Attachment 1: s42A Reply Statement – Tracked Recommended Changes

Black underlined/~~strike through~~ = notified wording
Red underlined/~~strike through~~ = s42A report recommended changes
Red unlined/~~strike through~~ and yellow highlighted = s42A officer Addendum recommended changes
Red unlined/~~strike through~~ and green highlighted = s42A officer further changes post hearing

Provision(s)	Officer recommendations
REr.18B **Residential units**	Insert new matter of discretion and subsequent renumbering as follows: REr.18B.3 d. the effects on heritage values of any heritage precinct or heritage building where it shares a legal common boundary with the development site; and Insert new assessment criteria as follows: REr.18B.4 g. the effects on heritage values where the development site shares a common legal boundary with a heritage precinct or heritage building, in particular: i. whether the proposed building is located and designed to have regard to the heritage values and the relationship between the built form of the heritage precinct or heritage building that shares a common boundary with the development site. This does not mean rigid but it does require careful consideration in terms of the form and design of the proposed building to ensure the design is sympathetic to visual qualities of the heritage precinct or heritage building; and ii. where the heritage building is set back from the street frontage, whether aligning the setback of the new building would achieve a better design outcome; and iii. whether the building uses materials and/or design details that respect, rather than replicate, any features of the heritage precinct or building. New and contemporary interpretations in form and detail may be used. Insert new paragraph in the explanation as follows: REr.18B.5 Where the development site shares a common boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18B.3 and REr.18B.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building.
REr.18J **Maximum Building Height**	Insert new matter of discretion and subsequent renumbering as follows: REr.18J.3 v. the effects on heritage values of any heritage precinct or heritage building where it shares a legal common boundary with the development site; and Insert new assessment criteria as follows: REr.18J.4 d. whether the scale and context of the proposed building respects the historic heritage defining elements of the heritage precinct or heritage building. Insert new paragraph in the explanation as follows: REr.18J.5 Where the development site shares a common boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18J.3 and REr.18J.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building

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REr.18K **Daylight admission**	Insert new matter of discretion and subsequent renumbering as follows: REr.18J.3 v. the effects on heritage values of any heritage precinct or heritage building where it shares a legal common boundary with the development site; and Insert new assessment criteria as follows: REr.18K.4 c. whether the scale and context of the infringement affects the heritage values of any heritage precinct or heritage building the development site shares a legal common boundary with. Insert new paragraph in the explanation as follows: REr.18K.5 Where the development site shares a common boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18K.3 and REr.18K.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building in relation to the heritage precinct or heritage building.
REr.18T	DELETE IN ITS ENTIRETY and consequential renumbering of proceeding rules
REr.18V **High Accessibility Overlay**	Consequential renumbering of V to U in light of 18T being deleted. **REr.18~~V~~U** Insert new matter of discretion and subsequent renumbering as follows: REr.18~~V~~U.3 h. the effects on the heritage values of any heritage precinct or heritage building where it shares a common legal boundary with the development site. Resource consent applications for restricted discretionary activities that comply with standards a to ~~g~~ h will be considered without notification or obtaining written approval of affected persons. Insert new assessment criteria as follows: REr.18~~V~~U.4 g. The effects on heritage values where the development site shares a common legal boundary with a heritage precinct or heritage building, in particular: i. whether the proposed building is located and designed to have regard to the heritage values and the relationship between the built form of the heritage precinct or heritage building that shares a common boundary with the development site. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the proposed building to ensure the design is sympathetic to visual qualities of the heritage precinct or heritage building; and ii. where the heritage building is set back from the street frontage, whether aligning the setback of the new building would achieve a better design outcome; and iii. whether the building uses materials and/or design details that respect, rather than replicate, any features of the heritage precinct or building. New and contemporary interpretations in form and detail may be used.

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ICr.21.5 Buildings over road reserve – Explanation	Insert the following words into the explanation of Rule ICr.21.5: The rule prevents buildings encroaching into and across the road, at ground or above ground level i.e. public space. However, provision is made for verandahs (which provide public amenity), signs and architectural features. This rule maintains the openness and connection of the significant views where the observation locations are along the road axis. See also rule ICr.36 and ICr.37 - Verandahs. See also rule ICr~~.56 - View Shaft Overlay.~~ ~~See also rule ICr~~.41 - Signs. Refer Appendix 9, Table 9.1
Appendix 9 – Landscape components and view Table 9.1 – Significant views	Retain the following 'significant views' with amendments **Location:** Civic House **View Orientation:** South **Observe location:** Intersection Civic House/Halifax/Trafalgar Streets **Focus:** Trafalgar Street to Cathedral **Context:** City buildings **Frame L Margin**: Trafalgar Street (east) **Frame R Margin**: Trafalgar Street (west) **Comments:** Principal view ~~shaft~~ to cathedral defined by built edge of street and Cathedral tower. Street trees important. **Critical importance:** ✓ Threats: Inappropriate redevelopment could adversely affect this ~~character area~~ significant view.
Policy IC2.4 views	Retain policy (proposed to be deleted by notified PC29) with the following amendments **Policy IC2.4 views** ***Buildings and structures should not ~~interrupt or otherwise~~ compromise significant views within the Inner City and from other parts of the City across the Zone.*** **Explanation and Reasons** **IC2.4.i** Nelson's inner city is enhanced by its setting within the hills and the views that are afforded of these and the more distant mountains, ~~of the sea from Church Hill,~~ and of Church Hill itself and the steps (significant views are defined in Appendix 9 — Landscape components and views). **IC2.4.ii** As well as providing an attractive setting, these features also provide a sense of place and orientation for people visiting the inner city. The policy aims to ensure that buildings and structures do not block or detract from these views. In some circumstances buildings may enhance a view by providing a better frame for it. **Methods** **IC2.4.iii** Rule controlling new buildings, building height and buildings over road reserves. ~~Rule defining view shaft protection area from the Church Steps, looking down Trafalgar Street.~~ **IC2.4.iv** Use view shafts defined in Appendix 9 - Landscape components and views to assess any consent for a building which exceeds the height limits or the recession planes established in the rules.
Rule ICr.37A Maximum building height	Amend Matter of Discretion ICr.37A.4 v. effects on the heritage values of ~~adjacent to~~ ~~heritage precincts or~~ ~~scheduled~~ any heritage buildings; and Amend Matter of Discretion ICr.37A.4 .ICr.37A.5 .Buildings in the Inner City Centre that contravene permitted condition ICr.37A.2 are a **restricted discretionary** activity.

Provision(s)	Officer recommendations
	.Discretion is restricted to: iv.effects on the heritage values of the ~~adjacent~~ heritage precinct that shares a common boundary with the development site
Rule ICr.37B New Buildings and alterations and additions buildings	Amend Assessment Criteria ICr.37B. d. The effects on the heritage values of ~~adjacent~~ historic heritage buildings that share a common legal boundary with the development site, in particular: i. whether the proposed building is located and designed to have regard to the ~~significant~~ historic heritage elements and the relationship between the built form of the ~~adjacen~~t heritage building that shares a common boundary with the development site. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the building to ensure the design is sympathetic to the visual qualities of the heritage building ~~and visually integrated.~~ and Insert the following words into the explanation of Rule ICr.37B The matters of discretion and assessment criteria in ICr.37B.3 and ICr.37B.4 are focused on managing the design related effects of development and address matters of building form and layout, not scale. Even though new buildings and additions are a restricted discretionary activity, the matters of discretion and assessment criteria do not reduce the building height enabled in the Inner City, where the development site does not share a common boundary with a heritage precinct.
Rule SCr.21	Amend Assessment Criteria SCr.21 d. the effects on the ~~neighbouring area including noise~~ heritage values of ~~adjacent~~ ~~any historic~~ heritage precinct or heritage buildings, ~~appearance~~ where it shares a common legal boundary with the development site, in particular: i. whether the proposed building is located and ~~glare~~ designed to have regard to the ~~efficient use~~ ~~significant historic~~ heritage values ~~elements~~ and the built form of the site~~adjacent~~ heritage precinct or heritage building that shares a common boundary with the development site. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the proposed building to ensure the design is sympathetic to the visual qualities of the heritage precinct or heritage building ~~and visually integrated~~; and ii. ~~safe access of traffic to and~~ where the adjoining heritage building is set back from the ~~site and any effects on traffic generation.the extent or otherwise to which a larger area would make better use of public infrastructure.the effects of a larger floor area on~~ street frontage, whether aligning the ~~role~~setback of the ~~City Centre as~~new building would achieve a better design outcome; and iii. whether the ~~focal point for~~ building uses materials and/or design details that respect rather than replicate any features of the ~~patterns or elements of the~~ ~~city~~. ~~iv~~. ~~any adverse effects on a Residential zone~~ heritage ~~new~~ precinct or building. ~~however~~ nNew and contemporary interpretations in form and detail may be used.