CAMEO PROJECTS

Application for Resource Consent for a Hotel Development

45 and 47 Beach Road, Tahunanui



AN APPLICATION TO NELSON CITY COUNCIL
UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 AND THE NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

PREPARED BY PLANSCAPES (NZ) LTD
APRIL 2025

planscapes (nz) ltd.
Surveying and Resource Management

NELSON CITY COUNCIL

APPLICATION FOR RESOURCE CONSENT UNDER

SECTION 88 OF THE RESOURCE MANAGEMENT ACT

AND

REGULATION 10 OF THE NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

To: The Chief Executive Officer

Nelson City Council

PO Box 645

NELSON

1. ***Applicant:***

Cameo Projects.

2. ***Proposal:***

To construct a hotel resulting in infringements of gross floor area, maximum building height, daylight admission, closing times, coach parking and access standards.

To undertake earthworks exceeding permitted standards and within the Inundation Overlay.

To disturb soil within and change the use of a piece of land that has had a HAIL activity undertaken on it.

(NB: A full description of the proposal is contained in *Annexure A* to this application, and architectural plans of the proposal are shown on the plans in *Annexure C*).

3. ***Location:***

45 and 47 Beach Road, Tahunanui (see *Figure 2* in the application).

4. ***Legal Description:***

The application site is legally described as Lot 1 Deposited Plan 530, comprised in record of title RTNL39/48, and; Lot 2 Deposited Plan 530, comprised in record of title RTNL39/49.

Copies of these titles are contained in *Annexure B*.

5. Owner / Occupier:

The application site is owned by Cameo Capital Ltd and is currently tenanted.

6. ***Resource Consents:***

Land use consent is sought through this application. No other resource consents are required.

7. ***Assessment of Effects on the Environment:***

An assessment of actual or potential effects on the environment (AEE) of the proposed activities, prepared in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991, is enclosed with the application (refer *Annexure A*).

8. ***Other Information:***

Information required by the Nelson Resource Management Plan (NRMP), and that necessary in understanding the proposal, is enclosed and includes:

- Records of title (*Annexure B*);
- Architectural plans, prepared by Arthouse Architects (*Annexure C*);
- Design Statement, prepared by Arthouse Architects (*Annexure D*);
- Traffic Impact Assessment, prepared by Traffic Concepts Ltd (*Annexure E*);
- Detailed Site Investigation, prepared by Kirk Roberts (Annexure F);
- Geotechnical letter and addendum letter, prepared by Kirk Roberts (Annexure G);
- Infrastructure Report, prepared by Kirk Roberts (*Annexure H*);
- Photos of on-street parking availability *(Annexure I)*.

9. *Application Fee:*

A processing deposit will be paid online once an RM number has been generated for the application.



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(Signed by the Applicants or Their Authorised Agent)

Dated this 24th day of April 2025

Address for Service:

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2688application

ANNEXURE A

Assessment of Effects on the Environment

Prepared by Planscapes (NZ) Ltd

INTRODUCTION

Cameo Projects ('the Applicant') seeks resource consent from Nelson City Council ('the consent authority') to redevelop land at 45 and 47 Beach Road, Tahunanui ('the application site') to establish a hotel ('the proposal').



Figure 1: Application site, outlined red.

The Applicant proposes to build a new six-storey hotel on the site to replace the two existing single storey dwellings currently on the site. The architectural plans for the proposed new building are contained in Annexure C to the application, as is a shading analysis of the project. The plans were prepared by Arthouse Architects. Arthouse Architects have also prepared a Design Statement, included at Annexure D. Traffic Concepts Ltd have prepared a Traffic Impact Assessment, included at Annexure E. Supporting reports addressing geotechnical suitability of the site, servicing and inundation and contaminated soil have been prepared by Kirk Roberts Consulting, and are included at Annexures F-H.

The application site is zoned Suburban Commercial under the Nelson Resource Management Plan (NRMP). The site is subject to Inundation, Airport Height Control (50m), and Airport Effects Advisory overlay notations.

The proposal requires resource consent for a building that exceeds permitted gross floor area requirements as a **discretionary** activity under Rule SCr.21.3, that exceeds maximum building height, as a **discretionary** activity under Rule SCr.22.3; that infringes daylight admission to the residential boundary as a **discretionary** activity under Rule SCr.27.3; for not meeting closing time requirements as a **discretionary** activity under Rule SCr.39.3; for not meeting the requirement for an on-site coach parking space as a d**iscretionary** activity under Rule SCr.31.3; for not meeting access standards as a **discretionary** activity under Rule SCr.32.3, and; for earthworks exceeding permitted standards as a **discretionary** activity under Rule SCr.48.3 and within the Inundation overlay as a **controlled** activity under Rule SCr.55.2.

Overall, with bundling, resource consent is required as a **discretionary** activity under the NRMP.

Additionally, consent is required to disturb soil within a piece of land that has had a HAIL activity undertaken on it, and to change the use of the piece of land, as a **restricted discretionary** activity under Regulation 10 of the NESCS.

The following assessment has been prepared in accordance with Section 88(2) and Schedule 4 of the Resource Management Act. Clause 1 in Schedule 4 of the RMA states that the information required by the schedule, including any assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

APPLICATION SITE

Below is a summary table of key characteristics of the site that are relevant to the proposal:

Address	45 and 47 Beach Road, Tāhunanui. Location is at the intersection of Beach Road and Waikare Street.
Legal description	Lot 1 Deposited Plan 530, comprised in record of title RTNL39/48, and; Lot 2 Deposited Plan 530, comprised in record of title RTNL39/49– records of title are attached (Annexure B). NB: In terms of development and financial contributions credits there are 2 existing freehold titles to which this would apply.
Title notations	There are no title notations on RTNL39/49. The only notation on RTNL39/48 is in relation to a right to drain sewage over the neighbouring property to the rear (Ocean View Apartments)
Council Property condition notations	The property files for the site include several 'property condition' notations. These include: • Site low-lying and/ or possibly subject to flooding. Floor levels shall be to NCC requirements (both sites). • Overhead lines on or adjacent to site may restrict building dimensions. Applicant to obtain approval from the electricity network operator before a building consent will be issued (both sites). • Notations relating to Air Quality Plan and existing fireplaces on the property (both sites), and financial assistance to replace with heat pump/ insulation (45 only).
Site size and shape	The sites are each 334m^2 in area, for a total developable area of 668m^2 with a regular shape.
Levels	Flat site, approximate ground level of 2.38m – 2.87m NZVD 2016, based on topographic survey.
Current use	Residential.
Services	Both lots currently drain wastewater to the rear to an old (1952) 150mm dia concrete main (red on Figure 2). Number 45 connects via the Waikare St road reserve whilst the lateral for number 47 crosses the Ocean View carpark to connect. The main drains north to a pump station within the Council reserve. A stormwater main (300mm dia, concrete, 1991 – shown green in Figure 2) is located adjacent to number 47 within Waikare Street, although neither property has a current connection to this. The Council main drains south then west before eventually discharging to the coast. Each property has a current connection to the 100mm water supply main in Beach Road (blue lines and dots in Figure 2). The nearest fire hydrant is located on Waikare Street near the Beach Road intersection.

Based on preliminary advice from Council regarding the capacity of these systems, no capacity constraints exist other than for stormwater, necessitating on-site stormwater detention to pre-development levels.



Figure 2: Existing Council services (Source: TOSM)

Roads and access

The site as a whole has approximately 25m of frontage to Beach Road, which is a sub-collector road in Council's roading hierarchy, and approximately 27m of frontage to Waikare Street which is a local road in the hierarchy. A raised table has been formed at the intersection of Beach Road with Waikare Street.

A cycle path runs along the Waikare Street frontage of the site, before crossing Beach Road in front of number 47.

A bus route runs along Waikare Street, linking Nelson and Richmond via the airport.

Zoning and Overlays

Suburban Commercial Zone

Airport Height Control - 50m (DAA3).

Airport Effects Advisory Overlay

Inundation Overlay



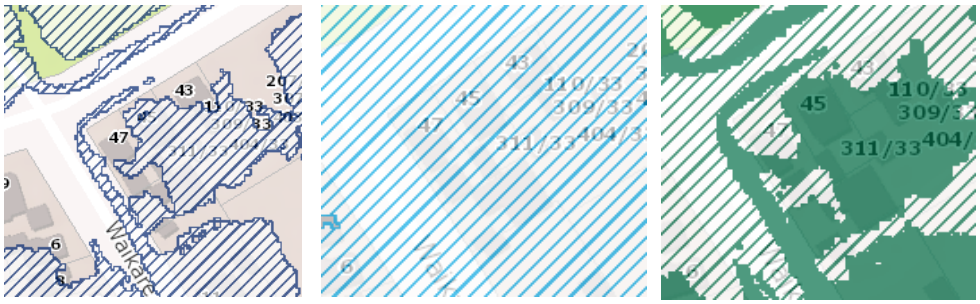
Figure 3: NRMP zoning and overlay map

Natural hazards

The Inundation Overlay is the only hazard overlays in the NRMP that affect this site. No active faults are mapped within 2km of the site.

Council has various other natural hazards mapping databases (arcgis.com).

The site is inland of the coast and is affected under all sea level rise (from 1.0m upward) and 1% AEP storm-tide (including present day) scenarios – refer Figures 4a-4c.



Figures 4a, 4b and 4c: Coastal Hazards present day, 0.5 and 1.0m SLR with 1% AEP Storm-tide

The site is located within a tsunami evacuation 'orange zone' which indicate a 'large distant tsunami' (approximately 1 in 500-year event) with a potential 'wave height of 1-3m'. 'Due to the relatively long travel time, official warning of such a tsunami approaching can be expected'.

In terms of geotechnical hazards, the site is not affected by or close to any mapped fault deformation areas. It is not in a Slope Instability Susceptibility Area. It is however subject of a Liquefaction Hazard, where "liquefaction damage is possible" – refer Figure 5.



Figure 5: Geotech (Liquefaction Risk)

There are no freshwater streams close to the site and Council do not have any mapped river flooding risk for the site. Council does, however, have LiDAR and draft overland flow path mapping. Figure 6 below shows this, with several flow paths shown converging on the site and discharging to the north.

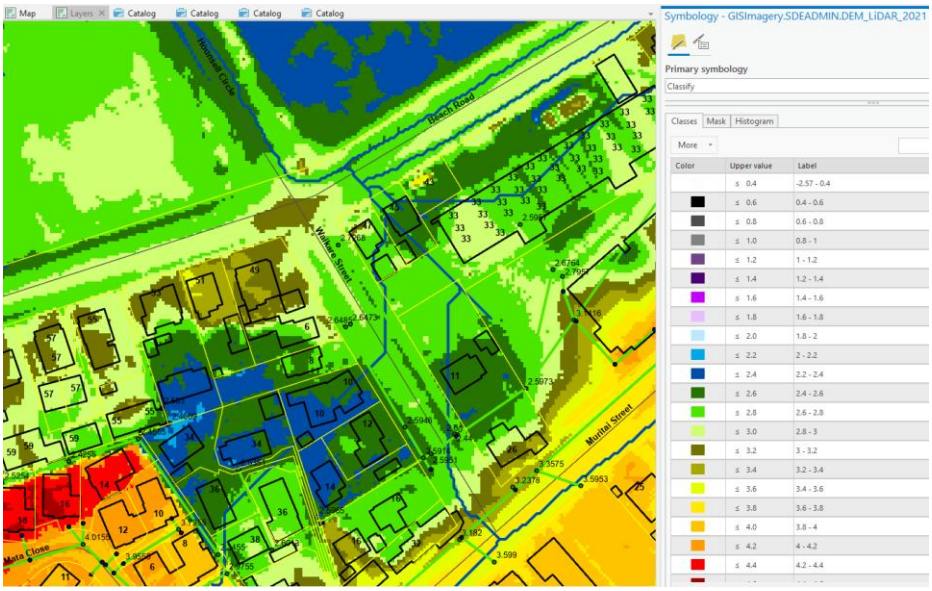


Figure 6: NCC draft OLFP mapping.

HAIL

The site is not identified as a HAIL site on NCC register – refer Figure 7. However, as determined by the Kirk Roberts DSI, elevated levels of contaminants have been detected on the site.



Figure 7: NCC HAIL Land (Source: NCC HAIL Land Register)

Statutory Acknowledgements	The site is not located in a Statutory Acknowledgement Area.
Cultural Heritage	There are no archaeological sites recorded in the NRMP.
Surrounding land uses and zoning	The site is fully within the urban boundary, and the character of all surrounding land is a mix of residential, community and business use – refer Figure 8 below. Adjoining land to the east and south of the site is also zoned Suburban Commercial. This land includes the Ocean View Apartments to the east at 33 Beach Road; vehicle access and outdoor parking for which also occupy the land immediately to the south of the application site. Further south beyond this is 11 Waikare Street. The northern part of this site appears to be used for storage in association with the Ocean Lodge tavern, with two dwellings being located on the southern part of the site. To the east of 11 Waikare Street, immediately behind the Ocean View Apartments, is the Ocean Lodge tavern. Land on the western side of Waikare Street is zoned Residential (Standard Density), with the nearest dwellings being at 6 and 8 Waikare Street, and 49 and 51 Beach Road. Council reserve land on the opposite side of Beach Road is zoned Open Space Recreation. There are a number of visitor accommodation and hospitality uses established along Beach Road and in the surrounding area. Single storey residential development predominates to the west of the site. Ocen View apartments are located immediately to the east, within a 4-storey plus basement building. A five-storey apartment development has also recently been consented at 33 Muritai Street, just to the south of the application site.
Nearby Open Space	The site is very well located in relation to open space including the Tāhunanui Recreation Reserve, Tāhunanui Beach and associated recreational facilities just north of the site.

The wider context of the site, including surrounding land uses described above, is evident in Figure 2 below:



Figure 2: Wider context of site showing surrounding commercial and residential properties, and with public open space to the north.

The site and surrounds are depicted in photos 1 to 12 below. Note, additional photos showing on-site parking on the surrounding streets is included at Annexure I.



Photo 1: Site frontage from opposite side of Beach Road



Photo 2: Application site from corner of Beach Road and Waikare Street



Photo 3: Looking south-west along Beach Road with Ocean View in foreground and application site beyond



Photo 4: Looking south along Waikare Street, application site to left.



Photo 5: Application site (left) and Ocean View access/ parking, from Waikare Street.



Photo 6: Existing crossing to Ocean View site and to application site garages beyond, from cycleway.



Photo 7: Hoarding to northern part of 11 Waikare Street, dwelling on site beyond that.



Photo 8: 49 Beach Road (left) and 51 Beach Road, from opposite side of road.



Photo 9: Existing dwellings at 8 (left) and 6 (right) Waikare Street, from application site frontage.



Photo 10: Dwelling at 49 Beach Road, from Waikare Street.



Photo 11: Tāhunanui Recreation Reserve, looking north-west from corner of Waikare Street and Beach Road.



Photo 12: Tāhunanui Recreation Reserve, looking north-east from corner of Waikare Street and Beach Road.

PROPOSED ACTIVITIES

Clause 2(1)(a) of Schedule 4 requires a description of the proposed activities subject of the application.

The Applicant proposes to demolish or remove the existing dwellings on the site and construct a new, hotel development. A six-storey, L-shaped building is proposed with a meeting room, reception, offices, housekeeping and back of house facilities at ground floor, then five floors of hotel rooms above accommodating at total of 47 rooms. Floors 1-4 each have 10 single rooms, whilst the top floor has four single rooms plus three suites. Most rooms (33) are oriented toward the Beach road frontage, with a total of 14 rooms/ suites fronting Waikare Street. The proposed building has a relatively small footprint (approximately 430m^2).

The Design Statement prepared by Arthouse (Annexure D) details the design intent of the proposal. Key aspects of this are:

- *The design intent is to create a building that sits well within the local context, while providing a viable business model for the owners. The building provides a counterpoint to the existing Oceanview Apartments and high-level proposed future development plans for the surrounding suburban commercial block. This building will frame the northwestern corner of the suburban commercial zone and is designed to provide a strong edge to the block by ensuring the building sits along the two road edges, and by placing the carparking to the rear of the site.*
- *The adjoining residential zone will be impacted by the proposed development with regards to the scale, height, and shading impacts. The design process has been cognisant of these effects from the outset and efforts have been made to reduce these impacts and are described below.*

- *The intent is to create a building that responds to its location near Tahunanui Beach and the park reserve, This is achieved in part by ensuring all rooms have opening doors and balconies that face outwards towards the North and West, offering views of the reserve and ocean (at the upper levels). The balconies provide a more residential feel to the building and also provides a setback for the hotel guestrooms, offering more privacy to both the occupants and the neighbouring properties. By adding the balconies this pushes the guests further away from the envelope edge and potential overlooking of neighbouring properties. The decks have been designed to just fit a small table and two chairs, and are not places to spend a long period of time. The rooms also do not provide cooking facilities, and the hotel will not provide room service, with the intent that meals will be eaten off site, further reducing the time / opportunity to utilise these spaces.*
- *The bulk of the building has been modulated, both vertically and horizontally, by creating strong contrasting coloured 'frames' that sit around blocks of guestrooms, with balconies sitting within these frames, with varying handrail types. The building is further visually broken down by elements acknowledging its function, receding the ground floor level as public space and accentuating the upper levels as private guestroom levels.*
- *A generous external entry stair along Beach Road denotes the pubic entrance, and is highlighted by the change in façade modulation directly above the entrance. At street level, the built-up wall, required for flooding mitigation, will be planted to soften the impact to pedestrians.*
- *A secure vehicle drop-off area, accessible carpark and Loading Bay is accessed from Waikare Street and is located behind the building. This area will have controlled access due to its lack of visibility for safety and security for staff and guests.*

Due to the 2.09m uplift of the ground level, providing an accessible ramp along the front of the building would have resulted in a 27.5m accessible ramp. This would impact on the efficiency of the structure and the ability to maximize the site, therefore a proposed lift has been located next to the accessible carpark at the rear of the building. Taxis would also be able to use the loading zone to pick up / drop off guests who require assistance, and clear signage at the base of the entry stairs would be provided, along with an intercom system would alert the hotel operator when needed. The proposed building results in a number of bulk and location infringements. The rationale for these and assessment of the effects of this are addressed in the Design Statement, with reference to shading diagrams that are included with the plan set at Annexure C.

The application site and its surrounds are located within the Nelson Airport flight path and are within the NRMP Airport Effects Control Area under the operative NRMP. To ensure an appropriate level of amenity for hotel guests, and to avoid reverse sensitivity effects in relation to airport activities, the building will be acoustically insulated to meet internal noise level requirements dictated by the NRMP, as confirmed in the Design Statement. Details of this acoustic attenuation will be provided at building consent stage.

Design of the building has been cognisant of modelled coastal inundation hazards, and floor levels have been set to meet the requirements of the Inundation Practice Note, on advice from Council Engineers. The site and its immediate surrounds have been topographically surveyed to enable assessment of potential overland/ secondary flow paths, and the report prepared by Kirk Roberts and included at Annexure H confirms that the proposed building will maintain existing flow paths and not result in adverse effects on surrounding properties in relation to any such flows.

The proposal includes the provision of one accessible car park and one standard car park at the rear of the building. There is also a loading space at the rear of the building, designed to meet the needs of the largest service vehicle expected to service the site for private refuse collection, laundry collection and delivery, and any minor food and beverage requirements. As discussed in the Design Statement, these spaces have access to a lift providing accessible entry to the rear of the building, this being problematic at the front due to the floor level requirements for coastal inundation as detailed above. The proposal does not seek to meet all private vehicle parking demand on the site. In order to enable efficient use of the site, there will be some reliance on the extensive on-street parking provision provided within close proximity of the site. The proposed hotel activity is not anticipated to involve coach-bound visitors, so no on-site coach parking space is proposed. The TIA at Annexure E confirms that there is sufficient on-street parking provision to accommodate the needs of hotel guests without adversely impacting on the safe and efficient operation of the road network, or on other users of the on-street parking surrounding the site.

The existing vehicle crossing to from 45 Beach Road to the street will be removed with an upgraded vehicle crossing located on the southern boundary of 47 Beach Road (where an existing crossing currently serves the garage on site) and adjacent to the driveway for the Ocean View apartment building

next door. Not all permitted standards of the NRMP (and by reference, the Nelson Tasman Land Development Manual – NTLDM) are able to be met on account of the design of the existing adjacent access. The relevant characteristics of the site and surrounding environment from a transportation perspective are addressed in the Traffic Impact Assessment (TIA) prepared by Traffic Concepts Ltd and included at Annexure E. This assessment assesses the effects of the proposal on the surrounding road network and its users.

Servicing of the proposal is addressed in the Kirk Roberts report at Annexure H. This confirms that:

> *'Sufficient Stormwater, Wastewater, and Water Supply Networks, exist along with Power and Telecommunications, to adequately Service the Site'.*

As detailed in the Kirk Roberts report, on-site stormwater attenuation is proposed (detention tanks and permeable paving) to mitigate stormwater runoff in accordance with NTLDM requirements.

As noted above in relation to property condition notations, there is a power pole (with pole mounted transformer) located very near to the Beach Road boundary of the site, and the overhead lines slightly overhang the site. The proposal would necessitate undergrounding of these lines, and potentially the installation of a new transformer on or near the application site. Initial discussions have been had with the lines company in respect of this.

The site has also been assessed by Kirk Roberts for geotechnical suitability, particularly with respect to liquefaction risk. Their assessment is included at Annexure G, and this draws on earlier geotechnical assessment undertaken on the site by others. The report identifies a number of design responses to the geotechnical conditions on site, however the preferred options that form part of this proposal (refer to addendum letter dated 07/04/25) is to undertake either CFA/ screw piles with pile caps and ground beams, or stone column ground improvement with a load transfer platform (gravel raft) above. Neither option requires any significant excavation, vibratory construction techniques, or dewatering. The earthworks required for this will involve excavation below and within 2m of the building footprint to between 700mm and 1200mm (depending on soil depths) below the existing ground level, for the formation of a gravel raft or ground beams. Within this area, either stone columns or screw piles will be constructed to a greater depth (expected 6-8m below ground level) but with little excavation volume required. These works will be undertaken with non-vibratory plant so noise and vibration will be minimised. Whilst no/minimal effects are anticipated, a survey of neighbouring buildings is anticipated pre-, during, and post-installation to monitor any effect on the neighbours and provide suitable mitigation/repair strategy as soon as possible. This is a typical requirement if there is a potential risk (even if it is nil/low). Soil stripping is not anticipated to extend below the water table and, whilst some pumping out of water from pile holes is likely to be required (as is typical), this will not constitute dewatering. As addressed in the servicing report, erosion and sediment control measures will be employed, and a preliminary erosion and sediment control plan is included with the servicing report.

The application site is not included on Council's HAIL land register, however Kirk Roberts have undertaken a Detailed Site Investigation (DSI) and this investigation has confirmed that arsenic and heavy metal concentrations on site are in exceedance of the NES-CS standard for residential land use, with arsenic concentrations in one location (HP101) also exceeding the NES-CS standard for commercial/industrial outdoor worker. Asbestos was detected in shallow soils in one location (HP105), but below human health guideline values (<0.001% w/w AF/FA). On this basis, soil remediation and/or management is required as part of the development works. The proposed management response is to retain excavated material on-site and use the raised ground floor to store and cap this material. Based on the assumption that up to 300mm of topsoil would need to be removed across the entire site, a volume of material to be managed of 200m^3 is assumed. Contaminated material will be placed first and any excess that cannot be placed within the footprint will be disposed of at a facility authorised to receive it. All management of contaminated material will be managed in accordance with a Remediation Action Plan (RAP) and Site Management Plan (SMP), the preparation of and adherence to being volunteered as a condition of consent.

The specialist assessments detailed above and included at Annexures D-H, and any specific recommendations contained within them, form part of the proposal and are volunteered as conditions of consent where relevant

PERMITTED ACTIVITIES

Clause 3 of Schedule 4 requires that if any permitted activity is part of the proposal to which the application relates, the application must include a description of the permitted activity that demonstrates that it complies with the requirements, conditions and permissions for a permitted activity for which resource consent is not required under section 87A(1) of the RMA. Any permitted activities are detailed in the NRMP assessment to follow.

Other Activities

Clause 2(1)(d) of Schedule 4 requires identification of any other activities that are part of the proposal but need permission or licensing outside of the RMA. Building consent will be sought for the proposed building. No other consents are required.

SECTION 104 OF THE RMA

Section 104(1) sets the statutory framework under which the Council will determine a resource consent. It contains matters that the territorial authority shall have regard to in considering an application for resource consent including any relevant provisions of any National Environmental Standards and its plan. Subject to Part 2 of the RMA, this section of the Act requires that a consent authority have regard to any actual or potential effects on the environment of consenting an activity, and any national planning instrument, regional policy statement and plan.

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The Detailed Site Investigation contained at Annexure F confirms that the subject site is a HAIL (Hazardous Activities and Industries List) site and contains soils that have elevated levels of asbestos, heavy metals and arsenic. Consent is sought as a **restricted discretionary** activity under Regulation 10(2) of the NESCS for land disturbance, within the subject site.

The matters over which discretion is restricted (at Regulation 10(3)), are as follows:

(a) the adequacy of the detailed site investigation, including—

(i) site sampling:

(ii) laboratory analysis:

(iii) risk assessment:

(b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:

(c) the approach to the remediation or ongoing management of the piece of land, including—

(i) the remediation or management methods to address the risk posed by the contaminants to human health:

(ii) the timing of the remediation:

(iii) the standard of the remediation on completion:

(iv) the mitigation methods to address the risk posed by the contaminants to human health:

(v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:

(d) the adequacy of the site management plan or the site validation report or both, as applicable:

(e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

(f) the requirement for and conditions of a financial bond:

(g) the timing and nature of the review of the conditions in the resource consent:

(h) the duration of the resource consent.

The DSI has adequately characterised the nature of contaminated soil on site and determined that management of this is necessary in relation to the proposed use of the site. The nature of the development of the site provides an opportunity to contain the contaminated material within the site, whilst removing any pathway for exposure that might result in adverse human health effects. This will avoid unnecessary transportation of material from the site and further pressure on licenced facility capacity. Adherence to appropriate site management practices will minimise the potential for exposure pathways during works, and these will be addressed through preparation of and

adherence to a RAP and SMP prepared by a SQEP to address the matters given at (c) to (e) above, as volunteered as a condition of consent.

THE NELSON REGIONAL POLICY STATEMENT (NRPS)

The NRMP and its objectives and policies have been developed so as to be consistent with the objectives and policies in the Nelson Regional Policy Statement (NRPS). As such, a detailed assessment of the proposal against the objectives and policies of the NRPS is not warranted. In general terms, the proposal involves appropriate commercial redevelopment of the site within the existing urban environment, with connections to public services and infrastructure. The effects of the development, including (but not limited to) servicing, transportation, hazards and amenity values (including from the proposed scale of the development) will be addressed in detail below, with the conclusion reached that effects are acceptable. The proposal will not undermine the policy direction of the NRPS.

NELSON RESOURCE MANAGEMENT PLAN (NRMP)

As identified above, the application site is zoned Suburban Commercial Zone under the Nelson Resource Management Plan (NRMP). The site is subject to Inundation, Airport Height Control (50m), and Airport Effects Advisory overlay notations.

The Suburban Commercial zone rules are contained at Chapter 9 of the NRMP. The table below assesses the proposal against the relevant rules in Chapter 9.

Rule	**Requirement**	**Compliance**
SCr.20 Restricted activities	The following are not permitted activities: a) boarding of dogs, cats or other animals, or b) storage or sorting of any bottles, scrap or other waste materials, or c) drying or rendering of fish, meat or animal product or by-product, including the manufacture of fish or animal meal, or d) panel beating, vehicle wrecking, sheet metal work, heavy engineering such as engine reboring and crankshaft grinding, spray painting, or boat, car	Complies.
SCr.21 Floor Space Maximum and External Appearance - Large Buildings	SCr.21.1 No building on any site may exceed a gross floor area of 800m2, except for the Stoke Centre, west of Main Road Stoke, where a gross floor area of 1600m2 is permitted.	Does not comply. GFA of approximately 2000m^2 proposed. **Discretionary** activity.
SCr.22 Maximum building height	SCr.22.1 Buildings and structures are permitted if maximum height is: a) 8m, or b) 10m in the Stoke Centre, and Tahunanui (west of Tahunanui Drive and north of Parkers Road), or c) 21m (leisure area, landward side of Wakefield Quay).	Does not comply. Maximum building height of 23m proposed above Existing Ground Level/ 21m above Finished Ground Level. A small area of the rooftop will also contain ventilation plant which will require up to 1.5m of additional height infringement (22.5m above FGL) **Discretionary** activity.[1]

[1] The definition of ground level under the NRMP (from which building height is taken) includes finished ground level'. Finished ground level accords with the ground level dictated by i., ii. or iii. below, where infilling must be undertaken

SCr.24 Verandahs - Other areas	SCr.24.1 Any building may be provided with a verandah, if: a) the building is not a Group A or B Heritage building listed in Appendix 1, and b) the verandah complies with the specifications in Appendix 18 (verandahs).	Complies. No verandah proposed.
SCr.25 Landscaping	SCr.25.1 a) Except where the building is built to the road boundary, a minimum of 5% of any site must be set aside as a landscaped area or areas, and b) The landscaped area must be located along the road frontage (except for any rear site), and c) The landscaped area must be maintained in good condition.	Complies. All parts of the street frontage are occupied by buildings or vehicle access and the buildings are proposed to adjoin the street frontage boundary.
SCr.26 Setback from Residential Zone boundary	SCr.26.1 a) Buildings must be set back at least 3m from a Residential Zone boundary, and b) Provision must be made for landscaping, fences, walls, or for a combination, to at least 1.8m in height along the length of the Zone boundary, and c) Where landscaping is provided it must have an average depth of 1.5m along the boundary.	Complies. Residential boundary applies to centreline of Waikare Street, greater than 3m from the site boundary.
SCr.27 Daylight admission Residential Zone boundaries	SCr.27.1 Any building or structure on a site adjoining a Residential Zone must comply with the daylight angles, as detailed in Appendix 15 (daylight admission – residential).	Does not comply. Refer to architectural plans. **Discretionary** activity.
SCr.28 Building over or alongside drains and water mains	SCr.28.1 a) Structures i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see figure). b) As an alternative to (a), structures may be located over common private or public wastewater or stormwater drains or pipes (but not pressurised pipes), if they comply with "Acceptable Techniques	Complies. The proposed building will achieve these requirements in respect of the service mains located within Waikare Street and Beach Road.

to the level required to deal with the hazard, but before any excavation or infilling for new buildings or structures on the land is undertaken:

i. a rule in a plan relating to low-lying sites; or

ii. a resource consent granted in relation to flooding or inundation

iii. a resource consent granted for a subdivision.

In this case, the ground immediately below the proposed building is required to be built up so that the ground level is above the modelled coastal inundation level, as dictated by the Inundation Practice Note. The required ground level is 4.52m NZVD 2016. As such, the proposed building height is only **20.5m** above the Finished Ground Level, however this is **22.3m** above the Existing Ground Level.

	for Building over Drains and Pipelines" Table 3-4 in section 3 of the NCC Land Development Manual.	
SCr.29 Activities near the coast	SCr.29.1 Activities within 20m of mean high-water springs are permitted if: a) they do not involve the erection and extension of structures (excluding fences), and b) they do not impede the legal right of foot access along a waterbody where this exists.	N/A. Site not within 20m of MHWS.
SCr.30 Outdoor living court residential activity	SCr.30.1 Every residential unit must be provided with an outdoor living court: a) minimum area: 1 bedroom 25m^2; 2 or more bedrooms 40m^2, and b) minimum dimension 4m, and c) units without a room on the ground floor may instead provide a balcony or balconies (minimum combined area of 12m^2, minimum dimension for any required balcony of 2.4m), and d) The outdoor living court must not be located on a side of the residential unit facing within 45° either side of due South, and must be readily accessible from a living area of the unit.	N/A. Proposal is not a residential activity.
SCr.31 Parking and loading	SCr.31.1 Parking, loading, manoeuvring, and queuing must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading): a) except at the Stoke Centre where parking is not required for activities but any provided on a site must meet the design and layout standards in Appendix 10 (including for manoeuvring, and queuing areas).	Does not comply in respect of requirement for an on-site coach parking space. **Discretionary** activity under Rule SCr.31.3.
SCr.32 Access	SCr.32.1 Vehicle access must be provided and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010.	Does not comply. As detailed in the TIA, visibility splays are not met to the east on account of the existing neighbouring fence, and the vehicle crossing being within one metre of the adjacent crossing. Access complies in all other respects. **Discretionary** activity.
SCr.34 Signs	SCr.34.1 Any sign must be constructed in accordance with Appendix 20 (signs and outdoor advertising).	Any signage will be designed to comply.
SCr.35 Light spill	SCr.35.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the Zone does not exceed 30 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and	Any lighting will be designed to comply.

	c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals or d) the light is a streetlight, navigation light or traffic signal.	
SCr.36 Noise	SCr.36.1 a) Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: Day Time (7am to 10pm) L 10: 65 dBA Other Times L10: 45 dBA ; Lmax: 75 dBA b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.	Will comply. No noisy activities proposed on the site.
SCr.37 Noise At residential boundary	SCr.37.1 a) Noise levels measured at, or within, the boundary of any site in the Residential Zone must not exceed: Day Time L 10: 55 dBA Other Times L10: 45 dBA; Lmax: 75 dBA Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. c) Parts (a) and (b) of the rule do not apply to building and demolition activities, which, when assessed at, or within, any site within the Residential Zone, must comply with the provisions of NZS6803: P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition".	Will comply. No noisy activities proposed on the site, and any building plant will be designed to meet standards, including with acoustic attenuation if required. Construction noise standards will be met.
SCr.38 Vibration	SCr.38.1 No vibration created on a site may be discernible at any other site.	Will comply.
SCr.39 Closing times - services to the public	SCr.39.1 a) Any activity located within 50 m of a Residential Zone boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) Any activity located more than 50 m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and	Does not comply. As a hotel activity, it is technically open to the public, and will be occupied overnight. **Discretionary** activity under Rule SCr.39.3

	c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	
SCr.40 Hazardous substances - use and storage	SCr.40.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).	N/A. No hazardous substances to be used or stored
SCr.41 Radioactive material	SCr.41.1 The use or storage of radioactive material is permitted if: a) the material is used for clocks, watches, or other instruments containing luminous material, smoke detectors, or ionisation and electron capture detectors for use in gas chromatography or b) the amount does not exceed 0.1 terabecquerel.	N/A. No radioactive substances to be used or stored
SCr.42 Aerials	SCr.42.1 Aerials are permitted if: a) any dish antenna does not exceed a diameter of 3m, and b) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1), and c) aerials attached to any building do not exceed the height of the building by more than 7m, and d) aerials that are not attached to a building do not exceed 18m in height, and the aerial complies with the daylight over provisions in Appendix 15 (daylight admission – residential) with respect to any boundary with land zoned Residential, and e) the supporting mast does not exceed 450mm diameter.	Complies. None proposed.
SCr.43 Radiofrequency exposure levels	SCr.43.1 Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if…	N/A. No activities which produce radiofrequency fields are proposed.
SCr.44 Network utility - above ground and underground utilities	SCr.44.1 a) Any underground network utility is permitted except: i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: i) maintenance and operation of existing utilities, or ii) network utility buildings and substations, or iii) small above ground parts of an underground utility (eg. Junction boxes), or iv) as explicitly provided for elsewhere in this rule table.	Complies. An above ground transformer will be located on the Beach Road Frontage, replacing the existing pole-mounted transformer. This is provided for by the rule.
SCr.45 Structures on the road reserve	SCr.46.1 The construction of any new road is permitted if:	N/A

	a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	
SCr.47 Building on low lying sites	SCr.47.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels, and i) in accordance with NZS 4431:1989 (Code of practice for earthfill for residential development), and ii) such that stormwater runoff from the site is not directed onto other sites, or into any river or stream, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	15.35m NCC datum equates to 2.951m (NZVD2016). The existing site levels are marginally below this level, however the proposed ground level below the building will be raised to meet the specified levels.
SCr.48 Earthworks	Earth fill and excavations permitted provided they do not exceed 1.2m in height/ depth or 3.0m in height/ depth and are retained by a structure authorised by a building consent. Earthworks managed to comply with permitted standards.	Does not comply. Building footprint and surrounds to be excavated to no deeper than 1.2m below existing ground level, including works up to the site boundary in places. Stone columns/ pile holes will require excavation in isolated areas to deeper than 4m (expected 6-8m) and may exceed the depth to boundary. **Discretionary** activity.
SCr.48A Landfill	Not permitted	N/A
Rules relating to overlays		
SCr.55 Inundation Overlays Low lying ground susceptible to localised stormwater ponding or tidal inundation	SCr.55.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection of any building or extension of the ground floor of any building by more than 20% (the restrictions in this clause do not apply where the ground level of the building site has been filled according to a resource consent granted since the date of notification of this plan, and all floor levels	Earthworks require consent under this rule as a **Controlled** activity. The proposed building is permitted under this rule as the ground level below it is being raised.

	are not less than 150mm above the approved ground level), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	
SCr.69 Airport Effects Control Overlay Acoustic insulation of buildings	SCr.69.1 Within the Airport Effects Control Overlay, construction, or substantial alteration of a residential unit, or any building used for sleeping accommodation, is permitted if: A. either, the bedrooms (and living areas in the case of a residential unit), where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 - Acoustic insulation requirements, or B. the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design (with the windows and doors shut) will reduce noise levels to at least 45 dBA inside the new or altered bedrooms (and living areas in the case of a residential unit).	Complies. Acoustic insulation requirements of either A or B will be met, to be detailed at building consent.
FWr.14 Take, use, or diversion of groundwater	FWR.14.1 d. The take of groundwater for dewatering a site during construction or earthworks is permitted if: i. the take does not lower groundwater to more than 8m below the ground level of the site, and ii. the take does not create a significant risk of subsidence	Complies. Kirk Roberts have confirmed that excavation of soil from within and adjacent to building footprints are not expected to extend below the water table, and will not dewater the site or surrounding land. Some temporary pumping out of pile holes may be required, however this is not considered to be 'dewatering' and would not result in either of FWr.14.1.d.i or ii occurring.

In summary, resource consent is required for the following:

- Exceeding permitted gross floor area requirements as a **discretionary** activity under Rule SCr.21.3;
- Exceeding maximum building height, as a **discretionary** activity under Rule SCr.22.3;
- Infringing daylight admission to the residential zone boundary as a **discretionary** activity under Rule SCr.27.3;
- For not meeting closing time requirements as a **discretionary** activity under Rule SCr.39.3;
- For not meeting the requirement for an on-site coach parking space, as a **discretionary** activity under Rule SCr.31.3;
- For not meeting access standards as a **discretionary** activity under Rule SCr.32.3;
- Earthworks not meeting standards (excavations deeper than 1.2m adjacent to site boundaries) as a **discretionary** activity under Rule SCr.48.3;

- Earthworks within the Inundation overlay as a **controlled** activity under Rule SCr.55.2;

Overall, with bundling, resource consent is required as a **discretionary** activity under the NRMP.

PLAN CHANGES - RULES

Nelson City Council currently have two plan change processes underway that are relevant to the proposal, Plan Change 29 (Housing and Hazards – PC29) and Private Plan Change 30 (Nelson Airport – PPC30). PP30 is accompanied by an application for a Notice of Requirement (NoR) that relates to airport designations.

PC29 was publicly notified on 11 August 2023 and closed for submissions on 31 October2023. The hearing occurred between Monday, 26 August and Tuesday, 17 September 2024, and the Hearings Panel is currently deliberating on their decision. PC29 included Heritage rules that had legal effect from the date of notification, however none of these apply to the application site.

Council notified its decision on PPC30 on 25 January 2025, triggering a 30 working-day appeal period, closed at 5pm on Monday 10 March 2024. It is understood that the decision has been appealed, so the provisions are not currently operative. There are no proposed rules in PPC30 that had immediate legal effect upon notification.

As a decision has not yet been reached on PC29, PPC30 has been appealed, and there are no rules under either plan change that have current legal effect and which affect the application site or proposal, no consents are required under the rules of either plan change. Notwithstanding this, it is noted that the application site is located outside of the Airport Effects Control Overlay under PP30, being that area modelled to be subject to future airport noise levels exceeding 55dB.

OBJECTIVES, POLICIES AND ASSESSMENT CRITERIA OF THE NRMP

The relevant objectives and policies of the NRMP are contained at Chapter 5 (District Wide Objectives and Policies) and Chapter 9 (Suburban Commercial) of the NRMP. The key provisions relevant to the proposal are outlined below.

> Objective DO13A.1 and its supporting policies seek to ensure that subdivision and development reflects, and creates positive relationships with, our local environment, heritage and urban context.
>
> Objective DO13A.4 and its supporting policies are also relevant in that they seek subdivision and development that provides for a range of choices in housing types, neighbourhood types, compatible employment opportunities and leisure and cultural activities.
>
> The objectives and policies given at DO14 relate to subdivision and development. Objective DO14.1 and its supporting policies seek to ensure that subdivision and development recognise and respond to the natural characteristics of the city and that they employ high quality urban design. Objective DO14.1.2 requires the type and intensity of subdivision and development to reflect the natural and physical capabilities of the land, and the characteristics of the zone.
>
> Objective DO13A.4 (Providing for Diversity) and its supporting policy DO13A.4.1 seek that subdivision and development provides for a range of housing and development choices. Policy RE1.2 (Flexibility in Development) provides for flexibility in density and site development where the development:
>
> > a) integrates the design of residential units and any subdivision, and that all required resource consents are applied for concurrently, along with any building consent or building sketch plans, and
> >
> > b) presents a high standard of on-site and off-site amenity, and;
> >
> > c) does not diminish the amenity of neighbouring sites, and;
> >
> > d) is designed with regard to the character of the area, and;
> >
> > e) does not significantly affect the views or outlook from adjacent properties, and;
> >
> > f) the cumulative effects of such developments do not significantly change the density of the area or detrimentally affect its character, and;
> >
> > g) does not diminish the streetscape of adjacent roads, and;
> >
> > h) represents quality urban design (refer to section DO13A District Wide Objectives and Policies) in particular a diversity of building forms and co-location of activities.

Policy DO16.1.1 relates to the various zones detailed in the NRMP. The Suburban Commercial Zone is intended to concentrate commercial activities in areas close to the Residential Zone. The Plan anticipates that the form and nature of suburban commercial centres will alter as society changes, for example, with changes in income and mobility. This may mean that some centres may go out of existence if there is no demand for them. The Plan aims to provide sufficient flexibility to enable these centres to change and adapt. At the same time, it will prevent negative effects spilling over into surrounding areas.

Objective SC1 (Consolidation) and its supporting policies seek to concentrate commercial development and related activities within the Suburban Commercial zone, both to contain any adverse effects on surrounding residential amenity, and to strengthen the community focus around these areas.

Objective SC2 (Amenity and adverse effects) seek to ensure that a high level of on-site amenity is achieved for developments within the zone, and that adverse effects on surrounding residential areas and on the road network are minimised.

The existing use of the site is not consistent with the expected outcomes for the zone expressed in these provisions, both in terms of activities (ground floor residential) or built form (single storey dwellings). Redevelopment of the site in accordance with the expectations of the zone will result in a significant level of change from the status quo. This change does not equate to an adverse effect, subject to appropriate design.

The proposal is for a commercial activity that is anticipated by the zoning and consolidates this within a precinct including a range of commercial activities including other visitor accommodation and hospitality, in addition to residential uses. The proposal would add diversity to the existing visitor accommodation offer within Nelson and will support the existing hospitality and leisure activities in the surrounding suburban commercial zone, in addition to potentially being a catalyst for further growth of and investment in these commercial activities, as addressed in Arthouse's design statement. The specific nature of the commercial activity proposed, being visitor accommodation, is such that it fits well with surrounding residential activities and is unlikely to give rise to adverse effects on residential amenity values.

Whilst the height of the building exceeds that provided for as a permitted activity in this location, there is an emerging character of larger scale buildings in the area that the proposal is consistent with. Notably, the adjacent Ocean View Apartments and the consented apartment building at 33 Muritai Street, in addition to earlier development at 623 Rocks Road. It is important to note that, although the proposed building is taller than the permitted plan provisions anticipate, and also slightly taller than the adjacent Ocean View Apartment building, it has a very modest footprint so the overall bulk of the building is not excessive. The proposed GFA of the hotel is approximately 2000m^2, where 800m^2 is permitted. By comparison, the 623 Rocks Road development has a GFA of 10,896m^2, and 33 Muritai Street 4458m^2 (Ocean View is not accurately known but is expected to be approximately double that of 33 Muritai Street). The proposed building is within the range of building scale represented by these existing or consented developments, being of slightly greater height but significantly less bulk.

As addressed in the Design Statement by Arthouse, the building design and site layout has been carefully considered to make a positive contribution to the streetscape and neighbourhood, whilst reinforcing the emerging character of the area. The building represents a high level of design quality and will make a positive contribution to the character and amenity of the locality, rather than detract from it.

Considered choices have been made with regard to the massing and orientation of the building to minimise any adverse effects on the amenity of surrounding land. Due to the small building footprint, the amount of street frontage occupied by the building on both Beach Road and Waikare street is small, ensuring that both streetscapes will retain a modulation of built form and open space to avoid excessive physical dominance on the streetscape. In particular on Waikare Street, which has Residential-zoned land opposite the site, only approximately 21m of building frontage is proposed, with a comparable extent of open space ensured behind this at the rear of the site and on the site of the Ocean View carparking area. A similar modulation will be achieved on Beach Road along the frontage of Ocean View Apartments.

The predominant orientation of surrounding development (including residential activities both within the Suburban Commercial and Residential zones) is toward the north and the coast/ reserve, as would be expected. This ensures that redevelopment of the site can occur, including with buildings of scale, without significantly impacting on the primary outlook of these dwellings, and with minimal impact on receipt of sunlight and daylight. It is important to note that the objectives and policies for the Suburban Commercial zone seek to provide for consolidation of commercial activities within the zone, whilst protecting the amenity values of neighbouring (predominantly residential) zones. Notably:

Policy SC2.4 (daylight and sunlight) Buildings and structures should be designed and sited to allow reasonable access of daylight and sunlight to any neighbouring area, including any road or public area.

Policy SC2.5 (scale of buildings and visual appearance) The size and scale of buildings, and the visual appearance of sites within any suburban commercial centre, should not detract from the character and amenity of neighbouring areas.

Although the shading and physical dominance effects of the proposed development on adjacent land within the Suburban Commercial land adjacent to the site (such as at Ocean View apartments and land to the south on Waikare Street) have been carefully considered and will be minimal given the location and orientation of the proposed building on the application site and the orientation of the Ocean View Apartments primarily toward the street/ reserve, it must also be acknowledged that the plan provisions do not seek to preserve inter-site amenity values within the zone. Notably, there are no applicable building setback or daylight admission controls. Although residential activities may establish in the suburban commercial zone, this does not come with an expectation of the preservation of amenity values in the same manner as are expected in the Residential zone. It is still primarily a commercial zone, and the plan provisions reflect this.

The preservation of a reasonable level of amenity within residential zones is a clear expectation of the plan, as identified in the provisions above. The significant separation of the application site and building from residential zoned land on the far side of Waikare Street is a site-specific factor that enables a building of the proposed scale to be accommodated within this environment, whilst maintaining amenity values. In terms of determining what allowing 'reasonable access to daylight and sunlight' is for neighbouring residential areas (refer to SC2.4 above) is, guidance is taken from the explanation and reasons for the daylight admission rule in the Residential Zone rules. This states:

REr.35.5 The daylight/sunlight controls are set to allow, except where prevented by topography or other natural features, at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.

The shading diagrams prepared by Arthouse clearly show that the proposal will not comprise the achievement of this level of access to direct sunlight. In fact, only a short duration of additional shading will result in the in the morning between the equinoxes, with no impact for the remainder of the day, or during summer.

For completeness, it is also noted that this reasonable level of access to direct sunlight is not compromised by the development for adjoining Suburban Commercial-zoned land including at 33 Beach Road and 11 Waikare Street.

Noise effects are also relevant to consideration of residential amenity. The proposed activity is an inherently compatible activity with residential activities in relation to noise, given that it is itself residential, just in a short-term occupation context. The proposal does not include conference facilities. Only a small proportion of rooms will interface with the Residential Zone, and these are largely studio rooms with very small balconies, meaning there is negligible potential for congregation of guests. Additionally, the site will be under 24/7 management meaning that, in the unlikely event of noise being generated, it can be managed. The site loading space is located at the rear of the building, furthest from the residential boundary, and the Applicant would be accepting of conditions limiting servicing to daytime hours. The building will have rooftop ventilation plant (rather than individual heat pumps on balconies) and this will be designed to meet nighttime noise levels at the residential boundary. Attenuation of noise from plant is available if necessary to achieve this. Overall, the potential for noise generation is expected to be less for this commercial activity than it would be for a residential development, for the reasons given above.

Objective DO2.1 seeks to maintain an environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated. Supporting policy DO2.1.2 requires that development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated.

The site has been assessed for geotechnical suitability and has been confirmed to be suitable for the type of development proposed. Specific recommendations for foundation design have been made, and adherence to these through the detailed design and build process will ensure that any hazards associated with liquefaction are adequately managed. Similarly, ground and floor levels have been set at an appropriate level to ensure that risks associated with sea water inundation in future extreme storm tide events are avoided. Earthworks will be carried out to avoid creating land instability effects during works, both for the application site and for surrounding land.

> Policy DO3.1.3 (contaminated sites) seeks management of contaminated sites to contain effects, and to promote the rehabilitation of sites to a level where risk to the environment or health is remedied or mitigated.

Management of contaminated soils within the site through the implementation of an approved SMP and RAP will ensure that any risks to human health and the environment are appropriately managed, both during site works and long term, consistent with this policy.

> Objective DO10.1 (Land Transport System) seeks to provide a land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable. Supporting policy D010.1.1 (Environmental effects of vehicles) seeks to avoid the environmental effects of vehicles, including through more intensive development in locations close to employment, shopping and services, and education to minimise reliance on private vehicles and support alternative transport modes. Policy DO10.1.4 (Traffic effects of activities) states that activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network and encourage a shift to more sustainable forms of transport. Policy DO10.1.5 (Access to sites) requires that every site have an access that provides safe entry and exit for vehicles from the site to a road, without compromising the safety or efficiency of the road network, the safety of different types of road users or the streetscape values. Policy DO10.1.6 states that sites should provide on site parking, loading, turning for vehicles, or have access to those facilities sufficient to avoid any adverse effects on the safe and efficient operation of the roading network as appropriate to the type, function and speed environment of the road being accessed. Any use of off-site facilities shall not compromise pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network.

The proposal represents an efficient use of the site that responds appropriately to the context of the surrounding environment. The intensification in use of this site, in a location that has good access to the airport via alternative transport modes and close to recreational and hospitality needs of guests is consistent with policy D010.1.1. Adequate space is provided for vehicle access, servicing and accessible parking, including on-site manoeuvring. The Traffic Concepts assessment confirms that the access has been designed to meet relevant standards to the extent practicable given site and road environment constraints, in particular existing neighbouring development whose access was designed and constructed prior to the implementation of the current engineering standards and the creation of the shared path on Waikare Street. This, in addition to the low number of vehicle movements involved will ensure that vehicle access to and egress from the site will not compromise the safe and efficient operation of the road network, including adjacent pedestrian and cycle facilities.

The proposal does not include an on-site coach parking space, as the proposed hotel operator will not serve coach-bound parties of guests. There are therefore no off-site effects associated with not providing an on-site coach parking space. It is understood that some other visitor accommodation providers nearby do at times have guests arrive by coach and, as these operators also do not have coach parking facilities, these unload at the road frontage without compromising safe and efficient use of the road network. In terms of private vehicle parking, the activity is not anticipated to attract a large number of guest vehicles due to scale and proximity to the airport and public transport routes. The TIA confirms that parking demands can be easily accommodated with the large amount of vacant on-street parking available in this location (based on both Council parking studies and current observation). Whilst the availability has been determined based on 85th percentile high demand times, it is also relevant to note that peak hotel demands are at night so are non-coincident with peak on-street demand from other activities. Policy DO10.1.6 above does not require that parking needs of activities be provided on site, provided that the activity has access to sufficient parking. This is consistent with the NPS UD as addressed further below, acknowledging that shared public or other resources can be appropriate, provided that use of these resources does not compromise pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network. The TIA confirms that this is the case.

> Policy DO11.1.3 (management of receiving environment) seeks that the potential exposure of communities to airport noise be managed to ensure that a reasonable balance is achieved between the operational needs of the airport over time, and the amenities and well being of the community.

The implementation of acoustic attenuation requirements in the building design will be consistent with this policy, by avoiding reverse sensitivity effects on airport operations whilst also providing for the needs of the community through commercial redevelopment of land zoned to provide for the commercial needs of the community, including in terms of the provision of visitor accommodation facilities. These facilities also support tourism which is complementary to the continued viability of the airport.

Overall, the proposal will make a positive contribution to the locality and will provide for the needs of the Applicants and the wider community through provision of additional residential units and commercial floor space. The proposal is considered to be consistent with the relevant objectives and policies of the NRMP.

The relevant Assessment Criteria detailed in Chapter 9 Suburban Commercial are as follows:

Rule	**Assessment Criteria**	**Comments**
SCr.21.4 Floor Space Maximum and External Appearance - Large Buildings	a) the extent to which expansive walls can be softened through the use of architectural features, including form or surface treatment and landscaping. b) the degree to which building appearance and site layout, including advertising, is harmonious with other development in the surrounding area, particularly any residential development. c) the extent to which the site layout will minimise potential effects on the neighbouring area including noise, appearance and glare. d) the efficient use of the site. e) safe access of traffic to and from the site and any effects on traffic generation. f) the extent or otherwise to which a larger area would make better use of public infrastructure. g) the effects of a larger floor area on the role of the City Centre as the focal point for the city. h) any adverse effects on a Residential zone.	a) Refer to the Design Statement by Arthouse. The design and articulation of all elevations of the building have been carefully considered to ensure a positive relationship with the street and surrounding properties is achieved. b) Refer to the Design Statement by Arthouse. The building has been designed to make a positive contribution to the surrounding area, having regard to other development in the Suburban Commercial zone and the amenity values of the Residential zone. c) The proposed activities on site are not inherently noisy and will be managed to meet residential noise standards. The proposal will not result in adverse glare effects. The building massing has been designed to be cognisant of avoiding unacceptable effects on neighbouring properties. d) The proposal represents a very efficient use of the site, particularly in comparison to the existing use of the site and some immediately surrounding sites. e) The TIA confirms that safe and efficient access to and from the site can be achieved and that traffic generation can be accommodated by the road network. f) The site is appropriately located for intensification and makes efficient use of existing infrastructure. g) The floor area proposed is not such that the role of the city centre as a focal point could be compromised. This location is also well established as a visitor accommodation hub which provides a different offering to similar activities in the city centre. h) The separation of the site and building from residential-zoned properties to the south-west provide a suitable buffer to mitigate effects associated with the scale of the building and any privacy effects, and the Arthouse shading analysis confirms that any shading effects will be of a short duration. The orientation and primary outlook of surrounding residential activities within both the residential zone and suburban commercial zone is to the north/ north-west, meaning that the proposed building will not appreciably impact on outlook from dwellings.

SCr.22.4 Maximum building height	a) the height of the building in relation to the scale and height of buildings in the area, having regard to the topography and the character and use of the neighbouring area. b) the effects on significant views. c) any effects of shading on open spaces and pedestrian areas.	a) The building will be of a comparable scale to the adjacent Ocean View Apartments, and also the recently consented but as-yet not constructed apartment building at 33 Muritai Street, both of which are representative of an emerging character that is consistent with the expectations for the zone. As addressed in the Design Statement, a strong built form on the corner of the suburban commercial zone is a desirable urban design outcome that will enhance the character and appearance of the locality. b) There are no significant views identified in the NRMP in this location. c) The supplied shading analysis indicates only short duration shading effects on the Waikare Street streetscape (and not significantly different to a compliant building) and no shading effects on the adjacent open space zone.
SCr.27.4 Daylight admission	a. the effects of any shading on the public enjoyment and amenity of residential areas. b. the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (e.g. tall thin shadow compared to shorter, bulky shadow taking longer to pass). c. the nature of the activities undertaken in any area affected.	a) Public enjoyment of public spaces will not be impacted by the daylighting infringement. The shading diagrams demonstrate that shading effects on the street (Waikare) will be of a short duration in the morning, and would largely result from a building that complies with maximum height and daylight controls. b) The shading diagrams also demonstrate that the additional shading effects (beyond those created by existing buildings and a building that complies with maximum height and daylight controls would only impact residential properties for a short duration in the morning, and for only part of the year. The additional shading will not compromise the receipt of a reasonable level of sunlight receipt as set out in the explanation for the residential daylight rule, being 'at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.' c) The adjacent residential properties on Waikare Street and Beach Road are oriented principally toward (and have outdoor living areas) the north and/ or west as would be expected. Shading of these areas will not be affected at times when they would be expected to be used for outdoor living purposes.
SCr.31.4 Parking and Loading	a. refer to Appendix 10: Particular Assessment Criteria relating to Short Term Living Accommodation In considering a controlled or restricted discretionary activity and whether or not to impose conditions, the Council shall, in	a) These assessment criteria are only applicable to the consideration of the lack of a coach parking space on the site. The TIA confirms that the proposed operation of the hotel activity will not necessitate a coach parking space (on-site or off-site). However, for completeness, refer to the TIA, which assesses the anticipated demand for private vehicle parking generated by the activity (taking into

	addition to the above, have regard to but not be limited by the following specific assessment criteria. • The type of person catered for at the accommodation and the type of transport they use and the frequency of use. • The type, size and frequency of vehicles (including buses, taxis, service and staff vehicles) used to service the accommodation. • The extent to which safe loading and unloading of coach passengers is capable of being provided whether coach parking is provided on or off site. • The extent to which there is adequate and safe parking for coaches without adversely affecting traffic and pedestrian function and/or safety (including adequate sight distance to or from the site) of the surrounding road network. • The extent to which the traffic and pedestrian function and/or safety of the surrounding road network will be adversely affected by extra parked and manoeuvring vehicles and coaches. b. the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area. c. the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods.	account different transport modes), and the capacity of the surrounding road environment to accommodate this. The TIA concludes that there is capacity to accommodate parking needs on street, and that the use of this on-street provision will not compromise pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network. b) Refer to (a). c) N/A.
SCr.32.4 Access	a) refer to Appendix 11. b) the extent to which alternative methods of access for goods may be available, such a providing a goods loading zone adjacent to	a) With regard to the relevant criteria at AP11.6: • There are no other preferable access points on the site. The proposed access is as far from the intersection as is possible, on the lower order road frontage.

	the site or restricting the times of delivery or dispatch of goods. c) the effects on traffic and pedestrian movement and safety.	• Any effects associated with reduced visibility splays are mitigated through the proposed judder bar and low volume access point. b) Refer to (a) above. c) Traffic Concepts are satisfied that the proposed access will not compromise traffic and pedestrian/ cyclist safety.
SCr.39.4 Closing times Services to the public	a. the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites. b. the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation. c. the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d. the topography of the site and the neighbouring areas. e. the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities. f. the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g. whether the activity is temporary, and the frequency of such events (where applicable).	a) Whilst open to the public, the activity is visitor accommodation so is not inherently noisy including at night time, and will not give rise to effects that are likely to result in adverse residential amenity effects. As a hotel, the site is actively managed at all times. b) It is not expected that the nature of the residential receiving environment would change appreciably in the future. c) Mitigation is not necessary due to the low level of effects. d) Topography is not relevant to effects in this case. e) Minimal carparking is provided on site, so no adverse effects are expected in this regard. f) Controls by way of condition are not necessary. g) The activity is not temporary.
SCr.48.4 Earthworks	i. loss of topsoil or movement of soil down slope, and ii. damage to structures or adjoining properties, and iii. soil and vegetation entering rivers or coastal water, and iv. damage to instream and coastal habitats, and v. adverse effects on catchment stream flow, including stormwater, and vi. river bank and coastal erosion, and	i. The site is flat, and erosion and sediment control measures will be employed to avoid movement of soil beyond site boundaries. ii. Although excavations are proposed adjacent to site boundaries, they are generally only proposed to permitted depths (other than pile holes), and will be undertaken under appropriate conditions and supervision to ensure land stability on site and on adjacent land is maintained. There are no existing structures immediately adjacent to where deeper excavations will be required (ie under / near building footprint which is located adjacent to

	vii. duration of exposure of bare soil to wind and rainfall, and viii. water quality, including suspended sediment load and increased stream bed load, and ix. the method and timing of the activity, and x. the area to be disturbed at any one time, and xi. the provision of structures to control soil erosion or sedimentation, and xii. the timing and techniques used for revegetation, and xiii. the depth, height and volume of cut and fill and the finished ground level, and xiv. the quality of fill material and compaction methods, and xv. visual effects, and xvi. control of noise, and xvii. control of dust, and xviii. traffic and access issues.	road boundaries, and no dewatering of adjacent sites will occur. iii. Refer to (i) above, there is negligible potential for uncontrolled movement of soil or vegetation beyond the site. iv. Refer to (iii). v. Refer to (iii). vi. Refer to (iii). vii. Exposure will be minimised. Refer also to (i). viii. Refer to (iii). ix. Timing and methodology to be managed by engineering supervision. x. Area disturbed is small, maximum 668m^2. xi. These will be addressed through preparation of an erosion and sediment control plan at building consent stage. xii. Vegetation will not be used for stabilisation purposes. xiii. Refer to description of proposal above. xiv. These will be determined through detailed structural design. xv. Visual effects will be temporary. xvi. Noise, dust and traffic effects will be managed by way of management plans where necessary, and adherence to construction standards. xvii. Refer to (xvi) above. xviii. Refer to (xvi) above.
SCr.55.4 Inundation overlay	a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the provision of an adequate secondary flow path for surface flooding. e) the possibility of an overloaded public storm water system overflowing onto private property.	a) Ground and floor levels have been designed to avoid hazards associated with coastal inundation and any terrestrial flooding hazards associated with secondary flow paths, in accordance with the requirements of the inundation practice note. b) See above. c) Filling and building construction on site will not adversely affect other properties in a coastal inundation scenario. Secondary/ overland flow paths have been assessed and will not be compromised to ensure no additional flooding of neighbouring properties occurs in a situation where the public stormwater system is overloaded, and separation of the building from rear and side boundaries has been proposed to enable this. d) See above. e) See above.

PLAN CHANGES

Plan Change 29 (Housing and Hazards)

The main objective of PC29 is to amend the Nelson Resource Management Plan (NRMP) to implement the NPS-UD by supporting housing delivery and the provision of well-functioning urban environments within Nelson while ensuring that natural hazard risks are appropriately managed and historic heritage is protected. Changes of relevance to the application site and proposal include, based on the plan change as notified are:

- The site is located within natural hazard overlays relating to Inundation (as is currently the case under the Operative Plan) and Liquefaction Hazards.
- The site remains within an Airport Effects Advisory Overlay and 50m height contour, as under the Operative Plan.
- Consent is required for all new buildings; for buildings over 12m in height in this location (and up to 21m in other parts of the zone); for new buildings and earthworks within a 'Flood Overlay' which includes Inundation Overlays, and for a new building in a Liquefaction Hazard Overlay.
- As the plan change is largely focussed on providing for housing, there are a number of changes to residential provisions within the zone, which are not relevant to the proposal.
- The plan change includes some proposed new policies for the Suburban Commercial zone, including:
    - SC2.4 (built form adjoining residential zones): Buildings and structures should be designed to visually integrate with the scale and form of buildings in adjoining residential zones.
    - SC2.5 (visual appearance of buildings): The size and scale of buildings, and the visual appearance of sites within any suburban commercial centre, should contribute to the visual quality and interest of streets and public open spaces.
    - SC2.5A (scale of buildings): Enable buildings of generally up to six storeys in areas of the Suburban Commercial Zone that adjoin the High Density Residential Zone to promote the efficient use of land in larger centres that have a diverse mix of activities. Enable buildings of generally up to three storeys in other Suburban Commercial Zone locations to promote the efficient use of land in centres that have a mix of commercial activities, while recognising their role within Nelson's hierarchy of centres.
- The plan change proposes some new objectives and policies relevant to natural hazards, including:
    - DO2.2 (natural hazards: General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, Inner City Residential Zone and Suburban Commercial Zone): Risks to Whakatū Nelson's people, property and infrastructure from natural hazards, including the effects of climate change, are recognised and managed and significant risk is avoided.
    - DO2.2.4 (flood hazard: subdivision, use and development in flood areas): Control subdivision, use and development within Flood Areas to ensure:
        1. the type, frequency and scale of projected flooding, and likely damage and effects is appropriately assessed;
        2. the building, land use or activity being proposed is suitable and its vulnerability to risk from the flood hazard is not increased;
        3. significant risk to people, property, infrastructure and the natural environment, including social and cultural effects, from the flood hazard is avoided;
        4. any adverse effects on the function of the floodplain, including flood storage capacity and conveyance are mitigated;
        5. any adverse effects beyond the subject site including any exacerbation of, and transfer of, risk is appropriately managed;
        6. building platforms are not located within land identified in the High Flood Hazard, Floodways, or Flood Paths;
        7. the design, location, layout and construction of buildings and structures, including building platforms, ground/floor levels and adaptation methods

provide resilience against and mitigate the projected effects of the flood hazard;

8. any adverse effects on infrastructure and access from flooding in a Flood Areas are mitigated; and

9. the storage and use of hazardous substances in relation to the flood hazard is appropriately managed.

- There are a number of supporting policies including DO2.2.5 (flood hazard: buildings and activities); DO2.2.7 (flood hazard: activities and development); DO2.2.8 (flood hazard: redevelopment); DO2.2.9 (flood hazard: adverse effects) and; DO2.2.14 (liquefaction hazard: subdivision, use and development).

With regard to both the natural hazard and Suburban Commercial zone provisions, these are consistent with the overall thrust of the corresponding operative objectives and policies. They seek that natural hazard risks are assessed and managed appropriately, and that significant risks are avoided. Whilst the proposed Suburban Commercial zone policies are more prescriptive regarding scale of buildings in particular locations than are the operative provisions, the intent remains to ensure the scale and appearance of buildings is appropriate to the zone and maintains amenity values of adjoining residential zones. SC2.5A refers to buildings, other than where adjoining the High Density Residential Zone, generally being up to 3 stories in height. This acknowledges that there may be circumstances where larger scale buildings are appropriate, and this is considered to be the case here given the existing context of larger scale buildings (both constructed and consented) near to residential zone boundaries.

Whilst there is generally not considered to be tension between the operative and proposed provisions, should a weighting exercise be necessary, it is considered that greater weight be given to the operative provisions given that a decision has not yet been reached on the plan change.

Private Plan Change 30 (Airport)

The purpose of PPC is to:

- provide a clear planning framework regarding activities anticipated within the Airport designations
- ensure the contemporary role and function of the Airport, in terms of its strategic importance to the Nelson-Tasman region and country, is recognised; and
- provide a consistent approach to managing activities sensitive to airport noise in order to manage reverse sensitivity effects and ensure communities around the Airport are developed with healthy living environments.

Of relevance to the proposal, the plan change sought to more effectively manage reverse sensitivity effects form land uses surrounding the airport. This was to be achieved through restrictions on Activities Sensitive to Airport Noise (ASAN) within the Airnoise Boundary and the Airport Effects Control Overlay, being those areas likely to experience future airport noise above 65dB and 55dB, respectively. Although the proposed hotel activity is an ASAN, the site is not within either the Airnoise Boundary or the Airport Effects Control Overlay.

Proposed Objective DO11.1 (air transport) states:

'Nelson Airport as nationally and regionally significant infrastructure meets and is responsive to current and future needs at its present location, with provision for controlled growth in aircraft movements, whilst:

> *(a) managing the effects of noise and other potential adverse effects on the community to appropriate levels; and*
>
> *(b) ensuring land use around the Airport does not result in reverse sensitivity effects on the efficient operation, use and development of Nelson Airport.'*

Supporting policy DO11.1.2 (reverse sensitivity) states:

'Nelson Airport's role and operations are protected from the development of incompatible activities and associated reverse sensitivity effects by:

> *(a) avoiding new Activities Sensitive to Airport Noise within the Airnoise Boundary, and an increase in the intensity of Activities Sensitive to Airport Noise within the Airport Effects Control Overlay; and*

(b) managing the intensification of Activities Sensitive to Airport Noise within the Airport Effects Control Overlay and Airnoise Boundary through density controls; and

(c) requiring acoustic treatment (including ventilation measures) for Activities Sensitive to Airport Noise within the Airnoise Boundary and Airport Effects Control Overlay.'

Given that a decision has been released on the plan change, its provisions are given considerable weight relative to the operative plan. On account of the site not being located within either the Airnoise Boundary or the Airport Effects Control Overlay, the proposal is considered to be is consistent with these provisions. Furthermore, acoustic attenuation is proposed to meet the internal noise level requirements of the Suburban Commercial zone under the operative NRMP provisions.

Conclusion

The proposed provisions of PC29 do not fundamentally differ from the operative plan provisions in respect of the role of the suburban commercial zone in consolidating commercial activities and managing effects of buildings and activities on surrounding residential zones, and also in relation to the management of natural hazard risks. The provisions do propose an increase in permitted building height within the Suburban Commercial zone, however the proposed hotel building would exceed the proposed new height limit. The proposal is considered to be consistent with both the operative and proposed plan provisions, however, should a weighting exercise be considered necessary, greater weight should currently be given to the operative provisions. The proposal is considered to be consistent with the revised plan provisions given in PPC30, given that it does not propose development within the Airnoise Boundary or the Airport Effects Control Overlay, and proposes acoustic attenuation. As such no weighting exercise is necessary.

THE NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 (NPSUD)

The National Policy Statement for Urban Development (NPS-UD) 2020 aims to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. The NPS-UD directs councils to assess and respond to changes in housing demand, including enabling increased density in such locations as around city centres and areas accessible by public and active transport.

The NPS-UD contains objectives and policies that are relevant to consider in respect of the proposed development. Those that are relevant include:

- Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:
  (a) the area is in or near a centre zone or other area with many employment opportunities
  (b) the area is well-serviced by existing or planned public transport
  (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
- Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- Objective 8: New Zealand's urban environments:
  (a) support reductions in greenhouse gas emissions; and
  (b) are resilient to the current and future effects of climate change.

Broadly speaking, the NPSUD seeks to enable urban intensification for residential and business purposes, in appropriate locations.

The proposal is consistent with Objectives 1 and 2 in that it represents well-designed urban intensification, providing additional commercial floor space in a high-amenity area, close to amenities, the airport and

public transport routes. This will enhance the visitor accommodation offer and may act as a catalyst for further business growth in this part of Nelson.

Objective 3 directs local authorities to provide for intensification of suitably located urban environments. Whilst this relates primarily to the creation of plan and policy statements rather than resource consents, it is relevant to note that the subject site falls within an area that meets the specified criteria, and is a suitable area to seek to accommodate increased building height and development density. The current provisions of the NRMP in relation to building height in this commercial area do not align well with Objective 3, and the proposed development responds to this.

The proposal is also consistent with Objective 4, which acknowledges that urban areas will develop over time, as is already evident in the emerging character of this part of the city for larger scale and higher-density developments as evident at 623 Roack Road, Ocean View Apartments and 33 Muritai Street.

The proposal does not raise any apparent issues of relevance to the Treaty of Waitangi (Objective 5). The proposal has adequately considered servicing of the development (Objective 6) and mitigation of current and future risks associated with climate change (Objective 8).

Policy 11 of the NPSUD requires that, in relation to car parking:

(a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and

(b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

Council have, in accordance with policy 11(a), removed minimum car parking rates from the NRMP, and rely on Building Act requirements in respect of accessible parking space rates. Council has prepared a comprehensive parking management plan for this area, which details measures that may be utilised in future to manage on-street parking pressure, should this become necessary. Clause 3.38(1) Car Parking of the NPSUD states:

> 'If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.'

It is relevant to note that NRMP objective DO10.1.6, addressed earlier, remains in the NRMP following implementation of the NPS UD requirements, on account of it only requiring consideration of parking provision to the extent that it might affect pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network. This does not extend to parking availability, or the effects of parking availability for other users. Any alternative interpretation of this policy would be contrary to the NPS UD, being the higher order and therefore overriding policy document. Notwithstanding this, the conclusions of the TIA are that the is capacity within the public parking on road reserve to accommodate the needs of the activity, and that the use of this facility will not compromise pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 88(2)(b) of the Resource Management Act 1991 states that any application for resource consent must be accompanied by an assessment of effects on the environment prepared as required by Schedule 4 of the Act. Clause 2(3)(c) of Schedule 4 requires the AEE in such detail as corresponds with the scale and significance of the effects on the environment that may arise with the proposed activity.

Use of the words "*effect*", "*environment*" and "*amenity values*" in this assessment of effects on the environment should be interpreted as follows, in accordance with Sections 2 and 3 of the Resource Management Act 1991:

> **"Effect"** ... includes-
>
> (a) Any positive or adverse effect; and
>
> (b) Any temporary or permanent effect; and

(c) Any past, present, or future effect; and

(d) Any cumulative effect which arises over time or in combination with other effects-

regardless of scale, intensity, duration, or frequency of the effects, and also includes-

(e) Any potential effect of high probability; and

(f) Any potential effect of low probability which has a high potential impact.

"Environment" includes –

(a) Ecosystems and their constituent parts, including people and communities; and

(b) Any natural and physical resources; and

(c) Amenity values; and

(d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

"Amenity values" means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The existing environment is relevant to the assessment of effects on the environment. This environment comprises an existing suburban commercial area that is under-developed in relation to the scale and intensity of buildings and both commercial and residential development that is anticipated within it, but that has an emerging character that is better aligned with this anticipated level of development. This existing character is evidenced by the scale and appearance of the adjacent Ocean View Apartments, and also the consented apartment development at 33 Muritai Street, both in very close proximity to the application site, in addition to other developments at 20 Tahunanui Drive and 623 Rocks Road.

The permitted baseline is also relevant to the following assessment. A commercial and/ or residential building of up to 800m^2 GFA and 10m height (above finished ground level) could be built up to and adjoining any boundary of the site as of right. Any amenity effects on adjoining properties associated with the bulk and location of such a building (including any shading or physical dominance effects) and any privacy effects from overlooking of neighbouring properties from such a building may be disregarded as forming part of the permitted baseline of effects[2]. Furthermore, it is noted that, as a permitted activity, there would be no design or aesthetic control over such a building. Additionally, there are no minimum parking (quantum) requirements in the NRMP. Commercial (including visitor accommodation) activities are permitted, as is establishing these activities with no on-site parking provision. Any effects associated with off-site parking are considered to form part of the permitted baseline and should not be considered.

The commercial (visitor accommodation) activities proposed are conventional in nature within this zone. This activity, associated buildings and associated servicing and earthworks will result in less than minor adverse effects on the environment. The reasons for this have been addressed in the preceding discussion regarding objectives, policies and assessment criteria of the NRMP. In summary:

- The proposal represents an efficient use of the site that is not out of context with the emerging character of the surrounding environment, as anticipated for the Suburban Commercial zone, as evidenced by surrounding constructed and consented developments of scale. In particular, the overall bulk and scale of the development, as expressed through GFA, is relatively modest when taking into account the GFA of surrounding developments (both constructed and consented).
- The proposed height infringement can be accommodated without adversely affecting the character and appearance of the locality, within the Suburban Commercial zone and the nearby Residential zone, and also when viewed from the nearby Open Space zone. This is due to the appropriate location of the building within the site, the separation of the dwelling from the Residential zone provided by Waikare Street, the well-articulated and designed built form and the varied building setbacks and open space that will surround the building. In particular, the

[2] In relation to the 'permissible' shading indicated on the provided shading diagrams, it is relevant to note that this indicates a building that complies with permitted height and daylight admission rules across the entirety f the site. It is acknowledged that a building of this overall bulk would not be a permitted activity on account of it having a GFA in excess of 800m2. This is not intended to indicate the overall bulk of a permitted building but is intended to provide an envelope of shading effects that could occur as of right across the site as a whole. In other words, a building of 800m2 GFA maximising the building height and daylight controls could be constructed adjacent to any boundary of the site, and the 'permitted' shading indicated could occur on any of the surrounding properties to the extent shown, noting that the full extent of all shading shown would not occur for any given permitted building.

building façade has been modulated to help reduce the overall bulk through a clear vertical demarcation of the entrance point on Waikare Street, pushing back the public elevated ground floor external walls where possible, and changing the materiality of the top floor of the building.

- Additional shading from the building will only impact on surrounding residential-zoned land for a short duration in the morning, and not for all times of the year.
- Although not a matter that is controlled by the NRMP, it is noted that the massing of the building toward the street frontages (as anticipated by the zone provisions) minimises shading and physical dominance effects to adjoining Suburban Commercial sites that do not benefit from separation from the application site by a road (33 Beach Road and 11 Waikare Street).
- The separation of the proposed building from neighbouring residentially-zoned land by Waikare Street will mitigate any potential visual privacy effects on neighbouring residents, noting also that the majority of units are also orientated toward the north/ Beach Road frontage, which is also the common orientation of residential dwellings on surrounding land. As the proposal involves hotel rooms rather than apartments, outdoor living need and provision is less, which reduces privacy effects compared to a comparative residential development of the site. Additionally, as detailed in the Design Statement, the provision of balconies sets back the main windows of the hotel rooms, further mitigating any potential for overlooking. All units are also orientated away from the existing Ocean View Apartments.
- The proposed activity is an inherently compatible activity with residential activities in relation to noise, given that it is itself residential, just in a short-term occupation context. The proposal does not include conference facilities. Only a small proportion of rooms will interface with the Residential Zone, and these are largely studio rooms with very small balconies, meaning there is negligible potential for congregation of guests. Additionally, the site will be under 24/7 management meaning that, in the unlikely event of noise being generated, it can be managed. The site loading space is located at the rear of the building, furthest from the residential boundary, and the Applicant would be accepting of conditions limiting servicing to daytime hours. The building will have rooftop ventilation plant (rather than individual heat pumps on balconies) and this will be designed to meet nighttime noise levels at the residential boundary. Attenuation of noise from plant is available, if necessary, to achieve this. Overall, noise effects associated with the activity will be less than minor..
- Construction effects will be managed through the implementation of standard controls around noise, dust, vibration, traffic and hours, and through adherence to standard construction effects standards. Any relevant construction management procedures are expected to be managed through preparation of and adherence to appropriate management plans.
- Contaminated soils will be managed on site in accordance with an approved Site Management Plan and Remediation Action Plan to ensure any temporary and long-term effects are adequately contained.
- The development will be appropriately serviced such that there will be no adverse effects on existing public infrastructure.
- The proposal has been designed to mitigate on-site risks associated with natural hazards, whilst not increasing risks associated with hazards beyond the site.
- The development will result in less than minor adverse effects on the safe and efficient operation of the road network (including pedestrians and cyclists) as a result of the proposed access design, provided the mitigation measures proposed by the application are implemented.
- Taking onto account the permitted baseline, there will be no adverse effects on the surrounding road environment associated with use of on-street parking. Notwithstanding the permitted baseline, the TIA confirms that there is sufficient vacant public parking near to the site to meet the demands of the activity, and use of this will not compromise pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network. It is acknowledged that there are occasional times, predominantly during larger scale sporting events at the adjacent playing fields, when on-street parking demand is high. The proposed activity will not increase the frequency of these high demand times, and given that the proposal will not result in over-saturation of available parking at other peak times, it will not therefore result in any cumulative effects in terms of the safe and efficient operation of the road network.
- The site is not located within Statutory Acknowledgement Area, is not proximate to any identified Cultural Heritage Sites, and is not located within an area of sensitive or high natural character settings such as coastal or freshwater environments. On this basis there are no apparent reasons

why the development would adversely affect cultural values held by tangata whenua or mana whenua iwi, however, should such effects be identified by iwi during the consent process this will be addressed further.

The proposal will also result in positive effects for the Applicant through providing for their social and economic needs, and for the wider community through enhancing and revitalising the commercial function of this suburban commercial locality.

SECTION 95 OF THE RMA

Public notification

Section 95A of the RMA outlines the assessment criteria for public notification. It sets out four steps for determining whether to publicly notify an application.

Mandatory Public notification (Step 1): Subsection (2) states that if any of the criteria in subsection (3) is met the application shall be publicly notified. If not, then step 2 will be applied.

None of the criteria of subsection (3) are triggered by the application and mandatory public notification is not applicable.

Public notification precluded (Step 2): Subsection (4) states that if the application meets the criteria set out in subsection (5), step four shall be applied. If not, then step 3 will be applied.

None of the subsection (5) tests are relevant to this application; therefore, public notification is not precluded and step three applies.

Public notification required in certain circumstances (Step 3): If either of the criteria in subsection (8) are met, then the application shall be publicly notified.

This activity is considered to have less than minor adverse effects on the environment for the reasons detailed above, and no applicable rules require public notification.

The criteria of subsection (8) do not apply to this application.

Public notification in special circumstances (Step 4): Subsection (9) states that consideration must be given to whether special circumstances exist that warrant public notification of an application.

There are no special circumstances that relate to this application.

Limited notification

If the application is not subject to public notification, then an assessment against section 95B is required.

Certain affected groups and affected persons must be notified (Step 1): Subsection (2) requires any affected protected customary rights groups or customary marine title groups to be notified.

None of these groups are affected by the application.

Subsection (3) requires identification of statutory acknowledgements and assessment of the activity section 95(E) to determine if those to who the acknowledgement is given are an affected party.

The proposal is not located within a Statutory Acknowledgement Area.

Limited notification precluded in certain circumstances (Step 2): If either of the criteria in Subsection (6) are met, being works subject to a rule precluding notification or a controlled activity, then limited notification is precluded.

The criteria of subsection (6) do not apply to this application.

Certain other persons to be notified (Step 3): Subsection (9) requires parties identified under section 95(E) to be notified.

There are no persons considered to be adversely affected by the proposal, for the following reasons:

- Additional shading from the building will only impact on surrounding residential-zoned land for a short duration in the morning, and not for all times of the year.
- The separation of the proposed building from neighbouring residentially-zoned land by Waikare Street will mitigate any potential visual privacy effects on neighbouring residents, noting also that the majority of units are also orientated toward the north/ Beach Road frontage, which is also the common orientation of residential dwellings on surrounding land. As the proposal involves hotel rooms rather than apartments, outdoor living need and provision is less, which reduces

privacy effects compared to a comparative residential development of the site. All units are also orientated away from the existing Ocean View Apartments.

- The nature of the proposed hotel activity is such that adverse noise effects on surrounding residential uses are not expected to occur. Furthermore, there will be hotel management on site at all times.
- Construction effects will be managed through the implementation of standard controls around noise, dust, vibration, traffic and hours, and through adherence to standard construction effects standards. Any relevant construction management procedures are expected to be managed through preparation of and adherence to appropriate management plans.
- Contaminated soils will be managed on site in accordance with an approved Site Management Plan and Remediation Action Plan to ensure any temporary and long-term effects are adequately contained. Safe and efficient vehicle access and onsite parking is provided for without adversely affecting access to or from neighbouring sites.
- The development will not increase natural hazard risks for adjacent sites.
- As the proposal includes provision to acoustically attenuate the building to meet the internal noise level requirements of the NRMP, reverse sensitivity effects in relation to noise from Nelson Airport will be adequately addressed. As such, Nelson Airport are not an affected party in relation to reverse sensitivity effects.
- The site is not located within Statutory Acknowledgement Area, is not proximate to any identified Cultural Heritage Sites, and is not located within an area of sensitive or high natural character settings such as coastal or freshwater environments. On this basis there are no apparent reasons why the development would adversely affect cultural values held by tangata whenua or mana whenua iwi, however, should such effects be identified by iwi during the consent process this will be addressed further.

The criteria of subsection (9) do not apply to this application.

Special circumstances (Step 4): Subsection (10) states that consideration must be given to whether special circumstances exist that warrant limited notification of an application.

There are no special circumstances that relate to this application.

It is requested that the Council consider processing this as a non-notified application in accordance with Section 95 of the Act.

CONSULTATION

Pre-application meetings were held with Nelson City Council Resource Consents and Engineering staff prior to the preparation of this application.

PART 2 OF THE RMA

The proposal will achieve the purpose and principles of the Resource Management Act 1991. In particular, the proposal will avoid any significant adverse effects (Section 5(2)(c), and appropriately manages risks associated with natural hazards (Section 6(h). The proposal is consistent with Section 7(c) and 7(g), as amenity values of locality and of neighbouring properties will be maintained and the proposal will result in the efficient use of a finite land resource. The proposal raises no issues of relevance to the Treaty of Waitangi (Section 8).

CONCLUSION

It is concluded that the proposal is consistent with the objectives and policies of the NRMP and when assessed against the assessment criteria for the proposal is found to be consistent with the intent of the Suburban Commercial zone provisions. The proposal represents an efficient use of land in a location that is well-suited to urban intensification, without diminishing the character or amenity values of the locality, or of neighbouring properties. The proposal will also not cause or exacerbate any risks associated with natural hazards. The proposal is acceptable from a resource management perspective.