

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for a proposed Private Plan Change (Private Plan Change 28) by CCKV Maitai Dev Co LP and Bayview Nelson Limited to the Nelson City Council associated with the rezoning of approximately 287-hectares of land located within Kākā Valley, along Botanical Hill and Malvern Hill on land at 7 Ralphine Way, Maitai Valley and Bayview Road as detailed within the application.

S42A SUMMARY REPORT TO THE COMMISSIONERS

MR GREG HILL (CHAIR), MS SHEENA TEPANIA, MS GILLIAN WRATT, AND MR NIGEL MARK-BROWN

**SECTION 42A SUMMARY REPORT OF RHYS GIRVAN - BOFFA MISKELL
LANDSCAPE ARCHITECT ON BEHALF OF THE NELSON CITY COUNCIL**

21st July 2022

Introduction

1. This summary provides an update for the commissioners and provides my response based on the landscape and natural character evidence addressed within the PPC28 hearings process. This report should be read in association with my 42A reports, namely:
 - **Appendix P:** S42A Landscape Memorandum, dated 19 May 2022
 - **Appendix D:** 42A Landscape Addendum, dated 28 June 2022
2. My conclusions from my Section 42A report remain and I have not identified any significant matters through the course of this hearing which change my overall opinion. In essence, I consider the revised structure plan layout offers potential to absorb development within this area of landscape, provided shortfalls in key landscape planning mechanisms are addressed to the extent that prevents the potential for more significant adverse effects.
3. I set out my key responses to outstanding matters below.

Significant Natural Landscape

Maitai River

4. As set out in the Nelson Landscape Study¹ and summarised in my 42A memorandum, the Maitai River has been classified as a significant landscape within the Maitai Valley. I consider this landscape adjoins but is distinct from development areas proposed within the PPC28 site. This finding follows an assessment of the region's landscapes and has adopted a legible landscape boundary along the margins of the Maitai River in response to identified significant landscape values. Whilst I recognise this landscape classification has yet to be adopted through Nelson's anticipated plan review, and may therefore be subject to refinement, I consider the Kākā Valley forms a relatively well enclosed part of the larger Maitai Valley landscape character area. Given this, in my opinion the Maitai River and its contiguous open space areas can readily be defined as a coherent significant landscape differentiated from the PPS28 Site.
5. In protecting the significant landscape values associated with the Maitai River landscape, I consider the PPC28 plan change has an ability to remain well integrated beyond an enhanced open space context and within the relative enclosure of the Kākā Valley. I consider such development must ensure comprehensive riparian margins are extended along Kākā Stream in

¹ Boffa Miskell (2016) Nelson Landscape Study: Landscape Evaluation.

combination with extensive revegetation of steeper valley slopes. Such vegetation is important in terms of integrating built development and reinforcing a vegetated 'green' character within this relatively well enclosed landscape setting. Beyond this, I consider any more distant views of development along the eastern slopes of the Malvern Hills would remain reasonably well separated from the Maitai River and distinct from significant landscape values which would remain apparent. In association with ensuring appropriate landscape outcomes in this context, I also defer to the other section 42A experts including those addressing potential water quality, habitat value and recreation effects.

6. From a landscape and visual perspective, I also consider indicative cross sections and the associated indicative masterplan that have now been provided go some way to ensuring this important landscape interface will be maintained. I acknowledge the benefit of riparian planting and open space along this interface and consider the formation of modified river terraces beyond the resultant floodplain remain key aspects to address. To this end, I have identified concerns with revised cross sections FF and GG (RMM, 7 July 2022) in terms of accurately conveying sympathetic landforms which would likely adjoin the margins of the riparian corridor and I have conveyed this to Mr Milne through the course of this hearing. While I appreciate that a separate resource consent will be required, I consider any relocation and modification of the Lower Kākā Stream and its margins must be carefully designed to maintain and enhance natural character within this context.

Kākā Hill

7. I agree with and support recognition of Kākā Hill as an important landform and prominent green backdrop to Nelson as echoed in the Nelson Landscape Study. I consider this is appropriately reflected in its delineation and protection as part of an expanded landscape overlay and area of visual amenity landscape. Furthermore, I agree with increased protection and revegetation requirements beyond that currently afforded within the Rural Zone and consider this will contribute to enhancing this important backdrop to any future residential development.

Gateway and Green Belt

8. I have carefully considered the evidence of Ms Steven and rebuttal of Mr Milne in relation to a gateway landscape as directed by policy NA2.3.3 of the RPS. Consistent with this policy, I agree that the plan change site occurs within the context of this existing 'gateway' and forms a periphery of this recognised transition from Nelson's urban area into the Maitai Valley.

9. In my opinion, I do not consider development enabled through PPC28 will inherently detract from this gateway or result in its location being fundamentally changed. In the context of the Maitai Valley, I consider development within the Kākā Valley would remain beyond an established and reinforced open space buffer and adjoins an existing rural lifestyle edge at Ralphine Way which influences the key characteristics of this gateway experience.
10. When within open space areas along the Maitai River or passing through this gateway landscape along Maitai Valley Road, I consider urban development will typically not appear prominent and will remain beyond an established open space context. I consider such separation is an important aspect of Nelson's established greenbelt concept and which contributes to maintaining an appropriate transition from Nelson's urban development into a broader rural context such as continues into the upper Maitai valley.

Ridgeline / Skyline Development

11. I have previously reiterated concerns that the Plan Change introduces potential for more significant adverse effects along parts of Nelson's skyline. Such skylines have already been mapped as part of the Nelson Landscape Study² and relate to parts of the Botanical and Malvern Hills along which residential development is proposed as part of PPC28. Such skyline have subsequently been agreed between all landscape experts as set out in the Landscape JWS. Whilst I recognise that other landforms also appear along skylines from other areas of Nelson, depending on the perspective of an observer, I consider this key skyline delineation remains appropriate to manage such effects.
12. Given such recognition of Nelson's key skylines, I consider it is important to ensure all development in such areas will be carefully considered to avoid prominent built development that may otherwise result in significant adverse landscape effects. I have raised particular concerns with a potential to introduce such development along the prominent skyline within the Botanical Hill overlay above Walters Bluff. I have also identified specific concerns in terms of addressing provision X.5c) proposed to determine when such skyline considerations would apply, and consider this matter has yet to be adequately addressed.
13. In response to this concern, I support the application of increased protection along all skyline areas through a restricted discretionary resource consent and assessing the location and form of proposed built development to determine its appropriateness. Through the course of the

² Boffa Miskell (2016) Nelson Landscape Study: Visual Amenity Landscape Evaluation

hearing, I understand through Mr Milne that such uniform discretion is now proposed along the remainder of the Malvern Hills skyline in addition to those along which this is already proposed along Botanical Hill. I support this outcome as a simpler and appropriate planning mechanism along which agreed skyline areas are managed. Given this outcome alongside additional planting and sympathetic colour controls within the wider backdrop area as proposed, I now agree with Mr Milne that change along this localised elevated skyline context can be managed to maintain visual coherence and ensure no greater than moderate adverse effects would occur.

Natural Character

Coastal Environment

14. As set out in my 42A addendum, I concur with the coastal environment line in the Nelson Coastal Study³ as consistent with the requirements of NZCPS Policy 1 and for the purpose of the proposed PPC28 plan change. Beyond this, I consider the PPC28 proposal will result in no material change to the existing low-moderate degree of coastal natural character currently recognised in this area of Nelson.

Lower Kākā Stream

15. In my opinion, the lower reach of Kākā Stream does not express very low levels of natural character and note this differs from the opinions of both Mr Milne and Ms Steven. When assessed on a seven-point scale in accordance with NZILA Guidelines⁴, very low natural character is the lowest possible rating which can be given. I consider such levels of natural character would only occur within highly modified and engineered contexts within which natural character is likely to be no longer capable of recovery. In the context of Nelson, I consider such levels of natural character to be more consistent with aspects of the Brook and parts of the lower Maitai in which the river has been canalised within a hard engineered enclosure.
16. I acknowledge that the lower Kākā Stream does express substantial modification associated with changes in drainage patterns and underlying rural land use. Notwithstanding this, I consider it is also important to recognise that some inherent level of natural character remains, including natural landforms and margins capable of habitat recovery. In my opinion this is more

³ Boffa Miskell (2016) Nelson Coastal Study.

⁴ Te Tangi A Te Manu Aotearoa New Zealand Landscape Assessment Guidelines, Final Draft Subject to Editing– April 2021

consistent with a low-moderate natural character rating. I consider such differentiation is important to ensure provisions which seek to preserve and restore natural character apply an appropriate baseline below which no further degradation of natural character should occur.

17. In terms of addressing potential for adverse natural character effects, I generally support the outcomes directed through Schedule X.9 with the specific inclusion of preservation of natural character added to address this key associated aspect of river management. Given this outcome, I also consider the presence of inline stormwater structures such as detention dams directed under X.911 as potential threats to preserving natural character. I consider the ability to implement such modification within the riparian margins should not be automatically enabled and requires careful consideration to ensure no further degradation of natural character will occur.

‘Residential Green Overlay’ and ‘Revegetation Overlay’

18. In addressing the ‘Residential Green Overlay’ and ‘Revegetation Overlay’ subject to X.16, I continue to consider provisions must address the potential for earthworks in such areas and to ensure anticipated revegetation outcomes will occur. As currently drafted, I consider the outcome directed through this provision remains unclear.
19. Through the course of the hearing, I understand through Mr Milne that further provisions have since been developed to address this concern. This includes requiring a discretionary activity consent for earthworks within these identified overlays and additional measures to ensure a minimum of 80% canopy cover of indigenous vegetation is established over 80% of these areas. While I have not seen any revised provisions, I support the inclusion of such measurable outcomes and consider such revegetation as beneficial to absorbing residential development within a coherent green framework. In addition, if this plan change is approved, I consider provisions should also include a clear timeframe over which such revegetation outcomes must occur, such as within the first five years of subdivision commencing.

Conclusions

20. From some locations in Nelson, I accept that development enabled by PPC28 if approved would result in changes in views. In my opinion, such views do not automatically result in significant adverse effects. What is important when managing the potential for adverse effects is ensuring such change responds well to the character of the landscape and reinforces its significant landscape values which also remain apparent.

21. In the context of the Maitai Valley, I consider the key landscape values which must be addressed reflect the coherent and widely valued open space landscape of the Maitai River and its associated natural character as well as the prominent green backdrop of Kaka Hill. In the context of the Botanical and Malvern Hills I consider such landscape values reflect a need to protect the prominent and undeveloped green backdrop and skyline visible from the city and the coherent visual backdrop of the adjoining more developed aspect of the Malvern Hills which extends to the north-east and remains contained from key central city views.
22. Whilst I agree that there will be some inevitable adverse landscape effects, I consider the revised structure plan combined with measurable outcomes across revegetation overlays, increased skyline protections and increased natural character provisions offers the ability to manage potential for more significant adverse effects. Provided such beneficial outcomes are assured, I agree with Mr Milne that subdivision and development enabled through PPC 28 would ensure no greater than moderate adverse landscape effects would occur beyond this site and that such development can ultimately be absorbed as an integrated part of Nelson's landscapes.

DATED this 21st day of July 2022


