Nelson City Council
Te Kaunihera o Whakatū

Addendum 1 to the Section 42A Report – Residential

Plan Change 29 to the NRMP

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Date 19 August 2024

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1.0 Acronyms and Abbreviations

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

2.0 Introduction

1. This addendum to the Section 42A report for Plan Change 29 **(PC29)** to the Nelson Resource Management Plan has been prepared to address matters raised in expert evidence on behalf of submitters.

2. The addendum is organised by key issues, consistent with the analysis of submissions in the Section 42A Report – Residential and Subdivision. A list of the further amendments to PC29 recommended in relation to these matters is provided in the body of the report below. The further amendments are also included in the consolidated addendum version of the provisions available on the PC29 Hearings webpage. The further amendments are shown in red underlined text with yellow highlight.

3. This addendum also notes corrections identified to the Section 42A Report, including any corrections and amendments to the submission points I recommend accepting/accepting in part/rejecting.

4. In preparing this report the following evidence has been considered:

   a) Statement of evidence of Matt Heale[1] on behalf of Megan Courtney (S517);

   b) Statement of evidence of Mark Lile on behalf of Manuka Street Hospital Ltd (S881);

   c) Statement of evidence of Tony Milne on behalf of Manuka Street Hospital Ltd (S881);

   d) Statement of evidence of Mark Lile on behalf of MGT Holdings Ltd (S782);

   e) Statement of evidence of David Wallace on behalf of MGT Holdings Ltd (S782);

   f) Statement of evidence of Mark Lile on behalf of Wainui Properties Ltd (S770);

   g) Statement of evidence of Andrew Irving on behalf of Wainui Properties Ltd (S770);

   h) Retirement Villages Association Letter to the Independent Hearings Panel, by John Collyn, dated 13 August 2024;

   i) Department of Corrections Letter to the Independent Hearings Panel, by Maurice Dale, dated 3 July 2024.

5. My recommendations are informed by the technical rebuttal evidence prepared by Cam Wallace.

6. I attended expert conferencing on the following topics:

   i. Infrastructure Part 1, held on 24 July 2024;

[1] I note that during my preparation of this addendum I have accepted a job at the company where Mr Heale works as Acting South Island Planning Manager.

ii. Infrastructure Part 2, held on 29 July 2024;

iii. Heritage Part 1 - Rules REr.18T/19T, held on 1 August 2024;

iv. Strategic, Residential and Planning, held on 5 & 6 August 2024;

v. Infrastructure Part 3, held on 7 August 2024;

vi. Infrastructure Part 4, held on 7 August 2024;

vii. Heritage Part 3 - Rules REr.18T/19T, held on 14 August 2024.

7. The Joint Witness Statements are available on the PC29 Hearings webpage. The addendum below provides further assessment of issues that were agreed to in principle at expert conferencing, but final wording was not agreed.

3.0 Further Evaluation and Recommendations

3.1 ISSUE 1: Atawhai zoning – Policy amendments

3.1.1 Issues raised in submitter evidence

8. Paragraph 18 of the statement of evidence of Matt Heale on behalf of Megan Courtney (S517) has sought amendments to Policy RE1.7, which provides direction on where medium density residential is enabled. Related to that, Mr Heale requests that the areas shown in Appendix 5 of his evidence are included in the Medium Density Residential Zone (MDRZ). This aspect of Mr Heale's evidence is covered in Addendum 1 to the Section 42A Report – Overview prepared by Ms Morgan.

3.1.2 Evaluation

9. Mr Wallace's rebuttal evidence[2] identifies that the greatest levels of intensification are prioritised for "Those parts of Nelson with greater access to a wider number of services and amenities, in much closer proximity (in time and distance)" and confirms that the level of accessibility is measured relative to the rest of the urban areas of Nelson.

10. While I do not agree with the changes to Policy RE1.7 suggested by Mr Heale in submission point S517.011, I consider that the accessibility analysis that underpins the spatial extent of the MDRZ is not as clearly reflected in the policies recommended in my 42A report as it could be. In particular, it was not only 'walking distance' from the commercial centres that determined the extent of the MDRZ. I consider identifying the accessibility framework that underpins the MDRZ will provide clarity and is best situated in Policy RE1.7 to reinforce the direct relationship between the residential intensification enabled by the zone and the zone's accessibility to commercial activities and community services (to give effect to NPSUD policy 5). I also

[2] Statement of rebuttal evidence of Cam Wallace. Paragraphs 2.1 to 2.6.

recommend additional explanation be included after explanation RE1.7.i to further describe the spatial extent of the zone, without impacting the clarity of the policy.

11. I also recommend consequential changes to policy RE1.8 to acknowledge the higher accessibility of the High Accessibility Overlay (HAO) relative to the rest of the urban areas of Nelson.

3.1.3 Recommendation

12. No changes are required to the Officer recommendation to reject submission S517.011. I recommend the following additional changes to the Policies RE1.7 and RE1.8.

policy **RE1.7 Medium Density Residential Zone** ***Enable medium density residential living that increases housing supply and choice on land with good accessibility to a range of commercial activities, community facilities, public open space and employment opportunities ~~within walking distance of the Inner City, City Fringe and Suburban Commercial zones~~ with a planned built character of residential buildings generally up to three storeys; with supporting small scale commercial activities, other community facilities, and ~~access to~~ quality public open space.*** ***RE1.7.iA*** *This zone is applied to areas with good accessibility by existing or planned active or public transport to a range of commercial activities and community services. This includes locations with good accessibility relative to other parts of Nelson, which are generally within walking distance of the Inner City, Stoke suburban centre and Nelson Hospital.*
policy ***RE1.8 High Density developments in the High Accessibility Overlay*** ***Enable high density residential living that increases housing supply and choice on large sites with the highest levels of accessibility to a range of commercial activities, community facilities, public open space and employment opportunities ~~within close walking distance of the Inner City and Suburban Commercial zone~~, that integrates with the planned built character of the Medium Density Residential zone set out in RE1.7.*** **RE1.8.iA** *This overlay is applied to areas with the highest levels of accessibility by existing or planned active or public transport to a range of commercial activities and community services. This includes locations within close walking distance of the Inner City, Stoke, Nelson Hospital and the Victory Square and Waimea Road suburban centres.*

3.1.4 S32AA Evaluation

13. The proposed amendments to policies, and explanations more efficiently achieve the objectives of improving connections (DO13A.2) and increasing housing diversity and choice (DO14.1 and RE1) because they identify the relative accessibility of the MDRZ and HAO and link that accessibility to the level of intensification provided for in the zone, increasing clarity and certainty for communities. The increased reference to accessibility more effectively links to policy 5 of the NPSUD and more effectively achieves a well-functioning urban environment when compared to the notified policies.

Costs/Benefits

14. The proposed amendments can reduce resource consent reporting requirements with the use of more direct language. Reduced reporting requirements also reduce time and financial costs to applicants and ratepayers.

Risk of acting or not acting

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

Decision about most appropriate option

16. For the above reasons, I consider the recommended amendments to be more appropriate than the notified version of PC29.

3.2 ISSUE 2: Residential Zone Policies RE2.9 and RE2.10

3.2.1 Issues raised in submitter evidence

17. Paragraph 13 of the statement of evidence of Matt Heale on behalf of Megan Courtney (S517.009) suggests multiple changes to policy RE2.9 including:

    a) adding reference to 'planned built character.'

    b) deleting the word 'high' preceding the word 'standard.'

18. In addition to the changes suggested above, expert witness conferencing on the 5th of August identified an unintended overlap whereby policies RE2.9 and RE2.10 both could be read as applying to adjoining sites to a development, which was not the intention.

3.2.2 Evaluation

19. Section 6.2.3 of the s42A Report - Residential and Subdivision sets out my analysis in relation to the term "planned built character". In relation to the particular matters raised by Mr Heale, I provide further commentary and evidence below.

20. I agree that adding reference to 'planned built character' to policy RE2.9 fits with the PC29 policy wording and provides consistent guidance to decision makers that all developments are to be considered in the context of the level of development enabled by the permitted activity

standards/ planned built character, rather than the context of the existing built environment. I discuss this further in section 6.2 of the s42A report - Residential and Subdivision.

21. Considering the phrase 'high standard of amenity' in Policy RE2.9, I have undertaken an analysis of the policy wording in the district wide objective and policies in Chapter 5, particularly DO13A relating to urban design, and the objectives and policies of the Residential Zone, contained in Chapter 7 (see table 1 below). The operative plan uses the terminology 'high quality' when referring to urban design of public spaces, and the term 'quality' when talking about urban design relating to private spaces, living environments and developments, inferring that there is a difference between 'high quality' and 'quality' urban design, with the highest quality urban design being reserved for public spaces.

Table 1: Analysis of policy wording regarding 'High Quality' urban design and amenity

Policy wording	Objectives and policies which include that wording
'High quality' urban design/ public spaces/ living environment and residential amenity/ built form	DO13Ai, DO13A.3, DO13A.3.i, DO13A.3.1, RE1.7.ii, RE1.7.iii, RE1.8.ii & RE1.8.iii
'Quality' urban design/ living environments/ developments	DO13A.1.1.i, DO13A.3, DO13A.3.i, DO13A.3.2.i, DO13A.6, DO13A.6.i, DO13A.6.1, DO13A.6.1.i, DO13A.6.2.i, DO13A.6.3, DO13A.6.3.i, RE1.2, RE1.8.i, RE2.9.i
'High standard' of amenity/ living and design/	RE1.2, RE1.2A.i, RE2.9, RE2.9.i, RE2.10.i, RE2.11.i.
'good levels' of residential amenity	REd.9

22. Taking the operative terminology into account I consider amending explanations RE1.7.ii & RE1.8.ii to refer to 'quality' rather than 'high quality' is appropriate to maintain wording consistency with the operative plan while achieving the same results. I consider amending explanations RE1.7.iii & RE1.8.iii to replace the phrase 'supporting a high quality built form' with 'support a quality built form' is appropriate to maintain consistency and improve the clarity of the methods.

23. Operative policy RE1.2 encourages flexibility in development and uses both 'high standard of on site and off site amenity' and 'quality urban design' when providing direction for assessment of resource consents for development that does not meet the permitted standards; however explanation RE1.2.i identifies that this policy is intended to primarily apply to the operative Comprehensive Housing provisions of rule REr.22 and Appendix 22, which enable lower levels of density that that enabled by the MDRZ and HAO.

24. Taking into account the increased density enabled by the GRZ, MDRZ and HAO, I agree with Mr Heale and recommend amending policy RE2.9 as outlined in Appendix 2 and section 3.2.3 below

to acknowledge that the standard of amenity for residents within a development will be consistent with the planned built character of the zone. I consider this to be consistent with policy 6 of the NPSUD which notes that amenity values can be appreciated differently between people, communities and future generations.

25. I agree that policies RE2.9 and RE2.10 both could be read as applying to adjoining sites to a development. To clarify this ambiguity, I consider it is appropriate to have one policy relating to effects on future residents of the development site (RE2.9) and a separate policy for effects on adjoining sites (RE2.10) and to achieve this I recommend removing the words 'and adjoining' from policy RE2.9.

26. As a consequence of this recommendation I consider it is also appropriate to include reference to visual privacy and outlook spaces in policy RE2.10 to provide guidance for decision makers considering effects associate with a breach of rules REr.17L, 18L (and 19L) as the outlook and privacy spaces provide visual privacy for residents on both the development and adjoining sites, most notably by encouraging residential units to be oriented towards the street or public open spaces.

3.2.3 Recommendation

27. I recommend the Officer Recommendation for submission S517.009 be changed from reject, to accept in part.

28. Refer to Appendix 2 for the recommended changes to explanations RE1.7.ii, RE1.7.iii, RE1.8.ii & RE1.8.iii.

29. I recommend the following additional changes to the Policies RE2.9 and RE2.10.

Provision(s)	Officer recommendations
Policy RE2.9	Enable development of existing or new sites to create a ~~high~~ standard of amenity for residents within ~~and adjoining~~ a development that is consistent with the planned built character within the relevant residential zone or overlay, including by providing: a. private, useable and accessible open space that has access to sunlight; and b. a reasonable level of visual privacy and outlook; and c. opportunities for on site landscaping; and d. safe and convenient pedestrian access to residential units from the street; and e. developments that enable as many people as possible to independently use and interact with the on site living environments; and

	f. for the functional needs of different type of residential living, particularly for accommodation where residents are subject to care (including, but not limited to retirement villages)[3].
RE2.10	Mitigate the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned built character of the zone, including by a. setting buildings back from side and rear boundaries; and b. limiting the length of buildings along side and rear boundaries; and c. providing opportunities for sunlight access to adjoining sites; and d. for four or more residential units, encouraging the use of other design techniques such as building recesses, varied architectural treatment and landscaping along side and rear boundaries; e. providing living area and bedroom windows with appropriately sized visual privacy and outlook spaces and encouraging outlook spaces to orientate to the street or public spaces rather than side and rear boundaries.

3.2.4 S32AA Evaluation

30. The proposed amendments to policies, and explanations more efficiently achieve the objectives of increasing housing diversity and choice (DO14.1 and RE1) given that they enable a range of site and development opportunities in the same manner as the notified provisions but provide clearer direction which increases certainty for communities.

Costs/Benefits

The proposed amendments can reduce resource consent reporting requirements with the use of more direct language. Reduced reporting requirements also reduce time and financial costs to applicants and ratepayers.

Risk of acting or not acting

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

[3] See section 3.7 of this report for the reasons for this change.

Decision about most appropriate option

32. For the above reasons, the recommended amendments are considered to be more appropriate than the notified version of PC29.

3.3 ISSUE 3: Front Yard carparking

3.3.1 Issue

33. Paragraph 3.3 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement to deletion of the front yard rule subclause f requiring garages to be located so an 85 percentile design vehicle can be located in front of the vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on legal road. The joint witness statement is specific in listing rules REr.17D.1 and REr.18D.1 for the changes.

3.3.2 Evaluation

34. The expert agreement was because NPSUD policy 11 directs Council to remove rules requiring on site car parks from the district plan.

3.3.3 Recommendation

35. For completeness I recommend the following additional changes to rule REr.25.1 as a consequential amendment.

Provision(s)	Officer recommendations
REr.25.1	Consequential amendment to operative rule REr.25.1 to remove permitted activity clause REr.25.1.f.

3.3.4 S32AA Evaluation

36. I consider that evaluation of this recommendation is not required under S32AA because the NPSUD policy 11 directs council to make this change without a Schedule 1 process, meaning this change can be made without any analysis or public consultation.

3.4 ISSUE 4: Residential built form standards

3.4.1 Issues raised in submitter evidence

Site coverage and permeable landscape area rules

37. Paragraphs 39-41 of the statement of evidence prepared by Mark Lile on behalf of Wainui Properties Ltd (S770.012 and S770.015)[4] requests clarification of the application of the site coverage (and permeable landscape area (**PLA**)) rules as they relate to the subdivision rule clause REr.107.2.h. Mr Lile requests clarification that the 40% site coverage restriction for example, applies to the application site pre development and not to the post development sites.

Inclusion of building eaves in setbacks

38. Paragraph 42 of the statement of evidence prepared by Mark Lile on behalf of Wainui Properties Ltd (S770.013)[5] requests that eaves of buildings be specifically excluded from the other yards rule REr.19E, (now REr.18E).

Minimum unit sizes

39. Paragraphs 66-67 of the statement of evidence prepared by Mark Lile on behalf of MGT Holdings (S782.021) discusses concern about the application of minimum unit size standards for retirement villages and other communal living types where shared facilities are provided for residents.

Glazing to the street

40. In addition to the issues listed above, Paragraph 3.5.3 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement in principle to amend assessment criteria REr.17M.4/18M.4 to consider the orientation of buildings as it relates to compliance with the glazing to the street rule REr.18M.

3.4.2 Evaluation

Site coverage and permeable landscape area rules

41. Paragraph 3.5.1 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement in principle to the rules for site coverage (and PLA) applying to the parent net area / application site prior to development, not each individual allotment created as a part of the development; and directs me to consider any other consequential or additional amendments related to this issue. I consider it is also appropriate to make this change to rule REr.18V.3 as this rule also contains site coverage and PLA standards and it is important that these six rules align for plan consistency and ease of use.

Inclusion of building eaves in setbacks

42. Paragraph 3.5.2 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement in principle to excluding eaves up to 600mm in width from the yard setback and maximum building length rules and directs me to consider any other consequential or additional amendments related to building eaves.

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[4] The same submision point is made on behalf of MGT Holdings (S782.012 & S782.015).

[5] The same submision point is made on behalf of MGT Holdings (S782.013).

43. I consider that excluding eaves is also appropriate for rules REr.17C and REr.18C relating to site coverage, and for recommended rule REr.18V for multi-unit developments in the HAO. The operative site coverage rule REr.24 already benefits from the eave extension due to the operative definition of site and building coverage, however the altered rule wording for the equivalent GRZ and MDRZ zone site coverage rules mean that the eave exclusion in the definition of site coverage does not get applied in the same manner. Likewise, recommended rule REr.18V pulls yard setback and building coverage standards into the restricted discretionary standards applicable for multi-unit developments and should be amended for plan consistency and to make navigating the different rules easier.

44. Mr Wallace has considered whether it is appropriate to include the eave exclusion in the daylight control rules as well as the building setback rules in his rebuttal evidence[6]. Mr Wallace does not recommend including an eave exclusion in the daylight control rules because the daylight controls as notified (including eaves) result in upper floors being setback from the boundary in a way that aligns with the setbacks associated with the privacy and outlook standards, and the outdoor living court standards for balconies. Including an eave exemption for the daylight controls would essentially allow taller buildings to be built closer to the side and rear property boundaries and would impact on achieving daylight access between buildings. Accordingly, I do not recommend any changes to the daylight control rules REr.17K, REr.18K and REr.18V.3.f.

Minimum unit sizes

45. Paragraphs 3.5.4 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement in principle to changing the MDRZ rule REr.18U (Minimum unit size) to include internal and external common areas, and consider situations where residents have access to communal facilities, including but not limited to care facilities within retirement villages. I recommend using similar wording to assessment criteria REr.18B.4(b).vi as the most efficient way to achieve this outcome as the assessment criteria covers the same assessment matters relevant to access to shared facilities.

Glazing to the street

46. I consider the orientation of buildings as it relates to compliance with the glazing to the street rule REr.18M is covered by assessment criteria REr.18M.4.a, which suggests consideration of any special or unusual characteristics of the site or the proposal that are relevant to the infringement. This assessment criteria is broad, and would in my opinion, cover instances where the orientation of the site and proposed building layout leads to less than 20% glazing on the street frontage, however, to provide more clarity to the assessment criteria, I propose adding to the existing criteria to acknowledge that special or unusual characteristics of the site or the proposal includes the orientation of the site and proposed buildings.

47. I consider this addition provides enough direction to applicants and decision makers, especially when considered in conjunction with policies RE2.9 quality living environments for residents and

[6] Statement of rebuttal evidence of Cam Wallace. Paragraphs 3.3.

RE3.5 streetscape, which encourage provision of privacy for residents, while also encouraging designs that result in safe and convenient pedestrian access to residential units from the street and passive surveillance of the street for public safety and crime prevention. I consider this recommendation partly addresses the concerns raised in submission S770.019 but note that this recommendation does not change my recommendation to reject the submission point overall (because the submission point requests the deletion of rule REr.19M/ REr.18M).

3.4.3 Recommendation

48. The recommend amendments to rules REr.17C, REr.18C, REr.17D, REr.18D, REr.17E, REr.18E, REr.18M, REr.18U & REr.18V are included in Appendix 2.

49. I recommend the Officer Recommendation for submissions S770.012, S770.015, S770.013, S782.012, S782.015, S782.021 be changed from Reject, to Accept.

3.4.4 S32AA Evaluation

50. The proposed amendments to the rules listed above more efficiently achieve the objectives of increasing housing diversity and choice (DO14.1 and RE1) and contribute to a well functioning urban environment (NPSUD Policy 1) given that they enable a range of site and development opportunities in the same manner as the notified provisions but provide clearer direction which increases certainty for communities.

Costs/Benefits

The proposed amendments can reduce resource consent reporting requirements with the use of more direct language. Reduced reporting requirements also reduce time and financial costs to applicants and ratepayers.

Risk of acting or not acting

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

Decision about most appropriate option

52. For the above reasons, the recommended amendments are considered to be more appropriate than the notified version of PC29.

3.5 ISSUE 5: Manuka St Hospital

3.5.1 Issues raised in submitter evidence

53. Paragraph 3.7 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement in principle with the schedule method identified in the evidence of ML and TM, noting that the Council would seek a restriction of discretion relating to effects on Manuka Street from new buildings. Mr Wallace has provided additional comment on

this in his rebuttal evidence[7]. The Joint Witness Statement acknowledges that questions of what should be subject to assessment remain to be resolved.

3.5.2 Evaluation

54. Section 6.9.3 of my S42A Report – Residential and Subdivision identifies that I have concern that the relief sought by Manuka Street Hospital Ltd (MSHL) in submission points S881.011 and S881.020 may not be within the scope of PC29, this concern has not changed. However, if the Panel is satisfied that there is scope to accept MSHL's submission, I have assessed the schedule proposed by Mr Lile for the Panel to consider.

55. Attached as Appendix 3 is my modified version of Mr Lile's proposed Schedule Y. This consolidates my recommended changes with the other s42A author's suggestions in relation to infrastructure, heritage, and formatting. Natural Hazards are not addressed in this recommended version of Schedule Y.

56. I recommend changes to address the following matters:

Change	Reason
Define Hospital and health services for the site.	For clarity and community certainty.
Permit Hospital and health services for the site.	For clarity and community/ submitter certainty.
Include a rule requiring restricted discretionary (non notified) resource consent for new buildings within 15m of the Manuka Street road boundary.	As per Mr Wallace's rebuttal evidence. Assessment Criteria (for restricted discretionary activities) relating to effects on the streetscape, the functional requirements of the activity and the layout of existing buildings and uses on the site.
Permit small scale additions and alterations to permitted/ existing buildings.	For internal changes, external maintenance and repair and small alterations to the street facing façade.
Include a requirement to connect the new buildings to the reticulated network.	To ensure the water supply and the wastewater and stormwater network has sufficient capacity to service the development.
Include a diagram to clarify which daylight controls apply to the various boundaries	I consider the daylight controls listed in the schedule are overly complicated and a diagram

[7] Statement of rebuttal evidence of Cam Wallace. Section 5.

	included in the schedule would provide clarity and certainty.
Updates to the explanation of the schedule included in Y.6 to apply specifically to Schedule Y and remove reference to Schedule C.	In my view, it is not appropriate or necessary to refer to the current owner as it is the activity that is the primary focus of the Schedule. I have deleted parts of the explanation that refer to the current situation as this may change over the next 10 years (after which the Schedule will be due for review). Reference to planned built character is also recommended, I consider this is important as this will be relevant for infringements.

57. I have considered the policy framework relevant for recommended Schedule Y and am comfortable that the changes recommended to policies RE2.5, RE2.6, RE2.7 and RE2.8 are efficient and effective guidance for considering resource consent applications for the Scheduled site. I have however, identified an error in the recommended wording of Policy RE2.5 to respond to MSHL's submission point S881.013, which conflates the concepts of scale and density in relation to the functional and operational needs of non-residential activities and development. I recommend replacing the word 'density' with 'greater building scale' to clarify the intention of this amendment to the operative policy as shown below in the recommendation table.

3.5.3 Recommendation

58. I recommend the following additional changes to the Policy RE2.5, and I recommend the inclusion of the modified version of Schedule Y included in Attachment 3 should the Panel consider there is scope to accept submission S881.020.

Provision(s)	Officer recommendations
Policy RE2.5	**policy** **RE2.5 scale** ***The size and scale of buildings, structures, and activities should be compatible with the planned built character and amenity of the residential areas, while recognising the functional and operational requirements of non-residential activities and development. including that they:*** ***a. may require greater building scale ~~density~~ than the planned built character to enable efficient provision of services; and***

	b. may have activity specific layout and internal amenity.

3.5.4 S32AA Evaluation

59. For the purposes of this report, I adopt Mr Lile's S32AA assessment contained in his statement of evidence as Attachment ML4. In addition, I provide the following S32AA evaluation relevant to my amendments to Schedule Y listed above.

60. The proposed amendments to the schedule more efficiently achieve the objectives of DO14.1, DO14.4 RE2 and RE3 and contribute to a well functioning urban environment (NPSUD Policy 1) given that they enable ongoing investment and development of an established hospital of regional significance but provide clearer direction for an appropriate level of development anticipated for the site, which increases certainty for the community.

Costs/Benefits

61. The proposed amendments can reduce resource consent reporting requirements with the use of a site specific schedule of permitted standards and the use of a restricted discretionary resource consent pathway for smaller scale infringements. Reduced reporting requirements also reduce time and financial costs to applicants and ratepayers.

Risk of acting or not acting

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

Decision about most appropriate option

63. For the above reasons, the recommended amendments are considered to be more appropriate than the notified version of PC29.

3.6 Clarification of Recommendations for Port Nelson

64. Sarah Jenkin, on behalf of Port Nelson Limited (**PNL**) raised a number of issues in evidence which have now been addressed through expert conferencing.

65. Ms Jenkin has identified several inconsistent recommendations on submissions in the Section 42A Reports. As it relates to the S42A Report – Residential and Subdivision, I correct my recommendation on FS25.016 from "reject" to "accept" for the reasons set out in section 13.1 of the S42A Report – Overview and Strategic. This submission point and the associated further submission point were misallocated in error.

66. I correct my recommendation on S536.027 from "accept in part" to "reject in part"; and I include a recommendation that the associated further submission FS25.019 is "accepted in part" consistent with the approach taken to managing development in the Port Effects Control Overlay outlined in the S42A Report Addendum – City Centre, Commercial and Infrastructure. This was an error.

67. Ms Jenkin has identified PNL's further submissions on S512.004 and S901.011 are missing from the Submissions Database and as a result there is no officer recommendation. Ms Jenkin has not provided any detail of what these further submission points request, and as noted, these further submission points are missing from the Submissions Database, therefore I cannot provide any recommendations on these missing points.

68. I correct my recommendation on FS25.033 from "Reject" to "Accept in part" as this has now been addressed through expert conferencing (paragraphs 3.2 and 3.3 - Infrastructure & Planning Part 3 - Joint Witness Statement).

3.7 Changes requested in Letters to the Hearing Panel

69. Ara Poutama Aotearoa, The Department of Corrections (S204) asked for a minor amendment to the definition of residential activity to remove the separate subclause d that was recommended in my S42A Report recommendations and include the wording changes in subclause c. I agree with the amendment and consider the application of the definition will remain the same as a result of the change.

70. The Retirement Villages Association (S901) have also provided the Panel with a letter in advance of the hearing, expressing support for a number of changes recommended in the S42A Reports. The letter also requests a minor amendment to clarify that assessment criteria that refers to 'Accommodation where residents are subject to care' includes retirement villages. The letter identifies that the RVA is concerned that the proposed drafting may be interpreted narrowly, so as to only apply design flexibility to aged care units and not across a retirement village.

71. I share this concern but consider that the relief sought has been misapplied. I consider that amending assessment criteria is less efficient than amending the policy to which this assessment links (Policy RE2.9 in this instance) because the policy provides direction for decision makers, whereas assessment criteria are a non exhaustive guide for plan users as to the matters which will generally be considered. I recommend applying the amendment to the policy and do not consider any amendments to the assessment criteria are necessary.

3.7.1 Recommendation

72. I recommend the following additional changes to Policy RE2.9 (see Appendix 1 for the full suite of changes proposed to Policy RE2.9).

Provision(s)	Officer recommendations
Policy RE2.9 (subclause f)	***f. for the functional needs of different type of residential living, particularly for accommodation where residents are subject to care (including, but not limited to retirement villages).***

3.7.2 S32AA Evaluation

73. The recommended amendment is intended to clarify the intent of Policy RE2.9 and improve its workability. On this basis, no further evaluation for these recommended amendments under Section 32AA is required.

3.8 Minor errors

74. In assessing the request from the Retirement Villages Association discussed in paragraph 71 above, I noticed rule REr.18B.4.b is missing an assessment criteria related to "the extent to which the development will enable as many people as possible to independently use and interact with the on-site living environments". This was a drafting error, the assessment criteria was supposed to be the same across rules REr.17B and REr.18B (and now the associated rule REr.18V). I have corrected rules REr.18B.4 b and REr.18V as shown in Appendix 1. I consider submission point S933.041 provides scope to recommend this change.

4.0 Conclusion

75. The issues raised in submitter evidence relating Residential matters of PC29 are relatively discrete and expert conferencing has provided agreement in principle to make further recommended changes to:

a) Provide additional direction for plan users via changes to Policies RE1.7, RE1.8, RE2.5, RE2.9, RE2.10; and

b) Rules REr.18B, REr.17C, REr.18C, REr.17D, REr.18D, REr.17E, REr.18E, REr.17H, REr.18H, REr.17M, REr.18M, REr.18U, and REr.18V; and

c) Refine site specific relief sought by the submitter in relation to the Manuka Street Hospital site; and

d) Provide amendments to inconsistent recommendations on submissions in the Section 42A Reports; and

e) Respond to the matters raised in letters to the Panel from Ara Poutama Aotearoa, The Department of Corrections and The Retirement Villages Association.