

**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 on

Proposed Plan Change 29 by

MGT Holdings Limited

SUPPLEMENTARY EVIDENCE

MARK A.B. LILE

Dated: 27 August 2024

INTRODUCTION

1. My name is Mark Lile and this supplementary evidence (planning) has been prepared only in response to Addendum 1 to the s42A Report – Residential from Coralie Barker (dated 19 August 2024).
2. It is also important to record here that in accordance with the directions from the Panel, significant progress was made between the experts within expert conferencing sessions, as formally recorded in the agreed Joint Witness Statements (JWS). The expert conferencing sessions that I attended (excluding those where an agreement was not reached) are listed below, with the JWS agreement relevant to the submissions made by MGT Holdings Limited in bold:

Date	JWS Topic
24 July	Infrastructure
30 July	Flooding
31 July	Geotechnical
1 August	Heritage (REr.18T/19T)
5 August	City Centre
5 & 6 August	Strategic, Residential and Planning
7 August	Infrastructure
7 August	Infrastructure Part 4 (Services Overlay)
14 August	Heritage Part 3 – Rules REr.18T/19T

3. MGT Holdings Limited (MGT) also appreciated the assistance provided by Ms Oliver and Mr Munro for their independent facilitation of these JWS processes.

MATTERS RESOLVED AND UNRESOLVED

4. With regard to the matters raised by MGT in its submissions, considerable progress was made in the JWS processes. In particular, the JWS records **full agreement** between the experts as to amendments needed to ensure the provisions (and supporting policy framework) are appropriate and efficient. This agreement was reached with experts in the field of planning, architecture and urban design, with each contributing professionally and constructively to the discussion.
5. For MGT, the issues raised in relation to proposed rules were in the context of its current objective to construct a care facility on the site. With such a large site, the matters of site coverage and permeable areas are less critical, however the exclusion of eaves from the yard setbacks is very important. It is for that reason that the changes recommended in Addendum 1 of the s42A report are fully supported.

6. There is, however, one loose end which needs to be addressed. This relates to the 'Minimum Unit Sizes' as per paragraph 45 of the Addendum Report:

Minimum unit sizes

45. Paragraphs 3.5.4 of the Strategic, Residential and Planning - Joint Witness Statement dated 5 & 6th August 2024 notes expert agreement in principle to changing the MDRZ rule REr.18U (Minimum unit size) **to include internal and external common areas**, and consider situations where residents have access to communal facilities, including but not limited to care facilities within retirement villages. I recommend using similar wording to assessment criteria REr.18B.4(b).vi as the most efficient way to achieve this outcome as the assessment criteria covers the same assessment matters relevant to access to shared facilities. **(emphasis added)**

7. The s42A addendum then provided the change to REr.18U.4 as follows:

REr.18.U.4

- a) whether the layout of residential units provides sufficient room for the day to day needs of residents, including space for both furniture and internal circulation.
- b) whether each unit has access to communal facilities (e.g. shared laundry) and/or storage facilities within the building.
- c) **for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site.**

8. This change, while it does contain the wording similar to REr.18B.4(b).vi, it does not contain any reference to internal and external common areas. In addition, this change only relates to care facilities, however the JWS agreement was broader than that:

*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.** (Section 3.5.4, JWS, 6 August 2024, **emphasis added**)*

9. I consider the following changes to assessment criterion (b) and (c) could resolve this oversight:

(b) *whether each unit has access to communal facilities (e.g. shared laundry, internal or external common areas) and/or storage facilities within the building.*

c) *for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site, and due to the provision of indoor and outdoor common areas.*

10. So long as recognition is provided to indoor and external common areas, my concerns will be addressed.

SUMMARY

11. MGT Holdings Limited is very much in support of PC29, and the recommendations contained in the s42A for the residential zone. These provisions will enable MGT to efficiently undertake further development to provide for the needs of the Roundhay residents, as well as the wider demand for aged care living that has a range of needs.

12. MGT Holdings are currently planning a care facility which would proceed with confidence if PC29 gets approved. Without PC29, the process is likely to be protracted and expensive. MGT could seek resource consent as a non-complying activity, **however** that comes with considerable risk given the current zoning and planning framework. PC29 is therefore very important if Nelson is to provide for the forecasted needs, including in terms of the aging population.

13. I am happy to answer any questions.



Mark A. B. Lile
27 August 2024