

BEFORE THE NELSON CITY COUNCIL

Under the Resource Management Act 1991 (the Act)

and

In the Matter of Plan Change 31 to the Nelson Resource Management Plan.

Statement of Evidence of Natasha Maria Wilson

13 November 2023

INTRODUCTION

1. My full name is Natasha Maria Wilson. I am a Resource Management Consultant at Planscapes NZ Ltd, a surveying and resource management consultancy operating from Nelson.
2. I appear in this matter as a planning witness for GP Investments Ltd, who is: the landowner of the site subject to Plan Change 31; the applicant of the related request for a private plan change; and a submitter on Plan Change 31 (Submitter number S6).
3. I prepared the Request for a Private Plan Change under the first schedule of the Resource Management Act 1991 (RMA), including the related Assessment of Environmental Effects and the Section 32 Evaluation report, which sought amendment of Schedule N of the Nelson Resource Management Plan (NRMP) to provide for supermarket activities as a controlled activity instead of a non-complying activity on the site at 33 Cadillac Way.

QUALIFICATIONS AND EXPERIENCE

4. I hold a Bachelor of Science (Resource and Environmental Planning Programme) from Waikato University.
5. I am an associated member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
6. I have 16 years' experience in resource management and planning practice in New Zealand. I have been employed by Planscapes as a Resource Management Consultant since June 2022. Prior to this I was employed by the Nelson City Council in Planning Adviser, Senior Planning Adviser, and Principal Planner roles with the Environmental Planning Team, over a period of 4 years. I have also previously filled roles as a Resource Management Consultant with Incite Ltd and Opus, both in Wellington, and as a Policy Planner for CivicCorp in Queenstown. I have also worked as a contract planner in Nelson, Wellington, Auckland and Queenstown.

7. I have prepared evidence and appeared both for private clients and local authorities as an expert witness at Council hearings.
8. For the past five and a half years much of my work has been in the Nelson Region. This has involved the review of the Nelson Resource Management Plan (NRMP), the preparation and processing of plan changes to the NRMP and resource consent applications under the NRMP. I have a sound working knowledge of the NRMP, and its implementation in respect of the environs within which the subject site is located.

CODE OF CONDUCT

9. In the preparation of my evidence, I have read the Environment Court Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I confirm that my evidence has been prepared in accordance with this Practice Note. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

STRUCTURE OF EVIDENCE

10. My evidence is structured as follows:
 - Background
 - Officer's Section 42A Report
 - Comment on submissions
 - Conclusion
11. I do not propose to provide a detailed assessment of environmental effects, a planning policy analysis or consideration of statutory matters. These have been sufficiently canvassed within the Private Plan Change Request application and Section 42A Report. Rather, I propose to concentrate on responding to any relevant matters raised by other submitters or the Council reporting officer.

BACKGROUND

12. GP Investments Ltd lodged a request for a Private Plan Change to the Nelson Resource Management Plan in April 2023 to amend the rules relating to the Nelson Junction at 33 Cadillac Way, Annesbrook, Nelson (contained in Schedule N of the Industrial Zone) to provide for supermarket activities as a controlled activity instead of a non-complying activity. The Plan Change request was prepared in accordance with the requirements of the Resource Management Act.
13. The Council decided at its meeting on 4 May 2023 to adopt the Plan Change under clause 25 of the First Schedule of the Resource Management Act and to consequently process the Plan Change as a Council Plan Change. The Plan Change was notified on 11 August 2023 as Plan Change 31.
14. GP Investments Ltd lodged a submission in support of the Plan Change, seeking that it be approved in its entirety.
15. The property at 33 Cadillac Way has been subject to a previous Private Plan Change in 2006 (ref 06/01) and several resource consent applications. The background to the site in terms of the relevant planning framework has already been addressed in Annexure A of the Plan Change Request application and I will therefore not repeat this detail.

OFFICER'S SECTION 42A REPORT

16. I have considered the Section 42A Report in detail and I agree with the assessment and recommendations made in it, specifically:
 - a. the matters raised by submitters in relation to a preference for a supermarket to be located in the Tāhunanui area are outside the scope of Plan Change 31¹;
 - b. that Plan Change 31 is not inconsistent with the 2022 findings of the commerce commission which recommended a suite of changes to increase supermarket competition, including changes to planning laws to free up land²;

¹ Para 7.2, Pg 4, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

² Para 7.6, Pg 5, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

- c. the acceptance of the conclusions of the Property Economics report (*Economic Retail Impact Assessment* attached to Plan Change 31 as Annexure D) that Plan Change 31 will not have unacceptable economic effects³;
- d. that, in terms of traffic effects, based on the Section 32 Evaluation Report (Annexure B of Plan Change 31) the addition of a supermarket on a site, if consented, will not disproportionately affect the permitted baseline of Schedule N of the NRMP⁴;
- e. the matter raised relating to removal of on-street parking is one for the resource consent and is not directly related to Plan Change 31⁵;
- f. the matters raised relating to land banking are not a relevant RMA consideration⁶;
- g. that supermarket development is not inconsistent with the range of bulk retail and trade activities already provided for in Schedule N of the NRMP⁷;
- h. that the submissions received from:
 - i) Ruth Newton and Marty Miller be rejected (and related further submissions from Harold Pearson be accepted)⁸;
 - ii) Mey Khong (further submitter) be rejected⁹;
 - iii) Tāhunanui Business and Citizen Association and Tāhunanui Community Hub be rejected¹⁰ (and related further submission from Harold Pearson be accepted¹¹, except as set out below under paragraph 17);
 - iv) Harry Pearson and GP Investments (and further submission from Alastair Cotterill) be accepted¹²;

³ Para 7.5, Pg 5, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

⁴ Para 7.8, Pg 5, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

⁵ Para 7.9, Pg 6, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

⁶ Para 7.11, Pg 6, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

⁷ Para 8.1, Pg 6, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

⁸ Para 8.2 and 8.3, Pg 6, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

⁹ Para 8.4, Pg 6, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

¹⁰ Para 8.5, Pg 6, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

¹¹ Para 8.6, Pg 7, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

¹² Para 8.7, Pg 7, Section 42A Report: Plan Change 31 – The Nelson Junction, 25 October 2023

on the grounds set out in the Section 42A report.

17. I disagree with the recommendation to uphold the further submission from Harold Pearson (FS 1) on the Tāhunanui Business and Citizen Association submission point number 5.5 in relation to land banking (as set out in paragraph 8.6 on page 7 of the Section 42A report). Mr Pearson sought that this submission point be accepted in part. It has however been recommended in the Section 42A report that the submission of Tāhunanui Business and Citizen Association be rejected (as set out in paragraph 8.5 on page 7 of the Section 42A report). It is my opinion that the further submission point from Harold Pearson on the Tāhunanui Business and Citizen Association submission point 5.5 must be rejected.

RESPONSE TO SUBMISSIONS

18. A total of six submissions and 3 further submissions were received on Plan Change 31. It is my opinion that Mr Bush-King has accurately summarised the matters raised by submitters in Table 1 of his report, which I shall not repeat.
19. Ruth Newtown (S2) raises matters relating to existing supermarkets in Nelson, impacts on the CBD, and traffic concerns. I consider that all relevant matters relating to traffic and retail impacts are sufficiently addressed by the specialist assessment attached to Plan Change 31 (*Traffic Report* prepared by Stantec and attached as Annexure C, and *Economic Retail Impact Assessment*, prepared by Property Economics and attached as Annexure D) and the expert traffic and economic evidence prepared by Mark Georgeson of Stantec and Tim Heath of Property Economics. I have no further comment in relation to this submission.
20. I consider the reasons set out in the submission of Harry Pearson (S3) are consistent with the assessment of environmental effects and Section 32 evaluation, and attached specialist assessment reports, prepared for Plan Change 31. There are no outstanding matters that I consider need to be addressed in relation to this submission.
21. There are no reasons provided for the submission of Marty Miller (S4) so I cannot respond in any detail on this submission at this point in time.

22. Tāhunanui Business and Citizen Association (S5) and Tāhunanui Community Hub (S7) both oppose Plan Change 31 on grounds of its location and the sites accessibility, seeking a supermarket to be located in Tāhunanui instead. Relevant matters relating to traffic and modal shift are sufficiently addressed by the traffic specialist assessment attached to Plan Change 31 (titled *Traffic Report* prepared by Stantec and attached as Annexure C) and the expert traffic evidence prepared by Mark Georgeson of Stantec. I however consider the relief sought by these submissions to be outside the scope of Plan Change 31.
23. Matters raised by Tāhunanui Business and Citizen Association (S5) and further submitter Harold Pearson (FS1) relating to land banking are outside the matters of consideration under the RMA. However, for reference purposes and to ease concerns of the submitters, I note that GP Investments Ltd are currently preparing a resource consent application for the establishment of a supermarket at Nelson Junction (the site the subject to Plan Change 31). For the sake of transparency, it is proposed to lodge this application with Council, under the current NRMP framework, as soon as it has been finalised. An update on this resource consent application can be provided at the hearing on Plan Change 31 if required.
24. As mentioned above under paragraph 16(e) of my evidence, I consider the points raised by the further submission of Mey Khong (FS2) relating to removal of on-street parking on Pascoe Street is a resource consent matter and falls outside the scope of Plan Change 31. I note that these changes to Pascoe Street are the result of resource consent RM085213 and the conditions of that consent decision (and subsequent variations to the consent conditions). This resource consent is currently being given effect to by GP Investments Ltd. I consider that regard of these matters is not appropriate as part of the deliberation of Plan Change 31.
25. I consider the reasons set out in the further submission of Alastair Cotterill (FS3) are consistent with the assessment of environmental effects and Section 32 evaluation, and attached specialist assessment reports, prepared for Plan Change 31.

CONCLUSION

26. Plan Change 31 seeks amendment of Schedule N of the Nelson Resource Management Plan to provide for supermarket activities as a controlled activity instead of a non-complying activity on the site at 33 Cadillac Way (known as Nelson Junction). It has been demonstrated through the Assessment of Environmental Effects and the Section 32 Evaluation report prepared for the Private Plan Change request, and the associated Traffic Report prepared by Stantec and Retail Impact Assessments prepared by Property Economics (which have been confirmed through Mark Georgeson's and Tim Heath's respective evidence) that:
- a. overall, the actual and potential effects of the Plan Change are considered to be acceptable from a resource management perspective; and
 - b. the proposal is the most appropriate option under the requirements of the RMA.
27. I do not consider the Plan Change to be contrary to the intent of the relevant objectives and policies of the NRMP and believe the changes will meet Part 2 of the Act. I concur with the overall recommendation of confirmation of the Plan Change made by the Council Officer.



Natasha Wilson

13 November 2023