

## **Before the Nelson City Council Hearings Panel**

**In the matter** of the Resource Management Act 1991

**And**

**In the matter** of Private Plan Change 28 – (Maitahi Bayview) to the  
Nelson Resource Management Plan,  
Nelson City Council.

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**STATEMENT OF RICHARD ENGLISH –  
( SUBMITTER ID: PC28- S16 )**

**DATED: 10<sup>TH</sup> JULY, 2022.**

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## **INTRODUCTION.**

1. My name is Richard English. I live at 12 Davies Drive, Walters Bluff, Nelson.
2. My Statement relates to two matters:
  - A potential roading connection between the proposed sub-division and Walters Bluff.
  - The preservation of the skyline ridge that is the backdrop to Nelson CBD and environs.
3. Whilst not appearing as an Expert Witness, I note that as a professional civil engineer my knowledge with respect to the roading related matters I have traversed in my submission is greater than that of the general public.

## **SUMMARY.**

Proposed Sub-division Connection to Walters Bluff.

### *Lack of Adequate Notification.*

4. The notification process for an a Plan Change must not pose a risk that any person, who may be directly affected by the decision sought in the application, is denied an effective opportunity to respond to what the application seeks.
5. Those parties who reside in the environs of Walters Bluff are 'affected parties' as a consequence of the proposal to establish a roading connection from the sub-division to Walters Bluff.
6. Only a proportion of these property owners were directly notified. Neither the direct notification nor the published Public Notice provided any indication of the proposed link to Walters Bluff.
7. Failures in both the direct and indirect notification process may have led to potential submitters not becoming party to the process. I submit that this failure to notify all affected parties correctly, thereby failing to alert potential submitters, of itself nullifies the Application with respect to the proposed roading connection to Walters Bluff. This part of the Application should therefore be rejected.

*Lack of Proposal Details.*

8. Upon receiving an application for a Plan Change, the Council must satisfy itself as to the nature and scale of the activities contained within that application.
9. The documentation provided by the Applicant in relation to this particular matter is at best vague. There are few if any details provided. I submit that this paucity of information is such that the Panel is unable to make a reliable assessment of this part of the application. This failure provides additional cause for the matter of a roading connection to Walters Bluff to be rejected. To do otherwise would leave the decision challengeable on the grounds of “unreasonableness”.

*In the Alternative.*

10. In the absence of any details being provided in the Applicant’s transport analysis I have conducted a ‘broad brush’ impact assessment myself. This assessment demonstrates that Davies Drive is already near or at its traffic carrying capacity. That is, there is little to no capacity on this road to carry additional traffic generated by the sub-division should the link be established.
11. It appears, but it is by no means certain such is the lack of clarity of the Application, that as an alternative to Pearce Way / Davies Drive, a link to the sub-division is proposed from the current upper end of Walters Bluff.
12. With the exception of the section of Walters Bluff between its intersections with Davies Drive and Young Way, it is likely that Walters Bluff would have capacity to carry additional traffic flows. However that capacity is below that required to cater for flows from the sub-division, as postulated by the Applicant. (i.e. A near quadrupling of volumes together with an unacceptable, commensurate increase in traffic generated noise.)
13. The roading network in the Walters Bluff area is constrained by existing infrastructure and residential development. There is, in effect, therefore little to no scope to increase capacity through modification of the existing roads.
14. I accordingly submit that the proposal to connect the sub-division with Walters Bluff be rejected.

Malvern Hills Skyline Ridge.

15. To quote from the Nelson Resource Management Plan (NRMP)
- *The landscape and topographic setting of Nelson City is integral to its identity, influencing past and future patterns and forms of development.*
  - *The city is framed by a series of largely undeveloped ridgelines.....*
  - *Development (.....) has the potential to detract from the visual appearance of landscape.....*
  - *The Malvern Range is important to the context of the city because it provides a visual backdrop to the eastern side of the city,...*
  - *Significant landscape and coastal features which contribute to the setting of Nelson should be protected.*
  - *Particular regard should be had for the protection of visual amenity values in the following areas: (a) ridge lines/skylines.....*
16. A change to permit development along the skyline of the Malvern Hills ridge, or development that may extend above the ridgeline profile, will significantly negatively impact on the current, unsullied visual character of not only the immediate environs but also across large sections of the city. Accordingly such development is in contravention of the relevant Objectives and Policies of the NRMP and should therefore be rejected.
17. In summary, I seek that:
- A proposal to form a connection from the Maitahi Bayview sub-division to Walters Bluff be rejected on the grounds of incorrect notification and, insufficient detail; or in the alternative a lack of capacity in the roading network at Walters Bluff to cater for the postulated increase in traffic volumes.
  - The proposed development of the Malvern Hills skyline ridge be rejected on the grounds that the Applicant's proposal is in direct conflict with the clearly stated Objectives and Policies of the Nelson Resource Management Plan.

## PROPOSED SUB-DIVISION CONNECTION TO WALTERS BLUFF.

### Status of the Application – Notification and Information Provision Failures.

#### *Notification.*

18. The notification process for an application for a Plan Change must not pose a risk that any person, who may be directly affected by the decision sought in the application, is denied an effective opportunity to respond to what the application seeks. It is therefore important that the process guard against the reasonable interests of others being overridden.
19. Accordingly the Resource Management Act (RMA) clearly sets out the process of notification for a proposed Plan Change<sup>(1)</sup>. Affected parties should be identified at an early stage. *“The process taken to identify affected parties should be a wider approach than that that would be undertaken for a resource consent. In particular, the policy implications and potential impacts on the surrounding community, including interest groups should be taken into account.”*<sup>(2)</sup>
20. A Council must assure that parties identified as being affected by the proposal have been directly notified. There must not be a reliance solely on indirect notification for example via the local newspapers.<sup>(2)</sup>
21. Those who reside in the environs of Walters Bluff and in particular those whose properties directly front Walters Bluff road are ‘affected parties’ as a consequence of the proposal to establish a roading connection from the sub-division to Walters Bluff. The attendant quadrupling of traffic volumes<sup>(3)</sup> in the area would clearly have effects that are ‘more than minor’.
22. Only a proportion of these property owners have been directly notified.<sup>(4)</sup> It is a clear failure of process that none of the property owners on Haven View, the western side of lower Davies Drive, parts of Young Way and all but one property on Walters Bluff were directly notified. (refer drawing in Appendix 1)

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(1) RMA Schedule 1 – Clauses to clause 5.1.b.i and 5.1A.a & b.

(2) “Quality Planning” - <https://www.qualityplanning.org.nz/node/202>

(3) Refer Clause 54 of this Statement

(4) Pers comm. 29/4/22 - The Environmental Planning Team, Nelson City Council - Refer Appendix 1

23. Neither the direct notification, the Public Notice published on 28th October 2021<sup>(5)</sup> in the Nelson Leader and on 29<sup>th</sup> October 2021 in the Nelson Mail, nor the internet based notification<sup>(6)</sup> referenced in the published notification, provides any indication of the proposed link to Walters Bluff, an area which is remote from the proposed sub-division.
24. The Council's lack of direct notification of PC28 to all of those in the immediate vicinity of Walters Bluff possibly impacted by the proposed Plan Change, and the inexactitude of those notifications may have led to potential submitters not becoming party to the process. I submit that this failure to directly notify or alert potential submitters of itself nullifies the Application with respect to the matter of a roading connection to Walters Bluff. This part of the Application should therefore be rejected.

*Nature and Scale of Proposal.*

25. Upon receiving an application for a Plan Change, the Council must satisfy itself as to the nature and scale of the activities contained within the application. This is of fundamental importance. If this test is not satisfied then the Council must show diligence and exercise the appropriate mechanisms to request further information from the applicant. Only once the authority is satisfied as to the nature and scale of the proposal should it then go on to consider and assess the application against the applicable rules of the relevant planning instruments.
26. The documentation with respect to the proposed link between the sub-division and Walters Bluff could at best be described as vague. Even the Applicant's own transportation consultant appears unsure about the matter when he states "*.....a new connecting road from the end of Walters Bluff is also being **considered***" <sup>(7)</sup> (My emphasis). This statement's wording raises the question as to whether or not the matter is actually being proposed by the Plan Change or as a separate issue for consideration at some unspecified time in the future.

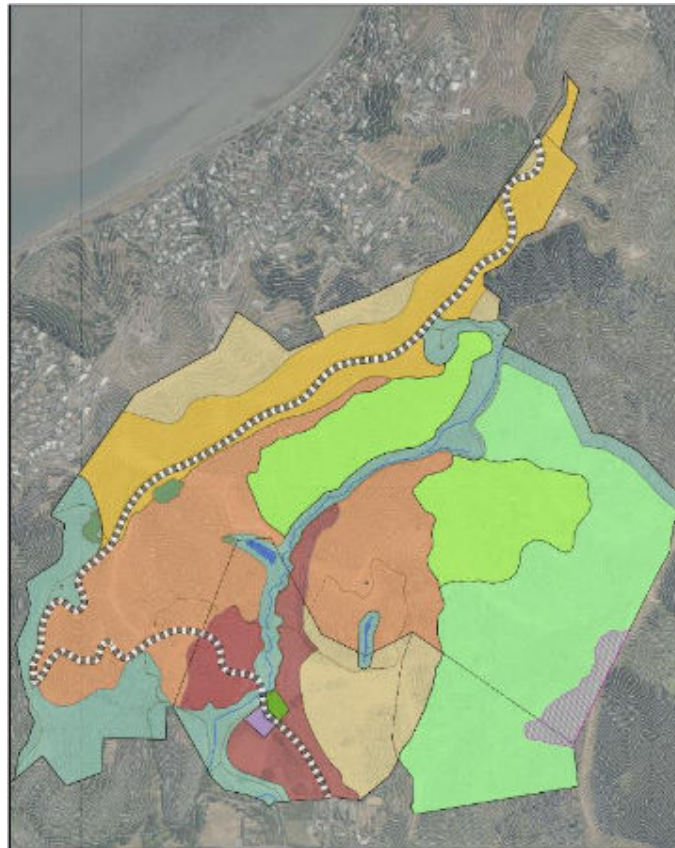
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(5) Refer Appendix 2

(6) <http://www.nelson.govt.nz/environment/nelson-resource-management-plan/nelson-resource-management-plan-2/private-plan-changes/private-plan-change-28-maitahi-bayview/>

(7) Transportation Impact Report – Maitahi and Bay View PPCR – Jan 2021 – page 25

27. Very few details have been provided. For example I have copied below the original “Structure Plan”<sup>(8)</sup> from the Applicant’s Transportation Impact Report (TIR), as at the time of Notification. This provides no indication of the proposed Walters Bluff connection. (The hatched line represents the indicative major road alignment with connections at Bay View Road and Ralphine Way.)



28. The Applicant’s TIR provides capacity and safety analyses of the proposed roading links at Bay View Road, Ralphine Way, Maitai Valley Road, and Nile Street East. No analysis is however provided on these topics in relation to the Walters Bluff connection - a further example of a lack of detail
29. Accordingly it is almost impossible to formulate a considered response to the proposal. In fact so lacking are the pertinent details that one could be forgiven for characterising this part of the application as ‘opportunistic’.

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(8) Fig 16: Structure Plan - Transportation Impact Report – Maitahi and Bay View PPCR – Jan 2021 –pg24

30. In summary, affected third parties are reliant on the Council undertaking its decision making in a careful and considered manner. In this case, despite Council's requests for further information, it has in effect not been forthcoming. Indeed in response to Council's further information request the Applicant's traffic engineering report stated "[S]ince writing the TIR the connection from Walters Bluff has become more uncertain....."<sup>(9)</sup> This statement has only served to confound the matter further.
31. I submit that the uncertainty, paucity and lack of clarity of the information provided by the Applicant on this topic is such that the Panel will be unable to make a reliable assessment of the application. This part of the application should therefore be rejected. To do otherwise would leave the decision readily challengeable on the grounds of "unreasonableness".

**In the Alternative.**

32. Should the Panel not reject the application with respect to the possible Walters Bluff connection on the grounds I have outlaid above, I outline below my analysis of the current roading network capacity as it relates to this matter.

*The Existing Roding Environment at Walters Bluff.*

33. In order to provide the Panel with an appreciation of the roading network in the environs of Walters Bluff I have attached a number of photographs at Appendix 3. (The photograph of lower Walters Bluff provided in the Applicant's TIR is clearly not representative of the local network as a whole.)
34. Determination of the maximum traffic carrying capacity of these roads requires an analysis of a range of factors including designated function, vehicle speeds and types, horizontal and vertical geometry (e.g. widths, curve radii, gradients, etc.), sight line distances, intersection geometry and spacing, and, in the case of these existing roads, structural strengths as constructed.
35. Clearly this determination is a process that requires numerous inputs specific to the Walters Bluff roading network. However this is beyond the resources that I have available to undertake detailed calculations. Accordingly I have based my analyses predominantly, but not exclusively on each road's specified function.

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(9) Maitahi Bayview – Further Information (Transport) – Traffic Concepts Ltd – 30 August 2021 – page 7



36. The Panel will no doubt be aware that there is an NZTA system of attributing roads to specific categories based on their primary function. This road hierarchy is described in NZTA's "One Network Road Classification" system (ONRC). There are also similar systems run by individual local authorities. The geometric and structural design of the road and its maximum traffic carrying capacity are generally determined from its inter-related hierarchy designation.
37. With respect to the Walters Bluff area the following Nelson – Tasman Council definitions<sup>(10)</sup> are pertinent:-

*Collector.*

**Collector roads will be designed to distribute traffic between and within local areas and form a link between higher order** (Principal and Arterial) **roads and lower order** (Sub-Collector and Local) **roads.** *[my emphasis]* Collector Roads will be designed to accommodate local traffic and provide access to adjoining property. In the urban area, Collector roads must have a predominantly residential frontage and where required, contain the bus routes within the neighbourhood.

*Sub-collector.*

**Sub-Collector roads will be designed to distribute the vehicular traffic at a neighbourhood level** *[my emphasis]* and form the link between Collector roads and Local roads. A high proportion of traffic on these roads has an origin or destination within the immediate area. In residential areas, Sub-Collector roads must provide high levels of amenity and prioritise access to adjoining property over local traffic movements. **Through traffic is not a desired outcome for Sub-Collector roads.** *[my emphasis]*

*Local.*

Local roads will be designed for the **primary function of providing direct access to properties fronting the access road and along which only traffic having an origin or destination will travel.** *[my emphasis]* Pedestrian and local amenity values predominant. Local roads must also be designed to ensure a safe and high amenity environment for pedestrians and cyclists, so that the road is a shared multi-functional public space.

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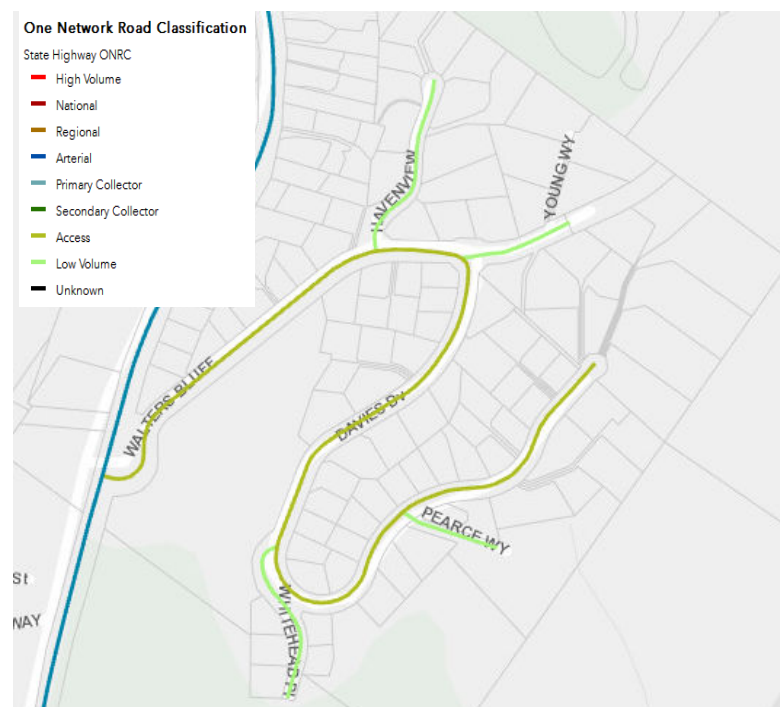
(10) Nelson Tasman Land Development Manual – July 2019 - Chapter 4 - Transportation - pages 7 & 8

38. The following maps and table describe the current hierarchies<sup>(11 & 12)</sup> of the roads in the environs of Walters Bluff.

#### *Nelson City Council*



#### *NZTA*



(11) <https://nelsoncity.maps.arcgis.com/apps/MapTools/index.html?appid=7314479a0d054aeeb32ee1b0ccb7d459>

(12) <https://nzta.maps.arcgis.com/apps/webappviewer/index.html?id=95fad5204ad243c39d84c37701f614b0>

### Summary Table

ROAD	HIERARCHY	
	N.C.C.	NZTA
Walters Bluff (Lower)	Sub - Collector	Access
Walters Bluff (Upper)	Sub - Collector	Low Volume
Davies Drive	Local	Access
Haven View	Local	Low Volume
Young Way	Local	Low Volume
Whitehead Place	Local	Low Volume
Pearce Way	Not a public road	Low Volume

39. Pearce Way, which is not a designated 'road', terminates in a Council owned area designated as "DN5 - Walters Bluff Reservoir". The extension to Walters Bluff, noted as 'Walters Bluff (Upper)' in the table above, terminates in unformed legal road. All other roads in the area, including Davies Drive, terminate in developed residential properties. Walters Bluff (Upper) and Pearce Way therefore provide the only possible physical connection points to the proposed sub-division.

### Analysis of Link Impacts.

#### Change in Hierarchy.

40. Connecting Walters Bluff with the proposed sub-division spine road would change Walters Bluff's existing 'function', and hence its hierarchy; likewise that of Davies Drive, depending upon the location of that link.
41. That is in the case of Walters Bluff, to change the existing hierarchy from a 'Sub-collector' where "[T]hrough traffic is not a desired outcome ....."<sup>(10)</sup> [my emphasis] to a 'Collector' whose primary function is "to distribute traffic between and within local areas and form a link between higher and lower order roads"<sup>(10)</sup>. [my emphasis]

42. Similarly a potential change from 'Local' for Davies Drive, where the road's current **"primary function of providing direct access to properties fronting the access road and along which only traffic having an origin or destination will travel"**,<sup>(10)</sup> to 'Collector'. [*my emphasis*]
43. This change in hierarchy reflects the change in the nature of the traffic flows and the consequent change in impacts on the environment through which the traffic passes.
44. Whilst this change might appear to be esoteric it is in reality an important part of the determination of the suitability of each road to carry the increased traffic consequent on the formation of the potential link. Accordingly my analysis has been based on Walters Bluff, and potentially Davies Drive and Pearce Way, as though their hierarchy status were 'Collector'.
45. The following Table describes the major requisite design parameters for each road, should the sub-division link be formed and compares them with those that currently exist. The 'required' width, given the Applicant's emphasis of the importance of active modes of transportation, includes an allowance for a cycle lane in each direction.

ROAD	HIERACHY	STATUS	WIDTH (m)		MAX GRADE	DESIGN SPEED (kph)
			Legal	C'way		
Walters Bluff (Lower)	Collector	Actual	18	10	1:7	40
		Req'd <sup>(*)</sup> .	24	14	1:15	50
Walters Bluff (Upper)	Collector	Actual	16	8	1:7	40
		Req'd <sup>(*)</sup> .	24	14	1:15	50
Davies Drive	Collector	Actual	16	8	1:7	30
		Req'd <sup>(*)</sup> .	24	14	1:15	50
Pearce Way	Collector	Actual	10	4	1:7	30
		Req'd <sup>(*)</sup> .	24	14	1:15	50

(\*) Nelson Tasman Land Development Manual – July 2019 - Chapter 4 - Transportation – Table 4.7

46. The parameters listed in the table do not include matters such as stopping and sight distances, intersection spacing and horizontal geometry which would need to be considered in a full analysis. It is clear however, even without consideration of these matters, that the existing roads fail to meet the requirements, and significantly so in some aspects, for their amended function and hierarchy.
47. The roading network in the Walters Bluff area is generally constrained by existing infrastructure, topography and residential development. There is, in effect, therefore little scope to rectify the identified deficiencies through modification of the existing roads. Accordingly I submit that the proposed link should be rejected and therefore deleted from PC 28.
48. Should the Panel not be minded to accept the change in hierarchy, an alternative analysis based on the current hierarchies may be found in summary below and in full in Appendix 4. In summary the roads however still fail to meet the requisite standards for their potential function.

*The Impacts of Additional Traffic Volumes.*

49. Unlike a number of other jurisdictions, Nelson City Council do not appear to have a published relationship between anticipated traffic volumes and hierarchy. As a consequence I have instead utilised a number of other sources to estimate the maximum carrying capacity of these roads based on their functional hierarchy designation as they currently exist. (The details of this analysis may be found in Appendix 4.)
50. In summary the maximum designated daily traffic volumes are as follows.

ROAD	Maximum (v.p.d.)	Notes
Walters Bluff (Lower)	1,900	Subject to capacity of Walters Bluff & Atawhai Drive intersection. (not assessed)
Walters Bluff (Upper)	650	Subject to capacity of intersection of Walters Bluff (Upper & Lower) & Davies Drive. (not assessed)
Davies Drive	650	Subject to capacity of Walters Bluff and Davies Drive intersection (not assessed), & horizontal curve geometry.
Pearce Way	100	Not designated as a public road. (Based on NZ4404 – Cul de Sac)

51. Current estimated daily traffic volumes based on manual surveys conducted during the week of 18<sup>th</sup> – 22<sup>nd</sup> April 2022 are as follows.

<b>ROAD</b>	<b>v.p.d. (Current)</b>	<b>v.p.d. (Potential)<sup>(13)</sup></b>
Walters Bluff (Lower)	600	650
Walters Bluff (Upper)	45	45
Davies Drive	400	450

52. The Applicant states that the anticipated traffic volumes generated at Walters Bluff by the sub-division will be 1,470 vehicles per day<sup>(14)</sup>. This is based on seven trips per dwelling per day<sup>(14 & 15)</sup> and 28% of the sub-division's total traffic flows using this route.<sup>(14)</sup> I unable to confirm these assumptions given the paucity of data supplied by the Applicant, so have taken them as stated.
53. It is possible that some traffic from within the upper sections of the current and consented sub-divisions on the Atawhai Hills will also seek to use this route. In the absence of any data I have assumed a nominal 300 vpd generated from this source. This is potentially an underestimate.
54. Combining current, PC28 and Atawhai Hills traffic, a total of approximately 2,250 vpd will use Davies Drive if Pearce Way is used, and 2,450 vpd will use Walters Bluff under either connection point scenario. (i.e. An approximate five fold increase in traffic on Davies Drive if Pearce Way is utilised; a forty fold increase on Walters Bluff (Upper) if that is used as the link and an approximate four fold increase on Walters Bluff (Lower) under either scenario.)
55. The following Tables show the maximum carrying capacity of each road, rounded to the nearest one hundred to reflect some of the uncertainty of the data, and the similarly rounded postulated daily vehicle movements if the connection is constructed to the proposed sub-division.

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(13) 'Potential' figures account for the as yet undeveloped sections that adjoin those roads.

(14) Applicants TIR "Further Information" page 7 and TIR page 33

(15) c.f. NZTA trip generation for residential properties of 10.7 per day - Research Report 453 (RR453)

(a) Connection at Pearce Way

<b>ROAD</b>	<b>v.p.d. (Current)</b>	<b>v.p.d. (Future)</b>	<b>v.p.d. (Capacity)*</b>
Walters Bluff (Lower)	700	2,500	1,900
Walters Bluff (Upper)	100	100	700
Davies Drive	500	2,300	700
Pearce Way	0	1,800	100

(b) Connection at Walters Bluff (Upper)

<b>ROAD</b>	<b>v.p.d. (Current)</b>	<b>v.p.d. (Future)</b>	<b>v.p.d. (Capacity)*</b>
Walters Bluff (Lower)	700	2,500	1,900
Walters Bluff (Upper)	100	1,900	700
Davies Drive	500	500	700

\* (Subject to intersection and geometric constraints.)

56. To summarise. Under a Pearce Way link scenario, Pearce Way, Davies Drive and Walters Bluff capacities would be exceeded; in the case of Davies Drive significantly so. In the Walters Bluff (Upper) link scenario the capacities of both Walters Bluff (Upper and Lower) would be exceeded.
57. It is important to note that other capacity constraints exist. Some of these may be overcome by alterations to the existing roading layout but the major problems will remain as there is little to no scope for the requisite major improvements given the existing topography and residential infrastructure. (For further details refer to Appendix 4.)

*Concluding Comments.*

58. A link to the proposed sub-division would fundamentally alter the function of the existing Walters Bluff area roading network from one that serves the immediate area to one whose predominant function is through traffic with commensurately significantly increased traffic flows. The current network is not configured, nor in effect is able to be configured to cater for this fundamental change in function.
59. Neither Davies Drive nor Walters Bluff (Upper) has the capacity to carry the additional traffic flows from the proposed sub-division. It is possible, subject to currently unassessed geometric and structural factors, that Walters Bluff (Lower) would have functional capacity to carry additional traffic flows. However that capacity is below that required to cater for the postulated additional flows. (i.e. An approximate quadrupling.)
60. The roading network in the Walters Bluff area is generally constrained by existing infrastructure and residential development. There is, in effect, therefore little to no scope to increase capacity through modification of the existing roads.
61. In addition, in particular given the steepness of the grades on both Walters Bluff and Davies Drive, traffic noise would also quadruple. This would be extremely intrusive and would impact the whole of the Walters Bluff environs.
62. I accordingly submit that the proposal to connect the sub-division with Walters Bluff be rejected.

**Commentary on Applicant's Evidence - Walters Bluff Connection.**

*Revised Structure Plan.*

63. An indicative alignment for the postulated Walters Bluff link has, although unlabelled, only very latterly appeared in the Applicant's Evidence as a revised Structure Plan. The relevant section of this revised Structure Plan is copied below.





64. The addition of this proposal at such a late stage in the Plan Change process, together with an almost complete lack of detail or explanation, further adds to a perception of ‘opportunism’. Without further detail it is difficult to assess if, for example, due consideration has been taken of known unstable areas over which the postulated road alignment has been designated and / or if the extent of the requisite earthworks have been determined. The visual impact of the latter, in an identified sensitive landscape area, has the potential to be considerable given the steep terrain and the need to ensure that road gradients do not exceed 1:15 given the roads potential hierarchy.<sup>(16)</sup>

*Transportation Evidence – Gary Paul Clark*

65. Neither the “Transportation Impact Study” (January 2021) nor the “Further Information Response” (August 2021) provided any analysis of the postulated Walters Bluff link other than a statement relating to possible traffic volumes. I have commented on these two reports and their paucity of analyses in earlier paragraphs. The Evidence provided by Mr. Clark adds no further information.
66. At para 21 Mr Clark states “[T]here were no capacity constraints on the wider road network including Walters Bluff and Bay View Road as agreed in expert conferencing.” No evidence or information has been provided in any publically available document to substantiate this claim in relation to Walters Bluff. The conclusion of the statement should therefore be dismissed as hearsay.

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(16) Even at 1:8 the earthworks to maintain this grade are likely to be very significant.

67. At para 24 Mr Clark also states that “[A] *summary of the areas of agreement by all traffic experts (from both JWS 1 and JWS 2) included the following.....: ▪ The Walters Bluff connection will reduce the traffic flows on other PPC28 roads and Maitai Valley Road.*”
68. The conclusion noted by Mr Clark is self evident. (One might equally self evidently say, for example, that converting Waimea Road to a four lane motorway will reduce flows on Rocks Road.) Without an analysis of the impacts of the proposal, Mr Clark’s statement is without value and accordingly should also be disregarded.
69. At para 93 Mr Clark states that “[T]he *general themes of the submissions are well covered by Ms Sweetman and Mr Georgeson in the Section 42A Report.*” This statement is incorrect. The s42A report merely notes the existence of my and other submissions relating to Walters Bluff, effectively without discussion or recommendation.

*S42A Addendum - Transportation Evidence – Mark Georgeson*

70. At para 14 of his s42A report addendum, I note that Mr. Georgeson disagrees with Mr Clarke’s supposed areas of agreement between the expert witnesses in relation to constraints on the wider roading network (refer my para 66).
71. At para 21 Mr. Georgeson states in relation to the potential Walters Bluff link “[T]his link will deliver associated benefits of improved route choice (to reduce trip length) and enhanced permeability within the site itself.”
72. With due deference to Mr Georgeson, his statement is in a similar vein to that of Mr Clarke which I have referenced in my paras 67 and 68. That is, that the statement is self evident but nevertheless without value unless accompanied by an appropriate analysis.

## SKYLINE DEVELOPMENT – MALVERN HILLS

73. I have recorded below some pertinent quotations from the Nelson Resource Management Plan (NRMP):
- *The landscape and topographic setting of Nelson City is integral to its identity, influencing past and future patterns and forms of development.* (R15.i)
  - *The city is framed by a series of largely undeveloped ridgelines.....* (R15.ii)
  - *Development (.....) has the potential to detract from the visual appearance of landscape.....* (R15.v)
74. The NRMP further notes the potential for *[A]dverse visual effects on key landscape and open space features within the urban area resulting from development on ridge lines,.....* (R15.1.iii)
75. Chapter 5 - District Wide Objectives and Policies of the NRMP states “*[T]he landscape setting and physical features of Nelson gives it a distinctive identity. Development needs to recognise this distinctive identity and be undertaken in a manner which **avoids**, [ my emphasis] remedies or mitigates adverse effects on landscape values.* “ (D09.1.i)
76. And under Policy “*Significant landscape and coastal features which contribute to the setting of Nelson should be protected*”. (D09.1.1) Further the NRMP states “*[W]here a landscape feature makes an important contribution to the natural setting of Nelson and has not yet been compromised, the opportunity exists to protect this feature and avoid development which compromises it.*” (D09.1.1.i)
77. With respect to “Visual Amenities” the NRMP states “*[P]articular regard should be had for the protection of visual amenity values in the following areas: a) ridge lines/skylines.....*” (D09.1.4)

78. With respect specifically to the Malvern Hills the NRMP states that “[T]he Malvern Range is important to the context of the city because it provides a visual backdrop to the eastern side of the city, which balances the containment of the Port Hills ridge on the west. The area is also important for its contribution to the city’s green belt. Careful management will promote visual and amenity values in the longer term” (AP9.6.iv).
79. The NRMP further notes that “[B]ecause of their high visibility, slopes facing the city centre, upper slopes facing inland and facing the sea and also the ridges are most vulnerable to change. The forms and colours associated with development, and the pattern and texture changes from changes in vegetation are most likely to alter the character and quality of this area.” (AP9.6.v)
80. The NRMP is therefore quite clear in its intent to preserve the visual amenity of the Malvern Hills skyline ridges as viewed from the city.
81. The Applicant has proposed in respect to the protection of the Botanical and Malvern Hills’ skylines that “Schedule X.5 Skyline Area” of the proposal will “provide Council control when managing a future buildings location scale, height, modulation, roof pitch, colour, reflectivity and any other aspects of any structure’s external appearance and their associated earthworks”. Despite on-going modification to Schedule X.5 the Applicant’s suggestions fail to provide a development methodology that complies with the requirements of the NRMP for this sensitive area.
82. A plan change to permit development along the skyline of the Malvern Hills ridge, or for that matter any development that may extend above the ridgeline profile, however supposedly sympathetically contrived, will significantly negatively impact on the intrinsic values of the Malvern Hills and the current, unsullied visual character of not only the immediate environs of the ridges but also across large sections of the city. Accordingly such development is in contravention of the Objectives and Policies of the NRMP. The relevant sections of the Applicant’s proposals should therefore be rejected.

## **CONCLUSION AND REMEDIES SOUGHT.**

83. Both the Application and its notification with respect to a possible roading connection between the proposed sub-division and the Walters Bluff area suffer from significant procedural errors. (i.e. Failures in the notification process and a paucity of detail in the Applicant's documents on which to undertake an assessment.) Consequently this part of the Application should be rejected.
84. In the alternative, the proposal should be rejected on the grounds that the existing roading network, to which it proposes to join, is inadequate for the postulated quadrupled traffic volumes which would in themselves increase traffic noise to unacceptable levels in the environs of Walters Bluff generally.
85. The proposed development of the Malvern Hills skyline ridge is in direct conflict with the clearly stated Objectives and Policies of the Nelson Resource Management Plan. The relevant sections of the Applicant's proposals should therefore be rejected.

R. English

Richard English

10 / 07 / 2022

## **APPENDICES.**

Appendix 1 .....Properties Directly Notified

Appendix 2 .....Public Notices & Notifications

Appendix 3 .....Walters Bluff Roding Network Photographs.

Appendix 4 .....Walters Bluff Roding Network Capacity Analysis.

## APPENDIX 1.

### Copy Email NCC to R. English re Notifications of PC 28

From: Environmental Planning <environmental.planning@ncc.govt.nz>  
To: "rsenglish@xtra.co.nz" <rsenglish@xtra.co.nz>  
Date: 29/04/2022 08:20  
Subject: PC 28 - Notifications

Kia Ora Richard

Thank you for your enquiry regarding notifications of Private Plan Change 28.

Please see responses in red below.

Ngā mihi

### **The Environmental Planning Team**

**From:** Richard English <[rsenglish@xtra.co.nz](mailto:rsenglish@xtra.co.nz)>  
**Sent:** Tuesday, 26 April 2022 10:12 am  
**To:** Environmental Planning <[environmental.planning@ncc.govt.nz](mailto:environmental.planning@ncc.govt.nz)>  
**Subject:** PC 28 - Notifications

Good morning,

Could you please supply:-

(a) A copy of the Public Notification for PC 28.

**Attached.**

(b) Details of where and when this was published

**Leader Nelson on 28/10/2022**

**Nelson Mail on 29/10/2022**

(c) A list of those properties in the environs of Walters Bluff who may have been directly notified of PC 28

**Davies Drive – Property numbers – 1, 7, 11, 13, 17, 19, 21, 23, 25, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 42A, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 45, 55, 56, 57, 59, 60, 61, 63, 64, 65, 67, 68, 69, 71, 72, 75**

**Walters Bluff – Property numbers - 30**

**Whitehead Place – Property numbers – 2,4,6**

**Young Way – Property numbers – 2,4**

(d) A copy of this notification if such was made.

**Attached.**

Thanks and regards,

Richard English

Map of Directly Notified Properties<sup>(1)</sup> (red spots)



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(1) Data extracted from NCC email to R. English - 29/04/2022



## APPENDIX 2.

(Copies supplied by Environmental Planning Team, NCC. 29/04/2022 by email)

### Public Notice:-



#### Public notice of proposed Private Plan Change 28 Maitahi Bayview to the Nelson Resource Management Plan

*[Clauses 5, 16A, and 21](#) of Schedule 1, Resource Management Act 1991*

Nelson City Council has accepted the following proposed private plan change to the following plan:

Nelson Resource Management Plan.

CCKV Dev Co LP & Bayview Nelson Limited has filed a private plan change request seeking to:

Rezone approximately 287-hectares of land located within Kaka Valley, along Botanical Hill and Malvern Hill, from Rural zone; and Rural-Higher Density Small Holdings Area to:

- Residential Zone (Higher, Standard and Lower Density Areas);
- Rural-Higher Density Small Holdings Area;
- Open Space Recreation Zone; and
- Suburban Commercial Zone; and

Introduce a new Schedule X to the NRMP with an accompanying structure plan and involves a number of integrated changes to associated provisions in the Nelson Resource Management Plan.

The proposal may be inspected online at [Shape.nelson.govt.nz](https://shape.nelson.govt.nz) (search phrase = Private Plan Change 28)] or:

- Nelson City Council Customer Service Centre, Ground Floor, Civic House, 110 Trafalgar Street, Nelson;
- Elma Turner Library, Halifax Street, Nelson;
- Nightingale Library Memorial, Tahunanui;
- Stoke Library, Putaitai Street, Stoke.

If you have any questions about the application, please contact the Environmental Planning Manager: Phone 03 546 0200 or email [environmental.planning@ncc.govt.nz](mailto:environmental.planning@ncc.govt.nz).

The following persons may make a submission on the proposal:

- the local authority in its own area may make a submission; and
- any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, then the person may do so only if the person is directly affected by an effect of the proposal that—
  - adversely affects the environment; and
  - does not relate to trade competition or the effects of trade competition.

Direct Notification Letter.



28 October 2021

Civic House, 110 Trafalgar Street  
PO Box 645, Nelson 7040, New Zealand

P (03) 546 0200

E [Environmental.planning@ncc.govt.nz](mailto:Environmental.planning@ncc.govt.nz)  
[nelson.govt.nz](http://nelson.govt.nz)

«OwnerName1»  
«OwnerName2»  
«OwnerAddress1»  
«OwnerAddress2»  
«OwnerAddress3» «OwnerPostcode»

Dear Property Owner

**NELSON RESOURCE MANAGEMENT PLAN – PROPOSED PRIVATE PLAN CHANGE 28 –  
MAITAHĪ BAYVIEW**

This letter is to advise you that Nelson City Council has accepted Private Plan Change 28 (Maitahi Bayview) to the Nelson Resource Management Plan (NRMP) by CCKV Dev Co LP & Bayview Nelson Limited. The proposed private plan change is open for public submissions from Thursday **28 October 2021 until 5.00pm Wednesday 8 December.**

The proposed private plan change is seeking to:

Rezone approximately 287-hectares of land located within Kaka Valley, along Botanical Hill and Malvern Hill, from:

- Rural zone; and
  - Rural-Higher Density Small Holdings Area,
- to
- Residential Zone (Higher, Standard and Lower Density Areas); and
  - Rural-Higher Density Small Holdings Area; and
  - Open Space Recreation Zone; and
  - Suburban Commercial Zone; and

Introduce a new Schedule X to the NRMP with an accompanying structure plan and involves a number of integrated changes to associated provisions in the Nelson Resource Management Plan.

A copy of the full public notice advising of the availability of more information about the proposed private plan change, the form for making a submission and details for how to lodge a submission are displayed overleaf. Please note that submissions must include the prescribed information on that Form.

This advice is given to you under Clause 5 of the First Schedule to the Resource Management Act.

Yours sincerely

**Pat Dougherty**  
Chief Executive, Nelson City Council

Internal Document ID: A2761595

**Nelson The Smart Little City**  
He tāone tōrere a Whakatū

 **Nelson City Council**  
Te Kaunihera o Whakatū

## APPENDIX 3.

### ***Walters Bluff Roding Network – Photographs.***

Note: The photographs are unable to accurately portray the steepness of the gradients which are generally of the order 1 in 7

#### ***Pearce Way***



Note: The grassed area to the right of Pearce Way is private property.

#### ***Davies Drive***





*Walters Bluff (upper)*



*Walters Bluff – Davies Drive Junction*





*Walters Bluff (lower)<sup>(1)</sup>*



*Walters Bluff – Adjacent to Atawhai Drive Junction*



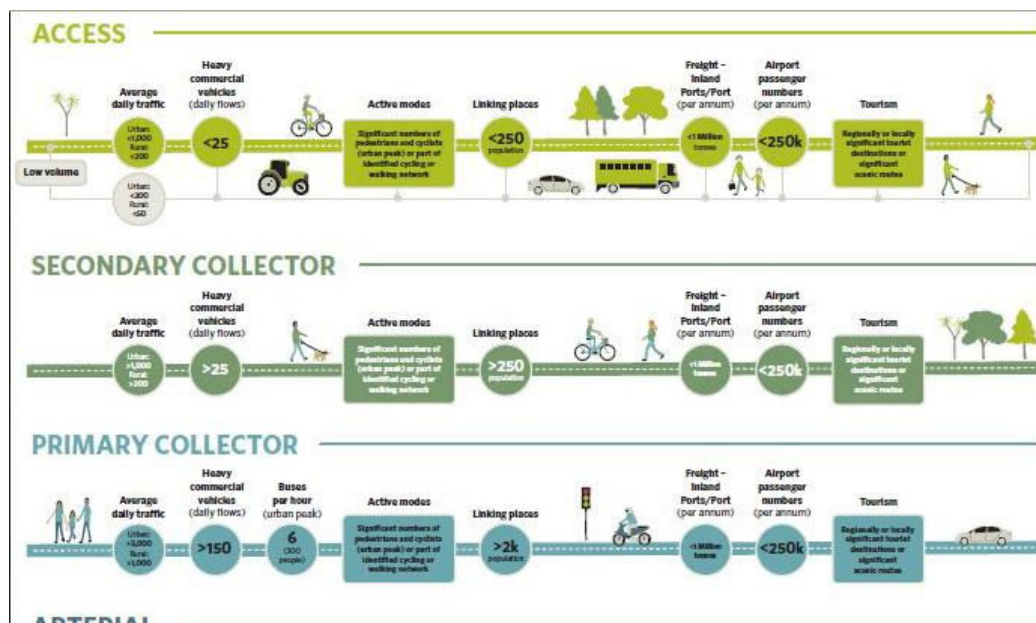
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(1) Fig 11 - Transportation Impact Report – Maitahi and Bay View PPCR – Jan 2021 – page 14

## APPENDIX 4.

### Walters Bluff Roding Network Capacity Analysis.

- NZTA utilise the following diagramme<sup>(1)</sup> to illustrate the differing hierarchies and their major transport related parameters.



- The following table summarises the traffic volume related data illustrated above.

HEIRACHY	Average Daily Traffic	Average Daily Heavy Vehicles	Linking Places
Access (low volume)	< 200	-	-
Access	< 1,000	< 25	< 250 population (approx = 100 houses)
Secondary Collector	1,000 to 2,000	25 - 150	250 – 2,000 population
(Primary) Collector	> 2,000	> 150	> 2,000 population

(1) <https://www.nzta.govt.nz/assets/Roads-and-Rail/tcdm/part-5/img/figure/appendix-d-right-road-right-value-right-time.jpg>

3. NZS 4404: 2004 (Land Development and Subdivision Engineering Standard) (Urban) states that Local Distributor / Sub-collector roads are anticipated to operate in the range of 200 to 1,000 vehicles per day (vpd) and Local roads at less than 750 vpd. Wellington City Council anticipates that Sub-Collectors will carry between 200 and 800 vpd and Local roads less than 200 vpd.
4. It is unfortunate that the various authorities have differing definitions of the functional hierarchies and their inter-related traffic volumes, and in particular under these circumstances that apparently NCC has none at all. However I have compared like for like as best as I am able in the following table.

HEIRACHY	Vehicles per Day.		
	NZTA	NZS 4404	WCC
Low volume	< 200		< 200
Access / Local	< 1,000	< 750	
Secondary (Sub) Collector	1,000 to 2,000	200 – 1,000	200 - 800
(Primary) Collector	> 2,000		

5. Their required design and actual major physical attributes are outlined in the following Table. Figures in parenthesis reference those for “Collector” roads

ROAD	HIERACHY	STATUS	WIDTH (m)	
			Legal	C'way
Walters Bluff (Lower)	(Collector / ) Sub- Collector	Actual	18	10
		Req'd <sup>(2)</sup> .	19 (24)	9.6 (14)
Walters Bluff (Upper)	(Collector / ) Sub- Collector	Actual	16	8
		Req'd <sup>(2)</sup> .	19 (24)	9.6 (14)
Davies Drive	Local	Actual	16	8
		Req'd <sup>(2)</sup> .	19	9.5
Pearce Way	Not* Classified	Actual	10(?)	4
		Req'd <sup>(2)</sup> .	9	5.5

(2) Nelson Tasman Land Development Manual – July 2019 - Chapter 4 - Transportation – Table 4.7

6. The following Table combines data from the Tables in paras 4 and 5 above.

ROAD	Maximum Daily Traffic Volume	Notes
Walters Bluff (Lower)	2,000	Subject to capacity of Walters Bluff & Atawhai Drive intersection. (not assessed) and gradient
Walters Bluff (Upper)	750	Subject to capacity of Walters Bluff & Davies Drive intersection (not assessed) & gradient.
Davies Drive	750	Subject to capacity of Walters Bluff and Davies Drive intersection (not assessed), gradient & horizontal curve geometry.
Pearce Way	100	Not designated as a public road. (Based on NZ4404 – Cul de Sac)

7. It is important to note that the above capacities do not account for the relatively steep gradients extant on the local network nor the under-width nature of Davies Drive. A provisional re-assessment of the maximum daily traffic volumes taking gradients and widths into account is shown below.

ROAD	Maximum Daily Traffic Volume	Notes
Walters Bluff (Lower)	1,900	Subject to capacity of Walters Bluff & Atawhai Drive intersection. (not assessed)
Walters Bluff (Upper)	650	Subject to capacity of Walters Bluff (upper & lower) & Davies Drive intersection. (not assessed)
Davies Drive	650	Subject to capacity of Walters Bluff and Davies Drive intersection (not assessed), & horizontal curve geometry.
Pearce Way	100	Not designated as a public road. (Based on NZ4404 – Cul de Sac)

8. Once a road's hierarchy has been classified, it should be maintained to the NZTA defined Customer Level of Service (CLOs)<sup>(3)</sup> for roads of that hierarchy. The Customer Levels of Service relate to:

- Mobility (travel time reliability, resilience of the route)
- Safety
- Amenity (travel quality and aesthetics)
- Accessibility (land access and road network connectivity)

(3) <https://www.nzta.govt.nz/assets/Road-Efficiency-Group-2/docs/customer-levels-of-service.pdf>



9. Traffic volumes in excess of those shown in paragraph 7 above will lead to a lowering of the current CLoS. This is in direct contradiction of one of NZTA's stated CLoS's "*Overarching Principles*" that "[O]ver time all roads in a particular category should offer an increasingly consistent, fit for purpose customer level of service for road users"<sup>(3)</sup> Accordingly traffic volumes greater than those shown may be categorised as being beyond the carrying capacity of the road.
10. Current estimated daily traffic volumes based on manual surveys conducted during the week of 18<sup>th</sup> – 22<sup>nd</sup> April 2022 are as follows.

ROAD	Daily Traffic Volume (current)	Daily Traffic Volume (potential)
Walters Bluff (Lower)	600	650
Walters Bluff (Upper)	45	45
Davies Drive	400	450

11. There is a distinct morning peak and another, but more spread peak in the mid to late afternoon. There is little to no heavy traffic.
12. The Applicant states that the anticipated traffic volumes generated at Walters Bluff by the sub-division will be 1,470 vehicles per day. This is based on seven trips per dwelling per day and 28% of the sub-division's total traffic flows using this route. (There is no data provided on assumed "heavy traffic" numbers.) I unable to confirm these assumptions given the paucity of data supplied by the Applicant, so have taken them as stated.
13. It is possible that some traffic from within the upper sections of the current and consented sub-divisions on the Atawhai Hills will also seek to use this route. In the absence of any data I have assumed a nominal 300 vpd generated from this source, which is potentially an under-estimate. (i.e. A total of approximately 2,250 vpd using Davies Drive, if Pearce Way is used, and 2,450 vpd using Walters Bluff. )

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(3) <https://www.nzta.govt.nz/assets/Road-Efficiency-Group-2/docs/customer-levels-of-service.pdf>

14. The following Tables show the maximum carrying capacity of each road rounded to the nearest one hundred to reflect some of the uncertainty of the data, and the similarly rounded postulated daily vehicle movements if the connection is constructed to the proposed sub-division.

(a) Connection at Pearce Way

<b>ROAD</b>	<b>Daily Traffic Volume</b>	<b>Daily Traffic Capacity*</b>
Walters Bluff (Lower)	2,500	1,900
Walters Bluff (Upper)	100	700
Davies Drive	2,300	700
Pearce Way	1,800	100

(b) Connection at Walters Bluff (Upper)

<b>ROAD</b>	<b>Daily Traffic Volume</b>	<b>Daily Traffic Capacity*</b>
Walters Bluff (Lower)	2,500	1,900
Walters Bluff (Upper)	1,900	700
Davies Drive	500	700

\* Subject to intersection and geometric constraints

*Pearce Way Connection and Davies Drive.*

15. It is clear that Davies Drive has an increment of functional carrying capacity available. However whilst there is theoretically scope to increase the capacity of Pearce Way by a small margin it is not possible to increase traffic volumes on Davies Drive sufficiently by means of physical alteration. This nullifies any capacity increase in Pearce Way.

16. The proposal would result in an approximate fivefold increase in traffic on Davies Drive with an attendant increase in noise, particularly given the steepness of the grade, and a lowering of the “Level of Service”

*Walters Bluff (upper) and Junction with Davies Drive.*

17. Walters Bluff (upper) in its current configuration could in theory carry an additional (say) 600 movements per day but this would not be sufficient to cater for the additional 1,800 movements postulated should the connection to the Maitai sub-division be formed.
18. A narrowing of the carriageway between approximately Young Way and Davies Drive currently both constrains traffic flows at this point and the capacity of the junction of upper and lower Walters Bluff with Davies Drive. However there is potentially scope to remove this restriction.
19. It is likely that removal of this narrowing would increase the junction’s capacity. I do not however have the relevant data to calculate this increase given both the horizontal and vertical geometry and sight line distances for the junction. Priority would need to be given to traffic using the upper section of Walters Bluff over Davies Drive, which currently has priority. An uphill, right turn lane into Davies Drive would therefore need to be added, for which however there may not be space.

*Walters Bluff (lower)*

20. The section of Walters Bluff below the intersection with Davies Drive would appear to have some spare capacity although again this is not sufficient to cater for in the postulated additional movements. (i.e. Total actual capacity of vehicles per day 1,900 verses approximately 2,500 vpd required if the proposed connection is made to the sub-division<sup>(4)</sup>.)
21. The proposal would result in an approximate fourfold increase in traffic on Walters Bluff (Lower) and a forty fold increase on Walters Bluff (Upper) with attendant increases in noise, particularly given the steepness of the grade, and a lowering of the “Level of Service”, the latter in contravention of principles of good design<sup>(3)</sup>.

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(4) This assessment makes no allowance for sight line distances and intersection spacing with respect to the junction with Haven View which may reduce capacity.

*Junction of Walters Bluff and Atawhai junction*

22. I do not have the relevant data to evaluate this junction but clearly an assessment is required given the postulated large increase in the volume of traffic traversing it.

*Atawhai Drive*

23. In the absence of definitive information being supplied by the Applicant it is difficult to know which way the additional traffic will wish to turn.
24. Approximately 300m to the south west of the junction, Atawhai Drive narrows significantly for approximately 250m. This narrow section acts effectively as a throttle point, significantly impeding and hence reducing the flow of traffic.
25. Traffic turning to the north east will need to navigate the State Highway 6 junction which, from the information provided in the applicant's TIR, is already potentially dangerous even under current traffic loading.