Nelson City Council
Te Kaunihera o Whakatū

Plan Change 29 to the NRMP

Section 42A Report – Residential and Subdivision

Prepared by Coralie Barker

24 June 2024

Contents

1.0	**Executive Summary**	**4**
2.0	**Acronyms and Abbreviations**	**8**
3.0	**Introduction to the Report**	**9**
3.1	Purpose of the report	9
3.2	About the Author	10
3.3	Supporting evidence	10
4.0	**Statutory Requirements**	**12**
4.1	Statutory documents	12
4.2	Section 32AA evaluation	12
4.3	Procedural matters	12
5.0	**Background and context**	**15**
5.1	Background	15
5.2	Issues arising or changed since notification	16
6.0	**Consideration of submissions**	**17**
6.1	Overview of submission received	17
6.2	Key Issue 1: Residential objectives and policies	18
6.3	Key Issue 2: Inclusion and extent of the Residential zones	39
6.4	Key issue 3: Built form standards	54
6.5	Key Issue 4: On-Site Amenity & Streetscape Standards	71
6.6	Key issue 5: Accessible design	79
6.7	Key Issue 6: Notification	84
6.8	Key Issue 7: Activity status and design assessment (including design guides)	87
6.9	Key Issue 8: Non-Residential Activities	94
6.10	Key Issue 9: Retirement Villages	98
6.11	Key Issue 10: Definitions	101
6.12	Key Issue 11: Subdivision	112
7.0	**Conclusion**	**117**

Appendices

Appendix 1: Responses to submission points for the Residential and Subdivision topic

Appendix 2: Recommended amendments to the notified PC29 zoning

1.0 Executive Summary

1. My name is Coralie Barker. I am employed by the Council as a Senior Planning Advisor in the Environmental Planning team. In this section 42A Report I provide an overview of Plan Change 29 (PC29) in relation to the Residential Zone (including the three operative areas) and the three proposed residential zones (GRZ, MDRZ and HDRZ). I specifically address the submissions on PC29, and make recommendations to the Hearing Panel relating to:

    a) The proposed changes to the number of residential zones, including the proposed GRZ, MDRZ and HDRZ, their spatial extent as shown in the planning map, and the level of development enabled by these proposed zones;

    b) The proposed amendments to the objectives and policies that relate to the Residential Zone and subdivision and development within that zone;

    c) The proposed amendments to the built form standards (building height, site coverage/ impervious area coverage, daylight controls and yard setbacks) of the proposed residential zones;

    d) The proposed amendments to the on-site amenity and streetscape standards (building height, site coverage/ impervious area coverage, daylight controls and yard setbacks) of the proposed residential zones;

    e) The proposed accessible design provisions for new residential units;

    f) The way in which PC29 proposes to assess resource consents for activities in the proposed residential zones, including notification of affected parties, which activities should be permitted, the activity status of resource consents and design assessments;

    g) The proposed approach to non residential activities within the proposed residential zones, including the proposed approach to retirement villages;

    h) Related changes to definitions; and

    i) The proposed amendments to the subdivision standards of the proposed residential zones.

2. The purpose of PC29 is amend the NRMP to give effect to the requirements of the NPSUD, with a particular focus on Policy 1 (well-functioning urban environments), Policy 2 (development capacity), Policy 5 (heights and densities), and Policy 6 (planned urban built form). PC29 as notified proposes to introduce the GRZ, MDRZ and HDRZ to those parts of Nelson's urban area not significantly affected by natural hazards. Collectively these zones are expected to change over time, with PC29 aiming to enable significantly greater residential building heights and densities than the operative NRMP. A range of provisions were proposed with the intention of achieving a well-functioning urban environment with greater housing choice, improved accessibility of housing to jobs and services, and consequentially improved housing affordability.

3. Within the broader context of enabling greater heights and densities, PC29 has a strong emphasis on urban design and achieving quality built form outcomes. PC29 proposes to achieve this through a mix of new and amended built form standards and qualitative design assessment using a restricted discretionary framework within the proposed residential zones. The, permitted standards and restricted discretionary assessment (for resource consents) are intended to work together, balancing the need to provide a degree of certainty with the permitted standards, while maintaining discretion to respond to the specific context of a site, neighbouring properties and neighbourhoods as a whole at the resource consent stage and where more than four residential units are proposed.

4. 2,896 submissions and further submissions were received on the proposed residential zones and the provisions associated with them. These have been broadly grouped by theme to be as concise as possible with this reporting.

5. Following a detailed review of the issues raised by the submissions and further submissions, I recommend the following amendments to provisions in (and related to) the proposed residential zones:

    a) Deleting the HDRZ and replacing it with the MDRZ;
    b) An additional rule for the revised MDRZ which enables high density multi-unit development to occur on large sites in highly accessible locations around the Inner City and Stoke (shown in a new High Accessibility Overlay identifying the parts of the HDRZ (now MDRZ) that performed best in terms of accessibility).

6. The evaluation and recommendations associated with these amendments are detailed in section 6.3. The strategic considerations relevant to (a) and (b) above are addressed in the S42A Report – Overview and Strategic.

    a) Changes to the extent of the MDRZ based on a detailed accessibility analysis. I recommend that some areas which were notified as either HDRZ or MDRZ should be amended to GRZ as follows:

        i. Tāhunanui Hills, and the area around Mount Street in central Nelson (primarily due to unsuitable topography);

        ii. Atawhai, the Brook, as these areas are relatively detached from a wide range of services and amenities.

7. The detailed accessibility and zoning evaluation and these recommendations are detailed in section 6.3.

    a) Amendments to several of the notified policies and five new policies to give greater guidance on the intended implementation of PC29 and the recommendations made in this report. This evaluation and recommendation is detailed in section 6.2.

    b) Amendments to the notified built form standards in the GRZ and MDRZ as follows:

        i. More restrictive daylight controls in the MDRZ for rear boundaries to allow more access to daylight and sunlight at the rear of properties;

ii. An increase in the permeable landscaped area from 20% to 25% in the GRZ;

iii. Minor amendments to other yards rule to allow for party walls.

8. The evaluation of the submissions on the built form standards and these recommendations is detailed in section 6.4.

a) Minor amendments to glazing standards, to allow for improved passive surveillance and public safety. The evaluation of the submissions on amenity and streetscape standards and these recommendations are detailed in section 6.5.

b) Remove the requirement to provide a minimum percentage of wheelchair accessible dwellings (this requirement was only for developments proposing more than 10 residential units). Replace with amendments providing:

i. improvements to policy direction, and

ii. the addition of matters of discretion and assessment criteria that enable consideration of the suitability of providing wheelchair accessible residential units for all resource consents for multi-unit developments (four or more residential units).

9. The evaluation and recommendation on accessible design is detailed in section 6.6.

a) Amendment to the rules in the GRZ and MDRZ to specify that resource consent will be subject to the following notification framework:

i. applications for residential units that comply with standards are to be assessed on a non-notified basis (as per notified approach);

ii. applications for residential units that only infringe standards relating to on-site amenity are to be assessed on a non-notified basis;

iii. applications for residential units that infringe key bulk and location standards (height, daylight and site coverage) are to be subject to the normal tests for notification (public and limited);

iv. applications for residential units that infringe other standards in the proposed residential zones to be precluded from public notification but require a limited notification assessment.

10. This evaluation and recommendation is detailed in section 6.7;

a) Minor amendments to the assessment criteria for multi-unit developments to add consideration of communal facilities, retirement villages and reverse sensitivity. The evaluation of these recommendations, and the submissions on design guides and other assessment matters such as affordable housing, are detailed in section 6.8 and 6.10;

b) Definition changes to amend the meaning of Building, Boundary, Rear Boundary, Side Boundary and Road Boundary, Design Statement, and Residential Activity. This evaluation and recommendations are detailed in section 6.11;

11. The analysis undertaken in this report is informed by the Section 32 Report for PC29. It is also informed by technical evidence of Lawrence McIlrath (urban economics), Cam Wallace (urban design), and the further Section 32AA evaluations undertaken in this report.

12. Expert conferencing is scheduled to occur after the release of this report. This may result in further changes to the recommendations I make in this report. Where that occurs, I will address those matters in an addendum to this report which will be provided in advance of the Hearing. I have specifically identified those topics and provisions that I consider would benefit from expert conferencing.

2.0 Acronyms and Abbreviations

Abbreviation	Full Text
PC29	Plan Change 29
Panel	Plan Change 29 Hearings Panel
RMA	The Resource Management Act 1991
NRMP	Operative Nelson Resource Management Plan 1997
DNP	Draft Whakamahere Whakatū Nelson Plan
RPS	Operative Nelson Regional Policy Statement 1997
FDS	Nelson Tasman Future Development Strategy 2022-2052
MDRS	Medium Density Residential Standards prescribed in Schedule 3 of the RMA
NZCPS	New Zealand Coastal Policy Statement 2010
NES	National Environmental Standard
NPS	National Policy Statement
NPSUD	National Policy Statement Urban Development 2020 (updated May 2022)
Council	Nelson City Council
GRZ	General Residential Zone
MDRZ	Medium Density Residential Zone
HDRZ	High Density Residential Zone
PLA	Permeable Landscaped Area

3.0 Introduction to the Report

3.1 Purpose of the report

13. The purpose of this report is to evaluate the submissions on PC29 in relation to the proposed residential zones, being the GRZ, MDRZ and HDRZ. I focus specifically on:

    a) The detailed spatial extent of the proposed residential zones;

    b) The proposed objectives and policies of the zones as they relate to residential land use activities, quality living environments and built form;

    c) The land use and built form standards of the zones, including subdivision and accessibility;

    d) The non-residential activities that support a well-functioning residential environment; and

    e) Supporting definitions.

14. This report should be read in conjunction with the Section 42A report – Overview and Strategic prepared by Rachel Morgan. That report addresses the background to PC29 and responds to submissions on the overall zoning strategy, including submissions that seek to delete the proposed residential zones or aspects of them. I support the conclusions of Ms Morgan regarding the overall zoning strategy and I build on the analysis she has undertaken in the report below. The other PC29 Section 42A reports discuss matters that overlap with some of the residential zone issues, I note these points of overlap and reference the other reports within my evaluation where relevant.

15. Appendix 1 provides the accept/accept in part/reject recommendations to each of the submission points relating to the matters addressed in this report.

16. My recommended amendments to the proposed zoning maps for PC29 are included at Appendix 2. My recommended amendments to the provisions of the proposed residential zones are included in the consolidated s42A version of PC29 available on the Hearings website. Each section of the report below also states the amendments I recommend in relation to the issue discussed.

17. The report has been prepared in accordance with the requirements of section 42A of the RMA, and is intended to assist the Panel to make decisions on the submissions and further submissions on PC29.

18. The conclusions reached and recommendations made in this report are only recommendations to the Panel. It should not be assumed that the Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

3.2 About the Author

19. My name is Coralie Barker. I am employed by the Council as a Senior Planning Advisor in the Environmental Planning team. My qualifications include a Postgraduate Diploma of Planning from Massey University in Palmerston North in 2016, and a Bachelor of Design (Landscape Architecture) from Victoria University of Wellington in 2008. I have been an associate member of the New Zealand Planning Institute since 2016.

20. I have 9 years' experience working as a resource management planner, with this work including various resource management positions in local government, predominantly processing resource consents under the RMA. My relevant experience includes:

    a) 7 years working as a resource consents planner at various levels from graduate planner to principal planner, processing and making decisions under delegated authority on a wide range of resource consents, including multi unit residential developments, apartment buildings and mixed use developments; and

    b) One year working in the Environmental Planning team preparing PC29. I have prior experience supporting the Environmental Planning team with developing the Draft Whakamahere Whakatū Nelson Plan 2021, and reviewing the planning evidence for Private Plan Change 28.

21. Although this is a Council Hearing, I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

22. However, I acknowledge that during the course of the hearing, new evidence, information, or other matters may arise that could impact my opinion and subsequent recommendations. As such, I reserve the right to modify my evidence, in whole or in part, based on any such developments.

3.3 Supporting evidence

23. In preparing this report I have relied on the supporting technical expert evidence of:

    a) Lawrence McIlrath – Urban economics: particularly those aspects which address the updated residential demand and capacity analysis, which has informed the recommended amendments to the locations of the MDRZ and the HDRZ. As well as commentary on economic considerations for specific changes to the rule framework requested in submissions.

    b) Cam Wallace – Urban design: particularly those aspects which address the design related provisions of the proposed residential zones and the accessibility analysis, which has informed the recommended amendments to the locations of the MDRZ and the HDRZ.

c) Damian Velluppillai – Flooding: particularly those aspects which address stormwater management.

d) Jon Styles – Noise: particularly those aspects which address noise mitigation between attached residential units.

4.0 Statutory Requirements

4.1 Statutory documents

24. Sections 5 to 10 of the Section 32 report for PC29 provide an overview of the relevant statutory considerations applicable to PC29. Those sections also set out the relationship between sections of the RMA and higher order documents, i.e. relevant iwi management plans, other relevant plans, and strategies. This is also addressed broadly in the Section 42A report – Overview and Strategic.

25. I have not repeated the detail of the relevant RMA sections and the full suite of higher order documents here. The assessment of submissions on the issues below addresses the relevant statutory tests and documents detailed in the Section 32 Report as necessary.

4.2 Section 32AA evaluation

26. This report uses key issues to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where applicable, the recommendations have been evaluated using section 32AA of the RMA. The section 32AA further evaluation for each key issue considers (as relevant):

    a) Whether the amendments proposed in this section 42A report to objectives are the most appropriate way to achieve the purpose of the RMA;

    b) Whether any amendments proposed in this section 42A report to other provisions are the most appropriate way to achieve the objectives, including by consideration of other reasonably practicable options for achieving the objectives;

    c) The efficiency and effectiveness of the amendments proposed in this section 42A report to other provisions in achieving the objectives.

27. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been recommended in this report. A tabulated section 32AA analysis is used for more complex issues and is included at Appendix 2. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.3 Procedural matters

4.3.1 Submissions that may be out of scope

28. The Section 42A report – Overview and Strategic addressed submissions which may be 'out of scope'.[1]

[1] Overview and Strategic s42A Report, Section 4.1.3, prepared by Rachel Morgan, dated 24 June 2024

29. This assessment was supported by a legal memorandum which sets out the tests which need to be satisfied and relevant case law.[2]

30. The s32 Report also explicitly outlined the scope of residential and subdivision provisions reviewed as part of PC29 which were solely focused on residential activities, related subdivision and built form provisions[3].

31. Therefore, no changes to the provisions of the NRMP relating to the following issues raised in submissions for this topic were considered as part of PC29:

a) Non-residential activities beyond what was included in the notified PC29 including hospitals and healthcare;
b) Affordable housing/inclusionary zoning;
c) Changes to the extent of the Rural Zone and the Open Space and Recreation Zone;
d) The introduction of character areas; and
e) Specifying the use of particular sites for particular activities (such as allocating 81 Neale Ave in Stoke for elderly housing).

32. Accordingly, I consider that any submissions received on the above matters are likely to be 'out of scope'.

33. However, I provide further commentary regarding specific matters raised by submitters that relate to potential 'out of scope' matters for completeness in the report below.

4.3.2 Meetings with Submitters

34. Following the close of submissions, I have attended a series of meetings with submitters to better understand the issues they raise and to clarify the intent of their recommended amendments to the PC29 provisions. I refer to these discussions where relevant in the report below. I have met with the following submitters:

a) Te Whatu Ora Health New Zealand (S709);

b) Kāinga Ora – Homes and Communities (S933);

c) Ara Poutama Aotearoa - Department of Corrections (S204);

d) Tasman District Council (S879);

e) Ryman Healthcare (S898) and Retirement Village Association of New Zealand (S901);

f) Mark Lile – planning consultant acting on behalf of several submitters including Jenny Bennett and Aaron Thompson (S710); Nicholas Fisher and Tammy Pegg (S712); Clay Gallagher and Others (S716); Nelson North Ltd (S755); 588 Ltd (S766); Bayview Nelson Ltd (S767); Suffolk Heights Ltd (S768); Wainui Properties Ltd (S770); Trafalgar House Ltd

[2] Correspondence from DLA Piper to NCC – dated 13 May 2024
[3] Section 32 Report section 19.

(S777); MGT Holdings Ltd (S782); GP Investments Ltd (S845); Manuka Street Hospital Ltd (S881); Margaret Whiting and Anmar Trust (S883); CCKV Maitai Dev Co LP and Bayview Nelson Ltd (S884).

5.0 Background and context

5.1 Background

35. With reference to the Section 32 report, Section 5 of the S42A Report – Overview and Strategic sets out the background to PC29, including the role of the Nelson Tasman Future Development Strategy 2022-2052 to informing the zoning strategy and approach. It also outlines the consultation and engagement undertaken on PC29, including that undertaken as part of the DNP in 2020.

36. Section 19 of the Section 32 report outlines the approach to enabling and managing residential development within the proposed residential zones. This outlines the resource management issues that PC29 seeks to respond to. In a Nelson context, this includes well documented housing supply and affordability challenges as a result of population growth and an aging population. These changes give rise to increasing demand for one and two-bedroom dwellings, which will be a shift from the current housing stock where occupied dwellings are predominantly three-bedrooms.

37. This issue is not unique to Nelson and is recognised by the NPSUD, which PC29 must give effect to (s75(3)(a)). The NPSUD has objectives specifically focussed on improving housing affordability (Objective 2). The NPSUD seeks to respond to this by requiring plans to contribute to well-functioning urban environments, which includes those that enable a variety of homes, and support competitive land and development markets (Policy 1(a) and 1(d)). The NPSUD also seeks to enable more people to live in areas in or near centres, close to public transport and where there is high demand for housing (Objective 3). The NPSUD recognises that this may detract from amenity values appreciated by some people but may improve the amenity values appreciated by other people by providing increased and varied housing densities and types (Policy 6(b)). These policy considerations are central to the topic addressed in this S42A report and I elaborate on this below in the context of issues raised by submitters.

38. The Section 32 report refers to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and variously references the Medium Density Residential Standards (MDRS) that the legislation mandates for Tier 1 Councils. The Section 32 report states that the MDRS have been applied where they are appropriate within the context of Nelson's existing and planned urban residential environments[4]. I consider it useful to reiterate at this point that the MDRS requirements do not apply to Nelson. The MDRS outline the built form enabled in residential areas for New Zealand's largest cities (Tier 1 local authorities). For other cities such as Nelson (a Tier 2 local authority), in my view, the MDRS can provide a guide as to a suite of standards that would generally enable medium density development to occur. For Nelson, there is flexibility in the how medium density development is enabled in the MDRZ, with the NPSUD and Part 2 matters being the key higher order policy considerations.

[4] Refer to Section 19.1 of the Section 32 report.

5.2 Issues arising or changed since notification

39. Section 8 of the Section 42A report - Overview and Strategic outlines the Government's signalled intent to amend the RMA. As Ms Morgan notes, the form of these legislative changes is not yet known and are therefore not relevant at the time of writing this report.

40. The Government released a discussion document on 17th July 2024 outlining a proposal amending the Building Act and the resource consent system to make it easier to build granny flats/ small dwellings or other small structures up to 60m^2. The proposal suggests a new national environmental standard (NES) would need to be created to permit a granny flat on sites in rural and residential zones without resource consent. A set of permitted activity standards are proposed to cover aspects such as the size, how much of a property can be covered by buildings and how close a granny flat can be to a neighbouring property boundary. The proposal is open for public consultation until August with the government identifying that final policy decisions will be made later this year, with the legislative changes expected to be in place from mid-2025. At this stage it is unclear how the proposed NES will interact with the recommended changes to PC29, however I note that the PC29 does enable granny flats/ small dwellings to be built without requiring resource consent. This is discussed in section 6.8 of this report.

41. The Section 32 report was informed in part by the Housing and Business Capacity Assessment 2021 as well as more specific residential demand and capacity modelling[5] that was undertaken for PC29. Following notification, the Council has published its draft Housing and Business Capacity Assessment 2024[6], which was released in tandem with the draft Long Term Plan 2024-2034. This report includes updated demand projections for Nelson and Tasman and updated development capacity information. Related to this, the first data from the 2023 census is now available. The technical evidence of Lawrence McIlrath outlines the implications of this for PC29 as well as the outcome of the more detailed development capacity modelling he has undertaken for the notified zoning and the additional zoning option. Ms Morgan discusses this in detail in the Section 42A report – Overview and Strategic and I refer to it where relevant below.

[5] Refer to Appendix 1G of the Section 32 report.

[6] https://shape.nelson.govt.nz/download_file/6021/1484https://shape.nelson.govt.nz/download_file/6026/1484

6.0 Consideration of submissions

6.1 Overview of submission received

42. A total of 2,481 submission points (not including further submissions) were made in relation to the zoning, land use and built form provisions of the proposed new residential zones.

43. The submissions raised a broad range of matters that relate to PC29 and other Council planning functions.

44. Of the 880 original submissions received in the initial round of public notification, approximately 394 submissions (representing almost 45% of the total submission received) used one of the two main pro forma submission forms which were prepared and circulated by members of the community, independent of Council[7]. The two main pro forma submission documents were:

    a) The letter drop (short) pro forma was used as a template by approximately 279 submissions. This form was delivered to letter boxes in various parts of Nelson (but not all areas). This pro forma submission included six template submission points and two free text boxes that encouraged submitters to provide their own reasons or additional submission points.

    b) The digital (long) pro forma was used as a template by approximately 115 submissions. This form appears to have been circulated online and included 30 template submission points.

45. There were smaller pro forma submission forms circulated in certain areas such as the Tāhunanui Hills (also prepared and circulated by members of the community, independent of Council) these were harder to identify at the submission stage and the templated submission points may have been summarised slightly differently by the 7 different people who were summarising the 880 submissions.

46. Given the large number of submissions received, this report focusses on the key issues raised. Having reviewed the submissions in detail, the following are what I consider to be the key issues in contention for this topic, and I therefore focus my analysis on these matters:

    a) The spatial extent of the MDRZ and GRZ;

    b) The main built form standards required to enable residential density consistent with housing demand and accessibility while achieving building heights, building coverage and sunlight and daylight access appropriate for residential areas;

    c) The supporting residential amenity standards required to achieve a well-functioning urban environment and good quality urban design outcomes, both at a neighbourhood scale and

[7] For the purposes of this report a pro forma submission form is a prefilled submission form, with submission points and reasons provided in a template form for people to copy or submit as provided.

within sites. This topic includes subdivision controls and assessment criteria for multi-unit developments.

d) The threshold/ triggers for resource consents and what activity status is appropriate for the different resource consent types. This topic includes consideration of when notification of a resource consent is appropriate.

e) Non-Residential Activities in residential zones including restaurants, dairies, education facilities, health facilities, community facilities, emergency service facilities and retirement villages.

f) Definitions related to residential zones and the issues listed above.

47. These key issues form the basis of my analysis below. For ease of reading, this report uses references to submission numbers sparingly and groups submission points by issue.

48. My recommendations in relation to all submission points on this topic are included at **Appendix 1**.

6.2 Key Issue 1: Residential objectives and policies

6.2.1 Notified PC29

49. PC 29 proposed targeted amendments to the operative objectives and policies framework to give effect to the NPSUD, support increased intensification and density and strengthen direction for plan users.

50. PC29 includes amended objectives and proposed policies and rules that will help deliver a quality and attractive urban environment, including proposed or amended objectives and policies which seek to:

a) Identify the planned built character of the General, Medium Density, and High Density Residential zones, which in turn informs the bulk, building density and amenity rules for the different areas. See the proposed changes to:

   i. District Wide Policies DO13A.1.1, DO14.1.2, and DO15.1.1; and

   ii. Residential Zone Policies RE1.1, RE1.2A, RE1.4, RE1.5, RE1.6, RE1.7, and RE2.5;

b) Support a well functioning and high quality urban environment and diversity of housing choice. See the proposed changes to:

   i. District Wide Objectives DO14.1, DO14.2, and DO15.1; and

   ii. Residential Zone Policy RE1.2;

c) Require development to contribute to attractive and safe streets and public open spaces. See the proposed changes to:

   i. District Wide Objective DO13A;

d) Require development to contribute to quality living environments for residents. See the proposed changes to ;

   i. District Wide Objective DO13A.5, and

   ii. District Wide Policy DO13A.4.1 and

   iii. Residential Policies RE2.1, and RE2.9; and

e) Manage potential effects on adjoining sites while enabling development to achieve the planned built character of the zone. See the proposed changes to:

   i. Residential Zone Policy RE2.4.

51. The specific changes are summarised in Section 19.4 of the S.32 report and are assessed in tables 23 and 24 of that report.

6.2.2 Key matters raised in submissions

52. A total of 91 submissions and 67 further submissions were received on the proposed objectives and policies. The key issues raised include:

a) Support or opposition to the new zone framework and the three new residential zones, as expressed in the proposed objectives and policies;

b) Opposition to the changes that enable greater building heights and densities in the future in general, with multiple submitters specifically requesting removal of all reference to planned built character in any relevant objectives and policies;

c) Support for the introduction of character areas in general, and a specific proposal for a suite of changes to the relevant objectives and policies to reflect these submissions;

d) Strengthening the framework of objectives and policies that better reflect the policy direction of the NPSUD and provide a clearer direction for the new policies introduced via PC29;

e) Reinstate objective and policy references to daylight that PC29 proposes to delete (multiple submitters); and

f) The effects on nationally and/or regionally significant infrastructure, including Manuka Street Hospital.

g) Tidy up references to the use of the urban design panel in chapter 5 DO13A

53. The Retirement Village Association (S901) requested a range of amendments to the objectives and policies to specifically provide for retirement villages. These amendments are addressed in Section 6.10 of the report below.

6.2.3 Evaluation

Support and opposition to the new zone framework – as reflected in the objectives and policies

54. Multiple submissions requested changes to the policies and associated provisions that describe the purpose of the residential zones, district wide policy DO16.1.1 and residential policies RE1.2A – RE1.8. The submissions in opposition can be broadly summarised as reflecting broad opposition to the new zone framework enabling the creation of the MDRZ and HDRZ. I note that multiple submitters supported the proposed provisions as notified.

55. Section 6.3 of this report and Section 12 of the S42A Report – Overview and Strategic discusses the recommended response to the submission points that challenge the notified zone framework of the proposed residential zones. As explained further below, and by Ms Morgan in the overview report, Ms Morgan and I recommend that the HDRZ is deleted, and as such I also recommend deleting the notified policies and supporting provisions that identify and support the HDRZ.

56. Considering the remaining operative and proposed residential zones, the objective and policy framework of the operative NRMP identifies and describes the proposed zones and areas in Chapter 5, and DO16. I recommend that DO16 is updated to reflect the proposed and recommended amendments to PC29 residential zones and areas, as this is consistent with how these chapters are constructed.

57. In addition to DO16, the operative Residential Zone objective RE1 is supported by operative policies RE1.2A to RE1.8 that describe the purpose and planned built character of the operative residential zones and areas in more detail than in DO16. I consider that amending the operative policies is required to reflect the Lower Density Area (Stoke) has been deleted, and to reflect why the Residential Zone, Standard Area, Comprehensive Area, and Lower Density Area have been retained in the Wood and Tāhunanui.

58. I consider the inclusion of proposed policies to describe the GRZ and MDRZ is also necessary for consistency with the operative plan framework, and to provide plan users with a clear description of the planned built character of the proposed zones (as discussed further below).

59. Consequential amendments are recommended for the other objective and policy chapters to reflect the recommended deletion of the HDRZ.

Removing reference to planned built character

60. Multiple submitters requested amendments to the proposed plan change to remove the phrase “the ability to achieve the planned built character of the zone" (and similar phrases) from the notified provisions. These submissions are based on the premise that the planned built character of a zone outweighs the negative effects of a building on adjoining sites. An example of the phrases the submitters are referring to is policy RE2.4 Privacy and outlook which PC29 proposed to amend as follows (with plan change additions underlined):

Policy RE2.4 Privacy and outlook

"The location and design of buildings should not unduly compromise outlook and privacy of adjoining development, having regard to the planned built character of the area and the reasonable expectations for development".

61. This policy wording is intended to give effect to NPSUD objective 4 and policy 6, which states:

> *Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*
>
> *(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
>
> *(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
>
> *(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
>
> *(ii) are not, of themselves, an adverse effect*

62. Policy 6 of the NPSUD is explicit in that District Plans must have regard to the "planned urban built form" anticipated. PC29 must give effect to Policy 6. For this reason, in my view, it is appropriate for the PC29 policies to refer also to the planned urban built form and specify what that is in the Nelson context. I also note that this NPSUD direction also reflects the established planning practice of the permitted baseline. It identifies that resource consents are assessed compared to the level of development permitted by the permitted activity standards, not the (generally lower) level of development that is currently built. For example, a building in the general density zone, that is 10m in height will not comply with permitted activity standard REr.17J.1 which sets a maximum permitted building height of 8m. The resource consent for this building is likely to assess the level of adverse effects associated with the 2m of height difference between the proposed building height (10m) and the permitted building height (8m) in the context of the site and surrounding properties.

Objectives and policies to support the introduction of character areas

63. H & J Grenfell (S605) supported their request for a character area with a suite of changes to the relevant objectives and policies to reflect this submission[8]. Section 6.3 of this report assesses the request to introduce character areas. An example submission showing one of the requested policy changes is shown below with requested additions underlined and requested deletions shown as strikethrough:

> Submission point 605.006 [Amend] DO13A.4.1 flexibility, choices and adaptability [as follows]:

[8] Submission points S605.005-14, 16-19, 20-22, 24, 27-33, 39-45.

Subdivision and development facilitate, where appropriate:

a. mixed use developments that support a variety of compatible land uses and reflect local needs.

b. flexibility to adapt buildings and spaces to accommodate a range of uses both now and in the future.

c. a range of building types to provide accommodation and offer opportunities for all groups within the community.

d. a range of subdivision layouts that contribute to a diversity of neighbourhood types and identities.

e. developments ~~that enable as many people as possible to independently use and interact with the on site living environments.~~ that provide for additional living opportunities while recognising existing character of the neighbourhood.

64. Character areas are typically overlays that restrict development in order to protect areas of special amenity, qualifying for protection in accordance with section 7 of the RMA. These are generally supported by statements identifying the special character of the area, this is generally expert evidence, including site specific surveys that justify why the area was identified and the special characteristics of the area and the values that the overlay and associated provisions are looking to protect. The submitter has not identified any specific characteristics of the area that would warrant classification as a character area, nor submitted any expert evidence to support their request.

65. The proposed policy changes as currently formulated restrict development. With the evidence available to me, I am unable to support the provisions as drafted. I consider the formulation of policies should follow the initial step of "identifying" special character areas based on technical evidence, and then considering under S32 of the RMA, whether those areas would warrant a more restrictive approach to development . The Section 42A report – Heritage prepared by Ms Hewson suggests the identification of character areas (and the development of policies to support any proposed character areas) to be outside of the scope of PC29. The S42A Report – Overview and Strategic addresses the strategic policy matters relevant to character areas, including commentary on the low density areas of the operative NRMP. I agree with their assessment and would equally consider any evidence put forward by the submitter on the merits of the character area identified in their submission, and any analysis relating to the scope of PC29.

Clearer direction for the new policies introduced via PC29

66. Multiple submitters suggested various specific, or unspecified changes to the objectives, policies and supporting provisions to provide clearer direction for the new provisions introduced via PC29. This includes changes to RE2.3-2.5 to reflect the associated rules Wainui Properties Ltd (S770); MGT Holdings Ltd (S782); CCKV Maitai Dev Co LP and Bayview Nelson Ltd (S884). I recommend changes to residential policies RE2.9 and consequential changes to RE3.5. I also recommend introducing new policies RE2.10 -11 to provide clearer direction for the new

provisions. I provide brief commentary on the specific changes requested below. This may benefit from further discussion with the submitters noted above prior to the Hearing.

67. In addition to the submitter listed above, RVA (S901.009) suggested three new general policies for the residential zone (as I understand the submission these policies are not intended to be specific to retirement villages) as follows:

> RE2.10 – Larger Sites
>
> Recognise the intensification opportunities provided by larger sites by providing for more efficient use of those sites.
>
> RE2.11 – Changing Communities
>
> To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Medium and High Density Residential Zones will change over time to enable a variety of housing types with a mix of densities.
>
> RE2.12 – Role of Density Standards
>
> Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

68. This submission has also been taken into account when considering how to provide clearer direction for the new provisions introduced via PC29.

69. Courtney, M (S517.009 and S517.010) suggested changes to Objective RE1 and Policy RE2.9 and Kāinga Ora (S933) provided two submission points making minor amendments to policies DO13A.1.1 and REd.10 to be more reflective of the policy direction of the NPSUD and provide a clearer direction for the new policies introduced via PC29. I agree with these suggested wording changes and consider the recommended amendments assist with interpretation, clarifying the intent of the provisions, improve usability of the plan, and are the most appropriate way to achieve the purpose of the RMA.

70. Scott, M (S361.003) requested changes to RE1.7 to include a planned built character with supporting "access to quality public open space" as well as small scale commercial activities. I agree with this submission that it is important that the policy framework acknowledges that quality public open space will become even more important as the MDRZ intensifies over time.

71. Small Time Developments (S580) requested various policy changes to acknowledge collective housing as a housing type enabled by the new plan framework. I agree that the policy framework should acknowledge the different types of housing ownership models enabled by the new provisions, especially considering the plan is largely silent on collective housing, which can introduce uncertainty about whether collective housing is contemplated in the residential zones. I consider including reference to collective housing in the relevant policies or explanations is an effective method to reduce uncertainty and gives effect to Objective RE1 in an efficient manner.

72. Te Whatu Ora (S709) has provided multiple submission points suggesting changes to various policies and their supporting explanations and reasons, these suggested changes support consideration of accessible housing and intergenerational wellbeing (S709.057, S709.060), urban

design assessments (S709.013, S709.059), natural hazard risk (709.065) and micro mobility (S709.047). I support the proposed amendment to include micromobility in policy DO13A.2.1 to be consistent with similar policies. I also support the minor amendment to REd.5 to replace the specific term 'doctors surgeries' with the more expansive term 'health facilities' as this term is defined in the operative NRMP and includes a greater range of health facilities such as pharmacies and physiotherapy clinics (S709.066). I consider most of the submissions, including the suggested amendments to objective DO14.2 (S709.057) involve an unnecessary level of detail and duplication of considerations that are already included in the commonly understood meaning of the terms used within the proposed objective and other provisions.

73. Te Whatu Ora (S709) request the following changes for objective DO15.1 urban form:

> An urban form that supports a well-functioning urban environment in which intensive development is consolidated within existing urban zone boundaries and which enhances ~~avoids or mitigates adverse effects on~~ ecological, recreational, cultural, community and amenity values.

74. This change has been opposed in further submissions from Port Nelson Ltd (FS25.022) and Kāinga Ora (FS56.099). The further submissions note the term 'enhances' is inconsistent with the effects tests within the RMA and is too subjective and open to interpretation. I agree with the further submissions and consider that the operative wording to "avoid or mitigate adverse effects" is strongly directive for the supporting policies and provisions.

75. Considering the requests set out above to provide clearer direction for the new provisions introduced via PC29, I recommend a range of amendments to the residential policies to provide clearer direction for the new provisions, particularly the assessment of four or more residential units. I also agree with some of the policies recommended by the RVA (S901.009). The amendments are set out below and I provide my reasoning starting at paragraph 78:

> [Amend] Policy RE2.9 quality living environments for residents
>
> *Enable development of existing or new sites to create a high standard of amenity for residents within and adjoining a development, including by providing:*
>
> *a) Private, useable and accessible open space that has access to sunlight;*
> *b) A reasonable level of visual privacy and outlook;*
> *c) Opportunities for on site landscaping;*
> *d) Safe and convenient pedestrian access to residential units from the street;*
> *e) Developments that enable as many people as possible to independently use and interact with the on site living environments.*
>
> [New] Policy RE2.10 effects of development on adjoining sites
>
> *Mitigate the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned residential built character of the zone, including by:*
>
> *a) Setting buildings back from side and rear boundaries;*
>
> *b) Limiting the length of buildings along side and rear boundaries;*

c) *Providing opportunities for sunlight access to adjoining sites;*

d) *For four or more residential units, encouraging the use of other design techniques such as building recesses, varied architectural treatment and landscaping along side and rear boundaries.*

[New] Policy RE2.11 larger sites

Recognise the intensification opportunities provided by larger sites by providing for more efficient use of those sites.

[New] Policy RE2.12 – Changing communities

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Medium Density Residential Zone and High Accessibility Overlay will change over time to enable a variety of housing types with a mix of densities.

[Amend] Policy 3.5 Streetscape

Sites, buildings, fences and landscaping fronting onto roads should present an appearance which enhances the overall streetscape~~, and maintains the open, landscaped character of front yards that is typical of Nelson~~. Hard landscaping including car parking, should be minimised. The design of buildings, structures (including fences), roads and parking spaces (in front yards and on the street) should assist in making streets safer environments by enhancing informal surveillance, enabling community interaction, and being people-orientated.

76. In my view, the above amendments provide more detailed and effective policy direction regarding the planned urban built form of the proposed residential zones. The amendments to Policy RE2.9 and additional policy RE2.10 provide more detail on the outcomes sought by the methods of the zone, such that they would provide appropriate guidance for any development that infringed those standards. The proposed new policy RE2.11 directly links with the proposed High Accessibility Overlay, discussed in more detail below and the proposed new Policy RE2.12 more directly gives effect to Policy 6(b). I support a new policy to recognise that the density standards can be used as a baseline for assessment. While this is an established RMA principle, the inclusion of this policy would make this clear for plan users. I also support an amendment to Policy 3.5 to remove reference to the open landscaped character of front yards, as this does not align with the planned residential built character enabled by the proposed residential zones.

77. Rob Greenaway (S83) requested a review and tidy of changes and retained components of the Urban Design chapter generally. For example, DO13A.6.1.viii has a proposed change to refer to 'use' of an Urban Design Panel, rather than to 'create' one. DO13A.3.3.ii retains "Create and implement an Urban Design Panel …." I agree that a tidy up would help clarify the intent of the changes and recommend that the chapter is reviewed for consistency. Suggested changes are identified in the recommendation table at section 6.2.4.

Objectives and policies relating to Daylight and Sunlight and effects on existing residences

78. PC29 proposed to delete Residential Zone policy RE1.2 subclause (c), which states:

> " Flexibility in density, building form, and site development below that specified in the rules should be allowed, provided that the development:…
>
> (c) does not diminish the amenity of neighbouring sites …"

79. Submitters Bliss, R (S577.003), Andrew, J & Bliss R (S485.003) and Fitchett, J (S732.002) request the retention of subclause c because "the existing policy provides for consideration of effects on neighbouring properties", and "new developments with high density and particularly greater height and small yards should not be allowed as of right to affect negatively on existing residential development".

80. As stated above, policy 6 of the NPSUD identifies that the planned urban built form in RMA planning documents that give effect to the NPSUD may involve significant changes to an area, and those changes:

> *(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
>
> *(ii) are not, of themselves, an adverse effect*

81. I consider that the operative policy RE1.2 subclause (c) provides direction that is contrary to the higher order NPSUD and therefore I do not support reinstating this subclause. I recommend that these submission points are rejected.

82. Christine Hansen (S785.016) requested the inclusion of a specific policy in relation to Daylight and Sunlight. I note the operative plan does include Residential Zone policy 2.3 daylight and sunlight, which was not proposed to be deleted or amended in the notified version of the plan change.

83. Multiple submitters used the digital pro forma submission point 8 requesting the retention of Daylight and Sunlight policy [explanation and reasons] at RE2.3.i of the NRMP, for similar reasons about effects on existing development. I note that the notified plan change proposed to retain the operative RE2.3.i. and I do not consider a change to the explanation is necessary.

84. Wainui Properties Limited (S770.007) requests amendment of RE2.3 stating that "PC29 will fundamentally change the current daylight admission rules in the NRMP and yet PC29 does not propose any change to policy RE2.3. It is considered that RE2.3 must also be amended as the new daylight admission rule will lead to significant impacts on privacy and outlook."

85. I disagree and do not consider it is necessary to change this operative policy. Policy RE2.3 states "*Buildings and structures should be designed and sited so that adjoining sites are not unduly shaded, and there is reasonable access to daylight*." What is considered 'reasonable access to daylight, and unduly shaded' depends on the context of the planned built character of each zone and density area, as set out in policies RE1.2A to RE1.8. However, I acknowledge that to make this framework clearer, reference could be added to clarify that this policy, like the others

supporting objectives RE1 and RE2, should be read with regard to the planned built character of the zone. I recommend accepting submission S770.007 and consider the recommended amendments assist with interpretation, clarifying the intent of the provisions and improving the usability of the plan.

Effects on nationally and/or regionally significant infrastructure

86. Nelson Airport Limited (S478), Manuka Street Hospital Limited (S881), and Radio New Zealand Limited (S938), have requested changes to the residential policies REd.10, RE1.6 and RE1.8 to acknowledge that residential development can have effects on nationally and/or regionally significant infrastructure. These submitters as well as other Network Utility Operators have requested similar changes to the district wide objectives and policies. Assessment of those changes to district wide provisions can be found in section 7.3 of the City Centre, Commercial and Infrastructure S42A report.

87. I do not consider changes to the proposed residential policies are required as they would duplicate direction contained within the infrastructure specific district wide objectives and policies.

Manuka Street Hospital

88. Manuka Street Hospital Limited (MSHL S881) requested changes to policies DO16.1.1.iv, RE1.8, RE2.5 and RE2.6 to acknowledge the location of the existing non-residential activity within the residential zone, and to identify that the operation or expansion of existing non residential activities is anticipated in the zone.

89. Policy 1 of the NPSUD identifies that well functioning urban environments have good accessibility for people between housing and community services (such as hospitals). I agree that the changes to policies DO16.1.1.iv, REd.10, RE1.8, RE2.5 and RE2.6 sought by MSHL clarify the intent of the plan change with regard to non residential activities in the residential zone, and assist in giving effect to policy 1 of the NPSUD. I note for completeness that while Manuka Street Hospital was notified as part of the HDRZ, the recommended zone for the site is now MDRZ (see section 6.3), in which case the changes will need to apply to the MDRZ policies, not the HDRZ policies listed above.

90. Manuka Street Hospital Limited (MSHL) sought changes to provide for the operation or expansion of their site-specific non-residential activity by way of a site-specific set of rules or a schedule. The majority of the MSHL submission is discussed in Section 6.9 of this report, where I identify in more detail that I am concerned that the overall relief sought by MSHL (the site-specific rule framework/ schedule) may not be within the scope of PC29 as notified. However, I do not have the same scope concerns for the policy changes above. The changes are less specific to the MSHL site and activity, and support the provisions for non residential activities as notified in PC29.

6.2.4 Recommendations

91. In summary, for Key Issue 1 (Residential Objectives and Policies), I recommend the following changes to the residential objectives and policies.

92. The submissions points I recommend be accepted, accepted in part or rejected for this topic are as set out in Appendix 1.

Provision(s)	Officer recommendations
Reference to the High Density Residential Zone in Policy RE1.8 and explanation DO16.1.1.iv (along with consequential amendments to a number of other policies and supporting provisions within the district wide objectives and policies).	Accept submission point S03.001 (and others)[9] Delete reference to the High Density Residential Zone from Objectives, policies and related provisions.
Consequential amendments to include reference to the High Accessibility Overlay	Reference High Accessibility Overlay in REd.9 as follows: The purpose of the General Residential, and Medium Density Residential ~~and High Density~~ Residential zones is to collectively provide for housing choice and diversity within well- designed neighbourhoods that have good levels of residential amenity. The greatest density of housing is enabled in the High Accessibility Overlay ~~Density Residential Zone~~, which is in close walking distance to the main centres, with the Medium Density Residential Zone applying within reasonable walking distance. This recognises the importance of enabling the efficient use of land in accessible locations, where people can easily walk or cycle to meet their daily needs. Elsewhere, the General Residential Zone, Residential — Standard Area, Residential — Comprehensive Area or Residential — Lower Density Area apply ~~applies~~, particularly in locations that are further away from the main centres, or that are subject to natural hazards.
	[Amend] AD11.3 description of overlays table Coastal Environment Overlay Proposed Road Riparian Overlay Conservation Overlay Land Management Overlay Airport Effects Control Overlay

[9]The plan change makes reference to the High Density Residential Zone throughout multiple chapters. For ease of reference, where I have recommended removal of reference to the HDRZ from the plan change chapters, I refer to submission point S3.001 (and others). Submission point S3.001 from Carol Parkinson (S3) was chosen because it is the first submission point (based on numerical order) that requested the deletion of the HDRZ.

Provision(s)	Officer recommendations
	Port Effects Control Overlay High Accessibility Overlay
	[Insert new] AD11.3.2A High Accessibility Overlay Areas with good accessibility to a wide range of commercial and community services relative to other areas of the Nelson urban area, where high density development on large sites is enabled. *Note this recommendation is supported by changes to the planning maps discussed in section 6.3 below.
Policy DO13A.1.1	Accept S933.021, Amend to: Subdivision and development should relate to local topography, climate, heritage, culture, and locally distinctive materials and vegetation where possible, while being future-focussed and ~~valued~~ ~~development patterns~~ accommodating the planned built character of the zone.
Policy DO13A.2.1	Accept S709.047, Amend to: Accessibility is maximised through subdivision and development design which provides for: a. safe and pleasant transport networks for all modes of movement, including pedestrians, micromobility, cyclists, public transport and motor vehicles. b. a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas.
	Consequential amendment to: DO13A.2.1.i A well designed transport network integrated with land use improves accessibility and mobility, contributes to better quality of life, encourages healthier lifestyles, uses less non-renewable energy, and contributes to improved economic performance. Interconnected street systems can also enhance safety, reduce crime and fear of crime. Note: The terms of

Provision(s)	Officer recommendations
	'micromobility' and 'pedestrians' includes people with disabilities and in wheelchairs or on mobility aids.
Chapter 5 DO13A (references to the urban design panel).	Accept S83.007 and amend as follows: DO13A.3.1.iv ~~NCC Urban Design Panel.~~ Create implement and use an Urban Design Panel to provide advice on private and public projects . DO13A.3.3.ii Create ~~and~~ implement and use an Urban Design Panel to provide advice on private and public projects. DO13A.6.2.vi ~~Create an Urban Design Panel to provide design advice on private and public projects.~~ Create implement and use an Urban Design Panel to provide advice on private and public projects.
Chapter 5 DO13Ae.4 Increased diversity of housing, neighbourhood, employment and leisure/cultural opportunities.	Accept S709.056 and add: Indicator Number of housing modifications in the Nelson region Data Source Te Whatu Ora- Health New Zealand
DO16.1.1.iii Medium Density Residential Zone	Accept in part S709.061, S709.062, and S881.008, Amend to: The primary goal of the Medium Density Residential Zone is to provide the opportunity for medium density housing, in walking distance to commercial services, public open space, and community facilities. The zone enables a range of housing types, with a focus on more intensive forms of housing, including terraces and low rise apartments. The zone achieves a medium density residential character by generally limiting the scale and form of buildings to three storeys and requiring useable and accessible on site landscaped areas and private open space. Medium density residential development is more intensive than typical low density areas and will result in a moderate degree of visual change to neighbourhoods. Subject to assessment through the resource consent process, the zone provides for small-scale commercial activities and other community facilities reflecting that an increasing residential population requires convenient access to services to meet their day-to-day needs.

Provision(s)	Officer recommendations
Residential description REd.5	Accept in part S709.066 and amend as follows: The character of residential areas is also determined by the presence of non-residential activities and community facilities that usually operate from purpose-built buildings. These activities tend to provide essential community services including convenience shops, churches, schools, health facilities ~~doctors' surgeries~~, day care centres, and public halls. In some residential areas, activities such as hospitals, tourist accommodation, hotels, or parks have been established which serve wider city or regional populations. Non-residential activities and community facilities can be accepted within residential areas provided they do not give rise to significant adverse effects.
Residential description REd.10	Accept S933.023 and S881.009 Amend to: Over time, the appearance and character of neighbourhoods will change as new development occurs, to achieve the planned built character of the zones as described in the objectives and policies. Collectively, General Residential, and Medium Density Residential ~~and High Density Residential~~ zones enable a variety of housing densities, in a variety of forms, including detached, semi-detached, terraced housing and apartments. Residential development will be supported by necessary social facilities. ~~In achieving the planned built character of the zone, development will have regard to the amenity values of existing residential sites, acknowledging that this is more challenging as the density of development increases.~~ New development will support the anticipated changes to the amenity values of existing residential sites.
Residential Objective RE1 Living Style	Accept in part S517.010 and S580.021 Amend to: ~~The option of~~ Provide for a diversity of residential styles based on the differing characteristics of areas of the city, and differing community needs. Reasons RE1.i Flexibility in the design, housing typology, ownership model and location of residential developments can lead to an interesting and attractive street scene, while also meeting the varying needs of the community.

Provision(s)	Officer recommendations
Explanation RE1.6.i	Accept in part submission points S580.031, S709.060 This zone enables a range of housing types, including accessible housing, detached and attached residential units, a range of housing ownership models including collective housing, and achieves a suburban residential character by generally limiting the scale and form of buildings to two storeys and requiring on site landscaped areas and useable and accessible private open space.
Policy RE1.7	Accept in part submission points S881.010, S361.003 Amend to: Enable medium density residential living that increases housing supply and choice on land within walking distance of the Inner City, City Fringe, and Suburban Commercial zones with a planned built character of residential buildings generally up to three storeys; with supporting small scale commercial activities, other community facilities and access to quality public open space.
Explanation RE1.7.i, and method RE1.7.ii	Accept in part submission points S580.031, S709.060 RE1.7.i The zone enables a range of housing types and housing ownership models including papakāinga and collective housing, with a focus on more intensive forms of housing, including terraces and low rise apartments. The zone achieves a medium density residential character by generally limiting the scale and form of buildings to three storeys and requiring useable and accessible on site landscaped areas and private open space. Medium density residential development is more intensive than typical density areas and will result in a moderate degree of visual change to neighbourhoods. Method RE1.7.ii Rules that enable housing to be designed to meet the day-to-day needs of residents, and where appropriate setting minimum standards to provide for a high quality living environment and residential amenity.
Policy RE1.8	Accept S03.001 (and others) and S597.022 amend Policy RE1.8 as follows

Provision(s)	Officer recommendations
	~~policy~~ ~~RE1.8 High Density Residential Zone~~ ~~Efficiently enable high density residential living that increases housing supply and choice on land within close walking distance of the Inner City and Suburban Commercial zones with a planned built character of residential buildings generally up to six storeys; with supporting small scale commercial activities.~~ ~~Explanation and Reasons~~ ~~RE1.8.i The zone enables a range of housing types, with a focus on more intensive forms of housing, including terraces and apartments at a variety of scales. The zone achieves a high density residential character by generally enabling residential buildings up to six storeys and requiring on site landscaped areas and private open space suitable to the housing types enabled. High density residential development is more intensive than typical density areas and will result in a high degree of visual change to neighbourhoods. The Zone expects development to provide healthy, safe, and quality living environments for residents, within the context of a high density residential environment.~~ ~~Method~~ ~~RE1.8.ii Rules setting minimum standards to provide for a high quality living environment and residential amenity.~~ ~~RE1.8.iii Rules that encourage a built form which can better promote passive surveillance of streets and supporting a high quality built form which minimises effects on neighbouring properties.~~ policy RE1.8 High Density developments in the High Accessibility Overlay Enable high density residential living that increases housing supply and choice on large sites within close walking distance of the Inner City and Suburban Commercial zone, that integrates with the planned built character of the Medium Density Residential zone set out in RE1.7.

Provision(s)	Officer recommendations
	Explanation and Reasons RE1.8.i The Overlay enables a range of housing types, with a focus on enabling more intensive forms of housing, including terraces and apartments on larger sites in highly accessible areas. The Overlay enables residential buildings up to six storeys and requires on site landscaped areas and private open space suitable to the housing types enabled. The Overlay expects development to provide healthy, safe, and quality living environments for residents, and residents on adjoining properties. Method RE1.8.ii Rules setting minimum standards to provide for a high quality living environment and residential amenity. RE1.8.iii Rules that encourage a built-form which can better promote passive surveillance of streets and supporting a high quality built-form which minimises effects on neighbouring properties.
Reason RE2.i	Accept in part S709.060 and make consequential amendment as follows: The primary purpose of the residential zoning is to provide an environment that is suitable for the accommodation of people. The essential components of a principally residential environment include housing designed to meet the day to day needs of residents, access to an adequate amount of daylight, minimal disturbance from nuisances, and a reasonable degree of privacy.
Policy RE.2.3	Accept S770.007 Amend to: Buildings and structures should be designed and sited so that adjoining sites are not unduly shaded, and there is reasonable access to daylight, having regard to the planned built character of the area and the reasonable expectations for development.
Policy RE2.5	Accept S881.013 and amend as follows:

Provision(s)	Officer recommendations
	The size and scale of buildings, structures, and activities should be compatible with the planned built character and amenity of the residential areas, while recognising the functional and operational requirements of activities and development including that they: (a) May require greater density than the planned urban character to enable efficient provision of services; (b) May have activity specific layout and internal amenity.
Policy RE2.6	Accept S881.014 and amend as follows: Development must be in keeping with an areas' changing planned urban character. ~~No activity should have effects significantly greater than the normal residential use of any property, unless they can be adequately avoided, remedied or mitigated.~~
Policy RE2.9	Accept in part S517.009, S901.007 and S709.060 Amend to: Enable development of existing or new sites to create a high standard of amenity for residents within and adjoining a development~~.~~, including by providing: a) Private, useable and accessible open space that has access to sunlight; b) A reasonable level of visual privacy and outlook; c) Opportunities for on site landscaping; d) Safe and convenient pedestrian access to residential units from the street; e) Developments that enable as many people as possible to independently use and interact with the on site living environments.
[Insert new] Policy RE2.10	Accept S901.009 **Policy RE2.10 effects of development on adjoining sites** Mitigate the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned residential built character of the zone, including by: a) Setting buildings back from side and rear boundaries; b) Limiting the length of buildings along side and rear boundaries; c) Providing opportunities for sunlight access to adjoining sites;

Provision(s)	Officer recommendations
	d) For four or more residential units, encouraging the use of other design techniques such as building recesses, varied architectural treatment and landscaping along side and rear boundaries. **Explanation and Reasons** RE2.10.i A high standard of amenity is expected to be achieved through the use of carefully considered design techniques and features which respond to the site's context and setting, and take into consideration the urban design matters detailed in DO13A - Urban Design, DO14 - Subdivision and Development and appendix 14 - Residential Subdivision Design and Information Requirements. **Methods** RE2.10.ii Rules controlling the bulk and location of buildings, and making four or more residential units restricted discretionary so that the quality of the living environments for residents in adjoining sites can be assessed on a case by case basis.
[Insert new] Policy RE2.11	Accept S901.009 **Policy RE2.11 larger sites** Recognise the intensification opportunities provided by larger sites by providing for more efficient use of those sites. **Explanation and Reasons** RE2.11.i Larger sites enable higher density development to be designed comprehensively while better internalizing potential adverse effects. A high standard of amenity is expected to be achieved on larger sites through the use of carefully considered design techniques and features which respond to the site's context and setting, and take into consideration the urban design matters detailed in DO13A - Urban Design, DO14 - Subdivision and Development and appendix 14 - Residential Subdivision Design and Information Requirements.

Provision(s)	Officer recommendations
	Methods RE2.11.ii Rules enabling high density development on larger sites located within the high Accessibility Overlay, and rules making four or more residential units restricted discretionary so that the quality of the living environments for residents and residents of adjoining properties can be assessed on a case by case basis.
[Insert new] **Policy RE2.12**	Accept S901.009 **Policy RE2.12 – Changing communities** To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Medium Density Residential Zone and High Accessibility Overlay will change over time to enable a variety of housing types with a mix of densities. **Explanation and Reasons** RE2.12.i Changes to an area may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and are not, of themselves, an adverse effect. **Methods** RE2.12.ii Rules setting minimum standards to provide for a diverse and high quality living environment and residential amenity
[Amend] Policy 3.5 Streetscape	Consequential amendment from S770.009 Policy 3.5 Streetscape Sites, buildings, fences and landscaping fronting onto roads should present an appearance which enhances the overall streetscape~~, and maintains the open, landscaped character of front yards that is typical of Nelson~~. Hard landscaping including car parking, should be minimised. The design of buildings, structures (including fences), roads and parking spaces (in front yards and on the street) should assist in

Provision(s)	Officer recommendations
	making streets safer environments by enhancing informal surveillance, enabling community interaction, and being people-orientated.

6.2.5 Section 32AA evaluation

Effectiveness and efficiency

93. In my opinion, based on the analysis above, the amendments to objective RE1 are the most appropriate way to achieve the purpose of the Act. In particular, I consider that:

a) Updating RE1 will ensure that the built environment enables people and communities to provide for their social, economic, and cultural well-being and meets the reasonably foreseeable needs of future generations in accordance with section 5(2);

b) Updating RE1 does not compromise the recognition of, or the provision of the matters of national importance under section 6 or 7 of the Act, or the principals of the Treaty of Waitangi;

c) Updating RE1 is a more appropriate way to give effect to objective 1 and policy 1 of the NPSUD than the operative wording of RE1, and will not be inconsistent with the relevant RPS objectives and policies.

94. The proposed amendments to policies, explanations and reasons more efficiently achieve the objectives of increasing housing diversity and choice (DO14.1 and RE1) given that they enable a range of site and development opportunities in the same manner as the notified provisions, but provide clearer direction which increases certainty for communities. The increased reference to desired urban design outcomes in Policies RE2.9, RE2.10 and RE2.11 more effectively achieves a well-functioning urban environment when compared to the notified policies.

Costs/Benefits

95. The proposed amendments can reduce resource consent reporting requirements with the use of more direct language. Reduced reporting requirements also reduce time and financial costs to applicants and ratepayers. The increased urban design guidance can help educate the design community on expected outcomes and also provide guidance to those processing resource consent applications.

Risk of acting or not acting

96. There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

Decision about most appropriate option

97. For the above reasons, the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of PC29.

6.3 Key Issue 2: Inclusion and extent of the Residential zones

6.3.1 Notified PC29

98. The operative NRMP Residential Zone contains four density areas, with density controlled using minimum net site area standards for new allotments or new residential units. The operative density areas and minimum net site areas are as follows:

a) Lower Density: 600m2;

b) Lower Density (Stoke): an average net area of 1000m2 and a minimum of 850m2;

c) Higher Density: 300m2; and

d) Standard Density: 400m2 (this area doesn't have an official name, for the purposes of this analysis the standard density area refers to the area not zoned lower density, or higher density under the operative NRMP).

99. PC29 as notified, proposed to provide for increased heights and densities to give effect to Policy 5 of the NPS-UD through the introduction of three new residential zones within the Plan Change Area, including the GRZ, MDRZ and HDRZ. These residential zones are proposed to have a minimum net site area of 200m^2 for vacant allotments, but otherwise no minimum density standard/site size applies.

100. The notified PC29 applied the HDRZ and MDRZ around areas with the highest levels of accessibility to the city centre and suburban centres in Atawhai, Tāhunanui and Stoke, with the GRZ elsewhere.

101. The rationale for the introduction of the three new residential zones and the assessment of options is included at Section 20.1 and table 25 of the Section 32 report. The rationale for the spatial application of the Medium and High Density Residential zones is included in Section 20.2 of the Section 32 report. This is also explained in the S42A Report – Overview and Strategic.

6.3.2 Key matters raised in submissions

102. A significant number of submissions and further submissions were received on the number and spatial extent of the proposed residential zones. The key issues raised include:

a) The inclusion of the three new zones GRZ, MDRZ and HDRZ, and their general location;

b) The extent of the HDRZ – including a number of submissions with requests to change the proposed zoning for specific sites or areas;

c) The extent of MDRZ – including site specific submissions to change the proposed zoning for specific sites or areas;

d) The extent of GRZ – including site specific submissions to change the proposed zoning for specific sites or areas;

e) Rezoning portions of the open space and recreation zone or rural zone within the urban area;

f) An alternative consenting pathway for higher density developments on large sites; and

g) The inclusion of character areas.

103. The S42A report – Overview and Strategic addresses the reasoning for the zoning strategy and makes recommendations on the inclusion and broad extent of the residential zones in section 12.0 of that report. In this report, Ms Morgan recommends deleting the notified HDRZ and introducing a High Accessibility Overlay within which high density development would be enabled on large sites, as well as various amendments to the extent of the MDRZ. I agree with these recommendations and expand on these as it relates to submission points that request site specific changes to the notified zones.

104. The S42A report – Overview and Strategic also discusses the concept of character areas in general in section 12.0. I expand on this discussion below, with recommendations on the submission points that request character areas in specific locations.

105. Breaking down the remaining key issues further, the submissions can be broadly categorised as follows:

High Density Residential Zone extent

106. Multiple submitters expressed opposition to the proposed HDRZ in specific areas or for discrete sites for various reasons. Considering the analysis provided in Section 12 of the Section 42A report – Overview and Strategic and the recommendation to remove the HDRZ, these submission points are grouped together for brevity.

Medium Density Residential Zone extent

107. Multiple submitters supported the full extent of the MDRZ, or the extent of the zone as it applied to a particular area or site.

108. Multiple submitters requested changes to the extent of the MDRZ as follows:

a) Multiple submitters[10] asked to replace the MDRZ with the GRZ in Atawhai and Tahunanui, the Port Hills, the Mount Street area, the area around Melrose House, including Brougham Street, Bronte Street, Nelson South and the Brook Valley.

b) Seymour Avenue Residents (S378) requested properties in and adjoining the Seymour Ave heritage precinct to be excluded from the MDRZ and changed to GRZ, these submission points were supported by multiple further submissions[11].

[10] Submitters S610.005, S401.001, FS61.133, FS72.136, FS60.127, S362.001, FS61.068, FS72.072, FS60.064, S33.002, S601.009, S21.001, S23.001, S69.001, S477.001, S832.001, FS65.406, FS78.399, 33.01

[11] Submitters S378.002, FS65.141, FS78.151, S378.003, FS65.142, FS78.152, S378.004, FS65.143, FS78.153,

General Residential Zone extent

109. Multiple submitters supported the full extent of the GRZ, or the extent of the zone as it applied to a particular area or site.

110. Multiple submitters requested changes to the extent of the GRZ as follows:

a) Multiple submitters requested the residential zones to be changed to apply the new GRZ to the remaining areas of Tāhunanui, the Wood, or generally across the entire Nelson district.

b) Diane Chandler (S131) opposed changing the Lower Density (Stoke) area to GRZ and requested that this area keep its operative zoning.

c) Sue Thomas (S323.002) requested Washington Valley be rezoned to GRZ, this was supported by Melinda and Craig Harvey (FS83.034).

Alternative options for High Density Residential Zone

111. Multiple submitters proposed alternative options for allowing higher density development on larger sites in accessible areas. SPA Architects (S603) and Stephanie Phillips (S597) considered that the level of development enabled by PC29 was too extensive.

Rezoning Open Space and Recreation Zone or Rural Areas within the urban area

112. Solitaire Investments Limited (S459.003) requested rezoning Solitaire's landholdings which are currently zoned Open Space or Rural Zone.

113. Mike Scott (S361) requested rezoning the railway reserve in Nelson South.

114. Nigel Whinney (S57.001) requested PC29 exclude areas close to reserves or adjacent to parks or rivers from intensification.

Inclusion of character areas

115. Multiple submitters support the introduction of character areas in general, to protect the amenity of existing residential areas with rules that result in a less intensive urban form closer to that enabled by the operative residential rules. Submitters Mary Bronsteter (S42), Sally Gepp (S73), Sarah Holman (S617), Heritage Nelson (S831), and Sali Matthews (S738) requested a character area for the Fairfield/ Nelson South area, and Hamish and Jane Grenfell (S605) refined this request further specifying the area bounded by Hampden St, Waimea Rd, Bronte St and Collingwood St (Figure 1 below). Further submission by Sarah-Jane Weir (FS64.016) supported the submission by Hamish and Jane Grenfell (605) and requested extension of the character area to include that area on both sides of Collingwood Street between Bronte Street and Manuka Street currently zoned low density residential (the Collingwood Street Area).

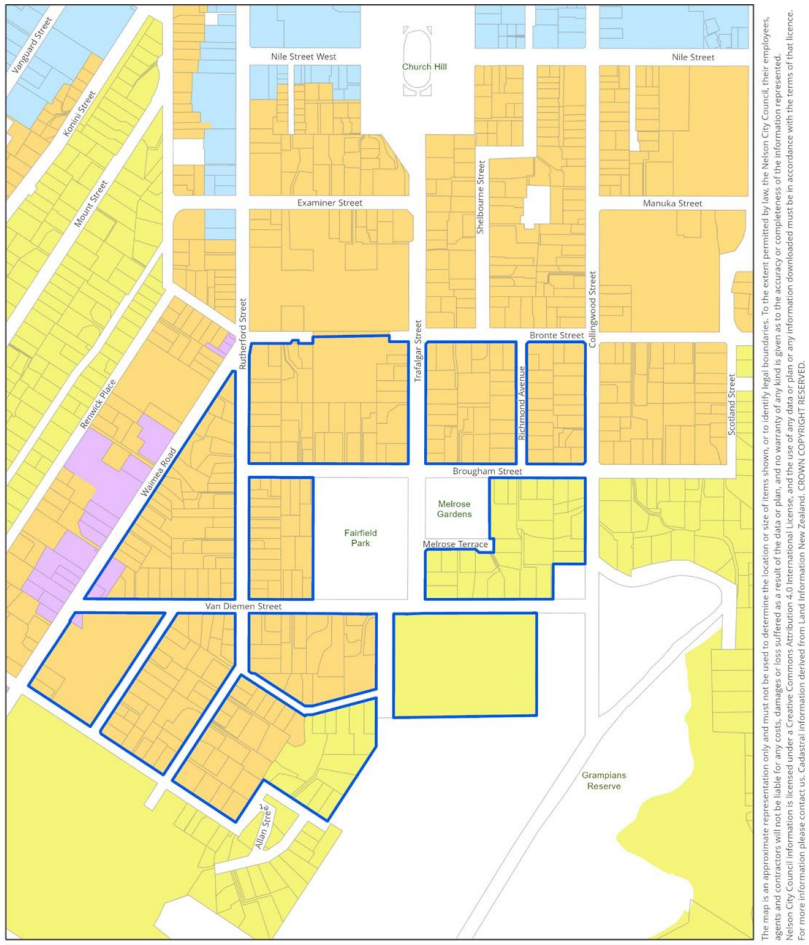


Figure 1: Character Area requested in submission S605 by Hamish and Jane Grenfell, with the recommended zone changes for the area as per the proposed zoning maps included as Appendix 2.

116. Diane Chandler (S131) opposed changing the Lower Density (Stoke) area to GRZ and requested that this area keep its operative zoning based on its overall character of large sites and gardens in a generally spacious setting, including some heritage listed trees and houses.

6.3.3 Evaluation

High Density Residential Zone

117. As stated above, I agree with the recommendation to remove the HDRZ, with the reasoning set out by Ms Morgan, as supported by the expert evidence of Mr Wallace on accessibility and Mr McIlrath with regard to development capacity and feasibility. I therefore recommend that the multiple submissions in support of the HDRZ (both in general, and site-specific submissions) are rejected.

118. Multiple submissions requested that various parts of the HDRZ be changed to MDRZ. These submissions ranged in specificity, requesting changes to broad areas or specific sites. Like Ms Morgan, I support a broad-based approach to zoning consistent with the National Planning Standards. I agree that assessment of site context, constraints, orientation and the like are more

appropriately and efficiently addressed on a qualitative basis through a resource consent process for four or more dwellings on a site. I recommend the broad submission points are accepted in whole or part as outlined in **Appendix 1**, and I recommend that the site-specific submission points are alternately rejected or accepted in whole or part depending on how the submissions fit with the recommended amendments to the zone boundaries shown in the proposed zoning maps included as **Appendix 2.**

Medium Density Residential Zone

119. Mr Wallace's accessibility analysis supports replacing the MDRZ with the GRZ in Atawhai and Tāhunanui, the Port Hills, the Mount Street area, the Brook Valley, and the south-western portion of Nelson South. I recommend that the submissions are accepted, and zone is changed for accessibility reasons.

120. Mr Wallace's accessibility analysis does not support replacing the area around Melrose House, including Brougham Street, Bronte Street, and Nelson South with GRZ. These areas perform well relative to the accessibility of other areas in Nelson, and therefore I consider that maintaining the MDRZ in these areas give effect to Policy 5 of the NPSUD better than a change to the GRZ. I recommend that the submissions requesting zone changes to these areas are rejected.

121. Seymour Avenue Residents (S378) requested properties in and adjoining the Seymour Ave heritage precinct to be excluded from the MDRZ and changed to GRZ based on effects on the heritage precinct. Mr Wallace's accessibility analysis supports replacing the MDRZ with the GRZ in this area based on a more fine grained assessment of the areas accessibility. I recommend that the submissions are accepted and zone is changed for accessibility reasons.

122. I note that multiple submitters were concerned about the effects of development in the MDRZ on heritage precincts, and the area around Melrose House, including Brougham Street, Bronte Street. I recommend in paragraph 117 above that the requests to rezone these areas are rejected. The issue of MDRZ effects on the heritage precincts is discussed by Ms Hewson in the Section 42A report – Heritage. In that report Ms Hewson recommends retaining rule REr.18T which requires restricted discretionary activity consent for buildings greater than 8m adjoining heritage precincts or buildings. This may also partly address the relief sought by the submitters.

123. As identified above, I support a broad-based approach to zoning, and this applies to the extent of the MDRZ and GRZ equally. I recommend that the site-specific submission points are alternately rejected or accepted in whole or part depending on how the submissions fit with the recommended amendments to the zone boundaries shown in the proposed zoning maps included as **Appendix 2.**

General Density Residential Zone

124. Multiple submitters requested the residential zones to be changed to apply the new GRZ to the remaining areas of Tāhunanui, the Wood, or generally across the entire Nelson district. The reasons for the exclusion of these areas from the GRZ is outlined in the Part 2 section 18.2 of the section 32 report and section 8.2 Section 42A report – Natural Hazards. I do not recommend including these areas in the GRZ and agree with Ms Carter and Ms Robb that it is most appropriate to exclude these areas from the new intensification provisions provided by PC29

until the matter is more appropriately dealt with through a future plan change that reflects outcomes of the climate change adaptation work. I recommend these submission points are rejected.

125. Sue Thomas (S323.002) requested Washington Valley be rezoned to GRZ, this was supported by Melinda and Craig Harvey (further submission FS83.034). The eastern portion of Washington Valley performed relatively well in terms of accessibility, and Mr Wallace recommends retaining some MDRZ in the eastern area closest to the city centre. The remaining portion of Washington Valley performed less well in regard to topography, road connections/ circuitous road layouts. I recommend these submission points are accepted in part.

126. I recommend that the site-specific submission points are alternately rejected or accepted in whole or part depending on how the submissions fit with the recommended amendments to the zone boundaries shown in the proposed zoning maps included as **Appendix 2.**

Alternative Option for the High Density Residential Zone

127. In response to submissions on alternative options for the HDRZ, Ms Morgan recommends deleting the notified HDRZ (as discussed above) and:

a) Introducing a High Accessibility Overlay applying to the most accessible parts of Nelson around the Inner City/City Fringe, Stoke Centre and Nelson South; and

b) Within this overlay, enabling high density development on larger sites, using a new rule (REr.18V) and a restricted discretionary resource consent process.

The rationale behind this recommendation is detailed in section 12 of the S42A report – Overview and Strategic. I will expand on this in more detail below.

128. The recommended High Accessibility Overlay (HAO) is shown spatially in the proposed zoning maps included as **Appendix 2.**

129. I support this recommendation to enable high density development on large sites within the HAO. I agree with Ms Morgan that enabling opportunities for high density residential to occur in accessible locations as a means of providing a different type of living choice for people better achieves the NRMP objectives relating to the quality of residential environments (Objective DO16.1.1), while recognising and enabling amenity values to change over time to meet future housing needs (Policy 6(b) of the NPSUD).

130. Multiple submissions requested relief similar to the recommendation outlined in paragraph 124. SP Architect Ltd (S603.023) and Stephanie Phillips (S597.022) proposed to enable and incentivise higher density comprehensive development of suitably sized and located sites within existing residential areas, using a restricted discretionary resource consent process as per section 14.13 of the Christchurch District Plan. Susan Hamilton (S700.010), William Rush (S94.004), Alison Oertly (S85.004) and Leah Collier (S536.017) proposed similar changes, allowing higher density development on larger sites.

131. In addition to the specific submissions listed above, multiple submitters requested the HDRZ be restricted to within 800m of a supermarket. Mr Wallace's accessibility analysis[12] explains that the HAO has been developed using a detailed catchment analysis that prioritises areas with a 5-10 min walk (equivalent to 800m) from a supermarket as higher accessibility relative to areas further away from supermarkets.

132. I recommend introducing a new rule REr.18V - High Density Development in the High Accessibility Overlay. High Density development is recommended to be enabled subject to the following standards:

a) The development site is located within both the MDRZ, and the High Accessibility Overlay; and

b) Four or more residential units is proposed; and

c) the site is a minimum of 1,000m2 in net site area; and

d) the site has a minimum road boundary width of 24m; and

e) all buildings are no more than 19.5m in height; and

f) building coverage of the net area of the site does not exceed 60%; and

g) at least 20% of the site is maintained as permeable landscaped area; and

h) no buildings project beyond a 60o recession plane measured from a point 8m above ground level along all side and rear boundaries; and

i) buildings are not located within 3m of the side and rear boundaries.

133. I recommend that rule REr.18V makes development that fits the criteria above a restricted discretionary activity, with discretion restricted to[13]:

The effects of building design and development layout on:

a) the safety and attractiveness of the street; and

b) the quality of on- site living environments; and

c) adjoining sites, with respect to visual dominance, privacy, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and

d) the ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and

[12] Appendix 1 of Mr Wallace's Statement of Evidence

[13] Matters of restricted discretion match the matters in rules REr.17B and 18B, matters f and g are amendments to the notified version of these rules based on submissions recieved and discussed in sections 6.6 and 6.8 below.

e) effects on the safe and efficient operation of the transport network; and

f) the ability to provide functional accessible units within the development.

g) the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites.

134. For developments that **comply with** the proposed standards I have set out in paragraph 129 above, I recommend that applications are processed without public or limited notification.

135. For developments that **infringe** the proposed standards I have set out in paragraph 129 above, I recommend that the activity remains restricted discretionary but is subject to the normal tests for notification.

136. Where a standard is not specified in proposed rule REr.18V, the general MDRZ rule will apply (such as outlook and privacy, outdoor living courts, fences etc).

137. I note the recommendation to enable higher density development for larger sites is similar to the operative provisions for comprehensive housing developments (which are still enabled by the NRMP, within the remaining extent of the Residential Zone - Comprehensive Area). The operative comprehensive housing development provisions are familiar to the local development community and are generally applied (under the operative rules) to any development of more than three residential units, including retirement villages.

138. Under the operative NRMP comprehensive housing developments resource consent applications are assessed with regard to the extent to which the design of the development achieves the outcomes set out in Appendix 22 comprehensive housing development. These act as a form of design guidance. I consider that Appendix 22 is not appropriate to apply to the proposed higher density development as these guidelines were developed with a lower density outcome in mind. The information requirements for subdivision and development included in Appendix 14 remain appropriate as these are generic guidance on the information required to be provided for resource consent applications.

139. Instead of using design guidance within the plan, I consider it more appropriate for those outcomes to be directed in policies and objectives for greater statutory weight. I consider design guidance is best set out in non-statutory documents to be more flexible for inevitable site and development specific variables and to enable the guidance to be responsive to changes in design practice over time. Mr Wallace agrees.

140. Considering this revised zoning option in the context of the recommended changes to objectives and policies listed in section 6.2 above, I consider that there is potential for conflict with the notified wording of DO14.1.2. and policy RE1.6, specifically the highlighted wording about the planned built character of the MDRZ being generally up to 3 storeys.

DO14.1.2 type and intensity of development: The type and intensity of subdivision and development should reflect the natural and physical capabilities of the land and the ~~characteristics~~ planned built character of the zone.

Notified policy RE1.6 Medium Density Residential Zone:

Enable medium density residential living that increases housing supply and choice on land within walking distance of the Inner City, City Fringe and Suburban Commercial Zones with a planned built character of residential buildings generally up to three storeys; with supporting small scale commercial activities.

141. To address this potential conflict, I recommend the inclusion of an additional policy specific to the additional zoning option as follows:

> [New] Policy RE1.8 High Density developments in the High Accessibility Overlay
>
> Enable high density residential living that increases housing supply and choice on large sites within close walking distance of the Inner City and Suburban Commercial Zone, that integrates with the planned built character of the Medium Density Residential Zone set out in RE1.7.

142. The table below outlines the reasons for the standards I recommend to enable high density development in the High Accessibility Overlay:

Recommended Standard	Reasons
Site is located within both the MDRZ, and the High Accessibility Overlay	The reasons for the proposed extent of the High Accessibility Overlay are outlined in Section 12 of Ms Morgan's overview report and Section 5 of Mr Wallace's technical evidence. I agree with their assessment and adopt it for the purposes of this recommendation.
Minimum of 1,000m2 in net site area	Mr Wallace considers this net site area is sufficient to make sure that the site is big enough to enable a feasible high density development with high quality design features, and to align with other plans with similar provisions. I note this is a size that is comparable to the size of many of the sites that have successfully completed apartment or higher density developments either using the HASHAA Act or the operative CHD rule in Nelson.
Minimum road boundary width of 24m	Mr Wallace's evidence notes that site dimensions are important to be able to accommodate a viable building floorplate, and including a minimum frontage width will provide better opportunities to development to "front" streets and public open spaces which he considers a superior urban design outcome. This standard will enable better alignment with policy RE3.5 streetscape (as recommended to be amended in section 6.2 above).
Maximum building height of 19.5m	Mr Wallace identifies that a building height of 19.5m enables six storey buildings, a feasible height for smaller scale apartment buildings. Enabling apartment buildings

	allows for additional housing choice to meet anticipated future demand. This standard is discussed further in section 6.4 below.
Maximum building coverage of 60% Minimum of 20% Permeable landscaped area	The increase in building coverage reflects the larger footplates required for feasible apartment developments and is mitigated or internalised in part by the maintenance of the 20% permeable landscaped area, and the larger setbacks from external boundaries created by the more restrictive yard setbacks and daylight controls. These standards are discussed further in section 6.4 below.
60° recession plane measured from a point 8m above ground level along all side and rear boundaries Minimum building setback of 3m from the side and rear boundaries.	The more restrictive daylight controls and yard setbacks are recommended by Mr Wallace because bigger sites have more room to internalise the effects of the development, allowing a more restrictive external building envelope without overly compromising the ability to achieve six storeys. These standards are discussed further in section 6.4 below, and in detail in Mr Wallace's report, which should be read in conjunction with this assessment.

Character areas

143. Section 12 of the S42A – Overview & Strategic identifies that PC29 does not propose to introduce character areas, and that the draft Whakamahere Whakatu Nelson Plan did not identify any character areas, there is no evidence to support such an outcome and that this would likely reduce development capacity in accessible locations where Policy 5 anticipates development occurring. The specific character area sought by Hamish and Jane Grenfell (605) performs well in Mr Wallace's additional accessibility analysis, being close to the central city, public transport routes, public open space and schools.

144. Character areas are distinct from areas that have particular heritage value. The scope of PC29 was limited to heritage in respect of RMA s6(f) matters, as opposed to Character which is a RMA s7 matter. Section 6.2 of the S42A Report - Heritage discusses the difference between character areas and heritage precincts and recommends that all submission points in relation to this matter be rejected.

145. It is my opinion that the changes requested by Hamish and Jane Grenfell (605) reflect an intent to protect the area from intensification beyond that currently permitted by the operative NRMP. This assessment is supported by the submitters initial request (submission point 605.001) to either identify the area as a character area or zone the area as general residential zone.

146. I agree with M Morgan that I would consider any evidence put forward by submitters on the character values of particular streets/areas in terms of s7(c of the RMA, I do not support the inclusion of new objectives, policies or rules for character areas in PC29 at this time. In my view, this would likely place further limits of development capacity in some locations that are shown to be highly accessible (refer Evidence In Chief of Mr Wallace), where Policy 5 otherwise provides for commensurate building heights and densities.

Rezoning Open Space and Recreation Zone or Rural Areas within the urban area

147. PC29 is does not propose to rezone landholdings which are currently zoned Open Space or Rural Zone. This is because PC29 principally seeks to enable intensification of development on land currently zoned for residential and commercial uses to give effect to the NPSUD[14]. For this reason, I consider that requests to rezone land zoned Open Space and Recreation or Rural are not within the scope of PC29 Irrespective of scope, in my view, further technical information would be needed to determine whether rezoning of land within these zones is appropriate.

148. For the same reasons, rezoning reserves including the Railway Reserve in Nelson South, is also beyond the scope of PC29.While I agree it is preferable to have all parks included in the Open Space and Recreation Zone, the operative NRMP includes rules such as REr.57 which provides for neighbourhood parks to be located within the residential zone, and allows for the associated recreation activities to be undertaken as a permitted activity. This rule framework allows for neighbourhood parks to be established as part of a residential zone subdivision, without requiring an attendant plan change to change the zone of any park included in subdivision. I consider that updating the zone of parks within the Residential Zone is a separate piece of work that could be undertaken as a separate plan change at a later date.

149. Nigel Whinney (S57) requested the zone maps exclude areas close to reserves or adjacent to parks or rivers from intensification. Stating (amongst other reasons) tall buildings near areas of recreation or natural beauty should not be permitted. I disagree with this assessment and note that policy 1 of the NPSUD encourages development to be sited close to parks and recreation areas.

6.3.4 Recommendations

150. In summary, for Key Issue 2 (Inclusion and extent of the Residential Zones), I recommend the following in relation to the built form standards of the High Density Residential zone.

151. The submissions points I recommend be accepted, accepted in part or rejected for this topic are as set out in Appendix 1.

Provision(s)	Officer recommendations
Spatial extent of the High Density Residential zone.	Amend the planning maps to remove the HDRZ from PC29.

[14] See Section 1.3 of the Section 32 Report.

Provision(s)	Officer recommendations
Spatial extent of the Medium Density Residential Zone	Amend the extent of the MDRZ in the planning maps to incorporate most of the notified HDRZ, and to exclude areas that did not perform well in the additional accessibility analysis, as per the proposed zoning maps included as **Appendix 2.**
Spatial extent of the General Density Residential Zone	Amend the extent of the GDRZ in the planning maps to incorporate some portions of the MDRZ and HDRZ as per the proposed zoning maps included as **Appendix 2.**
Alternative option for the High Density Zone – new provisions enabling higher density development on large sites in areas of higher accessibility.	Accept S597.022 (and others) Amend chapters 3, 5 and 7 to add a High Accessibility overlay, and amend the planning maps as per the proposed zoning maps included as **Appendix 2.**
	Amend chapter 7 to add: Policy RE1.8 High Density developments in the High Accessibility Overlay Enable high density residential living that increases housing supply and choice on large sites within close walking distance of the Inner City and Suburban Commercial zone, that integrates with the planned built character of the Medium Density Residential zone set out in RE1.7.
	Amend chapter 7 to add rule REr.18V as follows: REr.18V.3 Four or more residential units is a restricted discretionary activity provided that: a. The site is in the High Accessibility Overlay; and b. the site is a minimum of 1,000m^2 in net site area; and c. the site has a minimum road boundary width of 24m; and d. all buildings are no more than 19.5m in height; and e. building coverage of the net area of the site does not exceed 60%; and f. no buildings project beyond a 60° recession plane measured from a point 8m above ground level along all side and rear

Provision(s)	Officer recommendations
	boundaries; and g. buildings are not located within 3m of the side and rear boundaries. Discretion is restricted to: i. effects of the building design and development layout on: a. the safety and attractiveness of the street; and b. the quality of on- site living environments; and c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and d. the ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and e. effects on the safe and efficient operation of the transport network. f. the ability to provide functional accessible units within the development. g. the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites. Resource consent applications for restricted discretionary activities that comply with standards a to g will be considered without notification or obtaining written approval of affected persons. Activities that contravene a restricted discretionary standard are restricted discretionary and subject to the normal tests for notification. Note: the remainder of the rule is the same as the recommended changes to REr.18B, see the consolidated s42A version of PC29 available on the Hearings website.

6.3.5 Section 32AA evaluation

152. The S32AA analysis of the recommendation to delete the HDRZ and replace it with the MDRZ is contained within section 12 of the Section 42A report – Overview and Strategic.

32AA Analysis – Changes to the spatial extent of the MDRZ and GRZ

Effectiveness and efficiency

153. The recommended amendments to the MDRZ and GRZ are more efficient and effective than the notified PC29 because they better account for topography, road layouts, and access to jobs and services.

Costs/ Benefits

154. This recommendation will enable increased housing capacity and variety in housing choice, which will to contribute to improving housing affordability within Nelson. The medium density housing enabled has the potential to generate effects on adjoining properties and the street, though not to the same extent as PC29 as notified. Compared to the notified zone extents, this option will reduce costs in relation to the delivery of infrastructure to service increased residential densities. However, the residential areas close to the city centre where increased densities would be provided for are already well serviced by public transport and servicing infrastructure, so these costs/savings are not expected to be significant. This recommendation will also enable development yields that can support the development of additional community facilities and investment in infrastructure, though not to the same extent as the notified PC29.

Risk of acting or not acting

155. There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

Decision about most appropriate option

156. For the above reasons, the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of PC29.

32AA Analysis –High Accessibility Overlay and Rule REr.18V for High Density Development

Efficiency and Effectiveness

157. In my view, the additional zoning option and the related policy and rule framework is more efficient and effective in achieving objective DO13A.4 Providing for diversity, and Objective RE1 living style as it will provide for increased opportunities for infill development, which will contribute to providing a range of choices in housing types.

Costs

158. The additional zoning option:

a) has the potential to generate effects on adjoining residential properties and the street, however the level of effects is lower than that enabled in the notified PC29 and the effects can be managed through resource consent requirements.

b) will create costs in relation to the delivery of infrastructure to service increased residential densities. However, the residential areas close to the city centre where increased densities

would be provided for are already well serviced by public transport and servicing infrastructure, so these costs are reduced from those that could arise under notified PC29.

c) will create additional costs involved with applying for resource consent for high density developments and may constrain the provision of apartments, although the cost associated with a restricted discretionary activity status is comparable with four or more residential units in the HDRZ and MDRZ in the notified PC29.

d) may be considered by some members of the community to not be in keeping with the anticipated residential character and built form outcomes within existing lower density residential areas in Nelson, but less than the notified PC29.

e) will enable high density residential development, which has the potential to generate effects on site of cultural significance, however this potential is limited by the site size and frontage requirements and the smaller spatial extent of the HAO, and this option has less effect than the notified HDRZ.

Benefits

159. This option will:

a) Ensure that outcomes in relation to residential amenity on a neighbourhood and site scale can be appropriately managed through the resource consent process. Mr Wallace notes in his statement of evidence that larger sites enable development to be designed so as to internalise potential adverse effects.

b) Enable increased housing capacity and the greatest variety in housing choice. This option will also contribute to a compact urban built form that will support a reduction in greenhouse gas emissions through encouraging public and active modes of transport, though not to the same extent as the notified HDRZ.

c) Create economic benefits from enabling the establishment of apartment buildings and higher density housing typologies in the MDRZ. There is additional economic benefit associated with shorter travel times between these developments and the main commercial centres of the Central City and Stoke.

d) Enable increased housing capacity and the greatest variety in housing choice, which will contribute to improving housing affordability within Nelson.

e) Enable higher density developments to establish in the MDRZ, which would provide opportunities for increased housing capacity and choice to support the growing population within Nelson. The provision of a mixture of medium and high density residential development will also contribute to the vibrancy of the city centre by increasing the population close to the city centre. This option will also enable development yields that can support the development of additional community facilities and investment in infrastructure, though not to the same extent as the notified HDRZ.

f) Provide certainty to the community on the anticipated development outcomes for large sites through the direction provided in the proposed policies, rule and application of matters of discretion and assessment criteria.

g) Ensure that potential effects of non-residential activities on sites of cultural significance are managed through the resource consent process.

Risks

160. There is sufficient information to determine the range and nature of environmental effects of the options set out above. Therefore, the need to assess the risk of acting or not acting is not required.

Decision about the most appropriate option

161. For the above reasons, the recommended amendments to include the HAO in the planning maps, amend policy RE1.8 and include rule REr.18V are considered to be more appropriate in achieving the purpose of the RMA than the notified version of the plan change.

6.4 Key issue 3: Built form standards

6.4.1 Notified PC29

162. PC29 proposed new built form standards for residential buildings to generally enable buildings to achieve the planned built character of each zone, while enabling quality living environments for residents (RE2.9) both within sites, and in relation to neighbouring properties and the street. The planned built character of the three new zones was:

- GRZ - residential buildings generally up to two storeys;
- MDRZ - residential buildings generally up to three storeys;
- HDRZ - residential buildings generally up to six storeys.

163. The proposed built form standards included:

a) Building height standards setting a maximum permitted building height of 8m for the GRZ, 11m + 1m for roof forms in the MDRZ, and 19.5m in the HDRZ (see REr.17J, 18J and 19J);

b) Daylight control standards that set a maximum building height relative to the distance from the boundary (see REr.17K, 18K and 19K). The daylight controls were 3m + 45° angle in the GRZ, 4m + 60° angle in the MDRZ. In the HDRZ the daylight controls were 12m + 60° angle within first 23.5m from road boundary and then 4m + 60° angle after 23.5m from road boundary;

c) Front boundary yard setbacks that require buildings within 4m of the road boundary (the front yard) to be setback at least 1.5m from the road boundary, with additional setbacks required for garages and accessory buildings, and a minimum of 50% of the front yard to have a permeable surface of landscaping (see REr.17D, 18D and 19D);

d) Side and rear boundary yard setbacks that require buildings to be setback at least 1m from side and rear boundaries in the MDRZ and HDRZ, and in the GRZ for buildings within 1m of the side and rear boundaries to be less than 12m in length (see REr.17E, 18E and 19E);

e) Site coverage standards requiring building coverage of a site to not exceed 40% in the GRZ, and 50% in the MDRZ and HDRZ (see REr.17C, 18C and 19C); and

f) Impervious areas standards requiring at least 20% of the site to be maintained as permeable landscaped area (see REr.17H, 18H and 19H).

164. The rationale for the proposed new built form standards and the assessment of options is included at Section 20.4 and table of the Section 32 report.

6.4.2 Key Matters Raised in Submissions

165. A significant number of submissions and further submissions were received on the built form standards in the residential zones. Counting the exact number of submissions for each standard is difficult due to the wide variety and number of submissions, and variation in how different people went about summarising and coding the submissions. The submissions can be broadly categorised as follows:

HDRZ heights

166. A significant number of submissions and further submissions were received on building height in the HDRZ. Furthermore, the maximum building height in the HDRZ was cited as the reason why many submitters opposed the plan change in its entirety, or opposed other parts of PC29. In particular:

a) Multiple submitters supported the notified maximum permitted building height.

b) Multiple submitters expressed opposition to the proposed HDRZ maximum building height of 19.5m, requesting a variety of lower heights. Considering the analysis provided in section 12.0 of the S42A Report – Strategic and Overview and the recommendation to remove the HDRZ, these submission points are grouped together for brevity.

c) Kāinga Ora (S933) suggested increasing the maximum building height to 22m to better account for design variables while achieving a six storey building.

MDRZ heights

167. Approximately 38 submissions and 13 further submissions were received on building height in the MDRZ.

a) Multiple submitters have supported the maximum permitted building height as notified (11m + 1m for roof pitch or 3 storeys). In addition, while the short pro forma stated that it opposed the plan change, submission point 2 specifically opposed a maximum building height greater than 12m, indicating that those submitters that signed the hard copy pro forma supported a maximum building height of 12m the MDRZ.

b) Multiple submitters have requested a reduction in the maximum permitted building height. A variety of reduced permitted building heights have been proposed ranging from a maximum of 10m (3 storeys) down to the operative permitted building height of 7.5m (2 Storeys).

c) Multiple submitters have requested an increase in the maximum permitted building height, with proposed heights ranging between 12m and 15m.

d) Resilienz Ltd Lindsay Wood (S625) proposed variable permitted building heights based on the materials that the ground floor is built from, specifically 11.5m for timber lower floor; and 10.9m for concrete ground floor.

e) Hazel Thelin (S86) proposed a variable permitted building height between 10 and 12m calculated based on the heights of the existing buildings in the area.

GRZ heights

168. Approximately 215 submissions and 35 further submissions were received on building height in the GDRZ.

a) Multiple submitters have supported the maximum permitted building height as notified (8m or 2 storeys).

b) Multiple submitters have requested a reduction in the maximum permitted building height down to the operative permitted building height of 7.5m (two storeys).

c) Multiple submitters have requested a reduction in the maximum permitted building height to a single storey.

d) Multiple submitters have requested an increase in the maximum permitted building height, with a variety of heights between 10m and 15m (2-4 storeys) proposed.

e) The digital pro forma and multiple submitters have requested that a minimum building height of two storeys is applied to all greenfield developments.

Daylight Controls/ Height in Relation to Boundary

169. A significant number of submissions and further submissions were received on daylight control standards in the residential zones,

a) Multiple submitters supported the notified daylight controls in each zone.

b) Multiple submitters have requested the operative daylight controls are reinstated and applied to all residential zones equally.

c) Multiple submitters have requested a reduction in the height and/or angle of the daylight controls for the Medium and High Density Residential zones.

d) Multiple submitters have requested removal of the lower daylight control that applies to the rear portions of sites in the High Density Residential Zone.

e) Multiple submitters request an outcomes based, site specific approach that requires any new building to demonstrate that all surrounding residential units will receive a minimum of 2hrs – 5 hrs of direct sunlight in winter.

f) Multiple submitters have requested daylight controls that account for differences between flat or sloping sites.

Yard setbacks

170. Approximately 626 submissions and 8 further submissions were received on building setbacks from boundaries (referred to as yards):

a) Multiple submitters have requested an increase in the side and rear yard setbacks to 1.5m in all zones.

b) Multiple submitters have requested exemptions from the side and rear setbacks for party walls to enable attached housing forms.

c) Multiple submitters have requested a 2m other yard setback for HDZ.

d) Megan Courtney (S517.012) seeks the deletion of REr.17D (d) requiring space for a vehicle to park in front of a garage from the permitted activity criteria for front yards.

e) Wainui Properties Limited (S770.013) requested amendments to the yards rules to exclude eaves.

f) Alistair Kwan (S623) and Nelson City Council (S947) requested amendments to the yards rules to exclude party walls.

Site coverage/ impervious areas

171. Approximately 31 submissions were received on site coverage and impervious area.

a) Multiple submitters supported the notified building coverage and minimum permeable landscape area standards as notified for all new residential zones.

b) Multiple submitters requested an increase in permitted building coverage in the GRZ, with suggestions ranging between 50 and 80%.

c) Multiple submitters requested an increase in the minimum permeable landscape area to 25 or 30%.

d) Daniel Jackson (S530) requested removing the site coverage restrictions altogether.

e) Wainui Properties Limited (S770) & MGT Holdings Limited (S782) requested a bespoke minimum permeable landscape area for high density developments that considers the smaller sites generally created in such developments.

f) Manuka Street Hospital Limited (S881) requested a bespoke 10% minimum permeable landscape area for non-residential activities in the residential zones.

g) Multiple submitters requested general improvements to tree cover, landscaping street trees.

6.4.3 Evaluation

Building Height

172. The topic of residential building heights was a prominent point of contention for submitters, with the most contentious aspect being the proposed HDRZ maximum building height of 19.5m, enabling six storey buildings. As previously stated, I agree with the recommendation to remove the HDRZ and replace most of the notified extent of the HDRZ with the MDRZ, addressing most of the submissions opposed to buildings over four storeys in height.

173. I support the proposal/ recommendation to introduce a consenting pathway for enabling high density development with six storey buildings on large sites within the HAO, as outlined in section 6.3. In this context, I agree with Mr Wallace that enabling a 19.5m building height will have a lesser level of adverse effects on adjoining development (compared to the notified HDRZ provisions) due to the overall rule package or bigger side and rear boundary setbacks and more restrictive daylight controls, directing the bulk of the building into the middle of the site.

174. In addition, the HAO provisions are Restricted Discretionary, rather than permitted, meaning that each proposal will be assessed against the matters of discretion and the policies outlined in section 6.2 above, using the assessment criteria outlined in section 6.9 below. Where the 19.5m maximum building height is exceeded, the development is proposed to be a discretionary activity, with limited notification possible to affected neighbours (subject to the usual notification tests set out in the RMA). The costs and benefits of the HAO provisions overall are assessed in section 6.2 above. Taking into account the rule package and contenting framework, I consider that the HAO provisions are the preferred option compared with the notified HDRZ permitted building heights.

175. Turning to building heights in the GRZ and MDRZ, the submissions showed various levels of support for maximum building heights up to 4 storeys in height . Multiple submitters have supported the maximum permitted building height as notified (11m + 1m for roof pitch or 3 storeys). In addition, while the letter drop (short) pro forma stated that it opposed the entire plan change, submission point 2 specifically opposed a maximum building height greater than 12m, indicating that those submitters that signed the short pro forma supported a maximum building height of 12m the MDRZ, unless they provided additional submission points that specified a different position.

176. Mr Wallace stresses that the height limits and accompanying daylight envelope provisions established in the MDRZ 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 to give effect to the NPSUD policy 5.

177. The heights proposed are similar to equivalent zones in large and smaller cities throughout NZ. In addition, there are multiple examples of two or three storey buildings within the existing residential areas, including some of Nelson's oldest remaining heritage buildings. I consider two

storey buildings are entirely appropriate for the GRZ, and that any dominance effects associated with three storey building heights for the MDRZ will be mitigated by the associated daylight controls discussed below. I do not support or recommend any changes to the maximum building heights proposed for the GRZ or MDRZ.

178. Multiple submitters who used the digital pro forma requested the introduction of minimum two storey building heights in new greenfield subdivisions on the basis that this would provide certainty for people buying into the new neighbourhood. The submissions were silent on whether this minimum building height would be coupled with a maximum building height.

179. I note that the greenfield areas in the residential zone that were specified in the submission (Golden Elms in Toi Toi, Ngawhatu Valley and Marsden Valley) are under development with approved resource consents for large scale staged subdivisions.

180. The submission point states "*new 'Green Field' developments being used for only single storey dwellings as it is a complete underutilisation of land that can accommodate increased intensification".* I disagree with this reasoning and note that while the land can accommodate intensification, these greenfield areas perform poorly in terms of accessibility and therefore forcing intensification in these areas will likely lead to poorly integrated areas with longer commuting times, poor active and public transport connections, without the required community services. The reasoning behind this submission point is contrary to best practice accessibility planning outlined in the NPSUD and the accessibility method statement included at Appendix 1of Mr Wallace's technical evidence.

181. I note that Mr McIlrath discussed the impact of building height on development feasibility in his technical evidence (Section 9) Mr McIlrath notes that reducing the height limit by one storey decreases the total amount of feasible development enabled. He also notes that there are likely to be unintended consequences associated with setting minimum building heights in greenfield areas and the change is likely to have adverse effects on choice and affordability.

Height in Relation to Boundary/ Daylight Controls

182. The appropriate height in relation to boundary/ daylight controls for the new zones was another key issue in contention, with various options presented in submissions. The reasons for the majority of submissions in opposition to the notified daylight controls were:

a) Health and wellbeing effects associated with reduced access to direct sunlight; and

b) Reduced opportunity for passive solar heating of houses, and impacts on the efficiency of solar panels.

183. Firstly, I do not support an outcomes based, site specific rule framework that requires any new building to demonstrate that all surrounding residential units will receive a minimum of 2hrs – 5 hrs of direct sunlight in winter. I consider that requiring shading diagrams for all permitted developments is cost prohibitive for feasible development and introduces significant uncertainty into the design stage of any development, making the determination of compliance with the permitted activity standard overly complex. I recommend these submissions are rejected.

184. Mr Wallace identifies that daylight controls are one of the most important standards controlling building bulk and therefore feasibility of development, and notes it is particularly important to consider the daylight controls on side boundaries with regard to the typical widths of sites in Nelson. Introducing an overly restrictive daylight control on a narrow site will restrict the width of the top floor of the building to the point where a second or third storey will no longer be enabled on a narrow site. It is therefore important to consider the daylight controls carefully in light of the policy direction to be enabling of greater height and density.

185. Mr Wallace has undertaken additional testing of a range of different daylight control options including an additional recession plane of 4m + 35° applying only from the rear boundary of a site, shown in figure 2 below. I note that figure 2 shows the bulk of a building controlled by the maximum building height and daylight control provisions only. These are not the only provisions that control building bulk, and therefore should be considered as a worst case scenario.

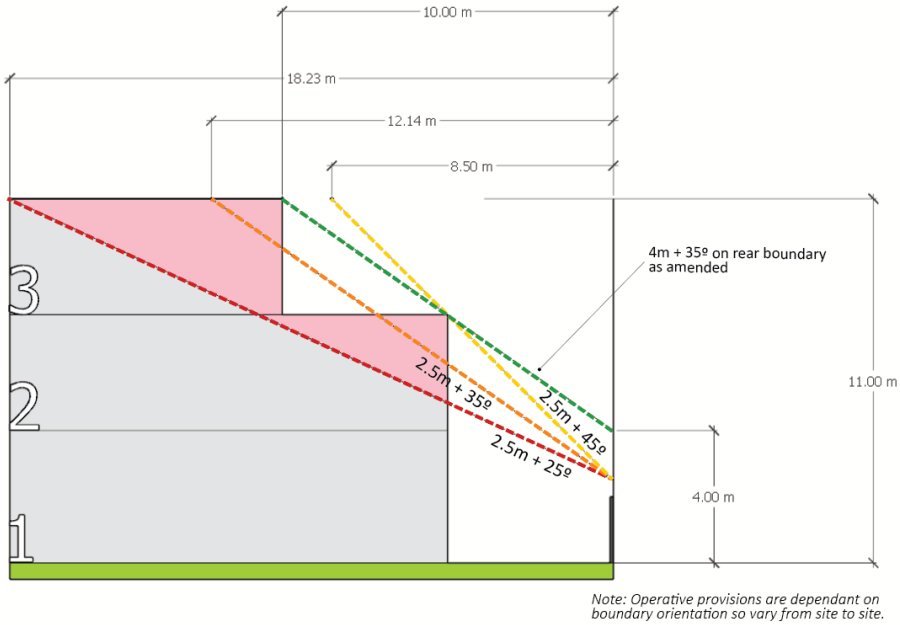


Figure 2: Development implications of various Daylight Controls

186. Mr Wallace recommends retaining the notified daylight standards for side boundaries in the MDRZ and GRZ because these controls enable the intended development outcomes of the zones. I agree with this recommendation and note that this will result in additional shading effects on neighbouring properties when compared with the operative daylight provisions. I reiterate that access to sunlight is only one of the amenity effects that need to be considered in accordance with policy 1 of the NPSUD, and that the recommended daylight controls combined with the other provisions still provide for a reasonable level of access to daylight and sunlight overall, sufficient to give effect to Policy RE2.3.

187. Mr Wallace recommends introducing an additional recession plane of 4m + 35° applying only from the rear boundary of a site in the MDRZ. This recommendation will reduce shading effects on neighbouring properties (compared to the notified MDRZ daylight controls) as shown indicatively in Figure 3 below, helping to maintain a higher level of residential amenity for the rear of neighbouring sites, noting that the rear of sites are typically utilised for private open

space. I agree with this recommendation. This recommendation in part accepts the underlined portion of submission S431.004 from Bruce Mutton (S431) who requested " *Strengthen rules around reducing shadow and ensuring penetration of sunlight, provision of outdoor spaces and onsite storage. Include additional (or different) rules in the MRZ and HRZ to ameliorate effects on existing residential units*."

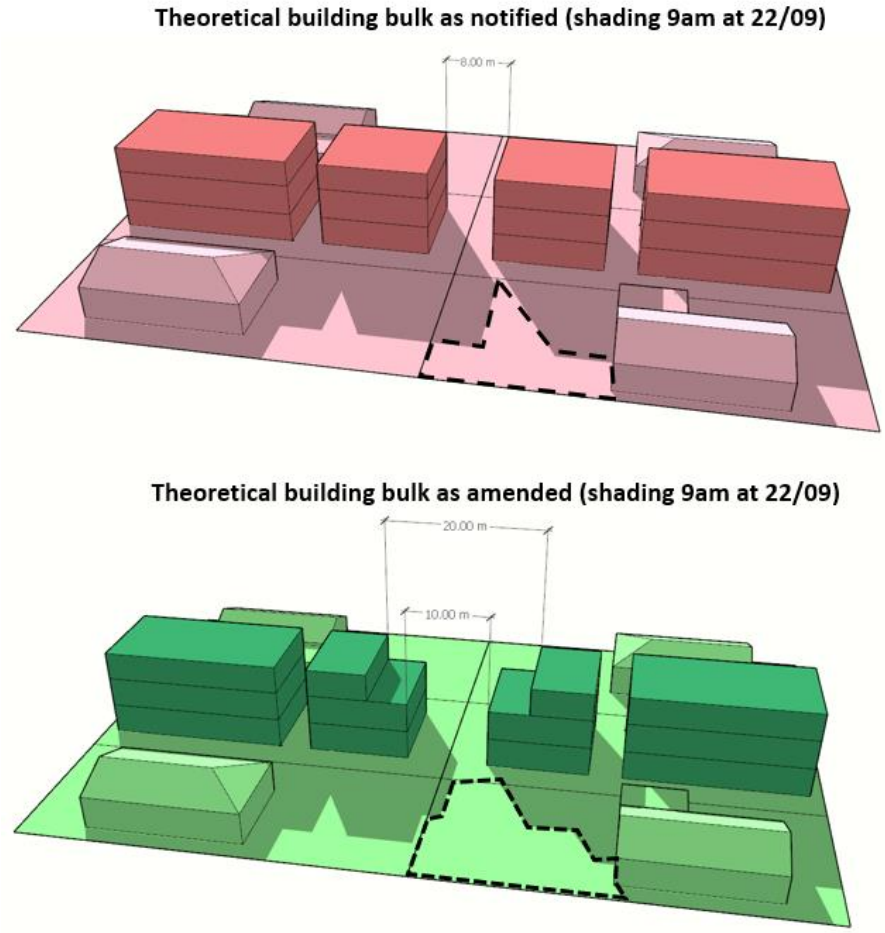


Figure 3: Theoretical shading from notified and amended MDRZ standards on typical Nelson sites.

188. I consider this recommendation requires the plan to define 'rear boundary' to provide clarity for unusually shaped sites, corner sites and sites with no road boundaries. The area near the intersection of Emano Street, Murphy Street and Piko Street (shown in in Figure 4 below) provides a useful local example of a variety of such sites. The operative NRMP defines road boundary (within the definition of boundary) but does not need to differentiate between the remaining side and rear boundaries.

189. The National Planning Standards does not define rear boundary and neither does the Tasman Resource Management Plan (TRMP). The appeals version of the Marlborough Environment Plan defines rear boundary as:

> *rear boundary: in relation to a front site or a non- standard site, means a boundary generally to the rear of the site and generally parallel to the road frontage; provided that in the event of there being no rear boundary, as in a triangular site, the boundaries of the*

rear yard will be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and radius of 4.5m.

190. However, I consider this definition is overly complex for this purpose and not appropriate because it introduces additional elements such as a rear yard that are not relevant to the NRMP.

191. For clarity I recommend that the definition of road boundary be separated from the definition of boundary, and that additional boundary definitions are included relative to whether or not they have a connection with the road boundary, as follows:

Boundary	means any boundary of a site and includes any road boundary. Site boundary has the same meaning as boundary. ~~Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving more than four actual or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 - designations.~~ In the case of: land subdivided under the cross lease or company lease system or the Unit Titles Act 1972 (other than strata titles), the boundaries are the boundaries of the areas or units held in the exclusive possession of any person, and strata titles under the Unit Titles Act 1972, the boundaries are the boundaries of the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision, and multiple residential units built on one certificate of title without subdivision, e.g. rental units, the boundaries are to be nominated boundaries shown on the site plan submitted with the resource or building consent. The boundaries must define a site sufficient to comply with the requirements of the Plan or a resource consent.
Road Boundary	Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving more than four actual or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 - designations.
Rear Boundary	means any boundary which does not connect with a road boundary.
Side Boundary	means any boundary which connects with a road boundary but is not itself a road boundary.

192. In Figure 4 you will see that 71 Emano Street shares most of a boundary with 12 Murphy Street, but not all of the boundary. In this instance for 71 Emano Street the boundary does not connect with Murphy Street, so that boundary is a rear boundary, but the boundary for 12 Murphy Street extends further and does connect to the road boundary on Murphy Street, making their (longer) boundary a side boundary.

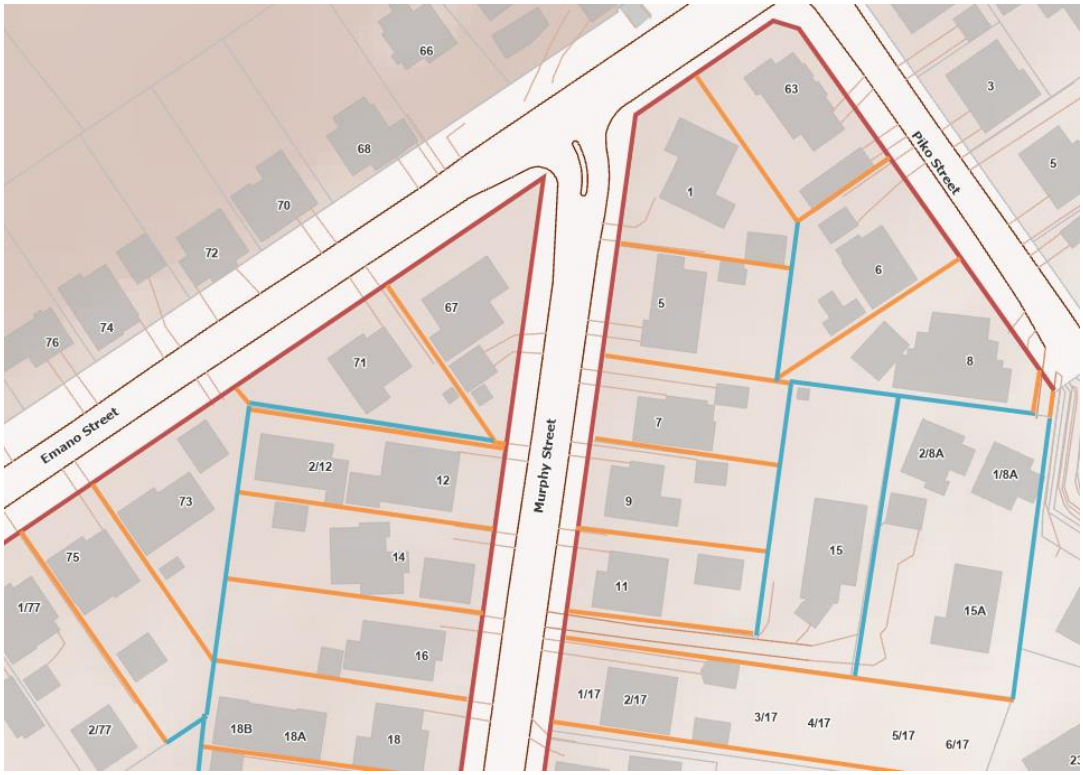


Figure 4: Boundary examples Red = Road boundary, Orange = Side boundary, Blue= Rear boundary.

193. In my opinion, based on the analysis above, the amendments to daylight for rear sites better support policy RE2.3, and are more appropriate compared to the notified provisions. In particular, I consider that:

a) The more restrictive daylight control to the rear of the site will maintain a higher degree of building separation at the rear of sites supporting higher levels of sunlight access compared to the notified provisions;

b) The larger setback created for the upper portions of the buildings will improve privacy outcomes for neighbouring sites, compared to the notified provisions;

c) The amendments do not undermine either the design outcomes intended for the MDRZ or the delivery of more intensive forms of housing as a whole, although I acknowledge that the recommended standard would modestly reduce potential yield at the rear of sites.

194. With regard to the High Accessibility Overlay provisions for high density developments on large sites, Mr Wallace recommends the daylight control standard be amended to 8m + 60^{o} along side and rear boundaries. He notes that these larger sites have enough space to be less permissive, while still providing for increased amenity for existing and future residents of neighbouring sites (over and above what was notified for the HDRZ) in a manner which does not undermine either the design outcomes intended for the MDRZ or the delivery of more intensive forms of housing

in Nelson. I agree with this assessment and consider this a more balanced overall outcome for high density development, compared to the notified HDRZ provisions.

195. For completeness I note that multiple submitters requested application of the operative daylight controls to all residential zones. The operative plan uses boundary orientation to determine the relevant angle of daylight control ranging from 25 to 45 degrees, as shown in Figure 2 above. The operative provisions also allow the use of an additional daylight around control arm, that provides for buildings extending up to the maximum building height of 7.5m to be positioned abutting the boundary. These operative provisions are overly complex to administer and are prohibitively restrictive in some instances due to the orientation of Nelsons blocks and typical site widths from previous development patterns (as Mr Wallace explains in detail in his technical evidence). I consider this approach is overly complex and does not enable enough development to meet the requirements of Policy 5 of the NPSUD. I recommend these submission points are rejected.

196. Tasman District Council (S879.008) requested consideration of an exemption for solar panels. I agree that providing an exemption for solar panel, with the same parameters as the notified exemption for dormer windows is appropriate as the effects associates with such an exemption will be similar. I recommend this submission is accepted and include updated rule wording in section 6.4.4 below.

197. No changes are required to the notified daylight controls to account for party walls as subclause REr.18K.1.c.v (and the REr.17K equivalent) excludes party walls.

198. I recommend the introduction of definitions for side boundary and rear boundary, along with changes to the daylight standards in the MDRZ.

Yards

199. Increasing side yard building setbacks in the GRZ or MDRZ to 1.5m or more is not generally supported by Mr Wallace. I agree and note the operative other yards rule for side boundaries allows for buildings to be built up to the boundary, subject to compliance with the daylight standards. I consider a similar framework for the GRZ is appropriate.

200. I note the notified PC29 outlook and privacy standards will require setbacks greater than 1m for any walls containing living room windows. Additionally, the improved daylight control rule for the MDRZ will increase the building setback for the upper floors and enable more sunlight access for the neighbours. I accept Mr Wallace's evidence that in practice side yards in excess of 1m are generally provided due to a combination of site design factors such as driveways. I recommend the submission points requesting increase side yard setbacks are rejected.

201. Mr Wallace does recommend an increase in side and rear yards to a depth of 3m for the High Accessibility Overlay standards for high density developments on large sites. I agree with this recommendation and adopt it for the purposes of this report.

202. The operative front yard setbacks for garages require space to allow for a car to park in front of a closed garage without obstructing the road or footpath. This is only a requirement where the a property owner chooses to build a garage. Megan Courtney (S5170.012) seeks the deletion of this requirement (REr.17D (d) from the permitted activity criteria. The submitter's reasons for

requesting this relief is that the NPS-UD requires removal of mandatory on-site car parking. As I understand it (referring to explanation of the rule), this rule is about maintaining amenity of the streetscape as opposed to the provision of onsite car parking (which is voluntary). I disagree with the submitter and consider duplicating this operative standard in the GRZ and MDRZ will help maintain street amenity, especially in the context of an intensified streetscape with a higher reliance on the use of active transport.

203. Mr Wallace is cautious in his consideration of the request to exclude eaves from the side yard rules. I agree with the submitter and Mr Wallace that typically smaller building eaves do not have a discernible effect on building bulk, however, like Mr Wallace, I consider the effect of this change is uncertain depending on the width of eave that is exempted. I note that eaves (not more than 600mm) are excluded from compliance with the operative daylight around provisions. Looking for a consistent approach within the region, I note the TRMP excludes eaves, spouting, or bay windows projecting 1 metre or less from any exterior wall from compliance with any building setback requirement, but I note that the TRMP residential zone setback is 1.5m from side and rear boundaries (with exemptions) so in practice, these larger eaves are usually setback from the boundary by at least 0.5m.

204. I consider this submission point may benefit from further discussion with the submitter prior to the Hearing.

205. The lack of side boundary setback exemptions for party/ common walls was a drafting error in the notified plan change. I recommend the rules are amended to match the daylight control rules and exclude party walls. This enables attached and terrace housing which are important housing typologies to enable in the GRZ and MDRZ.

Site coverage

206. I acknowledge the multiple submitters who supported the notified building coverage and minimum permeable landscape area standards as notified for all new residential zones.

207. Multiple submitters requested an increase in permitted building coverage in the GRZ, with suggestions ranging between 50 and 80% and Daniel Jackson (S530) requested removing the site coverage restrictions altogether. The reasons generally given were:

(a) To allow for bigger building footprints associated with up to three unit being permitted on the site (assuming that the housing development market continues to supply single storey buildings);

(b) to provide better utilisation of land and allow for additional minor dwellings; and

(c) To reduce restrictions on design resulting from the many bulk and location standards proposed.

208. Multiple submitters requested an increase in the minimum permeable landscape area (PLA) to 25 or 30%. The reasons generally given were:

(a) Impermeable surfaces cause lots of runoff from rain and carry pollutants into the stormwater system;

(b) increased tree-covered areas in the urban landscape add to the shade and cooling of the urban area;

(c) huge reductions in permeable surfaces drastically increase the likelihood of flash flooding.

209. Mr Wallace identifies that it is important to consider both rules together as any change to either need to be considered together due to their inter-relationship.

210. The intent of the building coverage standards 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. Mr Wallace notes that an increase in site coverage, combined with the building envelope created by the height and daylight standards, has the potential to create even greater impacts around shading and visual dominance.

211. Mr Wallace also notes that increasing the site coverage beyond 70% is unlikely to be possible on typical Nelson sites when factoring in the open space required by other amenity standards such a yard setbacks, outdoor living spaces and privacy and outlook spaces.

212. Mr Walace identifies that maintaining the notified site coverage for the MDRZ provides 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. I agree and consider this is important in light of Policies RE3.3 and RE3.5.

213. Mr Wallace considers 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. I agree with this recommendation and consider it better gives effect to the various policies that outline the planned bult character of the GRZ, than the notified rule.

214. Commentary from Mr Damian Velluppillai[15] discusses the stormwater management functions that Council has in place, or is developing, and he notes and supports the stormwater control function of the notified permeable landscaped area rule. In particular Mr Velluppillai identifies that:

(a) Water sensitive design principles are already required for new development and subdivisions in the Nelson Tasman Land Development Manual 2020 (NTLDM), refer to Section 5.3.2;

(b) Council is currently developing stormwater strategies for the city (including a stormwater quality strategy) that seek to address existing and future stormwater hazards;

(c) intensification within the central city proposed by PC29 aligns with a key recommendation of the 2023 Sponge Cities report to "encourage 'upwards' development in preference to 'outwards' sprawl and 'infilling' back yards, to leave more green space available to absorb water.

215. I think it is particularly important to note that in addition to the direction to design new infrastructure system connections with water sensitive design principles set out in Section 5.3.2

[15] Evidence in Chief of Damian Velluppillai

of the NTLDM, the system design requirements of Section 5.4.12 – 5.4.15 of the NTLDM require on site detention of stormwater runoff where infill or greenfield development results in additional impervious surface (subject to conditions) and where the downstream receiving network has insufficient capacity or there are known flood risks.

216. In addition, Section 5.4.10 sets infiltration requirements for development of greenfield, infill or brownfield that is located within groundwater recharge zones[16] and creating additional impervious surface greater than 50m^2. This is to say, the implementation of water sensitive design on any given development is a complex issue, with multiple engineering factors to consider, and the permeable landscaped area rule is a small part of the overall stormwater management considerations.

217. I note that Wainui Properties Limited (S770) & MGT Holdings Limited (S782) requested a bespoke minimum permeable landscape area for high density developments that considers the smaller sites generally created in such developments. Manuka Street Hospital Limited (S881) requested a bespoke 10% minimum permeable landscape area for non-residential activities in the residential zones.

218. I do not agree that it is appropriate to make any additional changes to the PLA rule 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. Additional PLA requirements could impact on the feasibility of these larger footplates. In addition, amended standards have the potential to overly complicate an already complex stormwater management framework.

219. Multiple submitters requested general improvements to tree cover (including street trees), landscaping provisions, such as requiring Landscape area in all new residential zones to have a landscape approved design (Gardner/Mitchell Group (S314.)) or to protect the 20% landscaped areas with stricter/clearer requirements for maintaining the PLA that are monitored and enforced (Small Time Developments (S580)). I recommend rejecting these submission points.

220. I consider that requiring landscape plans for all permeable landscaped areas is cost prohibitive for feasible permitted development. Further, I note that for development of four or more units, the resource consent assessments can identify if a development will benefit from a formal landscape design (if one is not submitted with the application) and can impose conditions regarding the maintenance and retention of landscaped areas over time. I support flexibility in these conditions as much as possible to reduce the burden on Council resources regarding environmental monitoring and to allow for changes in residents needs and aesthetic choices for their gardens over time.

---

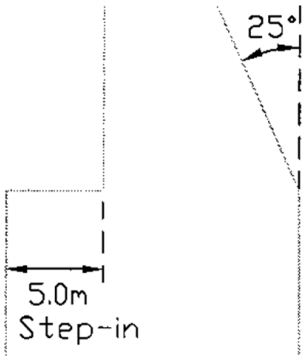
[16] Recharge zones are defined as:
i) Areas that are identified as having low risk for slope stability issues;
ii) Areas with a permeability rate of at least 5mm/hr (as determined through permeability test method described in in E1/VM1 Section 9.0); and
iii) Areas with a seasonal high ground water table no less than one meter below the surface.

6.4.4 Recommendations

221. In summary, for Key Issue 2 (Built form standards), I recommend the following changes:

222. The submissions points I recommend be accepted, accepted in part or rejected for this topic are as set out in Appendix 1.

Provision(s)	Officer recommendations
Daylight angles	Accept in part submission points S431.004 ad S879.008 Amend rule REr.18K* as follows: REr.18K.1 Buildings are permitted if: a. they do not project beyond a 60 degree recession plane measured from a point 4m above ground level along side boundaries and a 35 degree recession plane measured from a point 4m above ground level along rear boundaries; and b. where the boundary forms part of a legal right of way, entrance strip or pedestrian access way, REr.18K.1.a. applies to the farthest boundary of that legal right of way, entrance strip or pedestrian access way; and c. this standard does not apply to: i. a boundary with a road; and ii. aerials, except dish antennas greater than 1m in diameter; and iii. dormer windows and solar panels provided they are no more than 1.5m in height above the height permitted by the recession plane and make up no more than 25% of the length of the building or a maximum length of 2.5m, whichever is the lesser; and iv. gable and other roof ends, where the roof ridge is generally at right angles to the site boundary. The end of the ridge must be no greater than 1.5m above the recession plane and no greater than 2.5m in area, and 2.5m in width. Only one intrusion is permitted per boundary, and v. Party walls, and any new allotment boundary related to these. d. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25º from straight, is considered a single boundary (see diagram).

	 *Note The change to REr.18K.1.c applies to REr.17K.1.c also.
	Include a new definition for road boundaries as follows: Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving more than four actual or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 - designations.
	Include a new definition for rear boundaries as follows: means any boundary which does not connect with a road boundary
	Include a new definition for side boundary as follows: means any boundary which connects with a road boundary but is not itself a road boundary.
	Amend the operative definition of boundary as follows: means any boundary of a site and includes any road boundary. Site boundary has the same meaning as boundary. ~~Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving more than four actual~~

	~~or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 - designations.~~ …
Yards - exclude party walls	Accept S947.012 Amend rules REr. 17E and REr.18E to insert the following text: … This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
Permeable landscape area	Accept in part S608.012 Amend REr.17H as follow: REr.17H.1 Buildings are permitted where at least 25 ~~20~~% of the site is maintained as permeable landscaped area.

6.4.5 Section 32AA evaluation

Effectiveness and efficiency

223. The recommended amendments listed above more efficiently give effect to the objectives of increasing housing diversity and choice (DO14.1 and RE1) within a principally residential environment (RE2) that creates a well-functioning urban environment (DO13A.5) given that:

a) changes to the other yards rule allows for attached housing typologies/ terraced houses better than the notified PC29, and;

b) the changes to the daylight controls allow more access to sunlight and daylight than the notified provisions, and;

c) the changes to the permeable landscape area standard for the GRZ support a differentiation between the GRZ and MDRZ

224. The recommended changes are more effective than the notified PC29 provisions in achieving attached housing typologies, a more suburban style of amenity in the GRZ and providing for adjoining properties to have access to daylight and sunlight.

Costs/Benefits

225. Daylight controls may result in increased consenting costs for some sloping sites, and will increase daylight access for others. The exclusion to the other yards rule for attached housing will decrease consenting costs for this housing typology compared to the notified PC29.

Risk of acting or not acting

226. There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

Decision about most appropriate option

227. For the above reasons, the recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of PC29.

6.5 Key Issue 4: On-Site Amenity & Streetscape Standards

6.5.1 Notified PC29

228. In addition to the built form standards addressed above, PC29 proposed new standards for residential buildings to enable quality living environments for residents (RE2.9) both within sites, and in relation to neighbouring properties and the street. These standards included:

a) Privacy and outlook standards, requiring minimum outlook areas for windows in bedrooms and living areas (see REr.17L, 18L and 19L);

b) Glazing to the street standards, setting minimum requirements for the provision of windows looking out over the street (see REr.17M, 18M and 19M);

c) Standards requiring the maximum height of fences in the front yard to be 1.2m or at least 50% permeable if up to 1.8m, and otherwise 1.8m on all other boundaries (REr.17L, 18L and 19L);

d) Front yard standards that require buildings and any carparking to be setback from the road boundary (see REr.17D, 18D and 19D);

e) Outdoor living court standards, requiring every residential unit to be provided with a outdoor living area meeting minimum requirements. These standards included minimum balcony requirements for units that are located above the ground floor (see REr.17F, 18F and 19F); and

f) Standards for maximum building length (see REr.18S and 19S) and minimum unit sizes (see REr.18U and 19U) in the MDRZ and HDRZ.

229. The rationale for these standards and the assessment of options is included at Section 20.4 of the Section 32 report.

6.5.2 Key Matters Raised in Submissions

230. I summarise the key issues raised in submissions on the standards listed above in the paragraphs below.

Outlook and Privacy & Glazing to the Street

231. Multiple submissions were received on the outlook and privacy and glazing standards. Some of these were general in nature and others requested specific amendments to the proposed rules. The key issues raised are summarised as follows:

a) Multiple submitters supported the outlook and privacy rules (REr.17l, 18L and 19L) as notified;

b) NZIA (S495.013) requested a larger outlook space for both the primary living areas (6m x 4m) and bedrooms (2m x 2m) across the proposed residential zones;

c) Elliot Sinclair and Partners Ltd (S75.008) requested to delete the outlook and privacy standards;

d) Multiple submitters requested unspecified improvements to the standards to improve privacy outcomes for both new and existing residential units;

e) Kāinga Ora (S933.051, 067 and 084) sought to amend the matters of discretion for infringements to the privacy and outlook standard to remove reference to “privacy effects on neighbouring sites”;

f) Wainui Properties Ltd (770.019) requested that the glazing requirements on the road frontage are changed from a permitted standard to a matter of consideration for four or more residential units;

g) Te Whatu Ora (S709.075) sought to amend the outlook and privacy explanation to state that “privacy is a basic human need”; and

h) Nelson City Council (S947) asked for clarification of the glazing requirements on the road frontage.

Outdoor Living Court & Fencing

232. Multiple submissions were received on the outdoor living court and fencing standards. Some of these were general in nature and others requested specific amendments to the proposed rules. The key issues raised are summarised as follows:

a) Kent Inglis (S591.009) seeks to apply a consistent approach across all zones requiring the net area of the outdoor living court to be minimum percentage (i.e. 15%) of the dwelling floor area, while requiring a minimum dimension (i.e. not less than 2m at one point and 8m overall); and allowing multiple spaces at different levels to be added together to contribute to the total sum;

b) Kāinga Ora (S933.045, 061 & 079) support the proposed outdoor living court rules but seek to delete clauses d) and e) which require the outdoor living court to be directly accessible from a living room and not be located within 45 degrees either side of due south;

h) Multiple submitters requested general unspecified improvements to the outdoor living court, or larger balcony sizes, but did not request specific amendments to the standard;

i) Te Whatu Ora (S709.080) requested amendments to the outdoor living space assessment criteria to improve consideration for people with disabilities, and requested amendments to increase the width of pedestrian access to the rear of sites;

j) Fire and Emergency New Zealand (S589.021) requested amendment to the fencing standard to ensure fences and walls will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut off valves, or other emergency response facilities;

k) James and Bridget Austin (S699.008) sought to amend the fencing standard to have a maximum height of 1m along the front boundary and 1.2m along the side and rear boundaries, unless the adjoining property owner agrees. However, trees and hedges can be higher than this.

Maximum Building Length

233. Multiple submissions were received on the maximum building length standard, which are summarised as follows:

a) Wainui Properties Limited (S770.021), MGT Holdings Limited (S782.020), Scott Figenshow (S413.001) and Kāinga Ora (933.087) supported the standard as notified;

b) Jonathan Chambers and Louisa Stoneham (S492.011) sought to amend the standard to require a maximum of 22m or half the length of the adjoining boundary;

c) Torlesse Trustees Limited for Dunstan Family Trust (S650.007) sought to delete the standard and retain the existing rules allowing buildings up to 7.5m in height;

d) Raine Estate Oaklands Limited (S626.010) sought to review and amend the standard to ensure it is workable, practical, effective and allow for good outcomes to be achieved.

Minimum Residential Unit Size

234. Multiple submissions were received on the minimum residential unit size in the MDRZ and HDRZ, which are summarised as follows:

a) Multiple submitters supported the notified minimum unit sizes identified in permitted standards REr.18U.1 and REr.19U.1;

b) Small Time Developments (S580.014) requested to delete the 35m^2 minimum residential unit size in the MDRZ and Torlesse Trustees Limited for Dunstan Family Trust (S650.008) sought to delete the rule in the HDRZ;

c) Samuel Nevin (S629.005) requested that minimum residential unit sizes be added for two, three and four bedroom units;

d) Te Whatu Ora (S709.083) supported the minimum residential unit sizes and sought to amend the assessment criteria to provide for communal facilities, storage facilities and consideration of usability and accessibility for disabled people;

e) John Karolyi (S419.002) sought to increase the minimum residential unit size to 45m^2.

Requests for New Standards

235. Submitters also sought new standards or set out other approaches to the on-site amenity and streetscape standards which are summarised as follows:

a) Nelson Tasman 2050 (S498.006) and NZIA (S495.006) requested additional residential zone rules setting minimum dwelling standards that would apply to all new residential units. The minimum dwelling standards would include Functional layout, Room depth, Windows, Storage, Ventilation, Private open space & Accessibility;

b) NZIA (S495.012) requested to put in place universal design controls for the proposed residential zones, rather than having rules that are specific to the GRZ, MDRZ and HDRZ;

c) Joanna Plows (SS816.009) requested apartment buildings have an array of living choices [and unit sizes] including shared laundry, kitchens, rooftop garden, and recreational areas;

d) Samuel Nevin (629.004) requested that side facing windows at the first floor and above should be obscure glazed and non-opening up to at least 1.8m above finished floor level;

e) Glenys MacLellan (S694.006) and Tasman District Council (S879) requested rules requiring acoustic insulation/ noise mitigation between residential units (walls and floors/ ceilings);

f) Nicolas Priest (S934.012) requested occupancy limits for residential units.

6.5.3 Evaluation

Outlook and Privacy and Glazing to the Street

236. I support the notified outlook and privacy standard as a means of ensuring a minimum degree of separation between principal living rooms and bedrooms within a site, which is part of achieving a high standard of amenity for residents (RE2.9). Elliot Sinclair and Partners Ltd (S75.008) is of the view that the rule creates design challenges, is not enabling and does not integrate well with other standards. While the rule would be new for Nelson, as outlined by Mr Wallace, it is an established design standard in other New Zealand cities and works effectively in combination with other standards depending on the orientation of the residential units on site. I agree.

237. NZIA (S495.013) has sought to increase the size of the outlook space to 6m x 4m for principal living rooms and 2m x 2m for bedrooms. I understand that this is the outlook standard that applies under the operative Auckland Unitary Plan. As outlined by Mr Wallace, in Auckland, this

has tended to result in terraced housing orientating outlook to side boundaries over a shared driveway on the boundary. I agree with Mr Wallace that the notified 4m x 4m standard provides greater flexibility for different orientations that could promote better amenity for residents. This may also increase the opportunity for central courtyards/landscaped areas depending on the site size, which would integrate more effectively with the outcomes sought by REr17/18/19B.4(b)(iii) which seeks to encourage the consolidation of landscaped areas on site. Regarding bedrooms, I agree with Mr Wallace that a 1m x 1m outlook space is appropriate as a minimum, noting this aligns with the side yard requirements.

238. I also note that the assessment criteria for four or more residential units in the residential zones allow further consideration of the location of outlook space and the level of privacy for principal living rooms and bedrooms. While the standard sets the minimum dimension, the criteria would enable consideration of design techniques such as off-set windows, angles windows, screening and the like that would assist to achieve a good degree of privacy.

239. I do not support Kāinga Ora's request to delete "privacy effects on neighbouring sites" from the matters of discretion where the outlook and privacy standard is infringed. The outlook and privacy standard in part ensures that principal living rooms are not located to directly overlook neighbouring sites, and effects on neighbouring sites is therefore a relevant consideration for infringements. I also do not agree with Te Whatu Ora's request to amend the rule explanation to state that "privacy is a basic human need". While I agree with the sentiment, I consider it unnecessary.

240. Wainui Properties Ltd (S770.019) requested to delete the glazing to the street standard and instead address the matter through the assessment for four or more residential units. I disagree and consider that the rule is necessary to ensure that development of up to three residential units on a site contributes to an attractive streetscape (RE3) and enhances informal surveillance (RE3.5).

241. Nelson City Council (S947) asked for amended standards REr.17 M, REr.18M, REr.19M and/or insert a definition of street facing facade to clarify the implementation of standard and to enable decisions that would achieve the intent of the standard. I do not consider additional clarification of the terms is required. Facade is a word commonly understood and defined in the dictionary as "the principal front of a building, that faces on to a street or open space". This definition is appropriate for the circumstances.

242. Some buildings on sloping sites present as two storeys when they are actually a single storey, with a blank wall used to obscure foundations and service connections below the principal portion of the building. Mr Wallace notes this is a poor urban design outcome. Mr Wallace considers that blank walls such as these should be included in the façade calculation and considers that windows into garages or other non habitable spaces fail to provide passive surveillance. Taking this into consideration he recommends amending the rule to specify that the 20% glazing should contain widows to at least one habitable space (note this term is defined in the operative plan). I agree with this recommendation and consider that it would more effectively achieve objective RE3.

Outdoor Living Courts

243. I support the notified outdoor living court standards in the proposed residential zones. They are intended to provide the minimum level of outdoor amenity for residents, that in combination with other provisions is needed to achieve a high standard of amenity. The minimum 20m^2 with 4m minimum dimension at ground level provides sufficient space for a patio area and landscaping/trees. As outlined by Mr Wallace, above ground level, the minimum balcony requirements provide sufficient space for a small table, chairs and balcony, consistent with a more compact style of living enabled. In my view, this supports a high standard of amenity for residents (RE2.9) within the context of the other zone objectives including those relating to housing choice and diversity (RE1.6-1.8).

244. I do not support the approach outlined by Kent Inglis (S591.009) which seeks to link the size of the outdoor living space to the size of the dwelling (i.e. 15%), with a minimum dimension not less than 2m at one point and 8m overall. While a larger outdoor living area may increase opportunities for landscaped areas and amenity spaces on site, it may do so at the expense of design efficiency and overall yield. As noted above, the notified standard sets a minimum, and developers can provide larger areas if desired. However, I do not consider this is necessary to achieve the objectives.

245. Kāinga Ora (S933.045, 061 & 079) requested to delete the standards d) and e) requiring the outdoor living court to be directly accessible from a living room and not be located within 45 degrees either side of due south on the basis that they are too restrictive. Mr Wallace addresses this request, and I agree that both standards assist to achieve a high standard of amenity for residents. Outdoor living courts with a southerly orientation are generally a poor design outcome resulting in minimal sunlight access for the main living area. While this may be acceptable in some cases depending on the orientation of the site and location of views, I consider this would be more appropriately assessed on a case by case basis through a consenting process where the standard is infringed. Similarly, ensuring the outdoor living space is directly accessible from the principal living room better supports functional and useable spaces and achieving a high standard of amenity.

246. I do not support the amendments to the assessment criteria for infringements to the standard proposed by Te Whatu Ora (S709.080). The criteria proposed, relating to usability for disabled people and whether there is adequate shelter, do not relate to the purpose of the standard and the effects it seeks to manage.

247. Likewise, I do not support changes to the pedestrian access to the rear of sites, this rule provides for adequate access to the rear of sites for emergency services and the changes requested do not relate to the purpose of the standard and the effects it seeks to manage.

Fences

248. I support the notified standard for fences, as a means of achieving an attractive and safe streetscape (RE3) and enabling a reasonable degree of privacy to neighbouring sites (RE2.4).

249. I do not support Fire and Emergency New Zealand's requested amendment to the fencing standard to ensure fences and walls will not obscure emergency or safety signage or obstruct

access to emergency panels, hydrants, shut off valves, or other emergency response facilities. I agree with RVA in their further submission that fire-fighting servicing are already provided for under the Building Act and it is unnecessary to duplicate controls in PC29.

250. I do note that most people build their own fences and may be unaware of the Building Act requirements noted by FENZ. I consider that the amendment would be appropriate for inclusion in non-statutory guidance when the fence design guidance is next updated.

251. I do not support James and Bridget Austin's request to lower the front boundary fence height to 1m and 1.2m along side and rear yards. This would unnecessarily reduce privacy for residents, particularly along side and rear boundaries where private outdoor living spaces may be located. A 1.2m maximum height with flexibility to increase to 1.8m on the front boundary achieves an appropriate balance of privacy for residents with opportunities for passive surveillance of the street.

Maximum building length

252. I support the maximum building length standard as notified. As Mr Wallace outlines in his evidence, the standard is designed to enable reasonable depth of apartments back-to-back when orientated perpendicular to the street, or a small run of terraced homes, both of a scale relatively consistent with the scale of existing buildings in residential areas of Nelson. In this regard, the proposed rule enables efficient development to occur, while providing some visual relief for adjoining sites, as well as opportunities for sunlight access, depending on the orientation of the site. This supports achieving high standard of amenity for residents (RE2.9) while also efficiently enabling greater housing choice and diversity (RE1.6-1.8).

253. I do not support reducing the maximum building length standards as sought by Jonathan Chambers and Louisa Stoneham (S492.011). For smaller sites, limiting the maximum building length to half the length of the adjoining boundary would be overly restrictive and would not support efficient or feasible development.

Minimum Unit Sizes

254. I support the minimum unit size standards as notified. As outlined in the evidence of Mr Wallace and in Section 6.2, the notified standards are broadly comparable with other towns and cities in New Zealand and are sized to provide functional and useable spaces for occupiers. For this reason, I consider it would be inefficient and unnecessary to increase the minimum unit size to 45m^2 as sought by John Karolyi (S419.002). As with the other on-site amenity standards discussed above, they set a minimum, noting that a larger floor area can be provided, and typically would be for residential units with a greater number of bedrooms.

255. I do not support requiring minimum unit sizes for two-four bedroom residential units as sought by Samuel Nevin (S629.005). I agree with Mr Wallace that this does not recognise the flexibility within which other rooms in a residential unit can be used such as a study or guest bedroom.

Requests for New Standards

256. Nelson Tasman 2050 (S498.006) and NZIA (S495.006) requested additional residential zone rules setting minimum dwelling standards that would apply to all new residential units. Joanna Plows

(SS816.009) sought a similar outcome. The submitters have not specified the standards that they seek to apply, and I consider that the matters they raised are already otherwise addressed by the standards proposed and discussed above.

257. NZIA (495.012) requested that standards are put in place that apply universally across the proposed residential zones. I note that the proposed standards are generally consistent across the zones and therefore the relief they seek is generally already addressed by the notified PC29.

258. Samuel Nevin (629.004) requested that side facing windows at the first floor and above should be obscure glazed and non-opening up to at least 1.8m above finished floor level. As I have noted above, the assessment criteria for four or more residential units in the residential zones allow further consideration of the location of outlook space and the level of privacy for principal living rooms and bedrooms, which partly addresses the relief sought by the submitter.

259. Glenys MacLellan (S694.006) and Tasman District Council (S???) requested rules requiring acoustic insulation/ noise mitigation between residential units (walls and floors/ ceilings). In his expert evidence Mr Jon Styles advises these effects are adequately covered by the building code (Clause G6). I agree and recommend these submission points are rejected.

260. Nicolas Priest (S934.012) requested occupancy limits for residential units. I consider this request is contrary to policy direction (RE1) to provide for diversity and choice in housing types. This submission does not recognise that some communities would value housing that provides for intergenerational living or a greater number of occupants than is commonly housed by the current housing stock. I recommend the submission point is rejected.

6.5.4 Recommendations

261. In summary, for Key Issue 4 (On-Site Amenity and Streetscape Standards), I recommend the following changes.

262. The submission points that I recommended are accepted/accepted in part/rejected in relation to this topic are included at **Appendix 1** to this report.

Provisions	Officer recommendations
Glazing to the street REr.17M and REr.18M	Accept in part submission S947.013 and amend as follows: a. Any residential unit facing the street has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors and must contain window(s) to at least 1 habitable space. …

6.5.5 Section 32AA evaluation

Effectiveness and efficiency

263. The proposed amendments clarify the intention of the rule and more efficiently and effectively achieve the objectives of increasing connection between public and private spaces (DO13A.2.3) than the notified provisions.

Costs/Benefits

264. The proposes amendments may increase safety with an overall increase in passive surveillance of public spaces over time, compared with the notified PC29 provisions.

Risk of acting or not acting

265. There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

Decision about most appropriate option

266. For the above reasons, the recommended amendments to the glazing to the street rules are considered to be more appropriate in achieving the purpose of the RMA than the notified version of PC29.

6.6 Key issue 5: Accessible design

6.6.1 Notified PC29

267. The notified provisions in the proposed residential zones include a restricted discretionary activity standard for four or more residential units (REr.17B, 18b and 19B) requiring developments with 10 or more residential units to provide a minimum of 10 percent of the units with convenient wheelchair access. The rule specifies convenient wheelchair access as needing at a minimum the following:

i. level access;

ii. wider doorways; and

iii. at least one bedroom and accessible bathroom be located at ground level and on the same level as the kitchen and living room.

268. Developments that do not meet this requirement were proposed to be assessed as a discretionary activity.

269. Section 20.4 of the section 32 report (starting at page 151 and Table 28) outlined the rationale for including standards relating to the accessibility of dwellings. It notes that nationwide, it was thought in 2019 that only two per cent of the housing stock was accessible, compared to one in six people needing housing modifications to meet their needs.

6.6.2 Key Matters Raised in Submissions

270. A total of 19 submissions and seven further submissions were received relating to accessible design.

271. Multiple submitters supported the proposed rule or an equivalent rule or provision such as Lifemark Level 4 standards (Michael Potter (S308.002); Jill Ford (S116.005); Matthew Schep (S135.004); Mark Alderson (S339.005); Nelson Tasman Climate Forum (S512.016).

272. Multiple submitters supported increasing the 10% threshold for the proposed rule or otherwise strengthening the rule (Margaret Meechang (S675.010); Habitat for Humanity (S944.002); Te Whatu Ora (S709.070). The suggested thresholds ranged from 30% to 100% of all developments, with Habitat for Humanity (S944.002) requesting all new developments be required to include a minimum provision of affordable and accessible housing to address the critical need in our community.

273. One submitter requested that the rule be deleted being Kāinga Ora (S933.041). They stated that the requirement is too restrictive if not a desired option for that specific development and adds additional cost and reduction in space. Kainga Ora consider that this design aspect is best left as a choice for a developer and the market that is being targeted.

274. Te Whatu Ora requested a range of amendments to the district wide objectives and policies, and other provisions such as the design statement requirements at AP14.2.3.ii to strengthen the policy support for accessible housing.

6.6.3 Evaluation

275. Considering the supply of accessible housing, in 2023 it was reported that there is a shortage of accessible housing in the New Zealand housing market overall[17], and in the Nelson rental market for both public and private rentals, with a 2023 article in the Nelson Mail noting:

> "*As of the end of February 2023, 1887 applicants on the [public] housing register had requested a modified house with accessibility requirements. On average, applicants had to wait 434 days to be placed in a home, which did not necessarily meet those accessibility requirements. This was 90 days longer than people who did not require modified housing*".[18]

276. It is difficult to quantify the total demand for accessible housing in the Nelson region. The 2018 census data lists 7.3% of people living in Nelson Region as having activity limitations[19], and the 2013 Disability Survey estimated that about 14 percent of the New Zealand population reported that a physical impairment limited their everyday activities.[20] This was the most common impairment type for adults and is one that increases strongly with age. Forty-nine percent of adults aged 65 or over were physically disabled, compared with seven percent of adults aged

[17] https://www.stuff.co.nz/life-style/homed/houses/131850774/people-who-need-modified-public-housing-have-to-wait-threemonths-longer-than-nondisabled-msd-data-reveals?rm=a

[18] https://www.stuff.co.nz/pou-tiaki/132174037/disabled-couple-homeless-for-winter-after-18-months-on-government-waitlist

[19] these are people who have identified that they have 'a lot of difficulty' or 'cannot do at all' one or more of the following activities: walking, seeing, hearing, cognition, self-care, and communication. https://www.stats.govt.nz/tools/2018-census-place-summaries/nelson-region#activity-limitations

[20] 2023 census data on health (activity limitations) is listed in the census release schedule as due in May 2025.

less than 45 years[21]. The Retirement Villages Association submission (S901) identifies that the proportion of older people in our communities compared to the rest of the population is increasing nationally and particularly in the Nelson region, it is therefore expected that the demand for accessible housing is likely to grow over the medium to long term.

277. In my view this illustrates that there is a resource management issue to address, with the market not currently meeting demand for accessible housing, limiting the ability to achieve a diversity of housing based on differing community needs as sought by Objective RE1. However, I have considered the matters raised by Kāinga Ora and acknowledge that the rules as proposed may give rise to a range of feasibility challenges and Section 32 efficiency issues, which I summarise below:

a) The proposed rule may reduce design flexibility for duplex and terraced housing, where living rooms and kitchens may be located above ground floor level. This has the potential to impact development feasibility for the more intensive forms of housing that PC29 is seeking to broadly enable and encourage. It may also contribute to increased construction costs depending on the site characteristics, which may be passed onto consumers.

b) The proposed rule does not account for the varied and often steep topography of Nelson, which may limit the overall accessibility of a given development, regardless of the internal design of the residential unit/s.

c) There is no guarantee that any accessible units provided within a development would be supplied to the sector of the community that the rule is designed to cater for.

278. Taking these matters into account, I favour a more flexible approach that encourages the provision of accessible units within a development and allows for consideration of site conditions, (including topography), the intended housing type/s and site size/ability to meaningfully and efficiently provide an accessible living space within and adjoining the residential unit. I therefore recommend deleting proposed rules REr.17B.3(a) and 18B.3(a) (noting the recommended deletion of associated rule REr.19B.3(a) as part of the recommendation to delete the HDRZ) and replacing them with the following additional matter of discretion and assessment criterion for four or more residential units in the proposed residential zones:

Matters of discretion (REr.17B.3, and 18B.3)

Discretion is restricted to:

a) effects of the building design and development layout on:

a. the safety and attractiveness of the street; and

[21] https://www.stats.govt.nz/assets/Uploads/Disability-survey/Disability-survey-2013/Disability-survey-2013-additional-documents/Disability-Survey-2013.pdf

b. the quality of on-site living environments; and

c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and

d. the ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and

e. effects on the safe and efficient operation of the transport network; and

f. the ability to provide functional accessible units within the development.

Assessment criteria (REr.17B.4, and 18B.4)

Regard is to be had to Appendix 14 - Residential Subdivision Design and Information Requirements, and the following matters:

...

f. Whether a portion of the development can provide accessible residential units having regard to the topography of the site and the intended housing types. This includes consideration of the design of the unit, associated outdoor living courts, and the design of routes providing access to it.

279. While this method has less certainty of outcome than the notified rule, it recognises that there are a range of design and feasibility considerations at play with any development and allows consideration of site context (Objective DO13A.6). It also allows for a design discussion between the applicant and Council at the resource consent stage about the types of design changes that can support accessible design outcomes.

280. Te Whatu Ora sought a range of amendments to the objectives and policies to specifically provide for accessible units. In my view, the notified objectives and policies enable and encourage a range of housing types and set this out in the various zone descriptions in explanations (DO16.1.1.ii, DO16.1.1.iii, RE1.6.i and RE1.7.i). I do not consider that further changes are required, as accessible units are a type of housing. RE2.9.i also outlines that quality development will enable as many people as possible to independently use and interact with the on site living environments, which is consistent with the changes I outline above.

6.6.4 Recommendations

281. In summary, for Key Issue 5 (Accessible Design), I recommend the following amendments to the notified provisions:

Provision(s)	Officer recommendations
REr.17B.3(a), and 18B.3(a)	Accept S933.038 and Delete.
REr.17B.3, and 18B.3	Accept S933.041 and amend as follows: Discretion is restricted to:

	i. effects of the building design and development layout on: …. f. the ability to provide functional accessible units within the development.
REr.17B.4, and 18B.4	Accept S933.041 and amend as followsdo Regard is to be had to Appendix 14 -Residential Subdivision Design and Information Requirements, and the following matters: … f. Whether a portion of the development can provide accessible residential units having regard to the topography of the site and the intended housing types. This includes consideration of the design of the unit, associated outdoor living courts, and the design of routes providing access to it.

6.6.5 Section 32AA evaluation

Effectiveness and efficiency

282. The proposed amendments more efficiently achieve the objectives of increasing housing diversity and choice (DO14.1 and RE1) given that it allows for a range of site and development specific matters to be assessed when considering whether and how a proposed development can support accessible design and may therefore enable a more efficient design (and greater housing yield) overall. This method may be less effective that a rule in achieving an increase of accessible units as a specific housing type, however, it minimises potential inefficiencies in design.

Costs/Benefits

283. The proposed amendments may assist to reduce (or not increase) upfront construction costs and improve development feasibility by enabling greater flexibility in design. The proposed amendments may assist to reduce costs associated with building adaptation and retrofitting over time. There are potential community health and social benefit from an increased awareness of universal/ accessible design concepts within the development sector, and a potential associated increase in market response to the increasing need for accessible housing.

Risk of acting or not acting

284. There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

Decision about most appropriate option

285. For the above reasons, the recommended amendments to accessible design provisions are considered to be more appropriate in achieving the purpose of the RMA than the notified PC29.

6.7 Key Issue 6: Notification

6.7.1 Notified PC29

286. PC29 proposes to introduce a range of permitted and restricted discretionary activities, subject to compliance with standards, to better enable development in the proposed residential zones. I have discussed this in detail in the above sections of the report. These activities are variously proposed to be either non-notified or subject to the normal tests for notification under the RMA. PC29 did not require any activities or infringements to standards to be publicly or limited notified.

287. The operative NRMP includes similar provisions, with Comprehensive Housing Developments being a restricted discretionary and non-notified activity in the operative Residential Zone (REr.22.3).

288. I provide below a summary of the notification provisions of PC29:

a) Four or more residential units on a site **that comply with the standards** – restricted discretionary non-notified activity;

b) Up to three residential units or four or more residential units on a site **that do not comply with** the standards are subject to the normal tests for notification. The exception to this is applications that infringe the proposed outdoor living court standard which is proposed to be non-notified, on the basis that the effects of the infringement are internal to the site;

c) The non-residential activities proposed in the MDRZ and HDRZ, would be subject to the normal tests for notification.

6.7.2 Key Matters Raised in Submissions

289. Multiple submitters requested changes to the notification provisions in PC29 to make them more enabling or restrictive.

290. Kāinga Ora (S933) requested to amend the notified rules in the proposed residential zones to specify that infringements to several standards be non-notified, including front yards, corner sites, permeable landscaped area, outlook and privacy, glazing to the street and maximum building length.

291. In contrast, multiple submitters requested to delete the notification preclusions, with multiple submitters requesting that PC29 specify that all resource consents for multi-unit developments or buildings over height are automatically notified, either to the neighbours only, or to the public generally.

292. Some submitters requested a resource consent process and notification test significantly different from the RMA tests as it is currently formulated. For example:

a) Bridget Dadds (S624.002) requested "any disruption to light or access or view should initiate (at the developers cost) a meeting between parties for resolution".

b) Tim Bayley (S20.003) requested "in the case of a dispute there should be an independent resource consent panel that hears both side and whose ruling is binding on all parties. This panel should be made up of local architects, planners and locals "of standing" who are totally independent of the council and their planners".

c) Jo Murphy (S276.009) requested "permission from landowners around such [social housing] developments must be obtained. Landowners around such developments must be subsidised for the decrease in property value.

293. I consider requests such as this are contrary to the affected persons test for limited notification set out in section 95E of the RMA or involve the establishment of consultation processes beyond the NRMP e.g. setting up an independent resource consent panel. I therefore do not assess them further.

6.7.3 Evaluation

294. I do not support specifying that residential units or infringements to standards must be limited or publicly notified given the significant time delays and costs associated with notification. In terms of costs, I have obtained information from the Council's resource consents team on the time and costs associated with limited notified resource consents in 2022/2023. During this period, two resource consent applications were limited notified of 193 resource consent applications in total (1%). In terms of costs, the two applications incurred Council fees of approximately $176,835 and $31,359 respectively. Comparatively, the average cost of all the consents approved in this year was $4,131. This does not include the costs incurred by the applicants to prepare the applications and present evidence at hearings (architectural, engineering, surveying, planning fees etc). It also does not include holding costs of the land (if any) while the resource consents were being processed.

295. I support the following approach to notification to ensure that the objectives of increasing housing diversity and choice (DO14.1 and RE1) can be efficiently achieved:

a) Enable resource consent applications for residential units that **comply with standards** to be assessed on a non-notified basis;

b) Enable resource consent applications for residential units that **infringe standards relating to on-site amenity** to be assessed on a non-notified basis;

c) Enable resource consent applications for residential units that **infringe key bulk and location standards (height, daylight and site coverage)** to be subject to the normal tests for notification (public and limited);

d) Enable resource consent applications for residential units that **infringe other standards** in the proposed residential zones to be precluded from public notification but require a limited notification assessment.

296. Regarding (a), this approach is consistent with provisions in the notified PC29. Residential units of the scale enabled by the standards are contemplated by the plan, and applications are therefore unlikely to benefit from public or neighbours involvement, noting the time and cost implications of a notified process outlined in paragraph 295 above.

297. Regarding (b), the on-site amenity standards I support being non-notified include outdoor living court as per the notified PC29. I also support extending this to infringements of the minimum residential unit size (REr17U and REr.18U), however, there are no submissions that seek this change and therefore submissions do not provide scope to make this change. The effects of infringements to these standards are internal to the site are therefore unlikely to benefit from public or neighbours involvement.

298. Regarding (c), I support requiring a notification assessment for infringements to key bulk and location standards, because significant infringements to these standards could give rise to adverse effects that may warrant public or limited notification depending on the nature of the proposal and receiving environment, and the scale of the infringement/s. This approach is consistent with PC29 as notified.

299. Regarding (d), I support amendments to PC29 as notified to preclude public notification of other standards (front yards, corner sites, permeable landscaped area, outlook and privacy, glazing to the street, maximum building length), but require a limited notification assessment. Infringements to these standards are likely to give rise to more localised effects, and may in some instances warrant notification to neighbours depending on the nature of the proposal and receiving environment, and the scale of the infringement/s. In my view, these amendments would support a more efficient consent process. . I also support extending this to infringements of the other yards and fences rules (REr17E, REr.18E, REr.17 and REr.18I), however, there are no submissions that seek this change and therefore submissions do not provide scope to make this change.

6.7.4 Recommendations

300. In summary, for Key Issue 6 (Notification), I recommend the following amendments:

Provision(s)	Officer recommendations
REr17D, 18D – Front yards REr17G, 18G– Corner sites REr.17H, 18H – Permeable landscaped area REr.17L, 18L– Outlook and privacy REr.17M – Glazing to the streets REr.18S – Maximum building length	Amend the provisions to state the following: Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: …. Resource consent applications for restricted discretionary activities will be considered without public notification.

6.7.5 Section 32AA evaluation

301. The amendments to the notification provisions arising from my evaluation of the submissions, preclude public notification for 'other standards' (front yards, corner sites, permeable landscaped area, outlook and privacy, glazing to the street, maximum building length), but otherwise allow for a limited notification assessment to occur. Under notified PC29 infringements to any of these standards required a public and limited notification assessment.

Effectiveness and efficiency

302. The proposed amendments more efficiently achieve the objectives of increasing housing diversity and choice (DO14.1 and RE1) given that the public notification preclusion reduces resource consent reporting requirements (time and cost), while appropriately targeting the notification to those most likely to be affected the infringement (adjacent properties).

Costs/Benefits

303. The proposed amendments can reduce resource consent reporting requirements (time and cost) and therefore financial costs to applicants and ratepayers.

Risk of acting or not acting

304. There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

Decision about most appropriate option

305. For the above reasons, the recommended amendments to the PC29 notification provisions are considered to be more appropriate in achieving the purpose of the RMA than the notified version of PC29.

6.8 Key Issue 7: Activity status and design assessment (including design guides)

6.8.1 Notified PC29

306. PC29 proposes to permit up to three residential units on a site in the GRZ, MDRZ and HDRZ subject to compliance with standards (see REr.17B.1, REr.18B and REr.19B). Under the operative NRMP, there is no limit to the number of residential units permitted on site, provided that the permitted standards are complied with, which include density, building height, recession planes and the like.

307. PC29 proposes to require restricted discretionary resource consent for four or more residential units on a site, even if the proposal complies with all standards (see REr17B.3, REr.18B.3 and REr.19B.3). Matters of discretion and more detailed supporting assessment criteria are proposed to guide this assessment, which are intended to enable a qualitative and contextual design assessment of a proposal and address effects that are not otherwise managed by the standards. Activities that infringe the standards are proposed to be a restricted discretionary activity but would generally be subject to different notification tests as outlined in the section above.

308. Comprehensive Housing Development is a similar planning method that applies in the residential zones under the operative NRMP. This is defined under the operative NRMP as combined land use and subdivision involving three or more residential units. Comprehensive Housing Development that does not comply with density and site coverage rules is a restricted discretionary activity, which is intended to provide greater design flexibility for multi-unit development. These provisions would continue to apply to the residential zones that are not proposed to be upzoned by PC29.

309. The operative NRMP also includes more detailed design guidance documents in Volume 3 – Appendices. Appendix 14 – Residential Subdivision Design and Information Requirements sets out the information requirements for subdivision activities under REr.107. PC29 proposes minor amendments to this design guidance. Appendix 22 provides detailed design guidelines for Comprehensive Housing Development. The Appendix 22 guidelines do not apply in the GRZ, MDRZ or HDRZ as the activity is not provided for in the proposed residential zones, which is expressly stated in AP22.8.iii.

310. The rationale for the PC29 approach to multi-unit development and the assessment of options is included at Section 20.3 of the Section 32 report.

6.8.2 Key Matters raised in Submissions

311. A large number of submissions were received on the topic of the activity status of residential units and design assessment/guidance. The key issues raised include:

a) Requests to retain or amend the permitted status of up to three residential units on a site in the proposed residential zones (various submitters);

b) Requests to amend the activity status of four or more residential units in the proposed residential zones including; amending the activity status to discretionary, or making all residential development permitted if it complies with standards (Red Box Architects (S614) and James and Bridget Austin (S699));

c) Requests to amend the rules to provide for various types of small-scale development, including granny flats and additional residential units at the rear of existing dwellings as permitted activities (various submitters);

d) Requests to introduce Nelson specific Design Guidelines (Nelson Tasman 2050 (S498) and New Zealand Institute of Architects (S495), Beverley Sellers (S62)) or delete references to Design Guidelines altogether (Kāinga Ora S933);

e) Requests to make various amendments to the matters of discretion and assessment criteria for four or more residential units in the proposed residential zones, including addressing the following:

i) Amend to include “efficient use of resources” as an assessment criterion (Nelson Tasman Climate Forum (S512);

ii) Amend to include consideration of ownership and maintenance of shared facilities (Nelson City Council (S947);

iii) Amend to include provision for space for recycling bins and provision of a waste report to support assessment (Nelson City Council (S947) and NZ Institute of Architects (S495);

iv) Delete references to "the attractiveness of the street" (Small Time Developments (S580);

v) Ensure design guidance addresses materials and energy, with a focus on mitigating both embodied and operational carbon and incorporating robust recommendations for new building designs aimed at minimising their carbon footprint and resource use (Nelson Tasman 2050 (S498);

vi) reverse sensitivity effects on lawfully established non-residential activities that are operating at the interface with residential zones.

f) Requests to make various amendments to Appendix 14 – Residential Subdivision Design and Information Requirements (Transpower S198 and National Public Health Service S709).

6.8.3 Evaluation

Activity Status for Residential Units

312. Submitters requested changes to the permitted activity status of residential units in the proposed residential zones, with some requesting no limit, subject to compliance with standards, and others requesting that all development require resource consent. Submitters also sought to amend the proposed restricted discretionary activity status for four or more residential units to discretionary.

313. I support permitting development of up to three residential units on a site for the reasons set out in Section 20.3 of the Section 32 report, particularly with respect to supporting and enabling an increase in development capacity (Policy 2 NPSUD) and ensuring that the future/planned amenity values of the proposed residential zones can be achieved via permitted activity standards. While there will be costs to developers associated with resource consent for four or more residential units, in my view, these costs are outweighed by the social and economic benefits associated with achieving quality design outcomes (Objective DO13A.6) for the community through a consenting process. Requiring resource consent for multi-unit development is also an established planning method in Nelson through the Comprehensive Residential Development rules, which currently apply to three or more residential units in the residential zones.

314. I do not support permitting an unlimited number of residential units on a site provided the density does not exceed 100m^2, or compliance is achieved with other residential design standards. Multi-unit development does give rise to effects on the street, neighbouring sites and on-site amenity for residents. While permitted standards do manage these effects in part, they are less effective in ensuring development responds to the context of the site and surrounding area (Objective DO13A.1) and enabling considering the range of design methods and techniques available to achieve the design related objectives of the zones (Objective DO13A.5).

315. I do not support making four or more residential units on a site a discretionary activity. The effects associated with this activity are well defined and relate to amenity effects on the street, neighbouring sites, on-site living environment and the transport network as expressed in the proposed policies (RE2.9 and RE2.10) and the matters of discretion at REr.17B.3 and REr.18B.3. Full discretionary activity status would require full consideration of a range of matters that would potentially add to the complexity and detail of supporting technical assessments and evaluations, adding unnecessary delays and cost to the resource consent process. This reduces the efficiency of the consenting process for limited benefit.

316. For these reasons and those set out in the Section 32 report, I do not recommend changes to the permitted activity threshold for up to three residential units in the proposed residential zones.

Tiny Homes / Granny Flats / Other Small-Scale Intensification

317. Multiple submitters requested that Council make it easier to build granny flats / minor residential units / tiny homes / secondary units and other types of small scale intensification. These submissions are generally presented as opposing the plan change. PC29 proposes to remove the density standards of the operative NRMP, which generally restricts the level of development on a site to one residential unit per 400m^2 site area (REr.23.1(a)). PC29 enables up to three residential units are permitted per site (as per rules REr.17B, 18B and 19B) and therefore allows for granny flats etc. to be built on an existing site as a permitted activity, provided the building itself complies with the other relevant permitted standards (such as setbacks from boundaries and connection to the reticulated wastewater network for example).

318. For this reason, these submission points do not require any amendments to PC29 and I recommend accepting these submission points.

Design Guidelines

319. Multiple submitters requested the development of Nelson specific Design Guidelines (Nelson Tasman 2050 (S498), New Zealand Institute of Architects NZIA (S495), and Beverley Sellers (S62) which Kāinga Ora (S933) oppose.

320. I support the use of Design Guidelines in principle and note that it is open to the Council to develop Nelson specific Design Guidelines at any time. Logically, this might flow from the development of Neighbourhood Plans for Nelson, outlined in the Section 42A report – Overview and Strategic.

321. I agree with the NZIA that there are many good examples of Design Guidelines around New Zealand that might usefully be adapted for the Nelson context. In my view, the benefit of Design Guidelines is that they typically provide illustrative design principles and responses, including worked examples, that are otherwise too detailed to include in design-based policies and matters of the discretion in a District Plan.

322. However, I disagree with the NZIA that Design Guidelines should be statutory and be linked through to assessment criteria. Making the Guidelines statutory has the potential to add significantly to the level of assessment and reporting required for resource consent applications. I consider that a more efficient approach is for any Guidelines to be non-statutory, however,

with clear and obvious links between the matters addressed in the Guidelines and the matters of discretion for multi-unit development. The matters of discretion for multi-unit development in PC29[22] are set out in a way that would allow this to occur in the future. This approach provides consenting officers, applicants and consultants with examples of the different ways in which matters of discretion could be addressed, without specifying a particular design solution that may or may not be appropriate for a site. I note that the Design Guidelines in Auckland and Whangārei examples referenced by NZIA are non-statutory in this manner. I note the Ministry for the Environment has also prepared national medium density design guides which are available for reference[23].

323. For the above reasons I recommend rejecting the submission points requesting that Design Guidelines are included in PC29.

324. I also reject the submissions by Kāinga Ora (S933.014) requesting the deletion of the design guides mentioned in the operative plan. These design guidelines relate to operative provisions that PC29 does not delete. Removing these remaining design guides and associated references is not part of PC29.

325. Tasman District Council (S879.005) requested we reconsider whether urban design assessment and outcomes are sufficiently included in the provisions [in Chapter 7]. In doing this assessment it became apparent that there was uncertainty over whether the Appendix 22 Comprehensive Housing Development guidelines applied to multi-unit developments in the GRZ, MDRZ and HDRZ. I consider there is merit in adding an explanatory note to the first page of Appendix 22 identifying that the appendix does not apply to the GRZ, MDRZ and HAO. I recommend this submission is accepted in part.

Assessment criteria for four our more residential units

326. Multiple submitters requested additional assessment criteria for consideration of multi unit developments as set out in Section 6.8.2 above. I provide analysis on the recommended additions/amendment to the assessment criteria as follow:

Submission	Response
Amend to include "efficient use of resources" as an assessment criterion (Nelson Tasman Climate Forum (S512))	This amendment lacks specificity as to the outcome sought and it is unclear how this would apply to the assessment of development in the residential zones. I do not recommend further changes in response to this submission point.
Amend to include consideration of ownership and maintenance of shared	I agree that there is merit in expanding the matters of discretion to enable consideration of ownership and maintenance of privately owned shared facilities on site. This will ensure that appropriate mechanisms are

[22] Rules REr.17B.4, REr.18B.4 and REr.18V.4

[23] https://environment.govt.nz/publications/national-medium-density-design-guide/

Submission	Response
facilities (Nelson City Council (S947.005))	considered early in the development process and will assist to achieve a high standard of amenity for residents (Policy RE2.9) on an on-going basis. I recommend the following additional criterion as a new REr.17B.4(b)(vi) and REr.18B.4(b)(vi): (vi) The methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on site.
Amend to include provision for space for recycling bins and provision of a waste report to support assessment (Nelson City Council (S947.014) and NZ Institute of Architects (S495));	I support an amendment to matters of discretion and assessment criteria for four or more residential units, which clarifies that references to rubbish also include recycling. Ensuring there is sufficient space and appropriately designed waste management areas on site is one way of ensuring the day-to-day needs of future residents are met and that quality on-site living environments delivered (Policy RE2.9). I recommend the following minor amendments to assessment criterion REr.17B.4(d)(iv) and REr.18B.4(d)(iv): (iv) whether storage areas for rubbish and recycling are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).
Delete references to "the attractiveness of the street" (Small Time Developments (S580)).	I do not support removing the reference to "the attractiveness of the street" in the matters of discretion and criteria. The assessment criteria at REr.17B.4(a) and 18B.4(a) provide further detail on how this matter of discretion would be assessed, with the three key matters being building orientation, activation and surveillance of the street and front yard treatment/landscaping.
Ensure design guidance addresses materials and energy, with a focus on mitigating both embodied and operational carbon and incorporating robust recommendations for new building designs aimed at minimising their carbon footprint and resource use (Nelson Tasman 2050 (S498)).	Notwithstanding my comments on Design Guidelines above, I do not support amendments to the matters of discretion and assessment criteria at REr.17B and 18B to specify the use of particular building materials. In my view, this would be more appropriately addressed via the Building Code and building consent process where the specification and performance of building materials is otherwise considered in detail.

Submission	Response
BP Oil NZ Ltd, Mobil Oil NZ Ltd, and Z Energy Ltd (S257.008) seek that additional matters of discretion are added to include reverse sensitivity effects on lawfully established non-residential activities that are operating at the interface with residential zones.	The notified matters of restricted discretion for rules REr.17B.3 and 18B.3 do not allow for consideration of effects associated with any existing non-residential activities on neighbouring sites. There are instances where it would be appropriate to consider effects related to non residential activities on neighbouring properties (such as glare, light and noise from the use of an existing petrol station, or noise from a preschool playground), In my view it is necessary to allow for consideration of these effects when required. I recommend the following additional matter of restricted discretion as a new REr.17B.3(i)(g) and REr.18B.3(i)(g): g. the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites.

6.8.4 Recommendations

327. In summary, for Key Issue 6 (Activity status and design assessment for new development), I recommend the amendments set out in the table below.

328. The submissions points I recommend be accepted, accepted in part or rejected for this topic are as set out in Appendix 1.

Provision(s)	Officer recommendations
REr.17B.4 and REr.18B.4	Amend the assessment criteria at REr.17B.4 and REr.18B.4 as follows: … (b)(vi) The methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on site…. … (c)(iv) whether storage areas for rubbish and recycling are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).
REr.17B.3 and REr.18B.3	Add an additional matter of restricted discretion to REr.17B.3(i)(g) and REr.18B.3(i)(g) as follows: f. the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites.

AP22.iii	Accept S879.005 and add an additional introductory note to AP22 as follow: This appendix does not apply to residential developments in the General Residential Zone, Medium Density Residential Zone and High Accessibility Overlay.

6.8.5 Section 32AA evaluation

329. A section 32AA evaluation for the recommended amendments is provided in paragraph 327 above. The amendments seek to clarify the intent of the assessment criteria and generally improve the useability of the NRMP. The reference to the management of shared facilities on site ensures that this is considered early in the development process and would more efficiently support the delivery on quality on-site living environments (Policy RE2.9) in the future. The ability to consider effects on adjoining non residential activities is fundamental to an appropriate application of S95 of the Act and would more efficiently support the delivery on quality on-site living environments ((Policy RE2.9) and a nuisance free residential zone (Policy RE2.2) in the future.

6.9 Key Issue 8: Non-Residential Activities

6.9.1 Notified PC29

330. The notified version PC29 proposed to amend the rules to provide for some small-scale non-residential activities in the MDRZ and HDRZ. Specifically, PC29 provides for restaurants and dairies less than 100m^2 net floor area and education facilities less than 200m^2 as restricted discretionary activities. The matters of discretion focus on effects on residential amenity (visual, noise, privacy), effects on planned built character and the transport network and cumulative effects. Other non-residential activities are not provided for and are therefore Discretionary as per REr.17O and REr.18O of the operative NRMP.

6.9.2 Key Matters Raised in Submissions

331. A range of submissions were received on the provisions relating to non-residential activities in the HDRZ, MDRZ and GRZ. This included amendments to the notified provisions and requests to provide for additional non-residential activities to those that were notified.

332. A total of 13 submission points and 2 further submission points were received on non-residential activities. The key issues raised in submissions, which are addressed in the evaluation section below include:

a) Requests to expressly provide for healthcare facilities at the Manuka Street Hospital via a new Hospital zone or a bespoke set of rules for the site by a new schedule (Manuka Street Hospital Limited MSHL S881);

b) A non specific request to provide for healthcare facilities in general (MSHL S881);

c) Amend rule REr19.O – non residential activities in the HDRZ, to incorporate community facilities and specifically define and provide for community gardens (Kāinga Ora S933);

d) Amend the rules to provide for small-scale commercial activities in the MDRZ and HDRZ such as barbers, hairdressers, tailors and similar service-oriented or place-based activities (Michael Scott S361); and

e) Ensure that holiday homes are subject to minimum occupation periods and otherwise maintain existing provisions that allow hosted B&As for up to 4 guests at a time (Tim Bayley S20 and Alan York S496).

333. These issues are addressed in the evaluation section below.

6.9.3 Evaluation

Manuka Street Hospital

334. The Manuka Street Hospital is located at 36 and 44 Manuka Street and 164 Tasman Street and has operated from the site in some form since 1904. The site is in the Residential – Lower Density zone in the operative NRMP and is located in the HDRZ under PC29. The NRMP does not provide for healthcare facilities on the site and PC29 does not propose to amend this, with the activities currently occurring operating under a combination of existing use rights and resource consents.

335. MSHL is seeking to amend PC29 to provide for hospitals and healthcare activity as a permitted activity and development as a restricted discretionary activity on the site via a new Hospital zone, or alternatively a new schedule in the NRMP (submission points S881.011 and S881.020). Appendix 1 of the submission includes a marked up version of the Hospital zone put forward by MSHL as part of the draft Nelson Plan process.

336. By way of background, the draft Nelson Plan was released for public consultation in October 2020 and applied a Hospital zone to the Nelson Hospital on Waimea Road. Through the feedback process, MSHL sought to apply the Hospital zone to the Manuka Street Hospital. MSHL progressed discussions with Council officers after the feedback period closed and this is referenced in the legal opinion attached to the MSHL submission. Subsequently, the draft Nelson Plan process was put on hold and discussions with Council planning officers concluded in September 2022.

337. I agree with MSHL that there is merit in providing for hospitals and healthcare facilities on the site, given that the activity is long established in this location and provides an important community service and has a support function to Nelson Hospital. The zoning of the site under PC29 as notified is HDRZ, which I recommend amending to MDRZ (refer to section 6.3 of the report above). Under the MSHL relief, with a schedule in place, either of these zones would allow for a general intensification of the hospital and healthcare facilities on the site, as would a Hospital zone. This would give rise to effects on the environment that would reasonably be considered through a future resource consent process, including those relating to residential amenity and traffic for example, given the residential character of the surrounding environment. The recommended provisions provided by MSHL are amended from the draft Nelson Plan and

would not integrate with the NRMP as proposed. Further work is required to determine whether and how this would appropriately translate to the NRMP and address the relevant effects.

338. Despite this, I am concerned that the relief sought by MSHL may not be within the scope of PC29 as notified. My understanding of case law is that for a submission to be within the scope of PC29, the submission must be 'on' the plan change[24]. For this to be satisfied I must consider whether the submission addresses the plan change itself, including whether the matter was, or should have been addressed in the s32 report. I also must consider whether there is a real risk that any person who may be directly affected by the decision sought in the submission has been denied an effective opportunity to respond to what the submission seeks.

339. In this case, the notified version of PC29 and the material supporting it, focusses on providing for residential intensification and small-scale supporting non-residential activities, as well as introducing a range of natural hazard and heritage provisions. I am also concerned that the second part of the test in particular may not be met. Neighbouring properties surrounding the Manuka Street Hospital did not make primary submissions to PC29 nor did they make further submissions in support/opposition to the MSHL submission. Only EQC Toka Tū Ake (FS73) made a further submission opposing specific points. Because of this, I consider that there is a risk that neighbouring properties directly affected by the MSHL submission, may be denied the opportunity to participate in the process.

340. I met with MSHL's planner to discuss their submission and the matters I raise above. Evidence provided by MSHL in July 2024 and discussions/expert conferencing following that, will enable the submitter to provide further information on the scope concerns I have raised and the nature of specific amendments to the NRMP that MSHL are seeking.

341. In addition to the requests related to their existing hospital, MSHL has included a submission point (S881.020) requesting amendment of the non-residential activity rule to enable hospitals and health facilities to establish in the HDRZ. While the request was specific to HDRZ, the notified PC29 did treat non-residential activities the same for both the MDRZ and the HDRZ. The intent of this submission point is unclear and would benefit from further discussion and clarification with the submitter.

Community facilities and community gardens

342. Kāinga Ora seeks to introduce a new rule to the Residential zones to permit community gardens. Related to that, Kāinga Ora seek to introduce a new definition for community gardens. They also seek to amend rule REr.18O and REr.19O to incorporate community facilities, although it is unclear how they wish to amend the rule.

343. Under the operative NRMP, community gardens would be included in the definition of residential activity where it is proposed as part of a wider residential development. The definition of residential activity under Chapter 2 – MW.iii includes [emphasis added] "accessory buildings and **leisure activities**." A community garden would be deemed a leisure activity for the

[24] Refer to the legal memo included at Appendix X of the Overview s42A report.

purpose of a residential activity under the operative NRMP. On this basis, a community garden would be a permitted activity in the Residential zones where it is proposed as part of a residential development. On this basis, in my view, no changes are required to the NRMP to address the relief sought by Kāinga Ora relating to community gardens or community facilities.

344. Community gardens separate from residential developments would be permitted in neighbourhood park under REr.57, subject to approval by the Council (Parks team). Community gardens separate from parks and residential developments are in my opinion appropriate to be assessed as non-residential activities.

Other commercial activities

345. Michael Scott (S361) sought to amend the rules to provide for small-scale commercial activities in the MDRZ and HDRZ such as barbers, hairdressers, tailors and similar service-oriented or place-based activities. Section 20.7 of the Section 32 report addresses the provision for non-residential activities in the MDRZ and HDRZ. I support that analysis and consider that small-scale restaurants, dairies and education facilities can effectively provide for the social and economic well-being of communities by enabling access to day-to-day services in walking distance. In my view, other service orientated activities that people access from time to time such as barbers, hairdressers, tailors and the like, would be more efficiently located in Suburban Commercial centres and the Inner City zones.

346. Te Whatu Ora (S709.078) requested that the rules for home occupations be amended to note that selling alcohol without a license is not permitted. I recommend this submission point is rejected. I consider the amendment is unnecessary because selling alcohol without a license is illegal under the Sale and Supply of Alcohol Act 2013.

Holiday homes

347. I do not support amendments to the operative NRMP provisions for short term living accommodation to require a mandatory minimum stay as sought by Alan York (S496). It is unclear what length of stay the submitter is seeking and whether this would be short term or otherwise.

348. Under the operative NRMP, 'lock up and leave' Airbnb style holiday accommodation requires resource consent as a non-residential activity in a Residential zone (refer to rules REr.17O, 18O and 19O and REr.20 and the definitions of short term living accommodation and residential activity). This is assessed as a discretionary activity enabling all relevant effects to be considered. This framework partly addresses the relief sought by Alan York and in my view, no changes are required to the provisions for short term living accommodation.

6.9.4 Recommendations

349. For the reasons given above I do not recommend further changes to the non-residential activity provisions in the Residential zones.

6.9.5 Section 32AA evaluation

350. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

6.10 Key Issue 9: Retirement Villages

6.10.1 Notified PC29

351. The operative NRMP does not specifically define retirement villages and they are classified as a residential activity[25]. Under PC29 as notified, retirement villages would be a permitted activity in the residential zones, with more than three units requiring resource consent as a restricted discretionary activity. The standards that apply to residential activities would also apply to retirement villages. Retirement villages were not specifically addressed in the s32 report.

6.10.2 Key Matters Raised in Submissions

352. A total of 72 submission points were received relating to the provisions for retirement villages addressed in this report. The Retirement Village Association of New Zealand (**RVA**) (S901) was the primary submitter, with a duplicate submission from Ryman Healthcare (898) and a supporting submission from Summerset Group Holdings Limited (S772). MGT Holdings Limited, Kāinga Ora, Port Nelson LTD and Transpower made further submissions in support/opposition. Other submission points relating to retirement villages are addressed in the Section 42A report – City Centre, Commercial & Infrastructure and the Section 42A report – Transport and Papakāinga.

353. The key issues raised in the submissions relevant to this report are as follows:

a) Include new definitions for retirement village and retirement unit and amend the definition of comprehensive housing development to provide for retirement units;

b) Amend the objectives and policies of the residential zones to provide for the specific needs of retirement villages (as discussed in section 6.2 above);

c) Exclude retirement villages from the Residential Design Guide – Appendix 14;

d) Include a new rule framework for retirement villages in the residential zones, including amended standards for outdoor living courts and privacy.

e) Do not provide for retirement villages within the Port Effects Control Overlay and otherwise ensure that reverse sensitivity effects on infrastructure are appropriately addressed in the rule framework (Port Nelson LTD and Transpower).

[25] See the definition of residential activity in Chapter 2 – MW iii, specifically sub-clause (c).

6.10.3 Evaluation

Definitions

354. I do not support specifically defining retirement villages and retirement units in the NRMP. The operative definition of residential activity includes "accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly)." Therefore, under the NRMP, retirement villages are treated as a residential activity and are permitted in the residential zones and subject to the same rule framework. In my view, this is appropriate given that retirement villages are essentially a residential activity. While retirement villages can contain some ancillary activities such as facilities for support staff and on-site healthcare, these are secondary to the primary use.

355. For the same reason, no changes are necessary to the comprehensive housing development definition, noting that this activity does not apply to the proposed residential zones in any case.

Objectives and Policies

356. RVA sought amendments to Objective RE1 to specifically reference the need to cater for differing demographic needs as well as community needs. I support this change as it more accurately describes the nature of how the community's housing needs will change over time to cater for an aging population.

357. RVA sought the inclusion of a new policy RE1.9 that specifically enables retirement villages and directs the design and amenity outcomes that they should achieve. I disagree. Proposed policies RE1.6-RE1.8 seek to enable a range of housing choices (which by definition includes retirement villages), with policies RE2.9 and RE3.5 addressing quality living environments and the streetscape, which are equally relevant to retirement villages. Additional policy direction is therefore not necessary or efficient.

358. I do support a reference in the policies to providing for the functional needs of residential activities that have a care component. Retirement villages can include some smaller serviced apartments and care rooms that are more compact to suit the particular needs of the residents and I agree that some design flexibility is appropriate in these particular circumstances regarding on-site amenity. I recommend an amendment to policy RE2.9 to reflect this as detailed in the table below.

RVA sought to include a new policy to recognise the intensification opportunities provided by larger sites. I support this in principle and discuss the policy specifically in Section 6.2 above.

Rule Framework

359. RVA sought to include a new rule framework for retirement villages in the residential zones. This includes making retirement villages a permitted activity with the construction of buildings being a restricted discretionary activity and subject to specific matters of discretion. Addressing site layout, effects on neighbours, the street and the transport network. RVA propose specific exclusions for outdoor living courts to allow it to be communally provided, and reduced outlook space requirements.

360. For the same reasons as set out above, I do not support a specific rule framework for retirement villages. In my view, it is appropriate to continue treating retirement villages as residential activities given that the effects on neighbours and the street and similar. I do not support exclusions to the outlook space standard. Allowing principal living room windows within 1m of side and rear boundaries would result in a poor level of privacy for neighbours and would not implement policy RE2.4.

361. However, as noted above, I do accept that there is a need for some design flexibility for retirement villages regarding on-site amenity, including open space provision. To achieve this efficiently, I recommend including targeted additional assessment criteria for four or more residential units addressing this. In my view, this approach is simple and targeted and addresses the relief sought, while avoiding the complexity associated with introducing a new rule framework. This approach also ensures that the reverse sensitivity concerns raised by Port Nelson LTD and Transpower are addressed. The table below includes my recommended amendments to the assessment criteria.

6.10.4 Recommendations

362. In summary, for Key Issue 8 (Retirement Villages), I recommend the following amendments to the notified version of PC29.

Objectives and provisions	Officer recommendations
Objective RE1	Accept S901.005, Amend Objective RE1 as follows: The option of a diversity of residential styles based on the differing characteristics of areas of the city, and differing community and demographic needs.
Policy RE2.9	Accept S901.007 Amend Policy RE2.9 as follows: Enable development of existing or new sites to create a high standard of amenity for residents within and adjoining a development, including by providing: … f. for the functional needs of different type of residential living, particularly for accommodation where residents are subject to care.
RER17B.4. RER18B.4 and RER19B.4	Accept in part S901.011 Amend RER17B.4. and RER18B.4 to provide the following additional assessment criterion as a new matter b.vi: b.vi. Accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site. This may include design flexibility for the provision open space within the development and for the layout and outlook of smaller room types.

6.10.5 Section 32AA evaluation

363. A section 32AA evaluation for the above recommended amendments is provided below:

Efficiency and effectiveness

a) The amendments are more efficient and effective in providing for a diversity of residential styles (RE1) by recognising and providing for residential care / retirement villages and providing flexibility so that its functional design requirements can be addressed qualitatively through the resource consent process. This is achieved efficiently through targeted amendments that work with the operative NRMP structure and approach.

Costs/Benefits

b) The amendments provide greater design flexibility for retirement villages through the proposed assessment criterion, while ensuring the flexibility is afforded to similar residential activities which cater for residents who require care. The amendments also fit within the operative NRMP framework and assist with interpretation and useability of the plan.

Risk of acting or not acting

c) There is no risk in accepting the recommended amendments as there is sufficient information to act on the submissions.

364. For the above reasons, the above recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of PC29.

6.11 Key Issue 10: Definitions

6.11.1 Notified PC29

365. PC29 proposes to amend the following definitions that relate to the residential zones or residential activities:

a) **Building**: amendments to expressly include relocatable or tiny homes that are vehicles or motor vehicles;

b) **Building coverage**: amendments to exclude car parking areas;

c) **Comprehensive housing development**: amendments to clarify that the comprehensive housing development provisions only apply to qualifying developments located in the Residential Zone - Comprehensive Area, Standard Area and Lower Density Area;

d) **Dairy**: inclusion of a new definition to link with the proposed new activity rules in the proposed residential zones;

e) **Design statement**: amendments to require this to be prepared by an urban design expert;

f) **Net floor area and net internal floor area**: inclusion of a new definition to link with the proposed non-residential activity rules and building standards in the proposed residential zones;

g) **Permeable landscaped area**: inclusion of a new definition to link with the proposed rules in the proposed residential zones;

h) **Structure**: amendments to include rainwater tanks and solar panels;

i) **Studio unit**: inclusion of a new definition to link with the proposed rules in the proposed residential zones;

A number of definitions in the operative NRMP relevant to the residential zones were not proposed to be amended, including residential activity.

6.11.2 Key Matters Raised in Submissions

366. Approximately of 34 submission points and 25 further submission points were received on definitions that relate to residential zones or residential activities. Submitters sought changes to the operative or proposed definitions, or new definitions as follows:

a) Delete the proposed inclusion of vehicles/tiny homes in the definition of building (Michael McCarthy S586.001);

b) Amend the definition of building to replace the word "immovable" with "not readily movable" in relation to vehicles or amend to reflect the National Planning Standards definition (Transpower S198.002);

c) Insert a definition of building sketch plans that is referred to in Policy RE1.2 (Kāinga Ora S933.025);

d) Insert a new definition of character area overlay (Hamish and Jane Greenfell S605.002);

e) Insert a new definition of daylight (Te Whatu Ora S709.008);

f) Insert a new definition of community gardens (Kāinga Ora S933.006);

g) Amend the definition of comprehensive housing development to provide for retirement units (RVA S901.003);

h) Amend the definition of design statement to delete the reference to "urban design" and instead refer to a "qualified and experienced expert" (Kāinga Ora S933.008) and refer to Schedule U Marsden Plateau Landscape Area (Transpower (198.003);

i) Delete the definition of permeable landscaped area (Small Time Developments S580.011);

j) Insert a new definition of public health (Te Whatu Ora 709.005);

k) Insert a new definition of public open space (Te Whatu Ora S709.009);

l) Include a new definition of recession plane (Nicholas Adams (S514.005);

m) Amend the definition of residential activity to remove reference to “detention” (Department of Corrections S204.002);

n) Amend the definition of residential activity to align with the National Planning Standards (RVA S901.001);

o) Amend the definition of relocated dwellings to specifically apply to a re-used building and exclude off site manufactured dwellings (Offsite NZ S.394.001);

p) Add a new definition of well-being (Te Whatu Ora S709.006).

367. Section 6.10 of the report above addresses RVA’s submission points requesting amendments to the definitions for retirement villages and they are not further addressed in the table below.

6.11.3 Evaluation

368. I set out my evaluation of the above submission points in the table below for ease of reference. This includes a Section 32AA assessment where I propose amendments to the notified definitions.

Issues raised in submissions	Analysis	Recommended amendments
Building Michael McCarthy (S586.001) opposed the change to include vehicles as an infringement of people's right to reasonable and affordable housing. Transpower New Zealand Limited (S198.002) sought to replace the operative definition of building with the National Planning Standards definition, or to amend the proposed additions to the definition as follows: Building: means any structure, whether temporary or permanent, moveable or immovable, except for: … In the Residential, Inner City, Suburban Commercial and Industrial zones, a building includes a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is ~~immovable~~ not readily movable and is occupied by people on a permanent or long term basis.	PC29 proposed to expand the definition of building to include immovable vehicles / motor vehicles that are occupied on a permanent or long term basis. I continue to support this amendment as it recognises that tiny homes and other similar types of housing gives rise to similar effects on the environment that PC29 is seeking to manage. Transpower considers a minor amendment is necessary to replace the term "immovable", which presents a high threshold, with "not readily movable". They state that this is consistent with recent observations made by the Environment Court on the matter of whether a home which was on a trailer chassis, but without wheels attached, could be considered as a building or structure because it could not readily be moved from site (see [2023] NZ EnvC 159 Beachen v Auckland Council at [41] through [46]). I have reviewed the case Transpower refers to and agree with their suggested amendment to the definition. In my view, this would clarify that the PC29 rules would appropriately apply in instances where a house is on a chassis but is for all intents and purposes a permanent or long term residence.	Amend the definition of building as follows: Building: means any structure, whether temporary or permanent, moveable or immovable, except for: … In the Residential, Inner City, Suburban Commercial and Industrial zones, a building includes a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is ~~immovable~~ not readily movable and is occupied by people on a permanent or long term basis.

Issues raised in submissions	Analysis	Recommended amendments
Building sketch plans Kāinga Ora (S933) request a new definition for building sketch plans as it relates to the use of the term in the operative NRMP in relation to Policy RE1.2.	I do not support introducing a new definition for building sketch plans. This term is commonly understood and can take the form of full architectural plans in the case of land use consents or building outline/sketch plans in the case where vacant lot subdivision is applied for.	No changes recommended.
Character area overlay Hamish and Jane Greenfell (S605.002) request the addition of a definition for Character Area Overlay as follows: Character Area Overlay means groupings of interrelated, but not necessarily contiguous items, places or features (including view shafts) that collectively reflect neighbourhood character. Character Area may include both contributing and non-contributing items, places or features.	For the reasons identified in section 6.3, I do not recommend including a character area overlay, based on the information I have available, and therefore I do not recommend including a definition for a character area overlay either.	No changes recommended.
Daylight Te Whatu Ora (S709.008) request the addition of a definition for daylight as follows: Daylight	I do not support including a definition of daylight given it is a commonly understood term and the dictionary definition is sufficient to interpret the objectives, policies and other provisions that refer to this term.	No changes recommended.

Issues raised in submissions	Analysis	Recommended amendments
daylight consists of skylight (diffuse light from the sky) and sunlight (direct beam radiation from the sun. Kāinga Ora opposes the proposed definition of Daylight (FS56.089).		
Design statement Transpower (S198.003) sought to amend the definition of Design Statement as follows: is a requirement of Appendix 14 - Residential subdivision design and information requirements **and Schedule U Marsden Plateau Landscape Area** and is a statement from a suitably qualified and experienced ~~**urban design**~~ expert that explains the design principles and concepts that have informed the subdivision or development design, ~~**and**~~ how urban design, and sustainability, **and other relevant** issues have been dealt with. Kāinga Ora (S933.008) supported the deletion of the words urban design as above.	Because the National Grid passes through the Marsden Plateau Landscape Area, Transpower considers the definition of Design Statement needs to be amended to acknowledge the broader information requirements that apply to Design Statements within the Marsden Plateau Landscape Area. I agree, noting that some of the land included in the Marsden Plateau Landscape Area is within the proposed residential zones. I agree with Transpower and Kāinga Ora to delete the reference to urban design expert. Other experts with qualifications in architecture and landscape architecture could for example competently prepare a design statement.	Amend the definition of Design Statement as follows: is a requirement of Appendix 14 - Residential subdivision design and information requirements and Schedule U Marsden Plateau Landscape Area and is a statement from a suitably qualified and experienced ~~urban design~~ expert that explains the design principles and concepts that have informed the subdivision or development design, and how urban design, ~~and~~ sustainability, and other relevant issues have been dealt with.
Permeable landscaped area Small Time Developments (S580.011) seeks to delete the proposed definition of permeable landscaped area. The submitter considers the	PC29 proposes to include the following definition of permeable landscaped area: means the provision of planted areas that facilitate the soakage of rainwater into the ground and excludes sealed or	No changes recommended.

Issues raised in submissions	Analysis	Recommended amendments
notified definition does not adequately define what is permeable and how it will be protected in the longer term. Kāinga Ora (FS56.083) supports this submission, requesting greater flexibility through a revised definition which recognises there are products that provide a high level of permeability comparable to or better than planted areas.	paved surfaces, compacted metal surfaces, concrete surfaces and other impermeable surfaces. I support the notified definition as this links with proposed rules REr.17H, 18H and 19H, all of which seek to provide for a minimum amount of landscaped amenity area (20%) on a site and limit the amount of impervious area (80%). By deleting the reference to sealed or paved surfaces, this would not achieve the landscape amenity the rule is seeking to achieve. However, I would consider any alterative wording (and associated amendments to the rules referenced above) presented by the submitters at the Hearing that could achieve the outcome described above.	
Public health Te Whatu Ora (S709.005) request the addition of a definition for Public health as follows: Public health means the health of: (a) all the people of New Zealand; or (b) a population group, community, or section of people within New Zealand.	I do not support including a new definition of public health. This is a commonly understood term and there are limited (if any) references to the term public health in the objectives, policies and other provisions.	No changes recommended.

Issues raised in submissions	Analysis	Recommended amendments
Public Open Space Te Whatu Ora (S709.009) request the addition of a definition for Public Open Space as follows: Public open space Means any area that includes public parks and planted areas, waterways and streets that can be used for recreation or public health benefit, or to help protect the natural landscape. Kāinga Ora (FS56.090) opposes this on the basis that it is a common and easily understood term and definitions are not required.	I do not support including a definition of public open space given it is a commonly understood term and is sufficient to interpret the objectives, policies and other provisions that refer to this term.	No changes recommended.
Recession Plane Nicholas Adams (S514.004) requested a clearer definition of recession planes.	I do not support including a definition for recession plane as the rules in the proposed residential zones (REr.17K, 18K and 19K) adequately describe how the recession plane is defined.	No changes recommended.
Relocated dwellings Offsite NZ (S394.001) requested clarification of the definition of a relocated dwelling to specifically limit it to a re-used building and explicitly exclude new offsite manufactured dwellings. Small Time Developments (S580.016) also requested a definition for relocated buildings.	The submitters identifies that the operative relocated dwelling rule (rule REr.33) do not differentiate between delivery of new builds and relocated established dwellings. They consider there is some confusion regarding the need for a controlled activity resource consent as an offsite manufactured new build is assessed in a similar way to an "old" repurposed dwelling that requires significant renovations to ensure it is habitable and blends into the surroundings. They contend that offsite manufactured buildings should be assessed in the same manner as a new	No changes recommended.

Issues raised in submissions	Analysis	Recommended amendments
	build constructed onsite in a traditional way, and that removing the restrictions on new off-site builds would facilitate infill housing and intensification. I note that PC29 is not changing rule REr.33, which only applies to the Comprehensive Area, Standard Area and Residential - Lower Density Area. The changes that are proposed to the rules that apply to these areas are minimal and focused on natural hazard mitigation and infrastructure, and in this context, I do not consider a change to REr.33 is necessary. Relocatable dwellings of any age, including those constructed offsite are provided for as a permitted activity in the proposed residential zones.	
Residential activity Department of Corrections (S204.002) seek amendments to delete the reference to "places where residents are subject to detention". This amendment would enable facilities housing residents on community based sentences to be classified as a residential activity. Kāinga Ora (FS56.019) supported this in part but prefers the use of the standard definition for residential activity in the National Planning Standards.	The definition of residential activity specifically excludes places where residents are subject to detention, which has been unchanged since the NRMP was made operative in 1996. I agree with Department of Corrections and Kāinga Ora that housing residents on community based sentences is similar to other types of residential living and there are social benefits in allowing these activities to establish in communities that are familiar to those under supervision. I support amendments to the definition of residential activity to achieve this with some amendments to that proposed by to exclude other types of detention activities.	Amend the definition of residential activity as follows: means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more… For the purpose of this definition, residential activity (irrespective of the length of stay) shall include: …

Issues raised in submissions	Analysis	Recommended amendments
RVA (S901.001) also sought to align the definition of residential activity with the National Planning Standards.	I do not support introducing the National Planning Standards definition for residential activity. The NRMP definition provides for short stay accommodation and supervised care and therefore has wider application. It also applies to zones not proposed to be amended by PC29. I consider replacing the reference to detention, with the more specific reference 'custodial facilities' would have the same outcome as the current definition but provides more clarity regarding housing with residents on community based sentences. I note that 'custodial facility' is not defined in the NRMP, national planning standards or the RMA, I consider that the dictionary definitions of custodial facility are sufficient to determine the meaning of this amendment, and more appropriate than relying on the more vague dictionary definition of 'detention'. I consider this definition change could apply to all zones in the Nelson Resource Management Plan, not just those that are covered by Plan Change 29, however I do not consider this to be an expansion of the scope of the Plan Change. I consider it clarifies the existing interpretation. I discussed the recommended amendments with the Department of Corrections and I understand that the agree that this recommendation addresses the relief sought in their submission.	c. accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not d. custodial facilities. ~~places where residents are subject to detention~~.
Well-being	I do not support including a new definition of well-being. This is a commonly understood term in an RMA context and	No changes recommended.

Issues raised in submissions	Analysis	Recommended amendments
Te Whatu Ora (S709.006) requests the addition of a definition of "wellbeing" as follows: Well-being - means the social, economic, environmental, and cultural well-being of people and communities, and includes their health and safety.	including a definition would not in my view further aid the interpretation of the objectives, policies and other provisions.	

6.11.4 Recommendations

369. In summary, for Key Issue 8 (Definitions related to the Residential Zone), the recommendations are as per the table above.

370. My recommendation to accept/reject specific submission points on this issue are included in the table at Appendix 1.

6.11.5 Section 32AA evaluation

371. The table above provides the necessary s32AA analysis, and otherwise the recommended amendments are primarily intended to clarify the intent of the definitions and improve their workability. On this basis, no further evaluation for these recommended amendments under Section 32AA is required.

6.12 Key Issue 11: Subdivision

6.12.1 Notified PC29

372. PC29 proposed:

a) Removing the minimum lot sizes for subdivision around existing buildings and applied a 200m^2 net site area for vacant allotments in the GRZ, MDRZ and HDRZ (rule REr.107);

b) New subdivision rules for the introduced natural hazards layers (rules REr.110 -112D); and

c) Excluding the GRZ, MDRZ and HDRZ from the landscape overlay subdivision (rule REr.109) and the services overlay (REr.108).

373. The rationale and assessment of options is included at Section 2 (Natural Hazards) and Section 20 (Residential) of the Section 32 report. Mr Wallace originally laid out the reasoning for the 200m^2 net site area for vacant allotments in his initial urban design evidence, appendix 3A of the Section 32 report.

6.12.2 Key Matters Raised in Submissions

374. A total of 23 submissions and 4 further submissions were received related to subdivision in the proposed residential zones. The key issues raised include:

a) Subdivision of allotments on the boundary of the Residential and Rural Zones;

b) Minimum lot sizes;

c) Subdivision around existing residential units;

d) Making the subdivision rules easier to use;

375. Various submission points related to the subdivision provisions relating to natural hazards, heritage, and the National Grid Corridor. These submission points are addressed in the S42A report – Natural Hazards, Heritage and Commercial and Infrastructure.

376. Andrew Ng (S602.005) and Romneya Gammie (S654.009, S654.010) are general requests to allow more subdivisions. I acknowledge these submissions and do not recommend any changes as the plan change will enable more subdivision that is enabled by the operative NRMP.

377. Te Whatu Ora (NPHS-NM) (S709.141) requests amendment to Open Space and Recreation Zone subdivision rule OSr.74. I consider this submission point to be out of scope of PC29, which does not make any substantive changes to the Open Space and Recreation Zone.

378. Tasha Workman (S467.014) requested adjusted levies associated with subdividing larger properties. I consider this submission point is also out of scope because PC29 does not set levies, development or financial contributions or subdivision resource consent fees.

6.12.3 Evaluation

Subdivision on the boundary of the Rural Zone

379. Jon Wahlberg (S140.006 and 007) and Jane Bayley (S560.001, 015 and 016) requested consideration of additional standards for subdivision of allotments on the boundary of the Residential and Rural Zones, to be consistent with the TRMP which recognises the importance of increased separation to support rural activities. The submission points note conflict with increased residential activity against rural boundaries in relation to shelter belt maintenance, stock noise and smell, machinery and sprays.

380. The additional standards requested are:

a) 25m dwelling setbacks from Rural Zone Boundary;

b) Minimum nets site area of 1000m^2;

c) Increased shape factor for vacant allotments.

381. The operative NRMP does not have any special provisions for larger lot areas at the boundary of the Residential Zone and the Rural Zone. The operative NRMP controls the Residential/ Rural Zone interface within the Rural Zone policies and rules, not by controlling the residential zone (see Policy RU3.3 and rules RUr.20 for setbacks from boundaries for nuisance causing activities such as intensive commercial livestock farming, and RUr.22 for setbacks for boarding kennels for dogs). This is appropriate in my view given that there is greater flexibility in the Rural Zone to manage these effects given the larger site sizes. For this reason, I do not recommend any changes to the subdivision standards for the Residential Zone at the Rural Zone interface.

Minimum Lot Sizes

382. Kāinga Ora (S933.033) requested the removal of minimum allotment sizes for vacant allotments in the MDRZ and HDRZ and provide for 8m x 15m minimum shape factors only. The reason notes they consider a shape factor of 8m x 15m is appropriate to maintain residential amenity.

383. Multiple submitters[26] expressed disquiet with the 200m^2 minimum allotment sizes for vacant allotments, identifying that they do not think the size accounts for the need for water run off, climate change, sunlight or shading. Bayview Nelson Limited (S767.025) and 588 Limited (S766) accepted that some residential areas are suitable for residential allotments down to 200m^2, however, their submission states *"it is considered that Bayview is not one such area. This is because considerable time and resources have been invested into planning for a subdivision density and character that is sympathetic to the topography, but also planned in a coordinated manner in conjunction with the management of infrastructure constraints".*

384. The management of infrastructure constraints is addressed in the Section 42A report – City Centre, Commercial & Infrastructure. I agree that the topography of the Bayview subdivision area will not lend itself to wholesale development to the maximum density enabled by the GRZ provisions, however I do not agree that the plan framework needs to be changed to respond. The interaction between the site topography and ground conditions, the building bulk and location standards, the design of each specific site and the financial feasibility of the proposed development will naturally constrain the maximum development enabled on the site the same as in any other area within the GRZ.

385. The 200m^2 net site area is not a mandatory site size, but rather the minimum site area that Mr Wallace considers will be able to provide an acceptable minimum level of residential amenity for a residential unit, while providing some flexibility to account for site specific constraints such as topography. Greenfield subdivisions of vacant allotments such as Bayview will be afforded more flexibility under PC29, with the 200m^2 net site area. However, they will not be required to design to the minimum standards and are welcome to identify a vacant allotment size appropriate to their residential character goals (should these differ from the minimum zone standards set by the plan), individual site conditions and economic feasibility requirements.

386. I consider the notified minimum site area is appropriate and do not recommend any changes.

Subdivision Activity Status

387. Subdivision around existing residential units received a variety of submissions. Tasman District Council (S879.004) requested the plan change disincentivize subdivision and incentivize comprehensive redevelopment of sites, noting that subdivision into smaller sites may result in the continuation of the fragmentation of land ownership. They state that land fragmentation is one of the key challenges that makes good-quality intensification more difficult. They state that allowing ongoing fragmentation may make it increasingly difficult to transition to a well-functioning urban environment. They note that *"Retaining easy (controlled activity) subdivision on sites that are suitable for high-quality progressive intensification and achieving excellent urban design and efficient land use outcomes is not desirable. Such subdivisions would not be able to be challenged or declined and may result in significant missed opportunities that have effectively irreversible consequences (i.e. loss of large contiguous parcels of land)."*. This

[26] S53.004, S767.025, S654.009

submission point was supported by further submissions from Kainga Ora (FS39.004) and Richard Harden and Rachel Reese (FS39.004).

388. Mr McIlrath addresses this submission in his evidence, he notes that there is an inherent trade off between enabling medium density development in the short term at the expense of higher density over the longer term. However, he identifies that avoiding subdivision in the short term, risks shifting the development economics toward a maintenance of the status quo, which is inconsistent with the NPSUD policy direction. I accept this advice and recommend the submission point is rejected.

Subdivision around residential units

389. Scott Figenshow (S413.004) submits a scenario where a sleep out is established in a slope instability area, identifying that the build would be subject to a resource consent to identify that the building is safe in regard to slope instability. The submission requests that if a reclassified sleepout / residential unit satisfies all of the PC29 standards for the zone, and there is no minimum lot size, then a subdivision resource consent should be a controlled activity, with no further engineering, design or access requirements imposed. The discussion of how to address this in relation to the Slope Instability Overlays is discussed in S42A Report – Natural Hazards.

390. I agree, with the submitter that in terms of site density and subdivision standards generally, this scenario is a viable form of intensification that PC29 is intended to provide for. And I note that subdivision around existing dwellings will be a controlled activity in this circumstance in accordance with notified rule REr.107.2.

391. Mark Fielding (S343.013) disagreed with the approach above and requested the plan change prohibit subdivision around secondary minor dwellings but allow these to be rented out to non-family members for an income stream, which still provides for additional housing needs. I disagree with this approach and consider it contrary to Policy 1 (d) of NPSUD to support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets.

Simplifying subdivision

392. Multiple submitters[27] commented that the subdivision rules as notified are difficult to navigate. This is in part because the operative subdivision rule is long and complex and the notified provisions did add additional length and complexity to the original rule REr.107. The operative subdivision rule framework also applies selected standards from rule REr.107 to subdivisions in different overlays, with the overlay largely managing the activity status of subdivision in these overlays and outlining additional matters of discretion appropriate to the overlay in particular.

393. I agree that there is merit in simplifying and streamlining the REr.107. I see this as a formatting / drafting issue that can be worked through with submitters prior to the Hearing. There are various options available to achieve this.

[27] S654.009, S933.034, FS25.039, S626.012, S224.018.

6.12.4 Recommendations

394. In summary, for Key Issue 11 (Subdivision) I do not recommend any changes to the PC29 notified provisions.

395. The submission points that I recommended are accepted/accepted in part/rejected in relation to this topic are included at Appendix 1 to this report.

6.12.5 Section 32AA evaluation

396. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

7.0 Conclusion

397. This report has provided an assessment of submissions received on the proposed new residential zones in relation to their spatial extent, land use and built form provisions and related definitions. The primary amendments that I recommend are outlined in the sections above and are listed in the executive summary.

398. Section 6 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the topics addressed in this report should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and contained in Appendix 1 of this report.

399. I recommend that provisions of the proposed new residential zones should be amended for the reasons set out in this report.

400. I consider that the amended provisions will be the most appropriate, for the reasons set out in the section 32AA evaluations undertaken.