

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 STRATEGIC, RESIDENTIAL AND PLANNING

5 and 6 August 2024

Expert Conferencing Held on: 5 and 6 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 apparent conflicts of interest by the applicants.

2 Basis of Attendance and Environment Court Practice Note 2023

- 2.1** All participants agree to the following:
 - (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
 - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
 - (c) They will make themselves available to appear before the Panel;
 - (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Residential policies (CB, RM, CW, MH, ML)

3.1.1 MH's expert evidence discusses Objective RE1, Policies RE1.7, RE2.9, RE2.10, RE2.12

MH proposes an amendment to RE1. All agreed.

For policy RE1.7, MH explained his reasons for preferring an expanding MRZ based on greater recognition of passenger transport access including the origin of trips than the Council's zoning proposal reflects. MH and the Council experts disagree on this matter. In terms of the wording of policy RE1.7 CB, RM, CW, MH agree that the policy should not only refer to 'walking distances'. Council experts will further consider this and circulate possible wording to MH.

MH proposed adding reference in RE2.9 to 'planned built character.' Council experts will further consider this and circulate possible wording to MH.

MH proposed in RE2.9 to delete the word 'high' preceding the word 'standard.' Council experts indicated comfort with current wording but wish to further consider the issue in light of MH's argument and from the point of view of planning consistency. Council experts will further consider this and circulate possible wording to MH.

In further discussion of RE2.9 and RE2.10 the experts identified an unintended overlap whereby RE2.9 and RE2.10 both could be read as applying to adjoining sites to a development. RE2.9 is intended to apply only to a developing site itself and RE2.10 applies to adjoining sites. Council officers will consider revised wording and circulate to MH and ML.

MH proposed amendment to RE2.12, adding reference to the general residential zone. CB, RM, CW, MH agree.

3.1.2 ML's expert evidence discusses Policies RE1.2, RE1.4, RE2.4

ML discussed concerns for RE1.2 around multi-unit housing and application of net site area rules specifically in terms of calculation of site coverage and permeable landscaped areas. All experts agreed that the rules should operate in a way that reflects the parent site and the Council officers will consider some revised wording. Refer also to 3.5.1

ML records agreement for RE2.3, RE2.4 and RE2.5 with the change recommended in the Section 42A report

ML has confirmed with respect to policy RE1.4 that his concerns have been addressed.

3.2 Atawhai zoning (ML, MH)

With reference to the discussion around RE1.7 above, MH confirms his recommendation that MRZ apply to the areas of Atawhai outlined in his evidence.

Following the discussions that ML has had with Council officers over the Services Overlay, ML has confirmed that the Bayview Nelson Ltd concerns have been addressed.

3.3 Front yard carparking clause (REr.17D and REr.18D) (CB, RM, CW, MH)

CB, RM, CW, MH agree with the relief recorded in MH's expert evidence.

3.4 REr.18T and REr.19T (JH, ML, TM)

JH explains that a follow up heritage JWS will be prepared by the council team and circulated to ML. This will be finalised and circulated separately to the residential JWS.

3.5 Residential Built form standards (RM, CB, CW, ML, AI, TM, DW)

3.5.1 REr.17.C/18C/19C - Site Coverage, REr.17H/18H/19H Permeable Landscaped Areas, REr.18V High accessibility overlay

All experts agree to amend (REr.17C.1 18C.1 19C.1), (REr.17H.1/18H.1/19H.1), and (REr.18V.3) to apply the site coverage, permeable landscaped area, and high accessibility overlay rules to the parent net area / application site prior to development. Council officers to consider this and any additional or consequential changes (i.e. subdivision rules), and circulate possible wording to ML. Refer also 3.1.2.

3.5.2 REr.17E and REr.18E - Other yards, REr.18S/19S Maximum building length

All experts agree that rules REr.17E and REr.18E should exclude eaves up to 600mm in width, as per the changes identified below:

Buildings in a side or rear yard are permitted if:

- a. on any side or rear boundary, the total length of all buildings ~~(including excluding eaves~~ up to 600mm in width) within 1m of the boundary must not exceed 12m, and

The experts agree the same change is required for REr.18E/18S/19S. The Council will also consider whether any additional or consequential amendments are required and if so will circulate these to ML.

3.5.3 REr.18M/19M glazing to the street

In response to the issues raised by Wainui Properties Ltd, the experts agree an amendment to RE.18M is required to include the notification preclusion that applies to REr.17M. The experts also agree to amend assessment criteria REr.17M.4/18M.4 to consider orientation of buildings. Council experts will circulate possible wording to ML.

3.5.4 REr.18U/19U residential unit minimum sizes

All experts agree with the principle of the rule and the recommended changes (S42A) to the assessment criterion, REr.18B.4(b).vi. The experts also agreed that the reference to ‘open space’ within this assessment criterion should include internal and external common areas.

All experts agree that the residential unit minimum size rules do not perfectly fit housing types where residents have access to communal facilities, including but not limited to care facilities within retirement villages.

Council officers will consider draft amendments where units have access to communal facilities, including change to REr.18U.3 to preclude notification. Council officers will circulate proposed wording to ML.

3.6 Appendix 22 Comprehensive Housing Development (RM, CB, ML)

3.6.1 Application of Appendix 22 to General Residential Zone, Medium Density Residential Zone and High Accessibility Overlay

All experts agreed that Appendix 22 applies only to the residential zone - standard area, comprehensive area (formerly the higher density area, as discussed in the Section 32 Report) and lower density area. There was no other disagreement on this topic.

3.7 Requested Schedule Y - Manuka Street Hospital Ltd (RM, CB, CW, JH, ML, TM)

The experts acknowledge there is a matter of legal scope that the experts are not addressing in this expert conferencing.

The experts acknowledge that the Council has already proposed a number of amendments to Chapter 7 (NRMP) in the Section 42A reports, in response to the Manuka Street Hospital Ltd submission.

The experts agree in principle with the schedule method identified in the evidence of ML and TM, noting that the Council would seek a restriction of discretion relating to effects on Manuka Street from new buildings. The experts discussed this matter and acknowledged that questions of what should be subject to assessment remained to be resolved. The Council will consider and put forward a modified version of the schedule to ML.

The Council’s modified version will also include the Council’s suggestions in relation to infrastructure, heritage, and formatting. The experts recognise that there may be limited overlap between this process and a separate process agreed to in the heritage conferencing (held on 1 August 2024) and the Council will make their best efforts to combine changes to requested Schedule Y into one document for the Panel.

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:
- 5.2 They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- 5.3 They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- 5.4 The matters addressed in this statement are within their area of expertise; and

Confirmed online: 6 August 2024

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 5.1
Coralie Barker (Planner)	Nelson City Council	Yes
Rachel Morgan (Planner)	Nelson City Council	Yes
Cam Wallace (Urban Designer)	Nelson City Council	Yes
Jacqui Hewson	Nelson City Council	(6 August only) Items: 3.4, 3.7 Yes
Matt Heale (Planner)	Megan Courtney	(5 August only) Items: 3.1, 3.2, 3.3 Yes
Mark Lile (Planner)	Wainui Properties Ltd, MGT Holdings, Clay Gallagher, Nicolas Fisher and Tammy Pegg, Manuka St Hospital Ltd	Yes
Andrew Irving (Architect)	Wainui Properties Ltd	(6 August only) Items: 3.5
David Wallace (Architect)	MGT Holdings	(6 August only) Items: 3.5
Tony Milne (Landscape Architect)	Manuka St Hospital Ltd	(6 August only) Items: 3.4, 3.5, 3.7 Yes