

Before the Environment Court

ENV 2012 WLG 000088

In the matter of appeals under clause 14 of the first schedule of the Resource Management Act 1991

Between **K & M Lile** a submitter on Plan Change 14
Appellant

And **Nelson City Council** a local authority carrying out the functions of both a regional council and a territorial authority within Nelson City
Respondent

Memorandum seeking order by consent
Dated 14 June 2013

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May it please the Court:

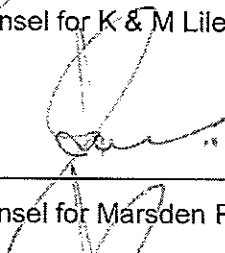
1. Nelson City Council publicly notified Plan Change 14 to the Nelson Resource Management Plan (NRMP) on 25 September 2010. Plan Change 14 proposed the following amendments to the NRMP:
 - New urban design issues and explanations in Chapter 4.
 - New district wide objectives and policies for land transport, urban design and subdivision and development in Chapter 5
 - Amendments to the Residential Zone policies and rules for streetscape, front yards, fences, subdivision, comprehensive housing and for subdivision in the services and landscape overlays
 - Deletion of Appendix 13 and adoption of the NCC Land Development Manual
 - A new Appendix 14 (containing residential subdivision design and information requirements)
 - Amendments to Appendix 22 (Comprehensive housing).
2. Submissions on Plan Change 14 were heard on 28 November 2011 and the Council's decision was notified on 30 June 2012.
3. An appeal was lodged by K & M Lile on the streetscape policy (Policy RE3.5) applying within the Residential Zone, the front yard rule (Rule REr.25) and the fences rule (REr.31).
4. Marsden Park Ltd and Daelyn Holdings Ltd joined the appeal as parties under section 274 of the Act.
5. No other Plan Change 14 provisions were appealed and the Council made Plan Change 14 operative (apart from the three provisions under appeal) on 12 November 2012.
6. Meetings have taken place between the Council, appellants and section 274 parties in an attempt to resolve the appeal.

7. The appellants have advised that they now wish to confine their appeal to the fences rule (Rule REr.31) and withdraw the appeal in relation to the streetscape policy (Policy RE3.5) and the front yard (Rule REr.25).
8. The parties are agreed that the appeal may be resolved by consent by amending Rule REr.31 in accordance with the document attached to this memorandum setting out the amended rule in full.
9. On the making of such an order, the appeal will be resolved. No party seeks costs.
10. The parties seek an order accordingly.

Dated 14 June 2013



Counsel for K & M Lile



Counsel for Marsden Park Ltd



Counsel for Daelyn Holdings Ltd



Counsel for Nelson City Council