

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

24 July 2024

Expert Conferencing Held on: 24 July 2024

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Rebecca Dowling and Harry Forrester

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

3.1 Relationships between proposed plan changes.

- (a) Matt Bonis and Rachel Morgan recognise that there may be overlap between the proposed plan changes that are currently being processed, being proposed plan

changes 29 and 30. These experts note that a number of issues have been identified in the section 42A reports and evidence relating to matters such as consistency/alignment, scope, natural justice, merits and evidential burden. These experts consider that all parties would be assisted if counsel for any interested party were to prepare submission to the Hearing Panel outlining any issues.

- (b) Mark Lile has noted that his evidence also raises the question as to the extent of ring fencing between Plan Change 29 and Plan Change 28. Mark Lile, Coralie Barker and Mithran Gopinath are working through Proposed Plan Change 29 to confirm that in fact there is no overlap with Plan Change 28.

3.2 Regionally Significant Infrastructure/Nationally Significant Infrastructure definition

- (a) All experts agree to amend the definition and objective as follows:

Nationally and/or Regionally Significant Infrastructure

means:

- a. State highways; and
- b. the national grid electricity transmission network; and
- c. facilities for the generation and/or transmission of electricity where it is supplied to the National Grid and/or the local distribution network; and
- d. electricity distribution networks; and
- e. Nelson Airport; and
- f. Port Nelson; and
- g. facilities and structures necessary for the operation of telecommunications and radiocommunications networks operated by network utility operators; and
- h. the local authority water supply network and water treatment plants; and
- i. the local authority wastewater and stormwater networks, systems and wastewater treatment plants.

Chapter 5 – DO14

objective

DO14.4 network utilities

*Efficient use of network utilities infrastructure while avoiding, remedying, or mitigating the adverse effects of utilities on their surrounding environments, and ensuring that **nationally and/or regionally significant infrastructure** is not restricted or compromised by subdivision, use and development of other activities.*

3.3 Zoning of land within the Airport Effects Control Overlay and Air Noise Boundary

- (a) Matt Bonis confirmed that at the southern end of the runway the relief sought is the application of the 'residential low density zone' rather than the 'general residential zone' proposed under Plan Change 29. Matt considers this to be the more integrated effective and efficient approach recognising airport operations. Matt also acknowledges the section 42A reliance on REr.64 (AECO Overlay).

- (b) Mithran Gopinath considers rule REr.64 and associated Policy DO11.1.3 and any associated changes as a result of AECO through Plan Change 30, will achieve the outcomes sought.
- (c) Matt Bonis and experts for Nelson City Council recognise item 3.1(a) above requires input from counsel as to matters of scope and fairness. These experts agree to reconsider this item in light of any submissions made in response to item 3.1(a) above.

3.4 Nelson Port related matters:

- (a) General approach to intensification in the Port Effects Control Overlay (objectives, policies and rules)
 - i. Sarah Jenkin, Rachel Morgan, Mithran Gopinath and Coralie Barker agree there is a potential drafting option which recognises the linkage between development in the Port Effects Control Overlay and the Port Industrial Area Objectives and Policies, which could address the issue of appropriate recognition of the Port Effects Overlay when considering relevant applications for residential subdivision and development. Provisions to be considered include Policy RE2.1, RE2.9, DO15.1.1 and REd. These experts will discuss this further and the item will be included in the expert conferencing agenda scheduled for the 6 August 2024.
- (b) Acoustic insulation in the Port Effects Control Overlay
 - i. Jon Styles advised that the Port related noise controls are bespoke to management of Port noise and because of this he is reluctant to change the Port noise controls as part of Plan Change 29. He considers that a wider review of the operative Port noise provisions would be a more appropriate way to address any noise standard consistency issues.
 - ii. Sarah Jenkin agrees with the position recorded by Jon Styles and confirms that she will not be progressing changes to SCR.69A through Plan Change 29.
 - iii. Jon Styles, Mithran Gopinath and Sarah Jenkin agree that there are no outstanding issues relating to acoustic insulation standards to be addressed as part of Plan Change 29.
- (c) Density provisions in the Port Effects Overlay
 - i. Rule REr.23 - minimum site area – All experts agree to reference the Port Effects Control Overlay in assessment criteria REr.23.4(f).
 - ii. REr.64 - Airport Effects Control Overlay and Port Effects Control Overlay - Minimum site area – All experts agree to delete REr.64.4(c).
 - iii. REr.107 - Subdivision – General – All experts agree that the following amendments to rule REr.107 would provide clarity:
 - Remove the references to the natural hazard, heritage, landscape and services overlays from the title and the first sentence of REr.107.2 and REr.107.3 because they have their own subdivision rules.

- Add a specific statement to REr.107.3 that subdivision in the Port Effects Control Overlay and the Airport Effects Control Overlay, where it does not meet controlled activity standard REr.107.2(f) is a discretionary activity.
- Add a note to REr.107.3 cross-referencing the subdivision rules that apply to the Overlays referenced in bullet point 1 above.
- Coralie to coordinate the above amendments and include it with the material to be considered under 3.4.a(i) at expert conferencing 6 August 2024.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

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

- They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- The matters addressed in this statement are within their area of expertise; and
- 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 Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 24 July 2024

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Mithran Gopinath (Planning)	Nelson City Council (s42A)	Yes
Coralie Barker (Planning)	Nelson City Council (s42A)	Yes
Rachel Morgan (Planning)	Nelson City Council (s42A)	Yes
Jon Styles (Noise)	Nelson City Council	Yes – participated in item 3.3 and 3.4(b) only.
Chris Horne (Planning)	Chorus, Connexa, One New Zealand, FortySouth and Spark	Yes – participated in item 3.2 only.
Matt Bonis (Planning)	Nelson Airport Ltd	Yes – participated in item 3.1, 3.2 and 3.3 only.
Sarah Jenkin (Planning)	Port Nelson Ltd	Yes – participated in item 3.2 and 3.4 only.

Mark Lile (Planning)	Bayview Nelson Ltd, Nelson North Ltd, 588 Ltd, GP Investments Ltd	Yes – participated in item 3.1 only.
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