

**BEFORE A HEARING PANEL
CONSTITUTED BY NELSON CITY COUNCIL**

IN THE MATTER

of an application by **CCKV Maitahi Development Co LP** and **Bayview Nelson Limited** for a change to the Nelson Resource Management Plan (Plan Change 28)

IN THE MATTER

of Part 5 and Schedule 1 of the Resource Management Act 1991

**STATEMENT OF EVIDENCE OF HUGH NICHOLSON (URBAN
DESIGN) ON BEHALF OF CCKV MAITAHİ DEVELOPMENT CO LP
AND BAYVIEW NELSON LTD**

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Section A – Introduction and Scope of Evidence

Name, qualifications and experience

- [1] My full name is Hugh Anthony Nicholson.
- [2] I am a Director at UrbanShift which is an independent consultancy that provides urban design and landscape architecture advice to local authorities and private clients.
- [3] I hold a Post-Graduate Diploma of Landscape Architecture from Lincoln University and a Post-Graduate Certificate in Urban Design from the University of Sydney. I have more than twenty years' experience in both the public and private sectors. I am a registered member of the New Zealand Institute of Landscape Architects (NZILA).
- [4] Prior to my current role, I worked as the Design Lead for the Ōtākaro Avon River Regeneration Plan for Regenerate Christchurch for two years, and as a Principal Urban Designer for Christchurch City Council for ten years. Before this I worked as an Urban Designer for the Wellington City Council for seven years.
- [5] I am a chair / member of the Nelson City / Tasman District Urban Design Panel and the Akaroa Design Review Panel. I was a member of the advisory panel for the development of the National Guidelines for Crime Prevention through Environmental Design (CPTED) for the Ministry of Justice, and a member of the Technical Advisory Group for the Wellington Waterfront.
- [6] My experience includes:
 - (a) Project leader for the establishment of the Christchurch Urban Design Panel which reviews significant resource consent applications and significant Council public space projects (2008);
 - (b) Steering group and design lead for Share an Idea and the Draft Christchurch Central Recovery Plan including associated draft district plan amendments to the central city zones which were

subsequently reviewed and incorporated into the Christchurch Central Recovery Plan;

- (c) Expert urban design witness for Christchurch City Council to the Independent Hearings Panel for the Christchurch Replacement District Plan on the Strategic Directions and Central City chapters;
- (d) Design reviewer for more than fifty resource consent applications and designations for major central city rebuilds for the Christchurch City Council including the Justice & Emergency Precinct, the Central Library, the Bus Interchange and the Christchurch Hospital Outpatients and Acute Services Buildings;
- (e) Expert urban design witness for Selwyn District Council providing evidence on six private plan change requests made under the National Policy Statement on Urban Development (NPS-UD).

Expert Code

- [7] While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.
- [8] I have read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2014 (Part 7). I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Role in Project

- [9] I was engaged in April 2022 by CCKV Maitahi Development Co LP and Bayview Nelson Ltd (the Requester) to provide expert urban design evidence for the Private Plan Change 28 Hearing.
- [10] I participated in the urban design expert witness conferencing on 5th May 2022. Where relevant in my evidence below, I refer to the Urban Design

Joint Witness Statement (UD-JWS), dated 5th May 2021 and produced following the conferencing. I confirm that it is a true and correct record.

Scope of Evidence

[11] The purpose of this evidence is not to restate matters that are already contained in reports or that have not been identified as controversial following expert conferencing. Rather it is to address significant matters in contention arising from submissions or any matters of disagreement between experts.

[12] In preparation of my evidence I have read and reviewed the following documents:

- (a) National Policy Statement on Urban Development¹ (NPS-UD);
- (b) Relevant sections to the Nelson Resource Management Plan (NRMP);
- (c) Landscape, visual and urban design assessment prepared by Rough Milne Mitchell Landscape Architects (RMM) as part of the application dated 1st April 2021;
- (d) Request for Further Information (RFI) prepared by the Nelson City Council dated 3rd August 2021;
- (e) The response to the RFI by the applicant dated 24th August 2021;
- (f) The Urban Design Joint Witness Statement (UD-JWS) dated 5th May 2022;
- (g) Section 42A report and the associated peer review with respect to urban design matters;
- (h) Submissions relevant to my area of expertise.

[13] I have visited the site and the surrounding area on the 1st April 2022.

¹ New Zealand Government. *National Policy Statement on Urban Development 2020*. July 2020.

Section B – Executive Summary

- [14] In my opinion the PPC28 plan change area is an appropriate location for urban growth due to its proximity to central Nelson and to nearby recreational opportunities and open spaces in the Maitai Valley.
- [15] I consider that the design approach in PPC28 of locating more intensive development on the valley floor closer to the city centre and the Maitai Valley, and limiting the density of development on the hillslopes and ridgelines to reduce visual impact and other adverse effects is appropriate.
- [16] I consider that the revised Structure Plan has refined and improved the urban design outcomes including allowing for:
- (a) An additional road connection to Walters Bluff;
 - (b) Two secondary roads – one in the Kākā Valley and one connecting to Walters Bluff;
 - (c) The relocation of the Suburban Commercial Zone and neighbourhood reserve to the south of Kākā Stream;
 - (d) The refinement and simplification of the zoning plan through the addition of Revegetation/Green Overlays in the Rural and Residential Zones to indicate areas with no urban development.
- [17] In my opinion the planning and design controls in the NRMP as amended by PPC28, and associated documents will both enable and require good quality urban design outcomes in the PPC28 area.

Section C – Evidence

Urban Form

- [18] I agree with Mr McIndoe that the PPC28 area is suitable for urban growth and development given its proximity to the city centre², and in particular

² Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.6

that the Kākā Valley floor is suitable for higher density development with lower density development along the higher slopes and ridgelines.

- [19] The revised Structure Plan (Figure 1) identifies Revegetation/Green Overlay areas in the Rural and Residential Zones respectively, over areas that have been identified as not suitable for building due to geotechnical constraints. Together with the Open Space Zones, the Revegetation/Green Overlays provide a more comprehensive green layer that shapes and defines the areas of urban development.
- [20] Although the Open Space Zones and Revegetation/Green Overlays rely on different planning mechanisms to achieve their outcomes, in combination they will establish a vegetated backdrop enclosing clusters of housing along the valley floor and on the hill slopes that is characteristic of the Nelson cityscape (Figure 2).

Connectivity and Accessibility

- [21] The proposed street connections from the Kākā Valley along the Malvern ridgeline to Bay View Road and to Walters Bluff provide alternative routes to State Highway 6 and the Maitai Valley Road would improve the connectivity and resilience of the street network.
- [22] New walkways/cycleways along the Malvern Hills and Kākā Stream connecting with a wider network of tracks in the Maitai Valley and Kākā Hill support increased pedestrian and cycle trips for recreation and commuting.
- [23] The location of the higher density housing areas and the proposed Suburban Commercial Zone on the Kaka Valley floor allows for a public transport route to be retrofitted in the future if necessary.
- [24] In my opinion PPC28 will improve the level of connectivity between Nelson City, the Maitai Valley and Brooklands.

Location of the Suburban Commercial Zone

- [25] I agree with Mr McIndoe that proposed Suburban Commercial Zone would be better co-located with the proposed neighbourhood reserve at the intersection of the primary road and a secondary road leading up the Kākā Valley in order to increase passing traffic, provide better access for more residents, and to improve commercial viability³.
- [26] I note that on the revised structure plan (Figure 1) the Suburban Commercial Zone has been co-located with the neighbourhood reserve on the southern side of the Kākā Stream but it is still located above the intersection with the secondary road.

Kākā Stream Corridor

- [27] I agree with Mr McIndoe that a public road aligned adjacent to and along the majority of the eastern boundary of the Kākā Stream esplanade reserve north of the primary road would improve public access to the reserve and Crime Prevention Through Environmental Design (CPTED) outcomes within the reserve.
- [28] I note that on the revised Structure Plan (Figure 1) there is a continuous walkway/cycleway along the eastern boundary of the esplanade reserve, the neighbourhood reserve is located adjacent to the southern part of the esplanade reserve, and that the northern half of the remaining length of the secondary road is adjacent to the reserve.
- [29] In my opinion the proposed neighbourhood and esplanade reserves should include longer road frontages to provide for better public access and positive CPTED outcomes. This can be addressed adequately as part of subsequent detailed design and subdivision stages.

Zoning Pattern and Planning Provisions

- [30] In the JWS I agreed with Mr McIndoe that there would be benefit in investigating the feasibility of development within the PPC28 plan change

³ Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.2

area to allow the effects of likely development to be further assessed and the zoning plan refined if appropriate⁴.

- [31] In my opinion the further refinement of the geotechnical constraints by Mr Foley, and the subsequent inclusion of Revegetation/Green Overlays in the Structure Plan in areas with high levels of geotechnical constraints, significantly refines and improves the zoning plan and indicates relatively extensive areas where urban development is not proposed.
- [32] Work is underway on an indicative masterplan as discussed at the Expert Conferencing in relation to urban design.
- [33] I agree with Mr McIndoe that the planning framework in the NRMP with the amendments in proposed in PPC28, will both enable and require good urban design outcomes.
- [34] I note in particular the relevance of Appendix 22 of the NRMP for Comprehensive Housing Development, Appendix 14, and the Nelson Tasman Land Development Manual 2020 as methods of achieving positive urban design outcomes.

Street Design

- [35] The design of new streets including street landscaping would be controlled through the subdivision process if the plan change is approved, and is covered by documents including the Nelson Tasman Land Development Manual 2020.
- [36] While no specific designs have been completed as part of PPC28, it is anticipated that on the ridgeline and hillslopes the streetscaping will use mass native planting where possible to mitigate the earthworks and level changes necessary to build the roads, and to contribute to the revegetation of the site.

⁴ Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.4

Well-functioning Urban Environment

- [37] I agree with Mr McIndoe that PPC28 would provide or achieve a well-functioning urban environment as defined by the NPS-UD⁵, within the matters relating to the urban design experts area of expertise⁶.
- [38] In particular I note that the range of densities and locations across the site will provide for a variety of homes in terms of in terms of type, price, and location; and the transfer of part of Kākā Hill to Ngāti Koata (outside the plan change process) will enable the iwi to express their cultural traditions⁷.
- [39] The new connections provided by PPC28 will support good accessibility between housing, jobs, community services, natural spaces, and open spaces, including by active transport, as outlined in Policy 1 of the NPS-UD.

Dated 15th June 2022



Hugh Anthony Nicholson

⁵ New Zealand Government. *National Policy Statement on Urban Development 2020, Policy 1.*

⁶ Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.7

⁷ <https://www.rnz.co.nz/news/business/464693/ngati-koata-to-take-over-ownership-of-kaka-hill-in-maitai-valley>