

TOWARDS BETTER
urban design



NELSON CITY COUNCIL

Nelson Resource Management Plan

Plan Change 14

Residential Subdivision, Land Development
Manual and Comprehensive Housing

**Decisions of Commissioners Addressing
Submissions on the Plan Change**

Commissioners

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Decisions Notified

30 June 2012



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Part A Main Findings

Commissioner Decisions on Plan Change 14 – Residential Subdivision, Land Development Manual and Comprehensive Housing

1. Introduction

- 1.1. We are appointed under Section 34a of the Resource Management Act 1991 (RMA) on behalf of Nelson City Council (or “the Council”) to consider submissions in relation to Plan Change 14 (PC 14) to the Nelson Resource Management Plan (“NRMP” or “the Plan”) and to make decisions as to whether these submissions should be accepted or rejected (in whole or in part) and, arising from them, what changes should be made to the provisions of the plan change.
- 1.2. Part A of this report sets out our main findings on the principal issues in contention, as raised in submissions. Part B sets out our decision on each specific submission point while Part C provides an amended version of the plan change.

2. Background

- 2.1. PC 14 is a council-initiated plan change. As notified, it alters a range of provisions of the NRMP, broadly under the umbrella of “urban design”. In addition the plan change also alters provisions relating to subdivision and development in the Services and Landscape Overlays and the Roding Hierarchy map.
- 2.2. Important urban design-based changes are as follows:
 - New urban design issues and explanations are inserted into Chapter 4 - Resource Management Issues.
 - New objectives, policies, methods, environmental results and performance indicators are introduced into Chapter 5 - District Wide Objectives and Policies for land transport, urban design and subdivision and development.
 - Amendments are made to the Residential Zone policies and rule tables for streetscape, front yards, subdivision, comprehensive housing, fences and the services and landscape overlays.
 - Appendix 13 (Engineering standards) is deleted in favour of using the new NCC Land Development Manual, referenced as an external document.
 - Appendix 14 (Residential subdivision design and information) is comprehensively amended to compliment 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.
 - Appendix 22 (Comprehensive housing) is modified to clarify the outcomes desired.

- 2.3. The changes to the Services and Landscape Overlay provisions seek to clarify and address a number of implementation processes and issues:
- Amendments to the Services Overlay objectives and policies identify that subdividers and developers are to provide services (including roading) with sufficient capacity to support the development within the site as well as potential development on adjacent land in the services overlay area. The proposed amendments go on to state that these services should be funded by the developer if they are not provided for in the Council's Long Term Plan (LTP).
 - The amendments proposed to the Landscape Overlay concern the activity status of subdivision of land within the overlay. The operative plan states that subdivision within the Landscape Overlay is a controlled activity and refers the reader to Rule REr.107; the general rule for subdivision within the residential zone. However this rule (REr.107) states that subdivision in the Landscape Overlay is a discretionary activity. The plan change proposes that subdivision within the overlay be, as a minimum, restricted discretionary, both within the general subdivision rule and the overlay-specific rule.
- 2.4. PC 14 updates the Roading Hierarchy and Services Overlay maps in Volume 4. The Services Overlay maps are updated by the removal of those areas that are now serviced and by the addition of one new area in the Matai Valley Road. The roading hierarchy map is to be updated so it reflects current levels of service, use and the definitions of roading classifications in the NCC Land Development Manual 2010.
- 2.5. PC 14 is one of a number of plan changes that the Council has initiated to enable better designed development and subdivision. Related plan changes are PC 17 and PC 18, both of which provide for additional areas of residential development. The new provisions introduced by PC 14 will influence the way that the land included in PC 17 and 18 will be subdivided and developed.

3. Hearing and Deliberations

- 3.1. The plan change and section 32 report were publicly notified on 25 September 2010. Submissions closed on 3 December 2010. Twenty seven submissions were received. A summary of submissions was publicly notified on 22 January 2011 and further submissions closed on 4 February 2011.
- 3.2. A Hearing was conducted on 28 November 2011 at the Nelson City Council offices. Prior to this, the Commissioners undertook a site visit of central Nelson suburbs. In attendance was Ms Gibellini from the Council who pointed out various areas and features that were affected by PC 14 and submissions to it.
- 3.3. A Hearings Report containing provisional recommendations in relation to submissions was prepared in terms of section 42a of the RMA by Ms Gibellini, supported by a number of other Council staff and consultant advisors. The section 42a report set out the background to the plan change, including the issues that have arisen with the application of the Plan's provisions that led the Council to propose a plan change. The process used to develop the plan change (including consultation) is also detailed in this report.
- 3.4. The Hearing commenced with an overview of the plan change by Ms Gibellini. Mr McIndoe, a consultant urban designer, provided a power point presentation which covered the main points of his statement that was

included within the section 42a report. Mr Heale (Council’s Principal Advisor Resource Management Planning) was also in attendance.

3.5. The following parties appeared at the hearing and presented evidence:

Submitter	Representative
Marsden Park Ltd	Tony Quickfall
K & M Lile	Mark Lile
Gibbons Holdings Ltd and St Leger Group Ltd	Mark Lile
Stoke Valley Holdings Ltd and Solitaire Investments	Jacqueline McNae
Staig and Smith Ltd	Jacqueline McNae
I Jack	Ian Jack

3.6. Deliberations commenced at the conclusion of the hearing of submitters. The Commissioners were assisted in their deliberations by Mr Heale.

3.7. In making decisions on the submissions, we are guided by the provisions of the Resource Management Act, including sections 74 and 75, which set out the matters to be considered by a territorial authority when preparing or changing its district plan, and section 32, which sets out the matters to be evaluated when addressing the appropriateness of specific provisions. All our decisions are also subject to the filter of Part 2 of the RMA.

4. Key Issues and Decisions

4.1. This section of the decision report does not cover every submission. Rather it provides an overview of the main issues and the general intent of our decisions.

4.2. We have grouped the submissions into five key issues, and discuss each in turn:

- Services Overlay
- Landscape Overlay
- Urban design objectives, policies and methods
- Development in the front yards –fences and garages
- Road Hierarchy map.

4.3. In addition to these key issues, there were also a range of more specific matters raised that we have considered under a general heading of “other matters”.

4.4. Where we have amended the provisions of the plan change, then these are shown as double underline for new text and double strikethrough for deletions, based on the text provided in the section 42a report.

5. Services Overlay

- 5.1. Modifications to the Services Overlay provisions attracted a number of submissions and three parties presented evidence at the Hearing.
- 5.2. As notified, the activity status of subdivision is to change from discretionary to restricted discretionary. Changes to the objective and policies for the Services Overlay seek to clarify that when subdivisions are to occur within the Services Overlay, then the infrastructure needed to serve the subdivision and that of the adjacent land should be considered. This is to ensure that, where necessary, sufficient capacity is provided to accommodate upstream demand. The amended policy goes on to state that unless the Council has identified a capital works programme in its LTP to fund this additional capacity, then the funding responsibility for this infrastructure will fall to the relevant landowner or owners. It was pointed out in the section 42a report that landowners had the ability through the Annual Plan and LTP processes to request that the Council prepare infrastructure programmes ahead of subdivision to ensure that appropriate funding streams are in place.
- 5.3. The submitters were all concerned that the notified changes relating to the funding of infrastructure would herald a slowdown in subdivision activity as subdividers sought to negotiate cost sharing agreements where Council funded infrastructure programmes were not in place. Of particular concern was an inference they took from the proposed policy that the individual landowner making the application may have to pay for the additional capacity needed to service subsequent upstream development while interim servicing solutions may no longer be possible. They were also concerned that the Council, via the LTP, would not fund any infrastructure extensions, or fund such programmes on a limited basis. There was also a challenge that the proposed provisions fell outside the scope of the RMA in that it linked district plan consenting issues to the Council's LTP, which is prepared under the Local Government Act. The relief sought generally involved removal of any reference in the relevant policies to the developer being required to fund infrastructure and removal of any matters for discretion and assessment matters that refer to the economic sustainability of servicing developments.
- 5.4. To start with, clearly the provision of suitable infrastructure is a resource management issue, in that provision of inadequate infrastructure has the potential to result in the ineffective use of land and/or to displace effects onto other landholdings. This has consequences for the sustainable management of resources and to this extent, the principle of needing to consider infrastructure provision beyond the immediate development site at the time of subdivision, is not in dispute. What is disputed is who pays.
- 5.5. We agree with the general point made by submitters that the District Plan should not make infrastructure funding a consenting issue, given that a number of parties may be involved in any particular situation. In other words, funding of necessary infrastructure should not be a matter of discretion in terms of whether a subdivision or development should be granted resource consent or not. However, it is appropriate that the Plan, in the interests of integrated management, note at a policy level that funding from the Council for infrastructure extensions is not automatic. Neither should the Council be in the position where it has to take ownership of infrastructure that is inadequate, or going to be very expensive to maintain.

- 5.6. To this end, we accept in part the concerns of the submitters that there should be changes to the services policies. However rather than remove them, we instead consider it is appropriate to modify them so that there is no inference as to whether the policy is stating that a particular payment situation is appropriate.
- 5.7. We make the following findings in relation to DO14.3, and note that similar findings apply to DO14.3.2:
- The objective is to be amended by removing the word “adjoining” and its replacement with the word “other”. It is appropriate and necessary to consider all land within the services overlay when considering services capacity. This does not mean that a downstream development has to pay for all upstream infrastructures, but rather build-out capacity of the wider area is taken into account when designing infrastructure. The last part of the Objective should therefore read: “...and the development potential of other land in the Services Overlay”. This ensures that the objective is consistent with the amended policy which refers to land in the vicinity.
 - Similarly, clause (f) should be amended so that this refers to: “the road network requirements to support the access and connectivity of future developments on other land in the vicinity in the services overlay”.
 - The text at the end of Policy DO14.3.1, after clause (f), beginning “The road network required to service the subdivision...” should be made a new sub clause - (g) - to remove any confusion as to whether it is part of the policy.
 - The first sentence of this new sub clause should refer to the “consent holder”. It should also refer to “fund and construct”, as follows:

(g) The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder, and vested in Council as part of the development.
 - The second sentence of the new (g) should be reworded to make it clear that the Council will fund roading requirements triggered by clause (f) - access and connectivity to other land – where the project is identified in the Council’s LTP. In other cases, the consent holder will need to foot the bill, and this may involve cost sharing arrangements:

Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefitting landowners, where relevant).
 - The Explanation and Reasons is amended to clarify that subdividers or developers will need to pay for infrastructure if they wish to proceed

ahead of Council funding plans. The following wording is appropriate at the end of DO14.3.1.iii:

"The cost of creating this connection at the time of subdivision shall either be funded through the LTP or funded by the developer. There may be circumstances whereby roading is funded and constructed by way of cost sharing agreements amongst landowners."

- 5.8. Similar changes need to be made to policy DO14.3.2 - drainage, water and utilities. This is to ensure consistency across the Plan's provisions in accordance with clause 10 of Schedule 1 of the Act.
- 5.9. We also have some amendments to the proposed matters for discretion and assessment matters to be included within REr.108 and RUr.85. These amendments arise from the changes to the relevant policies discussed above, as well as in response to the submissions.
- 5.10. Looking first at REr.108, the Section 42a report recommended not including the matter of discretion: "the economic sustainability of servicing the site relative to the development yield". We agree that this matter of discretion may be interpreted as meaning that Council will decline subdivisions which it deems to be uneconomic in some way. We note that the removal of this clause from REr108.3 needs a consequential amendment to remove the associated assessment matter in REr108.4.
- 5.11. In response to the submissions that questioned the seemingly open ended link to the LTP (matter for discretion x), we agree that the matter should be qualified to refer specifically to the availability of council provided infrastructure. To this end, we have added the words "the timing of the development in relation to the availability of roading and service connections" to (iv) of REr.108.3.
- 5.12. Turning to the assessment matters, the reference in REr.108.4 to the LTP is too wide ranging in a restricted discretionary consent context. While at a policy level it is appropriate for the Plan to signal that funding of infrastructure is a matter that Council has to address via the LTP process, when it comes to the assessment of a specific subdivision application, the focus has to be on the adequacy and availability of the infrastructure. Clause d) of REr.108.4, being "the strategic planning for the servicing of sites within the district as identified in the LTP" should not be included.
- 5.13. Instead, whether the timing of the provision of services, and whether these services are of adequate capacity to serve the future development level of the site and surrounding area should be the focus of assessment. That is, the availability of infrastructure, rather than who funds this infrastructure.
- 5.14. Having said that, we note that the explanation to the rule indicates that the council does not wish to be in a situation where it has to take over the running of a number of different water and wastewater systems. We therefore also find that assessment matter e) should be amended by referring to "the financial costs to the council (including operating and maintenance costs) of providing water and wastewater services to the development". This focuses the assessment criterion on the issue identified in the rule.
- 5.15. We note that the same adjustments also need to be made to RUr.85.

6. Landscape Overlay

- 6.1. The plan change seeks to rectify what it describes as a technical problem with the Plan in relation to the subdivision of land included within the Landscape Overlay. In one part of the Plan, subdivision of land within the Landscape Overlay is listed as a controlled activity, while in a different part it is listed as a discretionary activity.
- 6.2. It is our understanding that the Council staff have been dealing with this anomaly by ruling that the more restrictive provision should apply (that is, discretionary). The plan change proposes that a restricted discretionary category apply in both relevant parts of the Plan.
- 6.3. The section 32 and 42a reports, while referring to the “technical problem” of the two different activity classes also mentioned that a number of problems have been experienced with the current controlled activity status. These were not elaborated on in any great detail. From questioning Council staff at the Hearing, we understand the concern stems from the inability to significantly alter a controlled activity application so as to appropriately mitigate effects. However if current practice is to take the more restrictive provision (discretionary), then this issue should be overcome. Having said that, we appreciate that having two different activity classes is not an appropriate situation and should be remedied.
- 6.4. The proposal to make subdivision of land within the Landscape Overlay a restricted discretionary activity drew a range of submissions, with all seeking the retention of the controlled activity status. There was concern that the shift to restricted discretionary activity status would see greater uncertainty and a more restrictive interpretation of the provisions, as well as greater information requirements.
- 6.5. The Staig and Smith submission further pointed out that if the land within the Landscape Overlay is not suitable for residential development, due to its landscape value, then it should not be in the residential zone.
- 6.6. Mr Lile was of the opinion that the section 42a report was not correct in referring to the change in activity status as being a technical fix. He referred us to a District Plan review Hearing Report from July 1998 which addressed the Landscape Overlay. In his view this report supported an interpretation of the Plan that it deliberately listed subdivision in the Landscape Overlay as a controlled activity (and therefore by implication, it is the discretionary listing that is incorrect). He considered that a change in activity status from controlled to restricted discretionary was a significant change in the planning framework that was not supported or justifiable.
- 6.7. We understand that a review of the Landscape Overlay is programmed by the Council, although it is not advanced at this stage. This review process will take a fresh look at the overlay and the associated rules. At this point in time, we have to determine whether it is appropriate for the plan change to alter the activity status for subdivision in the overlay.
- 6.8. In terms of addressing the submissions, we start by noting that the shift from controlled to restricted discretionary proposed by the plan change does not come with any changes to the matters of discretion and associated assessment matters (which are the same for both the controlled and discretionary parts of the Plan), save for an additional matter of discretion which is listed as:

"The extent of compliance with appendix 7 Guide for Subdivision and Structures in the Landscape Overlay."

This appendix is already contained in the Plan. The assessment criteria refer to this guide, but it is not referred to in the areas of discretion, so the above amendment is more of an administrative change.

- 6.9. Otherwise, the matters for discretion remain as they currently do and cover elements such as the visual impacts of the subdivision and the likely structures that will be built on the subdivided lot, lot size and orientation, extent of earthworks and the location of building sites.
- 6.10. We agree with the submitters to the extent that the change cannot be termed a "technical fix". However, this agreement should not stop us from considering the merits of the proposed change in activity status. In doing so, Section 32 of the RMA requires that we consider the appropriateness of a method in terms of how it relates to the objective, and the efficiency and effectiveness of the method in implementing the objective.
- 6.11. Objective RE3 (streetscape, landscape, and natural features) is the relevant objective. This refers to "attractive streetscapes, and the maintenance and enhancement of those significant public views, natural features, and landscapes that contribute to Nelson's character and setting". The policy for this objective is Policy RE 3.1. This policy introduces the Landscape Overlay and is as follows:
- "Roads, buildings and other structures should not dominate landforms and vegetation, and should minimise intrusiveness into the landscape, so as to retain amenity values and the pleasant and natural appearance of the hills."*
- 6.12. The explanation and reasons for this policy states that the Landscape Overlays "have been identified because of their importance in terms of the landscape and backdrop to Nelson". The Plan goes on to say that the underlying natural features covered by the overlay should not be compromised by development. It then notes that "in some instances intrusive structures such as masts or aerials may be inappropriate".
- 6.13. Methods include rules making intrusive above ground network utility structures discretionary in the landscape overlays, and rules making subdivision in the landscape overlays controlled with special regard to visual impacts. A subdivision guide also applies.
- 6.14. Our interpretation of the policy and associated methods is that they seek to manage the effects of residential subdivision, rather than to avoid such effects via a prohibition on subdivision. To this extent, the shift in status from controlled to restricted discretionary (or from discretionary to restricted discretionary, depending upon how you look at it) should not herald a significantly changed approach to the consideration of subdivisions in the overlay, as the policy is not being altered and neither are the matters for discretion or assessment criteria.
- 6.15. In considering what activity class should be used to implement the objective, it is a generally held principle that the least restrictive activity class should be applied, given the effects being managed.
- 6.16. In this case, the objective for the overlay and associated policy indicates that there are resources within the overlay area that require specific management responses and which therefore set themselves aside from normal residential land.
- 6.17. In one option, the potential effects on the additional values covered by the overlay could be managed through additional assessment matters to those that otherwise apply to residential land, but not by a change in activity class.

In terms of a controlled activity status, this means that through the application process, the Council has some ability to modify the design of a subdivision. However this discretion is limited to the extent that for a controlled activity, conditions cannot be imposed, such that they have the effect of significantly modifying the development applied for.

- 6.18. The other option is that the policy and matters for discretion require a wider ranging assessment of mitigation options than that which can be achieved through the controlled activity status. A restricted discretionary activity status provides greater scope to impose appropriate conditions, within the limits of the discretion provided.
- 6.19. In the case of the Landscape Overlay, we are of the opinion that the restricted discretionary activity class is the appropriate method by which to achieve the objective. Our interpretation of the policy and matters for discretion is that there needs to be scope to modify subdivision layouts in terms of the number and location of building platforms so as to achieve the objective. We find that amending the activity class to restricted discretionary is appropriate and will better meet the sustainable management principles of the RMA.

7. Urban Design objectives, policies and methods

- 7.1. A major purpose of the plan change is to introduce a suite of urban design focused objectives and policies into the city-wide provisions of the Plan. In addition to this, the plan change modifies the criteria that apply to residential subdivisions and comprehensive housing developments.
- 7.2. The new provisions attracted a range of submissions, some in support, others questioning whether the new objectives, policies and methods introduced a range of matters that would see greater scope for debates over interpretation and application of the Plan's provisions.
- 7.3. For example, Mr Quickfall in his evidence drew our attention to a number of what he felt were subjective provisions. These included words or phrases such as:
 - 'Inspiring'
 - 'Human scale'
 - 'Prominent places'.He suggested that reference could be made to the seven "Cs" set out in the New Zealand Urban Design Protocol, so at least common terminology would be used and from this, a degree of consistency in its interpretation.
- 7.4. Mr McLaughlin suggested that the Urban Design Panel be used to help elucidate the meaning of the policies and assessment matters. There was concern that in the hands of an in-experienced Council planner, the objectives, policies and assessment matters could be interpreted in a number of ways and see numerous requests for specific assessments as part of the resource consent processes.
- 7.5. Other submitters pointed to specific provisions, such as the proposal for a context analysis, and the extent to which this analysis needed to look beyond the site.
- 7.6. Upon examination of the proposed objectives and policies, we are of the opinion that some re-organisation would assist with interpretation and

implementation. Changes are proposed to improve clarity, rather than in terms of substance. Overall, we consider that the proposed provisions are appropriate and will assist the Council in fulfilling its duties under the RMA, particularly in relation to the Section 7 (c) matter of the maintenance and enhancement of amenity values.

7.7. We are not persuaded that the new terms introduced by the plan change are generally of such a type that they will lead to confusion over their meaning. We expect that after a "settling in period", they will fall into common use. In this regard it is not necessary to utilise the Urban Design Panel to clarify terms used in RMA documents. In fact recourse to an external Panel to help describe and define terms could well add to confusion, as that Panel is not restricted to RMA-based processes and procedures. Neither do we see benefit in referring to the seven "Cs" of the Urban Design Protocol. The terms in the Protocol are just as likely to lead to debate as to meaning as any other term that might be used. Having said that, we accept that the more expressive language used, such as "inspiring" needs to be within a clearly defined context.

7.8. We make the following findings:

1. That Objective DO 13A.5 "inspiring places" be incorporated into DO13A.3 (Creating High Quality Public Spaces). The associated policy "prominent spaces" should also be moved with minor amendments. The revised objective should read as follows:

Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that are beautiful and inspiring, provide for and enable social, cultural, economic and environmental well being and enhance amenity values.

2. The removal of the "inspiring places" objective reduces any connotation that the objective was aimed at private development, rather the wording is now included in an objective that is clearly aimed at public spaces.
3. The explanation and reasons are to be amended as follows, with the third sentence to read as follows:

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. Public spaces which are prominent and which are intended to have a high level of public use are deserving of inspirational design.

4. Policy DO13A.5.1 relating to prominent buildings and spaces is to be shifted so that it sits under the revised objective DO13A.3 with minor amendment.
5. The amendment proposed by the section 42a report in respect of the words 'human scale' in policy DO13A.3.1 (b) is appropriate, albeit, with some modification to retain the emphasis on the interface between buildings and the edges of open spaces. The policy is to read: "A sense of human scaled elements at the interfaces of buildings, infrastructure and urban public spaces."
6. As proposed by the section 42a report, the phrase "good urban design" be replaced with the words "quality urban design" throughout the text. We are not persuaded that the words "best practice urban design" should be used instead, as suggested by Marsden Park. We consider it

important that the Plan state the outcome – being quality urban design – rather than what may be taken to be a method to achieve that outcome (best practice). The application of best practice should lead to quality urban design, but as with any implementation method, there will always be debate as to what is “best practice” at any one point in time. The retention of the outcome in the policy enables best practice to be judged against a criterion.

- 7.9. An important tool to help explain the new objectives and policies is Appendix 14. The Plan Change replaces the current Appendix 14 of the Plan with a new set of provisions. The revised Appendix sets out in detail the information requirements that are needed for subdivision and development applications to be considered as a restricted discretionary activity. It also sets out some pointers or indicators of what might be considered “good urban design”. However the Appendix is not a full blown urban design guide.
- 7.10. Appendix 14 drew some criticism from submitters in that there was uncertainty as to how it might be used. For example, it was unclear whether the indicators of good design were to be used to judge the adequacy or not of the information that had to be provided, while the status of these indicators was unclear, given there was no direct reference to them in the body of the Plan.
- 7.11. We agree with the submitters that a re-organisation of the Appendix would assist in its administration. We further note that we have some difficulty in reconciling Rule REr.107 with Appendix 14. Rule REr.107 refers to applications providing the information set out in Appendix 14. Yet Appendix 14 also sets out a range of what might be termed assessment matters. The explanation to Rule REr.107.4 goes on to say that the restricted activity application provides an opportunity for applicants to demonstrate through compliance with Appendix 14 that their proposed design solution is compatible with the outcomes sought by the Plan. To this end, the assessment matters in Rule REr.107.4 should also refer to Appendix 14 in relation to the “good design” indicators in the Appendix, but this link is not explicit in the rules.
- 7.12. We therefore find that Appendix 14 should be modified as follows:
1. The Appendix is to be re-organised so that there is a logical flow in terms of structure.
 2. The “process-related” paragraphs within the Appendix should be grouped in one place.
 3. The information requirements in AP 14.3 should be separated from the assessment indicators to clarify that there are two different assessments required: the adequacy of the information, based on the list of information needed, and as a separate exercise, the extent to which the proposed design (as described by the required information) meets the objectives and policies of the plan.
 4. The order of the information requirements of the Appendix should follow the order established in AP 14.2, namely site and context analysis, followed by design description. Currently this order is reversed for site and context analysis, while the design description section is at the end of the Appendix.
 5. The various matters listed in AP 14.3 relating to what information should be included on the various plans required by AP 14.2 should be brought forward into AP 14.2. This will help to reduce debate as to what information is needed to satisfy AP 14.2. As notified, the information

requirements set out in AP 14.2 were only stated in very general terms, with AP 14.3 intended to set out advice on what type of information was likely to be needed. In bringing forward the list of information requirements from AP 14.3 to AP 14.2, there is benefit in some editing and simplification.

6. With regard to information requirements listed under AP 14.2 b, we agree that referring to "preliminary infrastructure plans", as proposed by Mr Quickfall and Ms McNae is more appropriate than preliminary engineering plans.
7. Within AP 14.3.vii (now 14.2.1), the reference to a context area of 1km should be removed, such that it no longer refers to "Context analysis should typically extend a distance of up to 1km from all boundaries of the site".

8. Front yards

- 8.1. This topic area covers the interrelated issues of front fences and the location of garages.

Fences

- 8.2. The plan change introduces a "front fence" rule into the residential zone. Prior to the plan changes, fences up to 1.8m in height were not considered a building, and were therefore not required to be set back or otherwise comply with front yard requirements.
- 8.3. We heard evidence from Mr Lile, who talked about his own family's property and the decision to build a high front fence so as to protect their privacy. He also considered that insufficient attention had been paid to the safety issues, as experienced by inner city residents, arising from disorderly behaviour of intoxicated pedestrians passing their property.
- 8.4. Mr Jack, an experienced architect and member of Council's urban design panel, presented photos of different types of front fences, pointing out that a range of designs were possible that provided a degree of enclosure for residents, while presenting a high quality streetscape. He was also concerned that the provisions could see poor outcomes, such as lattice type fencing attached to 1.2m high close boarded fencing; this being an example of compliance with the proposed provisions but done so in a very simplistic way.
- 8.5. Staig and Smith Ltd (Ms McNae) submitted that a non-regulatory approach was more appropriate in relation to the design of fences.
- 8.6. As part of the Hearing, we inspected a number of streets to the north and east of the CBD. We were struck by the extent to which low front fences were part of the established character of the area. We were also struck by the extent to which poorly designed taller front fences change the look and feel of a street, particularly where there are several in close proximity and there is a noticeable cumulative effect on the street environment.
- 8.7. In our opinion, low or visually permeable front fences are an important component in enabling community interaction, and in maintaining the character and identity of inner city areas. They also have a role in deterring some forms of street crime, based on the information presented to us, although we would not place a great weight on this.
- 8.8. With regard to the desire for on-site privacy, we agree that there is a natural desire to provide privacy and a sense of security which has a logic to it at an

individual level, but collectively there is a problem when that desire sees streetscapes degraded. At some point, the benefits to an individual get outweighed by the collective loss of features valued by the community at large.

- 8.9. We agree that on busier roads, there is a greater need for residents to maintain a sense of separation from these roads, but also the need to maintain a sense of interaction with the street and the openness of streetscapes is greater than on minor roads. This is because busier roads are a more visible statement of a city's character and amenity than minor roads, while they also attract more pedestrians.
- 8.10. We are satisfied that the plan change should, as a permitted activity, limit fences to a maximum height of 1.2m, for properties that front minor (unclassified) roads. We find that the rules should be modified so that for fences on classified roads, there is some flexibility over design. For any fence above 1.2m, the average permeability over the entire face of the front boundary is to be at least 50%. This will enable visual permeability to be considered in both a vertical or horizontal sense (some full height solid panels, some transparent sections, for example, as well as allowing for breaks for driveways and gates to front doors). For example, a site with a 15m frontage in total, including a 3m driveway, the 50% allowance would provide for a solid screening of up to 7.5m. This will allow for screening of more sensitive areas, such as a bedroom window that faces the street, while still ensuring visual interaction between the street and dwelling. However there is the need for a cross reference to Rule REr.40, which limits heights of fences adjacent to driveways. Assessment criteria should be modified so that the degree to which landscaping mitigates the effects of high solid fences is introduced as a matter of discretion.
- 8.11. The revised provision is as follows:

Policy: RE3.5 Streetscape

Sites, buildings, fences and landscaping fronting onto roads should present an appearance which enhances the overall streetscape and maintains the open, landscaped character of front yards that is typical of Nelson. Hard landscaping including car parking, should be minimised. The design of buildings, structures (including fences), roads and parking spaces (in front yards and on the street) should assist in making streets safer environments by enhancing informal surveillance, enabling community interaction, and being people orientated.

Explanation and Reasons. The third sentence of RE3.5ii should not be included, but be substituted with the following:

There are two different types of streetscapes anticipated according to whether or not the road is classified or unclassified. For unclassified roads an open relationship between houses and the street is the common pattern found in the city, and hence low fences are appropriate. For classified roads, it is reasonable to expect some solid fencing to maintain residential privacy and mitigate road noise. However continuous high, solid fences reduce the safety and amenity of the street for pedestrians and disable community interaction. A mix of solid and visually permeable materials ensures that these two outcomes can be integrated.

Rules: REr.3.1 Fences

Fences are permitted if:

- a) Unclassified Road: in a front yard or on a road boundary the maximum height does not exceed 1.2m, and
- b) Classified Road: in a front yard or on a road boundary –
 - i. the maximum height does not exceed ~~2.0m~~1.2m, and/or
 - ii. any portion between 1.2m and 2.0m in height has a visual permeability of at least 50%, and for any fence over 1.2m in height:
 - the total height does not exceed 2.0m, and
 - at least 50% across the entire front boundary is visually permeable (as measured by the total length of the front boundary and the height of the fence).

And

Assessment matters:

REr31.3 matters of discretion, add: landscaping and planting

Assessment Criteria: Add g): the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences.

An explanation of the term visually permeable should be added to REr.31.5 as follows:

Visually permeable for front fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.

- 8.12. We further recommend that a draft guideline on appropriate fence designs be prepared for release at the time of this decision. A simple consent process to assist with the restricted discretionary consent process required to consider alternative fence designs would also greatly assist in reducing concerns that the proposed provisions will see “high front fences banned”.

Garages

- 8.13. The plan change introduces provisions that limit the ability to have a garage that sits forward of the main building. Previously, garages could be built within the front yard. As notified, the provisions require that garages be set back at least 1m from the main facade of the home, while any length of wall longer than 5m facing the road must contain a window or door. If this is not possible, then the new provisions trigger a restricted discretionary activity application.
- 8.14. Mr Jack provided a range of photos showing different garage arrangements. On hill sites he said it was a common typology for garages to occupy part of the front yard due to the steepness of sites. On the uphill side, garages could often form basements, thereby being part of the overall building facade, but on the downhill side, more often than not, garages had to sit forward of the

house. In this case, landscape treatment was important in terms of streetscape, while the driveway usually ensured some view of the main dwelling - in most cases the front door and overlooking windows. Furthermore, the topography tended to help "hide" part of the garage, when viewed from the street.

- 8.15. We agree with Mr Jack's assessment that the design issues involved in sloping sites are different to those of flat sites. On flat sites, we consider that the design issues with garages in front yards are perhaps more complex, than on sloping sites. On a narrow infill site, a garage could occupy the majority of the frontage, limiting the extent of positive interaction between the street and the dwelling. At the same time, alternative locations for the garage such as to the side or rear of the property may be constrained due to the existing dwelling's footprint. The context of a flat site tends to increase the visual prominence of the garage. At least on sloping sites, topography helps to soften visual issues.
- 8.16. Submissions requested that greater recognition be given to these different circumstances, and the potential for more thoughtful architectural and landscape design to help mitigate the adverse effects of garage buildings in front yards, on streetscape and amenity in general.
- 8.17. In considering the submissions and evidence, we do note that the Plan's provisions already recognise the difference between sloping and flat sites. For example REr.25.4 refers to whether the topography of the site worsens or softens the impact of buildings in the front yard, while the explanation indicates that "an exemption to the parking requirement is provided for steep sites". Words that state "it may be appropriate to relax the front yard standards if a positive private to public relationship between the dwelling and the street can be demonstrated" are also proposed to be added by PC14.
- 8.18. In our deliberations, we considered the option of developing a set of permitted activity standards for front yards involving sloping sites, but found that this was not an easy task. Instead, we consider that the plan change correctly proposes the use of the restricted activity category for developments that cannot meet the permitted standards, and that there is scope within the current and proposed provisions to address the issues raised in evidence.
- 8.19. We make the following, relatively minor changes:
 - Referring to streetscape amenity and surveillance of the street in the assessment matters and explanation.
 - Making it clear that mitigation landscaping does not include hard surfacing. The explanation and reasons promote planted or garden areas in the front yard. This preference should be carried through to the assessment matters when landscape treatment is offered as a means of mitigation.
 - Clarifying that reverse manoeuvring of vehicles is not restricted for properties that front unclassified roads, and in fact is encouraged where this enables garages to meet the front yard rules.

The amended provisions are:

REr.25.4: Assessment Criteria

a) *The extent to which any breach of the front yard standards contributes to enhanced street amenity and safety, including maintaining a relationship between residential elements (windows, doors, porches) and the street environment and a more visually rich streetscape.*

h) *The design and appearance of proposed fencing and landscaping in the front yard. Trees and vegetation are preferred to hard surfaces.*

i) *The ~~ability~~ opportunity for safe reverse manoeuvring onto the street on unclassified roads.*

Amend the following explanatory note to REr.25.5:

Fourth paragraph, adding the words "and surveillance" to the sentence:

"Conditions can be placed on the appearance of the building and on landscaping requirements in order to ensure amenity and surveillance of the road is adequate.

Add the following to the start of the sixth paragraph:

The restricted discretionary category is provided for departure from the permitted activity standards in certain circumstances.

9. Road Hierarchy Map

- 9.1. PC 14 amends the road hierarchy map. The changes update the map to represent current levels of service, use and definitions of roading classifications in the NCC Land Development Manual 2010. Two submitters requested amendments to the new classifications.
- 9.2. Mr Mark Lile submitted that the identification of the lower Collingwood Street route (covering Collingwood Street between Collingwood Street Bridge and Wainui Street) as collector roads is inaccurate given the traffic volumes and function of this road, and that this section of the road should be identified as a sub-collector. On the other hand, he considered that Collingwood Street through to Waimea Road was a collector road, not a sub collector as identified.
- 9.3. Mr James, Principal Advisor – Transport, provided a written statement on these submissions and was in attendance during the Hearing. He recommended that the lower section of the Collingwood Street route be retained as a collector road. He recommended that the section of the Collingwood Street route through to Waimea Road should have a collector road status, as proposed by the submitter.
- 9.4. We support the evidence of Mr James. It appears to us that the Collingwood Street route should have a consistent classification, given that it operates as a continuous route around the eastern side of the CBD, even if traffic volumes vary between the upper and lower sections.
- 9.5. We therefore find that the road hierarchy maps A2.1 and A2.2 are to be amended 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. The lower section of Collingwood Street is to remain a Collector.

- 9.6. The other submission requested removal of the proposed roads shown on the road hierarchy map. We deal with this submission in the next topic.

10. Other Matters

Comprehensive Housing Developments

- 10.1. Marsden Park Limited (represented by Mr Quickfall at the Hearing) lodged submissions requesting amendments to the provisions applying to comprehensive housing developments.
- 10.2. PC 14 makes it easier to undertake comprehensive housing developments in the higher density areas of the residential zone. A new restricted discretionary activity status is introduced to this end, replacing the current discretionary regime. The full discretionary category is retained for comprehensive developments outside of the higher density area.
- 10.3. The Marsden Park submission sought to have this new activity class apply to all of the residential zone – not just the higher density areas - as well as to policy changes that supported this move.
- 10.4. At the Hearing, Mr Quickfall outlined that comprehensive housing development did not necessarily mean higher density housing. A comprehensive approach to the development of a larger site could lead to a more innovative design response than a standard development, but not involve additional houses, for example. He considered that the discretionary status for comprehensive housing outside of the higher density area was restrictive when the intention of the plan change was to enable better design outcomes.
- 10.5. We have some sympathy with the idea of enabling better design outcomes, as proposed by the plan change. However, we do not agree that this needs to involve a change in activity class for all types of comprehensive housing as proposed by the submitter. We agree with making a distinction in terms of activity status for comprehensive housing that is within the higher density area of the residential zone. Here there is a clear, established policy direction for more intensive housing development to be enabled, with the main issue being the design of that development. Outside the higher density areas, more intensive development may be appropriate in some locations, but far from all. In this regard, it is necessary to consider design, location and compatibility with the surrounding environment, and the discretionary status allows for the full consideration of these issues.
- 10.6. We further note that the type of rearrangement of standard development mentioned by Mr Quickfall should be treated on its merits and that this type of development should sit comfortably with the objectives and policies associated with comprehensive housing development in the residential zone, supplemented by the policies supporting better design outcomes introduced by PC 14. In this regard, the plan change provides a degree of additional support for the type of development outlined.
- 10.7. We note that it would be desirable if the Plan acknowledged some support for flexibility over average site sizes, to assist with better design outcomes when a comprehensive approach is taken. This is something the Council may wish to look at in future reviews of the Plan.

Housing in the Service Overlay

- 10.8. A specific issue raised in submissions and where the section 42a report recommends amendments to the notified provisions of PC 14 relates to new

houses being built in the Services Overlay in areas that might foreclose future roading and infrastructure options.

- 10.9. The rule as notified adds a new rule to the Rural Zone, being rule RUr.49A Services Overlay – Building. A similar rule also applies in REr.63. This rule states that new dwellings or extensions to dwellings in the Services Overlay is permitted only if it is on a lot created after the date of notification of the plan change, otherwise development is a restricted discretionary activity. The intention of this rule was to “catch” development of lots where inadequate consideration may have been made as to whether the lot would frustrate future linkages.
- 10.10. As noted by submitters, the effect of the new rule is that a number of allotments created prior to the plan change will be caught up in the need for resource consent when it comes time to build a dwelling, but where suitable arrangements have already been made in terms of services and roading. In these cases, there is no need for Council to exercise discretion over whether a dwelling should be built on the lot, as that had been dealt with when the lots were created.
- 10.11. Rule RUr.49A and REr.63 are recommended to be amended in the Section 42a report. The emphasis of these rules is to be placed on whether a new dwelling is to be located within the path of a future road. A future road is one that is an indicative road on a structure plan; shown as a proposed road on the Road Hierarchy Map; or a Proposed Road on any planning map.
- 10.12. Examination of the revised rule and relevant maps led the Commissioners to question whether all of the proposed future roads shown were likely to eventuate. We also note that one of the submissions (Submitter 27) sought the deletion of proposed roads shown on the road hierarchy map. The point being that if a road is not likely to be built in the location shown on the planning maps, then the need for a lot owner to obtain a consent to build a dwelling so as to not frustrate that road connection is somewhat redundant.
- 10.13. However we are not minded to remove any of the proposed roads from the various maps listed, where they fall within the Services Overlay. For example, of the two proposed roads shown on the road hierarchy map, we were informed that the dotted sub collector road from Princess Drive to Waimea Drive is being provided as part of the subdivision of that area and so will not result in any issue associated with future lots being in the way of that road. In other cases, proposed roads have arisen from Structure Plan exercises and as a result, the location of lots and dwellings relative to roads would have been taken into account in the preparation of these plans. In other words, it seems unlikely that the new rule, as modified by the Section 42a report, will trigger a host of unnecessary consents while it eliminates the small risk of development occurring on lots ahead of the identified road networks being extended.

11. Overall Decision

- 11.1. Having considered the requirements of the RMA, the officers report and comments and the evidence and issues raised through submissions, the Hearings Panel considers that the plan change (with amendments as set out within this decision or as otherwise recommended by the Section 42a report) better meets the purpose of the RMA than the present provisions of the Plan. It will allow the NRMP to more effectively manage future development of the natural and physical resources of the city in a way and at a rate that meets

the needs of present and future generations, while improving the amenity of the city and the quality of its built environment.

Hearing Committee Authorisation

Derek Shaw (Chair) DM Shaw

Gail Collingwood GP Collingwood

Ruth Copeland ~~Ruth Copeland~~

David Mead DM Mead

Mike Ward Mike Ward

Date 14.6.2012

PART B: Decisions by Submission Topic

12.0 Introduction

In **Part B** of this decision 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 decision is made on each point. Amendments, additions or deletions to the proposed Plan Change text are then made. The changes to the Plan Change text are shown in **Part C** of this report.

12.1 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 Roading Hierarchy Map
- Topic 39: Consequential Amendments

12.2 An index of which topic each individual submitters submission points are considered under is provided below.

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.

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7	Ian Jack	7.1	11	33
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18	Bill Moulder	18.1	25	50
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19	John Black	19.1	27	53
20	Peter Olorenshaw	20.1	20	44
21	Gerald Renshaw	21.1	27	53
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24	Robert Murphy	24.1	37	73
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25	Alison Johnston	25.1	27	53
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26	Chris Hurley and Irene Turner	26.1	2	26
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13. Decisions on Submissions by Topic

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

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
Submission 3: Viastrada Nelson Ltd	Statement 1

Oppose

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

DISCUSSION

These submitters seek deletion of the statement to be added to the administration section of the Plan identifying that in undertaking a rolling plan review there may arise some inconsistencies between objectives and policies within different chapters of the plan.

We acknowledge that it is not good practice for there to be inconsistencies and therefore the Plan should not state this as a likelihood. Such an acknowledgement may be taken as tacit support that such inconsistencies are acceptable.

Where inconsistencies arise, then these will need to be worked through on a case-by-case basis as part of consent processes. The proposed acknowledgement does not assist in this resolution process.

The submissions are therefore accepted.

Decision

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 proposed new INd.9.

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

This topic covers five submitters' points in relation to the amended wording in the Services Overlay description in the Administration Chapter of the Plan.

Submission 2: Marsden Park Ltd	Statement 2
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Further Submission X1: Staig & Smith Ltd	X1.1
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Support Submission 2 Statement 2

Submission 8: Nita Knight	Statement 1
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Further Submission X1: Staig & Smith Ltd	X1.4
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Support Submission 8 Statement 1

Submission 16: Stoke Valley Holdings Ltd & Solitaire Investments Ltd	Statement 1
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Submission 26: Chris Hurley and Irene Turner	Statement 1
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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.

DISCUSSION

These submitters seek that the proposed addition (clause a) to the Administration Chapter's description of the Services Overlay be deleted. This clause states that if servicing (roading, wastewater, stormwater and water) of a development area is not scheduled in Council's 10 year Long Term Plan (LTP), then the required infrastructure will need to be fully funded by the developer, including the provision of adequate capacity to serve the wider development catchment.

We understand that the purpose of clause a) is to signal to the development community that if there is a subdivision that is sought to be undertaken in the next 10 years, and a developer would like Council to fund infrastructure provision to support it, but this infrastructure is not currently planned for by the Council, then a submission should be made to Council's LTP during its 3 yearly review or to the Annual Plan. 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 if it is a priority. Such a process also provides certainty for developers, in terms of the roll out of services to urban growth areas by Council.

While we agree with the principle behind the proposed statement, we accept the point of the submitters that it is not the role of the District Plan to provide solutions for how necessary infrastructure is to be funded. Therefore we 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". This sentence identifies a potential solution to a constraint.

Having decided that, we are of the view that the first sentence under clause a) should be retained as it identifies a reason for which a property may be located in the Services Overlay.

DECISION

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 Nelson Development Strategy as 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.

DISCUSSION

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 for the Services Overlay. The Overlay applies to land with a number of constraints, which are listed. The section already notes that these constraints must be addressed before development can proceed and that where this has been achieved (i.e. the constraints removed), then resource consent will not be declined. In other words, the section already signals the ability for particular developments to remedy or mitigate adverse effects in terms of the infrastructure issues involved in the Services Overlay.

We have therefore decided that Submission 11, Statement 1 be rejected.

DECISION

Submission 11, Statement 1: Reject

AMENDMENT TO PLAN CHANGE

Nil

13.3 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.

Submission 15: NZ Transport Agency

Statement 1

Support

Decision Sought: Retain RI14A Urban Design Issues.

DISCUSSION

The submitter seeks that the proposed urban design issues be retained.

On the basis that the submission expresses support for the urban design issues to be inserted in the Plan, and there are no submissions in opposition to this particular provision, we have decided that the submission is to be accepted.

DECISION

Submission 15, Statement 1: Accept

AMENDMENT TO PLAN CHANGE

Nil

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

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

Submission 15: NZ Transport Agency**Statement 2****Support**

Decision Sought: Retain RI14B Sustainable Land Transport Issue.

DISCUSSION

The submitter seeks that the new sustainable land transport issue be retained.

On the basis that the submission provides unconditional support for the issue, and there are no submissions in opposition, we have decided that the submission be accepted.

DECISION

Submission 15, Statement 2: Accept

AMENDMENT TO PLAN CHANGE

Nil

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

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.

DISCUSSION

The submitter seeks that the amendments to the District Wide objectives be retained.

On the basis that the submission supports the changes and there are no submissions in opposition, we accept the submission.

DECISION

Submission 15, Statement 3: Accept

AMENDMENT TO PLAN CHANGE

Nil

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

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'.

DISCUSSION

The relevant policy relates to the environmental effects of motor vehicles. The proposed change to the policy promotes more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services as a means to minimise the number and length of vehicle trips and encourage modal shifts.

In our view, it is good urban design and transport planning practice for more intensive development to be encouraged around nodes of services where different transport options are available. While on an individual site basis, intensification may mean more traffic in a local area compared to current levels, on a city-wide basis, intensification and co-location should help reduce average, per capita car use and vehicle trip lengths.

We note that the proposed amendments are complimented by new Residential Zone policy and methods introduced by the Plan Change (such as RE1.2A Comprehensive Housing and REr.22 Comprehensive Housing Development) which encourage co-location of higher density development in close proximity to services and facilities. We do not wish to alter this policy, and therefore do not want to undermine it by changing related provisions.

On this basis, we have decided that the proposed amendments to the policy are to be retained and the submission is rejected.

DECISION

Submission 15, Statement 4: Reject

AMENDMENT TO PLAN

Nil

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

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.

DISCUSSION

The submitter seeks that the proposed additions to the explanations and reasons for Policy 10.1.2 (Road network) be retained. These changes describe how different classifications of road require different design treatments appropriate to their function. The suitability of reverse manoeuvring between classified and unclassified roads is used as an example of these differences.

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, we have decided that the submission be accepted.

DECISION

Submission 12, Statement 1: Accept

AMENDMENT TO PLAN CHANGE

Nil

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

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

DISCUSSION

The proposed changes to this policy seek to ensure that new roading developments are integrated with the adjoining road network and the surrounding environment. This is to promote a more connected street network and avoid the problems that have arisen from poorly integrated urban areas (including traffic congestion). However, in creating a more connected street network, it is necessary to take into account environmental effects of these connections.

On this point, Submitter 2 and 26 submit that the policy be amended to account for situations where topographic restrictions prevent roading connections to adjoining properties. We consider it unnecessary to add words to this effect as the policy is wide enough to apply to vehicle, walkway or cycleway forms of road connections, one of which is always practicable in any development, even those restricted by topography. However to improve clarity we have amended the policy by taking out the word "and" and replacing it with the word "while". This will more clearly state that connectivity is generally required, provided that this connectivity does not harm the environment or increase safety hazards.

Submitter 5 seeks that the policy is reworded by placing the reference to the environment earlier in the text. The reason for this change is that it will avoid any confusion between effects on the road network and effects on the environment generally. We agree that the proposed rewording is an improvement of the policy and accept that the placement of the words 'the environment' earlier in the sentence improves clarity.

On the basis of the above discussion Submissions 2 and 26 are accepted in part. Submission 5 is accepted as it does improve the clarity of the policy.

DECISION

Submission 2, Statement 3: Accepted in part

Submission 5, Statement 1: Accept

Submission 26, Statement 2: Accept in part

AMENDMENT TO THE PLAN CHANGE

Amend policy DO10.1.3 as follows: "New roads and intersections should integrate with the adjoining road network ~~and~~ while not adversely affecting the environment, or the safety or efficiency of the road network ~~or the environment~~".

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

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.

DISCUSSION

The submitter seeks that the amendments proposed to the explanations and reasons of this policy be retained.

The submission does, however, point out an inconsistency with the proposed roading hierarchy categories whereby 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. This is a point that is discussed under Topic 38.

We agree that this policy and its explanations and reasons should be retained, in the knowledge that the roading classifications are examined further under Topic 38.

DECISION

Submission 12, Statement 2: Accept

AMENDMENT TO PLAN CHANGE

Nil

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

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

Submission 15 NZ Transport Agency

Statement 5

Conditional support

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

DISCUSSION

This submission seeks to insert an additional method of achieving policy D010.1.7. This policy refers to pedestrian and cycle traffic. The additional method is the establishment of cycle parking facilities.

We consider the additional method is complementary to the policy and the sustainable management of the transport network resource in general. We therefore accept the submission.

DECISION

Submission 15, Statement 5: Accept

AMENDMENTS TO PLAN CHANGE

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

13.11 Topic 11 DO13A Urban Design (Chapter 5)

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 to the whole proposed section DO13A Urban Design. Specific submissions in relation to the proposed individual objectives and polices 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

DISCUSSION

Urban Design is a topic we discuss in Part A of the Hearings Decision report. Here we address the specific submissions on the proposed objectives and policies.

Submitter 7 seeks that the proposed Urban Design Policies in Chapter 5 be retained. Subject to the changes made in response to the next submission, we accept this submission.

Submitter 2 seeks that a number of amendments be made throughout the proposed District Wide Urban Design Objectives and Policies in Chapter 5. We respond to each of these submissions point in turn:

- a) Submitter 2 seeks that the term 'human scaled' be clarified to make it more certain and less open to misinterpretation, e.g. the term human scale is amended to add '2-3 stories' after it.

We acknowledge that one of the difficulties with urban design is the use of terms that are not necessarily black and white. This is the nature of many of the concepts embodied in the Resource Management Act including terms such as 'intrinsic values', 'amenity values' and 'landscape values'. All of these terms require assessment and consideration of the context of the issue or proposal. This is also the case with the term 'human scale'. In this regard, human scaled buildings do not just mean lower height buildings. Human scale also has relevance to the vertical and horizontal articulation of buildings – for example, a 6 storey building can have human scaled elements to it that help to break down the overall mass of the building.

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

"A sense of human scale at the edges of the space".

We agree that clause b) of the policy could be reworded but consider that the amendment proposed by Mr McIndoe misses the point of interrelationships between buildings and spaces. We consider that the policy should read: *A sense of human scaled elements at the interfaces of buildings, infrastructure and urban public spaces.*

We therefore find that the proposed addition of the words "e.g 2-3 stories' following each use of the term 'human scale' in Chapter 5 is not appropriate, but the submission is accepted in part to the extent of the above change.

- b) Submitter 2 seeks that the subjective wording in the Chapter 5 be replaced with more precise wording. The submitter provided examples of wording considered too subjective such as 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. The Submitter has not provided any suggested alternative wording.

As discussed in our Part A report, we do not agree that there needs to a significant re wording of Chapter 5 along the lines of the submission. We note that Policy DO13A

Prominent Buildings and Spaces as described by the Plan relates to those urban places and spaces that have a high level of public use such as entrances to Nelson, sites within the city centre, sites on major transport routes/intersections and sites around the waterfront. The application of the policy is therefore much more limited than what the title may imply. However, as set out in our Part A report, we see benefit from rationalisation of the Inspiring objective to ensure it is directed at public spaces. We therefore accept in part, part b) of Submission 2.

c) Submitter 2 seeks that the objectives and policies in DO13A 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.

A copy of the NZ Urban Design Protocol was made available to us during the Hearing. Our interpretation of the Protocol is that it uses a generic and easily remembered check list of factors called the seven Cs to 'advertise' the elements of good urban design. The Protocol can also be described as a call to action, with each signatory expected to develop its own action plan. As part of this, it is reasonable that Nelson City Council will develop its own set of urban design based objectives and policies that fit its context. We see no harm in this. Accordingly we do not accept the submission.

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

The policies to be introduced by the Plan Change have specific methods identified through which Council intends to achieve the policy, including some that involve partnership with the community. For example, we note that Appendix 14 refers to Council's major projects team, while the Urban Design Panel can offer non-statutory advice. We have also noted in this Decision the need to provide guidance on streetscapes and to develop practice notes and training associated with urban design. These initiatives are listed at the end of this Decision. On this basis, we find that point d) in Submission 2, Statement 2 be accepted in part.

DECISION

Submitter 2, Statement 5: Accept in part

Submitter 7, Statement 1: Accept in part

AMENDMENTS TO PLAN CHANGE

Objective DO 13A.5 "inspiring places" and associated reasons are deleted and incorporated into DO 13A.3 (Creating High Quality Public Spaces).

The revised objective DO13A.3 is to read as follows:

Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that are beautiful and inspiring, provide for and enable social, cultural, economic and environmental well being and enhance amenity values.

The explanation and reasons are to be amended as follows, with the following text inserted after the third sentence of the second paragraph to read as follows:

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. Public spaces which are prominent and which are intended to have a high level of public use are deserving of inspirational design.

Policy DO13A.5.1 and associated explanations and reasons and methods relating to prominent buildings and spaces is to be shifted so that it sits under the revised Objective DO 13A.3.

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

A sense of human scaled elements at the interfaces of buildings, infrastructure and urban public spaces.

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

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.

DISCUSSION

Submitter 27 seeks that the proposed objective 'Recognising the local context' be retained, for the reason that it supports the importance of the natural environment in planning. We agree with this point. The submission is accepted.

DECISION

Submission 27, Statement 1: Accept

AMENDMENTS TO PLAN CHANGE

Nil

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

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'.

Submission 14 Staig & Smith Ltd Statement 1

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.

DISCUSSION

These submissions refer to a policy which reads: 'Subdivision and development should relate to local topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns.' Submitter 2 is unclear as to what is meant by the words 'relate to' and as a result, in their view the policy is open to interpretation and does not provide sufficient direction as to outcomes.

We do not consider that the policy needs to be amended. The words 'relate to' require the more active incorporation of relationships and interconnections into development plans than the words 'consideration of'. This more active approach to the consideration of surrounding context is important to ensure place-specific designs emerge.

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.

We agree that the term could be better explained. This can be achieved through adding to the explanations and reasons for the policy, rather than introducing a new definition. We find that the words proposed in the section 42A report to help explain the concept are appropriate.

Further in this regard, we note that Rule REr.25 Front Yards includes in the explanation statement, the following: "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". This statement should be also included in the explanations of Rules REr.31 Fences, and REr.107 Subdivision.

We also consider it appropriate that Appendix 14 should include reference to valued development patterns in the context analysis section.

These changes will assist with the clarity, coherence and effectiveness of the policy in achieving the objective and help achieve cross referencing as sought by the submitter. Accordingly the submission is accepted in part.

DECISION

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

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 if they 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 the explanation column of Rule REr.25 to be consistent:

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.

Amend Appendix 14 AP14.3.vi (renumbered as AP14.2.1.ii) as follows:

A thorough appreciation of the overall site context is the starting point for quality 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.

13.14 **Topic 14: DO13A.2 Improving Connections**

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

Submitter 5 Department of Conservation

Statement 2

Support

Decision Sought: Retain Objective DO13A.2 Improving Connections Objective

Submitter 27 Royal Forest and Bird Protection Society NZ Inc

Statement 2

Support

Decision Sought: Retain Objective DO13A.2 Improving Connections Objective

DISCUSSION

Submitters 5 and 27 seek that the proposed objective 'Improving Connections' be retained as it recognises the importance of biodiversity (ecological corridors) 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, the submissions is accepted.

DECISION

Submission 5, Statement 2: Accept
Submission 27, Statement 1: Accept

AMENDMENTS TO PLAN CHANGE

Nil

13.15 Topic 15: DO13A.2.2 Natural Connectivity Policy

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

Submitter 5 Department of Conservation

Statement 2

Support

Decision Sought: Retain Objective DO13A.2.2 Natural connectivity Policy

Submitter 27 Royal Forest and Bird Protection Society NZ Inc Statement 3

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."

DISCUSSION

Submitter 27 seeks an amendment to the policy because it may not always be appropriate to make multiple use of natural environment areas.

We agree that the addition of the words 'where appropriate' signals 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 and enhances its effectiveness in terms of prioritising enhancement and restoration.

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, the submission is to be accepted.

DECISION

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

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.

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

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

DISCUSSION

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

On the basis that the proposed objective will have to be interpreted in terms of the sustainable management purpose of the Resource Management Act (and not be taken to have a wider 'four well beings' meaning under the Local Government Act), the submission is accepted.

DECISION

Submission 27, Statement 4: Accept

AMENDMENTS TO PLAN CHANGE

Nil

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

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 an additional item: 'inclusion of environmental options for the treatment of human waste'.

DISCUSSION

The relevant policy sets out a list of opportunities to reduce the wider environmental footprint of urban development and suggests that subdivision and development, in being environmentally responsive, should consider these options. The addition of the consideration of environmental options for the treatment of human waste is not incompatible with the list of opportunities or any other objective and policy in the Plan.

However we consider that the meaning of the term 'environmental options' as proposed by the submitter is unclear and that instead the words 'inclusion of innovative and sustainable options for the treatment of human waste' be used. This wording is more specific and is within the terms of the submission.

DECISION

Submission 27, Statement 5: Accept

AMENDMENTS TO PLAN CHANGE

Amend Policy DO13A.6.1 Environmentally responsive (now renumbered to Policy DO13A.5.1) by adding additional opportunity as follows:

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

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

This topic covers three submitters' points in relation to the proposed amendments to the Services objectives and policies. 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

DISCUSSION

We discuss the general issues raised in the submissions to the Services Overlay in our Part A report, and have identified a number of changes to the proposed provisions. Here we deal with the detail of each submission.

OBJECTIVE DO14.3 Services

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 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 by default it has development potential. Therefore the addition of the words 'suitably zoned' is not required. Having said that, it would be appropriate to replace the word 'adjoining' with the word 'other' so that it is clear that the policy requires consideration, where relevant, of all land in the Services Overlay. To this extent we therefore agree with the idea of using the more encompassing phrase 'suitably zoned land' as proposed by one submitter, while also noting that on the one hand, the objective (DO14.3.1) refers to adjoining land, but the additional policy matters added by the plan change refer to land in the vicinity. We consider it appropriate that the objective be modified to be consistent with the amended policy.

We find that this part of Submission 2, Statement 6 be accepted in part.

Submitter 26 seeks that the proposed changes to the objective be deleted on the basis that the associated rules are overly restrictive. The relevant rules are considered under Topic 29 and 33. As discussed under these topic headings, while there are changes to be made to the rules, the objectives and policies provide an appropriate basis upon which to consider infrastructure issues.

On this basis, Submission 26, Statement 3 is rejected.

Submitters 2 and 16 seek that the proposed amendments to Policy DO14.3.1 Roading and Policy DO14.3.2 Drainage, Water and Utilities be deleted. In particular they seek deletion of those parts of the amendments which identify 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.

As set out in our Part A report, we agree that the relevant assessment matters should be amended to clarify that it is not the expectation that funding of area-wide infrastructure will be a consenting issue. However, it is appropriate for the policy to signal that the council will fund network extensions where it has plans to do so. In other cases, landowners are likely to have to agree some form of cost sharing if they wish to proceed ahead of council funding.

We find that these submissions be accepted in part.

As a consequential amendment, the same changes should be made to DO14.3.2.

DECISION

Submitter 2, Statement 6: Accept in part

Submitter 16, Statement 2 & 3: Accept in part

Submitter 26, Statement 3: Reject

Further submission X1, Statement X1.2: Reject

AMENDMENTS TO PLAN CHANGE

The last part of Objective DO14.3 should read:

"...and the development potential of ~~adjoining~~ other land in the Services Overlay".

Clause (f) of policy DO14.3.1 should be amended so that this refers to:

"the road network requirements to support the access and connectivity of future developments on other land in the ~~vicinity in~~ Services Overlay".

The text at the end of Policy DO 14.3.1, after clause (f), beginning "The road network required to service the subdivision..." should be made a new sub clause - (g) The first sentence of this new sub clause (g) should read:

(g) The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder, and vested in Council as part of the development.

The second sentence of the new (g) should be reworded as follows:

Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases, it is expected that the necessary roading shall be funded by the consent holder (with costs shared amongst benefitting landowners, where relevant).

The Explanation and Reasons should be amended, as a consequential change, by:

- removing the words "Council's Strategic City Development Plan" from DO14.3.1.iii; and
- adding the words "there may be circumstances whereby roading is funded and constructed by way of cost sharing agreements amongst landowners" to the end of DO 14.3.1.iii

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

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

Submitter 15 NZ Transport Agency

Statement 6

Conditional Support

*Nelson Resource Management Plan
Proposed Plan Change 14*

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.

DISCUSSION

The removal of the word 'local' results in the relevant statement having application to the whole road network, not just the local road network. We are of the view that the proposed amendment is consistent in the context of the policy, in that the policy does not distinguish between local or other types of roads.

Submission 15, statement 6 is therefore accepted.

DECISION

Submission 15, statement 6: Accept

AMENDMENTS TO PLAN CHANGE

Amend explanation and reasons DO14.3.1.i a) 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.

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

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.

DISCUSSION

Our understanding is that the Council does not force owners in the Rural Small Holdings Higher Density Area to connect to reticulated services. However there is a requirement that on-site wastewater disposal and water collection needs to be shown to be the most appropriate method, given environmental conditions and the availability of reticulated services. We also note that 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. In other words, there is flexibility in the provisions to accommodate on-site systems as sought by the submitter, with guidance provided as to what standards need to be met. On this basis, Submission 20, Statement 1 is rejected.

DECISION

Submission 20, Statement 1: Reject

AMENDMENTS TO PLAN CHANGE

Nil

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

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', with best practice to be determined by the NCC appointed Urban Design Panel.

DISCUSSION

The reason provided by this submission for this change is that reference to 'good quality' urban design is highly subjective and open to wide interpretation as well as misinterpretation.

We understand that the term 'good quality' urban design is used in the NZ Urban Design Protocol. Having said that, we do acknowledge that the use of the word 'good' in front of 'quality urban design' is not necessary, nor consistent with the District Wide Objectives and Policies that are introduced by the Plan Change.

Furthermore, we consider the phrase 'best practice' is not the same as 'quality urban design'. Best practice is a means to achieve urban design outcomes. The policy should state the outcome.

On this basis we therefore find that the use of the word 'good' be deleted, and Submission 2 be accepted in part.

DECISION

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'.

13.22 Topic 22: RE1.2A Comprehensive Housing Policy (Chapter 7)

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".

DISCUSSION

The proposed amendments to the comprehensive housing provisions seek to reduce regulatory controls on this type of 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.

Submitter 2 seeks that the part of the policy relating to the encouragement of comprehensive housing development due to its location, be relaxed. In our view, the amendment would result in the policy encouraging comprehensive housing developments 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 appropriately provided where it is not in close proximity to services.

On the basis of the discussion in Part A of our report, we find that Submission 2, Statement 8 be rejected as the policy has intentionally been drafted to encourage comprehensive housing developments in areas that are in close proximity to services, shops, transport routes, open space and other urban amenities. As a consequential amendment under 1st schedule, section 10(2)(b) and given the amendments recommended under Topic 21 above, it is appropriate to delete the term 'best practice' in Policy RE1.2A Comprehensive Housing and replace with 'quality' to ensure consistency throughout the Plan Change.

DECISION

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.

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

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
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Oppose

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

Submitter 6 Alice Graesser	Statement 1
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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
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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
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Oppose

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

Submitter 22 Roger Jackson	Statement 1
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Oppose

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

Submitter 24 Robert Murphy	Statement 2
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Oppose

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

DISCUSSION

In our Part A report, we discuss our overall findings relating to fences and garage development in front yards. We identify the need to amend Policy RE 3.5 to better reflect the intention of the policy to retain the open streetscape character of the city and to support safer street environments that enable community interaction.

Submitter 2 states that the plan change's amendments to the streetscape policy have made the policy confusing and made it read like an explanation.

In our view, changes do need to be made to the policy help to better define what outcomes are sought, and these changes are set out below. Furthermore, we have made changes to the second paragraph of the explanation and reasons, which explain the classified and unclassified road distinction. The additions proposed by the plan change are deleted, as suggested by Submitter 2. This 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. As a result, Submission 2, Statement 9 is accepted in part.

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 to the policy make it overly prescriptive and restrictive. These comments relate more to the proposed amendments to the front yard and fence rules which are discussed in Topic 25 and 27 which follow. However we do agree that the wording could be amended to place the emphasis on the visual and amenity affects of development in the front yard. On this basis Submissions 12, 22 and 24 are accepted in part.

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.

Submitters 6 and 7 make the same statements in relation to amendments to the Streetscape Policy and the Front Yard and Front Fence rules (as discussed in Topics 25 and 27). Discussion of particular front yard provisions are 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. In relation to Policy RE3.5 Streetscape, the specific amendments suggested by the submitters are rejected. However we do see merit in the policy better stating outcomes. We have made changes to refer to landscaped character, which would allow for consideration of landscape treatment of frontages, but this needs to be also considered from the point of view of retaining an open character to streetscenes.

DECISION

Submitter 2, Statement 9: Accept in part

Submitter 6, Statement 1: Accept in part and refer to Topics 25 and 27

Submitter 7, Statement 3: Accept in part 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

Reword the first part of Policy: RE3.5 Streetscape as follows:

Sites, buildings, fences and landscaping fronting onto roads should present an appearance which enhances the overall streetscape and maintains the open, landscaped character of front yards that is typical of Nelson. Hard landscaping, including car parking, should be minimised. The design of buildings, structures (including fences) roads and parking spaces (in front yards and on the street) should be designed to assist in making streets safer environments by enhancing informal surveillance, enabling community interaction and being people-orientated.

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.~~

Re write RE3.5ii Explanation and Reasons by replacing the second sentence as follows:

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. There are two different types of streetscapes, according to whether or not the road is classified or unclassified. For unclassified roads an open relationship between houses and the street is the common pattern found in the city, and hence low fences are appropriate. For classified roads, it is reasonable to expect some solid fencing to maintain residential privacy and mitigate road noise. However continuous high, solid fences reduce the safety and amenity of the street for

pedestrians and disable community interaction. A mix of solid and visually permeable materials ensures that these two outcomes can be integrated.

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

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.

DISCUSSION

The proposed amendments to the comprehensive housing provisions seek to reduce barriers for this type of development in appropriate areas. To do so Rule REr.22 provides a new restricted discretionary, non-notified activity classification for comprehensive housing developments 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.

Submitter 2 seeks that comprehensive housing development be a restricted discretionary activity regardless of its location.

The changes to the comprehensive housing provisions favour co-location of more intensive housing in areas of the Residential Zone that are in close proximity to shops, services and transport routes. We consider this to be good planning practice which is supported by the existing policy framework in the Regional Policy Statement, particularly policies EN1.3.2, EN1.3.3 and methods EN1.4.5 and in NRMP policy DO10.1.1. These policies and objectives seek the integration of land use and transport outcomes through management of urban form.

DECISION

Submitter 2, Statement 10: Reject

AMENDMENTS TO PLAN CHANGE

Nil

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

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 Life

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

Submitter 18 Bill Moulder

Statement 1

Oppose

Decision Sought: Delete the proposed changes to REr.25

Submitter 25 Alison Johnston

Statement 2

Oppose

Decision Sought: Delete the proposed changes to REr.25

DISCUSSION

We begin by noting that Ian Jack's submission considered under topic 23 also referred to rule RE3.5 and REr.25.

The operative Front Yard rule takes what can be called a one-size-fits-all approach to permitted site development within the front yard, and does not distinguish between the types of streetscapes associated with classified and unclassified roads, or in relation to flat or sloping sites.

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 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.

In our view, the permitted activity standard 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 over which discretion is restricted and the associated assessment criteria recognise those situations where departure from the permitted activity standards may be appropriate.

We note that the assessment matters in REr25.4 already refer to topography. What could be usefully added would be further discussion of what elements are important when assessing applications.

On the basis of the discussion of this topic in our Part A report, and based on the urban design evidence from Mr McIndoe that we received, we find 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 accepted in part.

RECOMMENDATION

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

AMENDMENTS TO PLAN CHANGE

Amend REr.25.4: Assessment Criteria a), h) and i), by rewording as follows:

- a) The extent to which any breach of the front yard standards contributes to an enhanced street amenity, including maintaining a relationship between residential elements (windows, doors, porches) with the street environment and a more visually rich streetscape.
- h) The design and appearance of proposed fencing and landscaping in the front yard. Trees and vegetation are preferred to hard surfaces.
- i) The ~~ability~~ opportunity for safe reverse manoeuvring onto the street on unclassified roads.

Amend the following explanatory note to REr.25.5:

Fourth paragraph, adding the words "and surveillance" to the sentence: Conditions can be placed on the appearance of the building and on landscaping requirements in order to ensure amenity and surveillance of the road is adequate.

Add the following to the start of the sixth paragraph:

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.

13.27 Topic 26: REr.29 Corner Sites Rule (Chapter 7)

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

Submitter 14 Staig & Smith Ltd

Statement 2

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....."

DISCUSSION

The Submitter points out that, as written, the proposed addition of vegetation into the rule controlling the setback of structures on corner sites means that the rule will apply to all types of vegetation. They point out that low vegetation can improve streetscape amenity without impacting upon driver visibility. 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. We agree that the proposed amendment is an improvement on the current rule as it recognises the benefit to streetscape amenity of low planting while at the same time maintaining visibility at intersections. On the basis that the submission improves the clarity of the rule and the efficiency and effectiveness of it in terms of achieving the desired outcome, Submission 14, Statement 2 is accepted.

DECISION

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).

13.28 Topic 27: REr.31 Fences Rule (Chapter 7)

This topic covers 12 submitter's comments in relation to the proposed changes to the Fences Rule in the Residential Zone.

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.

DISCUSSION

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.

We acknowledge that such a holistic view of residential site design and development is beneficial and can lead to improved urban design outcomes, not just in relation to public spaces but also internally to a site.

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'. We agree with the need for the Council to promote positive examples of fence design that contribute to both public and private amenity. As part of this Decision we make a recommendation to the Council that a NCC Streetscape Guideline be prepared.

DECISION

Submission 1, Statements 1, 2, 3, 4 and 5: Accept in part

AMENDMENTS TO PLAN

Nil

Submitter 4 Michael Smith

Statement 2

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.

Submitter 6 Alice Graesser

Statement 3

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
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Oppose

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

Submitter 12 Mark and Kim Life	Statement 5
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Oppose

Decision Sought: Delete proposed changes to REr.31 Fences

Further Submission X1: Staig & Smth Ltd	Statement X1.6
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Support Submission 12, Statement 5

Submitter 13 Andrew Carter	Statement 1
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Oppose

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

Submitter 17 Alex St George	Statement 1
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Oppose

Decision Sought: Delete proposed changes to REr.31 Fences

Submitter 18 Bill Moulder	Statement 2
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Oppose

Decision Sought: Delete proposed changes to REr.31 Fences

Submitter 19 John Black	Statement 1
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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
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Oppose

Decision Sought: Delete proposed changes to REr.31 Fences

Submitter 23 Kelly Kivimaa	Statement 1
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Oppose

Decision Sought: Delete proposed changes to REr.31 Fences

Submitter 25 Alison Johnston

Statement 1

Oppose

Decision Sought: Delete proposed changes to REr.31 Fences

DISCUSSION

On the basis of the discussion set out in Part A of our Report, it is our opinion that the practice of using low and/or visually permeable front fences to maintain and enhance streetscape amenity is established good urban design practice, as well as being part of the character of Nelson.

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. Having said that, we acknowledge that adjustments to the fence rule are appropriate to allow greater flexibility over fence design in relation to sites that adjoin the busier, classified roads and to acknowledge the role that landscape planting can play.

Part A of our Decision report sets out our findings in relation to this issue and the changes to the proposed rules. What we address here is the integration of the new rule with an existing rule that has a bearing on fence heights, namely RE4.40 access and Section 4 of the Land Development Manual. The Land Development Manual states (4.3.15.4 Sight Distance) that for all residential vehicle access points, a visibility splay must be provided. Items may be located within the visibility splay provided they do not obstruct visibility to pedestrians. Generally this means avoiding objects and vegetation with a height of more than 1.2m. The visibility splay is up to 2m either side of the driveway and 1.5m deep into the property. In other words, at least part of the frontage is likely to involve a fence no more than 1.2m high. We do not see there to be conflict with the revised rule for fences over 1.2m in height, but a cross reference is in order to clarify that any fencing over 1.2m has to be clear of the required splay.

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: are accepted in part, to the extent that greater flexibility is provided in relation to the design of fences on classified road boundaries.

DECISION

Submitter 4, Statement 2: Accept in part
Submitter 6, Statement 3: Accept in part
Submitter 9, Statement 1: Accept in part
Submitter 12, Statement 5: Accept in part
Submitter 13, Statement 1: Accept in part
Submitter 17, Statement 1: Accept in part
Submitter 18, Statement 2: Accept in part
Submitter 19, Statement 1: Accept in part
Submitter 21, Statement 1: Accept in part
Submitter 23, Statement 1: Accept in part
Submitter 25, Statement 1: Accept in part
Further Submission X1, Statement X1.6: Accept in Part

AMENDMENTS TO PLAN CHANGE

Replace proposed rule REr.31 with the following:

Fences are permitted if:

a) Unclassified Road: in a front yard or on a road boundary the maximum height does not exceed 1.2m, and

b) Classified Road: in a front yard or on a road boundary –

i) The maximum height does not exceed 1.2m, or

ii) For any fence over 1.2m in height:

- The total height does not exceed 2.0m, and
- At least 50% across the entire front boundary is visually permeable (as measured by the total length of the front boundary and the height of the fence).

and

c) 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

d) On all other property boundaries the maximum height does not exceed 2m.

e) Where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.

REr31.3 Matters of discretion: add:

Landscaping and planting

REr31.4 Assessment Criteria: Add:

g) the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences.

REr.1.5 Explanation Add:

Visually permeable for front fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.

13.29 Topic 28: REr.63 Service Overlay – Building Rule (Chapter 7)

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

Submitter 11 St Leger Group Ltd

Statement 2

Oppose

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

**Submitter 16 Stoke Valley Holdings Ltd & Solitaire Investments Ltd
Statement 4**

Oppose

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

DISCUSSION

The purpose of the proposed changes to this rule are to avoid the construction of buildings in a location that may prevent the construction of a future road or service connections necessary to facilitate efficient development of land in the wider area.

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 of the Plan Change and as a result resource consent will need to be obtained for the erection of a dwelling on numerous lots. 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.

We acknowledge that the proposed rule catches lots where the subdivision consent process that created the lots would have addressed services constraints in respect of water, wastewater and the like. However there may still be an issue with houses being built on older titles that may impede future roading connections. The Operative Plan contains 'Proposed Roads' on the planning maps, and 'Proposed Roads' on the Roading 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. The proposed rule should be amended to apply only to building within the Service Overlay. Building should be a permitted activity only if the building is not located in the path of any future road as identified in the Plan (Maps, Roading Hierarchy or Structure Plans). This reduces the scope and effect of the notified rule.

It is important to note that the same assessment does not need to apply to subdivisions in the Services Overlay. This is because the Services Overlay – Subdivision provisions seek to control logical and orderly development of residential land resource as a whole, and through this process future roading connections are considered.

On the basis of the above, 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).

DECISION

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 to relate only to sites affected by a future road (Proposed or Indicative as identified on Planning Maps) as per the section 42A Officers report.

Consequential amendments will also be required to RUr.49A and INr.55 the rural and industrial zone equivalents of this rule and to Chapter 3.

13.30 Topic 29 REr.107 Subdivision Rule (Chapter 7)

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.

DISCUSSION

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 of 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.

Section 14.2 Information Requirements of Appendix 14 details the information required to accompany an application. Broadening the reference in the policy to the whole of Appendix 14 as requested by submitter 2 would bring into contention a range of urban design-based indicators. It was not the intention of the Plan Change that these indicators of quality urban design have a statutory base. Rather they are there to provide guidance and information as to how the policies relating to quality urban design should be interpreted.

In relation to the extent of information to be provided, Section AP14.2 already includes the statement: "*The amount of detail required is relative to the nature and scale of the proposed development*". In our 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. This part of Submission 2, Statement 11 is rejected.

The second amendment sought by Submitter 2 is that two of the matters that Council restricts its discretion to in REr.107.3 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 reasons provided by Submitter 2 are that the matters of discretion are so wide ranging as to make the restricted discretionary category meaningless and that the effect will be that Council have the same level of control as a discretionary activity. Submitter 2 also states that the matters of discretion duplicate themselves.

We do not agree that the matters for discretion are so wide ranging that they effectively amount to a discretionary-level assessment. The matters are confined to urban design issues.

We do however acknowledge that this focus on urban design issues needs to be "bedded in". We therefore recommend that resources are made to put in place a collection of process improvements such as practice notes, urban design training, and use of the Major Projects Team and the Urban Design Panel. These actions are listed at the end of this Decision.

DECISION

Submitter 2, Statement 11: Reject

AMENDMENTS TO PLAN CHANGE

Nil

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

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

Submitter 2 Marsden Park Ltd

Statement 12

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.

Submitter 11 St Leger Group Ltd

Statement 3

Support

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

Submitter 26 Chris Hurley & Irene Turner

Statement 4

Oppose

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

DISCUSSION

We discuss the main issues raised in relation to the Services Overlay in Part A of our report. Here we address the submissions point by point.

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

Submitter 2 seeks that all matters over which Council intends to restrict its discretion to, be deleted, except the following:

- (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, namely:

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

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.

We 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 to be determined at the consent stage, with the fairness and reasonableness of any such condition dependent upon site specific circumstances. Not addressing connections to adjacent land has the potential to cause adverse effects.

Submitter 2 seeks that matter of discretion (iii) – which refers to the NCC Land Development Manual 2010 - be deleted. This criterion ensures that connections to services including roading, to facilitate the subdivision and that of adjoining sites in the Services Overlay meets Council's (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. The inclusion of (iii) is no more onerous than the operative provisions. On this basis, this part of Submission 2, Statement 12 is 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. We agree with the submitter that this is a matter that is best considered at a strategic level as part of the Long Term Plan under the Local Government Act. If a project for capital works to extend services including roading to a site is included in the LTP then it should have already satisfied this test. If the project is not included in the LTP and a developer decides to fund the extension of services themselves then it is likely to be economically sustainable, given the yield. In other words, it is not necessary to examine the financial feasibility of extending services as part of the resource consent process. This part of Submission 2, Statement 12 is accepted, as the matter of restricted discretion (v) is unnecessary, repeats an LTP process and should be deleted. Assessment criterion e) in Rule RER108.4 needs to be modified to maintain consistency. This assessment criterion

should be reworded to refer to whether adequate capacity is provided, taking into account future development.

As discussed in our Part A report, to focus the assessment on the availability of services and away from cost issues, assessment matter (iv) and assessment criterion d) should be directed at the timing and service connections. That is, rather than refer to strategic planning; the assessment could more directly address the issue of whether infrastructure connections are available, or will be made available in a timely manner.

In response to the call from the submitters to remove assessment issues that appear to deal with economic sustainability of private development, assessment matter e) should be reworded to focus on the cost to council of extending water and wastewater services. We further note that this assessment matter only comes into play in a discretionary resource consent situation, that is where package or stand alone water and wastewater systems are proposed.

Submitter 2 seeks that restricted assessment matter (vii) - 'the matters of restricted discretion in Rule REr.107.3 (Subdivision General)' - be deleted. This reference to the assessment matters under the Subdivision General rule is needed to ensure that general subdivision issues are addressed. The services overlay assessment matters deal with specific infrastructure issues. This part of Submission 2 Statement 12 is rejected.

On the basis of the above discussion we consider the proposed deletion of matters of discretion (ii), (iii), and (vii) will undermine the amendments made to the Services Overlay objectives and policies and the new urban design Objectives and Policies in the Plan. The deletion of matter of discretion (v) as suggested by Submitter 2 is, however, accepted. Submission 2 Statement 12 is therefore 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*'.

In our view, it is reasonable that consideration of whether notice should be served on adjoining landowners be undertaken on a case-by-case basis. This is because any subdivision within the Services Overlay should, as a matter of good resource management practice, take into account the development potential of adjoining land. This may result in service of notice where adjoining landowners are potentially adversely affected. This part of Submission 2, Statement 12 is therefore rejected.

On the basis of the above discussion, 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

Matters of discretion REr108.3

Add the following to (iv)

the timing of development in relation to the availability of roading and service connections.

Delete (v) and renumber matters of district accordingly.

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

Assessment criteria REr 108.4.

d)

~~the strategic planning for servicing of sites within the district as identified in the LTCCP~~
the timing of the development in relation to the availability of roading and servicing connections.

e)

~~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.~~ The extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites.

f)

~~the marginal financial costs to the Council (including operation and maintenance costs) of extending water and wastewater providing water and wastewater services to the facilitate future development of land in the vicinity.~~

Explanation and Reasons

Add the following text to REr107.5 at the bottom of second paragraph.

Refer to Policy DO14.3.1 Roading and DO 14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer"

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

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.

Submitter 2 Marsden Park Ltd

Statement 13

Oppose

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

Further Submission X1: Staig & Smith Ltd Statement X1.3

Support Submission 2, Statement 13

Submitter 10 Gibbons Holdings Ltd

Statement 1

Oppose

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

Further Submission X1: Staig & Smith Ltd Statement X1.7

Support Submission 10, Statement 1

Submitter 11 St Leger Group Ltd

Statement 4

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

DISCUSSION

Submitter 2 opposes the deletion of the controlled activity status in rule REr.109 (Subdivision in the Landscape Overlay) and the 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.

We discuss these issues in our Part A report where we conclude that a restricted activity classification is appropriate, given the range and types of adverse effects to be considered and the need to call upon a range of mitigation techniques to address these effects which may in some cases involve fewer or larger lots than what is applied for. On the basis of that discussion we find that Submissions 2, 10 and 11 in relation to subdivision within the landscape overlay be rejected

DECISION

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

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

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

Submitter 2 Marsden Park Ltd

Statement 14

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”.

Submitter 11 St Leger Group Ltd

Statement 5

Oppose

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

Further Submission X1: Staig & Smith Ltd

Statement X1.9

Support Submission 11, Statement 5

DISCUSSION

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.

Submitter 2 supports proposed rule RUr.49A but seeks that the notification statement also precludes service of notice. We consider that the waiver of 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. In this regard, adjoining property owners may be 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 resource consent to be obtained for the erection of a dwelling on all lots. The proposed rule is identical to proposed amendments to REr.63 Services Overlay – Building which is discussed in Topic 28. In Topic 28 we acknowledge that the proposed rule could be better worded, while still giving effect to the purpose of the Act. Refer to Topic 28 for the full discussion.

As a result, Submission 11 and Further Submission XI is accepted in part. Submission 2 which requests waiver of the service of notice is rejected.

DECISION

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, as described in the Section 42A officers report.

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

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

DISCUSSION

To begin with, we note that due to changes to the relevant policy and the sister rule for subdivision in the services overlay (Rule REr.108), changes are proposed to the assessment matters and assessment criteria in RUr.85 so as to maintain consistency.

Submitter 2 seeks that the standard and term for the restricted discretionary activity requiring the development is connected to reticulated services, is removed. Submitter 2 also seeks that restricted discretionary matter (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.

Submitter 11 seeks that the proposed rule be deleted. The reasons given for this 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.

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 and applies 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 areas are all located adjoining the Residential Zone and on sloping to steep land, some including south facing slopes, and pose challenges for on-site servicing.

We consider that given these physical conditions that it is appropriate and reasonable for there to be consideration of 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 accommodated by way of a more wide ranging discretionary activity-based assessment. We consider this is appropriate, as Council must ensure that the health, safety and nuisance potential effects of a number of small sites located in close proximity and all using on site servicing, are managed. On this basis, this part of Submission 2 is rejected.

In relation to the matter of discretion (iii) - 'the economic sustainability of servicing the site relative to the development yield' - this matter was discussed in Topic 30 where we found that this matter should be deleted, along with modifications to assessment matters.

In relation to Submission 11, the relevant 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 2000m² or 5000m², and as noted, comprise sloping land adjoining reticulated residential areas. We 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. On this basis Submission 11 is rejected.

DECISION

Submission 2, Statement 15: Accepted in part.

Submission 11, Statement 6: Reject

Further Submission X1.10: Reject

AMENDMENTS TO PLAN CHANGE

Matters of discretion RUr85.3

Add the following to (ii)

and the timing of development in relation to the availability of roading and service connections.

Delete (iii) and renumber matters of discretion accordingly.

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

Assessment criteria REr.108.4.Modify as follows:

~~d) the strategic planning for servicing of sites within the district as identified in the LTCCP~~
the timing of the development in relation to the availability of roading and servicing connections.

~~e) 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. The extent to which the development is provided with services of adequate capacity to serve the future development level of the site and the surrounding sites.~~

~~f) the marginal financial cost to the Council (including operation and maintenance costs) of extending providing water and wastewater services to the facilitate future development of land in the vicinity.~~

13.35 Topic 34: Appendix 6 Riparian and Coastal Margin Overlay

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

DISCUSSION

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 accepted.

DECISION

Submission 5, Statement 3: Accept

AMENDMENTS TO PLAN CHANGE

Nil

13.36 Topic 35: Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay

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

DISCUSSION

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 an inconsistency in the plan between the rule and the Appendix.

Submitters 10 and 11 seek that the proposed amendments to AP7.5.1.i be deleted as they are unnecessary given the residential zoning of the land affected.

As discussed in our main findings (Part A report) we consider that a restricted discretionary activity category is appropriate for subdivision activities within the Landscape Overlay. On the basis of our discussion and findings in our Part A report, submissions 10 and 11 are rejected.

DECISION

Submitter 10, Statement 2: Reject
Submission 11, Statement 7: Reject.

AMENDMENTS TO PLAN CHANGE

Nil

13.39 Topic 36: Appendix 14 Residential Subdivision, Design and Information Requirements

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 ~~1km~~ the context area of the site.

Submitter 26 Chris Hurley and Irene Turner Statement 5

Support

Decision Sought: Delete Appendix 14.2.ii Requirement for all applications to be lodged together.

Submitter 27 Royal Forest and Bird Protection Society Statement 6

Support

Decision Sought: Retain Appendix 14.3.vi Context Analysis

Submitter 27 Royal Forest and Bird Protection Society Statement 7

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.

Submitter 27 Royal Forest and Bird Protection Society Statement 8

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.

Submitter 27 Royal Forest and Bird Protection Society Statement 9

Support

Decision Support: Retain Appendix 14.3.xvi Landscape.

Submitter 27 Royal Forest and Bird Protection Society Statement 10

Support

Decision Support: Retain Appendix 14.3.xxi Stormwater Management

DISCUSSION

To begin with, we note that 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.

In our Part A report we set out the need for a restructure of Appendix 14 to separate out those parts dealing with information requirements for resource consents, and those parts providing material on what quality urban design means.

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".

This statement merely reinforces Section 91 of the RMA - 'Deferral pending application of additional consents', and good resource management practice generally. We note that Section 91 of the Act gives Council the ability to defer any application for resource consent if Council considers it best to do so. In this light, we therefore find that the wording of the statement should be changed from 'must' to 'should' so as not to predetermine assessment 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 submissions are 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'.

An application for subdivision consent can only be assessed under REr.107.3 if it meets the standards set out in the Plan, one of which is that "it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14". In this respect, Appendix 14.2 needs to use the terms must and shall, rather than more discretionary language, when setting out what information needs to be provided for an application to be considered as a restricted discretionary activity. Having said that, we acknowledge that a rearrangement of Appendix 14 to bring into one place all mandatory requirements (where the term "shall" is used) may help to overcome some of the issues identified by the submitter. The amendments sought by Submitters 2 and 26 to Appendix 14 are therefore accepted in part.

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 quality urban design. However there is a reasonable argument that the reference to Engineering Plans should be modified so that these refer to Preliminary Plans or similar to distinguish them from Engineering Plans normally required as conditions of consent. This submission is accepted in part, to this extent.

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 quality urban design through relating to its context. However we recognise that the extent of the context analysis e.g. within 1km, 2km or 500m is a matter that is relative to the nature, scale and location of the development proposal. It should be 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. We therefore consider that the amendment sought by Submitter 14 in Statement 4 can be accepted in part by referring to "up to 1 km" in the revised AP 14.2.1iii.

Submitters 5 and 27 seek that various parts of proposed Appendix 14 be retained. These submissions are 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. We therefore find that this submission is to be accepted.

Under AP14.3.xiii Open Space Network the word 'hotspots' is sought to be added in reference to biodiversity corridors. We consider 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. Therefore Submission 27, statement 8 is to be rejected.

DECISION

Submitter 2, Statement 16 & 17: Accept in part
Submitter 26, Statement 5: Accept in part
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

A revised Appendix 14 is attached to this decision.

13.40 Topic 37: Appendix 22 Comprehensive Housing development

This topic covers two submitter's 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.

DISCUSSION

The Comprehensive Housing Development Appendix 22 has been re-written as part of the Plan Change, in conjunction with changes to the rules that provide for Comprehensive Housing Developments as a restricted discretionary activity in Higher Density residential areas. 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.

We agree and as a result we have made a number of changes to the Appendix to improve its structure. To this end, this part of Submission 2 is to be accepted.

Submitter 2 also seeks that explanatory statements are shortened. Appendix 22 contains only one explanatory statement in AP22 overview and given misinterpretation

issues with the operative Appendix 22, we consider it necessary that this explanatory statement should remain. We therefore find that this part of Submission 2 be rejected.

Submitter 2 seeks that the Definitions in Appendix 22.1 be relocated to Chapter 2 - Meaning of Words - because they could be missed in their proposed location. However, we note that many of the Appendices in the Plan have additional definitions at the start of them which relate solely to that appendix. We consider that the proposed definitions are consistent with the existing structure of the Plan and therefore Submission 2, Statement 19 be rejected.

Submitter 2 seeks that the words: '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. The addition of such a statement would be appropriate for section AP22.7.2 and consistent with the same statement in Appendix 14. Therefore this part of Submission 2, Statement 20 is accepted in part.

Submitter 24 seeks those AP22.5.i clauses (a) to (h) - which contains the matters to be considered in terms of off-site amenity outcomes - be deleted and the current provisions retained. The reason provided in the submission is that it is unreasonable to expect landowners to not develop their own properties and add value to their land.

In our view, the matters contained in AP22.5.i (a) to (h) are essential assessment matters necessary to assess the level of off-site amenity effects created by any Comprehensive Housing Development such as the effects such development may have on the streetscape and character of the area. We find that the request by Submitter 24 to delete the off-site amenity provisions should be rejected.

DECISION

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.

13.41 Topic 38: A2.1 Urban Road Hierarchy Map

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.

Submitter 12 Mark and Kim Lile

Statement 6

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).

Submitter 27 Royal Forest & Bird Protection Society NZ Inc Statement 11

Oppose

Decision Sought: Delete proposed principal road and proposed collector road shown on roading hierarchy maps A2.1 and A2.2

DISCUSSION

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 remain 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 a Sub-Collector. Section 4 of the Land Development Manual refers 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. In the submitter’s view, 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. The submitter states that, 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.

We discuss these submissions in our main findings (Part A report). In coming to our conclusion on these submissions, we were guided by Mr Andrew James, Council’s Principal Advisor – Transport and Roading who provided advice with respect to the two routes identified by Submitter 12.

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 stated that 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 Waimui St), Wainui St (Trafalgar to Collingwood) and Weka St (Collingwood to Atawhai Drive)

The submitter requested 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 did 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.

To ensure consistency throughout the Plan Change we find that 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. The route from Collingwood St (Collingwood St Bridge to Wainui St), Wainui St (Trafalgar to Collingwood) and Weka St (Collingwood to Atawhai Drive) is to be maintained as Collector status as proposed in the Plan Change. 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 proposed sub collector road comprises a future roading link from Princess Drive out to Waimea Road. This connection is intended as part of the Tasman Heights subdivision. 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. For these reasons, Submission 27, Statement 11 is rejected.

DECISION

Submission 12, Statement 6: Accept in part
Submission 27, statement 11: Reject.

CHANGES TO PLAN CHANGE

Amend Roding Hierarchy Maps A2.1 and A2.2 to show the route form 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.

13.42 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 Nelson Development Strategy.
Update Social Wellbeing Policy date to 2011*

Recommendations which we have made 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 improvements to support the implementation of the plan change, particularly the urban design policy framework and Appendix 14 assessment. These changes 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*
- *continue to support the independent urban design panel*

Prepare a Streetscape Design Guide to assist with the interpretation of the front yard and front fences provisions. This should provide examples of acceptable solutions and be prepared for release at the time of this Decision. A simple consent process to assist with the discretionary consent process required to consider alternative fence designs should also be provided for.

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.

Part C Plan Amendments

Part C Contents

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
14.6	Chapter 12 Rural Zone
14.7	Appendix 6 Riparian and Coastal Margin Overlays
14.8	Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay
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.

How the Decision is Shown

The Decision on Plan Change 14 uses the following different types of text to indicate to the reader what has been changed as a result of the Commissioners decisions on submissions.

'Normal text' applies to current operative provisions that remain unchanged.

'Underline' applies to proposed provisions which now form part of the decision.

'~~Strikethrough~~' applies to operative provisions proposed to be deleted and now form part of the decision.

Changes to proposed Plan Change 14 as a result of decisions on submissions are shown as double underline and ~~double strikethrough~~, and includes those officers recommendations from the Section 42A report that have been accepted as part of the decision.

'*Italics*' applies to instructions for amendments.

PC¹³ or ^{07/01} applies to text inserted from other plan changes.

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 Council Community 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

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 Contributions 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 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 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 Nelson 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

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) 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 (roadings 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 management 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 while not adversely affecting 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 should not significantly reduce passive surveillance (i.e. 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 to 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.

Anticipated environmental results	Indicators	Data source
DO10e.1 Lower growth in the use of private cars, leading to less noise, pollution and other adverse effects.	DO10e.1.1 Vehicle counts. <u>Journey to work records</u> <u>Vehicle occupancy</u>	Council records <u>Census</u>
DO10e.2 Improved safety <u>for motorists, pedestrians and cyclists.</u>	DO10e.2.1 Crash <u>Casualty</u> statistics.	Land Transport Safety Authority New Zealand <u>Transport Agency</u>
DO10e.3 Better access to and within the Inner City, for pedestrians and vehicles.	DO10e.3.1 Vehicle and pedestrian counts. Public car park use-	Council records, car park statistics
DO10e.4 Lower growth in cars parked on roads.	DO10e.4.1 Consistent treatment of resource consent applications in regard to parking and access requirements. Public car park use.	Council records, car park statistics

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 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 be considered in terms of how they contribute to enhanced urban design outcomes for the street, neighbourhood, suburb and overall City and if they 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.vii 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 are beautiful and inspiring, provide for and enable social, cultural, economic and environmental wellbeing and enhance 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. Public spaces which are prominent and which are intended to have a high level of public use are deserving of inspirational design. 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 scaled elements at the interfaces of buildings, infrastructure and urban public 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 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.

policy

DO13A.3.3 prominent and public buildings and spaces

Prominent spaces and places should be defined by the Council. 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.3.3.i

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.3.3.ii Create and implement an Urban Design Panel to provide advice on private and public projects.

DO13A.3.3.iii Implement the policies and actions in the Central City Strategy.

DO13A.3.3.iv Implement the NCC Design Guides.

DO13A.3.3.v Undertake a prominent spaces and places assessment to help to define where particular design sensitivity is required.

DO13A.3.3.vi Implement the NCC Arts Policy.

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.65 sustainable places & communities

~~***Urban development that meets the community's current needs without compromising future needs.***~~

~~**Reasons**~~

~~**DO13A.65.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.65.1** **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 innovative and sustainable options for the treatment of human waste.*

Explanations and reasons

DO13A.65.1.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.65.1.iii Rules and assessment criteria.

DO13A.65.1.iv Provide free advice to applicants on a range of eco building options.

DO13A.65.1.v Standards and design guidance in the Land Development Manual 2010.

DO13A.65.1.vi Implement the Solar Saver Scheme to assist homeowners with the conversion to solar hot water heating.

objective

DO13A.76 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.76.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.76.1 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.76.1.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.76.1.ii Rules and assessment criteria, particularly the restricted discretionary residential subdivision rules.

DO13A.76.1.ii Implement Appendix 14 Residential Subdivision Design and Information Requirements.

DO13A.76.1.iii Use of the Major Projects Team to review significant development proposals.

DO13A.76.1.iv Review internal Council systems and processes to remove barriers and encourage integrated decision making.

DO13A.76.1.v Undertake interdepartmental projects.

DO13A.76.1.vi Encourage the use of pre-application consultation between applicants and Council officers.

DO13A.76.1.vii Create an Urban Design Panel to provide design advice on private and public projects.

policy

DO13A.76.2 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.76.2.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.76.2.ii Implement Appendix 14 Residential Subdivision Design and Information Requirements.

DO13A.76.2.iii Standards and design guidance in the NCC Land Development Manual.

DO13A.7.2.iv Implement Structure Plans.

DO13A.76.2.v Use of the Major Projects Team to review significant development proposals.

DO13A.76.2.vi Create an Urban Design Panel to provide design advice on private and public projects.

DO13A.76.2.vii Encourage urban design professional development and social opportunities supported by Council.

policy

DO13A.76.3 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.76.3.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.76.3.ii Promotion of and participation in community housing projects where appropriate.

DO13A.76.3.iii Ensure Council development projects are pursued in partnership with iwi and the community.

DO13A.76.3.iv Implement actions and partnerships identified in the Central City Strategy.

DO13A.76.3.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.

Anticipated environmental results	Indicators	Data source
DO13Ae.1 <u>Development patterns and styles reflect local context and our environment.</u>	DO13A.e.1.1 <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>
DO13Ae.2 <u>Increased connections for all transport modes, natural linkages, and private/public space relationships.</u>	DO13Ae.2.1 <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>	<u>Council aerials, resource consents, public comment, asset management plans.</u> <u>Vehicle distances travelled per annum.</u>
DO13Ae.3 <u>Public spaces that represent quality urban design and maintain and enhance Nelson's identity.</u>	DO13Ae.3.1 <u>Creative and inspiring urban design solutions.</u> <u>Professional and Environment Awards</u> <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>	<u>Urban Design Panel.</u> <u>Public comments</u> <u>Tourist survey.</u> <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><u>DO13Ae.4</u> <u>Increased diversity of housing, neighbourhood, employment and leisure/cultural opportunities.</u></p>	<p><u>DO13Ae.4</u> <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><u>DO13Ae.5</u> <u>Nelson's identity is maintained and enhanced through urban design.</u></p>	<p><u>DO13Ae.5</u> <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><u>DO13Ae.6</u> <u>Increase in sustainable urban development.</u></p>	<p><u>DO13Ae.6</u> <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><u>DO13Ae.7</u> <u>Improved policy and administration processes within Council.</u></p>	<p><u>DO13A.e.7</u> <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~~ other 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 other land in the vicinity in the Services Overlay.
- g) The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder ~~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~~ Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases its is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).

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 ~~LTCCP and Council's Strategic City Development Plan~~ or funded by the developer. There may be circumstances whereby roading is funded and constructed by way of cost sharing agreements amongst landowners.

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 ~~LTCCP~~ 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~~ Nelson Development Strategy will inform the prioritisation of the works and projects facilitated through the LTCCP 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 servicing requirements of future development on land in the vicinity that is in the Services Overlay.*
- h) *The costs of additional new or upgraded infrastructure required in accordance with a) to f) above shall be funded and paid for constructed by the developer consent holder, 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 Council, if the project is provided for in the LTP, developer if not provided for in the LTCCP. In this case, where land or pipe capacity is provided for in the LTCCP, this means that the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*
- i) *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.*

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 LTCCP Development Contributions Policy. Council's will undertake a Strategic City Development Plan Nelson Development Strategy that will inform the prioritisation the works and projects facilitated through the LTCCP 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

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 unserviced or poorly serviced 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 10-year strategy Long Term Council Community Plan and Strategic City Development Plan to fund the servicing of parts of the urban area according to a timetable. As this proceeds, subdivision and development will become viable in new areas. This servicing timetable will be guided by the Nelson Development Strategy.

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 Nelson Development Strategy.

14.5 Chapter 7 Residential Zone

Amend contents of residential zone rule table as follows:

REr.22	Comprehensive Housing Development
REr.30	Buildings and fences near vehicle accesses
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 and landscaping~~ fronting onto roads should present an appearance which enhances the overall streetscape, and maintains the open, landscaped character of front yards that is typical of Nelson. Hard landscaping including car parking, should be minimised. ensures it is people orientated rather than vehicle orientated, relative to the classification of the road. The design of buildings, structures (including fences), roads and parking spaces vehicles (in front yards and on the street) should assist in making streets safer environments by enhancing informal surveillance, enabling community interaction, and being people-orientated. 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 There are two different levels types of streetscapes anticipated, amenity are anticipated according to whether or not the road is classified or unclassified. For unclassified roads, an open relationship between houses and the street is the common pattern found in the city, and hence low fences are appropriate. For classified roads, it is reasonable to expect some solid fencing to maintain residential privacy and mitigate road noise. However continuous high, solid fences reduce the safety and amenity of the street for pedestrians and disable community interaction. A mix of solid and visually permeable materials ensures that these two outcomes can be integrated. 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.

RE3.5iii 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>REr.22 Comprehensive Housing Development</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: a) the buildings are not increased in height b) any extension of the buildings largely maintains the external design integrity c) it complies with Parking provision in Appendix 10</p> <p>Control is reserved over: i) the design, location and appearance of any building extensions, and fencing, parking and access areas ii) the appearance of the external façade of the existing building iii) landscaping and site treatment, including the retention of significant trees iv) provision of outdoor living courts</p> <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>Resource Consent Applications will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.</p> <p><u>Resource consent applications will be considered without notification, and without service of notice.</u></p>	<p>REr.22.3 <u>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:</u></p> <p>a) <u>the development is located entirely within the Residential Zone – Higher Density Area, and</u> b) <u>rules</u> <u>i) REr.25 'Front Yards',</u> <u>ii) REr.26 'Other Yards',</u> <u>iii) REr.35 'Daylight Admission, and</u> <u>iv) REr.36 'Decks, Terraces, Verandahs and Balconies'</u> <u>are complied with other than on boundaries internal to the development.</u></p> <p><u>Discretion restricted to the following matters in Appendix 22 'Comprehensive Housing Development'.</u></p> <p><u>i) on site amenity, and</u> <u>ii) off site amenity, and</u> <u>iii) access, parking and services.</u></p> <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> <p>a) <u>is not located entirely within the Residential Zone – Higher Density Area; or</u> b) <u>contravenes a permitted condition other than those contraventions specified for a restricted discretionary activity, is</u> <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>

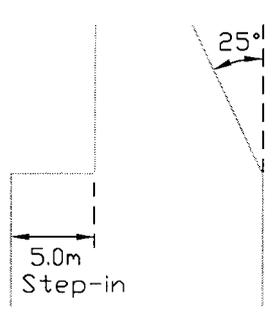
Assessment Criteria	Explanation
<p>REr.22.4</p> <p>a) the degree the development achieves the outcomes in Appendix 22 'Comprehensive Housing Development'.</p> <p>a) the degree of compliance with the Guidelines for Comprehensive Housing in Appendix 22.</p> <p>b) any beneficial effects of the development in terms of the streetscape and neighbourhood.</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) <u>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.</u></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 very difficult <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>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.</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>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</p>

Item	Permitted	Controlled	Discretionary/Non-complying
REr.23 Minimum site area Lower Density Area Lower Density Area (Stoke) Higher Density Area Standard Density (Main Zone)	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 ² , or Lower Density Area (Stoke): an average net area of 1000m ² and a minimum of 850m ² , or Higher Density Area: 300m ² , or Standard Density (remainder of Zone): 400m ² . 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 (other than for Comprehensive Housing Developments (Rule REr.22)) 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 (other than for Comprehensive Housing Developments (Rule REr.22), 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.
REr.24 Site coverage Lower Density Area Lower Density Area (Stoke) Higher Density Area Standard Density (Main Zone)	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 Guidelines for provisions for Comprehensive Housing Development (Appendix 22) 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 Cemetery. 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. The Wood also has a considerable amount of land occupied by glasshouses which is gradually being converted to higher intensity housing. <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. There should be no expectation that the maximum will necessarily be granted.</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>

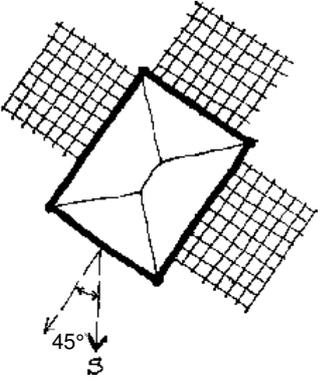
Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.25 Front yards</p>	<p>REr.25.1 Buildings in a front yard (i.e. the area within 4m of the road boundary) must either <u>are permitted if:</u></p> <p>a) <u>building coverage of the front yard does not exceed 33% buildings are set back at least 1.5m from the road boundary, and</u></p> <p>b) <u>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</u></p> <p>c) <u>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</u></p> <p>d) <u>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</u></p> <p>e) <u>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</u></p> <p>f) <u>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.)</u></p> <p>g) <u>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.)</u></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"> • <u>any part of a building is within 1.5m of the road boundary, and</u> • <u>building coverage of the area within 4m of the road boundary does not exceed 33%, and</u> • <u>no accessory building other than a garage is erected within 4m of the road boundary, and</u> • <u>any vehicle access complies with the line of sight requirements in Rule REr.30 (buildings and fences near vehicle accesses), and</u> • <u>any door or window cannot swing beyond the road boundary of the site.</u> <p>Control reserved over:</p> <ol style="list-style-type: none"> i) <u>the design and location of the building, and any adjoining fence, and</u> ii) <u>the design and appearance of the building, and</u> iii) <u>landscaping or similar site treatment.</u> <p><u>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</u></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><u>All other buildings activities that contravene a permitted condition or a controlled standard are restricted discretionary.</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> 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> ii) <u>effects on public safety from changes to passive surveillance between public and private space, and</u> 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> 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> v) <u>on site amenity for residents.</u> <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) 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. <u>street amenity and safety, including maintaining a relationship between residential elements (windows, doors, porches) with the street environment and a more visually rich streetscape.</u></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>e) <u>the avoidance of front yard layout and design that leads to more than one vehicle access point per site.</u></p> <p>f) <u>the avoidance of visual dominance of street elevations by garages (particularly garage doors), parking and manoeuvring areas and blank walls.</u></p> <p>g) <u>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>h) <u>the design and appearance of proposed fencing and landscaping in the front yard. Trees and vegetation are preferred to hard surfaces.</u></p> <p>i) <u>the ability opportunity 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. This is with the proviso that no other rules are impinged upon (such as daylight angles). The main issue with buildings occupying the front yard are then becomes 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. Garages that project in front of the house tend to dominate the streetscape and create unfriendly places.</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>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 and surveillance 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.</p> <p>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.</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 in 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>See Rule REr.30 (buildings and fences near vehicle accesses).</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>Notes: <u>Refer to the NCC Residential Street Frontage Guideline.</u> 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. This rule does not apply to Wakefield Quay Precinct – refer Rule REr.84. 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>

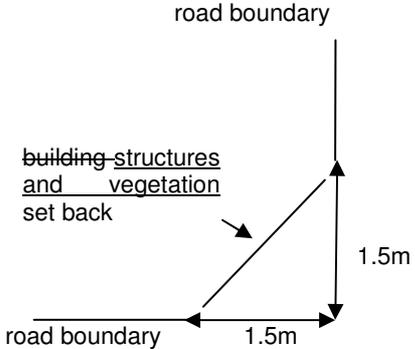
Item	Permitted	Controlled	Discretionary/Non-complying
REr.26 Other yards	<p>REr.26.1</p> <p>a) on any one-side or rear boundary, the total length of all buildings within 1.5m of the boundary must not exceed 12m, and</p> <p>b) for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram). and</p> <p>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.</p>	<p>REr.26.2</p> <p>not applicable</p>  <p>(Graphic for REr.26.1)</p>	<p>REr.26.3</p> <p>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.</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>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.</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>

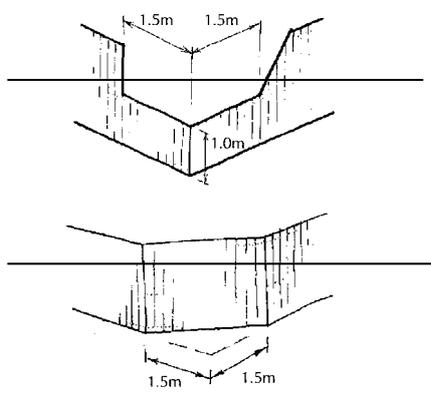
Item	Permitted	Controlled	Discretionary/Non Complying
REr.27 Outdoor living court Sites less than 350m²	<p>REr.27.1</p> <p>Any residential unit that does not have a net area of at least 350m² allocated exclusively to it, must be provided with an outdoor living court.</p> <p>a) minimum area: 1 bedroom 35m² 2 bedrooms 50m² 3 or more 75m², 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 12m², minimum dimension of 2.4m 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 100m² which would provide a third reduction for a maximum of 5 residential units; with an additional net area of 20m² required for each additional residential unit.</u></p>	<p>REr.27.2</p> <p>not applicable</p>	<p>REr.27.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

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
REr.28 Pedestrian access to rear of sites	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 - 2.0 <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.
REr.29 Corner sites	REr.29.1 On corner sites, <u>structures and vegetation greater than 1m in height and structures</u> 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>buildings structures and vegetation</u> on corner sites is included. This is to ensure adequate line of sight for vehicles at street intersections.  The diagram illustrates a corner site where two road boundaries meet at a right angle. A diagonal line represents the setback for building structures and vegetation. The distance from the corner of the site to the setback line is 1.5m along both the horizontal and vertical road boundaries. The setback line is labeled 'building structures and vegetation set back'.

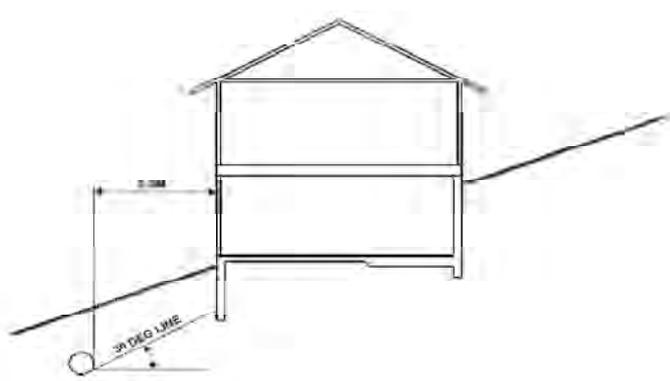
Item	Permitted	Controlled	Discretionary/Non-complying
REr.30 Buildings and fences near vehicle accesses	<p>REr.30.1</p> <p>Buildings (including fences) must not:</p> <ul style="list-style-type: none"> a) overhang any required vehicle access, and b) in the case of a door or window, be capable of being opened to overhang any required vehicle access, and c) in the case of a gate, be capable of opening out beyond the road boundary of the site, and 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"> i) above 1m from ground level, and 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 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) 	<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"> a) whether windows or doors can be modified to prevent them opening onto the access. b) the layout and topography of the intersection of the access and road, and how this affects driver and pedestrian lines of sight. c) impacts on pedestrian and vehicle safety. d) whether devices such as mirrors could help improve visibility. e) whether vehicles can effectively negotiate the vehicle access. 	<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 1.2m, or</u> ii) <u>any portion between 1.2m and 2.0m in height has a visual permeability of at least 50%, and for any fence over 1.2m in height:</u> <ul style="list-style-type: none"> • <u>The total height does not exceed 2.0m, and</u> • <u>At least 50% across the entire front boundary is visually permeable (as measured by the total length of the front boundary and the height of the fence),</u> <u>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> <p>e) <u>where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.</u></p>	REr.31.2	<p>REr.31.3 <u>Fences that contravene a permitted condition are restricted discretionary.</u></p> <p><u>Discretion is restricted to:</u></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, and</u> (iv) <u>landscaping and planting.</u></p> <p><u>Resource consent applications for restricted discretionary activities will be considered without notification.</u></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>g) <u>the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences.</u></p>	<p>This 'rule' is advisory i.e. it provides the reader with information, and has no regulatory effect. 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> <u>Visually permeable for front fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.</u></p> <p>Notes: Refer to rules RER.29 corner sites, RER.40 Access and section 4.3.15.4 of the NCC Land Development Manual, and RER.92 Heritage Precincts Front fences for other rules relating to fence heights or locations.</p> <p>Refer to the NCC Residential Street Frontage Guideline.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.34 Building over or alongside drains and water mains</p>	<p>REr.34.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> 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 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 iii) which are balconies, may overhang the line of the pipe or drain, provided the <u>balcony structure</u> is cantilevered <u>or is an eave</u> and it's the <u>height to the underside of the structure</u> above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram). <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"> i) The foundations are located in accordance with a) iv) above; and ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and iii) The carport is not closed in; and iv) The floor is not concrete to a depth greater than 150mm; and 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). <p>c) As an alternative to (a) and (b), structures may be located over common private or public <u>sewer wastewater</u> or stormwater drains or pipes (but not pressurised pipes), if they comply with Appendix 14, Table 14.5.2, "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"> i) The design and location of the structure, and ii) Access to pipework <u>or drain</u> for maintenance, and iii) The nature and location of the pipework <u>or drain</u>. <p>Resource consent applications for restricted discretionary activities will be considered without notification <u>or service of notice</u>, or obtaining written approval of affected persons, 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>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. Note that this Appendix does not apply to proposals to build over water mains or other pressurised pipes.</p> <p>Diagram referred to in REr.34.1a:</p> 

Item	Permitted	Controlled	Discretionary/Non-complying`
<p>REr.35 Daylight admission</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>All other activities that contravene a permitted condition are discretionary.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.36 Decks, terraces, verandahs and balconies</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). This rule does not apply where:</p> <p>a) The ground is sloping, and b) The structure is within 2m of the boundary, and 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 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`
RER.63 Service Overlay - Building	<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>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.</p> <p>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,</p>	<p>RER.63.2</p> <p>not applicable</p>	<p>RER.63.3</p> <p>Activities <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><u>Discretion is restricted to:</u></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) <u>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.</u></p> <p>b) <u>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.</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 timing of the strategic planning programme for servicing sites within the district over the next 10 years.</u></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 sewerage <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 Strategic City Development <u>Long Term</u> Plan, the Council has a programme for the progressive upgrading of the stormwater, wastewater, water and roading networks in the City, in the Services Overlay. Until that upgrading takes place, building in the Services Overlay 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 <u>Long Term</u> Strategic City Development Plan, the effects of this on the environment and the <u>Long Term</u> Strategic City Development Plan (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 <u>practical road access and the extension of services from one property to another, which has potential for residential development, is maintained</u>. 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. <u>The proposed road network will be updated through the Nelson 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>REr.107 Subdivision General</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>Any Subdivision <u>not</u> located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps is controlled, if:</p> <p>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and</p> <p>b) 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</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, except in the Inundation Overlay, and</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, except in the Inundation overlay and</p> <p>f) the net area of every allotment is at least: Lower Density Area: 600m² Port Effects Control Overlay 600m² 07/01 Airport Effects Control Overlay 600m² Lower Density Area (Stoke): 1,000m² average with a minimum of 850m² Higher Density Area: 300m² Remainder of Zone 400m² 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 40m-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>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 include land on both sides.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.^{PC13}</p> <p>j) 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><i>Continued overleaf ...</i></p>	<p>REr.107.3</p> <p>Any Subdivision <u>not</u> 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 <u>restricted</u> discretionary if: is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <p>a) every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14, and</p> <p>b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</p> <p>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</p> <p>b) it complies with controlled activity terms REr.107.2 b) to h), and</p> <p>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</p> <p>Discretion is restricted to:</p> <p>i) the matters of control under REr.107.2, and</p> <p>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</p> <p>iii) the matters in the NCC Land Development Manual 2010</p> <p>iv) the matters in Appendices 10 to 12 of the Plan, and</p> <p>v) the design and layout of roads, access, cycle ways, walkways, reserves and biodiversity corridors, and</p> <p>vi) the staging of development and associated roading and reserves, and</p> <p>vii) for Comprehensive Housing Developments the matters in Rule REr.22.3.</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>

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.~~^{PC13}~~

~~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 Stde)</p> <p>b) the extent of compliance with Appendices 10 to 12, 14, 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 or 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>gj) 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>hk) 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>il) 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>jm) the extent to which the proposal has regard to Maori values, particularly in traditional, cultural, or spiritual aspect relating to the land.</p> <p>kn) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</p> <p>lo) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</p> <p>mp) financial contributions (see Chapter 6).</p> <p>ng) 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>er) the ground level required to avoid the effects of flooding.</p> <p>ps) 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>et) effects on neighbouring properties, especially stormwater runoff.</p> <p>ru) provision of adequate flow paths for surface flooding.</p> <p>sv) the possibility of an overloaded public storm water system overflowing onto private property.</p> <p>tw) 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>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 Ssubdivision 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 the wastewater network and other services, to avoid the need for costly and disruptive upgrading later. <u>Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</u></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 fro 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 dDevelopment, 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>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>
<p><i>Continued overleaf...</i></p>	<p><i>Continued overleaf...</i></p>

Assessment Criteria	Explanation
<p>REr.107.4 (continued)</p> <p>ux) 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>vz) 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>wz) an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants.</p> <p>xaa) 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>ybb) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</p> <p>zcc) 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>aadd) 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>bbee) the density of planting, mature height and species of plant proposed in any required landscaping.</p> <p>ceff) potential shading of neighbouring properties from development of the site, including fences.</p> <p>dd) 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>ee) 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>ff) in Ngawhatu Valley the extent to which the subdivision layout and access provisions, creates residential neighbourhoods integrated into the mature landscape.</p> <p>gg) in Ngawhatu Valley and the land between the Valleys, the measures proposed to address cross boundary conflicts with the adjoining Rural Zone.</p> <p>hh) 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>ii) in Marsden Valley and the land between this and <u>Enner Glynn</u> 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>^{PC13}</p> <p>iii) for Marsden Valley Schedule I area <u>the extent to which any proposal and/or development is in general accordance with Schedule I and with the associated Structure Plan (Schedule I Figure 1).</u>^{PC13}</p> <p>gg) 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>hh) in the case of conversion to freehold of cross lease allotments <u>existing prior to the notification of this Plan: 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><u>See Rule REr.61 (earthworks) where a site is being filled for earthworks associated with the subdivision layout and creation of future building sites.</u></p> <p>Where the allotment is to be less than the minimum net area stated in REr.107.2 (subdivision), see Rule REr.23.</p> <p>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.</p> <p>See Schedule I for Marsden Valley Residential Area.^{PC13}</p>

Subdivision Rules relating to Overlays on the Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying
REr.108 Services Overlay 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) <u>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</u></p> <p>b) <u>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</u></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 the timing of the development in relation to the availability of roading and service connections, and</u></p> <p>(v) the economic sustainability of servicing the site relative to the development yield, and</p> <p>vi) the matters of restricted discretion in Rule REr.107.3(subdivision general).</p> <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p><u>Discretionary Activity</u></p> <p>Activities that contravene a standard for the restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.108.4</p> <p>a) whether the disposal of storm water or sewage 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.</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) the strategic planning for servicing of sites within the district as identified in the LTCCP <u>the timing of the development in relation to the availability of roading and servicing connections.</u></p> <p>e) 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, the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites.</p> <p><u>e) the marginal financial costs to the Council (including operation and maintenance costs) of extending water and wastewater providing water and wastewater services to the facilitate future development of land in the vicinity.</u></p> <p>f) the assessment matters in REr.107.4. Subdivision (General).</p>	<p>REr.108.5</p> <p>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.</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, recognising relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable <u>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 sewer wastewater 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><u>Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</u></p> <p>The Council's Engineering Section holds copies of maps which define the servicing constraints in more detail.</p> <p>(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)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
REr.109 Landscape Overlays 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.
REr.110 Fault Hazard Overlay 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.

Assessment Criteria	Explanation
<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>REr.111 Flood Path Overlay, and Flood Overlay and Inundation Overlay 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, Inundation Overlay or any flood path specified in the flood path table in Volume 4 (planning maps) of this Plan is discretionary.</p>
<p>REr.112 Tahunanui Slump Core Slope Risk Overlay Tahunanui Slump Fringe Slope Risk Overlay 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>REr.113 Heritage Precincts 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>REr.114 Heritage Overlays (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>REr.115 Bishopdale Subdivision Area 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>REr.116 Grampian Slope Risk Overlay 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 Grampian Slope Risk Overlay is discretionary.</p>

Assessment Criteria	Explanation
<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:

Item	Permitted	Controlled	Discretionary/Non-complying`
RUr.49A Service Overlay Building	<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>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)</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>Discretion is restricted to:</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>Resource consent for restricted discretionary activities will be considered without notification.</p> <p><u>Discretionary Activity</u> Activities that propose to connect to on site services are discretionary.</p>

Assessment Criteria	Explanation
<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 Council-Community 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 Council-Community Plan, the effects of this on the environment and the Long Term Council-Community 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>RUr.78</p> <p>Subdivision</p> <p>General</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> <ol style="list-style-type: none"> 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 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 the land is not part of a papakainga development as defined in Sch.P, and 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 the net area of every allotment is at least <ol style="list-style-type: none"> 15ha, except in the Small Holdings Areas, or 3ha average lot size with a 2ha⁰⁵⁰¹ minimum lot size in the Lower Density Small Holdings Area, or 1ha average size with a 5000m² minimum size, except in Marsden Valley Schedule I, Chapter 7,^{PC13} Marsden Hills (Schedule V Chapter 7) and Ngawhatu where the minimum size is 2000m² (subject to provision of reticulated services), in the Higher Density Small Holdings Area, 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 no minimum in the case of allotments created solely for access or for a network utility, and 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 every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land. 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.^{PC13} <p>Control reserved over:</p> <ol style="list-style-type: none"> the matters contained in the NCC Land Development Manual 2010 Appendix 14, and the effects of natural and other hazards, and 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 the design, utilization of clusters of development, with separated by open space separating clusters^{PC13}, rather than a design which allows dispersed development, and protection of natural features, landscapes, heritage items, vegetation and Maori values, and riparian management, and public access, and adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and development of the subdivision and sites having regard to: <ol style="list-style-type: none"> appropriate vehicle access, and the siting of buildings, and provision of services, and stormwater management, and the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and financial contributions in accordance with Chapter 6, and the future of land subdivided for the purposes of public utilities and no longer required for the purpose. in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.^{PC13} 	<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> <ol style="list-style-type: none"> it complies in all respects with all the 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 it is 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.⁰⁵⁰¹ 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.⁰⁵⁰¹ <p>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.⁰⁵⁰¹</p> <p>Subdivision of land that is part of a papakainga development as defined in Sch.P is a prohibited activity.</p>

05/01 Amendment 4 Notified 05/03/05
PC13 Plan Change 13 (Marsden Valley)

Nelson Resource Management Plan
Proposed Plan Change 14

Assessment Criteria	Explanation
<p>RUr.78.4</p> <p>a) the matters in Appendix 13 (engineering performance standards) the matters contained in the NCC Land Development Manual 2010.</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) 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.</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) the development potential of other adjacent land for on site wastewater disposal the matters in FWr.29.</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) 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 Barnicoat 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.</p> <p>aa) 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.^{PC13}</p> <p><u>aa) 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. For the Marsden Valley Small Holdings Area Schedule T applies.^{PC13}</p> <p>In Ngawhatu Higher Density Small Holdings area, the average lot size is 1ha with the minimum size 2000m². 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.^{PC13}</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)^{PC13} the Marsden Hills (Schedule V) and Ngawhatu Higher Density Small Holdings Area, the average lot size is 1 ha with the minimum size 2,000m². 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 Barnicoat 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>

^{PC13} 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, and Marsden Valleys, <u>and Enner Glynn Valleys</u> or as otherwise indicatively shown on Structure or Outline Development Plans.^{PC13}</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>
<p>cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I) 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 with adjacent areas, including public roads, residential zones and recreation areas.^{PC13}</p>	

Item	Permitted	Controlled	Discretionary/Non-complying
<u>Rules Relating to Overlays on Planning Maps</u>			
RUR.79 Subdivision within the Coastal Environment Overlay	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 14 <u>the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010</u> , 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 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 provided that any allotment to be created complies in all respects with the requirements of Appendix 14, or 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 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.</u>

Assessment Criteria	Explanation
<p>RUr.79.4</p> <ul style="list-style-type: none"> a) the effects on the natural character of the coast, given the likely pattern of development. b) the pattern of existing land holdings and uses. c) any measures designed to maximise use of natural contours in defining boundaries such as ridgelines. d) the positioning of any likely building platforms in any position visible from the coast. e) effects of any other overlay or hazard. f) any environmental compensation proposed. g) the assessment matters for RUr.78,4 (subdivision - general). 	<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
RUr.80 Subdivision within the Landscape Overlay	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 14.5.1 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 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) it complies in all respects with all the standards relating to stormwater and sewerage in Appendix 14 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 & 6 of the NCC Land Development Manual 2010, and 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.
RUr.81 Subdivision within Heritage Overlays	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>
RUr.82 Subdivision within Natural Hazard Overlays	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>
RUr.83 Subdivision within the Conservation Overlay	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>
RUr.84 Subdivision within the Grampians Slope Risk Overlay	RUr.84.1 Subdivision is not a permitted activity.	RUr.84.2 not applicable	RUr.84.3 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 Ngawhata, 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 Ngawhata 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 Ngawhata 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
RUR.85 Services Overlay 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 the timing of the development in relation to the availability of roading and service connections (iii) the economic sustainability of servicing the site relative to the development yield, and (iii) 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 (iv) 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 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. ⁰⁵⁰¹

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, the timing of the development in relation to the availability of roading and servicing connections. 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, the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites. f) the marginal financial costs to Council (including operation and maintenance costs) of extending water and wastewater providing water and wastewater services to facilitate future the 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. <u>Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</u> 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

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

AP7.5.1 consents required – residential zone

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
Residential Activity	<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> <p>a) 2 spaces for 2 to 4 bedrooms. 1 space for residential units with 1 bedroom</p> <p>b) 3 spaces for 5 or more bedrooms. 2 spaces for residential units with 2 or more bedrooms.</p> <p>e) 1 extra space for rear sites on State Highways, Arterial and Principal Roads.</p> <p><u>For residential units contained within a Comprehensive Housing Development considered under rule REr.22 the following standards applies:</u></p> <p>a) 1 space for 1 or 2 bedrooms,</p> <p>b) 2 spaces for 3 or more bedrooms,</p> <p>c) 1 visitor space for every 5 units for developments with 5 or more units (rounding applied as per AP10.3).</p> <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					
Example: 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
Residential	1 per frontage	<1m or >7m	4m	6m
Inner City Suburban Commercial	The greater of 2 per frontage or 1 per 50m of frontage [†]	<1m or >7m (if continuous, one way, and marked in and out)	5m	7m 8m for mutual crossings
Industrial	The greater of 2 per frontage or 1 per 50m of frontage [†]	<1m or >7m	6m for mutual crossings	8m 9m for regular 'B Train' crossings
All Other Zones	2 per frontage	State Highways, Arterial or Principal Roads: <1m or >200m All other roads: <1m or >100m	6m	9m

[†] 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

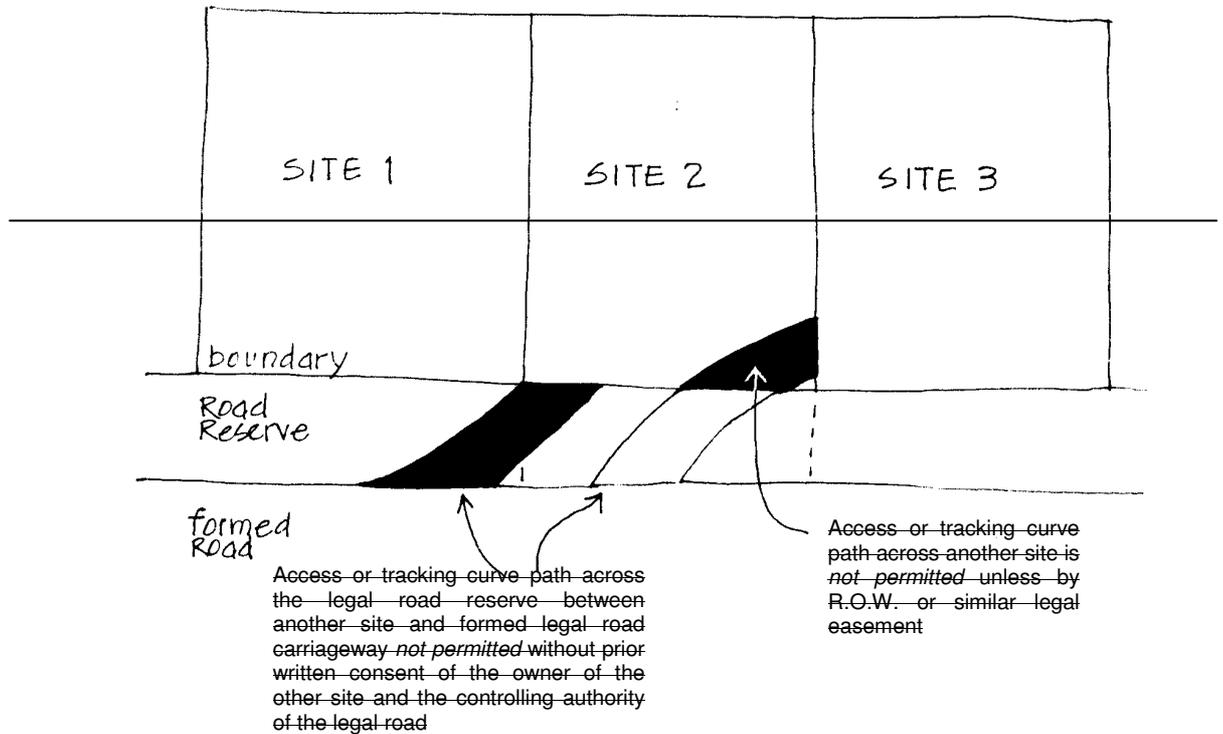
AP11.3.1 Any access must comply with the relevant design and construction standards specified in Section 4 Transport of the Land Development Manual 2010, of Appendix 14 (design standards), as set out below:

- 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, aAccess 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 AUSTRROADS 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 AUSTRROADS 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.~~

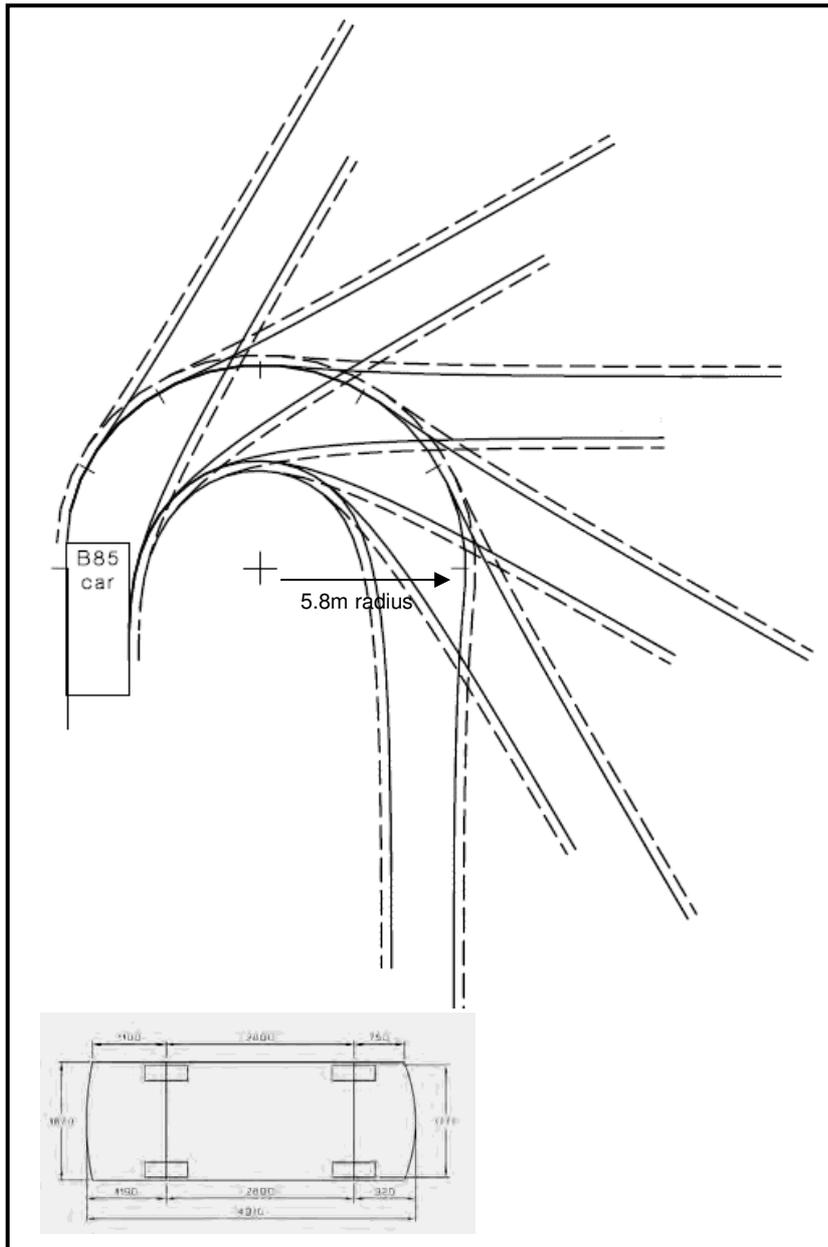
~~AP12.2.v Further, a print of the u shaped (1800) tracking curve at a scale 1:100 as shown below must be included in any application to test similarity to the tracking curve specified in this plan.~~

Simpath File	H:\SIMPATHL\NZCARS97.SPV
Variables	
Unit	NZ 90%ile Car; 6.0 radius Turn Circle
Number	404
Last Edited	19980127 1036
Max Lock	35.0630
Front centre	0, 2.61
Rear tow point	0, -0.9
Unit Point 1	0.865, 3.9
Unit Point 2	0.865, -0.78
Unit Point 3	-0.865, -0.78
Unit Point 4	-0.865, 3.9

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

Delete AP12.5 text as follows:

AP12.5 — 90 percentile semi-trailer – tracking curves suitable for complex turns

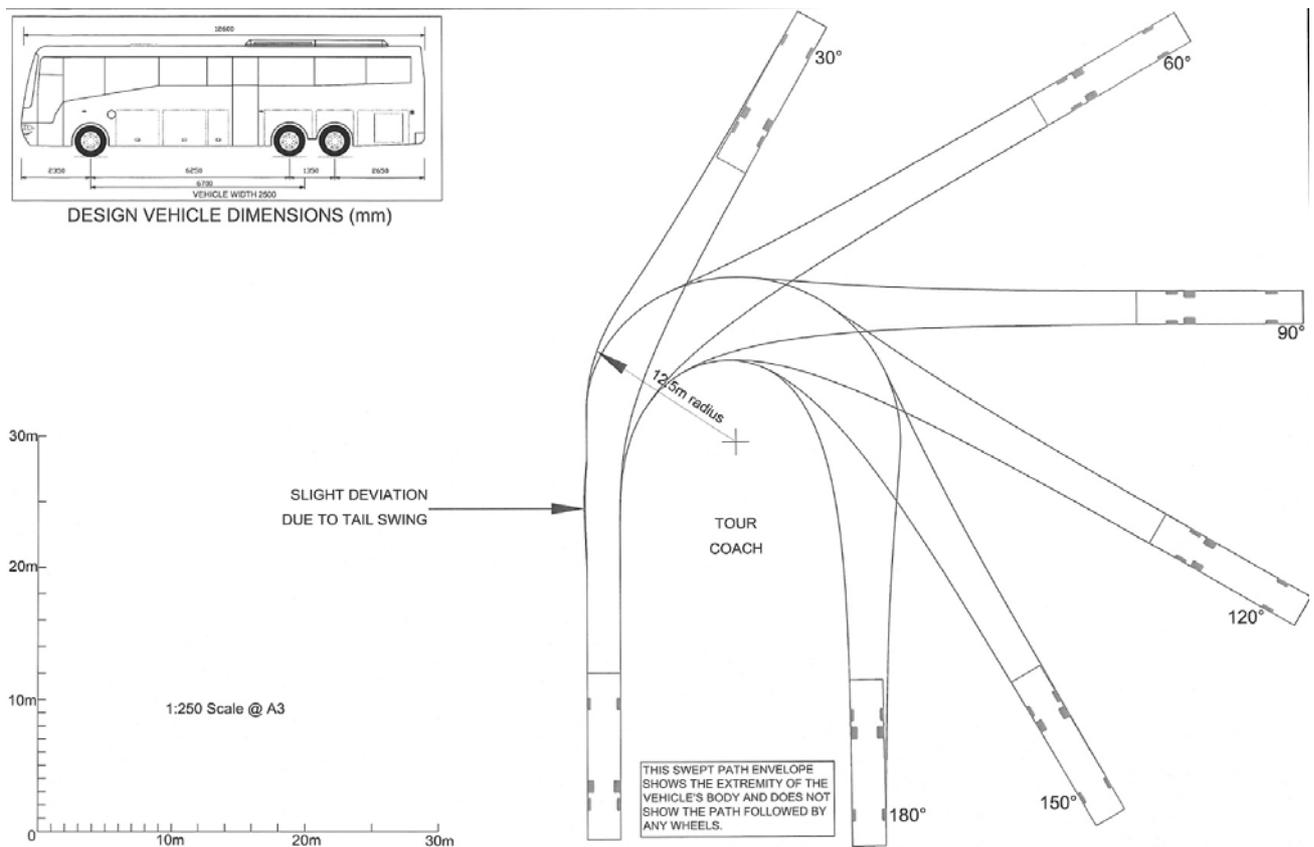
~~AP12.5.i — Minimum required clearance refer to rules under AP12.1~~

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 sets out~~ the information requirements that must accompany restricted discretionary subdivision activities under Rule REr.107. It ~~can~~ also ~~lists a number of indicators that can be used to assess how a design responds to the 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 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~~ ~~design approaches are proposed~~, and how the whole design contributes towards the goal of better urban design within ~~the~~ the context ~~of~~ of the sites local environment.

AP14.1.iii ~~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.~~ Appendix 14 does not ~~reiterate describe in detail what good quality~~ urban design is considered to be for Nelson. ~~instead applicants are referred to the urban design and appropriate zone objectives and policies.~~ ~~Quality design outcomes rely on the subdivision designer and/or design team possessing a good knowledge of urban design approaches and techniques.~~ In other words, this section does not tell ~~you~~ applicants 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. It is expected that the Appendix 14 requirements will result in better quality urban design outcomes, 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.

AP14.2 information requirements

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~~ infrastructure 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. Depending upon the nature and scale of the development proposed, the application may need to be accompanied by each of the following requirements 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 information requirements on the one plan. However, because the 'context analysis' plan may 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.~~

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:~~

- ~~g) make applicants think carefully about the quality of the resource consent application (this should improve the general quality of applications).~~
- ~~h) give applicants the opportunity to explain and justify their proposal to Council officers, councillors and the people they consult with.~~
- ~~i) 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.~~
- ~~j) help with pre application consultation and the understanding and negotiation of changes to designs, as they can set out ideas for discussion.~~
- ~~k) provide consistent application standards for restricted discretionary subdivision activities that will enable consistent and efficient consent processing.~~
- ~~l) 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.~~

AP14.2.1 Context and Site Analysis

~~**AP14.3.v.2.1.i** 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.2.1.ii 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.2.1.iii 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 up to 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~~ up to 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.2.1.iv 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.2.1.v ~~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.

AP14.2.1.vi Based on the above information, a summary of the opportunities and constraints present should be prepared. This should identify areas 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.

AP14.2.2 Design Description : Subdivision and Development Plan

AP14.2.2.i The subdivision and development plan must describe the following elements:

AP14.2.2.ii 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:~~

AP14.2.2.iii The movement network includes:

- a) existing and ~~desired~~ proposed 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.~~

AP14.2.2.iv 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.~~

AP14.2.2.v The open space network includes:~~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.~~

AP14.2.2.vi 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.

~~AP14.2.2.vii~~ The streetscape and open space design includes: ~~The subdivision and development plan will include:~~

- ~~a) the landscaping design of carriageways, berms, footpaths, car parking areas and low impact stormwater and access designs and locations for the different street types and functions of streets that are proposed. This may require the provision of cross sections.~~
- ~~b) planting types, sizes and locations.~~
- ~~e)b) street and open space lighting types, sizes and locations.~~
- ~~e)c) proposed signage locations.~~
- ~~e)d) proposed location of reserves and a design description for proposed reserves.~~
- ~~e)e) 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. Planting densities and types for areas of revegetation, riparian areas, reserves and streets.~~
- ~~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.~~

AP14.2.2.viii 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 NCG 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.

AP14.2.2.ix Stormwater management includes: 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.~~

AP14.2.2.x 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.

AP14.2.2.xi Allotment layout includes: 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, show all lot sizes and dimensions including the location of comprehensive housing sites and their dimensions.
- ~~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 accessed in accordance with Appendix 22 Comprehensive Housing Development.~~
- ec) allotments located lots within the Landscape Overlay must show proposed building sites, and these will be accessed against the Appendix 7 Guide for subdivision and structures in the Landscape Overlay.
- fc) identification of the relationship between open space and allotments and their future dwellings to show how active edges and informal surveillance can be achieved. Illustrate how the lot layout will enable positive relationships between private development and public spaces, including the ability to maintain passives surveillance

of streets and reserves and related principles of Crime Prevention through environmental Design (CPTED).

~~**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.~~

AP14.2.2.xii reticulated services

reference objectives

DO13A.7 Urban design process

DO14.3 Services

~~**AP.14.3.xxiv** The preliminary engineering infrastructure 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.~~

AP14.42.3 design statement

AP14.42.3.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.

AP14.42.3.ii Applications under Appendix 14 need to be able to demonstrate how they have taken into account the need for 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.

AP14.42.3.iii Content Requirements

Design statements should:

- explain the design principles and concepts that have informed the subdivision or development design, and
- explain how the relevant urban design and sustainability objectives have been achieved.

AP14.42.3.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.

AP14.3 Indicators of Quality Design

AP.14.3.i The following section of the Appendix provides information that will assist applicants and the Council in consideration of subdivision and development applications under REr.107.

AP14.3.ii 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.iii 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 quality 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 quality 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.iv The extent to which the following indicators of quality subdivision design apply will vary from site to site. These indicators help to explain the assessment criteria accompanying the rule REr.107 of the Plan, and are related to the urban design objectives and policies.

AP14.3.1 movement network

AP14.3.1.i 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.

AP14.3.1.ii Quality 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.*

AP14.3.2 open space network

AP14.3.2.i 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. 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 quality urban design and the suitability of wildlife.

AP14.3.2.ii Quality 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.
 - c. Enhance and incrementally extend existing biodiversity corridors.
 - d. Retain native vegetation, mature trees and significant ecological features and use these as features within public open space.
4. Locate local parks where they:
 - d. Are of most benefit to the local community.
 - e. Will be overlooked from the street and dwelling frontages to ensure informal surveillance.
 - f. Are not more than 400 metres walking distance from most dwellings.

AP14.3.3 landscape

AP14.3.3.i Quality subdivision will:

5. Maintain important landscape patterns
 - a. Preserve significant landscape and landform features.
 - b. Restore and extend riparian restoration treatments and biodiversity corridors
6. Use landscape features to enhance the amenity, character and recreational potential of the development.
7. Retain areas of native vegetation, mature trees or significant ecological features, and locate these in public areas where possible.
8. Provide both visual and physical access to the main landscape elements and features.

AP14.3.4 streetscape and open space design

AP14.3.4.i 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.

AP14.3.4.ii Quality 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.

AP14.3.5 stormwater management

AP14.3.5.i 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.

AP14.3.5.ii Quality 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.

AP14.3.6 allotment layout

AP14.3.6.i 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.

AP.14.3.6.ii Quality 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:
 - c. maximise proximity to facilities.
 - d. 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.

AP14.3.7 reticulated services

AP.14.3.7.i The NCC Land Development Manual provides minimum standards and information requirements necessary to accompany an application, including requirements for street lighting.

AP.14.3.7.ii Quality 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.

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 350m²', 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** **should** 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~~ **should** 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~~ **should** 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

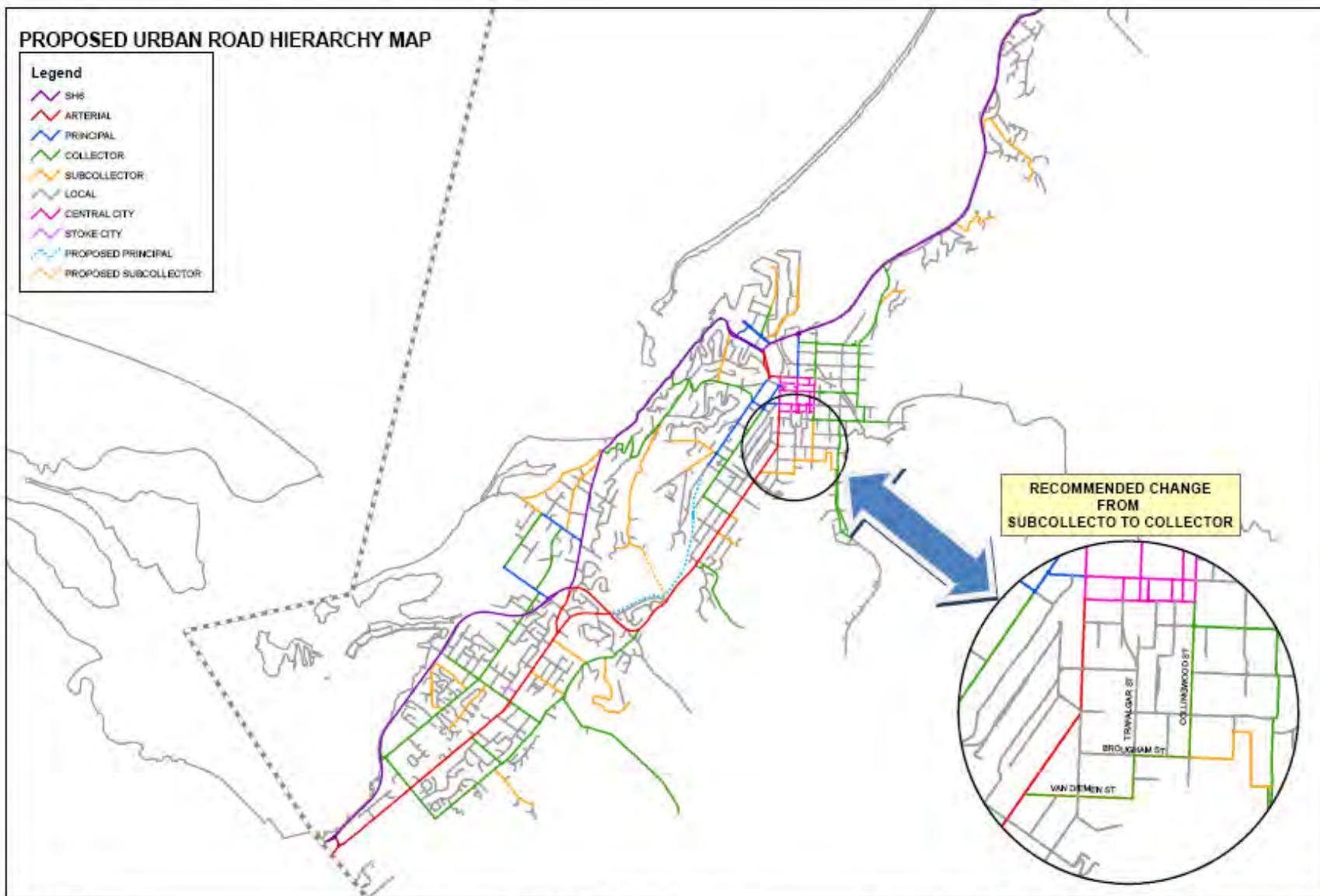
AP22.9.1.i Consideration should be given to articulation and detailing to help break up the façade of large buildings so that it looks like several buildings, as appropriate to the character of the area. Modulation between floors is also important, having regard to patterns in neighbouring buildings.

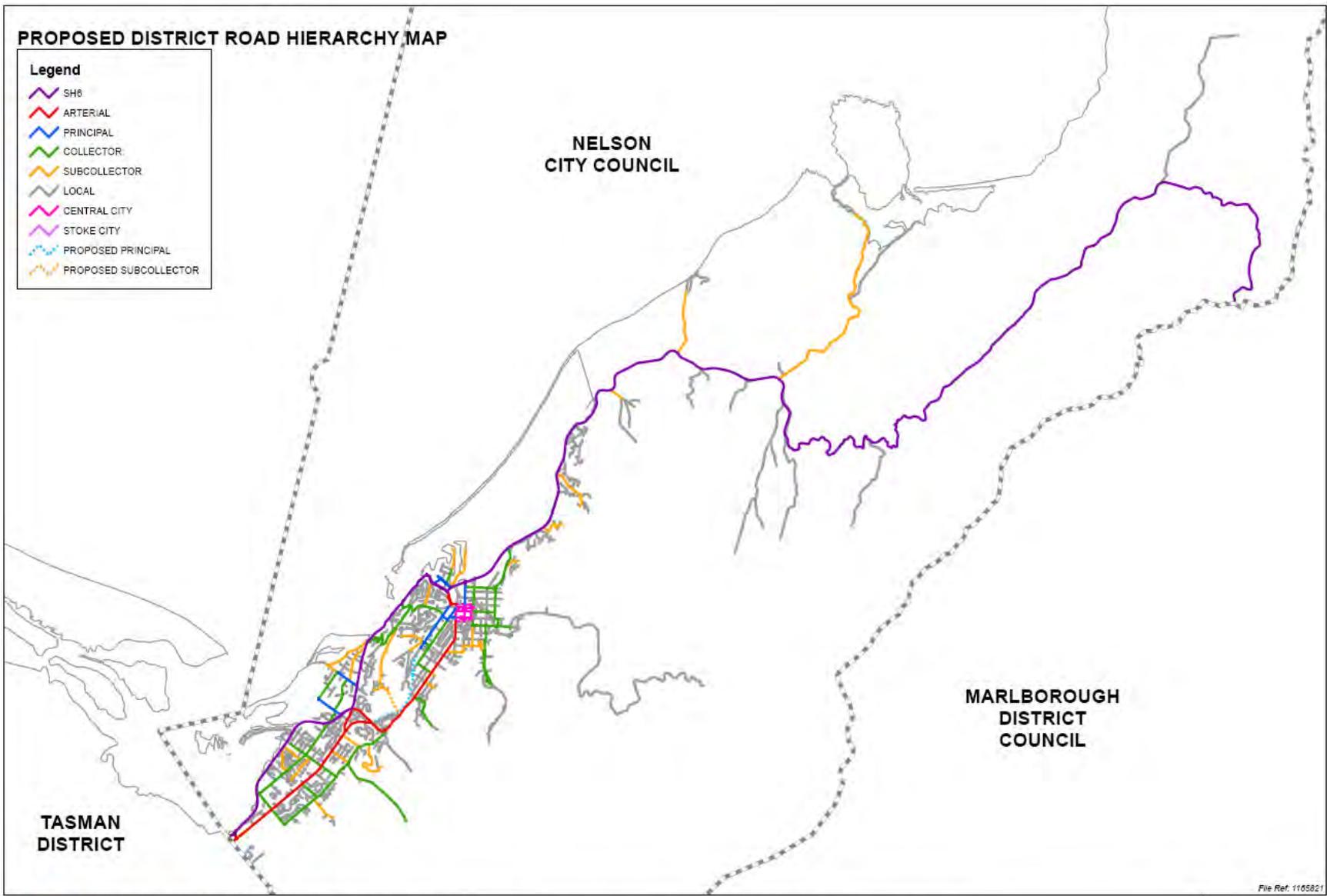
Amend AP23.6.1 application of Nelson Resource Management Plan by adding c) as follows:

- 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.





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N Scale 1:100,000
MAP A2.2

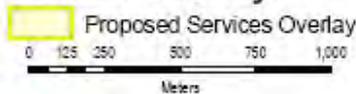
NELSON RESOURCE MANAGEMENT PLAN

*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

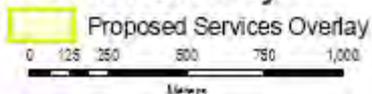


01

Issued
2 June 2010

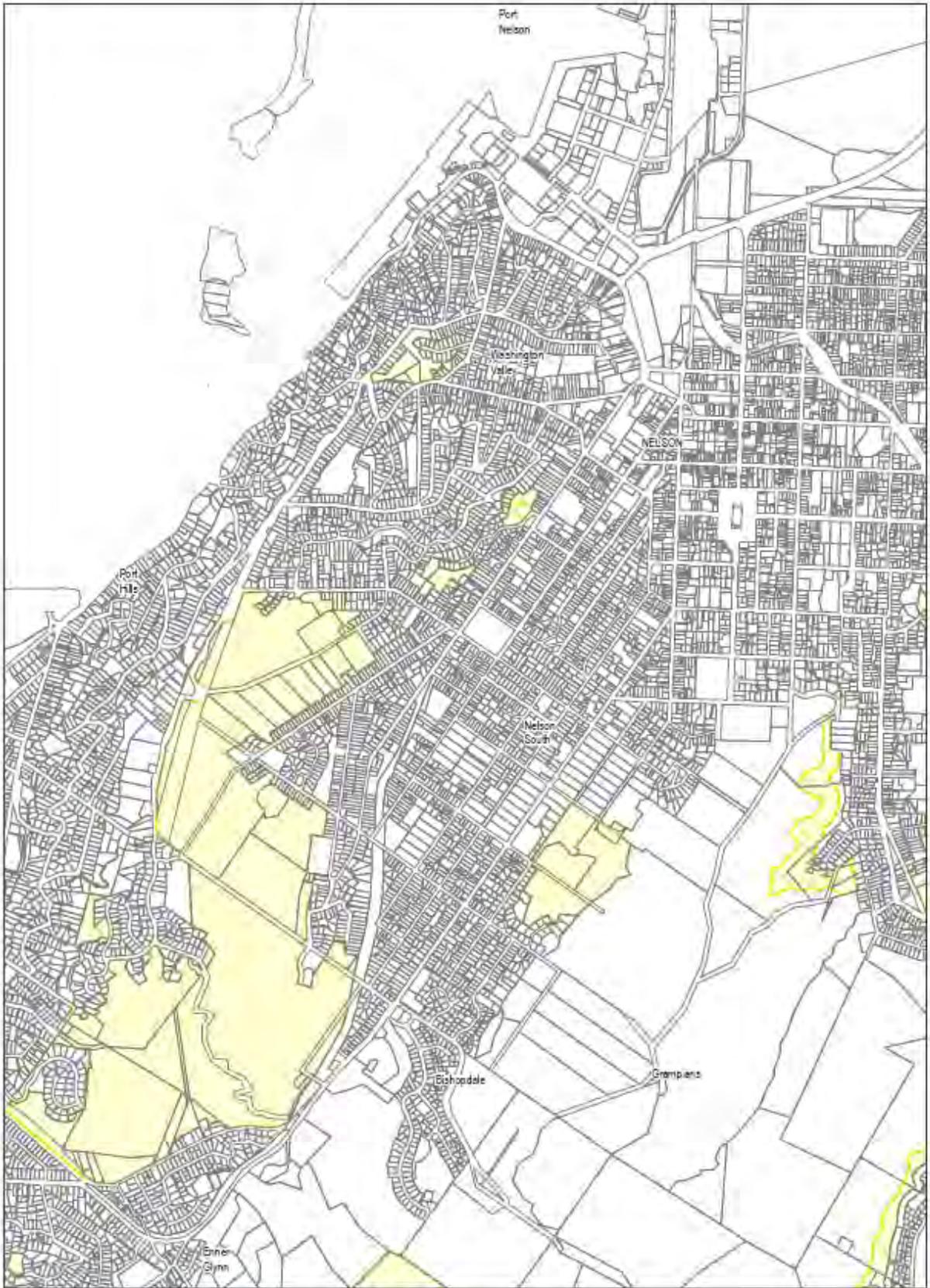


Plan Change 14 - Proposed Services Overlay

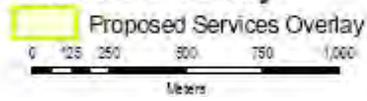


02

Issued
 2 June 2010

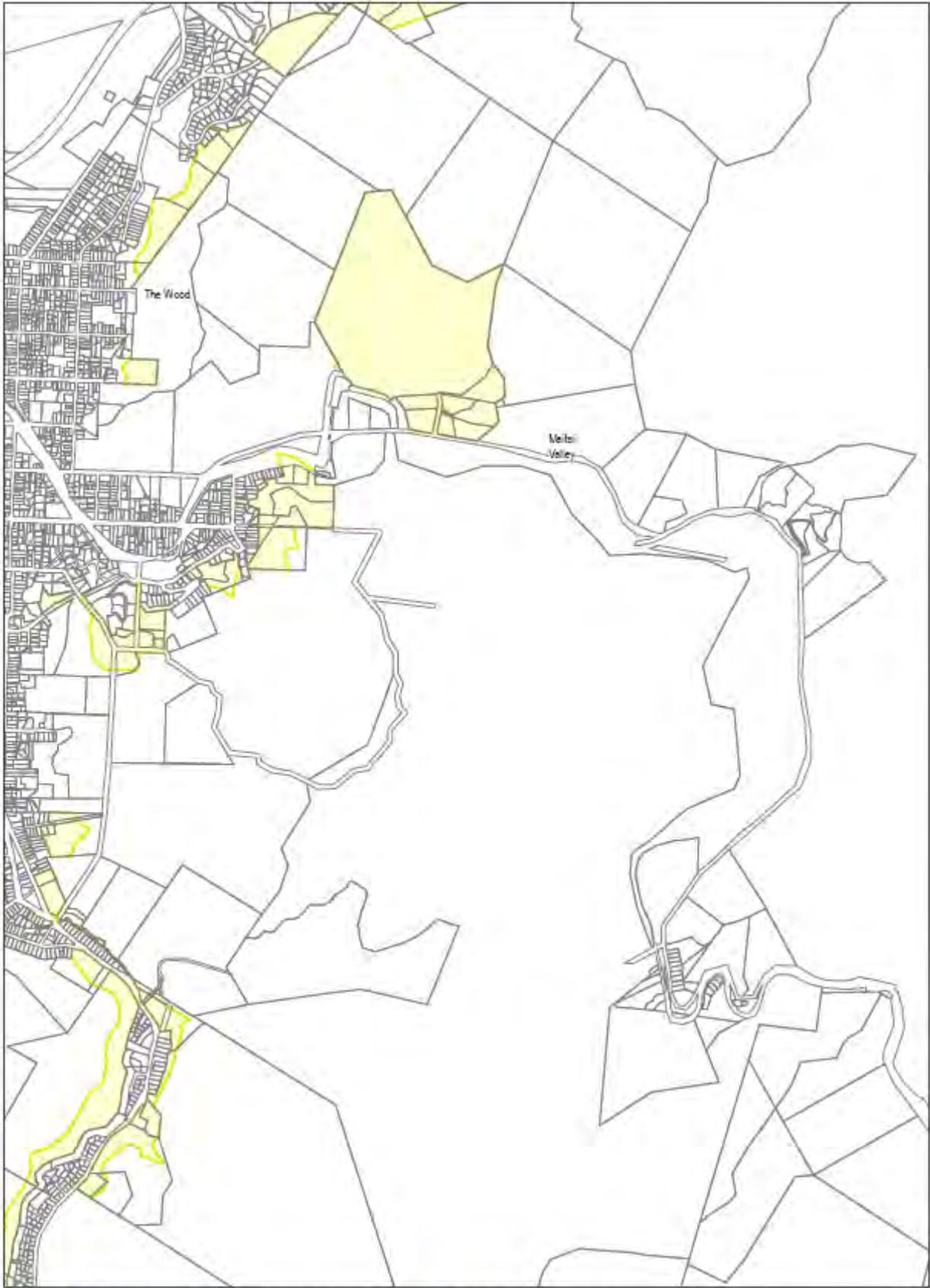


Plan Change 14 - Proposed Services Overlay

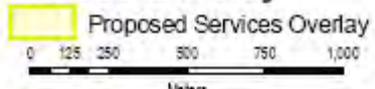


03

Issued
2 June 2010

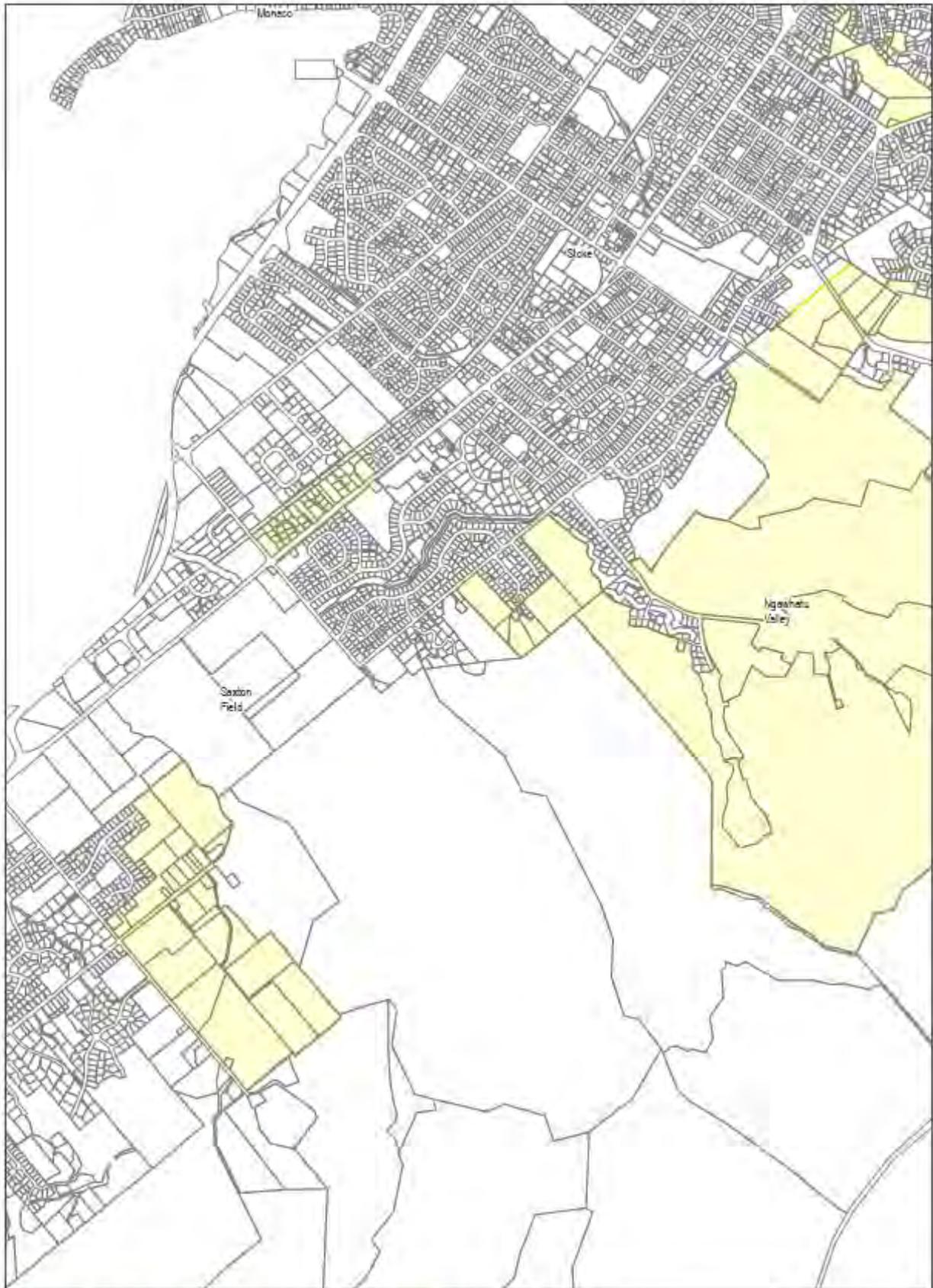


Plan Change 14 - Proposed Services Overlay

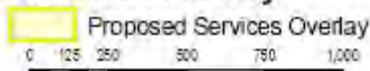


04

Issued
2 June 2010

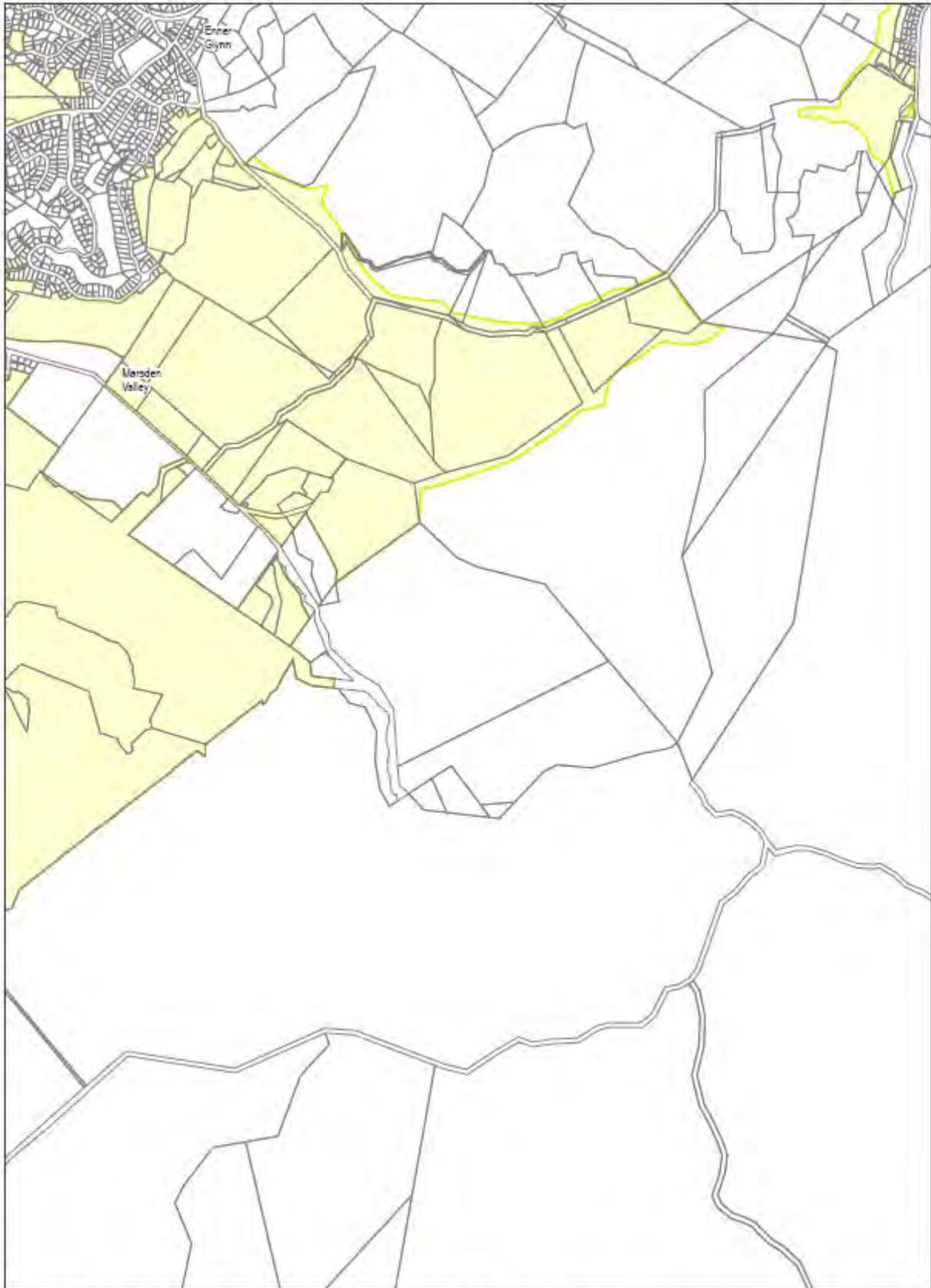


Plan Change 14 - Proposed Services Overlay

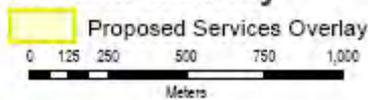


05

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	v) the matters in Appendix 13 (engineering performance standards except where specific alternatives are recommended in the Landscape Study. 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	vi) the matters in Appendix 13 (engineering performance standards except where specific alternatives are recommended in the Landscape Study. ^{PC13}	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.

Appendix 14			
Reference Location	Page	Existing Reference/Operative Text	Proposed Change
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	As in Table 14.1, Appendix 14, except that the following are required: ^{PC13}	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	vi) the extent of compliance with Appendices 10 to 12, and 14, except where specific alternatives are mention in the Landscape Study. ^{PC13}	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.	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.
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	e) Any proposal to vary the design of roads, as set out in T.4.1.2, Discretion is restricted over: ^{PC13}	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	vii) the extent of compliance with Appendices 10 to 12, and 14 except where specific alternatives are recommended in the Landscape Study. ^{PC13}	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

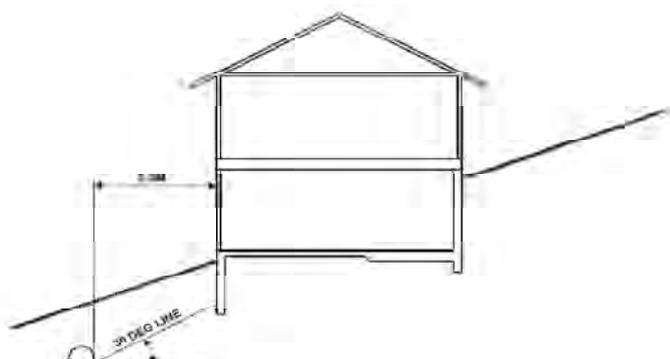
FWr.22.4.a)	9-99	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater Bylaw or Section XI: erosion and sediment control, in the NCC Engineering Standards.	a) the degree to which any discharge of stormwater to a river does not comply with the NCC Stormwater 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><u>RUr.31A</u> <u>Building over or alongside drains and water mains</u></p>	<p>RUr.31A.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> 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 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 iii) which are balconies, may overhang the line of the pipe or drain, provided the <u>balcony structure</u> is cantilevered <u>or is an eave</u> and <u>it's the height to the underside of the structure</u> above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram). <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"> i) The foundations are located in accordance with a) iv) above; and ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and iii) The carport is not closed in; and iv) The floor is not concrete to a depth greater than 150mm; and 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). <p>c) As an alternative to (a) and (b), structures may be located over common private or public <u>sewer wastewater</u> or stormwater drains or pipes (but not pressurised pipes), if they comply with <u>Appendix 14, Table 14.5.2, "Acceptable Techniques for Building over Drains or Pipelines" 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 Activities that contravene a permitted standard are a restricted discretionary activity. Discretion restricted to:</p> <ul style="list-style-type: none"> i) The design and location of the structure, and ii) Access to pipework <u>or drain</u> for maintenance, and iii) <u>The nature and location of the pipework or drain.</u> <p>Resource consent applications for restricted discretionary activities will be considered without notification <u>or service of notice</u>, or obtaining written approval of affected persons, 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> <p>e) the nature of the structure and whether access to the pipe or drain can be maintained</p> <p>f) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</p> <p>g) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</p> <p>h) The accessibility of the pipework or drain and the ease by which it could be extracted.</p>	<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><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. Note that this Appendix does not apply to proposals to build over water mains or other pressurised pipes.</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>INr55 Service Overlay - Building</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 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>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).</p> <p>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</p> <p>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;</p>	<p>INr55.2 not applicable</p>	<p>INr55.3 Activities <u>Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are 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) 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.</p> <p>b) 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.</p> <p>c) 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.</p> <p>d) 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.</p> <p>e) the strategic planning programme for servicing sites within the district.</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 sewerage 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 <u>Long Term Strategic City Development</u> 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.</p> <p>If a developer proposes a short term <u>access, drainage or water supply</u> method that is not consistent with the <u>Long Term Strategic City Development</u> Plan, the effects of this on the environment and the <u>Long Term Strategic City Development</u> Plan (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 <u>practical road access and the extension of services from one property to another which has potential for residential development is maintained</u>. 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><u>Use of on site servicing within the Industrial 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>

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>ICr.81 Subdivision General</p> <p><u>(except for subdivision located in the Heritage Overlay or Heritage Precinct)</u></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"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and b) 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 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 d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and 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 f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and g) any existing buildings comply with the conditions for permitted activities, or a resource consent. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the matters contained in Appendix 13 (engineering performance standards) the NCC Land Development Manual 2010, and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items and trees 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: <ul style="list-style-type: none"> a) appropriate vehicle access, and b) the intensity of buildings 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 Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> a) finished ground level, and b) the nature of infill, its compaction and placement. 	<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"> 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 & 6 of the NCC Land Development Manual 2010, and</u> b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.

Assessment Criteria	Explanation
<p>ICr.81.4</p> <ul style="list-style-type: none"> a) the matters in Appendix 13 (engineering performance standards) in the NCC Land Development Manual 2010, and b) the extent of compliance with Appendices 10 to 12, and 14 and 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. d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services. e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards. 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. g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure. 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. i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land. j) any consultation, including with Tangata Whenua as appropriate, and the outcome of that consultation. k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. l) financial contributions (see Chapter 6). m) the development potential of other adjacent land. n) the ground level required to avoid the effects of flooding. 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) effects on neighbouring properties, especially stormwater runoff. q) provision of adequate flow paths for surface flooding. r) the possibility of an overloaded public storm water system overflowing onto private property. s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land. 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. 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. v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants. 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. x) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances. 	<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>INr.73 Subdivision general (except for Subdivision in the Services or Heritage Overlays)</p>	<p>INr.73.1 Subdivision is not a permitted activity if:</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"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14 and b) 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 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 minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and 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 f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and g) any existing buildings comply with the conditions for permitted activities, or a resource consent, and 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. <p>Control reserved over:</p> <ol style="list-style-type: none"> i) the matters contained in Appendix 13<u>the NCC Land Development Manual 2010, and</u> ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items and trees 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: <ul style="list-style-type: none"> • appropriate vehicle access, and • the intensity of buildings to be erected on each lot and the siting of such buildings, and • 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 Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> • finished ground level, and • the nature of infill, its compaction and placement. 	<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"> 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 & 6 of the NCC Land Development Manual 2010.</u>

Assessment Criteria	Explanation
<p>INr.73.4</p> <ul style="list-style-type: none"> a) the matters in Appendix 13 the NCC Land Development Manual 2010. b) the extent of compliance with Appendices 10 to 12, and 14 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. d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services. e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards. 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. g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure. 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. i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land. ij) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation. k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. l) financial contributions (see Chapter 6). m) the development potential of other adjacent land. n) the ground level required to avoid the effects of flooding. 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) effects on neighbouring properties, especially stormwater runoff. q) provision of adequate flow paths for surface flooding. r) the possibility of an overloaded public storm water system overflowing onto private property. s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land. 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. 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. v) any existing protection of the area including any existing esplanade reserves or strips or any protective covenants. 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. x) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances. y) In the Nayland Road South industrial area, the extent to which industrial activities could affect the amenity of adjoining residential sites. z) The density of planting, mature height and species of plant proposed in any required landscaping. 	<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
INr.74 Services Overlay Subdivision	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 & 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.
INr.75 Heritage Overlays Subdivision	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.