

**BEFORE A HEARINGS PANEL  
APPOINTED BY NELSON CITY COUNCIL**

**IN THE MATTER                      of Private Plan Change 28 – Maitahi Bayview**

**AND IN THE MATTER    of Clause 21 of the First Schedule of the Resource  
Management Act 1991**

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**EVIDENCE OF AARON STALLARD FOR SAVE THE MAITAI INC  
THE STORY OF SAVE THE MAITAI  
DATED 11 JULY 2022**

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## INTRODUCTION

1. My full name is Aaron Richard Stallard. I am an eighth-generation Nelsonian. I have a PhD in geology and manage an export services business that I established, serving clients in Asia and Europe. I have three adult children and I care very much about this city and region, including its future, the way in which it develops, and the well-being of its people and environment. My family, like many in Nelson, has a long history of enjoying the peaceful rural setting of the Maitai Valley for relaxation and recreation.

## SUMMARY

2. The Maitai Valley is highly valued by the community and visitors alike for its peaceful rural setting, natural landscape, open spaces, scenic beauty, recreational opportunities, lack of traffic, and lack of development.
3. Until 2019 Nelson City Council (NCC) had taken a position of '*Do not provide for any future residential zoning in this area [Maitai Valley]*' because of strong community opposition to rezoning on the grounds of '*loss of open space, conflicts with recreation values, and the effects of more traffic and noise*' as expressed in a public consultation.
4. In 2019, NCC changed stance from opposing to supporting rezoning in the Maitai Valley in compiling the 2019 Future Development Strategy but did not adequately inform the public of its intentions, receiving only four responses on the proposal. The Chief Ombudsman gave the opinion that the consultation was 'unreasonable' and that a member of the public reading the consultation document would not have been aware of NCC's intentions to enable development in the Maitai Valley.
5. Save the Maitai was formed to protect the Maitai Valley from urban development and represent the known wishes of the community to protect the Valley.
6. Save the Maitai's position is that the plan change should be declined on the grounds that it is inconsistent with the values of the community, the community has been excluded from decisions affecting them, and because of the high risk of poor social and environmental outcomes (the latter point is covered in Save the Maitai's original submission but not in this written evidence).

## **INFORMATION RELIED UPON**

7. I have not read all of the information that has been lodged in relation to PPC28, but I have looked at the most recent Structure Plan in Mr Milne's evidence so that I understand in a general sense what type of development is proposed.
8. I have also seen the indicative masterplan provided as part of the applicant's rebuttal evidence.

## **APPENDIX**

9. Various photographs and other visual information that are referred to in the following evidence are included in the attached Appendix.

## **EVIDENCE**

### **Introduction**

10. I understand that we are here considering the proposal of urban sprawl into the Maitai Valley in the context of the Resource Management Act 1991, but there is another story to be told, one that has been somewhat neglected, and that is the story of the proposed development in the context of the views and values of the community. Members of the community have felt excluded from the process, and have felt they were given insufficient opportunity to comment on the proposed development at its early stages, where feasibility should be considered by both the applicant and Council. There is a long history of local people making great efforts to preserve this area for recreational purposes, particularly for use by children.
11. So today I am telling the story of Save the Maitai. It is a story of community and values, of protecting the wellbeing of people, of the Maitai River, and understanding the value of the Maitai Valley to the people of Whakatū Nelson.

### **Value of the Maitai Valley to the community**

12. First, some background. Around 100 years ago a public campaign pressed NCC to purchase land in the Valley for the benefit of all, for all time, as a peaceful recreation area. For many generations the community has enjoyed the tranquil rural nature of the Valley, the open spaces, stunning natural landscapes, birdsong, the refuge of green space beyond the urban area for swimming, walking and running, cycling, and picnics.

The immense benefits of such areas to the physical and mental well-being of the community are well known.

### **Nelson Urban Growth Strategy 2006**

13. The degree to which the community values the Maitai Valley and wishes to protect it from urban sprawl is clearly demonstrated by events in 2005 and 2006 when NCC was developing the Nelson Urban Growth Strategy and sought community feedback on development earmarked for the Maitai Valley, in the same area as being considered in this hearing. In the consultation document, the area is named and clearly shown, information provided, and Council's intentions are clearly conveyed [Appendix item 1 – Nelson Urban Growth Strategy consultation document]. The public response was one of strong opposition on the grounds of *'loss of open space, conflicts with recreation values, and the effects of more traffic and noise'*. In response, the council of the time voted in favour of *'Do not provide for any future residential zoning in this area.'*
14. So you can see how following this consultation, the public's understanding was that the Valley is protected from urban development.

### **Future Development Strategy 2019**

15. Fast forward to 2019 when the Nelson Urban Growth Strategy was replaced by the 2019 Future Development Strategy. Again, despite the historic recorded wishes of the community to preserve the Maitai, NCC proposed development in the Maitai Valley but this time did not inform the community of its intentions. NCC did not use the known name of the area, did not provide a map of the Maitai area in the consultation document, did not describe the area, and inexplicably omitted the Maitai area (or Kākā Valley as NCC called it—a name for which there is not a single recorded use in local media or public records prior to the 2019 Future Development Strategy) from a list of urban expansion areas on which the public was asked to comment [Appendix item 2 – 2019 Future Development Strategy consultation document].
16. Consequently, NCC received only four responses to its proposal to identify development areas in the Maitai Valley. In a city of 50,000 people, only four responses to what is the most contentious development of our time. NCC decided that four responses represented adequate public consultation and engagement, and moved ahead with including development areas in the Maitai Valley in the 2019 Future Development Strategy.

17. The 2019 Future Development Strategy is important because it marked an unrepresentative reversal in NCC's stance from opposing to supporting rezoning and opening up the Maitai Valley to development, all on the basis of four responses during consultation. Actions taken showing the inadequacy of this consultation are discussed below.

### **Implications of the 2019 Future Development Strategy**

18. The 2019 Future Development Strategy and the development that PPC28 would enable, which the 2019 Future Development Strategy appears to support, have significant implications for the layout and growth of the city, the transport network, and the many thousands of people who enjoy the Maitai Valley. Details of the detrimental social and environmental effects of the proposed subdivision will be discussed elsewhere, but here I would like to show the essence of the problem, which is that the city's main recreation area in the lower Maitai Valley, which is currently in a rural setting, will be overwhelmed by the proposed urban sprawl and will become part of the urban area, with all that entails: a massive increase in traffic, noise, air and light pollution, loss of open space, loss of rural character and loss of natural landforms, and a greater travel distance required to reach a truly rural setting (which would lack the qualities of the lower Maitai Valley).

### **Public first made aware of the proposed development, as a 'shovel-ready' project**

19. The story of Save the Maitai starts with a media article from June 2020 reporting on NCC's application for money from central government's post-covid economic recovery fund for investing in shovel-ready projects, specifically to fund infrastructure to support a 750-home development in the Maitai Valley and Bayview area (<https://www.stuff.co.nz/nelson-mail/121694924/ncc-seeks-25m-for-upgrade-near-proposed-housing-development>; Appendix item 3 – 'shovel ready' article).
20. This article is important because it first broke the news of the proposed development to the community, and it indicates that NCC considered a suburb-scale residential development in the Maitai Valley to be a shovel-ready project.
21. This explains in part the strong public reaction against the proposal. The public were alarmed that NCC and a group of local land subdividers would have acted against the community's wishes, without informing the community of its intentions or seeking

community involvement in a decision that would greatly influence the community, and simply press ahead with urban development in such a highly valued and sensitive environment.

### **Formation of Save the Maitai**

22. This led to the formation of Save the Maitai in July 2020 with a goal of protecting and preserving the Maitai Valley's tranquil rural character for current and future generations. Hundreds of local people mobilised to protect the Valley. Meetings were held [Appendix item 4 – meeting], an incorporated society formed [Appendix item 5 – signing up volunteers], a website was made [Appendix item 6 – website], fundraising began, public information and awareness events were held [Appendix item 7 – meeting at the Boathouse], submissions made, letter writing campaigns, presenting at NCC meetings [Appendix item 8 – outside the NCC building prior to presenting at a NCC meeting], media releases and articles [Appendix item 9 – media article], interviews, and so on.
23. A petition opposing the PPC28 has gained over 13,000 signatures, nearly 1000 people have joined the Save the Maitai Facebook group, and a regular email newsletter reaches 1500 people.
24. Save the Maitai has three patrons [Appendix item 10 – patrons]: Rod Dixon, Olympic 1500 m medallist and winner of the New York Marathon, who grew up in Nelson and trained in the Maitai Valley (Rod will speak on behalf of Save the Maitai). Annette Milligan, who has received the New Zealand Order of Merit for Services to Health (Annette will also speak on behalf of Save the Maitai). And the renowned actor Mark Hadlow, who is from Nelson and has strong connections to the Maitai Valley.

### **Roles of Save the Maitai**

25. Over the two years since its formation, Save the Maitai has served five vital roles, as follows.

#### **Provide information to the public and canvas the public's views and values**

26. An initial role of Save the Maitai was to explain the proposal to the community, to make sense of and explain NCC's intentions, and seek the views and values of the public on the issue. Some members of the community felt NCC needed to do more

to help the community understand the proposal and to listen to the views of community members. That is, more and better community engagement. We then provided the public's views to NCC via a petition and speaking at NCC meetings.

### Holding NCC to account

27. The second key role has been to hold NCC to account over the past two years, to scrutinise its decisions and actions, and assess the information made public by NCC
28. An example of this includes an analysis of the 2019 Future Development Strategy, which revealed that NCC had failed to make its intentions known and had received only four responses to its proposal to enable urban sprawl into the Maitai Valley [Appendix item 11 – four responses]. One of those responses supported intensification provided the houses were designed to float on water. We suggested to NCC that the consultation was inadequate and asked for a new consultation process, but NCC defended the consultation as being 'robust'. However, following a formal complaint made by Save the Maitai, the Chief Ombudsman disagreed with NCC, concluding that the consultation was 'unreasonable' and that anyone reading the consultation documents would not have known that NCC was planning on opening up the Maitai Valley to development [Appendix item 12 – Ombudsman letter]. NCC has pressed on with the development process regardless.
29. Save the Maitai's appeals to NCC to follow due process and listen to the voice of the community have not been well received by NCC, and NCC's attitudes to the issue and to Save the Maitai have passed through a number of stages, all of them unsatisfactory from our perspective:
  - a. First, as I have mentioned, NCC failed to tell the community of its intentions when compiling the 2019 Future Development Strategy.
  - b. Second, the Mayor refused to engage with Save the Maitai, and Councillors were advised not to talk to Save the Maitai.
  - c. Third, the Mayor complained about Save the Maitai to Government Ministers in Wellington and asked the Ministers' to look into Save the Maitai's views on the proposed development [Appendix item 13 – Nelson Mail article].

- d. Fourth, Councillors' have sought to discredit those opposing urban sprawl into the Maitai Valley. Just a few weeks ago, for example, at a deliberations hearing for the 2022 Future Development Strategy, the Councillor tasked with summarising the results of public consultation regarding identifying development areas in the Maitai Valley, reported strong public opposition on the grounds of loss of amenity, environmental effects, and increased traffic, but stated that he personally believed the development should go ahead, that it's a no-brainer, and that those opposing the development were misinformed and had been misled (<https://www.youtube.com/watch?v=wjolGeR8pus&t=1310s>; from time point 11:30 onward). These serious claims were not examined or queried by any of the other Councillors at the meeting.
- e. Despite the various submissions and presentations to NCC, for which consistently 80% to 90% of submitters oppose development in the Maitai Valley [Appendix item 14 – summary of consultations and submissions], and despite the 13,000 signature petition, NCC is on track to once again ignore the views of the community by including the Maitai Valley in the revised 2022 version of the Future Development Strategy.
- f. It is acknowledged that NCC's position on PPC28 as set out in the s 42A Report is that insufficient evidence has been provided by the applicant to support the plan change sought. Save the Maitai agrees with this position.

#### Scrutinising the applicants' proposal in the context of community values

30. The third role of Save the Maitai has been to assess the accuracy of the information being presented by the applicant.
31. For example, the applicant has repeatedly claimed that the development is 2.6 km from the city and that this proximity will make cycling and walking '*the preferred form of transport*' for those residing in the proposed subdivision [Appendix item 15 – cycling]. However, the reality is that the proposed subdivision is between 4 and 7 km from the central city [Appendix item 15 – actual distances], depending on which part of the subdivision is taken as a starting point. It's 5 km to boys College, and 6 km to Nelson Intermediate. If we take the distance to Civic House and consider other parts of Nelson a similar distance from the city, we arrive at Tahunanui, Enner Glynn, and Tui Glen [Appendix item 17], and these areas are not characterised by high rates of



cycling and walking to the city, so it would appear to be a case of wishful thinking to suggest that people in PPC28 area will be walking and cycling everywhere, especially in winter when freezing air is ponded on the valley floor until lunchtime.

32. This role of scrutinising the applicant's proposal has also involved ensuring that aspects of the proposed development that might be of most concern to the public are clearly explained. For example, members of the public are typically unaware that the applicant plans to cut into the bank of the Maitai River, excavate the river's flood plain, discharge stormwater into the popular swimming spot at Dennes hole, and change the course of Kākā Stream.

### Community representation

33. Save the Maitai has worked hard to support people in having their voices heard, canvassing their opinions, presenting their views, and providing workshops and resources regarding making submissions, including submissions to this hearing. As a result of this engagement with the public, it is clear that the Valley is highly valued by many thousands of Nelsonians and visitors alike for its tranquil rural setting and natural recreational values. These people, along with future generations, will suffer an irreversible loss if the Valley is overtaken by urban sprawl.

### Protecting the Maitai Valley from the effects of urban sprawl

34. The fifth and ultimate role of Save the Maitai is to protect the Maitai Valley from the effects urban sprawl, at a time of a strong global movement to end urban sprawl on account of its well-documented poor outcomes for the environment, the land, wildlife, urban planning, emissions, and human wellbeing and health. For these reasons we have spent two years organising and mobilising and advocating. For these reasons we have undertaken community fundraising to provide the expert opinions and legal representation at this hearing, in order to be true to our values and those of the community, and to protect the opportunities offered by the area and the river, to enhance the wellbeing of all people who come to this special area.

### Appropriation

35. Save the Maitai would love to see Kākā Valley preserved as a regional park for future generations; however, Save the Maitai does not have a goal of appropriation of private land. It understands that the RMA process cannot be used to make

private land into a regional park. It is quite possible for a community group to raise the broad idea of creating a regional park, while at the same time participating in a RMA process on the narrower question of whether a plan change should proceed. Save the Maitai does not have an ulterior motive of attempting to convince NCC to acquire the land below its economic value, and I am not sure where the applicant's lawyer got that idea from.

## **APPEAL**

36. The issue that we consider today is important for many reasons, including that it's an intergenerational issue. If we allow urban sprawl into the Maitai Valley, then the qualities of the valley that make it such a special enjoyable and rejuvenating place that we hold so dear, will be gone forever, including the rural setting, peace and tranquillity, open spaces and natural landforms.
37. At the start of this presentation I mentioned a community movement in Nelson that more than 100 years ago asked NCC to acquire land in the Maitai Valley for the people, because of its value as a peaceful recreation area. Today, the community is again asking for this treasure to be protected. I would like to present an excerpt from a letter to the Editor of the Nelson Mail on 1 June 1914, 108 years ago [Appendix item 18], from a member of the community asking for the Maitai to be protected for the public, with foresight that I wish we might also have today, because otherwise

*“we shall be inflicting a wrong on our children, and on our childrens’ children, and we shall be blamed everlastingly for shameful neglect on our part as citizens. Thousands of us have learnt to swim in the Maitai River and many thousands have enjoyed the charming Maitai Valley for picnic purposes, so it would be a thousand pities if we lose the privileges that we have enjoyed so long.”*

## **OUTCOME SOUGHT**

38. On the grounds outlined in the preceding evidence, Save the Maitai's position is that the plan change should be declined and that this is even more apparent now since the evidence has been filed.

39. If the plan change request is to be approved, we would seek additional information to be required before a final decision is made, including but not limited to ecological surveys, best-practice demographic projections, and air quality impacts, especially given the recent study that found air pollution from cars kills 3300 New Zealanders per year and has annual social costs of \$15.6 billion [<https://www.rnz.co.nz/news/national/470457/air-pollution-from-cars-killing-thousands-of-nz-ers-yearly>]. We make this request because Save the Maitai has identified specific and significant gaps in the expert evidence filed by the applicants.
40. If the plan change is to be approved, Save the Maitai seeks a number of changes, including but not limited to the avoidance of all adverse effects on the existing rural character and amenity values of the Maitai Valley, no building on ridgeline/skyline, no housing on the flood plain, development contributions to cover the full cost of infrastructure required for the subdivision, and no modification of the Maitai flood plain or river bed and banks.
41. The full list of changes and additional information requested by Save the Maitai can be found in the original submission by Save the Maitai.
42. We believe that the clause in the plan change request providing for non-notification of the public on applications for development under the structure plan inappropriately excludes the public from process(es) impacting an area of immense public importance. This is particularly the case when we consider the plan change application itself to be so lacking in evidence in many respects, including the capacity of the natural environment in the Maitai Valley to accommodate an urban development of this scale.

Aaron Stallard

11 July 2022