IN THE MATTER of the Resource Management Act 1991

AND

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

SUMMARY STATEMENT OF CORALIE BARKER ON BEHALF OF NELSON CITY COUNCIL

PLANNING – RESIDENTIAL AND SUBDIVISION

1. INTRODUCTION

1.1 My name is Coralie Barker and I am a Senior Policy Advisor at Nelson City Council (NCC).

1.2 I am a reporting planner/ S42A Report Author for the Council on PC29 for the Residential and Subdivision topic. I have principally addressed the amendments proposed to the residential provisions of the Residential Zone and the submissions seeking recognition of specific activities in the residential zones, including the Manuka Street Hospital.

1.3 My experience, qualifications, involvement in this project and agreement to comply with the Code of Conduct are set out in the Section 42A report. Prior to my work on this plan change I have spent 6.5 years at NCC processing resource consents using the operative NRMP.

1.4 In my opinion, the key matters in contention that I will focus on today are:

(a) The objectives and policies that support the framework for the proposed residential zones;

(b) The High Accessibility Overlay and the associated rule framework and built form standards for enabling high density development; and

(c) The introduction of a schedule to enable the Manuka Street Hospital to integrate appropriately into the surrounding Medium Density Residential Zone.

1.5 To assist the Panel, I include two summary tables as **Attachments 1 and 2** for your information. I have also identified two corrections that I wish to make.

1.6 I attended expert conferencing on Strategic, Residential and Planning, Infrastructure, and Heritage (part 1) between the 24th of July and the 14th of August. The matters that were agreed or otherwise during expert conferencing are included in the various Joint Witness Statements.

1.7 I am happy to answer any questions or clarifications the Panel may have as I progress through this statement, or at the completion of it.

2. RESIDENTIAL ZONES AND THEIR POLICY FRAMEWORK

2.1 In terms of the policy context, the NPSUD Objective 3 directs a significant step change in the approach to enabling development within urban areas to achieve a well-functioning urban environment. This step change is particularly significant in Nelson, which is a Tier 2 city where medium density and high density residential is not yet commonplace, in part because these forms of development have not been enabled by the operative NRMP.

2.2 Ms Morgan has discussed the zoning strategy and zoning changes as a whole in her presentation, I agree with her recommendations and analysis and don't intend to repeat it.

2.3 Mr Wallace has provided an overview of the Residential zones that are proposed to be introduced, identifying the features, level of accessibility and heights and densities proposed for each zone. These reflect the intended planned built character for the residential zone. I consider this zone framework is the most effective method to give effect to the direction in NPSUD Objective 3 and Policies 1, 5 and 6:

2.4 In addition, I explained the rationale for these zone changes in section 6.3 of my Section 42A report and section 3.1 of my Section 42A addendum.

2.5 Looking at where high density housing development should be enabled, Mr Walace has outlined that when establishing the recommended building heights and determining what is "commensurate" with the accessibility and demand in these locations, the relative heights enabled in all the zones and matters of development feasibility are relevant.

2.6 With two or three storey development enabled throughout most residential areas, I consider it is efficient and effective to enable feasible building heights

greater than three storeys (12m) in the areas with the highest accessibility to the greatest range of commercial activities and community services, in order to give effect to Objectives 1 and 3 of the NPSUD.

2.7 The High Accessibility Overlay and recommended rule REr.18V for high density development on large sites came about through the further accessibility analysis undertaken as a response to submissions to the notified High Density Residential Zone, which Ms Morgan and Mr Wallace have outlined in their presentations. The recommended Overlay is supported by my recommended changes to Policy RE1.8, and the recommended additional Policies RE2.11 and RE2.12.

2.8 Considering where medium density housing should be enabled, Ms Morgan and Mr Wallace have covered how the more detailed accessibility analysis informed the recommended changes to the extent of the MDRZ outlined in my Section 42A report. Planning expert Mr Heale (representing submitter 517 Megan Courtney) has challenged the extent of the MDRZ as it relates to Atawhai, and Mr Wallace has responded with rebuttal evidence outlining the matters that were taken into consideration when undertaking his more detailed accessibility analysis in general, and for Atawhai in particular.

2.9 I agree with Ms Morgan and Mr Wallace and recommend that Atawhai is included within the General Residential Zone.

2.10 This analysis has led me to recommend in my Section 42A addendum changes to policies RE1.7 and RE1.8 to more clearly reflect the direct relationship between the residential intensification enabled by the zone and the zone's accessibility to commercial activities and community services (to give effect to NPSUD policy 5).

2.11 To summarise the rest of the changes to the residential zone objectives and policies, amended Objective RE1 set the aim to: *Provide for a diversity of residential styles based on the differing characteristics of areas of the city, and differing community and demographic needs.* This objective is supported by:

(a) Amendments to the operative Policies RE1.1 and RE1.2 relating to choice of density and flexibility in development.

(b) Amendments to the operative Policies RE1.2A -RE1.8 to describe the recommended zones or areas, their relative levels of accessibility and their associated planned built character.

2.12 Operative Objective RE2 outlines that the residential zone environment is principally residential in character; and is supported by:

(a) Amendments to Policies RE2.3 – RE2.5 which apply to the built form standards, to acknowledge that the planned built character of the zone or area is relevant when assessing resource consents.

(b) Recommended additions of Policies RE2.9 – RE12, which are intended to guide development and outline the outcomes which achieve a well functioning urban environment.

2.13 I have included a Section 32AA evaluation of these changes in section 6.2 of my Section 42A report.

3. THE HIGH ACCESSIBILITY OVERLAY RULE AND BUILT FORM STANDARDS

3.1 In response to submissions, Ms Morgan recommends deleting the HDRZ and generally replacing it with the MDRZ, and a High Accessibility Overlay (HAO) in the areas with the highest accessibility. I agree with this recommendation, and I explain the recommended approach to the HAO in section 6.3 of my Section 42A report.

3.2 Within the proposed HAO, the underlying MDRZ policy framework and provisions would apply. Policies RE1.8 and RE2.11 and Rule REr.18V also apply which provides for greater development potential on sites that are within the overlay, at least 1,000m^2 in area and have a road frontage of at least 24m. Where the site can meet these three conditions, high density development would be assessed as a restricted discretionary, non-notified activity, provided the buildings comply with the built form standards set out in the rule. Where standards are breached development will be a discretionary activity.

3.3 I've attached a comparison table showing how the built form standards compare across the zones, the HAO and with the operative plan, see **Attachment 1: Built form standards comparison table.**

3.4 Mr Wallace has outlined in his presentation the recommended built form standards for high density developments on large sites in the HAO. In my view it is particularly important to note that these standards are restricted discretionary standards. The HAO enables a site-specific resource consent assessment for high density development, which I consider is appropriate to give effect to NPSUD policy 5 and the NRMP Objectives DO13A.4 and RE1.

3.5 In addition to the consent pathway, rule REr.18V for the HAO includes bigger (3m) side yard setbacks, and more restrictive (8m and 60^0) daylight controls than those notified for the HDRZ, to internalise the potential adverse effects that many submitters associated with the notified HDRZ rules. In my opinion these standards better give effect to Objectives DO13A.4, RE1 and RE2 than the notified version of PC29.

3.6 I note that expert conferencing resulted in agreement in principle for further amendments to the built form standards for the HAO, MDRZ and GRZ related to:

(a) Site Coverage and Permeable Landscape Area – to clarify that the rules would apply to the development site, at the time of development; and

(b) to exclude building eaves from the yard setbacks and building coverage.

I included recommended changes to these rules in my section 42A addendum. I consider these changes are appropriate because they provide clarity and certainty for plan users while achieving the same outcomes as the notified rules. Further discussion with planning expert Mr Lile and other experts may assist if there are outstanding areas of disagreement on my recommended drafting.

4. MANUKA STREET HOSPITAL

4.1 Manuka Street Hospital is an existing non-residential activity located in the Residential Zone. Manuka Street Hospital Ltd (S881) has submitted on PC29 requesting a new schedule to apply a site-specific rule framework for the Hospital and any future hospital development on the site. I addressed this in section 6.9 of my Section 42A report.

4.2 In my Section 42A report I expressed concerns about whether the Panel has scope to grant the relief sought. Ms Anderson has outlined the two legal tests relevant for scope in Appendix 2 to Ms Morgan's Section 42A report, and in the legal submission heard earlier.

4.3 I consider that the submission point S881.020 provides adequate scope to consider including a schedule for the site, and having prepared the **Attachment 2: Schedule Y comparison table,** I am now comfortable that compared to the built form standards as notified, the schedule specific

standards represent a similar or lesser building envelope relative to the external site boundaries with residential properties, addressing my concerns about matters of risk relating to the neighbouring property owners' participation in the process.

4.4 The expert conferencing resulted in agreement in principle to the activities and standards that should be included in a schedule to apply to the Manuka Street hospital site, and I included marked up version of Schedule Y attached to my Section 42A addendum**.** Further discussion with Mr Lile may assist if there are outstanding areas of disagreement on my recommended drafting.

5. CORRECTIONS

5.1 On review of my Section 42A report and addendum, I have identified two corrections I would like to make.

Explanation DO16.1.1.iii (Chapter 5).

5.2 I had recommended in my Section 42A report the following amendment to the MDRZ explanation DO16.1.1.iii found in chapter 5:

Medium Density Residential Zone

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.

5.3 Upon review, I acknowledge that this explanation is now inconsistent with the Section 42A addendum recommended changes to Policy RE1.7 in Chapter 7. I therefore recommend the following correction to ensure the wording of the method is consistent with the wording of the policy:

The primary goal of the Medium Density Residential Zone is to provide the opportunity for medium density housing, on land with good accessibility to a range of commercial activities, community facilities, pubic open space and employment opportunities ~~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.

Chapter 3 AD11.3.2A

5.4 In my Section 42A report I had recommended the addition of overlay description AD11.3.2A into chapter 3, to describe the high accessibility overlay as follows:

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.

5.5 This explanation is now inconsistent with my Section 42A addendum recommended changes to Policy RE1.8 in Chapter 7. I therefore recommend the following correction to ensure the wording of the overlay description in Chapter 3 is consistent with the wording of the policy in Chapter 7:

Areas with the highest levels of ~~good~~ accessibility to a wide range of commercial activities, ~~and~~ community facilities ~~services~~ public open space and employment opportunities relative to other areas of the Nelson urban area, where high density development on large sites is enabled.

5.6 I consider these changes are appropriate for the same reasons outlined in Section 3.1 of my Section 42A addendum.

Coralie Barker

26 August 2024

Attachment 1: Built Form Standards Comparison Table.

Attachment 2: Schedule Y Comparison Table.

Attachment 1: Comparison Table Built Form Standards

	Operative NRMP	**Notified PC29**	**s.42A Officer Recommendation**	**s42A Addendum**
Built Form Standards				
Height (Max.) Rules: REr.17J REr.18J REr.19J REr.32	7.5m.	GRZ: 8m (2 storeys). MDRZ: 11m + 1m (3 storeys). HDRZ: 19.5m (6 storeys).	GRZ: No change. MDRZ: No change. ~~HDRZ: 19.5m (6 storeys)~~ HAO: 19.5m (6 storeys) subject to resource consent.	No change.
Building Site Coverage (Max.) Rules: REr.17C REr.18C REr.19C REr.23	Higher density area 40%. Standard 40%. Lower Density area 30%. Lower Density area (Stoke) 30%.	GRZ: 40%. MDRZ: 50%. HDRZ: 50%.	GRZ: No change. MDRZ: No change. ~~HDRZ: 50%~~ HAO: 60% subject to resource consent.	GRZ/ MDRZ/ HAO: Eaves up to 600mm excluded. Applies to development site.
Site size – subdivision (Min.) Rule: REr.107	Higher density area 300m^2. Standard 400m^2. Lower Density area 600m^2. Lower Density area (Stoke) 850m^2.	200 m^2 for vacant lots. n/a for subdivision around an approved/ permitted unit.	No change.	No change.
Site size – new units not subdivided (Min) Rule: REr.107		n/a.	No change.	No change.
Daylight Rules: REr.17K	2.5m + angle between 25 and 45^o depending on orientation of	GRZ: 3m + 45^o. MDRZ: 4m + 60^o.	GRZ: No change. MDRZ: No change for side boundary + rear boundary to be	No change.

Attachment 1: Comparison Table Built Form Standards

REr.18K REr.19K REr.35	boundary, Or, Daylight around option.	HDRZ: 12m + 60° (within 23.5m of road boundary, 4m + 60 beyond 23.5m setback).	4m + 35°. ~~HDRZ: 12m + 60° (within 23.5m of road boundary, 4m + 60 beyond 23.5m setback).~~ HAO: 8m + 60° subject to resource consent.	
Permeable Landscaped Area (Min.) Rules: REr.17H REr.18H REr.19H	n/a.	GRZ/MDRZ/HDRZ: 20%.	GRZ: 25%. MDRZ: No change. ~~HDRZ: 20%.~~ HAO: no specific standard set, MDRZ standard applies.	GRZ/ MDRZ/ HAO: Applies to development site.
Outdoor Living (Min.) Rules: REr.17F REr.18F REr.19F REr.27	(Only applies for sites less than 350m^2) 1 bedroom: 35m^2. 2 bedrooms: 50m^2. 3 or more: 75m^2. + conditions.	GRZ/MDRZ/HDRZ: Ground floor units: 20m^2 + conditions. GRZ & MDRZ: Upper floor units 8m^2 + conditions. HDRZ: Upper floor units 6m^2+ conditions.	GRZ & MDRZ: No change. ~~HDRZ: Upper floor units 6m2+ conditions.~~ HAO: no specific standard set, MDRZ standard applies.	No change.
Setbacks Front Yard (Min.) Rules: REr.17D REr.18D REr.19D REr.25	1.5m (+ extra requirements for garages).	1.5m (+ extra requirements for garages).	no change. HAO: no specific standard set, MDRZ standard applies.	GRZ/ MDRZ/ HAO: Eaves up to 600mm excluded.

Attachment 1: Comparison Table Built Form Standards

Setbacks Other Yards (Min.) Rules: REr.17E REr.18E REr.19E REr.26	Within 1m of boundary max building length of 12m.	GRZ: no change. MDRZ/HDRZ: 1m.	GRZ: no change. MDRZ: no change. ~~HDRZ: 1m.~~ HAO: 3m subject to resource consent.	GRZ/ MDRZ/ HAO: Eaves up to 600mm excluded.
Outlook space (Min.) Rules: REr.17L REr.18L REr.19L	n/a.	GRZ/MDRZ/HDRZ: 4X4m from living area window. 1X1m from bedroom window.	No change. HAO: no specific standard set, MDRZ standard applies.	No change.
Glazing (Min.) Rules: REr.17M REr.18M REr.19M	n/a.	GRZ/MDRZ/HDRZ:20% facing street.	GRZ/MDRZ/HAO: 20% facing street and must contain at least one window to habitable space.	No change.
Building length (Max). Rules: REr.18S REr.19S	n/a.	GRZ: n/a. MDRZ/HDRZ: 22m.	No change. HAO: no specific standard set, MDRZ standard applies.	No change.
Residential unit size (Min.) Rules: REr.18U REr.19U	n/a.	GRZ: n/a. MDRZ/HDRZ: studio unit – 35m^2. b. 1 bedroom unit – 45m^2.	No change. HAO: no specific standard set, MDRZ standard applies.	No change.

Attachment 1: Comparison Table Built Form Standards

Building height (max.) on sites next to heritage items. Rules: REr.18T REr.19T	n/a.	GRZ: n/a. MDRZ/HDRZ: 8m.	No change. HAO: no specific standard set, MDRZ standard applies.	GRZ/ MDRZ/ HAO: Clarified application to sites which share a common legal boundary with a heritage precinct, item or place.

Attachment 2: Schedule Y Comparison Table

	Operative NRMP	**Notified**	**s.42A Officer Recommendation (Changing zone from HDRZ to MDRZ)**	**s.42A Addendum Officer Recommendation – Schedule Y**
Built form standards				**Table Y.3.7**
Height (Max.)	7.5m	HDRZ: 19.5m (6 storeys)	MDRZ: 11m + 1m (3 storeys)	14m
Building Site Coverage (Max.)	Lower Density area 30%*	HDRZ: 50%	MDRZ: 50%	70%
Daylight	2.5m + angle between 25 and 45° depending on orientation of boundary, Or, Daylight around option.	HDRZ: 12m + 60° (within 23.5m of road boundary, 4m + 60 beyond 23.5m setback)	MDRZ: 4m + 60° for side boundary Rear boundary: 4m + 35°	Eastern side boundary = 4m + 45° Other side boundaries = 4m + 60° Southern rear boundary = 4m + 35°
Landscaping (Min.)	n/a	All zones: 20%	MDRZ: No Change	10% plus a planted landscape strip of 1.5m must be provided on all boundaries (except for accessways)
Setbacks (Min.)	Front: 1.5m (+ extra requirements for garages) Side/Rear: within 1m of boundary max building length of 12m	MDRZ/HDRZ: Front: 1.5m Side/Rear: 1m	MDRZ: no change	Front: 3m (+ resource consent required for buildings within 15m of the road boundary with Manuka Street) Side/Rear: 3m
Building length (Max).	n/a	HDRZ: 22m	MDRZ: 22m	n/a
Maximum Building Height for buildings on	n/a	HDRZ: 8m	MDRZ: 8m	Buildings 14m in height must be setback at least 15m from the shared common boundary with 46 Manuka Street**.

Attachment 2: Schedule Y Comparison Table

sites adjoining a Heritage Item				
Activity Standards				
Non Residential activities	Discretionary Activity	No change for hospital and health services	No change for hospital and health services	Hospital and Health Services (as defined in Schedule Y) are a Permitted Activity
New buildings	Permitted, subject to compliance with the built form standards	No change	No change	Permitted: subject to compliance with Table Y.3.7 Restricted Discretionary Activity: Non compliance with front yard setback. Discretionary Activity: Non compliance with any other built form standard in Table Y.3.7.
Additions and Alterations to existing buildings	Permitted, subject to compliance with the built form standards	No change	No change	Permitted: maintenance and repair, internal alterations, or less than 25m^2 in area of the street facing façade (within 15m from Manuka St frontage). Restricted Discretionary Activity: alterations or additions within 15m from Manuka St greater than 25m^2 in area. Discretionary Activity: Non compliance with any other built form standard in Table Y.3.7.

*Note: The site coverage of the site is currently at 46.23% as approved by resource consent.

**Note: this setback requirement is contained in the Maximum building height standard Table Y.3.7.g.