

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 INFRASTRUCTURE AND PLANNING PART 3

7 August 2024

Expert Conferencing Held on: - 7 August 2024

Venue: Online

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

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

The experts agreed to the following amendments to PC29.

3.1 Chapter 5 – DO16 Zones

DO16.v Zones are different from overlays. Overlays are areas of the District within which particular issues arise. Chapter 3 describes how overlays are presented in the Planning Maps and outlines the relevant issues. Overlay boundaries are usually determined by the physical extent of, or constraints on, resources and therefore do not coincide with zone boundaries, which often also reflect social conditions. ~~No objectives or policies are stated for overlays, as they are simply a method of implementing particular policies, such as those relating to servicing or natural hazard.~~

DO16.vi Chapter 5 identifies objectives and policies relevant to the different overlays and the issues associated with them including those relating to servicing, natural hazards, heritage, Port Effects Control Overlay and Airport Effects Control Overlay

3.2 Chapter 07 Residential Objectives and Policies

RE1.4 residential - standard area

Maintain flexibility in density, building form, and site development within those areas identified on the Planning Maps as Residential - Standard Area, while managing risk associated with natural hazards.

Explanation and Reasons

RE1.4.i The residential areas in various parts of Tahunanui, Stoke, The Wood, Nelson East, Atawhai and Todd Valley retain the Standard Residential Zone because of risk from natural hazards or sea level rise. Risk from natural hazards and sea level rise is managed through a stricter limitation on building density than elsewhere in the city. The zone aims to minimise the number of residences exposed to the hazards rather than to preserve visual amenity or related characteristics.

Todds Valley and some Scheduled sites with a mixture of residential and rural zoning retain their existing zone assignments to recognise the rural setting and maintain the integrity of the associated structure plans.

Overlays associated with Nationally and/or Regional Significant Infrastructure including the Airport Effects Control and Port Effects Control Overlays also contain rules limiting the density of residential development. The purpose of these Control overlays are to restrict the number of residences exposed to noise from the airport (DO11.1.3) and the Port Industrial Area (DO12.1.4), rather than to preserve visual or related characteristics.

3.3 Chapter 07 Residential Objectives and Policies

RE1.6 General Residential Zone

Explanation and Reasons

RE1.6.ii Overlays associated with Nationally and/or Regional Significant Infrastructure including the Airport Effects Control and Port Effects Control Overlays also contain rules limiting the density of residential development. The purpose of the lower density area adjacent to the airport and Port Industrial Area (the Airport Effects Control Overlay and the Port Effects Control overlay) is to restrict minimise the number of residences exposed to noise from the airport (DO11.1.3) and the Port Industrial Area (DO12.1.4), rather than to preserve visual or related characteristics.

3.4 Chapter 07 Residential Objectives and Policies

RE2.1 noise

Noise levels inside habitable spaces and *received at adjacent site boundaries should be consistent with a predominantly residential environment.*

Explanation and Reasons

RE2.1.i Noise is a particularly important amenity consideration in urban areas where people are living in close proximity. This policy aims to ensure noise received on or from an adjacent site is reasonable for a residential zone.

Methods

RE2.1.ii Information about rights and responsibilities of neighbours in terms of noise complaints.

RE2.1.iii Enforcement provisions of the Resource Management Act and Health Act.

RE2.1.iv Rules relating to maximum noise levels.

RE2.1.v The Council's 24 hour noise control service.

RE2.1.vi Rules requiring provision of a landscaped bund along the residential/industrial interface in the Nayland Road South area at the time of subdivision adjoining this zone interface.

RE2.1.vii Rules requiring the erection of an acoustic fence along the residential/industrial interface in Main Road, Stoke (within the Industrial Zone) prior to any industrial activity taking place.

RE2.1.viii Rules requiring acoustic insulation in new residential units and alterations to existing residential units, in areas specifically affected by noise from the Port Industrial Area, and Airport Effects Control Overlay and the state highway.

- RE2.1.ix** Rules requiring minimum site areas for subdivision in areas affected by noise from the Port Industrial Area and Airport Effects Control Overlay.
- RE2.1.x** Rules requiring the adoption of noise minimisation techniques to reduce noise effects.

3.5 Chapter 07 Residential Objectives and Policies

RE2.1A State Highway Noise

Require residential activity adjacent to the State Highway to provide for the health of occupants, and achieve a reasonable standard of amenity indoors.

Explanation and Reasons

RE2.1A.i The effects of noise on human health and residential amenity values is a particularly important consideration for residential activity adjacent to the State Highway. This policy and associated methods aim to ensure that new residential activity and larger additions are acoustically insulated to achieve a quieter environment indoors.

Methods

RE2.1A.ii These areas are shown on the Planning Maps as the State Highway Noise Overlay.

RE2.1A.iii Rules requiring acoustic insulation in new residential units and larger additions to existing residential units, in areas specifically affected by noise from the State Highway.

3.6 Chapter 07 Residential Rules

Note: these changes outlined below do not cover off any other potential changes that may be agreed in other expert conferencing e.g. natural hazards.

The amendments below address submission point S224.018 from Port Nelson Ltd and for the purposes of the JWS all experts agree to the amendments made.

REr.107 - Subdivision

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.107 Subdivision - General Except for subdivision located in the ~~Services Fault~~ Deformation, ~~Natural Fault~~ Awareness, Slope Instability ~~Susceptibility~~ Area 1, Slope Instability ~~Susceptibility~~ Area 2, Slope Instability ~~Susceptibility~~ Area 3, Debris Run-out ~~Susceptibility~~ Area, Liquefaction Hazard, ~~Landscape~~ Heritage Overlays, any Flood Area, or ~~Heritage~~	REr.107.1 Not a permitted activity.	REr.107.2 Subdivision ~~not located in the~~ ~~Services Fault~~ Deformation, ~~Natural Fault~~ Awareness, ~~Liquefaction Hazard~~ , Slope Instability ~~Susceptibility~~ Area 1, Slope Instability ~~Susceptibility~~ Area 2, Slope Instability ~~Susceptibility~~ Area 3, Debris Run-out ~~Susceptibility~~ Area, ~~Heritage Overlays~~ , any Flood Area, or the ~~Landscape~~ or ~~Heritage~~ ~~Services Overlay~~	REr.107.3 Subdivision ~~not located in the~~ ~~Services Fault~~ Deformation, ~~Natural Fault~~ Awareness, ~~Liquefaction Hazard~~ , Slope Instability ~~Susceptibility~~ Area 1, Slope Instability ~~Susceptibility~~ Area 2, Slope Instability ~~Susceptibility~~ Area 3, Debris Run-out ~~Susceptibility~~ Area, ~~Susceptibility~~ Area, ~~Heritage Overlays~~ any Flood Area, or ~~Heritage~~ ~~Services~~ or

overlays the Services or Landscape Overlay except for the Services and Landscape Overlays where they cover land zoned General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone.	(except for the Services or Landscape overlays (excluding Wakefield Quay) where they cover land zoned General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone) shown on the Planning Maps is controlled, if: a. it complies in all respects with all the relevant standards in Appendix 10, Appendix 11 and Appendix 12; and b. it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020, <u>except where micromobility access standards are provided for as required in Appendix 11;</u> and c. esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Table 6.2 of Appendix 6, are created and vested in the Council; and d. the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum; and e. the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained; and f. the net area of every allotment is at least: Lower Density Area: 600m² Port Effects Control Overlay: 600m² Airport Effects Control Overlay 600m² <u>Lower Density Standard Area (Stoke): 1,000m² average with a minimum of 850m²</u> <u>Higher Density Comprehensive Area: 300m², and</u> <u>Remainder of the net area of every vacant allotment is at least:</u> <u>General Residential Zone: 400m²</u> <u>Medium Density Residential Zone:</u>	<u>Landscape Overlay (except for the Services and Landscape overlays (excluding Wakefield Quay) where they cover land zoned General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone) shown on the Planning Maps</u> that contravenes a controlled standard is a restricted discretionary if: a. it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14; and b. it complies with controlled activity terms REr.107.2 b. to h.; and c. in relation to Comprehensive Housing Developments in the Comprehensive Area, compliance with REr.107.2 f. is not required provided it meets the restricted discretionary standards and terms of REr.22.3. Discretion is restricted to: i. the matters of control under REr.107.2; and ii. the ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought; and iii. the matters in the Nelson Tasman Land Development Manual 2020; and iv. the matters in Appendix 10, Appendix 11 and Appendix 12 of the Plan; and the design and layout of roads, access, cycle ways, walkways, reserves and biodiversity corridors; and vi. the staging of development and associated roading and reserves; and vii. for Comprehensive Housing Developments the matters in REr.22.3. Resource consent for restricted discretionary
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		200m² <u>High Density Residential Zone:</u> <u>200m²</u> except for allotments created solely for access or utility services; and g. other than in the General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone, a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services; and i. in the General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone, a rectangle, measuring 8m by 15m, is capable of being located within the boundaries of any vacant allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services; and h. any existing buildings or proposed buildings approved by a resource consent comply with the conditions for permitted activities, or a resource consent; and i. for any allotment with frontage to the eastern side of Main Road	activities will be considered without notification or service of notice. Discretionary Activity Activities that contravene a standard for a restricted discretionary activity are discretionary. Subdivision in the Port Effects Control Overlay or Airport Effects Control Overlay where any allotment has a net area of less than 600m² is discretionary.
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		Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council; and j. in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule. Control reserved over: i. the mandatory matters in the Nelson Tasman Land Development Manual 2020; and ii. the effects of natural and other hazards; and iii. design and layout of the subdivision including any proposed public spaces and any appropriate connections/linkages; and iv. protection of natural features, landscapes, heritage items, vegetation and Māori values; and v. riparian management; and vi. public access, and adverse effects likely to arise from the subdivision, associated development or subsequent use of the land; and viii. development of the subdivision and sites having regard to: a. appropriate vehicle or micromobility access; and b. the intensity of residential units to be erected on each lot and the siting of such buildings; and c. provision of services, including evidence of consultation	
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		<u>with telecommuni cation companies;</u> and d. <u>future public and active transport patterns;</u> and ix. stormwater management; x. the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation; xi. financial contributions in accordance with Chapter 6; xii. the future of land subdivided for the purposes of public utilities and no longer required for the purpose; xiii. for areas subject to a Structure Plan, the matters contained on those including: - the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan or within the Planning Maps; - any specific rules, schedules or other notations shown on the Structure Plan as applying to that land.	
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3.7 Application of rules REr.64 – REr.66

Amend the contents page of Residential zone rule table (and the associated rule table headings on page 124 of chapter 7) to clarify that the overlay rules REr.63 – REr.106C apply to any relevant residential zones/ areas as follows:

Rules - Standard Area, Comprehensive Area, Lower Density Area	
REr.62 Papakāinga development – Schedule Standard Area, Comprehensive Area, Lower Density Area (Schedule Sch.A)	
Rules relating to overlays on Planning Maps – Residential Zone, Standard Area, Comprehensive Area, Lower Density Area,	
REr.63	Services Overlay - Building
	Rules relating to overlays on Planning Maps – all residential zones (Residential Zone, Standard Area, Comprehensive Area, Lower Density Area, General Residential Zone, Medium Density Residential Zone)
REr.64	Airport Effects Control Overlay and Port Effects Control Overlay - Minimum site area
REr.65	Airport Effects Control Overlay - Acoustic insulation of buildings
REr.66	

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

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

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and
- (d) The experts completed this JWS on their own. As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the other experts and this is recorded in the schedule below.

Confirmed online: 7 August 2024

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Rachel Morgan (Planning)	Nelson City Council (s42A)	Yes
Coralie Barker (Planning)	Nelson City Council (s42A)	Yes
Mithran Gopinath (Planning)	Nelson City Council (s42A)	Yes
Sarah Jenkin (Planning)	Port Nelson Ltd.	Yes
Matt Bonis (Planning)	Nelson Airport Ltd	Yes