Nelson City Council
Te Kaunihera o Whakatū

Addendum 1 to the Section 42A Report – Overview

Plan Change 29 to the NRMP

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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
MDRS	Medium Density Residential Standards prescribed in Schedule 3 of the RMA
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
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 on over-arching and strategic matters.

2. The addendum is organised by key issue. This addendum also notes a correction to the Section 42A Report - an amendment to a submission point that I recommended rejecting.

3. I attended expert conferencing on Infrastructure, Inner City and Strategic and Residential from 24 July 2024 to 8 August 2024. The Joint Witness Statements can be found online[1]. Expert conferencing assisted to resolve or significantly narrow the issues in contention between experts. The addendum below provides further assessment of remaining issues relevant to the overview and strategic topic. This includes:

    a) Zoning methodology as it relates to Atawhai;

    b) Neighbourhood plans;

    c) Clarification of recommendations on submission points from Nelson Port Limited.

4. Direction 6 from the Panel requests that further information is provided by 21st August 2024 regarding the relationship between Private Plan Change 28 and PC29. The Council's reporting officers and I are working through this issue with Mr Lile currently (who is the planner for the private plan change applicant) and will provide an update to the Panel by this date.

3.0 Further Evaluation and Recommendations

3.1 Atawhai Zoning Methodology

3.1.1 Issues raised in submitter evidence

5. Matthew Heale, on behalf of Megan Courtney, 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**).

6. Mr Heale considers that the analysis undertaken to inform the zoning proposed in the S42A report shows a lack of understanding of Nelson's land use and transport dynamics. Mr Heale states that the wider Atawhai area has a high level of accessibility to the City Centre and local services through public and active transport connections and has a high level of access to open space and recreational assets. He recommends that development feasibility and topography are considered in the analysis informing zoning.

[1] https://shape.nelson.govt.nz/hearing-portal-plan-change-29/expert-conferencing

7. The S42A Addendum Report – Residential and Subdivision addresses proposed amendments to Policy RE1.7.

3.1.2 Evaluation

8. I address the proposed zoning strategy in Section 12 of the S42A Report – Overview and Strategic. I address the accessibility of Atawhai on page 32 of that report, and relying on the analysis of Cam Wallace, state that the area has lower accessibility relative to the wider urban area. This is due to its distance from the core Nelson urban area, low frequency of public transport access, the small scale of the suburban commercial centre and limited community services.

9. The rebuttal evidence of Mr Wallace provides further detail on the methodology used to evaluate the level of accessibility of different parts of Nelson. Mr Wallace has updated the accessibility analysis in response to queries raised by Mr Heale, however this does not affect his original conclusions. I note that Mr Wallace's assessment of accessibility includes consideration of topography and that development feasibility has been considered in the detailed analysis undertaken by Lawrence McIlrath[2].

10. The purpose of the accessibility analysis undertaken for PC29 is to determine the level of accessibility of different parts of Nelson, which has included consideration of how different areas perform relative to each other. This does not mean that Atawhai has poor accessibility. As Mr Heale states, the Atawhai community has public transport links and access to parks and small-scale community and commercial activities. Given the compact urban form of Nelson, many areas of Nelson can be said to be accessible when considered against this broad metric. Applying Mr Heale's interpretation would likely result in the MDRZ applying across large parts of Nelson as explained by Mr Wallace[3]. In my view, for a compact city such as Nelson this outcome is not the intent of Policy 5 of the NPSUD, particularly when considered in the context of overall residential demand[4].

11. While Mr Heale's option would contribute to greater housing choice and improved affordability similar to the S42A zoning option, in my opinion, it would be less effective in achieving objectives relating to the quality of residential environments (Objective DO16.1.1) and responding to local context and amenity values (Objective DO13A.1). I therefore continue to support the zoning approach outlined in the S42A report.

3.1.3 Recommendation

12. I do not recommend further amendments to the zoning of Atawhai proposed in the S42A Report – Strategic and Overview.

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[2] Refer to the Technical Evidence of Lawrence McIlrath informing the S42A Reports.
[3] Refer to paragraph 2.4 of Mr Wallace's Rebuttal Evidence.
[4] Refer to the discussion at Section 10 of the S42A Report – Overview and Strategic.

3.2 Neighbourhood Plans

3.2.1 Issues raised in submitter evidence

13. Jeremy Dawkins, on behalf of Nelson 2050 has provided evidence outlining a recommended approach to implementing neighbourhood plans, including an illustrated Urban Design Guide. In conclusion, he states:

> *PC29 should be seen as a broad indication of where intensification might take place, and even as a form of ready-made default standards for development, provided that (i) PC29 is not prescriptive, and (ii) its application is based primarily on an evolving set of neighbourhood plans, guides, policies and site-specific standards.*

14. Mr Dawkins does not recommend any specific changes to PC29 provisions to address the matters raised.

3.2.2 Evaluation

15. I address the matter of Neighbourhood Plans and Urban Design Guidelines in Section 13.2.2 and Section 13.4 of the S42A Report – Overview and Strategic. I support both planning tools as a means of defining the local improvements necessary to support intensification. However, in my view, PC29 is not contingent on Neighbourhood Plans and Urban Design Guidelines being in place. Should the outcome of any future Neighbourhood Plan require any amendments to the NRMP, the Council is able to progress this through a separate Plan Change process, if required.

3.2.3 Recommendation

16. I do not recommend further amendments to PC29 in response to the matters raised by Mr Dawkins.

3.3 Clarification of Recommendations for Port Nelson

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

18. Ms Jenkin has identified several inconsistent recommendations on submissions in the Section 42A Reports. As it relates to the S42A Report – Overview and Strategic, I correct my recommendation on FS25.013 from "reject" to "accept in part" consistent with the approach taken to managing development in the Port Effects Control Overlay outlined in the S42A Report – City Centre, Commercial and Infrastructure. This was an error.

4.0 Plan Change 30

19. Nelson Airport Limited is seeking to amend the NRMP via Private Pla Change 30 (**PPC30**). PPC30 seeks to amend the planning framework to amongst other matters:

    a) Introduce a new Airport Zone for land contained within DAA1 as proposed in the Notice of Requirement;

b) Amend Chapter 7 Residential, Chapter 9 Suburban Commercial, Chapter 10 Industrial, Chapter 11 Open Space and Recreation, and Chapter 14 Conservation Zones to provide a consistent rule suite to avoid activities sensitive to airport noise from establishing within the Airport Effects Control Overlay and Airport Noise Boundary.

20. As will be outlined in the legal submissions for PC29 (to be filed 21/08/2024), PPC30 has not been adopted by the Council and will not have legal effect until is it made operative. The Hearing for PPC30 is completed but a decision is yet to be released.

21. As I understand it, PPC30 proposes to rely on the operative Natural Hazard Overlays and a bespoke set of corresponding rules in a new Airport Zone. Under the Operative NRMP only the Inundation Overlay applies to the Airport as shown in Figure 1 below.

22. PC29 proposes to amend the Natural Hazard Overlays that apply to the Airport and the associated rules. Under PC29, the Airport is proposed to be subject to the following Natural Hazard Overlays (as shown in Figure 2 below):

a) Liquefaction Overlay;
b) Flood Hazard Overlay;
c) High Flood Hazard Overlay; and
d) Inundation Overlay (the spatial extent of this overlay is largely the same as the Operative NRMP).

23. PC29 contains rules for each of these Natural Hazard Overlays. These rules are proposed to apply to the Airport via the Industrial Zone, being the operative zoning that applies to the Airport.

24. Figure 3 below shows the difference in spatial extent between the PC29 area and the proposed Airport Zone in PPC30. The PC29 Natural Hazard Overlays only apply spatially to a portion of the proposed Airport Zone. The Operative NRMP Inundation Overlay will apply to parts of the remaining area, which is largely within the Open Space Recreation Zone and part of the Residential Zone – Standard Area.

25. The overlap between PPC30 and PC29 arises from the issues set out above. If PPC30 is approved and made operative, the Industrial Zone will no longer apply to the Airport and the Airport Zone would apply in its place. This would result in the PC29 Overlays being spatially mapped (if approved and made operative), but not linking with any rules in a new Airport Zone apart from the Inundation Overlay[5].

[5] See proposed rule AIRPz.51 in PPC30.

26. The appropriate set of Natural Hazard provisions to apply to the Airport could be addressed via PPC30 and amendments to the proposed Airport Zone. I understand that Nelson City Council made a further submission to PPC30 requesting that this occur[6].

27. The reporting planners for natural hazards on PC29 (Sue Robb and Janice Carter) recommend a range of further amendments to the natural hazard provisions in the Industrial Zone in response to the matters raised by Matt Bonis on behalf of NAL. The details of this are included in their respective S42A Addendum Reports. This may be the subject of further expert conferencing and refinement during the PC29 Hearing. If this occurs it should also include discussion of how the PC29 natural hazard provisions should be drafted to ensure that they can also apply to a future Airport Zone if that were to be approved and made operative via PPC30. This could be achieved in several ways and is a matter of technical drafting detail to work through.

28. The other matter relating to PPC30 in the S42A Reports is addressed by Mr Gopinath and relates to the zoning of a small portion of land within the extended Airport Effects Control Overlay proposed in PPC30. However, this issue does not give rise to the same integration challenges as those I have noted above. In my view, the zoning of this land is dependant on the outcome of PPC30 and requires a broader consideration of whether it is necessary to down-zone in areas subject to an overlay that otherwise restricts density, including the Port Effects Control Overlay for example.

[6] See Further Submission 15 to PPC30 with the relief sought being: Introduce provisions that apply (but are not limited to) to the objectives, policies and rules for the following topics in Plan Change 29 to the Airport Zone. It is acknowledged the detail of proposed provisions may be amended through the plan change processes: 1. Building over or alongside drains and watermains. 2.Natural hazards provisions including those relating to liquefaction, innundation and flooding.

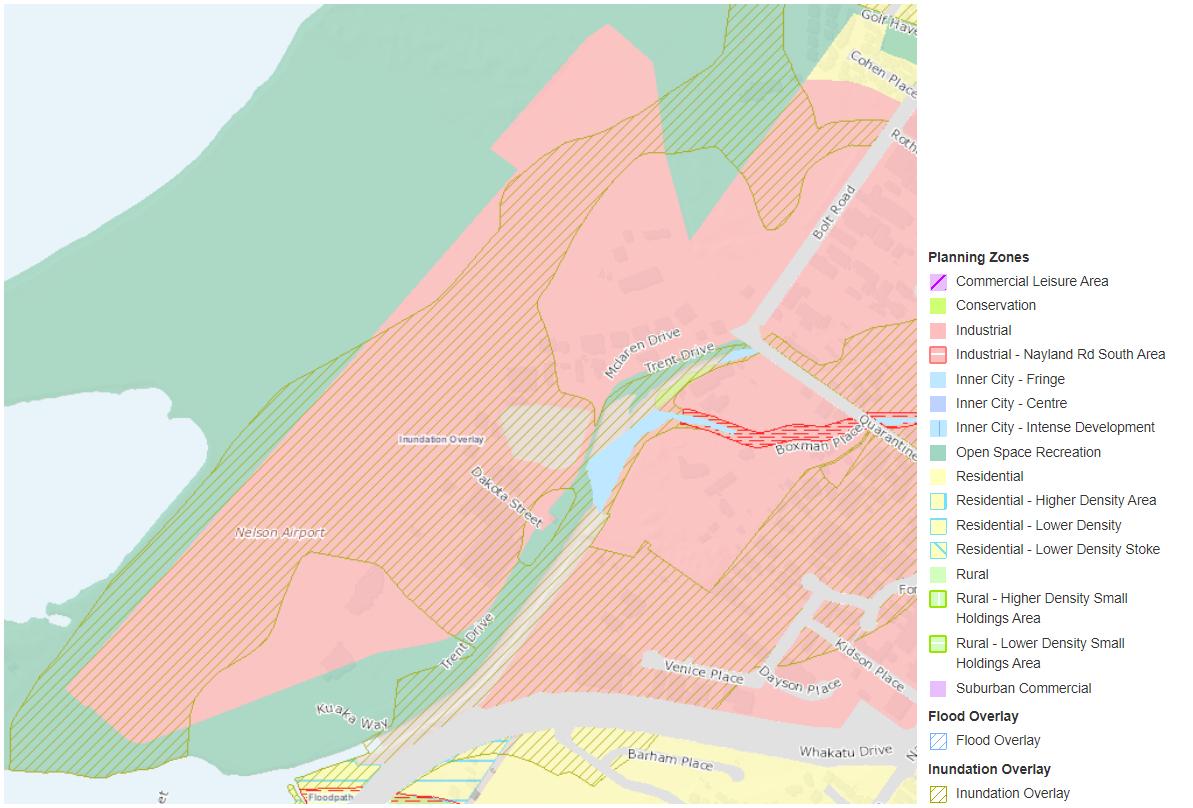


Figure 1: Showing the Natural Hazards Overlays applying to the Airport under the Operative NRMP.

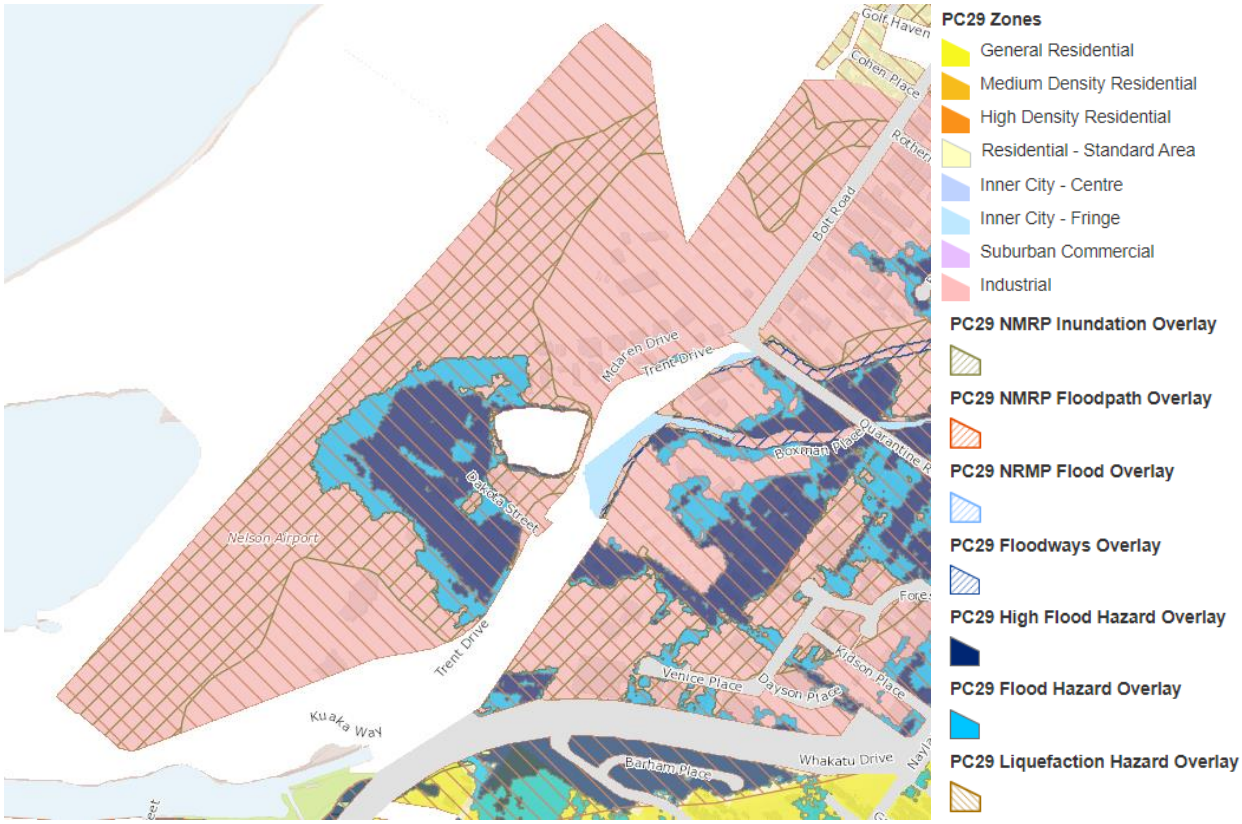


Figure 2: Showing the Natural Hazard Overlays proposed to apply to the Airport in PC29.

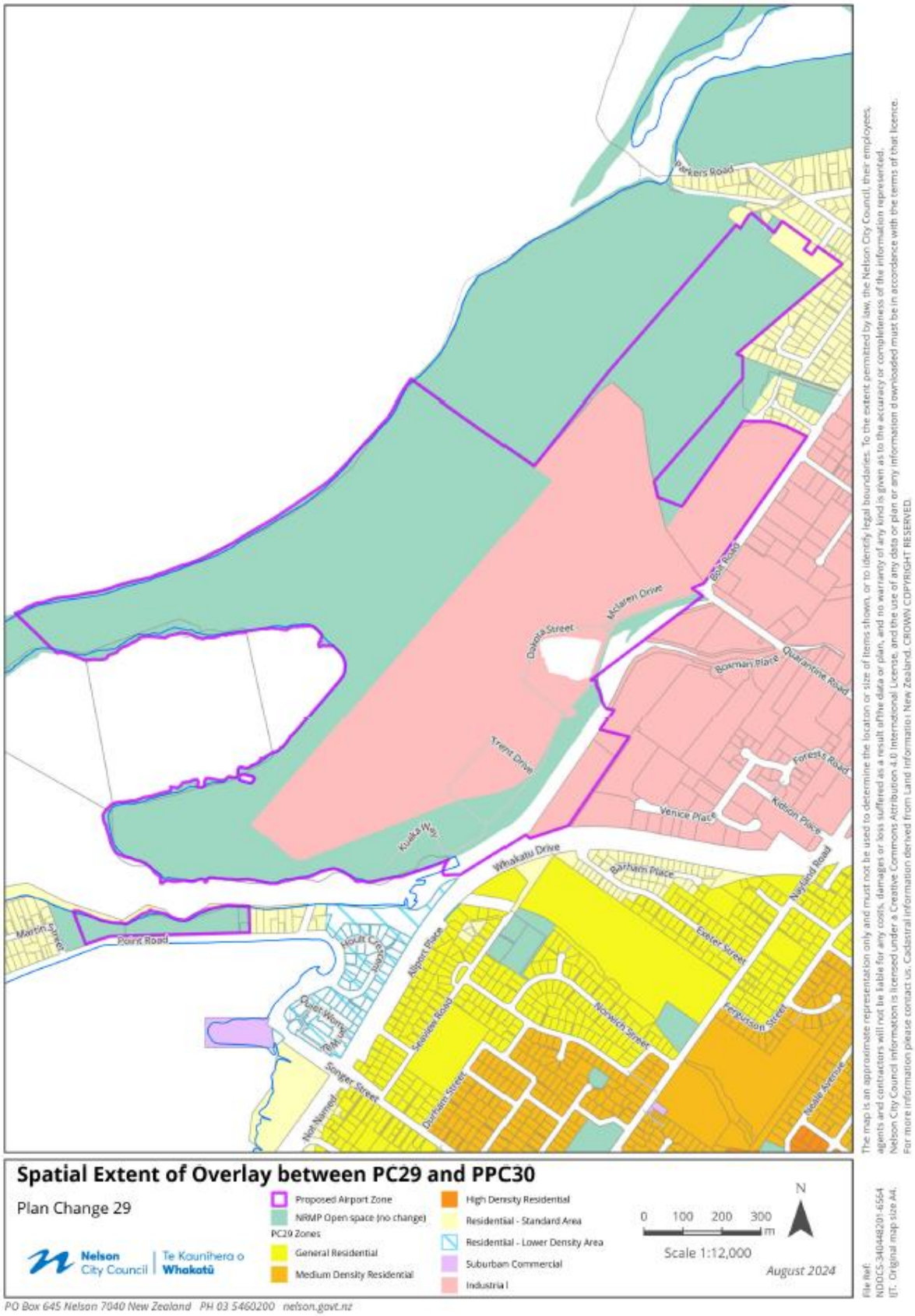


Figure 3: Showing the zoning of the Airport under the Operative NRMP and PC29 and the spatial extent of the Airport Zone proposed in PPC30.

5.0 Conclusion

29. The issues raised in submitter evidence relating to the strategic aspects of PC29 are relatively narrow and expert conferencing has provided the opportunity to refine those matters further. The above analysis sets out my opinion on the outstanding matters and I do not recommend further amendments to PC29 in response.