

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

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

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Section A – Introduction and Scope of Evidence

Name, qualifications and experience

- [1] My full name is Hugh Anthony Nicholson. I have the qualifications and experience set out in my statement of evidence dated 15th June 2022.
- [2] I confirm that while this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.
- [3] 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.

Summary of Evidence

- [4] Mr McIndoe and I agree that the site is a suitable location for urban growth and development due to its proximity to central Nelson and the improved transport connections provided to Walters Bluff and Bayview Road through the Structure Plan¹.
- [5] Mr McIndoe and I also agree that the design approach embodied in PPC28 of locating more intensive development on the valley floor closer to the city centre, and limiting densities on the hillslopes and ridgelines to reduce visual impact and adverse effects is appropriate².
- [6] Both Mr McIndoe and myself consider that, with the planned connections to Walters Bluff and Bay View Road, the urban development of the PPC28 area shown in the Structure Plan will achieve a well-functioning urban environment and give effect to the NPS-UD Policy 1 from an urban design perspective³.

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

² Ibid, para 3.6

³ Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.7

- [7] The existing urban form of Nelson consists of a linear strip of intensive urban development along the coastline between Tasman Bay and the foothills of the Richmond Range. There are ribbons of urban development in some of the adjacent valley floors, and clusters of lower density housing on the hills often enclosed by bush.
- [8] In my opinion the urban form proposed by PPC28 complements the existing urban form of Nelson, and would create a new neighbourhood centred in the Kākā Valley with lower density development along the Malvern Hills.
- [9] The Structure Plan has been refined with a green framework that includes open space zoning, neighbourhood reserves and revegetation overlays. This green framework encloses and shapes the proposed urban development, and will provide ecological, health and recreational benefits for future residents and the wider public.
- [10] Mr Milne and myself, in conjunction with the applicant's wider team, have prepared an Indicative Masterplan of the proposed development which can also be viewed on a Google Earth model. The Indicative Masterplan outlines one possible development scenario based on the planning provisions in PPC28⁴. The Indicative Masterplan has helped to refine the proposed Structure Plan and planning provisions, and demonstrates that the planning provisions in PPC28 enable good urban design outcomes.
- [11] I consider that the planning framework in PPC28 and the NRMP is suitably robust and comprehensive to both enable and require good urban design outcomes⁵. I note Mr McIndoe agrees with me subject to further refinement of the Structure Plan⁶.

⁴ The Indicative Masterplan is not intended to be part of the regulatory outcomes, and while care has been taken to show outcomes that might be reasonably expected at this stage, the proposed development will be subject to subdivision and resource consents under the Nelson Resource Management Plan (NRMP).

⁵ In particular Appendices 14 and 22 of the NRMP, and the Nelson Tasman Land Development Manual 2020.

⁶ Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.10

Changes to the Structure Plan

- [12] I agree with Mr McIndoe that the proposed Suburban Commercial Zone would be better located at the intersection of the primary road and a secondary road leading up the Kākā Valley to encourage more passing traffic and to improve commercial viability⁷. I note that the Indicative Masterplan shows a similar arrangement to the one suggested and that changes will be made to the Structure Plan to provide a similar outcome.
- [13] As part of the development of the Indicative Masterplan additional areas on the Malvern Hills have been identified as unsuitable for building due to geotechnical constraints, and these additional areas will be included in the Residential Green Overlay on the Structure Plan providing a more comprehensive green layer that shapes and defines the areas of urban development.
- [14] I agree with Mr McIndoe that the new indicative road along the Kākā Stream could be amended to more precisely indicate the location of the secondary road adjacent to the proposed neighbourhood and esplanade reserves in order to provide better public access and positive CPTED outcomes, and note that these alignments are demonstrated in the Indicative Masterplan.

Alignment of the Lower Kākā Stream

- [15] I note that the rationale for realigning the lower Kākā Stream has been questioned by some Council experts. If the ecological considerations of realignment or retention of the stream in its current location are equal, I consider that there are urban amenity related benefits arising from the relocation of the stream.
- [16] I agree with Mr McIndoe that the urban amenity related benefits include improved sunlight access and better aspect resulting from locating the dwellings in the higher density areas further away from the hills with an outlook over the stream to the west.

⁷ Nelson PPC28 - Joint Witness Statement in relation to Urban Design(1) – 5 May 2022, para. 3.2

- [17] While I acknowledge the potential benefits of retaining a natural feature within an urban development, I consider that retaining the stream in its current location could potentially create a degree of severance between communities on either side of the stream depending on the number and location of bridges and the treatment of the riparian corridor. In my opinion the relocation of the stream would retain access to the natural feature while reducing the degree of potential severance by locating the stream at the base of the hill slopes, and reducing the length of the potential barrier.

Shading

- [18] Some submitters have questioned the suitability of the Kākā Valley for residential development considering it to be shady, cold and damp. Mr McIndoe in his urban design review of submissions (dated 19th May 2022) reviewed the sunlight access for the higher density residential areas and concluded that they would have reasonable access to sunlight. I agree with his conclusions.
- [19] I have overlayed the shading diagrams for midwinter on the Indicative Masterplan in order to review the potential shading effects (see Figure 2-4). Any potential residential sections which would be completely shaded and receive less than three hours of sunlight at midwinter have been removed from the masterplan. I note that most sections receive significantly more hours of sunlight at midwinter.
- [20] In my opinion the residential areas shown on the Indicative Masterplan would have a reasonable access to sunlight.

Dated 13th July 2022



Hugh Anthony Nicholson