

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

IN THE MATTER

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

IN THE MATTER

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

SUMMARY STATEMENT OF DR BEN PETER ROBERTSON

Applicants' Consultant:

Landmark Lile Limited
PO Box 343
Nelson 7040
Attention: Mark Lile
Email: mark@landmarklile.co.nz
Tel: 027 244 3388

Counsel acting:

John Maassen
— BARRISTER —

✉ john@johnmaassen.com
🌐 johnmaassen.com
☎ 04 914 1050
📠 04 473 3179

**SUMMARY STATEMENT OF DR BEN PETER ROBERTSON ON
BEHALF OF THE APPLICANT**

- [1] My full name is Ben Peter Robertson.
- [2] My qualifications and experience, and agreement to comply with the Environment Court's Code of Conduct for Expert Witnesses are set out in my primary statement of evidence.
- [3] I have attended expert witness conferencing and signed the joint witness statement on Ecology.
- [4] I have prepared evidence-in-chief but have not prepared rebuttal evidence for the hearing.
- [5] My evidence addresses terrestrial ecological values and effects in relation to the plan change proposal and the potential development at the site.
- [6] The Ecology expert conferencing resulted in a high degree of agreement amongst experts. The key issue raised during conferencing and reflected in the initial Section 42A report related to insufficient information on the Structure Plan pertaining to ecological values.
- [7] As the panel is aware, an intensive, highly multidisciplinary effort has gone into revising the ecological provisions of the Maitahi Bayview Structure Plan with very helpful input from the Council, submitters and their respective advisors, such that they will now ensure that ecological values and biodiversity enhancement and connection opportunities are appropriately identified and provided for.
- [8] The proposed plan change includes mechanisms that will afford environmental protections to a far greater level than is being undertaken under current land management, or could be achieved under the existing rural zone.
- [9] As shown on the Structure Plan, the rezoning proposal includes extensive Open Space, Protected Vegetation and Revegetation Area overlays, the purpose of which is to protect and restore existing ecological features and to re-create or strengthen ecological corridors and linkages across Kaka Hill

(including Significant Natural Areas), Kaka Hill Tributary, Atawhai/Maitahi ridgeline, and coastal slopes.

[10]I estimate that these will protect, enhance or restore almost two thirds of the existing biodiversity or ecology values on the site, and will provide wider ecological improvements. I note that areas not proposed to be protected, enhanced or restored under the plan change are predominantly improved pasture of very limited ecological value.

[11]I agree with Mr Milne and Mr Nicolson that the key natural characteristics of the site will be properly responded to, including by way of protections, by the Structure Plan and overlays. With regard to terrestrial ecology, I consider the zones and overlays proposed, and the placement of these protection layers across the site, to be appropriate.

[12]I have considered the way the proposed Structure Plan has been designed, the intention of associated provisions to avoid development in areas of ecological value and to restore ecological areas currently present and link these through further restoration activities. Given those factors, it is my opinion that the Maitahi Bayview plan change arrives at an appropriate ecological balance of protecting areas of higher ecological value within the site, enhancing degraded habitat, creating new habitat, and urban development of poor-quality habitat with little ecological potential.

[13]The revised Structure Plan has also undergone refinement to address specific recommendations within the Section 42A report regarding management of actual and potential effects on indigenous vegetation types, and native fauna - namely lizards and birds which may occupy or utilise the site. These provisions are outlined in the evidence of Mr Lile.

[14]Somewhat relatedly, I have reviewed the recent submission of Mr Tony Haddon dated 11 July 2022 for Save The Maitai and note nothing included in his presentation has changed my opinion as set out in my primary evidence.

[15]I conclude by acknowledging the concerns raised by other submitters with respect to the ecological effects that may arise through future development of the Site. Indeed, some of the comments provided by key submitters have helped to shape the latest version of the Maitahi Bayview Structure Plan. If

the provisions in the Structure Plan are appropriately implemented, I consider that the positive ecological outcomes at the site and the wider catchment will be a marked improvement on the current regime of pastoral farming with no or only limited control of pest plant and animal species, at landowner discretion.

[16]I am happy to address any questions from the Panel.