

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of **Private Plan Change 28** to the Nelson Resource Management Plan

**JOINT WITNESS STATEMENT (JWS) IN RELATION TO:**

**LANDSCAPE (1)**

**11 May 2022**

Expert Conferencing Held on: 11 May 2022

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Jessica Marchbanks

**1 Attendance:**

- 1.1 The list of participants is included in the schedule at the end of this Statement.  
Note: Planners were invited to attend.

**2 Basis of Attendance and Environment Court Practice Note 2014**

- 2.1 All participants agree to the following:
- (a) The Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session;
  - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2014;
  - (c) They will make themselves available to appear before the Hearing Panel;
  - (d) This statement is to be filed with the Hearing Panel and posted on the Council's website.

**3 Matters considered at Conferencing – Agenda and Outcomes**

**3.1 PPC 28 Update**

Mark Lile provided an update on the plan change and the expert conferencing process referring to the 8 joint witness statements which have been prepared to date and are available on the Council's website. The joint witness statement from the Flooding (2) and Stormwater (2) session (6 May 2022) contains a program for the preparation of a draft Stormwater Management Plan (SMP). The draft is to be available by the 20<sup>th</sup> of May 2022

and expert conferencing sessions have been scheduled for 27 May 2022 (9.00 am to 11.00am) and 2 June 2022 (1.00pm to 3.00pm). The Landscape experts will be included in the circulation of this material and Zoom invitations.

Consequential to the joint witness statements and the draft SMP work, the Applicant's team will be revising the PPC 28 Structure Plan and the Zoning Maps and Schedule X. The Applicant will update all experts at the next expert conferencing session on 27 May 2022.

### 3.2 **What is the extent of the coastal environment?**

**Mark Lile** noted that the operative NRMP includes a Coastal Environment Overlay (as described within AD 11.3.7 and on the planning maps). The boundary was drawn to generally exclude built areas because while these areas still possess a level of natural character, they have been extensively modified.

**Rhys Girvan** advised that more recently the Coastal Environment line was identified as part of the Nelson Coastal Study - Natural Character of the Coastal Environment (Boffa Miskell 2016). This was identified in accordance with NZCPS Policy 1. This was then adopted in parallel studies (the Nelson Landscape Study Landscape Characterisation (2014) and the Nelson Landscape Study Landscape Evaluation (2016)). **Rhys Girvan and Tony Milne confirmed** that they have both adopted this line for the purposes of PPC 28 assessment.

**Anne Steven** notes that the mapped inland edge of the Coastal Environment in the NRMP and in the Boffa Miskell Nelson Coastal Study (2016) excludes the first main ridge from the active coast. Anne considers that this ridge is part of the Coastal Environment under Policy 1 of the NZCPS. The main reason for preferring the ridge as the inland boundary is NZCPS Policy 1 (f) which reads "elements and features that contribute to the natural character, landscape, visual qualities or amenity values;". Anne considers that more emphasis should be given to the landscape perception perspective, as well as biophysical criteria. It is common practice to take the first inland ridge as the Coastal Environment inland boundary. The western slopes of the Malvern hills, especially north of Walters Bluff directly face the sea, are less than 1 km away and are likely to have supported vegetation communities subject to coastal influences.

This matter will also be considered at the planning expert conference.

### 3.3 **What identified landscapes/features require protection through PPC28? What form of protection should this protection take for the relevant landscapes or features?**

#### **Backdrop Overlay – spatial extent**

**Mark Lile** notes that the operative NRMP uses the Landscape Overlay to identify the backdrop areas. These landscape overlay areas are described in Appendix 9 of the NRMP and specifically AP 9.6 and AP 9.7.

**Mark Lile** notes that this overlay was prepared and included in the NMRP in 1996 and so did not have the benefit of modern technology and therefore the overlay is not as fine grained as is now included in the work used within PPC 28.

**Rhys Girvan** notes that the Nelson Landscape Study – Visual Amenity Landscape Evaluation (Boffa Miskell, April 2016) reviewed the NRMP backdrop overlay and refined

this mapping and described the values and threats which occur within identified areas. Visibility was primarily assessed from the Nelson town centre, main arterial routes and views from the coastal edge.

**Tony Milne** confirmed that for the purposes of PPC 28 he used the Nelson Landscape Study – Visual Amenity Landscape Evaluation (Boffa Miskell, April 2016) description of the landscape areas and the spatial extent of the backdrop areas. External and Internal ground truthing was undertaken, not only from the Nelson town centre, main arterial routes and views from the coastal edge, but also from inland views. The ground truthing confirmed that it was appropriate to adopt the backdrop area as identified in the Nelson Landscape Study – Visual Amenity Landscape Evaluation (Boffa Miskell, April 2016).

**Rhys Girvan agrees** with the backdrop areas as adopted by Tony Milne.

**Anne Steven** notes that there is an overlay in the operative NRMP. To be consistent, if we refer to the Coastal Environment mapped in the operative NMRP without attempting to refine it, then we have an issue of also having to use the operative landscape overlay. Anne also notes that the Nelson Landscape Study – Visual Amenity Landscape Evaluation (Boffa Miskell, April 2016) refined the landscape overlay as Backdrop and Skyline Areas based only on views from the west. Anne considers that perspectives from inland areas in the Maitai Valley need to be taken into account. Based on her field work to date she considers that the current mapped backdrop area does not include areas that would be backdrop when viewed from places in the Maitai Valley.

**Tony Milne** acknowledges Anne Steven’s position and will review this in respect of the backdrop area on the eastern face of the Malvern hills.

### **Backdrop area values**

**All landscape experts agree** with the descriptions contained in operative NRMP Appendix 9.6 and 9.7 as a starting point. These were reviewed and refined in the Nelson Landscape Study – Visual Amenity Landscape Evaluation (Boffa Miskell, April 2016). **The landscape experts agree** with the landscape values and landscape threats to the backdrop areas of Malvern Hills, Botanical Hill and Kaka Hill, as described in this later 2016 report and adopted within the PPC 28 application.

### **Skyline**

**The landscape experts agree** with the extent of the Skyline Areas as mapped in PPC 28 on Malvern, Kaka and Botanical Hills.

### **Significant Feature/Landscape**

**The landscape experts agree** that the Maitai River and its margins are a significant feature/landscape. This is reflected in the draft Nelson Plan which uses the Boffa Miskell Nelson Landscape Study – Landscape Evaluation (Nov 2016).

**Anne Steven’s preliminary position** is that Kaka Valley as a tributary valley of the Maitai River may also deserve to be classified as significant landscape. This is primarily on the basis of amenity values, including non-visual amenity factors. Anne will give further consideration to this matter. Mark Lile has invited Anne to arrange a date for a site inspection.

**Tony Milne and Rhys Girvan** do not consider that there other any other significant features/landscapes within the PPC 28 area.

### **Areas of Agreement**

**All landscape experts agree** that there are no Outstanding Natural Features/Landscapes within the PPC 28 area or surrounding areas.

**All landscape experts agree** there are wetlands, rivers and their margins (within the PPC 28 area) where the preservation of natural character and the protection of them from inappropriate subdivision, use and development is a matter of national importance (section 6a) RMA).

#### 3.4 **Are the landscape units submitted with PPC28 appropriate to assess landscape effects?**

**All landscape experts agree** with the landscape units as shown on the plan at Attachment B1.2 to the PPC 28 application request, **subject to** the inclusion of the line showing the separation of the Kaka Valley and the Maitai Valley (as shown on the plan at Appendix 1 to Attachment C9a). These landscape units are agreed to for the purpose of assessing landscape effects as described in the Rough & Milne assessment supporting PPC 28. (Note: that the area labelled as “Botanical Hill” includes a wider area of the landform between the Centre of New Zealand and Walters Bluff.)

#### 3.5 **Will the (existing degree of) natural character of the riparian corridors (Kaka Stream and Maitai River plus margins) be preserved? If not, why not, and what is required?**

**The landscape experts agree** that there is potential to enhance the natural character of the riparian corridors, particularly the lower Kaka Stream. The further information to be provided by the Applicant’s experts, including the draft SMP, is required to better understand the proposal and its potential effects on natural character, adverse or positive. The landscape experts will also review the proposed PPC 28 planning provisions, particularly X.7 and X.9, and whether these proposed provisions are appropriate or could be improved to ensure enhancement is achieved.

**All landscape experts** support the current provisions of X.7 and X.9. Preliminary feedback by Rhys Girvan and Anne Steven also includes:

**Rhys Girvan considers that further provisions** should be included in X.9 to reduce the potential prominence of structures / built form within the context of the river and its margins.

**Anne Steven considers** the following matters should also be included in X.9:

- i) In relation to X.9 2) b), that the “existing elements” of the of the natural drainage system be specifically recorded and identified.
- ii) That the predevelopment hydrology of the PPC 28 site is recorded and identified (as referred to at X.9 4).
- iii) At X.9 5), that first flush of all PPC 28 site generated stormwater be passed through constructed vegetated treatment devices, not just a first flush based on treating 80-85% of mean annual volume or stormwater resulting from 3-month ARI rainfall event.

- iv) That X.9 8) be expanded to also include the following items:
  - g) enhancement of natural character (from a landscape perspective)
  - h) a width of corridor that is complementary in scale to the valley context and width of active bed
  - i) that includes all active alluvial landforms associated with and formed by the streams
- v) That X.9 13) is expanded to refer to the margins of the natural wetlands and include mapped locations of such wetlands and margins.

3.6 **What are the potential skyline effects on the area of land above Walters Bluff and along the remaining area of the Malvern Hills and are these appropriately managed through the NRMP and PPC28?**

**The landscape experts all agree** that the Skyline Area within the Botanical Hill landscape unit requires further consideration.

**Rhys Girvan considers:**

1. that the Skyline Area above Walters Bluff within the Botanical Hill Overlay should be excluded from residential zoning. In the alternative, Rhys will consider further whether or not identifying the additional ridgeline within the area above Walters Bluff and applying the proposed controls in X.5 c) and d) will adequately address potential ridgeline effects (Tony to provide a copy of the Structure Plan showing the additional ridgeline being discussed);
2. that the proposed planning provisions (e.g. in X.5 c) and d)) be amended to specify viewing locations (Rhys considers that from the town centre and State Highway 6 are the priority viewing locations);
3. that the 20% planting provisions in the Backdrop area (X.4) should also apply to the Skyline Area (X.5).

**Tony Milne agrees with Rhys Girvan's recommendation 1 only** to the extent of identifying the additional ridgeline on the Structure Plan and applying the proposed controls X.5 c) and d). Tony does not agree with excluding the area from residential zoning.

**Tony Milne agrees with Rhys Girvan's points 2 and 3 above.** With these amendments Tony is satisfied that the existing NRMP provisions and the proposed PPC 28 provisions together, will adequately manage the Skyline Area. This includes NRMP Appendix 14 and the PPC28 proposed low density residential zoning (1500 m<sup>2</sup> minimum site area and controlled activity resource consent requirements).

**Anne Steven considers** that the Skyline Areas should be excluded from any residential zoning. If there is residential zoning within the Skyline Areas, the priority viewing locations need to also include view points looking West to North-West towards the skyline of the Malvern Hills. Anne acknowledges that further work from her would be required to identify specific viewing locations to be included within the proposed planning provisions. **Anne agrees with Rhys Girvan's point 3 above.** In addition, Anne would like to see further control over the location, species and height of planting to:

- i) ensure that the open views currently enjoyed from the ridge are substantially retained from the future public access; and
- ii) ensure visual coherence is achieved across future residential development within the Skyline Area.

**The landscape experts consider that the workability of the planning controls** applying to the ridgeline would benefit from some review to ensure that they can be administered and also understood by potential applicants. This is referred to the planning expert conference.

**3.7 Are any potential impacts on potential development within the Open Space Recreation Zone appropriately managed through the NRMP and PPC28?**

**All landscape experts seek clarification** about the potential for structures being visible within the Backdrop and Skyline Area within the Botanical Hill Open Space Recreation Zone and request that the planning expert conferencing consider whether there are any risks to the landscape and, if so, can they be controlled through PPC 28.

**3.8 Are there potential night-time lighting effects that need to be managed through PPC28?**

**All landscape experts are concerned** about the potential for adverse effects in the Skyline Area and Backdrop arising from road lighting structures and signage, and the potential for glare and light spill from the road lighting.

Mark Lile has agreed to review the current provisions to see if there is scope to control lighting and if not, will address the lighting concerns through the proposed PPC 28 provisions.

**3.9 Matters to be further considered**

The following items (1 – 3) require further consideration by the landscape experts after the Applicant’s experts have provided additional information as outline in item 3.1 above.

1. Has it been demonstrated that there would be a sympathetic relationship between residential areas and the Maitai River and confluence with Kaka Stream open space?
2. Have the existing site constraints, which may restrict the extent of built development, been adequately considered in the proposed zone arrangement?
3. Has it been demonstrated that development:
  - a) along the Malvern Hills and lower slopes of Kaka Hill will provide for respective *“clustered areas of development separated by pockets of green space”* and *“pockets of dwellings... in a similar manner to the rural living properties accessed off Ralphine Way”*?
  - b) The majority of the hillside areas in the Higher Density Small Holdings Rural Zone will be managed to retain a large amount of the current open vegetated character?

#### 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 Appendix 3 of the Environment Court’s Practice Note 2014 and agree to comply with it; and
  - (c) The matters addressed in this statement are within their area of expertise; and
  - (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator and this is recorded in the schedule below.

**Confirmed online 11 May 2022:**

<b>EXPERT’S NAME</b>	<b>PARTY</b>	<b>EXPERT’S CONFIRMATION REFER PARA 4.1</b>
Tony Milne (L)	Applicant	Yes
Rhys Girvan (L)	S42A NCC	Yes
Anne Steven (L)	Save the Maitai	Yes
Mark Lile (P)	Applicant	Yes
Gina Sweetman (P)	S42A NCC	Yes
Kelly McCabe (P)	Save the Maitai	Yes