Doc No: 820626
Author: Reuben Peterson
No. of attachments:

28 August 2009

The Chair and Councillors
Plan Change Committee

PLAN CHANGE 13: MARSDEN VALLEY REZONING – SUBURBAN COMMERCIAL ZONE PROVISIONS

1. Reason for report

1.1. To gain agreement on the proposed changes to the Nelson Resource Management Plan as they relate to the proposed Suburban Commercial Zoned area of Marsden Valley.

2. Background

2.1. At the previous Plan Change Sub-Committee meeting (13 August 09) agreement was reached on details to be shown in any notification of Plan Change 13 – see minutes RAD 814303. The outstanding issue revolved around provisions for the proposed Suburban Commercial Zone. It was agreed by the Sub-Committee that Reuben Peterson, Policy Planner NCC, should work with John McLaughlin's planning consultant to develop mutually acceptable policy which would allow for an increased height allowance and larger Suburban Commercial Zone area.

3. Consultation

4.1.1 John McLaughlin's team has been involved in the policy preparation. They provided a draft set of rules and policy which resulted from a meeting between NCC staff and themselves. This draft follows the current Nelson Resource Management Plan approach, and while being extensively modified forms the basis for the current proposed option.

4.1.2 John McLaughlin's team has not seen the current proposed provisions as attached to this report (attachment A – changes relating to the Suburban Commercial Zone highlighted, note these have been modified from that emailed out 26 August 09)

4. Discussion

4.1. The remaining issue to be considered prior to notification of Plan Change 13 revolves around the Suburban Commercial Zoning. The original private plan change applicant, and Council staff, wish to establish an area of Suburban Commercial zoning within the Structure Plan area.

4.2. The main issues considered in developing policy for the zone are:

- How to allow for an increased height allowance.

- How to ensure a larger zone area does not attract activities which are incompatible with an 'urban village' concept.
- How to ensure a successful urban environment is created.

4.3. Height

4.3.1. The standard height allowance for the Suburban Commercial Zone is 8m, the proposal is to allow buildings up to this height as permitted activities. Buildings between 8-12m would be a restricted discretionary activity with a plan provisions making this non-notified. This allows Council to consider the effect of the extra height with the ability to influence the design, location and effect on the overall design objectives of the Marsden Valley Suburban Commercial Zone. The non-notified provision gives the applicant more certainty in the process as it will not need written approvals or full notification with a hearing.

4.4. Activities

4.4.1. Some activities (such as industrial) are proposed to be discretionary activities. This provides protection from the identified activities occurring without there first being the opportunity to consider the impact these activities may have on the creation of a successful urban village centre.

4.5. Active frontages

4.5.1. A blank building façade or wall facing onto a street or public space can negatively affect that space through lack of interaction and surveillance. The plan provision proposed is based on the similar Inner City Zone provision.

4.6. Design principles

4.6.1. If a building or activity is to be assessed for its contribution to the 'urban village' vision there needs to be something to assess this against. This has been provided through the use of a list of design principles incorporated into the Plan and form a assessment criteria or matter of discretion when considering a resource consent. Buildings between 8-12m will be assessed against it, as will be activities in this area which require resource consent. Buildings and activities which do not trigger resource consent will not be assessed by Council against these design principles.

4.7. Others

4.7.1. Objectives and policies have been added to Plan Change 13 to support this direction for Marsden Valley Suburban Commercial Zone and some other explanatory text to help people understand what is going on. There are also new assessment criteria to ensure thought is given to the relationship to the Residential Zone but this only applies if resource consent is required.

5. Significance of Decision

5.1. This decision is not significant in terms of Council's significance policy.

6. Options

6.1. **Option 1**: Recommend to the Council that portions of Plan Change 13 'Marsden Valley rezoning' relating to the Suburban Commercial Zone is notified in its current state.

6.2. Advantages: Notification can occur without further revision of proposed Plan text.

Ensures that agreed timeframe is achieved.

Allows for an increased zone area and building height while ensuring Council of outcomes.

6.3. Disadvantages: The design of buildings which do not trigger resource consent cannot be assessed by Council against the Overall Design Principles for the zone.

6.4. **Option 2**: Instruct staff to prepare plan change text following a different method for achieving the desired 'urban village' concept.

6.5. Advantages: Incorporates Plan Change Committee input.

6.5.1. Disadvantages: Any substantial further changes are likely to result in the agreed timeframe not being achieved.

7. Staff recommendation

7.1. Staff recommend Option 1 is followed. This provides for Council control over the taller buildings to ensure they help achieve the Overall Design Principles of the Marsden Valley Suburban Commercial Zone. It also controls various uses which have been identified as potentially being undesirable in an 'urban village' environment, but still allows for them to be considered through resource consent. It provides for the creation of active frontages to buildings and also sets a policy direction to ensure that any activities which require resource consent will be beneficial to the community centre.

7.2. This option is similar to that sought by John McLaughlin and it follows current Plan structure.

8. Delegations Register reference

8.1. To set the priorities for the preparation or review of resource management plans (District and Regional Plans), or Nelson Regional Policy Statement under the Resource Management Act 1991 and to confirm for public notification and submission discussion documents, strategies, variations and plan changes (but not the approval of variations or plan changes following consideration of submission) – First Schedule, Resource Management Act 1991.

9. Recommendation

***THAT** the text of Plan Change 13 Marsden Valley Reszoning as attached to report 820626 be accepted by the Plan Change Committee;*

***AND THAT** the Plan Change Committee recommends to the Council that the Plan Change text as attached to report 820626 be notified.*

Richard Johnson
Divisional Manager Planning and Consents

RDP: **Attachments**

Appendix A: Proposed Plan Change text (RAD 800863, v9)

Appendix A

Draft Proposed Plan Change Text for Nelson Resource Management Plan

Insert RAD 800863 (version 9)