

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

**IN THE MATTER of an application by Nelson City Council ("NCC") for a plan
change ("PC29") to the Nelson Resource Management Plan
("NRMP") in the NRMP ("Application")**

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

**EXPERT CONFERENCING INNER CITY AND PLANNING,
ARCHITECTURE AND URBAN DESIGN**

5 August 2024

Expert Conferencing Held on: 5 August 2024

Venue: The Hotel Nelson, 40 Waimea Road, Nelson South, Nelson

Independent Facilitator: Ian Munro

Admin Support: Harry Forrester

1 Attendance:

- 1.1** The list of participants is included in the schedule at the end of this Statement.
- 1.2** There are no conflicts of interest by the applicants.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

- 2.1.1 The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- 2.1.2 They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- 2.1.3 They will make themselves available to appear before the Panel;
- 2.1.4 This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

MG, RM, CW, ML, JA discussed reverse sensitivity and the consent requirement for new buildings relating to GP investments Ltd submission

3.1 St Vincent Street/Vanguard Street Industrial Zone to Inner City – Fringe

3.1.1 Reverse sensitivity matters of discretion.

All experts discussed the Inner City policy framework and considered the activities and standard for permitted activities proposed. All experts agree that amendment of IC4.1.ii to include reverse sensitivity effects would be appropriate. MG, RM, CW, ML agreed to continue working on the content of the rule outside of expert conferencing.

All experts agreed to amend IC4.2.ii to recognise that the expanded Inner City Fringe area will transition over time from industrial to mixed use. MG, RM, CW, ML agreed to continue working on the content of the explanation outside of expert conferencing.

- 3.1.2 Agreement in principle that reverse sensitivity assessment matters (ICr.37B.4(c)(iii)) that also captured residential and potentially sensitive activities so as to maintain a workable permitted activity additions and alterations framework could be acceptable. MG, RM, CW, ML agreed to continue working on the content of the rule outside of expert conferencing.

3.2 New building and alterations and amendments to buildings (ICr.37B) – minor alterations, with a focus on the rezoned area within the St Vincent Street/Vanguard Street St environment.

MG, RM, CW confirm their view that new buildings should require RD consent. ML is concerned with existing activities and ongoing and reasonable use, and remains unconvinced that all new buildings should require a consent in this area.

MG shared draft rules provided for permitted use and additions and alterations (ICr.37B).

MG, RM, CW, ML agreed in principle that a rule could be acceptable to provide for reasonable ongoing use, while also triggering the need for resource consent for larger scale redevelopment and change of land use in the direction proposed by PC29.

MG, RM, CW, ML agreed to continue working on the content of the rule outside of expert conferencing.

3.3 ICr.37B.1 – definition of ‘minor alteration and additions’. ICr.37B – standards/criteria. MG circulated draft wording for amendments prior to conferencing.

MG, RM, CW, ML, JA agreed that the plan should enable reasonable ongoing use and adaptation and that there is a relationship between the scale of an alteration or addition and whether the underlying use is proposed to also change. MG, RM, CW, ML, JA agreed that the combination of activity status, restrictions or reservations, and assessment matters are relevant. The experts agreed to continue working on these provisions outside of expert conferencing.

3.4 IC1.2 Large scale activities -

ML identified an error in the policy wording that did not reflect the Council’s amended retail strategy. The policy should refer to large format retailing in the inner city zone, not just the city centre and not just schedule N, as currently worded within method IC1.2.ii and the supporting policy.

MG, RM, CW, ML, agree that this would be addressed by changing the reference in the policy from City Centre to Inner City, and updating method IC1.2.ii to reflect the permitted rules proposed in PC29.

3.5 Objective IC3

MG, RM, CW, ML discussed the notified amendments and RM referred to objective IC2 as part of the Council's response to the amenity and character outcomes it seeks. MG, RM, CW, ML agreed that the current wording of IC3 should be improved to better relate to the proposed new heritage provisions, while ensuring that other objectives still appropriately manage other aspects of amenity and character.

MG, RM, CW, ML agreed to continue working on the policy framework outside of expert conferencing.

4 Next Steps

The experts acknowledge that a great deal of in principle agreement has been reached in regard to the above matters and that specific detail provisions need to be identified in a short timeframe. The experts discussed potential timeframes within the next two weeks to informally share ideas and conference.

It is envisioned that the Council will, as part of the addendum Section 42A reports, present its position along with documenting the position of relevant submitters as at that time, noting that the submitters will also be able to file rebuttal expert evidence alongside that. The experts agreed that no additional formal conferencing will be needed.

5 Participants to Joint Witness Statement

5.1 The participants to this Joint Witness Statement, as listed below, confirm that:

5.1.1 They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and

5.1.2 They have read the Environment Court's Practice Note 2023 and agree to comply with it; and

5.1.3 The matters addressed in this statement are within their area of expertise; and

Confirmed online: 5 August 2024

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 5.1
Mithran Gopinath (Planner)	Nelson City Council	Verbal confirmation (online attendance)
Rachel Morgan (Planner)	Nelson City Council	Yes
Cam Wallace (Urban Designer)	Nelson City Council	Yes
Mark Lile (Planner)	GP Investments Ltd, Trafalgar House Ltd	Yes
Jorgan Andersen (Architect)	Trafalgar House Ltd	Yes