

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

*IN THE MATTER*

of an application by **CCKV Maitahi/Mahitahi 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

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**STATEMENT OF EVIDENCE OF TONY MILNE (LANDSCAPE) ON  
BEHALF OF CCKV MAITAHİ/MAHİTAHİ 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 Tony Douglas Milne.

[2] I am a Landscape Architect and Director of Rough Milne Mitchell Landscape Architects Limited (**RMM**), which is a Christchurch based consultancy established in 2010.

[3] I hold a Bachelor of Arts (Geography) degree from the University of Canterbury and a Bachelor of Landscape Architecture degree from Lincoln University. I am a Fellow of the New Zealand Institute of Landscape Architects Inc.

[4] I have been involved in a significant amount of work specific to the Tasman District including the preparation of a landscape and visual assessments and evidence for land development including private dwellings, subdivision of land, hotels and resorts. I have also been involved in several Plan Change requests and Zone requests under the current District Plan Review process, throughout the South Island.

[5] I have prepared numerous visual impact and landscape assessments and presented expert evidence at council hearings and before the Environment Court and Boards of Inquiry.

[6] I have been asked by the Requester to provide evidence in support of the Plan Change Request.

[7] I have visited the site and surrounding environment approximately 15 times between August 2019 and June 2022. I have undertaken site visits on foot, by cycle and vehicle. I am familiar with the site and surrounding environment.

[8] Since 1985 I have worked and holidayed within the Tasman area. Over these years I have walked and run the many public trails within the surrounding hills and valleys of Nelson City. Following expert conferencing I have undertaken further running and walking (both day and night) along the tracks of Sharlands Hill, the Maitahi/Mahitahi Valley (particularly along the true left bank of the river), and

the Grampians. I have also revisited the photo viewpoint locations contained in the LVAUD report.

*Expert Code*

[9] While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.

[10] 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*

[11] Rough Milne, Mitchell Landscape Architects was engaged in August 2019 by CCKV Maitahi/Mahitahi Development Co LP and Bayview Nelson Ltd (the Requester), along with several other consultants to prepare a Plan Change Request. I have led the RMM team involved in this project over the past three years. During this time, I have provided advice on the landscape approach for the proposed plan change request (**PPCR**), the design of the proposed zoning, structure plan, provisions for the PPCR, and assessment of landscape and visual effects.

[12] I provided a peer review of the landscape, visual and urban design assessment (**LVAUD**), Attachment C9 to the PPCR, prepared by my colleagues Paul Smith and Gerard O'Connell dated 1 April 2021, and a subsequent review of a Request for Further Information (RFI) Response dated 8 October 2021. Following expert conferencing, I have led further assessment work undertaken by RMM regarding natural character of the Kākā Stream and Maitahi/Mahitahi River.

[13] I have participated in a Council workshop on the 22 January 2020 and engaged directly with Nelson City Council consulting experts. I participated in the landscape expert witness conferencing on 11 May 2022. Where relevant in my evidence below, I refer to the Landscape Joint Witness Statement (**JWS**), dated 11

May 2022 and produced following the conferencing. I confirm that it is true and correct.

*Scope of Evidence*

[14] 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.

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

- (a) Nelson Landscape Study<sup>1</sup>.
- (b) Kākā Valley Landscape Capacity Assessment<sup>2</sup>.
- (c) National Policy Statement on Urban Development Capacity: Assessment for Nelson<sup>3</sup> (**NPS-UDC**).
- (d) National Policy Statement on Urban Development 2020<sup>4</sup> (**NPS-UD 2020**).
- (e) Nelson Tasman Future Development Strategy<sup>5</sup> (**Future Development Strategy**).
- (f) The relevant parts of the RPS, NRMP and the DWWNP.
- (g) The Atawhai Hill Transport Link Study<sup>6</sup>.
- (h) Nelson Development Areas – Kākā Valley Spatial Analysis<sup>7</sup>.

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<sup>1</sup> Boffa Miskell Limited 2015. Nelson Landscape Study: Visual Amenity Landscape Evaluation. Report Prepared by Boffa Miskell Limited for Nelson City Council.

<sup>2</sup> Boffa Miskell Limited 2018. Kākā Valley Landscape Capacity Assessment. Report Prepared by Boffa Miskell Limited for Nelson City Council.

<sup>3</sup> Nelson City Council. Nelson Policy Statement on Urban Development Capacity: Assessment for Nelson. November 2018.

<sup>4</sup> New Zealand Government. National Policy Statement on Urban Development 2020. July 2020.

<sup>5</sup> Nelson City Council and Tasman District Council. Nelson Tasman Future Development Strategy. July 2019.

<sup>6</sup> MWH. Atawhai Hill Transport Link Study. Prepared for Nelson City Council. July 2016.

<sup>7</sup> Barker and Associates. Nelson Development Areas – Kākā Valley Spatial Analysis. 14 November 2019.

- (i) The Landscape Joint Witness Statement (**JWS**) dated 11 May 2022.
- (j) Section 42A report and associated peer review with respect to landscape and visual amenity matters; and
- (k) Submissions relevant to my area of expertise.

## **Section B – Executive Summary**

[16] The site of the PPC28 has been identified<sup>8</sup> as an area within Nelson that can absorb a relatively large amount of development to assist in providing for the needs of a growing community.

[17] PPC28 seeks to change the zoning within Kākā Valley, the lower slopes of Kākā Hill and along Botanical Hill and Malvern Hills, providing for future residential development at a range of densities supported by high amenity open spaces and a commercial centre. This will allow Nelson to grow in a manner and form consistent with current urban development and as anticipated by the Future Development Strategy.

[18] Overall, I consider that PPC28, the proposed Structure Plan, Zoning Plans and Overlay Plans, along with the indicative Master Plan from a landscape perspective respond appropriately to the application site's attributes, sensitivity, and the surrounding environment.

[19] The landscape values of Kākā Valley, Kākā Hill, Botanical Hill, and Malvern Hills are varied. Overall, the PPC28 site and its setting is characterised by a working rural environment adjacent to the edge of the city. In places it is considerably modified, and it does not contain any outstanding or significant landscape features. The PPC28 site nevertheless does possess a moderately to very high level of amenity due to its landform, inherent greenery, open space, existing vegetation, and the backdrop it forms to Nelson City.

[20] Development of the PPC28 site will result in a loss of some of its current rural character, and consequently some loss of rural outlook for those people

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<sup>8</sup> Nelson City Council. Nelson Policy Statement on Urban Development Capacity: Assessment for Nelson. November 2018.

residing adjacent to it, and for those viewing the site from adjacent roads and public places. This change, in itself, is not considered adverse because Kākā Valley has been identified as an area which can absorb change as long as the landscape values are maintained or enhanced.

[21] On the PPC28 site, in places, pasture-covered paddocks will inevitably change, through urban development. However, this does not necessarily mean that the resulting level of visual amenity will be lower than at present. A combination of factors such as the proposed pattern of development, lot size, zone rules and integrative planting will create a high amenity urban environment that is visually sympathetic to its surroundings.

[22] In terms of the quality of the environment I am of the opinion that in many respects this will actually be improved with PPC28. The PPC28 within Kākā Valley will positively enhance the landscape values of Kākā Stream and maintain those associated with the Maitahi/Mahitahi River. The landscape values of Kākā Hill will be maintained and enhanced by retaining its Rural zoning and through future revegetation. The Open Space Recreation Zone and the Residential Zone - Lower Density (Backdrop) Area on Botanical Hill will maintain the landscape values of Botanical Hill.

[23] Overall, even though the sites landscape character will change, by providing for the enhancement of Kākā Stream by maintaining and in some cases enhancing the landscape values of Kākā Valley, Kākā Hill, Botanical Hill, and enhancing native vegetation and increasing the associative values of the Malvern Hills, PPC28 is an appropriate fit for the site.

[24] The PPC28 Structure Plan and Layer Diagrams are, in my opinion, innovative in their approach to accommodate the nature and type of urban development sought for the PPC28 site. The plans display a unique and carefully considered response to the site. The central and multi-layered role played by the Kākā Stream will imbue the PPC28 site with a strong identity.

[25] PPC28 represents the opportunity for a comprehensively design extension to Nelson City, proximate to the city centre. It is considered a strong rural urban boundary will be reinforced and the key landscape values of the Maitahi/Mahitahi

Valley maintained. Future residential development will be set within a strong rural backdrop, reinforcing the sense of place and sense of difference between the city and the valley

[26] Development in accordance with PPC28 will generally be consistent with the overall intent of the NRMP objectives and policies relating to anticipated landscape outcomes for urban growth.

[27] Overall, even though PPC28 will result in an increase in built form, the majority of the future development will appear logical in the context of Nelson City and will not unacceptably adversely affect the visual amenity experienced from the surrounding public places. Residential development on the mid and upper slopes of the Malvern Hills, will result in a reduction in open space and the green backdrop it currently affords. However, much of this future residential development will not visually appear to sprawl along these upper slopes. Therefore, the reduction in the sense of open space and greenness to these upper slopes will have very low to moderate degree of adverse visual effects when seen from these public places.

[28] The changes that have been made to the Structure Plan and Zoning Maps, coupled with the additional technical information provided since the Request was lodged, gives me further assurance of the conclusions reached regarding potential adverse effects on landscape values and associated visual effects in the LVAUD, Appendix C9 to the PPC28 Request.

## **Section C – Evidence**

### **Project Process and Application Amendments**

[29] This section provides a summary of the application amendments.

[30] There have been several changes to the Structure Plan and Zoning Plans as lodged with the application. These changes address aspects of the proposal that were raised in submissions, Council's section 42A report, associated technical reports and following Expert Conferencing. These changes have also followed further field work undertaken by the respective technical experts.



[31] Mr Lile in his evidence addresses any post Application changes to the Rules package (Schedule X). As part of my evidence, I provide a A3 Graphic Bundle in colour including an updated Structure Plan, updated Zoning Maps, viewpoint images and additional new graphics. I refer to this throughout my evidence as GA-E. I also use imagery from the GA-E throughout my evidence.

[32] An indicative 'work-in-progress' Master Plan is being prepared and will be lodged with Council following this evidence. It is considered that the Master Plan is not necessary for the process but something the Council experts consider would be 'nice to have' to inform their understanding of potential 'non- fanciful' outcomes for the PPC28 site. We, therefore, are working on the Master Plan to assist the process.

[33] Amendments to the Structure Plan and associated Overlay Plans include:

- (a) Refinement of the alignment of the indicative sub-collector road.
- (b) Addition of two secondary roads. The first indicates a potential connection with Walters Bluff and the second indicates a road connection into Kākā Valley.
- (c) Removal of all Higher Density Small Holdings Zoning.
- (d) An increase in Rural Zoning.
- (e) Consolidation of the two Commercial Zones into one area adjacent to the central recreation reserve and a reduction in zone area.
- (f) An overall reduction in Residential Zoning (approximately 26% - 37.98 hectares) and a resulting increase in Rural Zoning.
- (g) An adjustment of the boundary between Low Density and Standard Density Residential at the northeast end of the PPC28 site on the Malvern Hills.
- (h) Refinement of the location and configuration of the Neighbourhood Reserve.

- (i) Refinement in the alignment of the open space zone, including the removal of it from along the northeast boundary on Kākā Hill.
- (j) Identifying and graphically showing the eastern spur of ‘Botanical Hill’<sup>9</sup> above Walters Bluff as a primary ridgeline.
- (k) Showing the Network Tasman Limited Corridor.
- (l) Addition of ‘Green Overlay Areas’ that align with underlying geotechnically constrained land.
- (m) Using a different colour to identify the Low Density (1500m<sup>2</sup>) Residential Zoning within the backdrop and skyline area.
- (n) Minor amendments to future walkway alignments and the addition of a mid-slope pedestrian/cycle connection between the Sir Stanley Whitehead track and Bayview.

[34] The amended Structure Plan is shown on Sheets 6 and 7 of the GA-E.

[35] I also append at Appendix A the RMM Natural Character Assessment Report and Graphic Attachment for PPC28.

[36] Further to the above amendments to the Structure Plan, the following sets out additional graphic material within the GA-E:

- (a) Up to date (May 2022) aerial imagery of the PPC28 site.
- (b) The LVAUD photo-viewpoint photos shown with the proposed structure plan overlaid to illustrate visibility of the proposed zone from each viewpoint (*refer Sheets 20 – 20 of the GA-E*).
- (c) Addition of a Vegetation Overlay Plan (*refer Sheet 9 of the GA-E*).

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<sup>9</sup> While “Botanical Hill” is the singular conical landform of the Centre of New Zealand, in the context of my evidence and following the Nelson Landscape Study the area labelled and discussed as “Botanical Hill” includes the wider area of landform between the Centre of New Zealand and Walters Bluff. This is often colloquially referred to as “The Botanics”.

- (d) Indicative cross sections through the Maitahi/Mahitahi River and Kākā Stream (*refer Sheets 13 - 17 of the GA-E*).
- (e) An indicative landscape plan of the Dennes Hole landscape interface (*refer Sheet 12 of the GA-E*).
- (e) Addition of other maps plans and images of relevance.

[37] Additional information, that will be provided for the Hearing comprises the following:

- (a) A ‘work in progress’ indicative Master Plan. Note, *‘this shows a proxy development that represents a non-fanciful level of development in the proposed zones’<sup>10</sup>*. This Master Plan will continue to evolve between now and the Hearing.
- (b) A google earth overlay model that will show the proposed structure plan and indicative master plan and associated viewpoint modelling.
- (c) A layered pdf set of graphic material in electronic form.

### **Landscape Description and Values of the Application Site**

[38] The LVAUD, Appendix C9 to the PPCR fully describes the landscape and landscape values of the application site. I do not consider it necessary to repeat this in detail again. The landscape JWS records the areas of agreement between the landscape experts regarding landscape values<sup>11</sup>. However, it is important to reiterate several key aspects of the LVAUD as these underpin the form of the amended Structure Plan.

[39] The site is within close proximity to Nelson’s City Centre. Residential development within Nelson has expanded inland to the south and west. Of relevance is the residential development within Nelson South, Nelson East and the Brook. These areas consist of residential development that extends along the relatively flat valley floors and along the lower and mid slopes of the surroundings

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<sup>10</sup> Private Plan Change 28: Maitahi Bayview – Landscape Peer Review, Rhys Girvan (Boffa Miskell), 19 May 2022.

<sup>11</sup> Refer Landscape JWS, recorded as Matter 3.3

hills. These areas provide for residential living within proximity of Nelson City Centre.

[40] The site, being relatively large at 286.78ha in area is split between two landscape character areas, being Kākā Valley and Bayview. Kākā Valley forms part of the Maitahi/Mahitahi Valley and being a valley, includes and is enclosed by Kākā Hill, Botanical Hill and Malvern Hills. Bayview includes the west facing slopes of Botanical and Malvern Hills that form the backdrop to Nelson City Centre and face out over Nelson Haven and Tasman Bay.

[41] Both of these landscapes are characteristic of the wider environs, with their specific landscape attributes and values being derived from their own landform, land cover, cultural factors, quality / condition of the landscape, and aesthetic factors. As such the following largescale landscape features that form part of the site and its receiving environment include the following:

- (a) Kākā Valley and Kākā Stream.
- (b) Kākā Hill's east facing slopes.
- (c) The northern part of Botanical Hill's east and west facing slopes, including the ridgeline north of the Centre of New Zealand Monument's public reserve.
- (d) Malvern Hills north-east and south-west facing slopes including the ridgeline.
- (e) A very small portion of the Maitahi/Mahitahi River, where the eastern corner of the horseshoe bend wraps around the Maitahi/Mahitahi Cricket Ground.

[42] Kākā Valleys landform, land cover, cultural factors, quality / condition of the landscape, and aesthetic factors have been appropriately described in the Kākā Valley Landscape Capacity Assessment<sup>12</sup> and the Nelson Landscape Study<sup>13</sup>, which

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<sup>12</sup> Boffa Miskell Limited 2018. Kākā Valley Landscape Capacity Assessment. Report Prepared by Boffa Miskell Limited for Nelson City Council.

<sup>13</sup> Boffa Miskell Limited 2015. Nelson Landscape Study: Visual Amenity Landscape Evaluation. Report Prepared by Boffa Miskell Limited for Nelson City Council.

has assisted in describing the landscape character and values of the site and the receiving environment.

[43] At a larger scale, Kākā Valley forms part of the Maitahi/Mahitahi Valley, which is a relatively large valley which runs in a general east to west direction between Nelson and the Maitahi/Mahitahi Dam and the Maungatapu Saddle, situated along the Bryant Range. The Maitahi/Mahitahi Valley and Maitahi/Mahitahi River forms a large catchment enclosed to the north and south by the foothills of the Bryant Range.

[44] Maitahi/Mahitahi Valley provides a significant number of recreational opportunities to the public who are afforded a high degree of amenity due to the relatively undeveloped nature of the surrounding vegetated hillsides. As such, the Maitahi/Mahitahi Valley is highly valued by the community.

[45] In addition to the landscape character description of Kākā Hill, Kākā Valley, Botanical Hill and Malvern Hills, The Nelson Landscape Study and Kākā Valley Landscape Capacity Assessment have identified and described the landscape values of these four landscape features. In regard to this, Mr Girvan neatly summarises this at Paragraph 14<sup>14</sup> of his peer review, which I agree with.

[46] The landscape values for each of these areas included in the DWWNP are agreed with and informed the LVAUD report. Because PPC28 includes expert reports specific to this area, as well as ground truthing, a closer understanding and distillation of the application sites landscape features has been garnered. This underpins my current understanding of the PPC28 site. The landscape values, are summarised following:

### **Kākā Valley**

- **Moderate – low** visibility – from the Maitahi/Mahitahi Valley

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<sup>14</sup> Private Plan Change 28: Maitahi Bayview – Landscape Peer Review, Rhys Girvan (Boffa Miskell), 19 May 2022.

- **Moderate – high** biophysical values (primarily through strong relationship with the important values along the Maitahi/Mahitahi River).
- **Moderate** sensory and aesthetic values.
- **Low** associative values.

**Maitahi/Mahitahi Valley** (values predominantly derived from the Maitahi/Mahitahi River itself).

- **Moderate - high** biophysical values.
- **High** sensory values.
- **Very High** associative values.

#### **Kākā Hill**

- **High** visibility – western slopes from Nelson’s City Centre.  
**Moderate - low** visibility – western slopes from the Maitahi/Mahitahi Valley.
- **Moderate** biophysical values.
- **High** sensory and aesthetic values.
- **Low to Moderate** associative values

#### **Botanical Hill**

- **Very High** visibility – from Nelson’s City Centre
- **High** biophysical values
- **High** sensory and aesthetic values
- **Very High** associative values

## Malvern Hills

- **High** visibility – western upper faces from Nelson Haven, **Moderate** levels of visibility from SH6. **Low** visibility – eastern face from the Maitahi/Mahitahi Valley.
- **Moderate** biophysical values
- **High** sensory and aesthetic values
- **Moderate** associative values (primarily because of the Ridgeline Track that connects between Bay View Road to the north of Brooklands and Botanical Hill. This crosses private land and is no longer accessible).

[47] In regard to a baseline understanding, it is worth remembering that Kākā Valley is currently zoned Rural and Rural–Higher Density Small Holdings Area. As a controlled activity, the Kākā Valley Rural–Higher Density Small Holdings Area can be subdivided into approximately 40 properties. So long as they achieve a 1ha average, with a 5,000m<sup>2</sup> minimum size and comply with the Design Standards in NRMPs Appendix 14.

[48] Furthermore, Malvern Hills and the Bayview area is currently zoned Rural. As a controlled activity this area can be subdivided into approximately 10-12 properties exceeding 15ha in area. The existing zoning and controlled development that forms the baseline for development within the PPC28 site is illustrated on Sheet 5 of the GA-E.

## Methodology and Assessment of Landscape Effects on the Environment

[49] In my opinion the LVAUD report was very thorough. However, for completeness, and in response to matters raised by Ms Steven, landscape architect engaged by Save the Maitahi/Mahitahi Incorporated, I make the following comments.

[50] A landscape effect is a consequence of changes in a landscape's physical attributes on that landscape's values. Change itself is not an effect as landscapes change constantly. It is the implications of change on landscape values that is

relevant<sup>15</sup>. Landscape effects can be adverse, neutral and/or positive. It is primarily the way in which the development is designed and located which may or may not result in adverse landscape effects.

[51] The landscape and visual assessment were undertaken for the PPC28 application as a combination of desktop investigation, field work, with reference to various visual tools and a review of technical reports prepared specifically for the PPCR.

[52] The existing landscape, natural character and visual amenity values pertaining to the receiving environment are set out in the initial landscape and visual assessment<sup>16</sup>. These values are summarised above in paragraph 46.

[53] The values within the receiving environment and context establish a starting point from which to determine the degree of effects of the PPC. Particular consideration was given to outcomes sought by the relevant statutory provisions of the Nelson Regional Policy Statement (**NRPS**) and the Nelson Resource Management Plan (**NRMP**) that are relevant to the PPC.

[54] The assessment to determine the nature and scale of landscape effects, including natural character was carried out using the seven-point scale set out in Figures 1 and 2 below and forms part of the NZILA Assessment Guidelines methodology<sup>17</sup>, which I have used for the purpose of my evidence.

Very Low	Low	Low - Moderate	Moderate	Moderate - High	High	Very High
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**Figure 1.** The seven-point landscape and visual effects rating scale.<sup>18</sup>

Very Low	Low	Low - Moderate	Moderate	Moderate - High	High	Very High
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<sup>15</sup> It is primarily the way in which the development is designed and located which may or may not result in adverse landscape effects.

<sup>16</sup> Rough and Milne Landscape Architects (2021) landscape, Visual Amenity, and Urban Design Assessment, Sheets 18-27.

<sup>17</sup> Defined by the New Zealand Institute of Landscape Architects assessment methodology workshop in December 2017 and formalised in May 2021.

<sup>18</sup> 'Te Tāngi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'.



Less than Minor	Minor	More than Minor	Significant
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**Figure 2** *The comparative scale of degree of effects.*<sup>19</sup>

[55] Where effects on landscape values are experienced in views, an assessment of effects was carried out with a focus on changes to publicly accessible views (where people tend to congregate or pause to take in the view) and to private views. This has been aided by visual tools, including Google Earth and photo viewpoint overlays.

### Landscape Effects

[56] Landscape effects are most likely to derive from changes to rural character and identified landscape values arising from the introduction of built form into the rural landscape, earthworks, and the proposed vegetation. A full description of visual effects is set out in the landscape and visual amenity assessment attached to the PPC28 request<sup>20</sup>.

[57] I make further comments on landscape effects in response to matters raised through expert conferencing and submissions below. In doing this, I refer to the landscape units (Botanical Hill, Malvern Hills, Kākā Valley, Kākā Hill and Maitahi/Mahitahi Valley) as mapped in Appendix 1 of the RMM Further Information Response (20 August 2021).

### Visual Effects

[58] Visual effects are a subset of landscape effects. They are effects on landscape values as experienced in views<sup>21</sup>. I have underlined this text because it is the basis of my assessment of visual effects and in accordance with the NZILA Assessment Guidelines. The visual effects assessment considers the extent to which the PPC would be visible from public places, including recreation tracks as well as private residences, and the effects of that visibility on visual amenity values.

<sup>19</sup> 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'.

<sup>20</sup> Rough and Milne Landscape Architects (2021) landscape, Visual Amenity, and Urban Design Assessment, Sheets 34-37.

<sup>21</sup> 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021.

[59] Visual amenity is a measure of the visual quality of a landscape as experienced by people living in, working in, or travelling through it. The assessment also takes into account the criteria<sup>22</sup> to determine the magnitude of visual effects and that the visibility of development enabled by the PPC will not necessarily equate to adverse visual effects on amenity or landscape values.

[60] A full description of visual effects is set out in the landscape and visual amenity assessment attached to the PPC28 request<sup>23</sup>. I have included a table at Appendix B that summarises the effects from all representative viewpoints and identifies what component of the development will be visible.

[61] Following expert conferencing, and particularly in response to Ms Stevens comments regarding visibility of the PPC28 site from the true left bank of the Maitahi/Mahitahi River, additional field work has been undertaken. I have revisited and traversed several the recreational trails that run through the surrounding environment of the PPC28 site. These trails offer residents and visitors to the city, walking, running and mountain biking opportunities. The evidence of Mr Greenaway<sup>24</sup> describes these trails, the opportunities, and any potential adverse effects on them arising from PPC28.

[62] From a landscape perspective and visual effects perspective, the issue is the potential effects of PPC28 on landscape values as experienced in views from the various recreation trails. Essentially, will the visual amenity of the landscape as experienced by the users of these trails be adversely affected. Bearing in mind change in a view does not necessarily result in an adverse effect.

[63] The Grampian walkway/track connects the top of Collingwood Street to the summit and lookout, which is orientated northwest across the Port Hills. There are also tracks linking down into Bishopdale. As you ascend this track you are essentially walking/running in a south-west direction, the opposite direction to the orientation of Kākā Valley, i.e. the PPC28 site is behind you. Most obviously, the opposite when you descend.

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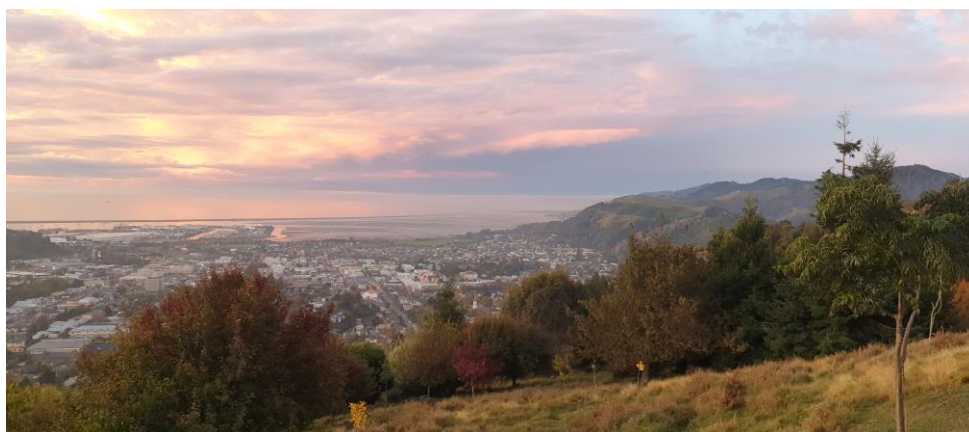
<sup>22</sup> Distance, context, elevation, audience, size, movement, degree of change and weather.

<sup>23</sup> Rough and Milne Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, Sheets 38-88.

<sup>24</sup> Private Plan Change 28, Evidence in Chief, Mr Robert Greenaway - Recreation

[64] There are several opportunities to pause and rest on seats along this track. The majority of these offer views across Nelson City, the Port and Tasman Bay. At times these views are limited by surrounding vegetation, at others they are panoramic. Often the purpose of these seats, and elevated lookouts is to provide for a panoramic and all-encompassing view. *See Figure 3 below.*

[65] The higher the elevation the more encompassing the view and areas of the PPC28 can be seen at a distance. The limited areas of the PPC28 that can be seen will typically be viewed together with most of the city CBD and inner suburbs. Therefore, from the Grampian walkway effects on visual amenity are considered to be **very low**.



**Figure 3.** *View from Grampians across the City centre. Please note this photograph is representative and has not been relied upon to assess visual effects.*

[66] Sharlands Hill to the immediate south and on the opposite side of the Matai Valley from the PPC28 site, provides for several walking, running and mountain biking opportunities. The majority of the tracks on the mid to upper slopes are within Ngāti Koata owned whenua, covered in commercial forest managed by Tasman Pine Forests Ltd. This is private land, and my understanding is entry is by registration only, although if you are a NMTBC<sup>25</sup> member, registration is not required.

[67] As anticipated, these trails traverse the hillside and are in forest which for the most part precludes views out. If mountain biking, and with track names like Smasher and Hulk n Hogan, I suggest the focus of the user is on the trail

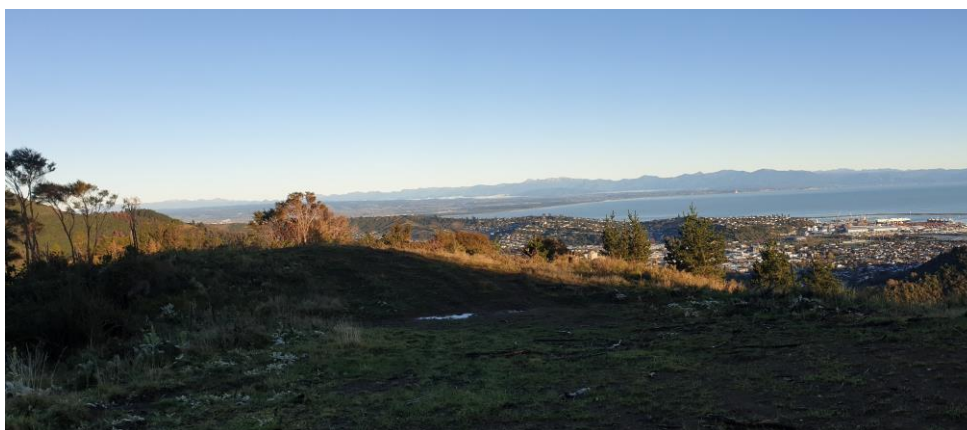
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<sup>25</sup> Nelson Mountain Bike Club

immediately in front of them. Where trails coincide with forest roads, for example Fireball Road, very intermittent views of the PC28 site are possible. There are places, generally old skid sites, at this higher elevation where you can stop and overlook the city and Tasman Bay. In these views parts of the PPC28 site will be seen in the wider vista. *See Figure 4 and 5 below.*

[68] Jacks Track, a walking trail leads from the top of Atley Terrace and generally traverses the southern side of Sharland Hill, linking with Tantragee Saddle. At the northern end of this track, if you leave the track and take an informal trail, for a very short stretch you will get a view of the PPC28 site, looking into the Kākā Valley.

[69] However, for the most part Jacks Track offers views either over Nelson City or into the Brook Valley, depending on your direction of travel. Overall, whether you are walking, running or biking the tracks of Sharland Hill effects on visual amenity are considered to be **very low – low**.



**Figure 4.** *View (part of a wider view) from old skid site, Sharland Hill across the City centre. Please note this photograph is representative and has not been relied upon to assess visual effects.*



**Figure 5.** *View (part of a wider view) from old skid site, Sharland Hill across the City centre and PPC28 site. Please note this photograph is representative and has not been relied upon to assess visual effects.*

[70] The Maitahi/Mahitahi Valley Walkway runs along the true left bank of the Maitahi/Mahitahi River, between the Maitahi/Mahitahi campground bridge and Girlies Hole adjacent to Nile Street in the city. This track is also part of the Tantragee Loop. The track generally winds its way alongside the Maitahi/Mahitahi River and in places rises and falls as topography dictates. There are few opportunities to sit and rest, however off the track on an elevated knoll there is a memorial seat to a Dr Turner. From this seat as you overlook the Waahi Taakaro Golf Course, you can see the top and back of Botanical and Malvern Hill. The viewing distance is approximately 2.5km. For location context, this seat and length of track are on the opposite side of the Maitahi/Mahitahi River from the entrance to the Sharlands Creek Mountain Bike Park and the group of existing houses to the east of this.

[71] Generally, it is difficult to see the PPC28 site from the Maitati Valley Walkway, mainly due to topography and vegetation, while acknowledging that a lot of the time intervening vegetation is not on the PPC28 site. Any views are intermittent, are from the track between the memorial seat and Gibb Bridge and are only of the upper slopes at the southern end of Botanical Hill. *See Figure 6 below.*

[72] For the reasons above, effects on visual amenity from the true left bank of the Maitahi/Mahitahi River are considered to be **low**. Overall, I conclude that PPC28 will result in visual and landscape effects on the users of these recreation trails ranging between **very low to low**.



**Figure 6.** *View from Maitahi/Mabitahi Valley Road. Please note this photograph is representative and has not been relied upon to assess visual effects.*

### **Matters Arising from Conferencing, Submissions and Matters Raised in the Section 42A Report**

[73] Additional matters arising from conferencing are addressed in the following sections. As discussed, I have read the Council Planning Officers s42A report, as well as Council’s landscape and visual amenity memorandum prepared by Mr Girvan<sup>26</sup>. Matters raised in Mr Girvan’s memorandum essentially capture the matters in contention from the landscape expert conferencing, along with the key matters relating to landscape arising from the submissions on PPC28. Matters raised are addressed in the following sections:

[74] Specifically, this relates to the following matters:

- (a) Adverse effects on Nelson’s ridgetops and skylines.
- (b) Extent of the backdrop area on the eastern face of the Malvern Hills

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<sup>26</sup> Private Plan Change 28: Maitahi Bayview – Landscape Peer Review, Rhys Girvan (Boffa Miskell), 19 May 2022.

- (c) Adverse effects from significant landform modification.
- (d) Adverse effects on the natural character of Kākā Stream.
- (e) Landscape character effects on the Maitahi/Mahitahi Valley and Maitahi/Mahitahi River.
- (f) Night-time lighting effects.
- (g) Colour and vegetation controls
- (h) Need for visualisations and 3d modelling.

#### Adverse Effects on Nelson's Ridgetops and Skylines

[75] Several submitters refer to visual effects of ridge-top buildings and potential adverse visual impact on the city's skyline. This was also a topic of expert conferencing<sup>27</sup>. Policies NA2.3.1<sup>28</sup> and NA2.3.2<sup>29</sup> of the NRPS are particularly relevant to this issue, as is Policy D09.1.4<sup>30</sup> of the NRMP.

[76] Prior to addressing this issue, a related matter I have further considered is the spatial extent of the Skyline Area and Backdrop Area<sup>31</sup>, as mapped within the Nelson Landscape Study and adopted by RMM for the purposes of PPC28. I do not disagree with Ms Steven that there will be areas of the eastern face of the Malvern Hills within the PPC28 site that will form a backdrop when viewed from places within the Maitahi/Mahitahi Valley.

[77] However, I remain comfortable with the approach we have taken throughout the PPC28 process. I believe when one considers the Policy direction of the NRPS and the NRMP, along with the assessment methodology of the

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<sup>27</sup> Refer Landscape JWS, recorded at Matters 3.3 and 3.6

<sup>28</sup> NRPS (1997), NA2.3.1 To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City.

<sup>29</sup> NRPS (1997), NA2.3.2 To avoid development which detracts from the amenity afforded by dominant ridgelines.

<sup>30</sup> NRMP, Policy D09.1.4 states that:

Particular regard should be had for the protection of visual amenity values in the following areas:

- a) ridge lines/skylines, and
- b) seaward facing slopes of hills, and...

<sup>31</sup> Refer Landscape JWS, recorded at Matter 3.3



Nelson Landscape Study, the Skyline Area and Backdrop Overlay are appropriately mapped in relation to the PPC28 site.

[78] Furthermore, coupled with our own fieldwork, that has identified limited visibility of the full extent of the eastern face of the Malvern Hills, I am confident that the provisions of PPC28 along with the updated Structure Plan will ensure future development does not detract from the overall amenity afforded by the areas of the upper slopes of the eastern face that will be a backdrop to limited views from the Maitahi/Mahitahi Valley.

[79] Considering the above, I further suggest the following wording...from Maitahi/Mahitahi Valley Road between Jickell and Sharland Bridge” be added to X.5(c) in Schedule X to the PPC. This is in addition to Mr Girvan’s suggested additional wording for this same provision...” *when viewed from Nelson City and State Highway 6*”, which I agree with. Together this qualification to X.5(c) provides further assurance that the identified values of the ridgeline will be maintained and is consistent with addressing the major threats to the landscape character of Nelson stated in D09.i.b.

[80] Following from the addition to X.5(c), coupled with the updated Structure Plan and the indicative Master Plan, I consider the magnitude of change and consequent level of landscape and visual effects can be appropriately managed. Outcomes will be consistent with the key Objectives and Policies of the NRPS and NRMP relevant to landscape matters. Additional to this, further assurance can be gained through Appendix 14.2: Information Requirements<sup>32</sup> sets out the specific requirements which include ensuring the landscape opportunities and constraints are considered as part of informing appropriate development.

[81] Notwithstanding this, I make further comment regarding the specific landscape effects associated with the ridgetops and skyline in each identified landscape unit.

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<sup>32</sup> NRMP, Appendix 14 - Residential subdivision design & information requirements



## Botanical Hill

[82] As demonstrated by the updated Structure Plan and indicative Master Plan, the distinctive conical form of Botanical Hill and larger prominent natural and 'green' backdrop it provides for Nelson City, is well protected by a significant area of Open Space zoning. Not only will this protect and preserve the key landscape values identified for Botanical Hill, but this zoning will also provide for future recreation use that does not currently exist.

[83] It is agreed that the Backdrop and Skyline Areas identified as Botanical Hill also includes the ridgeline above Walters Bluff. Following expert conferencing, this ridgeline has now been identified and included (*refer Landscape Overlays Plan, Schedule X, Sheet 8 of the GA-E*), within which development must be considered for the purpose of defining when development occurs above a primary ridgeline for the purpose of assessing potential adverse skyline effects.

[84] I am comfortable, as previously stated in the LVAUD<sup>33</sup>, that the proposed residential lower density zoning within the city Backdrop and Skyline Area for the ridgetop area above Walters Bluff, will result in PPC28 on Botanical Hill having no more than a **moderate** degree of adverse effects on the existing visual amenity experienced from SH6, east of the SH6 and Haven Road intersection.

[85] As shown on the indicative Master Plan the density of development on this hillside will be dictated by topography and geotechnical constraints. Specifically, development will be unlikely within the gully above Walters Bluff. Development will more likely be limited to the more gentle slopes on the spur descending to the two northern most dwellings at the top end of Davies Drive. Therefore, it is likely that future development will resemble a density similar to the north-west facing side of Malvern Hills and it will be clustered, leaving open green spaces between pockets of development.

[86] Future development within this area on this ridgeline will be seen on the hillside above and alongside the existing dwellings located on Walters Bluff and Davies Drive. Future properties within this area of PPC28, where compared with

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<sup>33</sup> Proposed Plan Change 28, RMM Landscape, Visual Amenity and Urban Design Assessment, 8 October 2021, Pages 68-69.

development on Walters Bluff will be more sparsely located when compared with the existing properties as they will be at least 1,500m<sup>2</sup> in area.

[87] Future dwellings will need to be approved through a controlled activity resource consent process. Council has control regarding a dwelling's location, scale, height, modulation, colour and general appearance. Also, at least 20% of each of these properties will need to contain native vegetation, which will assist in filtering them in views, visually separating them and establishing and maintaining a vegetated appearance. Given the angle with which any viewer would see this, in time vegetation within the Skyline Area would in fact screen most housing from view.

[88] Therefore, most dwellings will be situated where they have a backdrop of Botanical or Malvern Hills. If a dwelling is located where they protrude above the ridgeline, their potential visual effects can be appropriately managed. The google earth modelling (*see Figure 7 below*) shows that there is a potential that a few houses may be visible in the short term on the ridge above Walters Bluff. With the extension of the planting that currently softens the development face, again it will establish a view of houses sitting within the landscape and they will not appear to dominate.



**Figure 7:** Google Earth Model with Structure Plan overlay, when viewed from State Highway 6.

[89] When driving north-east along State Highway 6 one enjoys an extended view of the Malvern Hills and the hills beyond. The development of Walters Bluff is ‘prominently located’ yet it is seen in the context of a number of elevated Nelson north suburbs including Bayview which is in the process of being developed. For the reasons discussed above, the future pattern of development will be seen to sit within and/or be heavily influenced by its environment. It is considered future built form will not dominate and make the landscape subservient. In fact, in every way, future development enabled by PPC28, will respond to, and have regard for the environment both in the opportunities they provide (views etc) and the resulting patterns.

[90] Views of Walters Bluff from Neale Park, State Highway 6 and from Akerston Street, the pattern of existing development, is one of development being placed on the ‘friendly contours’ with the steeper contours vegetated for both geotechnical and management reasons (*see Figure 8 below*). This will be the same for PPC28 and is the pattern of development that would be visible on the eastern face into Kākā Valley too. Development is visible in places, but it does not dominate, and it very much forms a recognisable character that is Nelson. In fact, when one considers the NRP and NRMP policy framework this forms part of the valued views of Nelson that are protected.



**Figure 8:** Google Earth Model with Structure Plan overlay, when viewed from near to popular coffee destination and marina open space on Akerston Street.

[91] As shown on the updated Structure Plan and the indicative Master Plan, the ridgetop link to Walters Bluff will not be within the skyline area of the Botanical Hill Landscape Unit.

[92] Overall, I consider development enabled by PPC28 will retain the memorable green backdrop character of the broader highly visible Botanical Hill backdrop and skyline.

#### Malvern Hills

[93] As shown on the updated Structure Plan and demonstrated by the indicative Master Plan, there will be substantial areas located within the east facing slopes of the PPC28 site where there will be no development, and these have been typically excluded due to geotechnical constraints associated with the slope of the land. Similarly, on the west facing slopes, proposed “green overlay” areas provide the same. The steeper land is the most visually prominent land and is also the area that is most likely to be used to meet the revegetation requirements of those properties located within the Backdrop and Skyline areas.

[94] It is considered that the fundamental shape and form of the Malvern Hills is not under threat by PPC28. The role the ridge plays in the wider network of ridges, hills and valleys, and the dominance of it with regard to the role it plays in views from Nelson City, the Coastline and State Highway 6, and in containing the Maitahi/Mahitahi and Kākā valleys will remain.

[95] Currently the Malvern Hills ridge (which is broad area and not a single line) is stark and this translates into a landscape with very low absorption capacity. This is very much a managed landscape and changes in land use over time have resulted in changes in the landscape character.

[96] The provisions of PPC28, and as illustrated in the indicative Master Plan, will result in vegetation of a reasonable scale that will in time obfuscate the skyline to a degree. It is considered this will substantially improve the absorption capacity of both faces of the Malvern Hills. It is also worth noting, that the ‘detail’ of the landscape of the eastern face of the Malvern Hills when viewed from within the Maitahi/Mahitahi Valley is often compromised by the impact of a low and/or setting sun.

[97] Future change in vegetation cover of the ridgeline and any connection this has with planting envisaged by PPC28 on the eastern or western faces of the Malvern Hills will in part disguise the ridgeline itself, but at the same time reinforce the overall landform. In a similar way the landscape character of the Port Hills of Nelson has evolved over time.

[98] In addressing the concerns regarding future development enabled by PPC28 on the landscape values Malvern Hills, I consider the updated Structure Plan, PPC28 provisions and the indicative Master Plan satisfy these. When one considers the relevant NRPS and NRMP Policy wording, the indicative Master Plan layout is all about 'regard'. The natural landform and natural patterns of drainage and vegetation have dictated and informed the layout and zoning pattern of the PPC28.

[99] Even though there will be an increase in built form on the Malvern Hills, generally the future development will appear 'logical' and/or 'appropriate' and will not adversely affect the visual amenity experienced from the surrounding public places. Residential development on the mid and upper slopes, will result in a reduction in open space and the green backdrop it affords. However, as shown on the indicative Master Plan much of this future residential development will be viewed in pockets and will not visually 'sprawl' along these upper slopes. Therefore, the reduction in perceived open space to these east and west facing upper slopes will have **very low to moderate** degree of adverse visual effects when seen from public places beyond the site.

[100] On the west face of the Malvern Hills the proposed Residential Zone will allow standard density residential development to be situated within the PPC28 site, up to an elevation that is similar to the existing Residential Zone above Peace Way and Seawatch Way. This upper extent will be in line with the surrounding Residential Zone and will provide infill development opportunities along Malvern Hills, within proximity of Nelson City Centre. It will not impact on Malvern Hills ridgeline or skyline and will not impact on the high sensory and aesthetic values of Malvern Hills.

[101] The proposed Residential Zone – Lower Density (Backdrop) Area will allow for properties that are more than 1,500m<sup>2</sup> in size, of which 20% of all these

lots will be planted in appropriate native vegetation and all buildings will be finished in dark and recessive material. These proposed rules, along with the zoning area recognise that these upper slopes are highly valued and potential adverse landscape effects can be mitigated and offset to a **moderate** degree.

[102] On the east face of the Malvern Hills the proposed Residential Zone – Low Density Area will be located at the southern end framed by an Open Space zone to the south and Rural zone to the north. In addition there are two proposed ‘green overlay areas’ located in response to geotechnical constraints and existing vegetation that will be retained. When seen from public places and private residences within the Maitahi/Mahitahi Valley, future development on the upper slopes of the Malvern Hills within this part of the PPC28 site, will have a **low – moderate to moderate** degree of adverse effects on the current visual amenity.

[103] While the current green backdrop will be altered by low-density housing, a sense of open space will remain prominent. Overall, existing natural systems will remain, and natural patterns will prevail. PPC28 locates future development within Kākā Valley where it has the capacity to absorb the scale of development as shown on the indicative Master Plan.

[104] Overall, the objectives, policies, and rules for PPC28 demonstrate that these upper slopes are highly valued. The objectives, policies, and rules proposed will limit development to the areas which have a higher ability to absorb development, will be cohesive with the current residential zoning, and will effectively manage potential adverse landscape and visual amenity effects on the skyline area.

#### Adverse Effects from Significant Landform Modification

[105] Earthworks related to future development enabled by PPC28 will result in varying degrees of landform modification and therefore potential adverse landscape and visual effects. The underlying landform of PPC28 expresses weathered volcanic processes. The rolling summits, spur crests, valleys and gullies, and conical forms, are all volcanically derived landforms that form a valued component of the site and receiving environment. These landforms give rise to high legibility and moderate to high biophysical values. These values are recognised within the NRPS, NRMP,

the Nelson Landscape Study and identified by the backdrop and skyline overlay (DWWNP).

[106] I consider that the key landscape effects arising from earthworks will be the excavation required for any future subdivision and relating to new buildings within the proposed residential zones and the construction of the roads within.

[107] Subdivision within the Residential Zone – Lower Density Area, which includes both the backdrop area and skyline areas of Botanical and Malvern Hills is a restricted discretionary activity if it meets the relevant Schedule X.3 standards<sup>34</sup>. If it does not meet these standards, it is a discretionary activity.

[108] NRMP Appendix 14, AP14.2 requires a subdivision application, which must include earthwork designs and Design Statement that provides a rational for the design decisions made and how these design decisions relate to the underlying zones objectives, policies, and assessment matters.

[109] Proposed Objective RE6(h) enables greenfield subdivision and development within Maitahi / Bayview in a manner that avoids and mitigates the effects on local landscape values. The landscape values of the skyline area are identified in the LVAUDA and the key landscape values are set out in paragraph 46 above. Therefore, a future design statement, to satisfy both the objective and policy framework of Schedule X and the NRMP Appendix 14, will need to explain how the earthworks design avoids and mitigates the effects on these landscape values.

[110] Notwithstanding the above future consenting requirements, in response to matters raised regarding landform modification, I make the following comments regarding future earthworks and the potential effects that can arise.

[111] Generally, the higher density of future subdivision and buildings will be concentrated on the floor and lower slopes Kākā Valley. The topography in these areas is relatively flat and consists of terraces covered in pasture that descend north to south and east to west. These terraces will be developed as high-density housing.

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<sup>34</sup> Proposed Plan Change 28, Schedule X.3

While the pasture cover will be converted to a residential neighbourhood, it is considered the overall topography of the valley floor will remain evident and legible.

[112] On the mid to upper slopes of the Malvern Hills, earthworks for future subdivision will generally be restricted by geotechnical and topographical constraints and confined to localised areas<sup>35</sup>.

[113] Given the folded nature of the landform, the localised areas of future earthworks will be partly screened by the same topography. It is anticipated, following best practice, that localised areas of excavation and fill will be contoured to blend into the natural topography and once planted will blend in with the immediate surroundings. Earthworks beyond the access corridor will form part of the initial enabling works and as such there will be sufficient space to ‘normalise’ or ‘naturalise’ batters and avoid the need to create obviously engineered batters, typically a result of constraints.

[114] The LVAUD, has covered landscape and visual effects that would stem from the proposal as a whole, and while not specifically stated, it is considered to encompass effects of roading as well. The indicative ‘sub connector road’ will provide access to the elevated residential areas and up and over Botanical Hill and the Malvern Hills. The Atawhai Hill Transport Link Study indicated that a future road connection should connect Walters Bluff (Davies Drive) and Dobson Valley (Bay View Road). The Transport Link Study considered a mid-slope and ridgeline road link. The proposed indicative road as shown on the updated Structure Plan is considered to be sympathetic to the landscape values of Malvern Hills by utilising the existing farm track and flatter topography along its ridgeline.

[115] The following provides a more detailed assessment of anticipated effects resulting specifically from the proposed internal roading network as shown on the proposed Structure Plan, dated 15 June 2022 and a more general assessment of the effects of future roading as shown on the indicative Master Plan dated 24 June 2022.

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<sup>35</sup> Tonkin & Taylor Ltd, Private Plan Change 28, Geotechnical Report, Attachment C4 (August 2021).



*Structure Plan Proposed Internal Roding Network*

[116] The proposed internal roding network as shown on the Structure Plan and referred to as the ‘sub collector road’, crosses the terraced and gently sloping Kākā Valley floor with access from Ralphine Way. The ‘sub collector road’ is then proposed to traverse the southern end of the eastern face of the Malvern Hills. In this location the alignment is approximately in the same location as the existing farm track on the site (*refer Photograph 3a on Sheet 21 of the GA-E*) in which there is a more notable/considerable change in grade.

[117] From this point the ‘sub collector road’ is shown to run along the ridgeline of the Malvern Hills, once again generally following an existing track and connecting into the roding network of the SHA adjoining the northern end of PPC28. The ‘sub collector road’ will be mostly located within the Malvern Hills skyline area. The width of the ridgeline contours will be able to accommodate the bulk of this road. The indicative road will become a public place, that connects into the surrounding road network. It is considered that this road with associated pedestrian paths will provide a high degree of amenity for future users.

[118] Preliminary design work for the ‘sub collector road’ from Ralphine Way to the top of Malvern Hill has been undertaken (*refer Sheet 18 of the GA-E*). It needs to be understood that this is very preliminary, however it shows indicative areas of cut and fill, therefore the extent of potential earthworks required to achieve such a connection.

[119] There are also two secondary (local) roads shown on the Structure Plan. One provides a future connection<sup>36</sup> with Walters Bluff and the other extends further into Kākā Valley. There is a considerable change in grade on the western face of the Malvern Hills when connecting to Walters Bluff. It is my understanding that at this stage Option 3 as shown in the Tonkin and Taylor report is the favoured alignment for this possible future road connection. The alignment, as shown on the updated Structure Plan, shows sweeping turns which generally follow the natural

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<sup>36</sup> Tonkin and Taylor, Walters Bluff Road Extension Options Assessment Report for NCC, November 2021

ground contours, connecting the ridgeline at a saddle point to minimise the vertical ascent.

[120] This connection will be located outside of the skyline area of the Botanical Hills Landscape Unit and will in time be disguised somewhat by future housing and/or planting. The proposed Kākā Valley Road traverses the valley floor at a far easier grade that will not require excessive earth shaping.

[121] It is understood that design and construction of the proposed internal roading network will be staged and will adhere to required NCC engineering standards<sup>37</sup> and where possible, will follow the contour alignment of the site to avoid extensive earthworks. However, in places this will not be achievable and there will be a considerable extent of earthworks. As stated, earthworks beyond the access corridor will form part of the initial enabling works with sufficient space to ‘naturalise’ batters and avoid the creation of obviously engineered batters. All fill batters either side of the ‘connector road’ are well suited to revegetation planting and being on the exposed downhill slope, would facilitate total screening of problematical areas.

[122] In places it is anticipated that retaining walls will be required, particularly for cut batters to the uphill side of the ‘sub collector road’ within the upper slopes of the east face of Botanical Hill. The materiality and height of these future retaining walls will be important considerations to mitigate and limit potential adverse landscape effects.

[123] While there will be substantial earthworks required in the formation of the ‘sub collector road’, these will be generally in localised areas. Therefore, adverse effects on the landscape character and values of the site and surrounds due to the proposed internal roading network as shown on the Structure Plan can be managed and therefore considered to be **low – moderate**.

[124] Visual amenity effects of the proposed internal roading network have been assessed utilising the viewpoints on Sheets 20 – 30 of the GA-E. The coloured

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<sup>37</sup> Nelson Tasman Land Development Manual: September 2020 Rev 1

overlay within the viewpoints includes the internal roading network alignment as per the updated Structure Plan.

[125] From a few viewpoints 2F, 3A, 4C, and possibly 5A it is anticipated that the 'sub collector road' will be visible as it traverses the east face of Botanical Hill and the Malvern Hills. It is from these locations the extent of mainly cut batters within the mid to upper slopes will be visible. This can be addressed through either the establishment of vegetation on the earthwork batters, or this in combination with sympathetically design retaining walls. This outcome in the context of future residential development and coupled with a limited viewing audience, will mean that in time the roading will not dominate.

[126] From these locations and including 5B and 5C, parts of the 'sub collector road' will be seen as it crosses the Kākā Valley floor. In this location the 'sub collector road' crosses the 'flattish' topography of the Kākā Valley floor and sidles across the lower slopes of Kākā Hill. It will be seen in the context of future development on either side and will not be prominent.

[127] From all other viewpoint locations, it is anticipated that visibility of the proposed internal roading network within the Kākā Valley and on the east face of Botanical Hill and the Malvern Hills will be obscured (precluded) by either landform or vegetation.

[128] Considering views from Nelson City, the Port and State Highway 6, future development (built form and vegetation) enabled by PPC28 will significantly reduce the visible detail associated with the 'sub collector road'. In time the proposed 'sub collector road' will not be prominent beyond the PPC28 site, not to dissimilar to views of Princes Drive along the top of the Port Hills.

[129] From these same views, the secondary (local) road link to Walters Bluff and its earthworks will initially be visible in some detail. However, as related development becomes established with trees and dwellings, the road will blend with its context, similar with others partially visible on the hills of Nelson City.

[130] Given that works will be staged and therefore only occur in a limited area at any given time, temporary adverse effects on visual amenity due to road works

will be **moderate - high** and when batter plantings become established, adverse effects of roading on visual amenity will be at most **low** and seen in context.

[131] Overall, although the total volume of earthworks for the ‘sub collector road’ will be substantial in quantity in places, in the context of the PPC28 site, I am confident that in time they will not adversely affect the key landscape values of the landform to any more than a **low** degree.

#### *Indicative Master Plan Roading Network*

[132] An indicative Master Plan will be provided as an example of a layout that could reasonably be achieved based on the PPC28 request. This represents one of several ways in which the application site could be developed should PPC28 be approved. Therefore, an assessment of the future roading network beyond what is shown on the Structure Plan, is generalised to account for possible alternative master plan layouts.

[133] As demonstrated by the discussion above regarding an indicative roading network, future roading on the lower elevations of the site, namely within the Kākā Valley floor and lower slopes, will result in **low** adverse effects on landscape and visual amenity in the long term. The following assessment therefore focuses on potential roading within the higher elevations of the application site.

[134] The indicative Master Plan, as drawn, incorporates several road/streets/lanes connecting either to the ‘sub collector road’ or the secondary (local) roads as shown on the updated Structure Plan. This roading layout is indicative only as further work needs to be done to ensure practicable access which complies with NCC engineering roading standards, as mentioned above.

[135] It is envisioned that roading within the PC28 will seek to follow contour alignment and avoid extensive earthworks, however, given the varied topography and undulating terrain, future roading and access to lots will involve both cut and fill areas.

[136] Future development is anticipated to be concentrated towards the southern end of the eastern face of the Malvern Hills, part of the eastern face of Botanical Hill and in ‘clusters’ along the mid to upper slopes of the western face of the

Malvern Hills. As previously identified these areas of the PPC28 site are considered to have moderate - high biophysical values and high sensory and aesthetic values.

[137] It is considered that effects on the key landscape values of the PPC28 site can largely be mitigated through careful design of road alignments, and re-establishment of vegetation as soon as practicable to minimise erosion and sedimentation. It is also considered that in some locations private right-of-ways and lanes can be utilised to reduce the minimum road width required and minimise the required earthworks. In regard to landscape effects, I consider that adverse effects resulting from future roading within the mid – to upper slopes of the Malvern Hills will be in the range of **moderate-low to low**.

[138] Visual amenity effects resulting from future roading (beyond the ‘sub collector road’ and secondary [local] roads) within the PPC28 site have been assessed utilising the viewpoint overlays previously referenced. In these views it is anticipated that future roading traversing the floor and lower slopes of Kākā Valley will be partially visible from a limited amount of viewing locations. Roading further into the Kākā Valley will be difficult to see beyond the PPC28 site.

[139] In viewpoints from Nelson City, the Port and State Highway 6, it is anticipated that roading on the mid to upper slopes of Malvern Hill will be visible. It is important to note that these views are in the context of the existing pattern of development along the coastal range as one travels north out of Nelson or into Nelson. Future roading will be visible in some detail but as the development becomes established with trees and dwellings, it will not be readily apparent and will blend in with the context.

[140] I consider that landscape and visual amenity effects of the proposed roading network as per the Structure Plan and future roading as shown on the indicative Master Plan can largely be mitigated through staging and design of roading consistent with NTLDM standards. There are also new requirements regarding earthworks within Schedule X. Where batter slopes and earthworks are required, re-establishment of vegetation and road planting will help to integrate the roading into the site and reduce the length and significance of temporary adverse visual effects.

[141] In time roading and its associated establishment earthworks will be seen in the context of residential development. Anticipated outcomes will be very similar to that seen on the Port Hills of Nelson, the lower – mid slopes of the Malvern Hills and the roading on Sharland Hill.

Adverse Effects on the Natural Character of Kākā Stream.

[142] A key component of the Maitahi Bayview is the proposed enhancement of Kākā Stream. Kākā Streams alignment has been altered due to farming practices within the site. The PPCR will reinstate Kākā Streams general alignment of its lower reach (approximately 600 metres) to its pre farming location. Also, Kākā Streams alignment forms the general centre of the Open Space Recreation Zone that extends along Kākā Valleys floor, having a minimum overall width of 40m.

[143] RMM have undertaken a detailed assessment of the Natural Character of Kākā Stream and potential adverse effects on this, and this is attached as Appendix A to my evidence. Further to that a Stormwater Management Plan (**SMP**) has been prepared<sup>38</sup> that takes into account the preservation of the natural character values of the Kākā Stream and the Maitahi/Mahitahi River.

[144] The spatial implications of the SMP are reflected in the updated Structure Plan. It is considered the updated Structure Plan and associated provisions contained in Schedule X allows for the future development of an appropriate channel cross section and planting strategy which supports the required flood capacity and stream resilience whilst also providing shade and appropriate ecological outcomes.

[145] It is considered that the proposed realignment of Kākā Stream hard against the escarpment on the true right will support good shading outside of the flood channel and then, through appropriate plant selection, both shading and ecological outcomes will be achieved<sup>39</sup>. It is envisaged that the low flow channel could be against the true right with the wider flood capacity on the true left. This will then maximise the area within the Kākā Stream corridor available for integrating wetlands and associated landscape outcomes. A series of indicative cross sections

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<sup>38</sup> Tonkin & Taylor Ltd, Private Plan Change 28, Draft Stormwater Management Plan (May 2022).

<sup>39</sup> Morphum Environmental: Preliminary Structure Plan Environmental Review

have been prepared (*refer Sheets 16 – 19 of the GA-E*). These illustrate anticipated outcomes within the Kākā Stream corridor, as well as the interface with proposed adjoining zoning.

[146] A significant component of the PPC28 is the proposed retention of 131 ha of land zoned Rural. Essentially this covers the majority of Kākā Hill within the PPC28 site, as well as approximately 30% of the eastern face of the Malvern Hills. As shown on the updated Structure Plan a revegetation overlay of the entirety of Rural zoned land is also proposed. This aims to restore the ecological biodiversity, health, and landscape values of the site to enhance the natural character and quality of the valley setting. The revegetation overlay encompasses areas of existing native vegetation, proposed areas of active revegetation and areas of natural recolonisation.

[147] Therefore, a key component of the proposal is the proposed revegetation of the Rural zoned land in combination with the Open Space zoned land, and this will be the realisation of the potential natural character (and landscape) value encapsulated within the PPC28 site. Essentially PPC28 will enable the restoration of the values (natural character, ecological diversity) of a currently degraded pastoral land use.

[148] The proposal will result in a significant improvement to the natural character value of the site. It will result in ecological enhancement along the Kākā Stream corridor, as well as introducing wetland planting in locations which can support that habitat. At the wider Maitahi/Mahitahi Valley scale, it is considered that this ties in nicely with the NCC Mahi Tahi vision for the Maitahi/Mahitahi River and Valley and aligns with the wider restoration work underway along the river corridor. The majority of effects on natural character are considered to be beneficial, and at most, a Very Low adverse effect.

#### Character Effects on the Maitahi/Mahitahi Valley and Maitahi/Mahitahi River.

[149] When considering the potential effects on both landscape character and natural character of the Maitahi/Mahitahi River/Valley, it is noted that when looking from the Maitahi/Mahitahi Valley into the PPC28 site, the existing backdrop while undeveloped, has limited 'natural' appeal other than the dominant

landform. Establishing a meaningful framework of structure planting, as enabled by PPC28, will better reveal the ‘natural bones’ (patterns and processes) of this environment and in so doing enhance both the landscape character and natural character values overall.

[150] In this instance changes to the site character will be seen in the context or proximity of an introduced residential setting. Currently the highly modified and bare, rural land uses are not prominent as views into the Kākā Valley are limited. The Rural zoning with the revegetation overlay, along with the proposed ‘green overlays’ in the proposed Residential zones, will result in areas of the Kākā Valley becoming heavily vegetated and will ensure that an improvement in natural character and landscape character values will be connected to the Maitahi/Mahitahi Valley context.

[151] It is considered that site sensitive layout or site expressive layout, as demonstrated by the indicative Master Plan, will restore/reclaim natural character values associated with the PPC28 site. The provision of open space areas which will be interspersed throughout the site (and disrupt the regimented pattern of development), will become a more prominent and meaningful characteristic of the site responsive layout.

[152] The existing Kākā Valley provides a ‘sense of open space’ rather than actual open space (its currently inaccessible for public) and this is defined/conveyed partly by the enclosing ridge forms. The PPC28 provision for vegetated areas of open space, which extend (in places) from the ridge down into the valley, will substantially preserve the ‘sense of space’ or the ‘scale’ of the space while also enhancing public appreciation of both the Kākā Valley and the adjacent Maitahi/Mahitahi Valley. Bearing in mind the current limitations for obtaining views into the valley will be eliminated through increased public access across the site.

[153] Kākā Valley has moderate – high biophysical values associated with the Maitahi/Mahitahi River and its associated terracing. The Maitahi/Mahitahi River, which falls partly within the site, will be within the Open Space Recreation Zone and is provided a minimum 30m buffer between the Maitahi/Mahitahi River and the closest proposed residential zone boundary.



[154] The design of the Open Space Recreation Zone will occur through a future resource consent process which will also follow the principles as outlined in Schedule X.7 and X.9, which were discussed as being appropriate and further refined during the landscape expert conferencing<sup>40</sup>. Further to this I consider the following (shown underlined) should be added to Schedule X.7 and X.9 respectively:

(a) Schedule X.7 – Esplanade Reserve Standards

**Information and Design Requirements**

In order to ensure the landscape, natural character, cultural and freshwater values of the subject site are maintained and enhanced, X.8 and X.9 require appropriate consideration and assessment of these values, to be submitted with resource consent applications. *(I now understand this has entire paragraph has been reformatted in Schedule X, however the words landscape, and natural character are included)*

(b) Schedule X.9.8 – Ecological Outcomes and Freshwater

Retain and protect the upper reach of Kākā Stream (above woolshed) and realign the lower reach through continuous riparian corridor (Blue-Green Spine). Corridor to reflect natural topography and be delineated to support;

[155] I also understand that NCC plan to revegetate the banks of the Maitahi/Mahitahi River in the vicinity of Dennes Hole in 2023<sup>41</sup>.

[156] It is considered that the Open Space Recreation Zone is large enough to preserve and enhance the Maitahi/Mahitahi Rivers' natural values adjacent to the PPC28 site. A detailed assessment of the natural character, including consideration of the Maitahi/Mahitahi River (and its valley context) are included at Appendix A to this evidence. I make the following summary comments.

[157] The proposal will result in a significant improvement to the natural character value of the site, and subsequently also result in an improvement to the

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<sup>40</sup> Refer Landscape JWS, recorded at Matter 3.5

<sup>41</sup> Andrew Petheram, NCC S42A Recreation Memo

landscape character value of the site. Specifically, there will be ecological enhancement adjacent to the Maitahi/Mahitahi River, as well as introducing wetland planting in locations which can support that habitat and improving the ecological corridor of the Kākā Stream.

[158] The majority of effects on natural character of the river, stream and wetlands are considered to be **beneficial**, and at most, a **Very Low** adverse effect. In regard to overall landscape character of the Kākā Valley and Maitahi/Mahitahi Valley, the majority of effects are considered at most to be **moderate** adverse effect, which relates to resulting mix of proposed development, outside of the identified s6a natural character areas (e.g., where residential development is proposed).

#### Night-Time Lighting Effects.

[159] Several submitters<sup>42</sup> refer to effects on the dark sky environment and seek that lighting should be designed in a way to minimise light spill upwards and outwards. This was also a topic of expert conferencing and extended to the consideration of road lighting structures and signage within the Skyline and Backdrop Areas<sup>43</sup>.

[160] As Mr Girvan notes ‘...*Item Rer.46 of the NRMP requires that lighting onto any other site to not exceed 3 lux (horizontally and vertically) measured at the boundary of the other site which will help address such effects on the context of adjoining areas within the Kākā Valley*’<sup>44</sup>. I agree with this.

[161] Further to this, it is my understanding that the technology around lighting has experienced considerable advances over recent years and is constantly undergoing further study. In highly sensitive areas such as designated ‘Dark Sky’ reserves, controls on light emissions have been successful in reducing both light pollution but also preserving the dark sky experience. Building on these precedents, a number of Dark Sky approved products are available. I am familiar with these having undertaken work within Tekapo over the last 15 or so years.

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<sup>42</sup> Submitters 107.006, 156.007, 218.001 and 290.002

<sup>43</sup> Refer Landscape JWS, recorded at Matter 3.8

<sup>44</sup> Private Plan Change 28: Maitahi Bayview – Landscape Peer Review, Rhys Girvan (Boffa Miskell), 19 May 2022, paragraph 58, page 15.

[162] The primary technology around the control of light spill is in the reduction of the blue light spectrum within the light ray itself which along with shielding can be incorporated in the street lighting should this be considered essential for traffic and/or pedestrian safety purposes. Street lighting will be strategic and only used where essential or to meet minimum standards.

[163] Currently, on entering Branford Park travelling northeast on Maitahi/Mahitahi Valley Road, one is met with the 'blackness' of the valley which is amplified by the contrast created when moving from the street and general residential lighting on Nile Street into the relatively unlit valley. The contrast is stark with the only exception being the lighting of the toilet block at Blacks Hole (within the Maitahi/Mahitahi River) which appears overly prominent.

[164] Travelling further along, on crossing Gibbs Bridge, the domestic lighting around Ralphine Way becomes evident, but not prominent and as one travels further up the Maitahi/Mahitahi Valley there is evidence of sporadic lights spilling from other elevated residences. But essentially the valley is generally dark and unlit.

[165] Travelling north along Maitahi/Mahitahi Valley Road, the experience is reversed, with sporadic lighting being visible as one travels down the valley which gradually increases as one approaches the suburbs of Nelson. Views of the lights of Cleveland Terrace combine with the bright lights of the Blacks Hole toilets announcing suburbia. It's a gradual and reasonably typical experience.

[166] When considering the impact of lighting connected to the PPC28, an appreciation of the what the baseline effect would be is critical. A baseline level of lighting would stem from the subdivision of up to 40 lots located immediately proximate to Ralphine Way and the Matai Cricket Ground. Standard light poles and a suburban level of lighting is realistic. In addition to this up to 7 skyline developments could realistically be anticipated, albeit as a controlled activity if located within a current Landscape Overlay, under the current Rural zoning<sup>45</sup>.

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<sup>45</sup> NRMP, RUr.54.2

[167] Due to the current almost total absence of lighting in the Kākā Valley, the introduction of the level of lighting associated with the described baseline development would potentially have a **high** adverse effect as a permitted activity.

[168] Comparing then the impact of development that is anticipated to stem from PPC28 with what could occur within the valley as of right I make the following comparisons:

#### *Kākā Valley*

[169] **Baseline:** A development cluster along with standard pole street lights and all other associated residential lighting would be located on the central basin within the valley. Elevated houses sites could be spread evenly along the ridgeline and a connector road providing access to some of the elevated sites could possibly be lit.

[170] **PCC28:** A cluster of high-density development (development lots of 300m<sup>2</sup>) is proposed in a similar location to the permitted cluster. While the intensity of development of this area will increase and the associated lighting will similarly increase, the consideration of change is the intensity of lighting within a similar area, with the preferred lighting moderated through the preference of lower level P3<sup>46</sup> lighting options and the adoption of Black Night technology.

[171] I would describe the comparative change as **moderate**.

#### *Skyline Development*

[172] **Baseline:** The base line anticipates up to 7 substantial development sites being located on or closely proximate to the ridge. Low level lighting connected to the access road that provides access to some of the elevated site is a feasible possibility

[173] **PCC28:** Elevated lighting associated with future housing would be visible in clusters along the ridge and these clusters connected to some degree by the lighting associated with the new 'connector road'. The impact of this can be mitigated to a degree through the adoption of a P3 level of street lighting and the

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<sup>46</sup> A P3 standard of lighting is essentially lighting for pedestrians consisting primarily of bollard low level lighting.

application of Dark Sky technology and shielding. In addition to this with the intention of revegetation of the open spaces and ‘green overlay areas’ that extend up onto the ridge, in time vegetation over 1.5m high will provide good screening for all shielded lights.

[174] PPC28 will potentially result in an increase in skyline lighting, however any associated glare can be controlled and moderated/screened over time through plant growth. Glare can be controlled through lighting specification and will be reasonably low level.

[175] If a P3 level of street lighting cannot be adopted, consideration will need to be given to the spacing off, design and colour of light poles. Having observed light poles, and similarly street signs in comparative hillside environments, I am of the opinion that in time they will be seen in the context of the general morass of residential built form and associated vegetation. I am satisfied that they will not be readily apparent in views from beyond the PPC28 site.

[176] I would describe the change between the two options as **moderate initially** becoming **moderate low or even low** over time.

#### *Upper Kākā Valley*

[177] **Baseline:** There is a very limited baseline for lighting to occur within the upper Kākā Valley although some sporadic lighting would potentially be associated with two or three houses sites that would be possible under the existing planning scenario.

[178] **PCC28:** The proposal includes a ribbon of development alongside the Kākā Stream leading to a cluster of development to occur at the upper end of the Kākā Valley, a location that enjoys very limited visibility from points within the surrounding landscape.

[179] While this part of the valley is not prominent, the impact of lighting associated with the PPC28 would be considered **negligible** when viewed from Maitahi/Mahitahi Valley Road and Ralphine Way due to the proposed foreground development enabled by PPC28, screening that is provided by both landform and

existing vegetation that will be retained. As I understand, glare can also be controlled via technology.

[180] While this cluster has the potential of some visibility from elevated locations as described in the visibility assessment, these locations are unlikely to be night viewing points, and when this is the case lighting within the landscape would most likely be seen in the context of the ‘lights of Nelson’.

[181] Overall, I consider that the potential broader adverse night-time effects can be managed, and the coherence of the Backdrop and Skyline Areas can be maintained. I understand that an additional Restricted Discretionary Criteria X regarding lighting has been added within Schedule X.3.

#### Additional Colour and Vegetation Controls

[182] In response to the submission<sup>47</sup> regarding colour controls in all zones I agree with Mr Givan<sup>48</sup> that additional colour controls, beyond those proposed within the provisions of PPC28, are not warranted in the maintenance of coherent landscape values.

[183] Regarding vegetation control through the provisions contained in Schedule X of PPC28, I confirm that a minimum of 20% native vegetation cover also applies in the Skyline Area (X.5).

[184] In response to Ms Stevens concerns regarding visual occurrence across future residential development within the Skyline Area<sup>49</sup> and whether further vegetation control is required, I believe not. Further consideration of existing residential development within the hill suburbs of Nelson reveals a mosaic of vegetation that I suggest is characteristically Nelson (*see Figure 9 below*).

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<sup>47</sup> Submission 156.008

<sup>48</sup> Private Plan Change 28: Maitahi Bayview – Landscape Peer Review, Rhys Girvan (Boffa Miskell), 19 May 2022, paragraph 57, page 15.

<sup>49</sup> Refer Landscape JWS, recorded at Matter 3.6



**Figure 9:** *View of residential development on Cleveland Terrace, Sharland Hill*

#### Provision of Additional Visualisations and 3D Modelling

[185] In response to submissions<sup>50</sup>, and both the landscape and urban design JWS, a work in progress indicative Master Plan is being prepared and will be provided prior to the Hearing. Further, the updated Structure Plan has been overlain on the selected representative viewpoint photos (refer Sheets 20 – 30 of the GA-E).

[186] While it is imperative to remember that the indicative Master Plan is an example of one non-fanciful development enabled by the PPC28, it should assist in understanding the indicative layout and likely extent of development envisaged. The indicative Master Plan is a work in progress and will continue to be refined leading up the Hearing.

[187] I am satisfied that this additional visual information clearly demonstrates how the PPC28 provisions may avoid or mitigate potential adverse effects. Furthermore, the indicative Master Plan illustrates that PPC28 will not result in an amorphous spread of development across the PPC site, and certainly not along the ridgetop and skyline areas. The form of the indicative Master Plan is derived from

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<sup>50</sup> Submission 164.003 and 107.003

a combination of landscape and visual, ecological, hydrological, geotechnical and topographical opportunities and constraints

[188] Further to that the above information has been overlaid on an electronic Google Earth model and this has been lodged with this Evidence and will be available for the Hearing.

[189] I set out following a table that summarises my response to those landscape and visual amenity matters above:

Section 42A Report Item reference	Item Content	Applicant Response	Amended Plan change reference (where applicable)
<b>Key Theme 1:</b> <i>The development requires significant modification of landforms over decades, and ridge-top buildings will have an adverse visual impact on the city's skyline</i>	<b>Botanical Hill, Malvern Hills, and Kākā Hill Recommendations:</b> 1. Refine the spatial configuration of the Residential Zone: Lower Density Area and potential access included within the Skyline Area above Walters Bluff to avoid potential for prominent skyline development.	Refer Paragraphs 75 – 104 of the Statement of Evidence – Landscape.  An additional ridgeline (within which development must be considered for the purpose of defining when development occurs above the primary ridgeline for the purpose of assessing potential adverse skyline effects) has been identified and is now graphically shown on the Landscape Overlays Plan – Attachment B.1.2.  Green Overlay above Walters Bluff added to Structure Plan – Attachment B1.1 of Schedule X.  Refer Sheets 6,7, 8 and 9 of GA-E to Statement of Evidence – Landscape.	PPC28, Maitahi Bayview Structure Plan – Attachments B1.1 and B1.2 – Schedule X.

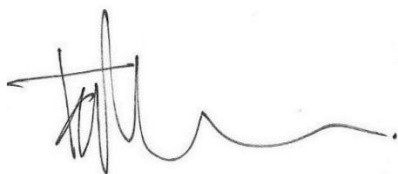


	2. Demonstrate how potential rules which relate to development which extends above the identified primary ridgeline (Schedule X.5) will be triggered with particular regard to views from Nelson City and State Highway 6.	Refer Paragraphs 75 – 104 of the Statement of Evidence – Landscape.  PPC28 – Schedule X.5(c) amended.  Refer Sheet 8 of GA-E to Statement of Evidence – Landscape.	PPC28 – X.5(c) Skyline Area.  PPC28, Maitahi Bayview Structure Plan – Attachment B1.2 – Landscape Overlays Part of Schedule X.
	3. Confirm how the identified access between Kākā Valley can be absorbed within the landscape in a manner which avoids or mitigates potential for significant adverse landscape effects.	Refer Paragraphs 105 – 141 of the Statement of Evidence – Landscape.  Refer Sheet 17 of GA-E to Statement of Evidence - Landscape).	A new requirement regarding earthworks within Schedule X.
	4. Clarify that a minimum of 20% native vegetation cover also applies in the Skyline Area (X.5).	I confirm that a minimum of 20% native vegetation cover also applies in the Skyline Area (X.5)	PPC28 – X.5(e) Skyline Area.
	5. Amend the Structure Plan in response to ensuring areas of existing native vegetation are retained and areas with identified slope and geotechnical constraints are avoided as part of managing the potential for more significant adverse landscape effects.	This has been undertaken.  Refer Paragraphs 33 – 36 of the Statement of Evidence – Landscape.  Refer updated PPC28 Structure Plan, Zoning Plans, and new Vegetation Overlay Plan.  Cross reference Tonkin and Taylor additional graphic information.  Sheets 7, 8 and 9 of GA-E to Statement of Evidence - Landscape)	PPC28, Maitahi Bayview Structure Plan – Attachment B1.1 – Landscape Overlays Part of Schedule X.  PPC28, Maitahi Bayview Structure Plan – Attachments B1.2, 1.2, B2.1 – B2.6, B3 and B4 of Schedule X.  Requirement for a Vegetation and Management Plan in Schedule X.

<p><b>Key Theme 2:</b> <i>Natural Character Effects</i></p>	<p><b>Natural Character Recommendations:</b> 6. Clarify and demonstrate how the natural character of the Kākā Stream and the Maitahi/Mahitahi River will be preserved through the application of the proposed Storm Water Management Plan and indicative cross sections that explain outcomes anticipated within its active bed, margins and context.</p>	<p>RMM have undertaken a Natural Character Assessment Report for PPC28 with associated graphic attachment – dated 6 June 2022. Appendix A to the Statement of Evidence – Landscape.</p> <p>Refer Paragraphs 142 – 158 of the Statement of Evidence – Landscape. Schedule X.7 and X.9 have been updated.</p> <p>Indicative Dennes Hole Interface Landscape Plan and cross sections prepared. Refer Sheets 12 – 17 of GA-E to Statement of Evidence - Landscape.</p>	<p>PPC 28 – Schedule X.7 Esplanade Reserve Standards and X.9.8 – Ecological Outcomes and Freshwater.</p>
<p><b>Key Theme 3:</b> <i>Development capacity of the Maitahi/Mahitahi Valley</i></p>	<p><b>Maitahi/Mahitahi Valley Recommendations:</b> 7. Demonstrate indicative plans and cross sections enabled through provisions which ensure that the landscape character of the Maitahi/Mahitahi River will be maintained and enhanced.</p>	<p>Indicative Dennes Hole Interface Landscape Plan and cross sections prepared. Refer Sheets 12 – 17 of GA-E to Statement of Evidence - Landscape.</p>	<p>PPC 28 – Schedule X.7 Esplanade Reserve Standards and X.9.8 – Ecological Outcomes and Freshwater.</p>
<p><b>Key Theme 4:</b> <i>Requiring low reflectivity paint/ surfaces for all houses in all zones should be incorporated into plan rules.</i></p>	<p><b>Colour Recommendation:</b> 8. Maintain colour controls as identified in ridgetop and skyline areas</p>	<p>Agreed.</p> <p>Refer Paragraphs 182 – 184 of the Statement of Evidence – Landscape.</p>	

<p><b>Key Theme 5:</b> <i>Requiring 'dark sky' lighting requirements.</i></p>	<p><b>Night-Time Lighting Recommendation:</b> 9. Include lighting controls to minimise potential for glare and light spill within the backdrop and skyline overlay areas.</p>	<p>Agreed.  Refer Paragraphs 159 – 181 of the Statement of Evidence – Landscape.</p>	<p>Restricted discretionary Criteria X with Schedule X.3.</p>
<p><b>Key Theme 6:</b> <i>Need for visualisations and 3d modelling: scaled model or photograph of the possible houses against the landscape especially as viewed from publicly accessible areas?</i></p>	<p><b>Visualisation Recommendations:</b> 10. Provide a 3d model or indicative visualisations which illustrate how provisions may avoid or mitigate the potential adverse effects.</p>	<p>Refer Paragraphs 185 – 189 of the Statement of Evidence – Landscape.</p> <p>A 'work in progress' indicative Master Plan is being developed.</p> <p>An interactive Google Earth model with the Structure Plan (and the master Plan when complete) overlaid, has been prepared. Refer Appendix E to Statement of Evidence – Landscape.</p> <p>The current representative photo viewpoints have been overlaid with the Structure Plan. Refer to Sheets 19 -26 of GA-E to Statement of Evidence - Landscape.</p>	

Dated: 15<sup>th</sup> June 2022



[Tony Milne]

## **Appendix A – Rough Milne Mitchell Natural Character Assessment**

## Appendix B – Summary of Visual Effects from Representative Viewpoints

Viewing Area	Representative Viewpoints	Assessment Rating	Description of Adverse Effects
Maitahi/Mahitahi Valley Road	1A - 1D	Low - Moderate	Minor loss of openness of the Malvern Hills upper south-east facing slopes.
Maitahi/Mahitahi Valley Recreational Space	2A - 2F	Low - Moderate	Minor loss of openness of the Malvern Hills upper south-east facing slopes.
Ralphine Way Including Private Residence	3A - 3B	Low - Moderate and Moderate	Minor loss of openness of the Malvern Hills upper south-east facing slopes. The moderate degree of adverse effects will be experienced from the private properties.
Sharland Hill Including Private Residence	4A - 4D	Low - Moderate	Contained to the valley floor and the lower west facing slopes of Kākā Hill, it retains Kākā Hills memorable 'green' backdrop to Nelson. Also, there will be a minor loss of openness of the Malvern Hills upper south-east facing slopes.
Botanical Hill Reserve / Centre of NZ Monument	5A - 5F	Very Low to Low	Contained to the valley floor and the lower west facing slopes of Kākā Hill, it retains Kākā Hills memorable 'green' backdrop to Nelson.
Nelson City Centre	6A - 6O	Positive	The open space zone will provide a greater level of protection than the existing rural zone.
Port of Nelson, Nelson Haven and Boulder Bank	7A - 7D	Low - Moderate	Slight loss of the open space and rural backdrop character within the backdrop area.
SH6, SW of Neale Park	8A – 8B	Positive	The open space zone will provide a greater level of protection than the existing rural zone.
	8C – 8G	Positive to Moderate	The open space zone will provide a greater level of protection than the existing rural zone. However, the PPC28 on Botanical Hill, above Davies Drive will modify Botanical Hills north-western most ridgeline.
SH6, NE of Neale Park	9A - 9B	Low - Moderate	Minor loss of openness on Malvern Hills upper north-west facing slopes.
	9C	Low - Moderate	Minor loss of openness on Malvern Hills upper north-west facing slopes.

	9D - 9E	Moderate	Partial loss of openness on Malvern Hills upper north-west facing slopes.
	9F	Very Low to Low	Slight loss of openness on Malvern Hills upper north-west facing slopes.
	9G - 9H	Low	Contained to the gully and small area of land between the existing residential zone and skyline.
<b>Residential Neighbourhood Along Malvern Hills Lower Slopes</b>	10A - 10F	Very Low to Low - Moderate	The majority of the primary view to the west will be retained. Minor loss of openness of the Malvern Hills upper north-west facing slopes.