

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

IN THE MATTER

of an application by **CCKV Maitahi/Mahitahi 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

**REPLY EVIDENCE OF TONY MILNE (LANDSCAPE) ON BEHALF
OF CCKV MAITAHİ/MAHİTAHİ DEVELOPMENT CO LP AND
BAYVIEW NELSON LTD**

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Evidence

[1] The purpose of this evidence is to address/clarify key matters that have arisen during the hearing, that I believe will assist the Commissioners in their understanding of the disagreement between experts. In addressing the matters below, I cover my oral replies to questions from the Commissioners where relevant. I set out this as per following:

a) Respond to matters raised by Ms Anne Steven during questioning by the Commissioners.

b) Resolution of remaining landscape issues with Mr Girvan, Councils reporting landscape architect and how these are now reflected in the updated Structure Plan and Schedule X and accord with the outcomes expected regarding managing future landscape effects on the key landscape values;

c) Addressing how issues identified by the Panel have been addressed by plan refinements, and these are set out in the table below.

[2] Attached to my evidence in reply as **Appendix A** are updated cross sections (specifically cross sections FF and GG). These cross sections were contained in the GA-E to my Rebuttal Evidence. Following further discussion with Mr Girvan, these indicative cross sections have been updated to contain additional information showing indicative future land levels on the true left bank of the proposed realigned Kākā Stream.

[3] One of the key reasons for clarifying these indicative cross sections of the lower Kākā / Maitahi River is the need to preserve a natural revegetated landform/terracing beyond the river margins. This relates to preventing hard engineered structures within the active bed and or used to define the river corridor.

[4] From a landscape perspective, I am generally supportive of co-locating stormwater structures within the riparian corridor (Bluegreen Spine). However, Mr Girvan and I consider further reference to preserving natural character (within Schedule X9) is a key aspect in this regard to ensure anticipated outcomes are achieved as a part of the multidisciplinary detailed design approach.

[5] Also, **Appendix A** includes an updated structure plan. Updated overlay and zone plans, and maps have also been submitted with the reply evidence. These have been updated to reflect the following matters:

- a) Location of suburban commercial zone;
- b) Alignment of indicative secondary road within Kākā Valley.

Save the Matai Inc – Ms Steven

[6] I would like to draw the Commissioners attention to the following four matters in response to Ms Stevens comments to the Panel. In commenting on these I also address the answers I provided the Panel when questioned on these matters.

Significant Landscape/Feature

[7] I still disagree that there is a ‘Significant Landscape’, other than the Maitahi/Mahitahi River’, in relation to the PPC28 site. As outlined in my Rebuttal Evidence, it is the ‘Maitahi/Mahitahi River’ which is identified as a SL with its values set out¹. A review of these factors reinforces that it is the value of the river corridor which has been recognised, not the wider Maitahi/Mahitahi Valley character area, as the summary evaluation states (my emphasis) *“The Maitai River within the Maitai Valley and Upper Maitai landscape character areas is considered to form a Significant Landscape [SL/F].”*²

[8] As I have set out previously, Mr Girvan confirms my understanding. Further to this, and for clarity I believe it is worth reiterating the following.

[9] The suite (of 2015/2016) of the Nelson Landscape Studies built on the Boffa Miskell landscape study undertaken in 2005. I have reviewed these studies, and it is my experience that methodologically these studies align with similar studies undertaken across Aotearoa New Zealand. The study area of these landscape studies encompassed the entirety of the Nelson City Council boundary and based on identified distinctive Character Types³, 32 landscape and seascape character areas across the study area were identified and described. The landscape studies

¹ Boffa Miskell – Nelson Landscape Study – Landscape Evaluation 2016 – pg28.

² Boffa Miskell – Nelson Landscape Study – Landscape Evaluation 2016 – pg28.

³ Boffa Miskell – Nelson Landscape Study – Landscape Character Assessment 2015 – pg18.

represent findings at a district wide scale and encompassed the finer grained focus along the margins of urban areas including the more intensively used backdrop of Nelson⁴.

[10] Within these landscape character areas, the evaluation methodology⁵ identified five outstanding landscape/features, and three significant landscapes/features⁶. As I understand the category of ‘significant’ was introduced *“to identify such features and landscapes that do not meet the quality threshold for ‘Outstanding’ in terms of their values. While the identification of SL/Fs was not part of the initial brief for the study, these areas were identified due to the presence of very high landscape values confirmed through consultation, which in the view of the study team lies just below or around the threshold for ONF/L identification.”*⁷

[11] Kākā Hill and Kākā Valley were not identified through this process. A further leg to the suite of Nelson Landscape Studies is the Boffa Miskell Visual Amenity Landscape Study (27 April 2016). This study reviewed the existing landscape overlays within the Nelson Resource Management Plan in the context of *“their contribution to Nelson’s visible backdrop”*⁸. This was in recognition of the ‘visually strategic’ or ‘scenic’ (my emphasis) basis through which existing overlays had been identified and understanding the degree to which areas of landscape are visible from particular ‘key locations’ (my emphasis) being a major consideration.

[12] Within this study, the extent of visual amenity landscape was identified and mapped, as a ‘Backdrop Area’ and ‘Skyline Area’ only. Key landscape values and potential threats were identified for these areas.

[13] It is my understanding the suite of Nelson landscape studies have been adopted by Nelson City Council and inform the mapping and landscape related provisions with the draft WWNP. I also acknowledge that the landscape

⁴ Boffa Miskell – Nelson Landscape Study – Landscape Character Assessment 2015 – pg10.

⁵ Identifies areas of landscape considered to be conspicuous, eminent and remarkable in the context of Nelson to the extent that they potentially qualify as outstanding natural landscapes and feature in accordance with Section 6(b) of the Resource Management Act and Policy 15(a) of the New Zealand Coastal Policy Statement and Significant Landscapes / Features in accordance with Section 7 of the RMA.

⁶ Boffa Miskell – Nelson Landscape Study – Landscape Evaluation 2016 – pg27.

⁷ Boffa Miskell – Nelson Landscape Study – Landscape Evaluation 2016 – pg14.

⁸ Boffa Miskell – Nelson Landscape Study – Visual Amenity landscape Evaluation 2015

classifications have yet to be adopted through Nelson's anticipated plan review and may therefore be subject to refinement.

[14] Further to that the Kaka Valley Landscape Capacity Assessment Study⁹ also identified key landscape features and values of the Kākā Valley.

[15] I am of the opinion that key landscape values relating to the PPC28 site have been identified in these studies and accord with my own extensive site analysis. Kākā Valley is not a significant landscape nor is Kākā Hill a significant landscape feature at a District wide scale, as so not a Section 6(b) matter under the RM Act 1991. Further to that the updated Schedule X provisions and Structure Plan appropriately recognise these values and manage future potential landscape and visual amenity effects in regard to these.

Extent of Coastal Environment

[16] I agree with the Coastal Environment extent, and the reasons¹⁰ for it, as identified by Boffa Miskell Natural Character Study and recorded in the landscape JWS. As such the PPC28 site is not situated within the coastal environment and will not compromise the natural character values associated with nearby areas that are located within the coastal environment. I agree the PPC28 site up to the Malvern Hills ridgeline is appropriately defined in the Coastal Context area.

[17] In response to discussion from Save the Matai¹¹, Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines notes that *"The leading ridgeline behind the coast has been used as a rule-of-thumb for the inland extent of the coastal environment. This may be sensible where there is an immediate relationship of ridge to coast but may not be relevant if the leading ridge is too far inland to define an environment in which coastal processes, influences or qualities are significant. In other places the inland boundary can be blurred, or indistinct, as coastal influence diminishes."*¹²

[18] Further to the comments made by myself in response to the Commissioners questions, in my opinion the leading ridgeline in this instance does not define an

⁹ Boffa Miskell – Kaka Valley Landscape Capacity Assessment – 2018.

¹⁰ Boffa Miskell – Nelson Coastal Study - Natural Character of the Nelson Coastal Environment – 2016 pgs106 - 109

¹¹ Ms Jopp and Ms Steven

¹² Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines – Section 9.19

environment where the coastal processes, influences or qualities are significant. The Boffa Miskell Coastal Natural Character study has given a far more considered approach to delineation of the coastal environment boundary than a simple ‘rule-of-thumb’. It is my understanding Mr Girvan agrees with this.

[19] I am comfortable with my answer to the Panel in regards to my position if it was deemed the Malvern Hills western face were within the Coastal Environment. That is, I would need to undertake a natural character assessment of the mid to upper slopes to understand potential effects of PPC28 on the natural character of this area. In saying that, I undertook a natural character assessment of the small triangle of land that is no longer part of the PPC28 site, and I suggest my conclusions reached for that would be the starting point for my assessment of the current level of natural character.

Views into Kākā Valley

[20] In response to Ms Stevens comments regarding visibility and potential visual effects from mostly elevated recreational trails and tracks. I can confirm, and as set out in my EIC, that in my assessment of visual effects I extensively covered several tracks on Sharlands Hill. My representative photo was from a similar position as to Ms Stevens.

[21] I am satisfied with my assessment that you will get views into the Kākā Valley however for the most part these are in the context of a wider panoramic view that takes in Nelson City, Tasman Bay, and the wider landscape beyond. Further to that, from these tracks you also get ‘snapshot’ views of parts of Nelson City, and not Kākā Valley, therefore views need to be considered in this context.

[22] I remain of the opinion I have not ‘understated’ the views and therefore corresponding visual effect from the recreation track on the Grampians. I have assessed the potential visual effects in the context of the wider view available, which constitutes a wide variety of components contributing to the view.

[23] The fact remains, and like the views from Sharland Hill, but in this case more distant, for the most part from the Grampian tracks PPC28 will be typically viewed in the context of the urban fabric of Nelson City, the Port, Tasman Bay and beyond. The extension of the city, enabled by PPC28 will be viewed as an extension

of the existing character of the city, as it extends (as it does already) finger like into valleys and folds itself over the lower hills and ridgelines that back drop the city. An extension of the unique sense of place of Nelson City.

Gateway Landscape

[24] As set out in rebuttal evidence it is my understanding from a statutory context, that both the Nelson Regional Policy Statement (Policy NA2.3.3) and the Nelson Resource Management Plan (Policies DO9.i, DO15.1.3), provide policy direction regarding the urban rural interface. When one examines the explanation and reasons, these policies seek to reinforce the transition from rural to urban areas on the periphery of Nelson city.

[25] Having further analysed the NRPS and NRMP provisions following Ms Stevens answers to questions regarding this matter, I am still of the opinion there is currently no clear gateway.

[26] Appropriately PPC28 would ‘reset’ the edge of the city in this location. The extent of urban form would reach Ralphine Way, and from a landscape perspective, would not have significant adverse effects on the arrival into, or departure from, the city and the Maitahi/Mahitahi Valley. It is still my opinion, due to the PPC28 being ‘set back’ from the main Maitahi/Mahitahi Valley, the valleys function as a green corridor will remain intact. In this regard and returning to the NRMP and policy DO15.1.3¹³, I am of the opinion PPC28 aligns with the outcomes sought by this policy, the greenbelt function of the Maitahi/Mahitahi Valley remains, and accordingly the RPS is generally satisfied in this regard.

Landscape Issues Narrowed and Resolved – Mr Rhys Girvan

[27] Following further discussion with Mr Girvan with regard to matters raised during the hearing, and in response to his s42A Summary Report to the

¹³ DO15.1.3 rural greenbelt

Adverse effects on existing rural character and amenity values should be avoided, remedied or mitigated in the Maitai Valley, between Bishopdale Saddle and Wakatu, and between Stoke and Richmond, in order to maintain a greenbelt between existing built up areas.

Explanation and Reasons

DO15.1.3.i This policy reinforces the existing clear transition from rural to urban areas. This recognises the amenity values of these areas, especially the recreational and scenic value of areas relatively close to the urban area.

Commissioners, I am of the opinion the last few remaining (between Mr Girvan and myself) landscape matters arising from PPC28 can reasonably be achieved through minor refinement of the current provisions of Schedule X. I set these out following:

‘Residential Green Overlay’ and ‘Revegetation Overlay’

[28] I understand Mr Girvan’s comments that the intent and outcome of these ‘overlays’ could be more explicit within Schedule X. I am of the opinion this could take the form of a discretionary activity status.

[29] Essentially the areas mapped as ‘Residential Green Overlay’ and the ‘Revegetation Overlay’ and any earthworks in these areas (as part of a subdivision or not) being what triggers the rule and requirement for discretionary consent. Noting that there here may be some instances where some disturbance can be accommodated but the intent is to predominantly keep these areas intact.

[30] The intent of these areas is to not only keep the existing underlying landform fundamentally intact there is the requirement for ongoing revegetation work to achieve the 80% canopy cover with indigenous vegetation over 80% of the area within a specified timeframe (I suggest 5 years from subdivision consent being granted for each stage). I have discussed these outcomes with Dr Robertson, and while there are no terrestrial ecology ‘standard guidelines’, he agrees such outcomes (which have been used on large scale infrastructure projects) would provide appropriate habitat and biodiversity corridors across PPC28.

[31] I have discussed this with Mr Lile and the changes made to Schedule X relevant to this are set out in the Table at para 39 below. It is my understanding the proposed changes to Schedule X satisfies the concerns raised by Mr Girvan.

Ridgeline/Skyline Effects

[32] Mr Girvan and I have discussed the sensitivity of the skyline above Walters Bluff from key viewing locations. In addition to this, we have discussed the ‘workability’ and ‘practicality’ of the current provisions relating to ‘measuring’ skyline breaches on the PPC28 site from a plan rules point of view. The crux of the matter is the Skyline has been mapped through an intensive process within the

Boffa Miskell Landscape Study and therefore it is not a matter of determining where the skyline is.

[33] Further to that it is not a matter of avoiding development in the Skyline Area, rather it is ensuring effects are appropriately managed in relation to the sensitivity of the skyline. On reflection, I am of the opinion the provisions regarding this can be 'simplified' and therefore agree the best mechanism to achieve this will be to make any development in the skyline area as mapped a restricted discretionary activity.

[34] Therefore, the provisions within X.5 c) have now been refined as contained in the table below.

Managing Natural Character Effects relating to the Co-location of Stormwater Management within the Riparian Corridor.

[35] I have discussed this matter further with Mr Girvan. I also addressed this matter in questions regarding landscape outcomes in relation to co-location raised by the Commissioners. I agree in principle to the co-location of stormwater management devices within the Kaka Stream riparian 'corridor'. I am also of the opinion the outcomes sought by the Stormwater Management Plan and Schedule X7 and X9, and the principles contained in Policy RE6.3 are appropriate in terms of managing effects of the key landscape values associated with the stream within a corridor that will vary in width in response to topographic conditions on the PPC28 site.

[36] I consider that the aspect of natural character can be better provided for in the PPC28 provisions. Aside from a reference at RE6.3 (g) to my knowledge, natural character has not explicitly been included in Schedule X. I agree with Mr Girvan that stating provisions seeking the restoration and preservation of natural character as part of provisions and this has now occurred.

[37] One of the key reasons is the need to preserve a natural revegetated landform/terracing beyond the stream and river margins. This relates to preventing hard engineered structures within the active bed and/or used to define the river corridor. In terms of co-locating stormwater structures within the riparian corridor (Bluegreen Spine), I agree with Mr Girvan that there may be challenges with this in

places and consider the reference to preserving natural character is a key aspect in this regard to ensure outcomes as expected.

[38] To reiterate the answer I gave the Panel, co-location allows an integrated approach and potentially provides for enhanced landscape and natural character outcomes on the PPC28 site. Having discussed this with Mr Lile, I understand natural character is now included as another matter in RE3.9. Mr Girvan and I agree that the SMP is also the place to strengthen the provisions for natural character.

[39] Landscape and Visual Effects issues identified by the Panel have been addressed by plan refinements, and these are set out in the table below.


Panel Issue	Expectations for environmental outcomes given during the hearing	Place where these are now delivered in <i>V 4 – PPC 28</i>
Extent of Significant Natural Landscape	Recognition of Kākā Hill as an important landform and prominent green backdrop to Nelson city. Avoiding building and development on Kākā Hill that has more than minor adverse effects on Kākā Hill's natural character and landscape values.	Schedule X. Policy RE3.9(b) Schedule X.6 Buildings on Kākā Hill
Gateway and Greenbelt	In the context of the Maitai/Mahitahi Valley future urban development will remain beyond an established open space context.	No update to PPC28 required
Ridgeline/Skyline Effects	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.	Policy RE3.9 Schedule X.4 Backdrop Area (excluding Skyline Area) Schedule X.5 Skyline Area (Malvern Hills and Botanical Hill)
Appropriateness of co-locating stormwater management devices within Kākā Hill	Managing existing natural character effects and landscape outcomes within the Kākā Hill Tributary riparian corridor	Schedule X. Policy RE3.9(f) Schedule X. Policy RE6.3 Schedule X.13 SMP

Tributary riparian corridor		Schedule X. 15 Ecological Impact Assessment Policy RE6.4 Indigenous Biodiversity
The intent and Outcomes of the Residential Green and Revegetation Overlays could be more explicit in Schedule X.	Measurable outcomes regarding vegetation coverage (existing and future) and managing extent of earthworks within the overlay areas as shown on the Structure Plan.	Schedule X. Policy RE3.9 (d, e, g and h) Schedule X.3 Subdivision – General (Residential Zone) Schedule X.4 Backdrop Area (excluding Skyline Area) Schedule X.12 Earthworks/Indigenous Vegetation Clearance Schedule X.15 Ecological Impact Assessment

[40] Further to the above, I have read the modifications made to Policy RE3.9 Maitahi Bayview Area (Schedule X), along with its supporting explanation, reasons, and methods. I am satisfied from a natural character and landscape values perspective, they appropriately and naturally direct outcomes both in the provisions and matters of discretion within Schedule X for the PPC28 site.

[41] After reviewing the provisions, satisfactory management of the relevant landscape and visual effects can be expected.

Dated: 29th July 2022



[Tony Milne]

Appendix A – Graphic Attachment