

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE NELSON
CITY COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991
(**RMA** or **the Act**)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on Plan Change 29 to
the NRMP

AND

IN THE MATTER OF

Submissions and Further Submissions
on Proposed Plan Change 29 by
Clay Gallagher and Others

PLANNING EVIDENCE OF MARK A.B. LILE

Dated: 9 July 2024

INTRODUCTION

1. My full name is Mark Addie Bernard Lile. I am a Director of Landmark Lile Limited which I established on 1 April 2000. Prior to establishing this company I was employed as a Planning Officer with the Nelson City Council, where I worked between March 1994 and the end of March 2000.
2. I have a Bachelor of Resource and Environmental Planning (Hons), along with a Postgraduate Diploma in Business and Administration, both from Massey University. In 1998 I became a full member of the New Zealand Planning Institute (NZPI) and have served on the local committee of the NZPI and RMLA.
3. While practicing as a planner in Nelson for 30 years I have gained an in-depth knowledge of the relevant planning documents, and have also been actively involved in a significant number of planning decisions. In terms of experience with plan changes, I prepared Plan Change 28 (PPC28, NRMP) which is under appeal but has received strong verbal endorsement from the Environment Court at the end of the hearing in February 2024. I also drafted and obtained Plan Change 06/01 (NRMP) for the large format retailing centre (Schedule N, NRMP) at 99 Quarantine Road, Tahunanui, and have obtained plan change approvals (PC50 and PC70) for Network Tasman Limited for expansion of their scheduled land in Hope, Tasman District. There has been a large number of variations and plan changes to the TRMP and NRMP that I have also been directly involved with on behalf of submitters.
4. Over the last 18 months I have been assisting the submitter, Mr Gallagher (and the other owners), with his plans to redevelop the residential property at 209 Nile Street, Nelson. It is with that background and experience that the Gallagher submission was prepared.
5. Leading up to the preparation of this evidence I was able to discuss the issues raised by the MSH submission with the s42A officers. That discussion was on a without prejudice basis.

CODE OF CONDUCT

6. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Note 2023 (Part 7) and agree to comply with it. Except where I state I am relying on the evidence of others, I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

SUBMISSIONS

7. The Gallagher submission clearly sets out their land interests at 209 Nile Street, Nelson. This includes a title area of 1002m² that has an older dwelling at the front and she at the back. As shown in the aerial provided with the submission and inserted in **Figure 1**, the land on either side has been intensively developed in the past.



Figure 1: Aerial of 209 Nile Street

8. The submission states:

This submission is made by Clay Gallagher and Others who own the residential land at 209 Nile Street, Nelson. This site is ideally suited to a comprehensive form of housing development given its scale, location to Nelson City, schools and recreational amenities. The area also already contains a range of housing densities.

It is acknowledged that this site is in a location that has some risk from flooding. The applicant has however been working closely with its consultants and relevant Council over 2023, which has led to a development concept that is considered to achieve the sustainable management of this residential land resource. Likewise, this process has shown that the flooding risks can be managed through good design and the use of a range of methods.

The focus of this submission is to address those proposed changes to the NRMP within PC29 that could impede the efficient use and sustainable development of this site.

9. The submissions made on PC relate to a small number of charges affecting:
- a) DO16.1.1.1.v
 - b) RE1.4.i
 - b) RE1.4.ii
10. Gallagher and others seek some amendments to these provisions as they do not currently provide sufficient recognition that the flooding hazard can be mitigated¹, thereby providing for the opportunity for comprehensive redevelopment of this site which would contribute to the housing stock for Nelson. It is therefore important that a consenting pathway be retained for such projects.

CONCLUSION

11. The residential area east of Domett Street does not benefit from the enabling provisions of PC29. This area is however still very close to Nelson City, schools and amenities. Given the age of some of the housing stock in this area, redevelopment is highly likely at some point in future. It would be inefficient outcome if that option became unavailable, or much harder due to changes to the planning framework.
12. The modelled flooding risks of this area are acknowledged. Notwithstanding this, I consider it important and reasonable for the changes to the planning framework provide a pathway for redevelopment where flooding risks are mitigated.
13. I am happy to answer any questions.



Mark A. B. Lile
10 July 2024

¹ With formal feedback obtained from NCC as a part of a current resource consent process.