin the Inner City.

5.114 Based on the analysis above, I am satisfied that appropriate levels of sunlight to open spaces will still be maintained within the Inner City throughout the year. Given the benefits of intensification, I do not believe there are any strong reasons, in urban design terms, to limit intensification across much of the Inner City Zone in order to preserve

large areas of sunlight during the winter solstice to a handful of footpaths and a series of squares which function as car parks.

Inner City Outlook controls

5.115 One submitter, Nelson Tasman Climate Forum (S512) sought amendments to Inner city rule ICr.40A Outlook Space. The intention of the change sough is to further reduce barriers on converting inner city buildings to some form of accommodation. Kāinga Ora (S933), GP Investments Ltd (S845) and Trafalgar House Ltd (S777) sought retention of the rule as notified.

5.116 Rule ICr.40A is one of only three amenity related standards which apply to residential uses within the Inner City, with the other two being minimum unit size (ICr.37C) and the acoustic insulation of buildings (ICr.43A).

5.117 Increased residential uses within commercial zones, coupled with increased building heights and limited setbacks, creates a risk of adverse amenity outcomes in residential dwellings in these areas as opposed to residential zones where a range of other controls apply (e.g. site coverage, HIRB, yards). This risk is primarily in the form of adjacent sites being built out to their maximum extent, reducing or removing access to sunlight, daylight or outlook of existing dwellings over side boundaries if this has previously been relied upon. An example of the impact of this situation is shown in Figure 9 below.



Figure 9 - Example of an Auckland apartment (Mount Street) constructed to the boundary with an approximate 1m outlook space. The neighbouring site was subsequently developed effectively enclosing the external balcony.

5.118 To address this, dwellings should generally be encouraged to orientate themselves over streets or public open spaces where outlooks distances of 20m+ can be obtained. Where this is not possible the inclusion of an outlook space control is beneficial as this provides some degree of guaranteed separation for residential units at in the event adjacent buildings are constructed.

5.119 In my opinion, a 4m outlook standard is not particularly onerous and provides a basic minimum level of on-site amenity. I do not support the removal of the proposed outlook space standard and consider that its removal could give rise to significant adverse amenity effects such as loss of natural light or privacy in the event neighbouring sites (not subject to yard or building coverage controls) are redeveloped.

Outdoor living court

5.120 For the Inner City and City Fringe zones, Te Whatu Ora (S709) seeks to retain some version of an outdoor living court/ balconies. GP Investments

Ltd (S845) and Trafalgar House Ltd (S777) supported the notified provisions which removal the mandatory provision of OLCs.

5.121 Within a commercial zone, the majority of OLCs provided would inevitably be in the form of balconies. Whilst these have the potential to provide good levels on on-sited amenity, there are situations where they can mandate the construction of unattractive / unusable spaces due to poor orientation or privacy effects. An example would be an apartment building fronting a road with a southern orientation, or an apartment above a major retail street with high pedestrian footfall.

5.122 I also note that residential units within the Inner City and City Fringe will generally have greater access to a number of other spaces which can helpfully serve a similar function to outdoor living spaces. This includes several large parks, as well as cafes and restaurants with outdoor dining options. Providing options for different types of homes, including those without OLCs, is an important component of enabling a wider variety of dwellings (in terms of both type and price) across an urban area.

Residential activity on the ground floor

5.123 There is both support and opposition to rule ICr.37D and SCr.20A which relates to the provisions of residential activity on the ground floor in commercial areas.

5.124 From my experience, it is fairly common that District Plan provisions across the country do not allow residential at ground level within centres or commercial zones as a permitted activity. Such provisions are, in my opinion, generally appropriate as residential at ground level in a commercial environment has the potential to detract from the desired street edge activation through retail uses and create privacy conflicts for residents – especially on streets where high footfall is common. Depending on the design of the building it could also make it challenging to re-introduce non-residential uses should demand arise.

5.125 However, in light of the benefits residential activity provides to centres and the evolving retail environment where a greater mix-of-uses, including residential, is critical in creating destinations that people want to visit, I consider that the application of a blanket restriction to ground floor residential uses is not the most effective or appropriate means of managing potential urban design effects associated with this activity.

5.126 There are a number of situations where ground floor residential could be entirely appropriate, such as:

(a) On larger sites where ground floor residential uses can be set back and screened from the street by commercial uses;

(b) Through the utilisation of live/work unit typologies which provide for commercial floor space fronting the street;

(c) Near or at the interface with established residential areas;

(d) On side or rear streets within a centre away from the 'main street' where footfall could typically be expected to be lower; and

(e) In response to the location of scheduled trees or heritage buildings which may involve impact on the placement of buildings away from sensitive frontages.

5.127 A more common, and in my opinion more appropriate method, for managing the potential impacts is to identify key retail/ commercial frontages such as a main street where it would be beneficial for ground floor residential to be avoided. The Operative NRMP currently adopts this approach (ICr.33) for the Inner City Zone with restrictions on Trafalgar Street, Bridge Street, Hardy Street, Montgomery Square and Buxton Square. In my opinion, retention of this control would be appropriate to clearly signal the intended function of these roads as higher pedestrian areas supporting finer grained retail uses. This would then provide flexibility to provide more ground floor residential uses across the balance of the Inner City and City Fringe zone.

5.128 I would also support the inclusion of similar standards within the Suburban Commercial Zone as it relates to Stoke and Tāhunanui. In particular, for Stoke – the frontages to Main Road Stoke, Songer Street, Putaitai Street and Strawbridge Square in Stoke. For Tāhunanui – the frontages along western side of Tāhunanui Road (between numbers 6 and 28) as well as the frontages of 2 – 8 Muritai Street.

5.129 As set out in paragraph 5.124, there are potential urban design outcomes that can be compromised by ground floor residential uses in commercial zones. Common design techniques to reduce potential impacts including slightly raised ground floors for residential uses to provide for a vertical buffer / partial screen of activity, as well as small setbacks / landscaping. In addition, it is important that any residential buildings consider multiple uses at the outset. Commercial activities typically require different floor-to-ceiling heights based on their use. As such, increased ground floor heights for residential activities can future proof (to a degree) for future non-residential uses should the need arise. To address this, matters of discretion and assessment criteria relating to the assessment of new buildings in commercial zones are proposed.

Other matters

Design guidelines / Design Panels

5.130 Some submitters have requested the creation of a Nelson specific urban design guide (e.g. Nelson Tasman 2050 (S498)). However, Kāinga Ora (S933) seeks that any design guidelines sit outside the Plan as non-statutory guidance regarding best practice design outcomes.

5.131 In my experience, achieving positive design outcomes as well as addressing any adverse effects within the statutory framework established under the RMA primarily depends on the quality of planning and design provisions contained within the relevant planning document,

typically through a combination of objectives, policies, rules, and assessment criteria.

5.132 PC29 includes a number of detailed assessment criteria relating to the matters of discretion of new development (e.g. REr.19B.4). These assessment criteria have been developed to provide guidance to both an applicant (and their design team) as well as a decision-maker as to various factors which can contribute to the quality of a development based on unique site circumstances. I note that many of the assessment criteria identified are consistent with various statutory and non-statutory design guidance from across New Zealand and Australia.

5.133 Design guidelines can be useful additional methods to help educate the design community on expected outcomes and also provide guidance to those processing resource consent applications. I agree with Kāinga Ora that any urban design guides should sit as a non-statutory companion document to the NRMP as good design is not static, and is constantly evolving. Given that it can take quite some time for District Plans to be reviewed there is a risk that design guidelines become outdated or promote solutions that are no longer considered appropriate. As such, the development of any design guidelines could follow PC29 being made operative. This would also have the benefit of ensuring design guidelines are developed (and speak to) the intended design outcomes and basic building envelopes established by the NRMP.

5.134 With regard to the use of design panels, I note that Nelson already has an urban design panel process established. I have not been involved in any projects in Nelson which have been before the panel but I have presented projects to a number of design panels, primarily in Auckland. I agree that they can be beneficial in providing independent, objective design advice as well as a critique of applications. It often forces greater levels of up-front design work and thinking on an application. However, their value is

highly dependent on the particular expertise of panel members as well as the stage of the design process that an application is in.

6. CONCLUSION

6.1 In conclusion, I consider that the general thrust of the plan change remains appropriate in urban design terms. Having considered the submissions received on PC29, I do consider that there would be some benefit in minor amendments to the spatial extent of the MDRZ. In addition, I also consider that the enablement of high density residential development outside of the Inner City / City Fringe area is appropriate in urban design terms.

6.2 In addition to the above, amendments to various development standards and providing additional guidance through matters of discretion / assessment in response to these submissions without subverting the overall intent to better enable intensification of residential and commercial activities is also recommended to better enable positive urban design outcomes and address potential adverse effects. These amendments include:

- A reduction in the daylight admission standard within the MDRZ applying to the rear boundary of the site to 4m + 35^0 (REr18.K.1);
- An increase in the minimum permeable landscaped area within the GRZ to 25% (REr.17H.1);
- Inclusion of reference to habitable spaces to the glazing to the street standards in the GRZ and MDRZ (REr.17M.1 and REr.18M.1); and
- Relaxation of residential activities at ground floor within the Inner City and City Fringe zones with the exception of identified streets (ICr.37D).

6.3 I continue to support key development standards applying to the residential and commercial zones, particularly those related to yards, OLC's, building coverage, and outlook space. I consider that these provide

an appropriate minimum level of amenity for future residents as well as neighbouring sites.

6.4 I note that many potential amenity effects often associated with more intensive development sought to be enabled through PC29 are unlikely to be uniformly felt or considered relevant by residents or visitors. There will be a high degree of variation based on individual circumstances related to one's socio-economic status, culture, age, and household composition. In this regard, someone may be more than happy to make a trade-off of a smaller, cheaper residential unit with limited outlook to free up capital for recreational pursuits. Alternatively, someone may prefer the convenience of a smaller dwelling with a short commute, to a larger dwelling with a long commute.

6.5 In my opinion, when seeking to implement the NPSUD, the planning framework as it applies to urban design matters should provide sufficient design flexibility to respond to individual site circumstances while minimising overly onerous development standards to better enable a range of housing choices to emerge. In this regard, development standards should not seek to entrench particular amenity preferences from one section of the community. Rather, the urban design and amenity effects of more intensive development envisioned by PC29 is best managed by a combination of consistent development standards which establish a broad building envelope, with matters of detailed to be assessed by way of design review. This process will help address actual or potential adverse urban design effects associated with development whilst enabling the benefits of intensification to be better realised across Nelson.

Cameron Wallace
20 June 2024

Attachment 1 – Accessibility Analysis