

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 Kaka 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 MARK GEORGESON – TRANSPORT EXPERT,
STANTEC, ON BEHALF OF THE NELSON CITY COUNCIL**

21st July 2022

Introduction

1. This summary is intended to assist the commissioners by way of providing an overview of the transport related matters heard during the PPC28 hearing. This summary should be read in conjunction with the following:
 - Appendix N: Section 42A Transportation Hearing Report (dated 20 May 2022)
 - Appendix K: Section 42A Report Addendum to Transportation Hearing Report (dated 28 June 2022).
2. The conclusions summarised in my original S42A report and addendum remain valid and I now turn to summarise the key provisions and respond to themes from the hearing.

PPC28 Transport Context

3. There are number of mechanisms within the proposed Schedule X provisions to address the transport outcomes of development within the PPC28 site. I have had input to these controls and am of the opinion that they will afford the Council appropriate control in managing the development outcome at subsequent resource consent stages.
4. The Schedule X provisions as currently proposed require a series of early off-site transport network improvements to address existing transport constraints, as set out in Schedule X.11, which must be completed prior to any new lot being established.
5. Assessment of any further network interventions will then be determined through the subsequent stages of resource consenting, by way of the requirement for Integrated Transportation Assessments under Schedule X.14. The scope of these ITAs is required to align with the scale of activity proposed, to ensure the area of influence and level of assessment is appropriate.
6. Under Schedules X.2 and X.3, any comprehensive housing development and any subdivision would be assessed, at a minimum, as a restricted discretionary activity. Matters of discretion include the design and layout of roads, cycleways and walkways, including in accordance with the Nelson Tasman Land Development Manual (NTLDM).

7. Some site-specific exceptions are provided for under Schedule X.3, acknowledging the nature of the land topography may present the need for departures from the NTLDM, including to achieve “as shallow a grade as practicable for a future bus route to be accommodated”. Active mode paths that serve a transport function will need to achieve specific gradient thresholds, and provide additional widening on steeper sections. I had previously included a recommendation that these paths be sealed and remain of the view that this requirement should be incorporated at Schedule X.3.
8. Given the importance of completing the north-south spine route and / or achieving a roading connection towards Walters Bluff, a specific development threshold is included for when such roading connections are to be constructed. Schedule X.11 provides this.

Matters Raised During the Hearing

Bay View Road

9. The current mitigation measures required on Bay View Road prior to any development accessing it from the PPC28 site, as set out in Schedule X.11, seeks to *“implement parking restrictions and improve forward sight lines through vegetation removal”*. I do not believe this wording provides sufficient expectations, and suggest it is strengthened to say *“implement parking restrictions and other measures to achieve sightlines in accordance with the NTLDM, and road width sufficient for a car to pass a bus”*
10. The Applicant’s traffic expert, Mr Clark, notes in his rebuttal evidence (para 46-49) that since Council is already making changes to Bay View Road to remove parking and address current safety issues, there is no requirement for my further changes to Schedule X.11.
11. That may be the case, but equally Council’s works may not suit the development timing of the PPC28 site. During the hearing, Mr Clark accepted my recommended wording would provide a ‘belt and braces’ approach and agreed these changes could be adopted into Schedule X.11.

Active Mode Infrastructure within the PPC28 Site

12. During questioning from the Commissioners, it was asked whether the proposed active mode paths could satisfy the design standards of the NTLDM¹. To be clear, whilst these could be designed to achieve the requisite widths and maximum grade allowable over some lengths, the new paths will likely in practice deviate from the standards by requiring sections at steeper grades. As such, the topography of the site is acknowledged, and has informed recommendations around the site-specific provision for off-road paths that serve a transport function, in terms of width and grade as detailed in Schedule X.3.
13. The matter of path safety has been raised. I note that all designs presented to Council for approval at resource consent stage would be subject to the requirement of an independent Road Safety Audit, as stipulated in the NTLDM, to ensure designs are safe and appropriate for the intended purpose. In my view it is proper that Council exercise this requirement for any new transport infrastructure proposed.

Active Mode Infrastructure to the City

14. In my S42A Addendum (para 11-12) I made the recommendation to remove the wording “and / or Hardy Street” from Schedule X.11 (row 2), in relation to an active mode connection between the site and the CBD. I had taken advice from Council officers in this regard that the route had been discounted, but have since been made aware that more recent investigations have identified the possible practicality of a path link to Hardy Street. As such, it is prudent to retain Hardy Street as an option to be investigated.
15. The Waka Kotahi NZ Transport Agency’s written statement dated 11 July supports my recommended changes to the Schedule X provisions, and requests that a further amendment be made to Schedule X.11 to extend the PPC28 shared path connection from Nile Street/Hardy Street, all the way to the CBD.
16. I note the Council currently has approximately \$1.5M of funding allocated within its Long Term Plan over the 2024-27 period to address the existing safety concerns for active

¹ Which refers to Austroads Part 6A

modes in the Nile Street corridor, which is the reason for not including it in the PPC28 provisions. This is in line with the Council's 'Active Travel Strategy 2022-2032'. I therefore consider the current provision as written is appropriate.

17. Mr James (transport expert for Save the Maitai) remains concerned around physical constraints in delivering the active mode infrastructure connection between the site and the CBD, and that further assessment should have been carried at this plan change stage to confirm feasibility of these connections.
18. The fundamental requirement through the Plan Change is that the connection is achieved. The design and constructability of how it is achieved is for subsequent determination. In developing the design for the path connection from the site (which is required by Schedule X.11 to be constructed prior to any development being operational), the Applicant will need to address how the NTLDM standards are met. Any departures from the standards will need to be considered by Council on their merits, or discounted and further options and designs explored to satisfy Council.

Walters Bluff Connection

19. Some concern has been expressed by submitters around the delivery of the new external road connection towards Walters Bluff, given this requires the purchase of land from a third-party to link it through to the public road. The concept of a road link to Walters Bluff is not new, and has been investigated by the Council from as far back as 2014, prior to any considerations of PPC28. I have been advised that the Applicant is actively seeking to secure the land for the road and is engaging in purchase negotiations with the landowner, and understand that the Applicant will confirm further in their right of reply.
20. Notwithstanding these live actions by the Applicant, the recommended provision under Schedule X.11 includes a 'trigger' that requires the roading link to be constructed once development within the PPC28 site extends to this future link (assuming the north-south spine road has not been connected).
21. The additional requirement of ITAs at subdivision consent stage obligates the developer to fully assess network impacts, with or without the benefit of having this link road in place, and to provide suitable mitigation to address any adverse effects identified.

22. These two provisions in tandem will, in my view, ensure proper consideration of transport performance and safety at subdivision stage, including any required intervention.

DATED this 21st day of July 2022



Mark Georgeson