

Before Independent Hearings Commissioners in Nelson

Under the Resource Management Act 1991 (RMA)

In the matter of the hearing of submissions on Plan Change 29 (Housing and Hazards) to the Nelson Resource Management Plan

Summary statement of evidence of Tony Douglas Milne for
Manuka Street Hospital Limited

Urban, Landscape and Visual Amenity

Dated 30 August 2024

MAY IT PLEASE THE COMMISSIONERS

Introduction

1. My full name is Tony Douglas Milne. I am a Landscape Architect and founding Director of RMM Landscape Architects Ltd. My experience and expertise are set out in my primary statement of evidence dated 10 July 2024.
2. This statement provides a reply to the addendum section 42A reports and reply evidence on residential¹, urban design² and heritage³ matters, and a summary of my evidence. This statement has also taken into account the rebuttal evidence that is referenced within the s42A addendum reports.
3. The s42A addendum reports recommend acceptance of the Manuka Street Hospital Limited submission in relation to the appropriateness of a MDR zoning with proposed Schedule Y. I generally support the position now adopted by the Council's witnesses, although I provide further comment in relation to the proposed assessment matters relating to the Manuka Street setback⁴ and the heritage building at 46 Manuka Street⁵. Noting also there appears to be some drafting errors that need tidying regarding these assessment matters.

Code of Conduct

4. As set out in my primary statement of evidence, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.

¹ Addendum 1 to the s42A Report – Residential from Coralie Barker (dated 19 August 2024)

² Rebuttal Statement of Cam Wallace (dated 19 August 2024)

³ Addendum 1 to the s42A Report – Heritage and Churchill View Shaft from Jacqueline Hewson (dated 19 August 2024)

⁴ Appendix 2; s42A Officer Recommended Changes to Schedule Y, Y5 a)

⁵ Ibid, Y5 i)

Scope of evidence

5. My primary statement of evidence:
 - (a) identifies the existing landscape values, visual amenity, and urban character of the Manuka Street Hospital site (**Site**) and existing environment;
 - (b) outlines the urban design, landscape and visual effects of future development on the existing and anticipated landscape character and amenity of the Site and its receiving environment from the following:
 - (i) Retaining the s42A recommended Medium Density Residential zoning (**MDR**) with the addition of a bespoke schedule of standards and rules for the Site.
 - (ii) The amendments recommended to the notified PC29 and in particular the introduction of the High Accessibility Overlay (**HAO**) to the MDR proximate to the Site.
6. In this statement, I respond to the addendum section 42A reports and reply evidence on heritage, urban design and residential matters, produced by the Council following expert conferencing. For expediency I restrict the following to those matters that remained outstanding following the agreed Joint Witness Statements⁶. As such this statement will address:
 - (a) Rule REr.18T/19T; and
 - (b) Schedule Y restricted discretionary activities and assessment matters.

Rule REr.18T/19T

7. I addressed this rule at paragraphs 145 – 148 of my primary statement of evidence. The JWS agreement of 14 August 2024 records agreement as to the alternative method proposed by MSHL, in the form of a defined building envelope. This has been further addressed in the rebuttal evidence of Dr

⁶ Including: Heritage (REr.18T/19T) dated 1 August 2024. Strategic, Residential and Planning (5 and 6 August 2024). Heritage (Part 3) – Rules REr.18T/19T (14 August 2024).

McEwan⁷, as well as the associated s42A addendum⁸. Both Dr McEwan and Ms Hewson (s42A) have now confirmed they consider the Schedule Y provisions address the effects associated with development enabled under those provisions on the heritage building at 46 Manuka Street.

8. In the context of Rule REr.18T/19T being retained⁹, bearing in mind that after considering the evidence the Panel may have a different view, I have reviewed the proposed Schedule Y provisions¹⁰, specifically the Assessment Criteria (for discretionary activities) Y.5 i) (now Y.7 i)) proposed by the Council officers to apply if the recession plane or yard setback is breached along the shared common boundary with 46 Manuka Street.
9. From an urban, landscape and visual effects perspective I support the further refinements proposed to the assessment criteria in Schedule Y (attached to Mr Lile's supplementary evidence).
10. The wording as proposed for new Y7 i)(i) is appropriate as it is the relationship between the built form that is important in this context. In this situation, and I have seen many examples nationally and internationally, there can be an obvious 'difference' in the architectural style, a juxtaposition as such, and it is this that can create a strong relationship, rather than compatibility between heritage and contemporary architecture.
11. Following the matters of assessment proposed in (i) and (ii), in my opinion assessment criteria (iii) – (v) are not required. I consider they are very onerous and it does not make sense to apply these criteria to the hospital site. It is my experience that typically such criteria relate to the site of the heritage item itself, rather than the neighbouring site. In respect to assessment criteria (v) 46 Manuka Street is on the corner of a street intersection and is relatively open to the street. Furthermore, views towards 46 Manuka Street are not protected within the NRMP and should not be protected from the hospital site itself (as a publicly accessible area). When coupled with the proposed restricted discretionary activity status for built form

⁷ Rebuttal Statement of Dr McEwan (19 August 2024, Section 5)

⁸ s42A addendum – Heritage and Church Hill (19 August 2024, paragraphs 28-43).

⁹ Refer to the Supplementary Statement of Evidence of Mr Lile for Manuka Street Hospital Limited (28 August 2024, paragraphs 9-10)

¹⁰ Appendix 2; s42A Officer Recommended Changes to Schedule Y

within 15m of the Manuka Street frontage on the site, this assessment criteria goes too far.

12. In my view, if Rule REr.18T/19T is retained to apply elsewhere in the plan, the assessment under Schedule Y should be limited to assessment criteria Y.7 i) (i) and (ii) as proposed to be amended by Mr Lile. These matters will enable an appropriate consideration of any potential adverse effects on 46 Manuka Street.

Schedule Y

13. Significant progress was made during the JWS processes, and now in the s42A addendum reports, that have moved the experts closer to an agreement on a final version of Schedule Y. The s42A addendum reports have recommended changes to the Schedule Y (as initially attached to Mr Lile's primary evidence). Those changes are set out within Appendix 2 of the s42A addendum report.
14. The recommended changes have been further considered with several further refinements requested as a part of ensuring Schedule Y is clear to administer and achieves appropriate outcomes. To avoid duplication, I refer the Panel to Mr Lile's supplementary statement of evidence as containing a full version of the MSH supported Schedule Y. I make the following comments in relation to two matters.

Provision of a Site Diagram

15. During expert conferencing we discussed the benefits of having a diagram within Schedule Y that shows the boundaries of 'the site' while also identifying the relevant daylight admission rule for each of the different boundaries. **Attachment One** to this evidence provides for this, and as such these diagrams can be included within Schedule Y, resolving any ambiguity and satisfying this matter.

Consent Requirements (RDA) for New Buildings within 15m of Manuka Street

16. The option of adding in a new consent requirement relating to effects on Manuka Street from new buildings was discussed and recorded in the JWS

of 5 and 6 of August 2024. A proposed 15m setback from Manuka Street for new buildings has been included in the provisions within Appendix 2 of the s42A addendum report.

17. From an urban, landscape and visual amenity perspective I agree that this new rule¹¹ is appropriate, particularly as the matters of discretion are restricted and focused on the attractiveness of the street.
18. Having reviewed Mr Wallace's rebuttal evidence on urban design matters I agree with him when he comments in relation to this proposed rule *"This would enable consideration of the impacts on streetscape amenity from new larger buildings proposed in close proximity to Manuka Street consistent with the approach of the MDRZ and Inner City Zone."*¹²
19. In my opinion this is entirely appropriate, and the 15m setback provides sufficient distance and mitigation for any urban design, landscape and visual impacts arising from new larger health related facilities built as a permitted activity beyond this threshold. Furthermore, the Schedule Y provisions include a minimum 1.5m wide landscape strip¹³ which also allows for an appropriate amenity outcome to the Manuka Street frontage.
20. Regarding the proposed assessment criteria Y5 a) that apply if the 15m setback from Manuka Street is breached, I am of the opinion criteria Y.5 a) i, ii, iii and v will provide for the appropriate consideration of urban and landscape design, and visual amenity outcomes.

Conclusion

21. I consider that the urban, landscape and visual effects of the future development of the site in accordance with the MSHL Schedule Y will be appropriate for the site and compatible with the level of development within the surrounding neighbourhood recommended and supported by the s42A addendum report and Council rebuttal evidence.

¹¹ Appendix 2; s42A Officer Recommended Changes to Schedule Y – Rule Y.3(5)

¹² Rebuttal Statement of Cam Wallace (dated 19 August 2024 paragraph 5.4)

¹³ Appendix 2; s42A Officer Recommended Changes to Schedule Y – Table Y.3.7 (f)

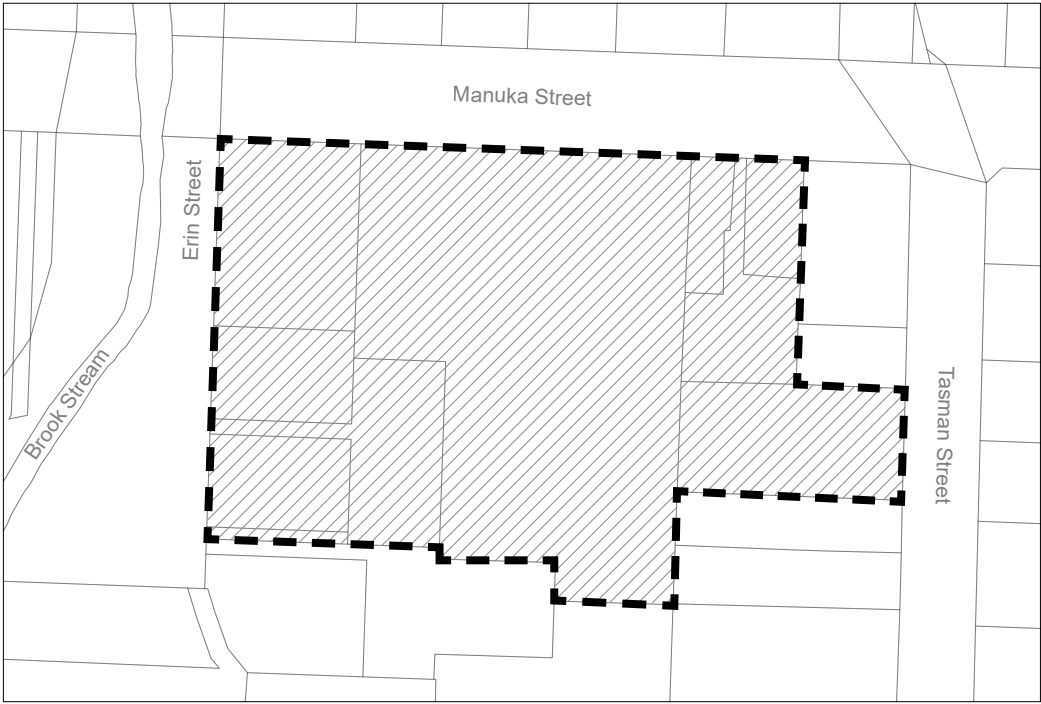
22. In general, the recommended changes to Schedule Y will ensure future built form on the site will integrate appropriately with the anticipated built form environment of PC29. The provisions provide for quality landscape and urban design outcomes. As far as I am concerned, there are no outstanding matters of concern in relation to landscape, visual amenity and urban design to be addressed.
23. Thank you for the opportunity to present my evidence and I am happy to answer any questions.

DATED at Christchurch this 30th day of August 2024

Tony Douglas Milne

ATTACHMENT ONE – SITE DIAGRAMS

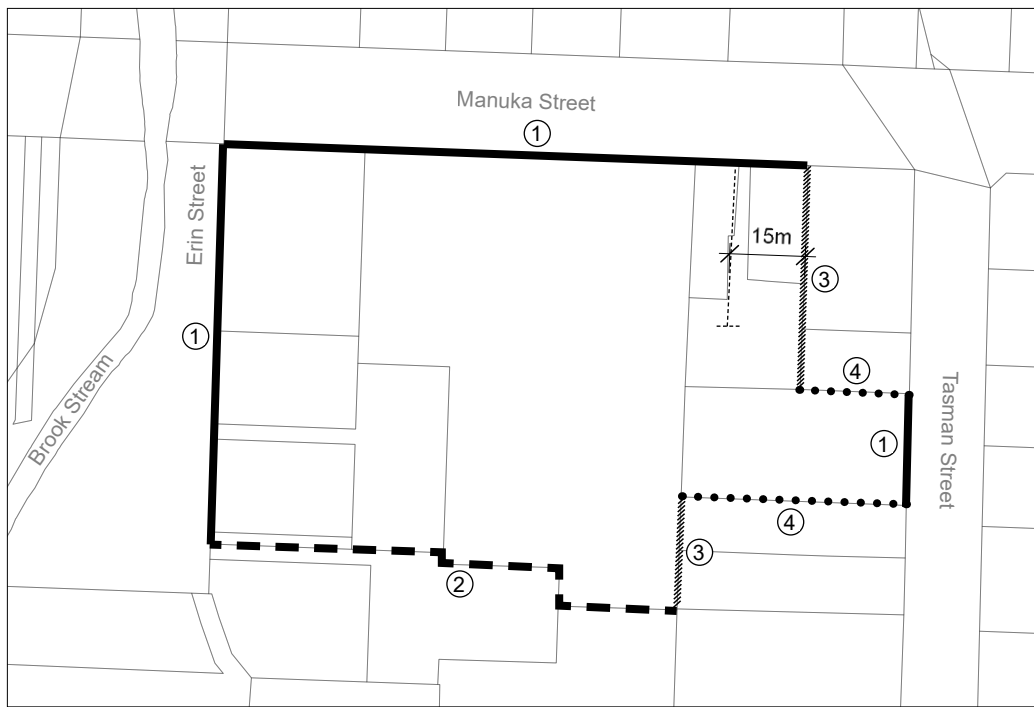
Schedule Y Plan



Legend

 Manuka Street Hospital

Height in Relation to Boundary Requirements Plan



Legend

- ① No recession plane
- Road frontage
- ② 35° recession plane
measured from a point
4m above ground level
- ③ 45° recession plane
measured from a point
4m above ground level
- ④ 60° recession plane
measured from a point
4m above ground level
- 15m setback from 46
Manuka Street for a
maximum permitted
building height of 14m