

TOWARDS BETTER  
urban design



NELSON CITY COUNCIL

## **Nelson Resource Management Plan**

Proposed Plan Change 14

Residential Subdivision, Land Development  
Manual and Comprehensive Housing

**Planning Officers Report - Addressing  
Submissions on the Plan Change prior to  
Hearing**

**Date of hearing**  
28 November 2011

RAD 1189628

## Structure of Report

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### Related Documents (available on Councils website [www.ncc.govt.nz](http://www.ncc.govt.nz) )

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Plan Change 14 Proposed Plan Amendments Doc No. 802585.

Plan Change 14 Section 32 Report Doc No. 802134

Plan change 14 Summary of Decisions Requested Doc No 1034285

NCC Land Development Manual 2010 Doc No 928996

# PART A

## 1. Introduction

### Reporting Officer

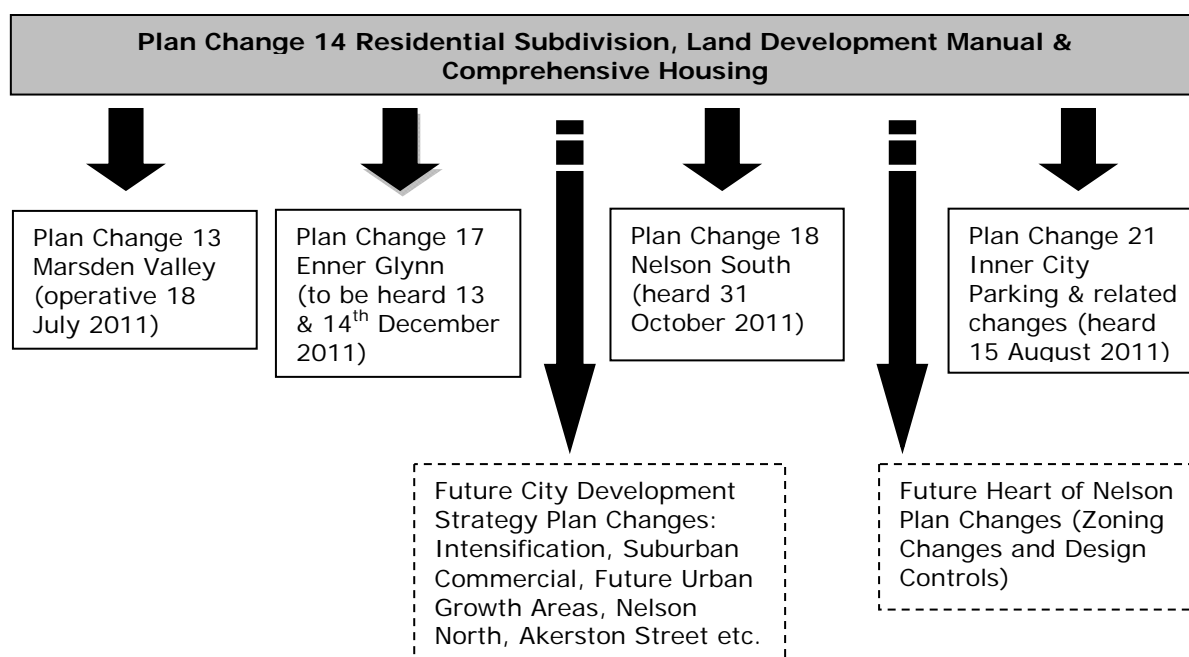
- 1.1 My name is Lisa-maree Gibellini. I am employed at Nelson City Council in the role of Planning Adviser. I have been with the Council for four years, three of those years as Senior Policy Planner in Environmental Policy and the remainder in my current role (Planning Advisor, Strategic Response).
- 1.2 I have a Bachelor of Resource Studies(Hons) from Lincoln University and a Master of Resource and Environmental Planning from Massey University.
- 1.3 I have 16 years experience as a planner in both private practice as a consultant in Christchurch, Wellington and Nelson, in policy and resource consent roles with Kapiti Coast District Council and Wellington City Council, and in a development control role with the London Borough of Newham Council.
- 1.4 I am a Gradplus Member of the NZ Planning Institute and a Professional Associate member of the NZ Institute of Surveyors. In 2002 I was awarded the Fulton Bequest B2 Merit Award from the NZ Institute of Surveyors for my role as project manager for Standards NZ publication HB44:2001 Subdivision for People and the Environment. In 2008 I was awarded the Award of Excellence from the NZ Institute of Surveyors for my design concept and planning work on Galeo Estate subdivision in Mapua.
- 1.5 I have been directly involved with this Plan Change from the beginning of the drafting process through the notification period.

### Contributors

- 1.6 Council has employed the expertise of a number of professionals throughout the drafting phase of the Plan Change. Graeme McIndoe urban designer has reviewed the urban design related parts of the Plan Change, Sarah Dawson planner from Boffa Miskell has reviewed the entire Plan Change in terms of technical proficiency, and Michael Garbett and Fiona McLeod from Anderson Lloyd have provided legal advice in respect of the Services Overlay provisions and external reference of the Land Development Manual 2010.
- 1.7 Contributors also included Nelson City Council staff Andrew James, Principal Policy Advisor – Transport and Roading, and Shane Overend, Senior Engineering Officer. Both of these staff members are available to present their expert view in relation to the submission points relevant to their field and will be available to answer questions.
- 1.8 Evidence is provided by Graeme McIndoe urban designer in response to the submissions on urban design matters such as proposed front fences and front yard provisions. This evidence has been incorporated into this report in Part D. Graeme McIndoe will also be available at the hearing to answer any questions on his evidence and urban design matters generally.

## Overview of Proposal

- 1.9 Urban design considers the design of the city and suburbs. It includes the design of, and relationships between, the buildings, spaces and networks (e.g. streets) and has significant influence on people because our everyday lives are connected by the environments we share in urban areas. While Nelson has many attractive buildings and spaces, there are also some poor examples, where opportunities to do something better were not realised. This is in part due to a need for greater urban design guidance. This plan change is designed to provide that guidance.
- 1.10 Proposed Plan Change 14 seeks to update and incorporate better urban design provisions into the Nelson Resource Management Plan (NRMP), into the NCC Engineering Standards now called the NCC Land Development Manual (LDM), and into Council administration and internal policies. It is a plan change that includes both regulatory and non-regulatory methods and also seeks to bridge the gap between the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA) with respect to development contributions.
- 1.11 Plan Change 14 is part of a rolling plan review process, setting District Wide urban design objectives, policies and methods. As illustrated in the diagram below Plan Change 14 sets the policy framework for current and intended future plan changes with respect to urban design.



- 1.12 The proposed urban design District Wide policy framework is aspirational and seeks to achieve the following characteristics through the design of, and provisions for activities within, our urban areas:
- (i) Recognition of the local context
  - (ii) Improved connections
  - (iii) Creation of high quality public spaces
  - (iv) Diversity in built form, spaces and activities
  - (v) Inspiring places
  - (vi) Sustainable places and communities
  - (vii) Supportive urban design processes and practices

- 1.13 After addressing urban design at the District Wide policy level and setting the policy framework for all the plan changes identified above, Proposed Plan Change 14 focuses the majority of its regulatory and non-regulatory provisions on the Residential Zone. In particular, the focus is on the activities of residential subdivision and site development. The aim of the urban design focus within the residential environment is to:
- (i) provide for the health, safety and wellbeing of the community,
  - (ii) the efficient use of the land resource, and
  - (iii) to avoid, remedy or mitigate adverse effects of subdivision and development particularly in terms of residential amenity and character so that development:
    - (a) Relates to the local topography and environment.
    - (b) Provides safe and pleasant networks & public spaces.
    - (c) Provides quality private to public space relationships (reserve and streetscapes).
- 1.14 The policy approach includes acknowledgement of the need to provide the right mix of certainty in the consent process with provisions that enable flexibility to achieve site responsive designs. This need is provided for by proposing a new restricted discretionary activity category with a non-notification statement for the key activities targeted by the Plan Change (subdivision, comprehensive housing, front yards, fences).
- 1.15 A critical component of the policy approach is also its reliance on proposed 'other methods' which include internal Council process improvements and non-regulatory guidance. Part of this approach was the review of the Nelson City Council Engineering Standards 2003 (now called the Nelson City Council Land Development Manual 2010) which is incorporated as an externally referenced document as part of the proposed Plan Change and is aligned in its approach to achieve better urban design. The plan change provides a greater focus on urban design and it will be critical to ensure that the NCC Urban Design Action Plan is implemented to assist with disseminating this internally through Council processes and administration procedures.
- 1.16 The need for this proposed Plan Change has been driven by a number of factors including: Nelson City Council's changing planning mandate, the NCC Urban Design Protocol and Action Plan obligations, the Nelson Urban Growth Strategy, the Nelson Richmond Intensification Study, general opinions of the public (residents satisfaction survey), and feedback from Councillors, staff, development consultants and applicants that we could do better in accommodating development in a manner that achieves a high standard of urban design in our city/neighbourhoods.

### **Purpose of this Officer Report**

- 1.17 This officer report has been prepared under Section 42A of the Resource Management Act:
- to assist the Hearing Committee in making its decisions for Nelson City Council on the submissions and further submissions to Proposed Plan Change 14 – Residential Subdivision, Land Development Manual and Comprehensive Housing to the Nelson Resource Management Plan (the Plan); and
  - to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.

1.18 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:

- falls within the functions of Nelson City Council under the Resource Management Act 1991 (RMA);
- will enhance the ability of the Plan to achieve the purpose of the RMA;
- will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
- will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, coherence, etc.
- is within the scope of the proposed Plan Change.

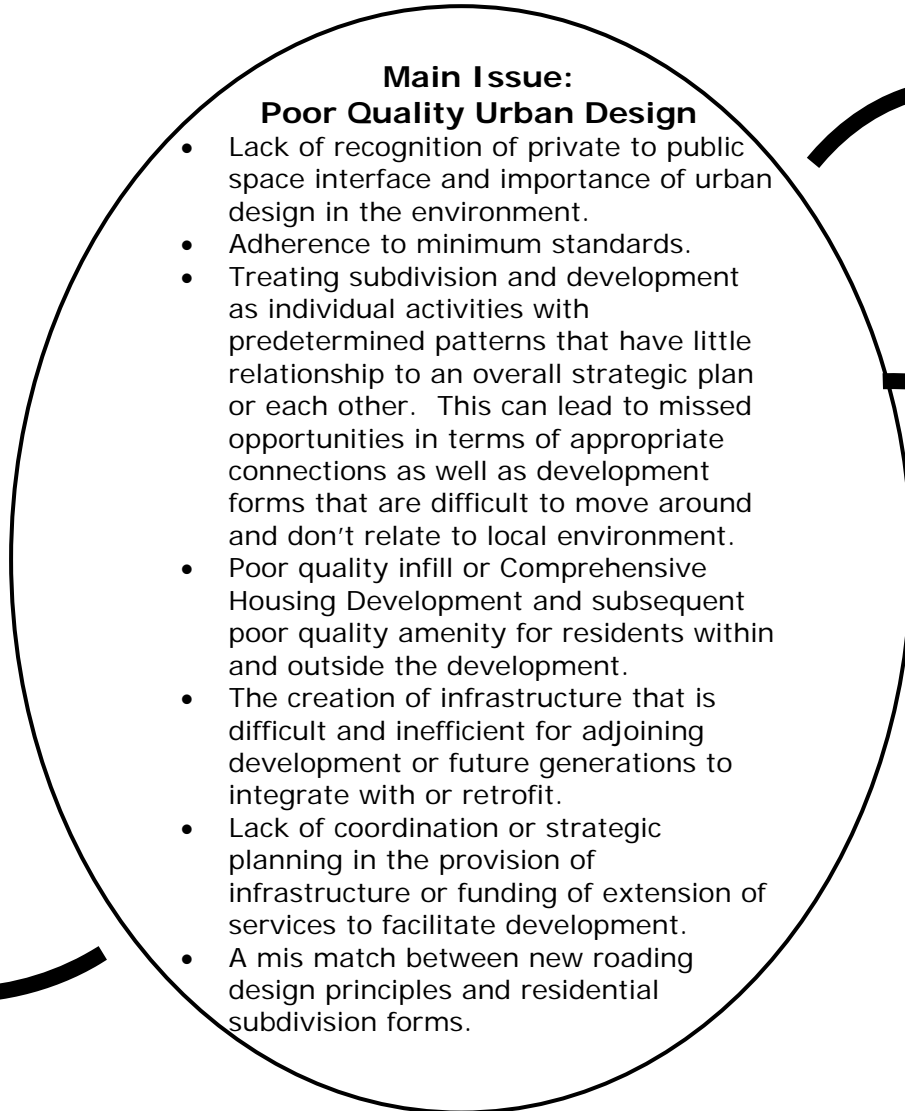
## Background

- 2.1 The background to this Plan Change is discussed in section 2.1 'Background to the Issue' (pg 6) and section 3.0 'Approach to Plan Change' (pg 22) of the Section 32 report for proposed Plan Change 14. In summary, the proposed Plan Change was initiated as it was acknowledged that the current traditional engineering and prescriptive policy approaches, and Council's administration of them, have not led to, nor are they supportive of, better urban design in Nelson. This had led to missed opportunities in the development of the urban area.
- 2.2 Critics of the current approach believe it has resulted in many cases of neighbourhoods which are bland in character and design and have little local environmental character and poor urban amenity. In some cases the sameness in street design and width, architecture and neighbourhood demographics has prevailed. Opportunities for connections between neighbourhoods, maximising energy efficiency and enhancing safety and community interaction have been missed. Local developers seeking to pursue a better urban design approach including low impact stormwater design and non-standard roading design and layout have also been critical of the current provisions and Council's adherence to a minimum engineering standard approach.
- 2.3 An effectiveness review (refer to section 2.2.2 of the Section 32 Report (pg 14)) of a sample of subdivision consent applications followed through to the engineering design and construction phases to issue of Certificates of Title was undertaken to explore/substantiate the criticisms raised above. The effectiveness review highlighted the key issues which are summarised in Diagram 1 on the following page and fell into the following common themes:
- (i) Poor quality urban design generally.
  - (ii) Amenity and streetscape effects (private to public space relationships).
  - (iii) Environmental effects of development.
  - (iv) Process and administrative barriers.
- 2.4 In contrast to the issues identified through the effectiveness review, development that is representative of good urban design, should be responsive to the local environment in its form and construction, be people and community orientated (as opposed to car orientated), provide for diversity in terms of building types/scales/versatility, provide diversity of lot and road layouts, and provide for a range of family and affordability typologies. In addition, good urban design should also have sustainability goals in terms of encouraging biodiversity, efficient resource use, offering a range of transport modes, and utilising low impact servicing methods.
- 2.5 The residential subdivision and land use parts of the NRMP were notified in October 1996 (operative September 2004) and have for the most part remained unchanged over the last 15 years. The majority of the NRMP will reach ten years of operative status by 2014 and Council has a statutory obligation to review it before that time. Overall the effectiveness review signalled that the operative objectives and policies in the NRMP do not set out clearly the quality urban design outcomes the Council wants to achieve. Quality urban design outcomes are however sought through the Long Term Plan (LTP), Nelson Urban Growth Strategy, Urban Design Action Plan and other Council policy and strategy documents which were all developed after the notification of the NRMP. Currently the NRMP rules and Council administration practices mean that a development based on quality urban design principles will

Diagram 1: Key Issues sought to be addressed by the Plan Change

**Amenity & Streetscape effects**

- Built structure and public areas such as roads and reserves that are not human scaled, have low amenity and do not invite multiple uses.
- Front yards being dominated by garaging and driveways/manoeuvring area.
- Streetscapes and reserves whose design compromises safety of all users (pedestrians and vehicles).
- The need for new design and development forms to adapt to hillside environments where creation of high amenity environments will be more challenging than on the flat areas of the urban environment.
- Neighbourhoods/streets designed for vehicles rather than people.
- Areas where high fencing lowers streetscape amenity and safety.



**Environmental effects:**

- Significant earthworks on hillsides, which in turn has potential effects in terms of landscape values, erosion and sediment control, loss of trees/vegetation, inefficient energy use and a development form that facilitates building construction that is unrelated to the local context.
- Motor vehicle dependence and associated health effects.
- Low amenity values, safety concerns.

**Process/administration related Issues:**

- Disjointed Council administrative processes driven by lack of dialogue and agreed common goals between various Council departments.
- Reliance on minimum engineering standards and prescription to achieve good urban design.
- Notification of proposals representing anticipated development forms in certain areas.
- Lack of recognition of the need to provide certainty and enable design flexibility to respond to a particular site in consent activity status.
- Lack of strategic infrastructure planning and lack of engagement with the development sector through appropriate planning instruments (LTP) to determine priorities.



often have more stringent resource consent status and engineering standard requirements than a standard development. This is in the most part due to a reliance on minimum standards to achieve quality urban environments, an approach which no longer reflects Council's urban design planning mandate.

- 2.6 Nelson has limited land left for residential subdivision, with the remaining areas predominantly located on hillsides. Currently it is estimated that there is 17 years of supply of existing zoned residential land available for development at 230 Household Units of Demand (HUDs) per year (this includes the Marsden and Enner Glynn Valleys and Nelson South as well as land that has subdivision consent but has not yet been developed). The average density of dwellings for the remaining residential land area is expected to be low (due to topographical and geotechnical constraints). It is also important that the remaining land resource is developed according to good urban design principles and is able to be site responsive without being hindered by prescriptive minimum standards.
- 2.7 It is acknowledged that the proposed Plan Change is unable to address all issues identified by the effectiveness review, stakeholder consultation or as raised by the Steering Group (discussed in section 3.0). The proposed Plan Change concentrates on a selection of pivotal changes to the NRMP and Council administrative practices to improve urban design in our residential neighbourhoods. A significant and related issue beyond the scope of this Plan Change is that of identifying where and in what order Council wishes future greenfield and brownfield residential development and intensification to occur, and the order this is serviced and funded.

### **General Approach – Regulatory and Non-Regulatory**

- 2.8 Council has embarked on a process of 'rolling review' of the NRMP. Proposed Plan Change 14 introduces District Wide urban design issues, objectives, policies and changes to appendices, but after that concentrates on cascading them through the Residential Zone provisions only. Pragmatically they cannot be implemented throughout all zones at once. This Plan Change should be considered as one part of a larger connected set of projects and policies seeking to achieve better urban design throughout the city. Specific Zone objectives, policies and rules to achieve better urban design outside of the Residential Zone will be future plan changes carried out in conjunction with the Heart of Nelson project, and the City Development Strategy (discussed on the following page).
- 2.9 Plan Change 14 focuses on addressing the need for better urban design in the residential areas (including greenfield land proposed to be released as part of plan changes in Marsden and Enner Glynn Valleys and Nelson South) of Nelson as that is the area where the highest immediate level of benefit can be obtained. It is also the area where there will be development pressure in the immediate future.
- 2.10 The Section 32 Report contains a description of the options considered in pursuing the overall approach to the Plan Change. The Plan Amendments document identifies the changes proposed to the Plan text. A summary of the proposed changes is provided in section 4.0 of this report. The following sections summarise the regulatory and non-regulatory approaches of the proposed Plan Change (for a full assessment of these the section 32 report should be referred to).
- 2.11 The current method that the Plan uses to control residential subdivision is through compliance with prescriptive plan rules and the minimum standards in the NCC Engineering Standards 2003 (now the NCC Land Development Manual 2010). This is an approach that has underpinned land development for decades and has been, until recently, common place throughout New Zealand. This provides a level of certainty for developers.

- 2.12 Non-compliance with the current NRMP controlled activity standards for subdivision does not necessarily mean that an application will create adverse environmental effects, nor that it doesn't represent good urban design. Approaches that involve subdivision and site development designed in response to the environmental features of the site and the range of community needs of the future occupants are those which can result in sustainable urban design and are those which should be pursued. These proposals do not necessarily comply with minimum standards.
- 2.13 Any policy approach should also recognise that the role of the market is also a significant influence on development. Certainty in terms of both the application process, end saleability of the product and profitability are as much a determinant of the type of development proposal pursued as are the NRMP provisions.
- 2.14 A conflict therefore exists between resolving a developer's desire for certainty, with the need for flexibility and innovation to provide for better quality urban design outcomes. For this reason the administration process, rather than the plan provisions, is a key factor in the success of any project seeking to pursue a better standard of urban design. If a discretionary (or restricted discretionary) activity can be processed through a supportive administration system that provides both timely and cost effective processing that creates consistent decision making, then this barrier can be minimised.
- 2.15 Prior to discussing the objectives, policies and rules of the proposed Plan Change, it is appropriate to consider the overall options for the Plan Change. This is evaluated in detail in the Section 32 Analysis for Plan Change 14, and summarised in the following sections. Any options to be considered need to address the identified barriers to better urban design. The barriers identified are:
- (i) the lack of acknowledgement of urban design in objectives and policies, and the prescriptive rules and minimum standards that control development and
  - (ii) the administration processes and procedures within Council.
- 2.16 The conflict identified above (between resolving an applicant's/developer's desire for certainty within any new Plan provisions, with the need for flexibility and innovation to provide for better quality urban design outcomes, such as the ability to be site responsive) has influenced the Plan Change approach with respect to activity status. The approach needs to provide for greater flexibility in standards and rules with a more efficient and certain application process.

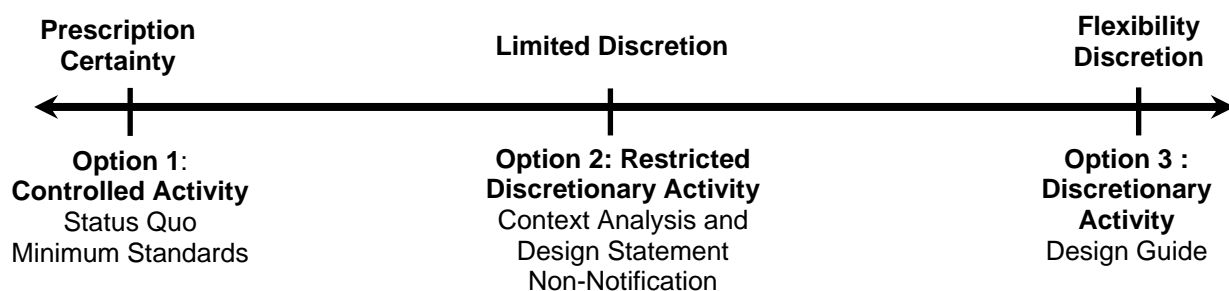


Diagram 2 above: Range of Plan Change approach options.

- 2.17 Diagram 2 illustrates the range of Plan Change approach options considered and evaluated in developing the proposed Plan Change. The options represent three different approaches to managing development for better urban design at three

different points along the resource consent process spectrum ranging from prescription/certainty versus flexibility/full discretion. The main features of each are discussed below.

### **Option 1: Status Quo**

The status quo option retains the existing NRMP controlled activity provisions and continues to assess development against prescriptive and minimum engineering standards. This offers maximum certainty for applicants and requires no changes to the rest of the NRMP but will not deliver high quality urban design outcomes.

### **Option 2: Context Analysis and Restricted Discretion (Non-notified)**

Undertake a Plan Change to update the District Wide objectives and policies, the Residential policies and rules, and the Appendices to encourage better urban design.

This includes the provision of a restricted discretionary activity subdivision category to provide flexibility for responsive design, but retain an element of certainty through the consent process for developers/applicants. This certainty is provided by the non-notification statement for the restricted discretionary activity. The application can be refused but discretion is limited to set 'matters of discretion'. This would not include a Design Guide, but an Appendix (Appendix 14) outlining the process and information requirements through which an applicant should demonstrate how their particular site responsive design is consistent with the urban design outcomes sought – i.e. how to 'tell the story' of the proposed design. This approach would also still assess an application in terms of the ability to comply with the minimum standards in the NCC Land Development Manual 2010 and where it does not, the associated design advice/justification ('the story') for those departures. Council's assessment would be restricted to certain matters dealing with urban design, and a non-notification statement would be provided to ensure administration and process efficiencies.

The nature of subdivision and development would mean that land use provisions would also need to be adjusted where they deal with the private to public interface, such as streetscape, reserves, off site and on site amenity etc and therefore consistent consent assessment categories provided for those activities.

### **Option 3: Design Guide Approach**

Undertake a Plan Change to update the District Wide objectives and policies, the Residential rules, and the Appendices to encourage better urban design. This includes utilising the discretionary activity category for beyond minimum standard approaches and a range of Design Guides to provide maximum flexibility to applicants pursuing non minimum standard designs. Each application would therefore be considered on its merits on a case by case basis and assessed against a design guide for subdivision, urban design and land use in regards to the private to public space interface. Notification decisions would also need to occur on a case by case basis considering the merits of the proposal. This option offers the least certainty for applicants but maximises flexibility.

A mix of Options 1 and 2 was seen as the most efficient and effective option for the Plan Change, for the reasons discussed below. Option 3 was not seen as appropriate as the full case by case assessment of each application was not seen as efficient or enabling, and provides no certainty for applicants/developers.

## **Appropriate Option: Options 1 and 2**

- 2.18 Following a workshop with the land development sector, retention of Option 1 was identified as being desirable for small developments requiring maximum certainty, and the addition of Option 2 was seen as desirable to facilitate better urban design and overcome the current barriers created by adherence to minimum standards. Option 2 was also seen by stakeholders as the better option in terms of its ability to provide an element of certainty in the assessment process, by restricting assessment matters and including a non-notification statement.
- 2.19 Option 2 provides the best fit of certainty versus flexibility required to ensure the costs of changing development style are not so great that they prevent its implementation in Nelson. It provides for local solutions to be developed by local developers and their professional advisors and for those solutions to result in the design intentions being recorded and communicated better (through Appendix 14). Whereas, the design guide approach of Option 3 and its full discretionary activity status would lead to an increase in costs, and likely use of 'qualified urban designers', of which there are not many in Nelson.
- 2.20 The review of the NCC Engineering Standards 2003 to provide standards reflective of the better urban design approach was part of Option 2, and improving the applicability of Option 1. This resulted in the provision of the new NCC Land Development Manual 2010 which while operational since April 2010, is proposed as an externally referenced document as part of this Plan Change. The NCC Land Development Manual 2010 provides both up-to-date minimum standards and guidance for site responsive design that move beyond minimum standards. Its review was undertaken in an integrated manner with the drafting of proposed Plan Change 14 and they are, as a result, complementary to each other. The external reference of the NCC Land Development Manual 2010 was requested by the land development sector, and as part of proposed Plan Change 14 it would have legal effect as if it is a rule. This was seen as further maximising certainty for the development sector, requiring a Plan Change and resultant public process before any standards or design requirements in the NCC Land Development Manual 2010 can be changed. In the past engineering standards have been able to be changed by Council with limited input from the development sector and no provision for objection or appeal.
- 2.21 It is recognised that a restricted discretionary process, whereby Council specifies limited matters over which there is discretion and provides for non notification where appropriate, is an approach that provides applicants/developers with the most flexibility while still maintaining certainty as to process. It does however necessitate that sufficient information and urban design assessment ('telling the story') is provided with the application to demonstrate how the outcomes sought can be achieved so that Council can confidently restrict discretion and notification. This represents a delicate balance of sufficient information/assessment to enable non-notification against the information requirements and notification assessment of a full discretionary activity. This approach has been applied within the proposed Plan Change to provisions that implement urban design matters, such as the subdivision, front yard and fences rules and for comprehensive housing developments in higher density residential areas. Plan Change 14 therefore takes an enabling approach to promoting better urban design, rather than a required or controlled regulatory approach.
- 2.22 For the activity of subdivision, the existing discretionary activity categories are proposed to be retained as an option for applicants who do not wish to provide the level of information required to support a restricted discretionary application and will therefore be subject to a full discretion and notification assessment. The

existing controlled activity category is retained for developments able to comply with the Land Development Manual 2010 minimum standards and attain maximum certainty (controlled activities have to be approved). This reinforces the enabling approach of the Plan Change, as applicants are able to choose which approach, either the existing controlled and discretionary activity categories, or the proposed new restricted discretionary category, is appropriate for their proposal.

## **Servicing and Connections**

2.23 During the process of issue identification and exploration for proposed Plan Change 14 it became apparent that prioritisation of supporting infrastructure extension and upgrade processes need to occur to support sustainable urban development, intensification and the goal of improved urban design in Nelson. Achieving better urban design, including better connections between subdivisions/neighbourhoods, is partially dependant upon development prioritisation and funding of the provision of infrastructure to greenfield sites. This currently occurs through the Asset Management and Long Term Plan processes within Council. The NRMP provisions controlling infrastructure provision, specifically the Services Overlay, were operative prior to the introduction of the Local Government Act 2002 and the requirement to address development contributions in the Long Term Plan. There is a need within the approach to Plan Change 14 to bridge the gap between the NRMP and the LTP for infrastructure funding and signal this to the development community to enable strategic project planning. There is also a need to be clear about where connections between developments and efficiencies in terms of providing services of sufficient capacity to serve the development potential of the whole catchment are required. This is achieved by revising the Services Overlay policy and rule framework to direct developers to the Long Term Plan process to address infrastructure provision and funding for growth areas and connections between developments.

2.24 Concurrent to the drafting of Plan Change 14, the Annual Plan 2010 included a commitment to a long term development plan for the City:

*"The Council proposes to develop a Strategic City Development Plan (now called the City Development Strategy) that sets the priorities for meeting the servicing needs for growth, redevelopment and existing capacity and service level deficiencies across the whole City. This plan would set out when and where investment in works, reserves, services and plan changes would occur over the next ten years. Such a Plan would assist the Council to get better values from its expenditure by integrating its work programmes across infrastructure, community services and planning. It would also help the community and Council to make decisions on expenditure across all council activities to achieve the community's goals." Page 49 NCC Annual 2010.*

2.25 The City Development Strategy has now become a key area of focus in the Chief Executives performance indicators and is listed as a multi-year goal in the 2011-2012 Annual Plan. Proposed Plan Change 14 identifies the City Development Strategy as a method to implement objectives and policies, particularly those in relation to transport and services and the connectivity and capacity of development in the Services Overlay. A number of the issues raised by stakeholders during the consultation opportunities for this Plan Change, such as intensification, structure plans, rezonings, catchment based development contributions and off sets for low impact and sustainable development are more appropriately addressed during the development of the City Development Strategy. These may well be the subject of future related plan changes.

- 2.26 Plan Change 14 also relies on a number of 'other methods' or non-regulatory approaches to achieve the better urban design outcomes. The non-regulatory methods of Plan Change 14 are discussed in detail in the Section 32 Report (section 7.2.5 Addressing process issues (pg 54)) and include:
- (i) Major Projects Team (operational)
  - (ii) Urban Design Action Plan (operational)
  - (iii) Urban Design Panel (operational)
  - (iv) Customer Satisfaction & Statutory Compliance Performance Indicators
  - (v) City Development Strategy (as discussed above)
  - (vi) NCC Residential Streetscape Design Guide (currently in draft form)
- 2.27 The regulatory and non regulatory proposals form a set of interconnected tools used to achieve the better urban design approach of Plan Change 14. This is part of recognising that the issue is not just a policy issue, but also a process issue (refer Diagram 1 in this report). It is also part of a comprehensive view that recognises that through careful selection of both policy and process responses there is potential to achieve many of the goals of good urban design. The majority of the policy responses in the Plan Change are interconnected with each other and the 'other methods' or non-regulatory approaches, and together create an enabling approach for better design in urban areas.
- 2.28 Over the time that this Plan Change has been going through drafting and the public notification phases the non-regulatory tools have been picked up by the development community. As a result both the Major Projects Team and the Urban Design Panel have been used to assist with the development of many proposals, and continued demand for this service is illustrative of the acknowledged benefits of process or non-regulatory improvements.

## 3.0 Consultation

- 3.1 A summary of the consultation process up until notification of the proposed Plan Change is set out in Section 4 of the Section 32 report for Plan Change 14 (pages 24 and 25). The main aspects are as follows:
- A Steering Group was established to oversee the development of the proposed Plan Change. The Steering Group comprised four Councillors, and five local professional group representatives (a surveyor, architect, engineer, valuer and a developer). The role of the Steering Group was to provide strategic direction and ensure that direction was met, provide expert knowledge, and provide sector group leadership. The Steering Group had 8 meetings and 2 email consultations over the course of 18 months, including providing feedback on the draft plan amendments. The group's input was invaluable to the development of the Plan Change provisions.
  - Stakeholder consultation was undertaken through three workshops on the issues, options, preferred responses and the integration with the engineering standards at different stages throughout the policy development process.
  - Public consultation was undertaken through a series of 'Towards Better Urban Design' newsletters sent around the local development community, through Live Nelson (the Council monthly publication to all residents), through release of the draft Plan Change and Land Development Manual for public comments, and through a public questions and answer workshop session.
- 3.2 Throughout the consultation process, other parties were consulted as required under Clause 3 of Schedule 1 of the RMA, including the Minister of the Environment, tangata whenua of the area, and Tasman District Council.
- 3.3 The proposed Plan Change and section 32 report were publicly notified on 25 September 2010. Submissions closed on 3 December 2010. A summary of submissions was publicly notified on 22 January 2011 and closed on 4 February 2011.

### Scope of the Plan Change

4.1 The scope of the Plan Change is set out in full in the proposed Plan Change Amendments document attached as **PART C**. In summary the proposed changes include:

- Addition to Chapter 2 the Meaning of Words, definitions for urban activity and urban design as well as updating changes in terminology for services and infrastructure.
- Changes and additions to Chapter 3, the Administration section of the Plan to update Council administration processes and relationships with external documents. This also includes changes to the Services Overlay description.
- Inserting new urban design and infrastructure issues and explanation into Chapter 4 Resource Management Issues.
- Inserting new and amending existing objectives, policies, methods, environmental results and performance indicators in Chapter 5 District wide Objectives and Policies for Land Transport, Urban Design and Subdivision and Development.
- Amending the Residential Zone Chapter 7 policies and rule tables for streetscape, front yards, subdivision, comprehensive housing, fences and services and landscape overlays.
- Amending Appendix 6 Riparian and Coastal Margins to add additional values for esplanade reserves.
- Amending Appendices 10 Parking and Loading, 11 Access Standards and 12 Tracking Curves to update content and align with the NCC Land Development Manual 2010.
- Deleting Appendix 13 Engineering Standards in favour of using the new NCC Land Development Manual 2010, referenced as an external document.
- Amending Appendix 14 to complement the amended Residential Subdivision Rules and the NCC Land Development Manual, including the deletion of the roading table from the NRMP. A new roading table is located in the NCC Land Development Manual 2010.
- Deleting Appendix 22 Comprehensive Housing Design Guide and replacing it with new design outcomes which are consistent with the urban design objectives and policies and the presumption for non-notification in higher density areas of the Residential Zone in REr.22 (Comprehensive Housing Development).
- Externally reference throughout the Plan the NCC Land Development Manual 2010 as a means of compliance for controlled activity subdivisions, and as an assessment criterion for restricted discretionary and discretionary activity subdivisions. Amending all references to Appendix 14 throughout the Plan to instead reference the new roading tables in section 4 of the NCC Land Development Manual 2010.



- Updating the Rooding Hierarchy and Services Overlay maps in Volume 4. The Services Overlay maps update removes those areas that are now serviced, and adds one new area up Matai Valley Road. The rooding hierarchy changes update the map to represent current levels of service, use and the definitions of rooding classifications in the NCC Land Development Manual 2010.

4.2 The proposed plan amendments in Plan Change 14 are summarised below, and attached in full in **PART C** of this report.

### Meaning of Words

4.3 New definitions have been included in order to define terms introduced into the Plan through the Plan Change, or alter the meaning of existing words to align with proposed changes introduced by the Plan Change and improve workability of existing provisions.

### Administration

4.4 Amendments are made to the Administration chapter of the Plan to:

- (i) advise of the rolling plan review process.
- (ii) include two new service delivery methods the 'Major Projects Team' and the 'Urban Design Panel' and explain their role.
- (iii) to recognise the change from the NCC Engineering Standards 2003 to the Land Development Manual 2010 and that it will be an externally referenced document.
- (iv) to introduce the NZ Urban Design Protocol and acknowledge Council's role and responsibilities as a signatory.
- (v) to update the Plan text regarding Annual and Strategic Plans which dated prior to the Local Government Act 2002 and describe Council's other planning documents and their difference from the Plans as produced under the Resource Management Act 1991.
- (vi) to strengthen the description with respect to the purpose of the Services Overlay.

### Issues

4.5 A new issue is added for Urban Design and Sustainable Transport which were previously unmentioned in the issues section of the Plan. Although the Plan contained Transport Objectives, Policies, rules and other methods the issue had not been specifically identified separate from other inter-related issues. A summary of the issues are provided as follows:

a) RI14A Urban Design

RI14A.i Urban design considers the design of the city and suburbs. It includes the design of, and relationships between, the buildings, spaces and networks (e.g. streets) and has a significant influence on people because our everyday lives are connected by the environments we share in urban areas.

RI14A.ii While Nelson has many attractive buildings and spaces, there are also some poor examples, where opportunities to do something better were not realised.

### RI14A.1 The Issues

- RI14A.1.i The long lifetime of buildings and subdivision layouts, associated infrastructure and structures mean that poor urban development in our city and suburbs will have long term effects on current and future generations. These effects may include:
- a) a city form that is difficult to walk or cycle around and therefore overly dependent on motor vehicles, impacting on convenience and accessibility, and creating low resilience to increasing energy costs.
  - b) neighbourhoods and communities that are disconnected and lack identity.
  - c) built structures and public areas such as roads, parks and squares that are not human scaled, have a low level of amenity and do not invite multiple uses.
  - d) compromise to the attractiveness, vitality and safety of the public environment in town and neighbourhood centres.
  - e) lack of diversity in development form and types throughout the zones, and consequent lack of variety in the level and scale of living, working and recreational opportunities.
  - f) poor quality infill development with subsequent poor amenity for residents and compromise to the amenity of neighbours.
  - g) expansion of urban development into the rural land resource and subsequent effects on roading, servicing and rural landscape values.
  - h) inefficient use of the residential land resource.
  - i) poor quality urban design and supporting infrastructure that is difficult and inefficient for future generations to retrofit.
- RI14A.1.ii Treating the development of the city and suburban areas as individual activities, involving the layout of predetermined building, street and lot patterns onto the existing environment with little consideration of strategic planning, context and the inter-relationships between sites. This can lead to a poor quality urban environment and poor urban experiences for residents and visitors.
- RI14A.1.iii The potential for disjointed consideration of design factors, through prescriptive policy and administrative processes and reliance on minimum standards, to lead to poor urban design for both private and public developments.

### b) RI14B Sustainable Land Transport

- RI14B.i The land transport system is vital for economic and social wellbeing, but can be associated with negative environmental and social effects. Managing the demand for travel, pursuing modal shift and changing to more efficient means of transport with lower environmental impacts and greater social cohesion, is desired.
- RI14B.ii Land use activities, urban design and the location of activities can also adversely affect the land transport system, particularly the way in which the land transport system addresses potential health and safety effects, sustainability and efficiency of resource use, earthworks, stormwater, construction effects and the choice of travel modes.

RI14B.1 The Issues

- RI14B.1.i Land transport networks have the potential to adversely affect air and water resources, ecological habitats and biodiversity corridors, our carbon footprint and climate change impacts, urban design and amenity values, the health and safety of different transport mode users and community cohesion.
  
- RI14B.1.ii Land use activities and urban design activities that adversely affect the land transport system. These effects may include:
  - a) generation of vehicular traffic and increased volumes of traffic.
  - b) parking and loading effects.
  - c) effects on visibility and safety.
  - d) dispersal of activities which leads to social isolation, increased dependence upon the motor vehicle and reduced demand and viability for other forms of transport options, including public transport.
  - e) and dependence upon one form of transport.
  - f) the inefficient use of resources, in terms of road construction resources and fossil fuel.
  - g) inconsistencies with the sustainable transport vision of the NCC Regional Land Transport Strategy.

**District Wide Objectives and Policies**

- 4.6 The proposed Plan Change inserts a new section of District Wide objectives and policies (in Chapter 5) to address the urban design issue DO13, and updates the existing transport objectives and policies DO10 to address the issue and the proposed approach to transport being considered as part of urban design. This includes the introduction of proposed new roading categories and classification.
  
- 4.7 The Subdivision and Development section DO14 of the District Wide objectives and policies is also updated to reflect the better urban design approach. In that section the Services objective and subsequent policies are proposed to be changed to strengthen the wording and process. This is proposed by defining who is responsible for constructing connections to adjoining properties with development potential, who is responsible for upgrading capacity, and who is funding those works as part of a subdivision or development proposal.

The proposed Plan Change includes or affects the following objectives and polices:

DO10.1	Land Transport System	}	Existing Objectives and Policies proposed to be amended
DO10.1.1	Environmental Effects of Vehicles		
DO10.1.2	Road Network		
DO10.1.3	Expansion of the Road Network		
DO10.1.4	Traffic Effects of Activities		
DO10.1.5	Access to Sites		
DO10.1.6	Parking, Loading and Turning		
DO10.1.7	Pedestrian and Bicycle Traffic		
DO13A.1	Recognising the Local Context	}	Proposed new Urban Design Objectives and Policies
DO13A.1.1	Local Context and Environment		
DO13A.2	Improving Connections		
DO13A.2.1	Accessibility		

DO13A.2.2	Natural Connectivity	}	Proposed new Urban Design Objectives and Policies
DO13A.2.3	Private to Public Connections		
DO13A.3	Creating High Quality Public Spaces		
DO13A.3.1	High Quality Public Spaces		
DO13A.3.2	Multi Use		
DO13A.4	Providing for Diversity		
DO13A.4.1	Flexibility, Choices and Adaptability		
DO13A.5	Inspiring Places		
DO13A.5.1	Prominent Buildings and Spaces		
DO13A.6	Sustainable Places and Communities		
DO13A.6.1	Environmentally Responsive		
DO13A.7	Urban design Process		
DO13A.7.1	Policy and Administration		
DO13A.2	Coordinated Approaches		
DO13A.7.3	Collaboration		
DO14.1	City Layout and Design		
DO14.2.1	Allotments		
DO14.3	Services		
DO14.3.1	Roading		
DO14.3.2	Drainage, water and Utilities		
DO14.3.3	Areas Without Services		

**Residential Zone**

4.8 Amendments are proposed to the Residential Zone policies in Chapter 7. The policies relating to flexibility in development and streetscape are amended to incorporate improvements in urban design outcomes sought. A new policy is introduced for comprehensive housing which seeks to address the issues associated with poor urban design outcomes and promote the development form in areas where it is supported by services, shops, transport routes, open space and other urban amenities.

4.9 The streetscape policy is amended to recognise it extends not only to sites, but buildings and fences and to better include urban design considerations (i.e. streetscape is defined as the area from front door to front door across the street, not just to property/road boundaries). The amendments also include distinguishing between the type of amenity expected on classified versus unclassified streets.

The proposed Plan Change includes or affects the following polices and rules:

- RE1.2 Flexibility in Development
- RE1.2A Comprehensive Housing
- RE3.5 Streetscape

4.10 The Plan Change seeks to amend a number of Residential Zone rules, particularly those dealing with residential subdivision and development. The changes proposed fall into one or more of the following categories:

- (i) the incorporation of better urban design, including a focus more on private to public space relationships in the front yard, streets and reserves.
- (ii) the provision of a restricted discretionary consent category in recognition that where rules seek to provide for better urban design approaches as a permitted activity this is the optimal default position, but may not be the optimal solution on every site. Where an activity is not permitted the restricted discretionary category provides recognition that there will be site specific circumstances that don't fit with the permitted activity standards and that will be suitable outcomes so long as it can be demonstrated that specified urban design outcomes can still be achieved.
- (iii) to replace existing references to NCC Engineering Standards 2003 and Appendices of the Plan containing engineering performance standards in favour of the NCC Land Development Manual 2010.
- (iv) the strengthening of wording, requirements and identification of responsibilities with respect to the service overlay to flow on from the proposed changes to the objectives and policies in this respect.
- (v) technical changes to the subdivision in a overlay rules to ensure that an activity is considered under only one rule, the subdivision rule of the overlay the site is located within.

The rules affected or included by the proposed Plan Change are:

REr.22	Comprehensive Housing Development
REr.23	Minimum Site Area
REr.24	Site Coverage
REr.25	Front Yards
REr.26	Other Yards
REr.27	Outdoor Living court
REr.28	Pedestrian access to rear of sites.
REr.29	Corner Sites
REr.31	Fences
REr.34	Building over or alongside drains
REr.35	Daylight Admission
REr.36	Decks, terraces, verandahs and balconies
REr.63	Service Overlay - Building
REr.107	Subdivision – General
REr.108	Services Overlay – Subdivision
REr.109	Landscape Overlay – Subdivision
REr.110-116	Various Overlays – Subdivision

#### **All Other Zones**

4.11 A number of changes are proposed throughout the remainder of the zones of the Plan, depending upon the activities provided for within them. The changes proposed fall into one or more of the following categories:

- (i) to replace existing references to NCC Engineering Standards 2003 and Appendices of the Plan containing engineering performance standards in favour of the NCC Land Development Manual 2010.

- (ii) the strengthening of wording, requirements and identification of responsibilities with respect to the Services Overlay to flow on from the proposed changes to the objectives and policies in this respect.
- (iii) technical changes to the subdivision and subdivision in a overlay rules to ensure that an activity is considered under only one rule, the subdivision rule of the overlay the site is located within.

## Appendices

4.12 The Plan Change proposes changes to a number of the Appendices in the plan as follows:

Appendix 6 'Riparian and Coastal Margins' proposed amendments are made to include additional values for esplanade reserves.

Appendix 10 'Parking and Loading', Appendix 11 'Access Standards' and Appendix 12 'Tracking Curves' are amended in accordance with the replacement of the NCC Engineering Standards 2003 with the NCC Land Development Manual 2010.

Deletion of Appendix 13 'Engineering Standards' in favour of using the NCC Land development Manual 2010 as an externally referenced document.

Replacement of Appendix 14 'Design Standards' with the 'Residential Subdivision Design and Information Requirements' to compliment the restricted discretionary subdivision rule changes for the residential Zone.

Replacement of Appendix 22 'Comprehensive Housing Design Guide' with 'Comprehensive Housing Development' to focus on better urban design outcomes and assisting the comprehensive housing development rule to increase the quality and quantity of comprehensive housing development in appropriate areas.

Amend Appendix 23 'Wakefield Quay Design Guide' to include reference to the Comprehensive Housing Development Appendix.

## Planning Maps

4.13 In order that the proposed changes are cascaded throughout all methods in the plan, changes are proposed to the Roding Hierarchy Maps and an update to the Services Overlay maps is also proposed. Proposed changes include:

- (i) Maps A2.1 and A2.2 are proposed to change to update the existing roading hierarchy in accordance with the newly adopted definitions in the NCC Land Development Manual 2010 and their actual use.
- (ii) Amendments to the Planning Maps to update the Services Overlay to remove those areas that are now serviced, and add one new area up Maitai Valley Road.

4.14 The entire Proposed Plan Change text, including identifying any changes proposed as an outcome of considering submissions, is included in **Part C** of this report.

## 5 STATUTORY CONSIDERATIONS

5.1 The following section outlines the statutory provisions relevant to the proposed Plan Change. These provide the statutory context in which plan changes are prepared and determined.

### Section 74(1)

5.2 Section 74(1) of the RMA requires that a territorial authority shall prepare and change its district plan in accordance with:

- *Its functions under section 31,*
- *Provisions of Part 2, and*
- *A direction given under section 25A(2), and*
- *Its duty under section 32, and any regulations.*

5.3 An assessment of the consistency of the Plan Change with each provision identified above is carried out in the following sections.

### Section 31

5.4 The Council's functions are outlined in section 31 of the RMA and are for the purpose of giving effect to the RMA in its district. More specifically section 31 states:

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

*(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purposes of -*

*i) the avoidance or mitigation of natural hazards; and*

*ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*

*iiia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*

*iii) the maintenance of indigenous biological diversity:*

*(c) Repealed*

*(d) the control of the emission of noise and the mitigation of the effects of noise:*

*(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*

*(f) any other functions specified in this Act.*

*(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

- 5.5 Nelson City Council is responsible for setting a framework for the integrated management of resources within its district, as well as addressing the effects arising from the use of those resources. The proposed Plan Change is an appropriate response to Council's obligations under section 31 of the RMA. It establishes objectives, policies and methods to achieve integrated management of the effects of the use and development of the urban land resource and associated natural and physical resources (Sec 31 (1)(a)), particularly as it seeks the integration of land use, infrastructure and transport. It includes methods to control subdivision (Sec 31 (2)) to carry out the functions of the Act as assessed below.

## Part 2

- 5.6 Part 2 of the RMA sets out the purpose and principles of the Act. Section 5(1) establishes the purpose of the RMA as follows:

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding remedying or mitigating any adverse effects of activities on the environment.*

- 5.7 The urban environment fits within the RMA purpose in relation to natural and physical resources. What qualifies as 'urban' can be adequately defined under that umbrella by individual communities in relation to local context. For Nelson City, the majority of the district is 'urban' in nature. Therefore the policy framework that promotes sustainable management for Nelson should if not focus, at least include, specific attention to the urban environment and the need to avoid, remedy and mitigate effects of activities on that urban environment.

- 5.8 It is my opinion that proposed Plan Change 14, in its amended form (see Part C), better achieves the purpose and principles of the Resource Management Act 1991 than the current Plan provisions. This opinion is based on the conclusion that the proposed Plan Change is consistent with the changing planning mandate for local authorities in New Zealand with a renewed emphasis on the urban environment and controlling urban amenity effects as part of sustainable management of natural and physical resources, particularly in relation to the health, safety and wellbeing of communities. My opinion is also based on the assessed lack of effectiveness of the current language and prescriptive nature of the existing Plan provisions which are not enabling of better urban design by and for the community. Proposed Plan Change 14 is better able to pursue increasing community aspirations for a quality urban environment as it has the specific integrated aim of achieving better urban environments.

- 5.9 The increasing focus of district plans on urban design has also been acknowledged through the courts (Environment Court, High Court and Supreme Court). The courts are now considering cases in which processes and principles associated with urban design are influencing decisions being made. The Court has stated that there is an overarching requirement to consider the 'aesthetic' under Part 2 of the RMA,



so where design criteria are included in the Plan they need to be given due weight (*Urban Auckland v Auckland City Council*).

- 5.10 Overall it is considered that proposed Plan Change 14 provides plan provisions which achieve the purpose of the RMA and allow for the issue of better urban design through residential subdivision and comprehensive housing to be pursued, as well as providing an umbrella set of district wide objectives and policies to guide activities in other zones and be expanded through the rolling review of the Plan.
- 5.11 Section 6 of the Act sets out the matters of national importance to be recognised and provided for, section 7 is concerned with having regard to other matters (of importance, but not of national importance) and section 8 requires those carrying out functions under the Act to take into account the principles of the Treaty of Waitangi.

Section 6 Matters of national importance:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
  - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
  - (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
  - (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
  - (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
  - (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
  - (g) *the protection of protected customary rights.*
- 5.12 It is considered that the proposed Plan Change directly addresses the purpose of the Act under the matters of national importance as it provides for the protection of outstanding natural features and landscapes, the preservation of the natural character of sensitive environments, historic heritage, indigenous vegetation and public access from inappropriate subdivision and development. The Plan Change achieves this by enabling the integrated assessment and consideration of those factors and seeking through the policy framework and Appendix 14 Context Analysis requirements that subdivision and development design is responsive to the receiving environment. The approach to subdivision and development within the proposed Plan Change is consistent with the matters identified in section 6.

Section 7 Other matters

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to the following matters, those of which considered relevant to this Plan Change have been listed.*

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*

- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*

5.13 While the proposed Plan Change focuses attention on the urban environment, it does promote the efficient use and development of natural and physical resources. The urban environment being a natural and physical resource. In addition the urban design focus of the Plan Change is consistent with the need to maintain and enhance amenity values, the quality of the environment, and the intrinsic values of the urban ecosystem. Amenity includes a range of attributes, including the physical, functional, cultural and spiritual characteristics of a place that people enjoy. People place strong emphasis on amenity in terms of the attributes by which they determine where they want to live or the places they gain enjoyment from, i.e. sense of place. The proposed Plan Change has particular regard to this and the need for the maintenance and enhancement of amenity values, and therefore quality of the environment, by better defining the outcomes sought.

#### **Section 25A(2)**

5.14 Section 25A(2) provides for a Minister to direct a regional council or territorial authority to prepare a Plan, a Plan Change or a variation. No direction has been given by a Minister therefore this provision is not relevant to this Plan Change.

#### **Section 32**

5.15 Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, Section 32 of the RMA imposes upon the Council a duty to consider alternatives, and assess their benefits and costs.

5.16 A Section 32 assessment was prepared and made available as part of the public notification process. The following sections briefly comment on the contents of the Section 32 evaluation rather than the merits or otherwise of its findings, as those are covered in the Section 32 Report itself and where appropriate in the planning officer comment in the analysis of submissions in **PART B**.

5.17 Section 2 of the Section 32 Report identifies the urban design issue, examines the current administration system, process and outcomes with respect to residential subdivision and Council's use of a minimum standards approach.

5.18 Section 5 of the Section 32 Report assesses the appropriateness of the Plan Change in achieving the purpose of the RMA. Sections 6 and 7 evaluate the appropriateness of the objectives in achieving the purpose of the RMA and whether the policies, rules and other methods are the most appropriate in terms of their efficiency and effectiveness, benefits and costs and in relation to the risk of acting or not acting.

5.19 The Section 32 Report also undertakes a comparison of options in section 7, grouping proposed changes under the following headings for evaluation:

- Urban design
- Transport
- Residential Subdivision and Development
- General Residential Zone

5.20 The analysis for each topic, and many of the individual proposed rules, included an assessment of a range of options along the spectrum of consent category, consistent with the approach discussed in section 2.0 of this report.

- 5.21 Overall, setting aside the merits or otherwise of the various issues and matters discussed in **Part B** of this report, the Section 32 evaluation is considered to fulfil the requirements of the Act. It should also be noted that fulfilling the requirements of Section 32 is an on-going process, which includes the submission process, this report and other information presented to the hearing.

### **Section 74(2)**

- 5.22 Section 74(2) sets out the matters that a territorial authority shall have regard to when changing its Plan. The relevant matters to have regard to for this hearing are:
- (a) Any –
    - (i) *Proposed regional policy statement; or*
    - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
  - (b) Any –
    - (i) *Management plans and strategies prepared under other Acts; and*
- 5.23 Section 74(2A) also states that when preparing or changing a district plan Council must
- (a) *take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district.*
- 5.24 Section 74(3) states that in preparing or changing any district plan, a territorial authority must not have regard to trade competition (or the effects of trade competition). Council has not had regard to trade competition or the effects of trade competition when developing this Plan Change.
- 5.25 The proposed Plan Change 14 is a change to a combined regional and district plan, the Nelson Resource Management Plan. The proposed Plan Change has had regard to the Regional Policy Statement and the regional provisions of the NRMP, this is discussed in section 6 of the Section 32 Report for each objective in the Plan Change.
- 5.26 The Nga Taonga Tuku Ihu Whakatu Management Plan June 2004 is the iwi management plan lodged with Council. The consistency of the proposed Plan Change with the Iwi Management Plan is discussed in section 6.4.2 below.

### **Section 75**

- 5.27 Section 75 specifies the contents of a district plan, and sections 75(3) and 75(4) set out the following mandatory obligations:
- (3) *A district plan must “give effect to”:*
    - (a) *any national policy statement;*
    - (b) *any New Zealand coastal policy statement; and*
    - (c) *any regional policy statement*
  - (4) *A district plan must not be inconsistent with:*
    - (a) *a water conservation order, or*
    - (b) *a regional plan for any matter specified in section 30(1).*
  - (5) *A district plan may incorporate material by references under part 3 of Schedule 1.*

Each of the documents Council must give effect to within the contents of Plan is discussed below.

### **Section 30(1)(gb)**

- 5.28 Section 30 sets out the functions of regional councils under this Act, and section (1) lists the functions of regional councils for the purpose of giving effect to the Act. Section 30(1) (gb) is most relevant to this Plan Change and provides that in giving effect to the Act a regional council shall have regard to:

*(1)(gb) the strategic integration of infrastructure with land use through objectives, policies and methods.*

- 5.29 Nelson City Council is a unitary authority and the NRMP is a combined district and regional plan. This provides an opportunity to integrate land use and infrastructure planning and bridge the gap between the RMA and the Local Government Act 2002 (LGA). Urban design is by its very nature made up of components of land use and infrastructure and the relationships between them. An important tool or other method for addressing urban design is through the Long Term Plan (LTP). The proposed changes to the Services Objectives, policies and rules provides for the strategic integration of land use with infrastructure by directly referencing the LTP as the means and process to do this. RMA policies and plans can act as a regulatory means to implement urban design, however it is has been recognised throughout the Plan Change process that the use of non-RMA documents and plans enables an integrated approach to design that is not always possible under the restrictions and parameters of the RMA.
- 5.30 It is a function of a regional council to address the strategic integration of land use and infrastructure and proposed Plan Change 14 seeks to achieve this through the urban design policy framework proposed and the use of other methods, such as the LTP.

### **National Policy Statement**

- 5.31 In August 2008 the Ministry for the Environment sought the views of a wide range of parties on the scope of a National Policy Statement (NPS) on Urban Design. To guide feedback a background paper was prepared which attracted 120 submissions. In April 2009 the government approved the second phase of resource management reforms, including a work stream centred on urban planning issues. As this work stream will investigate new approaches to the planning and design of New Zealand towns and cities the government has decided not to proceed with a specific report back on the scope of a NPS on urban design at this stage. Instead, consideration as to whether to continue with an urban design NPS (or an alternative approach), and in what form, will comprise part of the policy advice that will be reported back to the government as part of the submission on Phase II RMA Reforms Discussion document. The outcomes of this are yet to be advised.

### **Regional Policy Statement**

- 5.32 The Nelson RPS became operative in 1997, and was due for review in 2007. It contains a number of objectives and policies relevant to the Plan Change, contained in:
- 14.0 Chapter 5 Treaty of Waitangi
  - 15.0 Chapter 6 Development and Hazards

16.0 Chapter 7 Natural and Amenity Values

17.0 Chapter 12 Energy

18.0 Chapter 14 Infrastructure

#### Chapter 5 Treaty of Waitangi

- 5.33 Objective TW1.4.1 *Resource use which provides for the relationship of the Maori and their culture with their ancestral lands, water and sites, waahi tapu, urupa and other toanga.*
- 5.34 The proposed Plan Change introduces a policy framework, including provision within rules, for subdivision and development to acknowledge and create positive relationships with heritage, culture and Nelson's long history of Maori settlement in an acceptable design response.

#### Chapter 6 Development and Hazards

- 5.35 Objective DH1.21 *To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.*  
Objective DH1.3.4 *To ensure that any proposals for urban subdivision and/or development include adequate waste disposal, stormwater, water supply, electricity and other network services.*
- 5.36 The urban design, effective and efficient servicing and improvement of the quality of residential subdivision policy framework of the proposed Plan Change are consistent with the Regional Policy Statement objectives identified above. The framework, combined with appropriate rezoning structure plans identifying sensitive features and ecosystems, will enable urban expansion to occur in a manner that represents sustainable management of natural and physical resources, and of the communities built infrastructure resource.

#### Chapter 7 Natural and Amenity Values

- 5.37 Objective NA2.2.1 *A landscape which perseveres and enhances the character of the natural setting and in which significant natural features are protected.*
- 5.38 The proposed Plan change seeks to control the manner in which residential development occurs, particularly in relation to greenfield development areas. The provisions enabling the improvement of urban design, including the Appendix 14 provisions requiring subdivision above a controlled activity to be developed in response to a context assessment is a method to achieving the above objective.

#### Chapter 12 Energy

- 5.39 Policy EN1.3.2 *To promote energy conservation and efficiency in city form and in the design of developments.*  
Policy EN1.3.3 *To encourage energy conservation and efficiency in transportation.*  
Method EN1.4.5 *Council will ensure that when making any decisions regarding the location of residential, industrial or commercial development, it gives due regard to minimising the likely demand for transport created by that development.*
- 5.40 The policy framework proposed as part of the Plan Change seeks that connected neighbourhoods are created and different modes of transport are provided for through subdivision and development activities. The Plan Change also seeks to

improve the use of comprehensive housing development in higher density areas where they are located in close proximity to services, shops, transport routes, open space and other urban amenities. This approach recognises the importance of co location of activities and the influence of urban design on energy efficiency.

#### Chapter 14 Infrastructure

- 5.41 Objective IN2.2.1 *A safe and efficient land transport system that promotes the use of sustainable resources, whilst avoiding, remedying or mitigating its adverse effects on human health and safety, and on natural and physical resources.*
- 5.42 The proposed urban design policy framework is consistent with the objectives with regard to the land transport system, both seeking an efficient connected system that in the urban environment balances travel demand with different transport modes, speed of traffic and urban amenity. The external reference of the NCC Land Development Manual 2010 is a method of achieving this objective.

#### **Regional Land Transport Strategy 2009**

- 5.43 The RLTS has a long term vision and mission of providing *"a sustainable transport future for Nelson; and to have a land transport system that is safe, efficient, integrated and responsive and that meets the needs of the region in ways that are environmentally, socially and economically sustainable"*. The Strategy identifies under Traffic Demand Management TDM Policy 3 : *Promote the location of housing, jobs, shopping, leisure, education and community facilities and services to reduce the demand for travel and encourage the use of transport modes other than private motor vehicles.*
- 5.44 The activity identified in the RLTS to achieve this policy that relates to the residential subdivision provisions of the NRMP is: *Revise the Nelson Resource Management Plan to ensure that subdivision designs provide for safe and convenient bus services, appropriate wheelchair/mobility scooter standards, and convenient walking/cycling networks.* Proposed Plan Change 14 includes requirements for connected roading systems and externally references the NCC Land Development Manual 2010 as the standards for roading design. Section 4 of the NCC Land Development Manual 2010 provides both minimum standards and design guidance which is consistent with the objectives of the RLTS.
- 5.45 The activity in the RLTS in relation to residential intensification is: *Review Nelson Resource Management Plan rules with regard to the locational requirements for new developments and activities; promote the co-location of urban developments which reduce the overall demand for travel and which are conveniently located to bus, walking and cycling networks through intensification and mixed use developments and deter developments which adversely impact on the efficiency of transport routes.* Intensification is not included within proposed Plan Change 14, however the Plan Change does provide incentives in terms of process and administration, to encourage the use of comprehensive housing developments (a form of higher density residential development) in areas that are zoned higher density Residential, and where the development form can be co located in close proximity to community services, opens space, public transport networks etc. This is consistent with the objectives of the RLTS for higher density development.

## **Nelson Resource Management Plan**

- 5.46 The NRMP was notified in 1996 and became operative in part in 2004. The existing operative policy framework contains a number of objectives and policies that are relevant to and provide context for the Plan Change.

### **Policy DO14.1.3 Orderly development**

*Subdivision and development of land should provide for use of land in an orderly manner, in association with cost effective and efficient provision of facilities and services.*

### **Objective DO14.2 Amenity values**

*The amenity values of the built environment shall be maintained or enhanced through subdivision and development processes.*

### **Policy DO14.5.1 Community services and facilities**

*Subdivision and development should provide for or contribute towards:*

- a) *The provision of land for the reasonably foreseeable community needs of present and future generations for recreational and cultural pursuits and amenity values, and*
- b) *The development of land to provide for sport, play, recreation, culture and amenity for the community, and*
- c) *The protection or preservation of areas or items of natural or cultural value.*

### **Objective DO15.1 Urban form**

*An urban form in which intensive development is not detached from existing urban boundaries and which avoids or mitigates adverse effects on ecological, recreational, cultural, community and amenity values.*

### **Policy DO15.1.1 Encouragement of infill**

*To encourage infill developments provided the adverse effects on character and amenity values of existing areas are avoided, remedied or mitigated.*

### **Policy DO15.1.2 Limiting effects of urban expansion**

*Proposals that involve urban expansion through more intensive subdivision and development should address any actual and potential adverse effects on adjacent and nearby activities and avoid, remedy or mitigate them.*

### **Policy DO16.1.1 Zones (and areas)**

*The District should be divided into zones (and areas), for the purposes of resource management, as follows:*

#### *1. Residential Zone*

*A quality residential environment that provides a choice of living styles, a high level of amenity, and a minimal occurrence of nuisances.*

### **Objective FC1 Financial contributions**

*To ensure that costs of avoiding, remedying or mitigating actual and potential effects of development are recognised and included in the cost to the developer.*

- 5.47 These operative objectives and policies provide the context into which the proposed Plan Change is to sit. The Plan already places a high value on amenity in the urban environment and the strategic development of it to ensure that amenity is maintained or enhanced and that connected activities such as transport and the need for community facilities are well considered. Proposed Plan Change 14 builds on these themes and introduces contemporary urban design concepts across the district and ensures that these matters are specifically addressed in a comprehensive chapter in the policy framework. Plan Change 14 also addresses

the need to strategically integrate land use planning with infrastructure provision in terms of being specific about funding the extension of services (including roading) to facilitate future development as a financial contribution to be addressed by the developer.

### **Material Incorporated by Reference**

- 5.48 The First Schedule of the Resource Management Act contains a relatively new provision (as from 10 August 2005) Part 3 *Incorporation of documents by reference in plans and proposed plans*. This section provides for the reference of documents such as engineering standards in the Plan and states that once incorporated by reference in a plan they have legal effect as part of the plan.
- 5.49 Part of the approach adopted for the pursuit of better urban design was the recognition that urban design is not able to be achieved through minimum standards, and that the current engineering standards in Appendices 10 to 14 of the Plan have become a barrier for those applicants wanting to pursue a better urban design approach. Therefore addressing both the relationship of the NCC Engineering Standards 2003 and the content and role of Appendices 10 to 14 of the NRMP was a key goal of this Plan Change.
- 5.50 The NRMP currently references the NCC Engineering Standards 2003 as a matter of control for subdivision applications. The NCC Engineering Standards 2003 have now been replaced by the NCC Land Development Manual 2010. The drafting phase of the Land Development Manual was also heavily influenced by the assessment and construction of this Plan Change to ensure they are complementary.
- 5.51 The Land Development Manual 2010 was included in proposed Plan Change 14 as an externally referenced document at the request of stakeholders. No submissions were received on the NCC Land Development Manual 2010 as part of Plan Change 14. This document is under Sec86F to be treated as operative.

### **Iwi Planning Documents**

- 5.52 The Iwi Planning Document that has been registered with the Council is the Nga Taonga Tuku Iho Ki Whakatu Management Plan. This sets out the iwi perspective of five manawhenua iwi in Te Tau Ihu (top of the South Island). The plan is structured around the spiritual dimensions of wind and air (discharge of contaminants), the people, trees and birds, water and cultivated foods.
- 5.53 The Iwi Management Plan has objectives for urban planning and land management.
- 5.54 Section 5.4.2 (Tumatauenga) includes the key objective for urban planning and land management. The three objectives are:
- Tea mauri (life force) of nga whenua (the land) is healthy and able to support nga tangata, indigenous flora and fauna.*
- Nga whenua provides sustenance for present and future generations*
- Waahi tapu (sacred places) are protected from the adverse effects of land use.*
- 5.55 The objectives sought through the Iwi Management Plan are not inconsistent with the outcome sought in proposed Plan Change 14 with respect to urban design and residential subdivision and development. In particular, the introduction of context analysis as a tool to ensure subdivision and development is responsive to the local environment, and the policy framework that acknowledges the importance of cultural values, history and intrinsic values of public places and spaces assist to achieve the objectives and policies in the iwi management plan.



## **Any other relevant planning documents**

### Long Term Council Community Plan (Long Term Plan from 2012 onwards)

- 5.56 Nelson City Council is committed to the long term pursuit of sustainable development for the community. The mandate for the commitment to sustainable development comes from the Local Government Act 2002 and is sought through the Long Term Council Community Plan (LTCCP) which identifies the six community outcomes that define a vision of sustainable development for Nelson.

The proposed Plan Change will facilitate urban design and contribute to the sustainable development mandate as is sought through the LTCCP community outcomes. Specifically the proposed Plan Change will assist to give effect to:

***LTCCP Outcome 2: People-friendly places - we build healthy, accessible and attractive places and live in a sustainable region.***

The LTCCP is intended to inform all other planning functions undertaken by councils. In addition to the community outcomes the LTCCP also contains the Development Contributions Policy. This purpose of the policy is to, as much as possible, have those who create the need for and benefit from the additional infrastructure to fund the costs of development. The proposed Plan Change signals to developers the need to be involved in strategic planning for future development through the LTCCP process.

### The Nelson Urban Growth Strategy 2006 (NUGs)

- 5.57 The NRMP controls the location and direction of urban development within the region through the use of zoning and rules relating to development form. The need to accommodate further urban growth and redevelopment in the future, and the form it should take, was assessed through the Nelson Urban Growth Strategy 2006 (NUGs) process.
- 5.58 The strategy identified that the land available for future residential development in Nelson was limited to supply for an additional 8 years of growth from 2006 when NUGs was completed. Under current growth predictions, and including land since rezoned Residential in the Ngawhatu and Marsden Valleys area this prediction is approximately 17 years from 2010.
- 5.59 In considering how to accommodate growth in the future, options were identified by the community through submissions, questionnaires, presentations, public meetings and the annual resident's survey (2004). Strongly favoured options included intensifying in existing urban areas, and retaining medium density provisions for residential housing in greenfields areas.
- 5.60 Proposed Plan Change 14 does not release further land for development in greenfield areas, nor does it provide for intensification beyond improving existing comprehensive housing provisions. The Plan Change does however seek to raise the bar with respect to the design of the urban environment, and in relation to NUGS it proposes a tightening of the servicing requirements for development, including identifying the method through which it should be funded, in anticipation of development of any adjoining land within the Services Overlay to meet growth demands. The proposed changes to the Services Objectives and Policies and methods within the Plan Change seek to assist with the implementation of any future rezoning and development based on the conclusions and areas identified in NUGS.

## Heart of Nelson Strategy

- 5.61 The vision of the Heart of Nelson Strategy is as follows:

*The central city will be a vibrant, attractive place in which people can live, work and play, and in which businesses operate. It will reflect Nelson's identity as a sunny, creative, outdoors, seaside city in a unique setting, with a long history of Maori and then European settlement. That history will be respected and nurtured. At the same time the city will be fun, innovative and forward-looking. The design of public places and buildings will be worthy of Nelson. They will reflect and respect our environment. Trees, verandahs and the design of buildings and places will enhance the enjoyment of Nelson's outdoor lifestyle. Public art and inspiring design will show Nelson's creativity.*

*The central city will be easy to access – on foot, by cycle, by public transport and by car. City Centre streets will be alive and bustling with pedestrians, outdoor cafes, activity and entertainment. The Nelson Market will remain iconic. It will be safe for all and easy for visitors to find their way around to discover Nelson's treasures. More people living in or close to the City Centre will enliven it. The city will re-connect to the sea and the Maitai, and transitional areas around the City Centre will regenerate, creating new economic and business opportunities. The central city will remain – and thrive – as the commercial and cultural heart of the wider region.*

*While the central city will look and feel great, the key will always be "He Tangata, He Tangata, He Tangata" – It's about people, people, people. The key goal is a place people want to be.*

- 5.62 Plan Change 14 sets up District Wide objectives and policies for urban design which are relevant to the implementation of the Heart of Nelson Strategy. In particular proposed policies that seek to achieve high quality public spaces and high amenity values for prominent buildings and spaces are consistent with achieving the intent of the Heart of Nelson Strategy and will aid in its implementation. In addition changes to roading design and in particular the roading hierarchy for the inner city, included within Plan Change 14 have arisen out of issues raised in the Heart of Nelson Strategy.

## Urban Design Protocol and Action Plan

- 5.63 The Plan Change has been drafted considering the changing planning context with respect to urban design, including being consistent with the New Zealand Urban Design Protocol, a national level good practice document prepared by the Ministry for the Environment. In addition the Plan Change assists to implement some of the actions identified in the Nelson City Council Urban Design Action Plan which was developed as a result of Council being signatories to the NZ Urban Design Protocol.

- 5.64 The NZ Urban Design Protocol is based on improving design through the achievement of the seven 'C's, these being characteristics of high quality urban design expressed in an easily remembered format. The seven 'C's are:

Character	Context	Collaboration
Choice	Creativity	
Connections	Custodianship	

- 5.65 Plan Change 14 has responded to the seven 'C's not by copying them into the NRMP, but by using them as the basis for the development of 7 key objectives that are unique to the urban design needs of Nelson. Proposed Plan Change 14 is entirely consistent with the NZ Urban Design protocol, but achieves this consistency through a locally developed and responsive policy framework.

## 6 Notification, Submissions and Further Submissions

### Notification

- 6.1 The Plan Change was publicly notified on 25 September 2010 with submissions closing on 3 December 2010, 27 submissions were received.
- 6.2 A summary of the decisions requested was notified on 22 January 2011 and closed on 4 February 2011 , 1 further submission was received.

### Submissions Overview

- 6.3 The table below lists the submissions and further submissions received:

Submission Number	Submission Name
1	Ewen Christie
2	Marsden Park Ltd
3	Viastrada Ltd
4	Michael Smith
5	Department of Conservation
6	Alice Graesser
7	Ian Jack
8	Nita Knight
9	Charmian Koed
10	Gibbons Holdings Ltd
11	St Leger Group Ltd
12	Mark and Kim Lile
13	Andrew Carter
14	Staig & Smith Ltd
15	NZ Transport Agency
16	Stoke Valley Holdings Ltd & Solitaire Investments Ltd
17	Alex St George
18	Bill Moulder
19	John Black
20	Peter Olorenshaw
21	Gerald Renshaw
22	Roger Jackson
23	Kelly Kivimaa
24	Robert Murphy
25	Alison Johnston
26	Chris Hurley and Irene Turner
27	Royal Forest & Bird Protection Society of NZ Inc
Further Submission Number	Further Submission Name
X1	Staig & Smith Ltd

- 6.4 The general breakdown of submission points is:
- Support (approve the Plan Change as is): 18 submission points
  - Conditional support (approve with modifications): 38 submission points
  - Opposition (reject the Plan Change): 31 submission points
  - Conditional oppose (if approved make changes): 5 submission points

### **Key Issues in Submissions**

- 6.5 Main issues in support are:
- The District Wide Urban Design Issue, Objectives and Policies.
  - The District Wide Sustainable Transport Issue, and amendments to the Transport Objectives and Policies.
- 6.6 The main issues in opposition are:
- The proposed amendments to the Services Overlay Objectives and Policies where they identify developers shall provide services (including roading) with sufficient capacity to support the development proposed as well as potential development on adjoining land in the Services Overlay.
  - The proposed amendments to the Services Overlay Objectives and Policies that state services provided to support a development proposal, including for potential development on adjoining property in the Services Overlay, shall be funded by the developer if they are not provided for in the LTP.
  - That the Higher Density Small Holdings Area in the Rural Zone should be excluded from the Services Overlay. That effluent and rainwater standards for development in the Higher Density Small Holdings Areas should be specified instead.
  - That the proposed changes to the Services Overlay rules throughout the Plan are not fair and reasonable and should be deleted.
  - Requests for the deletion of the proposed amendments to the Streetscape Policy to acknowledge the role that high front fences can play in the need for private outdoor space in front yards, and site specific circumstances where higher fences are appropriate. That the policy should also acknowledge the existing high amenity of traditional developed areas such as the Wood and Nelson East.
  - Concern over the proposed changes to the Streetscape Policy Method which relates to rules encouraging the use of local residential streets for vehicle manoeuvring rather than the front yard.
  - A request that Comprehensive Housing Development be made restricted discretionary in all parts of the Residential Zone, not just in the higher density areas as proposed.
  - That the proposed changes to the front yard rule should be deleted, based on the belief that Council should not be in the business of imposing controls that restrict private property rights.

- That the proposed fences rule should be amended to include walls and/or enclosures and that a street frontage guide should be developed to educate residents on 'how to live in cities', including how to develop yards as extensions of living spaces and appropriately design enclosing walls as part of the dwelling.
- That the proposed fences rule should be deleted.
- That the proposed changes for the Landscape Overlay – Subdivision Rule be deleted, including consequential changes in Appendix 7.
- That Appendix 14 Residential Subdivision and Development Requirements be amended to better define information requirements, and provide more certainty on the level of information required.
- Amendments are suggested for Appendix 22 Comprehensive Housing Development to make it more like a design guide and less like mandatory information requirements.
- Inconsistencies are highlighted in the proposed changes to the Urban Road Hierarchy Map. It is sought that these are addressed.

- 7.1 In **Part B** of this report each of the submission points raised are addressed. To do this the submission points are grouped by topic and 'unique identifier' (i.e. a section or paragraph number in the proposed Plan Change text). These are listed in consequential order of the provisions in the Plan. Within each of the topics each submission point made by individual submitters is included along with any further submission on it. In each topic the submission points are then discussed and a recommendation is made on each point. Recommendations for amendments, additions or deletions to the proposed Plan Change text are then made. The recommended changes to the Plan Change text are shown in **Part C** of this report. Recommended text to be removed or added is shown in a comment box tracked into the Plan Amendments document as notified.
- 7.2 An index of which topic each individual submitters submission points are considered under is provided at the rear of **Part B, page 123**.
- 7.3 The topics are:
- Topic 1: AD2 Plan Changes and Review (Chapter 3 Administration)
  - Topic 2: AD11.3.3 Services Overlay (Chapter 3 Administration)
  - Topic 3: RI14A Urban design (Chapter 4 Resource Management Issues)
  - Topic 4: RI14B Sustainable Land Transport (Chapter 4 Resource Management Issues)
  - Topic 5: DO District Wide Objectives and Policies (Chapter 5)
  - Topic 6: DO10.1.1 Environmental Effects of Vehicles Policy (Chapter 5)
  - Topic 7: DO10.1.2.i-iv Explanations and Reasons (Chapter 5)
  - Topic 8: DO10.1.3 Expansion of the Road Network Policy (Chapter 5)
  - Topic 9: DO10.1.6.i-ii Explanations and Reasons (Chapter 5)
  - Topic 10: DO10.1.7 Pedestrian and Bicycle Traffic Policy (Chapter 5)
  - Topic 11: DO13A Urban Design (Chapter 5)
  - Topic 12: DO13A.1 Recognising the Local Context Objective (Chapter 5)
  - Topic 13: DO13A.1.1 Local Context and Environment Policy (Chapter 5)
  - Topic 14: DO13A.2 Improving Connections Objective (Chapter 5)
  - Topic 15: DO13A.2.2 Natural Connectivity Objective (Chapter 5)
  - Topic 16: DO13A.6 Sustainable Places & Communities Objective (Chapter 5)
  - Topic 17: DO13A.6.1 Environmentally Responsive (Chapter 5)
  - Topic 18: DO14.3 Services Objective (Chapter 5)
  - Topic 19: DO14.3.1.i-iv Explanations and Reasons (Chapter 5)
  - Topic 20: DO14.3.3 Areas without Services Policy (Chapter 5)
  - Topic 21: RE1.2 Flexibility in development Policy (Chapter 7)
  - Topic 22: RE1.2A Comprehensive Housing Policy (Chapter 7)
  - Topic 23: RE3.5 Streetscape Policy (Chapter 7)
  - Topic 24: REr.22 Comprehensive Housing development Rule (Chapter 7)

- Topic 25: REr.25 Front Yard Rule (Chapter 7)
- Topic 26: REr.29 Corner Sites Rule (Chapter 7)
- Topic 27: REr.31 Fences Rule (Chapter 7)
- Topic 28: REr.63 Services Overlay – Building (Chapter 7)
- Topic 29: REr.107 Subdivision Rule (Chapter 7)
- Topic 30: REr.108 Services Overlay – Subdivision Rule (Chapter 7)
- Topic 31: REr.109 Landscape Overlay – Subdivision Rule (Chapter 7)
- Topic 32: RUr.49A Services Overlay – Building Rue (Chapter 12)
- Topic 33: RUr.85 Services Overlay – Subdivision Rule (Chapter 12)
- Topic 34: AP6 Appendix 6 Riparian and Coastal Margin Overlay
- Topic 35: AP7 Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay
- Topic 36: AP14 Appendix 14 Residential Subdivision, Design and Information Requirements
- Topic 37: Ap22 Appendix 22 Comprehensive Housing Development
- Topic 38: A2.1 Urban Roding Hierarchy Map
- Topic 39: Consequential Amendments

## 8 CONCLUSION

- 8.1 This report provides a statutory and effects based assessment of proposed Plan Change 14. In **Part A** I have described the general approach and the background and consultation leading the development of this Plan Change. I have also assessed it against the statutory requirements under the RMA and have concluded that it meets all the relevant matters.
- 8.2 I acknowledged the various concerns, and suggestions for improvement, outlined in the submissions and further submissions, and have commented on those and made specific recommendations in **Part B** of this Report.
- 8.3 A number of recommended amendments to the Plan Change are then shown in **Part C**.
- 8.4 With those amendments, and subject to any other changes considered appropriate following presentations by the submitters, I am of the opinion that the package of measures included in Plan Change 14 will provide a workable and realistic planning response to this resource management issue of improved urban amenity and strategic planning for land use and infrastructure in Nelson.

**Author: Lisa Gibellini**

Signed:..........

Date:..... 9 November 2011.....

**Peer Reviewed: Matt Heale**

Signed:..........

Date:.....9 November 2011.....

## PART B

For an index of Submitters and Submission points in cross reference to the topics please refer to page 122 at the conclusion of **PART B**.

### 9 Recommendations on Submissions by Topic

#### 9.1 TOPIC 1: AD2 Plan Changes and Review (Chapter 3 Administration)

*Refer Page 8 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submissions on the same point relating to the administration of the NRMP description in the Plan.

##### Submission 2: Marsden Park Ltd

##### Statement 1

##### Oppose

**Decision Sought:** Delete any reference to inconsistent objectives and ensure objectives and policies are consistent.

##### Submission 3: Viastrada Nelson Ltd

##### Statement 1

##### Oppose

**Decision Sought:** Delete any reference to inconsistent objectives and ensure objectives and policies are consistent.

##### PLANNING OFFICER COMMENT#1

Topic 1

Marsden Park Ltd Submission 2, Statement 1  
Viastrada Nelson Ltd Submission 3, Statement 1

The submitters seek deletion of the statement in the administration section AD2.4 of the plan identifying that in undertaking a rolling plan review there may be some inconsistencies between objectives and policies within different chapters of the plan.

I acknowledge that it is not good practice for there to be inconsistencies between objectives and policies within a Plan. I consider that the identification that the NRMP is subject to a 'rolling review' is sufficient notice to users when considering the District Wide and Zone objectives and policies as a whole. Therefore I recommend that the submission can be accepted.

##### RECOMMENDATION

Submission 2, Statement 1: Accept  
Submission 3, Statement 1: Accept

##### AMENDMENT TO PLAN CHANGE

~~Delete the statement in AD2 "This may create some inconsistencies between District Wide and individual Zone policies, however this is to be expected with the introduction of new concepts to the Plan through a rolling review process."~~

*As a consequential amendment delete the same statement in the Note on the title page of Chapter 5 District Wide Objectives and Polices and similar proposed statements at the end of paragraphs under REd.9, ICd.2, SCd.8, OSd.7, RUd.7CMd1.ii, COd.4 and INd.9.*



**9.2 TOPIC 2: AD11.3.3 Services Overlay (Chapter 3 Administration)**

*Refer Page 11 Proposed Plan Change 14 Plan Amendments Document*

This topic covers five submitters' points in relation to the amended wording in the Services Overlay description in the Administration Chapter of the Plan. Where the submission points are the same they are grouped together.

**Submission 2: Marsden Park Ltd Statement 2**

**Oppose**

**Decision Sought:** Delete amendment AD11.3.3(a) Development of the area is beyond the immediate scope of the Long Term Council Community Plan or Council's Strategy City Development Plan. Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream), to enable development to proceed.

**Further Submission X1: Staig & Smith Ltd X1.1**

**Support Submission 2 Statement 2**

**Submission 8: Nita Knight Statement 1**

**Oppose**

**Decision Sought:** Delete amendment AD11.3.3(a) Development of the area is beyond the immediate scope of the Long Term Council Community Plan or Council's Strategic City Development Plan. Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream), to enable development to proceed.

**Further Submission X1: Staig & Smith Ltd X1.4**

**Support Submission 8 Statement 1**

**Submission 16: Stoke Valley Holdings Ltd & Solitaire Investments Ltd Statement 1**

**Oppose**

**Decision Sought:** Delete amendment AD11.3.3(a) Development of the area is beyond the immediate scope of the Long Term Council Community Plan or Council's Strategy City Development Plan. Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream), to enable development to proceed.

**Submission 26: Chris Hurley and Irene Turner Statement 1**

**Oppose**

**Decision Sought:** Delete amendment AD11.3.3(a) Development of the area is beyond the immediate scope of the Long Term Council Community Plan or Council's Strategic City Development Plan. Until such time as the Council commits to provide

the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream), to enable development to proceed.

**PLANNING OFFICER COMMENT#2**

Topic 2

Marsden Park Ltd Submission 2, Statement 2

Nita Knight Submission 8, Statement 1

Stoke Valley Holdings & Solitaire Investments Ltd Submission 16, Statement 1

Chris Hurley and Irene Turner Submission 26, Statement 1

The submitters seek that clause a) in the Administration Chapter description of the Services Overlay be deleted. The opposition is to the statement which requires that if servicing (roading, wastewater, stormwater and water) of a development area is not scheduled in Council's 10 year LTP, then it is required to be fully funded by the developer, including the provision of adequate capacity to serve the development catchment, should the developer wish to go ahead of Council's strategic planning schedule.

The purpose of this Administration part of the Plan is to explain the reasons why the Services Overlay may be imposed over a particular property. The reasons a property may be in the Services Overlay can be due to one or more of the constraints identified under items a) to f) of AD11.3.3.i. This Services Overlay description in the Plan is existing and the Plan Change proposes to amend the operative provisions to up date them (for the first time since 1996 notification of the plan) and to provide more certainty in areas which have been subject to misinterpretation and challenge in the past.

The purpose of the constraint a) to which the submitters object, is to signal to the development community that if there is a development that is sought to be constructed in the next 10 years time, and a developer would like Council to fund infrastructure provision to support it, then a submission should be made to Council's LTP during its 3 yearly review. This would enable Council to consult on that expenditure, evaluate it against Council's strategic plan for funding services to growth areas, allow for it in development contributions planning, and programme the capital expenditure works on such servicing if it is considered a priority. Such a process also provides certainty for developers, in terms of the roll out of services to urban growth areas by Council.

The constraint identified under proposed a) is actually a slight amendment of the operative existing constraint g) of AD11.3.3.i. Plan Change 14 proposes only to update it by referencing the LTP as the long term planning document referred to rather than the Annual Plan. This update is required because this NRMP provision was notified in 1996 prior to the introduction of the Long Term Plan and development contributions through the Local Government Act 2002.

I accept however, that the purpose of this section of the Plan is to describe the reasons for which the Services Overlay may apply to a particular property. It is not the role of this section of the Plan to provide solutions for how one or more of those constraints could be remedied. This is proposed to be provided for in the amended Services Objectives and Policies. Therefore I consider it appropriate to delete the second sentence in part a) that states "Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream), to enable development to proceed", as that sentence identifies a potential solution to the constraint and is better addressed elsewhere in the Plan. I do however recommend that the first sentence under a) be retained as it identifies a reason for which a property may be located in the Services Overlay.

Ensuring that the layout and servicing of subdivision and development is undertaken in a strategic manner that represents practical and efficient servicing is enabling of social and economic wellbeing, and health and safety of current residents and future generations. I consider that the proposed changes (amended as recommended above) to this existing description of the Services Overlay will also assist with the clarity and effectiveness of the provisions as it cascades through the policy framework within the Plan.

In my opinion the proposed change is consistent with section 5(2) of the Act which is concerned with the sustainable management of natural and physical resources to meet the reasonably foreseeable needs of future generations, and sections 7(a), (b) and (c) of the Act which are concerned with the efficiency, use and development of natural and physical resources, the efficiency of the end use of energy, and the maintenance and enhancement of amenity values. I also consider that the proposed change is consistent with Section 30(1) (gb) which identifies that a function of regional authorities is the strategic integration of infrastructure with land use through objectives, policies and other methods and that as such including reference to the LTP bridges the gap between the NRMP servicing provisions and the funding provisions of the LTP.

#### **RECOMMENDATION**

Submission 2, Statement 2: Accept in part  
Submission 8, Statement 1: Accept in part  
Submission 16, Statement 1: Accept in part  
Submission 26, Statement 1: Accept in part

Further Submission 1, Statement 1.2 and 1.4: Accept in part

#### **AMENDMENT TO PLAN CHANGE**

*Delete the second sentence under AD11.3.3.i a) which states "Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream), to enable development to proceed".*

*As a consequential amendment under AD11.3.3 a) amend Long Term Council Community Plan to Long Term Plan and amend Strategic City Development Plan to City Development Strategy, both documents have had name changes since notification of the Plan Change.*

### **Submission 11: St Leger Group Ltd**

### **Statement 1**

#### **Oppose**

**Decision Sought:** Amend the Plan Change relating to AD11.3.3.i to provide the opportunity for the adverse effects of development to be mitigated in order to enable development to proceed.

#### **PLANNING OFFICER COMMENT #3**

Topic 2

St Leger Group Ltd Submission 11, Statement 2

The submitter proposes that additional wording be inserted into AD11.3.3 to provide the opportunity for the adverse effects of development to be mitigated in order to enable a development to proceed. As discussed above, the purpose of this section of the Plan is to describe the reasons the Services Overlay may apply to a

particular property. It is not the role of this section of the Plan to provide solutions for how one or more of those constraints could be removed. I consider that to maintain consistency with the recommendation in Planning Officer Comment # 2 above, and the integrity of the description in the Plan generally, it is not appropriate for potential solutions to be identified here, but is more appropriately addressed through the Services Objectives, policies and related rules, and in particular at the time of consent application. I therefore recommend that Submission 11, Statement 1 be rejected.

**RECOMMENDATION**

Submission 11, Statement 1: Reject

**AMENDMENT TO PLAN CHANGE**

Nil

9.3 **TOPIC 3: RI14A Urban Design (Chapter 4 Resource Management Issues)**

*Refer Page 13 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitter's point in relation to the new urban design issue proposed for the Plan.

<b>Submission 15: NZ Transport Agency</b>	<b>Statement 1</b>
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**Support**

**Decision Sought:** Retain RI14A Urban Design Issue.

**PLANNING OFFICER COMMENT #4**

Topic 3

NZ Transport Agency Submission 15, Statement 1

The submitter seeks that the new Urban Design Issue be retained. No further explanation or reasoning was provided for this submission point. On the basis that the submission provides unconditional support for the Urban Design Issue, and there are no submissions in opposition, I recommend that it be accepted.

**RECOMMENDATION**

Submission 15, Statement 1: Accept

**AMENDMENT TO PLAN CHANGE**

Nil

9.4 **Topic 4: RI14B Sustainable Land Transport (Chapter 4 Resource Management Issues)**

*Refer Page 14 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters point in relation to the new sustainable land transport issue proposed for the Plan.

<b>Submission 15: NZ Transport Agency</b>	<b>Statement 2</b>
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**Support**

**Decision Sought:** Retain RI14B Sustainable Land Transport Issue.

**PLANNING OFFICER COMMENT #5**

Topic 4

NZ Transport Agency Submission 15, Statement 2

The submitter seeks that the new Sustainable Land Transport Issue be retained. No further explanation or reasoning was provided for this submission point. On the basis that the submission provides unconditional support for the Sustainable Land Transport Issue, and there are no submissions in opposition, I recommend that it be accepted.

**RECOMMENDATION**

Submission 15, Statement 2: Accept

**AMENDMENT TO PLAN CHANGE**

Nil

9.5 **Topic 5: DO District Wide Objectives and Policies (Chapter 5)**

*Refer Page 15 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitter's points on the District Wide Objectives.

**Submission 15: NZ Transport Agency**

**Statement 3**

**Support**

**Decision Sought:** Retain proposed changes to the District Wide Objectives.

**PLANNING OFFICER COMMENT #6**

Topic 5

NZ Transport Agency Submission 15, Statement 3

The submitter seeks that the amendments to the District Wide objectives be retained. No further explanation or reasoning was provided for this submission point. On the basis that the submission provides unconditional support for the Sustainable Land Transport Issue, and there are no submissions in opposition, I recommend that it be accepted.

**RECOMMENDATION**

Submission 15, Statement 3: Accept

**AMENDMENT TO PLAN CHANGE**

Nil

9.6 **Topic 6: DO10.1.1 Environmental Effects of Vehicles Policy (Chapter 5)**

*Refer Page 15 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitter's points on the proposed changes to this policy.

**Submission 15: NZ Transport Agency**

**Statement 4**

**Conditional support**

**Decision Sought:** Retain policy DO10.1.1 including an amendment to remove the words 'more intensive'.

**PLANNING OFFICER COMMENT #7**

**Topic 6**

NZ Transport Agency Submission 15, Statement 4

The submitter seeks that the words 'more intensive' be removed from the policy which promotes more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise the number and length of vehicle trips and encourage modal shift. The reason provided is because some forms of intensive development can have negative environmental impacts from vehicles, the effect that the policy seeks to avoid.

The policy seeks to reduce environmental effects of vehicles by encouraging development to be co-located with other needs (jobs, shops and community services) and intensifying development, both factors together minimising the need to travel in vehicles. In effect it is the more intensive and co-located development that makes the encouragement of other modes of travel apart from the private motor vehicle, such as walking to the shops, more viable. It is well established good urban design and transport planning practice for more intensive development to be encouraged around nodes of services and availability of different transport options. The proposed amendments are complimented by Residential Zone policy and methods within the Plan Change (RE1.2A Comprehensive Housing and REr.22 Comprehensive Housing Development) which seek to encourage higher density development as a means of avoiding, remedying and mitigating a range of effects by co locating in close proximity to services and facilities.

It is not development of any scale that is sought to be encouraged around nodes of services and transport options, but higher density development which has potential to avoid the need for a motor vehicle for day to day movements by making alternative transport options viable. On the basis of the above discussion, I recommend that the submission be rejected.

**RECOMMENDATION**

Submission 15, Statement 4: Reject

**AMENDMENT TO PLAN**

Nil

**9.7 Topic 7: DO10.1.2.i-iv Explanations and Reasons (Chapter 5)**

*Refer Page 16 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters point on the Road Network explanations and reasons to policy DO10.1.2.ii.

**Submission 12: Mark and Kim Lile**

**Statement 1**

**Support**

**Decision Sought:** Retain DO10.1.2.ii Road network explanation and reasons.

**PLANNING OFFICER COMMENT #8**

**Topic 7**

Mark and Kim Lile Submission 12, Statement 1

The submitter seeks that the proposed additions to the explanations and reasons for Policy 10.1.2 Road network be retained. The proposed addition to the explanation and reasons describes how different classifications of road require

different design treatment appropriate to their function. The suitability of reverse manoeuvring between classified and unclassified roads is used as an example.

On the basis that the submission provides unconditional support for the proposed change to the explanation and reasons, and there are no submissions in opposition, I recommend that it be accepted.

**RECOMMENDATION**

Submission 12, Statement 1: Accept

**AMENDMENT TO PLAN CHANGE**

Nil

9.8 **Topic 8: DO10.1.3 Expansion of Road Network Policy (Chapter 5)**

*Refer Page 17 Proposed Plan Change 14 Plan Amendments Document*

This topic covers three submitters' points in relation to proposed amendments to the policy on Expansion of the Road Network.

**Submission 2: Marsden Park Ltd Statement 3**

**Oppose**

**Decision Sought:** Change to read "should, where practicable and economically viable to integrate with....."

**Submission 5: Department of Conservation Statement 1**

**Conditional support**

**Decision Sought:** Reword policy DO10.1.3 as follows "New roads and intersections should integrate with the adjoining road network and not adversely affect the environment, or the safety and efficiency of the road network."

**Submission 26: Chris Hurley and Irene Turner Statement 2**

**Oppose**

**Decision Sought:** Delete proposed changes to policy DO10.1.3

**PLANNING OFFICER COMMENT #9 Topic 8**

Marsden Park Ltd Submission 2, Statement 3  
Department of Conservation Submission 5, Statement 1  
Chris Hurley and Irene Turner Submission 26, Statement 2

The proposed changes to this policy seek to ensure that new roading development is integrated with the adjoining road network and the surrounding environment. The purpose of the change is to ensure that the road network as it expands provides connections to existing, proposed or potential development in adjacent areas. This is to avoid the creation of poorly connected areas which then have a high level of dependence upon motor vehicles. In addition the changes seek that those new roads and connections should integrate with the adjoining road network in a manner that does not adversely affect the environment.

The proposed change compliments a number of the proposed urban design objectives and policies within the Plan Change (DO13A.2 Improving Connections,

DO13A.2.1 Accessibility, DO13A.3 Creating High Quality Public Places) and is implemented through the subdivision rule and the minimum standards and design guidance in the NCC Land Development Manual 2010 which all seek to achieve a well connected urban road network.

In recognition that much of the land subject to future urban expansion in Nelson will be hillsides, sometimes making it difficult to achieve traditional through connections to adjoining road networks, a range of roading typologies have been included in the NCC Land Development Manual 2010. This includes introducing a new roading category called a 'Residential Lane' (9m legal width, one 5.5m wide traffic lane) which is specifically designed for steeper hillside areas to enable a through connection to be provided where a standard residential road (16m legal width, one 5.6m traffic lane) would result in a cul-de-sac due to topographical constraints.

The NCC Land Development Manual 2010 also recognises that traditional roading connections to adjoining networks will not always be possible due to topographical constraints. The Manual provides minimum standards for where a cul-de-sac can be used in a 'Hillside Environments' (where the road is formed on ground steeper than 10 degrees), restricting their length to 400m, with the number of dwellings they can serve being no more than 40. Where a cul-de-sac is used, it is required by the NCC Land Development Manual 2010 to be designed so that pedestrians and cyclists have through access and connections to adjoining road networks. This through access that joins one road to another road is managed as road by Nelson City Council, and new pedestrian and cycle ways that connect road to road are required to be vested in Council as road. Therefore in terms of the policy it is always practicable for new roads to integrate with the adjoining road network, as this could be in the form of a walkway or cycleway vested as road. This interpretation of road is supported by the definition of road in the Plan and LDM which uses the definition of road in section 315 of the Local Government Act 1974.

Submitter 2 seeks that the words 'where practicable and economically viable' are added to the policy to account for situations where topographic restrictions prevent roading connections to adjoining properties. For the reasons discussed above I consider it unnecessary to add the words 'where practicable and economically viable' to the policy as the term road is wide enough to apply to vehicle, walkway or cycleway forms of road, one of which is always practicable in any development, even those restricted by topography. Therefore if there is an adjoining road network to connect to, then it should be practicable to connect to it by road, and desirable to connect to it in terms of achieving sustainable urban design outcomes.

Notwithstanding the above, the proposed amendments to the policy use the term 'should' not 'shall' and the explanation to this policy includes the statement '*Connectivity between new and existing areas should endeavour to enhance and contribute toward a more sustainable community overall, where practical*'. This is a policy, not a rule, so it is generic in nature. 'Should' does not mean 'must' and there is therefore flexibility in interpretation which would be a matter for consideration as part of any resource consent. Any condition of consent is required to pass the 'Newbury test' and be fair and reasonable in its conditions which will address the economic concern of the Submitter.

Submitter 26 seeks that all proposed changes to the policy be deleted. The reasons for this relief sought are also that it may not be practicable to provide a connection to an adjoining road network. As discussed above, it is considered unnecessary to delete the proposed changes to the policy based on the assertion that it may not be practicable in all situations to provide a connection. The workability of the policy depends upon the interpretation of the term road, and in



the case of the Plan and the LDM it includes access ways, pedestrian and cycle ways where they join road to road, and are required to be vested as road as part of the development. As discussed above, the policy is not a rule and uses the term 'should' not must, and does acknowledge the need for practicality in application within the explanation.

Submitter 5 seeks that the policy is reworded by placing the reference to the environment earlier in the text. The reason for the suggested change is that it reads better that way, and avoids any confusion between effects on the road network and effects on the environment generally. I consider that the proposed rewording is an improvement of the policy, and I accept that the placement of the word 'the environment' earlier in the sentence improves clarity.

On the basis of the above discussion I recommend that Submissions 2 and 26 are rejected. I recommend Submission 5 is accepted as it does improve clarity of the policy.

#### **RECOMMENDATION**

Submission 2, Statement 3: Reject  
Submission 5, Statement 1: Accept  
Submission 26, Statement 2: Reject

#### **AMENDMENT TO THE PLAN CHANGE**

*Amend policy as follows: "New roads and intersections should integrate with the adjoining road network and not adversely affect the environment, or the safety or efficiency of the road network ~~or the environment~~".*

### **9.9 Topic 9: DO10.1.6.i-ii Explanations and Reasons (Chapter 5)**

*Refer Page 19 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters point in relation to the proposed changes to the explanations and reasons for policy DO10.1.6 Parking, Loading and Turning.

**Submission 12 Mark and Kim Lile**

**Statement 2**

**Neither support nor oppose**

**Decision Sought:** Retain DO10.1.6 i and ii explanation and reasons.

#### **PLANNING OFFICER COMMENT # 10**

**Topic 9**

Mark and Kim Lile Submission 12, Statement 2

The submitter seeks that the amendments proposed to the explanations and reasons of this policy are retained. The reasons provided by the submitter are that the use of Classified and Unclassified Roads to manage the roading network and urban landscape has merit.

The submission does however point out an inconsistency with the proposed roading hierarchy categories where Upper Collingwood Street to Waimea Road remains 'unclassified', and therefore the application of this policy and its encouragement of reverse manoeuvring onto this unclassified road is seen as inappropriate.

The submission states in its 'neither support or oppose statement', that the proposed changes to this policy are seen as appropriate, but not in the case of the roading categorisation of Upper Collingwood Street to Waimea Road. The proposed changes to the roading hierarchy are discussed under Topic 38 of this Officers

Report to which this submitter has made a submission to address the issue identified in the reasons provided above.

Given that the inconsistency with the roading classifications proposed, and the resultant effects of that potentially brought about by this policy which provides for the road network to be managed according to the different classifications, I consider that this policy and its explanations and reasons should be retained, and the roading classifications examined under Topic 38 and the submitters points raised there. On the basis that the policy is sound, but is affected by the roading classifications to be examined under Topic 38, I recommend that this submission which seeks the retention of proposed amendment to this policy be accepted.

**RECOMMENDATION**

Submission 12, Statement 2: Accept

**AMENDMENT TO PLAN CHANGE**

Nil

**9.10 Topic 10 DO10.1.7 Pedestrian and Bicycle Traffic Policy (Chapter 5)**

*Refer Page 20 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters point in relation to the methods listed to achieve the above policy.

<b>Submission 15 NZ Transport Agency</b>	<b>Statement 5</b>
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**Conditional support**

**Decision Sought:** Amend policy to insert a new method DO10.1.7.viii establishment of cycle parking facilities.

**PLANNING OFFICER COMMENT #11**

**Topic 10**

NZ Transport Agency Submission 15, Statement 5

This submission seeks to insert an additional method of achieving the policy which is 'Establishment of cycle parking facilities'. The reasons for the proposed amendment are to promote provision of cycle parks to encourage cycling as an alternative sustainable transport mode.

The policy aims to create a safe, pleasurable and convenient network for pedestrian and bicycle traffic and that this should be maintained as a integral part of the land transport system. The current and proposed methods to achieve the policy include acquiring new and improving existing cycle and pedestrian networks and implementing cycle and pedestrian strategies. I consider the addition of a method for the establishment of cycle parking facilities as complementary to achieving the policy and the sustainable management of the transport network resource. On the basis that the additional method will assist in achieving the objective I recommend that the submission is accepted.

**RECOMMENDATION**

Submission 15, Statement 5: Accept

**AMENDMENTS TO PLAN CHANGE**

*Insert new method DO10.7.1.viii Establishment of cycle parking facilities.*

## 9.11 Topic 11 DO13A Urban Design (Chapter 5)

*Refer Page 21 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters' points in relation to the proposed new Urban Design section of the District Wide Objectives and Policies in the Plan. The submitters have been grouped under this topic because their comments relate in general to the whole proposed section DO13A Urban Design. Specific submissions in relation to the proposed individual objectives and policies are assessed in the following topics.

### Submission 2 Marsden Park Ltd

### Statement 5

#### Oppose

**Decision Sought:** Amend throughout DO13A Urban Design proposed section:

- a) Amend to add "e.g 2-3 stories" after the term "human scaled".
- b) Replace subjective wording with more precise wording.
- c) Re-write and simplify the objectives and policies more in line with the NZ Urban Design Protocol.
- d) Add a new policy that "NCC will actively facilitate developments which demonstrate good urban design principles through streamlined processes and simplified planning requirements".

### Submission 7 Ian Jack

### Statement 1

#### Support

**Decision Sought:** Retain Chapter 5 Urban Design Policies

#### PLANNING OFFICER COMMENT # 12

#### Topic 11

Marsden Park Ltd Submission 2, Statement 5  
Ian Jack Submission 7, Statement 1

Submitter 7 seeks that the proposed Urban Design Policies in Chapter 5 are retained, and in the reasons states that they are strongly supported.

Submitter 2 seeks that a number of amendments be made throughout the proposed District Wide Urban Design Objectives and Policies in Chapter 5. Each amendment is assessed as follows:

- a) Submitter 2 seeks that the term 'human scaled' which is used in the Urban Design Objectives and Policies be clarified to make it more certain and less open to misinterpretation. The submitter seeks that the term human scale is amended to add 'e.g. 2-3 stories' after it.

It is considered that the term 'human scale' is common urban design language used to assess scale and amenity, both key urban design indicators. The Ministry for the Environment Urban Design Protocol website contains many publications which use the term 'human scale', including urban design professional development guides and within the recently published discussion document 'Building Competitive Cities' where it is used to describe current issues with urban design within New Zealand. Human scale is also a term used in the design guides from a number of local authorities around the country including Wellington City Council, Rodney District Council, Auckland City, Manukau City and Northshore City Councils (now part of

Auckland Council), and by Auckland Transport in their Design of Streets Guide. The need for human scale has also been identified as an essential component in the Rebuild Christchurch discussion. The concept of human scale is also part of the design language used at the various design schools around the country.

I acknowledge that one of the difficulties with the notion of urban design, is the use of language that requires assessment, that is not necessarily black and white. This is the nature of many of the concepts embodied in the Resource Management Act including intrinsic values, amenity values, landscape values, and even sustainable management. All of these terms require assessment and consideration in context of the issue or proposal. This is also the case with the term 'human scale', its meaning is dependant upon the context in which it is used or considered. Whether it is a space/building interface, at a street edge, in a walkway or a park human scale might take the form of different design solutions, not just 2-3 stories as suggested by Submitter 2.

For instance, ground floor windows and canopies make a very tall commercial or residential building have human scale relative to the footpath, or a well designed walkway and cycleway network connecting a suburb to a service centre (shops, schools, transport nodes) can make that neighbourhood human scale (i.e. services are within walking distance).

Human scale refers to properties of scale in relation to the human figure, it is an impression of size that is gained from a comparison of dimensions. To provide a precise definition requires the subject and object of the comparison to be defined. Where the term human scale is used within Chapter 5 its meaning is further refined by the sentence it is located in, and the explanation and reasons of the objective or policy that follow. Rules that set a permitted baseline for human scale in different zones (such as fence and building height) also assist to further define what is human scale in different contexts. I consider that this assists to provide some certainty in terms of the use of the term 'human scale', but that the concept will inevitably need to be assessed on a case by case basis relative to a particular context and proposal. In my opinion such assessment is considered entirely appropriate within high level District Wide urban design objectives and policies.

Mr McIndoe has however pointed out in his evidence in **Part D**, in response to assessing the request made by Submitter 2, that the use of the term human scale in Policy DO13A.3.1 could be modified to read:

- b) A sense of human scale at the edges of the space.

The rewording of clause b) of the policy is suggested by Mr McIndoe as a means of minimising misinterpretation, and I consider that this amendment would go part way to addressing the concerns raised by Submitter 2.

I therefore consider that the proposed addition of the words "e.g 2-3 stories' following each use of the term 'human scale' in Chapter 5 is unreasonable, is not representative of the meaning of 'human scale' in all situations, nor useful in aiding interpretation. This part a) of Submission 2, Statement 2 is relative only to a particular subject and object comparison. It will not assist with clarity of the framework of urban design policies or enhance the efficiency and effectiveness in terms of achieving the purpose of the Resource Management Act and I therefore recommend it is rejected. I do however recommend that the rewording of the policy as suggested by Mr McIndoe is adopted as an alternative means of addressing the issue raised by Submitter 2 with regard to interpretation.

b) Submitter 2 seeks that subjective wording be replaced with more precise wording throughout the District Wide Urban Design Objectives and Policies in Chapter 5. The submitter provided examples of wording considered too subjective and these are the use of the terms 'beautiful', 'outstanding architectural and landscape design'; and 'inspiring'. All of these terms are used in the proposed objective DO13A.5 Inspiring Places and its policy DO13A.5. Prominent Buildings and Spaces within Chapter 5. The Submitter has not provided any suggested alternative wording.

The District Wide objective is necessarily high level, but it is in the explanation to the Objective DO13A that these terms are placed in context: *Nelson has a strong identity and the design of urban buildings and spaces needs to build upon the unique strengths, cultural identity and characteristics of our city, particularly in the central city and on prominent sites in the district. This will help make Nelson a better place to live, and by helping make it more distinctive and memorable, will enhance it as a tourist destination. Creativity and inspiration expressed through design can turn functional prominent sites such as city entrance ways, corner sites, sites adjoining public spaces and highly visible sites into memorable places. Sites which are intended to have a high level of public use are also deserving of inspirational design.*

Urban design is a subjective assessment that informs aesthetic quality. It is therefore difficult, and arguably not desirable, for District Wide objectives to be able to be expressed in terms that are precise as sought by the submitter, that is the role of rules, appendices and other methods such as design guides. Through the rolling review of the NRMP it can be expected that as a result of future plan changes, particularly those coming out of the Heart of Nelson Strategy and the City Development Strategy, the objective would be further clarified through the Plan which would provide explanation of its applicability within the different Zones.

The proposed Policy DO13A Prominent Buildings and Spaces that sits under the objective as part of this Plan Change also provides a more precise statement of what is sought. The policy relates to those urban buildings, places and spaces that have a high level of public use such as, the entrance to Nelson, sites within the city centre, sites on major transport routes/intersections, sites around the waterfront etc. I consider it is unreasonable and undesirable to use precise language to describe urban design outcomes sought for Nelson's prominent buildings, spaces and places as this depends on the context, the nature of the proposal and would restrict design creativity considered appropriate for prominent sites. I do however consider it is reasonable that these prominent spaces are identified.

This is acknowledged within the policy which states that prominent spaces and places should be defined by Council. Identifying the spaces will assist to reduce uncertainty with regard to the applicability of this policy and a recommendation from the Hearing Panel to this effect may assist to give Submitter 2 the relief sought with respect to increasing precision. The explanations and reasons to the policy further assist to provide context and meaning to the urban design terms. The methods proposed to implement this policy include the use of an Urban Design Panel to assist with the assessment of such proposals in terms of whether they are consistent with the objective and policy. The NCC Urban Design Panel consists of a selection of local and national urban design professionals who undertake a site visit and meet with an applicant or developer to discuss and assess proposals. This process is currently offered free of charge and would be another means of achieving the precision sought by Submitter 2.

I consider it neither reasonable nor desirable that the urban design language used in Chapter 5 District Wide Objectives and Policies be replaced with terms that are

more precise. The Submitter has not suggested what such precise terms could be, and given the subjective nature of the urban design topic and the methods identified above provided to assist in applying the objective and policy, the provisions have been written with as much certainty as I consider desirable to ensure the efficiency and effectiveness of the urban design policy framework to achieve the amenity aspects of the Act. I therefore recommend that this part b) of Submission 2, Statement 2 is rejected.

c) Submitter 2 seeks that the objectives and polices in DO134A Urban Design be re-written and simplified to be more in line with the NZ Urban Design Protocol. The Submitter does not provide any alternative wording for consideration.

The proposed urban design objectives and polices in Chapter 5 were developed under the guidance of the NZ Urban Design Protocol and urban design best practice generally. The NZ Urban Design Protocol is a high level national document. The purpose of the urban design section of the District Wide Objectives and Policies is to provide a policy framework for urban design in the Nelson context. While the objectives and policies are still a high level District Wide policy framework, the explanations give further direction as to how they apply to Nelson. I consider that the proposed objectives and polices address urban design issues of relevance to Nelson in a manner that is commensurate with the scale of development in Nelson and responsive to the local environment of Nelson. In my opinion they should not be more precise in terms of directing type and forms of urban design to particular locations (apart from the city centre) because Council has not yet completed the City Development Strategy, the tool which will achieve this.

Rather than providing a policy framework, the NZ Urban Design Protocol uses a generic and easily remembered list of factors called the 'seven Cs' to describe the elements of good urban design. The 'seven Cs' are not precise in their meaning, a quality which is sought by Submitter 2 in the previous submission point addressed above. Notwithstanding this, the proposed urban design Objectives and Policies in Plan Change 14 are in my opinion aligned and consistent with the 'seven Cs' of the Urban Design Protocol as demonstrated in the table below:

<b>NZ Urban Design Protocol Seven Cs</b>	<b>Plan Change 14 District Wide Objectives and Policies on Urban Design</b>
Context	Objective DO13A.1 Recognising the Local Context Policy DO13A.1.1 Local Context and Environment
Character	Objective DO13A.3 Creating High quality Public Spaces Policy DO13A.3.1 High Quality Public Spaces Policy DO13A.3.1 Multi Use
Choice	Objective DO13A.4 Providing for Diversity Policy DO13A.4.1 Flexibility, Choices and Adaptability
Connections	Objective DO13A.2 Improving Connections Policy DO13A.2.1 Accessibility Policy DO13A.2.2 Natural Connectivity Policy DO13A.2.3 Public to Private Connections
Creativity	Objective DO13A.5 Inspiring Places Policy DP13A.5.1 Prominent Buildings and Spaces
Custodianship	Objective DO13A.6 Sustainable Places and Communities Policy DO13A.6.1 Environmentally Responsive
Collaboration	Objective DO13A.7 Urban Design Process Policy DO13A.7.1 Policy and Administration Policy DO13A.7.2 Coordinated Approaches Policy DO13A.7.3 Collaboration

*Note: Mr McIndoe has used a similar table on page 4 of his evidence in **PART D** to show the relationship with Plan Change 14 and the Urban Design Protocol. This is consistent with my assessment under this section.*

While many of the urban design objectives and policies in Plan Change 14 reflect more than one of the 'seven Cs', they can be generally aligned with each of the NZ Urban Design Protocols essential design qualities as demonstrated above. In addition the operative policy framework in the Plan also achieves many of the design qualities represented by the seven Cs', particularly in relation to character and custodianship (existing heritage and sustainability provisions). The policy framework of the Plan should be considered as a whole.

The proposed Urban Design objectives and policies were developed through a drafting process that included two public workshops, guidance and review from a Steering Group (Councillors and local development industry representatives) and release of the draft Plan Change for comment. The proposed policy framework was also reviewed by Graeme McIndoe an urban design expert who was involved in the creation of the NZ Urban Design Protocol.

I consider it is both reasonable and desirable that urban design objectives and policies be written in a manner that relates to the Nelson context, rather than New Zealand as a whole which is the role of the NZ Urban Design Protocol. This means that the objectives and policies must necessarily be more complex than the word statements of the 'seven Cs'. In addition I consider that by making the urban design objectives and policies local, it assists in ensuring they can be as precise as possible given the nature of the topic, this being a quality sought by Submitter 2 in the point b) raised above. On this basis, and considering the support for the current wording of the objectives and policies by Submitter 7, I recommend that this point c) in Submission 2, Statement 2 be rejected.

d) Submitter 2 seeks that a new policy be added that "NCC will actively facilitate developments which demonstrate good urban design principles through streamlined processes and simplified planning requirements."

The reasons provided by Submitter 2 for proposing the policy addition are that there is no explicit provision for Council to facilitate incentives for good urban design and to reward developers who promote good urban design. The Submitter asserts that the plan has a lead role in this which should be reflected in the policy framework.

The proposed urban design policy framework includes one objective (DO13A.7 Urban Design Process) and three policies (DO13A.7.1 Policy and Administration and DO13A.7.2 Coordinated Approaches and DO 13A.7.3 Collaboration) that relate to urban design process. In terms of the role of Council, the intention of this process section is to acknowledge that Council has a role to minimise the process barriers to implementing a better urban design approach and to identify opportunities where Council can collaborate with the private sector to achieve a quality urban design vision for the community.

Each of the three policies has specific methods identified through which Council intends to achieve the policy in partnership with the community. These include proposed rules and assessment criteria that seek to remove the current resource consent barrier through alternative provisions that maximise flexibility and certainty (see section 5 of the Section 32 Report). This includes the provision of a Restricted Discretionary Activity category for subdivision and comprehensive housing developments that is non-notified (therefore provides certainty of process) and is able to be used by applicants that demonstrate good urban design. In addition the use of the Major Projects Team: a team of staff from different disciplines/departments within Council set up to provide streamlined and integrated advice with respect to proposals, and an Urban Design Panel seek to simplify

processes and facilitate better urban design. Both the urban design panel and the major projects team initiatives are currently free of charge. At the end of the day, if an application represents quality urban design, then under the provisions of the Plan Change the consent would not be declined for that reason.

The proposed changes to the Services objectives and policies under DO14.3 also seek to streamline processes and take a collaborative approach with developers. The policies seek to alert developers to the need to use the correct long term planning instrument (the LTP not the resource consent process) to plan the extension or expansion of infrastructure to support a development and to encourage early dialogue with Council regarding their development intentions and timing (through the LTP submissions process). This will enable Council to evaluate development proposals and their infrastructure requirements, prioritise and plan for them in future capital works expenditure programs. This is an example of the policy framework seeking to take a collaborative approach with developers and ensuring processes are as streamlined as possible by highlighting the RMA and LGA connections for infrastructure funding. Submitter 2 has opposed the changes to the Services objectives and policies under DO14.3 suggesting amendments and this is addressed under Topic 18 further on in this report.

An example of rewards for good urban design is found in Council's Urban Design Action Plan (a method listed in the Plan Change). The Action Plan includes the need for recognition within the community of good urban design responses, and as part of the Environment Awards, has an urban design category which is awarded annually. Submitter 2 was the recipient of this award for 2010.

Unfortunately, the very nature of urban design requires that an assessment is undertaken. The quality of design is not a black and white (it complies or it doesn't) type issue such as say air quality emissions. The provision of a streamlined and simplified planning process is not considered compatible with the concept of good urban design which has to be considered on a case by case basis. The proposed Plan Change has however, where possible, attempted to make the plan provisions themselves and the methods as supportive as possible. An example of this is the non-notification statement for a number of restricted discretionary activities which are clear about what types of development will potentially be notified and what types will not. On this basis, and considering the support for the current wording of the objectives and policies by Submitter 7, I recommend that this point d) in Submission 2, Statement 2 be rejected.

Submitter 7 seeks that the proposed Urban Design Policies in Chapter 5 are retained, and in the reasons states that they are strongly supported. After considering the points raised by Submitter 2 above, and the recognition that good urban design is rarely brought about by regulation, therefore making the design process itself and the ability to assess the design in as efficient manner as possible significant parts of any policy proposal, I consider that on balance the proposed set of urban design objectives and policies should be retained, and Submission 7 is recommended to be accepted. As discussed above, the Plan Change does provide for reward of good design and streamlines or provides more certainty within processes where appropriate and as a function of promoting sustainable management of the urban environment. Therefore proposed objectives and policies enhance the Plan's ability to achieve the promotion or enabling presumption of the Act in a manner that provides as much certainty and clarity for applicants as possible. Where this has been difficult to achieve, then process improvements have been identified as methods to assist with achieving the relevant objective in the most efficient and effective manner.



**RECOMMENDATION**

Submitter 2, Statement 5: Accept in part  
 Submitter 7, statement 1: Accept in part

**AMENDMENTS TO PLAN CHANGE**

*Reword clause b) of 'Policy DO13A.3.1 High Quality Public Spaces' as follows:*

b)A sense of human scale at the edges of the space.

**9.12 Topic 12: DO13A.1 Recognising the Local Context (Chapter 5)**

*Refer Page 21 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters' points in relation to the proposed urban design objective 'Recognising the Local Context'.

**Submission 27 Royal Forest & Bird Protection Society of NZ Statement 1****Support**

**Decision Sought:** Retain Objective DO13A.1 Recognising the local context.

**PLANNING OFFICER COMMENT #13****Topic 12**

Royal Forest and Bird Society of NZ Submission 27, Statement 1

Submitter 27 seeks that the proposed objective 'Recognising the local context' be retained, and the reason provided is because it recognises the importance of the natural environment in planning.

On the basis that the objective enhances the ability of the plan to achieve the purpose of the Act, and Submitter 27 provides unconditional support for the objective I recommend that the submission be accepted.

**RECOMMENDATION**

Submission 27, Statement 1: Accept

**AMENDMENTS TO PLAN CHANGE**

Nil

**9.13 Topic 13: DO13A.1.1 Local Context and Environment (Chapter 5)**

*Refer Page 21 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters points in relation to the proposed policy 'Local context and environment'.

**Submission 2 Marsden Park Ltd Statement 4****Oppose**

**Decision Sought:** Amend the policy to provide 'consideration of' the elements described rather than requiring development to 'relate to'.

### Conditional Support

**Decision Sought:** Amend to include a definition as to what is meant by 'valued development patterns', and cross reference this requirement to both the subdivision rule and those land use rules.

#### PLANNING OFFICER COMMENT # 14

#### Topic 13

Marsden Park Ltd Submission 2, Statement 4  
Staig & Smith Ltd Submission 14, statement 1

Submitter 2 seeks that the words 'consideration of' replace the terms 'relate to' in the policy 'Subdivision and development should relate to local topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns.' The reasons for the word change sought through the submission are that it is unclear what is meant by 'relate to' local topography, and that the policy is open to very wide interpretation and is not certain.

The policy seeks to ensure that subdivision and development has a sense of place that reflects the location and its culture. This requires that it relates directly to those features that define the local context and environment, these being its topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns. The term 'relates to' means the subdivision or development proposal will have a significant connection (i.e. respects, reflects, responds) with the local context through its design and/or that the local context has had a bearing upon the design selected for the particular proposal. The policy requires an actual response in urban design terms to the local context and environment.

Demonstrating how a proposal relates to the local context is dependant upon the ability to provide a good urban design assessment, or to 'tell the story'. The methods listed to achieve this policy will assist with such an assessment, in particular Appendix 14 which details information requirements for consent applications and provides more certainty in terms of the outcomes sought in relation to this policy. The methods assist to provide more certainty as desired by Submitter 2.

Submitter 2 suggests that the term 'relate to' is replaced with 'consideration of' however the two terms have different meanings. The policy seeks a particular design outcome as a result of a subdivision or development proposal relating to the local context and environment. To consider the local context and environment does not require that the design in any way responds to it. The local context could be considered as part of a subdivision and development design process, but dismissed or not result in any features that relate to that context being included in the design. This would undermine the intent of the policy, does not add certainty which is what is sought by Submitter 2, and I therefore recommend that this submission be rejected.

Submitter 14 seeks that the use of the term 'valued development patterns' is defined, and that this is cross referenced to subdivision and land use rules which are identified in the explanations and reasons to the policy.

Valued development patterns are part of a spatial and character appraisal to evaluate the local context or environment. The evaluation of whether the local context within which a subdivision or development is to integrate represents a valued development pattern or not, would determine how the proposal relates to it

within its design, (eg whether the development pattern is continued or not). As with many urban design terms, the definition of the term is reliant on context. What might be a valued development pattern in one neighbourhood or area of the city, may not be a valued development pattern in another. Valued development patterns can include both subdivision and building design. Examples of valued development patterns could be those of historical character (buildings close together on the front boundary and narrow streets), a coastal character (roading that has no kerb and channel, utilises swales and grass berms), hillside character (narrow roads and no off street parking), or an area of high density development that is successful due to its design components as a community/neighbourhood (buildings clustered around public open space and local shops).

Given the dependence upon context of whether or not a development pattern is valued, I consider it inappropriate to provide a formal definition of the term within Chapter 2 Meaning of Words. I do however consider it appropriate that the term could be better explained through the explanations and reasons to the policy, particularly in relation to the activity of subdivision as suggested by Submitter 14. Recommended amendments to the explanations and reasons to the policy are included below and I consider that these will assist with clarity, coherence, and the ability of the policy to achieve the urban design objective.

Submitter 14 also seeks that the policy be cross referenced within the subdivision and land use rules to which it relates. Formal cross reference of objectives and policies within the rules chapters of the Plan is not a formatting method currently used, with the exception of the Freshwater Plan rules which are located in Appendices to the Plan. In my opinion it is not appropriate to cross reference this one policy with a handful of rules, when there are many other policies in the Plan are just as relevant to the same and other rules. If each rule in the Plan cross referenced to relevant policies it would create a lengthy list rather like the contents page of the District Wide Objectives and Policies Chapter 5. It would also create a situation where if a policy is not on the list, it is arguable that it is not relevant even if a particular unforeseen situation arises that warrants its consideration.

There is however potential to cross reference informally by using the terms 'valued development pattern' and associated language within the relevant rules to which it relates. The cascade of concepts from policy to rule generally results in the language becoming more specific, or more interpretive of what the policy actually means for the activity the rule applies to. Many of the subdivision and development associated rules include assessment criteria that signal what the valued development patterns for the different activities might be. In addition, REr.25 the Front Yard rule, includes in the explanation the statement that "Development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought progressively through the rolling review of the Plan". In my opinion it is appropriate that this statement, rather than a specific definition, could also be included in the explanations of Rules REr.31 Fences, and REr.107 Subdivision. I also consider it appropriate that Appendix 14 which specifies Residential Subdivision Design and Information Requirements include reference to valued development patterns in the context analysis section. These changes are proposed in the recommendation below and will in my opinion assist with the clarity, coherence and effectiveness of the policy in achieving the objective and help achieve cross referencing as sought by the Submitter.

I therefore recommend Submission 14 to be accepted in part and below the plan amendments are identified which would assist with defining the term 'valued development patterns' and where it is considered appropriate to reference the term in provisions further down the cascade of policy to rule.

## RECOMMENDATION

Submission 2, Statement 4: Reject  
Submission 14, Statement 1: Accept in part

## AMENDMENTS TO PLAN CHANGE

*Amend the explanations and reasons to Policy DO13A.1.1 Local Context and Environment as follows:*

Explanations and reasons

DO13A.1.1.i Quality urban design treats buildings, places and spaces not as isolated elements but as part of the whole city, its character and environment. Subdivision and development within the city and urban areas should define and reinforce those elements that best express Nelson's identity – its sunny and outdoor lifestyle, seaside location, topography, biodiversity and geology, the colours of the landscape, neighbourhood and architectural styles, and its long history of Maori and subsequent settlement.

Subdivision and development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought progressively through the rolling review of the Plan. For example, subdivision layout can be considered in terms of how it contributes to valued development patterns such as the connectivity of roading networks, retention of valued topographical features, landscape and streetscape values, and the sustainable use of existing infrastructure. The assessment can also include road and allotment layout that enables building development to continue any valued built development patterns in the particular locality. Site specific matters such as breach of crossing point maximums, front yard setbacks, fence heights, parking and manoeuvring area rules and standards will also be considered in terms of how they contribute to enhanced urban design outcomes for the street, neighbourhood, suburb and overall City and continue valued development patterns. Therefore in the consent assessment process, consideration needs to be wider than just on the individual site or sites, to emphasise valued development patterns.

*Include in the explanation column of the rule table for Rules REr.31 Fences and REr.107 Subdivision the following statement and amend the statement in REr.25 to be consistent:*

Development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i.

*Amend Appendix 14 as follows:*

AP14.3.vi A thorough appreciation of the overall site context is the starting point for good urban design. Context is the character and setting of an area within which a subdivision and development will need to fit. It includes natural as well as human/built features and history, the people living within and nearby, and the routes that pass through or connect to a site. The context analysis is a means of assessing the value of existing development patterns in the area and determining the appropriate degree to which they should be incorporated into subdivision design.

#### 9.14 Topic 14: DO13A.2 Improving Connections

*Refer Page 22 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters' points in relation to the proposed objective DO13A.2 Improving Connections in Chapter 5.

<b>Submitter 5 Department of Conservation</b>
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<b>Statement 2</b>
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**Support**

**Decision Sought:** Retain Objective DO13A.2 Improving Connections Objective

<b>Submitter 27 Royal Forest and Bird Protection Society NZ Inc</b>
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<b>Statement 2</b>
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**Support**

**Decision Sought:** Retain Objective DO13A.2 Improving Connections Objective

**PLANNING OFFICER COMMENT # 15**

**Topic 14**

Department of Conservation Submission 5, Statement 2

Royal Forest & Bird Protection Society Submitter 27, Statement 2

Submitters 5 and 27 seek that the proposed objective 'Improving Connections' be retained, and the reasons provided are because it recognises the importance of the natural environment and biodiversity in planning.

On the basis that the proposed objective enhances the ability of the Plan to achieve the purpose of the Act, in particular the matters in sections 6 and 7, and that Submitters 5 and 27 provide unconditional support for the objective I recommend that it be accepted.

**RECOMMENDATION**

Submission 5, Statement 2: Accept

Submission 27, Statement 1: Accept

**AMENDMENTS TO PLAN CHANGE**

Nil

#### 9.15 Topic 15: DO13A.2.2 Natural Connectivity Policy

*Refer Page 23 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters' points in relation to the proposed policy DO13A.2 Natural Connectivity in Chapter 5.

<b>Submitter 5 Department of Conservation</b>
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<b>Statement 2</b>
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**Support**

**Decision Sought:** Retain Objective DO13A.2.2 Natural connectivity Policy

<b>Submitter 27 Royal Forest and Bird Protection Society NZ Inc</b>
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<b>Statement 3</b>
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**Conditional Support**

**Decision Sought:** Amend Objective DO13A.2.2 Natural Connectivity Policy to include the words 'where appropriate ' follows:

"Subdivision and development should provide for the enhancement, restoration and, where appropriate, multiple use of natural environment connections, particularly from the hills to the coast, utilising rivers, streams and natural connection features through urban environments to enhance native biodiversity."

**PLANNING OFFICER COMMENT # 16**

**Topic 15**

Department of Conservation Submission 5, Statement 2

Royal Forest & Bird Protection Society Submitter 27, Statement 3

Submitter 27 seeks an amendment to the policy in recognition that it may not always be appropriate for multiple use of natural environment connections.

I consider that the addition of the words 'where appropriate' signals in the policy that some natural environment connections may not be able to accommodate multiple use. The proposed addition can be accommodated without detracting from the meaning of the policy as proposed, and enhances its effectiveness in terms of prioritising enhancement and restoration over multiple use. Submitter 5 did not make a further submission in respect to Submitter 27's suggestion. On the basis that the suggested amendment improves the policy wording and its ability to achieve the purpose of the Act, and there is no opposition to the suggested change, I recommend that it be accepted.

**RECOMMENDATION**

Submission 5, Statement 2: Accept

Submission 27, Statement 3: Accept

**AMENDMENTS TO PLAN CHANGE**

*Insert the words 'where appropriate' as follows:*

DO13A.2.2 Natural Connectivity Policy

Subdivision and development should provide for the enhancement, restoration and, where appropriate, multiple use of natural environment connections, particularly from the hills to the coast, utilising rivers, streams and natural connection features through urban environments to enhance native biodiversity.

**9.16 Topic 16 DO13A.6 Sustainable Places and Communities Objective (Chapter 5)**

*Refer Page 27 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters' points in relation to the proposed objective DO13A.6 Sustainable Places and Communities.

**Submitter 27 Royal Forest and Bird Protection Society NZ Inc Statement 4**

**Support**

**Decision Sought:** Retain Objectives DO13A.6 Sustainable Places and Communities

**PLANNING OFFICER COMMENT #17**

**Topic 16**

Royal Forest & Bird Protection Society Submitter 27, Statement 4

Submitter 27 seeks that the proposed objective 'Sustainable Places and Communities' be retained, and the reason provided is that the objective is soundly based in achieving real sustainability outcomes.

On the basis that the proposed objective directly falls within the functions of Council under the Act, assists to achieve the sustainable management purpose of the Act in section 5, and the submission provides unconditional support for the objective I recommend that it be accepted.

**RECOMMENDATION**

Submission 27, Statement 4: Accept

**AMENDMENTS TO PLAN CHANGE**

Nil

**9.17 Topic 17: DO13A.6.1 Environmentally Responsive Policy (Chapter 5)**

*Refer Page 27 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitter's points in relation to the proposed objective DO13A.6.1 Environmentally Responsive Policy.

**Submitter 27 Royal Forest and Bird Protection Society NZ Inc Statement 5**

**Support**

**Decision Sought:** Retain Policy DO13A.6.1 Environmentally responsive but could also include l) inclusion of environmental options for the treatment of human waste.

**PLANNING OFFICER COMMENT # 18**

**Topic 17**

Royal Forest & Bird Protection Society Submitter 27, Statement 5

Submitter 27 seeks that the proposed Environmentally Responsive policy be retained but suggests that an additional opportunity be listed in the policy regarding the treatment of human waste. The policy includes a list of opportunities and suggests that subdivision and development in being environmentally responsive should consider them. The addition of the consideration of environmental options for the treatment of human waste is not incompatible with the list or any other objective and policy in the Plan. However I consider that the meaning of the term 'environmental options' is unclear and it is proposed that the sentence be replaced by 'the inclusion of sustainable options for the minimisation and treatment of waste' as this is more specific and is considered to meet the Submitters request.

On the basis that the submission provides support for the objective, and the suggested addition is consistent with the intention of the policy and may assist to ensure effectiveness of it, I recommend that it be accepted.

**RECOMMENDATION**

Submission 27, Statement 5: Accept

**AMENDMENTS TO PLAN CHANGE**

*Amend Policy DO13A.6.1 Environmentally responsive by adding additional opportunity as follows:*

l) the inclusion of sustainable options for the minimisation and treatment of waste.

**9.18 Topic 18: DO14.3 Services Objective and DO 14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities Policies (Chapter 5)**

*Refer Page 32 Proposed Plan Change 14 Plan Amendments Document*

This topic covers three submitters' points in relation to the proposed amendments to the objectives and policies to services. The objective and policies and the submission points on them are considered under the one topic due to their integrated nature.

**Submitter 2 Marsden Park**

**Statement 6**

**Oppose**

**Decision Sought:** a) Amend DO14.3 Services to read "...and the development potential of suitably zoned adjoining land in the Services Overlay".  
b) Delete the notes/rule after policy DO14.3.1 and DO14.3.2.  
c) Remove any references to developer being required to fund services if not identified in the LTCCP.

**Further Submission X1: Staig & Smith Ltd Statement X1.2**

**Support in part Submission 2, Statement 6:** Allow section c) of submission

**Submitter 16 Stoke Valley Holdings Ltd & Solitaire Ltd**

**Statement 2 & 3**

**Oppose**

**Decision Sought:** Delete the proposed amendments to DO14.3.1 or alternatively delete those parts of the references in the Services Overlay that state that developers will fund the full cost of services both for their own land and to meet the service needs of land beyond their own land if the works are not noted in the LTCCP or alternatively if the date for those works to be undertaken is some time off in the future.

**Submitter 26 Chris and Irene Hurley**

**Statement 3**

**Oppose**

**Decision Sought:** Delete proposed changes to DO14.3 Services Objective

**PLANNING OFFICER COMMENTS #19**

**Topic 18**

Marsden Park Submitter 2, Statement 6  
Stoke Valley Holdings and Solitaire Ltd Submitter 16, Statement 2 & 3  
Chris and Irene Hurley Submitter 26, Statement 3

OBJECTIVE DO14.3 Services

Submitter 2 and 26 oppose the proposed changes to objective DO14.3 Services. Submitter 26 seeks that the changes are deleted and Submitter 2 seeks that the words 'suitably zoned' are added to the objective where it refers to adjoining land within the Services Overlay.



The changes proposed by Plan Change 14 to the objective are the addition of the words 'and the development potential of adjoining land in the Services Overlay'. The reasons provided in the Plan for this policy are that subdivision and development of land is usually followed by intensification and changes in land use that increase demands on the infrastructure of the City. It is appropriate for servicing requirements to be addressed at the time of subdivision or development to ensure that efficient and effective (including cost effective) systems are provided or enhanced and to ensure that the additional costs of servicing do not fall on the community generally.

The proposed change adds to the policy a specific consideration of those services by requiring that services are provided to lots within a subdivision not only in anticipation of the future activities on them, but also in anticipation of future development on adjoining land. The purpose of this consideration is to ensure that services are provided in a manner that is the most efficient and effective within that development catchment. This is to ensure that if services are extended to serve a particular subdivision or catchment, then they are of sufficient capacity also to serve future development on adjoining land within the Services Overlay.

I consider it is an inefficient use of resources if services are provided to one property of sufficient size and location/extent to serve its development potential, if they only have to be upgraded later to serve the development on an adjoining property. The development potential of adjoining property is able to be estimated with sufficient accuracy from consideration of its zoning and experience with yield on the adjoining land so that services can be adequately sized and constructed in a manner that is most sustainable, and does not result in additional costs for upgrading services in the future. The objective does not get down to the specifics of who is paying for the capacity to serve, or potential to connect to, adjoining property, that is addressed in the policies that follow from it, and discussed in detail below in relation to the other submission points below.

Submitter 2 states that the 'objective makes a carte blanche assumption that all adjoining land has development potential'. However, the objective does not relate to all adjoining land, but only adjoining land within the Services Overlay. The Services Overlay only applies to Residential, Rural High Density Small Holdings, Commercial and Industrial zoning, that is, zones with development potential higher than rural. If land is within the Services Overlay then it has development potential. Therefore the addition of the words 'suitably zoned' are not required as the objective uses more precise wording by stating that it only applies to adjoining land within the Services Overlay.

I recommend that this part of Submission 2, Statement 6 be rejected as it is unnecessary and does not improve the clarity of the objective.

Submitter 26 seeks that the proposed changes to the objective are deleted and the reasons provided are that the rules are overly restrictive. No rules are contained in the objective being submitted upon and it is unclear if the submitter means that the proposed additions to the objective are too restrictive. Submitter 26 may be able to clarify the submission at the hearing.

Subject to any further clarification of the submission at the hearing I recommend that Submission 26, Statement 3 be rejected.

#### POLICY DO14.3.1 Rooding and DO14.3.2 Drainage, Water and Utilities

Submitters 2 and 16 seek that the proposed amendments to Policy DO14.3.1 Rooding and Policy DO14.3.2 Drainage, Water and Utilities be deleted. In particular

they seek deletion of the parts of the amendments which define that the works required to provide services in accordance with the policies shall be funded by the developer if they are not provided for in the LTP.

Submitter 2 provides reasons for the opposition which includes that the policy is worded like a rule and is inappropriately located in this section of the Plan, and that the policy is overly restrictive and provides no room for site specific negotiation. Submitter 2 also states that this issue is adequately covered by existing subdivision rules, is unnecessary and onerous.

Submitter 16 provides reasons for the opposition to the proposed amendments to Policies DO14.3.1 and DO14.3.2 as follows:

- (i) It may not always be fair and reasonable to have to physically construct and fund a roading, water, stormwater or wastewater connection to adjoining land.
- (ii) If works required to provide roading or water, stormwater or wastewater services to a development site are not provided for in the LTP then there should be a range of options open for their funding, not just that they must therefore be funded by the developer.

Submitter 16 states that providing land for wastewater, water and stormwater structures can involve significant areas of land and if this is in the interests of the community as a whole, then it should not automatically be funded by one developer.

That the wording should be left open as to how such works are paid for as is the case with the current wording in the LTCCP which states:

*"Council can collect development contributions only for projects listed in the Community Plan. There are occasions when developers provide infrastructure that will serve other properties. In these instances Council may decide to make a contribution to the infrastructure being provided, for example to have the developer build a larger water tank than is required for their subdivision. In this situation Council will require an additional contribution from the other developers or property owners served by this infrastructure, by charging them a connection fee."*

Submitter 16 also states that the policy is inconsistent with other policies in the Plan Change itself, in particular Policy DO13A.7.3 headed collaboration which states the following:

*"To encourage the collaboration of the private and public sector where there are opportunities for projects to assist with the Council's role of achieving quality urban design vision for the community in a sustainable and equitable manner".*

The purpose of the proposed changes to the policies DO14.3.1 Roding and DO14.3.2 Drainage, Water and Utilities are to strengthen the intention of the existing policies and integrate them with Councils long term planning processes, such as the LTP, and in the future, the City Development Strategy. The proposed changes to the policy seek to ensure that the expansion of services to new development areas is undertaken in a sustainable manner and has been through the public community planning process and therefore that the spending of public funds on servicing in that location is supported by the community. The provision of new or additional services to facilitate new development within the community

should occur in a manner that is well planned, represents an efficient use of resources and does not create a future financial burden on the community. This has always been the intention of the Services Objective and Policies in the NRMP. Unfortunately its wording has in the past been subject to misinterpretation and legal challenge. The results of those challenges have been inconsistencies in its application and the funding of services to support development in areas has not been undertaken in a strategic manner, or has been undertaken using other legal agreements and funding and recovery schemes outside of the LTP.

To address these issues the proposed policies identify the need for the following:

- (a) All services (roading, wastewater, water, and stormwater) required to service a subdivision or development are to be constructed by the developer and vested in Council as part of the development, and
- (b) That these services shall be of sufficient capacity to support the development of adjoining land within the Services Overlay, and
- (c) That the services network connections to support the development of adjoining land within the Services Overlay are provided as part of the development, and
- (d) That if the Council is to fund the provision of the services identified above over and above that required to service the subdivision or development itself, then that shall occur through a strategic, sustainable and well planned programme of services upgrades that has been through the public LTP process and adopted as part of Councils long term financial planning, and
- (e) That if a developer wishes to develop a particular property the servicing of which has not been identified in the LTP, and therefore has not been identified as in the strategic, sustainable or long term financial interest of the community for funding, then those services shall be funded by the developer.

The alternative to (e) is that the developer waits until the project is in the LTP before embarking on development.

In response to Submitter 2 who opposes the proposed changes to these policies because they are worded like rules, are overly restrictive, provide no room for site specific response and are adequately covered by existing subdivision rules, the following discussion is provided.

The wording proposed by the changes to policies DO14.3.1 Roding and DO14.3.2 Drainage, Water and Utilities has been purposely well defined to improve clarity. This is in response to the result of legal advice, objections and legal challenges in the past to the Services Overlay objectives and policies where Council has sought by way of subdivision consent conditions that connections and services are provided to adjoining properties with development potential. The majority of the objections arose as the NRMP policy was not well defined and led to misinterpretation.

The proposed wording also seeks to support Council's ability to decline to fund the servicing of areas at the request of a developer if it is not a project in the 10 year LTP programme. Such a decision would be able to be based on the project not meeting criteria in a strategic planning and funding programme which has been through a public process. Previously Council has been unable to substantiate whether expenditure on servicing to support development of a particular area is in the best strategic or sustainable interest of the community. Expenditure of community resources on future development areas has been at the direction of

developers, rather than part of a capital works programme supported by the community and directed by Council.

If an upgrading project required to facilitate subdivision or development of an area is not included in the LTP, then that indicates it either has a low priority or was not included in the evaluation. A developer wishing to pursue Council funding of the extension of services to facilitate a particular development area would need to use the Annual Plan and LTP 3 yearly review processes to seek that that project is evaluated, prioritised and scheduled if appropriate. I consider this process is fair and reasonable, and will result in the allocation of funds to support the growth of the city in a sustainable and strategically managed way. The process is also collaborative and signals to developers that they need to work with Council and the Long Term Plan process to align land use with infrastructure provision, rather than expect to pursue integrated infrastructure provision as part of a resource consent application. If the funding is not anticipated by Council in the draft LTP, and the developer wishes to go ahead with development in the next 10 years, then the developer can seek to have it included via submission, or fund it themselves.

The proposed wording in the policies gives precise guidance in order to provide developers and the community with certainty regarding the servicing of new development areas and signal that the LTP is the process to be used to plan funding of future development. The policy bridges the gap between the RMA and the LGA. The relevant provisions of the LGA are Sections 14, 101 and 101A as summarised below.

In particular Section 14 which states that in performing its role:

- (1)(a) (i-ii) a local authority should conduct its business in an open, transparent, and democratically accountable manner and give effect to its priorities and desired outcomes in an efficient and effective manner.
- (1)(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region.
- (1)(h) (i) in taking a sustainable development approach, a local authority should take into account the social, economic, and cultural wellbeing of people and communities.

And Section 101 Financial Management which states:

- (1) A local authority must manage its revenues, expenses, assets, liabilities, investments, and general financial dealings prudently and in a manner that promotes the current and future interests of the community.
- (2) A local authority must make adequate and effective provision in its long term plan and in its annual plan to meet the expenditure needs of the local authority identified in that long term plan and annual plan.

And Section 101A(2) Financial Strategy which states:

The purpose of the financial strategy is to facilitate:

- (a) Prudent financial management by the local authority by providing a guide for the local authority to consider proposals for funding and expenditure; and
- (b) Consultation on the local authorities funding and expenditure by making transparent the overall effects of those proposals on the local authority's services, rates, debts, and investments.

A local authority can only do financially what the LGA enables it to do, and only in the manner set out in the LGA. In order to achieve Part 2 of the RMA, Councils must be mindful of the principles and financial management requirements of the LGA. The two are connected, not separate. The RMA may enable, but the LGA imposes restraint and requires prudent financial management by providing a guide for how to consider proposals for funding and expenditure.

The policy is very specific like a rule, as pointed out by Submitter 2, however it is not a rule. Being specific and providing clarity is a quality that was sought by Submitter 2 in relation to the urban design District Wide objectives and polices discussed under Topic 11 of this report. The amendments to the policy clearly set out the intention of Council in terms of the funding mechanism to support development, being the LTP. The rules for activities within the Services Overlay, such as REr.108 Subdivision in the Services Overlay contain the actual standards and terms, and assessment criteria through which activities are considered.

The operative Plan contains only a full discretionary activity category for the subdivision rule REr.108. The current wording in the objectives and polices has been subject to legal challenge and has not therefore been particularly helpful or certain for developers or Council. The Plan Change proposes to introduce a restricted discretionary activity category that is non-notified and that restricts Council's discretion to matters relating to servicing and achievement of the matters sought by the policies. I am confident that the proposed Plan Change provides an improvement for developers by offering a more certain policy framework and a non-notified and restricted discretionary consent category.

The proposed changes to REr.108 Subdivision within the Services Overlay provide matters over which Council has restricted its discretion which are consistent with the direction sought through the policies. Those matters do however provide for case by case assessment of specific proposals. The rule does not contain a standard and term that makes it dependent upon achievement of funding of services through the LTP, rather it is a matter of assessment. There is therefore room for a case by case assessment of applications that seek to use funding mechanisms other than that provided for in the LTP. This case by case assessment is provided for as a restricted discretionary non-notified matter of assessment. In addition the discretionary activity category is also available as an avenue applicants can pursue, as is the case with the operative provisions.

On the basis of the above discussion, I disagree with Submitter 2 in that while the policy is strongly worded in response to historical challenges and the need to set a strong signal with respect to funding mechanisms, it does provide room for site specific response through the appropriate rule. I recommend that this part of Submission 2, Statement 6 be rejected.

In response to the points raised by Submitter 16 who opposes the proposed changes to the policies because it may not always be fair and reasonable to connect to adjoining land, there should be a range of options open for funding of services to development, and that the proposed changes are inconsistent with the wording in the LTP and other policies in the Plan Change itself, the following discussion is provided.

I have examined the proposed changes against the Newbury tests and case law, particularly Waitakere City Council v Estate Holmes Ltd (2006) NZSC112, para 66 which reads as follows:

*"We consider that the application of common law principles to New Zealand's statutory planning law does not require a greater connection between the proposed development and conditions of consent than that they are **logically connected to the development**. This limit on the scope of the broadly expressed direction to impose conditions under section 107 is simply that the Council must ensure that conditions it imposes are not unrelated to the subdivision. They must not for example relate to external or ulterior concerns. The limit does not require that the condition be required for the*

*purpose of the subdivision. Such a relationship of causal connection may, of course be required by the statute conferring power to impose conditions, but section 108(2) does not do so” (my emphasis)*

In determining whether the condition had the necessary degree of relationship to the proposed subdivision, the Court took account of the policy as reflected in its Plan. I consider that the general objective, of seeking to ensure that subdivision and development in areas identified as having servicing constraints takes account of the development potential of adjoining land, is clearly for a legitimate resource management purpose.

Ultimately reasonableness will depend on the nature of the consent conditions and circumstances of the proposal (i.e. the reasons why it is not funded through the LTP) as to the extent to which a developer is required to fund services for the benefit of adjoining land. This point is raised by Submitter 16, and I acknowledge that, despite the robustness of the policies, a consent condition may be found to be unreasonable if the length of extension of services to the adjoining property and/or the costs expected to be borne by the developer are out of proportion to the development level of the site. The test as to fair and reasonableness (Newbury test) is standard resource management practice in determining consent conditions. I hold the view that the proposals in Plan change 14 are certain and lawful. In applying these to particular proposals the Council, as a consent authority, needs to ensure any conditions are reasonable.

While I acknowledge that resource consent conditions do need to be fair and reasonable as identified by Submitter 16, I consider that the policies themselves identify a legitimate resource management purpose and clearly set out the direction of Council (the need for long term funding of the extension of services to future development areas to be planned in a strategic manner consistent with Council's LGA obligations). I recommend that deletion of the amendments to the policies as requested by Submitter 16 in Statement 2 & 3 be rejected.

The second point made by Submitter 16 is that there should be a range of options open for funding services to a development. In the past, prioritisation of the provision of services to development areas has largely been set at the request of a developer. These requests have been submitted via a resource consent application, the Annual Plan or 3 yearly during the LTP review. In the past this has resulted in a range of responses from Council from placing projects in the Annual Plan, to making agreements with developers that they should fund the provision of services and Council will reimburse them later via a financial contribution adjustment through placing the project in the next LTP.

One of the purposes of the proposed changes to the policies with respect to the funding of services, is to ensure that the funding mechanism is a result of a robust, open and transparent system where Council funds are spent on extending services to accommodate growth in a strategic and sustainable manner. Such a desire necessitates an open, fair and equitable process such as that provided by the LTP and LGA consultation and financial management requirements. The LTP is the funding mechanism that best represents the community's interest with respect to the provision of public funding for services to accommodate future growth. To me it is not unreasonable a) to expect that developers would plan the timing of development requiring services extension 3 years ahead, and b) that Council utilises one system of administration for the funding of such services, and c) that the system is strategic and represents the best interests of the whole community. Despite this intention, the specific Subdivision Rule in the Services Overlay (REr.108) still provides an avenue for an applicant to propose, and for Council to consider, an alternative funding mechanism as a matter of restricted or full

discretion. I recommend that this part of Submission 16, Statement 32 and 3 is rejected.

The final point made by Submitter 16 with respect to the Services policies proposed changes is that it is inconsistent with the current wording in the LTP and the policies within the Plan Change itself.

The wording of Section 5 of the Development Contributions Policy in the LTP quoted by the Submitter is from an outdated version. The Development Contributions Policy was updated in 2010 and a new version and Volume II of the LTP was operational from 1 July 2010. The 2010 Development Contributions Policy includes the following statement under section 5:

*"The Council can collect Development Contributions only for projects listed in the Community Plan. There are occasions when developers provide infrastructure that will serve other properties and in these instances Council may decide to make a contribution to the infrastructure being provided."*

It is acknowledged that Section 5 of the Development Contributions Policy in the LTP contains wording that alludes to potential alternative funding mechanisms. That is the current wording in the LTP which will be reviewed as part of the wider 2012-2022 LTP review.

Section 5 of the LTP identifies that there may be occasions that can be funded by Council where works are not listed in the LTP. This is not supported by the proposed policy changes for the Services Overlay as they definitely discourage funding mechanisms outside of the LTP, however it is rule REr.108 through which alternative funding proposals would be considered. The rule that actually controls subdivision within the Services Overlay provides for alternative funding outside of the LTP process to be considered as a matter of discretion (as is consistent with the operative provisions). However as noted by Submitter 16, the proposed changes to the policy clearly encourage that the LTP is the method which Council relies on to fund future services extension and this would be considered in exercising any discretion through the resource consent process.

Submitter 16 also points out that the proposed new policy under the Urban Design District Wide Objectives contains a policy (DO13A.7.3 Collaboration) which encourages collaboration of the private and public sector where there are opportunities for projects to assist with the Council's role of achieving quality urban design vision for the community in a sustainable and equitable manner.

I consider that the collaboration policy is consistent with the changes proposed to the Services policies, and that the actual changes proposed are an example of collaboration where the Council fairly and equitably identifies the process through which the Council and developers can work together to strategically and sustainably provide servicing infrastructure to accommodate future growth. In addition the policy and approach is consistent with the approach to infrastructure provision taken throughout the Operative Plan generally. For example, existing policy DO14.1.3 Orderly Development states:

*DO14.1.3 Orderly development.*

*"Subdivision and development of land should provide for the use of land in an orderly manner, in association with cost effective and efficient provision of services and facilities."*

I consider that the proposed changes to the Services policies DO14.3.1 Rooding and DO14.3.2 Drainage, Water and Utilities are consistent with the existing and proposed policies in the Plan, and assist to make the process of integration of land use and infrastructure provision and funding fair, equitable and certain as well as representing the strategic and sustainable interests of the community. Comments in relation to the LTP wording are more appropriately considered in the review of the 2012-2022 LTP, not through this Plan Change.

Overall I consider that the proposed amendments to the Services objectives and policies will improve the Plan in relation to clarity and enhance the ability of the Plan to achieve the sustainable management purpose of the Act by clearly stating how Council intends to implement the regional function of the strategic integration of land use with infrastructure planning under Section 3(1)(gb) of the Act.

I recommend that this part of Submission 16, Statements 2 and 3 be rejected.

#### **RECOMMENDATION**

Submitter 2, Statement 6: Reject  
Submitter 16, Statement 2 & 3: Reject  
Submitter 26, Statement 3: Reject  
Further submission X1, Statement X1.2: Reject

#### **AMENDMENTS TO PLAN CHANGE**

Nil

### **9.19 Topic 19: DO14.3.1.i-iv Explanations and Reasons (Chapter 5)**

*Refer Page 32 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters' points in relation to the explanations and reasons for the Rooding policy.

#### **Submitter 15 NZ Transport Agency**

#### **Statement 6**

#### **Conditional Support**

**Decision Sought:** Amend explanation and reasons DO14.3.1.i a) to remove the word 'local' so that it refers to the road network generally.

#### **PLANNING OFFICER COMMENT #20**

#### **Topic 19**

NZ Transport Agency Submitter 15, Statement 6

The removal of the word 'local' results in the statement having application to the whole road network, not just the local road network. It is considered that the proposed amendment is consistent in the context of the policy which does not distinguish between local or other classification in roading network. I therefore consider that the amendment will assist with clarity and coherence and it is recommended that Submission 15, statement 6 is accepted.

#### **RECOMMENDATION**

Submission 15, statement 6: Accept

#### **PLAN AMENDMENTS**

*Amend explanation and reasons as follows:*



DO14.3.1.i a) Potential to change the function and efficiency of the local road network through an increase in vehicle numbers and changes in travel patterns.

## 9.20 Topic 20: DO14.3.3 Areas without Services Policy (Chapter 5)

Refer Page 35 Proposed Plan Change 14 Plan Amendments Document

This topic covers one submitters point in relation to the proposed changes to the areas without services policy.

**Submitter 20 Peter Olorenshaw**

**Statement 1**

### Oppose

**Decision Sought:** That Rural Higher Density Areas not be included in the Services Overlay and that effluent and rainwater quality be specified for developments in these areas rather than forcing people to connect up to the Council sewer and contribute to the pollution of the sea and town supply water running down river levels.

### PLANNING OFFICER COMMENT #21

### Topic 20

Peter Olorenshaw Submitter 20, Statement 1

The policy DO14.3.3 itself is not subject to any changes as part of Plan Change 14, and therefore any amendments to it are beyond the scope of this Plan Change.

The explanations and reasons of the policy do include proposed amendments to the text which includes the Rural Zone Higher Density Small Holdings area as follows: *'The urban and Rural Zone Higher Density Small Holdings areas where there are greatest difficulties with servicing are shown on Planning Maps in the Services Overlay.'*

The addition of the Rural Zone Higher Density Small Holdings area to this explanation is proposed as a result of the Higher Density Small Holdings Areas in the Ngawhatu and Marsden Valley being included in the Services Overlay Maps (via past plan changes) but an absence of any policies or rules relating to those areas. The proposed amendment is therefore in part a technical fix.

However in undertaking the technical fix, all areas of Higher Density Small Holdings Zone in the district were assessed, which comprises one additional area up Ralphine Way in the Maitai Valley. The Services Overlay is proposed to be extended over this area as part of the Plan Change. The area of Small Holdings Zone up Ralphine Way was considered suitable for inclusion in the Services Overlay for the following reasons:

- (i) To maintain consistency with the other areas of this zone type in the district.
- (ii) Because like the other areas of this zone type, the land has potential for future development and it is not a fait accompli that the sites can be provided with reticulated services. Because the area is able to be subdivided down to a lot size of 5000m<sup>2</sup> which, combined with the south facing and steep topography, means that on site servicing is not straight forward.
- (iii) Because the inclusion of the area in the Services Overlay provides an indication to current and future potential property owners that the area may be subject to constraints with respect to servicing (public or private) but

- does not preclude an application being made for subdivision or development utilising on site servicing.
- (iv) The freshwater rules currently require that any subdivision or development seeking to gain consent for on site servicing in the area with respect to wastewater is a discretionary activity (under 15ha).
  - (v) The proposed rule RUr.85 Services Overlay Subdivision also provides for subdivision in the Services Overlay that includes the on-site provision of services as a discretionary activity.

Therefore the effect of including the Ralphine Way area of the Rural Small Holdings Higher Density areas in the Services Overlay is considered to be minimal. It does not as the Submitter proposes, force people to connect up to Council services, and it does not change the activity status of applications seeking to treat and dispose of wastewater on site. It does identify land that can be further developed and that is subject to servicing constraints. It is considered that discretionary activity status for on-site servicing on sites in Ralphine Way (which can be subdivided down to 5000m<sup>2</sup> in size) has potential health and safety, and efficiency of servicing infrastructure issues that mean it should not be an activity that is permitted as of right.

Submitter 20 seeks that effluent and rainwater quality is specified for these areas rather than forcing them to connect to the Council sewer and water supplies. The Freshwater Plan rules specify the standards which are required to be complied with for on site treatment and disposal of wastewater. Any subdivision approved with provision for rainwater collection, in absence of public reticulated water supply, includes specific conditions for water quality standards. These are also stated in the NCC Land Development Manual 2010. Council does not force owners in the Rural Small Holdings Higher Density Areas to connect to reticulated services, but requires that they demonstrate certain standards can be met to be able to approve on site servicing and that this is the most practical and efficient method of servicing given the location of existing reticulated services and any strategic planning for servicing of the area within the LTP.

I consider that the inclusion of Ralphine Way (as an area of Rural Zone Higher density Small Holdings) in the Services Overlay is consistent with the application of the overlay across the city, in that it identifies potential development areas subject to servicing constraints. The proposed addition to the explanation for this policy assists to provide clarity in terms of the application of the policy, and maintain consistency between the treatment of like zones within the Plan. This is able to occur without any effect on activity category with respect to proposals for on site servicing. On this basis, and given the discussion above regarding the inaccuracies in the submission regarding current provisions, I recommend that Submission 20, Statement 1 is rejected.

**RECOMMENDATION**

Submission 20, Statement 1: Reject

**AMENDMENTS TO PLAN CHANGE**

Nil

**9.21 Topic 21: RE1.2 Flexibility in Development Policy (Chapter 7)**

*Refer Page 36 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitter's points in relation to the proposed amendments to the Policy RE1.2 Flexibility in Development in the Residential Zone Chapter of the Plan.

**Submitter 2 Marsden Park**

**Statement 7**

**Oppose**

**Decision sought:** Amend policy to replace 'good quality' with 'best practice' to be determined by the NCC appointed Urban Design Panel.

**PLANNING OFFICER COMMENT # 22**

**Topic 21**

Marsden Park Submitter 2, Statement 7

Submitter 2 seeks wording amendments to the policy to replace 'good quality' with 'best practice'. The reasons provided by this submission are that reference to 'good quality' urban design is highly subjective and open to wide interpretation as well as misinterpretation.

The term good quality urban design has arisen in the context of this policy as that is the language that the NZ Urban Design Protocol uses. Nelson City Council is a signatory to this protocol. The Protocol uses the term quality urban design and sets out the characteristics that define quality urban design. I accept that these characteristics are subjective, however the protocol describes the seven characteristics (context, character, choice, connections, creativity, custodianship, collaboration as discussed in Topic 11) that together make quality urban design so that they are as defined as possible.

The proposed Urban Design District Wide Objectives and Policies in Chapter 5 of this Plan Change use the term 'high quality' and 'quality' urban design. The explanations and reasons discuss what is considered low quality urban design. There have been no submissions in opposition to the use of the term in Chapter 5, and Submitter 2 made a submission with respect to that topic seeking that Council "Re-write and simplify the objectives and policies more in line with the NZ Urban Design Protocol".

The proposed Policy RE1.2A Comprehensive Housing uses the term 'best practice'. There have been no submissions on this aspect of the policy. The policy overall is discussed in the following Topic 22.

Given that the term quality urban design is used throughout the NZ Urban Design Protocol, and that there were no submissions in opposition to the use of the term through the District Wide Objectives and Policies (there were submissions requesting the section be retained) I consider it is important to maintain consistency throughout the Plan Change with respect to the urban design language used. The term good quality ensures that coherence is gained throughout the policy framework and in relation to the NZ Urban Design Protocol.

With respect to this policy RE1.2 Flexibility in Development it signals that in the Residential Zone, development proposals that do not comply with the density, building form and site development rules should be acceptable provided they can demonstrate they provide a quality design and environment. Such proposals will be considered on their merits. The policy therefore acknowledges that quality urban design proposals will not necessarily fit with the minimum standards and rules, that

rules and standards represent an optimal solution, but that different built forms and layout other than the traditional house and section may still be appropriate if it represents quality urban design.

To ensure that the policy works as intended and that consistency is maintained throughout the policy framework, and clause h) relates directly with DO13A the Urban Design District Wide Objectives and Policies, I consider the phrase 'quality urban design' is not substitutable for 'best practice'. Best practice is past practice, it does not relate to the characteristics identified in the Plan Change that define quality urban design. I do however consider that the use of the word 'good' as proposed in the policy in front of 'quality urban design' is not necessary or consistent with the District Wide Objectives and Policies. On the basis of the above discussion, I therefore recommend that the use of the term 'good' be deleted, and Submission 2 is accepted in part.

#### **RECOMMENDATION**

Submission 2, statement 7: Accept in part

#### **AMENDMENTS TO PLAN CHANGE**

*Delete the word good in clause h) of Policy RE1.2 Flexibility in development as follows:*

- h) Represents ~~good~~ quality urban design (refer to section DO13A District Wide Objectives and Policies) in particular a diversity of building forms and co location of activities.

*Amend the term 'best practice' in policy RE1.2A Comprehensive Housing as follows and make consequential amendments to the explanation RE1.2A.i:*

Policy RE1.2A Encourage and promote higher density developments where such developments incorporate ~~best practice~~ quality urban design principles (refer section DO13A District wide Objectives and Policies), and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities.

*Make consequential amendments throughout the Plan Change to replace the term 'good urban design' with 'quality urban design'.*

### **9.22 Topic 22: RE1.2A Comprehensive Housing Policy (Chapter 7)**

*Refer Page 37 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters points in relation to the proposed new Comprehensive Housing Policy in the Residential Zone chapter of the Plan.

**Submitter 2 Marsden Park**

**Statement 8**

#### **Oppose**

**Decision Sought:** Amend Policy RE1.2A Comprehensive Housing to delete the last part of the policy beginning "and where they are located" or amend to read "and where they are preferably located".

**PLANNING OFFICER COMMENT # 23**

Marsden Park Submitter 2, Statement 8

**Topic 22**

The proposed amendments to the comprehensive housing provisions within Plan Change 14 seek to remove barriers for this type of higher density development in appropriate areas. To do so the provisions provide a new restricted discretionary non-notified process for Comprehensive Housing Development in the Higher Density areas of the Residential Zone. Comprehensive Housing Developments in all other areas of the Residential Zone remain as discretionary activities, which is the current status for all Comprehensive Housing Developments in the Plan.

The proposed new policy RE1.2A Comprehensive Housing directly relates to the encouragement of Comprehensive Housing Development in Higher Density residential areas, these being the areas that are within close proximity to services, shops, transport routes, open space and other urban amenities. As is consistent with the current provisions, Comprehensive Housing Development in other areas of the Residential Zone is considered suitable only if the applicant can demonstrate the proposal provides for a high standard of living and amenity both on and off site. This remains a matter of assessment and, for those areas outside of the Higher Density areas of the Residential Zone where a higher density of development is not necessarily anticipated, the activity is necessarily a discretionary activity that may be subject to public notification. Accordingly, the Comprehensive Housing Policy encourages comprehensive housing development that is well designed and located, particularly in those areas of Higher Density Residential Zone.

Submitter 2 seeks that the part of the policy relating to the encouragement of comprehensive housing development due its location be deleted. The amendment would result in the policy encouraging Comprehensive Housing Development throughout the whole of the residential area regardless of its location. Submitter 2 considers that the policy limits comprehensive housing to just being in close proximity to services and that this is not justified as there may be instances where comprehensive housing can be provided where it is not in close proximity to services.

The statements provided by Submitter 2 are incorrect. The rules provide for Comprehensive Housing Developments as restricted discretionary non-notified activities where they are located in the Higher Density Residential Zone and as discretionary activities in the remainder of the Residential Zone. The discretionary activity category therefore provides for Comprehensive Housing Development in areas where they may not be in close proximity to services. As a discretionary activity, such a proposal will be assessed against the specified assessment criteria, this policy and any other matters Council considers appropriate (as has been the case since the Plan was notified in 1996). The policy states that Council encourages and promotes higher density developments where they incorporate quality urban design principles, and where they are located in close proximity to services etc. This is because it is not considered appropriate for higher density development forms such as Comprehensive Housing Development to be located in low density residential areas away from the services, open space, transport routes etc that can support a higher density of development without undertaking a thorough assessment of impacts on the surrounding environment.

On the basis of the above assessment I recommend Submission 2, Statement 8 is rejected as the policy has intentionally been drafted to encourage Comprehensive Housing Development in areas that are in close proximity to services, shops, transport routes, open space and other urban amenities. In my opinion, the amendments proposed by Submitter 2 are not consistent with the policy framework and will not improve coherence in terms of reducing barriers for Comprehensive Housing Development in appropriate areas.

As a consequential amendment under 1<sup>st</sup> schedule, section 10(2)(b) and given the amendments recommended under Topic 21 above, I consider it appropriate to delete the term 'best practice' in Policy RE1.2A Comprehensive Housing and replace with 'quality' to ensure consistency throughout the Plan Change.

**RECOMMENDATION**

Submitter 2, Statement 8: Reject

**AMENDMENTS TO PLAN CHANGE**

*Delete the term 'best practice' from policy RE1.2A Comprehensive Housing as follows and make consequential amendments to the explanation RE1.2A.i:*

Policy RE1.2A Encourage and promote higher density developments where such developments incorporate ~~best practice~~ quality urban design principles (refer section DO13A District wide Objectives and Policies), and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities.

**9.23 Topic 23: RE3.5 Streetscape Policy (Chapter 7)**

*Refer Page 38 Proposed Plan Change 14 Plan Amendments Document*

This topic covers six submitters' points in relation to the proposed amendments to the Streetscape Policy in the Residential Zone Chapter 7.

**Submitter 2 Marsden Park**

**Statement 9**

**Oppose**

**Decision Sought:** Relocate the section proposed changes to Policy RE3.5 Streetscape to the explanations and reasons.

**Submitter 6 Alice Graesser**

**Statement 1**

**Conditional Support**

**Decisions Sought:** Delete or amend Policy 3.5 Streetscape and explanations and reasons to acknowledge the suitability of the traditional higher fencing/screening and small front yard garages and sheds seen along such roads as Milton, Grove, Collingwood, Hardy etc and to take account of the existing and increasing levels of traffic impacting on these residential areas, the need for outdoor private space where front yards serve more intensive development, and attractive streetscapes including many high fences and small front yard structures which are part of Nelson's traditional look in the Wood and Nelson east, for example.

**Submitter 7 Ian Jack**

**Statement 2**

**Conditional Support**

**Decision Sought:** Amend policies and rules relating Policy RE3.5 Streetscape, Rule REr.25 Front yards and Rule REr.31 Fences to ensure sufficient weight is given to other factors e.g. mitigation of landscaped berms, land contour, lot orientation to wind and sun in relation to lot amenity value, privacy for outdoor space, planning constraints imposed by locating garages to the side or behind houses, landscaping

effects of above, multi functional use of garages in relation to the need for security, and desirability of trees for street scale, shade and shelter.

**Submitter 12 Mark and Kim Lile**

**Statement 3**

**Oppose**

**Decision Sought:** Delete the proposed changes to RE3.5 Streetscape Policy

**Submitter 22 Roger Jackson**

**Statement 1**

**Oppose**

**Decision Sought:** Delete proposed changes to reverse manoeuvring in Policy RE3.5 Streetscape explanations and reasons.

**Submitter 24 Robert Murphy**

**Statement 2**

**Oppose**

**Decision Sought:** Delete the proposed changes to RE3.5 Streetscape Policy

**PLANNING OFFICER COMMENT #24**

**Topic 23**

Marsden Park Submitter 2, Statement 9  
Alice Graesser Submitter 6, Statement 1  
Ian Jack Submitter 7, Statement 2  
Mark and Kim Lile Submitter 12, Statement 3  
Roger Jackson Submitter 22, Statement 1  
Robert Murphy Submitter 24, Statement 2

The proposed changes to the streetscape policy include the strengthening of the policy with respect to streetscape amenity by specifically including 'buildings and fences' with the term 'sites' recognising their potential to affect streetscape amenity. The proposed changes also introduce the concept that a different level of amenity is associated with local roads and roads of collector status and above (i.e. classified and unclassified roading categories). Unclassified streets are characterised by standard density development, high amenity, slow traffic speeds and although through-connected, are for property access not through-traffic. Classified roads can be expected to have a higher density of development, and high amenity balanced with the need to facilitate through-traffic and its associated effects. Definitions of the different roading categories are located in the NCC Land Development Manual 2010, pages 10 and 11. The explanations and reasons of Policy RE3.5 are also updated to reflect the amendments to the policy and relationship with the District Wide Urban Design Objectives and Policies in Chapter 5.

Submitter 2 states that the proposed amendments have made the policy confusing and read like an explanation, and that the proposed changes should therefore be placed in the explanation section.

The proposed amendments to the existing policy further define the course of action to be pursued to create 'attractive streetscapes' as sought through objective RE3 Streetscape, landscape and natural features, an operative objective in the Plan. The second part of Policy RE3.5 is a proposed new addition to assist the resource consent process in considering the differences between streetscape in classified and unclassified streets, and the types of effects that need to be balanced when

considering the granting of resource consents that go beyond the permitted activity standards. This is something that was sought by those commenting on the draft Plan Change.

Amendments to the first part of the policy include references to “relative to the classification of the road” which highlights the two different levels of streetscape amenity anticipated for different roading classifications. Therefore the proposed amendments in the second paragraph, which further explain the classified and unclassified road distinction, can be deleted as suggested by Submitter 2. I consider the deletion can occur without taking any meaning away from the policy because under explanation RE3.5.ii there is further detail on why the amenity of classified and unclassified streets is different. This explanation can be drawn on by those applying for and assessing resource consent applications in addition to the clarity provided in the assessment criteria in the rules for front fences and front yards. For this reason I consider Submission 2, Statement 9 can be accepted in part and the proposed addition of the second paragraph in the policy can be deleted.

Submitters 22 and 24 seek that the proposed changes to the streetscape policy are deleted. The reasons stated for this include:

- (i) The policy proposes a high level of control (along with the associated rules) over the management of front yards of residential properties
- (ii) The amendments are overly prescriptive and restrictive.
- (iii) Nelson has had decades of intensive development and this amendment will not change the streetscape.
- (iv) Council mentions “people orientated streetscapes, not vehicle orientated” but there are more cars on roads and in driveways than people.
- (v) The status quo is fine for Nelson and its residents.

Submitter 12 also seeks that the proposed changes to the streetscape policy and the associated rules are deleted because ‘it introduces an overly prescriptive and restrictive regime on private property owners’.

The policy itself does not specify a high level of control, nor do the amendments make it overly prescriptive and restrictive. These comments relate more the proposed amendments to the front yard and fence rules which are discussed in Topic 25 and 27 which follow. This policy, and the rules discussed in Topic 25 and 27, are not retrospective. They will not change the existing streetscape amenity of existing streets or residents’ front yards, unless the owners wish to redevelop them at a scale over and above that which currently exists (i.e. goes beyond that allowable under section 10 ‘existing use rights’ in the RMA 1991).

The policy principally relates to new development, new subdivisions creating new residential streets which have the opportunity to consider how they can provide good streetscape amenity through considering the roading and allotment design, the level of through traffic anticipated, and the potential front yard layout in an integrated manner. This is consistent with the urban design policy approach and the focus of this Plan Change on improving the urban design of subdivision and site development in the Residential Zone. On the basis that the relief sought by Submitters 12, 22 and 24 will not assist to improve the policy so that it is more efficient and effective in achieving the relevant objectives, or assist to provide coherence and context for the implementation of the front yard and fences rules the statements in Submissions 12, 22 and 24 are recommended to be rejected.



Submitters 6 and 7 seek amendments to the policy to recognise:

- (i) The suitability of higher fencing and small front garages and sheds as seen along such roads as Milton, Grove, Collingwood and Hardy etc which is part of Nelsons traditional look.
- (ii) Take into account the increasing levels of traffic impacting on residents in the area.
- (iii) The need for private outdoor space in the front yard for intensive developments.
- (iv) Ensure the policy gives sufficient weight to other factors e.g. mitigation of landscaped berms, land contour, lot orientation to wind and sun in relation to lot amenity value, privacy for outdoor space, planning constraints imposed by locating garages to the side or behind houses, landscaping effects, multi functional use of garages in relation to the need for security, and desirability of trees for street scale, shade and shelter.

Both of the Submitters 6 and 7 make the same statements in relation to seeking the proposed amendments to the Streetscape Policy and the Front Yard and Front Fence rules in Topics 25 and 27. Policies that seek to achieve a high amenity streetscape are established quality urban design practice. Policies seek to provide a course of action for achieving the objective. The proposed amendments to this policy seek to better define what is sought in relation to streetscape, as well as acknowledging the difference in streetscape amenity in relation to road classification, a distinction which is not currently in the policy. It is the rules that address the specifics of achieving streetscape amenity and quality urban design.

Many of the points raised by Submitters 6 and 7 are relevant to the consideration of streetscape and quality urban design in terms of potential front yard scenarios, they are however considerations that need to be made at the level of a rule and its assessment criteria, not a policy. The points made by Submitters 6 and 7 could be incorporated into the explanation for the policy. However, I consider that discussion of particular front yard scenarios should be addressed under the relevant rule and in its assessment criteria. The statement by Submitters 6 and 7 are therefore considered in Topics 25 and 27 in relation to the front yard and fence rules, but in relation to Policy RE3.5 streetscape the amendments suggested should in my opinion be rejected.

#### **RECOMMENDATION**

Submitter 2, Statement 9: Accept in part  
Submitter 6, Statement 1: Reject and refer to Topics 25 and 27  
Submitter 7, Statement 3: Reject and refer to Topics 25 and 27  
Submitter 12, Statement 3: Reject and refer to Topics 25 and 27  
Submitter 22, Statement 1: Reject  
Submitter 24, Statement 2: Reject

#### **AMENDMENTS TO PROPOSED PLAN CHANGE**

*Delete the proposed addition of the second paragraph to RE3.5 Streetscape Policy as follows:*

~~A high amenity streetscape is sought on unclassified roads consistent with their function of prioritising access to adjoining property over through traffic movements. Streetscape amenity on classified roads needs to be balanced with their dual function of providing for through traffic and access to adjoining properties.~~

**9.24 Topic 24: REr.22 Comprehensive Housing Development Rule (Chapter 7)**

*Refer Page 40 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitter's points in relation to the proposed changes to the Comprehensive Housing Development rule in the Residential Zone chapter.

**Submitter 2 Marsden Park**

**Statement 10**

**Oppose**

**Decision Sought:** Delete the limitation on restricted discretionary comprehensive housing being limited to Higher Density residential areas only, and extend to include standard Residential Zones in Rule REr.22 Comprehensive Housing.

**PLANNING OFFICER COMMENT # 25**

Topic 24

Marsden Park Submitter 2, Statement 10

The proposed amendments to the comprehensive housing provisions within Plan Change 14 seek to remove barriers for this type of higher density development in appropriate areas. To do so Rule REr.22 provides a new restricted discretionary non-notified process for Comprehensive Housing Development in the Higher Density Areas of the Residential Zone. Comprehensive Housing Developments in all other areas of the Residential Zone remain as discretionary activities, which is the current status for all Comprehensive Housing Developments under Rule REr.22 in the Plan.

Comprehensive Housing Development in the Residential Zone outside Higher Density Areas is considered suitable only if the applicant can demonstrate the proposal provides for a high standard of living and amenity both on and off site. This remains a matter of assessment and for those areas outside the Higher Density areas of the Residential Zone where a higher density of development is not necessarily anticipated, the activity is necessarily a discretionary activity that may be subject to public notification.

Submitter 2 seeks that Comprehensive Housing Development be a restricted discretionary activity regardless of its location. The reason for this submission is that Submitter 2 considers that the rule limits comprehensive housing in the standard and lower density part of the Residential Zone.

The statements provided by Submitter 2 are incorrect. The rules provide for Comprehensive Housing Developments as restricted discretionary non-notified activities where they are located in the Higher Density Residential Zone and as discretionary activities in the remainder of the Residential Zone. As a discretionary activity, such a proposal will be assessed against the specified assessment criteria and the policy framework. Policy RE1.2A states that Council encourages and promotes higher density developments where they incorporate quality urban design principles, and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities. This is because it is not considered appropriate for higher density development forms such as comprehensive housing development to be located in standard or low density residential areas away from the services, open space, transport routes etc that can support a higher density of development.

The proposed changes to the rule for comprehensive housing to favour co location of higher density development in the higher density area of the Residential Zone (i.e. in close proximity to shops, services and transport routes) is good planning practice and is supported by the existing policy framework in the Regional Policy

Statement, particularly in policies EN1.3.2, EN1.3.3 and methods EN1.4.5 (refer to section 6.3.7 of this report for details) and in NRMP policy DO10.1.1 (refer to Topic 6) DO10.1.2, and DO15.1 (refer to the operative version of NRMP). These policies and objectives seek the integration of land use and transport outcomes through spatial controls on development and urban form.

On the basis of the above assessment I consider that Submission 2, Statement 10 should be rejected as the rule has intentionally been amended to encourage Comprehensive Housing Development in areas that are in close proximity to services, shops, transport routes, open space and other urban amenities as this is good urban design practice. Comprehensive housing developments are still provided for in standard and low density residential areas as a discretionary activity, the current operative activity status. The amendments proposed by Submitter 2 do not in my opinion enhance the ability of the rule to achieve the relevant policy nor the purpose of the Act, and would increase the risk of poor quality urban design outcomes of inappropriately located higher density residential development.

**RECOMMENDATION**

Submitter 2, Statement 10: Reject

**AMENDMENTS TO PLAN CHANGE**

Nil

**9.26 Topic 25: REr.25 Front Yard Rule (Chapter 7)**

*Refer Page 44 Proposed Plan Change 14 Plan Amendments Document*

This topic covers five submitters' points in relation to the proposed changes to the front yard rule REr.25 in the Residential Zone of the Plan.

**Submitter 4 Michael Smith**

**Statement 1**

**Oppose**

**Decision Sought:** The rule REr.25 Front yard needs to be rewritten to recognise that good urban design does not require sameness and uniformity, that diversity and public rights are important and that restrictions in these rules should be minimal.

**Submitter 6 Alice Graesser**

**Statement 2**

**Oppose**

**Decision Sought:** Delete the proposed changes to REr.25

**Submitter 12 Mark and Kim Lile**

**Statement 4**

**Oppose**

**Decision Sought:** Delete the proposed changes to REr.25

**Further Submission X1: Staig & Smith Ltd Statement X1.5**

**Support Submission 12, Statement 4**

**Oppose**

**Decision Sought:** Delete the proposed changes to REr.25

**Oppose**

**Decision Sought:** Delete the proposed changes to REr.25

**PLANNING OFFICER COMMENT # 26****Topic 25**

Michael Smith Submitter 4, Statement 1  
 Alice Graesser Submitter 6, Statement 2  
 Mark and Kim Lile Submitter 12, Statement 4  
 Bill Moulder Submitter 18, Statement 1  
 Alison Johnston Submitter 25, Statement 2  
 Staig & Smith Ltd Further Submitter X1, Statement X1.5

The proposed amendments to the front yard rule seek to better translate the streetscape amenity outcomes sought through Objective RE3 and proposed amendments to Policy RE3.5 Streetscape. They are also complimentary to the new roading design philosophy taken by the operative NCC Land Development Manual 2010 which is to create low speed high amenity streets and the urban design policy framework, particularly policy DO13A.3.1 High Quality Public Spaces.

The operative Front Yard rule (refer Part C) takes a one size fits all approach to permitted site development within the front yard, and does not distinguish between the types of streetscapes expected on classified and unclassified roads. The operative provisions provide standards for buildings located within 4m of the road boundary as permitted activities (meeting standards on coverage, setback, design, garages only, landscaping, parking). For buildings located within 1.5m of the road boundary they are currently controlled activities (meeting standards on design, appearance, landscaping) and any other proposal not fitting with the permitted or controlled activity standards is a discretionary activity. Therefore the operative provisions provide for a permitted activity and any variation from those standards requires a resource consent (either as a controlled or discretionary activity), and includes a notification assessment.

The proposed changes to the front yard rule include changes to the standards for a permitted activity and provide that any variation from those standards requires a resource consent as a restricted discretionary activity, with a non notification specification. The proposed permitted activity provisions still control building setback, design and colour but include additional standards for landscaping and require that the garage is setback 1m behind the front wall of the dwelling. A controlled activity category is no longer considered suitable for a resource consent that requires assessment of design components, as these necessarily involve an element of discretion. As a controlled activity Council is unable to decline an application that represents poor design.

Graeme McIndoe, urban designer, has assessed the proposed Plan Change and comprehensively addressed the submissions in relation to the front yard (Topic 25) and front fences (Topic 27) rules. A copy of Mr McIndoe's evidence is in **Part D** of this report and should be referred to for an expert assessment of the proposed

changes to the front yard rule being considered under this Topic. I agree with Mr McIndoe's assessment that the practice of setting garages back from the street edge/dwelling is established good urban design practice, and that as a permitted activity this is the optimal default position.

Further, I differ in opinion with Submitters 4, 6, 12, 18 and 25 who state that the proposed changes to the front yard rule are more onerous or restrictive than the current permitted activity standards, or that they will result in monotony or in any way take away the ability of property owners to apply a diverse range of front yard scenarios appropriate to the site. The permitted activity standards provide standards which provide for a range of optimal front yard solutions. The restricted discretionary activity category (non-notified) provides for flexibility beyond that afforded by the permitted activity standards. The matters discretion is restricted to, and the assessment criteria, recognise those situations where departure from the permitted activity standards may be appropriate. I support Mr McIndoe's suggestion that anticipation of potential for departure from the permitted activity standards in certain circumstances could be included in the explanation to the rule to assist the understanding of plan users, and I have suggested such amendment below.

It is also appropriate to consider when the proposed front yard rule would apply. The situations when it would apply are the same as the operative rule, and include:

- (i) On a new vacant section where a new building is being proposed and the proposal includes building (dwelling or garage) within 4m of the road boundary.
- (ii) On an established section where building (extension of dwelling or garage) is being proposed within 4m of the road boundary, where previously there was no building.

The situations where the front yard rule will not apply include:

- (i) Building or extensions in heritage precincts (controlled by other rules REr89. and REr.90 and design guides).
- (ii) New vacant sections where buildings are proposed to be erected setback more than 4m from the road boundary.
- (iii) Sites with existing established building in the front yard (existing use rights apply).
- (iv) New sections where developers have placed covenants on titles preventing building within 4m of the road boundary and are therefore controlled by other means.

The proportion of sites where the front yard rule would apply, and of those where a property owner is unable to or does not wish to comply with the permitted activity standards, is considered to be low relative to say breaches of other operative rules, such as site coverage. Notwithstanding this, Mr McIndoe has demonstrated in his evidence that the potential effects of poor location of buildings within front yards (the area within 4m of the road boundary) can have significant adverse effects on streetscape amenity, safety and wellbeing of the community overall. These are Part 2 RMA matters and there is therefore a need to control building within the front yard. It is considered the best way to do this is by stating what can be done as a permitted activity, and then for proposals outside of that offering a restricted discretionary non-notified category. As with many of the other rules proposed within Plan Change 14, the restricted discretionary activity category with a non-notification statement is considered the best approach to provide certainty for applicants with flexibility to respond to create good urban design solutions for an

individual site. It also offers some certainty of process and cost, being non-notified.

On the basis of the discussion above, and based on the urban design evidence from Mr McIndoe, I consider that Submission 4 Statement 1, Submission 6 Statement 2, Submission 12 Statement 4, Submission 18 Statement 1, Submission 25 Statement 2, and Further Submission X1 Statement X1.5 should be rejected. These submissions seek that the proposed changes to the Front Yard rule are deleted and the current operative rule thereby retained by default. It has been demonstrated, through the evidence of Mr McIndoe, that the current operative rule does not result in good urban design outcomes in all situations and I therefore consider that the current rule is unable to reflect the outcomes sought through the urban design policy framework, nor the maintenance and enhancement of amenity values, safety and community wellbeing within residential streets. Furthermore my analysis shows that the proposed rules are not significantly more onerous than the operative rules.

#### **RECOMMENDATION**

Submitter 4, Statement 1: Reject  
Submitter 6, Statement 2: Reject  
Submitter 12, Statement 4: Reject  
Submitter 18, statement 1: Reject  
Submitter 25, Statement 2: Reject  
Further Submitter X1, Statement X1.5: Reject

#### **AMENDMENTS TO PLAN CHANGE**

*Amend the following explanatory note to REr.25.5:*

The restricted discretionary category is provided for departure from the permitted activity standards in certain circumstances. For example, in situations where the houses are located on the southern side of the road, or where steep topography dictates the provision of access and setback of the garage, it may be appropriate to relax the standards if a positive private to public relationship between the dwelling and the street can be demonstrated through other design features.

### **9.27 Topic 26: REr.29 Corner Sites Rule (Chapter 7)**

*Refer Page 48 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters point in relation to the proposed changes to the Corner Sites rule in the Residential Zone.

<b>Submitter 14 Staig &amp; Smith Ltd</b>
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<b>Statement 2</b>
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#### **Conditional Support**

**Decision Sought:** Amend REr.29 Corner Sites rules as follows "On corner sites, structures and vegetation greater than 1m in height must be setback....."

#### **PLANNING OFFICER COMMENT# 28**

**Topic 26**

Staig & Smith Ltd Submitter 14, Statement 2

The Submitter points out that the proposed addition of vegetation into this rule controlling the setback of structures on corner sites applies to all vegetation, and that low vegetation can improve streetscape amenity without impacting upon driver visibility. The purpose of the rule is to ensure adequate line of sight is maintained

at intersections and the addition of vegetation into it through Plan Change 14 was seen as a means to ensure the effects of vegetation on visibility can be controlled.

The Submitter seeks that the rule be amended to add that 'vegetation greater than 1m in height' must be setback on a 1.5m diagonal from the corner. I consider that the proposed amendment is an improvement on the current rule and I acknowledge that this would be of benefit for streetscape amenity while at the same time maintaining visibility at intersections. On the basis that the submission improves clarity of the rule and the efficiency and effectiveness of it in terms of achieving the desired outcome I recommend that Submission 14, Statement 2 be accepted.

#### **RECOMMENDATION**

Submission 14, Statement 2: Accept

#### **AMENDMENTS TO PLAN CHANGE**

*Amend REr.29.1 Corner Sites Permitted column to include an exclusion for low vegetation, as follows*

On corner sites, ~~structures and~~ vegetation greater than 1m in height and structures must be setback from the corner at least to a diagonal line joining points on each road boundary 1.5m (or the point where the road boundaries would meet if extended).

### **9.28 Topic 27: REr.31 Fences Rule (Chapter 7)**

*Refer Page 50 Proposed Plan Change 14 Plan Amendments Document*

This topic covers 12 submitter's comments in relation to the proposed changes to the Fences Rule in the Residential Zone. Where the decision sought is similar planning officer comment in relation to those is grouped together.

**Submitter 1 Ewen Christie**

**Statements 1, 2, 3, 4 and 5**

#### **Conditional Support**

#### **Decision Sought:**

Amend rule to delete reference to 'permeability' as a requirement.

Amend Rule to include all boundary enclosures (side, rear, front).

Amend Rule to delete the term 'fences' and substitute 'walls' or if preferred 'enclosures'.

Amend Rule to delete reference to 1.2m heights and substitute 1.8m maximum height to all boundaries.

Amend Rule to incorporate in the street frontage guide education for residents of Nelson on 'how to live in cities' by illustrating the development of yards as living spaces, as well as the enclosure of vehicle spaces with appropriately designed enclosing walls. Include portrayal of walls as an extension of the houses (not as an after thought), related to the main building. It follows that the inclusion of boundary walls in consents should be considered.

#### **PLANNING OFFICER RECOMMENDATION # 29**

**Topic 27**

Ewen Christie Submitter 1, Statements 1, 2, 3, 4 and 5

The proposed amendments to the fence rule seek to better translate the streetscape amenity outcomes sought through objective RE3 and proposed amendments to Policy REr3.5 Streetscape. They are also complimentary to the

new roading design philosophy taken by the operative NCC Land Development Manual 2010, which is to create low speed high amenity streets, and the urban design policy framework, particularly policy DO13A.3.1 High Quality Public Spaces.

The operative fence rule takes a one size fits all approach to controlling fencing, treating all boundaries of a site the same, and relying on the default position that fences up to 2m in height are excluded from the definition of building, and are therefore permitted. The operative fence rule is a note only and has no regulatory effect. Fences over 2m in height are classed as buildings and therefore subject to the operative front yard rule.

The proposed changes to the Fence Rule seek to control fence height in the front yard (the first 4m back from the road boundary), and where fences adjoin a reserve, walkway or other publicly owned space. The rule also seeks to ensure that where a fence adjoins a publicly owned space the structural railings are on the private side of the fence. Fences on all other boundaries are permitted to be up to 2m in height as is the current operative provisions. The rule differentiates between classified and unclassified roads, providing for a higher but visually permeable fence where sites adjoin a classified road in recognition of additional functions and potential effects of roads catering for through traffic. There is no control on vegetation height other than the operative hedge rule which defines a hedge as a fence.

The proposed changes to the fence rule include provision of a permitted activity category and provide that any variation from those standards requires a resource consent as a restricted discretionary activity, with a non-notification specification. A controlled activity category was not considered appropriate for a resource consent that requires assessment of design components, as these necessarily involve an element of discretion. As a controlled activity Council is unable to decline an application that represents poor design.

Graeme McIndoe, urban designer, has assessed the proposed Plan Change and comprehensively addressed the submissions in relation to the front yard (Topic 25) and front fences (Topic 27) rules. A copy of Mr McIndoe's evidence is in **Part D** of this report and should be referred to for an expert assessment of the proposed changes to the fence rule being considered under this Topic.

I agree with Mr McIndoe's assessment that the practice of using low front fences is established good urban design practice, and that as a permitted activity this is the optimal default position. Mr McIndoe has in his evidence demonstrated the benefits of low fences, and the adverse effects of high fences. I agree with his opinion that it is appropriate for the Plan Change to control the potential adverse visual/amenity and safety effects of high front fences and high fences adjoining public spaces. Low front fences are also part of the low speed environment, front yard setback and reverse manoeuvring allowance provided for as part of the Plan Change. For these reasons I recommend that the decision sought by Submitter 1 to provide for a maximum of 1.8m in height for fences on all boundaries is rejected. A height of 1.2m is the standard height maximum for drivers of vehicles being able to see over to enable safe manoeuvring for exiting/entering driveways.

Submitter 1 takes a holistic approach to the role of fences in the residential environment, seeking that they should be viewed as enclosures or walls and designed as part of the dwelling and site layout. I acknowledge that such a holistic view of residential site design and development is beneficial and can lead to improved urban design not just in relation to public spaces, but also internally. However I consider that it is unrealistic to expect that all new section owners would take such an architectural and holistic view to the design of the total site, and that



rules attempting to achieve this would necessarily be discretionary and result in significant cost burden on applicants. In Nelson about 60% of building consent applications are for housing company designs versus 10% which are architecturally designed specific to the site. The remaining 30% of applicants are home owners who either use their own skills or a mixture of theirs, a housing company design or draughtspersons and manage the application process themselves. Requiring a holistic design response for all new dwellings would add to affordability issues in Nelson and is potentially beyond the scope of this Plan Change which seeks to improve design relationships between private to public spaces interactions, not urban design within the private realm.

Submitter 1 also seeks that the NCC Residential Street Frontage Guideline includes streetscape education for residents of Nelson on 'how to live in cities' and by showing how 'walls should be an extension of the houses'. The NCC Streetscape Guideline is intended to illustrate appropriate solutions and the streetscape outcomes sought for the benefit of explaining the rules (permitted and restricted discretionary) to residents. The content of the NCC Streetscape Guideline is not part of Plan Change 14, it will be a separately consulted upon document once decisions on the front yard and fences provisions have been made. The addition suggested by Submitter 1 can be revisited at the time the Streetscape Guideline is drafted and released for public comment.

On the basis of the discussion above, and based on the urban design evidence from Mr McIndoe, I recommend that Submission 1, Statements 1, 2, 3, 4 and 5 should be rejected. Plan Change 14 seeks to improve amenity, safety and wellbeing of the community at the public/private space interface. These are Part 2 RMA matters and there is therefore a need to control front fences to a greater degree, as demonstrated by the assessment of Mr McIndoe in Part D. Improvement in standard residential site design internal to the site (i.e. in private space) while beneficial for the same reasons, are in my opinion beyond the scope of the Plan Change.

**RECOMMENDATION**

Submission 1 Statements 1, 2, 3, 4 and 5: Reject

**AMENDMENTS TO PLAN**

Nil

<b>Submitter 4 Michael Smith</b>	<b>Statement 2</b>
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**Oppose**

**Decision Sought:** Rewrite the rule in recognition that good urban design does not require sameness and uniformity, that diversity and public rights are important and that restrictions in these rules should be minimal.

<b>Submitter 6 Alice Graesser</b>	<b>Statement 3</b>
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**Oppose**

**Decision Sought:** Delete or amend Fences Rule REr.31, REr.31.1 and REr.31.5 to acknowledge the suitability of the traditional higher fencing/screening seen along sub collectors, such roads as Milton, Grove, Collingwood, Hardy etc and collector streets, and to take account of the existing and increasing levels of traffic impacting on these residential areas, the need for outdoor privacy space on smaller sections in front yards, and the attractive streetscapes with many high fences and small

front yard structures which are part of Nelson's traditional look in the Wood and Nelson east, for example.

**Submitter 9 Charmain Koed** **Statement 1**

**Oppose**

**Decision sought:** Remove suggested controls on height of front yard fences in Rule REr.31 Fences.

**Submitter 12 Mark and Kim Lile** **Statement 5**

**Oppose**

**Decision Sought:** Delete proposed changes to REr.31 Fences

**Further Submission X1: Staig & Smth Ltd** **Statement X1.6**

**Support Submission 12, Statement 5**

**Submitter 13 Andrew Carter** **Statement 1**

**Oppose**

**Decision Sought:** Delete proposed changes rule REr.31 Fences and fencing remains a permitted activity.

**Submitter 17 Alex St George** **Statement 1**

**Oppose**

**Decision Sought:** Delete proposed changes to REr.31 Fences

**Submitter 18 Bill Moulder** **Statement 2**

**Oppose**

**Decision Sought:** Delete proposed changes to REr.31 Fences

**Submitter 19 John Black** **Statement 1**

**Oppose**

**Decision Sought:** Delete proposed changes to Rule REr.31 Fences and allow 2m high fences as at present.

**Submitter 21 Gerald Renshaw** **Statement 1**

**Oppose**

**Decision Sought:** Delete proposed changes to REr.31 Fences

**Oppose**

**Decision Sought:** Delete proposed changes to REr.31 Fences

**Oppose**

**Decision Sought:** Delete proposed changes to REr.31 Fences

**PLANNING OFFICER RECOMMENDATION # 30**

**Topic 27**

Michael Smith Submitter 4, Statement 2  
 Alice Graesser Submitter 6, Statement 3  
 Charmain Koed Submitter 9, Statement 1  
 Mark and Kim Lile Submitter 12, Statement 5  
 Andrew Carter Submitter 13, Statement 1  
 Alex St George Submitter 17, Statement 1  
 Bill Moulder Submitter 18, Statement 2  
 John Black Submitter 19, Statement1  
 Gerald Renshaw Submitter 21, Statement 1  
 Kelly Kivimaa Submitter 23, Statement 1  
 Alison Johnston Submitter 25, Statement 1  
 Staig & Smith Ltd Further Submission X1, Statement X1.6

As discussed in the previous Topic 26, the proposed amendments to the fence rule seek to better translate the streetscape amenity outcomes sought through objective RE3 and proposed amendments to Policy REr3.5 Streetscape. They are also complimentary to the new roading design philosophy taken by the NCC Land Development Manual 2010 which is to create low speed high amenity streets, and the urban design policy framework, particularly policy DO13A.3.1 High Quality Public Spaces.

Topic 26 also outlined that:

- (i) The operative rule takes a one size fits all approach
- (ii) The proposed changes control only front fences or where they adjoin a public space i.e. a reserve or road.
- (iii) The proposed rule differentiates between road classifications.
- (iv) The proposed fence rule includes provision of a permitted activity category and provides that any variation from those standards requires a resource consent as a restricted discretionary activity, with a non notification specification.

Graeme McIndoe, urban designer, has assessed the proposed Plan Change and comprehensively addressed the submissions in relation to the front yard (Topic 25) and front fences (Topic 27) rules. A copy of Mr McIndoe’s evidence is in **Part D** of this report and should be referred to for an expert assessment of the proposed changes to the fence rule being considered under this Topic.

I agree with Mr McIndoe’s assessment that the practice of using low front fences is established good urban design practice, and that as a permitted activity this is the optimal default position. Mr McIndoe has in his evidence demonstrated the benefits of low fences, and the potential adverse effects of high fences. I agree with his opinion that it is appropriate for the Plan Change to control the potential adverse visual/amenity and safety effects of high front fences and high fences adjoining public spaces. Low front fences are also part of the low speed environment, front

yard setback and reverse manoeuvring allowance provided for as part of the Plan Change.

The situations where the proposed fence rule will apply are similar to that of the front yard rule and include:

- (i) On a new section where a fence is proposed within the first 4m of the property from the road boundary, or on any boundary adjoining a walkway, reserve or other public space.
- (ii) On an established section where there has previously not been a fence within the first 4m of the property from the road boundary, or on any boundary adjoining a walkway, reserve or other public space.

The situations where the fence rule will not apply are:

- (i) On sites within heritage precincts (controlled by REr.92 and design guides)
- (ii) New sections where no front fence is proposed and that do not adjoin a reserve, walkway or other public space.
- (iii) Sites with existing fences.
- (iv) New sections where developers have placed covenants on titles preventing front fences.

The proportion of sites where the fence rule would apply, and of those where a property owner does not wish to comply with the permitted activity standards is considered to be low. As discussed by Mr McIndoe the trend in newly created subdivisions within Nelson (over the last 10 years) is for no front fence, and some developers are imposing this as a covenant upon the title. However the potential effects of blank and high front fences are considered to be high and unacceptable in terms of the streetscape amenity, safety and community wellbeing goals of improved urban design in this Plan Change. Mr McIndoe has shown in his evidence in **Part D** (refer sections 7 to 10), that while high front fences can be designed to provide high streetscape amenity, there are many examples where they have been constructed to a poor quality, are unattractive, and compromise the streetscape.

The submitters in this Topic 27 seek that the rule is either deleted or amended to be less restrictive, provide for diversity and acknowledge existing areas (specifically in the Wood and Collingwood/Hardy St areas) with suitable high fences. Mr McIndoe has addressed these submissions in his evidence in **Part D**, and I agree with his conclusions. It is also worth considering in response to the issues raised in submissions regarding the restrictiveness of the rule that:

- a) the front fence rule only applies in the situations listed above ( i.e. it does not apply to existing front fence scenarios retrospectively), and
- b) that while a low font fence represents the optimal default position, the restricted discretionary category is provided in anticipation of potential for departure from the permitted activity standards where high streetscape amenity can still be demonstrated.
- c) that the fence rule is no more restrictive than many other operative rules in the Plan in terms of controlling private activities that may potentially effect the environment, in this case the residential environment. For instance the Plan currently has operative Residential Zone rules which control the size of a section, size of a dwelling, its height, its relationship with side and rear boundaries, the number and location of accesses, the number and size of car parking required, the type of fireplace/woodburner, height of aerials/chimneys and the amount of site that can be covered by building and parking.

On the basis of the discussion above and Mr McIndoe’s evidence, it is my opinion that the practice of using low front fences to maintain and enhance streetscape amenity is established good urban design practice, and that as a permitted activity this is the optimal default position. The proposed rule is no more restrictive than other operative rules in the Plan that seek to control potential adverse effects on the Residential Zone, and provides for fences that do not meet the permitted activity standard to be assessed for a resource consent provided they represent quality urban design. The proposed fence rule is considered necessary to give effect to the urban design outcomes sought through the policy framework, to manage effects at the private/public space interface and to achieve a residential environment that maintains and enhances amenity values and provides for the safety and wellbeing of the community. I therefore recommended that Submission 4 Statement 2, Submission 9 Statement 1, Submission 12 Statement 5, Submission 13 Statement 1, Submission 17 Statement 1, Submission 18 Statement 2, Submission 19 Statement 1, Submission 21 Statement 1, Submission 23 Statement 1, Submission 25 Statement 1, Further Submission X1, Statement X1.6: be rejected.

**RECOMMENDATION**

Submitter 4, Statement 2: Reject  
 Submitter 6, Statement 3: Reject  
 Submitter 9, Statement 1: Reject  
 Submitter 12, Statement 5: Reject  
 Submitter 13, Statement 1: Reject  
 Submitter 17, Statement 1: Reject  
 Submitter 18, Statement 2: Reject  
 Submitter 19, Statement1: Reject  
 Submitter 21, Statement 1: Reject  
 Submitter 23, Statement 1: Reject  
 Submitter 25, Statement 1: Reject  
 Further Submission X1, Statement X1.6: Reject

**AMENDMENTS TO PLAN**

Nil

**9.29 Topic 28 REr.63 Service Overlay – Building Rule (Chapter 7)**

*Refer Page 54 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters’ points in relation to the proposed amendments to the existing Service Overlay – Building Rule.

<b>Submitter 11 St Leger Group Ltd</b>	<b>Statement 2</b>
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**Oppose**

**Decision Sought:** Delete proposed Plan Change REr.63 Services Overlay - Building

<b>Submitter 16 Stoke Valley Holdings Ltd &amp; Solitaire Investments Ltd</b>	<b>Statement 4</b>
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**Oppose**

**Decision Sought:** Delete the words after ‘wastewater drains’ in the permitted activity rule REr.63.1.

**PLANNING OFFICER COMMENT #31****Topic 28**

St Leger Group Ltd Submitter 11, Statement 2

Stoke Valley Holdings and Solitaire Ltd Submitter 16, Statement 2

The purpose of the proposed changes to this rule were to avoid the construction of buildings on a title in a location that may prevent the construction of a future road or service connection necessary to facilitate efficient development of the site and/or adjoining sites. This has been a particular problem usually limited to existing large residentially zoned titles where building development has occurred without subdivision, thereby preventing any control over the location of the building with respect to services extensions. In some cases this has resulted in the loss of development potential of a site and adjoining sites as buildings are placed in the only location suitable for a connecting road. The issue is particularly relevant to hillside development where options for roading and services are restricted by topography and to Structure Plans which rezone land for development and include Indicative Roads.

The proposed notified amendment is to provide for building as a permitted activity on all lots created after the notification of Plan Change 14, that being the date that the Services Overlay provisions are proposed to be amended to strengthen them in respect of roading and service connections to adjoining property. Erection or extension of a building on sites in the Services Overlay created prior to the notification date are restricted discretionary activities.

Submitter 11 seeks that the amendments are deleted. The reasons provided are that landowners who propose to build or redevelop their properties in the Services Overlay should be able to do so if services are available, and that the age of the title should have no bearing on the status of the activity.

Submitter 16 highlights that the proposed changes to the rule will capture any vacant residential allotment in the Services Overlay created prior to the notification date and require a resource consent to be obtained for the erection of a dwelling. In the case of Submitter 16 they advise that they have dozens of new residential sections that will be in this situation if the amendment is approved.

This situation arises as the Services Overlay is not automatically removed from recently developed lots where the developer has addressed Services Overlay constraints and requirements. There is no longer any reason for these lots to be in the Services Overlay, however the Services Overlay is only updated through a Plan Change. To date Plan Change 14 is the first Plan Change to update the Services Overlay since 1996. The rule therefore catches those lots that would no longer need to be in the Services Overlay as the developer has addressed the services constraints in gaining subdivision approval. To avoid catching those lots the rule could be amended to only apply to lots created before the NRMP was notified given that was when the Services Overlay was introduced. All subdivision in the Services Overlay that has occurred after the NRMP was notified should have been assessed with respect to future roading and services connections. However this amendment will not catch those large balance lots created as a result of a smaller residential development after 1996 and that still have potential for further development, or to provide connections to adjoining property with development potential.

After careful consideration of the proposed amendment I consider that the Submitter 16 is correct, in that the proposed amendment potentially catches more lots than necessary. Such a control could only be fairly and reasonably imposed if Council had identified where future roading and services connections are required, say on a map. This would also then identify exactly which properties are affected,

rather than the blanket cover imposed by the rule on all residential lots within the Services Overlay, whether or not they are small or large, have been developed before or after the NRMP was notified.

The Operative Plan contains 'Proposed Roads' on the planning maps, and 'Proposed Roads' on the Roding Hierarchy Maps A2.1 and A2.2, and 'Indicative Roads' on Structure Plans. These maps and plans show the location of future roads and provide certainty with respect to locations where buildings are not considered appropriate as they could impede the route or construction of any future road or service connections located within road. I recommend that the proposed rule should be amended to apply only to building within the Service Overlay to be permitted if it is not located in the path of any future road as identified in the Plan (Maps, Roding Hierarchy or Structure Plans). This removes any uncertainty over where a future road might be, removes the blanket coverage of the notified changes, and reduces the scope and effect on properties of the notified rule, and is therefore in my opinion fair and reasonable as a permitted activity standard and term.

Council is embarking on a City Development Strategy which will, amongst other things, identify with developers and the community where the logical and likely roading and services connections will be to facilitate development in the future. I consider that once such an exercise has been undertaken, and has gone through a public process, then it would be fair and reasonable to introduce further changes to Rule REr.63 Services Overlay – Building to include roads identified out of that process.

It is important to note that the same assessment does not apply to the Services Overlay – Subdivision provisions. This is because the Services Overlay – Subdivision provisions seek to control logical and orderly development of residential land resource as a whole. Seeking that consideration of the development potential of adjoining sites in the Services Overlay is provided for in a planned and integrated manner that is linked with the LTP capital works programme and development contributions in a manner that is efficient, effective and appropriate to address Council's function of the strategic integration of infrastructure and land use. And that can be conditioned on subdivision consents in a manner that is fair and reasonable.

On the basis of the above discussion I recommend that the proposed amendment to Rule REr.63 Services Overlay – Building should be amended to apply only to sites containing an identified future road (Proposed or Indicative as identified on Planning Maps). While I considered that the notified amendment would assist to give effect to the purpose of the RMA, I consider that the amendment proposed above is a more efficient and effective method, and the application of it is fair and reasonable in terms of its potential impacts on private property owners.

#### **RECOMMENDATION**

Submitter 11, Statement 2: Accept in part

Submitter 16, statement 4: Accept in part

#### **AMENDMENTS TO PLAN CHANGE**

*Delete notified amendments to REr.63.1 Services Overlay – Building as proposed by Plan Change 14 and amend the rule as recommended above to relate only to sites affected by a future road (Proposed or Indicative as identified on Planning Maps).*

*Consequential amendments will also be required to RUr.85 the rural zone equivalent of this rule.*

### 8.30 Topic 29 REr.107 Subdivision Rule (Chapter 7)

Refer Page 55 Proposed Plan Change 14 Plan Amendments Document

This topic covers one submitter's points in relation to the proposed amendments to the subdivision rule in the Residential Zone.

**Submitter 2 Marsden Park Ltd**

**Statement 11**

#### Conditional Support

#### Decision Sought:

- a) Amend REr.107.3(a) Subdivision, to read "it is accompanied by the design and information requirements ~~as detailed in AP14.2~~ Appendix 14, as relevant to the scale and nature of the proposal."
- b) Amend REr.107.3 Subdivision rule restricted discretion matters to delete (ii) (urban design outcomes) and (iii) reference to the Land Development Manual.

#### PLANNING OFFICER COMMENT #32

#### Topic 29

Marsden Park Ltd Submitter 2, Statement 11

The changes to the subdivision rule seek to provide a new restricted discretionary non-notified subdivision consent category. A range of Plan Change options were considered in relation to a proposed change to REr.107 Subdivision to provide for the achievement of better urban design with respect to residential subdivision (refer page 26 and 79 Section 32 Analysis Plan Change 14). The proposed change was selected as a result of support during public workshops and draft consultations. The option selected was considered the best means of satisfying an applicant/developers desire for certainty in the consent process with the need for flexibility and site responsiveness to provide for quality urban design outcomes.

The amendments proposed retain the existing controlled activity status for subdivision proposals complying with the minimum standards in the Land Development Manual 2010. They also provide for a new restricted discretionary non-notified process, so long as applicants can demonstrate that key urban design features have been considered and incorporated in the design process relative to the nature and scale of the proposal and the local environment. The Plan Change includes a rewritten Appendix 14 (Residential Subdivision Design and Information Requirements) to which this rule references.

Submitter 2 supports the proposed restricted discretionary non-notified consent category, but seeks amendments to the wording of both the standards and terms and the matters Council restricts discretion to.

The first amendment sought is the broadening of REr.107.3(a) to apply to the whole of Appendix 14, rather than just the one section Appendix 14.2 as proposed and the addition of the words '*relevant to the scale and nature of the proposal*' to quantify the extent of information required. The reason provided for the amendment is that the standard could be interpreted as requiring all the information in Appendix 14, rather than just the relevant information.

Section 14.2 Information Requirements of Appendix 14 details the information required to accompany an application. I consider that referencing the exact section AP14.2 provides more certainty as to what is required and is more precise and useful for applicants, than broadening it to the whole of Appendix 14 as requested



by Submitter 2. Section AP14.2 of Appendix 14 details the exact information required to satisfy the standard and term of the rule.

In addition Section AP14.2 includes the statement which is highlighted in bold "*The amount of detail required is relative to the nature and scale of the proposed development*". In my opinion Appendix 14 is the appropriate location for this statement, rather than within the standard and term of the Subdivision rule REr.107.3 (a) as suggested by Submitter 2. Appendix 14 is part of the rule, and it is also the location where the assessment will be made as to whether the application is representative of quality urban design relative to both its context and the nature and scale of the proposal itself. I consider it unnecessary to repeat the statement in the standard and terms for the rule in terms of effectiveness and undesirable in terms of the existing Plan format approach taken to the use of the Appendices. I therefore recommend that this part of Submission 2, Statement 11 be rejected.

The second amendment sought by Submitter 2 is that two of the matters Council restricts its discretion to in REr.107.3, the restricted discretionary activity category, be deleted. These two matters are items ii) *the ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary engineering design to demonstrate the urban design outcomes sought*, and iii) *the matters in the NCC Land Development Manual 2010*. The urban design outcomes sought are those described by the urban design policy framework and Appendix 14 itself.

The reasons provided by Submitter 2 are that the matters of discretion are so wide as to make the restricted discretionary category meaningless and that the effect will be that Council has the same level of control as a discretionary activity. Submitter 2 also states that the matters of discretion duplicate themselves.

The difference between a restricted discretionary activity and a discretionary activity in terms of the assessment criteria are that for a discretionary activity the matters Council can consider is unlimited, but for a restricted discretionary activity they are restricted to those identified in the rule. The point made by Submitter 2 that those matters of discretion identified in the rule are wide is acknowledged. However the rule seeks to marry the uneasy compromise of providing a non-notified process, (which Submitter 2 states support for), with flexibility to ensure the design responds to quality urban design in that context and relative to the nature and scale of the activity. It is therefore not possible nor desirable to provide minimum and certain standards such as in the case of a controlled activity. This is because the purpose of the restricted discretionary category is to provide a category where minimum standards do not have to be complied with if it can be demonstrated that the proposal still represents quality urban design.

For Council to make the bold statement that restricted discretionary subdivision activities can be processed on a non-notified basis, given that they do not meet the minimum standards specified for a controlled activity, then Council needs to be satisfied that the proposal represents quality urban design and that adverse effects can be mitigated. Council can only be satisfied if adequate assessment to demonstrate a quality urban design solution is provided with the application. The purpose of Appendix 14 is to state exactly what Council is looking for in terms of demonstration by the applicant that the proposal represents quality urban design, in a manner that provides as much certainty as is possible for the applicant while at the same time providing Council with the ability to decline an application if it represents poor urban design.

The matters discretion is restricted to are not considered to be repetitive as suggested by Submitter 2. Urban design outcomes, the design process, the

proposals relationship to its context and the ability to demonstrate that minimum standards in the NCC Land Development Manual 2010 can be attained through alternative means of compliance are essential assessment criteria (ii) and (iii). Both Appendix 14 and the NCC Land Development Manual 2010 clearly set out the outcomes expected. Assessment criteria v) the design and layout of roads, access, cycle ways, walkways, reserves and biodiversity corridors acknowledges that Council has a role in approving or otherwise of these particular features. This assessment criterion is not just about quality urban design, but other additional spatial and connectivity matters which must be balanced with the other assessment matters. If an applicant does not wish to demonstrate how the restricted assessment matters have been addressed, including the design process required by Appendix 14, then they can choose to use the discretionary activity category, as is the operative situation in the Plan.

I do not consider the amendments proposed by the Submitter 2 improve the rule in relation to such matters as coherence, clarity, effectiveness or improve its ability to give effect to the relevant urban design and subdivision policy framework. On the basis of the above discussion, and because the proposed changes to the Subdivision Rule have not been challenged by any other submitters, I recommend that this part of Submission 2 Statement 11 also be rejected.

I do however acknowledge that this urban design focus is new for the implementation part of Council and therefore I recommend that resources are made available at the resource consent phase to ensure outcomes and timeframes can be achieved. This could take the form of a collection of process improvements such as practice notes, urban design training, and use of the Major Projects Team and the Urban Design Panel.

**RECOMMENDATION**

Submitter 2, Statement 11: Reject

**AMENDMENTS TO PLAN CHANGE**

Nil

**8.31 Topic 30 REr.108 Services Overlay – Subdivision Rule (Chapter 7)**

*Refer Page 59 Proposed Plan Change 14 Plan Amendments Document*

This topic covers three submitters’ points in relation to the proposed changes to REr.108 Services Overlay – subdivision rule in the Residential Zone.

<b>Submitter 2 Marsden Park Ltd</b>	<b>Statement 12</b>
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**Oppose**

**Decision Sought:** Delete all restrictions on discretion except (i) adequate servicing; and (iv) consistency with the LTCCP. Add that applications will be considered without service of notice.

<b>Submitter 11 St Leger Group Ltd</b>	<b>Statement 3</b>
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**Support**

**Decision sought:** Retain proposed changes to REr.108 Services Overlay – Subdivision rule

**Oppose**

**Decisions Sought:** Delete REr.108.3 Services Overlay Subdivision Restricted Discretionary Activity requirement to connect roads to adjoining properties.

**PLANNING OFFICER COMMENT #34**

**Topic 30**

Marsden Park Ltd Submitter 2, Statement 12  
 St Leger Group Ltd Submitter 11, Statement 3  
 Chris Hurley and Irene Turner, Submitter 26, Statement 4

The proposed changes to this rule include providing a new restricted discretionary non-notified consent activity category where previously there was only a discretionary activity category. The purpose of the restricted discretionary category is to align and be consistent with the Subdivision General Rule REr.107 and provide an opportunity for a more certain process for applicants if an application represents quality urban design and, in this rule, the additional servicing considerations can be met. With each of the Subdivision Overlay rules, the Plan Change has proposed amendments that will mean only the relevant Overlay rule will apply for a subdivision application (i.e. not both the General Subdivision Rule and the Overlay Rule). However to ensure there is consistency between the rules and minimal repetition, the Overlay Rules refer back to the General Rule for assessment matters.

Submitter 11 seeks that all proposed changes to this rule are retained.

Submitter 2 seeks that all matters over which Council restricts its discretion be deleted except items:

- (i) ensuring the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites in the Services Overlay as provided for by zone standards, and
- (iv) the extent of consistency with Council’s strategic planning for the servicing of sites within the district as identified in the LTCCP.

Submitter 26 seeks that item ii) over which Council restricts its discretion be deleted:

- (ii) ensuring the proposal provides for future roading and servicing connections to adjoining land in the Services Overlay.

As discussed above, the restricted discretionary activity category is a proposed new category where previously only a discretionary activity category was available with the matters that Council could consider at its discretion being unlimited. The matters over which Council restricts its discretion are limited to a set of essential considerations regarding servicing capacity, (i) ensuring the development potential of adjoining sites is not compromised, (ii) connectivity is provided for, (iii) minimum standards in the NCC Land Development Manual 2010 for services are attained, (iv) that the level of expenditure on servicing and roading infrastructure extensions is supported and planned for in the LTP, (v) that it is sustainable to spend money on servicing a particular area relative to its potential yield, and that (vii) all the matters in the Subdivision General restricted discretionary activity rule have been addressed. These assessment matters are required to consider the activity of subdivision within the Services Overlay, and the consistency with the Services and Urban Design Objectives and Policies which set out the outcomes sought with respect to subdivision in areas with servicing constraints.

Submitter 2 and 26 question the fairness and reasonableness of matter of discretion (ii) which requires that the proposal ensures future roading and services connections to adjoining land in the Services Overlay is provided for. Council is required to ensure that all conditions of consent are fair and reasonable and this has previously been discussed in relation to submissions on the Services Overlay Objectives and Policies proposed amendments (refer Topic 18). Topic 18 also discussed the results of a legal advice on this matter. I consider that it is standard urban design practice to require provision for connections to adjoining land with development potential. Ultimately reasonableness will depend on the nature of the consent conditions and circumstances of the proposal as to the extent to which a developer is required to fund services for the benefit of adjoining land. I acknowledged that a consent condition may be found to be unreasonable if the length of extension of services to the adjoining property and/or the costs expected to be borne by the developer are out of proportion to the development level of the site. This is unlikely to occur in a standard residential development, and there are many examples around the district where roads end in a cul de sac only one section length away from an adjoining property. Consideration of fairness and reasonableness is standard resource management practice in determining consent conditions, and will equally apply in considering the application of this rule.

With regard to the Subdivision in the Services Overlay rule I therefore consider it is appropriate for a matter of discretion to be the provision of future roading and service connections to adjoining land in the Services Overlay. Whether or not a connection is required as a condition of consent is a matter of discretion and the fairness and reasonableness of such a condition will be dependant upon site specific circumstances and whether or not the connection is funded through the LTP. I therefore recommend that Submission 26 Statement 4 is rejected, and this part of Submission 2 Statement 12.

Submitter 2 seeks that assessment matter (iii) the matter in the NCC Land Development Manual 2010 be deleted. This criterion is required to ensure that the manner with which a subdivision proposes to provide for connection to services including roading, to facilitate the subdivision and that of adjoining sites in the Services Overlay, meets Councils (as asset owner) minimum requirements. The assets will vest in Council following section 224(c ) approval and it is Council practice to require that they must meet a standard set out in the Land Development Manual 2010, unless a subdivision consent proposes other acceptable alternative means. Standard conditions of subdivision consent are as follows:

*All of the above works shall be shown on 'Design' and 'As Built' engineering drawings in accordance with the Nelson City Council Land Development Manual (2010) (and as amended by the above conditions) and to the satisfaction of the Nelson City Council's Executive Manager of Network Services.*

*A suitably qualified chartered professional engineer or surveyor shall certify that all works have been completed in accordance with the consent conditions, the Nelson City Council Land Development Manual (2010) and the approved engineering plans.*

Matter of restricted discretion (iii) simply states the assessment of the requirement to meet the minimum standards in the NCC Land Development Manual 2010 is a matter of discretion just as it is at engineering design plan approval phase of the subdivision process. The operative rule requires compliance with Appendix 13 which are the engineering performance standards from the NCC Engineering Standards 2003, which is now outdated and replaced by the NCC Land Development Manual 2010. Appendix 13 is proposed to be deleted as part of Plan Change 14 in recognition that all engineering matters are now contained in the NCC Land Development Manual 2010, an externally referenced document. The inclusion

of assessment criterion (iii) is no more onerous than the operative provisions. I recommend that this part of Submission 2, Statement 12 be rejected.

Submitter 2 also states that matter of discretion (v) regarding economic sustainability of servicing the site relative to development yield provides Council with unreasonable control over subdivision yield. Council has a role to ensure that expenditure of funds on the extension of services is both planned for financially through the LTP public process, represents sustainable development of the community's resources and is not a burden in terms of future asset management which falls back on the community. That is the strategic integration of land use and infrastructure, one of the resource management functions of a regional council. The matter of discretion is not over development yield, but whether or not extension of services to facilitate a proposed yield is economically sustainable (e.g. is it economically sustainable to fund the extension of services and roading to a site at a cost of \$2million if it can only ever support 30 new households and requires future public funds to maintain those services?). Notwithstanding this, this is a matter that is best considered at a strategic level as part of the LTP and Local Government Act 2002 sustainable development mandate. If a project for capital works to extend services including roading to a site to facilitate growth is included in the LTP then it is considered to have satisfied this test. I therefore do not consider it necessary to repeat examination of it through the resource consent process. If the project is not included in the LTP and a developer decides to fund the extension of services themselves (as is the direction given in the proposed Services Objectives and Policies amendments, see Topic 18) then it is unlikely to occur unless it is economically sustainable given the yield. On balance I consider that this part of Submission 2, Statement 12 should be accepted, as the matter of restricted discretion (v) is unnecessary, repeats an LTP process and should be deleted.

Submitter 2 seeks that restricted assessment matter (iv) 'the matters of restricted discretion in Rule REr.107.3 (Subdivision General)' be deleted. This matter is necessary to refer the applicant back to the Subdivision General rule assessment matters which apply because this rule Services Overlay Subdivision only specifically mentions matters in relation to the Services Overlay, all other general matters of subdivision assessment are also required to be satisfied. This is standard format in the Plan and the addition of the reference to the general rule as an assessment criterion has occurred as part of the structure improvements undertaken by Plan Change 14 to simplify the format so that only one rule applies (i.e. if you are undertaking a subdivision in the Services Overlay then only REr.108 applies where under the Operative provisions both the REr.107 General and the REr.108 Services Overlay rules would apply). I recommend that this part of Submission 2 Statement 12 is rejected.

On the basis of the above discussion I consider the proposed deletion of matters of discretion (ii), (iii), and (vii) will undermine the Subdivision in the Services Overlay Rule and the proposed amendments to the Services Overlay objectives and policies and the new Urban design Objectives and Policies in the Plan. The deletion of those matters of discretion would not assist the rule to meet the policy framework. The deletion of matter of discretion (v) as suggested by Submitter 2 is however in my opinion able to be accepted. I therefore recommend that Submission 2 Statement 12 be accepted in part, that part being the deletion of assessment matter (v) and that Submission 26 Statement 4 be rejected.

Submitter 2 also seeks that all applications under this rule be considered without service of notice. The proposed amendments to the rule state that '*Resource consent for restricted discretionary activities will be considered without notification*'. The reason that it was not proposed to waive service of notice is because adjoining

landowners are potentially affected by decisions regarding servicing capacity and connections. It is considered entirely reasonable that consideration of whether notice should be served on adjoining landowners. This is because any subdivision within the Services Overlay should, as a matter of good resource management practice, take account of the development potential of adjoining land. This will require consultation with the adjoining landowner. This part of Submission 2, Statement 12 is also recommended to be rejected.

On the basis of the above discussion, I recommend Submission 26 is rejected, Submission 11 is accepted and Submission 2 is accepted in part.

#### **RECOMMENDATION**

Submitter 2, Statement 12: Accept in part

Submitter 11, Statement 3: Accept

Submitter 26, Statement 4: Reject

#### **AMENDMENTS TO PLAN CHANGE**

Delete matter of restricted discretion (v) and renumber assessment matters accordingly.

~~(v) — The economic sustainability of servicing the site relative to development yield, and~~

### **8.31 Topic 31: REr.109 Landscape Overlay – Subdivision Rule (Chapter 7)**

*Refer Page 60 Proposed Plan Change 14 Plan Amendments Document*

This topic covers three submitter's points in relation to the proposed changes to the Subdivision in the Landscape Overlay rule in the Residential Zone.

<b>Submitter 2 Marsden Park Ltd</b>
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<b>Statement 13</b>
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**Oppose**

**Decision Sought:** Reject the proposed changes to REr.109 Landscape Overlay Subdivision Rule and retain the existing provisions.

<b>Further Submission X1: Staig &amp; Smith Ltd</b>	<b>Statement X1.3</b>
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**Support Submission 2, Statement 13**

<b>Submitter 10 Gibbons Holdings Ltd</b>
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<b>Statement 1</b>
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**Oppose**

**Decision Sought:** That the proposed Plan Change to REr.109 Landscape Overlay – Subdivision Rule be deleted.

<b>Further Submission X1: Staig &amp; Smith Ltd</b>	<b>Statement X1.7</b>
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**Support Submission 10, Statement 1**

**Oppose**

**Decision Sought:** Delete proposed changes to Rer.109 Landscape Overlay – Subdivision Rule.

**Further Submission X1: Staig & Smith Ltd Statement X1.8**

**Support Submission 11, Statement 4**

**PLANNING OFFICER COMMENT#35**

**Topic 31**

Marsden Park Ltd Submitter 2, Statement 13  
 Gibbons Holdings Ltd Submitter 10, statement 1  
 St Leger Group Ltd Submitter 11, Statement 4

The changes proposed to the REr.109 Landscape Overlay Subdivision rule include deleting the controlled activity category because:

- (i) the Subdivision General Rule REr.107 states that subdivision in the Landscape Overlay is not a controlled activity and so there is a technical error in the plan between these two rules. In considering an application for subdivision consent in the Landscape Overlay under the current Plan provisions the activity status would be a discretionary activity despite the Landscape Overlay REr.109 controlled activity category, as an application defaults to the most stringent category. There is therefore no effect in terms of activity classification of the proposed changes to REr.109.
- (ii) there is a need to be consistent with the approach taken to subdivision in the Residential Zone and the assessment criteria or discretionary matters to be considered under the Overlay rules. All other Subdivision in an Overlay Rule (REr.110 to REr.116) is a discretionary activity (or restricted discretionary activity) consistent with the standards and terms of the Subdivision General Rule REr.107. This is consistent with the nature and significance of subdivision within one or more of the constraints identified by an overlay. In the case of subdivision within the Landscape Overlay, a controlled activity category means that Council cannot decline a subdivision consent. This is clearly not an appropriate level of control for residential development within the Landscape Overlay.
- (iii) The matters Council reserved control over under the existing controlled activity rule are matters that require discretion to be exercised, such as the 'visual impacts of the subdivision and the likely structures that will be built on the subdivided land'. An assessment of visual effects is not a matter that is considered able to be adequately managed through the matters of control and consent conditions, they are matters that require the exercise of discretion particularly in regard to cumulative effects. A landscape assessment may reveal that the application as proposed would have significant adverse visual effects which are not able to be mitigated by conditions of consent, yet if the application is a controlled activity Council has to approve it.

The proposed changes include providing a new restricted discretionary activity category to be consistent with the proposed new restricted discretionary activity category for Subdivision General REr.107. This would enable Council to decline consent if the visual impact was significant.

Submitter 2 opposes the deletion of the controlled activity status in REr.109 Subdivision in the Landscape Overlay Rule and the proposed replacement of it with a restricted discretionary category. The reasons for this opposition are that Submitter 2 considers that the existing controlled activity status provides sufficient control over any potential effects, and the change is inconsistent with RUr.80 which still provides a controlled activity category for Subdivision in the Landscape Overlay in the Rural Zone.

Submitters 10 and 11 also oppose the deletion of the controlled activity category of Subdivision within the Landscape Overlay. The reasons for the opposition are that the land is zoned Residential and therefore there is a development expectation that is commensurate with a controlled activity status. Submitters 10 and 11 also state that the proposed restricted discretionary activity category requires a much higher level of information to be provided than the controlled activity category did.

It is well established resource management practice that the classification status of an activity has to be the most stringent status applying to any part of the activity (refer *Aley v North Shore CC* (1999) NZLR 365, (1998) 4 ELRNZ 227, (1998) NZRMA 361). Therefore while the Plan had the REr.109 Subdivision in the Landscape Overlay rule as a controlled activity, actual controlled activity classification could never be obtained by any application because the REr.107 Subdivision General Rule excludes Subdivision in the Landscape Overlay from being a controlled activity. Therefore under the operative provisions any application for subdivision consent in the Landscape Overlay is a discretionary activity, as both rules apply. Submitters 2, 10 and 11 are in my opinion incorrect in their assessment of the significance of the proposed Plan Change to activity status as the operative provisions provide for it to be considered as a discretionary activity, while the proposed changes provide for it to be considered as a restricted discretionary activity.

The proposed amendments to REr.109 Subdivision in the Landscape Overlay seek to provide a new restricted discretionary activity category as discussed above. This will mean that the actual activity classification of subdivision within the Landscape Overlay will be made less stringent as a result of the Plan Change (i.e. full discretionary to restricted discretionary). It will also mean that there are a number of landscape assessment matters over which Council restricts its discretion that will need to be addressed by the applicant. Submitters 10 and 11 also oppose the change in activity status because in their view this creates a much higher level of information requirements. I do not agree with this submission point because an application for Subdivision in the Landscape Overlay is currently a discretionary activity where Council assessment matters are unlimited and the application would necessarily need to be supported by adequate information to show that the effects of the activity are minor. In the case of subdivision within the Landscape Overlay this would require at least all those matters listed in the proposed restricted discretionary category including a landscape assessment. The only additional provision is the requirement to supply information provided for in Appendix 14 Residential Subdivision and Design Information Requirements, which is a standard and term to enable consideration as a restricted discretionary activity and is consistent with that proposed as part of this Plan Change in Subdivision REr.107 Subdivision General. An applicant can choose not to supply this information and be considered as a discretionary activity which is the operative consent classification.

Submitter 2 states that the proposed change is inconsistent with RUr.80 which provides a controlled activity category for Subdivision in the Landscape Overlay in the Rural Zone. The rule RUr.80 does provide for Subdivision within the Landscape Overlay to be considered as a controlled activity provided the standards and terms



can be met. All other subdivision within the Landscape Overlay in the Rural Zone is a discretionary activity.

The effects of subdivision in the Landscape Overlay are different between the Residential Zone and Rural Zone simply because of the different densities and activities provided for in those zones. Notwithstanding this, the reason that RUr.80 Subdivision in the Landscape Overlay is not part of this Plan Change (other than amending the reference to Appendix 14 a consequential amendment throughout the Plan) is because it is beyond the scope. Plan Change 14 only amends the Residential Zone Subdivision in the Landscape Overlay Rule REr.109 to fix the technical error where in the operative provisions the activity of subdivision in the Landscape Overlay is managed by two rules each stating the activity falls into a different activity category, as discussed above. Amendments to RUr.80 are in my opinion beyond that scope, and would be best addressed in a comprehensive review of the Landscape Overlay throughout the Plan, this being a future Plan Change as part of the rolling review of the NRMP.

On the basis of the above discussion, I recommend that Submissions 2, 10 and 11 in relation to subdivision within the landscape overlay are rejected. The proposed amendments are largely a technical correction combined with the provision of an activity status that is consistent with the approach for the Plan Change. The submissions seeking that those amendments be deleted are based on a misinterpretation that the activity category is going from controlled activity to restricted discretionary activity. The proposed amendments actually fix a technical error and provide a restricted discretionary activity category in addition to the current discretionary category.

#### **RECOMMENDATION**

Submitter 2, Statement 13: Reject  
Submitter 10, Statement 1: Reject  
Submitter 11, statement 4: Reject  
Further Submission X1.3: Reject  
Further Submission X1.7: Reject  
Further Submission X1.8: Reject

#### **AMENDMENTS TO PLAN CHANGE**

Nil

### **8.33 Topic 32: RUr49A Service Overlay Building Rule (Chapter 12)**

*Refer Page 60 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters' points in relation to the proposed introduction of a Service Overlay – Building Rule for the Rural Zone.

<b>Submitter 2 Marsden Park Ltd</b>
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<b>Statement 14</b>
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#### **Oppose**

**Conditional Support:** Amend Rule RUr.49A Service Overlay – Building to read “resource consent for restricted discretionary activities will be considered without notification and without service of notice”.

**Oppose**

**Decision Sought:** Delete proposed Plan Change Rule RUr.49A Services Overlay – Building.

<b>Further Submission X1: Staig &amp; Smith Ltd</b>	<b>Statement X1.9</b>
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**Support Submission 11, Statement 5****PLANNING OFFICER COMMENT #36****Topic 32**

Marsden Park Submitter 2, Statement 14  
St Leger Group Ltd Submitter 11, Statement 5

The Services Overlay – Building Rule is proposed as a new rule for the Rural Zone and applies to land within the Rural Zone that is also located in the Services Overlay. The Services Overlay in the Rural Zone is restricted to those areas of Higher Density Small Holdings, this applies only to areas in Ngawhātu and Marsden Valleys and also an area in Raphine Way up Maitai Valley proposed as part of this Plan Change. Ngawhātu and Marsden Valley areas can be subdivided down to 2000m<sup>2</sup> and the Matai Valley area down to 5000m<sup>2</sup> minimum lot size. The areas are all either located adjoining the Residential Zone or adjoining reticulated services. The provision of services to sites is controlled through the Subdivision – Services Overlay Rule RUr.85. The rule discussed in this topic relates to the activity of building within the Services Overlay.

Submitter 2 supports the proposed Rule RUr.49A but seeks that the notification statement also precludes service of notice. It is considered that waiver of the service of notice is not appropriate given that one of the purposes of the Service Overlay is to avoid the construction of buildings in a location that may prevent the construction of a future road or services to facilitate development on adjoining sites in the Services Overlay. By necessity this requires consultation with the adjoining property owner who may therefore be considered as an affected party.

Submitter 11 highlights that the proposed rule will capture any vacant rural Higher Density Small Holdings allotments in the Services Overlay created prior to the notification of the Plan Change and require a resource consent to be obtained for the erection of a dwelling. The proposed rule is identical to proposed amendments to REr.63 Services Overlay – Building which was discussed in Topic 28. While the effects of the rule on existing vacant Rural Small Holdings Higher Density allotments will be similar to that discussed of the same Residential Zone rule, the risk and potential number of occurrences will be much lower as there are less vacant lots affected.

In Topic 28 it was considered that the proposed rule could be better worded to still give effect to the purpose of the Act, but in a more efficient and effective manner that is a fair and reasonable imposition on landowners. Please refer to Topic 28 for the full discussion and recommendation.

The same logic applies to the proposed RUr.49A Services Overlay – Building rule for the Rural Zone. On the basis of the above discussion I consider that the proposed new rule RUr.49A should be amended and Submission 11 and Further Submission X1 can be accepted in part. Submission 2 which requests waiver of the service of notice, is recommended to be rejected.

**RECOMMENDATION**

Submitter 2, Statement 14: Reject  
 Submitter 11, Statement 5: Accept in part  
 Further Submission X1.9: Accept in part

**AMENDMENTS TO PLAN CHANGE**

Amend proposed RUr.49A Services Overlay – Building to the same wording as proposed in REr.63 in Topic 28.

**8.34 Topic 33: RUr.85 Services Overlay – Subdivision Rule (Chapter 12)**

*Refer Page 73 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters' points in relation to the proposed new rule RUr.85 Subdivision in the Services Overlay in the Rural Zone.

**Submitter 2 Marsden Park Ltd****Statement 15****Oppose****Conditional Support:**

Amend Rule RUr.85 Services Overlay – Subdivision as follows:

- (a) Amend (b) to read "the development is provided with water, stormwater and wastewater services".
- b) Delete restricted discretionary matters (iii) - economic viability; and (v) ensuring future connections.
- c) Amend non notification statement to read: "resource consent for restricted discretionary activities will be considered without notification and without service of notice".

**Submitter 11 St Leger Group Ltd****Statement 6****Oppose**

**Decision Sought:** Delete proposed Plan Change Rule RUr.85 Services Overlay – Subdivision.

**Further Submission X1: Staig & Smith Ltd Statement X1.10****Support Submission 11, Statement 6****PLANNING OFFICER COMMENT#37****Topic 33**

Marsden Park Submitter 2, Statement 15  
 St Leger Group Ltd Submitter 11, Statement 6

The Services Overlay – Subdivision Rule is proposed as a new rule for the Rural Zone and applies to land within the Rural Zone that is also located in the Services Overlay. The Services Overlay in the Rural Zone is restricted to those areas of Higher Density Small Holdings, this applies only to areas in Ngawhatu and Marsden Valleys, a proposed area of Nelson South (Plan Change 18) and also a new area up Maitai Valley (Ralphine Way) proposed as part of this Plan Change.

The reasons the Services Overlay rule is proposed for the Rural Zone is because the Services Overlay was imposed over Higher Density Small Holdings land in the Ngawhatu and Marsden Valleys through a private and public Plan Change, however

no rules were included in the plan to relate to it. In considering this omission, and the one other existing area of Higher Density Small Holdings in the Plan (Ralphine Way in Maitai Valley), it was considered appropriate that subdivision within the Services Overlay be subject to similar provisions as subdivision in the Residential Zone Services Overlay. Ngawhatu and Marsden Valley Higher Density Small Holdings areas can be subdivided down to 2000m<sup>2</sup> and in the Matai Valley area down to 5000m<sup>2</sup> minimum lot size. The areas are all located adjoining the Residential Zone and on steep to sloping land, some including south facing slopes, and pose challenges for on-site servicing.

I consider that given the physical constraints in terms of on-site servicing (small land area, proximity of adjoining properties, sloping land) and the proximity of reticulated services (all areas within the Services Overlay adjoin residential reticulated areas) that it is appropriate and reasonable for the first consideration in consent category to relate to the ability to connect to reticulated services. If there are no reticulated services available, or an applicant wishes to use on-site servicing, then this is considered as a discretionary activity. I consider this an appropriate activity status for these areas as Council must ensure that the health, safety and nuisance potential effects of a number of small sites located in close proximity using on site servicing are controlled. It is also consistent with the operative Freshwater Plan provisions which require that on-site wastewater treatment and disposal be considered as a discretionary activity in these locations.

Submitter 2 seeks that amendments are made to the proposed rule to take out the standard and term for the restricted discretionary activity requiring the development is connected to reticulated services. Submitter 2 also seeks that restricted discretionary matters (iii) 'the economic sustainability of servicing the site relative to the development yield' and (v) 'ensuring the proposal provides for future roading and servicing connections to adjoining land in the Services Overlay' are deleted. In addition Submitter 2 seeks that the notification statement is amended to state that an application would be considered without service of notice, in addition to the non-notification provided for. Each of these requests is discussed below, given the background to the rule provided above and changes are recommended where appropriate to maintain consistency with the amendments proposed under Topics 28, 30 and 32.

The restricted discretionary activity category is provided to ensure consistency with the proposed approach in the Residential Zone, and because if those areas of Higher Density Small Holdings are connected to reticulated services then Council can be confident in providing a non-notified approach and restricting discretion to a limited number of servicing assessment matters. Except for the economic sustainability of servicing the site relative to yield which is discussed below, the assessment matters are primarily related to the ability for the subdivision to ensure that connections to any adjoining land within the Services Overlay are provided for, and that any extension of services funded by Council to facilitate development is provided for through the LTP. These matters of discretion are consistent with the considerations identified in the Services Objectives and Policies. The limit on notification stated in the rule does not extend to a limit on the need for service because in order to address the assessment matter relating to the need or not to provide for service and roading connections to adjoining properties in the Services Overlay, this potentially requires consultation with the adjoining property owner. The Discretionary Activity category is provided for applicants who wish to pursue on site servicing, and this provides an activity category consistent throughout the Plan for the consideration of such activities.

On the basis of the above discussion where the proposed changes by Submitter 2 will not assist to improve the rule in its achievement of the policy framework and to

maintain consistency throughout the Plan, I consider that the changes proposed by Submitter 2 should be rejected.

Matter of discretion (iii) 'the economic sustainability of servicing the site relative to the development yield' this is also opposed by Submitter 2. This matter was discussed in detail in Topic 30 where I recommend it be deleted. This is a matter that is best considered at a strategic level as part of the LTP and Local Government Act 2002 sustainable development mandate. If a project for capital works to extend services including roading to a site to facilitate growth is included in the LTP then it is considered to have satisfied this test. It is therefore not necessary to repeat examination of it through the subdivision consent process. I therefore consider that this matter of restricted discretion (iii) is unnecessary and should be deleted. This part of Submission 2 is recommended to be accepted.

Submitter 11 seeks that the proposed rule be deleted. The reasons given for this submission are that the Rural Zone should not be treated in the same manner as residential properties and that rural properties often provide for their own needs, and very often do not have reticulated services available.

As discussed above, the rule only applies to the subdivision of Rural Zoned land within the Services Overlay. The only areas of Rural Zoned land within the Services Overlay are the Higher Density Small Holdings Areas. These areas have a minimum lot size of 2000m<sup>2</sup> or 5000m<sup>2</sup>, and comprise sloping land adjoining reticulated residential areas. I consider it entirely appropriate that subdivision in these areas assess the provision of reticulated services to new allotments and the location of roading and connections to adjoining properties within the Services Overlay. This is encouraged by the rule which provides a restricted discretionary activity category for subdivision connecting to reticulated services, and a full discretionary activity category for subdivision proposing that future owners use on site servicing. It is also consistent with the operative Freshwater Plan provisions which provide for on site servicing as a discretionary activity.

On the basis of the above assessment which identifies that the proposed amendment is required to ensure consistency throughout the Plan and in assisting to achieve the policy framework, I consider that Submission 11 be rejected.

#### **RECOMMENDATION**

Submission 2, Statement 15: Accepted in part.

Submission 11, Statement 6: Reject

Further Submission X1.10: Reject

#### **AMENDMENTS TO PLAN CHANGE**

Delete assessment matter (iii) as follows and renumber assessment matters accordingly.

~~(iii) — The economic sustainability of servicing the site relative to development yield, and~~

### 8.35 Topic 34: Appendix 6 Riparian and Coastal Margin Overlay

*Refer Page 74 Proposed Plan Change 14 Plan Amendments Document*

This topic covers one submitters' comments in relation to the proposed change to Appendix 6 to include additional values in the description of riparian values.

**Submitter 5 Department of Conservation**

**Statement 3**

#### Support

**Decisions Sought:** Retain new paragraph AP6.1 in Appendix 6

#### PLANNING OFFICER COMMENT # 38

**Topic 34**

Department of Conservation Submitter 5, Statement 3

Submitter 5 seeks that the proposed amendments to Appendix 6 be retained. On the basis of this support, and that the amendments enhance the ability of the Plan to achieve the purpose of the Act, the submission is recommended to be accepted.

#### RECOMMENDATION

Submission 5, Statement 3: Accept

#### AMENDMENTS TO PLAN CHANGE

Nil

### 8.36 Topic 35: Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay

*Refer Page 75 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters' points in relation to the proposed changes to Appendix 7.

**Submitter 10 Gibbons Holdings Ltd**

**Statement 2**

#### Oppose

**Decision Sought:** Delete proposed changes to AP7.5.1.i in Appendix 7

**Submitter 11 St Leger Group Ltd**

**Statement 7**

#### Oppose

**Decision Sought:** Delete proposed changes to AP7.5.1.i in Appendix 7

#### PLANNING OFFICER COMMENT # 39

**Topic 35**

Gibbons Holdings Ltd Submitter 10, Statement 2  
St Leger Group Ltd Submitter 11, Statement 7

The amendments proposed to Appendix 7 in section AP7.5.1.i 'Consents Required Residential Zone' comprise a change to the statement regarding activity classification of subdivision within the Landscape Overlay.

The operative wording states that subdivision within the Landscape Overlay is a controlled activity and refers the reader to Rule REr.107 the Subdivision General Rule. However the Subdivision General Rule REr.107 states that subdivision in the Landscape Overlay is a discretionary activity and so there is a technical error in the

plan between the rule and the Appendix. This is also the case for the rule REr.109 Subdivision in the Landscape Overlay Rule which states that subdivision in the landscape overlay is a controlled activity.

In considering an application for subdivision consent in the Landscape Overlay under the operative Plan provisions the activity status would be a discretionary activity despite the Landscape Overlay REr.109 controlled activity category, and the statement in AP7.5.1.i. This is because an application defaults to the most stringent consent category. The discrepancy between rules is proposed to be remedied by providing a restricted discretionary category as part of Plan Change 14. The proposed wording change in Ap7.5.1.i supports this.

Submitters 10 and 11 seek that the proposed amendments to AP7.5.1.i be deleted. The reasons for the opposition are that the submitters consider the changes in activity status and information requirements unnecessary given the residential zoning of the land affected.

As discussed above the changes proposed to Appendix 7 are to correct an error between rules. There is a need to be consistent with the approach taken to subdivision in the Residential Zone and the assessment or discretionary matters to be considered under the Overlay rules. The majority of Subdivision in an Overlay Rule (REr.110 to REr.116) is a discretionary activity consistent with the standards and terms of the Subdivision General Rule REr,107. This is consistent with the nature and significance of subdivision within one or more of the constraints identified by an overlay. In the case of subdivision within the Landscape Overlay, a controlled activity category means that Council cannot decline a subdivision consent. This is clearly not an appropriate level of control for residential development within the Landscape Overlay.

The matters Council reserved control over under the existing controlled activity rule are matters that require discretion to be exercised, such as the 'visual impacts of the subdivision and the likely structures that will be built on the subdivided land'. An assessment of visual effects is not a matter that is considered able to be adequately managed through the matters of control and consent conditions, they are matters that require the exercise of discretion particularly with regard to cumulative effects. A landscape assessment may reveal that the application as proposed would have significant adverse visual effects which are not able to be mitigated by conditions of consent, yet if the application is a controlled activity Council has to approve it. I consider that a restricted discretionary activity category is entirely appropriate for the consideration of subdivision activities within the Landscape Overlay.

On the basis of the above discussion, I recommend that Submissions 10 and 11 be rejected.

**RECOMMENDATION**

Submitter 10, Statement 2: Reject  
Submission 11, Statement 7: reject

**AMENDMENTS TO PLAN CHANGE**

Nil

**8.39 Topic 36: Appendix 14 Residential Subdivision, Design and Information Requirements**

*Refer Page 89 Proposed Plan Change 14 Plan Amendments Document*

This topic covers six submitters various statements regarding the deletion of the operative Appendix 14 Design Standards and replacement of Appendix 14 Residential Subdivision Design and Information Requirements. The proposed new Appendix 14 outlines the information requirements that must accompany restricted discretionary subdivision activities under REr.107 Subdivision General in the Residential Zone.

**Submitter 2 Marsden Park Ltd**

**Statement 16**

**Oppose**

**Decision Sought:** Delete the section sentence in AP14.2.ii in Appendix 14 "All resource consents (subdivision, earthworks, discharge etc) required to give effect to the development must be sought at the same time".

**Submitter 2 Marsden Park Ltd**

**Statement 17**

**Oppose**

**Decision Sought:** Amend Appendix 14 as follows:

- a) Amend the information required to be provided in plans and designs to include the following statement as standard "The xxx plan(s) ~~must show (will include)~~ should include the following information".
- b) Amend any other mandatory information requirements (e.g. "shall be provided" or "will be provided") in Appendix 14 to information which "should be provided".

**Submitter 5 Department of Conservation**

**Statement 4**

**Support**

**Decision Sought:** Retain the following provisions of Appendix 14 which refer to linkages and corridors of ecological values: AP14.3.vii(f), (g) and (h); AP14.3.ix; and AP14.3.xiii.

**Submitter 14 Staig & Smith**

**Statement 3**

**Support**

**Decision Sought:** Amend Appendix 14.2 to provide confirmation that preliminary plans do not amount to working design plans, but initial concept plans only.

**Submitter 14 Staig & Smith**

**Statement 4**

**Support**

**Decision Sought:** Amend Appendix 14.3.vii condition (e) as follows: e) location of all local commercial, services and recreational facilities within the ~~4km~~ the context area of the site.



<b>Submitter 26 Chris Hurley and Irene Turner</b>	<b>Statement 5</b>
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**Support**

**Decision Sought:** Delete Appendix 14.2.ii Requirement for all applications to be lodged together.

<b>Submitter 27 Royal Forest and Bird Protection Society</b>	<b>Statement 6</b>
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**Support**

**Decision Sought:** Retain Appendix 14.3.vi Context Analysis

<b>Submitter 27 Royal Forest and Bird Protection Society</b>	<b>Statement 7</b>
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**Support**

**Decision Support:** Retain Appendix 14.3.vii and insert i) The location of any site of significant indigenous vegetation or significant habitats for indigenous fauna.

<b>Submitter 27 Royal Forest and Bird Protection Society</b>	<b>Statement 8</b>
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**Support**

**Decision Support:** Retain Appendix 14.3.xiii Open Space Network and insert: a) the location and type of open space including local parks and reserves, wetlands and riparian areas, greenways, biodiversity hotspots and corridors, stormwater ponds or other devices intended to be located in reserves.

<b>Submitter 27 Royal Forest and Bird Protection Society</b>	<b>Statement 9</b>
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**Support**

**Decision Support:** Retain Appendix 14.3.xvi Landscape.

<b>Submitter 27 Royal Forest and Bird Protection Society</b>	<b>Statement 10</b>
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**Support**

**Decision Support:** Retain Appendix 14.3.xxi Stormwater Management

<b>PLANNING OFFICER COMMENT #40</b>	<b>Topic 36</b>
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Marsden Park Ltd Submission 2, Statements 16 and 17  
Department of Conservation Submission 5, Statement 4  
Staig & Smith Ltd Submission 14, Statements 3 and 4  
Chris Hurley and Irene Turner Submission 26, Statement 5  
Royal Forest and Bird Protection Society of NZ Inc Submission 27, Statement 6 - 10

The design and information requirements in Appendix 14 are a standard and term for the restricted discretionary activity subdivision under Rule REr.107 Subdivision General. The consent category and Appendix 14 are provided in recognition that in pursuing better urban design it is difficult to achieve such a goal by imposing the prescriptive rules and minimum standards of a controlled activity category. This will be particularly relevant for hillside greenfield subdivision and intensification within the existing residential area. In recognition of this barrier, the restricted

discretionary category provides an avenue for those designs that may not comply in full with the minimum standards set out in the controlled activity category and the NCC Land Development Manual. Such developments may in fact still represent good urban design for the particular site and therefore warrant a restricted discretionary activity status and non-notified consent process.

In order for the Council to provide the level of certainty associated and expected of a restricted discretionary activity, high quality information must be provided with applications. Applications need to illustrate clearly why particular standards are departed from, and how the whole design contributes towards the goal of better urban design within its context or local environment. As stated in Appendix 14.2 "the amount of detail required is relative to the nature and scale of the proposed development", this is similar to an Environmental Assessment of Effects.

Appendix 14 details to Applicants for subdivision consent in the Residential Zone what to show to demonstrate how the design meets the desired outcomes sought for residential neighbourhoods and the community as a whole. Appendix 14 is not a design guide and relies on the subdivision designer or design team possessing a good knowledge of urban design approaches and techniques. Chapter 5 DO13A Objectives and Policies set the framework for the type of subdivision and development that is sought and the type of design process to be pursued, and these urban design outcomes are part of the matter of restricted discretion.

The proposed new restricted discretionary activity category under REr.107 does not replace the existing consent categories (controlled and discretionary activities remain). It provides a new category that balances the need to provide certainty for developers against the need to provide for flexibility to respond in a manner that represents good urban design for a particular site. In that sense, the new category, and its use of Appendix 14 to demonstrate how a good urban design solution has been proposed, is beneficial to developers. This was supported in the section 32 assessment which evaluates a range of different approaches (refer section 7.4, Page 77 of the section 32 report). It is acknowledged that Council process will need to be reviewed to ensure these matters can be effectively and efficiently addressed and this is part of the non-regulatory methods identified in this plan change.

There have been no submissions that seek deletion of the proposed new restricted discretionary activity category and the approach of using an appendix to identify information and assessment requirements for such a category. Submissions in relation to Appendix 14 (other than those in support), all seek different amendments to different parts of the Appendix. Each Submitters decision sought is assessed in order of Submitter below and a recommendation is provided before moving onto the next submission.

Submitters 2 and 26 seek the deletion of the statement in AP14.2.ii "All resource consents (subdivision, earthworks, discharge etc) required to give effect to the development must be sought at the same time".

The above statement is included because to adequately evaluate a subdivision proposed under the restricted discretionary non-notified consent category all subdivision, earthworks and land use consents are required to be considered in conjunction with each other. The statement merely reinforces Section 91 'Deferral pending application of additional consents' of the Act and good resource management practice generally. For an application to be considered under REr107.3 and Appendix 14 then all resource consents should be identified from the outset so that they can be considered together and the development assessed as a whole. It is however noted that section 91 of the Act gives Council the ability to

defer any application for resource consent if Council considers it is best to consider it with any one or more consents also required for the proposal. I therefore consider that the wording of the statement should be changed from 'must' to 'should' so as not to predetermine this assessment as part of the consent application. The purpose of the statement is retained with this amendment as it clearly signals to applicants the information requirements and need to consider the proposal as a whole. If the consent planner considers that not all resource consents needed have been sought, and that such applications are necessary to understand the proposal, then the application can be deferred under Section 91. This amendment goes some way to addressing the concerns raised by Submitters 2 and 26 with respect to the statement AP14.2.ii, and their submission are recommended to be accepted in part.

Submitter 2 also seeks that all other wording in Appendix 14 that describes where information 'shall be provided' or where it details that plans 'must show' should be reworded to use non-mandatory terms such as 'should'.

The restricted discretionary non-notified process is provided in addition to the current controlled and discretionary activity consent categories in the Plan. If Council is going to provide for subdivision applications through a non-notified process where discretion is restricted to certain matters, then Council needs to be satisfied of those matters. An application for subdivision consent can only be assessed under REr.107.3 if it meets the standards and terms, one of which is "it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14". I consider it fair and reasonable that applications that do not include the information and assessment specified in Appendix 14 are not eligible to enjoy the benefits of such a restricted discretionary process. In that case the applications would fall to be considered under the existing discretionary activity category. The information requirements of Appendix 14 are only those matters that would routinely be considered in any proposal representing good urban design. The information requirements also only represent the design considerations and decisions made during the applicants (or applicant's agents) concept and design assessment procedures. The extent of detail required to address each of those design matters is still relative to the nature and scale of the development proposed, and this statement is included Appendix 14.

On the basis of the above discussion I consider that the amendments sought by Submitters 2 and 26 to Appendix 14 to change mandatory terms (shall and must) to non mandatory terms (should) are not compatible with the restricted discretionary non-notified category proposed, and I therefore recommend they are rejected.

Submitter 14 seeks that AP14.2 be amended to confirm that preliminary plans do not amount to working design plans, but initial concept plans only.

The preliminary design plans need to be of sufficient detail to adequately demonstrate the particular design feature which does not meet the minimum standards of a controlled activity but still represents good urban design. It is likely in some situations that this will involve considerable design detail being provided up front, say in the case of a low impact stormwater device, or for specific roading design responding to a particular site constraint. With a proposal of considerable scale and complexity, it is unavoidable that there will be a tension between the applicants wish to avoid the cost of detailed design until it is known whether a resource consent will be granted. This is also the tension faced by Council with the restricted discretionary activity category. That is the need to maximise certainty for applicants and retain discretion to ensure applications pursued through a non-minimum standard non-notified/no service of notice process represent good urban

design. Applicants are able to weigh up whether they wish to use the restricted discretionary activity category or the discretionary activity category based on the level of information sought to be supplied for the particular design proposal and site.

I consider that in order to provide the restricted discretionary non-notified category, in addition to the existing controlled and discretionary activity categories in the plan, then sufficient information to accompany the application and enable assessment of the matters identified in REr.107.3 is required. Therefore while preliminary engineering plans are detailed under AP14.2 as needing to be required, the detail of these will be dependant upon the nature and scale of the development proposed (see AP14.2.ii). In my opinion, it is not therefore possible to state as suggested by Submitter 14 that the plans specified relate to initial concept plans only, and I therefore recommend that this submission is rejected.

Submitter 14 also seeks that an amendment to Appendix 14.3.vii condition (e) be made to delete reference to a 1km area and replace it with the words 'the context area'.

The context analysis sought through AP14.3.vi to vii is a means of demonstrating how the particular subdivision design proposed represents good urban design through relating to its context. This necessarily requires an analysis of its context. Showing on a context analysis plan the location of all local commercial, service and recreational facilities within 1km of the site is not an onerous requirement. It can be as simple as using colour coded squares on a plan, downloading an aerial from 'Google maps' or 'Top of the South Maps' and marking the locations of the items. It is however considered an essential element in determining the appropriateness or not of a particular design proposal and whether or not it is typically within 1km, 2km or 500m is a matter that is relative to the nature, scale and location of the development proposal. It is up to the Applicant to demonstrate that sufficient consideration of the context has been undertaken in the development of the subdivision design, and that the design relates to the local context. I therefore consider that the amendment sought by Submitter 14 in Statement 4 can be accepted, particularly as the description under AP14.3.vii above requirement e) discusses that a context analysis will typically extend 1km from the boundary of the site.

Submitters 5 and 27 seek that various parts of proposed Appendix 14 be retained. There have been no other submissions on the items sought to be retained by these submissions, and I therefore consider that the submissions should be accepted.

Submitter 27 also seeks the following amendments:

Under AP14.3.vii Context Analysis a new condition i) is sought which requires the identification of any site of significant indigenous vegetation or significant habitats for indigenous fauna. This amendment is consistent with the intentions of the Context Analysis requirement and is also consistent with Part II (Section 6) of the Act. I therefore recommend that Submission 27, Statement 7 be accepted.

Under AP14.3.xiii Open Space Network the word 'hotspots' is sought to be added in reference to biodiversity corridor. I considered that the identification of biodiversity hotspots is adequately covered by the Site Analysis provisions in AP14.3.ix which with the acceptance of the amendment identified by Submitter 27 above includes the site of any significant indigenous vegetation or habitats for indigenous fauna. These are in effect biodiversity hotspots and are better located in the context analysis section rather than the open space network section. I therefore consider that Submission 27, statement 8 be rejected.

### RECOMMENDATION

Submitter 2, Statement 16 & 17: Reject  
Submitter 26, Statement 5: Reject  
Submitter 14, Statement 3: Reject  
Submitter 14, Statement 4: Accept  
Submitter 5, Statement 4: Accept  
Submitter 27 Statements 6, 7, 9 and 10: Accept  
Submitter 27, Statement 8: Reject

### AMENDMENTS TO PLAN CHANGE

*Amend* AP14.3.vii (e) location of all local commercial, service and recreational facilities within ~~4km~~ the context area of the site.

*Amend* AP14.3. vii to insert new i) The location of any site of significant indigenous vegetation or significant habitats for indigenous fauna.

## 8.40 Topic 37: Appendix 22 Comprehensive Housing development

*Refer Page 98 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters comments in relation to the rewritten Comprehensive Housing Development provisions in Appendix 22.

### Submitter 2 Marsden Park Ltd

### Statement 18

#### Oppose

**Decision Sought:** Amend Appendix 22 as follows:

- a) Remove all mandatory requirements, and replace with non-mandatory verbs.
- b) Simplify by removing any unnecessary explanatory statements duplicated elsewhere, and by shortening unnecessary lengthy explanation statements. Delete any duplicate, repeated or rephrased statements.

### Submitter 2 Marsden Park Ltd

### Statement 19

#### Oppose

**Decision Sought:** Relocate Appendix 22.1 'Definitions' to the definitions section of the Plan.

### Submitter 2 Marsden Park Ltd

### Statement 20

#### Oppose

**Decision Sought:** Add the following: "AP22.2.iv and to AP22.7.2: The amount of detail required is relative to the nature and scale of the proposed development."

### Submitter 24 Robert Murphy

### Statement 24

#### Oppose

**Decision Sought:** Delete AP22.5.i (a) to (h) Comprehensive Housing Off Site Amenity and retain status quo.

**PLANNING OFFICER COMMENT #41****Topic 37**

Marsden Park Submitter 2, Statements 18, 19 & 20  
Robert Murphy Submitter 24, Statement 1

The Comprehensive Housing Development Appendix 22 has been re-written as part of the Plan Change to be consistent with the proposed changes to the rules to provide for Comprehensive Housing Developments as restricted discretionary activities in Higher Density residential areas where sufficient on site and off site amenity can be demonstrated. The full discretionary activity category is retained for comprehensive housing developments in all other areas of the Residential Zone.

Submitter 2 highlights that inconsistent terminology is used throughout Appendix 22 where the terms 'must', 'shall' and 'should' are all used. Submitter 2 seeks that mandatory terminology is deleted and so are duplicate and lengthy explanations.

The rule that controls Comprehensive Housing Development REr.22 includes reference to Appendix 22 as a matter Council retains discretion over and as an assessment criterion. Appendix 22 is not included as a 'standard and term' for the restricted discretionary activity like Appendix 14 is for the Subdivision Restricted Discretionary Category and therefore mandatory terminology is not required. It is considered more appropriate that the terms 'shall' and 'should' are consistently used in Appendix 22 as it is a general guide and matter of discretion, rather than a list of rules or information requirements. I recommend that this part of Submission 2 be accepted.

Submitter 2 seeks that explanatory statements are shortened. Appendix 22 contains only one explanatory statement in "AP22 overview" and given the misinterpretation issues with the operative Appendix 22 I consider it necessary that this statement adequately explains the intentions of the provisions and the Appendix 22. The descriptions in the follow on sections are useful for resource consent planners and developers alike to explain the outcomes sought to be achieved. I therefore consider that this part of Submission 2 should be rejected.

Submitter 2 seeks that the Appendix 22.1 Definitions are located in Chapter 2 Meaning of Words because they are in the wrong location and could be missed. The same definition of Comprehensive Housing Development is already included in Chapter 2 Meaning of Words. The definition provided for apartment buildings is not. However that is a definition that is specific to Appendix 22 and apartments in the context of Comprehensive Housing Developments. Many of the Appendices in the Plan have additional definitions at the start of them which relate solely to that appendix. I consider that the proposed definitions are consistent with the existing structure of the Plan and therefore Submission 2, Statement 19 is recommended to be rejected.

Submitter 2 seeks that the statement 'The amount of detail required is relative to the nature and scale of the development' is added in AP22.2.iv and AP22.7.2. It is considered that the addition of such a statement would be appropriate for section AP22.7.2 and consistent with the same statement in Appendix 14. I do not consider it appropriate or necessary to repeat the statement in any other part of Appendix 22. Therefore this part of Submission 2, Statement 20 is recommend to be accepted in part.

Submitter 24 seeks that AP22.5.i (a) to (h) which contains the matters to be considered in terms of off-site amenity outcomes are deleted and the current provisions retained. The reasons provided in the submission are that it is unreasonable to expect rate payers to not develop their own properties and add

value to their land. The submitter also says that the proposed changes inhibit growth and follow suit with a dictatorship instead of democracy.

Submitter 24 may be able to elaborate on the reasons for this submission further at the hearing. On the face of it, it appears that the Submitter misunderstands the Comprehensive Housing Development provisions. Comprehensive Housing Development is a particular type of development form (3 or more dwellings designed in conjunction with each other) requiring subdivision and land use consents at a lot density higher than that provided for in the plan as a controlled activity. Council recognises that there is a role for this higher density development but that it must represent a high quality of development in terms of both on-site amenity for residents and off site amenity for the community. As long as an applicant can demonstrate that amenity is maintained or enhanced then Council will consider the proposal through the resource consent process just like any other development form.

In my opinion the Plan Change does not prevent ratepayers from developing their own land nor does it inhibit growth. Rather, the whole focus of Plan Change 14 is to enable growth by providing for more restricted discretionary activity categories and non-notification statements for subdivision and development provisions. Council has followed the 1<sup>st</sup> schedule process set out in the Resource Management Act 1991 with respect to the Plan Change and required consultation.

The matters contained in AP22.5.i (a) to (h) are essential assessment matters necessary to assess the level of off-site amenity proposed by any Comprehensive Housing Development and therefore evaluate the potential effects it may have on the streetscape and character of the area (section 7 RMA matters). They are assessment matters, not rules, and they assist to provide certainty for applicants as to the outcomes that are sought from Comprehensive Housing Developments as well as to adjoining landowners and the community generally. The current wording in Appendix 22 is less specific regarding which outcomes of off site amenity are sought to be retained or created. This is a matter to be assessed as part of any application for comprehensive housing developments. I consider that the request by Submitter 24 to delete the off-site amenity provisions should be rejected.

#### **RECOMMENDATION**

Submitter 2, Statement 18: Accept in part  
Submitter 2, Statement 19: Reject  
Submitter 2, Statement 20: Accept in part  
Submitter 24, statement 1: Reject

#### **CHANGES TO PLAN CHANGE**

*Amend Appendix 22 to replace all mandatory terms such as 'must' with non mandatory terms such as 'should' depending upon the context within the sentence.*

*Amend AP22.7.2 to add the statement The amount of detail required is relative to the nature and scale of the development.*

#### 8.41 Topic 38: A2.1 Urban Road Hierarchy Map

*Refer Page 105 Proposed Plan Change 14 Plan Amendments Document*

This topic covers two submitters points in relation to the proposed changes to the Urban Road Hierarchy Maps in response to the changed definitions and classification of roads through the NCC Land Development Manual 2010 and subsequent roading standards.

<b>Submitter 12 Mark and Kim Lile</b>
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<b>Statement 6</b>
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#### Oppose

**Decision Sought:** Amend the proposed Plan Change to ensure the Road Classification/Hierarchy is such that the outcomes sought by the Plan Change are in accordance with the purpose of the Act. The route from Collingwood Street (above Nile Street) through to Waimea Road should be a Collector Road (Classified). The classification of Collingwood Street below Halifax Street, as well as Wainui Street and Weka Street, should be Sub-Collector Roads (Unclassified).

<b>Submitter 27 Royal Forest &amp; Bird Protection Society NZ Inc</b>	<b>Statement 11</b>
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#### Oppose

**Decision Sought:** Delete proposed principal road and proposed collector road shown on roading hierarchy maps A2.1 and A2.2

#### PLANNING OFFICER COMMENT #42

#### Topic 38

Mark and Kim Lile Submitter 12, Statement 6  
Royal Forest and Bird Submitter 27, Statement 11

Submitter 12 states that "the inaccurate classification of roads causes a conflict with some of the worthy intentions of this Plan Change". The reasons provided by the Submitter are that "while the Road Hierarchy has been reviewed, there remains some anomalies that need to be corrected. For example, the Unclassified Road from Collingwood Street through to Waimea Road. The roading hierarchy identifies this as roads with Sub-Collector status. Section 4 of the Land Development Manual refer to Sub-Collector Roads as distributing traffic at a neighbourhood level, with traffic on these roads having an origin or destination within the immediate area. This is not a true reflection of this local context. This route functions as a Collector Road."

Submitter 12 also states that "the identification of lower Collingwood Street as a Collector Road is also inaccurate given the traffic volumes and function of this road. The function of this portion of Collingwood Street, along with Wainui Street and Weka Street, are not consistent with the definitions of Collector Roads in the Land Development Manual 2010. Ironically, it would be much safer to reverse manoeuvre onto these roads than onto upper Collingwood Street. Furthermore, given the encouragement given to Comprehensive Housing and intensification of the Higher Density Residential Zone, these areas should contain unclassified roads as much as reasonably possible".

Mr Andrew James, Council's Principal Advisor – Transport and Roding provides the following advice with respect to the two routes identified by Submitter 12. A full copy of Mr James evidence is included in **Part D** of this report.



1. Collingwood St (Nile to Brougham), Brougham (Trafalgar to Collingwood), Trafalgar (Brougham to Van Diemen) and Van Diemen (Trafalgar to Waimea)

The submitter requests that this route (currently classified as Sub-collector), be changed to Collector because the definition of Collector in the Land Development Manual is more appropriate for the way the street is being utilised.

Mr James states he supports the submission because: -

- the definition of a sub-collector is that “through traffic is not a desired outcome” and at this time it is apparent the route is operating with a high proportion of through traffic, and
- its design supports being classified as a collector, and
- there is no alternative route agreed or proposals in place to deter through traffic from this linkage between the Waimea Rd arterial and the eastern half of the city and the Brook and Maitai valleys.

2. Collingwood St (Collingwood St Bridge to Wainui St), Wainui St (Trafalgar to Collingwood) and Weka St (Collingwood to Atawhai Drive)

The submitter requests that these roads be changed to Sub-collector. Currently Lower Collingwood is classified as a Principal, Wainui a Local and Weka a Collector. The Plan Change supports these roads all becoming Collector because they “distribute traffic between and within local areas and form a link between higher order roads and lower order roads”, as defined in the NCC Land Development Manual 2010. Should they be reduced to sub-collector status then it would need to be agreed that “through traffic is not a desired outcome” and proposals put in place to deter through traffic along these roads.

Mr James does not support this submission because the current use of the road is consistent with the definition for Collector status and the road design supports this classification.

Given the above advice, it is my opinion that in order to maintain consistency throughout the Plan Change, including the roading hierarchy maps, and with the NCC Land Development Manual 2010 and the actual current use of the roads identified above, that the advice of Mr James is accepted. To ensure consistency throughout the Plan Change I recommend the route from Collingwood St (Nile to Brougham), Brougham (Trafalgar to Collingwood), Trafalgar (Brougham to Van Diemen) and Van Diemen (Trafalgar to Waimea) be changed to Collector status. I recommend that the route from Collingwood St (Collingwood St Bridge to Wainui St), Wainui St (Trafalgar to Collingwood) and Weka St (Collingwood to Atawhai Drive) is maintained as Collector status as proposed in the Plan Change. This recommendation is supported by the section 32 assessment (refer section 7.3, page 59). Therefore Submission 12, Statement 6 is recommended to be accepted in part.

Submitter 27 seeks that the proposed principal and proposed collector roads shown on Maps A2.1 and A2.2 be deleted. The proposed principal road (shown in blue) is included on the operative Map and is not proposed to be changed as part of Plan Change 14. The Submission in relation to the proposed Principal Road is in my opinion is beyond the scope of the Plan Change and I therefore recommended it to be rejected. The proposed sub collector road, comprises a future roading link from Princess drive out to Waimea Road. This is connection is included in Stage 12 of Tasman Heights and is currently being processed by Council as part of an application for subdivision consent. The roading connection is needed to facilitate any future development of the Tasman Heights property as the use of the Princess

Drive Washington Road route is now at a critical threshold in terms of traffic movements from this development. The owners of Tasman Heights have not made a submission in respect of the inclusion of this proposed road and I consider it necessary to provide the city with an integrated roading network and give effect to the urban design framework. For these reasons I recommend that Submission 27, Statement 11 is rejected.

#### **RECOMMENDATION**

Submission 12, Statement 6: Accept in part  
Submission 27, statement 11: Reject

#### **CHANGES TO PLAN CHANGE**

*Amend Roading Hierarchy Maps A2.1 and A2.2 to show the route from Upper Collingwood Street (corner of Nile Street), along Brougham Street, to Trafalgar Street and up to Van Diemen Street and out to Waimea Road as a Collector.*

### **8.42 Topic 39: Consequential and Minor Amendments, Recommendations**

Consequential amendments arising from amendments proposed in this report are noted within the topics throughout the report.

Minor amendments required as a result of legislation and project name changes are as follows:

*Amend Long Term Council Community Plan to Long Term Plan.  
Amend Strategic City Development Plan to City Development Strategy.  
Update Social Wellbeing Policy date to 2011*

Recommendations which the Commissioners may wish to consider in regards to methods (other than rules) needed to assist with the implementation of the plan change are as follows:

*Undertake internal Council process and administrative improvement to support the implementation of the plan change, particularly the urban design policy framework and Appendix 14 assessment. Change would include items such as:*

- *practice notes*
- *staff training on urban design and Appendix 14 assessment*
- *implementation of the Urban Design Protocol Action Plan*
- *major projects team*
- *urban design panel*
- *prepare a Streetscape Design Guide to assist with the interpretation of the front yard and front fences provisions.*
- *collaborate with local fence contractors and timber suppliers to raise awareness of fence provisions and provide examples of acceptable solutions.*

*Amend the development Contributions Policy in the LTP to align with the approach of the Services Overlay within the NRMP and avoid any inconsistencies in approach.*

*That Council undertakes a Prominent Spaces and Places Assessment to assist with the implementation of the Urban Design policy framework.*

### 8.43 Index of Submission Points by Submitter

This index allows the reader to locate individual submission points by Submitter cross referenced to the topic of the hearing report under which they appear. A list of topics is located on **Page 37**.

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## Part C

### 11.0 Proposed Plan Change 14 Plan Amendments

Including the Officers Recommendation on submission points as contained in **Part B** of this report.

Plan Change 14 uses the following different types of text to indicate to the reader what is included in the Plan Change and what is proposed to be changed.

'Normal text' applies to current operative provisions that remain unchanged. To aid understanding, full text of provisions to be changed have been included in this document. **The reader should however be aware that the Plan Change relates only to the underlined and strikethrough text, and that the operative text is unable to be submitted upon.**

'Underline' applies to proposed new provisions.

'Strikethrough' applies to operative provisions proposed to be deleted or amended as described.

'*Italics*' applies to instructions for amendments.

PC<sup>13</sup> or <sup>07/01</sup> applies to text inserted from other plan changes.

Recommended changes to proposed Plan Change 14 as a result of considering submissions are shown as double underline and ~~double strikethrough~~ on the text as notified.

## Contents Plan Change 14 Nelson Resource Management Plan Amendments

	Introduction
14.0	Plan Wide Amendments description
14.1	Chapter 2 Meaning of words
14.2	Chapter 3 Administration
14.3	Chapter 4 Issues
14.4	Chapter 5 Objectives and Policies
14.5	Chapter 7 Residential Zone
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14.7	Appendix 6 Riparian and Coastal Margin Overlays
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14.9	Appendix 10 Standards and Terms for Parking and Loading
14.10	Appendix 11 Access Standards
14.11	Appendix 12 Tracking Curves
14.12	Appendix 13 Engineering Performance Standards
14.13	Appendix 14 Residential Subdivision Information and Design Requirements.
14.14	Appendix 22 Guidelines for Comprehensive Housing
14.15	Appendix 23 Design Guide and Rules for Wakefield Quay
14.16	Roading Hierarchy Maps
14.17	Services Overlay Maps
14.18	Plan Wide Wording Amendments in full.

## Introduction

This plan change seeks to update and incorporate better urban design approaches and designs into the Nelson Resource Management Plan, what was the NCC Engineering Standards 2003 (now called the Land Development Manual 2010) and into Council administration and internal policies.

The background, context and resource management issues and options (including an examination on what is better urban design for Nelson's residential environment and what are the current barriers in Council administration and policies preventing this from easily being pursued), are contained in the Section 32 Analysis.

This document contains the proposed Nelson Resource Management Plan amendments which can be generally summarised as follows:

- Addition to Chapter 2 the Meaning of Words, definitions for urban areas and urban design as well as updating changes in terminology for services and infrastructure.
- Changes and additions to Chapter 3, the Administration section of the Plan to update Council administration processes and relationships with external documents. This also includes changes to the Services Overlay description.
- Inserting new urban design and infrastructure issues and explanation into Chapter 4 Resource Management Issues.
- Inserting new and amending existing objectives, policies, methods, environmental results and performance indicators in Chapter 5 District wide Objectives and Policies for Land Transport, Urban Design and Subdivision and Development.
- Amending the Residential Zone policies and rule tables for streetscape, front yards, subdivision, comprehensive housing, fences and services and landscape overlays.
- Amending Appendix 6 Riparian and Coastal Margins to add additional values for esplanade reserves.
- Amending Appendices 10 Parking and Loading, 11 Access Standards and 12 Tracking Curves to update content and align with the NCC Land Development Manual 2010.
- Deleting Appendix 13 Engineering Standards in favour of using the new NCC Land Development Manual, referenced as an external document.
- Amending Appendix 14 to complement the amended Residential Subdivision Rules and the NCC Land Development Manual, including the deletion of the roading table from the NRMP. A new roading table is located in the NCC Land Development Manual.
- Deleting Appendix 22 Comprehensive Housing Design Guide and replacing it with new design outcomes which are consistent with the urban design objectives and policies and the presumption for non-notification in high density areas in REr.22 (Comprehensive Housing Development).
- Externally reference<sup>1</sup> throughout the Plan the NCC Land Development Manual 2010 as a means of compliance for controlled activity subdivisions, and as an assessment criterion for restricted discretionary and discretionary activity subdivisions. Amending all references to Appendix 14 throughout the Plan to instead reference the new roading tables in the NCC Land Development Manual 2010.
- Updating the Roding Hierarchy and Services Overlay maps in Volume 4. The Services Overlay maps update removes those areas that are now serviced, and adds one new area up Matai Valley Road. The roading hierarchy changes update the map to represent current levels of service and use.

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<sup>1</sup> Externally reference means a document referred to as per Part 3, First Schedule, Resource Management Act 1991.

## 14.0 Plan Wide Amendments

**Amend** all references throughout the plan to 90 percentile car tracking curves to be replaced instead to refer to 85 percentile car tracking curves in conjunction with the amendments in Appendix 12, AP12.2.

**Amend** Appendices references throughout the plan as listed below. The specific proposed wording for these plan wide amendments is shown in section 14.18.

Appendix 13 has been deleted. Delete all references to Appendix 13 throughout the rules require deletion.

All references to the previous Appendix 14 and the roading table 14.5.1 will be amended to refer to the relevant sections of the NCC Land Development Manual 2010.

All references to Nelson City Council Engineering Standards will be replaced by NCC Land Development Manual 2010.

**Amend** the Building over or alongside drains and water mains rules in ICr.39, SCr.28, INr.32, OSr.28 and RUr.31A in the same manner as the proposed amendments to REr.34 and as shown in section 14.5.

**Amend** the Services Overlay – Building rules in INr.55 and SCr.51 in the same manner as the proposed amendments to REr.63 and as shown in section 14.5

**Amend** the relationship between the Subdivision General rules with the Subdivision Overlay Rules for each overlay so that only one rule applies. See section 14.18.

**Add** the following text to advise of the rolling review Plan process in all Zone Description sections at the end of paragraphs under REd.9, ICd.2, SCd.78, OSd.7, RUd.7CMd1.ii, COd.4 and add new INd.9 as follows:

The Plan should always be considered as a whole. ~~There may be occasions where due to the rolling Plan review process inconsistencies between the District Wide objectives and policies and Zone objectives and policies arise.~~

## 14.1 Chapter 2 Meaning of Words

**Add new definitions as follows:**

### MW.iii Definitions

<u>Accessway</u>	<u>includes a footpath, walkway or cycleway and each of these terms and their design requirements are further defined in the NCC Land Development Manual 2010.</u>
<u>Classified roads</u>	<u>means roads with a hierarchical classification of Arterial, Principal and Collector. Refer to section 4 'Transport' of the NCC Land Development Manual 2010.</u>
<u>CPTED</u>	<u>Crime Prevention Through Environmental Design.</u>
<u>Design statement</u>	<u>is a requirement of Appendix 14 and is a statement that explains the design principles and concepts that have informed the subdivision or development design, and how urban design and sustainability issues have been dealt with.</u>
<u>Front yard</u>	<u>means the area of a site within the Residential Zone which is located within 4m of a road boundary. (See also the definition for Boundary – Road Boundary.)</u>



<u>Landscaping</u>	<u>means the provision of tree or shrub plantings planted areas, and which may include ancillary lawn, rocks, paved areas (with no ability for vehicle access), or amenity features. Landscaping area, and landscape strip, or landscaped, or any variation of these terms, have the same meaning. In relation to the Residential Zone, landscaping does not include hard surfacing.</u>
<u>LID</u>	<u>means Low Impact Design. An alternative stormwater management system that utilises natural drainage features in the landscape such as infiltration, filtering, storing, detaining and evapotranspiration rather than piped systems.</u>
<u>LTCCP</u>	<u>means Long Term <del>Council Community</del> Plan.</u>
<u>NRMP</u>	<u>means Nelson Resource Management Plan.</u>
<u>Sewerage</u>	<u>means the pipes and system pumps that transport sewage.</u>
<u>Sewage</u>	<u>means the wastewater which flows through the sewerage pipes – and has the same meaning as wastewater.</u>
<u>Streetscape</u>	<u>means all that space or area that stretches from building to building and is the land that incorporates the road as well as the land between the buildings and the road boundary on each side of the road. It creates neighbourhood character and a shared public realm.</u>
<u>Unclassified roads</u>	<u>means roads with a hierarchical classification of Sub-Collector, Local Roads and Residential Lanes. Refer to section 4 'Transport' of the NCC Land Development Manual 2010.</u>
<u>Urban activity</u>	<u>means any activity undertaken on land within:</u> <u>a) the Residential, Inner City, Suburban Commercial, Open Space and Recreation, or Industrial Zones, and;</u> <u>b) the foreshore of the Coastal Marine Area and any structure attached to the land and extending into or over the Coastal Marine Area, and</u> <u>c) any area subject to a notified variation or plan change to the Nelson Resource Management Plan (NRMP) that re-zones the land as Residential, Inner City, Suburban Commercial, Open Space and Recreation, or Industrial Zone, and</u> <u>d) any rural land which is being or has been subdivided since the notification of the Plan for any residential purpose where the area of the site is less than 0.5 hectares, and</u>
<u>Urban design</u>	<u>means the design of buildings, places and networks that make up our towns and cities, and the ways people use them. It ranges in scale from a metropolitan region, city or town down to a street, public space or even a single building. Urban design is concerned not just with appearances and built form but with the environmental, economic, social and cultural consequences of design. It is an approach that draws together many different sectors and professions, and it includes both the process of decision-making and the outcomes of design.</u>
<u>Wastewater</u>	<u>means the waste material in liquid form that enters the wastewater network including domestic sources, industrial sources and infiltration and inflow. Wastewater has the same meaning as sewage and excludes stormwater.</u>
<u>Wastewater network</u>	<u>means the network of pipes, system pumps and treatment plant associated with wastewater- and has the same meaning as sewerage in relation to pipes and system pumps.</u>

Add new information into AD2 Plan Changes and review to advise of rolling plan review process as follows:

**AD2 Plan changes and review**

~~AD2.3 The Council is required to commence a review of any provision in this Plan, commencing no later than if a provision has not been subject to a review or change during the previous 10 years after the operative date of the Plan. On After review, Council must publicly notify either any proposed changes or a proposal to retain the current provision, which will the whole Plan is once again become the subject of public scrutiny and submission.~~

~~AD2.4 The Council has embarked on a process of 'rolling review' of the Plan. The introduction of the urban design issue, and District Wide objectives and policies is an example of such a process. While these have been implemented through changes in the Residential Zone policies and rules, pragmatically the District Wide urban design objectives and policies cannot be implemented through all Zones at once. They will therefore be implemented through subsequent plan changes for all other Zones. This may create some inconsistencies between District Wide and individual Zone policies, however this is to be expected with the introduction of new concepts to the Plan through a rolling review process.~~

Add new information to AD4.5 Information and education methods as follows:

**AD4.5 Service delivery methods**

AD4.5.iv The Major Projects Team is a group of inter departmental staff within Nelson City Council who provide pre-application advice to applicants on proposed major development projects.

AD4.5.v The Urban Design Panel is an independent group of urban design experts who provide advice on proposals (at pre- and post-application stage) which potentially have significant urban design issues.

Add new information requirement for subdivision under AD8 Resource Consents, as follows:

**AD8 Resource consents**

AD8.3.cc) Where directed by rules and assessment criteria the residential subdivision design and information requirements under Appendix 14.

Delete existing 8.3.cc) to dd) as this information is covered in the schedules and replace with new dd) as below:

- ~~cc) In Ngawhatu (between York Valley and Highland Valley), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:~~
- ~~• Pedestrian linkages which provide connection between York Valley and Highland Valley through to the Barnicoat Walkway and provide pedestrian linkages across the Ngawhatu area into Marsden Valley, with specific reference to the Outline Development Plan contained in Schedule E (Chapter 7).~~
  - ~~• Pedestrian linkages should be provided between residential neighbourhoods, open space/reserve areas and commercial facilities, with specific reference to the Outline Development Plan contained in Schedule E (chapter 7).~~
  - ~~• Landscape analysis demonstrating the subdivision design results in the creation of neighbourhoods/clusters separated by open space/landscaped areas.~~
  - ~~• In areas within the High Density Small Holdings zone, the subdivision design must provide for small enclaves of development surrounded by open space/landscaped areas clearly separating the enclaves to avoid the appearance of a continuous sprawl of development in the more elevated parts of the site.~~

- ~~The measures proposed to avoid, remedy or mitigate potential cross-boundary effects on the interface with the adjacent Rural zone.~~
- dd) ~~In respect of Ngawhatu Valley land (i.e. York Valley and Highland Valley — ex Ngawhatu Hospital land), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:~~
  - ~~Pedestrian and where practical, cycle linkages which over time allow connection into the Barnicoat Walkway, and provide connections between Open Space/Reserve areas, Residential neighbourhoods, and commercial facilities, with specific reference to the Outline Development Plan contained in Schedule E (Chapter 7).~~
  - ~~Mechanisms for identification and protection of essential and individual tree specimens to be protected to maintain the landscape setting beyond those trees individually listed as heritage trees in the Plan.~~
- ee) ~~On the western side of Marsden Valley, contained in Schedules U and V (Chapter 7), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:~~
  - ~~Pedestrian linkages which provide connection between the Marsden and Ngawhatu Valleys.~~
  - ~~Pedestrian linkages between residential neighbourhoods and open space/reserve areas.~~
  - ~~Integrated roading design via not more than two linkages through to Marsden Valley Road.~~
  - ~~Landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, within the Higher Density Small Holdings Area, to avoid the appearance of continuous sprawl of development in the more elevated and prominent parts of the site.~~
  - ~~In respect of subdivision and development within Schedule U (Chapter 7), there are specific information requirements detailed under U.2 in the Schedule.~~

AD8.3 dd) Any information required by any Structure Plan or contained in any Schedule.

## **AD10 Relevant documents**

*Add new information and amendments under AD10.2 Documents related to this Plan*

### **AD10.2.i Design Guides**

Several design guides or documents setting out desired design outcomes are referred to or accompany this Plan. Three are included in the Appendices and are part of this Plan:  
 Guide for subdivision and structures in the landscape Overlay (Appendix 7)  
 Guidelines for ~~c~~Comprehensive ~~h~~Housing ~~d~~Development (appendix 22)  
 Design guide and rules for Wakefield Quay (Appendix 23)

### **AD10.2.iii ~~Nelson City Council engineering standards~~ Nelson City Council Land Development Manual 2010**

The Council has a set of Engineering Standards Land Development Manual (LDM) which relate to a variety of subject matter in respect of includes both design guidance and minimum standards for subdivision and development. The Standards Manual represents ~~good~~ quality urban design and engineering practice and includes design features and standards that are acceptable to the Council. ~~Parts of the Standards have been included in the Plan, while the balance (which remains outside the Plan)~~ The Manual will be regarded as an acceptable means of compliance with the requirements of the Plan and any conditions of consent. It contains minimum design and construction standards as well as design guidance. Minimum standards are differentiated from design guidance for the purpose of assessing compliance with the NRMP rules, as defined in Section 1.1.1 General of the LDM. The Council recognises there may be other acceptable means of compliance, in which case proposals should be accompanied by appropriate supporting detail at the time of resource consent application. ~~(Note however that where any infrastructure requirements are to be owned or maintained by the Nelson City Council, they are required~~

~~to be constructed to comply with the Nelson City Council Engineering Standards. See Appendix 14 – design standards). The Land Development Manual 2010 is an externally referenced document, and as such has effect as if it is part of the NRMP.~~

#### **AD10.2.vii Externally referenced documents**

Part 3, Clauses 30-35 of the First Schedule of the Resource Management Act 1991 outlines what documents can be incorporated by reference and the process for doing this. The documents that can be incorporated by reference include standards, requirements or recommended practices of international or national organisations or countries and any other written material that deals with technical matters that is too large or impractical to be printed as part of the Plan. Documents that are incorporated by reference have legal effect as part of the Plan, have to be consulted on and to be publicly available.

#### **AD10.2.viii New Zealand Urban Design Protocol**

The Council is a signatory to the NZ Urban Design Protocol. The protocol aims to foster improvements in the way our towns and cities are designed and developed. By signing the protocol the Council has committed to an action plan to raise awareness of the value of quality urban design both to the Council and the community.

### **AD10.3 Additional relevant documents**

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*Amend as follows:*

#### **10.3vi Management plans and strategies under other Acts Local Government Act 2002**

~~The Council's Annual Plans and Strategic Plan are prepared under the Local Government Act, to set the Council's annual and long term financial and management objectives and policies for its entire operations. Although these documents are much wider in scope than resource management, they are relevant to resource management in that they provide for the funding of administration of the Plan and also define the various works programmes that the Council can undertake to implement resource management policies, such as flood protection and drainage works. As a significant user of natural and physical resources, the Council is able to promote sustainable management in its daily operations.~~

The Long Term ~~Council-Community~~ Plan (LT~~CCP~~) is prepared under the Local Government Act 2002, with the purpose of describing Council's activities to promote the social, economic, environmental and cultural well-being of our community, in the present and for the future. This includes describing the 'community outcomes' of the city, providing integrated decision making and co-ordinating the resources of the Council. It provides a long term focus for the decisions and activities of the Council and is an important basis for the accountability of the Council to the Nelson community. It provides an opportunity for the public to participate in decisions on activities to be carried out by the Council and covers ten years of financial expenditure in detail. The LT~~CCP~~ also includes the Council's Development Contribution Policy. This policy ensures that those who benefit from (or create the need for) new infrastructure are responsible for funding it. The Local Government Act requires the Council to take a **sustainable development** approach through the LT~~CCP~~, which is a wider planning mandate than that of the Resource Management Act which promotes **sustainable management** of the environment.

A LT~~CCP~~ must be adopted every three years and cover a period of not less than 10 consecutive financial years. The Annual Plan is published in the years that the LT~~CCP~~ is not. The Annual Plan updates Council's financial situation, intended activities and work programme for the following financial year.

Asset and Parks and Reserves Management Plans are developed for the management of infrastructure and community facilities assets. These Plans combine multi disciplinary management techniques (including technical and financial) over the life cycle of the asset to provide a specified level of service in a cost effective manner.

## **AD11.3 Description of overlays**

Amend AD11.3.1 Hazard Overlays as follows:

### **AD11.3.1 Hazard Overlays**

#### **c) Inundation Overlay**

The Inundation Overlay indicates areas which may be susceptible to localised stormwater flows, stormwater ponding, ponding of other floodwaters or tidal inundation. The causes of localised ponding are highly site specific but generally relate to the presence of a low lying area where stormwater accumulates or tidal backwater effects prevent drainage. Currently ~~w~~Where new development occurs in these areas, the Council requires that adequate site levels are achieved to maximise drainage and that floor levels are established above the maximum water level expected in a 50 year return event (an event predicted to happen on average only once in any 50 year period).

Tidal inundation may occur at some sites during periods of extra high tides and particularly in combination with low pressure weather systems. In exposed coastal areas wave action is also a factor. Calculations of the likely flooding events include sea level rise of 0.3m over the next 50 years (Ministry for the Environment 1993). As knowledge of possible global warming and associated sea level rise is gained this figure is likely to be reviewed. The Council is also reviewing the way in which development adapts to the potential effects of climate change on inundation levels.

~~The Council is undertaking a long term programme of upgrading stormwater drainage. As part of this programme it is contemplating installation of pump systems in some areas (eg. Parts of The Wood and Golf Road) where the size of the ponding area and is low lying nature makes this solution more cost effective. Where pumped stormwater systems are provided the Council will review the requirements for minimum site levels and floor levels.~~

Amend AD11.3.3 Services Overlay as follows

### **AD11.3.3 Services Overlay**

**AD11.3.3.i** ~~The Services Overlay r~~Relates to the availability and capacity of services such as ~~sewerage~~ wastewater, water supply, stormwater drainage, and roads. The overlay areas contain one or more of the following servicing constraints:

- ~~a) The area is above the contour for which water can confidently be supplied to meet the Council's engineering standards. (The standards are based on the New Zealand Code of Practice for Urban Subdivision, which includes the New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies). Development of the area is beyond the immediate scope of the Long Term Council Community Plan or Council's Strategic City Development Plan Strategy. ~~Until such time as the Council commits to provide the affected services, the developer will be required to fund the work fully, beyond the boundary of the property (both upstream and downstream of the site), to enable development to proceed.~~~~
- ~~b) The area is subject to other water supply limitations.~~
- ~~e**b**) The area is low lying and requires filling before servicing can occur.~~
- ~~d**c**) The area is one where extension of services is required to serve other land or contribute to a network. This includes the provision of legal road and utilities up to the boundary of the development site to serve the development potential of adjoining land in the Services Overlay.~~
- ~~e**d**) Main trunk s~~Services in the area are inadequate and require comprehensive upgrading before development can proceed.
- ~~f**e**) Services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners. The area is above the contour for which water can be supplied to meet the requirements of the Council's Land Development Manual. (The standards are based on the NZS4404:Land Development and Subdivision, and the New Zealand Fire Service Water Supplies Code of Practice).~~

- gf) ~~Development of the area is beyond the immediate scope of the Council's Strategic Plan or Annual Plan. Until such time as the Council proposes to provide the affected services, the developer may be required to fund work fully, beyond the boundary of the property to enable development to proceed.~~

These constraints must be addressed before development of these areas can proceed. Resource consent will not be ~~withheld when these~~ declined for servicing constraints reasons when these have been resolved.

AD11.3.3.ii The Services Overlay also deals with situations where services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners.

#### **AD11.3.10 Road Overlay**

Proposed Road Overlay, and Road to be Stopped Overlay cover areas where the road network is to be extended or modified in some way. No rules apply to the ~~Proposed Road Overlay or the~~ Road to be Stopped Overlay. ~~They are~~ The Road to be Stopped Overlay is for information only, and will be taken into account in considering resource consent applications (e.g. when considering the roading pattern for a subdivision consent). Road alignments shown on the Proposed Road Overlay are indicative only and are considered as a standard and term under the Services Overlay – Building Rules, and matters of discretion and assessment criteria under the Subdivision Rules. Roads may also be designated in the Plan from time to time as required. See AD11.5 (designations) below.

In relation to Indicative Roads shown on a Structure Plan refer to AD11.4A for explanation.

Add new issue headings in contents page as follows:

**RI14A Urban design**  
**RI14B Sustainable land transport**

Add new issue explanation and issue as follows:

**RI14A Urban Design**

**RI14A.i** Urban design considers the design of the city and suburbs. It includes the design of, and relationships between, the buildings, spaces and networks (e.g. streets) and has a significant influence on people because our everyday lives are connected by the environments we share in urban areas.

**RI14A.ii** While Nelson has many attractive buildings and spaces, there are also some poor examples, where opportunities to do something better were not realised.

**RI14A.1 The Issues**

**RI14A.1.i** The long lifetime of buildings and subdivision layouts, associated infrastructure and structures mean that poor urban development in our city and suburbs will have long term effects on current and future generations. These effects may include:

- a) a city form that is difficult to walk or cycle around and therefore overly dependent on motor vehicles, impacting on convenience and accessibility, and creating low resilience to increasing energy costs.
- b) neighbourhoods and communities that are disconnected and lack identity.
- c) built structures and public areas such as roads, parks and squares that are not human scaled, have a low level of amenity and do not invite multiple uses.
- d) compromise to the attractiveness, vitality and safety of the public environment in town and neighbourhood centres.
- e) lack of diversity in development form and types throughout the zones, and consequent lack of variety in the level and scale of living, working and recreational opportunities.
- f) poor quality infill development with subsequent poor amenity for residents and compromise to the amenity of neighbours.
- g) expansion of urban development into the rural land resource and subsequent effects on roading, servicing and rural landscape values.
- h) inefficient use of the residential land resource.
- i) poor quality urban design and supporting infrastructure that is difficult and inefficient for future generations to retrofit.

**RI14A.1.ii** Treating the development of the city and suburban areas as individual activities, involving the layout of predetermined building, street and lot patterns onto the existing environment with little consideration of strategic planning, context and the inter-relationships between sites. This can lead to a poor quality urban environment and poor urban experiences for residents and visitors.

**RI14A.1.iii** The potential for disjointed consideration of design factors, through prescriptive policy and administrative processes and reliance on minimum standards, to lead to poor urban design for both private and public developments.

## **RI14B Sustainable Land Transport**

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**RI14B.i** The land transport system is vital for economic and social wellbeing, but can be associated with negative environmental and social effects. Managing the demand for travel, pursuing modal shift and changing to more efficient means of transport with lower environmental impacts and greater social cohesion, is desired.

**RI14B.ii** Land use activities, urban design and the location of activities can also adversely affect the land transport system, particularly the way in which the land transport system addresses potential health and safety effects, sustainability and efficiency of resource use, earthworks, stormwater, construction effects and the choice of travel modes.

### **RI14B.1 The Issues**

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**RI14B.1.i** Land transport networks have the potential to adversely affect air and water resources, ecological habitats and biodiversity corridors, our carbon footprint and climate change impacts, urban design and amenity values, the health and safety of different transport mode users and community cohesion.

**RI14B.1.ii** Land use activities and urban design activities that adversely affect the land transport system. These effects may include:

- a) generation of vehicular traffic and increased volumes of traffic.
- b) parking and loading effects.
- c) effects on visibility and safety.
- d) dispersal of activities which leads to social isolation, increased dependence upon the motor vehicle and reduced demand and viability for other forms of transport options, including public transport.
- e) dependence upon one form of transport.
- f) the inefficient use of resources, in terms of road construction resources and fossil fuel.
- g) inconsistencies with the sustainable transport vision of the NCC Regional Land Transport Strategy.



Add new heading in contents page as follows:

**DO13A Urban design**

Amend note on title page Chapter 5 District Wide Objectives and Policies as follows:

**Note** Objectives and policies in this Chapter apply throughout the District. They are not presented in hierarchical order. No one objective or policy takes precedence over the other unless specified in the Act. Objectives and policies are also included in Zone chapters and relate mainly to the zone dealt with in each chapter. The Plan should always be considered as a whole. There may be occasions where due to the rolling Plan review process inconsistencies between the District Wide objectives and policies and Zone objectives and policies arise.

Amend DO10 Land Transport to include the new issue RI14A as follows:

**DO10 Land Transport**

**DO10.i** The issues in regard to land transport arise from many of the issues discussed in Chapter 4 (particularly RI2, RI3, RI10, RI11, RI14, RI14A, RI15 and RI16).

Amend objectives and policies in DO10 Land Transport as follows:

**Objective**

**DO10.1 land transport system**

~~***A land transport system that is safe, efficient and sustainable, and which avoids, remedies or mitigates its adverse environmental effects.***~~

***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.***

**Reasons**

**DO10.1.i** This objective is consistent with the Regional Land Transport Strategy and the Regional Policy Statement. The importance of this objective is self evident. The transport system is a resource of considerable value to the social and economic and social well being of people and communities. It is important to ensure that the transport system is a safe as well as an efficient network that caters for all users throughout the different parts of the transport network. Vehicle traffic may have adverse effects on amenity, health and safety as well as on the environment generally. It is important that potential conflicts between land use activities and people using the network are addressed. Land use planning, particularly the creation of new roads, walkways and cycleways through subdivision and development, and the location of nodes of activity through zoning and associated rules, have potential to influence the sustainability of the land transport system. The Council encourages the co-location of activities through land use planning which can encourage a shift from vehicle dependence to the increased use of cycling, walking and passenger transport. Implicit in the first part of the objective is that adverse effects of activities on the transport system must also be addressed.

**DO10.1.i** See also policy DO14.3.1 (roading and traffic) under Objective 14.3 'Services' and policy DO13A.2.1 (accessibility) under Objective DO13A.2 'improving connections'.

**policy**

**DO10.1.1 environmental effects of vehicles**

***The environmental effects of vehicles should be avoided or mitigated by promoting more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise minimising the number and length of vehicle trips and encourage the use of transport modes other than private motor vehicle.***

### Explanation and Reasons

**DO10.1.1.i** The direct effects of vehicle traffic, such as noise, vibration, exhaust fumes, and vehicle crashes, and the indirect effects such as loss of privacy, loss of land for other uses, and separation of neighbourhoods, can all be avoided or mitigated by a reduction in the number and length of vehicle trips through creating highly accessible communities. Dependence on the private motor vehicle also has indirect effects such as the risks associated with a community's reliance on fossil fuels, Nelson's carbon footprint and impact on climate change, and the associated demands for greater roading infrastructure. These indirect effects can also be avoided or mitigated through encouraging mixed use and more intensive development at appropriate locations. See also policy DO14.3.1 (roading and traffic) under 'Services' and policy DO13A.2.1 (accessibility) under Objective DO13A.2 'improving connections'.

### Methods

**DO10.1.1.ii** Promote the use of public transport, ~~bicycles~~ cycling and walking as alternatives to the use of cars.

**DO10.1.1.iii** Promote travel demand management activities such as car pooling and travel plans.

**DO10.1.1.iv** Provide in the Plan for urban consolidation, by zoning and regulating the development of new greenfields subdivisions, and allowing a higher density of dwelling units in areas within walking distance of shopping areas and transport nodes, including The Wood and the Stoke Centre.

**DO10.1.1.v** Regulating the construction of new state highways, arterial roads and principal roads.

~~**DO10.1.1.vi** Encourage car pooling and use of public transport on the roads referred to in DO10.1.1.v.~~

### policy

#### **DO10.1.2 road network**

**The road network should be maintained and developed in such a way to reduce conflict between land uses, traffic and people. accommodate a range of road types to support a range of functions and streetscape characteristics.**

### Explanation and Reasons

**DO10.1.2.i** The adverse environmental effects from roads can be avoided or mitigated through creating and maintaining a mixture of road types that accommodate a range of traffic volumes, speed environments, functions and users. ~~a hierarchy of roads~~. A hierarchical road network provides for the safe and efficient movement of traffic by assigning some roads (state highways and arterial roads) a primary role of carrying through traffic and a minimal role in providing access to properties, and by assigning other roads (local roads) a primary role in providing access to properties and a minimal role in carrying through traffic.

**DO10.1.2.ii** The hierarchy is as follows, listed in descending order of importance for through traffic and ascending order of importance for property access: state highway, arterial road, principal road, collector road, local road. Different classifications of road require different design treatment appropriate to their function. For example, while reverse manoeuvring from sites onto Unclassified Roads is encouraged, it is not considered appropriate on Classified Roads for safety and efficiency reasons.

**DO10.1.2.iii** Adverse environmental effects from roads are avoided or mitigated by diverting traffic away from local roads to roads higher in the hierarchy, and by ensuring the road network maximises connections between appropriate roading types. The greater traffic volumes that can be carried by arterial roads promote energy efficiency as well as more efficient use of time. Local roads, by being relieved of through traffic, are able to provide valuable areas of open space, residential amenity as well as access and promote active modes of travel. The hierarchy will minimise delays and accidents and makes best use of the substantial investment in the road network. ~~The hierarchy may delay the need for extra road construction in the District.~~

**DO10.1.2.iv** The location of activities on the network also affects road efficiency and safety and ~~can~~ should be regulated. The travel demand management approach of the Regional Land Transport Strategy seeks to improve road efficiency and reduce environmental effects of vehicle transport by encouraging a road network that supports intensification and mixed use developments in appropriate areas and the accessibility of public transport, cycle and walkway based transport networks within those areas.

#### **Methods**

**DO10.1.2.v** Develop and maintain a hierarchical road network, using the road categories classifications above.

**DO10.1.2.vi** Indicate the road hierarchy on the Planning Maps.

**DO10.1.2.vii** Rules controlling location of activities in relation to roads shown on the road hierarchy maps.

**DO10.1.2.viii** Rules controlling vehicle access to roads, including reversing and queuing on sites, and requiring of road parking, turning and loading areas.

**DO10.1.2.ix** ~~Rules controlling road widths and standard of construction according to status of road.~~ NCC Land Development Manual 2010 providing a range of road designs to allow the functional and operational objectives of the transport network to be achieved.

**DO10.1.2.x** Rules regulating the construction of new state highways, arterial roads and principal roads.

#### **policy**

**DO10.1.3** **expansion of the road network**

**New roads and intersections should integrate with the adjoining road network and not adversely affect the environment, or the safety or efficiency of the road network or the environment. and should avoid, remedy or mitigate adverse environmental effects.**

#### **Explanation and Reasons**

**DO10.1.3.i** New roads and intersections need to be designed and located in such a way that any impacts on the road system and the environment are kept to within acceptable limits. See also policy DO14.3.1 (roading ~~and traffic~~) under 'Services' and policy DO13A.2.1 (accessibility) under Objective DO13A.2 'improving connections'.

**DO10.3.ii** New development should connect well to existing, indicative, proposed or potential development in adjacent areas to facilitate interconnection between new and existing communities. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by private motor vehicle rather than by other modes. Road connections to existing areas should ensure that outcomes of the connections, such as increased traffic volumes, will be commensurate with the design of those areas. Connectivity between new and existing areas should endeavour to enhance and contribute toward a more sustainable community overall, wherever practical.

#### **Methods**

**DO10.1.3.iii** Assigning new roads an appropriate place in the road hierarchy, having regard to the needs for through traffic and access and the amenity values of the area.

**DO10.1.3.iiiv** Rules imposing design standards by reference to the place of the new road in the hierarchy.

**DO10.1.3.iv** Rules that control the effects of new roads in relation to design and location of property access (including by use of segregation strips) and intersections.

**DO10.1.3.vi** Rules regulating the location and design of subdivisions by reference to impacts on the road network.

**DO10.1.3.vii** ~~Rules regulating the construction of new state highways, arterial roads and principal roads.~~ NCC Land Development Manual 2010 providing a range of road standards to allow the functional and operational objectives of the transport network to be achieved.

**DO10.1.3.viii** ~~Rules regulating location of activities, by reference to their access to types of road in the network.~~

policy

**DO10.1.4 traffic effects of activities**

**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.**

**Explanation and Reasons**

~~DO10.1.4.i Maintenance of the traffic carrying capacity of roads, especially the State Highway and arterial roads, is important to ensure appropriate use of the existing infrastructure, and to avoid unnecessary upgrading to meet safety standards. There will be activities which by their nature and scale are incompatible with this policy. This may involve controlling the number or location of access points. While effects can be minimised by various measures, there may be activities that should not locate in particular areas at all, taking into account their effects (including cumulative effects) and the nature of the area. The safety and efficiency of the road can be adversely affected by parking, access and pedestrians associated with a particular activity. Safety, efficiency and accessibility are paramount when planning transport in Nelson. The location of appropriate land uses alongside the appropriate elements of the network will result in fewer accidents and greater efficiency.~~

DO10.1.4.ii For local roads, the location of employment, shopping and recreational activities relative to housing areas affects the demand for travel. There are positive effects to be gained from co-locating these activities, such as the reduction in travel demand and the ability to more easily use forms of transport other than private motor vehicles. These effects may take many years to be achieved through land use planning policies but it is an important consideration when assessing the traffic effects of activities.

**Methods**

~~DO10.1.4.ii-iii Rules retaining discretion on activities with high effects on traffic on State Highways and arterial roads Classified Roads.~~

~~DO10.1.4.iii iv Rules requiring parking, loading, and manoeuvring to be contained on-site and accommodated in a manner that is reflective of the road type, function and design.~~

~~DO10.1.4.iv v Rules regulating activities in relation to traffic effects, including the location, scale, and timing of activities.~~

~~DO10.1.4.v-vi Rules controlling number of access points according to the road hierarchy, and in the Inner City Zone, by reference to the Ring Road.~~

~~DO10.1.4.vi-vii Monitoring of traffic volumes and impacts and response as appropriate.~~

~~DO10.1.4.ix Rules providing for higher density, mixed use developments and the establishment of village or community centres.~~

DO10.1.4.x Rules regulating location of activities, by reference to their access to types of road in the network.

policy

**DO10.1.5 access to sites**

**Every site should have an access that provides safe entry and exit for vehicles from the site to a road (except for defined sites in the City Centre), without compromising the safety or efficiency of the road network, the safety of different types of road users or the streetscape values.**

**Explanation and Reasons**

~~DO10.1.5.i Vehicle access to sites is usually wanted by site users for on-site amenity. It has transport implications because of the potential for conflict between pedestrians, cyclists and road traffic and vehicles entering and leaving sites. Access also affects safety and efficiency road width and design by reducing parking demand on roads. Access points need to be designed and located in such a way that impacts on the road system are acceptable for the particular type of road serving the site, its users and the land use activity-kept to within acceptable limits. In particular the pedestrian/vehicle conflict needs to be minimised through encouraging slow speed access and high visibility at the footpath and accessway interface. Access and manoeuvring design needs to be appropriate for the~~

road classification. Access to sites also needs to ensure that it does not significantly reduce passive surveillance (or the ability to overlook the public space from the adjoining private activity) opportunities in the streetscape. Any subdivision may potentially lead to an increase in traffic attracted to the area, whether or not that is the intention of the present owner or occupier, because the activities on the land are likely to increase. See also policy DO14.3.1 (roadings and traffic) under 'Services' and policy RE3.5 (streetscape) in Chapter 7 Residential Zone. See also rule ICr.32, Inner City Zone.

#### **Methods**

**DO10.1.5.ii** ~~Advocate~~ The improvement or relocation of existing accesses to improve the safety, efficiency, and amenity of the road network.

**DO10.1.5.iii** Rules regulating location of activities, by reference to their access to types of road in the network.

**DO10.1.5.iv** Rules that control subdivisions and developments to:

- a) require every site to be provided with vehicular access.
- b) regulating the design and location of property access and new intersections, having regard to effects on the safety and efficiency of the road network, and in particular: specifying standards for accesses in relation to distance from intersections, width, gradient, and surface, and visibility to and from the road, having regard to the ~~likely speeds,~~ number, and types of vehicle that will use the access and the road, ~~and~~ the number of pedestrians using a road, the design speed of the road and any intentions to reduce speeds.

**DO10.1.5.v** The NCC Residential Street Frontage Design Guide, the Nelson Inner City Streetscape Design Guide and rules in the Inner City Zone.

#### **policy**

##### **DO10.1.6 parking, loading, and turning**

***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 and 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 and vehicle safety, or the safe and efficient operation of the road network.***

#### **Explanation and Reasons**

**DO10.1.6.i** In order to minimise potential hazards created by traffic movement and traffic generation it is important that each site fronting a classified road provides adequate space on site so that parking, loading, and manoeuvring of vehicles can be contained within the boundaries of the site. Reverse manoeuvring onto unclassified roads will be encouraged to avoid the need to accommodate large paved turning areas in the front yard and to create a slower speed environment on the road. Where there is insufficient room on site, parking may be provided off site but is subject to the resource consent process. For commercial and industrial activities, off site parking will need to be subject to a legally binding covenant or agreement to lease parking elsewhere. The arrangement should not lead to a hazard to vehicle traffic or pedestrians. See also policy DO14.3.1 (roadings ~~and~~ traffic) under 'Services'.

**DO10.1.6.ii** This policy will mean different amounts of on site parking for different activities, relative to their location and scale. For instance residential activities on unclassified roads will be encouraged to use the road for manoeuvring to create a slow speed environment and avoid the inefficient use of front yard space for sealed manoeuvring areas. See policy RE3.5 (streetscape) under Chapter 7 Residential Zone.

#### **Method**

**DO10.1.6.iii** Rules specifying requirements for loading, parking, and manoeuvring according to activity.

**DO10.1.6.iv** Front yard rules specifying the location of residential garaging.

**DO10.1.6.v** Specific rules for the City Centre (Inner City Zone), and provision of parking collectively in public car parks, through a special rate.

policy  
**DO10.1.7 pedestrian and bicycle traffic**

**A safe, pleasurable and convenient network for pedestrian and bicycle traffic should be developed and maintained as an integral part of the land transport system.**

**Explanation and Reasons**

**DO10.1.7.i** This policy is consistent with the Regional Land Transport Strategy and the Regional Policy Statement. It seeks to promote traffic other than solely motor vehicle traffic. Walking and cycling are widely recognised as healthy, enjoyable and environmentally sustainable ways to travel, and offer convenient and efficient options for short-medium distance trips. See also policy DO14.3.1 (roads and traffic roading) under 'Services' and policy DO13A.2.1 (accessibility) under Objective DO13A.2 'improving connections'.

**Methods**

**DO10.1.7.ii** Road and subdivision designs that take into account and promote the needs of pedestrians and cyclists promoted through the NCC Land Development Manual 2010 Transport Section.

**DO10.1.7.iii** Maintenance of separate pedestrian access between the parking squares and shopping streets.

**DO10.1.7.iv** Improvement of pedestrian environment, particularly in shopping areas.

**DO10.1.7.v** Acquisition of walkways to create a network where adequate pedestrian access on existing roads and walkways is not available.

**DO10.1.7.vi** Establishment of new cycleways to create a safe cycling network.

**DO10.1.7.vii** Implement Cycle and Pedestrian Strategies.

**DO10.7.1.viii** Establishment of cycle parking facilities.

Update Table DO10e as follows:

**DO10e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

<b>Anticipated environmental results</b>	<b>Indicators</b>	<b>Data source</b>
<b>DO10e.1</b> Lower growth in the use of private cars, leading to less noise, pollution and other adverse effects.	<b>DO10e.1.1</b> Vehicle counts. <u>Journey to work records</u> <u>Vehicle occupancy</u>	Council records <u>Census</u>
<b>DO10e.2</b> Improved safety <u>for motorists, pedestrians and cyclists.</u>	<b>DO10e.2.1</b> <u>Crash Casualty statistics.</u>	<u>Land Transport Safety Authority</u> <u>New Zealand Transport Agency</u>
<b>DO10e.3</b> Better access to and within the Inner City, for pedestrians and vehicles.	<b>DO10e.3.1</b> Vehicle and pedestrian counts. Public car park use-	Council records, car park statistics
<b>DO10e.4</b> <del>Lower growth in cars parked on roads.</del>	<b>DO10e.4.1</b> <del>Consistent treatment of resource consent applications in regard to parking and access requirements. Public car park use.</del>	<del>Council records, car park statistics</del>

Add new objective section above DO14 Subdivision and Development as follows:

## **DO13A Urban design**

**DO13A.i** Issues relevant to ~~good~~ quality urban design are discussed in Chapter 4. Development and re-development activities in the urban area have potential to adversely affect the quality, functioning and sustainability of the urban environment. The design of and relationships between buildings, spaces and networks (e.g. streets) has a significant influence on people. Quality of everyday life is affected by the environments we share in the urban areas.

High quality urban design will help make more attractive, better places to live and more successful settings for business. It will help to make public spaces that are safer and suitable for a variety of uses; street systems that provide enhanced accessibility and choice of access mode; conveniently located service facilities; buildings and structures that serve their purpose and contribute to their setting; and an authentic sense of place that reflects the place and its people, and is both memorable and valued.

High quality urban design can also help avoid some of the problems of poorly designed developments which have resulted in adverse effects such as traffic congestion, unsustainable energy use, inefficient use of urban infrastructure, lack of distinctive identity, social and cultural isolation, opportunities for crime, reduced recreation opportunities and lack of connection with ecological systems or areas of open space.

### **Objective**

#### **DO13A.1 recognising the local context**

**Subdivision and development that reflects, and creates positive relationships with, our local environment, heritage and urban context.**

##### **Reasons**

**DO13A.1.i** Design that makes distinctive use of space, form and materials, promotes Nelson's identity, and encourages diversity of cultural expression. It fosters local pride, civic engagement and confidence, and it stimulates innovation, creativity and economic opportunities. Subdivision and development design should place considerable emphasis on the strategic and contextual urban design objectives of the City and not just on individual site considerations. This particularly applies at the private to public space interface, such as street frontages and adjoining reserves, walkways, and coastal and riparian areas.

##### **Policy**

##### **DO13A.1.1 local context and environment**

**Subdivision and development should relate to local topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns.**

##### **Explanations and reasons**

**DO13A.1.1.i** Quality urban design treats buildings, places and spaces not as isolated elements but as a part of the whole city, its character and environment. Subdivision and development within the city and urban areas should define and reinforce those elements that best express Nelson's identity – its sunny and outdoor lifestyle, seaside location, topography, biodiversity and geology, the colours of the landscape, neighbourhood and architectural styles, and its long history of Maori and subsequent settlement.

Subdivision and development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought progressively through the rolling review of the Plan. For example, subdivision layout can be considered in terms of how it contributes to development patterns such as the connectivity of roading networks, retention of valued topographical features, landscape and streetscape values, and the sustainable use of existing infrastructure. The

assessment can also include road and allotment layout that enables building development to continue any valued built development patterns in the particular locality. Site specific matters such as breach of crossing point maximums, front yard setbacks, fence heights, parking and manoeuvring area rules and standards will be considered in terms of how they contribute to enhanced urban design outcomes for the street, neighbourhood, suburb and overall City and continue valued development patterns. Therefore in the consent assessment process, consideration needs to be wider than just the effect on the individual site or sites, to emphasise valued development patterns.

#### **Methods**

DO13A.1.1.ii Implement the Central City Strategy.

DO13A.1.1.iii Use of heritage precincts, buildings and rules.

DO13A.1.1.iv Subdivision and comprehensive housing rules and assessment criteria.

DO13A.1.1.v Appendix 14 Residential Subdivision Design and Information Requirements.

DO13A.1.1.vi Implementation of actions in the Nelson City Council Urban Design Action Plan.

DO13A.1.1.v Implement advice and actions in the Inner City Design Guidelines.

#### **Objective**

### **DO13A.2 improving connections**

**Subdivision and development in urban areas that creates interconnected structures and spaces to ensure that all people find urban areas easy to get around, and connected natural environment networks that support native biodiversity.**

#### **Reasons**

##### **DO13A.2.i**

Good connections enhance biodiversity, choice, support social cohesion, make places lively and safe, and facilitate contact among people. Reduced travel times and lower environmental impacts occur in places with good connections between activities and natural environments, and the careful placement of facilities. Where physical layouts and activity patterns are easily understood, residents and visitors can navigate around the area easily.

#### **Policy**

##### **DO13A.2.1 accessibility**

**Accessibility is maximised through subdivision and development design which provides for:**

- a) **safe and pleasant transport networks for all modes of movement, including pedestrians, cyclists, public transport and motor vehicles.**
- b) **a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas.**

#### **Explanations and reasons**

DO13A.2.1.i A well designed transport network integrated with land use improves accessibility and mobility, contributes to better quality of life, encourages healthier lifestyles, uses less non-renewable energy, and contributes to improved economic performance. Interconnected street systems can also enhance safety, reduce crime and fear of crime. Note: The term 'pedestrians' includes people with disabilities and in wheelchairs or on mobility aids.

#### **Methods**

DO13A.2.1.ii Standards and terms, rules and assessment criteria for subdivision.

DO13A.2.1.iii Standards and design guidance in the NCC Land Development Manual.

DO13A.2.1.iv Indicative Roads on Structure Plans and Planning Maps.

DO13A.2.1.v Implement actions in the NZTA Pedestrian Planning and Design Guide, and the NCC Pedestrian Strategy.

DO13A.2.1.vi Implement actions and policies of the NCC "Safer by Design" Crime Prevention Through Environmental Design Guidelines (CPTED).



## policy

### DO13A.2.2 natural connectivity

**Subdivision and development should provide for the enhancement, restoration and where appropriate, multiple use of natural environment connections, particularly from the hills to the coast, utilising rivers, streams and natural catchment features through urban environments to enhance native biodiversity.**

#### **Explanations and reasons**

**DO13A.2.2.i** Nelson is characterised by its distinct natural topography, dramatic coastal landscape setting and relationship to the harbour and sea. Providing connections between the hills and the coast reduces the impact of urban areas and urban expansion on the connectivity of these two environments. Connections to the hills and the coast also enhance the identity of urban neighbourhoods/communities and dictates growth patterns for urban areas and infrastructure. Connections between natural areas are also beneficial for natural values.

#### **Methods**

**DO13A.2.2.ii** Implement Linkages and Corridors Policy DO5.1.2.

**DO13A.2.2.iii** Riparian and Coastal Margin Overlay Rules (Appendix 6).

**DO13A.2.3.iv** Riparian and biodiversity corridors on Structure Plans or on Planning Maps and associated rules.

**DO13A.2.2.v** Subdivision standards and terms, and assessment criteria.

**DO13A.2.2.vi** The NCC Land Development Manual provides opportunities for trade-offs to enable reduced road widths when integrated with public open space or esplanade reserve, where footpaths and/or parking can be accommodated outside of legal road.

**DO13A.2.2.vii** Implement objectives and actions in Parks and Reserves Management Plans.

## policy

### DO13A.2.3 public to private connections

**Public spaces created as part of subdivision and development should be connected to and overlooked by private buildings and spaces in a manner that is human scaled and encourages interaction and safety.**

#### **Explanations and reasons**

**DO13A.2.3.i** Lack of connections to, and buildings that turn their backs on, public spaces can lead to poor quality, under utilised and unsafe public environments. Civic spaces, neighbourhood and local reserves, esplanade reserves and streetscapes benefit from being well connected and overlooked by private spaces and buildings. This creates safe, attractive and secure public spaces and pathways and provides environments that encourage people to become more interactive with the community.

#### **Methods**

**DO13A.2.3.ii** Rules and assessment criteria including those controlling yards, setback, and fence heights.

**DO13A.2.3.ii** Esplanade values and rules in Appendix 6.

**DO13A.2.3.iii** Comprehensive Housing Development provisions (Appendix 22).

**DO13A.2.3.iv** NCC Residential Street Frontage Guide and the NCC Central City Streetscape Design Guide.

**DO13A.2.3.v** Implement NCC Land Development Manual Reserves and Transport sections.

**DO13A.2.3.vi** Implement actions and policies of NCC 'Safer by Design' Crime Prevention through Environmental Design Guidelines (CPTED).

## Objective

### **DO13A.3 creating high quality public spaces**

**Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that provide for social, cultural, economic, environmental and amenity values.**

#### **Reasons**

##### **DO13A.3.i**

High quality public spaces enable people to play, relax and socialise throughout various levels/scales of the urban environment (suburbs, commercial villages, city centre), support recreational and commercial activity, and help to ensure vitality of public spaces and communities. Conversely, poor quality public spaces are an inefficient use of resources, are under-utilised and are a burden on ratepayers.

Public spaces in urban areas are owned and maintained by the community and need to be located and developed in a manner that represents ~~good~~ quality urban design. Private development that adjoins public spaces will need to demonstrate an appropriate level of ~~good~~ quality urban design reflective of the prominence and function of the adjoining public space. Subdivision and development creates new public spaces (roads, reserves, parking areas, public accessways) so these need to be designed and relate to their context to ensure they are able to be developed as high quality spaces. Left over sections of land, or areas unable to be developed due to gradient, stability or other reasons, are not considered suitable for public spaces unless they are capable of accommodating a range of the values sought in objective DO13A.3.

#### **Policy**

##### **DO13A.3.1 high quality public spaces**

**Subdivision and development of, or adjoining, urban public spaces should where appropriate provide for:**

- a) **landscape and streetscape design that is of high quality, is people rather than vehicle orientated and maintains or enhances social, cultural and amenity values.**
- b) **~~human scaled relationships between buildings, infrastructure and surrounding spaces.~~ a sense of human scale at the edges of the space.**
- c) **the public space to have a variety of distinctive spaces appropriate to the context that function well as places for a range of activities including meeting people, relaxing, playing and walking through them.**
- d) **a range of public open spaces and parks that cater for the different needs of people both in terms of ages and abilities, and levels of recreational and leisure use.**

#### **Explanations and reasons**

**DO13A.3.1.i** A range of parks, reserves and streetscapes are to be provided throughout the urban area that are accessible and well used by the community and contribute to quality of life. The activities of subdivision and development provide opportunities for reserves and streets to be designed and located in such a way that they become quality public spaces that residents use and value. The activities of subdivision and development on land adjoining public spaces also provides opportunities to ensure that private development acknowledges through design the adjoining public space.

#### **Methods**

**DO13A.3.1.ii** Implement the NCC Arts Policy for art in public spaces.

**DO13A.3.1.iii** Standards and guidance contained in the NCC Land Development Manual Reserves and Landscaping, and Transport sections.

**DO13A.3.1.iv** NCC Urban Design Panel

**DO13A.3.1.v** Implement the NCC Street Tree Guidelines.

**DO13A.3.1.vi** Implement actions and policies in the NCC Parks and Reserves Management Plans.

**DO13A.3.1.vii** Rules, standards and terms, and assessment criteria.

DO13A.3.1.viii Implement actions and policies in the NCC 'Safer by Design' Crime Prevention through Environmental Design Guidelines (CPTED).

DO13A.3.1.ix Implement the Central City Strategy.

DO13A.3.1.x Create and implement a Strategic City Development Plan that programmes and prioritises growth areas, works and services required to ensure sustainable urban development.

DO13A.3.1.xi NCC Residential Street Frontage Guide and the NCC Central City Streetscape Design Guide.

#### **Policy**

DO13A.3.2 multi use

***Public spaces which facilitate multiple uses to achieve a range of social, cultural, economic and environmental benefits.***

#### **Explanations and reasons**

DO13A.3.2.i

The Council will encourage designs for public spaces that create win win situations, enabling a range of environmental, economic and social/cultural benefits to be achieved. An example of this approach is the design of an esplanade reserve that has both ecological benefits through its design width and planting, and also provides benefits for the adjoining suburban neighbourhood in terms of amenity, recreation, accessibility and connectivity, and low impact stormwater opportunities. ~~Good~~ Quality urban design also treats streets and other thoroughfares as positive spaces with multiple functions.

#### **Methods**

DO13A.3.2.ii Rules, standards and terms, and assessment criteria.

DO13A.3.2.iii Appendix 14 Residential Subdivision Design and Information Requirements.

DO13A.3.2.iv Implement NCC Land Development Manual Reserves, Stormwater and Transport sections.

DO13A.3.2.v Implement actions in the NCC Urban Design Protocol Action Plan.

DO13A.3.2.vi Implement actions in the NCC Sustainability Policy.

DO13A.3.2.vii Implement actions in the NCC 'Safer by Design' Crime Prevention through Environmental Design Guidelines (CPTED).

DO13A.3.2.viii Create and implement a Strategic City Development Plan that programmes and prioritises growth areas, works and services required to ensure sustainable urban development.

### **Objective**

#### **DO13A.4 providing for diversity**

***Subdivision and development that provides for a range of choices in housing types, neighbourhood types, compatible employment opportunities and leisure and cultural activities.***

#### **Reasons**

DO13A.4.i Desirable towns and cities offer opportunities for all people of the community, from young to old, people on different incomes and people of many cultures. Subdivision and development design should recognise that the benefits of urban life are widely shared. The physical location and diversity of development helps to build a strong and sustainable community.

#### **Policy**

DO13A.4.1 flexibility, choices and adaptability

***Subdivision and development should facilitate, where appropriate:***

- a) ***mixed use developments that support a variety of compatible land uses and reflect local needs.***
- b) ***flexibility to adapt buildings and spaces to accommodate a range of uses both now and in the future.***
- c) ***a range of building types to provide accommodation and offer opportunities for all groups within the community.***

- d) **a range of subdivision layouts that contribute to a diversity of neighbourhood types and identities.**

**Explanations and reasons**

**DO13A.4.1.ii**

Good Quality urban design enhances the social, environmental and cultural qualities of our environments by delivering a mix of houses, uses and facilities that the community needs. Adaptability of buildings and sites to accommodate a range of activities over their lifetime or as the local environment changes (such as the ability for neighbourhood commercial or service activities to set up in greenfield areas once the residential neighbourhoods are established) enables vibrant, and sustainable communities. Diversity in building form and subdivision layout contributes to neighbourhood identity, and assists to build a strong sense of community.

**Methods**

**DO13A.4.1.iii** Undertake Residential Intensification Review to determine appropriate densities.

**DO13A.4.1.iv** Create and implement different Residential Zone density provisions.

**DO13A.4.1.v** Comprehensive Housing Development Provisions and Appendix 22.

**DO13A.4.1.vi** Implement Structure Plans in the NRMP.

**DO13A.4.1.vii** Provide for mixed use opportunities in certain zones.

**DO13A.4.1.viii** Rules and assessment criteria.

**DO13A.4.1.ix** Implement actions and policies in the Central City Strategy.

**DO13A.4.1.x** Implement the affordable housing measures in the Social Wellbeing Policy.

**objective**

**DO13A.5 inspiring places**

**An urban environment that is inspiring, enriching, beautiful and outstanding.**

**Reasons**

**DO13A.5.i** Nelson has a strong identity and the design of urban buildings and spaces needs to build upon the unique strengths, cultural identity and characteristics of our city, particularly in the central city and on prominent sites in the district. This will help make Nelson a better place to live, and by helping make it more distinctive and memorable, will enhance it as a tourist destination. Creativity and inspiration expressed through design can turn functional prominent sites such as city entrance ways, corner sites, sites adjoining public spaces and highly visible sites into memorable places. Sites which are intended to have a high level of public use are also deserving of inspirational design.

**policy**

**DO13A.5.1 prominent buildings and spaces**

**Prominent spaces and places should be defined by the Council, and urban buildings and spaces located on prominent sites, or buildings and spaces that are intended for public use, should represent outstanding architectural and landscape design, and be socially, culturally and environmentally responsive. Design should consider the needs of present and future generations.**

**Explanations and reasons**

**DO13A.5.1.ii**

Public buildings and important urban spaces should express a level of design appropriate to the prominence of the site within the city, or relationship of the site to the urban fabric, or end public use. Such context specific, creative, urban design supports a dynamic urban social and cultural life, makes admirable towns and fosters strong urban identities. Depending upon the landscape significance of the site, the appropriate approach may be that any development or structure maintains the existing character.

### **Methods**

**DO13A.5.1.iii** Create and implement an Urban Design Panel to provide advice on private and public projects.

**DO13A.5.1.iv** Implement the policies and actions in the Central City Strategy.

**DO13A.5.1.v** Implement the NCC Design Guides.

**DO13A.5.1.vi** Undertake a prominent spaces and places assessment to help to define where particular design sensitivity is required.

**DO13A.5.1.vii** Implement the NCC Arts Policy.

### **objective**

## **DO13A.6 sustainable places & communities**

**Urban development that meets the community's current needs without compromising future needs.**

### **Reasons**

#### **DO13A.6.i**

**Urban design has a role in sustainable management by reducing the environmental impact of the city and suburbs through environmentally sustainable and responsive design solutions. Therefore, growth of urban areas and economic development should be sympathetic to the natural environment and minimise Nelson's ecological footprint.**

### **policy**

#### **DO13A.6.1 environmentally responsive**

**Subdivision and development should be environmentally responsive, which for the urban environment includes considering the following opportunities:**

- a) **the efficient use of existing infrastructure and the sustainability of new infrastructure.**
- b) **the containment of urban sprawl and avoidance of inefficient use of the urban land resource.**
- c) **interconnection within and between neighbourhoods to reduce vehicle dependence.**
- d) **the reuse of existing buildings and sites, and the adaptability of proposed buildings and sites.**
- e) **the establishment of small neighbourhood village areas for local shopping/services.**
- f) **the consideration of connections to public transport or future public transport networks.**
- g) **the collection and reuse of rainwater to supplement potable supplies.**
- h) **low impact stormwater design treatment and disposal.**
- i) **the solar orientation of buildings and sites.**
- j) **the encouragement of the use of renewable energy sources and sustainable building materials.**
- k) **responding to sea level rise predictions.**
- l) **the inclusion of sustainable options for the minimisation and treatment of waste.**

### **Explanations and reasons**

#### **DO13A.6.1.ii**

**To be an environmentally responsive city Nelson must manage resources to take account of the needs of present and future generations. This includes constantly seeking ways to minimise adverse impacts on human health and natural and cultural systems, including air and water quality, minimising waste production, energy and water use, and maximising the efficiency of land use and infrastructure. The items listed in this policy are some of the many ways of ensuring that subdivision and development design are environmentally responsive and these will be considered when assessing consent applications for subdivision and development that departs from minimum standards.**

### **Methods**

**DO13A.6.1.iii** Rules and assessment criteria.

**DO13A.6.1.iv** Provide free advice to applicants on a range of eco building options.

**DO13A.6.1.v** Standards and design guidance in the Land Development Manual 2010.

DO13A.6.1.vi Implement the Solar Saver Scheme to assist homeowners with the conversion to solar hot water heating.

**objective**

**DO13A.7 urban design process**

***Sustainable management of Nelson's urban resources achieved through quality urban design processes. These processes holistically manage urban systems and interconnections rather than focusing on the effects of individual activities.***

**Reasons**

**DO13A.7.i**

Urban design is an approach that draws together many sectors and professions, and it includes both the process of decision making and the outcomes of design. To achieve quality urban design, quality design approaches need to be employed. It is important that this is considered at the start of the land conversion/development process and that the outcomes are managed in an integrated way across property boundaries, neighbourhoods and zones.

**policy**

**DO13A.7.1 policy and administration**

***Quality urban design should be supported through flexible and responsive policy and administration systems that use a holistic approach to the management of urban environmental effects.***

**Explanation and reasons**

**DO13A.7.1.i**

Prescriptive policy and disjointed administration systems cannot support quality urban design proposals. The interconnected nature of urban environments, and the effects of development within them, requires a balanced approach to considering the effects of individual activities on a whole project scale. This approach recognises that trade offs may be required in some situations to achieve the multiple goals of quality urban design.

**Methods**

**DO13A.7.1.ii** Rules and assessment criteria, particularly the restricted discretionary residential subdivision rules.

**DO13A.7.1.ii** Implement Appendix 14 Residential Subdivision Design and Information Requirements.

**DO13A.7.1.iii** Use of the Major Projects Team to review significant development proposals.

**DO13A.7.1.iv** Review internal Council systems and processes to remove barriers and encourage integrated decision making.

**DO13A.7.1.v** Undertake interdepartmental projects.

**DO13A.7.1.vi** Encourage the use of pre-application consultation between applicants and Council officers.

**DO13A.7.1.vii** Create an Urban Design Panel to provide design advice on private and public projects.

**policy**

**DO13A.7.2 coordinated approaches**

***Subdivision and development should use a coordinated multi disciplinary approach to avoid the adverse effects and cumulative adverse effects of managing urban resources individually and from a single discipline's perspective.***

**Explanation and reasons**

**DO13A.7.2.i**

Creating quality urban design requires action across a wide range of sectors, groups and professions relative to the nature and scale of the application. Professionals in all disciplines (in private and public arenas) need to work together, as no one profession can understand the full complexity of Nelson city and urban areas.

### **Methods**

**DO13A.7.2.ii** Implement Appendix 14 Residential Subdivision Design and Information Requirements.

**DO13A.7.2.iii** Standards and design guidance in the NCC Land Development Manual.

**DO13A.7.2.iv** Implement Structure Plans.

**DO13A.7.2.v** Use of the Major Projects Team to review significant development proposals.

**DO13A.7.2.vi** Create an Urban Design Panel to provide design advice on private and public projects.

**DO13A.7.2.vii** Encourage urban design professional development and social opportunities supported by Council.

### **policy**

#### **DO13A.7.3 collaboration**

**To encourage the collaboration of the private and public sector where there are opportunities for projects to assist with the Council's role of achieving a quality urban design vision for the community in a sustainable and equitable manner.**

### **Explanations and reasons**

**DO13A.7.3.i** A commitment to the community, and relationships at a local level, will begin to change the patterns of development which represent poor quality urban design. The use of collaborative relationships to develop social and recreational facilities for the community, and for the upgrading of servicing infrastructure is well established. Collaboration is needed to start addressing the provision of quality urban design, and also to start addressing issues of developing land and buildings for other urban uses.

### **Methods**

**DO13A.7.3.ii** Promotion of and participation in community housing projects where appropriate.

**DO13A.7.3.iii** Ensure Council development projects are pursued in partnership with iwi and the community.

**DO13A.7.3.iv** Implement actions and partnerships identified in the Central City Strategy.

**DO13A.7.3.v** Create and implement an Urban Design Panel and Major Projects Team to facilitate collaboration and improved relationships between the private and public sectors.

*Add new environmental results anticipated and performance indicators as follows:*

## **DO13Ae environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are detailed below.

<b><u>Anticipated environmental results</u></b>	<b><u>Indicators</u></b>	<b><u>Data source</u></b>
<b><u>DO13Ae.1</u></b> <u>Development patterns and styles reflect local context and our environment.</u>	<b><u>DO13A.e.1.1</u></b> <u>Use of locally distinctive materials.</u> <u>Relation to the scale, location and alignments of valued existing development.</u> <u>Retention of topography and natural features.</u> <u>Reflection of coastal, historical and cultural connections/features.</u>	<u>Public and Councillor comments.</u> <u>Developers.</u> <u>Professional design review.</u>

<p><b><u>DO13Ae.2</u></b>  <u>Increased connections for all transport modes, natural linkages, and private/public space relationships.</u></p>	<p><b><u>DO13Ae.2.1</u></b>  <u>Extent of roading connections/permeability, biodiversity corridors, riparian reserves, and cycle and walkway networks.</u>  <u>Walking and cycling policies or plans.</u>  <u>Increases in cycling, walking and passenger transport.</u></p>	<p><u>Council aerals, resource consents, public comment, asset management plans.</u>  <u>Vehicle distances travelled per annum.</u></p>
<p><b><u>DO13Ae.3</u></b>  <u>Public spaces that represent quality urban design.</u></p>	<p><b><u>DO13Ae.3.1</u></b>  <u>Use of public space for community activities.</u>  <u>Public satisfaction levels.</u>  <u>Level of multi use of public spaces.</u>  <u>Reduction in crime/vandalism.</u>  <u>Reduction in vehicle orientated design.</u>  <u>Reserves and streets overlooked by buildings.</u></p>	<p><u>Residents survey.</u>  <u>Resource consents.</u>  <u>Aerials.</u>  <u>Public and Councillor comments.</u>  <u>Events register.</u>  <u>Crime Statistics.</u></p>
<p><b><u>DO13Ae.4</u></b>  <u>Increased diversity of housing, neighbourhood, employment and leisure/cultural opportunities.</u></p>	<p><b><u>DO13Ae.4</u></b>  <u>Amount of mixed use development.</u>  <u>Range of choices in housing typologies.</u>  <u>Range of employment, leisure and cultural activities.</u></p>	<p><u>Public comments and residents survey.</u>  <u>Census.</u></p>
<p><b><u>DO13Ae.5</u></b>  <u>Nelson's identity is maintained and enhanced through urban design.</u></p>	<p><b><u>DO13Ae.5</u></b>  <u>Creative and inspiring urban design solutions.</u>  <u>Nelson-Tasman Design Awards.</u></p>	<p><u>Urban Design Panel.</u>  <u>Public comments and residents survey.</u>  <u>Tourist survey.</u></p>
<p><b><u>DO13Ae.6</u></b>  <u>Increase in sustainable urban development.</u></p>	<p><b><u>DO13Ae.6</u></b>  <u>Maintenance or reduction of the urban environmental footprint.</u></p>	<p><u>Air quality statistics.</u>  <u>Waste minimisation and recycling levels.</u>  <u>Energy and water usage levels.</u>  <u>Efficiency of infrastructure.</u>  <u>Stormwater discharge quality.</u>  <u>Traffic and cycling and walking counts.</u></p>
<p><b><u>DO13Ae.7</u></b>  <u>Improved policy and administration processes within Council.</u></p>	<p><b><u>DO13A.e.7</u></b>  <u>Consistent treatment of resource consent applications.</u>  <u>Statutory processing timeframes not exceeded.</u>  <u>Council staff working across departments.</u></p>	<p><u>Resource consents statistics.</u>  <u>Major Projects Team.</u>  <u>Feedback from developers/applicants.</u></p>



Amend Subdivision and development objective DO14 as follows:

**DO14 Subdivision and development**

DO14.i Issues relevant to subdivision and development are discussed in Chapter 4. An important issue is the effects of growth on natural values, quality urban design of the city and suburbs, and the provision of ~~and~~ infrastructure in a logical and coordinated manner within of the District. DO13A provides urban design objectives and policies which are also relevant to the activities of subdivision and development.

objective

**DO14.1 city layout and design**

Subdivision and development that recognises and is appropriate to the natural characteristics of the City and is consistent with principles of high quality urban design and the orderly and efficient use of land.

Add new reason for objective DO14.1 as follows:

DO14.1.iii The layout and design of urban areas through the activity of subdivision creates the backbone structure of the city and suburbs. Given the long lifetime of subdivision and development, layout that represents poor quality urban design will have adverse effects on the quality and sustainability of the urban environment.

Add new method under Policy DO14.1.1 landscape features as follows:

DO14.1.1.iv Assessment criteria and Appendix 14 Residential Subdivision Design and Information Requirements.

Add new method under Policy DO14.1.2 type and intensity of development as follows:

DO14.1.2.iv Comprehensive Housing Rules and provisions in Appendix 22 and requirements in Appendix 14.

Amend Policy DO14.2.1 under Objective 14.2 amenity values as follows:

policy

**DO14.2.1 allotments**

The pattern created by subdivision, including allotment sizes, shapes, and dimensions should take into account the range of future potential land uses and the development potential of the area, and any potential adverse effects on the environment and amenity values, and the relationship of the allotments to any public open spaces (including reserves and streets).

Add to Explanations and reasons

DO14.2.1.iv The subdivision of land for all types of future land uses should have regard to the orientation and location of allotments to reserves and streets. The pattern and density of subdivision should allow for future buildings to overlook public spaces, and allotments for roading should provide generous frontages to reserves to avoid adverse safety and amenity affects.

Add to Methods and renumber

DO14.2.1.vii Appendix 14 Residential Subdivision Design and Information Requirements.

DO14.2.1.viii Nelson City Council Land Development Manual.

Amend DO14.3 Services Objective and associated policies as follows:

Objective

**DO14.3 services**

**The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots and within the developments and the development potential of adjoining land in the Services Overlay.**

policy

**DO14.3.1 roads and traffic ~~roading~~**

**Subdivision and development should provide for:**

- a) **The integration of subdivision roads with the existing and future road network in an efficient manner, which reflects expected traffic levels the function of the road and the safe and convenient well-integrated management of vehicles, cyclists, and pedestrians, and**
- b) **Safe and efficient vehicular access to all lots created by subdivision and to all developments, and**
- c) **Pedestrian, cycle, and amenity linkages, where useful linkages can be developed. In the Ngawhatu and Marsden Valley area, pedestrian linkages should provide connection between York Valley and Highland Valley, through to the Barnicoat Walkway, and provide linkages between the Ngawhatu and Marsden Valleys including between residential neighbourhoods, reserve areas and commercial areas to generally accord with the Outline Development Plan in Schedule E, and Roading connections as shown on Structure Plans and/or as described in Schedules in the NRMP, and**
- d) **Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and**
- e) **The road requirements of future developments on land in the vicinity. Public to private space relationships and roading design that represents a high quality urban streetscape, and**
- f) **The road network requirements to support the access and connectivity of future developments on land in the vicinity in the Services Overlay.**

**The road network required to service the subdivision or development in accordance with a) to e) above shall be constructed by the developer, and vested in Council as part of the development. Provision of the necessary road network in (f) shall be funded by the developer if not provided for in the LTCCP. In the case where road network works are provided for in the LTCCP, this means that the works have to be constructed prior to the section 224(c) certificate being sought for the development.**

**Explanation and Reasons**

**DO14.3.1.i** Subdivision and development has the potential to result in a number of effects on the road network, including:

- a) **Greater vehicle numbers on roads not designed to carry them. Potential to change the function and efficiency of the local road network through an increase in vehicle numbers and changes in travel patterns.**
- b) **Demand for new roads which are not able to be constructed or maintained in an economically sustainable manner justified by the development yield it serves. on the potential increased rating base.**
- c) **A greater number of vehicles turning off and on to major routes, such as state highways, resulting in disruption to through traffic, by slowing traffic and increasing the risk of crashes. Changes to the function and connectivity of local roads which may lead to adverse effects on major routes, such as collector roads, principal arterials and state highways.**
- d) **Potential adverse effects on stormwater quality and quantity.**
- e) **Changes to streetscape and the formation of, and relationships with, public spaces which can lead to poor amenity and urban design outcomes.**
- f) **Inability to provide a well connected and efficient transport pattern.**

**DO14.3.1.ii** ~~High~~-Vehicle ownership levels mean that vehicular access must generally be provided to newly created lots. Road and access standards must reflect anticipated traffic by volume, and type, taking into account both local and through traffic function, connections, streetscape and relationship to public spaces values. Roads and access must integrate into the existing and future road system to provide safe, convenient, and efficient movement throughout Nelson. Subdivision requirements for roads and access need to provide for the development of a variety of systems for vehicle, passenger transport, cyclist, and pedestrian movement. Roads can also have major visual, stormwater and other effects and should be located and designed as far as possible to enhance the environment and minimise any adverse visual and other effects on topography, landscape and amenity values. Roads adjoining public spaces should be designed to directly relate to that space through the provision of sufficient frontage, landscaping, parking and, where possible, maximise efficient use of resources between the two public spaces, such as combined stormwater collection, treatment and disposal mechanisms.

**DO14.3.1.iii** When subdivision or development takes place, regard must be had to the likely future roading requirements of adjacent or nearby land, to avoid the land becoming 'land-locked', or inaccessible. If an adequate alternative is not available, the subdivision and development may will be required to provide vest a legal road which is located in such a position and is of sufficient width, to provide suitable access to adjacent or nearby land. Subdivision and development is required to vest legal road to provide connectivity to adjoining land with development potential. The cost of creating this connection at the time of subdivision shall either be funded through the LTGGP and Council's Strategic City Development Plan or funded by the developer.

**DO14.3.1.iv** Road and access requirements on subdivision and development are also addressed in DO14.1.3 (orderly development), DO 13A.2 (improving connections), DO13A.3 (creating quality public spaces) and Chapter 6 (Financial Contributions). Land transport, including cycleways and walkways are dealt with under DO10.1 (land transport) as well. ~~Structure Outline Development~~ Plans are a further method to provide integration to road, walkway and cycleway linkages.

#### **Methods**

**DO14.3.1.v** Rules in each zone and some overlays, controlling subdivision and development in relation to access to the road network; road design and alignment; site access, servicing, turning and parking; and transport, motor vehicle, pedestrian and cycle linkages.

**DO14.3.1.vi** Assessment criteria on applications.

**DO14.3.1.vii** Use of financial contributions (Chapter 6) and/or LTGGP development contributions to acquire or upgrade vehicle, passenger transport, pedestrian, cycling and amenity linkages where appropriate and not otherwise provided by the subdivision or development (note: these may also be provided by means other than financial contributions). The Council's Strategic City Development Plan will inform the prioritisation of the works and projects facilitated through the LTGGP to ensure development occurs in a sustainable manner.

**DO14.3.1.viii** The NCC Land Development Manual 2010.

#### **policy**

### **DO14.3.2 services drainage, water and utilities**

***Subdivision and development should provide for:***

- a) Water supplies of sufficient capacity and of suitable standard for the anticipated land uses on each lot or development, including fire fighting requirements, and***
- b) The disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of any land, and***
- c) The treatment and disposal of sewage wastewater in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment, and***

- d) **Connections from all new lots or buildings to a reticulated water supply, stormwater disposal system, and sewage wastewater treatment and disposal system, where such systems are available, and**
- e) **Supply of ~~reticulated~~ electricity, including street lighting, and telecommunication facilities for the anticipated land uses, using a method of reticulation supply appropriate to the amenity values of the area, and health and safety, and**
- f) **Any necessary additional infrastructure for water supply, stormwater disposal or sewage wastewater treatment and disposal or power and telecommunications, and**
- g) **Provision of sufficient land and infrastructure with capacity to support the The servicing requirements of future development on land in the vicinity that is in the Services Overlay.**

**The costs of additional nNew or upgraded infrastructure required in accordance with a) to f) above shall be paid for constructed by the developer, or as part of the development. All wastewater, water and stormwater infrastructure specified in Section 3 of the NCC Land Development Manual 2010 to become public shall be vested in Council. Provision of land or pipe capacity under g) above shall be funded by the developer if not provided for in the LTGGP. In the case where land or pipe capacity is provided for in the LTGGP, this means that the works have to be constructed prior to the section 224(c) certificate being sought for the development.**

#### **Explanation and Reasons**

**DO14.3.2.i** Water supply, stormwater disposal drainage, sewerage wastewater treatment and disposal, street lighting, electricity and telecommunications services are important for the well being of people and communities and for their health and safety. ~~Reticulated~~ The systems are preferred because they are more need to be reliable, and provide better agreed levels quality of service, with less while avoiding adverse effects on the environment. than individual facilities such as wells, septic tanks and generators on separate sites. Where reticulated services are not available, then special consideration of the possible adverse environmental effects on the future activities on the land is needed. New Underground reticulation of electricity and communication systems may be is required in some all zones (except the Rural and Conservation Zones) or overlays to avoid adverse visual and amenity effects-, and contribute towards improved streetscapes.

**DO14.3.2.ii** When subdivision and development takes place, regard must be had to the likely service needs for the future development of adjacent or nearby land. It is generally more economic and efficient to install services with sufficient capacity for growth at the time of the initial development and provide the ability for these services to be taken to the boundary, rather than to have to upgrade services at a later date. In some circumstances, a later upgrade may be impracticable or impossible due to the location or prior development of the area.

**DO14.3.2.iii** Infrastructure and services requirements on subdivision and development are also addressed in AD11.3.3 Services Overlay, DO14.1.3 (orderly development), and Chapter 6 (Financial Contributions) and the LTGGP Development Contributions Policy. Council will undertake a Strategic City Development Plan that will inform the prioritisation the works and projects facilitated through the LTGGP to ensure development occurs in a sustainable manner.

#### **Methods**

**DO14.3.2.iv** Rules controlling the provision of services on subdivision and development in each zone and some overlays.

**DO14.3.2.v** Assessment criteria for applications.

**DO14.3.2.vi** NCC Land Development Manual 2010.

policy

**DO14.3.3 areas without services**

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*Development and subdivision of areas that do not have access to reticulated services, or where the existing services are operating at full capacity, should not proceed where*

- a) it will result in significant adverse effects, or*
- b) the services listed in policy DO14.3.2 cannot be provided.*

**Explanation and Reasons**

**DO14.3.3.i** Development and subdivision in unserved or poorly served areas has potential to have adverse effects on the amenities of the area and on health and safety. The urban and Rural Zone High Density Small Holdings areas where there are greatest difficulties with servicing are shown on the Planning Maps as a Services Overlay. In other rural areas, on site services may be satisfactory.

**DO14.3.3.ii** The Council has developed a ~~40-year strategy~~ Long Term Council Community Plan and ~~Strategic~~ City Development Strategy Plan to service parts of the urban area according to a timetable. As this proceeds, subdivision and development will become viable in new areas.

**Methods**

**DO14.3.3.iii** Planning Maps that define the Services Overlay.

**DO14.3.3.iv** Rules that regulate development and subdivision generally throughout the District and especially in the Services Overlay.

**DO14.3.3.v** Assessment criteria for applications.

**DO14.3.3.vi** NCC Land Development Manual 2010.

**DO14.3.3.vii** NCC Strategic City Development Plan.

## 14.5 Chapter 7 Residential Zone

Amend contents of residential zone rule table as follows:

REr.22	Comprehensive Housing Development
<del>REr.30</del>	<del>Buildings and fences near vehicle accesses</del>
REr.111	Flood Path Overlay, and Flood Overlay and Inundation Overlay - Subdivision
REr.116	Grampians Slope Risk Overlay - Subdivision

Insert new text regarding rolling Plan review process in REd.9 as follows:

**REd.9** See the objectives and policies relating to zones in Chapter 5 (district wide objectives and policies. The Plan should always be considered as a whole. ~~There may be occasions where due to the rolling Plan review process inconsistencies between the District Wide objectives and policies and Zone objectives and policies arise.~~

Under objective RE1 living style Reason delete RE1.ii as follows:

~~RE1.ii Low density residential development is also provided for in part of Marsden Valley. The Residential Lower Density (Marsden Valley) Zone within Schedule I (see Objective RE4) and also with Schedules U and V in Marsden Valley (see Objective RE5).~~

Amend Explanation and reasons under Policy RE1.1 Densities as follows:

~~RE1.1.ii In addition to the residential densities referred to above, the Ngawhatu Residential Area offers further overall low density residential opportunity specific areas have different density provisions. This has usually been determined on account of the existing amenity and physical constraints of land, services and roading in the Valley in the area concerned and is usually shown on a Structure Plan and through associated plan provisions.~~

Delete RE1.1.iv Scheduling of the Marsden Valley Residential Area.

Amend policy RE1.2 flexibility in development as follows:

### policy

#### RE1.2 flexibility in development

***Flexibility in density, building form, and site development below that specified in the rules should be allowed, provided that 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 fundamentally significantly change the ~~character and~~ density of the area or detrimentally affect its character, and***
- g) does not diminish the streetscape of adjacent roads, and***
- h) represents good quality urban design (refer to section DO13A District Wide Objectives and Policies) in particular a diversity of building forms and co location of activities.***

### Explanation and Reasons

**RE1.2.i** This policy recognises that different built forms and layouts may be appropriate, other than the traditional house and section. This can be the case particularly for higher density developments, where a scaled down suburban house and section may not be the most appropriate or attractive way of providing for higher density living. The policy signals that other approaches will be considered and that they will be judged on their merits, and the quality and standard of environment they provide. The primary considerations will be the living environment provided, and any impacts on the amenity of the area, including on adjoining development. ~~This provision may be most suited to comprehensive development~~



of a site, but would also apply to a single building development, whether or not it is high density. This policy applies primarily to proposals which are not considered under the Comprehensive Housing provisions of rule REr.22 and Appendix 22. See also Policy RE1.2A. The policy does not provide for the creation of sites which are below the minimum size specified in the Plan where the application is not accompanied by a proposal for a residential unit. In other words, departure from the standards in the Plan depends on consideration of an integrated package of a specific building on a specific site in order to judge the effects of the proposal.

~~RE1.2.ii Guidelines for comprehensive housing development are included in Appendix 22.~~

~~RE1.2.iii ii~~ Where land is close to open space, such as a park, or the sea, there is potential for less restrictive development control in relation to density, as public open space may substitute for open space on the property being developed.

~~RE1.2.iv~~ In the Ngawhatu Valley, and the land between the Highland and York Valleys, there is scope for a residential environment to be created, providing for a range of housing opportunities while ensuring the mature landscape setting is largely maintained.

~~RE1.2.v~~ In Marsden Valley there is scope for a residential development, provided that the special landscape values of the Marsden Plateau are respected in any development design.

### **Methods**

~~RE1.2.vi iii~~ Using the discretionary activity consent procedure to provide for more innovative housing proposals under rules REr.23 'Minimum Site Area' and REr.24 'Site Coverage', backed by the Guidelines for Comprehensive Housing.

~~RE1.2.vii iv~~ Assess other proposals beyond the standard for a discretionary activity as non-complying activities.

~~RE1.2.viii v~~ Development opportunities for Ngawhatu by way of high density residential and standard residential zoning. Controlled activity provisions in rules REr.22 allowing conversion of identified existing redundant buildings in Ngawhatu Valley to apartments. Opportunities for using method RE1.2.v.

~~RE1.2.ix vi~~ Specific development opportunities specific to individual areas are identified on the Marsden Plateau and Marsden Hills (adjoining Ngawhatu) by way of Structure Plan, scheduled sites.

*Add new policy for comprehensive housing*

### **policy**

#### **RE1.2A comprehensive housing**

**Encourage and promote higher density developments where such developments incorporate ~~best-practice~~ quality urban design principles (refer section DO13A District Wide Objectives and Policies), and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities.**

### **Explanation and Reasons**

#### **RE1.2A.i**

Well designed higher density living in areas with suitable amenities is an efficient use of the residential land resource. This style of development also supports local facilities, commercial centres, neighbourhood shops and public transport. It can also reduce the number of vehicle trips undertaken and improve the safety of central areas by having more people living nearby. Comprehensive Housing Developments can come in a variety of forms such as apartments, attached and detached dwellings and mixed-use commercial and residential developments. The specific rule and appendix for Comprehensive Housing Developments requires that ~~best-practice~~ quality urban design principles are used to provide for a high standard of living and design on a smaller property. Every proposal is assessed holistically to ensure that the entire design proposal achieves the outcome expected by the Plan.

### **Methods**

RE1.2A.ii Using the Comprehensive Housing Development provisions of the Plan to achieve quality on-site and off-site living and design standards through the use of best practice architectural and urban design techniques.

RE1.2A.iii Applying a flexible approach to implementing the Comprehensive Housing provisions to allow design to respond to each individual site and environment.

RE1.2A.iv Providing for developments to be a restricted discretionary activity, with a non-notification provision, provided they are located in the Residential Zone – Higher Density Area.

RE1.2A.v Use of council's 'Urban Design Panel' and 'Major Projects Team' to assess, advise and coordinate Comprehensive Housing Developments.

Amend Chapter 7 Residential Zone method to Policy RE2.4 privacy and outlook as follows:

RE2.4.v Guidelines for Comprehensive Housing Development provisions, backed up by conditions of resource consent.

Amend Chapter 7 Residential Zone policy RE3.5 as follows:

policy

### **RE3.5 streetscape**

**Sites, buildings and fences fronting onto roads should present an appearance which enhances the overall streetscape, and ensures it is people orientated rather than vehicle orientated, relative to the classification of the road. Buildings and parked vehicles (in front yards and on the street) should not dominate the streetscape road or compromise pedestrian or vehicle safety.**

~~**A high amenity streetscape is sought on unclassified roads consistent with their function of prioritising access to adjoining property over through traffic movements. Streetscape amenity on classified roads needs to be balanced with their dual function of providing for through traffic and access to adjoining properties.**~~

#### **Explanation and Reasons**

RE3.5.i Building setbacks from the front boundary have been traditional in Nelson. These were used to assist with privacy, and for landscaping and beautification. Garages and carports were the only buildings allowed in the front yard areas, and then only with a resource consent. The policy was changed to be more flexible and focused on whether the end result was attractive when viewed from the street. This led to the option of locating garages and carports closer to the front boundary if appropriately landscaped. Consequently the front yards of newly developed residential sites tended to become dominated by garaging, parking and manoeuvring areas which had adverse effects on the streetscape despite landscaping requirements.

RE3.5.ii The policy aims to provide more flexibility in the issue of front yards than the traditional approach. It focuses on whether the end result is attractive when viewed from the street. Within this framework there is the option of locating a dwelling closer to the front boundary, if for example it allows more lawn to the north. Similarly garages or carports, if designed in keeping with the house and if appropriately landscaped, are acceptable in the front yard. The policy now aims to ensure that streetscapes are people orientated not vehicle orientated, that they maintain or enhance social, cultural and amenity values and are consistent with the urban design approach of the District Wide Objectives and Policies in section DO13A of the Plan. The policy also recognises that two different levels of streetscape amenity are anticipated according to whether or not the road is classified or unclassified. While high streetscape amenity is anticipated for unclassified roads, it is acknowledged that the streetscape amenity of classified roads needs to be balanced against their through road function and the potential adverse effects of this activity on the adjoining residential properties. Accessory buildings such as outdoor sheds, or storage of materials (eg old cars) would not generally be appropriate activities in the front yard unless well screened from public view.

RE3.5.iii Subdivision and development should not perpetuate existing streetscape patterns and character that is not representative of the urban design outcomes sought progressively through the urban design objectives and policies and the rolling review of the Plan.



**Method**

**RE3.5.iv** ~~Rule providing flexible approach to the use of the front yard, providing proportion remains as open space, and buildings fit within a recession plane inclined into the site from the front boundary. Rules providing that residential front yards are characterised by low fencing, landscaping and the presence of the residential dwelling before the garage, carport, or accessory building~~

**RE3.5.v** ~~Rules encouraging the use of local residential streets for vehicle manoeuvring rather than the front yard being dominated by permanent surfacing for parking and manoeuvring.~~

**RE3.5.vi** ~~NCC Residential Frontage Design Guide.~~

Amend residential zone rules as follows:

Item	Permitted	Controlled	Discretionary/Non-complying`
<p><b>REr.22 Comprehensive Housing Development</b></p>	<p>REr.22.1 Comprehensive Housing Development is permitted if it complies with all the permitted conditions in the Rule Table.</p>	<p>REr.22.2 At Ngawhatu converting the existing buildings – Airdie and Clovelly (including extending the buildings) into apartment buildings is a controlled activity if:</p> <ul style="list-style-type: none"> <li>a) the buildings are not increased in height</li> <li>b) any extension of the buildings largely maintains the external design integrity</li> <li>c) it complies with Parking provision in Appendix 10</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) the design, location and appearance of any building extensions, and fencing, parking and access areas</li> <li>ii) the appearance of the external façade of the existing building</li> <li>iii) landscaping and site treatment, including the retention of significant trees</li> <li>iv) provision of outdoor living courts</li> </ul> <p>In exercising the control reserved under this Rule, regard is to be had to Appendix 22 'Guidelines for Comprehensive Housing Development', to the extent that these are relevant, taking account of the fact that this Rule relates to existing buildings rather than the erection of new buildings which fall to be considered under Rule REr.22.3.</p> <p><del>Resource Consent Applications will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.</del></p> <p><u>Resource consent applications will be considered without notification, and without service of notice.</u></p>	<p>REr.22.3 <del>Comprehensive Housing Developments which do not comply with the permitted standards of REr.23 Minimum site area or REr.24 Site coverage, will be considered as a restricted discretionary activity if:</del></p> <ul style="list-style-type: none"> <li>a) <del>the development is located entirely within the Residential Zone – Higher Density Area, and</del></li> <li>b) <del>rules</del> <ul style="list-style-type: none"> <li>i) REr.25 'Front Yards'.</li> <li>ii) REr.26 'Other Yards'.</li> <li>iii) REr.35 'Daylight Admission, and</li> <li>iv) REr.36 'Decks, Terraces, Verandahs and Balconies'</li> </ul> </li> </ul> <p><del>are complied with other than on boundaries internal to the development.</del></p> <p><u>Discretion restricted to the following matters in Appendix 22 'Comprehensive Housing Development'.</u></p> <ul style="list-style-type: none"> <li>i) <u>on site amenity, and</u></li> <li>ii) <u>off site amenity, and</u></li> <li>iii) <u>access, parking and services.</u></li> </ul> <p><u>Resource consent applications for restricted discretionary activities under this rule will be considered without notification, and without service of notice.</u></p> <p><u>Discretionary Activity</u></p> <p>Comprehensive Housing Development which :</p> <ul style="list-style-type: none"> <li>a) <u>is not located entirely within the Residential Zone – Higher Density Area; or</u></li> <li>b) <u>contravenes a permitted condition other than those contraventions specified for a restricted discretionary activity, is</u></li> </ul> <p><u>are a discretionary activities, except within the Airport or Port Effects Control Overlay, where it is non-complying.</u></p> <p><u>Non-Complying Activity</u></p> <p><u>Comprehensive Housing Development located in the Airport or Port Effects Control Overlay is non-complying.</u></p>

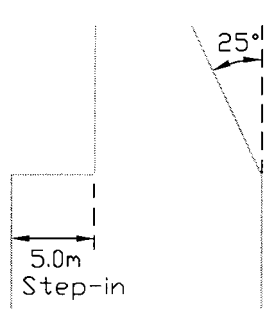
Assessment Criteria	Explanation
<p>REr.22.4</p> <p>a) <del>the degree the development achieves the outcomes in Appendix 22 'Comprehensive Housing Development'.</del></p> <p>a) <del>the degree of compliance with the Guidelines for Comprehensive Housing in Appendix 22.</del></p> <p>b) <del>any beneficial effects of the development in terms of the streetscape and neighbourhood.</del></p> <p>b) <u>any beneficial effects of the development in terms of:</u></p> <p>i) <u>degree to which the design is sympathetic to the character of the neighbourhood and streetscape</u></p> <p>ii) <u>connectivity within and between streets and houses</u></p> <p>iii) <u>range of housing and section types</u></p> <p>iv) <u>extent to which energy efficiency is incorporated within the building design</u></p> <p>v) <u>efficient use of services and land</u></p> <p>vi) <u>promotion of public transport and reduction in total number of vehicle trips</u></p> <p>vii) <u>use of Crime Prevention Through Environmental Design (CPTED) techniques</u></p> <p>c) <del>any cumulative effects such that they fundamentally significantly alter adversely affect the character and amenity of the zone (or density overlay area), having regard to such things as impressions of spaciousness, outlook, streetscape and presence of open space.</del></p>	<p>REr.22.5</p> <p>A Comprehensive Housing Development is three or more residential units, where the buildings and any subdivision are designed together (see Chapter 2 for full definition). It is <del>very difficult</del> <u>not desirable</u> to write permitted standards to cater for Comprehensive Housing Developments as they are generally tailored to a particular site, and need to be considered on their merits on a case by case basis. <u>A 'one size fits all' approach of a permitted activity rule can often deliver a poor quality result.</u></p> <p>Assessing such developments by the consent process is considered, in the end, to give the best outcomes, both to the developer and the environment. It allows the opportunity for innovation and flexibility, provided the development provides a high standard of on-site and off-site amenity. It also provides the opportunity to decline developments which do not achieve the standards sought in <u>Appendix 22, the design guide.</u></p> <p><del>The limits on discretion for departing from the site area minimum (Rule REr.23), and allowable site coverage (Rule REr.24) do not apply to Comprehensive Housing Developments.</del></p> <p><u>The provisions contained in rules REr.23 'Minimum Site Area', and REr.24 'Site Coverage' do not apply to Comprehensive Housing Developments beyond being used to determine if a particular proposal under this rule is permitted or not. All assessment of these particular matters is to be carried out using the provisions of Appendix 22 'Comprehensive Housing Developments'.</u></p> <p><u>Comprehensive Housing Developments in a Residential Zone – Higher Density Area with consent requirements solely based on not meeting REr.23 'Minimum Site Area' or REr.24 'Site Coverage' (and associated subdivision) are provided for as non-notified restricted discretionary activities. Additionally, proposals which do not meet rules REr.25 'Front Yards', REr.26 'Other Yards', REr.35 'Daylight Admission' or REr.36 'Decks, Terraces, Verandahs and Balconies' on boundaries internal to the development will retain the non-notified restricted discretionary status.</u></p> <p><u>This signals that the Plan anticipates the Higher Density Area will provide for appropriately designed developments of this nature. The design and location of the development is a matter between the Council and the applicant, and will be assessed in accordance with Appendix 22. If rules other than those specifically provided for are breached then a resource consent is required under that rule and the activity status of that rule is applicable. For example a Comprehensive Housing Development in the Higher Density Area which breaches REr.35 'Daylight Admission' on an external boundary will be considered as a discretionary activity..</u></p> <p>Opportunity has been provided to convert two existing buildings at Ngawhatu known as Airdrie and Clovelly to apartment buildings if it proves technically and economically feasible. These buildings were part of an existing complex of buildings utilised for the delivery of health services. Unlike most of the more institutional style buildings, the architecture, appearance and location of these buildings offers some potential for conversion to apartments. The situation of these buildings is unique, as they are contained currently within a site which is largely undeveloped and largely in one ownership. Conversion of the buildings will have no impact on neighbours, as they do not exist in close proximity, and the location is not visible from public vantage points. A separate rule for these buildings is required as the provision under Rule REr.22.3 envisages new buildings.</p> <p><del>Note: Comprehensive Housing Development with minimum site areas less than that set out in REr.63.1a) is not considered appropriate in the Airport or Port Effects Overlays. The plan seeks to minimise the number of residential units exposed to the noise from the airport and port. Residential units are required also to comply with acoustic insulation standards in Rule REr.64</del></p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.23</b> <b>Minimum site area</b> <b>Lower Density Area</b> <b>Lower Density Area (Stoke)</b> <b>Higher Density Area</b> <b>Standard Density (Main Zone)</b>	REr.23.1 a) The net area of a site exclusively allocated to each residential unit from the total area of the site must be not less than: Lower Density Area: 600m <sup>2</sup> , or Lower Density Area (Stoke): an average net area of 1000m <sup>2</sup> and a minimum of 850m <sup>2</sup> , or Higher Density Area: 300m <sup>2</sup> , or Standard Density (remainder of Zone): 400m <sup>2</sup> . b) Paragraph (a) does not apply to a single residential unit on a single allotment where: i) the subdivision was granted before 25 October 1996, and ii) the allotment was created by a subdivision approved by the Council, and was not identified on the subdivision plan as a lot for a utility service or access.	REr.23.2 not applicable	REr.23.3 Activities ( <del>other than for Comprehensive Housing Developments (Rule REr.22)</del> ) that contravene a permitted condition are discretionary if: a) at least 90% of the minimum net site area required in the permitted condition is allocated to each residential unit ( <del>other than for Comprehensive Housing Developments (Rule REr.22)</del> ), and b) the application for resource consent is accompanied by a building outline plan (sketch plan) for the proposed residential unit to be erected on the site, and c) all other resource consents required, including any subdivision consent where relevant, accompany the resource consent application.
<b>REr.24</b> <b>Site coverage</b> <b>Lower Density Area</b> <b>Lower Density Area (Stoke)</b> <b>Higher Density Area</b> <b>Standard Density (Main Zone)</b>	REr.24.1 Building coverage of the net area of any site must not exceed: Lower Density Area: 30%, or Lower Density Area (Stoke): 30%, or South St Heritage Precinct: 60%, or Remainder of Zone (including Higher Density Area): 40%	REr.24.2 not applicable	REr.24.3 Activities (other than for Comprehensive Housing Developments (Rule REr.22)) that contravene a permitted condition are discretionary if the building coverage of the net area of any site does not exceed: i) Lower Density Area: 33%, or ii) South St Heritage Precinct: 66%, or iii) Remainder of Zone (including Higher Density Area): 44%.

Assessment Criteria	Explanation
<p>REr.23.4 and REr.24.4 Site Area and Site Coverage:</p> <p>a) the likely effect upon the character and amenity of the neighbourhood, including the dominance of buildings, having regard to the intended character of the area.</p> <p>b) the effect on net site area or building coverage of any acquisition by the Council of land on the property for purposes such as road widening or esplanade reserves. Where the esplanade reserve continues to provide open space and amenity to the site, this should be taken into account.</p> <p>c) whether conditions should be placed on any consent granted limiting any building erected on the site to specific plans, or to within certain bulk and locational requirements.</p> <p>d) the extent to which the proposal would cause loss of sunlight, daylight, or privacy to adjoining sites.</p> <p>e) the extent to which a reasonable degree of amenity is achieved on the site being developed.</p> <p>f) whether the activity is in the Airport Effects Control Overlay, or the Airport Effects Advisory Overlay.</p> <p>g) the ability to provide adequate outdoor living areas, and parking and manoeuvring on site.</p> <p>h) in the case of existing vacant cross lease and unit titles, the degree to which the owners of the titles would have had an expectation of being permitted to erect a residential unit on the site.</p> <p>i) in addition to the above, for the lower density areas, the extent to which decreases in site size or increased building coverage would have an adverse effect on the consistency and amenity of the area, and/or the presence of mature on-site vegetation.</p> <p>j) the extent to which the site could be more effectively used, and the minimum site size be accordingly reduced, if an existing building were removed or relocated.</p> <p>k) the extent to which the amenity and appearance of an existing building on the site would be compromised by the proposed development.</p> <p>l) the extent to which smaller sites or higher building densities could be allowed as a trade-off for the protection of a heritage item, significant trees or vegetation, or a cultural or spiritual item on the site (if the development does not compromise those heritage or other values).</p> <p>m) the special requirements of any Heritage Precinct, having regard to the character of the area and any flexibility that might be required to compensate for constraints the guide may place on development (e.g. of a second storey)(see the design guide for the relevant precinct).</p> <p>n) any aspects of the <u>Guidelines for provisions for Comprehensive Housing Development (Appendix 22)</u> that are relevant to the consent application.</p> <p>o) the degree of outlook from each residential unit.</p> <p>p) the provision of alternative areas for recreation, including public open spaces in close proximity to the site.</p> <p>q) the probable outdoor living needs of the existing or likely future residents. Opportunities to use rooftops of buildings, including buildings on other residential sites to provide outlook or outdoor living areas.</p>	<p>REr.23.5 and REr.24.5 Site Area and Site Coverage:</p> <p>These two standards are closely related, and are major determinants of the character of the residential areas of the city. The size of residential sections and the proportion of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of each residential environment.</p> <p>The overall pattern is made of three areas: The Lower Density Area which is comprised of the early settled parts of Nelson at the northern toe of the Grampians, the Tahunanui hillside (which is subject to slope stability constraints), Ardilea Ave in Stoke, and the Marsden Valley Residential Area (see Schedules I and V) and land north-west of the Marsden Valley Cemetary. Note: Some areas around the airport are also lower density to minimise the intensity of development that is potentially exposed to noise - see Rule REr.64 (Airport Effects Control Overlay: Minimum Site Area).</p> <p>The standard density area covers the bulk of the residential areas in Nelson. The building coverage and open space requirements are intended to largely maintain the existing character of the residential environment, which balances open space with building bulk.</p> <p>The Higher Density Area includes The Wood, an area of Ngawhatu adjacent to the Suburban Commercial Zone, and an area surrounding the Stoke Shopping Centre. The areas are flat or of gentle contour, close to shops or zoning for commercial and other facilities, making them suitable for more intensive development. These areas tend to be popular with older people, but not exclusively. <del>The Wood also has a considerable amount of land occupied by glasshouses which is gradually being converted to higher intensity housing.</del> <u>The Council intends to undertake an intensification review with a view to encouraging further intensification of residential areas where appropriate on and off site amenity is provided.</u></p> <p>An exemption is provided for allotments of less than the required minimum area if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. One residential unit is permitted on such an allotment. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking.</p> <p>The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity (except in the Marsden Valley Residential Area) where any departure from the minimum standard is a Non-Complying Activity) (see Schedule I). A specific building proposal must accompany the application. This recognises that it is easier to assess, and address, any adverse effects associated with a smaller section when there is a specific housing proposal <u>and analysis of off and on site amenity</u> accompanying it. The amount of any reduction in size, or whether the exemption is granted, will depend on the merits of the case, and on site and off site effects on the residential amenity. Exceeding the specified coverage by up to 10% is provided for as a discretionary activity (except within the Marsden Valley Residential Area where any departure from the minimum standard is a Non-Complying Activity) (see Schedule I). As with site size, the success of the application will depend on the merits of the situation.</p> <p>The limits on exercising discretion for both site size and site coverage are set as maximums. <b>There should be no expectation that the maximum will necessarily be granted.</b></p> <p>Note: All subdivision in a Heritage Precinct is a discretionary activity; see Rule REr.113. (Parking is dealt with in Rules REr.38 (parking) and REr.39 (parking or storage of heavy vehicles)). Note: REr.23 (minimum site area) and REr.24 (site coverage) do not apply to Wakefield Quay Precinct – refer to Rule REr.84 (Wakefield Quay Precinct).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.25</b> <b>Front yards</b></p>	<p>REr.25.1 Buildings in a front yard (i.e. the area within 4m of the road boundary ) must either be permitted if:</p> <p>a) <del>building coverage of the front yard does not exceed 33% buildings are set back at least 1.5m from the road boundary, and</del></p> <p>b) <del>buildings are set back at least 1.5m from the road boundary, any garage or accessory building located in a front yard is setback at least 1m further from the road boundary than the wall of the associated residential unit which is nearest to the same road boundary, and</del></p> <p>c) <del>no accessory building other than a garage is erected any garage, accessory building or extension to the principal building is compatible in design and colour scheme with the principal building on the site, and</del></p> <p>d) <del>any building is compatible in design and colour scheme with the principal building on the site any length of wall longer than 5m and facing parallel (or within 25 degrees of parallel) to the road boundary contains a window and/or door, and</del></p> <p>e) <del>painting of the building occurs within 6 months of its construction, where painting is necessary at least 50% of the front yard is landscaped when fronting an Unclassified Road, or at least 30% when fronting a Classified Road, and</del></p> <p>f) <del>any length of wall greater than 5m long without a window or door, and sited more or less parallel to the road boundary, is permanently screened from the road or common vehicle access by a landscape strip not less than 1.5m wide and 1m high, a 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. (This provision does not apply to land between the garage and the road where the gradient is greater than 1 in 3.)</del></p> <p>g) <del>a 90 design vehicle can be located in front of the vehicle entrance of any garage so as not to obstruct the passage of pedestrians and vehicles. (This provision does not apply to land where the gradient is greater than 1 in 3.)</del></p>	<p>REr.25.2 Buildings in a front yard (i.e. the area within 4m of the road boundary) are controlled if:</p> <ul style="list-style-type: none"> <li>• any part of a building is within 1.5m of the road boundary, and</li> <li>• building coverage of the area within 4m of the road boundary does not exceed 33%, and</li> <li>• no accessory building other than a garage is erected within 4m of the road boundary, and</li> <li>• any vehicle access complies with the line of sight requirements in Rule REr.30 (buildings and fences near vehicle accesses), and</li> <li>• any door or window cannot swing beyond the road boundary of the site.</li> </ul> <p>Control reserved over:</p> <ol style="list-style-type: none"> <li>i) the design and location of the building, and any adjoining fence, and</li> <li>ii) the design and appearance of the building, and</li> <li>iii) landscaping or similar site treatment.</li> </ol> <p><del>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</del></p> <p><u>Not applicable</u></p>	<p>REr.25.3 <u>Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under Rule REr.22.3.</u></p> <p>All other buildings activities that contravene a permitted condition or a controlled standard are restricted discretionary.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>i) <u>location, design and appearance of the proposed buildings, landscaping and any fences, considering the impact on scale, character, streetscape values and open space, and</u></li> <li>ii) <u>effects on public safety from changes to passive surveillance between public and private space, and</u></li> <li>iii) <u>the relationship of the building to adjoining buildings, and other buildings in the vicinity in respect of visual and amenity values, and</u></li> <li>iv) <u>the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring area and access, and</u></li> <li>v) <u>on site amenity for residents.</u></li> </ol> <p><u>Resource consent application for restricted discretionary activities will be considered without notification.</u></p>

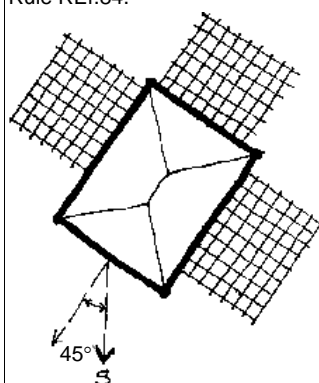
Assessment Criteria	Explanation
<p>REr.25.4</p> <p>a) <del>the relationship of the building to adjoining buildings, and other buildings in the vicinity in respect of visual and amenity values—the extent to which any breach of the front yard standards contributes to an enhanced urban design outcome for the street, neighbourhood, and suburb.</del></p> <p>b) any impacts on the outlook of other houses in the vicinity, or of public vistas.</p> <p>c) any adverse effect on traffic visibility, affecting pedestrian and vehicle safety.</p> <p>d) the streetscape and the impact on scale, character and open space.</p> <p><u>e) the avoidance of front yard layout and design that leads to more than one vehicle access point per site.</u></p> <p><u>f) the avoidance of visual dominance of street elevations by garages (particularly garage doors), parking and manoeuvring areas and blank walls.</u></p> <p><u>g) whether the proposed setback assists with safety and a pleasant public experience by enabling informal surveillance from the dwelling to the street while at the same time providing a modest setback that maintains a degree of privacy and acoustic insulation for residents.</u></p> <p><u>h) the design and appearance of proposed fencing and landscaping in the front yard.</u></p> <p><u>i) the ability for safe reverse manoeuvring onto the street on unclassified roads.</u></p> <p>j) constraints from existing development or unusual site shape or natural and physical features.</p> <p>k) the topography of the site, and whether this might worsen or soften the impact of the building.</p> <p>l) the presence of any unformed road or local purpose reserve (future road) adjacent to the property.</p> <p>m) the position of any formed carriageway, footpaths, or services within the road.</p> <p>n) provision of an additional landscaped area within the site which can be viewed from the road and contribute to the amenity values of the locality.</p> <p>o) the extent that the visual impacts of the building may be mitigated by screening, landscaping, or other treatment.</p>	<p>REr.25.5</p> <p>The rule aims to create a positive relationship between private and public spaces. This includes a safe and pleasant walking experience along footpaths that are bordered by dwellings at a human scale, that offer a sense of interaction, surveillance and community through front garden areas, and make efficient use of available flat land for uses other than those associated with vehicles, provide flexibility in the way the front yard is used to enable a house and garage to be sited where it better suits the owners. <del>This is with the proviso that no other rules are impinged upon (such as daylight angles).</del> The main issue with buildings occupying the front yard <del>are then becomes</del> streetscape amenity, including the reductions in planted or garden areas, extent of impermeable surfacing for parking and manoeuvring areas and maintaining a degree of spaciousness and surveillance in the street. <u>Garages that project in front of the house tend to dominate the streetscape and create unfriendly places.</u></p> <p><u>Reverse manoeuvring is encouraged on unclassified roads and is part of ensuring a low speed environment and people orientated streetscape. Parking for more than two vehicles is best achieved at the rear or side of a site if possible.</u></p> <p><u>The requirement in the permitted rule of a minimum 1.5m setback from the front boundary is to maintain an area for planting or landscaping.—There needs to be sufficient space between the road boundary of the property and in front of the entrance of any garage to park a car.—This is to ensure that vehicles parked in front of garages do not obstruct the footpath or roadway. This also applies to garages side on to the road. An exemption to the parking requirement is provided for steep sites, recognising that a setback of a garage can be difficult to achieve on such sites. Buildings can intrude into the 1.5m setback as a controlled activity. Conditions can be placed on the appearance of the building and on landscaping requirements in order to ensure the amenity of the road is adequate. Also, conditions can be placed to ensure that the location or appearance of the building is not a traffic hazard eg. vehicles reversing from a garage, and to avoid buildings being constructed too close to services.</u></p> <p><del>Accessory buildings (such as garden sheds) are not allowed in the front yard, except as a discretionary activity, as they can potentially detract from the street amenity.</del></p> <p><u>Development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought progressively through the rolling review of the Plan. Valued development patterns are explained further in DO13A.1.1.i.</u></p> <p><u>The restricted discretionary category is provided for departure from the permitted activity standards in certain circumstances. For example, in situations where the houses are located on the southern side of the road, or where steep topography dictates the provision of access and setback of the garage, it may be appropriate to relax the standards if a positive private to public relationship between the dwelling and street can be demonstrated through other design features.</u></p> <p>See Rule REr.35 (daylight admission). In addition to side boundary recession planes, a height recession plane applies from the road boundary to prevent any building within 4 m of the road boundary over shadowing the road or an accessway.</p> <p><del>See Rule REr.30 (buildings and fences near vehicle accesses).</del></p> <p><del>Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</del></p> <p><del>Notes:</del></p> <p><u>Refer to the NCC Residential Street Frontage Guideline.</u></p> <p>A right of way serving more than 4 actual or potential residential units is treated as a road in this rule (see Definition of 'Boundary' in Chapter 2), and the Front Yard provisions therefore apply.</p> <p>This rule does not apply to Wakefield Quay Precinct – refer Rule REr.84.</p> <p>This rule does not apply to Heritage precincts – refer Rules REr.89 (alterations to any building including listed heritage buildings) and REr.90 (erection of new buildings).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
REr.26 Other yards	<p>REr.26.1</p> <p>a) on any <del>one</del> side or rear boundary, the total length of all buildings within 1.5m of the boundary must not exceed 12m, and</p> <p>b) for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram). <del>and</del></p> <p><del>e) in the valleys served by Ngawhatu Road there shall be a 20m building setback along the south-western boundary adjoining the Rural zoned land in Lot 1 DP 19202 and Lot 2 DP 18927.</del></p>	<p>REr.26.2</p> <p>not applicable</p>  <p>(Graphic for REr.26.1)</p>	<p>REr.26.3</p> <p><u>Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under Rule REr.22.3.</u></p> <p>All other activities that contravene a permitted condition are discretionary.</p>

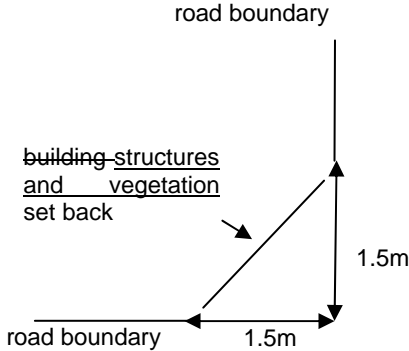
Assessment Criteria	Explanation
<p>REr.26.4</p> <p>a) the height and bulk of the proposed building, and the extent it may dominate an adjoining property, taking account of the aspect and topography of the site and any affected sites, the location of buildings and outdoor living areas on affected properties.</p> <p>b) the presence of site constraints such as the topography and size of the site, and other natural and physical features.</p> <p>c) the extent to which any impacts on adjoining properties may be mitigated by techniques in building design, such as a lower building profile, variations in the lines of the wall or roof, or design features which add visual interest.</p> <p>d) the special needs that may relate to a Heritage Building or Heritage Precinct.</p> <p><u>e) the ability to mitigate potential cross boundary and reverse sensitivity effects at the Rural/Residential Zone boundary through other means.</u></p>	<p>REr.26.5</p> <p>Long walls on or close to the boundary of any adjoining property can be very overbearing, affecting outlook and privacy, particularly if the buildings are to the maximum height permitted by the rules in the plan.</p> <p>No other specific controls are placed on buildings in rear or side yards, providing they comply with the provisions relating to access of daylight to adjoining properties (Rule REr.35 – daylight admission).</p> <p><del>The building setback at Ngawhatu, marked on the Planning Maps, adjoining the Rural Zone boundary is to provide a buffer between Residential activities and the adjoining Rural activities within the adjoining Rural Zone so as to avoid reverse sensitivity effects.</del></p> <p>NOTE: Eaves are part of a building and are not exempted in the definition of 'Building' in Chapter 2 Meaning of Words.</p>



Item	Permitted	Controlled	Discretionary/Non Complying
<b>REr.27</b> <b>Outdoor living court</b> <b>Sites less than</b> <b>350m<sup>2</sup></b>	<p>REr.27.1</p> <p>Any residential unit that does not have a net area of at least 350m<sup>2</sup> allocated exclusively to it, must be provided with an outdoor living court.</p> <p>a) minimum area:  1 bedroom 35m<sup>2</sup>  2 bedrooms 50m<sup>2</sup>  3 or more 75m<sup>2</sup>, and</p> <p>b) minimum dimension 4.5m, and</p> <p>c) units without a room on the ground floor may instead provide a balcony (minimum area of 12m<sup>2</sup>, minimum dimension of <del>2.4m</del> 2.0m), and</p> <p>d) the required minimum area must not be located on a side of the residential unit facing within 45 degrees either side of due South, and must be readily accessible from a living area of the unit (see diagram), <u>and</u></p> <p>e) <u>for Comprehensive Housing Developments the outdoor living court requirement can be a combined total of ground level and upper level areas provided the minimum dimension requirements are met, and</u></p> <p>f) <u>for Comprehensive Housing Developments communal outdoor court can be a substitute for up to a third of the required outdoor living court of a residential unit, provided minimum widths are achieved in all instances and each unit has unhindered access to the communal space. Communal outdoor space used in this manner shall be at least 100m<sup>2</sup> which would provide a third reduction for a maximum of 5 residential units; with an additional net area of 20m<sup>2</sup> required for each additional residential unit.</u></p>	REr.27.2 not applicable	REr.27.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.27.4</p> <p>a) whether alternative outdoor space is available adjacent or near to the site.</p> <p>b) with an existing building, whether provision of a living court is impracticable.</p> <p>c) the likely needs of future occupants of the residential unit.</p> <p>d) the amenity of the area, and whether this makes the use of an outdoor living court undesirable eg. through being exposed to excessive noise.</p>	<p>REr.27.5</p> <p>A requirement for a minimum outdoor living area is included for smaller sites in order to ensure that an adequate and useful outdoor living court is provided. On larger sites it is considered that there will be adequate area for a living court, without this being required in the Plan.</p> <p>Consent may be granted to reduce or waive the living court requirement in certain circumstances eg. if the development directly adjoins a public park.</p> <p><u>In Comprehensive Housing Developments more flexibility is allowed in the shape and configuration of outdoor living courts. This recognises the improved internal and external living environment that is expected to be achieved in these developments.</u></p> <p>This rule does not apply to Wakefield Quay Precinct – refer to Rule REr.84.</p> 

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.28</b> <b>Pedestrian access to rear of sites</b>	REr.28.1 a) The outdoor space around any ground level residential unit must have direct, practical pedestrian access to a road, and b) the minimum width of the access - 1m, and c) the minimum overhead clearance - <del>2.0</del> <u>1.8m, and</u> d) <u>for Comprehensive Housing Developments the pedestrian access may be indirect through a garage, laundry or storage space also meeting the minimum dimensions in b) and c) above.</u>	REr.28.2 not applicable	REr.28.3 Activities that contravene a permitted condition are discretionary.
<b>REr.29</b> <b>Corner sites</b>	REr.29.1 On corner sites, <del>structure and vegetation greater than 1m in height and structures</del> must be set back from the corner at least to a diagonal line joining points on each road boundary 1.5m from the corner of the site (or the point where the road boundaries would meet if extended). (See diagram REr.29.5).	REr.29.2 not applicable	REr.29.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.28.4 a) alternative means of providing for emergency access. b) the nature of the outdoor living area and whether it will generate garden waste, and the nature of any waste.	REr.28.5 The access is to provide for emergency services, and also to allow for the disposal of garden wastes and similar. Direct access means it must be around the building, not through it. Inclusion of the word 'practical' indicates that it can be readily used for pedestrian access. <u>Increased flexibility in this rule is provided for Comprehensive Housing Developments due to the generally smaller nature of the outdoor areas and to allow for an increased ability to construct dwellings with common or party walls.</u>
REr.29.4 a) any impacts on driver visibility, having regard to the width of the road, the configuration of the corner, lines of sight and the width of any unformed road. b) any adverse effect on traffic visibility, affecting pedestrian and vehicle safety. c) the streetscape and the impact on scale, character and open space. d) constraints from existing development or unusual site shape or natural and physical features.	REr.29.5 An extra setback for <u>building structures and vegetation</u> on corner sites is included. This is to ensure adequate line of sight for vehicles at street intersections. 

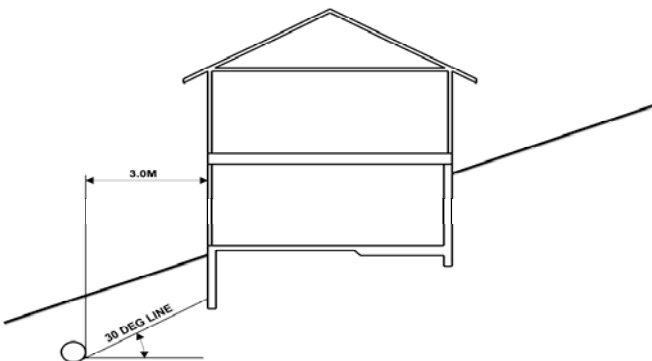
Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.30</b> <b>Buildings and fences near vehicle accesses</b>	<p>REr.30.1</p> <p>Buildings (including fences) must not:</p> <ul style="list-style-type: none"> <li>a) overhang any required vehicle access, and</li> <li>b) in the case of a door or window, be capable of being opened to overhang any required vehicle access, and</li> <li>c) in the case of a gate, be capable of opening out beyond the road boundary of the site, and</li> <li>d) obscure the line of sight at the intersection of a vehicle access with a road boundary, as follows (see diagrams): <ul style="list-style-type: none"> <li>i) above 1m from ground level, and</li> <li>ii) within the area of the triangle formed by drawing a line connecting points on the edge of the access and road boundary, 1.5m from the intersection. (In the case of a sniped intersection, the point where the road boundary and the access would meet if extended is considered to be the intersection), and</li> <li>iii) for the purposes of this rule the edge of the access is determined from the minimum width requirements in Table 14.5.1, Appendix 14 (Design Standards)</li> </ul> </li> </ul>	<p>REr.30.2</p> <p>not applicable</p>	<p>REr.30.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.30.4</p> <ul style="list-style-type: none"> <li>a) whether windows or doors can be modified to prevent them opening onto the access.</li> <li>b) the layout and topography of the intersection of the access and road, and how this affects driver and pedestrian lines of sight.</li> <li>c) impacts on pedestrian and vehicle safety.</li> <li>d) whether devices such as mirrors could help improve visibility.</li> <li>e) whether vehicles can effectively negotiate the vehicle access.</li> </ul>	<p>REr.30.5</p> <p>Eaves and so forth overhanging an access can prevent the passage of trucks and vans, and doors and windows that open outwards can be hazardous.</p> <p>Sight line requirements are included where vehicle accesses join a road for safety reasons. The rule stipulates an area within which there must be a line of sight to the footpath.</p> <p>These sight requirements could be met by leaving the area free of buildings, having a low hedge or fence, or by having a fence which allowed a clear view through it (in the area subject to the rule). Having a very wide access is another way in which the line of sight requirements might be met.</p> <p>Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</p> <p>See the following 'advisory rule', for information about the height of fences.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
REr.31 Fences	<p>REr.31.1 (There is no specific rule on fences. Note that the allowable height for a fence is prescribed by the definition of 'building' in Chapter 2. A fence up to 2m in height is not defined as a building. Therefore it is exempted from any set back or other rules that limit buildings being built up to the boundary.) Fences are permitted if</p> <p>a) <u>Unclassified Road: in a front yard or on a road boundary the maximum height does not exceed 1.2m, and</u></p> <p>b) <u>Classified Road: in a front yard or on a road boundary –</u>  i) <u>the maximum height does not exceed 2.0m, and</u>  ii) <u>any portion between 1.2m and 2.0m in height has a visual permeability of at least 50%, and</u></p> <p>c) <u>on a boundary with a reserve, walkway or other publicly owned space the maximum height does not exceed 1.2m within 1.5m of the boundary, and</u></p> <p>d) <u>on all other property boundaries the maximum height does not exceed 2m, and</u></p>	REr.31.2	<p>REr.31.3 Fences that contravene a permitted condition are restricted discretionary.</p> <p>Discretion is restricted to:</p> <p>(i) <u>the height of the fence, and</u>  (ii) <u>the location of the fence, and</u>  (iii) <u>the design and appearance of the fence, including materials, colour and visual permeability.</u></p> <p>Resource consent applications for restricted discretionary activities will be considered without notification.</p>

Assessment Criteria	Explanation
<p>a) <u>the proportion of the front yard to be contained by the fence and whether the objectives of open, pleasant and safe streetscape can still be achieved.</u></p> <p>b) <u>the design (including physical dimensions), materials and colour of the fence and whether this provides a pleasant, human scaled streetscape.</u></p> <p>c) <u>the design, materials and colour of fences on adjoining properties and whether the proposed fence integrates with an existing style.</u></p> <p>d) <u>whether any site specific circumstances exist that result in the need for a higher solid front fence for safety of the residential occupants and/or animals or to reduce noise effects from Classified Roads on residents.</u></p> <p>e) <u>the degree of dominance of the fence and effects on privacy between neighbouring properties.</u></p> <p>f) <u>contribution to the streetscape outcomes sought in policy REr3.5 and DO13A.3.1.</u></p>	<p>This 'rule' is advisory i.e. it provides the reader with information, and has no regulatory effect.</p> <p>The concept of open frontages onto roads, walkways and reserves is promoted. A sense of openness between residential properties and streets, reserves and walkways is required to maintain streetscape amenity, encourage a sense of community, provide opportunities for passive surveillance and improve safety in public spaces.</p> <p>The rule provides for different fence heights for classified and unclassified roads in recognition of the different function, traffic effects and privacy needs of the residents living in that street.</p> <p><u>Site development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i.</u></p> <p><u>Notes:</u>  Refer to rules REr.29 corner sites, REr.40 Access and section 4 of the NCC Land Development Manual, and REr.92 Heritage Precincts Front fences for other rules relating to fence heights or locations.  Refer to the NCC Residential Street Frontage Guideline.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.34</b> <b>Building over or alongside drains and water mains</b></p>	<p>REr.34.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> <li>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 <u>required pipe or drain</u> is less than or equal to 300mm in diameter <u>or width</u>, and</li> <li>ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the <u>required pipe or drain</u> is greater than 300mm in diameter <u>or width</u>, and</li> <li>iii) <del>which are balconies</del>, may overhang the line of the pipe or drain, provided the <u>balcony structure</u> is cantilevered <u>or is an eave</u> and <del>it's</del> <u>the height to the underside of the structure</u> above ground level is not less than 1.8m, and</li> <li>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 (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram).</li> </ul> <p>b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that:</p> <ul style="list-style-type: none"> <li>i) The foundations are located in accordance with a) iv) above; and</li> <li>ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and</li> <li>iii) The carport is not closed in; and</li> <li>iv) The floor is not concrete to a depth greater than 150mm; and</li> <li>v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules b).ii), b).iii) and b).iv) (above) apply and that access to the pipe or drain for maintenance and repair (and reinstatement afterwards) must be made available at the structure owner's cost).</li> </ul> <p>c) As an alternative to (a) and (b), structures may be located over common private or public <del>sewer</del> <u>wastewater</u> or stormwater drains or pipes (but not pressurised pipes), if they comply with <del>Appendix 14, Table 14.5.2,</del> "Acceptable Techniques for Building over Drains or Pipelines" <u>Table 3-4 in section 3 of the NCC Land Development Manual.</u></p>	<p>REr.34.2</p> <p>not applicable</p>	<p>REr.34.3</p> <p>Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) The design and location of the structure, and</li> <li>ii) Access to pipework <u>or drain</u> for maintenance, and</li> <li>iii) The nature and location of the pipework <u>or drain</u>.</li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification <u>or service of notice</u>, <del>or obtaining written approval of affected persons, under Section 94 of the Act</del> provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>

Assessment Criteria	Explanation
<p>REr.34.4</p> <p>a) the nature of the structure and whether access to the pipe or drain can be maintained</p> <p>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</p> <p>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</p> <p>d) The accessibility of the pipework or drain and the ease by which it could be extracted.</p>	<p>REr.34.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off-site facilities are likely to be affected.</p> <p>In response to frequent requests for carports to be built over pipes, this has been made a permitted activity provided the carport does not become enclosed and the depth of any concrete floor does not exceed 150mm.</p> <p>However, a common problem arises when the carport is later closed in without Council's knowledge. An encumbrance on the title will alert landowners to the location of the pipe or drain and remind them that access to the pipe or drain is to remain unimpeded and all costs associated with obtaining access, (including the removal and reinstatement of floors or walls) are the responsibility of the landowner.</p> <p>Provided the encumbrance is registered on the title, carports built over drains or pipes, do not require a resource consent.</p> <p>Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.</p> <p><u>Table 3-4, section 3 of the NCC Land Development Manual 2010 Table 14.5.2 Appendix 14 (Acceptable Techniques for Building over Drains or Pipelines)</u> provides techniques which allow the construction of structures over drains in some other limited circumstances.</p> <p>At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply. <del>Note that this Appendix does not apply to proposals to build over water mains or other pressurised pipes.</del></p> <p>Diagram referred to in REr.34.1a:</p> 

Item	Permitted	Controlled	Discretionary/Non-complying`
<p><b>REr.35</b> <b>Daylight admission</b></p>	<p>REr.35.1 Buildings are permitted if: a) they comply with the requirements in Appendix 15.</p>	<p>REr.35.2 not applicable</p>	<p>REr.35.3 <u>Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under rule REr.22.3.</u></p> <p><u>All other</u> activities that contravene a permitted condition are discretionary.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.36</b> <b>Decks, terraces, verandahs and balconies</b></p>	<p>REr.36.1 Decks, verandahs, balconies or any similar structures, with a finished floor level in excess of 1.2m above natural ground level at any point, including terraces formed behind retaining walls supporting fill material, are permitted, if:</p> <p>a) they are set back at least 2m from any side or rear boundary, measured on the horizontal plane. This is not a requirement where the subject property adjoins a reserve, access, right-of-way, stream or river, and</p> <p>b) the entire structure (including any railings, fences and canopies) complies with Rule REr.35 (daylight admission) and Rule REr.32 (maximum building height).</p> <p>This rule does not apply where:</p> <p>a) The ground is sloping, and</p> <p>b) The structure is within 2m of the boundary, and</p> <p>c) The finished floor level of the structure lies below the ground level of the adjacent property (measured at all points of the structure in relation to that boundary).</p>	<p>REr.36.2 Activities that contravene part (a) of the permitted conditions are controlled, if:</p> <p>a) they comply with part (b) of the permitted conditions and are <u>not part of a Comprehensive Housing Development.</u></p> <p>Control reserved over:</p> <p>i) screening from the adjoining property, and</p> <p>ii) the height and location of the deck, verandah, balcony or similar structure.</p>	<p>REr.36.3 <u>Comprehensive Housing Developments which do not comply with a permitted condition of the rule on boundaries internal to the development will be processed under rule REr.22.3.</u></p> <p><u>All other</u> Activities that contravene part (b) of the permitted conditions are discretionary.</p>

Item	Permitted	Controlled	Discretionary/Non-complying`
<b>REr.63</b> <b>Service</b> <b>Overlay -</b> <b>Building</b>	<p>REr.63.1</p> <p>Erection or extension of buildings in the Services Overlay is permitted if:</p> <p>a) <u>it is not located in the path of any future road :</u></p> <p>(i) <u>shown as an Indicative Road on any Structure Plan in the Plan, or</u></p> <p>(ii) <u>shown as Proposed Road on the Roading Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</u></p> <p>(iii) <u>shown as Proposed Road on any Planning Maps in Volume 4 of the Plan.</u></p> <p>b) <u>Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</u></p> <p>c) <u>The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</u></p> <p><del>the building is located on an allotment that was created by a subdivision that provided for connection to public reticulated water supply, stormwater and wastewater drains and for which subdivision consent was approved after 25 September 2010.</del></p> <p>b) <del>The building and associated development is connected through piped gravity outfalls to the Council stormwater drain and sewer, and supplied with water through a gravity system from a Council water supply,</del></p>	<p>REr.63.2</p> <p>not applicable</p>	<p>REr.63.3</p> <p><del>Activities</del> <u>Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.</u></p> <p>Discretion is restricted to:</p> <p>i) <u>whether there is adequate capacity and availability in the Council water supply, stormwater and wastewater system to cope with the demands of development of the site(s), and</u></p> <p>ii) <u>whether all connections to Council services (excluding roading) are to gravity systems, and</u></p> <p>iii) <u>in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and</u></p> <p>iv) <u>the location of the building ensures it does not impede the route or construction of any future road or utility services.</u></p> <p><u>Resource consent for restricted discretionary activities will be considered without notification.</u></p> <p><u>Discretionary Activity</u></p> <p><u>Activities that propose to connect to on site services are discretionary.</u></p>



Assessment Criteria	Explanation
<p>REr.63.4</p> <p>a) <del>whether the disposal of stormwater or sewage from the site, or supply of water, can be done effectively without risk to human health or the environment. the matters in the NCC Land Development Manual 2010.</del></p> <p>b) <del>the standards and criteria in Appendix 13 (engineering performance standards) whether the location of the building or development impedes the route and construction of any future road or utility services required to service the site or surrounding sites that have potential for residential development.</del></p> <p>c) <del>whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</del></p> <p>d) <del>whether the building can provide for on site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</del></p> <p>e) <del>the timing of the strategic planning programme for servicing sites within the district over the next 10 years.</del></p>	<p>REr.63.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or <del>sewerage</del> <u>wastewater</u> system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its <del>Strategic</del> <u>Strategic</u> City Development <del>Plan</del> <u>Strategy</u>, the Council has a programme for progressive upgrading of the stormwater, <u>wastewater</u>, water and roading networks in the City, <del>in the Services Overlay</del>. Until that upgrading takes place, building <u>in the Services Overlay</u> will be <u>restricted discretionary or discretionary</u>.</p> <p>If a developer proposes a short term <u>access, drainage or water supply</u> method that is not consistent with the Strategic <u>City Development</u> Plan, the effects of this on the environment and the <del>Strategic</del> <u>Strategic</u> City Development <del>Plan</del> <u>Strategy</u> (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p><u>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another, which has potential for residential development, is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development. The proposed road network will be updated through the City Development Strategy and subsequent plan changes</u></p> <p><u>Use of on site servicing within the Residential Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</u></p> <p><u>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</u></p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.107 Subdivision General</b></p> <p>(except for subdivision located in the Services, Natural Hazard, Landscape or Heritage Overlays)</p>	<p>REr.107.1 Not permitted activity</p>	<p>REr.107.2</p> <p><del>Any Subdivision not located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps is controlled, if:</del></p> <p>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and</p> <p>b) <del>the land is not in a Services, Natural Hazard, Landscape, or Heritage Overlay (excluding Wakefield Quay Precinct) shown on the Planning Maps it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</del></p> <p>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</p> <p>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, <del>except in the Inundation Overlay, and</del></p> <p>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, <del>except in the Inundation overlay and</del></p> <p>f) the net area of every allotment is at least:</p> <p>Lower Density Area: 600m<sup>2</sup></p> <p><del>Port Effects Control Overlay 600m<sup>2</sup> 07/01</del></p> <p><del>Airport Effects Control Overlay 600m<sup>2</sup></del></p> <p>Lower Density Area (Stoke): 1,000m<sup>2</sup> average with a minimum of 850m<sup>2</sup></p> <p>Higher Density Area: 300m<sup>2</sup></p> <p>Remainder of Zone 400m<sup>2</sup></p> <p>except for allotments created solely for access or utility services, and</p> <p>g) a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within <del>40m</del> 5m of the road boundary, except for allotments created solely for access or utility services, and</p> <p>h) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</p> <p>i) for any allotment with frontage to the eastern side of Main Road Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council, and</p> <p><del>j) at the time of subdivision of any property adjoining the Nayland Road South Industrial/Residential Zone boundary, a buffer strip of at least 20m in width shall be set aside, and a landscaped bund at least 3m high constructed within it, along the section of the Industrial/Residential Zone boundary concerned. Each section of earth bund shall be joined with any existing sections of the bund so as to form a continuous barrier. The buffer strip may, subject to encumbrances registered on the land titles, be on either side of the Industrial/Residential Zone boundary, or may included land on both sides.</del></p> <p><del>k) at the time of subdivision of any property in the Lower Density (Stoke) area, there is a maximum of one vehicle access point on to Main Road, Stoke, per original allotment as existed 13 June 2001. The access shall be located so as not to preclude the use of that access for the subdivision of adjoining properties.</del></p> <p><del>l) In respect of the Ngawhatu Residential area compliance with Schedule E rules requiring subdivision layout to generally accord with the Schedule E Outline Development Plan.</del></p> <p><del>m) in respect of the Marsden Hills area compliance with Schedule V rules requiring subdivision layout to generally accord with the Schedule V Outline Development Plan.</del></p> <p><del>n) In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan.<sup>PC13</sup></del></p> <p>i) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally complies with any Outline Development or Structure Plan or as otherwise specified by the Schedule.</p>	<p>REr.107.3</p> <p><del>Any Subdivision not located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps that contravenes a controlled standard is a restricted discretionary if: is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</del></p> <p><del>a) every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14, and</del></p> <p><del>b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</del></p> <p><del>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</del></p> <p><del>b) it complies with controlled activity terms REr.107.2 b) to h), and</del></p> <p><del>c) in relation to Comprehensive Housing Developments compliance with REr.107.2 f) is not required provided it meets the restricted discretionary standards and terms of rule REr.22.3</del></p> <p>Discretion is restricted to:</p> <p>i) <del>the matters of control under REr.107.2, and</del></p> <p>ii) <del>the ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary engineering design to demonstrate the urban design outcomes sought, and</del></p> <p>iii) <del>the matters in the NCC Land Development Manual 2010</del></p> <p>iv) <del>the matters in Appendices 10 to 12 of the Plan, and</del></p> <p>v) <del>the design and layout of roads, access, cycle ways, walkways, reserves and biodiversity corridors, and</del></p> <p>vi) <del>the staging of development and associated roading and reserves, and</del></p> <p>vii) <del>for Comprehensive Housing Developments the matters in Rule REr.22.3.</del></p> <p>Resource consent for restricted discretionary activities will be considered without notification or service of notice.</p> <p>Discretionary Activity</p> <p>Activities that contravene a standard for a restricted discretionary activity are discretionary.</p>

Continued overleaf ...

REr.107.2 (continued)

Control reserved over:

- i) ~~the matters contained in the NCC Land Development Manual 2010 Appendix 13 (engineering performance standards), and~~
  - ii) ~~the effects of natural and other hazards, and~~
  - iii) ~~design and layout of the subdivision including any proposed public spaces and any appropriate connections/linkages, and~~
  - iv) ~~protection of natural features, landscapes, heritage items, vegetation and Maori values, and~~
  - v) ~~riparian management, and~~
  - vi) ~~public access, and~~
  - vii) ~~adverse effects likely to arise from the subdivision, associated development, or subsequent use of the land, and~~
  - viii) ~~development of the subdivision and sites having regard to:
    - a) ~~appropriate vehicle access, and~~
    - b) ~~the intensity of residential units to be erected on each lot and the siting of such buildings, and~~
    - c) ~~provision of services, and~~~~
  - ix) ~~stormwater management, and~~
  - x) ~~the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and~~
  - xi) ~~financial contributions in accordance with Chapter 6, and~~
  - xii) ~~the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and~~
  - xiii) ~~in the Ngawhatu Residential area the matters contained in Schedule E Outline Development Plan, and~~
  - xiv) ~~within the Ngawhatu Residential areas (Schedule E) provision of adequate cycle and pedestrian routes and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west, and~~
  - xv) ~~in the Ngawhatu Valley area (Highland and York Valley) protection measures (in addition to listed protected trees) for significant and essential trees, and~~
- ~~NOTE: see information for subdivision requirements under AD8.3~~
- xvi) ~~in the Ngawhatu Valley area (Highland and York Valley) the subdivision layout and access provisions integrating residential neighbourhoods into the mature landscape.~~
  - xvii) ~~xiii) for areas subject to a Structure Plan or Outline Development Plan, the matters contained on those including:
    - ~~the provision of road, walkway and cycleway linkages, 'greenspace' and biodiversity corridors with connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan, Outline Development Plan or within the Planning Maps, and~~
    - ~~any specific rules, schedules or other notations shown on the Structure Plan or Outline Development Plan as applying to that land.~~<sup>PC13</sup>~~

~~In the Inundation Overlay, in addition to the matters listed above, control is reserved over:~~

- ~~a) finished ground level, and~~
- ~~b) the nature of infill, its compaction and placement.~~

Assessment Criteria	Explanation
<p>REr.107.4</p> <p>a) the matters in the NCC Land Development Manual 2010 matters in Appendix 13 (Engineering Performance Stds)</p> <p>b) the extent of compliance with Appendices 10 to 12, 44, 22 and 23</p> <p>c) for Comprehensive Housing Developments, or subdivision within the Wakefield Quay precinct, the degree to which the subdivision achieves the outcomes contained in Appendices 22 and 23 respectively.</p> <p>d) the extent to which the design response for the proposal ensures that the design and appearance of the subdivision will achieve the urban design outcomes sought in the objectives and policies of the NRMP (refer particularly to DO13A Urban Design and the Residential Zone Objectives and Policies).</p> <p>e) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided. the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary</p> <p>f) in the case of conversion to freehold of cross lease allotments existing prior to the notification of the Plan: the need to provide greater flexibility than the standards in Appendices 10 to 12, and 14 allow, except where these are necessary to mitigate adverse effects arising from the conversion. the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</p> <p>g) effects on traffic, road network, access, parking, stormwater management, water supply sewage wastewater reticulation, and power and telecommunication services.</p> <p>h) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards. effects of allotment size and shape, including on amenities of neighbourhood, on private to public space relationships, function and amenity, and on the potential efficiency and range of uses of the land.</p> <p>i) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other water bodies on the land to be subdivided.</p> <p>j) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</p> <p>k) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure. the assessment criteria contained in REr.61.4 (Earthworks).</p> <p>l) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 – landscape components and views).</p> <p>m) the extent to which the proposal has regard to Maori values, particularly in traditional, cultural, or spiritual aspect relating to the land.</p> <p>n) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</p> <p>o) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</p> <p>p) financial contributions (see Chapter 6).</p> <p>q) the development potential of other adjacent land. the extent to which the proposal includes protection and planting of biodiversity corridors as shown on the Planning Maps or Structure Plans.</p> <p>r) the ground level required to avoid the effects of flooding.</p> <p>s) 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.</p> <p>t) effects on neighbouring properties, especially stormwater runoff.</p> <p>u) provision of adequate flow paths for surface flooding.</p> <p>v) the possibility of an overloaded public storm water system overflowing onto private property.</p> <p>w) effects of allotment size and shape, including on amenities of neighbourhood, and on the potential efficiency and range of uses of the land.</p> <p><i>Continued overleaf...</i></p>	<p>REr.107.5</p> <p><u>Specific rules apply to subdivision activities proposed within the Services, Natural Hazard, Landscape or Heritage Overlays (see Rules REr.108 to REr.114).</u></p> <p><u>Resource consent is required for all subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</u></p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers <u>the wastewater network</u> and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The shape factor for land parcels is specified to ensure that sites are of a shape that will maximise the range and efficiency of potential uses of the land ie. such that complying buildings can be reasonably placed on them at a later stage.</p> <p>There is an extra provision regarding the position of the shape factor in relation to the front boundary of a front site. This ensures reasonable widths of section are presented to the street, and that the streetscape is not just a series of narrow frontages comprised of driveways.</p> <p>It also helps clarify the difference between a front and rear site. This is important, since on rear sites, the area occupied by accesses up to a certain width is deducted from determine net area of a site.</p> <p><u>A restricted discretionary activity category is provided in recognition that it is difficult to achieve the better urban design outcomes sought by the NRMP and the NCC Land Development Manual through a prescriptive set of minimum standards. The restricted discretionary category is therefore provided for applicants who can demonstrate, through compliance with Appendix 14, that the proposed design solution is compatible with the urban design outcomes sought by the Plan and the guidance in the NCC Land Development Manual. This category also includes Comprehensive Housing Developments in the restricted discretionary subdivision category.</u></p> <p><u>In order to achieve high quality urban design outcomes it is considered that the design and construction of local neighbourhood reserves should be undertaken in conjunction with the residential subdivision. The process and design criteria to achieve this are outlined in section 12 'Reserves' of the NCC Land Development Manual 2010.</u></p> <p><u>Subdivision and development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i.</u></p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of Esplanade Reserves and Strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of Esplanade Reserves or Strip unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1.</p> <p><i>Continued overleaf...</i></p>

Assessment Criteria	Explanation
<p>REr.107.4 (continued)</p> <p><del>ux)</del> the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p><del>vz)</del> any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment,</p> <p><del>wz)</del> an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants.</p> <p><del>xaa)</del> alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.</p> <p><del>ybb)</del> the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</p> <p><del>zcc)</del> in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 (minimum site area).</p> <p><del>aadd)</del> the potential for residential activity to be affected by the operation of the Nayland Road South food processing activities. <u>the matters contained in any Schedules or shown on the Structure Plan as applying to that land</u></p> <p><del>bbee)</del> the density of planting, mature height and species of plant proposed in any required landscaping.</p> <p><del>eeff)</del> potential shading of neighbouring properties from development of the site, including fences.</p> <p><del>dd)</del> in Ngawhatu Valley and the land between the Valleys, the extent of provision for pedestrian linkages between open space areas, commercial areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian links connect up to the Barnicoat Walkway in accordance with Schedule E. Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley in accordance with Schedule E.</p> <p><del>ee)</del> in Ngawhatu Valley the proposed protection (in addition to listed, protected trees) for significant and essential trees, to ensure the special mature landscape and amenity values of the site are maintained.</p> <p><del>ff)</del> in Ngawhatu Valley the extent to which the subdivision layout and access provisions, creates residential neighbourhoods integrated into the mature landscape.</p> <p><del>gg)</del> in Ngawhatu Valley and the land between the Valleys, the measures proposed to address cross boundary conflicts with the adjoining Rural Zone.</p> <p><del>hh)</del> within the Ngawhatu Residential area (Schedule E) provision of adequate cycle and pedestrian route and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west.</p> <p><del>ii)</del> in Marsden Valley and the land between this and Enner Glynn and Ngawhatu Valleys, the extent of provision for pedestrian and cycle linkages between open space areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian and cycle links connect up to the Barnicoat Walkway and between the valleys in accordance with <u>Schedule I and Schedule V.</u><sup>PC13</sup></p> <p><del>iii)</del> for Marsden Valley Schedule I area the extent to which any proposal and/or development is in general accordance with <u>Schedule I and with the associated Structure Plan (Schedule I Figure 1).</u><sup>PC13</sup></p> <p><del>gg)</del> the extent to which the proposed public reserves achieve the outcomes sought in section 12 Reserves of the NCC Land Development Manual 2010.</p> <p><del>hh)</del> in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: <u>the need to provide greater flexibility than the standards in Appendices 10 to 12 allow, except where these are necessary to mitigate adverse effects arising from the conversion.</u></p>	<p>REr.107.5 (continued)</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment in 2003 for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequential effects on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence additional safety margin is required there.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule REr.61 (earthworks) <del>where a site is being filled for earthworks associated with the subdivision layout and creation of future building sites.</del></p> <p>Where the allotment is to be less than the minimum net area stated in REr.4037.2 (subdivision), see Rule REr.23.</p> <p><del>The provisions relating to subdivision adjoining the Nayland Road South Industrial/Residential Zone boundary requires a landscaped bund to physically separate the Nayland Road South industrial area from adjoining residential activities. A similar subdivision rule has been imposed on the Industrial Zone. The purpose of the landscaped bund is to ensure the Residential Zone can coexist alongside the Nayland Road South industrial area.</del></p> <p><del>See Schedule I for Marsden Valley Residential Area.</del><sup>PC13</sup></p>

**Subdivision Rules relating to Overlays on the Planning Maps**

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.108 Services Overlay</b> Subdivision	REr.108.1 Subdivision is not a permitted activity.	REr.108.2 not applicable	<p>REr.108.3</p> <p>Subdivision in the Services Overlay, is a <u>restricted discretionary activity</u>, if:</p> <p>a) <del>every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14 it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</del></p> <p>b) <del>every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system it complies with all other controlled activity terms REr.107.2 b) to h), or</del></p> <p>c) <u>in relation to REr.107.2 f) 'Minimum Site Area' it is the subdivision component of a Comprehensive Housing Development meeting the restricted discretionary standards and terms of rule REr.22.3</u></p> <p>Discretion is restricted to:</p> <p>(i) <u>ensuring the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites in the Services Overlay as provided for by zone standards, and</u></p> <p>(ii) <u>ensuring the proposal provides for future roading and servicing connections to adjoining land in Services Overlay.</u></p> <p>(iii) <u>the matters in the NCC Land Development Manual 2010, and</u></p> <p>(iv) <u>the extent of consistency with the Councils strategic planning for the servicing of sites within the district as identified in the LTCCP, and</u></p> <p>(v) <del>the economic sustainability of servicing the site relative to the development yield, and</del></p> <p>(vii) <u>the matters of restricted discretion in Rule REr.107.3(subdivision general).</u></p> <p><u>Resource consent for restricted discretionary activities will be considered without notification.</u></p> <p><u>Discretionary Activity</u> <u>Activities that contravene a standard for the restricted discretionary activity are discretionary.</u></p>

Assessment Criteria	Explanation
<p>REr.108.4</p> <p>a) whether the disposal of storm water or <del>sewage</del> <u>wastewater</u> from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties.</p> <p>b) the <u>minimum standards and criteria in Appendix 13—the matters in the NCC Land Development Manual 2010.</u></p> <p>c) the assessment matters in Rule REr.107 (Subdivision: General).</p> <p>d) <u>the strategic planning for servicing of sites within the district as identified in the LTCCP.</u></p> <p>e) <u>the sustainability of servicing the site for Council relative to the development yield, and any other means for financing the provision of services to the site.</u></p> <p>f) <u>the marginal cost of extending water and wastewater services to facilitate future development of land in the vicinity.</u></p> <p>g) <u>the assessment matters in REr.107.4. Subdivision (General).</u></p>	<p>REr.108.5</p> <p><u>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Services Overlay, subdivision consent is only required under REr.108, unless any other overlays also apply to the site.</u></p> <p>Subdivision in the Services Overlay is a <u>restricted discretionary activity</u> rather than a controlled activity. This provides a <u>limitation on more flexibility</u> in the range and type of conditions that can be imposed, <del>recognising relevant to</del> particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is <u>unsuitable or servicing of the site is considered unsustainable for Council.</u></p> <p>The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or <del>sewer</del> <u>wastewater</u> drainage.</p> <p>Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land.</p> <p>In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a <u>discretionary non-complying activity</u>. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important.</p> <p>There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed.</p> <p>The Council's <del>Engineering Section</del> holds copies of maps which define the servicing constraints in more detail.</p> <p><u>(Note: The capacity of the drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility)</u></p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.109</b> <b>Landscape</b> <b>Overlays</b> Subdivision	REr.109.1 Subdivision is not a permitted activity.	REr.109.2 Subdivision in any Landscape Overlay is controlled, if: a) it meets the standards in Rule REr.107 (subdivision: general), excluding Table 14.1 of Appendix 14 (design standards), and b) is accompanied by a landscape assessment by an appropriately qualified person. Control reserved over: i) the matters in Rule REr.107 (subdivision: general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and ii) the location of building sites, and iii) the alignment and location of roads, the width of carriageways and planting of berms, and iv) retention of existing vegetation and other site features, and v) location and design of utilities, and vi) extent and form of earthworks, and vii) size, shape and orientation of allotments, and i) the location and types of planting for amenity and restoration. Not applicable	REr.109.3 Any subdivision that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: a) every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14 (design standards), and b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system. Any application must be accompanied by a landscape assessment by an appropriately qualified person. Subdivision in the Landscape Overlay, is a restricted discretionary activity, if: a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and b) is accompanied by a landscape assessment by an appropriately qualified person, and c) it complies with all other controlled activity terms REr.107.2 b) to h), and d) in relation to Comprehensive Housing Developments compliance with REr.107.2 f) is not required provided it meets the restricted discretionary standards and terms of rule REr.22.3 Discretion is restricted to: i) the matters of restricted discretion in Rule REr.107.3 (subdivision: general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and ii) the location of building sites, and iii) the matters in the NCC Land Development Manual 2010 with particular regard to the alignment and location of roads, the width of carriageways and planting of berms, and iv) retention of existing vegetation and other site features, and v) location and design of utilities, and vi) extent and form of earthworks and the matters in REr.61.3, and vii) size, shape and orientation of allotments, and viii) the location and types of planting for amenity and restoration. ix) the extent of compliance with Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay. Discretionary Activity Activities that contravene a standard for the restricted discretionary activity are discretionary.
<b>REr.110</b> <b>Fault Hazard</b> <b>Overlay</b> Subdivision	REr.110.1 Subdivision is not a permitted activity.	REr.110.2 not applicable	REr.110.3 Subdivision in the Fault Hazard Overlay is discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if: a) the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or b) the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.

<b>Assessment Criteria</b>	<b>Explanation</b>
<p>REr.109.4</p> <p>a) compliance with the Guide for Subdivision and Structures in the Landscape Overlay (Appendix 7).</p> <p>b) the assessment matters for Rule REr.107.4 (subdivision: general).</p>	<p>REr.109.5</p> <p><u>Subdivision in the Landscape Overlay provides specific landscape related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Landscape Overlay, subdivision consent is only required under REr.109, unless any other overlays also apply to the site.</u></p> <p>The areas in the Landscape Overlays are sensitive to development. Rather than controlling subdivision and the resulting development of residential housing separately, the plan controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p>In Ngawhātu, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows.</p> <p>In the Lower Density (Marsden Hill Schedule V) Residential Zone, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows (see Schedule U for the relevant subdivision rules for the Marsden Plateau Landscape Area).</p>
<p>REr.110.4</p> <p>a) the risk to life, property and the environment posed by the natural hazard.</p> <p>b) the risk identified fault line may pose to services and any likely buildings.</p> <p>c) the anticipated use of the site.</p> <p>d) the ability to arrange the site so that the fault line avoids building sites.</p> <p>e) whether the subdivision would create a site that was unusable.</p> <p>f) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>REr.110.5</p> <p><u>Subdivision in the Fault Hazard Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Fault Hazard Overlay, subdivision consent is only required under REr.110, unless any other overlays also apply to the site.</u></p> <p>The rule requires identification of any fault line so the subdivision can be aligned to minimise risk to people and property, and also to ensure that any proposed allotments are usable.</p> <p>(Note: subdivision of land in the Overlay between Cambria Avenue and Seymour Street is controlled under Rule REr.107 – subdivision: general.)</p>



<p><b>REr.111</b>  <b>Flood Path Overlay, and Flood Overlay and Inundation Overlay</b>  Subdivision</p>	<p>REr.111.1  Subdivision is not a permitted activity.</p>	<p>REr.111.2  not applicable</p>	<p>REr.111.3  Subdivision in Flood Path Overlay, Flood Overlay, <u>Inundation Overlay</u> or any flood path specified in the flood path table in Volume 4 (planning maps) of this Plan is discretionary.</p>
<p><b>REr.112</b>  <b>Tahunanui Slump Core Slope Risk Overlay</b>  <b>Tahunanui Slump Fringe Slope Risk Overlay</b>  Subdivision</p>	<p>REr.112.1  Subdivision is not a permitted activity.</p>	<p>REr.112.2  not applicable</p>	<p>REr.112.3  Discretionary:  Subdivision is discretionary, if it is:  a) a boundary adjustment, and does not create a new allotment, or  b) for a network utility or public open space, or  c) in the Tahunanui Slump Fringe Slope Risk Overlay, and the application is accompanied by a geotechnical assessment from suitably qualified engineer or geologist, that addresses issues raised in section 106 of the Act.  Prohibited  Subdivision is a prohibited activity, if:  a) it contravenes a standard for a discretionary activity.</p>
<p><b>REr.113</b>  <b>Heritage Precincts</b>  Subdivision</p>	<p>REr.113.1  Subdivision is not a permitted activity.</p>	<p>REr.113.2  not applicable</p>	<p>REr.113.3  Subdivision in any Heritage Precinct is discretionary.</p>
<p><b>REr.114</b>  <b>Heritage Overlays</b>  (excluding Heritage Precincts and Wakefield Quay Precinct)  Subdivision</p>	<p>REr.114.1  Subdivision is not a permitted activity.</p>	<p>REr.114.2  not applicable</p>	<p>REr.114.3  Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.</p>
<p><b>REr.115</b>  <b>Bishopdale Subdivision Area</b>  Scheduled Site – Sch.H)</p>	<p>REr.115.1  Schedule Sch.H applies.</p>	<p>REr.115.2  Schedule Sch.H applies.</p>	<p>REr.115.3  Schedule Sch.H applies.</p>
<p><b>REr.116</b>  <b>Grampian Slope Risk Overlay</b>  Subdivision</p>	<p>REr.116.1  Subdivision is not a permitted activity.</p>	<p>REr.116.2  not applicable</p>	<p>REr.116.3  Subdivision in the <u>Grampian Slope Risk Overlay</u> is discretionary.</p>

<b>Assessment Criteria</b>	<b>Explanation</b>
<p>REr.111.4</p> <p>a) the risk to life, property and the environment posed by the natural hazard.</p> <p>b) the anticipated use of the site.</p> <p>c) whether the subdivision would create a site that was unusable.</p> <p>d) any fences and other structures that might accompany the subdivision, and their likely effect on the flood hazard.</p> <p>e) the assessment matters in Rule REr.107.4 (subdivision: general).</p> <p>f) <u>whether a site can be created at a level that avoids inundation, and</u></p> <p>g) <u>the nature of infill, its compaction and placement.</u></p>	<p>REr.111.5</p> <p><u>Subdivision in the Flood Path, Flood Overlay and Inundation Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Flood Path and Flood Overlay, subdivision consent is only required under REr.111, unless any other overlays also apply to the site.</u></p> <p>The rule seeks to ensure that allotments created are usable, and that the activities that may accompany subdivision do not worsen the flood hazard or expose additional people or property to risk.</p> <p>Note: The Residential zoned land in Todds Valley surrounded by Rural zoned land is subject to the Flood Overlay.</p>
<p>REr.112.4</p> <p>a) see Rules REr.74 to REr.79 (Tahunanui Slump Core and Tahunanui Slump Fringe slope risk overlays).</p> <p>b) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>REr.112.5</p> <p><u>Subdivision in the Tahunanui Core Slope Risk and Fringe Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Tahunanui Core Slope Risk and Fringe Slope Risk Overlay, subdivision consent is only required under REr.112, unless any other overlays also apply to the site.</u></p> <p>See Rule REr.74 to REr.79 (Tahunanui Slump Core and Tahunanui Slump Fringe slope risk overlays).</p>
<p>REr.113.4</p> <p>a) the application will be assessed for compatibility with the Design Guide for that precinct.</p> <p>b) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>REr.113.5</p> <p><u>Subdivision in a Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in a Heritage Precinct, subdivision consent is only required under REr.113, unless any other overlays also apply to the site.</u></p> <p>Changes in the subdivision pattern and lot size can affect the heritage values of a precinct. Small lots and close settlement are characteristic of areas such as South and Elliott Streets.</p>
<p>REr.114.4</p> <p>a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (i.e. people's private property rights). eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree. eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned. eg. protecting the item in common or public reserve in lieu of reserve contributions.</p> <p>b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this.</p> <p>c) the assessment matters in Rule REr.107.4 (subdn: general).</p>	<p>REr.114.5</p> <p><u>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Heritage Overlay, subdivision consent is only required under REr.114, unless any other overlays also apply to the site.</u></p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p>
<p>REr.115.4</p> <p>a) See Schedule Sch.H</p> <p>b) <u>the assessment matters in Rule REr.107.4 (subdivision general)</u></p>	<p>REr.115.5</p> <p>See Schedule Sch.H</p> <p><u>Subdivision in Schedule H Bishopdale Subdivision Area has specific servicing and financial contribution provisions in addition to those that are applied to a subdivision consent application under REr.107 General. For subdivision in the Bishopdale Subdivision Area both REr.107 and REr.115 rules apply.</u></p>
<p>REr.116.4</p> <p>a) <u>the risk to life, property and the environment posed by the natural hazard.</u></p> <p>b) <u>the anticipated use of the site.</u></p> <p>c) <u>whether the subdivision would create a site that was unusable.</u></p> <p>d) <u>the assessment matters in Rule REr.107.4 (subdivision: general).</u></p>	<p>REr.116.5</p> <p><u>Subdivision in the Grampians Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Grampians Slope Risk Overlay, subdivision consent is only required under REr.116, unless any other overlays also apply to the site.</u></p> <p><u>See Rule REr.80 and REr.81 (Grampian Slope Risk Overlay – Stormwater and Wastewater, and Earthworks)</u></p>

*Amend Schedule E Ngawhatu Residential Area to ensure consistency with plan change and to add in those matters of control and assessment criteria deleted from the general subdivision rule as follows:*

### **Sch E. Ngawhatu Residential Area**

*Amend all references to Ngawhatu Road as a 'Collector Road' in Schedule E to 'Sub Collector Road'.*

#### **E.3 Restricted/Discretionary Activities**

Activities Subdivisions that contravene any general rule E.2(i), E.2(ii) or E.2(iii) are restricted discretionary if they are located in the Landscape or Services Overlay and comply with the standards and terms of REr.108.3 and REr.109.3. Subdivision that contravene any standard in Rule REr.108.3 and 109.3 are discretionary. Subdivision located in any other Overlays is a Discretionary Activity.

#### **E.4 Assessment Criteria**

- d) in Ngawhatu Valley and the land between the Valleys, the extent of provision for pedestrian linkages between open space areas, commercial areas, residential neighbourhoods, and neighbouring land to ensure that over time, pedestrian links connect up to the Barnicoat Walkway. Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley.
- e) in Ngawhatu Valley the proposed protection (in addition to listed, protected trees) for significant and essential trees, to ensure the special mature landscape and amenity values of the site are maintained.
- f) in Ngawhatu Valley the extent to which the subdivision layout and access provisions, creates residential neighbourhoods integrated into the mature landscape.
- g) in Ngawhatu Valley and the land between the Valleys, the measures proposed to address cross-boundary conflicts with the adjoining Rural Zone.
- h) within the Ngawhatu Residential area, provision of adequate cycle and pedestrian route and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west.

*Amend Schedule V Marsden Hills to add in those information requirement and assessment matters deleted from the administration Chapter 3 as follows:*

### **Sch V. Marsden Hills**

*Add new assessment criteria as follows:*

#### **V.4 Assessment Criteria**

- d) whether the design provides for integrated roading design via not more than two linkages through to Marsden Valley Road.
- e) landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, within the Higher Density Small Holdings Area, to avoid the appearance of continuous sprawl of development in the more elevated and prominent parts of the site.

Add new rules to rule contents table as follows:

- RUr.49A Services Overlay – Building
- RUr.84 Subdivision within the Grampians Slope Risk Overlay
- RUr.85 Services Overlay – Subdivision

Add new Rural Zone Chapter 12 Rules as follows:

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying`</b>
<b>RUr.49A Service Overlay Building</b>	<p>RUr.49A.1 Erection or extension of buildings in the Services Overlay is permitted if:</p> <p>a) <u>it is not located in the path of any future road;</u></p> <p>(iv) <u>shown as an Indicative Road on any Structure Plan in the Plan, or</u></p> <p>(v) <u>shown as Proposed Road on the Roading Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</u></p> <p>(vi) <u>shown as Proposed Road on any Planning Maps in Volume 4 of the Plan.</u></p> <p>b) <u>Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</u></p> <p>c) <u>The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</u></p> <p><del>the building is located on an allotment that was created by a subdivision that provided for either connection to public reticulated water supply, stormwater and wastewater drains or on site servicing (individual or community) for which subdivision consent was approved after (insert notification date)</del></p>	<p>RUr.49A.2 not applicable</p>	<p>RUr.49A.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.</p> <p><u>Discretion is restricted to:</u></p> <p>i) <u>whether adequate capacity and availability exists in the Council water supply, stormwater and wastewater system to cope with the demands of development of the site(s), and</u></p> <p>ii) <u>whether all connections to Council services (excluding roading) are to gravity systems, and</u></p> <p>iii) <u>in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and</u></p> <p>iv) <u>the location of building to ensure it does not impede the route or construction of any future road or utility services.</u></p> <p><u>Resource consent for restricted discretionary activities will be considered without notification.</u></p> <p><u>Discretionary Activity</u> <u>Activities that propose to connect to on site services are discretionary.</u></p>

<b>Assessment Criteria</b>	<b>Explanation</b>
<p>RUr.49A.4</p> <p>a) <u>the matters in the NCC Land Development Manual 2010.</u></p> <p>b) <u>that the location of the building does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development.</u></p> <p>c) <u>whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</u></p> <p>d) <u>whether the building can provide for on site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</u></p> <p>e) <u>the strategic planning programme for servicing sites within the district.</u></p>	<p>RUr.49A.5</p> <p><u>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</u></p> <p><u>Under its Long Term <del>Council Community</del> Plan, the Council has a programme for progressive upgrading of the stormwater, wastewater, water and roading networks in the City. Until that upgrading takes place, building will be discretionary.</u></p> <p><u>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term <del>Council Community</del> Plan, the effects of this on the environment and the Long Term <del>Council Community</del> Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</u></p> <p><u>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</u></p> <p><u>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for development is maintained. Erection or extension of buildings will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for development.</u></p> <p><u>Use of on site servicing within the Rural Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</u></p> <p><u>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</u></p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.78 Subdivision General</b></p> <p>(except for subdivision located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlay)</p>	<p>RUr.78.1</p> <p>Subdivision is not a permitted activity in this Zone.</p>	<p>RUr.78.2</p> <p>Any Subdivision <u>not located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlays as shown on the Planning Maps</u> is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14 except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirements for other uses, and</li> <li>b) <del>the land is not in a Coastal Environment, Conservation, or Natural Hazard Overlay, or does not contain a Heritage Overlay, as shown on the Planning Maps except in the case of lots created for access or network utility purposes as provided for in a) above, it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</del></li> <li>c) the land is not part of a papakainga development as defined in Sch.P, and</li> <li>d) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and</li> <li>e) the net area of every allotment is at least <ul style="list-style-type: none"> <li>i) 15ha, except in the Small Holdings Areas, or</li> <li>ii) 3ha <del>average lot size with a 2ha</del><sup>0501</sup> minimum lot size in the Lower Density Small Holdings Area, or</li> <li>iii) 1ha average size with a 5000m<sup>2</sup> minimum size, except in Marsden Valley Schedule I, Chapter 7,<sup>PC13</sup> Marsden Hills (Schedule V Chapter 7) and Ngawhatu where the minimum size is 2000m<sup>2</sup> (subject to provision of reticulated services), in the Higher Density Small Holdings Area, <del>subject to the provision of reticulated services, provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards), or</del></li> <li>iv) no minimum in the case of allotments created solely for access or for a network utility, and</li> </ul> </li> <li>f) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility, and</li> <li>g) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land.</li> <li>h) <u>In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.</u><sup>PC13</sup></li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the matters contained in <u>the NCC Land Development Manual 2010 Appendix 14, and</u></li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and within Marsden Hills High Density Rural Small Holdings zone (Schedule V, Chapter 7) and Marsden Valley (Schedule I, Chapter 7) Rural Zone – Higher Density Small Holdings Areas <del>the design, utilization of clusters of development, with separated by open space separating clusters</del><sup>PC13</sup>, rather than a design which allows dispersed development, and</li> <li>iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and</li> <li>v) riparian management, and</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>a) appropriate vehicle access, and</li> <li>b) the siting of buildings, and</li> <li>c) provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose.</li> <li>xiii) <u>in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.</u><sup>PC13</sup></li> </ul>	<p>RUr.78.3</p> <p>Any Subdivision <u>not located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlays as shown on the Planning Maps</u> that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the <u>minimum standards relating to in Section 7 Water, Section 5 Stormwater and sewerage Section 6 Wastewater in Appendix 14 the Nelson City Council Land Development Manual 2010, and</u></li> <li>b) it is <u>not located in the Rural Zone or Small Holdings Area between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle.</u><sup>0501</sup></li> </ul> <p>b) <u>the net area of allotments is greater than 1ha in the Small Holdings Area except where lots have been created for the purpose of access or network utilities.</u><sup>0501</sup></p> <p><u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u><sup>0501</sup></p> <p>Subdivision of land that is part of a papakainga development as defined in Sch.P is a prohibited activity.</p>

Assessment Criteria	Explanation
<p>RUr.78.4</p> <p>a) <del>the matters in Appendix 13 (engineering performance standards) the matters contained in the NCC Land Development Manual 2010.</del></p> <p>b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</p> <p>c) the extent of compliance with Appendices 10 to 12, and 14.</p> <p>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services (where relevant).</p> <p>e) <del>the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards. the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary.</del></p> <p>f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</p> <p>g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure.</p> <p>h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</p> <p>i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</p> <p>j) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</p> <p>k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</p> <p>l) financial contributions (see Chapter 6).</p> <p>m) <del>the development potential of other adjacent land for on site wastewater disposal the matters in FWr.29.</del></p> <p>n) the ground level required to avoid the effects of flooding.</p> <p>o) 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.</p> <p>p) effects on neighbouring properties, especially stormwater runoff.</p> <p>q) provision of adequate flow paths for surface flooding.</p> <p>r) the possibility of an overloaded public storm water system overflowing onto private property.</p> <p>s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</p> <p>t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2 – riparian or coastal areas with priority values) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</p> <p>v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</p> <p>w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants).</p> <p>x) the assessment matters in Table DO6.1 regarding the type of protection appropriate in given circumstances.</p> <p>y) Marine conservation values outlined in Appendix 4 (marine ASCV overlay).</p> <p>z) <del>in Ngawhatu the extent of the provision of pedestrian linkages between Open Space areas, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian links connect up to the Bamicoat Walkway in accordance with the Outline Development Plan in Schedule E (see Residential zone). Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley in accordance with the Outline Development Plan in Schedule E.</del></p> <p>aa) <del>in Ngawhatu Higher Density Small Holdings area, the extent to which the subdivision provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.</del><sup>PC13</sup></p> <p>aa) <u>the matters contained in any Schedules or shown on the Structure Plan as applying to that land</u></p>	<p>RUr.78.5</p> <p><u>Specific rules apply to subdivision activities proposed within the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlay (see Rule RUr.79 to RUr.84).</u></p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>In the case of a subdivision created only for access or for a network utility the plan provides that minimum lot sizes and requirements of access and services do not apply provided that the title of the lot records that it was created purely for access or for a network utility service and it may not comply with requirements for other uses.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the acquisition of esplanade reserves or strips unnecessary. In other cases a lesser width or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>In the Small Holdings Area an average lot size of 3 ha with a minimum lot size of 2ha is provided for as a controlled activity. With the exception of lots created for access or solely for the provision of network utilities, lots of less than 1ha become a non-complying activity. <del>For the Marsden Valley Small Holdings Area Schedule T applies.</del><sup>PC13</sup></p> <p><del>In Ngawhatu Higher Density Small Holdings area, the average lot size is 1ha with the minimum size 2000m<sup>2</sup>. This area provides a transition between Standard Residential development and the Rural land beyond. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped area separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclaves of development.</del><sup>PC13</sup></p> <p>For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Chapter 7 Residential Zone)<sup>PC13</sup> the Marsden Hills (Schedule V) and Ngawhatu Higher Density Small Holdings Area, the average lot size is 1 ha with the minimum size 2,000m<sup>2</sup>. This area provides a transition between residential development and the rural land beyond, and with development sensitive to landscape values as it relates to the more elevated land below the Bamicoat Range. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped areas separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclaves of development.</p>
<p><i>Continued overleaf</i></p>	<p><i>Continued overleaf</i></p>

<sup>PC13</sup> Plan Change 13 (Marsden Valley)

<p>bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, the extent of the provision of pedestrian and cycle linkages between Open Space area, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between <u>and within</u> the Ngawhatu, <del>and</del> Marsden Valleys, <u>and Enner Glynn Valleys or as otherwise</u> <sup>PC13</sup> <u>indicatively shown on Structure or Outline Development Plans.</u></p> <p>cc) In the Marsden Hills (Schedule V), <u>Marsden Valley (Schedule I)</u> and Ngawhatu Higher Density Small Holdings Areas, the extent to which the subdivision design provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.</p> <p>dd) In the Marsden Valley (Schedule I), the provision for walking and cycling linkages <u>with adjacent areas, including public roads, residential zones and recreation areas.</u> <sup>PC13</sup></p>	<p>The papakainga provisions are included in the Plan in recognition of the special needs relating to land held in multiple ownership. Considerable flexibility from the normal density and other rules is provided in Sch.P. In order to avoid the papakainga provisions being used to get around normal density requirements in the Rural Zone, subdivision of land that is part of a papakainga development has been made a prohibited activity.</p>
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Item	Permitted	Controlled	Discretionary/Non-complying
Rules Relating to Overlays on Planning Maps			
<b>RUr.79</b> <b>Subdivision within the Coastal Environment Overlay</b>	RUr.79.1 Not a permitted activity in this Overlay.	RUr.79.2 Subdivision is controlled if: a) it is undertaken to provide for an approved network utility structure, and b) the title of the lot created carries a notation that the lot was created to provide for a network utility structure and may not be suitable for the establishment of a residential unit.  Control reserved over the matters of control contained in RUr.78.2 (subdivision).	RUr.79.3 Restricted Discretionary Activity An activity that contravenes a controlled standard is a restricted discretionary activity, if: a) It complies in all respects with the relevant standards in Appendices 10 to 12, and <u>44 the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirement for other uses; and</u> b) The land is not part of a papakainga development as defined in Sch P; and c) Esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 are created and vested in the Council; and d) The net area of every allotment is at least: i) 15ha, except in the Small Holdings Areas; or ii) 3ha average lot size with a 2ha minimum lot size in the Lower Density Small Holdings Area, or iii) 1ha average size with a 5000 square metre minimum size in the Higher Density Small Holdings Area <del>provided that any allotment to be created complies in all respects with the requirements of Appendix 14, or</del> iv) no minimum in the case of allotments created solely for access or for a network utility, and e) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility.  Discretion restricted to: i) allotment size; and ii) location of building sites; and iii) the location of boundaries in relation to natural features; and iv) landscaping; and v) design and appearance of structures; and vi) mitigation of visual effects of the subdivision and likely development on the coastal environment; and vii) the increased width, extent, type and location of esplanade reserves or strips; and viii) cumulative visual effects; and ix) measures to ensure protection of coastal water quality; and x) the development of property plans to facilitate integration of conservation and development; and xi) options for restoration or enhancement of coastal environment; and xii) protection of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes; and xiii) the matters listed under the heading “control reserved over” in RUr.78.2.”  Discretionary Activity Activities that contravene a standard for restricted discretionary activities are discretionary.  <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u>

Assessment Criteria	Explanation
<p>RUr.79.4</p> <ul style="list-style-type: none"> <li>a) the effects on the natural character of the coast, given the likely pattern of development.</li> <li>b) the pattern of existing land holdings and uses.</li> <li>c) any measures designed to maximise use of natural contours in defining boundaries such as ridgelines.</li> <li>d) the positioning of any likely building platforms in any position visible from the coast.</li> <li>e) effects of any other overlay or hazard.</li> <li>f) any environmental compensation proposed.</li> <li>g) the assessment matters for RUr.78,4 (subdivision - general).</li> </ul>	<p>RUr.79.5</p> <p><u>Subdivision in the Coastal Environment Overlay provides specific coastal related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Coastal Environment Overlay, subdivision consent is only required under RUr.79, unless other overlays also apply to the site.</u></p> <p>The rule requires that subdivision in this overlay be considered as a restricted discretionary activity recognising that the issues of concern in this Overlay are specific and able to be identified to give greater certainty to subdividers.</p> <p>It should be noted that there is an ability to increase the width, extent and location of proposed esplanade reserves where it is considered appropriate to mitigate the effects of the subdivision on the coastal environment. However, any proposal to reduce the esplanade reserve widths, extents or location beyond those required by Appendix 6, Table 6.2, will be considered a Discretionary Activity</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.80 Subdivision within the Landscape Overlay</b>	RUr.80.1 Not a permitted activity in this Overlay.	RUr.80.2 Subdivision of land within the Landscape Overlay and detailed in Appendix 9 (landscape components and views) is a controlled activity if: a) it meets the standards in rule RUr.78 (subdivision - general), excluding Table 14.5.4 of Appendix 14 (design standards), and b) is accompanied by a landscape assessment by an appropriately qualified person. Control reserved over: i) the matters in rule RUr.78 (subdivision - general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and ii) retention of existing vegetation and other site features, and iii) extent and form of earthworks, and iv) the alignment and location of roads, the width of carriageways and planting of berms, and v) size, shape and orientation of allotments, and vi) the location of any building site, and vii) location and design of utilities, and viii) location and type of planting for amenity and restoration.	RUr.80.3 Any subdivision that contravenes a controlled standard is a discretionary activity if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: a) <del>it complies in all respects with all the standards relating to stormwater and sewerage in Appendix 44 every allotment (other than an access allotment) complies with the minimum standards (as defined in Section 1.1.1 General) relating to stormwater and wastewater in sections 5 &amp; 6 of the NCC Land Development Manual 2010, and</del> b) the net area of allotments is greater than 1 ha in the Small Holdings Areas except where lots have been created for the purpose of access or network utilities. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> Subdivision of land that is part of a papakainga development as defined Sch.P is a prohibited activity.
<b>RUr.81 Subdivision within Heritage Overlays</b>	RUr.81.1 Not a permitted activity in this Overlay.	RUr.81.2 not applicable	RUr.81.3 Subdivision of land containing any heritage feature is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u>
<b>RUr.82 Subdivision within Natural Hazard Overlays</b>	RUr.82.1 Not a permitted activity in this Overlay.	RUr.82.2 not applicable	RUr.82.3 Subdivision of land within Hazard Overlay areas is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u>
<b>RUr.83 Subdivision within the Conservation Overlay</b>	RUr.83.1 Not a permitted activity in this Overlay.	RUr.83.2 Creation of lots for access or network utility purposes is controlled where they comply in all respects with the provisions of Rule RUr.78.2 (subdivision - general)	RUr.83.3 Subdivision of land within a Conservation Overlay is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u>
<b>RUr.84 Subdivision within the Grampians Slope Risk Overlay</b>	<u>RUr.84.1</u> Subdivision is <u>not</u> a permitted activity.	<u>RUr.84.2</u> not applicable	<u>RUr.84.3</u> Subdivision in the Grampian Slope Risk Overlay is discretionary.

Assessment Criteria	Explanation
<p>RUr.80.4</p> <p>a) the extent of compliance with the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) relating to subdivision.</p> <p>b) the likely effects of subdivision on the landscape character as described in Appendix 9 (landscape components and views) given likely patterns of development and use.</p> <p>c) the pattern of existing land holdings and uses.</p> <p>d) the positioning of any likely building platforms.</p> <p>e) mitigation measures designed to minimise impacts particularly on ridgelines.</p> <p>f) effects of any other overlay or hazard.</p> <p>g) any environmental compensation proposed.</p> <p>h) the assessment matters for RUr.78.4 (subdivision - general).</p> <p>i) Landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, particularly in the Higher Density Small Holdings Area of Marsden Hills (Schedule V, Chapter 7) and Ngawhatu, to avoid the appearance of continuous sprawl of development in the more elevated parts of the site.</p>	<p>RUr.80.5</p> <p><u>Subdivision in the Landscape Overlay provides specific landscape related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Landscape Overlay, subdivision consent is only required under RUr.80, unless other overlays also apply to the site.</u></p> <p>The Landscape Overlay areas are sensitive to development. This rule controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p>In the Ngawhatu Higher Density Small Holdings area, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p> <p>In the Marsden Hills (Schedule V, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p>
<p>RUr.81.4</p> <p>a) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this</p> <p>b) any proposed mitigation measures to ensure that the values of the listed item is not compromised.</p> <p>c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item.</p> <p>d) the assessment matters for RUr.78.4 (subdivision - general).</p>	<p>RUr.81.5</p> <p><u>Subdivision in the Coastal Environment Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Coastal Environment Overlay, subdivision consent is only required under RUr.81, unless other overlays also apply to the site.</u></p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the land, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. The range of possible issues and solutions is too wide to be covered in a controlled activity rule.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p> <p>Heritage Overlay includes Archaeological Overlay. Refer to the definition of 'Heritage Overlay' in Chapter 2 (Meaning of Words). See also Policy DO4.1.11 (Incentive for Protection).</p>
<p>RUr.82.4</p> <p>a) the extent to which the hazard can be avoided or mitigated.</p> <p>b) the likely pattern of use and development of any allotments created.</p> <p>c) the level of risk to which any future owners might be subjected.</p> <p>d) any mitigation measures proposed, including contingency measures such as alternative access.</p> <p>e) the assessment matters for RUr.78.4 (subdivision - general).</p>	<p>RUr.82.5</p> <p><u>Subdivision in the Natural Hazard Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Natural Hazard Overlay, subdivision consent is only required under RUr.82, unless other overlays also apply to the site.</u></p> <p>Makes subdivision a discretionary activity where the land involved is subject to a natural hazard. The aim is to ensure that subdivision occurs in a way that hazards are avoided, or mitigated in an acceptable manner.</p>
<p>RUr.83.4</p> <p>a) the effects on the values for which the area is listed given the likely pattern of land use following subdivision.</p> <p>b) any mitigation measures, such as formal protection, which are proposed.</p> <p>c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item.</p> <p>d) any environmental compensation proposed.</p> <p>e) the assessment matters for RUr.78.4 (subdivision - general).</p>	<p>RUr.83.5</p> <p><u>Subdivision in the Conservation Overlay provides specific conservation related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Conservation Overlay, subdivision consent is only required under RUr.83, unless other overlays also apply to the site.</u></p> <p>Makes subdivision a discretionary activity to enable each application to be assessed on its merits, to ensure that the values which are placed on the area are not compromised by inappropriate subdivision and development.</p>
<p>RUr.84.4</p> <p>a) <u>the risk to life, property and the environment posed by the natural hazard.</u></p> <p>b) <u>the anticipated use of the site.</u></p> <p>d) <u>whether the subdivision would create a site that was unusable.</u></p> <p>d) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>RUr.84.5</p> <p><u>Subdivision in the Grampians Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78 General. For subdivision in the Grampians Slope Risk Overlay, subdivision consent is only required under RUr.84, unless any other overlays also apply to the site.</u></p> <p>See Rule RUr.61 (Grampian Slope Risk Overlay – Earthworks)</p>

## Subdivision Rules relating to Overlays on the Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUR.85 Services Overlay</b> Subdivision	RUR.85.1 Subdivision is not a permitted activity.	RUR.85.2 not applicable	RUR.85.3 Subdivision in the Services Overlay, is a restricted discretionary activity, if: a) it complies with all the controlled activity terms in Rule RUR.78.2 a) to h), and b) the development is provided with reticulated water, stormwater and wastewater services.  Discretion is restricted to: (i) the matters of control under RUR.78.2, and (ii) the extent of consistency with the Council's strategic planning for the servicing of sites within the district as identified in the LTCCP, and <del>(iii) the economic sustainability of servicing the site relative to the development yield, and</del> (iv) ensuring adequate capacity is provided to serve the future development level of the site and surrounding land in the Services Overlay as provided for by zone standards, and (v) ensuring the proposal provides for future roading and servicing connections to adjoining land in the Services Overlay.  Resource consent for restricted discretionary activities will be considered without notification.  Discretionary Activity Activities that contravene the restricted discretionary activity standards are discretionary. Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoa Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities. <sup>0501</sup>

Assessment Criteria	Explanation
RUR.85.4 a) whether the disposal of storm water or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties. b) the matters in the NCC Land Development Manual 2010. c) the assessment matters in Rule RUR.78.4 (Subdivision: General). d) the strategic planning for servicing of sites within the district as identified in the LTCCP. e) the sustainability of servicing the for Council site relative to the development yield, and any other means for financing the provisions of services to the site. f) the marginal cost of extending water and wastewater services to facilitate future development of land in the vicinity. g) whether the building or development can provide for on site servicing for the building or development in accordance with FWR.12, FWR.14, FWR.25 and FWR.29.	RUR.85.5 Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.79 General. For subdivision in the Services Overlay, subdivision consent is only required under RUR.85, unless any other overlays also apply to the site. Subdivision in the Services Overlay is a restricted discretionary activity where it proposes to connect to public reticulated. This provides a limitation on the range and type of conditions that can be imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered insufficient or unsustainable for Council. On site servicing will be considered as a discretionary activity. The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward or where the allotment size, topography and orientation mean that it will be difficult to accommodate on site wastewater treatment and disposal. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land in the Services Overlay. In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a discretionary activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed. The Council's Infrastructure Division holds copies of maps which define the servicing constraints in more detail. Note: The capacity of the drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.

Amend Appendix 6 Riparian and Coastal Margin Overlays by inserting additional meaning for riparian values as follows:

## appendix 6 riparian and coastal margin overlays

### AP6.1 riparian and coastal margins with identified riparian values

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**AP6.1.ii** Riparian values identified in tables 6.1 and 6.2 include conservation, access, hazard mitigation, and recreation. Conservation values are further defined under AP6.1.iii, and the remaining values are further defined as follows:

Access – includes both people and wildlife. Public access in the form of public ownership, walkways, cycle ways and where appropriate residential roading are all values associated with access. Access for wildlife is provided through biodiversity corridors provided by riparian and coastal margins.

Hazard Mitigation – includes flooding, ponding and the low impact management of stormwater.

Recreation – includes water sports as well as recreational walkway, cycleway connections and passive recreation opportunities (e.g. viewing and seating areas)

*Renumber existing subsequent sections AP6.1.ii to AP6.1.iii, AP6.1.iii to AP6.1.iv*

Amend the Landscape Overlay provisions consistent with the technical changes to the subdivision rules REr.107 and REr.109 for activity status as follows:

## AP7.5 consent applications

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### AP7.5.1 consents required – residential zone

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The Rule Table in the Residential Zone in the Nelson Resource Management Plan should be consulted for the specific details. Below is a general indication of the consents required.

#### AP7.5.1.i Subdivision

Subdivision within the Landscape Overlay is a ~~controlled~~ restricted discretionary activity (non-notified). ~~In addition Discretion will be restricted to the matters set out in rule REr.109.3. (Landscape Overlay – Subdivision) 107 (subdivision – general), control will be exercised over the visual impacts of the proposed subdivision, in particular:~~

- ~~a) retention of existing vegetation and other site features, and~~
- ~~b) extent and form of earthworks, and~~
- ~~c) the alignment of roads, the width of carriageways and planting of berms, and~~
- ~~d) size, shape and orientation of allotments, and~~
- ~~e) the locations of building sites, and~~
- ~~f) location and design of utilities, and~~
- ~~g) the location and type of planting for amenity restoration.~~

~~The outcomes and guidance in this appendix will form the assessment criteria for considering the consent application.~~

Amend all references to 90 percentile car tracking curves to be replaced by 85 percentile car tracking curves.

Insert new definitions in AP10.2 as follows:

**Classified Road**

means roads with a hierarchical classification of Arterial, Principal, and Collector. Refer to section 4 ‘Transport’ of the NCC Land Development Manual 2010.

**Unclassified Road**

means roads with a hierarchical classification of Sub-Collector, Local Roads and Residential Lanes. Refer to section 4 ‘Transport’ of the NCC Land Development Manual 2010.

Amend Residential Activity parking requirements in Table 10.3.1 as follows:

Activity	Car parking or Queuing Spaces Required
<b>Residential Activity</b>	<p>A minimum of 1 space per residential unit must be provided.</p> <p>For residential units with more than 1 bedroom, the following applies (per residential unit)</p> <ul style="list-style-type: none"> <li>a) <del>2 spaces for 2 to 4 bedrooms.</del> 1 space for residential units with 1 bedroom</li> <li>b) <del>3 spaces for 5 or more bedrooms.</del> 2 spaces for residential units with 2 or more bedrooms.</li> <li>e) <del>1 extra space for rear sites on State Highways, Arterial and Principal Roads.</del></li> </ul> <p><u>For residential units contained within a Comprehensive Housing Development considered under rule REr.22 the following standards applies:</u></p> <ul style="list-style-type: none"> <li>a) 1 space for 1 or 2 bedrooms,</li> <li>b) 2 spaces for 3 or more bedrooms,</li> <li>c) 1 visitor space for every 5 units for developments with 5 or more units (rounding applied as per AP10.3).</li> </ul> <p>Provided only the first 2 parking spaces per residential unit shall be counted in the building coverage – refer Meaning of Words – Building Coverage.</p>

Amend AP10.5.i c) as follows:

- c) The internal minimum height for any private parking space and access thereto shall be at least 1.985m from the finished floor level and 2.3m from the finished floor level for all other parking spaces available to the public.

Amend Table 10.6.1 as follows:

- Delete all references to ‘swept path’ and replace with ‘design vehicle’.
- Delete reference to AP10.22 & Appendix 12.
- Delete all references to 90 percentile and change to 85 percentile.
- Delete ‘Table 10.6.1 – loading space, size, and swept path specification, cont’ heading.

Amend AP10.11 Manoeuvring/non-reversing streets as follows:

**AP10.11.iii No reverse manoeuvring** onto or off a road is permitted where:

- a) ~~a the site bounds has vehicular access to a Classified Road any road other than a local road as set out in the Road Hierarchy on Planning Map A2.1 or A2.2, or~~
- b) where any vehicle entrance serves more than 3 required car parking and/or loading spaces, or
- c) a rear site has access provided by a mutual right of way, or
- d) vehicular access to the site is from a road with a legal speed greater than of 8050kmh or greater.



Delete AP10.11.2.iv in its entirety as follows:

~~**AP10.11.2.iv** — A turning space complying with the appropriate tracking curve (90 percentile design car, minimum) shall be provided so that no reverse manoeuvre exceeds 30m.~~

Amend AP10.16.2 Parking and loading area design as follows:

**AP10.16.2.i** The design of the parking and loading areas are based on ~~90~~85 percentile design vehicles. The dimension of these vehicles and their associated turning circle requirements are such that ~~90% of the~~ the majority of vehicles in New Zealand comply with their requirements.

Amend AP10.16.3 reverse manoeuvring

**AP10.16.3.i** On site manoeuvring is required for all sites on ~~arterial~~ Classified Roads, shared accesses, and where a large number of vehicle movements onto and off a site are expected. This helps to protect the efficiency and safety of ~~the roads that are desirable through routes by~~ minimising the number of vehicles required to reverse onto or off a site, which is the cause of approximately 10% of accidents at driveways. ~~Arterial, principal and collector~~ It is not permitted to reverse manoeuvre onto Classified Roads have the most protection applied to them as their main function is as a through route accommodating a variety of mode and trip lengths with access to adjacent land having less importance than Unclassified Roads. to carry the largest volumes of traffic at the highest level of efficiency.

## 14.10 Appendix 11 Access Standards

Insert new requirements into AP11 for when appendix 11 applies as follows:

### AP11.i

- e) Any access or accessway must comply with the relevant design and construction standards specified in section 4 'Transport' of the NCC Land Development Manual 2010.

**AP11.ii** For subdivisions creating sites that are steeper than 1 in 8 for residential and 1 in 16 for non residential, the subdivision consent application plans shall show indicative access to a parking space within each lot and the extent of works (including cut/fill batters and retaining) that would be needed. Any retaining structures must be located on private land and not legal road. Final details of the access construction will be required to be shown on engineering plans submitted in accordance with the NCC Land Development Manual 2010.

Amend Table 11.1.1 minimum distance of vehicle crossing from intersections as follows:

T1.4 Calculation of Distance Values between Tabled Speeds (see Ap11.1.i Note a))					
Formulae:	$\left[ \frac{D2-D1}{\text{Tabled Speed2} - \text{Tabled Speed1}} \right] \times (\text{new design actual speed limit} - \text{Tabled Speed1}) + D1$				
Where :					
D2 is the distance in the higher tabled speed limit					
D1 is the distance in the lower tabled speed limit for the same road type					
<b>Example:</b> Calculate the crossing separation for design speed of 70km/hr for a site with an arterial road frontage intersecting with an arterial road.					
Values:	D2 = 110	D1 = 60	Table Speed 2 = 80	Table Speed 1 = 50	new design speed = 70
Calculation	$\left[ \frac{(110 - 60)}{(80 - 50)} \right] \times (70 - 50) + 60 = 93.3\text{m}$				
Distance of Crossing @ Design Speed of 70 km/hr =					

### AP11.1.ii Notes

- For roads with gazetted speed limits that fall between speed values shown in Table 11.1.1 above, the distance measurements must be proportioned using the method in Table 11.1.1 T1.4 above, ~~between the tables from the appropriate road category. Alternatively the crossing separation values of the next highest speed limit table may be used instead.~~
- Access ways and vehicle crossings should always be on the road of the lowest order where the intersection is between two streets of different categories.
- ~~Distances must be measured from the corner of the intersecting road, along the property boundary of the site at the frontage road. In the case of a sniped corner, the distance must be measured along the property boundary of the site at the frontage road, from the point where the frontage road boundary, if extended, would intersect with the formed carriageway. Distances shall be measured along the boundary parallel to the centreline of the road from the kerb or formed edge of the intersecting road.~~
- Road types (State Highway, Arterial, Principal, Collector, Sub-Collector, and Local) are identified on Planning Maps A2.1 Urban Road Hierarchy Map and A2.2 District Road Hierarchy Map.

Delete section AP11.2 and Table 11.2.1 and replace as follows:

**Ap11.2** ~~maximum number, spacing and width of vehicle crossings~~

**Table 11.2.1 maximum number, spacing and width of vehicle crossings**

Zone	Maximum No. of Crossings	Space Between Crossings	Required Width	
			Minimum	Maximum
<b>Residential</b>	1 per frontage	<1m or >7m	4m	6m
<b>Inner City</b> <b>Suburban Commercial</b>	The greater of 2 per frontage or 1 per 50m of frontage <sup>1</sup>	<1m or >7m (if continuous, one way, and marked in and out)	5m	7m 8m for mutual crossings
<b>Industrial</b>	The greater of 2 per frontage or 1 per 50m of frontage <sup>1</sup>	<1m or >7m	6m for mutual crossings	8m 9m for regular 'B Train' crossings
<b>All Other Zones</b>	2 per frontage	State Highways, Arterial or Principal Roads: <1m or >200m All other roads: <1m or >100m	6m	9m

<sup>1</sup> See note c)

**AP11.2.i** ~~Notes~~

- a) ~~The minimum space between crossings applies within sites and between sites.~~
- b) ~~The vehicle crossing at the boundary can **may** be widened to provide for the swept path of the vehicles using the vehicle crossing if:~~
  - i. ~~the formed road is so close to the property boundary that it is not possible for vehicles to turn left from the frontage road without crossing the centre line of the road when passing through a maximum width vehicle crossing on the property boundary. (Note: The swept path of the vehicles are in Appendix 12 tracking curves); and~~
  - ii. ~~any fence is sniped back onto the property, and the maximum width for the vehicle crossing is to be complied with at the site boundary.~~
- c) ~~The maximum number of crossing must be rounded to the nearest whole number. For example: 2.6 crossings will be rounded up to 3 crossings but 2.4 crossings will be rounded down to 2 crossings.~~

**AP11.2 maximum number and minimum spacing of vehicle crossings**

The maximum number of vehicle crossings permitted for each site shall be in accordance with Table 11.2.1 below.

Zone	Frontage length (m)	Frontage Road Hierarchy		
		Unclassified	Collector / Principal	State Highway / Arterial
Residential	=	1	1	1
Other Zones	< 60	2	1	1
	60 - 100	2	2	1
	> 100	3	2	2

**AP11.2.i Notes**

- a) For sites with frontage to a Classified Road where the speed limit is 80km/h or higher, the minimum spacing between successive vehicle crossings shall be 200 metres. For all other roads, the minimum distance between vehicle crossings shall be 7.5m. The spacing of accesses applies within both sites and between adjacent sites.
- b) The maximum number of crossing must be rounded to the nearest whole number. For example: 2.6 crossings will be rounded up to 3 crossings but 2.4 crossings will be rounded down to 2 crossings.

Amend section AP11.3 as follows:

**AP11.3 design of vehicle access**

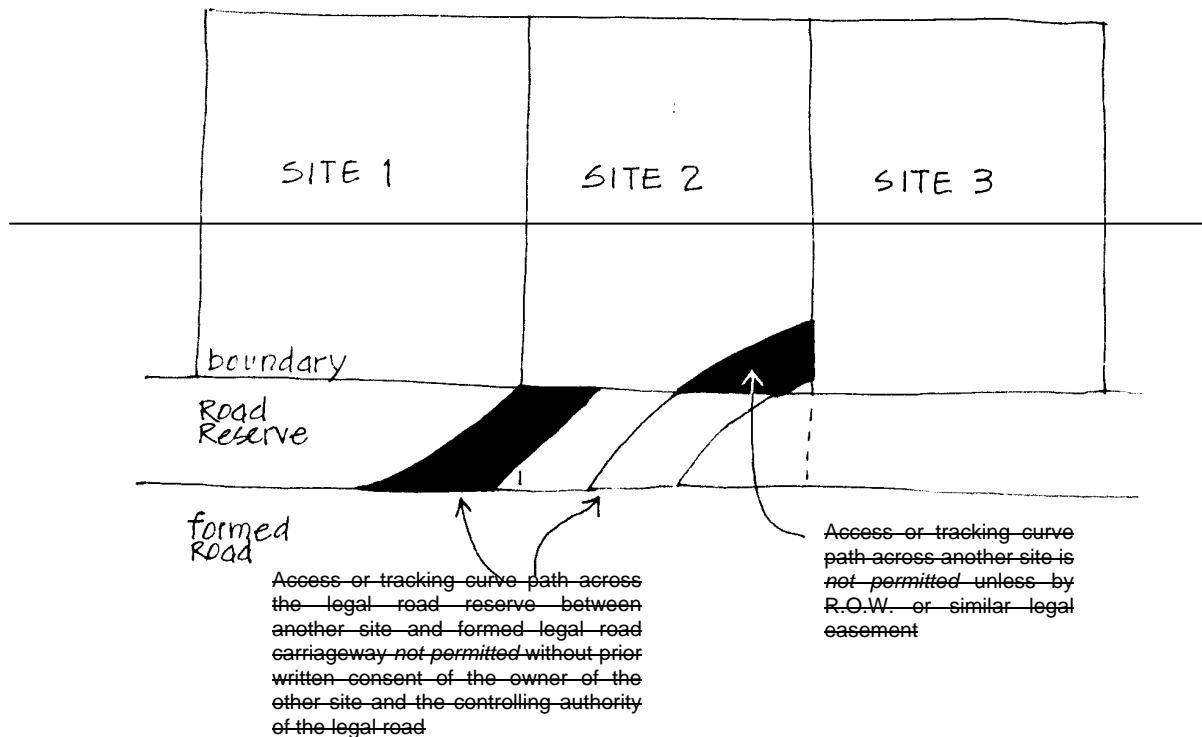
**AP11.3.1** Any access must comply with the relevant design and construction standards specified in Section 4 Transport of the Land Development Manual 2010, of Appendix 14 (design standards), as set out below:

- a) ~~AP14.5 - Road Standards~~
- b) ~~Table 14.5.1 - Roading Formation Requirements; and~~
- c) ~~AP14n - Notes (to Table 14.5.1).~~

**AP11.3.2** ~~No part of the access, nor the swept path of the required design vehicle, must cross:~~

- a) ~~any part of another site except where there is a Right of Way or other similar legal easement over those parts of the other site; or~~
- b) ~~any part of the legal road between the site boundary and any carriageway of the legal road of another site without the prior written consent of the owner of the other site and the controlling authority of the legal road (refer Figure 1, below).~~

**Figure 1** ~~illustration of rule AP11.3.2 - access across another site or legal road reserve between another site and the formed legal road carriageway~~



**AP11.3.3** — The vehicle access of a site must be in the same zone in which the site is located. For the purpose of this clause ‘vehicle access’ excludes any part of the formed carriageway of a legal road.

**AP11.3.4** — Where the access is proposed to a State highway, arterial or principal road where the legal speed limit is 50km/hr or less, the design of the access must be such that:

- a) — the access crosses the property boundary at an angle of 90° plus or minus 15°; and
- b) — the vehicle crossing intersects with the carriageway at an angle between 45° and 90°

**AP11.3.5** In addition to Ap11.3.4, a Access to Rural Zone sites must comply with the layout shown in figures 7, 8 or 9. Figure 2 and its accompanying notes must be used to determine the applicable figure.

Delete AP11.3.7 and Table 11.3.1 as follows:

**AP11.3.7** — The minimum sight distance from the access, as set out in Table 11.3.1 below shall be complied with (Also refer Figure 1).

**Table 11.3.1 – minimum sight distances from access**

Column A	or	Column B		
85th percentile* speed (km/h)	or	Bylaw or Gazetted speed on SH6 Principal, Arterial Collector Sub-Collector or Local Roads	Sight Distance (m) for Residential Activity	Sight Distance (m) for Other Activities
≤40		≤30	35	60
50		40	45	80
60		50	65	105
70		60	85	140
80		70	115	175
90		80	140	210
100		90	170	250

110		100	210	290
120		110	250	330
>120		>110	250 (min)†	330(min)†

**AP11.3.8 — Notes:**

- a) ~~Method of Speed: 1 of 2 methods must be used in Table 11.3.1 to determine the speed factor at which the sight distance applies. Use either:~~
- i. ~~Column A – 85th percentile method. If this method is used, in any application under this part of the Plan, sufficient detail must be included to show compliance with this method; or~~
  - ii. ~~Column B – Road Hierarchy Method. The appropriate road classification is set out in the Road Hierarchy on Planning Map A2.1 and A2.2. In the case of a legal road not being shown on either planning Map A2.1 or A2.2 the road shall be deemed to be a collector road. A proposed road category, listed in the Road Hierarchy, shall be treated the same as for the equivalent road category. For instance: for ‘Proposed Collector’ read ‘Collector.’~~
- b) ~~The 85th percentile speed shall be determined in accordance with the method set out in the AUSTROADS Guide to Traffic Engineering Practice Part 3 Traffic Studies, Chapter 4 (1988).~~
- c) ~~For these sight distances, whether determined by the 85th percentile or the Road Hierarchy Method, the values stated are the minimum. Greater sight distances should be provided where recommended in AUSTROADS Guide to Traffic Engineering Practice Part 5, Intersections at Grade, (1988). Page reference 24, 25 onward.~~
- d) ~~For the purpose of these rules any private road (excluding a Right of Way) is deemed to be a legal local road with a gazetted speed of 50km/h.~~

Delete AP11.4 and diagrams as follows:

**AP11.4 — gradient for driveways**

**AP11.4.1** — ~~The maximum gradient for any driveway is to be no greater than 1 in 4, the gradient being measured on the inside line of the curve, and shall not exceed the appropriate design vehicle break-over angles (refer figures 1 and 2 and also Appendix 12). Any driveway in the Residential Zone that has a gradient of 1 in 5 or steeper must be permanently surfaced.~~

**AP11.4.2** — ~~The first 5m of the driveway measured from the edge of the nearest traffic lane is to be level wherever practicable and in accordance with figures 3, 4 and 5 below~~

Delete Figures 3, 4, 5

Amend AP11.6 as follows:

**AP11.6 gates**

**AP11.6.1** Gates, garage doors and other like openings must be hung so that they swing into the site and not over any road or adjoining site. Tilting garage doors and similar openings must not, at any time, overhang any road or adjoining site.

**AP11.6.2** Building doors or windows when opened must not overhang any required vehicle access.

Insert additional assessment criteria as follows:

- AP11.7.1**
- f) the ability to provide access to allotments without the need for extensive retaining walls, and in particular, without the need for any retaining walls located on legal road.
  - g) the ability of the proposed vehicle crossing(s) to minimise conflict points with people walking and cycling on shared paths/footpaths and to maximise the berm and on street parking area so as to contribute to a high amenity road environment.
  - h) the extent of compliance with the NCC Street Frontage Guide 2010.

Amend AP11.8.2 as follows:

**AP11.8.2 maximum number, spacing and width of vehicle crossings**

**AP11.8.2.i** In order to simplify the driving task the number, spacing and width of vehicle crossings has been regulated. Arterial roads generally operate at higher speeds and volumes and drivers have an expectation that there will be less activity from adjoining land. ~~Controls on the number of accesses per property encourages the use of the property for vehicle manoeuvring, rather than the road.~~ Controls on the number of access per property aims to reduce conflict points between vehicles and pedestrians and cyclists on shared paths and footpaths. The controls also maximise the amount of berm for landscaping and maximise the area available for on street parking thereby improving the amenity of the road environment. The control on the width of crossings provides adequate width for the vehicles likely to be using them while defining the point where vehicles are likely to enter and exit the site.

*Insert additional reason for rule as follows:*

**AP11.8.3.iv** design plans for access to individual lots are required at subdivision consent and engineering design approval stages to ensure that Council and future owners can be satisfied that practical access is able to be constructed.

## 14.11 Appendix 12 Tracking Curves

Amend all references to 90 percentile car tracking curves to be replaced by 85 percentile car tracking curves.

Amend AP12.1.v obstructions to tracking curve clearances as follows:

### AP12.1.v Obstructions to tracking curve clearances:

no structure, object, building or part of a building shall obstruct the minimum clearance from the ground level or finished floor level if within a building, up to a height of:

- a) 2.23m in the case of a ~~90~~ 85 percentile car tracking manoeuvre, or
- b) 4.4m (minimum) in the case of any other vehicle manoeuvre.

~~AP12.1.v For site boundaries in the vicinity of tracking curve clearances a site boundary must not be within the minimum clearance, except along the road frontage for the purpose of gaining access to the site.~~

Amend AP12.2 as follows:

### AP12.2 ~~90~~ 85 percentile car - tracking curves

~~AP12.2.i Advisory Note: This tracking curve (also called a 'swept path' in this Plan), is for a 1993 NZ 90 percentile design vehicle moving at a maximum speed of 5km/hr.~~

~~AP12.2.ii Minimum required clearance, refer to rules under Ap12.1 (clearances additional to tracking curves). Advisory note: with some frontal body trim the approach angle can be as low as 90.~~

~~AP12.2.iii In respect to variables to be used for simulations of 90 percentile car tracking curve, the 90 percentile car tracking curve was produced using the Computer Simulation package 'Sim Path'. When using a simulation package to test for compliance with the 90 percentile car tracking curve required in this plan, the variables listed below must be used and the clearances specified under rule AP12.1 applied.~~

~~AP12.2.iv When using a simulation package to test for compliance with the 90 percentile car tracking curve, the variables and simulation package specification used must be included in any application.~~

~~AP12.2.v Further, a print of the u shaped (1800) tracking curve at a scale 1:100 as shown below must be included in any application to test similarity to the tracking curve specified in this plan.~~

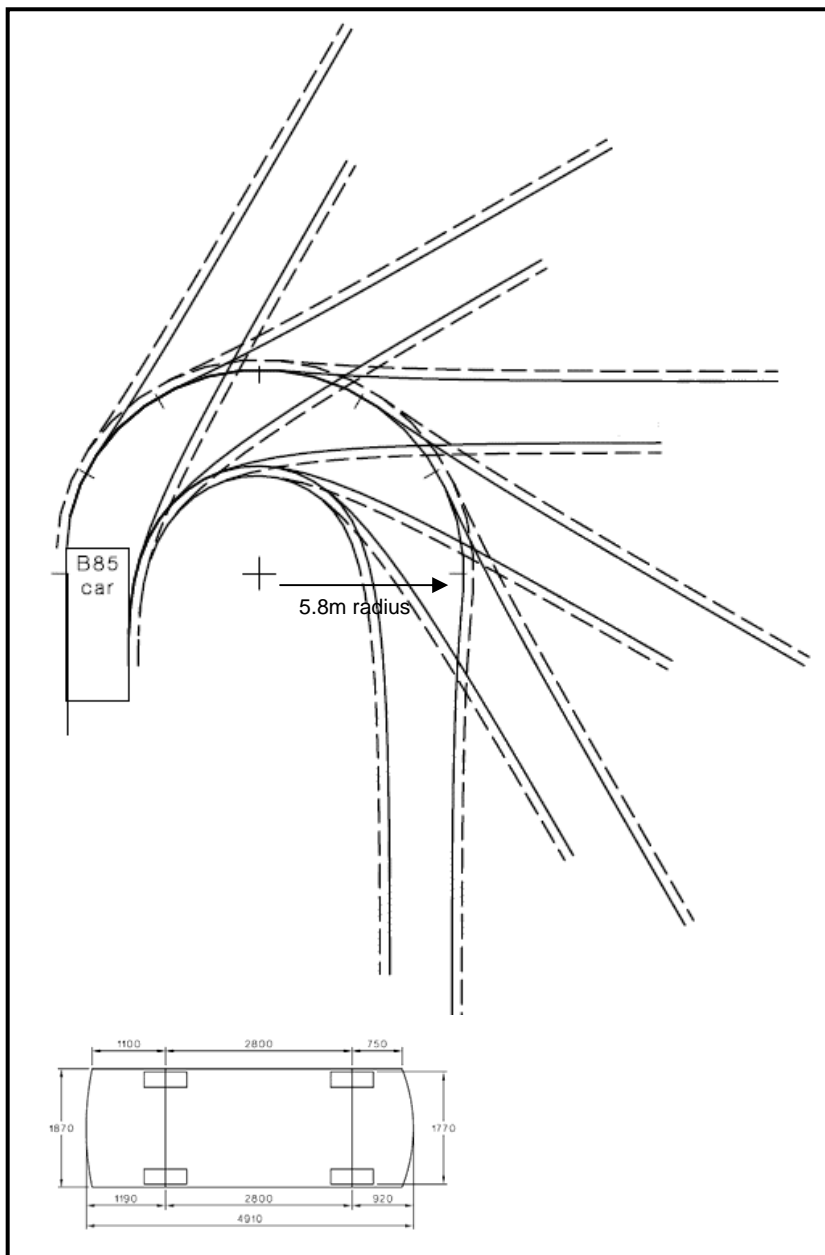
<del>Simpath File</del>	<del>H:\SIMPATHL\NZCARS97.SPV</del>
<del>Variables</del>	
<del>Unit</del>	<del>NZ 90%ile Car; 6.0 radius Turn Circle</del>
<del>Number</del>	<del>404</del>
<del>Last Edited</del>	<del>19980127 1036</del>
<del>Max Lock</del>	<del>35.0630</del>
<del>Front centre</del>	<del>0, 2.61</del>
<del>Rear tow point</del>	<del>0, -0.9</del>
<del>Unit Point 1</del>	<del>0.865, 3.9</del>
<del>Unit Point 2</del>	<del>0.865, -0.78</del>
<del>Unit Point 3</del>	<del>-0.865, -0.78</del>
<del>Unit Point 4</del>	<del>-0.865, 3.9</del>



Vehicle Height	1.47
Quad Point 1	0, 0
Quad Point 2	0, 0
Quad Point 3	0, 0
Quad Point 4	0, 0
Quad Height	0
RSAX1 Shift	0; limit 0
RSAX2 Shift	0; limit 0
From LTSA 90% On Road Car + Info No.35 90% car TCircle	

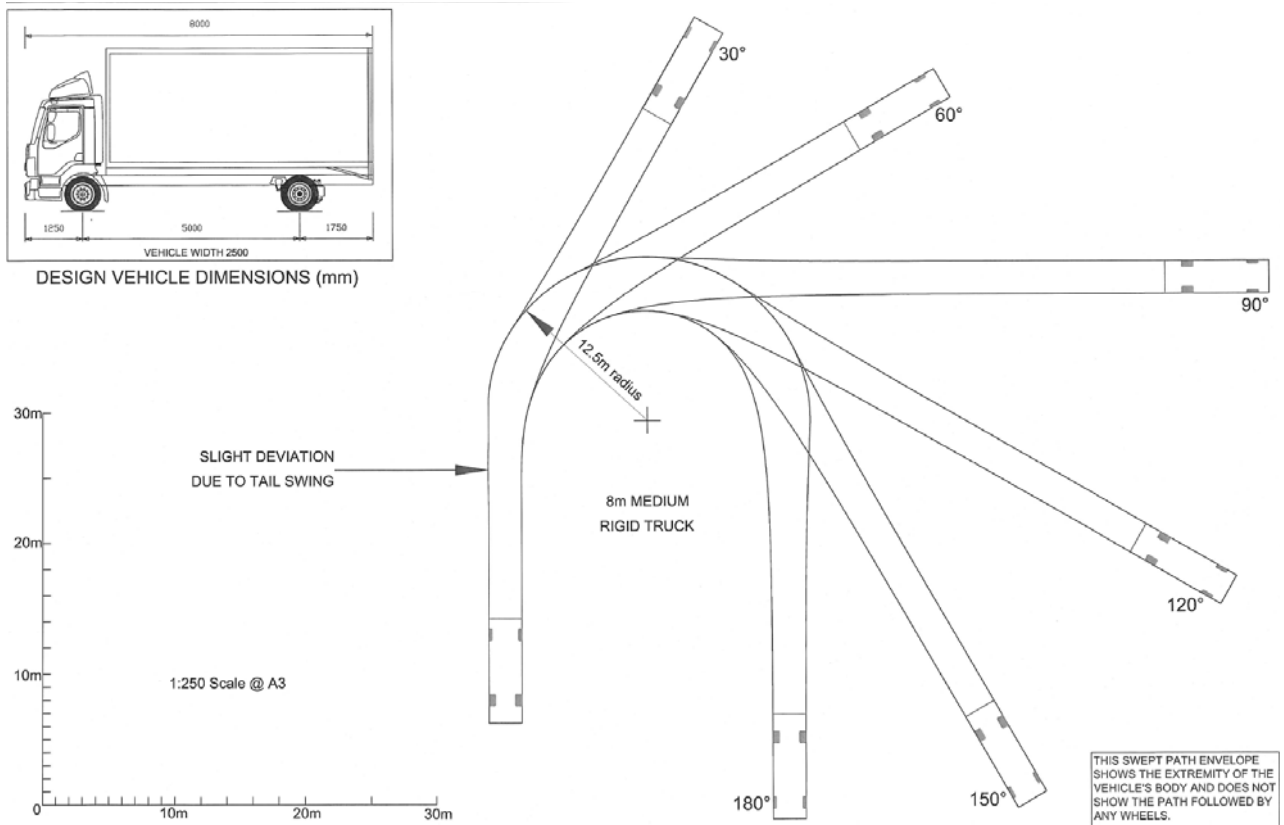
Delete figures 1, 2, 3, 4 and 5 and replace as follows:

Insert new Figure 1: car tracking curves for 85 percentile

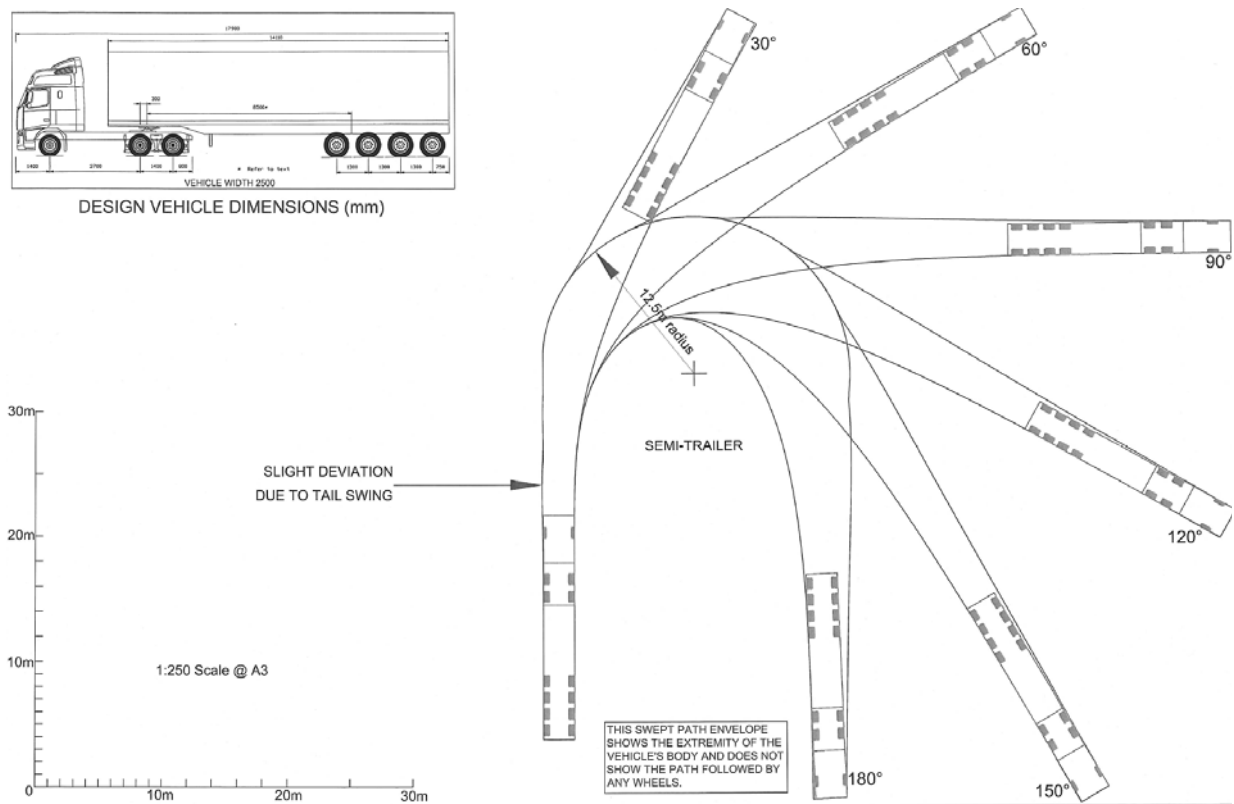


Note: Not to scale. Car dimensions and turning curves are as per AS/NZS 2890.1:2004 Parking Facilities

Insert new Figure 2: two axle truck tracking curves as follows:



Insert new Figure 3: semi trailer – tracking curves as follows:



Reference: NZ Transport Agency RTS18

Delete AP12.5 text as follows:

**AP12.5 90 percentile semi-trailer - tracking curves suitable for complex turns**

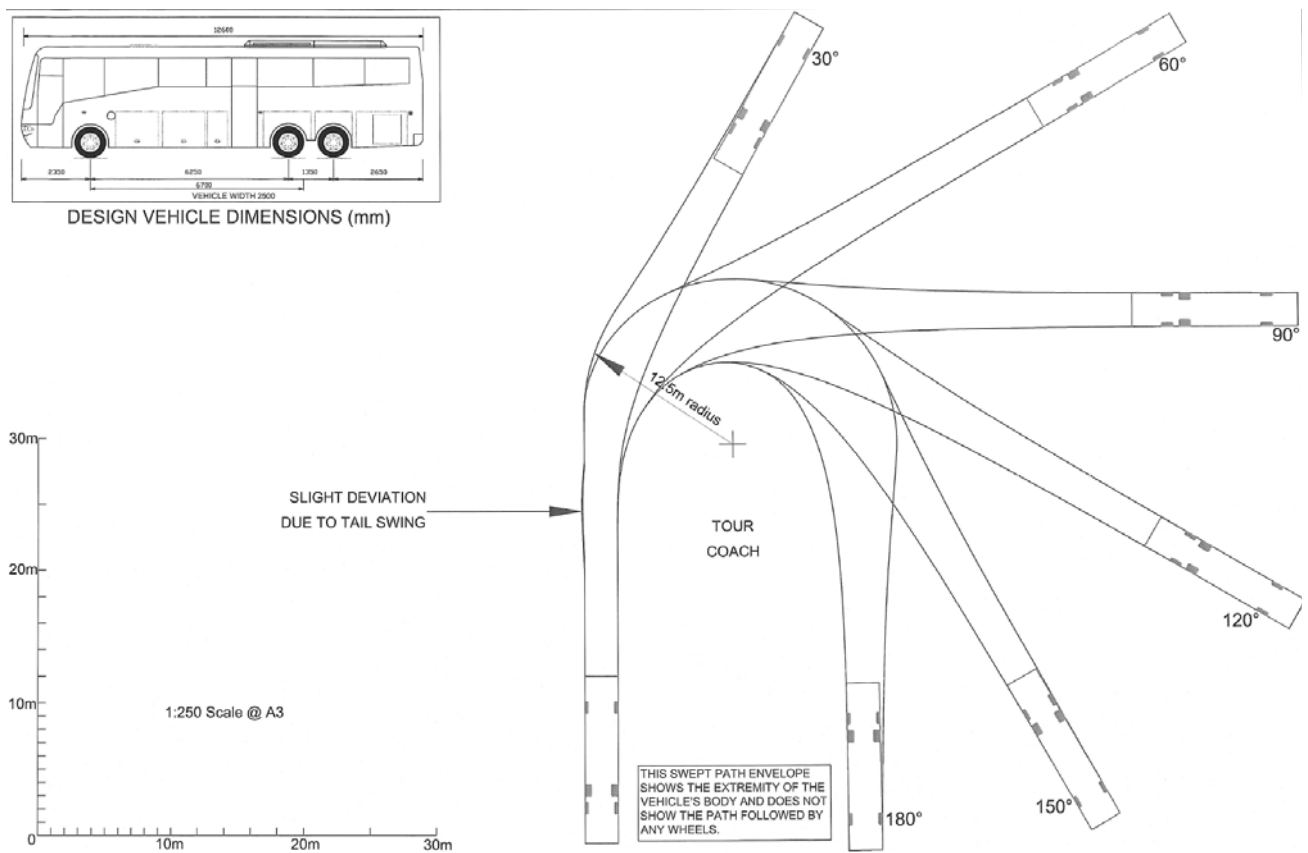
~~AP12.5.i~~ Minimum required clearance refer to rules under AP12.1

Insert new Figure 4 and renumber AP12.6 as follows:

**Ap12.65 90 percentile tour coach tracking curve**

AP12.65.i Minimum required clearance refer to rules under AP12.1.

**Figure 54: tour coach tracking curve**



**AP12.76 Assessment criteria for resource consents**

**AP12.76.i General**

In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant assessment criteria listed in Appendix 10 (standards and terms for parking and loading).

*Delete all of Appendix 13 and replace with blank page that states:*

Appendix 13 was removed through Plan Change 14

Delete all of Appendix 14 Design Standards and replace as follows:

# appendix 14

## residential subdivision

### design & information requirements

#### AP14 overview – application of appendix 14

AP14.i Appendix 14 outlines the information requirements that must accompany restricted discretionary subdivision activities under Rule REr.107. It can also be used as a guide for the preparation of all subdivision and development applications. It will help applicants to explain how a design responds to the district wide Urban Design Objectives and Polices contained in Chapter 5 DO13A and the appropriate Zone Objectives and Policies in the NRMP.

AP14.ii It is intended that Appendix 14 will apply, and can be adapted to, a range of development types and scenarios including small scale infill, comprehensive housing and large scale greenfield subdivision.

#### AP14.1 general

AP14.1.i Appendix 14 and the restricted discretionary activity subdivision provisions under Rule REr.107 are provided because the Council recognises that in pursuing better urban design it is difficult to achieve such a goal by imposing prescriptive rules and minimum standards. This will be particularly relevant for hillside greenfield subdivision and intensification within the existing residential area. In recognition of this barrier, the restricted discretionary category provides an avenue for those designs that may not comply in full with the minimum standards set out in the NCC Land Development Manual. Such developments may in fact still represent ~~good~~ good quality urban design for the particular site and therefore warrant a restricted discretionary activity status and non-notified consent process.

AP14.1.ii In order for the Council to provide the level of certainty associated and expected of a restricted discretionary activity, high quality information must be provided with applications. Applications need to illustrate clearly why particular standards are departed from, and how the whole design contributes towards the goal of better urban design within its context or local environment.

AP14.1.iii Appendix 14 does not reiterate what ~~good~~ good quality urban design is considered to be for Nelson, instead applicants are referred to the urban design and appropriate zone objectives and policies. In other words, this section does not tell you what to do, but rather what to show to demonstrate how the design meets the desired outcomes sought for residential neighbourhoods and the community as a whole. This process recognises that there may be many different solutions that are acceptable beyond what can be simply prescribed for with minimum standards.

AP14.1.iv Appendix 14 is not a design guide and relies on the subdivision designer or design team possessing a good knowledge of urban design approaches and techniques. Chapter 5 DO13A Objectives and Policies set the framework for the type of subdivision and development that is sought and the type of design process to be pursued.

## **AP14.2 information requirements**

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**AP14.2.i** For an application to be considered in compliance with Appendix 14 the following information is required:

**a) site and context analysis:**

- Context analysis
  - Conditions in the surrounding neighbourhood and landscape, beyond the legal boundaries of the site.
- Site analysis
  - Conditions within the legal boundaries of the site and at the boundary.
  - Identification of opportunities and constraints.

**b) design description:**

- Subdivision and development plan
  - Description of the intentions for the site, including street and open space networks, and lot boundaries.
- Design statement
  - Rationale for the design decisions
  - How this relates to the policies, objectives and assessment criteria
- Preliminary engineering plans
  - May be required for works not included in the design and construction requirements of the Land Development Manual 2010. Refer to section 2.3.1 of the NCC Land Development Manual 2010.

**AP14.2.ii** This information must be provided at the time of application for subdivision or land use consent. All resource consents (subdivision, earthworks, discharge etc) required to give effect to the development must be sought at the same time. ***The amount of detail required is relative to the nature and scale of the proposed development.***

**AP14.2.iii** The aim of requiring applicants to provide the following level of information is to achieve a consistent and efficient resource consent process and ease understanding of applications for all (Council Officers including the Major Projects Team, submitters, Iwi, the Urban Design Panel, Hearings Panel and Commissioners and subsequent builders and home owners). The Council promotes Appendix 14 as providing a process that aims to be enabling of better urban design and more sustainable approaches to residential land development than is otherwise afforded by minimum standards.

**AP14.2.iv** Applicants are encouraged to engage in a process of pre-application consultation with the Major Projects Team or delegated Officers. The Major Projects Team is a group of Council Officers representing different departments within Council available for pre-application consultation on subdivision and development projects. The aim of pre-application consultation before finalising the required site and context analysis and design description is to ensure that the acceptability of non minimum standard designs are afforded an efficient assessment process, and so that any construction, ownership, maintenance and monitoring issues are considered at the outset.

**AP14.2.v** It is intended that the Appendix 14 requirements will help provide **good** quality urban design, better informed decision making, and more certainty for everyone. They should:

- a) make applicants think carefully about the quality of the resource consent application (this should improve the general quality of applications).
- b) give applicants the opportunity to explain and justify their proposal to Council officers, councillors and the people they consult with.
- c) ensure that the urban design objectives and policies in the Plan are considered at the outset of the design process to guide the development of site responsive solutions.
- d) help with pre-application consultation and the understanding and negotiation of changes to designs, as they can set out ideas for discussion.
- e) provide consistent application standards for restricted discretionary subdivision activities that will enable consistent and efficient consent processing.
- f) control the way subdivision and development is constructed, and the way public spaces are used and managed.

## **AP14.3 analysis and design description**

**AP14.3.i** This section AP14.3 is a guide to the key urban design considerations and process. It will assist in the preparation of the required information under AP14.2 for inclusion with a consent application. A thorough context and site analysis will identify opportunities and constraints of the site and the context, and assist preparation of a well-designed subdivision. A thorough illustration or 'story' of the design process and considerations will assist the understanding of the design by others, particularly in regard to any non-compliance with controlled activity minimum standards.

**AP14.3.ii** The information and requirements discussed under AP14.3 are not to be treated as a checklist for design with every 'box requiring ticking'. In fact, in some situations some indicators of good design may contradict others, and others will not be relevant. Any design should be assessed holistically against the body of ideas or urban design goals, and the design should respond accordingly. Where a concept contradicts the individual indicators of good design then the applicant should outline the reasons for doing so and demonstrate how the Plan's urban design objectives are satisfied by alternative means.

**AP14.3.iii** The extent to which the indicators of good subdivision design apply will vary from site to site. These supplement the assessment criteria accompanying rule REr.107 of the Plan, and are related to the urban design objectives and policies.

**AP14.3.iv** Depending upon the nature and scale of the development proposed, the application may need to be accompanied by each of the following assessment matters illustrated on separate plans, before being combined into one overall summary analysis plan. For small scale developments it may be possible to illustrate all relevant opportunities and constraints on the one plan. However, because the 'context analysis' plan will extend considerably beyond the boundaries of the site, it will usually be at a different scale from the 'site analysis', and 'subdivision and development' plans.

**A14P.3.v** In preparing the site and context analysis, and subdivision and development plans, designers shall have regard to, but not be limited by, the following matters. No two sites are the same, and as a result every site and context analysis will differ.

### **context analysis**

#### **reference objectives**

**DO13A.1: Recognising the local context**

**DO5.1.2: Linkages and Corridors**

**AP14.3.vi** A thorough appreciation of the overall site context is the starting point for ~~good~~ **quality** urban design. Context is the character and setting of the area within which a subdivision and development will need to fit. It includes natural as well as human/built features and history, the people living within and nearby, and the routes that pass through or connect to the site. **The context analysis is a means of assessing the value of existing development patterns in the area and determining the appropriate degree to which they should be incorporated into subdivision design.**

**AP14.3.vii** This means consideration of the conditions in the surrounding neighbourhood and landscape beyond the legal boundaries of the site. Context analysis should typically extend a distance of 1km from all boundaries of the site. The scope of context analysis required depends on development size and local conditions, and it may be extended or reduced depending on these variables.

**The context analysis plan(s) must show**

- a) the surrounding road, cycle and pedestrian networks and opportunities for its improvement. This includes all possible vehicle access points and any indicative future roading, cycle and pedestrian connections adjoining the site, including that of consented but undeveloped subdivisions on adjoining sites.**
- b) the surrounding infrastructure network (water, wastewater, stormwater) and capacity information.**
- c) adjoining activities/land uses.**
- d) location and footprint of significant existing neighbouring buildings.**

- e) location of all local commercial, services and recreational facilities within 1km of the site.
- f) existing biodiversity corridors in the area and identification of the areas they connect to.
- g) rivers, streams, ephemeral water courses, overland flow paths and stormwater catchments beyond and through the site.
- h) existing major landscape features including view shafts and points, ridgelines, vegetation, and cultural features.
- i) the location of any site of significant indigenous vegetation or significant habitats for indigenous fauna.

### **site analysis**

#### **reference objectives**

**DO13A.1 Recognising the local context**  
**DO5.1.2 Linkages and Corridors**

**AP14.3.viii** The site analysis plan(s) describes and analyses the conditions within the legal boundaries of the site. Overall, this analysis will bring together the character and features of the site and its setting, and identify opportunities and constraints for the subdivision or development.

**AP14.3.ix** Where significant landscapes, and ecological and natural features exist on site they should be assessed for their suitability for incorporation into the subdivision design. Subdivision design has the potential to incrementally enhance biodiversity corridors in Nelson and is an important component of good quality design and the sustainability of wildlife. The NCC Land Development Manual contains Section 12 'Reserves' which outlines the requirements for reserves and the Council's general policy regarding their purchase. Applicants should consult with the relevant Council officer regarding the suitability of any areas proposed for future public ownership.

The site analysis plan(s) will include:

- a) contours including identification of prominent ridgelines and valleys.
- b) soils/geotechnical constraints/contamination, fault hazard lines.
- c) rivers, streams, ephemeral water courses, overland flow paths and stormwater catchments.
- d) existing vegetation and biodiversity corridors.
- e) identification of:
  - i) landscape assets to preserve (significant features),
  - ii) landscape features to re use or enhance (less significant features which can be used to achieve multiple goals as part of a subdivision such as restoration of ephemeral gullies and wetlands which can incorporate low impact stormwater approaches and adjoining walkway/cycleway networks)
- f) existing services: wastewater, water, and stormwater networks including capacity information, and transmission lines.
- g) any overlays as shown in the NRMP Planning Maps (Landscape, Hazard, Land Management, Riparian, Heritage Trees etc). These are available digitally from Council.
- h) existing buildings and structures.
- i) natural, cultural or archaeological features identified from consultation with NZ Historic Places Trust, Archaeological File Keeper at Department of Conservation or local iwi.
- j) summary of opportunities and constraints – areas identified as suitable for development, areas requiring preservation and enhancement, and areas suitable for incorporation in movement networks, low impact stormwater servicing, and open space networks. Depending upon the scale of the development, the summary of opportunities and constraints may need to be provided on a separate overlay.

### **movement network**

#### **reference objectives**

**DO13A.2 Improving connections**  
**DO13A.6 Sustainable places and communities**  
**DO10.1 Land transport system**  
**DO14.1 City layout and design**  
**DO14.3 Services**

**AP14.3.x** Section 4 of the NCC Land Development Manual provides advice on the road standards relative to function and speed environments, use of and standards for cul de sacs, residential lanes and rights of way. Council's Transport Officers can provide



advice regarding existing traffic movements, intended connections and any upgrading plans or requirements.

**AP14.3.xi** The subdivision and development plan must describe the proposed roading network and the links that they create so that an assessment can be made in terms of connectivity. This plan will include:

- a) existing and desired pedestrian and cycle links and their network connections.
- b) future roads and connections to adjoining land with development potential.
- c) the street types (functions and volumes) that are proposed.
- d) the location of car parking spaces.
- e) in addition:
  - i) traffic assessment of speed environment designs will be required to accompany the application.
  - ii) preliminary engineering design for areas departing from the minimum standard in the NCC Land Development Manual 2010. Cross sections may be necessary to illustrate site specific design responses.
  - iii) large scale and greenfield subdivision must show public transport connections and future route extensions, including provision for bus stops. Applicants should consult with Council's Transport Officers to ascertain requirements.
  - iv) a 'ped-shed' walkability analysis may also be necessary for large scale subdivisions with mixed densities and zoning.

**AP14.3.xii** Good subdivision will:

- 1. Connect to its wider context both physically and visually.
  - a. Provide connections and convenient access to services and facilities in the surrounding neighbourhood.
  - b. Connect to existing roading networks at several points to provide convenient access and choice of routes.
  - c. Anticipate and provide for connections to existing and possible future development on adjoining sites.
- 2. Provide an interconnected network of streets that provides convenient access for all road users including pedestrians and cyclists.
  - a. Provide multiple choice of routes to any destination.
  - b. Where the topography requires long cul-de-sacs and precludes street interconnection, provide for regular interconnection with safe, attractive walkways.
- 3. Create a street structure which is clear and legible.
- 4. Minimise earthworks on steep sites with roads that follow original land contours.

## **open space network**

### **reference objectives**

**DO13A.1 Recognising the local context**

**DO13A.2 Improving connections**

**DO5.1.2 Linkages and Corridors**

**RE3 Streetscape, landscape and natural features**

**AP14.3.xiii** The NCC Land Development Manual contains a chapter on reserves and landscaping which details the different types of Council owned reserves and their design requirements. Council staff can provide advice in respect of the need or not of particular reserves in particular locations, and should be consulted prior to proposing the selection of any site for an intended public reserve.

The subdivision and development plan(s) must show:

- a) the location and type of open space including local parks and reserves, wetlands and riparian areas, greenways, biodiversity corridors, stormwater ponds or other devices intended to be located in reserves.
- b) connections between proposed open space networks and reserves within the development with those in the adjoining area.
- c) proposed streetscape landscaping, connections to other community facilities and the relationship with roads to reserves (i.e. road narrowed as footpath in reserve and reserve provided with active edge/large road frontage).

**AP14.3.xiv Good subdivision will:**

1. Identify and maintain any recognised view connections across the site
2. Celebrate views from streets and other public spaces to landmarks and other important features that are beyond the site boundaries.
3. Extend broader neighbourhood patterns of open space with landscape features that strengthen the identity and structure of the landscape such as street trees, landscape links with adjoining neighbourhoods, and open space and reserve networks.
  - a. Enhance and incrementally extend existing biodiversity corridors.
  - b. Retain native vegetation, mature trees and significant ecological features and use these as features within public open space.
4. Locate local parks where they:
  - a. Are of most benefit to the local community.
  - b. Will be overlooked from the street and dwelling frontages to ensure informal surveillance.
  - c. Are not more than 400 metres walking distance from most dwellings.

**landscape**

**reference objective**

**DO13A.1 Recognising the local context**  
**DO13A.2 Improving connections**  
**DO13A.5 Inspiring places**  
**RE3 Streetscape, landscape and natural features**  
**DO9 Landscape**

**AP14.3.xv The subdivision and development plan must show:**

- a) any landscaping proposed as mitigation and include details of plant types and densities. This will also be required for biodiversity corridors, esplanade reserves and street trees.
- b) any sites located within the Landscape Overlay, which will also be required to provide the information described in Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay.

**AP14.3.xvi Good subdivision will:**

1. Maintain important landscape patterns
  - a. Preserve significant landscape and landform features.
  - b. Restore and extend riparian restoration treatments and biodiversity corridors
2. Use landscape features to enhance the amenity, character and recreational potential of the development.
3. Retain areas of native vegetation, mature trees or significant ecological features, and locate these in public areas where possible.
4. Provide both visual and physical access to the main landscape elements and features.

**streetscape and open space design**

**reference objective**

**DO13A.3 Creating quality public spaces**  
**DO13A.5 Inspiring places**  
**RE3 Streetscape, landscape and natural features**

**AP14.3.xvii Streetscape applies to more than just the legal road, it stretches from one building on one side of the road to the front of the building on the opposite side.**

The subdivision and development plan will include:

- a) the landscaping, berm, footpath, parking, low impact stormwater and access designs and locations for the different street types and function of streets that are proposed. This may require the provision of cross sections.
- b) planting types, sizes and locations.
- c) street and open space lighting types, sizes and locations.
- d) proposed signage locations.
- e) proposed location of reserves and a design description.
- f) identification of design features that will create positive relationships between the street with the residential lots, proposed building setbacks and fencing and the ability to maintain surveillance and pedestrian safety.

- g) identification of connections between streets, walkways and open spaces and their design integration.

**AP14.3.xviii Good subdivision will:**

1. Consider the visual amenity, safety and comfort of the users of public space.
  - a. Include safe and comfortable facilities for pedestrians and access for cyclists.
  - b. Ensure there are good sightlines along any connecting lanes or walkways.
  - c. Include street landscaping that creates a high level of visual amenity while maintaining openness at eye level.
2. Achieve visual coherence in design, with individual spaces and elements relating to a wider neighbourhood framework and patterns and, where appropriate, developing local identity.
3. Integrate local parks that provide a flat, grassed area open area suitable for informal kick-about and trees.
4. Include streets that gain identity and amenity from intensive street tree planting.
5. Integrate multiple functions including recreation, access, biodiversity and stormwater control into streets and other open spaces.

**stormwater management**

**reference objective**

**DO13A.6 Sustainable places and communities**

**DO14.3 Services**

**DO19.1 Highest practicable water quality**

**AP14.3.xix** The site and context analysis plan(s) must show existing drainage systems, including natural drainage flows. The subdivision and development plan must show proposed stormwater management networks and devices and flow paths to support the development. For low impact devices this will include illustrating relationships with reserves and streetscapes.

**AP14.3.xx** Stormwater management and low impact design should be considered early in the site planning process as these will usually influence the design of the subdivision and roads. The NCC Land Development Manual provides design objectives and standards for reticulated and low impact stormwater management in the stormwater section, and the reserves section provides guidance on when a stormwater device is acceptable within a public reserve, and the level of reserves contribution offset provided. Given Nelson's hilly topography and soils it will be difficult for a design to rely solely on low impact approaches and these will likely need to be combined with a reticulated system.

The subdivision and development plan will need to show:

- a) the proposed stormwater reticulation system and how it integrates downstream and upstream of the development site.
- b) specific design details of any low impact devices, including preliminary engineering design.
- c) the extent of land use in a Q15 event where devices are located in reserves.

**AP14.3.xxi Good subdivision will:**

1. Maintain streams and watercourses and enhance their natural character by minimising any changes to the hydrological factors by affecting flows.
2. Utilise low-impact stormwater management devices wherever possible for flood mitigation, maintenance of base flows in natural watercourses, irrigation and to create visual amenity.
3. Provide stormwater capacity to allow for upstream flows from land with development potential as well as the ability for the downstream network to accommodate off site flows.
4. Locate low impact stormwater management devices within public roads and reserves.

## **allotment layout**

### **reference objectives**

**DO13A.4 Providing for diversity**  
**DO13A.6 Sustainable places and communities**  
**RE2 Residential character**  
**DO14 Subdivision and development**  
**DO10.1 Land transport system**

**AP14.3.xxii** Lots are encouraged to be laid out in such a manner that future dwellings will be orientated to the adjoining public space, be it road or reserve.

The subdivision and development plan(s) must show lot sizes and dimensions. Information will include:

- a) variation in lot density and the location of building sites within them.
- b) consideration of the need for a balance between private and public spaces within the lots and enabling this to occur through the location of future buildings.
- c) illustrating how the lot layout will achieve good private to public space relationships, provide active edges and consider the principle of Crime Prevention through Environmental Design (CPTED).
- d) the location of comprehensive housing sites and their dimensions must be shown and will be assessed in accordance with Appendix 22 Comprehensive Housing Development.
- e) allotments located within the Landscape Overlay must show proposed building sites, and these will be assessed against the Appendix 7 Guide for subdivision and structures in the Landscape Overlay.
- f) identification of the relationship between open space and allotments and their future dwellings to show how active edges and informal surveillance can be achieved.

### **AP.14.3.xxiii Good subdivision will:**

1. Provide for local facilities and services at, or accessible from, the centre of the development.
2. Provide a range of lot sizes and types which will allow for diversity of living options.
3. Cluster smaller lots to:
  - a. maximise proximity to facilities.
  - b. avoid subdivision over outstanding natural features and to provide high quality public open spaces and reserves.
4. Ensure lots are shaped and dimensioned to allow a sunny outdoor living space and provide a useable private back yard.
5. Locate lots so that they overlook and front road and open spaces and back onto other lots.
6. Intensify development on sunny, north sloping lots, and reduce intensity on south facing lots.
7. Complement and not compromise both existing and likely future uses on adjacent sites.

## **reticulated services**

### **reference objectives**

**DO13A.7 Urban design process**  
**DO14.3 Services**

**AP.14.3.xxiv** The preliminary engineering plan(s) must show existing and proposed reticulated wastewater, water and stormwater networks to service the development, as well as existing and proposed power and telecommunications networks. Proposed easements will also need to be shown.

**AP.14.3.xxv** The NCC Land Development Manual provides minimum standards and information requirements necessary to accompany an application, including requirements for street lighting.

### **AP.14.3.xxvi Good subdivision will:**

1. Take an integrated multi-disciplinary approach to the provision and siting of services to achieve servicing efficiency at the same time as maximising amenity benefits.
2. Locate underground services where they are properly accessible for servicing and also allow for street tree planting.

## **AP14.4 design statement**

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**AP14.4.i** A design statement shall be included with all applications made under the REr.107 restricted discretionary subdivision activity and as a requirement of Appendix 14. The length and level of detail of the design statement needs to be relative to the nature and scale of the subdivision and development being proposed.

**AP14.4.ii** Applications under Appendix 14 need to be able to demonstrate how they have taken into account the need for ~~good~~ good quality urban design and the outcomes sought by the relevant objectives and policies referenced in the subdivision and development proposal. Applicants should refer to the parameters of good subdivision design identified in this appendix, which indicate means of response to the objectives and policies. The provision of design statements with applications under Appendix 14 will help to ensure urban design is considered at the early design stages of a project and assist with explanation of the approach taken.

### **AP14.4.iii Content Requirements**

Design statements should:

- explain the design principles and concepts that have informed the subdivision or development design, and
- how the relevant urban design and sustainability objectives have been achieved.

**AP14.4.iv** Statements should explain the design direction and justify the design thinking behind the subdivision and development plan. Sometimes photos, maps and drawings may be needed to illustrate the points made, and notes on drawings may be useful to help explain design intentions and rationale. It is important that statements are written specifically for the application they accompany. They need not be very long, and the amount of detail they contain should reflect the complexity of the application.

Delete Appendix 22 and replace as follows:

# appendix 22 comprehensive housing development

## AP22 overview

AP22.i This appendix provides a general guide to the type of considerations to be carried out in the design and construction of Comprehensive Housing Developments. It is not intended to be the sole list of items to assess a development against or to be a 'check list' which is simply 'ticked off'. There are many ways to design a Comprehensive Housing Development which provides for a high standard of living on a smaller site, and approaches that lead to high quality results are encouraged. Council expects to see applicants demonstrate a thoughtful response to issues and techniques raised in this Appendix and those representing ~~good~~ quality urban design generally.

AP22.ii Comprehensive Housing provisions allow for developments to be a restricted discretionary activity (and non-notified) provided the site is located in the Residential Zone – Higher Density Area. This only applies in relation to rules REr.23 'Minimum Site Area', REr.24 'Site Coverage' and the associated subdivision under rule REr.107. All other Residential Zone rules are applicable (other than some rules where they apply to internal boundaries) and require assessment as part of the application and package of consents sought. As an example, triggering rule REr.35 'Daylight' to an adjoining site will result in the activity status of that rule applying and there being consideration of notification or affected party approval being required for that issue. Rules which are triggered on boundaries internal to the development (e.g. daylight compliance between two dwellings within that proposal) do not affect this activity and notification status. They form part of the assessment of on-site amenity and design under Appendix 22.

## AP22.1 definitions

### Comprehensive Housing Development

means three or more residential units, designed and planned in an integrated manner, where all required resource and subdivision consents are submitted together, along with sketch plans of the proposed development. The land on which the proposed residential units are to be sited must form a separate, contiguous area.

(Explanation not forming part of the definition: In other words, in a Comprehensive Housing Development the houses and any subdivision are designed as one. The development will generally require a resource consent because it exceeds the building coverage requirements or is below the minimum site size requirements for the zone. It may also depart from both standards, as well as other standards such as parking or height. The intention of the Comprehensive Housing provisions is to provide for more intensive housing developments if they are designed with additional features which enhance the quality of the living conditions both inside and outside the units. Shared open space may be an important factor in enabling a higher density. While a clear site is preferable, an existing house could be part of a Comprehensive Housing Development, but ONLY IF it meets all the design criteria and there are enough new units to meet the definition above).

### Apartment building

means a single building, over 7.5m high, containing four or more residential units. Apartments are a special form of Comprehensive Housing Development requiring separate consideration. Special guidelines for apartment buildings are included at the end of this appendix.

### **Other terms**

are defined in Chapter 2 (meanings of words).

### **Any reference to a rule in this Appendix**

means reference to a rule in the Residential Zone.

## **AP22.2 use of this appendix**

**AP22.2.i** When assessing a Comprehensive Housing Development, the Council will have regard to the extent to which it achieves the outcomes set out below. This appendix is intended to provide direction to the applicant as to the type of measures that can help achieve these outcomes.

**AP22.2.ii** Of specific relevance to Comprehensive Housing Developments are objectives and policies DO13A to DO13A.7 addressing urban design matters and RE1.2A 'Comprehensive Housing'. Other objectives and policies of the Plan may be relevant depending on the individual circumstances of an application. Rules with specific provisions relating to Comprehensive Housing Developments are REr.22 'Comprehensive Housing', REr.25 'Front Yards', REr.26 'Other Yards', REr.27 'Outdoor Living Court – sites less than 350m<sup>2</sup>', REr.28 'Pedestrian access to rear of sites', REr.35 'Daylight Admission', REr.36 'Decks, terraces, verandahs and balconies', REr.38 'Parking', and Appendix 10 'Standards and Terms for Parking and Loading', and Rule REr.107 'Subdivision – General'.

**AP22.2.iii** The majority of Comprehensive Housing Development also involves a subdivision consent under Rule REr.107 'Subdivision – General'. The requirements of rules REr.22 and REr.107 shall be addressed in both preparation and assessment of a Comprehensive Housing Development which involves subdivision.

## **AP22.3 overall outcome**

**AP22.3.i** The overall aim of this appendix and Rule REr.22 'Comprehensive Housing Development' is to ensure that Comprehensive Housing Developments provide a high standard of amenity, both on-site for the occupants, and off-site in terms of the wider neighbourhood. This high standard of amenity is expected to be achieved through the use of carefully considered design techniques and features which respond to the site's context and setting, and which have no significant adverse effects on the surrounding neighbourhood.

**AP22.3.ii** Developments **must** address the fundamental aim in the first sentence of AP22.3.i. Comprehensive Housing Development is not a case of simply squeezing more conventional residential units onto a parcel of land. To be granted consent, Comprehensive Housing Developments are expected to be purpose designed for the site and the neighbourhood in accordance with the principles of this appendix. The design is to be executed to a high standard at the construction stage.

**AP22.3.iii** A Comprehensive Housing Development may also be based on meeting the demonstrable needs of the intended occupants as well as that of the wider community e.g. groups with special needs.

**AP22.3.iv** Specific guidelines for apartment buildings are at the end of this appendix.

## **AP22.4 on-site amenity outcomes**

**AP22.4.i** Development should create a high standard of amenity and privacy for residents while promoting sustainability. The following techniques should be considered as methods to achieve this desired outcome. Note that this is not a complete list; there are many design techniques which can be employed through carefully considered design. Matters to be considered include, but are not limited to, the following:

### **Coherence and Integration**

- a) existence of a design concept, or theme which is appropriate to the site and location and which integrates the various separate requirements into a coherent whole.
- b) coherence in form, composition, materials and details balanced with the complexity necessary to give visual interest.

### **Site Planning**

- c) siting and orientation of buildings, occupied spaces and openings to ensure passive solar gain is optimised.

- d) retention of existing vegetation and landform where feasible and consider inclusion of existing features into public areas. For example, using existing trees or a stream as a focal point for a communal area.
- e) landscaping to create quality outdoor environments on site, and use of walls and fencing to establish private areas while retaining a positive relationship with the adjacent street or public area.
- f) building to the boundary to use the site more efficiently and to avoid awkward leftover space.
- g) joining residential units to make efficient use of the site and create high quality private open spaces, provided regard is had to acoustically separating buildings and to modulation of building form.
- h) visual interest through off-setting or articulating building form.
- i) placement and design of sunny, sheltered private outdoor living courts to act as an extension of the living spaces of the house.
- j) articulation of form and/or definition of individual accessways and doors to give a sense of address for each residential unit.
- k) visual interest and avoidance of visual dominance of vehicle manoeuvring areas including the alignment, design and landscaping of accessways.
- l) extent to which building entrances and frontages address the street.

#### **Internal Amenity**

- m) careful placement of windows, decks, terraces, verandahs and balconies to maintain visual privacy for the main living spaces and associated outdoor courts of the dwellings within a development.
- n) location and orientation of main living rooms for good sunlight penetration.
- o) provision of reasonable outlook from all dwellings.
- p) provision for the reasonable expected indoor storage needs of occupants.
- q) reducing noise by means such as:
  - i) use of appropriate wall, ceiling and floor materials and construction details.
  - ii) separately locating and containing plumbing for each residential unit, or design shared services which are positioned and designed to ensure acoustic attenuation.
  - iii) particular consideration of noise reduction techniques if living areas or garages of one residential unit abut bedrooms of another.
  - iv) keeping driveways and car parking areas away from bedroom windows of adjacent residential units, or having them acoustically screened.

#### **Energy and Resource Efficiency**

- r) energy and thermal-efficient design which incorporates active and passive energy-efficient features and appliances.
- s) the use of water conservation design features and fittings.
- t) on-site provision of specific areas for recycling, rubbish facilities and secure bicycle storage.

### **AP22.5 off-site amenity outcomes**

**AP22.5.i** The development should be designed to visually integrate with neighbouring sites, the streetscape, and the character of the area. Matters to be considered include, but are not limited to, the following:

- a) setback from the street, including placement or off-setting of buildings to maintain or complement the character of the street.
- b) providing for compatible height relationships with the surrounding neighbourhood, taking into account both present development and what could be developed to a permitted standard on the development site and adjoining sites.
- c) detailing and modulating large building facades to read as several buildings as appropriate to the character of the area.
- d) design and siting of garages, carports and parking areas to ensure they do not dominate the street or accessway frontage.
- e) compatibility in building materials, scale and proportion of elements, details and roof pitch.
- f) density as an aspect of amenity or character of the neighbourhood while recognising that good design principles can mitigate the effect of a development's increased density on the wider neighbourhood.
- g) compatibility of landscaping, walls and boundary fencing.
- h) the use of landscaping techniques and design to ensure the development improves, or is not detrimental to, the character of the surrounding neighbourhood.



**AP22.5.ii** The development should be designed to maintain a reasonable standard of amenity for the residents of neighbouring properties, having regard to, but not being limited to the following:

- a) visual privacy of the main internal and associated external living areas of neighbouring dwellings.
- b) access of sunlight and daylight to neighbouring sites (using Rule REr.35 'Daylight Admission' and the provisions of Appendix 15 – daylight admission (residential)).
- c) maintenance of reasonable levels of outlook for neighbours outside of the subject site.
- d) minimisation of the opportunities for crime by application of Crime Prevention Through Environmental Design (CPTED) principles, including passive surveillance of streets and other public places.
- e) acoustic privacy.

## **AP22.6 access, parking and services**

**AP22.6.i** Comprehensive Housing Developments must provide for safe movement of pedestrians and vehicles.

e.g. well lit parking areas and pedestrian links; defined footpaths in larger developments

e.g. minimising number of vehicle accesses to roads, traffic calming in larger developments, dust control

**AP22.6.ii** Careful consideration should be given to:

- a) access for emergency services, including to outdoor space
- b) positioning of services to allow for their repair and maintenance

**AP22.6.iii** Parking, access and services must be in accordance with Appendices 10 (standards and terms for parking and loading) and 11 (access standards), and the minimum standards in section 4 of the NCC Land Development Manual 2010. The development may make provision for reduced car parking provision where it can be demonstrated that actual parking demand will be less than the parking requirements in Appendix 10 (Standards and Terms for Parking and Loading). For example, this may be because of proximity to local shops or public transport, high numbers of cycle connections and/or reduced vehicle based travel dependence for other reasons. Any assessment for a reduction in car parking numbers will be carried out through the resource consent process.

## **AP22.7 consent applications**

### **AP22.7.1 consultation**

**AP22.7.1.i** Early consultation with Council's Major Projects Team and/or Urban Design Panel is strongly encouraged to help resolve design and other issues prior to lodging consent applications.

### **AP22.7.2 supporting information required**

The following information and assessment is required to be provided as part of an application for Comprehensive Housing under Rule REr.22. [The amount of detail required is relative to the nature and scale of the development.](#)

#### **Sketch Plans**

**AP22.7.2.i** Applications for any Comprehensive Housing Development shall include "sketch plans or photo montages or visual simulations" to an appropriate scale which show the total design, not necessarily with construction details. The plans/photos/simulations must include:

- a) elevations. The street elevation(s) of the buildings shall be extended to show the buildings on either side (as a less favoured alternative, photographs of adjoining buildings may substitute for the adjoining elevations, if a clear scale is indicated).
- b) floor plans (which must show and name rooms and areas of storage, and show location of windows and doors, and the outline of eaves or overhanging areas in relation to foundation plans).
- c) site plans showing:
  - i) nominated legal boundaries or any proposed lease or other title arrangements
  - ii) the area of outdoor space, and the dimension and placement of living courts
  - iii) location of roads, parking and services
  - iv) location of buildings on adjoining properties (including windows facing the development)
  - v) a 3-dimensional view of the development showing a "true perspective"

- vi) site contours (graduations as appropriate to the scale of the development and the topography of the site).
- d) any information required by Council or the Resource Management Act as part of a standard application for resource consent.
- e) information on how the subdivision is to be effected (freehold allotment, unit title, company lease). Where a Body Corporate is proposed, a description of how it will operate.
- f) a landscape plan, including location and height of any fences, which demonstrates how landscaping is used to enhance the on-site and off-site amenity of the development, and integrating roads, allotments and the streetscape. (The retention of existing vegetation is encouraged as this can help integrate a Comprehensive Housing Development into the existing streetscape, and therefore make it more acceptable. The plan should show existing vegetation, noting any mature trees or significant specimens, and should indicate which vegetation will be retained and which will be removed). The landscape plan shall be implemented before section 224 approval is granted. (Where the development does not involve a subdivision, the resource consent will include a condition on satisfactory implementation of the landscape plan).
- g) a site context plan which shows the features of the area relevant to considering the suitability of a particular location for a comprehensive housing development, or which have had a bearing on the proposed design of the development. For example, a development adjacent to a bus stop and a cycle way may be able to justify a reduced demand for car parking. The site context plan should focus on features within a 400m radius of the site but can include items further away if relevant. A list of features to specifically identify are:
  - i) open space (parks, rivers/streams, school playing fields, beach etc),
  - ii) transport routes (main roads, walkways, cycle ways, bus routes),
  - iii) shops, commercial areas, schools (including pre-school),
  - iv) all possible vehicle access points,
  - v) opportunities for street links to neighbouring sites with development potential,
  - vi) orientation of neighbouring buildings or developments (do they face toward or away from the subject site),
  - vii) stormwater flow paths.

This list is not exhaustive and there are likely to be other features and facilities in the area which can also be identified. The Comprehensive Housing Development site context plan can be shown in conjunction with the requirements of Appendix 14 (Residential Subdivision Design and Information Requirements) as required by a subdivision consent.
- h) A design statement, including diagrams, of the manner in which the proposed development responds to the relevant sections of this appendix and the objectives and policies of the Plan, and how the design has taken into account the relevant features identified in the site context plan. The design statement shall also demonstrate in what ways the proposal differentiates itself from conventional residential units. Appendix 14 contains information on the purpose and scale of design statements required.
- i) An evaluation of the network utility servicing requirements of the proposed development and how they will be met.

### **AP22.7.3 staged implementation of an approved development**

- AP22.7.3.i** A Comprehensive Housing Development application may seek that the development (both subdivision and building) be implemented in stages, if:
- a) the overall development plan for all proposed units has been lodged as a staged development and approval includes specified stages
  - b) the landscape plan is progressively implemented at each stage
  - c) the first stage includes at least one residential unit
  - d) a licensed cadastral surveyor certifies, prior to a section 224 certificate, that the staged units are located in accordance with the overall development plan.
  - e) all common areas and facilities relevant to each stage are constructed as part of that stage and attached to the new titles via easement or common tenure
  - f) a consent notice is imposed on the balance certificate of title stating that 'no building shall be constructed, or placed, on site unless it has been expressly approved as part of a resource consent granted for comprehensive housing development (insert relevant consent number) or an approved variation of this resource consent'.

**Note:** Staged development applies only where a Comprehensive Housing Development involves a subdivision.

## **AP22.8 relationship of this guide to other guidelines and density controls**

**AP22.8.i** In the Wakefield Quay Precinct, the Wakefield Quay Design Guideline applies in conjunction with this Appendix. Where there is a conflict between provisions or requirements, AP23 Design Guide and Rules for Wakefield Quay, shall take precedence.

**AP22.8.ii** In the Residential Zone – Lower Density Area, this guide applies, but the density and character of comprehensive housing should reflect the overall outcomes sought for the area.

**AP22.8.iii** In the Airport and Port Effects Control Overlays additional site area and acoustic insulation requirements apply.

## **AP22.9 special considerations for apartment buildings**

**AP22.9.i** Proposals for apartment buildings should pay attention to all relevant provisions in this appendix.

**AP22.9.ii** Apartment developments have particular impacts which need special consideration, such as:

- a) visual impacts on the neighbourhood (because of the bulk and height of buildings)
- b) impacts on views from adjacent sites and public places
- c) effects on privacy (proximity of other balconies within the apartment overlooking adjacent properties).

**AP22.9.iii** It is anticipated that the majority of sites in the Residential Zone would be **unsuitable** for apartment developments. Apartments may be acceptable in situations where:

- a) the size and location of the site permits adequate separation from existing developments.  
Note: compliance with the daylight admission controls in Appendix 15 is not necessarily sufficient to achieve this separation. This is because of the bulk of apartment buildings and the way the “daylight around” provisions operate. Greater separation may be necessary to achieve privacy, avoid overshadowing and to maintain the overall density of the neighbourhood, or
- b) the topography of the site (e.g. where it allows layering-back into a hill, or neighbouring dwellings are otherwise located above) or existing vegetation will diminish the impact of the development, or
- c) development on adjacent sites is similar in size and scale, or
- d) the development will enhance the amenity of the neighbourhood.

### **AP22.9.1 articulation and detailing**

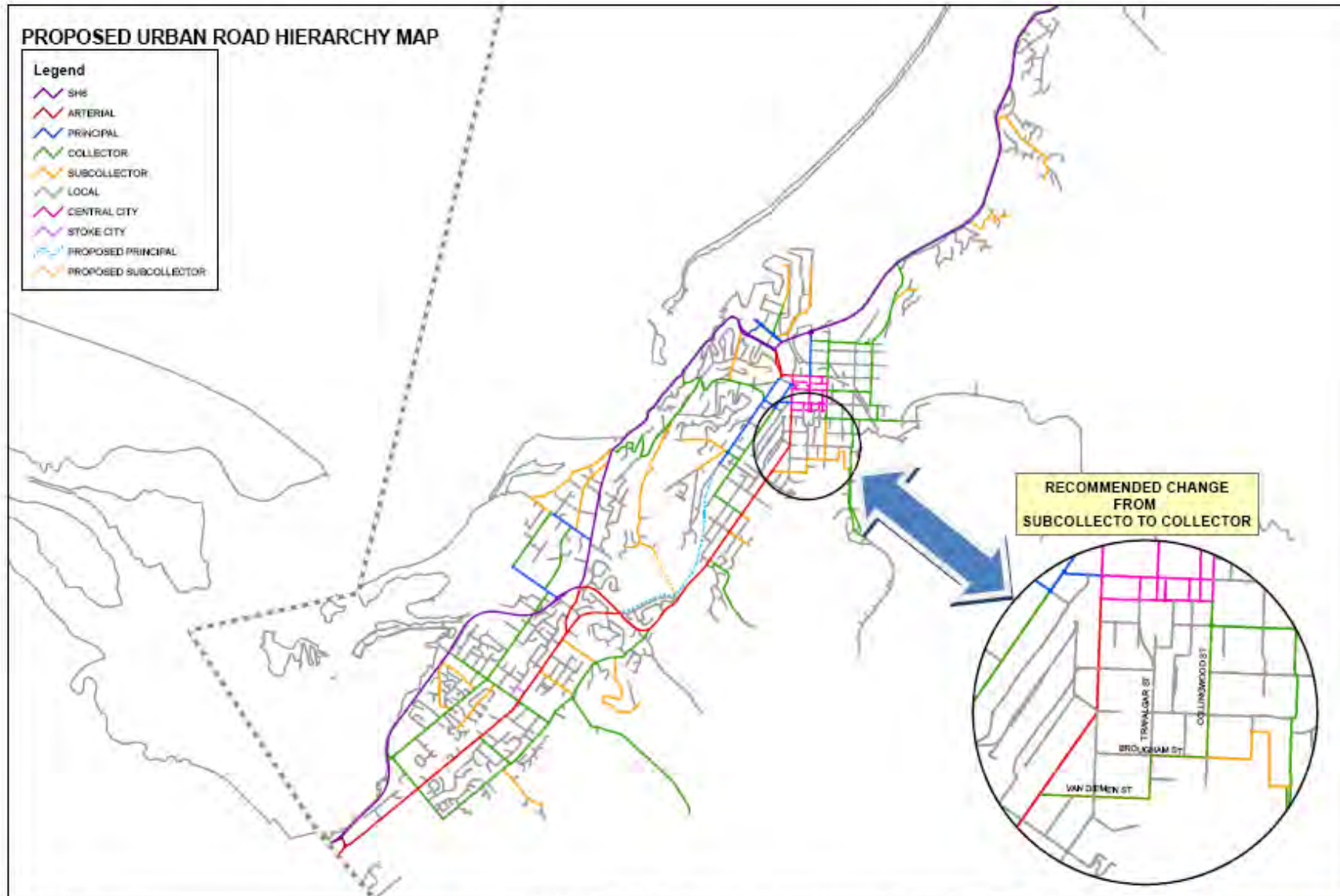
**AP22.9.1.i** Consideration should be given to articulation and detailing to help break up the façade of large buildings so that it looks like several buildings, as appropriate to the character of the area. Modulation between floors is also important, having regard to patterns in neighbouring buildings.

*Amend AP23.6.1 application of Nelson Resource Management Plan by adding c) as follows:*

- c) Comprehensive Housing Developments will be assessed in accordance with AP23 'Design Guide for Wakefield Quay' as well as AP22 Comprehensive Housing Development'. Where there is a conflict between provisions or requirements, AP23 shall take precedence.

**14.16 Rooding Hierarchy Maps**

Amend Maps A2.1 and A2.2 as shown.

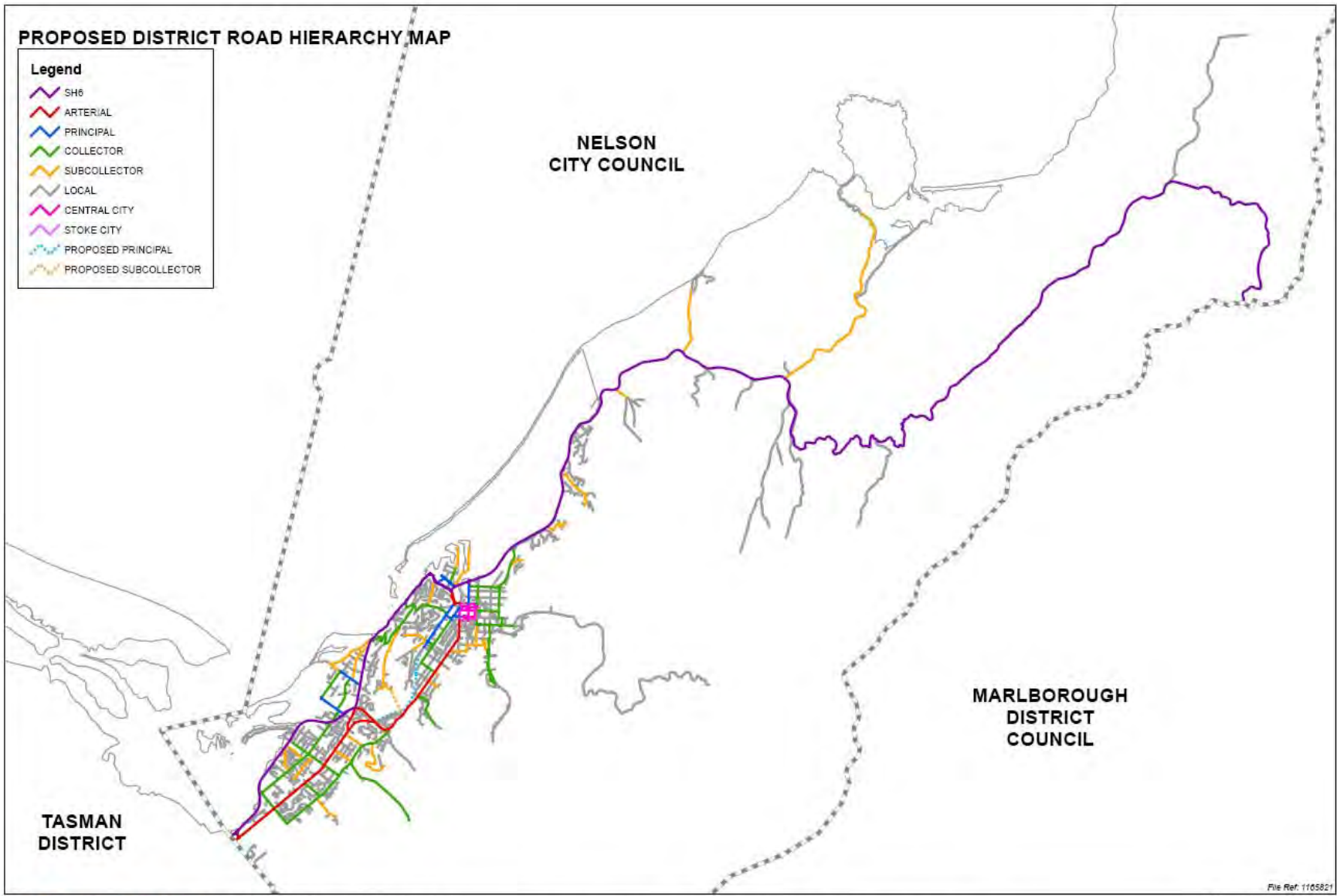


Scale 1:50,000  
**MAP A2.1**

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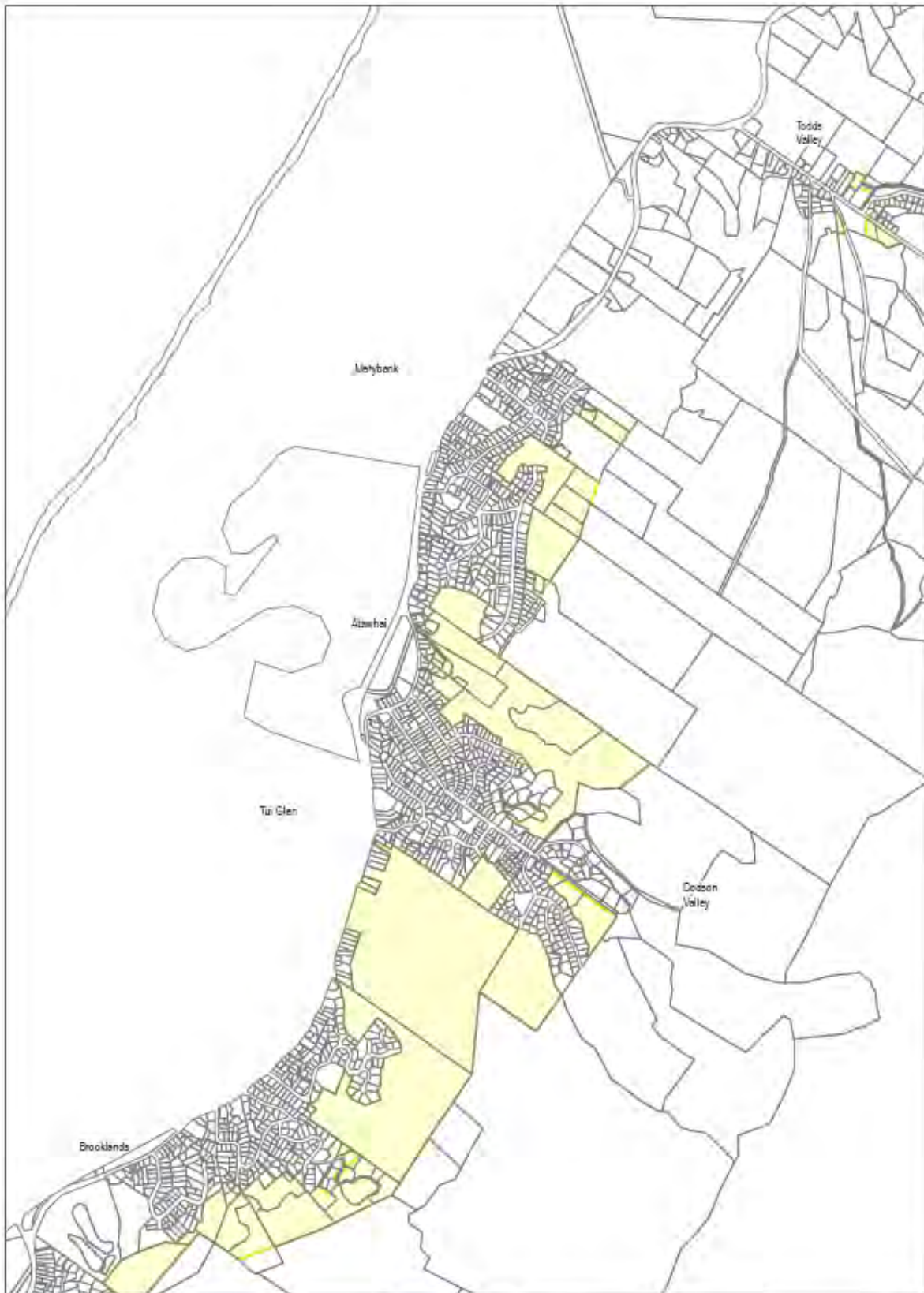
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**MAP A2.2**

**NELSON RESOURCE MANAGEMENT PLAN**

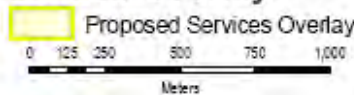
*Nelson Resource Management Plan  
 Proposed Plan Change 14*



Amend Planning Maps Volume 4 NRMP to update Services Overlay to remove those areas that are now serviced, and add one new area up Matai Valley Road as follows:



Plan Change 14 - Proposed Services Overlay

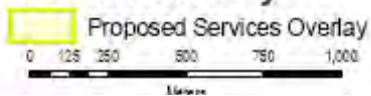


01

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2 June 2010



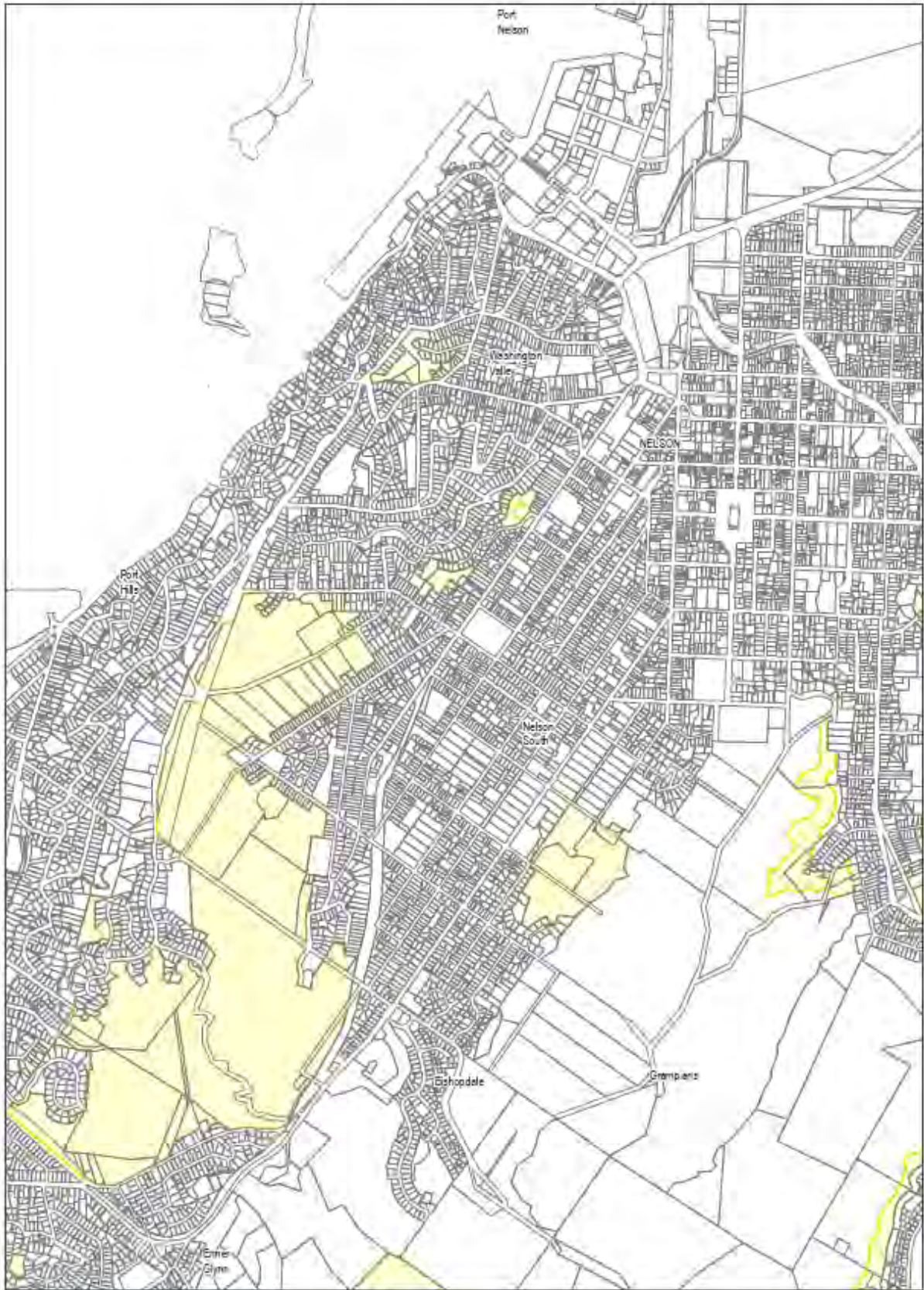
**Plan Change 14 - Proposed Services Overlay**



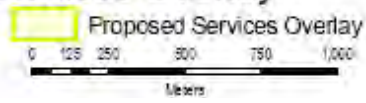
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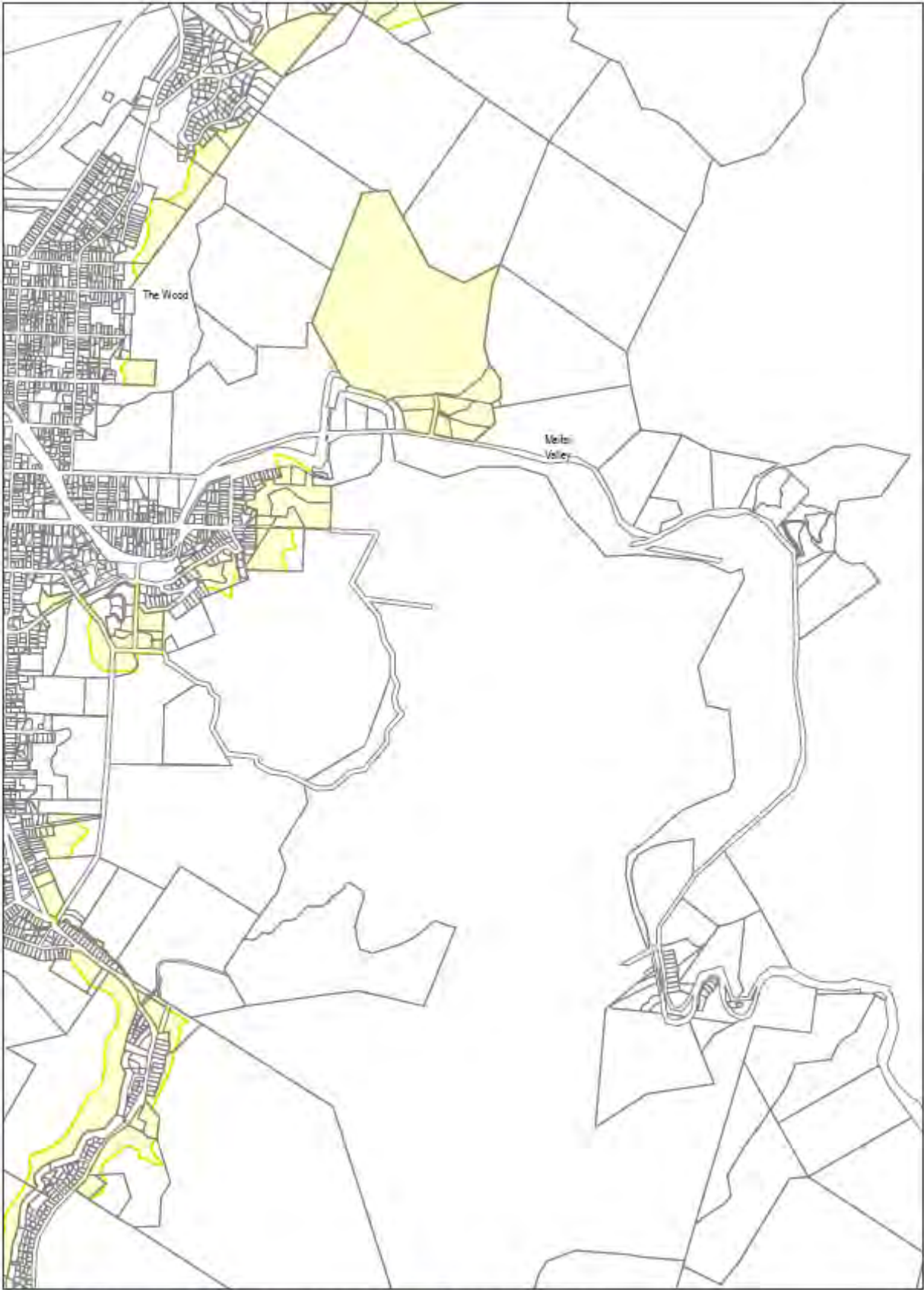


**Plan Change 14 - Proposed Services Overlay**

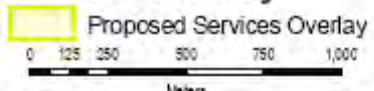


**03**

Issued  
 2 June 2010



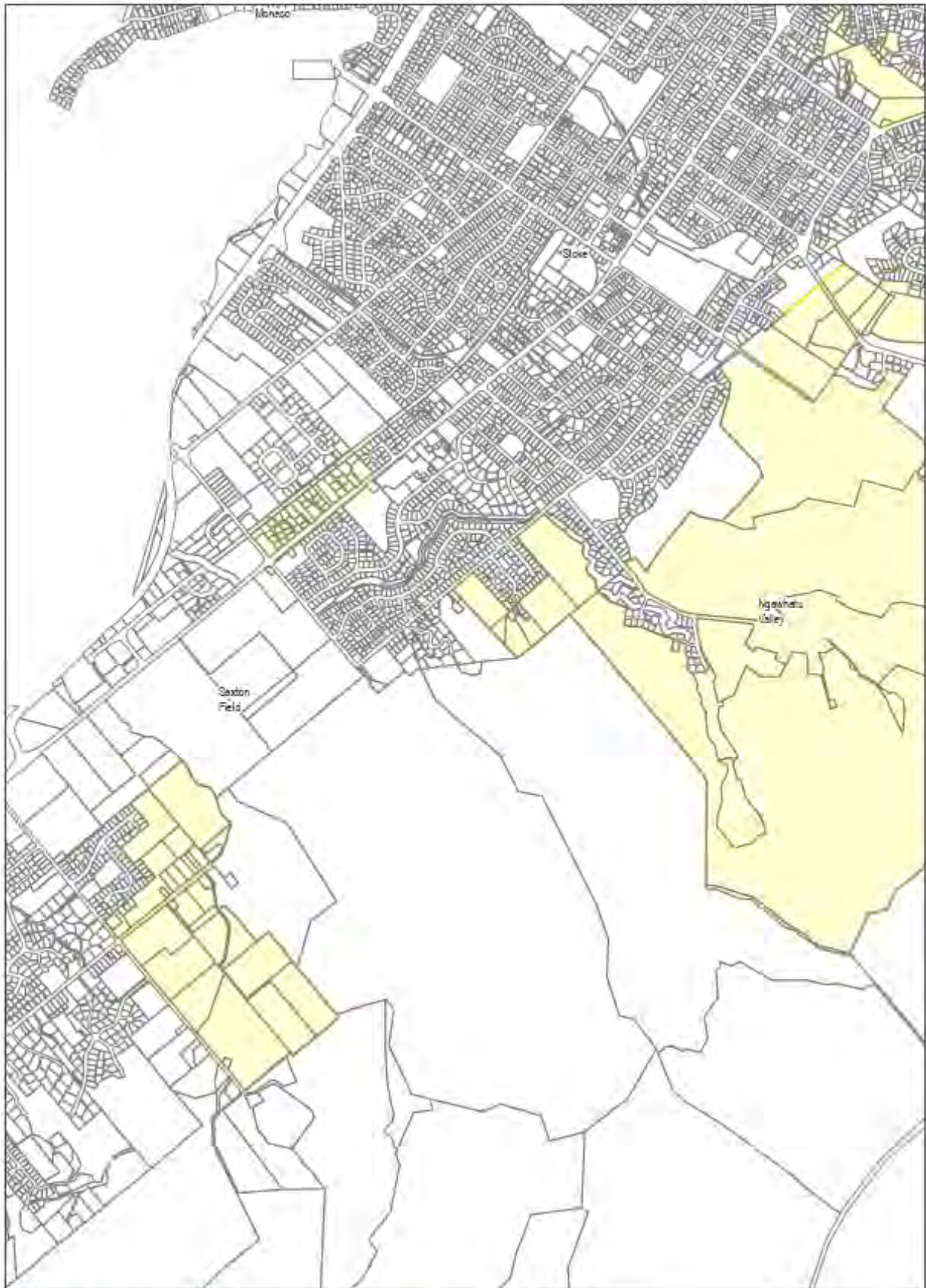
**Plan Change 14 - Proposed Services Overlay**



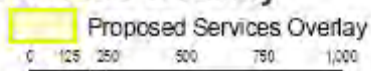
**04**

Issued  
2 June 2010



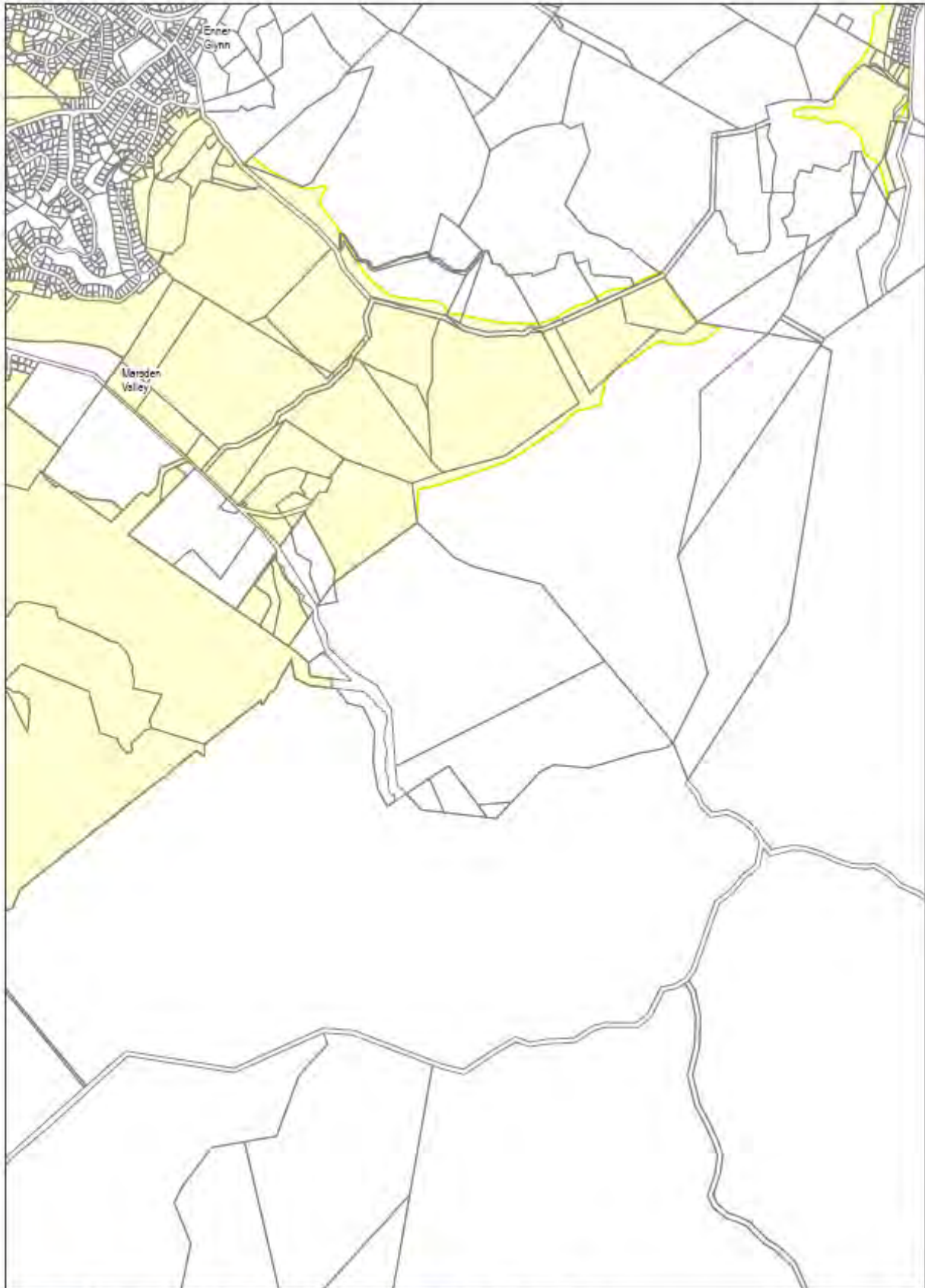


**Plan Change 14 - Proposed Services Overlay**

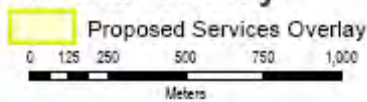


**05**

Issued  
 2 June 2010



**Plan Change 14 - Proposed Services Overlay**



**06**

Issued  
8 July 2010

## 14.18 Plan Wide and Consequential Amendments in full

**Amend** Volume 3 Appendices Table of Contents as follows:

Appendix 13 ~~Engineering performance standards~~

Appendix 14 ~~Design standards~~ Residential Subdivision Design and Information Requirements

**Amend** all references to Appendix 13 throughout the Plan as shown in the following table. Rather than illustrating changes with strikethrough and underline, two columns in the table have been provided. The first shows the existing operative plan text, the second shows the proposed text. Note: submissions can only be made in respect of the proposed changes to the text, that is, the difference between the operative and proposed text.

Appendix 13			
Reference Location	Page No.	Existing Reference/ Operative Text	Proposed Change
REr.56.4.a)	7-55	a) the Engineering Performance Standards in Appendix 13	a) the matters in section 4 of the NCC Land Development Manual 2010
REr.58.4.d)	7-55	d) the Engineering Performance Standards in Appendix 13	d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.
Sch I.8.v)	7-166	<del>v) the matters in Appendix 13 (engineering performance standards except where specific alternatives are recommended in the Landscape Study.</del> PC13	v) the matters in the NCC Land Development Manual 2010.
Sch U.8.2.v)	7-174	v) the standards and criteria in Appendix 13 and 14, except where specific alternatives are provided in response to environmental or landscape values of the site.	v) the matters in the NCC Land Development Manual 2010.
ICr.53.4.a)	8-49	a) the Engineering Performance Standards in Appendix 13	a) the minimum standards (as defined in Section 1.1.1 General) in section 4 of the NCC Land Development Manual 2010.
ICr.54.4.d)	8-49	d) the Engineering Performance Standards in Appendix 13	d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.
SCr.46.4.a)	9-35	a) the Engineering Performance Standards in Appendix 13	a) the matters in the NCC Land Development Manual 2010
SCr.47.4.d)	9-35	a) the Engineering Performance Standards in Appendix 13	a) the matters in section 4 of the NCC Land Development Manual 2010
SCr.71.2.i)	9-58	a) it complies in all respects with the relevant standards in Appendices 10 to 12, and 14, and	a) it complies in all respects with the relevant standards in Appendices 10 to 12, and the matters in section 4 NCC Land Development Manual 2010.
SCr.71.4.a)	9-58	a) the matters in Appendix 13 (engineering performance standards), and	a) the matters in the NCC Land Development Manual 2010.
INr.52.4.a)	10-41	a) the Engineering Performance Standards in Appendix 13	a) the matters in section 4 of the NCC Land Development Manual 2010

INr.53.4.d)	10-43	d) the Engineering Performance Standards in Appendix 13	d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.
OSr.25.4.d)	11-23	d) the Engineering Performance Standards in Appendix 13	d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.
OSr.46.4.a)	11-37	a) the Engineering Performance Standards in Appendix 13	a) the matters in section 4 of the NCC Land Development Manual 2010
RUr.28.4.b)	12-31B	b) compliance with the Engineering Performance Standards in Appendix 13 with regard to the roading network, access, stormwater management, water supply, sewage disposal and power and telecommunication services. (Compliance with the design standards and construction requirements in the Council's Engineering Standards published from time to time will satisfy these requirements).	b) the matters in the NCC Land Development Manual 2010. 2010.
RUr.29.4.d)	12-33	d) the Engineering Performance Standards in Appendix 13	d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.
RUr.46.4.a)	12-45	a) the Engineering Performance Standards in Appendix 13	a) the matters in section 4 of the NCC Land Development Manual 2010
Sch T.8.vi)	12-139	<del>vi) the matters in Appendix 13 (engineering performance standards except where specific alternatives are recommended in the Landscape Study.</del> <sup>PC13</sup>	vi) the matters in the NCC Land Development Manual 2010.
Table of Contents	Table of Contents	Appendix 13 Engineering performance standards	Appendix 13 was deleted by Plan Change 14

**Amend** all references to Appendix 14 throughout the Plan as shown in the following table. Rather than illustrating changes with strikethrough and underline, two columns in the table have been provided. The first shows the existing operative plan text, the second shows the proposed text. Note: submissions can only be made in respect of the proposed changes to the text, that is, the difference between the operative and proposed text.

<b>Appendix 14</b>			
<b>Reference Location</b>	<b>Page</b>	<b>Existing Reference/Operative Text</b>	<b>Proposed Change</b>
REr.40.1	7-40	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 14. Where vehicle access is not required under this rule but voluntarily provided, all such access must be provided in accordance with Appendix 11 .	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. Where vehicle access is not required under this rule but voluntarily provided, all such access must be provided in accordance with Appendix 11 and minimum standards in the NCC Land Development Manual 2010 as listed above.



REr.56.1.b)	7-54	b) the standards in Appendix 14 (design standards), Table 14.5.1, are complied with.	b) the minimum standards (as defined Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.
Sch I.4.1	7-165	<del>As in Table 14.1, Appendix 14, except that the following are required:</del> <sup>PC13</sup>	As in the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010, except that the following are required:
Sch I.8	7-166	<del>vi) the extent of compliance with Appendices 10 to 12, and 14, except where specific alternatives are mention in the Landscape Study.</del> <sup>PC13</sup>	vi) the extent of compliance with Appendices 10 to 12, and minimum standards (as defined in Section 1.1.1 General) in section 4 of the NCC Land Development Manual 2010.
Sch U.8.1.viii)	7-173	viii) The degree of compliance with Appendices 10,11,12 and 14 except where specific alternatives are provided to address environmental and landscape values of the site and assessment criteria in this schedule, through design.	viii) The degree of compliance with Appendices 10, 11, 12 and the matters in section 4 of the NCC Land Development Manual 2010 except where specific alternatives are provided to address environmental and landscape values of the site and assessment criteria in this schedule, through design.
Sch U.9	7-177	The roading standards in Table 1 are intended to be utilised for the Marsden Plateau in lieu of those contained in Appendix 14 of the Plan as they directly relate to the assessment criteria for development within this Schedule.	The roading standards in Table 1 can be used for the Marsden Plateau in lieu of those contained in section 4 of the Land Development Manual 2010 as they directly relate to the assessment criteria for development within this Schedule.
Sch U.11	7-178	The existing roading standards in the NRMP have been developed on a city wide basis. To avoid the adverse visual and landscaping effects of superimposing roading standards that have not been developed in response to the valued specific characteristics of the Marsden Plateau site, alternative roading standards from those listed in Appendix 14 of the Plan apply.	<del>The existing roading standards in the NRMP have been developed on a city wide basis. To avoid the adverse visual and landscaping effects of superimposing roading standards that have not been developed in response to the valued specific characteristics of the Marsden Plateau site, alternative roading standards from those listed in Appendix 14 of the Plan apply.</del>
ICr.32.1	8-32	a) Vehicle access must be provided and maintained on each site (except for Small Unstaffed Network Utility Buildings) in accordance with the standards set out in Appendix 11 (access standards) and Appendix 14 (design standards) except that no vehicle access may be provided across any scheduled frontage shown on Planning Map 1	a) Vehicle access must be provided and maintained on each site (except for Small Unstaffed Network Utility Buildings) in accordance with the standards set out in Appendix 11 (access standards) 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 except that no vehicle access may be provided across any scheduled frontage shown on Planning Map 1
ICr.53.1.b)	8-48	b) the standards in Appendix 14 (design standards), Table 14.5.1, are complied with.	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.32.1	9-22	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(access standards) and 14 (design standards).	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.
SCr.46.1.b)	9-34	b) the standards in Appendix 14 (design standards), Table 14.5.1, are complied with.	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
INr.36.1	10-26	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(access standards) and 14 (design standards).	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.
INr.52.1.b)	10-40	b) the standards in Appendix 14 (design standards), Table 14.5.1, are complied with.	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.
OSr.35.1	11-28	Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11(access standards) and 14 (design standards).	Vehicle access must be provided and maintained for each site 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.
OSr.46.1.b)	11-36	b) the standards in Appendix 14 (design standards), Table 14.5.1, are complied with.	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.
RUr.36.1	12-38	Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11(access standards) and 14 (design standards).	Vehicle access must be provided and maintained for each site 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.
RUr.46.1.b)	12-44	b) the standards in Appendix 14 (design standards), Table 14.1 (roading formation requirements), are complied with.	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.



Sch T.5	12-138	<del>e) Any proposal to vary the design of roads, as set out in T.4.1.2, Discretion is restricted over:</del> <sup>PC13</sup>	c) Any proposal to vary the design of roads, as set out in the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 , Discretion is restricted over:
Sch T.8.vii)	12-139	<del>vii) the extent of compliance with Appendices 10 to 12, and 14 except where specific alternatives are recommended in the Landscape Study.</del> <sup>PC13</sup>	b) the extent of compliance with Appendices 10 to 12, and the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010, and
Table of Contents	Table of Contents	Appendix 14 Design Standards	Appendix 14 Residential Subdivision Design and Information Requirements
AP7.3.i.h)	A7-3	h) Carriageway widths may be varied from Appendix 14, to allow the creation of open space or planted areas within legal road, provided it can be demonstrated that traffic movements will not be adversely affected. Compensatory parking bays may need to be provided in suitable areas.	h) Carriageway widths may be varied from tables 4-3 & 4-4 in section 4 of the NCC Land Development Manual 2010, to allow the creation of open space or planted areas within legal road, provided it can be demonstrated that traffic movements will not be adversely affected. Compensatory parking bays may need to be provided in suitable areas.

**Amend** all references to Engineering Standards throughout the Plan as shown in the following table. Rather than illustrating changes with strikethrough and underline, two columns in the table have been provided. The first shows the existing operative plan text, the second shows the proposed text. Note: submissions can only be made in respect of the proposed changes to the text, that is, the difference between the operative and proposed text.

Engineering Standards			
Reference Location	Page	Existing Reference/Operative Text	Proposed Change
DO17.1.6.viii	5-75	Design requirements in the NCC Engineering Standards	Design requirements in section 5.6.5b) and Table 5-2, 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.
DO19.1.9.iv.c)	5-101	c) If conclusive information is available that such methods are practicable in Nelson, consider amending Council planning documents to provide for the low impact stormwater management approach in the Long Term Community Plan, relevant Asset Management Plans.	c) sections 5.16.1c), 5.16.4a) to b), 5.16.4d) to m), 5.16.5a), 5.16.6a), 5.17.7a) to c) and Table 5-13 in section 5 of the NCC Land Development Manual 2010.
DO19.1.10.i	5-102	These activities can cause sedimentation and contamination of waterways. For this reason Council has produced new erosion and sediment control guidelines and requirements which are incorporated into the NCC Engineering Standards. They control land disturbing activities on areas of land greater than 0.3ha except general farming and forestry.	These activities can cause sedimentation and contamination of waterways. For this reason Council has erosion and sediment control guidelines and requirements which are incorporated into section 9.3 of the NCC Land Development Manual 2010. They control land disturbing activities on areas of land greater than 0.3ha.
FWr.10.1.v)	7-116	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in table 5-2, section 5 of the NCC Land Development Manual 2010, and
FWr.22.4.a)	7-139	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.

FWr.22.5	7-139	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9.3 in the NCC Land Development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	7-144	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and
FWr.25.4.c)	7-145	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
Sch I.4.1	7-165	b) roadside swales or ditches, or an alternative method of stormwater disposal which shall be designed to Nelson City Council Engineering Standards.	b) roadside swales or ditches, or an alternative method of stormwater disposal which shall be designed in accordance with sections 5.16.1c), 5.16.5a), 5.16.7a) to c) and Table 5-13 in section 5 of the NCC Land Development Manual 2010.
ICr.81.4.e)	8-75	e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.	e) the matters in the NCC Land Development Manual 2010.
FWr.10.1.v)	8-92	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in Table 5-2, section 5 of the NCC Land Development Manual 2010, and
FWr.22.4.a)	8-115	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.
FWr.22.5	8-115	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9.3 in the NCC Land development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	8-120	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and
FWr.25.4.c)	8-121	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
SCr.71.4.e)	9-59	e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.	e) the matters in the NCC Land Development Manual 2010.
FWr.10.1.v)	9-76	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in Table 5-2, section 5 of the NCC Land Development Manual 2010, and

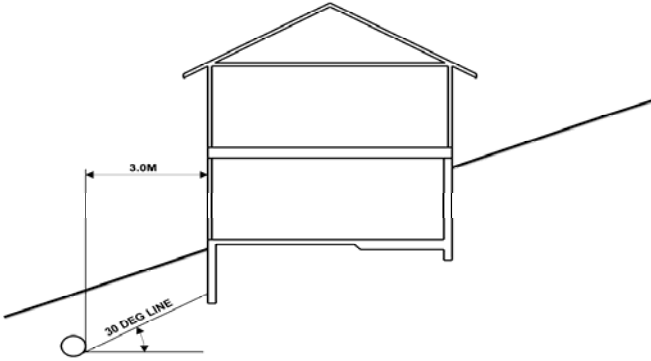
FWr.22.4.a)	9-99	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.
FWr.22.5	9-99	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9 in the NCC Land development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	9-104	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and
FWr.25.4.c)	9-105	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
INr.73.4.e)	10-59	e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.	e) the matters in the NCC Land Development Manual 2010.
FWr.10.1.v)	10-76	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in Table 5-2, section 5 of the NCC Land Development Manual 2010, and
FWr.22.4.a)	10-99	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.
FWr.22.5	10-99	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9.3 in the NCC Land development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	10-104	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and
FWr.25.4.c)	10-105	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
FWr.10.1.v)	11-74	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in Table 5-2, section 5 of the NCC Land Development Manual 2010, and
FWr.22.4.a)	11-97	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.

FWr.22.5	11-97	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9.3 in the NCC Land development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	11-102	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and
FWr.25.4.c)	11-103	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
FWr.10.1.v)	12-90	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in Table 5-2, section 5 of the NCC Land Development Manual 2010, and
FWr.22.4.a)	12-113	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.
FWr.22.5	12-113	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9.3 in the NCC Land development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	12-118	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and
FWr.25.4.c)	12-119	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
FWr.10.1.v)	14-34	v) the flood capacity requirements in the NCC engineering standards are met, and	v) the flood capacity requirements in Table 5-2, section 5 of the NCC Land Development Manual 2010, and
FWr.22.4.a)	14-57	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or section 9.3 in the NCC Land Development Manual 2010.
FWr.22.5	14-57	Diffuse stormwater discharges are not covered by this rule. They are controlled through section XI: erosion and sedimentation control, in the Engineering Standards and through the Plan rule controlling discharges to land (FWr.25).	Diffuse stormwater discharges are not covered by this rule. They are controlled through section 9.3 in the NCC Land development Manual 2010 and through the Plan rule controlling discharges to land (FWr.25).
FWr.25.1.g).ii)	14-62	ii) section XI erosion and sedimentation control, in the NCC Engineering Standards 2003, and	ii) section 9.3 of the NCC Land Development Manual 2010, and

FWr.25.4.c)	14-63	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering standards.	c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section 9.3 of the NCC Land Development Manual 2010.
AP10.8.iv.c)	A10-11	c) conformity with the standards of access and construction set out in the Nelson City Council Engineering Standards will be considered to be compliance with the rule.	c) compliance with the access standards in 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 is required.

**Amend the Building over or alongside drains and water mains rules in RUr.31A as shown below and make the same amendments for ICr.39, SCr.28, INr.32, and OSr.28.**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b><u>RUr.31A</u></b>  <b><u>Building over or alongside drains and water mains</u></b></p>	<p>RUr.31A.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> <li>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 <u>required pipe or drain</u> is less than or equal to 300mm in diameter <u>or width</u>, and</li> <li>ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the <u>required pipe or drain</u> is greater than 300mm in diameter <u>or width</u>, and</li> <li>iii) <del>which are balconies</del>, may overhang the line of the pipe or drain, provided the <del>balcony structure</del> is cantilevered <u>or is an eave</u> and <del>it's</del> <u>the height to the underside of the structure</u> above ground level is not less than 1.8m, and</li> <li>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 (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram).</li> </ul> <p>b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that:</p> <ul style="list-style-type: none"> <li>i) The foundations are located in accordance with a) iv) above; and</li> <li>ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and</li> <li>iii) The carport is not closed in; and</li> <li>iv) The floor is not concrete to a depth greater than 150mm; and</li> <li>v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules b).ii), b).iii) and b).iv) (above) apply and that access to the pipe or drain for maintenance and repair (and re-instatement afterwards) must be made available at the structure owner's cost).</li> </ul> <p>c) As an alternative to (a) and (b), structures may be located over common private or public <del>sewer wastewater</del> or stormwater drains or pipes (but not pressurised pipes), if they comply with <del>Appendix 14, Table 14.5.2, "Acceptable Techniques for Building over Drains or Pipelines"</del> <u>Table 3-4 in section 3 of the NCC Land Development Manual.</u></p>	<p>RUr.31A.2</p> <p>not applicable</p>	<p>RUr.31A.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) The design and location of the structure, and</li> <li>ii) Access to pipework <u>or drain</u> for maintenance, and</li> <li>iii) <u>The nature and location of the pipework or drain.</u></li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification <u>or service of notice</u>, <del>or obtaining written approval of affected persons</del>, under Section 94 of the Act provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>

Assessment Criteria	Explanation
<p>RUr.31A.4</p> <ul style="list-style-type: none"> <li>e) the nature of the structure and whether access to the pipe or drain can be maintained</li> <li>f) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li>g) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> <li>h) The accessibility of the pipework or drain and the ease by which it could be extracted.</li> </ul>	<p>RUr.31A.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off-site facilities are likely to be affected.</p> <p>In response to frequent requests for carports to be built over pipes, this has been made a permitted activity provided the carport does not become enclosed and the depth of any concrete floor does not exceed 150mm.</p> <p>However, a common problem arises when the carport is later closed in without Council's knowledge. An encumbrance on the title will alert landowners to the location of the pipe or drain and remind them that access to the pipe or drain is to remain unimpeded and all costs associated with obtaining access, (including the removal and reinstatement of floors or walls) are the responsibility of the landowner.</p> <p>Provided the encumbrance is registered on the title, carports built over drains or pipes, do not require a resource consent.</p> <p>Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.</p> <p><del>Table 3-4, section 3 of the NCC Land Development Manual 2010 Table 14.5.2 Appendix 14 (Acceptable Techniques for Building over Drains or Pipelines)</del> provides techniques which allow the construction of structures over drains in some other limited circumstances.</p> <p>At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply. <del>Note that this Appendix does not apply to proposals to build over water mains or other pressurised pipes.</del></p> <p>Diagram referred to in REr.31A.1a.iv:</p> 

Amend the Services Overlay – Building rule INr55 as below and make the same amendments for OSr.51:

Item	Permitted	Controlled	Discretionary/Non-complying`
<p><b>INr55</b> <b>Service Overlay - Building</b></p>	<p>INr55.1 Erection or extension of buildings in the Services Overlay is permitted if:</p> <p>a) <u>it is not located in the path of any future road :</u></p> <p>(i) <u>shown as an Indicative Road on any Structure Plan in the Plan, or</u></p> <p>(ii) <u>shown as Proposed Road on the Rooding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</u></p> <p>(iii) <u>shown as Proposed Road on any Planning Maps in Volume 4 of the Plan.</u></p> <p>b) <u>Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</u></p> <p>c) <u>The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</u></p> <p><del>the building and associated development is located on an allotment that was created by a subdivision that provided for connection to Council water supply, stormwater and sewer drains for which subdivision consent was approved after (25 September 2010), a) an existing Council water supply, stormwater drain and sewer are available and have the capacity to carry the potential volumes of water likely to be used on the site, and of stormwater and sewage likely to emanate from the site following building and associated development. The capacity of the drain or sewer means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility, and</del></p> <p><del>b) The building and associated development is connected through piped gravity outfalls to the Council stormwater drain and sewer, and supplied with water through a gravity system from a Council water supply,</del></p>	<p>INr55.2 not applicable</p>	<p>INr55.3 <del>Activities</del> Erection or extension of buildings that contravene a permitted condition <u>and propose to connect to public reticulated services</u> are <u>restricted</u> discretionary.</p> <p><u>Discretion is restricted to:</u></p> <p>i) <u>ensuring adequate capacity and availability exists in the Council water supply, stormwater and wastewater drain to cope with the demands of development of the site(s), and</u></p> <p>ii) <u>ensuring all connections to Council services (excluding roading) are to gravity systems, and</u></p> <p>iii) <u>in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and</u></p> <p>iv) <u>the location of building or development to ensure it does not impede the route or construction of any future road or utility services.</u></p> <p><u>Resource consent for restricted discretionary activities will be considered without notification.</u></p> <p><u>Discretionary Activity</u> <u>Activities that propose to connect to on site services are discretionary.</u></p>



Assessment Criteria	Explanation
<p>INr.55.4</p> <p>a) <del>whether the disposal of stormwater or sewage from the site, or supply of water, can be done effectively without risk to human health or the environment, the development standards and design guidelines contained in the NCC Land Development Manual 2010.</del></p> <p>b) <del>the standards and criteria in Appendix 13 (engineering performance standards), that the location of the building or development does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development.</del></p> <p>c) <del>whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</del></p> <p>d) <del>whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</del></p> <p>e) <del>the strategic planning programme for servicing sites within the district.</del></p>	<p>INr.55.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or <del>sewerage</del> wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its <del>Strategic</del> City Development <del>Plan</del> Strategy, the Council has a programme for progressive upgrading of the stormwater, <del>wastewater</del> water and roading networks in the City, in the Services Overlay. Until that upgrading takes place, building in the Services Overlay will be <del>restricted discretionary</del> or discretionary.</p> <p>If a developer proposes a short term <del>access, drainage or water supply</del> method that is not consistent with the <del>Strategic</del> City Development <del>Plan</del>, Strategy the effects of this on the environment and the <del>Strategic</del> City Development <del>Plan</del> Strategy (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for residential development is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development.</p> <p>Use of on site servicing within the Industrial Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

**Amend the Subdivision and Overlay Rules in all applicable Zones so that only one subdivision rule applies. Note the Residential Zone (REr.107) and Rural Zone Subdivision (REr.79) rules and their associated Overlay Rules (REr.108 to 116 and RUr.80 to 85 are included in sections 10.7 and 10.8 of this Plan Change 14 proposed Plan Amendments document. Inconsequential changes as a result of a correction of when the overlay rules apply in conjunction with the subdivision general rule are shown below for all other Zones.**

**Amend ICr.81 to ICr.83 as follows and make similar amendment to the equivalent rules SCr.71 to SCr.73, INr73 to INr75 and chapter rule contents pages.**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.81 Subdivision General</b></p> <p><b><u>(except for subdivision located in the Heritage Overlay or Heritage Precinct)</u></b></p>	<p>ICr.81.1 Not a permitted activity.</p>	<p>ICr.81.2 Any subdivision not located in the Heritage Overlay or Heritage Precinct is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 44, and</li> <li>b) <del>the land does not contain a Heritage Overlay shown on the Planning Maps, it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</del></li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and</li> <li>f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and</li> <li>g) any existing buildings comply with the conditions for permitted activities, or a resource consent.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) <del>the matters contained in Appendix 13 (engineering performance standards) the NCC Land Development Manual 2010, and</del></li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and</li> <li>iv) protection of natural features, landscapes, heritage items and trees and Maori values, and</li> <li>v) riparian management, and.</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>a) appropriate vehicle access, and</li> <li>b) the intensity of buildings to be erected on each lot and the siting of such buildings, and</li> <li>c) provision of services, and</li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> <li>a) finished ground level, and</li> <li>b) the nature of infill, its compaction and placement.</li> </ul> </li> </ul> </li> </ul>	<p>ICr.81.3 Any subdivision not located in the Heritage Overlay or Heritage Precinct that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> <li>a) every allotment (other than an access lot) complies with the minimum standards <u>as defined in Section 1.1.1 General</u> relating to storm water and sewerage in <u>Appendix 14 (design standards) in Sections 5 &amp; 6 of the NCC Land Development Manual 2010, and</u></li> <li>b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</li> </ul>

Assessment Criteria	Explanation
<p>ICr.81.4</p> <ul style="list-style-type: none"> <li>a) the matters in Appendix 13 (engineering performance standards) in the NCC Land Development Manual 2010, and</li> <li>b) the extent of compliance with Appendices 10 to 12, and 44 and</li> <li>c) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.</li> <li>e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.</li> <li>f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure.</li> <li>h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</li> <li>i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>j) any consultation, including with Tangata Whenua as appropriate, and the outcome of that consultation.</li> <li>k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>l) financial contributions (see Chapter 6).</li> <li>m) the development potential of other adjacent land.</li> <li>n) the ground level required to avoid the effects of flooding.</li> <li>o) 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.</li> <li>p) effects on neighbouring properties, especially stormwater runoff.</li> <li>q) provision of adequate flow paths for surface flooding.</li> <li>r) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to ) the use of esplanade strips and protective covenants.</li> <li>x) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> </ul>	<p>ICr.81.5</p> <p><u>Specific rules apply to subdivision activities proposed within the Heritage Overlay or Heritage Precinct (see Rule ICr.82 and ICr.83).</u></p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects, and that the site can be adequately serviced.</p> <p>There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this zone.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or strips unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 1 (riparian and coastal margins with identified riparian values).</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule ICr.55 (earthworks) where a site is being filled.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
ICr.82 Heritage Precincts	ICr.82.1 Subdivision is not a permitted activity.	ICr.82.2 not applicable	ICr.82.3 Subdivision in any Heritage Precinct is discretionary.
ICr.83 Heritage Overlays (excluding Heritage Precincts)	ICr.83.1 Subdivision is not a permitted activity.	ICr.83.2 not applicable	ICr.83.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay (excluding a Heritage Precinct) is discretionary.

Assessment Criteria	Explanation
<p>ICr.82.4</p> <p>a) the application will be assessed for compatibility with the Design Guide for that precinct.</p> <p>b) the assessment criteria for ICr.81.4 (subdivision - general).</p>	<p>ICr.82.5</p> <p><u>Subdivision in the Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under ICr.81 General. For subdivision in the Heritage Precinct, subdivision consent is only required under ICr.82, unless any other overlays also apply to the site.</u></p> <p>Changes in the subdivision pattern and lot size can affect the heritage values of a precinct. Small lots and close settlement are characteristic of areas such as South and Elliott Streets.</p>
<p>ICr.83.4</p> <p>a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (ie. people's private property rights). eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree. eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned. eg. protecting the item in common or public reserve in lieu of reserve contributions.</p> <p>b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this.</p> <p>c) the assessment criteria for ICr.81.4(subdivision - general).</p>	<p>ICr.83.5</p> <p><u>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under ICr.81 General. For subdivision in the Heritage Overlay, subdivision consent is only required under ICr.83, unless any other overlays also apply to the site.</u></p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.73</b>  <b>Subdivision general</b>   <b>(except for Subdivision in the Services or Heritage Overlays)</b></p>	<p>INr.73.1  Subdivision is not a permitted activity</p>	<p>INr.73.2  Any subdivision <u>not located in the Services or Heritage Overlays</u> is controlled, if:</p> <ol style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, <del>and 14</del> and</li> <li>b) <del>the land is not in a Services Overlay, or does not contain a Heritage Overlay shown on the Planning Maps, it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</del></li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and</li> <li>f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and</li> <li>g) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</li> <li>h) at the time of subdivision of any property adjoining the Nayland Road South industrial/residential zone boundary, a buffer strip of at least 20m in width is set aside, and a landscaped bund at least 3m high constructed within it, along the section of the industrial/residential zone boundary concerned. Each section of earth bund shall be joined with any existing sections of the bund so as to form a continuous barrier. The buffer strip may, subject to encumbrances registered on the land titles, be on either side of the industrial/residential zone boundary, or may include land on both sides.</li> </ol> <p>Control reserved over:</p> <ol style="list-style-type: none"> <li>i) <del>the matters contained in Appendix 13</del>the NCC Land Development Manual 2010, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and</li> <li>iv) protection of natural features, landscapes, heritage items and trees and Maori values, and</li> <li>v) riparian management, and</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>• appropriate vehicle access, and</li> <li>• the intensity of buildings to be erected on each lot and the siting of such buildings, and</li> <li>• provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> <li>• finished ground level, and</li> <li>• the nature of infill, its compaction and placement.</li> </ul> </li> </ol>	<p>INr.73.3  Any subdivision <u>not located in the Services or Heritage Overlays</u> that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ol style="list-style-type: none"> <li>a) it complies in all respects with all the <u>minimum standards as defined in Section 1.1.1 General</u> relating to stormwater and sewerage in <u>Appendix 14, Sections 5 &amp; 6 of the NCC Land Development Manual 2010.</u></li> </ol>

Assessment Criteria	Explanation
<p>INr.73.4</p> <ul style="list-style-type: none"> <li>a) the matters in <del>Appendix 13</del> the NCC Land Development Manual 2010.</li> <li>b) the extent of compliance with Appendices 10 to 12, and 44</li> <li>c) the extent of compliance with plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.</li> <li>e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.</li> <li>f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</li> <li>h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</li> <li>i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>ij) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</li> <li>k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>l) financial contributions (see Chapter 6).</li> <li>m) the development potential of other adjacent land.</li> <li>n) the ground level required to avoid the effects of flooding.</li> <li>o) 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.</li> <li>p) effects on neighbouring properties, especially stormwater runoff.</li> <li>q) provision of adequate flow paths for surface flooding.</li> <li>r) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>v) any existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.</li> <li>x) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> <li>y) In the Nayland Road South industrial area, the extent to which industrial activities could affect the amenity of adjoining residential sites.</li> <li>z) The density of planting, mature height and species of plant proposed in any required landscaping.</li> </ul>	<p>INr.73.5</p> <p><u>Specific rules apply to subdivision activities proposed within the Services and Heritage Overlays (see Rule INr.74 and INr.75).</u></p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this Zone.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or strips unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1.</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule INr.54 (earthworks) where a site is being filled.</p> <p>In the Nayland South industrial area, a special rule has been imposed to ensure a landscaped bund is constructed when subdivision occurs on land adjoining the residential zone. A similar subdivision rule has been imposed on the residential zone. The purpose of the landscaped bund is to ensure the Nayland Road South industrial area can coexist alongside a residential zone.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.74 Services Overlay Subdivision</b>	INr.74.1 Subdivision is not a permitted activity.	INr.74.2 not applicable	INr.74.3 Subdivision in the Services Overlay, is discretionary, if: a) every allotment (other than an access lot) complies with the <u>minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in Appendix 14 (design standards) section 5 &amp; 6 of the NCC Land Development Manual 2010</u> , and b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.
<b>INr.75 Heritage Overlays Subdivision</b>	INr.75.1 Subdivision is not a permitted activity.	INr.75.2 not applicable	INr.75.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.

Assessment Criteria	Explanation
INr.74.4 a) the assessment matters in Rule INr.73.4 (subdivision: general). b) the extent to which servicing has regard to the development potential of other land in the vicinity, including the development of an integrated system of roading, stormwater, sewerage, water and other servicing reticulation. In some areas special regard has to be had to the roading pattern, to avoid precluding future development of adjacent areas. In other areas there are particular servicing constraints which need special attention. c) the cost effectiveness of the servicing system, with particular regard to ongoing operation and maintenance costs. d) the extent to which fill is needed to ensure adequate fall for stormwater and sewer drainage, and any effects on adjacent land or waterways. e) financial contributions in accordance with Chapter 6. f) the need for linkages from allotments to Council services, including expansion of capacity or extension of mains. g) the cumulative effects of such subdivisions.	INr.74.5 <u>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under INr.73 General. For subdivision in the Services Overlay, subdivision consent is only required under INr.74, unless any other overlays also apply to the site.</u> Subdivision in the Services Overlay is a discretionary activity rather than a controlled activity. This provides more flexibility in the range and type of conditions that can be imposed, recognising particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable. The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or sewer drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land. In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a non-complying activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important. There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed. The Council's Engineering Section holds copies of maps which define the servicing constraints in more detail.
INr.75.4 a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (ie. people's private property rights). eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree. eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned. eg. protecting the item in common or public reserve in lieu of reserve contributions. b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this. c) the assessment matters in Rule INr.73.4 (subdivision: General).	INr.75.5 <u>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under INr.73 General. For subdivision in the Heritage Overlay, subdivision consent is only required under ICr.83, unless any other overlays also apply to the site.</u> Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules. The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.

## Part D

### Evidence of:

12.0 Mr Andrew James, Principal Advisor – Transport	Page 257
13.0 Mr Graeme McIndoe, McIndoe Urban Ltd.	259



When calling  
please ask for:  
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Andrew James  
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24 June 2011

Memo To: Lisa Gibellini  
Memo From: Andrew James  
**Subject: PLAN CHANGE 14**

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My name is Andrew Keith James. I am employed by Nelson City Council as a Principal Adviser – Transport and Roading in the Strategy and Planning Division. I have been employed by Council for nine years; four years as Engineer – Stormwater and Waste Management, then two years as Engineer – Transport and Waste Management, then two years as Transport Manager for the Asset Management Division, the remainder in my current role.

I obtained Chartered Engineer status with the Institution of Engineers of Ireland in 2000, a Post-graduate Diploma in Project Management from Trinity College, Dublin, Ireland in 2000 and a Civil and Structural Engineering degree from the University of Manchester Institute of Science and Technology in the UK in 1988.

I have over 19 years experience in transport, solid waste and utilities asset management and civil, structural and petroleum design and construction; with a civil engineering contractor, as a resident engineer, and with engineering design consultancies, including Engineering Manager of a structural engineering consultancy and Managing Director of a petroleum consultancy in Ireland.

I have been a member of the Institution of Professional Engineers New Zealand (IPENZ) since 2003 and a member of the IPENZ Transportation Group since 2005. I have attended several transport specific courses and conferences and regularly attend the Road Controlling Authorities Forum. I regularly present at public meetings, local IPENZ meetings, resource management hearing and Council meetings.

I have been involved in this plan change from the beginning of the drafting process.

My comments on submission No. 12, Statement 6 follow: -

**Collingwood St (Nile to Brougham), Brougham (Trafalgar to Collingwood), Trafalgar (Brougham to Van Diemen) and Van Diemen (Trafalgar to Waimea)**

The submitter requests that this route (currently classified as Sub-collector), be changed to Collector because the definition of Collector in the Land Development Manual is more appropriate for the way the street is being utilised.

I support this submission because: -

- the definition of a sub-collector is that “through traffic is not a desired outcome” and at this time it is apparent the route is operating with a high proportion of through traffic, and
- its design supports being classified as a collector, and

- there is no alternative route agreed or proposals in place to deter through traffic from this linkage between the Waimea Rd arterial and the eastern half of the city and the Brook and Maitai valleys.

**Collingwood St (Collingwood St Bridge to Waimui St), Wainui St (Trafalgar to Collingwood) and Weka St (Collingwood to Atawhai Drive)**

The submitter requests that these roads be changed to Sub-collector. Currently Lower Collingwood is classified Principal, Wainui Local and Weka Collector. The Plan Change supports these roads all becoming Collector because they “distribute traffic between and within local areas and form a link between higher order roads and lower order roads”, as defined in the Land Development Manual.

Should they be reduced to sub-collector status then it would need to be agreed that “through traffic is not a desired outcome” and proposals put in place to deter through traffic along these roads.

I do not support this submission because the current use of the road is consistent with the definition for Collector status and the road design supports this classification.

My comments on submitter No. 22 follow: -

The submitter opposes provisions allowing “drivers to back out onto the street instead of turning the vehicle on the property and driving forward onto the street”. It is currently permitted to reverse manoeuvre onto local roads in the operative provisions in the NRMP, and also to provide on site turning. The new rules and assessment criteria in REr.25 and REr.31 (front yards and fences rules) and the requirements in section 4.3.15.4 (specifying sight line distances) of the Land Development Manual 2010 provide a safe remedy.

Plan Change 14 proposes to extend this reversing concession to include Sub Collectors (in unclassified category). This aligns with the classification of the roading hierarchy and that in the Land Development Manual 2010 which states Sub Collectors are “to prioritise access to adjoining property over local traffic movements.”

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**BEFORE THE HEARINGS PANEL**

**In the Matter of:** The Resource Management Act 1991

**and** Proposed Plan Change 14:  
Residential Subdivision, Land Development  
Manual and Comprehensive Housing

**Application by:** Nelson City Council

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**STATEMENT OF EVIDENCE OF  
Graeme Robert McIndoe**

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4 October 2011

# 1 INTRODUCTION

## *Qualifications and Experience*

- 1.1 I am a registered architect and Fellow of the New Zealand Institute of Architects. My qualifications in urban design are the Diploma (with Distinction) and MA in Urban Design gained in 1985/86 while a Commonwealth Scholar at the Joint Centre for Urban Design, Oxford Polytechnic, England. I was a senior lecturer in architecture and urban design at the VUW School of Architecture where I taught from 1992-2009 in a 0.5 position, teaching history, theory, and methods of urban design from 1998-2008, and architectural and urban design studio. I am principal co-author of *The Value of Urban Design: The economic, environmental and social benefits of urban design (2005)*, and author of the MfE's *Urban Design Toolkit*.

## *Nelson city and region experience*

- 1.2 I have been consulting to Nelson City on central city and related urban design issues since the late 1990s, including recently providing advice on an aspect of the Marsden Park subdivision plan change. I chair the Nelson City/Tasman District Council Urban Design Panel and am currently working with Tasman District Council on the revitalisation of Richmond Town Centre.

## *Design control and review experience*

- 1.3 I wrote all of Wellington City Council's current, second generation, of District Plan design guides, including the Residential, Subdivision and Suburban Centre guides. Since writing half of the first generation of guides in the early 90s including the Multi-unit housing design guide, I have been involved in design assessment and review of multiple apartment, comprehensive housing and subdivision projects.

## *Appointments*

- 1.4 I was a member of the 2009/10 Urban Technical Advisory Group (TAG) advising the Minister for the Environment on RMA 2, and am advising the MfE on a possible National Policy Statement on the urban and built environment. I chair WCC's Waterfront Technical Advisory Group (TAG) and am a member of the TAG advising the Auckland Waterfront Development Agency on all waterfront projects.

## *Crime Prevention through Environmental Design (CPTED)*

- 1.5 I wrote Wellington City Council's *Guidelines for Design Against Crime*, and subsequently have had extensive experience integrating CPTED considerations into policy and projects. I was a member of the *Leaders Group* of the Ministry of Justice's *National Task Group for Community Violence Prevention* which directed the Ministry of Justice's CPTED Guidelines.

## *Residential and streetscape design experience*

- 1.6 I am familiar with the planning and design of residential subdivisions and developments. As well as undertaking design review on many developments over recent years, and an audit of multi-unit housing outcomes, I am currently or have been recently involved in the planning and design of the following developments:

Hobsonville Point (Buckley /Sunderland Precincts, 1100 lots),  
Ocean Beach (Hawkes Bay, 1000 lots)  
Blackwood Park (Havelock North, 27 lots)

Mission Greenmeadows Western Hills (200 lots+).

I have been professionally involved in the site planning and the design of housing since 1982 and am currently assisting Wellington City Council on all of its public housing refurbishment projects, providing independent design review and technical advice.

- 1.7 As part of preparing this evidence I undertook a field study of various streets around Nelson including new and relatively recent subdivision predominantly to the west of the city and around Stoke, and long-established inner city streets mentioned by submitters: Collingwood, Grove, Hardy, Manuka, Milton, Nile and Tasman Streets.

*Scope of evidence*

- 1.8 Opposition to the proposed front yard and fence performance standards are raised by a number of submitters. All these submitters call, for varying reasons, for the proposed fencing and yard performance standards to be deleted. I will address submissions relating to front yards, fencing and streetscape together, given the overlap in both submissions and the evidence relating to these issues.
- 1.9 Following making some general comments on the urban design related aspects of the Plan Change, this evidence starts with a general discussion on the reasons for the proposed front yard and fence standards before addressing specific submissions and issues.

- 1.10 My evidence covers the following:

- 1 **INTRODUCTION**
- 2 **OVERVIEW OF URBAN DESIGN CONTENT**
- 3 Consistency with good urban design practice
- 4 **FRONT YARDS AND FENCES**
- 5 Urban design logic
- 6 New Zealand National Guidelines
- 7 Empirical Evidence: Visual connections, fence height and safety
- 8 Safety and walkability
- 9 Visual monotony
- 10 New Zealand planning precedents
- 11 Providing for flexibility while achieving appropriate control
- 12 Conclusions on front yards and fences
- 13 **SUBMISSIONS ON FRONT YARDS AND FENCES**
- 14 Fence height and privacy
- 15 Application of fence and front yard controls to 'Unclassified' streets
- 16 Degree of control exercised by the District Plan
- 17 Diversity, and fencing and yard controls
- 18 Fence height and safety for pets
- 19 **STREETScape POLICY AND OTHER ISSUES**
- 20 Reverse manoeuvring
- 21 Streetscape, site planning, yard and other related issues
- 22 Policy RE3.5 Streetscape
- 23 Comprehensive Housing Development off-site amenity outcomes
- 24 Human scale
- 25 **CONCLUSION**

## OVERVIEW OF URBAN DESIGN CONTENT

### 2 Consistency with good urban design practice

#### *Scope of urban design issues addressed*

2.1 Table 1 demonstrates both the comprehensiveness of the PC14 urban design objectives and their correlation with the *New Zealand Urban Design Protocol* and the content of the MfE's related *Value of Urban Design* research<sup>1</sup>. The Protocol outlines the attributes of successful towns and cities and the "7 Cs". Work after the Protocol, specifically the *Value of Urban Design* research, extended the range of concerns to specifically include the public realm.

New Zealand Urban Design Protocol (MfE 2005)		The Value of Urban Design (MfE 2005)	Nelson City PC 14 (2011)
<b>Attributes of successful towns and cities</b>	<b>Urban design qualities: the Seven Cs</b>	<b>Key design elements</b>	<b>Urban Design Objectives</b>
Competitive, thriving, creative and innovative	Creativity	High Quality Public Realm	3 Creating high quality public spaces <i>Multi use public spaces</i>  5 Inspiring places <i>Relates to a strong identity, with a particular focus on prominent buildings and spaces</i>
	Connections	Connectivity	2 Improving connections <i>Multi-modal accessibility</i> <i>Connections and networks of natural systems</i> <i>Public to private connections</i>
Liveable	Choice	Adaptability  Mixed use  Density	4 Providing for diversity <i>Flexibility, choices and adaptability, including support for mixed use development</i>  6 Sustainable places and communities
Environmentally responsible	Custodianship	Density, including green spaces	6 Sustainable places and communities
Opportunities for all	Collaboration	User Participation  Integrated Decision-making	7 Urban design process <i>Holistic approach to management, and a coordinated multi-disciplinary approach, collaboration of the public and private sector</i>
Distinctive identity	Character	Local character	1 Recognising the local context <i>Local context and environment (including heritage)</i>
Shared vision and good governance	Context	Integrated Decision-making  User Participation	7 Urban design process <i>Holistic approach to management, and a coordinated multi-disciplinary approach, collaboration of the public and private sector</i>

*Table 1: PC 14 urban design objectives in the context of New Zealand government guidance*

2.2 PC 14 is appropriately comprehensive and targeted on the key issues relevant to residential development.

<sup>1</sup> Refer McIndoe G. et al. (June 2005). *The Value of Urban Design: The economic, environmental and social benefits of urban design*. Ministry for the Environment. See long report, page 11. The table above integrates in its first three columns all of the content from *Table 1: Relationship to the Urban Design Protocol's attributes and qualities*.

*Merits of an urban design approach*

- 2.3 Good urban design of residential areas will enhance development outcomes. Dwellings will fit better in their setting and relate better to neighbours, and through good site planning will provide enhanced liveability and amenity. Empirical evidence<sup>2</sup> compellingly demonstrates that good urban design is valuable both to those people who live in it, and those who are developing.

*Relation to New Zealand practice in addressing urban design matters*

- 2.4 Integration of urban design policies and objectives, with use of qualitative design assessment criteria and design review is now common practice throughout New Zealand. This is recognised to lead to higher quality outcomes than quantitative standards alone.

## FRONT YARDS AND FENCES

### 3 Urban design logic

- 3.1 Some submitters contend that the front yard and fence performance standards are not consistent with good urban design practice. That is not the case as the following evidence demonstrates. As early as 1993, the influential North American urban design theorist and practitioner Peter Calthorpe identified the logic of frontage setbacks and inter-visibility and the reasons for this in his influential book, *The Next American Metropolis*<sup>3</sup>:

***Residential Building Setbacks***

*Residential building setbacks from public streets should be minimized, while maintaining privacy. Minimum and maximum front setbacks should be established that reflect the desired character of an area and ensure that residences address streets and sidewalks.*

*In residential areas, minimal front yard setbacks encourage recessed garages and dedicate a greater portion of the lot to private back yards. Reduced setbacks also create safer and more active streets. Residents can more easily watch over the street and know their neighbours.*

***Residential Building Facades***

*Building facades should be varied and articulated to provide visual interest to pedestrians. .... In no case shall a facade of a building consist of an unarticulated blank wall or an unbroken series of garage doors.*

*Varied and human-scaled facades enhance pedestrians' visual interest and sense of security along streets. Streets with monotonous and unarticulated building frontages make walking less appealing and are not conducive to pedestrian activity. Front porches are the semi-private spaces that create opportunities for social interaction within a neighbourhood and bring eyes onto the street, rather than isolating communities behind garage doors.*

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<sup>2</sup> Refer to: *The Value of Urban Design: The economic, environmental and social benefits of urban design*. Ministry for the Environment.

<sup>3</sup> Calthorpe, P. (1993). *The Next American Metropolis: Ecology, Community and the American Dream*. New York: Princeton Architectural Press. pp.84,85,86

### **Residential Garages**

*Residential garages should be positioned to reduce their visual impact on the street. This will allow the active, visually interesting features of the house to dominate the streetscape. At a minimum, the garage should be set behind the front facade of the residential building.*

*An active, pleasant and safe pedestrian environment is created along streets when residences face the street directly. By recessing garages, more active living areas can overlook the street, allowing residents to keep a watchful eye on playing children and participate in neighbourhood activity. This configuration also creates a more human-scaled and less monotonous environment by minimizing the visual impact of large, blank garage doors and by enclosing the street with a variety of architectural elements, such as windows, bays and porches.*

- 3.2 Calthorpe's view is consistent with the urban design ideas emerging internationally from that time, and that has been integrated into the planning practice of Smart Growth and New Urbanism. The messages remain valid, including for New Zealand.

## **4 New Zealand National Guidelines**

- 4.1 Recommendations for New Zealand practice are outlined in the Ministry for the Environment's *People + Places+ Spaces: a design guide for urban New Zealand*. Guidelines that specifically relate to front yards and fences are included below:

### ***PUBLIC SPACE DESIGN: parks, squares, reserves and streets***<sup>4</sup>

#### *Integration and connectivity*

- *Ensure public spaces are overlooked by adjacent developments and are bounded by streets to ensure a greater degree of personal safety.*

### ***PRIVATE LOT DESIGN: Private Lots***<sup>5</sup>

#### *Legibility and identity*

- *Avoid street frontages that are dominated by garage doors by setting garages back from the house front, using single garage doors, or providing garages off a rear lane.*

### ***BUILDING DESIGN: built elements***<sup>6</sup>

#### *Integration and connectivity*

- *Design buildings to have active rooms fronting onto the public areas in front of them, so users and residents can connect with people on the street.*
- *Avoid blank walls on the street edge*
- *Set garages back from the fronts of houses to ensure they do not dominate the street.*

- 4.2 Furthermore, the *Ministry of Justice's National Guidelines for Crime Prevention through Environmental Design in New Zealand* are clear and unequivocal about the importance of street edge conditions that promote visibility:

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<sup>4</sup> Ministry for the Environment. (March 2002). p 48.

<sup>5</sup> Ministry for the Environment. (March 2002), p51.

<sup>6</sup> Ministry for the Environment. (March 2002), p53.



*“Surveillance and sightlines: see and be seen*

- *Fencing, landscaping and streetscape features are designed to help visibility.*
- *Efforts are made to eliminate ‘inactive’ frontages and corners.”*<sup>7</sup>

4.3 The Ministry of Justice guidelines continue<sup>8</sup>:

*Windows and activities in buildings should be directed to overlook pedestrian routes, open spaces and car parks at ground level.*

Under the title “Visibility/Sightlines/Concealment Reduction” they state:

*“Barriers (e.g. landscape features, fences and walls) along principal pedestrian and bicycle routes should be low or visually permeable (made of see through materials).”*

4.4 As robust, evidence based New Zealand Government guidance, these documents collectively establish the relevance of the proposed performance standards and approach, however are supported by further empirical evidence.

## 5 Empirical Evidence: Visual connections, fence height and safety

5.1 Counter-intuitively, low front fences are one of the factors that contribute to greater safety of both the public and private realms.<sup>9</sup> The NZ Ministry of Justice guidelines provide an overview of criminal psychology which informs the rationale for this:

### **THINK CRIMINAL**

*Crime and antisocial behaviour are more likely to occur if:*

- *criminals can operate and travel to and from the location without fear of being seen*
- *criminals or their activity do not attract attention, or they are confident that no action will be taken*
- *the sides of a building and its surrounding spaces are not overlooked by surrounding users or passers-by*
- *buildings and spaces are not designed to allow surveillance ‘outside’ from ‘inside’ and vice versa.*<sup>10</sup>

5.2 Supporting this, empirical evidence from the MfE’s *Value of Urban Design* study demonstrates the benefits of low front fences, and relatively unobstructed inter-visibility across boundaries with public space:

*There is conclusive evidence about the safety and security benefits of building fronts with entrances and windows (that is, ‘active edges’) facing the street. This ‘inter-visibility’ is important, and significantly lower burglary rates were found where houses face the entrance of other houses. Houses with high front boundary walls were shown to be more vulnerable to burglary than those with lower walls that allow*

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<sup>7</sup> Ministry of Justice (November 2005). *National Guidelines for Crime Prevention through Environmental Design in New Zealand*. Wellington: Ministry of Justice p.11

<sup>8</sup> Ministry of Justice, 2005, pp.16,17

<sup>9</sup> Note that ‘fortified’ high walls, topped for example with razor wire, might provide greater safety for the private realm, but they do nothing for the public realm. Instead they tend to signal that the public realm is unsafe, contributing to greater fear of crime, and reduced pedestrian use of the street. These types of fences are not common, other than perhaps around gang headquarters, nor are they appropriate at housing front boundaries in New Zealand.

<sup>10</sup> Ministry of Justice, 2005, p19

*views across. Shu's major empirical study in the United Kingdom found that streets characterised by active edges had a burglary rate less than a third of that on streets with inactive frontages. Shu also found that houses on streets accommodating cars and pedestrians had a burglary rate less than half that of pedestrian only streets.*<sup>11</sup>

5.3 The above quote references an empirical study by *Space Syntax* at University College London. That study of more than 12,000 dwellings correlated physical features with burglary locations over a two year period in the City of Gosnells, Australia. It found:

- *burglary patterns are also affected by local design factors such as the height of the boundary wall (higher is **not** safer) and the inter-visibility of dwellings (more inter-visibility is safer)*
- *these factors must be considered at the earliest stage when planning new housing or refurbishing existing areas*<sup>12</sup>

*Front entrances that are visible from [a] good number of other front entrances reduce the likelihood of burglary from that side of the house.*<sup>13</sup>

5.4 Therefore, to allow high fences, and garages in front yards that block views of the street as of right is to allow conditions that are not consistent with established and empirically proven Crime Prevention through Environmental Design (CPTED), and urban design practice.

## 6 Safety and walkability

6.1 Safety for people using the footpaths along streets is critical if people are to feel comfortable walking, particularly after dark. It is therefore linked to walkability. While safety and walkability are core features of general neighbourhood amenity, walkability is also linked to well-being and population level health outcomes. The MfE's Value of Urban Design study found:

*...quality spaces and routes enhance enjoyment and quality of life. Other research supports the converse claim: that activity is discouraged where there are poor footpaths and bad lighting, and a perceived lack of safety, both from accident and crime, and particularly for women and children. The importance of safety - both perceived and actual - is emphasised as a necessary condition if walking is to be encouraged.*<sup>14</sup>

## 7 Visual monotony

7.1 Complete closure of frontages along streets leads to visual monotony. Likewise, garages at the frontage can both restrict desirable inter-visibility, and if the predominant condition along the street, also contribute to visual monotony.

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<sup>11</sup> MfE. pp30,31. These findings were based on the Space Syntax 2001 study of the City of Gosnells in Australia, and a study of four cities in the UK by Shu using the Space Syntax methodology.

<sup>12</sup> Hillier, B. et al. (May 2001) *The Crime and Urban Design Database: Second Report to the City of Gosnells*. London: Space Syntax. p.6

<sup>13</sup> Hillier, B. et al, May 2001, p.14

<sup>14</sup> MfE, p28. This is based on evidence from Gharai (1999), Gehl (2001), and New Zealand research by Kjellstrom and Hill (2002) that cites the Hillary Commission.

There are multiple local examples of the effect of various types of high blank fences:



*Figure 1: High fence around a residential frontage on Ngawhatu Road, both fronting the street and at the boundary with a reserve*



*Figure 2: Fences at the Songer Street/The Ridgeway roundabout*





*Figure 3: High front fences along Main Road Stoke, with the more distant example only partially mitigated by planting and articulation of its top edge*



*Figure 4: High, close boarded timber fence along Main Road Stoke*

- 7.5 These high, closed fences contribute to a barren, carriageway-dominated street scene. The worst are also very poor in their own right, particularly the high close boarded timber and corrugated iron examples which abound (for example 5 and 6 below) and which, in the absence of PC14 are permitted. While PC 14 would not preclude use of timber and/or corrugated iron, because it restricts the height of these fences they would have a reduced visual effect.



*Figure 5: Example of a monotonous high blank corrugated iron fence at the street edge, Main Road Stoke*



*Figure 6: 50 Muritai Street Tahunanui – a character cottage compromised by a high fence*

- 7.2 Figure 7 below is an example of what can happen to the streetscape in a new urban growth area should a high, close boarded fence be built along the frontage. This poor street edge condition was recently photographed under construction in a greenfield subdivision on the outskirts of Ashhurst in the Manawatu. Despite this house being on a low speed local street, and there being a pleasant rural view across it, a high fence has been used. While this frontage alone has localised effects, it is one of several such fences in the neighbourhood. The collective effect is significant adverse effects on the streetscape and public environment.





*Figure 7: How a long high fence creates visual monotony, and cuts the house almost completely off from the street.*

- 7.3 Frames visible on sections of the outside of this fence mitigate the monotony to only a negligible extent, and this streetscape and neighbourhood as a whole would be significantly enhanced if either all or the majority of this fence and others on adjacent lots was lower. It is entirely appropriate that the PC14 front fencing performance standards seek to preclude this type of outcome as a permitted activity.

*Balancing privacy and street edge amenity*

- 7.4 Internal privacy is required, and is important but this must be balanced with street amenity. Visible signs of habitation along the street make a positive contribution to the streetscape. Particularly after dark, signs of life contribute to perceptions of safety as well as to visual interest at the street edge. International urban design researcher, theorist and practitioner Allan B. Jacobs observes:

*“Clear visibility into windows is not always necessary or desirable, particularly on residential streets. But the windows are nonetheless important for the person on the street to have a sense of habitation and possible comfort or refuge inside and for the inhabitant to have visual access to the public realm.”<sup>15</sup>*

- 7.5 Internal privacy can readily be managed at the building facade, and with layers of landscape elements beyond that which assist with separation. An example of a successful layering approach for separation and partial screening can be seen in figure 8 below. This, next door to the frontage in Figure 6 but contrasting with that example, shows an attractive frontage treatment and a successful streetscape result.

<sup>15</sup> Jacobs, Allan B. (1993) *Great Streets*. Cambridge (Mass.): MIT Press. P.286.



Figure 8: 48 Muritai Street Tahunanui

## 8 New Zealand planning precedents

- 8.1 Several New Zealand precedents for addressing front yards and fences in a way similar to that proposed by PC 14 are described below.

### ***Western Bay of Plenty***

- 8.2 These controls applying to residential areas place garages behind the line of front facades, and place controls on fence height and visual permeability:

#### ***(c) Yards<sup>16</sup>***

*(i) Front Yards shall be no less than the following:*

<i>Residential Dwellings (not including garages)</i>	<i>- 4m</i>
<i>Medium Density Dwellings</i>	<i>- 3m</i>
<i>Garages (all)</i>	<i>- 5m</i>

#### ***(e) Fences, walls and hedges<sup>17</sup>***

*(i) Side and rear boundary:*

- *Where the side fence, walls or hedges are within the front yard specified in Rule 13.4.1(c) Yards, this height shall be 1.2m, unless the portion of the wall or fence that is between 1.2 and 1.8m in height has a visual permeability of at least 60%.*

*(ii) Front boundary:*

*Any fences, walls or hedges within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2 and 1.8m in height has a visual permeability of at least 60%.*

<sup>16</sup> Western Bay of Plenty Proposed District Plan – Annotated Plan May 2011, Section 13, Residential, Page 13.8

<sup>17</sup> Western Bay of Plenty Proposed District Plan – Annotated Plan May 2011, Section 13, Residential, Pages 13.9 and 13.10

### **Auckland Council District Plan: Isthmus Section**

8.3 The Isthmus section of the Auckland City Council District Plan (now administered by the Auckland Council) provides a further New Zealand precedent. This is a complex set of provisions relating to more than 8 residential zones, so there is variation between zones, and special conditions sometimes apply, nevertheless an approach similar to Nelson's proposed PC14 can be seen.

8.4 Permitted performance standards for residential zones generally require:

- low and/or visually permeable fences<sup>18</sup>
- no parking or garages in front yards, with provision for garages in the front yard subject to discretionary consent<sup>19</sup>.

That is, front fence and garage location controls apply almost across the board in the Auckland Isthmus area.

8.5 The Auckland Council's *Residential Design Guide for Developments in Residential Zones in Specified Growth Areas*, under *Element 1: Neighbourhood Character* states establishes principles that are similar to those guiding Nelson's proposed PC14:

#### **Road frontage and fences**

*C8 Front fences should enable outlook from dwellings to the road for safety and surveillance.*

*C9 Where high solid front fences are essential, limit them to a short section of the frontage in order to maintain views between the dwelling and the road from at least part of the dwelling.*

*C10 Garages and parking structures and areas should be sited and detailed to ensure they do not dominate the road frontage.*

8.6 Controlled and discretionary assessment criteria while providing for assessing situations where there may be high front fences or garages in front yards, in general also tend to explicitly discourage these outcomes.

### **Wellington City Council District Plan: multi-unit housing**

8.7 Wellington City Council's *Residential Design Guide* (refer Plan Change 72) covers both front fence height and the location of car parking. This differs from the PC14 proposal in that these statutory design guidelines function as discretionary assessment criteria, and apply only to multi-unit housing.<sup>20</sup> However the Wellington approach is similar in also controlling fences and car parking location. For example:

#### **Guideline G4.17** (page 24):

Ensure front fences and boundary walls enable people in the dwelling to see out to the street.

*High front fences along an entire frontage compromise the visual quality and safety of the street environment, however some enclosure may be required to provide privacy or security for a front yard. In general fences should be low or visually permeable at the street edge. If a high front fence or wall is used, this should not comprise more than two-thirds of a frontage.*

<sup>18</sup> Various height and permeability controls apply in all but two of eight zones, Coverage includes Residential 1 (heritage), 2,3, 6, 7 (various residential) and 8 (Strategic Growth Management Areas).

<sup>19</sup> Apply to Residential 2,3b, 4,5,6,7 and 8 zones.

<sup>20</sup> Multi-unit residential development –is defined as: 2 or more household units on any site in a Medium Density Residential Area, the Inner Residential Area, or the Coastal Edge or 3 or more household units on a site in the Outer Residential Area.



*In order to maintain views out to the street and along the street edge, any portion of a side boundary fence within the front yard should also be no higher than the front fence it connects to.*

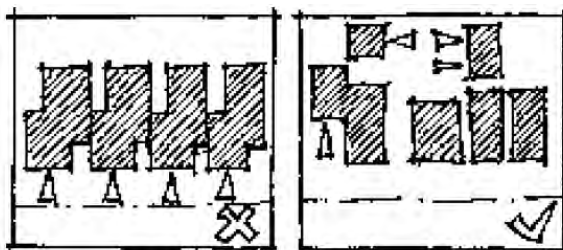
**Car parking, garage and driveway location, G2.8** (pages 11-12):

Avoid concentrating garages at the street frontage and monotonous repetition of garage doors along the street frontage or within any development.

*Garages and garage doors should be sited behind dwellings, recessed behind the front building line or otherwise integrated in a way that does not dominate either the street frontage or interior. Such domination is generally avoided when not more than half the ground level frontage width comprises garage doors.*

*Common open space associated with multi-unit development will be of poor quality and present a relatively unattractive entrance to the dwellings served if it is dominated by rows of garage doors. This effect may be avoided by a range of methods including breaking large numbers of garages into small groups, varying their alignment and orientation, and interspersing garages at ground level with habitable rooms, dwelling entrances and landscape features.*

- 8.8 The principle of garage location is described in an illustration in the WCC design guide:



*Avoiding monotony and edges dominated by garage doors*

*Figure 9: Illustration from WCC Residential guideline G2.8. This demonstrates how garages in the front yard forward of the building line are discouraged for multi-unit development.*

- 8.9 The WCC guideline shows some flexibility on the extent of high wall, and while encouraging low front fences, indicates a maximum extent of higher fences. This recognises that from an urban design perspective it may often be acceptable that part of a fence is high and even that an occasional garage is at the street edge. However these guidelines are applied in a discretionary application, where there is scope to negotiate the extent of closure, and if necessary, to reject an application for consent.

**Private development precedent in Nelson**

- 8.10 The requirements of proposed PC14 are considerably more permissive than fencing covenants placed on a major Nelson residential subdivision. The following extracts are from the June 2011 covenants for Marsden Park:

*Item 21 Fencing*

- (iii) No fence shall be located within 5.5 metres of the street frontage boundary.*

- (iv) *Fences on side boundaries shall be set back 5.5 metres minimum from the front road boundary and shall not exceed a height of 1.8 metres or such lesser height as the Panel may specify.*
- (viii) *No street frontage shall be fenced.*

8.11 Furthermore, low front fences, or absence of front fences is the predominant condition in most areas developed over recent decades. The images below (figures 10-12) are not included to represent optimal or exceptional streetscape outcomes. To the contrary they are relatively ordinary, but they are acceptable and they represent a common street edge condition in these areas.



*Figure 10: Typical frontages, Covent Drive Stoke*



*Figure 11: Typical frontages, Ngawhatu Road*



*Figure 12: Hamill Grove – recent development with predominantly open frontages*

8.12 Figure 13 shows an exemplary approach in a new subdivision:





*Figure 13: Open frontage in the Montebello Development. Note screened seating and eating area to the left which provides for privacy in the front yard while maintaining views between the dwelling and the street.*

- 8.12 Even though high fences do not predominate, there are also some examples of reasonably successful high front fences within some recent residential development:



*Figure 14: Hamill Grove – a permeable fence with planting across part of the frontage does not shut the dwelling off from the street. This is located in a street where frontages are almost completely open.*



*Figure 15: Retirement Village, Main Road Stoke demonstrating how a combination of closure and openness can be achieved.*



*Figure 16: Main Road Stoke: contrast of a high fence which allows views to and from the street, with a blank, close boarded fence*

- 8.13 While the above articulation of the front fences and ‘windows’ provided have been provided without the proposed PC 14 controls, there is a risk that in similar situations a high, blank, monotonous and visually impermeable wall would be installed.
- 8.14 These examples of planning practice and development precedent demonstrate that:

- addressing front fences and garage location is established resource management practice;
- the rationale for the approach taken is the same in Nelson as in examples elsewhere;
- much recent development in the more recent suburbs and current growth areas is open to the street or with low and permeable fences and enclosures; and
- one local private developer (a submitter on this Plan Change) has been significantly more restrictive with front yard fencing controls than the proposed Plan Change.

That is, the PC 14 approach addresses issues which a range of other Councils as well as at least one private developer also address, and in a similar way.

## **9 Providing for flexibility while ensuring appropriate control**

- 9.1 While controls should address the identified issues, they should also be flexible in order to allow for departures from the standard where these are both well-designed and appropriately located.
- 9.2 This flexibility is appropriately provided for in the plan change with discretionary (restricted) status, and non-notification. This signals that it is anticipated that there will be departures from the performance standards. Given submitter concerns about fences, front yards and streetscape, anticipation of potential for departure might be explicitly stated in the preliminary, introductory or explanatory parts of the plan. This would further inform plan users and assist with interpretation of the documents.
- 9.3 Discretionary (restricted) rather than controlled activity status is important. The leverage of a discretionary (restricted) application is necessary to ensure that development actively seeks to satisfy design objectives. My experience of design review and negotiation for Councils, and in private sector design and development applications, leads me to conclude that permitted activity or controlled activity status and controls are limited in their potential to achieve good design outcomes. They do not provide the leverage to ensure that all developers achieve the good results intended. My experience of the problems which arise with lack of district plan leverage has been informed by recent experience chairing the Nelson City urban design panel that reviewed the Rebel Sports building.





*Figure 17: This high profile and controversial design control failure opposite one of Nelson’s heritage buildings demonstrates the importance of appropriate leverage within the District Plan. This is not within the residential area, but is a powerful example of the very poor street edge outcomes that can arise when there is absence of suitable controls, and no leverage to require design changes.*

- 9.4 Without discretionary status, a proposal that is fundamentally flawed in a design sense cannot be turned down, and conditions on aspects of detail, in dealing with complex design issues as opposed to technical or engineering details, will generally be ineffective. The possibility, with discretionary (restricted) activity status of not achieving a consent is a powerful incentive for developers and their designers to engage proactively and constructively with Council and the District Plan intentions to achieve a high quality design outcome.

## **10 Conclusions on front yards and fences**

- 10.1 The approach of setting back garages from the street edge behind the line of the dwelling frontage, and using low front fences is established good urban design practice. It may not be the optimal solution on every site or for every resident, but it is the optimal default position.
- 10.2 If there are visual and safety effects of high fences, and garages and parking provision in front yards - and the evidence is that there are - the permitted performance standards should address these effects. That is, the Plan Change should ensure that the detrimental effects of monotony and reduced informal surveillance at the street edge resulting from high, blank and banal edges, and visual domination of garages at the street frontage do not occur.
- 10.3 Given the benefits of low fences, and the known dis-benefits of high fences and garages dominating frontages, the base condition must be low fences. High fences can be provided for, but subject to a level of scrutiny to determine their

suitability. When high fences and garages at the frontage become the norm, and the predominant condition at street edges, known and demonstrable adverse effects can arise. That is why high fences and garages in the front yard should not be a permitted activity.

- 10.4 A combination of international evidence, Ministry for the Environment and Ministry of Justice guidance, and New Zealand precedent establishes the relevance and suitability of the proposed approach. District Plan and private development precedent illustrates that requiring visibility at the frontage with low (or no) front fences, and avoiding garages in front yards are established New Zealand development control practice.

## **SUBMISSIONS ON FRONT YARDS AND FENCES**

### **11 Fence height and privacy**

- 11.1 Submission 1 (Ewen Christie) is concerned about front fence height standards potentially compromising visual privacy in the dwelling, regardless of whether yards are developed as living space or not. Privacy is also raised by submission 17 (Alex St George).
- 11.2 Submission 18 (Bill Moulder) is also concerned with privacy, indicating that a “fence may be around the only part of the site for outdoor living”, but acknowledges that while front fence height restrictions might be suitable for new subdivisions, they should not be imposed on older residential areas.
- 11.3 Submission 9 (Charmian Koed) calls for maintaining the right to build a high and solid fence at the frontage for reasons of privacy and consequent compromise to using the front yard for private outdoor living, a point also raised by Submission 21 (Gerald Renshaw) and touched on by Submission 23 (Kelly Kivimaa).
- 11.4 Submission 19 (John Black), suggests that the fence standard could lead to undesirable development in an attempt to obtain privacy. He cites 37 Manuka Street as an attractive house and frontage.

#### ***Discussion***

*Privacy is an important issue which is integrated into the plan change*

- 11.5 I am confident that the PC 14 provisions appropriately allow for privacy. Privacy is one on-site amenity issue that must be balanced with other off-site amenity issues to achieve public good outcomes. In relation to front yards, discretion addresses the following matters (abbreviated list extracted from REr.25.3), all of which need to be considered together in a balanced way:
- (i) impact on scale character and streetscape values
  - (ii) effect on safety from changes to passive surveillance
  - (iii) relationship to adjoining buildings in respect of visual and amenity values
  - (iv) safety of pedestrians and traffic in relation to location of garages
  - (v) **on-site amenity for residents**



The related explanation in REr.25.5 is also explicit about situations where relaxation of the standard may be appropriate.

- 11.6 Privacy is also addressed for Comprehensive Housing Development:

*Internal amenity*

*M. Careful placement of windows, decks, terraces, verandahs and balconies to maintain visual privacy for the main living spaces and associated outdoor courts of the dwellings within a development.*

*Potential role for planting to provide some privacy*

- 11.7 The proposed standards provide scope to continue to achieve privacy in the front yard with planting. The front fence and yard requirements relate to built structures, but do not limit the possibility of using trees in the front yard to provide a degree of visual privacy. Even in this instance, there is discretion (REr25.3 Front yards) on (i) "*location, design and appearance of ...landscaping and any fences...*" and (ii) "*effects on public safety...*".

- 11.8 Planting is visually softer than solid fences, and as well as allowing for some visual permeability as necessary to contribute to natural surveillance, also can contribute to the streetscape. When the crown of a tree is high it provides some privacy and filters views, but does not completely obscure views. However even reasonably widely spaced trees along frontages provide effective screening in views along streets.

- 11.9 Hedges and shrubs, depending on their species, height, extent and location, could also filter views through or provide closure to parts of a front yard for privacy. However the NRMP defines a fence as including a hedge<sup>21</sup>, which "means a row of shrubs or bushes capable of developing to a height of over 1m, having branches or leaves that inter-leave so as to form a visual or physical barrier" Therefore high front hedges would not be permitted as of right.

*Optimal location for private yards*

- 11.10 As a starting principle for logical site planning, private outdoor space is best located where it can most readily be private. That is at the side or rear of the house (depending on orientation to the sun), rather than at the more readily overlooked frontage. Frontages are not the ideal location for private activity because of their proximity to the public realm and inherently public nature. The optimal location for private outdoor spaces is tacitly acknowledged in the residential subdivision design requirements:

AP.14.3.xxiii

*4. Ensure lots are shaped and dimensioned to allow a sunny outdoor living space and provide a useable **private back yard**.*

*Precedent of 37 Manuka Street*

- 11.11 I agree that 37 Manuka Street is a well landscaped and well designed frontage, albeit with a high front fence. It is mitigated by the quality of the landscape, and the wide open entrance in the middle of the fence.

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<sup>21</sup> NRMP, Meanings of words, page 2-9



*Figure 18: 37 Manuka Street: a well-designed high front fence, benefitting from a wide opening at the centre, careful aesthetic integration of fence and buildings, setbacks and planting and a wide opening at the centre.*



*Figure 19: wide front entrance at 37 Manuka Street*

- 11.12 While this is an arguably successful example, given that the point of contention is whether high fences should be permitted as of right or subject to discretionary consent, the frontages of close neighbours may lead to a different conclusion on the merits of permitting high fences as of right. The immediately adjacent house (figure 20) has an attractive low frontage treatment.



*Figure 20: 35 Manuka Street*

- 11.13 However both east and west (figures 21 and 22) blank high walls have been built in concrete block and corrugated iron respectively. These are both unattractive, monotonous and preclude the visual connection that is desirable. Just as a high fence may be created with some skill, it can also be of poor quality, unattractive and compromise the streetscape such as the examples we see here.



*Figure 21: High concrete block wall to east of 37 Manuka Street frontage*





*Figure 22: Corner of Alton and Manuka Street*

## **12 Application of fence and front yard controls to 'Unclassified' streets**

- 12.1 Submission 6 (Alice Glaeser) challenges application of proposed front fence and front yard standards to sub-collector, Unclassified roads, considering these standards to be not appropriate for these streets, older areas and intensifying development. She cites Wood, Collingwood, Tasman and Nile as being streets where high fences are in place and are acceptable.

### ***Discussion***

- 12.2 These older areas are east of the city centre, and are characterised by a mix of frontage types. Figures 23 and 24 are examples of typical streetscapes here.



*Figure 23: Grove Street- mix of open frontages, low fences, mature planting and a new high fence to the right*



*Figure 24: Typical frontages Milton Street*

- 12.3 Frontages in these long established residential areas also include examples that demonstrate that good quality outcomes and presumably an acceptable degree of liveability for the dwelling have been achievable over nearly a century without the need to establish a high fence, for example as seen in figure 25.





*Figure 25: Collingwood Street*

- 12.4 While the streetscape might be acceptable in parts, and appropriately designed high fences might be integrated, this becomes problematic when the cumulative effect is a predominance of high, low quality fences, or when even one low quality and visually prominent high fence is introduced. The example below from Nile Street (figure 26) might arguably be only just acceptable, and only for reasons of its apparent longevity and that when the street trees are in leaf it will tend to recede into the background. But it is not a precedent that should be followed.



*Figure 26: Nile Street*

- 12.5 Remaining on Nile Street, figure 27 is an example of a fence where some care has been taken with design, including installing visually permeable panels at the corners. Nevertheless this is likely to create visual monotony, and precludes an appropriate degree of informal surveillance. It would be visually relieved, and the necessary informal surveillance provided for with either a low section and/or additional visually permeable panels through its centre. While this fence might be redeemed by some further articulation, other frontages nearby (refer figures 28 and 29) are highly problematic, both cutting views off and being of relatively poor quality.



*Figure 27: Nile Street:*



*Figure 28: eastern end of Nile Street – poor quality frontage with a high fence*





*Figure 29: Nile Street – another poor quality front fence directly across the street from the illustration above*

- 12.6 The concentration of high front fences and hedges along a part of Hardy Street (see figure 30) is also problematic. With the exception of several houses including the villa with low fence at right, dwellings and front gardens are visually disconnected from this part of the street. While monotony is avoided due to variation in the frontage treatment, there is relatively poor informal surveillance, and the street has the feel of a parking precinct, which is now a primary function.



*Figure 30: Hardy Street: High fences and planting along frontages.*



- 12.7 Some new and carefully designed development also places garages at the street edge. The example in figure 31 may be as good as it gets with garages at the street edge. But even with skilful design of the facades and high quality planting this remains, from an urban design perspective, problematic. It is uncharacteristic of the development along the street, creates a blank edge that is dominated by garaging, and compromises visual connections between the dwelling and the street.



*Figure 31: Garages at the street frontage on Collingwood.*

- 12.8 There will be existing lots with garages in the front yard or high front fences, which will currently be acceptable. Acceptable examples will be typically where high fences are not especially common, so the cumulative effects of blank frontages, high walls and separation from the street does not arise.
- 12.9 Furthermore, PC14 anticipates that there may also in the future be additional instances where high fences (of appropriate design) and even garages might appear in front yards. There are some examples from within this general area, including 37 Manuka Street. Others frontage examples that also achieve to varying degrees an appropriate urban design effect are figures 32-34:



*Figure 32: Collingwood Street frontage with a low solid wall and a highly visually permeable fence above with planting providing partial screening while maintaining a visual connection. The effect is successful.*



*Figure 33: Milton Street. While a relatively ordinary planting scheme, hedges here provide both for privacy and for views through, but they do create an overt visual barrier*



*Figure 34: Retirement Village, Milton Street. While the balance of solid and open high fencing might be reversed for a better result, this maintains some degree of visual connection between the dwellings and the street.*

- 12.10 PC14 establishes that new solutions such as these would be subject to scrutiny and consent. Any departure may or may not be approved depending on the site, situation and potential to address assessment criteria. Without control, any frontage treatment could include the large blank walls and corrugated iron fences described in figures 1 to 6. Given the adverse effects already detailed, high fences and hedges, including those described immediately above (figures 32-34) should not be allowed as of right.

### **13 Degree of control exercised by the District Plan**

- 13.1 Submission 12 (Mark & Kim Lile) consider the proposed “high level of control over the management of front yard” to be unnecessary, and are concerned about potential for “property owners to create a private and secure residential haven.” They consider this to be “overly prescriptive and restrictive”. This submission and opposition to REr.25 and REr.31 is supported by the further submission of Staig and Smith Ltd. Submission 4 (Michael Smith) considers these provisions to be “unnecessary, over complicated, excessively restrictive and bureaucratic, an invasion of privacy, have no planning merit.” The related Submission 13 (Andrew Carter) is: “Fencing of a property is provided by the owner for their own benefit, not that of their neighbours or the passing public”.

#### ***Discussion***

- 13.2 The key feature in these particular submissions is whether the approach to front yards and fences in PC14 is unnecessary, over-prescriptive, restrictive and with no planning merit. The extent to which the proposed provisions have planning merit can be determined with reference to research, and national and international precedent, as discussed above. This suggests that the proposed controls are properly targeted, reasonable and appropriate.

- 13.3 While the ability for the home owner to address the frontage in whatever way they choose may maximise private benefit, the Resource Management Act also requires that adverse effects over the boundary are considered.

## 14 Diversity, and fencing and yard controls

- 14.1 Submission 4 (Michael Smith) states that “Good urban design does not require unnecessary sameness and uniformity. ... Diversity is important.” The present variety of street frontages is valued by Submitter 25 (Alison Johnston), who considers that people should be able to design their property frontage to meet their individual needs.

### *Discussion*

- 14.2 Submission 4 is correct in stating that diversity is a desirable quality, and this is recognised by objective DO13A.4 *providing for diversity*. This is further explained in DO13A.4.1.ii which states: “*Diversity in building form and subdivision layout contributes to neighbourhood identity, and assists to build a strong sense of community.*”
- 14.3 While the proposed fencing rule sets an upper height limit, it does not preclude diversity in the design or type of fence – whether this be constructed, a hedge or a combination of both. Figures 8 and 20 illustrate but two of the many approaches to a frontage that would be possible under the PC 14 frontage controls.
- 14.4 Ultimately the greatest diversity might result in a planning regime with no controls whatsoever, however in that case it is likely that the outcomes would be flawed in a variety of ways. Diversity is but one quality that must be balanced, in the case of fencing and front yards, with other considerations relating to streetscape and safety.

## 15 Fence height and safety for pets

- 15.1 Submission 23 (Kelly Kivimaa) includes concern that pets may escape over low fences.

### *Discussion*

- 15.2 Indications are that whether a dog, for example, can and will jump over a fence depends on a range of factors, including the size of the dog and its behaviour.<sup>22</sup> One animal ordinance<sup>23</sup> suggests that a 1.2 metre fence is likely to be the minimum required for many dogs, however there are also indications that dogs with a propensity for jumping can clear even very high fences.

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<sup>22</sup> McDowell, R. The Height of a fence for a dog. [http://www.ehow.com/about\\_7221802\\_height-fence-dog.html#ixzz1TYdhkg8L](http://www.ehow.com/about_7221802_height-fence-dog.html#ixzz1TYdhkg8L). Sourced 31 July

<sup>23</sup> For example, Fort Worth Animal Ordinance <http://www.fortworthgov.org/animals/ordinance/> sourced 31 July 2011



- 15.3 From a site planning and design perspective this means that certain large dogs would not be restrained by a 1.2 metre fence. This would necessitate limiting the range of such dogs to the rear or side yards, ensuring they are tethered or under control when in the front yard or obtaining a resource consent for a high front fence. The possibility of consent is anticipated with REr31.4 assessment criterion (d):

*“Whether any site specific circumstances exist that result in the need for a higher solid front fence for safety of the residential occupants and/or animals or to reduce noise effects from Classified Roads on residents.”*

- 15.4 In the circumstance where a higher fence is the only practicable solution to retain a pet, typical solutions might include visual permeability for either all of the higher fence, or that portion above 1.2 metres. This could address both the intentions of the fencing standard, and provide a higher pet enclosure where necessary.

## **STREETSCAPE POLICY**

### **16 Reverse manoeuvring**

- 16.1 Submission 22 (Roger Jackson) opposes provisions allowing “drivers to back out onto the street instead of turning the vehicle on the property and driving forward onto the street.”

#### ***Discussion***

- 16.2 Reverse manoeuvring onto the street is common practice in both established and new residential areas on suitable roads and streets throughout New Zealand. It is also already permitted on all ‘local’ roads in Nelson. At the same time, it is neither desirable nor common practice, nor permitted by PC14 in situations where it poses a risk. Four situations where no reverse manoeuvring is allowed are defined in AP10.11.iii.
- 16.3 In addition, new REr.25.4 assessment criterion (i) is *“The ability for safe reverse manoeuvring onto the street on unclassified roads.”* This assessment criterion allows for but does not require reverse manoeuvring. It provides the opportunity for it to be consented in a discretionary application. Whether that is appropriate in any particular situation is a matter for a suitably qualified traffic engineer to comment on as part of the discretionary application, bearing in mind that discretion is intended to cover (REr.25.3 iv) *“the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring areas and access”*.
- 16.4 From an urban design perspective, the proposed approach appears sound and logical, although Council traffic engineers are best placed to provide expert advice on its traffic safety suitability.

## 17 Streetscape, site planning, yard and other related issues

17.1 Submission 7 (Ian Jack) is that: *“Policies and rules relating to front yards, fences, passive surveillance, vehicle manoeuvring and appearance from the street are well explained”, but “Insufficient weight is given to other factors, eg*

- *Mitigation of landscaped berms*
- *Land contour*
- *Lot orientation to wind and sun in relation to lot amenity value*
- *Privacy for outdoor living space*
- *Planning constraints imposed by locating garages to the side or behind houses*
- *Landscaping effects of above*
- *Multi-functional use of garages in relation to need for security*
- *Desirability of trees for street scale, shade, shelter*

I will, where possible, discuss these factors point by point except for *Privacy for outdoor living space* which has already been covered above.

### **Discussion**

#### *Land contour*

17.2 The REr.25 *Front yard* explanation signals situations where flexibility is anticipated as being especially appropriate:

*In situations where the houses are located on the southern side of the road, or where steep topography dictates the provision of access and setback of the garage, it may be appropriate to relax the standards if a positive private to public relationship between the dwelling and the street can be demonstrated through other design features.*

#### *Lot orientation to wind and sun in relation to lot amenity value*

17.3 This is covered by PC14 at the broadest level of subdivision:

*AP.14.3.xxiii Good subdivision will:*

*4. Ensure lots are shaped and dimensioned to allow a sunny outdoor living space and provide a useable private back yard.*

*6. Intensify development on sunny, north sloping lots, and reduce intensity on south facing lots.*

17.4 One solution is to shape and orientate all lots to maximise their potential for sun exposure, however that can be detrimental to the qualities of the street. Furthermore, in my experience, good site planning on any lot in combination with good building design can achieve the necessary effects of amenity and sun exposure.

17.5 Lot amenity value is the focus of Comprehensive Housing provisions, AP22.4 *on-site amenity outcomes*. Provisions relevant to the issue raised are:

#### *Site planning*

*c. siting and orientation of buildings, occupied spaces and openings to ensure passive solar gain is optimised*

*e. landscaping to create quality outdoor environments on site, and use of walls and fencing to establish private areas while retaining a positive relationship with the adjacent street or public area.*

*i. placement and design of sunny, sheltered private outdoor living courts to act as an extension of the living spaces of the house*

*Internal amenity*

*n. location and orientation of main living rooms for good sunlight penetration*

*Planning constraints imposed by locating garages to the side or behind houses*

- 17.6 I agree that this is a constraint, which will preclude an as-of-right garage at the frontage for some existing houses. In some cases a resource consent for a garage in the front yard might be able to be obtained, but I would expect also that in many cases a consent would not be granted. Whether consent is possible or not relies on the characteristics of individual sites, and relation of any front yard garage to the discretionary assessment criteria.
- 17.7 With new housing development, precluding garages as of right in the front yard is but another site planning consideration, and it will in most cases be able to be readily adhered to if addressed at the initial site planning stage. When planning a vacant site it is usually possible to readily avoid garages in the front yard. As noted above, where site contours are problematic, potential to exercise discretion is specifically provided for by PC14.
- 17.8 In new subdivision, lots should be sized and shaped to readily allow the front yard rule to be complied with. In my experience of subdivision design, I have designed indicative dwellings for proposed lots to demonstrate that they are workable from the perspective of anticipated development type, access and garaging.

*Multi-functional use of garages in relation to need for security*

- 17.9 There is the possibility that the occupation of garages at the street frontage – washing cars, using the garage as a workshop etc – provides informal surveillance over the street (as well as life and interest at the street edge). These beneficial effects can to a slightly lesser degree still occur should the garage be set back 1m from the frontage of the house.

*Desirability of trees for street scale, shade, shelter*

- 17.10 Shade and shelter on the footpath is a street-wide concern best addressed with a coordinated and consistent approach to street trees within the road reserve. It is not something that can be optimally addressed with the uncertain and discontinuous private plantings on a series of private lots.
- 17.11 Trees on site are desirable for achieving a sense of scale with large buildings, for example multi-unit housing. For Comprehensive Housing development AP22.5 *off-site amenity outcomes* suggests:
- h. the use of landscaping techniques and design to ensure the development improves, or is not detrimental to the character of the surrounding neighbourhood.*
- Furthermore, a landscape plan is required for Comprehensive Housing Development, and this states (in AP22.7.2.i f):
- The retention of existing vegetation is encouraged as this can help to integrate a Comprehensive Housing Development into the existing streetscape, and therefore make it more acceptable. The plan should show existing vegetation, noting any mature trees or significant specimens...*

17.12 Finally, the front yard controls do not preclude trees at the street frontage.

## **18 Policy RE3.5 Streetscape**

18.1 Submission 2 (Marsden Park) opposes policy RE3.5 Streetscape. The submission is that: "This policy has multiple parts, is confusing and reads like an explanation." and that it should be relocated to the explanations and reasons.

### ***Discussion***

18.2 I recommend that this submission should be accepted in part. The first of two paragraphs suitably outlines the policy. The second paragraph reads as an elaboration on the first and might be suitably relocated to the explanation and reasons.

## **19 Comprehensive Housing Development off-site amenity outcomes**

19.1 Submission 24 (Robert Murphy) opposes the off-site amenity outcomes a-h inclusive, suggesting these inhibit growth, and preventing homeowners from developing property "in the usual manner". The submitter also raises concern that this will deter ratepayers from developing their property and adding value to their land.

### ***Discussion***

19.2 These amenity outcomes address visual integration to neighbouring sites and cover:

- (a) Frontage setbacks
- (b) Height relationships
- (c) Modulating the scale of large buildings
- (d) design and siting of garages and carports so they do not dominate the frontage
- (e) compatibility in materials, scale and proportions, details and roof pitch
- (f) density as an aspect of neighbourhood character and amenity
- (g) compatibility of landscaping, walls and boundary fencing
- (h) landscaping to ensure the development improves or is not detrimental to neighbourhood character.

19.3 These controls are to ensure that development fits into, and does not adversely affect the neighbourhood. They are sound and consistent with established urban design practice, and to a significant extent are already addressed by height and front yard setback controls. These types of issues are all covered in detail in the Wellington City Council *Multi-unit Design Guide* introduced in 1994, and the current *Residential Design Guide*.

19.4 Overview text AP22 is explicit that the issues raised are a guide, and are not a checklist, anticipating that applicants take a thoughtful response to issues.

19.5 In my experience building-related character guidelines can be applied to areas that do not justify such character control, and to no discernable benefit. They are however, highly appropriate when there is a distinctive and formally recognised character to be addressed.



- 19.6 Where the setting for the development is characterised by diversity of building age, type, size and form, then they may be less relevant. Compatibility means just that, not consistency or replication. But in order to avoid an unnecessary attempt to match certain features in areas that are not valued from a character perspective, and which are characterised by diversity, criterion (e) might be added to so it reads:

(e) *compatibility in building materials, scale and proportion of elements, details and roof pitch and/or roof type in areas of distinctive and valued character.*

Amenity outcomes (a)-(d) and (f)-(h) remain relevant as currently worded.

## 20 Human scale

- 20.1 Submission 2 opposes provision DO13A Urban design

*This section refers, in various places, to “human scale” especially around open spaces. This is open to misinterpretation (e.g. not higher than 2m) and is not clarified, creating wide uncertainty.*

The submission seeks addition of “e.g. 2-3 stories” after the term “human scaled”.

### **Discussion**

- 20.2 The first relevant part of the Plan Change text reads:

Policy DO13A.2.3 public to private connections

Public spaces created as part of subdivision and development should be connected to and overlooked by private buildings and spaces in a manner that **is human scaled** and encourages interaction and safety.

### **Explanations and reasons**

**DO13A.2.3.i** Lack of connections to, and buildings that turn their backs on, public spaces can lead to poor quality, under-utilised and unsafe public environments. Civic spaces, neighbourhood and local reserves, esplanade reserves and streetscapes benefit from being well connected and overlooked by private spaces and buildings. This creates safe, attractive and secure public spaces and pathways and provides environments that encourage people to become more interactive with the community.

- 20.3 This policy addresses the relationship between buildings and public space, and the public-private interface. Scale is addressed in the related rules and assessment criteria, and this treatment relates more to visual domination than human scale. Therefore I recommend removing the words “**is human scaled**” and amending the text to read:

In a manner that **does not overshadow or visually dominate the space**, and encourages interaction and safety.

- 20.4 The second reference to human scale is in Policy DO13A.3.1 high quality public spaces. This reads:

Subdivision and development of, or adjoining, urban public spaces should where appropriate provide for:

- a) landscape and streetscape design that is of high quality, is people rather than vehicle orientated and maintains or enhances social, cultural and amenity values.
- b) **human scaled** relationships between buildings, infrastructure and surrounding spaces.
- c) The public space to have a variety of distinctive spaces appropriate to the context that function well as places for a range of activities including meeting people, relaxing, playing and walking through them.
- d) a range of open spaces and parks that cater for the different needs of people both in terms of ages and abilities, and levels of recreational and leisure use.

20.5 Human scale can be achieved by matching the dimensions of the human form or by relating secondary or tertiary components of much larger buildings and structures to the dimensions and proportions of the human form. These techniques are generally well known and understood by architects. That is, a sense of human scale is achieved introducing elements into the composition that have the dimensions or proportions of the human form, or introducing elements of a transitional scale between very large buildings and the surrounding spaces and/or a combination of these measures.

20.6 A sense of human scale is only important when the space/building interface is publicly accessible, for example at the street edge, or a reasonably prominent edge of a park. It may not necessarily be relevant where the building and structure is in a remote reserve. The policy properly recognises need for response to context by noting that the conditions are applied “where appropriate”.

20.7 It is appropriate that there be a sense of human scale at the edge of buildings, infrastructure and the spaces surrounding, including streets. This policy direction is relevant, and should remain, but in order to minimise scope for misinterpretation its expression might be modified to read:

**b) a sense of human scale at the edges of the space.**

## CONCLUSION

- 21.1 PC14 establishes a comprehensive set of relevant urban design provisions that properly recognises the importance of urban design in ensuring the amenity, viability and success of residential development.
- 21.2 The scope of issues identified, and the objectives and policies, rules and assessment criteria integrated in relation to these are consistent with good urban design practice, including the New Zealand Government guidance, and at the level of detail, the precedent of other cities in New Zealand.
- 21.3 To be consistent with empirical research findings, practice in other places and precedent, the default permitted position for front fences and yards should require low front fences and garages to be set back.

- 21.4 There is the possibility of considering modifying the permitted standards to allow a combination of low solid fences and visual permeability for those sections above a certain height. However given the effects on the streetscape of high fences as outlined and discussed, I do not recommend that approach.
- 21.5 There will be instances where a high fence and/or a garage at the street edge may be appropriate and acceptable, and departure from the performance standards is justified. In order to achieve the optimal results, this is best addressed by a discretionary (restricted) consent process.

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