S.42A Officer Recommended changes to provisions post Joint Witness Conferencing

Key:

Black underlined/~~strike through~~ = notified wording

Red underlined/~~strike through~~ = s42A report recommended changes

Red unlined/~~strike through~~ and yellow highlighted = post JWC s42A officer further recommended changes

Residential activity: means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities.

a) accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident as described above,; or
b) emergency and refuge accommodation,; or
c) accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not ~~d~~ custodial facilities. ~~places where residents are subject to detention.~~

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.

RE1.7ii

Rules that enable housing to be designed to meet the day-to-day needs of residents, and where appropriate setting minimum standards to provide for a ~~high~~ quality living environment and residential amenity.

RE1.7.iii

Rules that encourage a built-form which can better promote passive surveillance of streets and supporting a ~~high~~ quality built-form which minimises effects on neighbouring properties.

policy

RE1.8 High Density developments in the High Accessibility Overlay

Commented [CB1]: S42A Report Addendum – Residential – Officer Recommendation.

Commented [CB2]: S901.001

Commented [CB3]: S42A Report Addendum – Residential – Recommendation, and S517.011

Commented [CB4]: S.517.011

Commented [CB5]: S709.060

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.

RE1.8.ii

Rules setting minimum standards to provide for a ~~high~~ quality living environment and residential amenity.

RE1.8.iii

Rules that encourage a built-form which can support passive surveillance of streets and supporting ~~a~~ ~~high~~ quality built-form which minimises effects on neighbouring properties.

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.

policy

RE2.9 quality living environments for residents

Enable development of existing or new sites to create a ~~high~~ standard of amenity for residents within ~~and adjoining~~ a development 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).

policy

RE2.10 effects of development on adjoining sites

Mitigate the potential adverse effects of development on adjoining sites, without limiting the ability to

achieve the planned 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.

REr.18B.4.b

b. quality on-site living environments

i. whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access.

ii. the extent to which outdoor living spaces are directly accessible from the principal living room.

iii. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and allow some privacy between residential units.

iv. where communal open space is provided on-site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use.

v. the extent to which the development will enable as many people as possible to independently use and interact with the on-site living environments.

vi. the methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on-site.

vii. for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site. This may include design flexibility for the provision open space within the development and for the layout and outlook of smaller room types.

Commented [CB6]: S947.005

Commented [CB7]: S901.011

REr.17C.1

Buildings are permitted where coverage of the net area of ~~any~~ the development site does not exceed 40%.

For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.

The following are not included in building coverage:

a. pergolas and similar unroofed structures

b. underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area, or

c. that part of eaves or bay or box windows projecting 600mm or less horizontally from any exterior wall, or

d. outdoor swimming pools, decks or terraces which are not roofed over, or

e. fences, walls and retaining walls.

REr.18C.1 (& REr.19C.1 if retained)

Buildings are permitted where coverage of the net area of ~~any~~ the development site does not exceed 50%.

For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.

The following are not included in building coverage:

a. pergolas and similar unroofed structures
b. underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area, or
c. that part of eaves or bay or box windows projecting 600mm or less horizontally from any exterior wall, or
d. outdoor swimming pools, decks or terraces which are not roofed over, or
e. fences, walls and retaining walls.

REr.17D.1

Buildings in a front yard are permitted if:

a. buildings (~~including building~~ excluding eaves up to 600mm in width and excluding accessory buildings, garages and carports) are set back at least 1.5m from the road boundary; and…

REr.18D.1 (& REr.19D.1 if retained)

Buildings in a front yard are permitted if:

a. buildings (~~including~~ excluding eaves up to 600mm in width and excluding accessory buildings, garages and carports) are set back at least 1.5m from the road boundary; and…

REr.17E.1

Buildings in a side or rear yard are permitted if:

a. on any side or rear boundary, the total length of all buildings (~~including~~ excluding eaves up to 600mm in width) within 1m of the boundary must not exceed 12m, and…

Commented [CB8]: Strategic, Residential and Planning - Joint Witness Statement - 5 & 6th August 2024.

REr.18E.1 (& REr.19D.1 if retained)

Buildings are permitted if buildings (~~including~~ excluding eaves up to 600mm in width) are not located within 1m of side and rear boundaries.

This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

REr.17H.1

Buildings are permitted where at least 25 ~~20~~% of the development site is maintained as permeable landscaped area.

For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.

RErr.18H.1

Buildings are permitted where at least 20% of the development site is maintained as permeable landscaped area.

For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.

RErr.18M.3

Activities that contravene a permitted condition are restricted discretionary.

Discretion is restricted to effects on the safety and attractiveness of the street.

Resource consent applications for restricted discretionary activities will be considered without public notification.

RErr.17M.4 & RErr.18M.4

a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement, including (but not limited to) the orientation of the site and proposed buildings.

b. whether there are opportunities for passive surveillance, through the use of windows to habitable rooms that directly overlook the street.

RErr.18U.3

Activities that contravene a restricted discretionary activity.

Discretion is restricted to effects on the quality of on- site living environments.

Resource consent applications for restricted discretionary activities will be considered without public notification.

RErr.18.U.4

a) whether the layout of residential units provides sufficient room for the day to day needs of residents, including space for both furniture and internal circulation.

b) whether each unit has access to communal facilities (e.g. shared laundry) and/or storage facilities within the building.

c) for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site.

RErr.18V.3

Four or more residential units is a restricted discretionary activity provided that:

Commented [CB9]: Strategic, Residential and Planning - Joint Witness Statement - 5 & 6th August 2024.

a. The development site is in the High Accessibility Overlay; and b. the development site is a minimum of 1,000m2 in net site area; and c. the development site has a minimum road boundary width of 24m; and d. all buildings are no more than 19.5m in height; and e. building coverage of the net area of the development site does not exceed 60%; and f. no buildings project beyond a 60º recession plane measured from a point 8m above ground level along all side and rear boundaries; and g. buildings (excluding eaves up to 600mm in width) are not located within 3m of the side and rear boundaries of the development site. Discretion is restricted to: i. effects of the building design and development layout on: a. the safety and attractiveness of the street; and b. the quality of on- site living environments; and c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone or overlay; and d. the ability to provide efficient parking, access and servicing on the development site that supports high quality living environments; and e. effects on the safe and efficient operation of the transport network. f. the ability to provide functional accessible units within the development. g. the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites. Resource consent applications for restricted discretionary activities that comply with standards a to g will be considered without notification or obtaining written approval of affected persons. Activities that contravene a restricted discretionary standard are restricted discretionary and subject to the normal tests for notification. For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.
REr.18V.4.b b. quality on-site living environments i. whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access.

ii. the extent to which outdoor living spaces are directly accessible from the principal living room.

iii. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and allow some privacy between residential units.

iv. where communal open space is provided on-site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use.

v. the extent to which the development will enable as many people as possible to independently use and interact with the on-site living environments.

The methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on-site.

vi. for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site. This may include design flexibility for the provision open space within the development and for the layout and outlook of smaller room types.