

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 4

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

3.1 Infrastructure Topic – Services Overlay

The removal of the Services Overlay, combined with the introduction of new General Residential Zone and associated rules (including REr.17A and REr.17B), was opposed by Bayview Nelson Limited against the background of the numerous consents it has obtained with intense focus on the capacity of the transport network (Bayview Road in particular) and 3-water services. Mark Lile acknowledged that the new rule REr.17A had very much the same requirements for 3-waters connections as was contained in REr.63 for the Services Overlay.

In terms of the 3-waters, all experts agreed that the proposed General Residential Zone would enable up to three residential dwellings to be constructed on each title as a permitted activity. The planned connection to servicing infrastructure would be checked at the time of the building consent application, and that had the potential to take up capacity of infrastructure (primarily wastewater) below the Bayview land. As a result, the only way to secure capacity was with the approval of resource consent to subdivide. It was also acknowledged that the opportunity provided by PC29 for intensification was unlikely to be taken up quickly given the nature of existing development in this brownfield area.

Turning to transport infrastructure, Mark Lile noted that the focus on the capacity of Bayview Road in previous consent processes was due to the presence of kerbside parking within road reserve. Some of the kerbside parking has now been removed by Council, which has therefore removed the previously identified transport constraint for the consented Bayview development. Because of this, and as set out in the s42A Infrastructure report (and evidence of Mr Palmer), there are now no transport constraints on the local road network at the present time that cannot be managed via upgrades as necessary through the Council's work programme that is monitored and amended via the LTP process on a three yearly cycle as consequence of further development on Bayview Road. This applies equally to those who seek to take up the opportunity for intensification on the local road network in the Bayview area.

Mark Lile agreed that no changes to the associated rules are now requested. Bayview Nelson Limited is now neutral as to its position on these new provisions.

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
Philip Ruffell (three waters infrastructure)	Nelson City Council (Technical Expert)	Yes
Rhys Palmer (Transport)	Nelson City Council (Technical Expert)	Yes
Mark Lile (Planning)	Bayview Nelson Ltd	Yes