

# **Private Plan Change Request to the Nelson Resource Management Plan**



**Request to:** Nelson City Council

**Request from:** CCKV Maitai Dev Co LP and  
Bayview Nelson Limited

**Pursuant to:** Clause 21, First Schedule of the  
Resource Management Act 1991

**Dated:** 24 August 2021

*Amended response to Request for Further Information of 3 August 2021*

# Application Form

## Private Plan Change Request under Clause 21 of the First Schedule of the Resource Management Act 1991

**Request made to:**

Nelson City Council  
PO Box 645  
Nelson 7040  
Attn: The Chief Executive

**Applicant:**

CCKV Maitai Dev Co LP & Bayview Nelson Limited

**Nature of Request:**

To rezone approximately 287-hectares of land located within Kaka Valley, along Botanical Hill and Malvern Hill, from:

- Rural; and
- Rural-Higher Density Small Holdings Area,

to

- Residential (Higher, Standard and Lower Density Areas);
- Rural-Higher Density Small Holdings Area;
- Open Space Recreation; and
- Suburban Commercial,

along with a number of integrated changes to associated provisions of Volumes I, II and III of the Nelson Resource Management Plan.

**Location and Legal Description:**

7 Ralphine Way, Maitai Valley

- Part Sec 11 District of Brook Street & Maitai and Part Sec 8 Square 23, described within Record of Title NL11A/1012;

Bayview Road

- Lot 4 Deposited Plan 551852 and Sections 26-27 Square 23 and Part Section 29 Square 23 and Part Section 58 Suburban North District and Part Section 59-60, 62-64 Suburban North District and Lot 2 DP340064, described within Record of Title 956280;

**Address for Service:**

Landmark Lile Limited  
PO Box 343  
Nelson 7040  
Attn: Mark Lile  
[mark@landmarklile.co.nz](mailto:mark@landmarklile.co.nz)

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## Supporting Information

Section	Item	Source
<b>A</b>	<b>Records of Title</b>	
	<ul style="list-style-type: none"> <li>NL11A/1012 (Owned by CCKV Maitai Dev Co LP)</li> <li>RT956280 (Owned by Bayview Nelson Limited)</li> <li>Instrument 11916744.6</li> </ul>	Land Information New Zealand
<b>B</b>	<b>Structure Plan and Planning Maps</b>	
<b>1</b>	1. Maitahi Bayview Structure Plan – Part of Schedule X (1:10,000) 2. Maitahi Bayview Structure Plan – Landscape Overlays as a part of Schedule X (1:10,000)	Rough & Milne Limited
<b>2</b>	1. Zoning Maps 5, 7, 8, 11 & 52 (1:10,000) 2. Zone Map 5 (1:5000) 3. Zone Map 7 (1:5000) 4. Zone Map 8 (1:5000) 5. Zone Map 11 (1:5000) 6. Zone Map 52 (1:5000)	Rough & Milne Limited
<b>3</b>	Overlay Maps 5, 7, 8, 11 & 52 (1:10,000)	Rough & Milne Limited
<b>4</b>	District Road Hierarchy Map – 2.1 and 2.2 (1:15,000)	Rough & Milne Limited
<b>C</b>	<b>Technical Assessments and Background Information</b>	
<b>1</b>	Iwi Engagement Summary	Te Aranga Environmental Consultancy
<b>2</b>	Historical & Archaeological Assessment	Amanda Young
<b>3</b>	Productivity Report	Duke & Cooke Limited
<b>4</b>	Geology and Geotechnical Hazards Report	Tonkin & Taylor Limited
<b>5</b>	Ecological Opportunities and Constraints Assessment	Tonkin & Taylor Limited
<b>6</b>	Environmental Review	Morphum Environmental Limited
<b>7</b>	Infrastructure and Flooding Report	Tonkin & Taylor Limited
	<ul style="list-style-type: none"> <li>Further information response, including Wastewater and Water Supply Addendum Report. (20 August 2021)</li> </ul>	Tonkin & Taylor Limited
<b>8</b>	Transportation Impact Report	Traffic Concepts Limited
	<ul style="list-style-type: none"> <li>Further Information – Transport (18 August 2021)</li> </ul>	Traffic Concepts Limited
<b>9(a)</b>	Landscape, Visual Amenity and Urban Design Assessment	Rough & Milne Limited
	<ul style="list-style-type: none"> <li>Response to further information request (20 August 2021)</li> </ul>	Rough & Milne Limited
<b>9(b)</b>	Preliminary Landscape Design Document	Rough & Milne Limited

<b>10</b>	Economic Cost Benefit Assessment	Property Economics Limited
<b>11</b>	Consultation Feedback	Various
<b>D</b>	<b>Section 32 Evaluation</b>	
<b>1</b>	Section 32 Assessment (August 2021)	Landmark Lile Limited

# 1.0 Executive Summary

This Private Plan Change Request (PPCR) has been prepared to address the urgent need for additional residential land in Nelson. The community is currently unable to meet its social and economic needs given the lack of supply and also lack of alternatives likely to become available in the next 3-5 years. Housing affordability is therefore expected to continue to reduce. The economic pressures brought about by COVID-19 have only amplified the importance and benefits of this PPCR.

This application represents the integrated management of natural and physical resources, only made possible by the close cooperation between the two landowners. Without this cooperation between like-minded landowners, with all shareholders being local business entities with considerable collective experience in a range of development related projects, the benefits of this PPCR would have been much more difficult to achieve. Likewise, the scale of this combined application site and its proximity to the heart of Nelson City, provide for an opportunity that will never be matched again.

While this PPCR achieves the purpose of “*sustainable management*” as set out in Section 5 of the Resource Management Act 1991, significant support is also provided by the National Policy Statement on Urban Development (2020), the Nelson Resource Management Plan, and the Nelson Tasman Future Development Strategy (2019).

Careful attention has also been given to the inseparable statutory interests of Iwi and the provisions of the NPS-FW. These important cultural and freshwater considerations have been at the forefront of the assessment, consultation and preparation processes. That process has enabled Iwi to provide feedback during the assessment and drafting process, and resulted in the applicant’s commitment to keep Iwi involved right through to the detailed design and construction phases. Particular care and attention has also been given to the adoption of sensitive environmental design principles to achieve the goals of *Te Mana o te Wai*.

While now 25 years old, the Nelson Resource Management Plan provides the Structure Planning tool/method as the means to achieve the purpose and benefits of a new urban area as proposed in this PPCR. The NRMP has in fact seen the use of the Structure Plan process on at least five other occasions in the past to address urban growth pressures that have arisen since 1996. That format is therefore very much a part of the NRMP and the PPCR benefits from that existing planning framework. No fundamental changes are required to the existing NRMP, however contemporary planning principles have been incorporated into proposed Schedule X and the Maitahi Bayview Structure Plan.

Finally, while there has been a large amount of concern expressed in the community over the potential impacts of this PPCR on the Maitai Valley environment, there has also been supportive feedback obtained from various individuals, community groups, and statutory organisations. The efforts and methods used to ensure the overarching purpose of sustainable management are achieved, are set out in the supporting technical reports and this document.



There are a number of key elements of this PPCR that, in combination, make this proposal significant to the well-being of the Nelson Community and the receiving environment, including:

### **Maitahi Bayview Private Plan Change Key Points**



Total site area of 287ha.



Located 2.6kms from the Nelson City Centre.



6km total walk/cycle linkages, including 4kms of Ridgeline walking and cycling trails for everyone to enjoy.



Climate change resilient / Not influenced by sea level rise.



Commitment to Te Tau Ihu Iwi involvement through the subdivision and development process.



Freshwater enhancement. 21st century management of hydrology and low impact / water sensitive design principles.



41ha Open Space and Recreation / 18ha (32%) extension to Botanical Hill (Centre of New Zealand Reserve).



16ha of ecologically enhanced esplanade reserve including 2km of stream restoration.



Protecting views of Kaka Hill from Nelson.



100ha (35%) of total area zoned Rural. That includes 64ha for enhanced indigenous habitat and biodiversity and 35ha for Rural Small Holdings with an average lot size of 1 hectare.



4 Residential zone types to enable approximately 750 residential units, including at least 100 homes targeted for First Home Buyers. That is over 2,000 Nelsonians newly housed.



Less than 10% of total site covered by buildings.



\$259m initial injection into and ongoing economic uplift for Nelson.

As set out in this Request, these matters are fundamental to the assessment of this proposal.



## 2.0 Introduction

### 2.1 Purpose of this Report

This report describes and assesses this Private Plan Change Request (PPCR) from CCKV Maitai Dev Co LP (CCKV) and Bayview Nelson Limited (BNL) to the Nelson Resource Management Plan (NRMP). For ease of description, the two landowners making this application for PPCR will be referred to as “the applicant” or “the applicant’s”.

This PPCR seeks to rezone land in close proximity to Nelson City, utilising the integrated Structure Plan method described in AD11.4A of the NRMP. That planning tool is ideally suited to urban growth-related projects as it provides the opportunity to achieve a ‘*well-functioning urban environment*’ (NPS-UD) on the immediate fringe of the City.

This request has been made pursuant to Section 73(2) and Part 2 of the First Schedule of the Resource Management Act 1991 (RMA). This request has also been prepared in accordance with the information requirements set out in Clause 22 of the First Schedule, and so contains an evaluation report prepared in accordance with Section 32, and an assessment of actual and potential environmental effects anticipated from the implementation of the changes sought to the NRMP.

### 2.2 Supporting Information

The form and content of a PPCR is set out with Clause 22 of the First Schedule as follows:

#### **22 Form of request**

- (1) *A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.*
- (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan. (emphasis added)*

The purpose and reasons for this PPCR are set out in section 4.0 of this report, while the evaluation report prepared in accordance with section 32 is provided within **Attachment D1**.

With regard to clauses 6 and 7 of the Fourth Schedule, the assessment of environmental effects is provided within Section 6.0 of this PPCR. With reference to specific clause 6 provisions:

- 6(1)(c): this PPCR does not relate to any use of *hazardous installations* and so no such assessment has been undertaken;
- 6(1)(d): this PPCR does not directly involve the *discharge of any contaminant*, however to the extent that it is relevant to do so now, consideration has been given to the freshwater outcomes from the proposed rezoning and resulting management of discharges;
- 6(1)(f) and 6(3): a summary of the *consultation* undertaken is provided in section 2.4 and **Attachment C11**;
- 6(1)(h): this PPCR does not impact on any *protected customary right* and so no assessment of alternatives is provided.

Importantly, a number of technical assessment reports that have prepared and are provided in support of this PPCR. These reports have significantly:

- a) informed the preparation of the proposed changes;
- b) contributed towards the section 32 report; and
- c) contributed towards the assessment of environment effects in accordance with clauses 6 and 7 of the Fourth Schedule.

A majority of these reports have in fact seen numerous iterations throughout the structure planning process, resulting from the collaboration between the consultant team and an integrated approach. Refinements and additional clarification was also made to this PPCR in response to the further information request of 3 August 2021.

The supporting technical assessments are listed in **Table 1** below, with reference also to their relevance in terms of Clause 6 and 7 of the Fourth Schedule. Addendums to these assessments are also identified on pages 5-6 'Supporting Documents' above.

<b>Table 1: Supporting Technical Assessments</b>		
<b>Attachment</b>	<b>Assessment</b>	<b>Schedule 4</b>
C1	Iwi Engagement Summary	6(1)(b), 7(1)(a), 7(1)(d), 7(2)
C2	Historical & Archaeological Assessment	6(1)(b), 7(1)(d), 7(2)
C3	Productivity Report	6(1)(b), 7(1)(a), 7(2)
C4	Geology and Geotechnical Hazards Report	6(1)(b), 7(1)(f), 7(2)
C5	Ecological Opportunities and Constraints Assessment	6(1)(b), 7(1)(c), 7(1)(e), 7(2)
C6	Environmental Review	6(1)(b), 7(1)(c), 7(1)(e), 7(2)
C7	Infrastructure and Flooding Report	6(1)(b), 7(1)(a), 7(2)
C8	Transportation Impact Report	6(1)(b), 7(1)(a), 7(2)
C9	Landscape, Visual Amenity and Urban Design Assessment	6(1)(b), 7(1)(a), 7(1)(b), 7(1)(d), 7(2)
C10	Economic Cost Benefit Assessment	6(1)(b), 7(1)(a), 7(2)

Of particular importance to this assessment under clauses 6 and 7 of Schedule 4 is Clause 1 which states:

**1 Information must be specified in sufficient detail**

*Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required. (emphasis added)*

Clause 1 is of importance to Plan Change Requests providing for urban development and associated development related activities. This is because the current Plan rules, along with the proposed new Schedule X, requires resource consent to deal with the actual and potential effects of the specific designs / giving effect to the zoning through the subdivision and development processes. As such, the existing and proposed consent requirements are acknowledged and have particular importance to the detail provided in support of, and assessment of, this PPCR.

## 2.3 Acceptance of Request

Clause 25 of Schedule 1 (RM Act 1991) requires the local authority (Nelson City Council) to decide how it will deal with the request, and on what grounds this decision shall be made. The options available are set out within subclauses (2), (3) and (4), or a combination of subclauses (2) and (4), as follows:

- (2) *The local authority may either—*
  - (a) *adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—*
    - (i) *the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and*
    - (ii) *the provisions of Part 1 or 4 must apply; and*
    - (iii) *the request has legal effect once publicly notified; or*
  - (b) *accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.*
- (3) *The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.*
- (4) *The local authority may reject the request in whole or in part, but only on the grounds that—*
  - (a) *the request or part of the request is frivolous or vexatious; or*
  - (b) *within the last 2 years, the substance of the request or part of the request—*
    - (i) *has been considered and given effect to, or rejected by, the local authority or the Environment Court; or*
    - (ii) *has been given effect to by regulations made under section 360A; or*
  - (c) *the request or part of the request is not in accordance with sound resource management practice; or*
  - (d) *the request or part of the request would make the policy statement or plan inconsistent with Part 5; or*
  - (e) *in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years. (emphasis added)*

### **Option 1: Reject (Clause 25(4))**

Firstly in terms of the grounds available to reject the request, in whole or in part, under Clause 25(4):

- (a) no part of this PPCR is frivolous or vexatious. This PPCR involves providing for new residential, small holdings and open space zoned land in close proximity to Nelson City, as supported by the NPS:UD 2020 and as identified in the FDS 2019. Housing supply and affordability are significant and important issues. As such, this PPCR has been formulated against a background of important social and economic needs and benefits.
- (b) this request has not been considered and given affect to, or rejected, in the last 2 years by Council nor the Environment Court, nor any regulations made under section 360A.
- (c) this PPCR has been prepared with careful consideration given to the relevant resource consent issues applicable to this specific location, following sound resource management practice. Further refinements were also made to the PPCR in response to the further information request.

- (d) this PPCR has been prepared to follow the current/operative framework of the NRMP, with the use of a Schedule and Structure Plan, being planning methods/tools used on multiple occasions to deal with rezoning to provide for urban growth in Nelson City. This PPCR does not seek to fundamentally change the current planning framework and so does not create any inconsistencies with Part 5 of the RM Act 1991.
- (e) the NRMP has been operative since 1996. This is not a PPCR that seeks to change a new (within 2 years) set of provisions.

**Option 2: Process as a Resource Consent (Clause 25(3))**

Clause 25(3) provides the opportunity for the consent authority to deal with the request as if it were an application for resource consent. That would not be practical in these circumstances as this PPCR only provides a structure or framework of rezoning, and does not provide any detailed information as to design of earthworks, allotment layouts, stormwater treatment, erosion and sediment control, detailed geotechnical assessment, road design, and other detail that would need to be provided as a part of being able to process this PPCR under the provisions of Part 6 of the RM Act 1991.

**Option 3: Adopt, in whole or part (Clause 25(2)(a))**

Clause 25(2)(a) provides the opportunity for the Council to adopt the request, in whole or in part. The applicants are not asking the Council to adopt this request.

**Option 4: Accept, in whole or part (Clause 25(2)(b))**

The applicants formally request that this PPCR be accepted in whole under Clause 25(2)(b) and so proceed as a private initiative and be notified under clause 26 of the First Schedule.

In summary, there are no valid grounds for this PPCR to be rejected in whole or in part. Likewise, this is not a proposal that could be processed as an application for resource consent as a subdivision and development has not been designed to the standard required for that to occur.

The applicant is not seeking for the Consent Authority to adopt this PPCR. The applicant is seeking that this PPCR proceed as a private initiative under Clause 26.

## 2.4 Consultation

The applicant has discussed this PPCR with a wide range of people and organisations, some of which has been approached formally and other consultation that has been informal.



A *summary* of the consultation undertaken is provided below. This is not a full and complete description as, for example, the project shareholders have had numerous discussions and meetings with stakeholders leading up to this formal request being lodged.

It is also important to clarify here that the discussions and meetings to date have related to the draft Structure Plan and various components of the proposal that were progressing through a long process of interactive assessment and design work. The draft Structure Plan evolved numerous times over 2020 and early 2021, with a variety of minor refinements and also more significant changes made along the way. The feedback received was therefore only based on the preliminary information made available by the applicant at the time. The interactive nature of the changes was also the reason why the applicant decided to hold back on public release of information until the Structure Plan had been fully resolved and the supporting documentation was complete.

### Nelson City Council

Consultation with the Nelson City Council over the potential for this land to accommodate residential growth started at the beginning of 2019. This discussion was with the Council's Environmental Policy department as a lead up the preparation of the draft Whakamahere Whakatu Nelson Plan.

The Council's attention in 2019 was primarily on the *Nelson Tasman Future Development Strategy* (FDS). The FDS is addressed in detailed in section 7.3 of this Request document. The FDS was formally adopted in July 2019 and which highlighted the suitability and importance of the Kaka Valley to provide an opportunity for urban expansion ("build out").

Later in 2019, 66ha of the Bayview property (located directly off Ralphine Way) was then sold to the current owners, being a partnership of four local business entities. This change in ownership triggered renewed discussions with the Council over the options available to rezone the site, obtain resource consent approval, or wait for the outcome from the *draft Whakamahere Whakatu Nelson Plan* (dNP).

With the applicants deciding to proceed with a PPCR they invited a full contingent of Council staff to a master-planning workshop (and site visit) which was held on 21 January 2020. This workshop provided an informal opportunity to share ideas and knowledge about the site, while identify the best practice components and opportunities that would make development of the site successful, liveable and sustainable.

With informal feedback from the first master-planning workshop in hand the applicant proceeded with the initial site assessments.

Since the formal lodgement of this PPCR in April 2021 the applicant has received and responded to a further information request (3 August 2021). In the process of preparing that response, the applicant had a number of discussions and meetings with Council consultants as a part of ensuring the information provided was focused and necessary for the purpose of understanding the effects of this Request

## Te Tau Ihu o te Waka a Maui iwi

Provided within **Attachment C1** of this PPCR is a specific report on the engagement process with Te Tau Ihu o te Waka a Maui iwi, as well as summarising the feedback received over that period. This engagement proceeded throughout 2020 and involved a number of hui, site visits and information sharing. The Conclusion to the report is as follows:

### *7.0 Conclusion*

*Iwi generally feel there has been adequate consultation and engagement and are supportive of the approach we have taken. There have been recommendations from all iwi that they want to be part of the resource consenting stage of the project to ensure that all cultural matters are dealt with appropriately and further contribute to design, ecological considerations and other resource consent matters. Most of the iwi are supportive of the plan change and re-zoning and the team will work with those iwi who require further information. This document highlights the consultation and engagement to date but does not cover the work that would be completed through a Cultural Impact Assessment Process. (Attachment C1, p10)*

A more detailed account of the specific feedback received is provided in section 6.5 of this PPCR document.

Following the formal lodgement of this PPCR the applicant's have circulated the final Request to all iwi to gather any further feedback. No further feedback has been received, however the applicant will continue to provide all iwi with the opportunity to seek clarification or provide input to the proposed provisions.

## Department of Conservation - Te Papa Atawhai

On 16 June 2020 the applicant invited Lionel Solley (Senior Ranger, Community) from the Department of Conservation (DOC) to a meeting to discuss the vision for this project, share information as to local ecological values, and to obtain some preliminary feedback on the ideas influencing the master-planning/structure planning process.

This conversation with DOC is recorded in the letter from Lionel Solley dated 23 July 2020. A copy of that letter is provided within **Attachment C11**. Importantly, the creation of a generous open space/ecological enhancement area adjoining the Maitai River and linking through to Kaka Stream was supported. DOC also encouraged the applicant to extend the riparian corridor through to the upper eastern boundary to form a biodiversity corridor that linked with the SNA on the adjoining site. DOC also acknowledged the limited ecological values in the lower Kaka but stressed the need for an appropriately qualified ecologist to undertake the necessary survey work and to identify what actions could/should be taken to maintain and enhance freshwater values. Finally, DOC also encourage the applicant to consider contributing to the Nelson Nature 'Halo' project (involving predator control and habitat enhancement).

The feedback also noted that a lizard survey should be undertaken in the summer months at some stage in the future, prior to the design phase.

Finally, the feedback also noted that the assessment of cultural values would need to canvass the several iwi that have statutory acknowledgments and associations with the Maitai River and its tributaries.

## Waka Kotahi - NZ Transport Agency

In June 2020 the applicant initiated dialogue with the NZTA. This resulted in a meeting via Zoom with the local planner (Lea O'Sullivan, Planning Advisor to NZTA). The applicant then provided a summary of the key features of the project which was considered by NZTA in its local strategy meeting on 26 June 2020.

On 31 July 2020 the applicant received preliminary feedback from NZTA. A copy of this feedback is provided within **Attachment C11**.

NZTA was closely involvement in the FDS process “to ensure the outcomes align with the strategic priorities outlined in the Government Policy Statement on Land Transport (GPS)”. The identification of site N-3 Kaka Valley in the FDS as an expansion area for residential development did not raise any concerns to NZTA. In its feedback to the applicant NZTA also stated that it strongly favours intensification, and so progressing the PPCR now instead in Decade 2 will reduce the attractiveness of the FDS intensification options and the associated modal shift gains from that intensification.

NZTA has however also stated in its feedback that the location of this greenfield development has its merits, namely:

- *Concentrating development around existing areas and intensifying could reduce vehicle trips and increased active transport mode share. This scenario aligns well with the GPS priorities of accessibility and environment and has the potential to create liveable communities;*
- *The PPCR project site is not subject to sea level rise impacts, and once the staged development is completed, would provide for a more resilient transport network i.e. provide for an alternative transport route should State Highway 6 (which is subject to long-term resilience issues given its coastal location) be temporarily closed;*
- *Close proximity to the city centre with multi-modal transportation options to access local education, services, community facilities, recreational activities and employment. This could decrease the vehicle trips associated with future dwellings;*
- *The PPCR is not located in an area where Waka Kotahi have identified transport performance issues or are subject to capacity constraints; and,*
- *The more future development is confined within or adjoining the existing transport network, the greater opportunity to use the transport network efficiently. Once the area is fully developed, and the road linking Atawhai to the Maitai Valley is complete, it would provide for an alternative transport link (and potentially a loop service for public transport to service both the Atawhai and Maitai areas), supporting a more resilient transport network. (see Attachment C11)*

Other parts of the feedback provided by NZTA are addressed in the Transportation Assessment (**Attachment C8**) and also in section 6.13 of this PPCR.

The following summary however provides helpful background to the following sections of this PPCR:

### **Summary**

*Waka Kotahi retain the view that intensification of existing urban areas is preferred over expansion. However, should greenfield development be required to meet the demand for housing in the Nelson area, then Waka Kotahi would like the following to be considered as part of the PPCR:*

- *Environmental impacts (including loss of productive rural land), potential carbon emissions and connectivity and urban design to successfully achieve liveable community outcomes;*



- *Connecting new and existing growth areas with a resilient and fit-for-purpose transport system across all modes. This includes provision of a transportation link from the Atawhai area to the Maitai area as soon as practical in the staging of the development to provide for connectivity, resilience and public transport opportunities;*
- *Mechanisms in place (such as services overlays) to ensure that the development is carefully staged to ensure communities can become self-sufficient in a timely manner; and,*
- *The cumulative effects on the Bay View Road/Atawhai Drive intersection and on the safe and efficient operation of the state highway network. (see Attachment C11)*

No further feedback has been received from Waka Kotahi since the formal lodgement of this PPCR.

#### Heritage New Zealand – Pouhere Taonga

In July 2020 the applicant's archaeological consultant contacted NZAA direct to seek information as to the archaeological and heritage values present in the area. That information has been used in the preparation of the archaeological assessment report contained in **Attachment C2** of this Request. There are no listed heritage or archaeological sites within the subject property.

#### Residents of Ralphine Way, Maitai Valley

Over the course of May and June 2020 the applicant started receiving emails from residents of Ralphine Way, and further afield, seeking information about the project. The draft structure plan was not however available, even in draft form, at that point and so discussions and meetings were deferred until there was more to share.

The first draft structure plan was received from Rough & Milne Landscape Architects on 11 June 2020, with the first residents meeting then held on the following day – 12 June 2020. It was at that meeting that the draft Structure Plan was openly tabled and explained, with a constructive discussion whereby the residents were able to ask questions.

Over the days that followed the residents gathered feedback from the wider group of Ralphine Way residents and delivered their feedback via email on 22 June 2020 and 23 June 2020.

A further meeting was held with some of the residents on 22 July 2020 and the minutes of that meeting were agreed on 25 August 2020.

Additional email feedback from Mr Olorenshaw was received on 11 November 2020.

A copy of the above minutes and correspondence is provided within **Attachment C11**.

On Friday 7 May 2021 the applicant met again with a group of Ralphine Way residents to explain the PPCR and offer the opportunity to answer questions. This meeting was constructive worthwhile.

#### Community Housing Organisations

Early in December 2020 the applicant met with Habitat for Humanity to share information about the PPCR and also seek to understand more about how the project could assist Habitat. Refer to letter from Habitat for Humanity contained in **Attachment C11**.

On the 2<sup>nd</sup> and 16<sup>th</sup> of November the applicant met with the Nelson Tasman Housing Trust. See email feedback of 12 November 2020 contained within **Attachment C11**.

Since the formal lodgement of the PPCR the applicant has kept in contact with the various community housing organisations. There is now a strong willingness on both sides for this PPCR to provide opportunity to access land for community housing purposes and associated community benefits.

#### Community Action Nelson

On 1 September 2020 the applicant met with Community Action Nelson (CAN) in recognition the work being done, and interests the group would have, in this urban growth project. CAN was shown the draft Structure Plan and were able to ask questions and provide feedback on what it considered should be provide for in the rezoning proposal. A copy of the correspondence (dated 2 October 2020) with CAN is provided within **Attachment C11**.

#### Network Tasman Limited

NTL was contacted in June 2020 in recognition of the 33kV and 11kV overhead power lines that pass through the site. On 22 June 2002 the following feedback was received:

Network Tasman has no objection to the proposed re-zoning of CCKV – Bayview Subdivisions land in the Maitai Valley.

*Network Tasman has 33kV and 11kV overhead power lines running through the area to be re-zoned. These are protected by easements in gross if they were constructed after 1 April 1993, or by their status as existing works under the provisions of the Electricity Act 1992.*

*Access to all pole sites by four wheel drive vehicles and crane trucks for line maintenance purposes is required to be maintained.*

*In regard to the potential development of the land for residential purposes, the circuits that these lines are a part of will need to remain continuously operational in order to provide reticulated electricity supply for this development and for the continuation of supply to other consumers in the region. Relocation of the 11kV lines underground is generally feasible if required.*

*We have a general preference for the 33kV circuits to remain overhead for technical reasons, however relocation underground may be possible in some circumstances.*

#### Friends of the Maitai

The FOM also contacted the applicant approximately 2 weeks prior to the first draft Structure Plan became available. The applicant then met with a group of FOM representatives on 11 June 2020, being the very same day as the first draft of the Structure Plan was received from Rough & Milne. This provided an opportunity for questions and the meeting was constructive and helpful for all those involved.

The FOM were clear that their primary concerns were for the water quality in the Maitai, but also had concerns over traffic volumes and impacts on recreational values.

The applicant explained that the first step in the process was to rezone the land, where land would be set aside to ensure the positive aspirations would be realised at the time of subdivision and development following the resource consent processes. The applicant explained the legislative controls over matters such as freshwater and discharges etc, being matters that would be addressed in detail at the time that detailed Erosion & Sediment Control Plans would be prepared. In short, with the interests of iwi imbedded into the project, the applicant assured the FOM that best practices would be used to create the positive environmental outcomes being sought. The applicant also invited FOM to become involved with the applicant at those future stages to provide input and help ensure the best outcomes are achieved.

On 12 June 2020 the applicant received from FOM a set of notes from the 11 June meeting. A copy of those notes is provided in **Attachment C11**.

The FOM contacted the applicant again over the months that followed however no further information was shared for the reasons set out above.

#### Commerce Nelson

As a part of ensuring the wider business community are aware of the project and its benefits the applicant presented to Commerce Nelson on 21 October 2020.

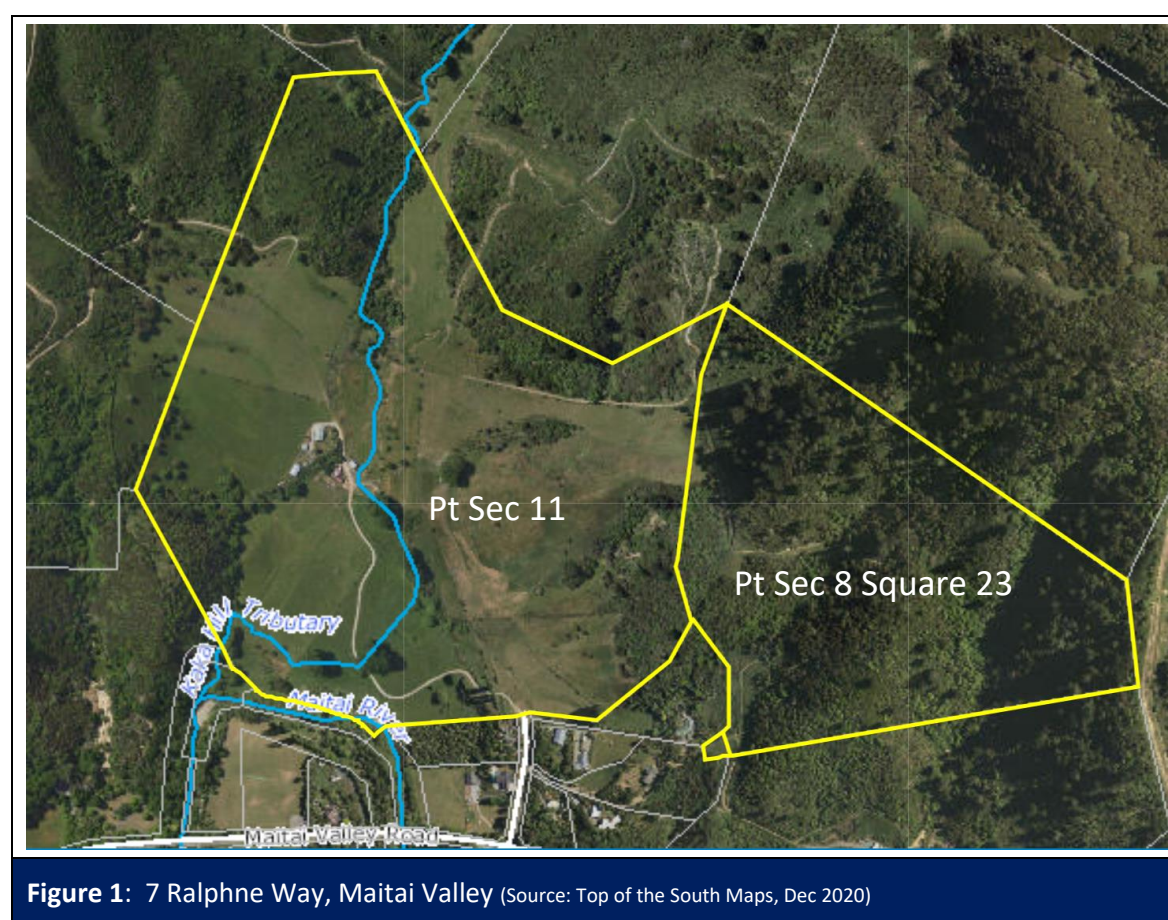
## 3.0 The Site and Environment

### 3.1 Legal Information

This PPCR involves three separate but adjoining Certificates of Title, shown and described below. Copies of these Titles are provided within **Attachment A** of this request.

Firstly, NL11A/1012 involves 65.9368-hectares described as Pt Sec 8 Square 23 and Pt Sec 11 District of Brook Street and Maitai. This title has a street address of 7 Ralphine Way, Maitai Valley, and a Valuation Number of 1947020400. NL11A/1012 is owned by CCKV Maitai Dev Co LP. See **Figure 1** below.

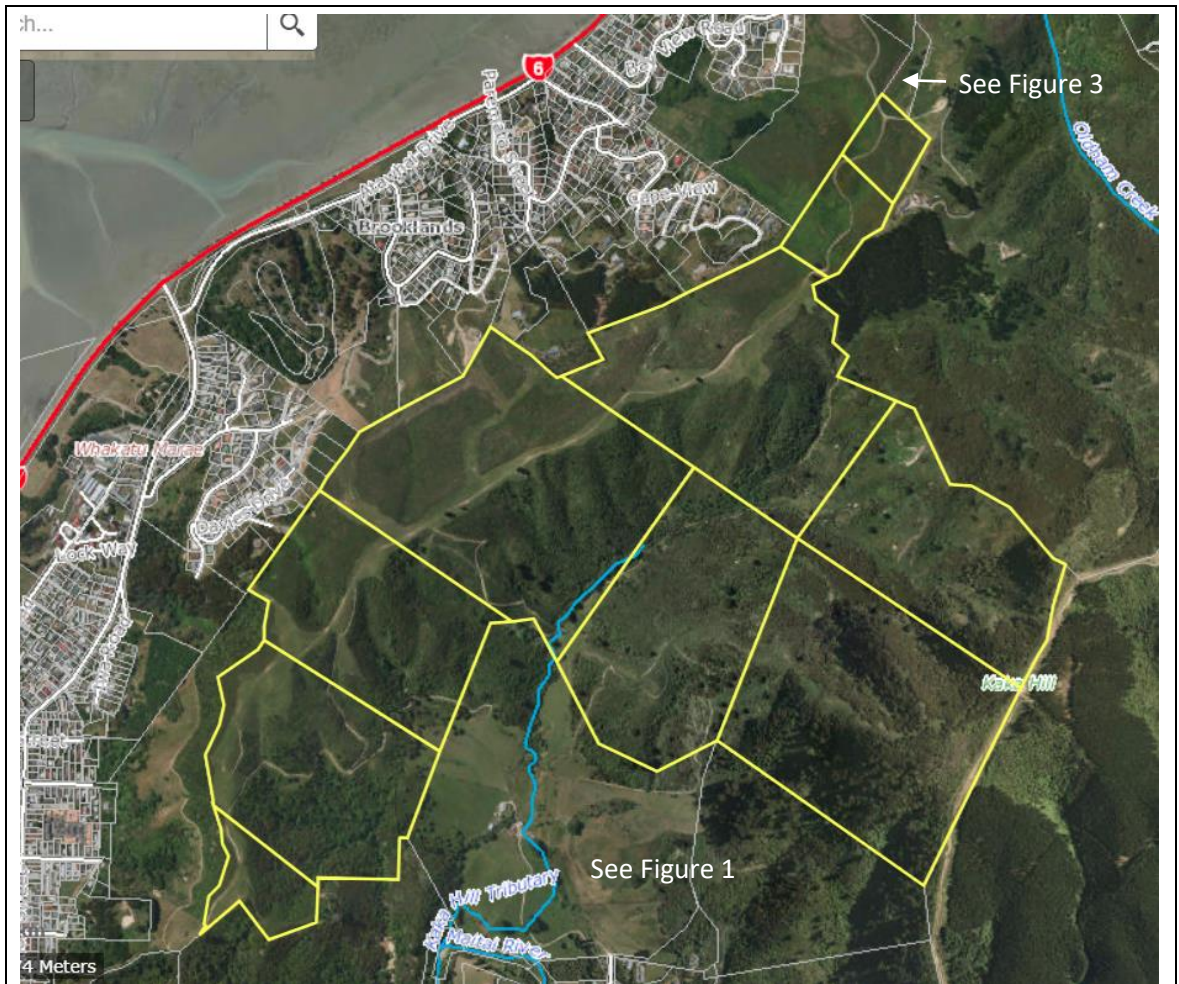
Pt Sec 8 Square 23 is the eastern side of this title and contains an area of approximately 22-hectares. Pt Sec 11 is the larger western portion of approximately 44 hectares, being much the valley floor.



Adjoining and to the north of NL11A/1012 is Record of Title 956280 which is owned by Bayview Nelson Limited. RT956280 has 'Atawhai Drive' as its street address and has a Valuation Number of 1982025800. See **Figure 2** below.

RT956280 describes a total area of 230.5235-hectares. However as shown in **Figure 3**, a majority of Lot 4 (at the northern end of this title) is already zoned for residential purposes. The area of RT956280 covered by the proposed rezoning is therefore 220.84-hectares. The combined area of land included by this PPCR is 286.78-hectares.





**Figure 2:** Bayview Nelson Limited (Source: Top of the South Maps, Dec 2020)

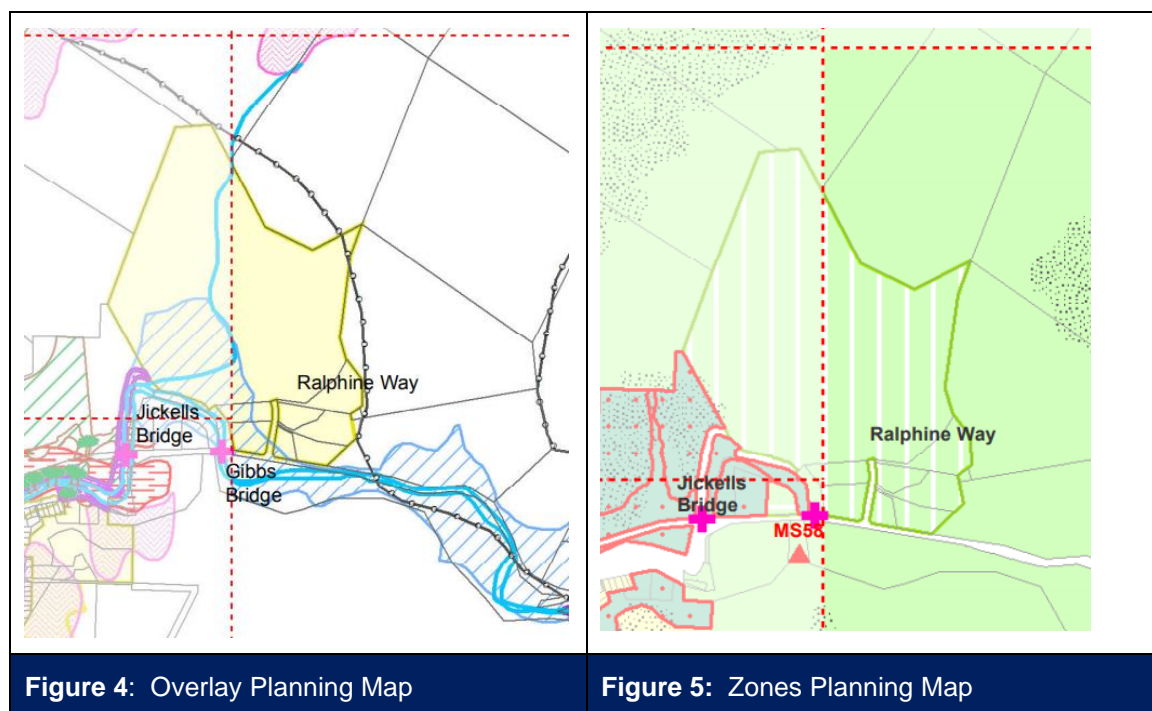


**Figure 3:** Part of Lot 4 DP551852 - Bayview Nelson Limited (Source: Top of the South Maps, Dec 2020)

## 3.2 Current Zoning and Overlays

Planning Map 52 (and Map 11 in part) of the Nelson Resource Management Plan (NRMP) locates the western side of 7 Ralphine Way (Pt Sec 11) within the *Rural Zone – Higher Density Small Holdings Area*, with the eastern side (Pt Sec 8 Square 23) within the *Rural Zone*. The Small Holdings Zoning also extends to cover the seven properties fronting Ralphine Way, being land not covered by this PPCR.

Planning Maps 52 (and 11) also identify the Services Overlay, Flood Overlay, Riparian Overlay within Pt Sec 11 and the 33kV Electricity Transmission Lines (ETL) passing through both Pt Sec 11 and Pt Sec 8 Square 23. See **Figures 4 and 5** below.



The *Rural Zone – Higher Density Small Holdings Area* provides for subdivision and development down to an average net area of 1-hectare and 5000m<sup>2</sup> minimum (Rule RUr.78.1).

The *Services Overlay* identifies areas with servicing constraints, whether these constraints relate to the availability and capacity of wastewater, water supply, stormwater drainage and roading. Subdivision in the Services Overlay is a restricted discretionary activity if the development is provided with reticulated, wastewater, water and stormwater services (RUr.85.3). The purpose and function of the Services Overlay is described in greater detail in sections 3.2, 6.8 and also in Section 7.8.

The *Flood Overlay* indicates areas that may be susceptible to localised stormwater flows, stormwater ponding, ponding of other floodwaters or tidal inundation (AD11.3.1, NRMP). Any subdivision application involving land within the flood overlay (as a natural hazard) requires consent as a discretionary activity (RUr.82.3).

The *Riparian Overlay* indicates rivers with margins that have been identified as having values for esplanade purposes, such as for conservation (water quality, aquatic habitat, natural values), public access, hazard imitation, or a combination of these (AD11.3.8). The riparian values are set out in Appendix 6 of the NRMP. These values are linked to requirements for esplanade reserve to be set aside at the time of subdivision



(RUr.78.2(d)), as set out within Table 6.2 of Appendix 6. The relevant portion of Table 6.2 is provided below:

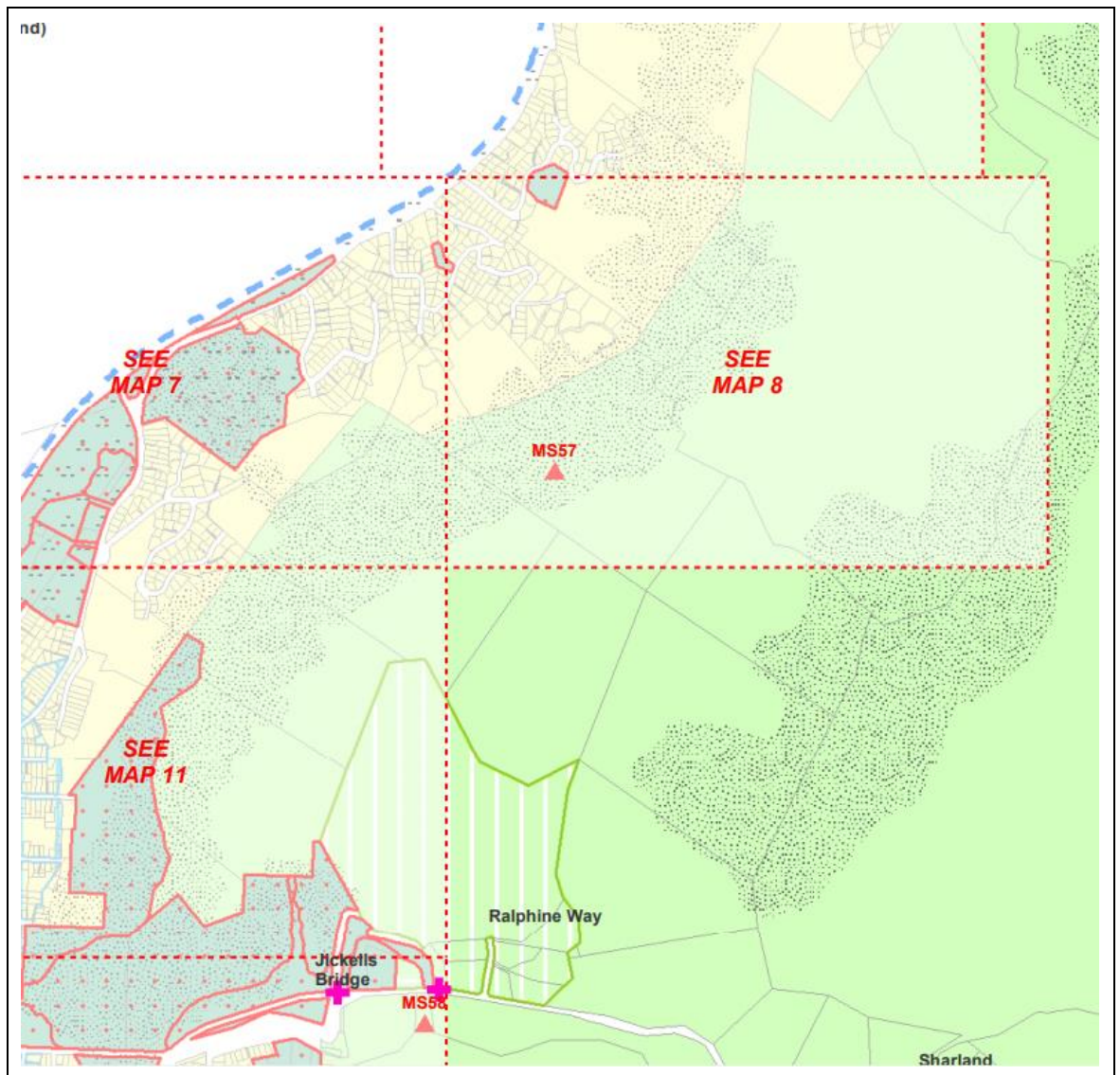
<b>Table 2: Part of Table 6.2 (Appendix 6, NRMP). Highlighted sections added.</b>			
<b>River</b>	<b>Reach</b>	<b>Values</b>	<b>Esplanade Requirements</b>
Maitai River	The Haven to Jickells Bridge (with the exception of the true left bank between Paru Paru Road and Trafalgar Street)	Conservation Access Hazard mitigation	All zones and overlays Reserve 10m true left bank Reserve 5m true right bank
	The true left bank between Paru Paru Road and Trafalgar Street	Conservation Access Hazard mitigation	Inner City Fringe and Inner City Centre Reserve averaging 7.5m with a minimum width of 5m
	Jickells Bridge to Conservation Zone boundary	Conservation Access Hazard mitigation	<b>Small Holdings Area</b> Reserve 20m – both river banks Rural Zone Reserve 20m – both river banks
	Sharlands Creek Maitai confluence to headwaters and lower Kaka Hill tributary	Conservation Access Hazard mitigation	<b>Rural Zone</b> Strip 20m – both river banks
	Groom Creek/Maitai confluence to Tantragee Saddle	Conservation Access	Rural Zone Strip 5m – both river banks

Given the river boundary of the site is between Jickell's Bridge and the Conservation Zone, a 20m wide esplanade reserve is required along that section of the Matai River frontage that is within the Small Holdings Area. A 20m wide strip along both banks is required along the Kaka Hill tributary, interpreted as Kaka Stream, within the portion of the site that is zoned Rural. As such, there is a significant gap (approximately 750m) between these two areas. Aside from the 20m reserve required alongside the Maitai River, no other reserve or strip is required within the balance of the Small Holdings Area, being a length/gap of some 750m.

In terms of the 33kV Electricity Transmission Line that passes through the site, the NRMP (RUr.42) requires residential dwellings and education facilities be setback at least 20m from electricity lines equal to or greater than 66kV. This does not therefore pose a constraint to development of this site.

**Figures 6 and 7** contain the planning map information relevant to the Bayview Nelson Limited owned title described above. With the exception of the southern end of Lot 4 DP 551852 at the northern end of this site, the property is predominantly located in the Rural Zone. Also, as shown in **Figure 6**, the site is also located within the Landscape Overlay and also has MS57 (Maori Archaeological Site) within its boundaries. Each of these attributes are explained in more detail below.





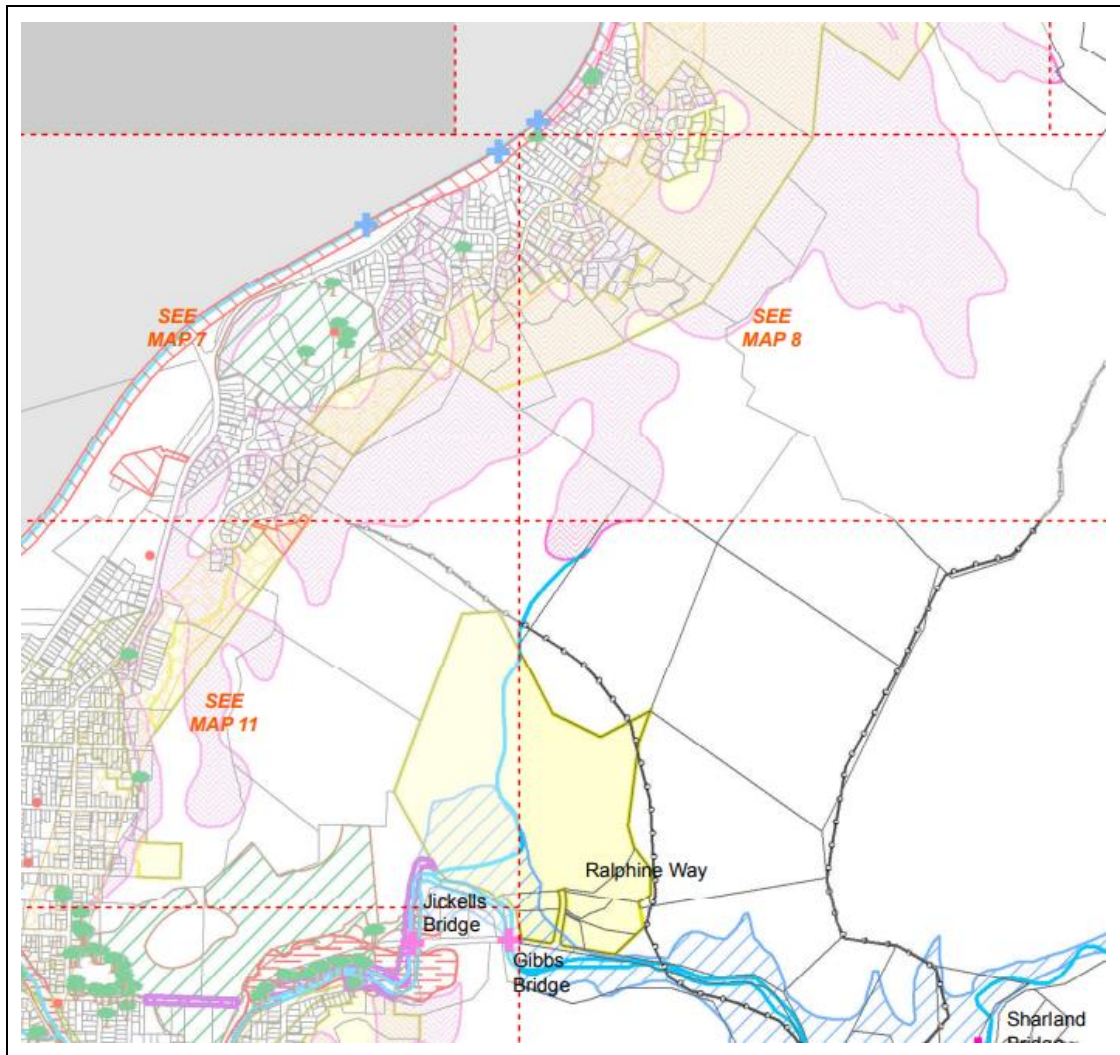
**Figure 6:** Zone Map 52 (part only) and the subject site

Subdivision within the *Rural Zone* is regulated by RUr.78(2)(e)(i), which provides for lots with a net area of at least 15-hectares as a controlled activity.

Subdivision within the *Landscape Overlay* also requires resource consent pursuant to RUr.80.2, with this also being possible as a controlled activity so long as the proposal complies with RUr.78 and that application is accompanied by a landscape assessment that has been prepared by an appropriately qualified person.

MS57 is a Maori archaeological site (not listed by NZAA), with Appendix 3 of the NRMP describing this as '*Lookout and waahi tapu. Kaka Hill*'. Any subdivision of land involving a heritage overlay is a *discretionary activity* pursuant to RUr.81.3.

The portion of the Overlay Map 52 applicable to the Bayview Nelson Ltd property is provided in **Figure 7** below.

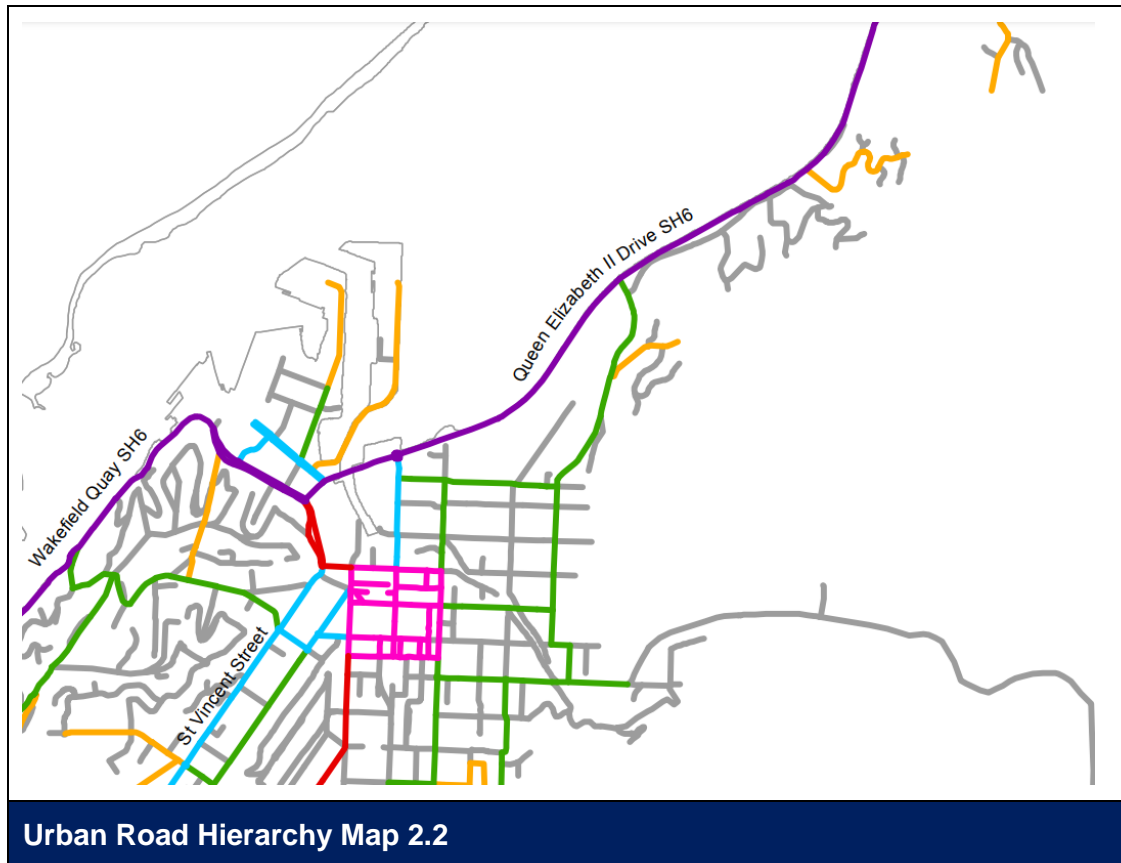


**Figure 7:** Overlay Map 52 (part only) and the subject site

It is within Overlay Map 52 that the Land Management Overlay, Riparian Overlay, and 33kV ETL are also shown within the site. The Riparian Overlay and 33kV ETL were addressed above.

The Land Management Overlay identifies land that is “*especially sensitive to activities that cause erosion and sedimentation, particularly vegetation clearance, soil disturbance and earthworks*” (AD11.3.8, NRMP, p26, Chapter 3). This Overlay is referenced in the land use rules controlling earthworks and vegetation clearance.

The Urban Road Hierarchy Maps A2.1 and A2.2 serve to show the road hierarchy across the Urban Area and District. These maps serve to show both current functions as well as planned connections. Inserted on the following page is the portion of Map A2.1 that shows the road hierarchy that applies to the existing site. Bayview Road and Frenchay Drive are Sub Collector Roads (in yellow) while Nile Street East is a Collector Road (in green). Maitai Valley Road and Ralphine Way are identified as Local Roads (shown as grey).



With respect to the Nelson Air Quality Plan, the current site is identified largely outside of the Nelson Urban Area (Figure A2.1), with the current residential zone boundary defining the urban area in the AQP. The AQP does however also provide a definition of Urban Area (A2-86, Chapter A2, p17) whereby any new site of less than 5000m<sup>2</sup>, created from subdivision since the notification of the AQP, is deemed to fall within the Urban Area. Hence, while not currently a part of the Urban Area, the new allotments enabled by the PPCR would then be subject to various air quality rules of the AQP (i.e. AQR.25). In this regard the site falls within Airshed C – Nelson City (Figure A2.2C).

### 3.3 Characteristics and Context

There are a number of features of this site that, in combination, make it unique and significant. These features will be summarised under this subheading with information drawn from the supporting technical assessments (Attachments C), Statutory Acknowledgements, the relevant planning documents, and other sources such as the consultation feedback.

The two positive and foundational features of this site are its scale and location, in close proximity to the Nelson City Centre. This PPCR involves 287-hectares of available undeveloped land, owned by only two entities, and located a short ~3.5-minute drive (2.6km) from the Nelson Cathedral / Piki mai, at the top of the City Centre to the end of Ralphine Way. The location and scale provides a significant opportunity in terms of planning for sustainable urban growth, particularly in terms of transport efficiencies.





**Figure 8: Location Plan**

This site is also very well located for connections to well established community walkway linkages, such as along the left-bank of the Maitai River, feathered through Botanical Hill and the Centre of New Zealand immediately adjoining, and also Sir Stanley Whitehead walkway elevated above the City along the face of Botanical Hill. These linkages are identified and described in the landscape and urban design assessment contained in **Attachment C9**, but also acknowledged in the transportation assessment provided in **Attachment C8**. These connections also represent significant opportunities to recreational amenity for both the future residents, as well as the wider population that would benefit from the existing and new connections and shared open space / reserve areas.

The Maitai Valley contains a large number of popular reserve areas and recreational activities. These include Branford Park, the Maitai Cricket Ground, Waahi Taakaro Reserve, Maitai camping ground, various swimming holes (such as Dennes Hole, Black Hole, Sunday Hole), the Waahi Takaro Golf Club, and mountain biking opportunities. Dennes Hole is the closest to the site as it is located on the right bank of the Maitai River immediately adjoining the site, and at the confluence of the Kaka Stream.

While no formal public easement exists, for many years the public has enjoyed the use of the farms track linking the end of Bayview Road with the Centre of New Zealand, and vice versa. It is along this track, maintained principally as a fire break, that walkers, runners and mountain bikers have experienced the views of the City, Haven and Tasman Bay. This use was stopped in January 2019 for health and safety reasons while construction of the subdivision (Bayview SHA) at the end of Bayview Road commenced and while Bayview Nelson Limited undertook the activities of removing gorse, installing new fencing, spraying, and removing the many hundreds of goats that roamed freely across the site. The land is now leased for grazing as a means of controlling weeds such as gorse and broom, and to reduce fire risk.

Provided within **Attachment C3** is an assessment of productive values of the site, with consideration given to the soil types and other physical characteristics that have practical implications on land productivity.

In terms of soils, the productivity assessment states:

*The fertility is low to moderate. The soils are slightly acidic, phosphorus is very low, potassium is low, and calcium is medium to low. Although extensive areas of the Atawhai soils were cleared of the natural indigenous forest little success was achieved in farming the land. Cleared areas reverted to bracken, gorse, and scrub with some parts being used for extensive grazing for sheep while large areas carry no stock at all. Low moisture retention in the top-soils and the high permeability of the parent materials seriously lower production in the summer months.*

*The soils are amongst the least versatile within the Nelson City boundaries and within the adjoining Tasman District. (Section 4.2, p6, Attachment C3)*

Using the 'Classification System for Productive Land in the Tasman District', also adopted by the Nelson City Council when assessing productive values, approximately 23 hectares of the flatter land on the valley floor is assessed as Class D, the gently contoured land as Class F, and the steeper areas are Class G. None of the property has assessed as being highly productive value, while ironically, the land with the highest value is currently zoned Rural-High Density Small Holdings and so may be subdivided down to an average of 1 hectare. Furthermore, the availability of water is critical to sustaining high productive activities, however the taking of water from the Maitai River downstream of the NCC water supply intake is a prohibited activity (FWr.12.3, NRMP). Without water, and setting aside economic feasibility, soil quality and limiting land characteristics, grazing or forestry would be the only suitable productive farming activities for this land.

The historical farming activities, which included a large sheep farm and the growing of hops on the valley floor, are also described in the historical and archaeological assessment provided within **Attachment C2**. Given this history of farming it is not surprising that there is a known HAIL site beside the shearing shed that relates to a former sheep dip. That area will need to be the subject of a detailed site investigation prior to subdivision, and prior to a change in land use or earthworks as per the rule triggers under the NES:CS.

The historical and archaeological assessment was commissioned to ensure heritage values are well understood. This assessment acknowledges MS57 ('Lookout and waahi tapu. Kaka Hill', Appendix 3, NRMP) and also the history of European farming and settlement in the area that spans back to the mid-1850s. The archaeological assessment identifies the derelict chimney and also part of the shearing shed (and former hop kiln) as being potential pre-1900 archaeological sites. Surviving members of the Richardson family were contacted as a part of this background assessment.

The accuracy of the MS57 site is currently under review as a part of the draft Nelson Plan process, with this potentially relating to the Kaka Hill location rather than the Bayview ridgeline. Until that review is concluded the coordinates provided in the NRMP are being treated as accurate.

The significance of the Maitai (Maitahi) and its tributaries to iwi of Te Tau Ihu are formally recognised in the Te Tau Ihu Statutory Acknowledgements 2014. These Acknowledgements are addressed throughout this PPCR, including in the consultation summary (section 2.4), the assessment of effects on cultural values (section 6.5), the assessment against the relevant planning documents (section 7) and assessment subject

to Part 2 (section 8). The Iwi Engagement Summary (**Attachment C1**) summarises this manawhenua, along with the applicant's recognition of the role of Te Tau Ihu as kaitiaki over this taonga.

Another redeeming feature of this property is the topography, with the western side forming the backdrop to the City, the northern side providing the backdrop to Brooklands/Atawhai, and Kaka Hill providing the most significant natural feature on the eastern side of the site. Within these three sides lies a valley catchment with Kaka Stream in the floor, with its confluence to the Maitai River along the southern boundary.

As shown in the photos provided within **Attachment C9**, the valley floor also has a prominent flood plain, side terraces, and then an elongated valley also with a terrace and access track above the eastern bank.

The landscape and urban design assessment provided within **Attachment C9** comprehensively describe these features of the site. That assessment, undertaken by Rough and Milne Landscape Architects, has also drawn on other landscape assessments undertaken as a part of the draft Nelson Plan and as background work to the Nelson Tasman Future Development Strategy 2019. The Landscape Design Document within **Attachment C9** also pulls together the layers of information gathered by the applicant's specialist team of consultants. This Design Document clearly maps site characteristics such as context, site photos, connections, vegetation and land cover, visibility and sun/shading, all being used in the development of this PPCR.



**Figure 9:** Drone photo looking east over the Kaka Valley





**Figure 10:** Drone photo looking south-west down Kaka Valley and long the Bayview ridgeline



**Figure 11:** View from the Centre of NZ lookout, looking north along Botanical Hill

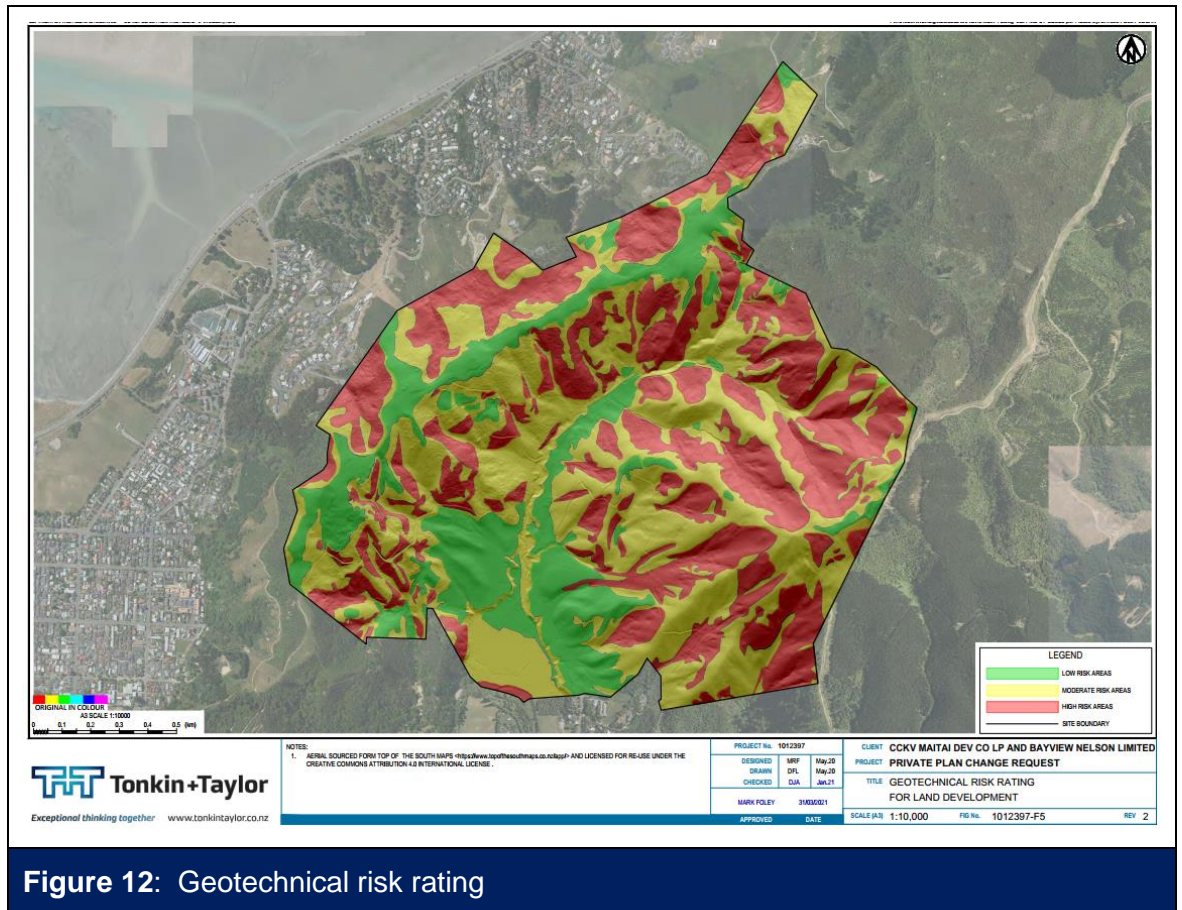
The Landscape Assessment provided in **Attachment C9(a)** refers (in section 4.0) to the Nelson Landscape Study prepared by Boffa Miskell for the Nelson City Council. This report did *not* identify Botanical Hill, Malvern Hills, Kaka Hill or the Kaka Valley as an Outstanding Natural Landscape nor Outstanding Natural features.

The Rough and Milne Landscape Assessment also agreed with the findings of the Kaka Valley Landscape Capacity Assessment also prepared by Boffa Miskell for the Nelson City Council, which lead to the assessment of Urban Development Capacity and Future Development Strategy. The Landscape Capacity Assessment concluded that the landscape capacity is “*moderate and suitable to absorb a mix of higher and lower density residential typologies ..*” with a number of general recommendations followed in the preparation of the Structure Plan.

A comprehensive description of the landscape values of the distinct Kaka Valley and Bayview land is provided in Section 4.3 of the Landscape and Visual Amenity assessment provided within **Attachment C9(a)**.

The subject site also comprises a range of geotechnical risks, from low to high, as shown in the geology and geotechnical assessment report (see **Attachment C4** and **Figure 12** below). This range of risks are typical of most hillside residential land in Nelson City, including a lot of residentially zoned land above the valley floors.

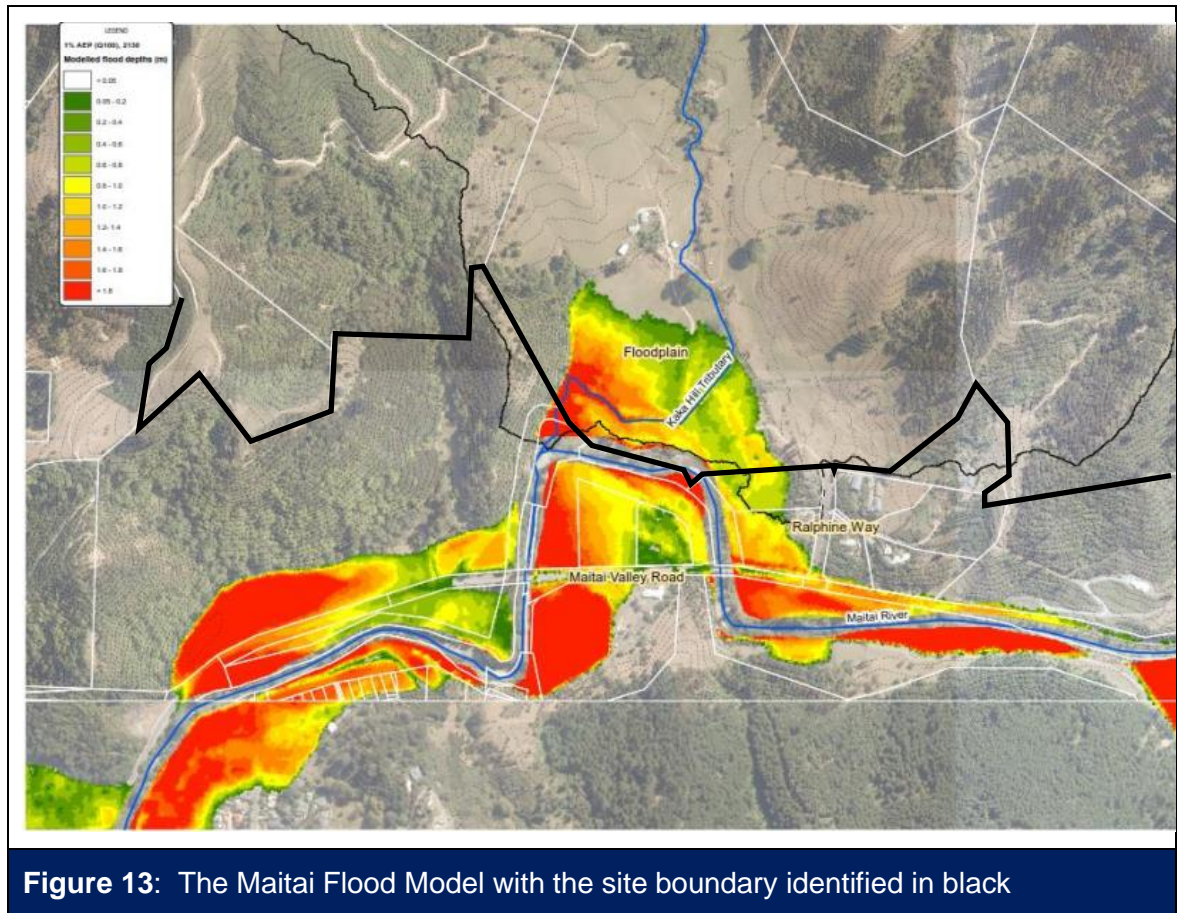




**Figure 12: Geotechnical risk rating**

Along with the natural geology and geotechnical hazard, the location of this site adjacent to the Maitai River means that part of the site is currently at risk from flooding during Q100 events. The nature of these risks has been also assessed and reported by Tonkin and Taylor as a part of assessing opportunities and natural hazard risks for urban development in this catchment. The flooding assessment is provided within **Attachment C7** as a part of the wider Infrastructure Assessment.

Tonkin and Taylor has identified that approximately 6.4-hectares of the site is located within the floodplain and so susceptible to this hazard. This relates to the 2130 1% AEP being at approximately 17.2m (NZVD 2016) which affects the floodplain as shown on Figure 5.2 (p9) of the Tonkin and Taylor report, and estimated to hold approximately 60,000m<sup>3</sup> and take just over 2 minutes to fill. The most significant risks are located at the confluence and extending over the south-western edge of the floodplain, then reducing gradually in a north and eastern direction as the elevation increases.



The Tonkin and Taylor infrastructure assessment has also identified the erosion to the right bank of the Maitai River along the site frontage which has occurred since the 1940's. Further consideration of the causes and potential mitigation of this erosion would need to be further assessed in the resource consent process and addressed prior to development of this site.

Tonkin & Taylor has also assessed servicing constraints, including water and wastewater capacities in the reticulated network and also connection options. The Infrastructure Report describes these opportunities and constraints and identifies what works are likely to be required to make those connections to service future development.

The transport network has also been assessed (**Attachment C8**) as a part of understanding the constraints and issues in the current network. Ralphine Way, Maitai Valley Road, the various bridges, Nile Street, Bayview Road, Atawhai Drive (SH6) and other relevant side roads in this network have also been assessed to inform this PPCR, and identify what would need to be further considered as a part of obtaining consent to subdivide land within the extended Services Overlay. As well as identifying specific transport deficiencies, the transportation assessment has concluded that there are no constraints in the wider network concluding that:

*In summary the PPCR area is ideally located to take advantage of space capacity in the adjacent road network and encourage alternative transport modes. The PPCR area is well positioned to provide a well-connected development area that will enable excellent walking and cycling opportunities to work and other services. (p3, Attachment C8)*

Finally, and importantly, an ecological assessment has been undertaken as a part of making sure this PPCR not only achieves the principles of sustainable management

(Part 2 of the RM Act 1991), but also achieves the applicant's aspirations to deliver a high standard of development for the long-term benefit of the community and the environment.

The information gathered in relation to ecological values are provided within the attached technical reports:

- **C5:** Ecological Opportunities and Constraints Assessment  
(Tonkin and Taylor Limited, dated March 2021)
- **C6:** Environmental Review  
(Morphum Environmental Limited, dated April 2021)

The applicant has also been gathering monthly water quality information since July 2020. These water quality tests are being undertaken by Cawthon Institute and are referenced in **Attachments C5 and C6**. Morphum (p11, Attachment C6) describe the water quality results (to date) as indicative of their current rural land use including elevated E. coli and suspended solids, with water quality being lower in downstream sampling site.

The scope and nature of the ecological assessment are set out with the reports provided in **Attachments C5 and C6**, with a summary of these report and their findings provided below.

The *Ecological Opportunities and Constraints Assessment (Attachment C5)* has involved an assessment of both terrestrial and freshwater ecological values. This assessment was undertaken for the purpose of identify environmental constraints to development of the site while also identifying opportunities to enhance biodiversity and ecological values as a part of the subdivision and development process. Along with site visits, information was sourced from a number of available databases. The information being gathered by Nelson City Council as a part of the draft Nelson Plan is an example of the information sourced in this regard.

In terms of terrestrial values, Tonkin and Taylor have concluded that:

*Most terrestrial habitats within the site are high degraded with an abundance of exotic plants and animal pests present. The exception is an area of mature kānuka forest on the elevated eastern side of the site, being the western face of Kaka Hill. (pi, Attachment C5)*

Matagouri scrubland on Kaka Hill has also been identified by the Nelson City Council, and is identified as a Significant Natural Area (166) due to its *At Risk-Declining* status. This area is identified on the proposed *Maitahi Bayview Structure Plan*.

In terms of freshwater ecology, the Kaka Stream is described as having two distinct sections:

*The largely intermittent lower reaches that flow through a historic floodplain downstream of the farmhouse culvert and the steeper permanently flowing upper reaches upstream of the farmhouse culvert. (Section 3.1.6, p8, Attachment C5)*

Tonkin and Taylor describe these two distinct parts of the Kaka Stream as follows:

#### **3.1.6.1 Upper Kaka Hill Tributary**

*Aquatic habitat within the upper reaches of Kaka Hill Tributary was diverse, with a substrate consisting of a mixture of boulders, cobbles, and mixed gravels. Sediment cover of the*

stream bed was patchy, with isolated areas of increased sediment cover (> 70 %) in pools and slower flowing areas. Overall, the upper Kaka Hill Tributary provided relatively moderate habitat diversity and abundance for freshwater fauna when compared to the lower Kaka Hill Tributary. These habitats were generally composed of undercut banks, overhanging riparian vegetation, large woody debris, and a diversity in water/flow characteristics (including pools, backwaters, riffles and shallow runs).

Riparian vegetation cover consisted of a mixture of native and exotic scrubland species (see Section 3.1.1.1), that provided high shade (> 60 % in places) and an established leaf litter to aid in groundcover and runoff filtering. Stock and pest mammal (from goats) access was evident in some areas, where pugging and animal tracks were observed.

Algae growth comprised of patchy areas of *Phormidium* sp in low shade areas immediately upstream of the farmhouse culvert. While in areas with full shade the algae community was generally comprised by thin black and brown films.

### **3.1.6.2 Lower Kaka Hill Tributary**

The lower Kaka Hill Tributary (downstream of the farmhouse culvert) generally contained high sediment cover (> 60 %) of the stream bed, with a substrate primarily composed of clay, sands, and muds. However, closer to the farmhouse culvert (where continual flow was observed) small gravel and cobble substrates were evident. Habitat diversity and abundance for freshwater fauna was low within the lower Kaka Hill Tributary, with only isolated areas of habitat providing potential refugia for freshwater fauna (e.g. from the pooled sections and the stable slow run habitat downstream of the farmhouse culvert).

Riparian cover consisted of mature rank pasture grass with isolated non-native large shrubs and/or trees along the riparian zone. The open pasture area provided no protection from stock access to the stream. The lower banks on both sides of these reaches were incised and relatively steep with some areas of bare exposed ground. Both banks appear to have a high potential for erosion, especially during higher flow events, although no evidence of bank slumping was observed. (Attachment C5, pp8-9)

The identification of the distinctly different parts of Kaka Stream was also noted by Morphem:

*The stream channel is considered to be largely natural in the upper reaches (upstream of existing woolshed) with the downstream (below woolshed) reach having been historically realigned and modified to support drainage and farming of the lower terrace. This lower reach is considered to be degraded with extensive mud substrates, limited instream habitat and a tendency to dry out over the summer months. (Section 1.4, p4, Attachment C6)*

And then:

*It is noted that the current stream (upstream of woolshed) appears stable and displays fairly typical characteristics of a natural undeveloped stream. This includes longitudinal variability, flood benches and stable meanders without evidence of significant slumping or scour except where stock access has created disturbance. The lower reach (downstream of woolshed) appears to have historically been realigned to facilitate 'drainage' of the flat land for farming purposes. This has resulted in an artificially straightened channel without habitat diversity and/or flow variability. (Section 4.1, p11, Attachment C6)*

Tonkin and Taylor also surveyed for freshwater fauna and describe the results of this survey in Section 3.1.7.1 of their assessment. "Survey results showed that the fish community was sparse .."

Two wetland areas within the site were also identified. As noted within 3.1.1.5 of the Tonkin and Taylor Report, one being on the western side of Kaka Stream in the centre of



the property, with the other on the lower slopes of Kaka Hill. Both of these wetlands are identified on the proposed Maihahi Bayview Structure Plan.

Morphum Environmental Limited were brought into the applicant's team to review the drafted Structure Plan and assist with the preparation of appropriate provisions around stormwater management and environmental enhancement. In addition, Morphum delineated and assessed all existing waterways as a part of ensuring this freshwater environment was comprehensively mapped and understood, with constraints and opportunities identified. This included identification and verification of any wetland areas as a part of addressing requirements under the NES:FW. This information was shared and assessed within the team and lead refinements to the Structure Plan, and formulation of Schedule X provisions now forming an important part of this PPCR. Refer to **Attachment C6**.

## 4.0 Plan Change Request

### 4.1 Description of the Request

Further information as to the background to and components of this PPCR are contained in the Section 32 Evaluation report provided within Attachment D1 of this Request.

### 4.1 The Requested Changes to the Nelson Resource Management Plan (NRMP)

#### AMENDMENTS TO PLANNING MAPS (NRMP, Volume 4)

1. Amend **Planning Maps A2.1 and A2.2** (Road Hierarchy Maps) by adding a Proposed Sub Collector Road from the end of Bayview Road and Frenchay Drive, through the site and following the alignment of the proposed indicative road, through Ralphine Way and down Maitai Valley Road as far as Nile Street East. (see Attachments B1.1 and B4).
2. **Amend Planning** (Zoning – right hand side) **Maps 5, 7, 8, 11, 15 and 52** by deleting the current Rural and Rural-Higher Density Small Holdings Area zoning and substituting the zoning proposed in accordance with the proposed Maitahi Bayview Structure Plan (see Change 5 and Attachments B2.1 to B2.6).
3. **Amend Planning** (Zoning – right hand side) **Maps 5, 7, 8, 11, 15 and 52** by adding Schedule X in accordance with the proposed Maitahi Bayview Structure Plan (see Change 5 and Attachment B2.1)
4. **Amend Planning** (Overlay – left hand side) **Maps 5, 7, 8, 11, 15 and 52** by adding the Services Overlay to the land the subject of proposed Maitahi Bayview Structure Plan (see Attachment B3)

#### AMENDMENTS TO TEXT (NRMP, Volume 2)

For the purpose interpreting the requested changes to provisions of the NRMP as a part of this PPCR:

- 'Normal' text applies to operative provisions which are to remain unchanged.
- 'Underline' text applies to proposed new provisions.
- '~~Strikethrough~~' text applies to proposed text to be deleted.

#### Volume 2 – Zones

##### Chapter 7: Residential Zone

5. **Add** to REd as follows:

As a part of meeting some of the significant demand and need for additional residential land, the Kaka Valley and adjoining Bayview property is identified within Schedule X (Maitahi Bayview). This also includes land for Rural-Higher Density Small Holdings subdivision and development. The future residential development enabled by Schedule X is ideally located to meet a range of needs, while adding positively to community recreational opportunities, increasing connectivity and resilience, being culturally sensitive, and enhancing ecological and freshwater values.

6. **Add** to RE3.1.viii as follows:

Provision of a specific schedule to address the special landscape values of the Marsden Plateau – see Schedule U, and landscape values of the Malvern Hills and Botanical Hill - see Schedule X - Maitahi Bayview.

7. **Add** to Policy RE3.9 Maitahi Bayview area, along with explanation and reasons, and methods:

**Policy RE3.9 Maitahi Bayview Area (Schedule X)**

The landscape values (as identified in Appendix 9 AP9.6) of the skyline and backdrop areas which are part of the Malvern Hills shall be maintained through:

- Subdivision design and layout which is consistent with the existing pattern of residential development on the north-east side of the hills.
- Design, location and mitigation of earthworks.
- Placement of building sites.
- Built form and finish of future buildings.
- Provision of landscaping to mitigate earthworks and built form.

Explanation and Reasons

RE3.9.i The Malvern Hills have been identified as an area within Nelson which can absorb a relatively large amount of development. However, to maintain the character and landscape values of the Malvern Hills controls are proposed over building form, finish and landscaping requirements. This will ensure the pattern of development will be consistent with the existing residential development on the north-east side of the hill.

Methods

RE3.9.ii Identification of Malvern Hills area within the Maitahi Bayview Structure Plan.

RE3.9.iii Specific rules to control building height, colour, and landscaping.

8. **Add** Objective RE6 Maitahi Bayview Development (Schedule X) and Reasons:

**Objective**

**RE6 Maitahi Bayview Area (Schedule X)**

Enabling greenfield subdivision and development of the Maitahi / Bayview Area (Schedule X) to contribute to Nelson's urban development capacity in a manner that:

- (a) Provides for a range of residential densities appropriate to different parts of the Maitahi / Bayview area;
- (b) Gives effect to Te Mana o te Wai and involves Tangata Whenua throughout the subdivision and development process;
- (c) Enhances ecological and biodiversity values;



- (d) Minimises the effects of urban development on the freshwater values of the Maitahi River and its tributaries;
- (e) Results in a well-functioning urban environment;
- (f) Involves the provision of full servicing infrastructure;
- (g) Provides for transport connectivity and alternative transport modes;
- (h) Avoids and mitigates the effects on local landscape values;
- (i) Enhances recreational opportunities.

#### Explanation and Reasons

RE6.i The Nelson Tasman Future Development Strategy has identified the Maitahi Bayview area as being suitable for accommodating future development as an expansion of Nelson to provide for growth and meeting housing demand. Schedule X and the associated Structure Plan are to ensure that a range of residential development can occur. The Schedule rules and guidance will ensure development is culturally sensitive whilst allowing for enhanced community recreational opportunities and ecological values through best practice Freshwater guidance. The Structure Plan also provides for road, cycle and pedestrian linkages which will benefit properties outside of the Maitahi Bayview Area. Landscape values are recognised through building control rules and overall design guidance around landscaping and use of recessive colours for buildings.

9. **Add** Policy RE6.1 Maitahi Bayview (Schedule X), explanation and reasons, and methods:

#### **Policy RE6.1 Maitahi Bayview Area (Schedule X)**

Development of the Maitahi Bayview area shall generally accord with the Structure Plan identified within Schedule X by providing:

- A range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community.
- Sustainable development which achieves high quality urban design principles.
- Comprehensive housing which is consistent with the requirements of Appendix 22.
- Consistency with the requirements of Appendix 9 (where appropriate) and Appendix 14.
- Protection of heritage and cultural values.
- Freshwater management which is consistent with the NPS Freshwater.
- Recreational opportunities to meet the needs of current and future residents.
- Connectivity through road, cycleway and pedestrian linkages.
- Sustainable servicing infrastructure including low impact stormwater design treatment and disposal.

## Explanation and Reasons

RE6.1.i Development within the Maitahi Bayview area in general accordance with the Schedule and Structure Plan will ensure that the area is developed in a manner which provides for a diversity of housing choice to meet the needs of Nelson. The provisions of Schedule X are designed to ensure development occurs in a manner which achieves best practice urban design principles and maintains landscape values. The provision for ongoing Iwi involvement in development of the site respects cultural values and the best practice freshwater guidance within the Schedule ensures recreational opportunities and ecological values are enhanced. The Structure Plan provides for continuity of public amenity through provision of road, cycleway and pedestrian linkages and reserves all of which are designed to integrate development into the surrounding environment. The Schedule and Structure Plan have been designed in accordance with urban design principles which take account of the existing landforms and landscape amenity values of the valley, surrounding hills, and ridgelines.

## Methods

RE6.1.ii Schedule Maitahi Bayview area to ensure integrated development and servicing in accordance with the Structure Plan.

RE6.1.iii Specific rules within the Schedule which control the adverse effects of development.

RE6.1.iv Development of Maitahi Bayview area in accordance with best practice landscape and urban design principles and freshwater outcomes whilst allowing for Iwi involvement.

RE6.1.v Zoning and rules which provide for diversity of housing choice, size and style in a manner which achieves the desired urban design outcomes.

## 10. **Add** Policy RE6.2 Cultural Values, explanation and reasons, and methods:

### **Policy RE6.2 Cultural Values**

Development of the Maitahi Bayview area shall include consideration of cultural values through:

- Protection of identified historic places (MS56 and MS58).
- Consultation with Iwi on issues relating to the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga.
- Management of natural and physical resources in a manner which respects and takes account of the principles of the Treaty of Waitangi.
- Enable whakatū Nelson tāngata whenua to exercise kaitiakitanga of freshwater.

## Explanation

RE6.2.i Section 5 of the Resource Management Act requires that social, cultural and economic well being of people and communities and their health and safety be addressed in the process of sustainable management of

resources. In recognition of the cultural values associated with the site through historic occupation, freshwater values and the two significant places (MS57 and MS58) identified within the Maitahi Bayview area the Schedule rules require ongoing consultation with Iwi through each development phase to ensure development respects cultural values.

#### Methods

RE6.2.ii Rule within the Schedule to require provision of a cultural impact assessment for any resource consent application involving earthworks, freshwater, discharges, subdivision or comprehensive housing.

RE6.2.iii Consultation with Iwi on issues relating to the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga.

11. **Add** Policy RE6.3 Sensitive Environmental Design, explanation and reasons, and methods:

#### **Policy RE6.3 Sensitive Environmental Design**

Ensure subdivision and development enhance freshwater and terrestrial ecological values through:

- Promotion of land management which minimises nutrient loss and does not accelerate soil erosion.
- Maintenance or enhancement of ecosystem health, water quality and quantity including through appropriate management of stormwater.
- Management of surface water and ground water in an integrated manner.
- Protection and enhancement of Kaka stream and its tributaries by minimising stream loss, protecting springs and seeps including their flow paths and provide for (1:100yr) flood flow within the stream, including its riparian margin.
- Conservation and reuse of water resources.
- Identification, protection and enhancement of natural wetlands.
- Preservation, and where degraded, restoration of natural character of freshwater bodies.
- Protection of threatened species habitats within Kaka stream.
- Maintenance of ecological values to ensure development does not result in a net loss and removal of indigenous vegetation and habitat for indigenous fauna is avoided.
- Realignment of the lower section of the Kaka stream to enhance freshwater ecological and biodiversity values.

## Explanation and Reasons

RE6.3.i Subdivision and Development within the Maitahi Bayview area provides an opportunity for protection and enhancement of freshwater and terrestrial ecology values on the site. The Schedule provides guidance on best practice principles which should be utilised in all subdivision and development design processes to align with the objectives and intent of the NPS-FM and NES 2020. The Schedule provides practical guidance around engineering solutions to meet best practice guidelines and proposes a co-design with nature approach to integrated and regenerative urban development.

## Methods

RE6.3.ii Development will incorporate best practice guidance contained within the Schedule which promotes subdivision and development design which enhances freshwater and ecological values.

RE6.3.iv Use of nature based or green infrastructure engineering solutions where possible.

RE6.3.v Identification, protection and enhancement of all remaining natural wetlands.

RE6.3.vi Provide for ecological linkages with other areas with ecological values.

12. **Add** to the 'Contents of Residential Zone rule table':

REr.106D Maitahi Bayview Structure Plan (Schedule X)

13. **Add** a new rule REr.106D

Item	Permitted	Controlled	Discretionary / Non-Complying	Assessment criteria	Explanation
<u>REr.106D</u> <u>Maitahi Bayview Structure Plan (Schedule X)</u>	<u>REr.106D.1</u> <u>Schedule X applies</u>	<u>REr.106D.2</u> <u>Schedule X applies</u>	<u>REr.106D.3</u> <u>Schedule X applies</u>	<u>REr.106D.4</u> <u>Schedule X applies</u>	<u>REr.106D.5</u> <u>Schedule X applies</u>

14. **Add** to REr.109.5 (Landscape Overlays – Subdivision) as follows:

The rules pertaining to subdivision and development within Maitai Bayview Structure Plan area are located in Schedule X. These controls address the specific amenity landscape values applicable to that location.

15. Add a new 'Schedule X (Maitahi Bayview)' as follows:

Schedule	
<b>Sch. X</b>	<b>Maitahi Bayview Area</b>
<b>X.1</b>	<b>Application of the schedule</b>
	<p><u>This Schedule applies to the Kaka Valley and Bayview property area shown as 'Schedule X' on Planning Maps 5, 7, 8, 11, 15 and 52.</u></p> <p><u>The majority of the Schedule site is located within the Kaka Valley which is enclosed by the Botanical, Malvern, Kaka and Sharland Hills with Malvern Hills separating the valley from Nelson Haven. The remainder of the site is on the north-western facing slopes of the Malvern Hills looking over Nelson Haven and Tasman Bay. Botanical Hill is identified as an important visual focus for part of the inner city area with the Malvern range providing a visual backdrop to northern side urban area. Kaka Hill is identified as a strategic part of the city backdrop and forms the foreground and entrance to the Nelson region. Sharland Hill is closely associated with these hills with its ridgeline and upper slopes being visually important for the backdrop to the city.</u></p> <p><u>The site is located close to the city centre and is recognised as having the ability to accommodate future growth through the Future Development Strategy. However, this must be balanced against the important landscape and visual characteristics which are valued by the community, and also appropriate maintenance and enhancement of recreational values, cultural values, and ecological values.</u></p> <p><u>Figures 1 &amp; 2 of this Schedule are spatial tools which direct development in an appropriate manner taking account of topography, landscape and visual character and ecological values. The Structure Plan has been prepared using best practice urban design principles.</u></p> <p><u>The development of the valley floor for residential development is a progression of existing residential development within the wider Maitai Valley. The lower and middle slopes of the Malvern Hills are already developed, and the proposed residential zoning of the upper slopes providing an extension of this existing development and zoning. However, specific controls are placed on the development of the upper Malvern Hill slope areas which are defined in this Schedule on Figure 2 as the 'skyline' and 'backdrop' areas to ensure landscape values and characters are maintained.</u></p> <p><u>The Schedule seeks to integrate into the NRMP by requiring that the zones are developed in a manner consistent with the Plan provisions. This is considered to meet the expectations of the community and ensure development is undertaken in a harmonious and consistent manner with the wider region. The intention of the additional rules proposed within this Schedule is to provide for higher quality environmental and urban design outcomes for areas of the site which are particularly sensitive to the local landscape and visual amenity values. The rules also require that ecological values are maintained, enhanced and protected in a manner which is consistent with the National Policy Statement for Freshwater.</u></p> <p><u>The purpose of this Schedule is to ensure that subdivision and development proceeds in general accordance with the Structure Plan accompanying this Schedule and to incorporate specific rules within the Schedule and respective Rule Tables of the Nelson Resource Management Plan.</u></p> <p><u>Schedule X is referred to in the following Residential, Rural and Suburban Commercial Zones rules: REr.106D, REr.109.5, SCr.69C, SCr.71.2 and RUR.77C.</u></p> <p><u>All activities provided for in the relevant rule tables for each zone apply to the land within Schedule X, except as specifically provided for in this Schedule and the Structure Plan. Additional rules are provided for specific overlays and zone areas within the Structure Plan. These rules are to be considered in addition to all relevant zone rules except where specified.</u></p>

<u><b>X.2</b></u>	<u><b>Comprehensive Housing Development in the Residential Zone – Higher Density Area</b></u>
	<p>Comprehensive Housing Developments (with or without subdivision) in the Residential Zone – Higher Density Area are a restricted discretionary activity if:</p> <ol style="list-style-type: none"> <li>a) <u>it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</u></li> <li>b) <u>it meets the restricted discretionary standards and terms of Rule REr.22.3; and</u></li> <li>c) <u>it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and</u></li> <li>d) <u>esplanade reserve is provided in accordance with the standards in X.7 of this Schedule.</u></li> </ol> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <li>I. <u>The matters of control under REr.107.2 where subdivision is proposed, and</u></li> <li>II. <u>The ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought; and</u></li> <li>III. <u>The matters in Rule REr.22.3; and</u></li> <li>IV. <u>Consistency with Appendix 22 (Comprehensive Housing Development), and</u></li> <li>V. <u>The matters in the Nelson Tasman Land Development Manual 2020, and</u></li> <li>VI. <u>The matters in Appendices 11 to 12 of the Plan, and</u></li> <li>VII. <u>The design and layout of roads, access, cycleways, walkways, reserves and biodiversity corridors; and</u></li> <li>VIII. <u>The staging of development and associated roading and reserves; and</u></li> <li>IX. <u>The restricted discretionary matters listed in REr.108.3 (Subdivision in the Services Overlay) where subdivision is proposed; and</u></li> <li>X. <u>Consistency with the Maitahi Bayview Structure Plan.</u></li> </ol> <p><u>Resource consent for restricted discretionary activities will be considered without notification or service of notice.</u></p> <p><u>Activities which contravene a standard for the restricted discretionary activity are discretionary.</u></p> <p><u>Explanation</u></p> <p><u>This specific rule for Schedule X supersedes REr.107.3 and REr.108.3 of the Plan for comprehensive housing developments. The purpose of this is to make specific provision for higher density residential development as a restricted discretionary activity, to provide a streamlined planning process, and so achieve the NPS-UD in an efficient manner, while still requiring high quality outcomes and appropriate servicing.</u></p>

<b>X.3</b>	<b><u>Subdivision – General (Residential Zone)</u></b>
	<p><u>Subdivision is a restricted discretionary activity if:</u></p> <ul style="list-style-type: none"> <li>a) <u>it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14; and</u></li> <li>b) <u>it complies with all relevant standards in Appendices 10 to 12; and</u></li> <li>c) <u>it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and</u></li> <li>d) <u>esplanade reserve is provided in accordance with the standards in X.7 of this Schedule; and</u></li> <li>e) <u>The net area of every allotment is at least</u>  <u>Residential – Higher Density Area: 300m<sup>2</sup></u>  <u>Residential – Standard Density Area: 400m<sup>2</sup></u>  <u>Residential – Lower Density Area: 800m<sup>2</sup></u>  <u>Residential - Lower Density Area (Backdrop Area): 1500m<sup>2</sup></u>  <u>Except for allotments created solely for access or utility services; and</u></li> <li>f) <u>a rectangle measuring 15m by 18m is capable of being located within the boundaries of any allotment, that is clear of any right of way and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services, and</u></li> <li>g) <u>the layout and design is in general accordance with the Structure Plan or as otherwise specified by Schedule X.</u></li> </ul> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li>I. <u>The matters of control under REr.107.2, and</u></li> <li>II. <u>The ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought; and</u></li> <li>III. <u>The matters in the Nelson Tasman Land Development Manual 2020, and</u></li> <li>IV. <u>The matters in Appendices 11 to 12 of the Plan, and</u></li> <li>V. <u>The design and layout of roads, access, cycleways, walkways, reserves and biodiversity corridors; and</u></li> <li>VI. <u>The staging of development and associated roading and reserves; and</u></li> <li>VII. <u>The restricted discretionary matters listed in REr.108.3 (Subdivision in the Services Overlay); and</u></li> <li>VIII. <u>Consistency with the Maitahi Bayview Structure Plan.</u></li> </ul> <p><u>Resource consent for restricted discretionary activities will be considered without notification or service of notice.</u></p> <p><u>Activities which contravene a standard for the restricted discretionary activity are discretionary.</u></p> <p><u>Explanation</u></p> <p><u>This specific rule for Schedule X supersedes REr.107.3, REr.108.3 and REr.109.3 of the Plan. The purpose of this is to make specific provision for residential development as a restricted discretionary activity, to provide a streamlined planning process, and so achieve the NPS-UD in an efficient manner, while still requiring high quality outcomes and appropriate servicing.</u></p> <p><u>The Maitahi Bayview Structure Plan and Schedule X contain site specific controls over landscape effects from building. Refer to the general rules below.</u></p>



X.4	<b><u>Backdrop Area</u></b>
	<p>Building within the Backdrop Area (as identified on Attachment B1.2 of Schedule X) is a controlled activity if:</p> <ul style="list-style-type: none"> <li>the final colour of any building's external roof and gutters uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 20%.</li> <li>the final colour of any building's external walls, joinery and spouting uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 32%.</li> <li>the site area shall be planted with a minimum of 20% native vegetation cover.</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>The buildings external appearance:</li> <li>The following planting palette and a maintenance schedule.</li> </ul> <p><u>Trees</u></p> <ul style="list-style-type: none"> <li><i>Alectryon excelsus</i> – Tītoki</li> <li><i>Aristotelia serrata</i> – Makomako</li> <li><i>Beilschmiedia tawa</i> – Tawa</li> <li><i>Cordyline australis</i> – Cabbage tree</li> <li><i>Dodonaea viscosa</i> – Akeake</li> <li><i>Dacrydium dacrydioides</i> – Kahikitea</li> <li><i>Dacrydium cupressinum</i> – Rimu</li> <li><i>Fuchsia excorticata</i> - kōtukutuku, tree fuchsia</li> <li><i>Fuscospora solandri</i> – Black Beech</li> <li><i>Fuscospora truncate</i> – Hard Beech</li> <li><i>Griselinia lucida</i> - Puka</li> <li><i>Hoheria angustifolia</i></li> <li><i>Kunzea ericoides</i> – Kānuka</li> <li><i>Leptospermum scoparium</i> – manuka</li> <li><i>Macropiper excelsum</i> – Kawakawa</li> <li><i>Melicytus ramiflorus</i> – Māhoe</li> <li><i>Myoporum laetum</i> - Naigo</li> <li><i>Myrsine australis</i> - Māpou</li> <li><i>Olearia paniculate</i> - Akiraho</li> <li><i>Pittosporum eugenoides</i> - Tarata</li> <li><i>Pittosporum tenuifolium</i> - Kōhūhū</li> <li><i>Plagianthus regius</i> – Lowland ribbonwood</li> <li><i>Podocarpus totara</i> – tōtara</li> <li><i>Prumnopitys ferruginea</i> - Miro</li> <li><i>Prumnopitys taxifolia</i> – Matai</li> <li><i>Pseudopanax crassifolius</i> – Lancewood</li> <li><i>Sophora microphylla</i> – Kōwhai</li> <li><i>Weinmannia racemosa</i> – Kāmhai</li> </ul> <p><u>Shrubs, Ground Covers, Grasses, and Sedge</u></p> <ul style="list-style-type: none"> <li><i>Brachyglottis repanda</i> – Rangiora</li> <li><i>Coprosma repens</i> - Taupata</li> <li><i>Coprosma robusta</i> – Karamū</li> <li><i>Veronica stricta</i> – Koromiko</li> <li><i>Melicytus crassifolius</i> – Coastal porcupine scurb</li> <li><i>Ozothamnus leptophyllus</i> – Tauhinu</li> <li><i>Phormium cookianum</i> – Wharariki</li> <li><i>Cortaderia richardii</i> – South Island Toetoe</li> </ul> <p>Any building that does not comply with a controlled activity standard shall be a restricted discretionary activity, with the following matters of discretion:</p> <ul style="list-style-type: none"> <li>The buildings external appearance.</li> <li>Visibility of the building from public places.</li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Effects on the visual amenity values of the Backdrop Area.</u></li> <li>• <u>Opportunities for mitigating the visual effects and reducing a buildings visual prominence through planting, earthworks, or through the use of low impact architectural design techniques.</u></li> </ul> <p><u>Resource Consent for a Restricted Discretionary Activity shall be considered without notification or service of notice.</u></p> <p><u>Explanation</u></p> <p><u>This rule, combined with the minimum allotment sizes required by X.3 above and the information requirements of Appendix 14, will ensure the visual amenity of the hill slopes within the Backdrop Area are maintained to an appropriate standard.</u></p>
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<b><u>X.5</u></b>	<b><u>Skyline Area</u></b>
	<p><u>Building within the Skyline Area (as identified on Attachment B1.2 of Schedule X) is a controlled activity if:</u></p> <ol style="list-style-type: none"> <li><u>The final colour of any building's external roof and gutters uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 20%.</u></li> <li><u>The final colour of any building's external walls, joinery and spouting uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 32%, and either</u></li> <li><u>The final height of any dwelling shall sit below the primary ridgeline, as illustrated on the Maitahi Bayview Structure Plan (Sheet B1.2); or</u></li> <li><u>Any building proposed to extend above the ridgeline shall be supported by a landscape assessment by a suitably qualified and experienced landscape architect along with a detailed landscape plan, setting out how the visual impacts of a building exceeding the height of the primary ridgeline are to be mitigated.</u></li> </ol> <p><u>Control is reserved over:</u></p> <ol style="list-style-type: none"> <li><u>Earthworks.</u></li> <li><u>Building location, scale, height, modulation, roof pitch, colour, reflectivity and any other aspects of the external appearance.</u></li> <li><u>The following planting palette and a maintenance schedule.</u></li> </ol> <p><u>Trees</u></p> <ul style="list-style-type: none"> <li>○ <u><i>Alectryon excelsus</i> – Titoki</u></li> <li>○ <u><i>Aristotelia serrata</i> – Makomako</u></li> <li>○ <u><i>Beilschmiedia tawa</i> – Tawa</u></li> <li>○ <u><i>Cordylina australis</i> – Cabbage tree</u></li> <li>○ <u><i>Dodonaea viscosa</i> – Akeake</u></li> <li>○ <u><i>Dacrydium dacrydioides</i> – Kahikitea</u></li> <li>○ <u><i>Dacrydium cupressinum</i> – Rimu</u></li> <li>○ <u><i>Fuchsia excorticata</i> - kōtukutuku, tree fuchsia</u></li> <li>○ <u><i>Fuscospora solandri</i> – Black Beech</u></li> <li>○ <u><i>Fuscospora truncate</i> – Hard Beech</u></li> <li>○ <u><i>Griselinia lucida</i> - Puka</u></li> <li>○ <u><i>Hoheria angustifolia</i></u></li> <li>○ <u><i>Kunzea ericoides</i> – Kānuka</u></li> <li>○ <u><i>Leptospermum scoparium</i> – manuka</u></li> <li>○ <u><i>Macropiper excelsum</i> – Kawakawa</u></li> <li>○ <u><i>Melicytus ramiflorus</i> – Māhoe</u></li> <li>○ <u><i>Myoporum laetum</i> - Naigo</u></li> <li>○ <u><i>Myrsine australis</i> - Māpou</u></li> <li>○ <u><i>Olearia paniculate</i> - Akiraho</u></li> <li>○ <u><i>Pittosporum eugeniioides</i> - Tarata</u></li> <li>○ <u><i>Pittosporum tenuifolium</i> - Kōhūhū</u></li> <li>○ <u><i>Plagianthus regius</i> – Lowland ribbonwood</u></li> <li>○ <u><i>Podocarpus totara</i> – tōtara</u></li> <li>○ <u><i>Prumnopitys ferruginea</i> - Miro</u></li> </ul>

	<ul style="list-style-type: none"> <li>○ <u>Prumnopitys taxifolia</u> – Matai</li> <li>○ <u>Pseudopanax crassifolius</u> – Lancewood</li> <li>○ <u>Sophora microphylla</u> – Kōwhai</li> <li>○ <u>Weinmannia racemosa</u> – Kāmhai</li> </ul> <p><u>Shrubs, Ground Covers, Grasses, and Sedge</u></p> <ul style="list-style-type: none"> <li>○ <u>Brachyglottis repanda</u> – Rangiora</li> <li>○ <u>Coprosma repens</u> - Taupata</li> <li>○ <u>Coprosma robusta</u> – Karamū</li> <li>○ <u>Veronica stricta</u> – Koromiko</li> <li>○ <u>Melicytus crassifolius</u> – Coastal porcupine scurb</li> <li>○ <u>Ozothamnus leptophyllus</u> – Tauhinu</li> <li>○ <u>Phormium cookianum</u> – Wharariki</li> <li>○ <u>Cortaderia richardii</u> – South Island Toetoe</li> </ul> <p>4. <u>Effects on the visual amenity values of the Skyline Area:</u></p> <p>5. <u>Potential opportunities for screening or mitigating visual effects and reducing the buildings visual prominence through planting, earthworks, or through the use of low impact architectural design techniques.</u></p> <p><u>Any building which does not comply with Controlled Activity conditions a)-d) of this Rule shall be a Restricted Discretionary Activity with discretion restricted to the following matters:</u></p> <ol style="list-style-type: none"> <li>1. <u>The buildings external appearance</u></li> <li>2. <u>Effects on the visual amenity values of the Skyline Area.</u></li> <li>3. <u>The extent to which structures will be visible from the Nelson City Centre and State Highway 6 (QE II Drive):</u></li> <li>4. <u>Opportunities for mitigating the visual effects and reducing the buildings visual prominence through planting, earthworks, or through the use of low impact architectural design techniques.</u></li> </ol> <p><u>Resource Consent for a Restricted Discretionary Activity shall be considered without notification or service of notice.</u></p> <p><u>Explanation</u></p> <p><u>This rule, combined with the minimum allotment sizes required by X.2 above and the information requirements of Appendix 14, will ensure the landscape values of the Skyline Area are maintained to an appropriate standard.</u></p>
<b><u>X.6</u></b>	<b><u>Prohibited Activities</u></b>
	<p><u>The following activities are prohibited:</u></p> <p>(a) <u>Buildings on Kaka Hill backdrop and skyline area as identified on Attachment B1.2 of Schedule X;</u></p> <p>(b) <u>Buildings within the Significant Natural Area as identified on B1.2 of Schedule X.</u></p> <p><u>Explanation</u></p> <p><u>These rules will ensure the landscape and natural values of Kaka Hill are protected long term.</u></p>
<b><u>X.7</u></b>	<b><u>Esplanade Reserve Standards</u></b>
	<ol style="list-style-type: none"> <li>a) <u>For the area adjoining the Maitai River and over Kaka Stream, esplanade reserve shall be vested in stages as subdivision progresses in accordance with the Maitahi Bayview Structure Plan.</u></li> <li>b) <u>An esplanade reserve with a minimum total width of 40m shall be vested in stages as subdivision progresses.</u></li> <li>c) <u>Planting in general accordance with the following planting palette:</u> <p><u>Trees</u></p> <ul style="list-style-type: none"> <li>○ <u>Alectryon excelsus</u> – Titoki</li> <li>○ <u>Aristotelia serrata</u> – Makomako</li> <li>○ <u>Beilschmiedia tawa</u> – Tawa</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>○ <u><i>Cordyline australis</i></u> – Cabbage tree</li> <li>○ <u><i>Dacrydium dacrydioides</i></u> – Kahikitea</li> <li>○ <u><i>Dodonaea viscosa</i></u> – Akeake</li> <li>○ <u><i>Dacrydium cupressinum</i></u> – Rimu</li> <li>○ <u><i>Fuchsia excorticata</i></u> - kōtukutuku, tree fuchsia</li> <li>○ <u><i>Fuscopora solandri</i></u> – Black Beech</li> <li>○ <u><i>Fuscopora truncate</i></u> – Hard Beech</li> <li>○ <u><i>Griselinia lucida</i></u> - Puka</li> <li>○ <u><i>Hoheria angustifolia</i></u></li> <li>○ <u><i>Kunzea ericoides</i></u> – Kānuka</li> <li>○ <u><i>Leptospermum scoparium</i></u> – manuka</li> <li>○ <u><i>Macropiper excelsum</i></u> – Kawakawa</li> <li>○ <u><i>Melicactus ramiflorus</i></u> – Māhoe</li> <li>○ <u><i>Myoporum laetum</i></u> - Naigo</li> <li>○ <u><i>Myrsine australis</i></u> - Māpou</li> <li>○ <u><i>Pittosporum eugenoides</i></u> - Tarata</li> <li>○ <u><i>Pittosporum tenuifolium</i></u> - Kōhūhū</li> <li>○ <u><i>Plagianthus regius</i></u> – Lowland ribbonwood</li> <li>○ <u><i>Podocarpus totara</i></u> – tōtara</li> <li>○ <u><i>Prumnopitys ferruginea</i></u> - Miro</li> <li>○ <u><i>Prumnopitys taxifolia</i></u> – Matai</li> <li>○ <u><i>Pseudopanax crassifolius</i></u> – Lancewood</li> <li>○ <u><i>Sophora microphylla</i></u> – Kōwhai</li> <li>○ <u><i>Weinmannia racemosa</i></u> – Kāmhai</li> </ul> <p><u>Shrubs, Ground Covers, Grasses, and Sedges</u></p> <ul style="list-style-type: none"> <li>○ <u><i>Aposadmia sismilis</i></u> - Oioi</li> <li>○ <u><i>Carex secta</i></u> – pukio</li> <li>○ <u><i>Carex virigata</i></u> – Pūrei</li> <li>○ <u><i>Cortaderia richardii</i></u> – South Island Toetoe</li> <li>○ <u><i>Phormium tenax</i></u> - Harakeke</li> <li>○ <u><i>Juncus edgariae</i></u> – common rush</li> <li>○ <u><i>Juncus pallidus</i></u> – Giant Rush</li> <li>○ <u><i>Juncus australis</i></u> – Rush</li> </ul> <p><u>Plants set back from Stream and Wetland Margins</u></p> <ul style="list-style-type: none"> <li>○ <u><i>Astelia fragrans</i></u> – kahakaha</li> <li>○ <u><i>Coprosma propinqua</i></u> – Mingimingi</li> <li>○ <u><i>Coprosma rigida</i></u> – streamside coprosma</li> <li>○ <u><i>Coprosma robusta</i></u> – Karamū</li> <li>○ <u><i>Myrsine divaricate</i></u> – Weeping Māpou</li> <li>○ <u><i>Veronica stricta</i></u> – Koromiko</li> </ul> <p><u>Note: It is recognised here that the lower Kaka Stream tributary may, subject to resource consent approval, be realigned as a part of developing in general accordance with the Maitahi Bayview Structure Plan.</u></p> <p><u>Explanation</u></p> <p><u>This requirement will ensure that esplanade reserve is vested in accordance with the Maitahi Bayview Structure Plan, and that the enhancement planting be undertaken in general accordance with an appropriate planting palette.</u></p>
	<b><u>Information and Design Requirements</u></b>
	<u>In order to ensure the cultural and freshwater values of the subject site are maintained and enhanced, X.8 and X.9 require appropriate consideration and assessment of these values, to be submitted with resource consent applications.</u>
<b><u>X.8</u></b>	<b><u>Cultural Values and Engagement with Te Tau Ihu Iwi</u></b>
	<u>In recognition of the Te Tau Ihu Statutory Acknowledgements 2014 and the requirement of the NPS-FM 2020, any subdivision and development of land within Schedule X shall be prepared after having particular regard to cultural values and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). As a part of demonstrating this, a Cultural Impact Assessment (prepared by a contractor approved by Iwi) shall be submitted with any resource consent application involving earthworks, discharges, freshwater and terrestrial ecology, comprehensive housing, or subdivision.</u>

X.9	<b><u>Ecological outcomes and freshwater</u></b>
	<p><u>Alongside the NTLDM 2020 or its replacement, the following best practice principles shall be used in the subdivision and development design process, with an assessment from a suitably qualified person demonstrating the application of these principles:</u></p> <ol style="list-style-type: none"> <li><u>1) Align with the objectives and intent of the NPS-FM and NES 2020 which include mandatory provisions around stream/wetland effects avoidance and application of the effects management hierarchy.</u></li> <li><u>2) Co-design with nature an integrated and regenerative approach to urban development:</u> <ol style="list-style-type: none"> <li><u>a) Use 'green infrastructure' engineering solutions where possible to mimic or work with processes found in the natural environment.</u></li> <li><u>b) Retain, restore and enhance existing elements of the natural drainage system, and integrate these elements into the urban landscape.</u></li> </ol> </li> <li><u>3) Address pressures on waterbodies close to source by implementing Water Sensitive Design (WSD) principles in the planning through to the implementation stages</u></li> <li><u>4) Mimic predevelopment hydrology through retention and detention. Predevelopment channel forming flows in Kaka Stream to be managed to reduce risk of scour and sediment mobilisation.</u></li> <li><u>5) Pass first flush of all site generated stormwater through constructed vegetated treatment devices prior to discharge to Kaka Stream, existing wetlands or Maitai River. First flush to be based on treating 80-85% of mean annual volume or stormwater resulting from 3-month ARI rainfall event.</u></li> <li><u>6) Map areas with high infiltration capacity and factor in design to optimise groundwater recharge and baseflow where possible as part of water sensitive design strategy.</u></li> <li><u>7) Provide and protect overland flow paths through road design and other dedicated pathways to pass peak flows from upper slopes safely.</u></li> <li><u>8) Retain and protect the upper reach of Kaka Stream (above woolshed) through continuous riparian corridor (Blue-Green Spine). Corridor to reflect natural topography and be delineated to support:</u> <ol style="list-style-type: none"> <li><u>a) Channel meanders and flood benches</u></li> <li><u>b) Robust riparian vegetation</u></li> <li><u>c) Peak flood capacity</u></li> <li><u>d) Eco-system function and habitat</u></li> <li><u>e) Integrated stormwater wetlands</u></li> <li><u>f) Public access via well designed walking/cycling paths (no roads except at crossing points)</u></li> </ol> </li> <li><u>9) Where practical, co-locate stormwater treatment wetlands within Kaka Stream Blue-Green Spine to protect mainstream, increase urban ecology, connect the community with water and provide high quality amenity.</u></li> <li><u>10) Identify and delineate development areas able to drain to Blue-Green Spine or other dedicated stormwater treatment areas not able to be captured in these to self-manage through on lot management of water quality/quantity.</u></li> <li><u>11) Where feasible, integrate peak flood controls within Blue-Green Spine whilst ensuring that Eco-System function (including fish passage) is preserved, stormwater wetlands are protected, and the health and safety of community and visitors are protected.</u></li> <li><u>12) Provide for the realignment of the lower portion of the Kaka Stream where this provides for improved ecological outcomes, provides for more efficient urban form and demonstrates adherence with best practice channel design guidelines.</u></li> <li><u>13) Identify, protect and enhance all remaining natural wetlands.</u></li> </ol>



	<p>14) <u>Protect and enhance the Kaka Stream and its tributaries, including:</u></p> <p>a) <u>Minimising stream loss.</u></p> <p>b) <u>Identifying springs/seeps and protect these including the flow paths to the nearest streams</u></p> <p>c) <u>Providing for flood flows (1:100yr) within the stream including its riparian margins.</u></p> <p>15) <u>Provide for ecological linkages between ecological areas (freshwater and terrestrial) inside and neighbouring Schedule X.</u></p> <p>16) <u>Manage earthworks and compaction outside residential zones to minimise changes to the hydraulic response of flows directly or indirectly discharging into the Kaka Stream and its tributaries</u></p> <p>17) <u>Conserve and reuse water resources, through maximising water-use efficiency by reducing potable water demand and maximising the use of greywater and stormwater.</u></p> <p>18) <u>considering climate change during all stages of the design process.</u></p>
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16. **Add** Maitahi Bayview Structure Plan and Landscape Overlay Map to Schedule X – Volume 2, as shown in Figure 17 above (see Attachments B1.1 and B1.2) and label as Figures 1 and 2 respectively.

### **Chapter 9: Suburban Commercial Zone**

17. **Amend** SCd.1 as follows:

*This Zone includes ... Bishopdale, Kaka Valley, and ...*

18. **Add** to SCd as follows:

*Provision is also made for appropriately scaled areas for commercial development in a central location to enable the establishment of activities to serve this new community.*

19. **Add** SCX Maitahi Bayview Development (Schedule X) after SC3.2:

SC4 Maitahi Bayview (Schedule X)

For objectives and policies relevant to the Suburban Commercial Zone which is contained within Schedule X area, refer to RE6 and associated policies within Chapter 7 Residential Zone.

20. **Add** to Contents page for the Suburban Commercial Zone:

SCr.69C Maitahi Bayview Structure Plan (Schedule X)

<u>SCr.69C</u>	<u>SCr.69C.1</u>	<u>SCr.69C.2</u>	<u>SCr.69C.3</u>	<u>SCr.69C.4</u>	<u>SCr.69C.5</u>
<u>Maitahi Bayview Structure Plan (Schedule X)</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>

21. **Add** to SCr.71.2 as follows:

- i) In respect of Maitahi Bayview Schedule X, compliance with Schedule X rules requiring subdivision layout and design to generally accord with Schedule X, Figure 1, Maitahi Bayview Structure Plan, located in Chapter 7 Residential Zone.

## **Chapter 12: Rural Zone**

22. **Add** to RUd as follows:

As a part of meeting some of the significant demand and need for additional residential land, the Kaka Valley and adjoining Bayview property is identified within Schedule X (Maitahi Bayview). This also includes land for Higher Density Small Holdings subdivision and development. The future residential development enabled by Schedule X is ideally located to meet a range of needs, while adding positively to community recreational opportunities, increasing connectivity and resilience, being culturally sensitive, and enhancing ecological and freshwater values.

23. **Add** to RU2.1.iA as follows:

and Maitahi Bayview (Schedule X)

24. **Amend** RU2.ii(b) to read:

and Maitahi Bayview (Schedule X)

25. **Amend** RU2.2.iA to read:

and Maitahi Bayview (Schedule X)

26. **Add** RU5 as follows:

RU5 Maitahi Bayview Development (Schedule X)

For objectives and policies relevant to the Rural – Higher Density Small Holdings Area which is contained within Schedule X area, refer to RE6 and associated policies within Chapter 7 Residential Zone.

27. **Add** to Contents page for the Rural Zone:

RUr.77C Maitahi Bayview Structure Plan (Schedule X)

28. **Add** a new rule RUr.77C

<u>RUr.77C</u>	<u>RUr.77C.1</u>	<u>RUr.77C.2</u>	<u>RUr.77C.3</u>	<u>RUr.77C.4</u>	<u>RUr.77C.5</u>
<u>Maitahi Bayview Structure Plan (Schedule X)</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>	<u>Schedule X applies</u>

## 5.0 Section 32 Analysis

### 5.1 Reasons for the Request

As noted in section 2.2 above, Clause 22(1) of the First Schedule requires that the purpose of, and reasons for, the PPCR must be explained. Clause 22(1) also states that the request must contain an evaluation report prepared in accordance with Section 32 of the RMA. The Section 32 Evaluation Report is provided within Attachment D1 of this request.

The primary purpose of this PPCR is to supply new residential land to help with the housing shortage, while supporting Nelson City, enhancing the environment, recreational opportunities and cultural well-being.

## 6.0 Assessment of Environmental Effects

### 6.1 Introduction and Scope of AEE

It is within this section that the environmental effects from implementing the PPCR are described and assessed. This assessment has been prepared to satisfy clause 22 of the First Schedule, along with the relevant provisions of Schedule 4, as set out in section 2.2 above.

The PPCR will also be explained in the context of the existing provisions of the NRMP, including the proposed new spatial controls which will avoid or mitigate the potential adverse effects from the activities of subdivision and development that is PPCR will enable.

The scope of this assessment is set out within **Table 4** below, with the supporting technical information also referenced.

<b>Table 4: Scope of AEE</b>		<b>Supporting Technical Report</b>
6.2	Baseline Considerations	Landmark Lile Limited
6.3	Urban Land Supply	Various sources.
6.4	Social and Economic Effects	Property Economics (Attachment C10)
6.5	Cultural Values	Te Aranga Environmental Consultancy (Attachment C1)
6.6	Geotechnical Risks	Tonkin & Taylor (Attachment C4)
6.7	Flood Hazard Risks	Tonkin & Taylor (Attachment C7)
6.8	Servicing Constraints	Tonkin & Taylor (Attachment C7)
6.9	Climate Change	--
6.10	Freshwater Values	Tonkin & Taylor (Attachment C5) and Morphum Environmental (Attachment C6)
6.11	Terrestrial Ecological Values	Tonkin & Taylor (Attachment C5) and Morphum Environmental (Attachment C6)
6.12	Heritage & Archaeological Values	Amanda Young (Attachment C2)
6.13	Transport Related Effects	Traffic Concepts (Attachment C8)
6.14	Open Space and Recreation	Rough & Milne (Attachment C9)
6.15	Landscape and Amenity Values	Rough & Milne (Attachment C9)
6.16	Urban Design Outcomes	Rough & Milne (Attachment C9)
6.17	Productive Land Values	Duke & Cooke (Attachment C3)
6.18	Land Contamination	--
6.19	Air Quality	--
6.20	Summary of Actual and Potential Effects	Landmark Lile Limited

## 6.2 Baseline Considerations and Information Requirements

The following matters are considered to have relevance to this assessment of the anticipated effects of this PPCR:

- (a) the current NRMP enables a certain level of subdivision and development of the subject site, with associated actual and potential effects and changes to the current environment; and
- (b) the NRMP also has a number of existing provisions that regulate and control the effects of activities.

These matters are considered to be particularly relevant to the overall assessment of this PPCR and provide important context to the assessment of the effects anticipated.

Firstly, the current zoning of the site in the NRMP is described in section 3.2 above. The most relevant provisions relate to the level of change to this site that is currently enabled through the activity of subdivision. The Rural Higher-Density Small Holdings zoning provides for subdivision with a minimum area of 5000m<sup>2</sup> and average of 1-hectare (RUr.78.2). It is estimated that this could provide the opportunity for around 40 new titles to be created, subject to appropriate hazard assessments, engineering, servicing and design, all with access to and from Ralphine Way. An indicative layout of this potential subdivision layout prepared by Rough & Milne (see **Attachment C9**).

There are a number of factors that would influence the final density and design/layout of subdivision in the valley floor. Importantly however, change to the current pattern and character is provided for. The planning / zoning framework does not however automatically require a roading linkage, esplanade reserve along the length of the Kaka Stream, nor any particular provision of new recreational opportunities / linkages. That is not to say these would not be voluntarily included, just that those outcomes are not secured by current rules of the NRMP. The provision of subdivision as described above also results in the loss of any potential for rural production.

Beyond the Rural-Higher Density Small Holdings Area the balance of the site is located in the Rural Zone, with subdivision down to a minimum area of 15-hecatres. These subdivision provisions were also described in section 3.2 above, along with the associated rules for subdividing within the Landscape Overlay. The indicative subdivision plan provided within **Attachment C9** shows how this rural land could be subdivided into approximately 11 complying allotments, without the need for service connections as the subject rural zoned land is not located in the Services Overlay. In the Landscape Overlay, both the activities of subdivision (RUr.80.2) and building (RUr.50.2) are provided for as a controlled activity. It is reasonable therefore to expect that with good design and appropriate mitigation measures, subdivision and development of this property may arise in accordance with the current NRMP provisions. Access to the now complying allotments could be from both the Bayview end as well as from the Ralphine Way end, subject to access being obtained over or through development of the Rural Higher-Density Small Holdings property.

Also relevant, as listed in (b) above, is that the NRMP contains rules that regulate and control the effects of activities, such as those summarised under the following subheadings:

- (a) Cultural, heritage and archaeological values – RUr.50 which requires resource consent for any earthworks, soil disturbance or building activity within 50m of an archaeological site. Residential rule REr.98 also provides protection for such sites.



While these rules are different, both the rural and residential zones recognise and protect those archaeological sites listed in Appendix 3 of the NRMP, includes MS57.

Each of the zone chapters, combined with the planning maps, also have provisions projecting heritage buildings and places. As set out within **Attachment C2**, these provisions in the NRMP are separate to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.

- (b) Geotechnical – Each of the zone chapters of the NRMP contain earthworks rules that, combined with the planning maps, regulate land instability effects. For example, residential zone rule REr.60, the Land Management Overlay and Fault Hazard Overlay. In addition to the specific earthworks rules, the activity of subdivision also requires appropriate consideration of geotechnical risks which must be addressed alongside section 106 of the RM Act 1991. Rezoning does not therefore change the management of these risks as currently regulated under the NRMP.
- (c) Flooding – In the Rural Zone, the natural hazard risks associated with structures and earthworks within the Flood Overlay are regulated under RUr.62 while subdivision is regulated under RUr.82. The same essential controls are located within the Residential Zone, via REr.82 and REr.111. Resource consent is required for works within this identified hazard area, within which appropriate consideration is given to risks to life, property and the environment.
- (d) Servicing – In terms of servicing urban land with infrastructure constraints, the NRMP uses the Services Overlay (along with the Land Development Manual) as the primary method to trigger an appropriate standard of assessment that is required at the time of subdivision. Both the residential and rural zones require consent for subdivision in the Services Overlay, pursuant to REr.108 and RUr.85, with both requiring consent as a restricted discretionary activity (subject to meeting specified standards). The NRMP therefore has a robust set of rules, and supporting provisions, to ensure servicing related effects of urban development are addressed appropriately. Likewise, the Nelson Tasman Land Development Manual (NTLDM) are another significant factor in managing servicing related effects from subdivision and development.
- (e) Transport – The transport related infrastructure effects are also managed using the Services Overlay (addressed above), along with the identification of 'proposed roads' on the Road Hierarchy Maps (Planning A2.1 and A2.2). The NTLDM is also a significant part of managing the effects of subdivision and development, applied at the time of subdivision approval.
- (f) Freshwater – Appendix 28 of the NRMP contains the Freshwater Plan provisions. These freshwater provisions are applied in each of the zone chapters of the NRMP, as identified at the end of each Rule Table. Note: the FW-NES also add additional restrictions and regulation over freshwater resources.

The Freshwater Plan of the NRMP regulates a wide range of activities that have potential adverse effects on freshwater quality and freshwater ecology, such as:

- FWr.1 – Disturbance of river and lake beds and wetlands
- FWr.5 – Bridges, culvert and fords
- FWr.9 - Deposition of material in the beds of lakes and rivers

- FWr.10 - Realignment and reclamation of beds of river and lakes, and wetlands
- FWr.12 - Take, use, and diversion of surface water
- FWr.22 - Point source stormwater discharges to water
- FWr.25 – General discharges to land where it may enter water

These and other rules of the Freshwater Plan will trigger the need for resource consent as a part of the subdivision and development of this property, the subject of this PPCR. For example, the planned works in the lower Kaka Stream catchment to divert/realign the stream will trigger the need for resource consent on a number of fronts, with that integrated package of consents being considered as a discretionary activity (at least) and so a comprehensive assessment of all relevant factors being required. Actual and potential impacts on water quality (including of the Maitai), natural character, aquatic ecosystems, and cultural values will all be significant considerations. Likewise, the temporary effects from earthworks and the discharge of sediment. Rezoning does not change the need for these consents.

- (g) Landscape – As described above, the current Plan regulates the effects of earthworks, subdivision and development in the Landscape Overlay. This is however one matter that differs significantly between the zone rules, logically as the different zoning has significantly different landscape effects due to the different density that is enabled. Residential rule REr.109.3 triggers the need for a restricted discretionary consent when subdividing in the residential zone while Rural rule RUr.80 provides for subdivision as a controlled activity.
- (h) Air quality – As set out in Section 2.2 above, the subject site is not currently within the Urban Area as defined by the Air Quality Plan, however the discharge to air rules (such as AQr.25 – Small-scale solid-fuel Burning Appliances) would apply to any new site created (through subdivision) that is less than 5000m<sup>2</sup> in area. AQr.25 prohibits new solid-fuel burning appliances, and as such there are provisions in the AQP that regulate air quality effects arising from subdivision and development. Rezoning will not therefore change the air quality controls that are already in place.

In summary, the NRMP provides for change to the current environment while also containing provisions that (already) regulate and control actual and potential effects of subdivision and development activities. It is against this background that the anticipated effects of other Private Plan Changes to the NRMP have been assessed and approved, as well as Council Plan Changes, with new Schedules and Structure Plans formulated to address location specific circumstances. The NRMP has therefore already been changed a number of times to ensure a robust set of provisions are in place, which collectively provide the comprehensive planning framework.

Another information factor relevant to the above baseline considerations, and also to the administration and assessment of effects arising from the proposed provisions, are the information requirements relevant to resource consent applications. These information requirements are summarised below.

## Information Requirements

Schedule 4 of the RM Act 1991 refers to the relevant provisions / rules, while the NRMP refers to the requirements of Schedule 4.

As provided for by Sections 67(2)(g) and 75(2)(g), the NRMP sets out what information is to be included with an application for resource consent. Likewise, the NRMP states the linkages between issues and outcomes, and also the connection between objectives, policies and rules.

Chapter 1 of the NRMP is headed 'About this document', within which AB8 sets out the context of the Plan, including '*Information to be submitted with an application for resource consent*' (Section AB8.1(f), Chapter 1, page 6). These information requirements are located principally within:

### **Chapter 3: administration**

- AD8.2: Information to be included with applications (Chapter 3, p9-10)
- AD8.3: Information to be included with subdivision applications (Chapter 3, p10-11)

For example:

*cc) Where directed by rules and assessment criteria the residential subdivision design and information requirements under Appendix 14 (Chapter 3, p11)*

*dd) Any information required by a Structure Plan or contained in any Schedule. (Chapter 3, p11)*

- AD8.4: Assessment of Effects (Chapter 3, p12)
- AD11.4A: Structure Plans (Chapter 3, p28-30)

In particular:

**AD11.4A.vi** *Subdivision applications are to show how they provide for items on a Structure Plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown "indicatively" on the Structure Plan as they show an intent rather than precise location for those features. This may be shown by way of an indicative line or through the use of text. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development. (Chapter 3, p29)*

For completeness, AD11.4A.v a)-d) states:

**AD11.4A.v** *Other information that may be shown on the Structure Plans includes the items below. Sections AD11.4A.v – AD11.4A.ix provide the definition and intent of these items:*

- Indicative Roads:** The purpose of indicative roads on Structure Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (e.g. valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and improve the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads may potentially arise in a wider context than merely the Structure Plan area.*
- Walkways:** The purpose of the walkways on Structure Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.*

- c) ***Biodiversity Corridors:** The purpose of Biodiversity Corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. In addition Biodiversity Corridors recognise and help preserve the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori. Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will wherever practicable include any existing Riparian Overlay. "Biodiversity Corridor" is defined in Chapter 2 of the Plan.*
- d) ***Greenspace:** The purpose of 'greenspace' is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. 'Greenspace' and Biodiversity Corridors can exist together as they will often achieve compatible goals. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes. "Greenspace" is defined in Chapter 2 of the Plan. (Chapter 3, p28-29)*

## **Appendix 22: comprehensive housing developments**

- Appendix 22.7.2: supporting information required, including:
  - Sketch plans (Appendix 22, p6);
  - A design statement (Appendix 22, p7);
  - An evaluation of the network utility service requirements (Appendix 22, p7), as listed in detail within AP22.7.2.i.

## **Appendix 14: residential subdivision design & information requirements**

- AP14.2: information requirements, (Appendix 14, p3) including:
- Context and Site Analysis to achieve objectives:
  - DO13A.1 'Recognising the local context' and
  - DO5.1.2 'Linkages and Corridors'. (AP14.2.1, pp4-5)
- Description of the *movement network* to achieve objectives
  - DO13A.2 'Improving connections'
  - DO13A.6 'Sustainable places and communities'
  - DO10.1 'Land transport system'
  - DO14.1 'City layout and design'
  - DO14.3 'Services' (AP14.2.2, p6)
- Description of the *open space network* to achieve objectives:
  - DO13A.1 'Recognising the local context'
  - DO13A.2 'Improving connections'
  - DO5.1.12 'Linkages and corridors'
  - RE3 'Streetscape, landscape and natural features'. (AP14.2.2, p6)
- Description of the *streetscape and open space design* to achieve objectives:
  - DO13A.3 'Creating quality public spaces'
  - DO13A.5 'Inspiring places'
  - RE3 'Streetscape, landscape and natural features' (AP14.2.2, p7)
- Description of the *stormwater management* to achieve objectives:

- DO13A.6 'Sustainable places and communities'
- DO14.3 Services
- DO19.1 'Highest practicable water supply'. (AP14.2.2, p7)
- Description of the *allotment layout* to achieve objectives:
  - DO13A.4 'Providing for diversity'
  - DO13A.6 'Sustainable places for communities'
  - RE2 'Residential character'
  - DO14 'Subdivision and development'
  - DO10.1 'Land transport system' (AP14.2.2, p7)
- Description of *reticulated services* to achieve objectives:
  - DO13A.7 'Urban design process'
  - DP14.3 'Services' (AP14.2.2, p7)
- An urban design statement, as follows:

#### **AP14.2.3 design statement**

**AP14.2.3.i** A design statement shall be included with all applications made under the REr.107 restricted discretionary subdivision activity and as a requirement of Appendix 14. The length and level of detail of the design statement needs to be relative to the nature and scale of the subdivision and development being proposed.

**AP14.2.3.ii** Applications under Appendix 14 need to be able to demonstrate how they have taken into account the need for quality urban design and the outcomes sought by the relevant objectives and policies referenced in the subdivision and development proposal. Applicants should refer to the parameters of good subdivision design identified in this appendix, which indicate means of response to the objectives and policies. The provision of design statements with applications under Appendix 14 will help to ensure urban design is considered at the early design stages of a project and assist with explanation of the approach taken. (AP14.2.3, p8)

#### **content requirements**

**AP14.2.3.iii** Design statements should:

- explain the design principles and concepts that have informed the subdivision or development design, and
- explain how the relevant urban design and sustainability objectives have been achieved.

**AP14.2.3.iv** Statements should explain the design direction and justify the design thinking behind the subdivision and development plan. Sometimes photos, maps and drawings may be needed to illustrate the points made, and notes on drawings may be useful to help explain design intentions and rationale. It is important that statements are written specifically for the application they accompany. They need not be very long, and the amount of detail they contain should reflect the complexity of the application. (AP14.2.3, p8)

- AP14.3 'Indicators of Quality Design':

**AP14.3.i** The following section of the Appendix provides information that will assist applicants and the Council in consideration of subdivision and development applications under REr.107.

**AP14.3.ii** A thorough context and site analysis will identify opportunities and constraints of the site and the context, and assist preparation of a well-designed subdivision. A thorough illustration or 'story' of the design process and considerations will assist the understanding of the design by others, particularly in regard to any noncompliance with controlled activity minimum standards.

**AP14.3.iii** The information and requirements discussed under AP14.3 are not to be treated as a checklist for design with every 'box requiring ticking'. In fact, in some situations some indicators of quality design may contradict others, and others will not be relevant. Any design



*should be assessed holistically against the body of ideas or urban design goals, and the design should respond accordingly. Where a concept contradicts the individual indicators of quality design then the applicant should outline the reasons for doing so and demonstrate how the Plan's urban design objectives are satisfied by alternative means. AP14.3.iv The extent to which the following indicators of quality subdivision design apply will vary from site to site. These indicators help to explain the assessment criteria accompanying the rule REr.107 of the Plan, and are related to the urban design objectives and policies.*

## **Zone Rules and Associated Assessment Criteria**

The 'Presentation of Rules' in the Rule Tables is described in AD7 of the NRMP. Each rule contains 'Assessment Criteria' which guide applicants, submitters and the Council as to the matters that will be generally considered when resource consent is required under each rule.

An assessment of those listed "assessment criteria" is required under section 88(2) and Schedule 4 (Clause 2(2), 6(2) and 7(2)) of the RM Act 1991.

By way of example, and for the purpose of demonstrating the scope of the information and assessment required by various rules of the NRMP:

- For Earthworks within Flood Paths or Overlays, Residential Rule REr.82.4 requires consideration of:
  - a) *any effects of the development on floodpaths.*
  - b) *any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.*
  - c) *the ground level or floor level height required to give protection from a 1 in 50 year return period event.*
  - d) *the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.*
  - e) *potential shading of neighbouring properties from development of the site, including fences.*
- For Subdivision of land within the Services Overlay, Residential Rule REr.108.4 requires consideration of:
  - a) *whether the disposal of storm water or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties.*
  - b) *the minimum standards and the matters in the NCC Land Development Manual 2010.*
  - c) *the assessment matters in Rule REr.107 (Subdivision: General).*
  - d) *the timing of the development in relation to the availability of roading and servicing connections.*
  - e) *the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites.*
  - f) *the financial costs to the Council (including operation and maintenance costs) of providing water and wastewater services to the development.*
  - g) *the assessment matters in REr.107.4. Subdivision (General).a) any effects of the development on floodpaths.*
- For any Comprehensive Housing Development in the Residential Zone, REr.22.4 requires consideration of:
  - a) *the degree the development achieves the outcomes in Appendix 22 'Comprehensive Housing Development'.*
  - b) *any beneficial effects of the development in terms of:*
    - i) *degree to which the design is sympathetic to the character of the neighbourhood and streetscape.*
    - ii) *connectivity within and between streets and houses.*
    - iii) *range of housing and section types.*

- iv) *extent to which energy efficiency is incorporated within the building design.*
  - v) *efficient use of services and land.*
  - vi) *promotion of public transport and reduction in total number of vehicle trips.*
  - vii) *use of Crime Prevention Through Environmental Design (CPTED) techniques.*
- c) *any cumulative effects such that they significantly adversely affect the character and amenity of the zone (or density overlay area), having regard to such things as impressions of spaciousness, outlook, streetscape and presence of open space.*
- For the activity of subdivision in the residential zone generally, REr.107.4 lists the following assessment criteria:
  - a) *the matters in the NCC Land Development Manual 2010.*
  - b) *the extent of compliance with Appendices 10 to 12.*
  - c) *for Comprehensive Housing Developments, or subdivision within the Wakefield Quay precinct, the degree to which the subdivision achieves the outcomes contained in Appendices 22 and 23 respectively.*
  - d) *the extent to which the design response for the proposal ensures that the design and appearance of the subdivision will achieve the urban design outcomes sought in the objectives and policies of the NRMP (refer particularly to DO13A Urban Design and the Residential Zone Objectives and Policies).*
  - e) *the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary.*
  - f) *the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.*
  - g) *effects on traffic, road network, access, parking, stormwater management, water supply wastewater reticulation, and power and telecommunication services.*
  - h) *effects of allotment size and shape, including on amenities of neighbourhood, on private to public space relationships, function and amenity, and on the potential efficiency and range of uses of the land.*
  - i) *the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other water bodies on the land to be subdivided.*
  - j) *the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.*
  - k) *the assessment criteria contained in REr.61.4 (Earthworks).*
  - l) *the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 – landscape components and views).*
  - m) *the extent to which the proposal has regard to Maori values, particularly in traditional, cultural, or spiritual aspect relating to the land.*
  - n) *any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.*
  - o) *avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.*
  - p) *financial contributions (see Chapter 6).*
  - q) *the extent to which the proposal includes protection and planting of biodiversity corridors as shown on the Planning Maps or Structure Plans.*
  - r) *the ground level required to avoid the effects of flooding.*
  - s) *the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.*
  - t) *effects on neighbouring properties, especially stormwater runoff.*
  - u) *provision of adequate flow paths for surface flooding.*

- v) *the possibility of an overloaded public storm water system overflowing onto private property.*
  - w) *the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.*
  - x) *any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment..*
  - y) *an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants.*
  - z) *alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.*
  - aa) *the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.*
  - bb) *in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 (minimum site area).*
  - cc) *the matters contained in any Schedules or shown on the Structure Plan as applying to that land.*
  - dd) *the density of planting, mature height and species of plant proposed in any required landscaping.*
  - ee) *potential shading of neighbouring properties from development of the site, including fences.*
  - ff) *the extent to which the proposed public reserves achieve the outcomes sought in section 12 Reserves of the NCC Land Development Manual 2010.*
  - gg) *in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: the need to provide greater flexibility than the standards in Appendices 10 to 12 allow, except where these are necessary to mitigate adverse effects arising from the conversion.*
  - hh) *the matters contained in any schedules or shown on the Structure Plan as applying to that land.*
- For the realignment or piping of any river, wetland or lake, Freshwater Rule FWr.10.4 requires consideration of:
    - a) *the scale, extent and design (curved rather than straight) of the realignment or piping.*
    - b) *effects on the natural functioning of aquatic ecosystems*
    - c) *effects on natural character*
    - d) *effects on fish passage*
    - e) *the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.*
    - f) *visual effects*
    - g) *effects on water quality*
    - h) *the potential to avoid, remedy or mitigate any effects through planting/landscaping and rehabilitation.*
    - i) *the method and timing of works*
    - j) *any effects of the activity on network utilities*
    - k) *flood capacity and cumulative effects on downstream flow velocity and catchment hydrology*
    - l) *in the case of wetlands, whether it is naturally occurring or artificially created. If it was artificially created, the purpose for which it was created (eg stormwater management or wastewater treatment).*

In summary, the information requirements for subdivision and development, Comprehensive Housing Developments, AD11.4A, and in association with each rule of the Plan, require a high standard of information. It is through the resource consent process and these information requirements that the Objectives of the NRMP are to be achieved.

## 6.3 Urban Land Supply

Given the current and forecasted shortage of residential land supply, and rising house prices, the most significant positive outcome from this PPCR is the provision of zoned land for an additional ~750 new residential dwellings. Over time, this will add significantly to land supply in the Nelson sector of the housing market.

It is also acknowledged that:

- (1) These ~750 new sections/homes will arrive as the subdivision and development occurs in stages, and so not immediately. There is always a reasonable delay between rezoning and delivery, as a result of the intensive design and constructions process that must follow; and
- (2) This ~750 approximation is an estimate only. There are numerous factors that will influence the final delivered number of sections, such as the detailed geotechnical engineering and infrastructure capacity assessments that will ultimately have an influence over developed density.

Irrespective of the factors listed above, the positive effects that will arise from this supply of new land will be significant to the housing market, and the opportunity for people to live close to work and amenities, in a well-functioning urban environment.

Another key feature and benefit of this PPCR is that it proposes a range of different zone types and densities, being a natural response to topography and environmental sensitivities. As set out in **Table 3** (p37 above), this PPCR will deliver land that is suitable for higher density residential on the flatter terraces, through to low density residential in areas with impressive coastal views, and Rural High Density Small Holdings areas with a minimum lot size of 5000m<sup>2</sup>. Significantly, while the price point for these planned new allotments will vary significantly, each will benefit from this location in close proximity to Nelson City and the many commercial and recreational amenities on offer.

Providing a range of typologies (and price points) is considered to be a significant positive component of this PPCR which broadens the benefits to the housing market as it serves a wider cross section of needs. The diverse needs of the market are also recognised in the Nelson Tasman Future Development Strategy 2019 (FDS) (see section 7.3 below).

This range of typologies is also only possible through the coordinated and integrated efforts of the two landowners behind this PPCR. Herein lies the benefits of cooperation and integration, while using the Structure Planning tool available and imbedded into the NRMP. The significant benefits of this planning tool are also formally acknowledged within the FDS.



## 6.4 Social and Economic Effects

Clause 7(1)(a) of the Fourth Schedule requires that an applicant assess any effects on the wider community, including any social or economic effects. Likewise, Section 32 of the Act is also very relevant as it requires:

- (2) An assessment under subsection (1)(b)(ii) must-
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) asses the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. (emphasis added, Section 32(2), RM Act 1991)

In order to fulfil the requirements of clause 7(1)(a) and section 32(2) the applicant commissioned an economic cost benefit assessment from Property Economics Limited - 'PEL:' (see **Attachment C10**).

The Executive Summary of the PEL report, as it relates to economics, is provided below:

*There were a number of potential economic benefits that are identified from the proposed PPCR, including:*

- *Housing choice,*
- *Housing price,*
- *Infrastructure Efficiency, and*
- *Greater spending retention*
- *Provide support for the Nelson City centre*
- *Support economic activity*

*Essentially, the addition of new homes to the Nelson market that are desirable options due to their location benefits the residents who choose to live there. This additional supply also contributes to lowering price and ensuring the competitiveness of Nelson in respect to Richmond, a clear substitute for living in Nelson.*

*Furthermore, unlike many of the other identified growth nodes the subject site is in close proximity to the City Centre. This provides a number of salient economic benefits in regard to consolidation of activity and improved viability and productivity of the City Centre through greater spending retention and patronage. Additionally, this reduces transportation requirements and improves usage of amenities, thereby increasing efficiency of infrastructure.*

*While there are multiple economic benefits that arise from this development, this needs to be balanced against some of the salient economic costs. In this instance, they include:*

- *Opportunity cost of the land,*
- *Financial investment of required infrastructure upgrades, and,*
- *Potential to undermine serviced capacity.*

*The opportunity cost of the land in this case is small because the current use is farming grazeland, a comparatively low value usage. Notably, the required infrastructure upgrades result in an opportunity cost to the City Council. However, since this residential capacity is required, the opportunity cost is using the funds required to provide residential capacity elsewhere.*

*Overall, having examined all relevant economic costs and benefits, Property Economics considers the proposed PPCR is likely to result in a significant net economic benefit to*

*Nelson. This is primarily driven by the comparative benefits of proximity and the need for additional residential capacity in Nelson over the forecast period. (emphasis added, pp7-8, PEL, Attachment C10).*

## 6.5 Cultural Values

At the very start of the process leading up to this PPCR, the applicant recognised and fully embraced the role and importance of iwi in achieving the purpose and principles of the RM Act 1991.

The process of consultation with iwi is set out in the '*Iwi Engagement Summary*' provided within **Attachment C1** of this PPCR. It is within this process that the applicant committed to keeping iwi involved throughout the design and construction processes.

The actual and potential effects of the proposed rezoning will come about at the time that subdivision and development occurs. However, even with the rezoning in place, the applicant will need to obtain resource consents for:

- (a) earthworks, including those involving filling the development area on the flood plain;
- (b) the discharge of sediment laden water during the construction process;
- (c) stormwater discharges for the planned reticulation network;
- (d) physical works realigning or working within a watercourse, and for the construction of the planned environmental enhancement area.

Given the Statutory Acknowledgements, iwi will be involved in those consent processes. Importantly, the applicant has further embedded the role of iwi into the new provisions for the development of this site.

There are no other specific provisions in the NRMP that have directly incorporated iwi into the subdivision and development design processes.

It is through these processes, and with continued partnership with iwi, that the potential adverse effects of this proposal will be appropriately managed. It is also through these provisions that the applicants seek to provide for and achieve the cultural wellbeing of local iwi in this important location.

Within Section 7.0 of this PPCR this proposal will be assessed against the relevant provision of the national, regional and local planning documents. It is within that section that, for the reasons set out above and as demonstrated within **Attachment C1**, this proposal is assessed as achieving the principles of the Treaty of Waitangi.

## 6.6 Geotechnical Risks

An assessment of the geotechnical characteristics and hazards has been undertaken by Tonkin & Taylor Limited. As set out in section 3.3 above, this assessment broadly identified the areas of low, moderate and high geotechnical risks. In this regard Tonkin & Taylor conclude that:

*We have carried out a preliminary assessment of the geology and geotechnical hazards that may exist within the PPCA.*

*We have identified areas of low, moderate and high geotechnical risk. Areas of low geotechnical risk are generally suitable for residential development with geotechnical input to development. Areas of moderate geotechnical risk have some potential geotechnical constraints but, where present, specific risks can normally be mitigated with geotechnical input to planning, design and construction of residential subdivisions works. Areas of high geotechnical risk will generally have potentially significant constraints to residential land development that may or may not be feasibly mitigated.*

*Further geotechnical assessment will be required for specific subdivision development proposals. (p8, **Attachment C4**)*

Outside of the low-risk areas which constitute much of the valley catchment area, risks will need to be further investigated and addressed as a part of each application for resource consent to subdivide.

The NRMP uses zones rules and hazard overlays on the planning maps to regulate and manage geotechnical risks, but also emphasise the need for site specific information (AD11.3.1, Chapter 3, p22).

Not only does the RM Act 1991 require applicants to assess the risks of natural hazards (Fourth Schedule and Section 106), but the NRMP also requires (AD8.3(j), REr.107, RUr.78) information on such risks to be provided and assessed. These methods as listed in DO2.1.2.ii.

The applicant has taken into account Tonkin & Taylors mapping of geotechnical risks in preparing this PPCR and overall, it is considered that the site is suitable for rezoning as proposed. It is also not uncommon for residentially zoned land in Nelson City to contain land with a variable geotechnical risk profile. The existing planning framework, combined with the relevant provisions of the RMA, will ensure the risks are managed during the design of each subdivision stage and subsequent building consent application.

## 6.7 Flood Hazard Risks

Given the location of this site with frontage to the Maitai River and also involving the Kaka tributary, the applicant engaged Tonkin & Taylor to undertake an assessment of the flooding risks. This assessment has also considered the opportunities and risks of rezoning some of the lower flood plain without impacting negatively on the available flood storage capacity.



The current flooding risks are summarised in section 3.3 of this PPCR. In terms of the Maitai flood plain, flooding extends up to RL17.2 (2130 1% AEP). This flooding hazard is already identified on Planning Maps 11 and 52. Likewise, the Kaka tributary is identified in the “*Table of Flood paths not identified on the planning maps*” (Volume 4, NRMP), as being 10m wide from the top of each bank and extending from Dennes Hole (Maitai River) to the headwaters.

Figure 5.1 of the Tonkin & Taylor report graphically shows the flood mapping for the lower flood plain (also see page 28 above). The depth of the flooded valley floor during a 1% AEP event in 2130 varies from less than 200mm through to more than 1.5m in the southwestern corner of the site. These variable flooding risks have been taken into account in the preparation of this PPCR through the design of the Structure Plan.

As mentioned above, careful consideration has also been given keeping the floodplain storage capacity neutral. The primary method to achieve this neutrality has been to lower part of the flood plain and balance that against the filling of the development area, as described in section 5.3.1 (p10) of the Infrastructure and Flooding Report (**Attachment C7**).

The NRMP currently requires resource consent approval as a *discretionary activity* (REr.82) for any earthworks in any flood path or flood overlay. This will apply to both the Maitai River flood hazard risks, as well as the Kaka Stream tributary. Likewise, the activity of subdivision in a Flood Path Overlay or Flood Overlay is also a *discretionary activity* (REr.111). The assessment criteria listed with REr.82.4 and REr.111.4 will collectively require comprehensive consideration of all associated effects, including downstream and also on the risks to life, property and the environment. The explanation to REr.111 also states:

*The rule seeks to ensure that allotments created are usable, and that the activities that may accompany subdivision do not worsen the flood hazard or expose additional people or property to risk. (REr.111.5, p101, Chapter 7)*

This demonstrates that there are already appropriate rules in the NRMP that trigger the need for resource consent approval which would be considered on its merits.

Tonkin & Taylor has also assessed the peak flood flow capacity of the Kaka Stream tributary as a part of ensuring these risks are also considered as a part of the PPCR. The lower portion of this tributary becomes part of the Maitai flood plain, with the upper portion being within a confined valley.

The proposed structure plan and Schedule X has been prepared with careful consideration given to the flooding risks and potential impacts outside of the site.

## 6.8 Servicing Constraints

On behalf of the applicant, Tonkin & Taylor has been working closely alongside Nelson City Council for the purpose of identifying the infrastructure works required to service this site with reticulated water, wastewater and stormwater services.



The above assessment was undertaken in 2019 and early 2020, with the arrival of COVID-19 and consideration of Shovel Ready initiatives to restart the economy adding another dimension to the importance of this project.

Importantly, the NRMP utilises the *Services Overlay* to identify where servicing constraints exist on land zoned for residential and small holdings development. As explained in Section 3.2 and 6.2, the Services Overlay triggers the requirement for resource consent approval under RUr.85 or REr.108. The explanation to REr.108 states:

*Subdivision in the Services Overlay is a restricted discretionary activity rather than a controlled activity. This provides a limitation on the range and type of conditions that can be*

*imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered unsustainable for Council.*

*The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems. The area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land. (REr.108.5, p97, Chapter 7)*

It is therefore within the resource consent process that land with servicing constraints can obtain subdivision consent, with a higher degree of specific scrutiny on the provision of services with an adequate capacity and to the relevant engineering standards.

As a part of this PPCR the applicant has provided a supporting report from Tonkin & Taylor that acknowledges the current constraints in the servicing networks and also sets out what is likely to be required in order for the additional infrastructure demands from development of the subject site to be accommodated. Tonkin & Taylor have determined that the site can be appropriately serviced, and has also confirmed the need for the Services Overlay be extended over the balance of the site to include the Malvern Hills land that is proposed to be zoned Residential and also the land to be zoned Rural Small Holdings.

With the proposed expansion of the Services Overlay, and with the incorporation of the associated provisions within Schedule X as proposed, the actual and potential effects associated with orderly development of land with appropriate services is overcome.

## 6.9 Climate Change

The impacts of climate change are now front of mind when planning for urban growth and development. Increased awareness of sea level rise, seasonal changes, and the advent of more extreme weather events is the cause of this heightened awareness, not to mention the acknowledgment of these issues in Part 2 of the Act, national, regional and local planning documents.

A significant benefit of the subject site is that it is not located in an area that could be affected by coastal inundation. The risks associated with river flooding were addressed in section 6.7 above. It should be noted that the Maitai Flood Model used by Tonkin & Taylor has factored in potential changes to climatic conditions.

The location of this site away from the potential effects of sea level rise is considered to have particular importance to the assessment of this PPCR. The subject site has this locational benefit.

At a broader level in terms of providing for additional land for urban growth, the FDS also appropriately seeks to provide for intensification, with the areas of The Wood, Weka Street, Vanguard Street, Gloucester Street and around Tahunanui having the potential for around 1300 additional houses. The FDS openly acknowledges however that this potential capacity “*depends on investigating into how to adapt to sea level rise*”. Minimum ground and floor levels also have a significant impact on project feasibility. Hence there exists uncertainty as to whether those areas will contribute and to what degree.

Turning to the matter of carbon emissions, the very close proximity of this site to the City Centre, and opportunity for alternative/active transport modes to be utilised, also provides

potential positive outcomes when compared to reliance on already congested transport networks.

Another related benefit of this proposal is the indicative roading link between Maitai Valley and the State Highway 6 (QE II Drive). This link was strongly encouraged by Nelson City Council in the very early consultation phase, and has likewise been supported by Waka Kotahi (see Attachment C11). This link will enhance community resilience in the event of emergencies or natural hazards.

## 6.10 Freshwater Values

The freshwater environments have been a significant focus of the consultant team working on the preparation of this PPCR. The team was selected to provide high level of expertise in the field of ecological assessment and best practice in designing low impact (water sensitive) engineering and subdivision design.



As set out in the technical supporting documents, in particular those ecological assessments in **Attachments C5 and C6**, the applicant has invested significant time and effort to ensure they have a comprehensive understanding of the biophysical environment so that the Maitahi Bayview Structure Plan would deliver on the aspirations for environmental enhancement.

The first initial phase of the assessment of ecological values was for Tonkin and Taylor to undertake a site assessment and research all other available information sources. This led to the preparation of the *Ecological Constraints and Opportunities Assessment* which has seen a number of internal reviews and updates before reaching the final form now attached in support.

While the upper catchment of the Kaka Stream was identified as a constraint to development given its natural qualities, the lower section of the Kaka has been assessed as being highly modified and so presenting more of an opportunity that could benefit from enhancement. At a high level, this shaped the structure planning from an early phase. There were numerous other components of the site being assessed which also influenced changes to the evolving layout and makeup of the Structure Plan.

Important also to the process of testing and refinement was the engagement of Morphem Environmental Limited (MEL) to review the basis upon which the PPCR was being developed. MEL was identified as having significant experience and expertise in low impact design, while also having the benefit of recently finishing the Maitai Restoration Plan (2020) for the Nelson City Council, while also being the co-authors of '*Applying Low Impact (Water Sensitive) Design in Nelson Tasman*' (June 2016).

In section 1 of the Morphem report the collaborative process of review and discussion has been described. The Morphem report discusses their assessment of the drafted PPCR under the headings of earthworks, ecology and stormwater before listing 18 Principles of best practice design. These principles were developed alongside Tonkin and Taylor and the wider team and are now volunteered within Schedule X to ensure the environmental enhancement aspirations of this PPCR are delivered. Refer to Rule X.9 in section 4.3 above.

The applicant will need to demonstrate the application of these principles at the subdivision and engineering design phases of the process that will follow rezoning. Those resource consent applications, which will be all encompassing as a part of



addressing all of those components that trigger the need for consent (see section 6.2 above), will also need to be supported by detailed assessments of ecological effects that relate to the specific subdivision and development designs, engineering proposals, and final set of environmental mitigation and enhancement measures selected.

Tonkin and Taylor has, however, provided an assessment of this PPCR as to its response to the ecological considerations. In terms of freshwater ecology (section 5.2), Tonkin and Taylor assess the Structure Plan as follows:

*The structure plan identifies a continuous corridor of land zoned as 'Open space' that connects the western and south western edge of the lower historic floodplain to the Kaka Hill Tributary and the upper Kaka Valley. This 'Open space' will provide a continuous corridor from the Maitai River to the source of the Kaka Hill Tributary at the top of the valley.*

*The Kaka Hill Tributary 'Open space' corridor will likely provide for the protection and enhancement opportunities for ecological values (i.e. aquatic habitat and water quality), within the riparian margins that were identified during the site visit and within the NRMP Esplanade Values (Table 6.2, Appendix 6 of the NRMP). Additionally, the 'Open space' corridor will connect the esplanade from the Kaka Hill Tributary Rural zone to the Maitai River/ Kaka Hill Tributary confluence. This will provide further opportunity to protect and enhance the freshwater values within the area.*

*The lower intermittent reaches of the Kaka Hill Tributary are planned to be reinstated to flow through a historic/relic channel that flows around the western edge of the historic floodplain. The intermittent flowing reaches of the lower Kaka Hill Tributary were of lower ecological value than upper permanently flowing reaches, but still maintain some (all be it low) ecological value and habitat for aquatic species. According to the structure plan<sup>1</sup> an area has been set aside in the western and south western historic floodplain to allow a natural channel to be designed and connected to the Maitai River. The realignment of this channel will require appropriate management and potentially mitigation measures through ecological enhancement (i.e. through offsetting and/or compensation). However, the creation of this open space in the south – south western historic floodplain should provide sufficient area for the ecological enhancement of aquatic values.*

*Both the lower reinstated Kaka Hill Tributary and the upper reaches of the Kaka Hill Tributary should be linked through a continuous 'Open space' corridor (as shown in the structure plan). Further to this, the identified SNA on the upper eastern boundary of the valley should be connected into the Kaka Hill Tributary corridor. This will ensure that the corridor links smaller areas of indigenous biodiversity. Linking these small sections together can provide improvements to the biodiversity in the Kaka Hill area.*

In conjunction with the 18 Principles of best practice design that have been developed and adopted as a part of this PPCR, it is considered that the actual and potential adverse effects of subdivision and development have been avoided, with the actual land potential adverse effects able to be mitigated as a part of the detailed design and consenting processes. Significantly, this PPCR has also taken the opportunity to enhance the environment as a part of the wider development process.

## 6.11 Terrestrial Ecological Values

As a part of the initial site assessment the applicant engaged Tonkin & Taylor Limited to also identify any significant terrestrial ecological values. With information also source from Nelson City Council and other sources, this resulted in the ecological report provided within **Attachment C5** of this PPCR.

The identified terrestrial ecological values were then mapped on the Structure Plan with this also informing the final zoning layout as proposed.

As summarised in Section 2.3 above, the only significant terrestrial values identified are located on Kaka Hill and fall within the Significant Natural Area (166), as well as two areas of wetland habitat. Tonkin and Taylor assessed the actual and potential effects of this PPCR, and specifically the proposed structure plan, on these values as follows:

### 5.1 Terrestrial values

*The structure plan has focused developments in areas of lower ecological value and has minimal development planned in areas of higher ecological value.*

*Areas planned for 'Residential' zoning are currently mostly pasture and gorse scrub. There are, however, some residual areas of mixed exotic and indigenous scrub that may fall within the planned 'Residential' areas. The removal of this vegetation and habitat for indigenous fauna will require some further assessment and potentially, mitigation and appropriate management to ensure the development does not result in a net loss of ecological value within the area.*

*Areas of highest ecological value (e.g. kānuka forest, matagouri scrubland and wetlands) are proposed to be left as 'Rural' or rezoned into 'Open space' zones. This will avoid any loss of these habitats and provide good opportunities for ecological and biodiversity improvements in these areas.*

*This will allow for this higher quality vegetation and habitat to remain and provides opportunities for mitigation and enhancement through activities such as weed control, pest control, stock exclusion and native planting. (p19, Attachment C5, emphasis added)*

The PPCR has, through the Maitahi Bayview Structure Plan, therefore, avoided adverse effects on the areas of highest ecological (terrestrial) value through the retention of the rural zoning over Kaka Hill, identification of the SNA on the Structure Plan, and use of the Open Space zone to ensure the two identified wetlands are protected from any urban development.

While the adverse effects on existing values are avoided, this PPCR has also intentionally sought to identify the opportunities available to enhance biodiversity in the long term, and so have positive outcomes. These opportunities are also set out within **Attachments C5 and C6** and primarily include:

- Using the Open Space zone to protect regenerating native areas adjoining Botanical Reserve, and also the esplanade corridor up the Kaka Stream;
- Showing a biodiversity corridor along the northern boundary of the site, linking the Kaka Valley and adjacent wetland to the SNA on the Kaka Hill ridgeline. Note: this was requested during consultation with the Department of Conservation;
- Planning environmental enhancement in the lower section of the Kaka Stream, tributary.

In summary, and with reference to the ecological reports provided in support of this PPCR, the adverse effects on terrestrial ecology have not only been avoided but also propose to make a significant positive contribution to biodiversity values in the long term.

The applicants have already taken active steps to remove gorse and goats, and install fencing (stock exclusion), all being part of the vision toward enhancing this environment.

## 6.12 Heritage & Archaeological Values

The actual or potential effects of this PPCR on historical values is a relevant consideration and one that must also be assessed under clause 7(d) of the Fourth Schedule.

A historical and archaeological assessment of the subject site was undertaken by local archaeologist, Amanda Young, and that assessment was in hand while the Structure Plan and Schedule was being developed. For clarification, this is not an assessment of cultural values. Cultural values have been considered directly with iwi as addressed in section 6.5 above.

The assessment identifies that:

*There are no recorded archaeological sites on the properties, nor any buildings listed on the New Zealand Heritage List created under the Heritage New Zealand Pouhere Toanga Act 2014. A site of cultural significance, Kaka Hill lookout and waahi tapu (MS57), is recorded in Appendix 3 of the Nelson Resource Management Plan (NRMP) as being on the Bayview Block. MS58 Pa (Maitai Recreation Reserve) is outside the subject area, on the other side of the Mahitahi / Maitai River. (p1-2, **Attachment C2**)*

The location of MS57 is the subject of a current review as a part of the draft Whakamahere Whakatu Nelson Plan. That review process is being undertaken by the Nelson City Council alongside iwi. In the meantime, MS57 remains in place and care would need to be taken in future when physical disturbance and earthworks activities were to occur. A resource consent is currently required for most earthworks within an archaeological overlay pursuant to RUr.52 of the NRMP. Hence, even with the change of zoning as proposed to Residential, the NRMP currently provides the necessary protection via REr.98.

Along with an assessment of MS57 and the broad history to the site, the historical and architectural assessment has identified the evidence of pre-1900 European occupation of the site, extending back to the original Richardson family which settled and farmed this property.

The assessment identifies the existing chimney that sits on the terrace above the eastern side of the Kaka Stream, being the remnants of the original Edendale dwelling (c.1842) that burnt down around 1991. In addition, the shearing shed is also identified as part of the as having historical value.

The assessment concludes that:

*The draft structure plan for the PPCR includes residential, small holdings and open space zonings along with roading linkages. It is believed that the plan provides scope for the avoidance of adverse heritage affects particularly as the areas of high value are relatively discrete in nature. The effects on the historical and archaeological values can be dealt by the existing planning framework of the NRMP combined with the relevant provisions of the Resource Management Act 1991 and Heritage New Zealand Pouhere Taonga Act 2014. (p19, Attachment C2)*

As a part of the detailed subdivision design process the applicant will need to further investigate, assess and mitigate (if necessary) the potential impacts on the identified heritage and archaeological values.

## 6.13 Transport Related Effects

A comprehensive assessment of the transport related effects on this PPCR is provided within **Attachment C8**. The transportation assessment has assessed the PPCR in the context of the existing roading network, existing and proposed linkages, the move toward alternative transport modes, initial feedback from Waka Kotahi, and the mechanisms in the planning framework that are relevant at the time of subdivision and development.



As with the matter of servicing infrastructure, the proposed inclusion of the *Services Overlay* over the planned new residential and small holdings land is a fundamental factor in this assessment of actual and potential effects. This is because the NRMP requires resource consent for subdivision of land within the Services Overlay, with any relevant constraints (such as roading) needing to be addressed “*before development of these areas can proceed*” (AD11.3.3.i). And also, the Services Overlay “*deals with situations where services need to be development in the area in a comprehensive manner in conjunction with the Council and other property owners*” (AD11.3.3.ii).

Along with the Services Overlay, this PPCR uses Schedule and Structure Planning tool which includes a significant Indicative Road link, linking the extended Bayview Road (Atawhai) to Ralphine Way (Maitai Valley). The relationship between the Structure Plan and Indicative Roads, walkway linkages etc are further explained in AD11.4 of the NRMP. This format of planning for urban growth using the Structure Planning tool is not a new one, with the Plan Changes PC05/03, PC05/04, PC05/05, PC13 and PC17 using this same format as a part of providing additional land for growth following the Nelson Urban Growth Strategy – *NUGS* (December 2006).

In summary, and for the same reasons set out in section 6.8 above, it is considered that the effects on the transport network are able to be addressed as a part of the subdivision and development process, particularly as required by the Services Overlay.

The Transportation Assessment (**Attachment C8**, p42) concludes that:

*Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the PPCR area. There are no discernible effects on other road users. Safety improvements to the road network have already been identified by Council and include Nile Street and the intersection of Nile Street East and Maitai Road. The PPCR area is considered to have a mostly positive transportation effect due to its location and using roads and connections that are operating well below their operational capacity.*

## 6.14 Open Space & Recreation

One of the most significant positive outcomes from this PPCR is the creation of new, and extension of existing, open space and recreational amenity areas. These new areas, are described in section 4.2 above and also shown indicatively on the proposed *Maitahi Bayview Structure Plan*, and include:



- (a) a large extension to the Botanical Hill Reserve adjoining the north-east side of the Centre of New Zealand;
  - (b) creation of a reserve up to the ridgeline of Botanical Hill, from the Sir Stanley Whitehead Reserve, and extending ~1km to Walters Bluff;
- with (a) and (b) having a combined area of approximately 18 hectares;
- (c) an esplanade reserve alongside the Maitai River and extending ~2.0km to the rear boundary, and then linking reserve up to prominent site for a potential public lookout reserve;
  - (d) a network of new walkway linkages, adding approximately 6km to and extending the existing public network, including a formal public walkway linkage along the ridgeline between the Centre of New Zealand and Bayview Road;
  - (e) new 3200m<sup>2</sup> and 500m<sup>2</sup> neighbourhood reserve areas in the Kaka Valley for the local residents and future residents to enjoy (alongside provision for a small commercial node).

The above-described provision of new reserves and connections will therefore significantly add to the recreational amenity available for future residents and the wider community. As set out in Attachment C9(a) and within feedback received during the consultation process, this part of Nelson is highly valued because of the presence of recreational opportunities, both passive and active. In recognition of this, this PPCR provides the opportunity for the social well-being and health of the community to be further enhanced. These outcomes are enabled by the Structure Planning tool available in the NRMP, and realised through the activity of subdivision. It is through the activity of subdivision that the walkway alignments will be precisely located alongside consultation with the Council's Reserves Department. The walkways and reserves would then be vested with Council in stages as subdivision and development progresses.

No actual or potential adverse effects of recreational values have been identified. Only positive outcomes are planned. As assessed above, a significant area of private property would become available for public enjoyment and use through the subdivision and development process that would follow.

## 6.15 Landscape and Amenity Values

Provided within **Attachment C9(a)** of this PPCR is the '*Landscape, Visual Amenity and Urban Design Assessment*' undertaken by Rough & Milne Landscape Architects Limited. It is within that report that the actual and potential effects of this PPCR are assessed, with the scope of the assessment and methodology used detailed within section 2.2 and 2.3 (p6-7) of the report. Importantly, the assessment has appropriately addressed the publicly available Nelson Landscape Study (Boffa Miskell 2015) and also the Kaka Valley Landscape Capacity Assessment (Boffa Miskell 2018) both being commissioned by the Nelson City Council.

After describing the receiving environment, the Rough & Milne assessment sets out the landscape values for each of the separate landscape components, including Kaka Valley, Kaka Hill, Botanical Hill and Malvern Hills (see section 3.5, **Attachment C9(a)**). Overall, the site is also identified as an area that can absorb a relatively large amount of development and without comprising outstanding landscape values.

The actual and potential landscape effects of this PPCR, as provided within section 6.1 of Attachment C9(a) can be summarised as follows:

- Kaka Valley/Maitai Valley:
  - *“At a broad scale, and in the longer term, development within the Kaka Valley will be a legible and coherent spread of development within Nelson East, similar to residential development within Nelson South and the Brook. The PPCR area along with the land south of the Maitai Valley Road, as identified on the Future Development Strategy will form a direct and comprehensive extension to the residential development within Nelson East”.*
  - *The Residential Zone - High Density Area and Open Space Recreation Zones, and the realignment of Kaka Stream have been designed to achieve the recommendations outlined in the Kaka Valley Landscape Capacity Assessment, for the following reasons...*
  - *In summary, the Open Space Recreation Zone, along with the surrounding Residential Zones will maintain the landscape values of the Maitai River and provide for the enhancement of Kaka Stream.*
  - *In summary, Kaka Valley has been identified as an area which can absorb a change. The Kaka Valley’s valley floor will change from a rural landscape to a residential neighbourhood situated along the Open Space Recreation Zone associated with Kaka Stream. This mix of development and open space will retain the topographical nature of the valley floor, enhance the natural character of Kaka Stream and maintain the values associated with Maitai River. In doing so this change will have a moderate degree of adverse effects on the existing landscape character of Kaka Valley’s valley floor.*
- Kaka Hill:
  - *The mid and upper slopes of Kaka Hill will retain the current rural zoning and will include the skyline, backdrop and SNA overlays on its upper slopes. Therefore, for all intents and purposes, the PPCR will retain the status quo for this area of land.*
  - *By keeping future development on the lower slopes of Kaka Hill, it will not directly impact on these landscape values that relate to its upper slopes.*
  - *In summary, Kaka Hill currently provides for rural living development on its lower slopes. This proposed zoning on Kaka Hill is similar in extent to the existing zoning as to limit the reduction in open space values. By containing future development to its lower slopes, the PPCR will not impact on its unmodified skyline, legible conical landform, and its green backdrop character.*
- Botanical Hill:
  - *The upper extent of Botanical Hill is proposed to be zoned open space recreation, which will include the majority of the skyline area, backdrop area and ridgeline. This Open Space Recreation Zone will be more prohibitive regarding development when compared with the existing rural zone. Therefore, it will positively enhance the protection of Botanical Hills landscape values, within this Open Space Recreation Zone.*



- **Malvern Hills:**

- *This hillside is primarily covered in pasture, with two stands of native kanuka vegetation and a kahikatea tree proposed to be protected. As such future residential development will not result in the reduction in any native vegetation. Spatially the extent of the proposed residential zoning appears relatively large on the zone and structure plan. However, in reality the proposed zone will not result in a full spread of development within this area due to topographical constraints and geotechnical high risk areas. Further to the Tonkin and Taylor Report, it is considered that the pattern of development may be consistent with the existing residential development on the north-east side of the hill. This has resulted in clustered areas of development separated by pockets of green space, usually associated with steeper and geotechnically higher risk slopes.*
- *The Residential Zone rules for allotment sizes has been designed to follow the existing density of development on the mid slopes, whilst providing for larger allotments on the upper slopes. These areas are separated by the backdrop area, which represents the upper extent of existing residential development.*
- *The intention of the PPCR is to provide for a logical extension and infill of the upper slopes where the existing Residential Zone is not located. The objectives, policies and rules for the PPCR demonstrate that these upper slopes are highly valued. As such, the objectives, policies and rules will limit development to the areas which have a higher ability to absorb development, will be cohesive with the current residential zoning, and will protect the skyline area from development.*
- *Overall, the existing landscape character of the Malvern Hills will change by providing for an increase in residential development. It is considered that by controlling development within the skyline area, positively contributing to the Malvern Hills green backdrop and enhancing its associative values, the PPCR is an appropriate fit on the Malvern Hills.*

Then in summary:

- *Overall, the PPCR will provide for the enhancement of Kaka Stream, not adversely affect the landscape values of Kaka Hill, will maintain the landscape values of Botanical Hill and will alter the character of Malvern Hills upper slopes through additional built form while enhancing native vegetation and increasing the associative values of this hillside. Due to this, the PPCR is an appropriate fit for the site.*

Rough and Milne also undertook a Visual Amenity Assessment, being focused on views and anticipated response to change from people living, working in or travelling through the area. An assessment from a number of selected viewpoints was therefore undertaken, including Maitai Valley Road, Nelson Town Centre and State Highway 6 to the north.

The following Rough & Milne table (p62, Attachment C9(a)) summarises the visual amenity assessment:

Viewing Area	Viewpoints	Assessment Rating	Description of Adverse Effects
<b>Maitai Valley Road</b>	1	Low - Moderate	Minor loss of openness of the Malvern Hills upper south-east facing slopes.
<b>Ralphine Way</b>	2	Low - Moderate	Minor loss of openness of the Malvern Hills upper south-east facing slopes.

<b>Botanical Hill Reserve / Centre of NZ Monument</b>	3A – 3F	Very Low to Low	Contained to the valley floor and the lower west facing slopes of Kaka Hill, it retains Kaka Hills memorable ‘green’ backdrop to Nelson.
<b>Nelson Town Centre</b>	4A – 4O	Positive	The Open Space Recreation Zone will provide a greater level of protection than the existing rural zone.
<b>Port of Nelson</b>	5A – 5B	Low - Moderate	Minor loss of the open space and rural backdrop character within the backdrop area.
<b>SH6, SW of Neale Park</b>	6A – 6B	Positive	The Open Space Recreation Zone will provide a greater level of protection than the existing rural zone.
	6C – 6F	Positive to Very Low	Very slight loss of the open space and rural backdrop character within the backdrop area.
<b>SH6, NE of Neale Park</b>	7A	Low - Moderate	Minor loss of openness on Malvern Hills upper north-west facing slopes.
	7B	Low - Moderate	Minor loss of openness on Malvern Hills upper north-west facing slopes.
	7C	Moderate	Partial loss of openness on Malvern Hills upper north-west facing slopes.
	7D	Very Low to Low	Slight loss of openness on Malvern Hills upper north-west facing slopes.
	7E	Very Low to Low	Contained to the gully and small area of land between the existing Residential Zone and skyline.

Section 8 (p88) of the Rough and Milne ‘Landscape, visual amenity and urban design assessment’ pulls together each of this assessment and summarises the key findings. The concluding paragraph states:

*Overall, the design approach has resulted in the design of the PPCR to reflect its contextual environment and provide function for the development of a new neighbourhood with strong connectivity and accessibility to its surroundings. With quality open space and diverse architecture befitting of the local character. Lastly it is seen that the PPCR and structure plan provide flexibility for additional design collaboration to further refine future development through future resource consent stages.*

This PPCR is therefore considered to be appropriate for the site, while creating the opportunity for a quality landscape and urban design outcome.

## 6.16 Urban Design Outcomes

An Urban Design Assessment is provided within Section 6.0 of the ‘*Landscape, Visual Amenity and Urban Design Assessment*’ undertaken by Rough & Milne Landscape Architects Limited and provided within Attachment C9(a). This assessment is structured to address the relevant matters identified in Policy DO13A of the NRMP and the Ministry of the Environment’s Urban Design Protocol.

The design rationale and the effects from this PPCR are addressed under the following subheadings:

- Landscape and Site Context
- Connectivity and Accessibility
- Open Space
- Character
- Diversity
- Sustainability
- Collaboration

The following summary of these effects is provided in Section 6.8 of the Rough and Milne assessment:

*With the overarching aspect of the UN17 goals and the objectives and policies in section 13A of the District Plan the development aims to create a high functioning neighbourhood with suburban commercial and residential aspects that create a robust foundation for the building of community. The site is located in the area that has been earmarked for residential growth. The upper site works as an extension of the existing Malvern Hills residential area. While the lower site in the valley floor is a natural contiguous expansion of Nelson, creating a new neighbourhood. The report outlines a proposal which fits within the current urban expansion proposed in the Future Development Strategy.*

*As outlined in the District Plan in relation to connectivity principles of urban design NRMP Objective DO13A.2 and Policies DO13A.2.1 – DO13A.2.3 emphasis has been placed on creating interconnected structures and spaces which allow for easy wayfinding and connection to and from the natural environment which will support local biodiversity.*

*The PPCR rules provide for open space areas, which will positively strike a balance between the natural and the man-made environment. These open space areas will accommodate a range of landscape character treatments to benefit the amenity and environmental processes of the development and Nelson City.*

*The placement and form of the proposed zones are well considered in terms of density and built form particularly in relation to the landscape, open space provision and neighbouring land uses so as to be suited to the surrounding landscape. The range of densities and zones throughout the site supports the provision of choice and opportunities within Nelson, while supporting the objectives relating to the sustainable growth of the city. The PPCR will be a potential asset for the growth of Nelson. The design outcome is a creative response which retains and enhances the natural processes of the natural environment whilst enabling development of the site in an efficient mixed-use manner.*

*The site has the potential to be developed to support the growth of a diverse resident population in Nelson. This will contribute to the growth of Nelson’s community base and create greater custodianship opportunities and social sustainability. The site can sufficiently*

*support a greater density of population whilst retaining a balance between landscape and built form, which the PPCR provides for.*

*The surrounding areas urban design structures have been considered in the structure plan with the Malvern Hills character of housing clusters and winding roads following to and responding to the typography. This creates a clear connectivity to the development's surroundings.*

*Overall, by addressing the objectives and policies in Section 13A of the District Plan, and the Ministry for Environment's 7C's for urban design with the global UN17 sustainable development goals. The design approach has resulted in the proposed PPCR and a Structure Plan that has been designed to reflect its contextual environment and provide function for the development of a new neighbourhood with strong connectivity and accessibility to its surroundings. With quality open space and enabling diverse architecture befitting of the local character. Lastly it is considered that the PPCR and structure plan provide flexibility for additional design collaboration to further refine future development through future resource consent stages.*

## 6.17 Productive Land Values

With this PPCR proposing to rezone 180-hectares of existing Rural and Rural-Small Holdings land to Residential and Rural-Higher Density Small Holding zones, it is appropriate to address the significance of the soil resource and its loss from that productive land use.



First and foremost, while located in the Rural Zone the existing 40-hectares of Small Holdings Area located in the valley floor is currently available for subdivision down to 1-hectares average, 5000m<sup>2</sup> minimum. As such, while this area has continued to be used for some lower of productive activity (grazing), the underlying zoning does not require the protection of the productive potential of this land. The applicant has assessed that the Small Holdings Area provides for the creation of approximately 40 small holdings titles currently.

The current Rural Zone has a minimum allotment size of 15 hectares. This zoning provides the opportunity to subdivide the 221-hectares Bayview title into multiple 15-hectare parcels, accessed off right of ways with up to 6 users each. Again, with 15-hectare sites with a building site located to benefit from the views, it is very unlikely that the future of this property is in production.

The owners of Bayview have over the last 12 months cleared a majority of the gorse and scrub, sprayed regrowth and re-established pasture on the less steep parts of the site. The more intensive grazing activity is for the purpose of keeping the site free of fire risk and keeping the site tidy. At present, and for many years, there is no income drawn from the property/farm. The grazing is leased free of charge.

The local planning documents identify the loss of productive land values as a relevant resource management issue. Likewise, minimising growth onto land of high productive value is a core principle of the NTFDS 2019. The FDS defines 'Land of High Productive Value' as:

*Means land which has a climate with sufficient sunshine that supports soil temperature and at least one of the following features:*

- *A slope of up to 15 degrees*
- *Imperfectly drained to well drained soils*

- *Soil with a potential rooting depth of more than 0.8 metres and adequate available moisture*
- *Soil with no major fertility requirements that could not be practically remedied*
- *Water available for irrigation*

*Where that combination is to such a degree that it makes the land capable of producing crops at a high rate across a wide range. Note – this meaning is adapted from ‘Classification System for Productive Land in the Tasman District’, Agriculture New Zealand, December 1994 and is equivalent to land under classes A, B and C. (NTFDS 2019, p38)*

Following a process of site assessment the Kaka Valley was confirmed in the FDS 2019 as one of the two most suitable sites for greenfield expansion.

The applicant commissioned an Assessment of Productive Values which was prepared for the purpose of ensuring the issue of land productivity was appropriately assessed in the preparation of this land change request, including Structure Plan. This assessment is provided in support of this PPCR as **Attachment C3**.

Using Agriculture New Zealand’s Classification System the assessment of productive values has concluded that:

- *The subject land comprises predominantly steep north westerly and south easterly facing hill with easier contoured areas in the Maitai Valley.*
- *The soils have low natural levels of fertility and have limited productive use beyond plantation forestry.*
- *Part of the land has recently been cleared from woody weeds such as gorse and broom and established in pasture. The balance comprises regenerating native vegetation (predominantly on Kaka Hill and also adjoining the Centre of NZ reserve land) with a small area of pasture on flat land adjacent to the Kaka stream.*
- *The land has not been used for any productive activity over the past 50 years apart from some low intensity intermittent grazing.*
- *The parts of the land that have been recently cleared of weeds and established in pasture are being fenced and will be grazed in the short term. That grazing activity is however, directed at controlling regrowth vegetation to reduce fire risk and the fencing is as much to preclude the public from the land to meet health and safety requirements as it is to retain livestock.*
- *The small area of the property that does have a slightly higher productivity, due to the gentle slopes, is zoned Rural Small Holdings where the minimum area for subdivision is 5000 m<sup>2</sup> with an average of 1 ha which largely precludes any productive use.*
- *The only nearby available source of water for irrigation is from the Maitai River however irrigation from that water source is a prohibited activity.*
- *Any productive potential in the areas to be rezoned Residential and Rural Small Holdings will cease upon development*
- *The loss of long-term productivity resulting from the proposed activities will be minor.*

*The loss of long-term productivity resulting from the proposed activities will be minor.*

It was therefore concluded in May 2020 that productive values do not pose a significant constraint to this PPCR and as such no provision has been made for productive activities in the Structure Plan, other than retaining the Rural zoning of Kaka Hill which is in various stages of regenerating back into a native land cover.

## 6.18 Land Contamination

With the past sheep farming activities and use of a sheep dip on the north west side of the shearing shed, the CCKV site is identified on the Council's HAIL register as being a potentially contaminated site. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES:CS) therefore applies.



The NES:CS will trigger the need for resource consent approval at the time of subdivision, change of use, or for soil disturbance exceeding 25m<sup>3</sup> per 500m<sup>2</sup> within the subject contaminated site. A Detailed Site Investigation would need to accompany that application for resource consent. The DSI would need to be prepared by an appropriately qualified person, set out the nature and location of any contamination, and the methods proposed to ensure the risks to human health are appropriately addressed and the land is suitable for its intended purpose.

Until such time as a DSI has been prepared and the options available to remediate and mitigate the risks to human health have been comprehensively assessed, it is not possible to advance this assessment. Importantly however, the relevant risks to human health are protected through the NES:CS.

The Structure Plan locates the former shearing shed and surrounding land within the Open Space corridor which will eventually include the relocated Kaka Stream. The land is not proposed to be zoned residential and so not proposed to be used in future for residential purposes where risks to human health would arise.

In summary, the applicant is aware of the HAIL site and is fully aware of the requirements of the NES:CS. The applicants have experience dealing with these issues in land development projects.

## 6.19 Air Quality

The effects of discharges to air on ambient air quality is a relevant consideration to planning for urban growth. This is clearly articulated in Policy A5-1.8 'Location Factors' of the Nelson Air Quality Plan requires that *'In considering urban form, settlement patterns, and subdivision design, regard should be had to potential impacts on ambient air quality, particularly from home heating and transport'*.

As set out in Section 3.2 above the entire site is located within the 'Airshed C – Nelson City'. Figure A2.1 also identified the 'Extent of Nelson Urban Area'. All of the current Residential Zoned land is identified as within the urban area while the adjoining rural land is identified as 'semi-rural boundary'. The current Small Holdings land is also specifically identified.

The current Air Quality Plan rules are relevant to this assessment as they determine what the risks / effects may be to ambient air quality from the rezoning as proposed.

Notwithstanding these rules, Method A5-1.8.viii of the Air Quality Plan is as follows:

*Develop and implement subdivision design guides to maximise solar access to building sites, and facilitate pedestrian and cycle access.* (p21, Chapter A5)

This method links directly to Policy A5-1.8 noted above, and is explained further in A5-1.8.iii:



*The last part of the policy relates to the influence that the layout, design and operation of the city can have on air quality. This can relate to the need for people to make vehicle trips, the accessibility of the city for cycling, walking and public transport, and the location and orientation of residential sections to capitalise on heating by the sun rather than by burning fuels. (p20, Chapter A5)*

The location of this site is close proximity to the City, employment, amenities and being well placed to enjoy the various active transport linkages, places this site is an excellent position to benefit air quality. In addition, the applicants plan to impose restrictive covenants prohibiting the installation of solid fuel burning devices on properties within the Kaka Valley catchment. These additional restrictions would be imposed at the time of subdivision and development.

## 6.20 Summary of Actual and Potential Effects

<b>TABLE 5: Summary of Actual and Potential Effects of this PPCR</b>	
<b>Effect</b>	<b>Summary</b>
<b>Urban Land Supply</b> (Section 6.3)	Significant positive contribution to urban land supply, to serve the wide-ranging community needs
<b>Social &amp; Economic Effects</b> (Section 6.4)	Significant social and economic benefits.
<b>Cultural Values</b> (Section 6.5)	Specific provision is made for cultural values throughout the subsequent design and development processes.
<b>Geotechnical Risks</b> (Section 6.6)	The site is considered suitable for rezoning, with risks being further assessment as required by the current rules.
<b>Flood Hazard Risks</b> (Section 6.7)	Flooding risks can be mitigated, with appropriate controls in place requiring resource consent approval.
<b>Servicing Constraints</b> (Section 6.8)	The site can be adequately serviced. The Services Overlay method forms an integral part of the proposed changes.
<b>Climate Change</b> (Section 6.9)	This site is not at risk from the effects from sea level rise, and well placed to minimise transport related carbon emissions.
<b>Freshwater Values</b> (Section 6.10)	Best practice environmental design principles are volunteered, with environmental enhancement areas planned.
<b>Terrestrial Ecological Values</b> (Section 6.11)	Various positive ecological outcomes proposed, both in terms of freshwater and terrestrial.
<b>Heritage &amp; Archaeological Values</b> (Section 6.12)	Actual and potential effects on heritage and archaeological values to be further assessed as the detailed design and development processes.
<b>Transport Related Effects</b> (Section 6.13)	The site is well located in the transport network, particularly in terms of alternative transport modes. Further assessment of the transport effects to be part of subdivision and development.
<b>Open Space &amp; Recreation</b> (Section 6.14)	Significant positive effects will arise from additional open space land and recreational opportunities.
<b>Landscape &amp; Amenity Values</b> (Section 6.15)	Landscape values on Kaka Hill and Botanical Hill will be protected, while landscape values on Malvern Hill maintained. Landscape values of Kaka Stream will be enhanced.
<b>Urban Design Outcomes</b> (Section 6.16)	Best practice urban design principles have been used and will be followed in subdivision and development.
<b>Productive Land Values</b> (Section 6.17)	Effects of productive values considered to be less than minor.
<b>Land Contamination</b> (Section 6.18)	Effects under the NES-CS to be addressed as a part of detailed design and development.
<b>Air Quality</b> (Section 6.19)	Appropriate controls are already in place in the AQP, which will apply to any new allotment created.

## 7.0 Planning Context

Listed below are the relevant planning documents that this PPCR must be assessed against. This includes

- 7.1 Te Tau Ihu Statutory Acknowledgements 2014
- 7.2 National Policy Statement on Urban Development 2020
- 7.3 Nelson Tasman Future Development Strategy (July 2019)
- 7.4 Nelson Intensification Strategy (September 2020)
- 7.5 National Policy Statement for Freshwater Management 2020
- 7.6 National Environmental Standard on Freshwater 2020
- 7.7 Nelson Regional Policy Statement 1997
- 7.8 Nelson Resource Management Plan 1996
- 7.9 New Zealand Coastal Policy Statement 2010

### 7.1 Te Tau Ihu Statutory Acknowledgements 2014

Te Tau Ihu Statutory Acknowledgements are an attachment to the operative Nelson Regional Policy Statement, Nelson Air Quality Plan and the Nelson Resource Management Plan. The Introduction to the document also explains:

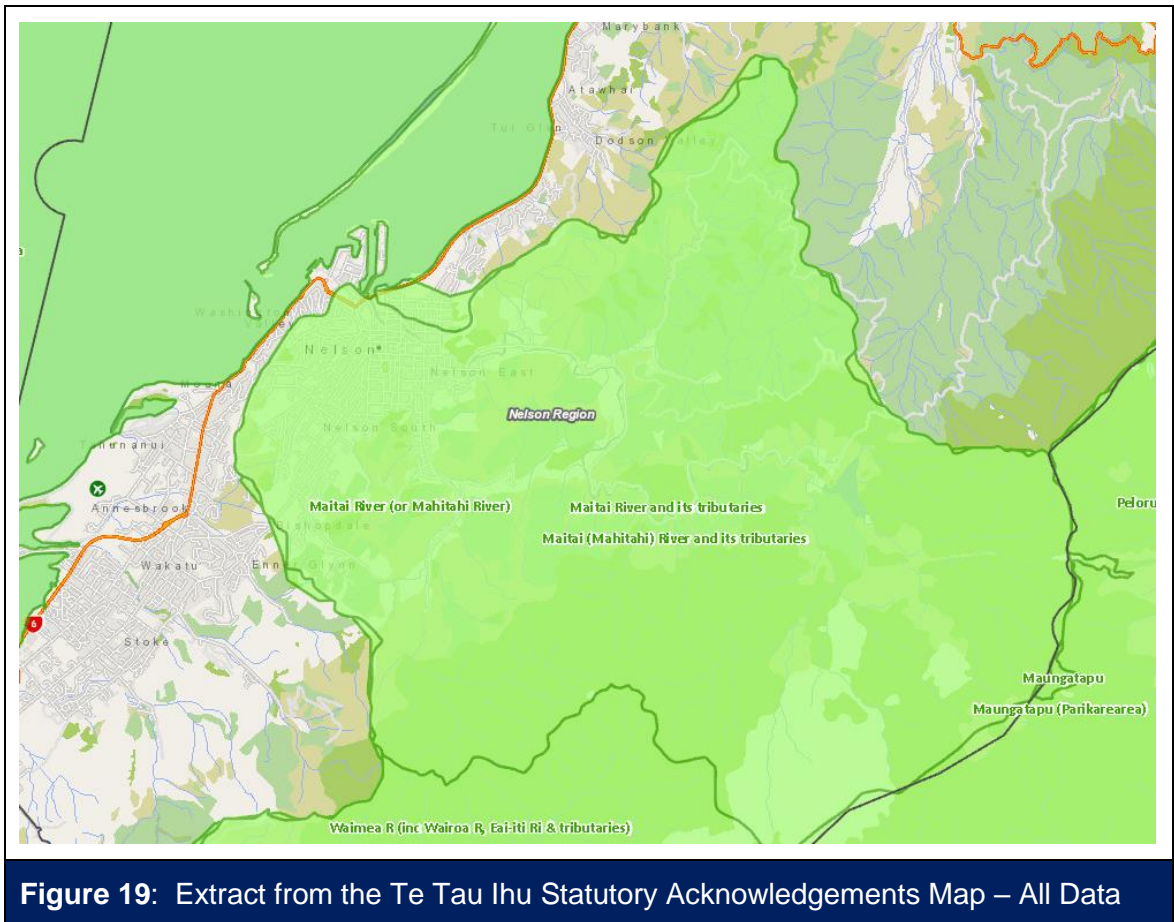
*A statutory acknowledgment recognises the particular cultural, spiritual, historical and traditional association of an iwi with an identified site/area. This type of redress enhances the ability of the iwi to participate in specified Resource Management Act 1991 processes.”*  
(p5)

The eight iwi of Te Tau Ihu to which these statutory acknowledgements relate are:

- Ngāti Kuia
- Rangitāne o Wairau
- Ngāti Koata
- Ngāti Rārua
- Ngāti Tama ki Te Tau Ihu
- Te Ātiawa o Te Waka-a-Māui
- Ngāti Toa Rangatira
- Ngāti Apa ki te Rā Tō

Statutory Acknowledgements therefore enhance the ability of iwi to participate in Resource Management Act 1991 processes. A Te Tau Ihu Map website has been established to show the statutory areas for each area, both individually and in a combined format. An area can therefore have more than one statutory acknowledgment from more than one iwi associated with it.

An extract from the combined map is provided in **Figure 19** below. The Kaka Stream catchment is identified as within the catchment identified as “*Maitai (Maitahi River) and its tributaries*”. With the exception of Ngati Apa, each of the other Te Tau Ihu iwi have Statutory Acknowledgements over the Maitai / Maitahi and its tributaries.



As set out in section 2.4 above, the applicant has involved all of the Te Tau Ihu Iwi in the preparation of this Request. This involved a number of hui, site visits, while also circulating information and answers to questions. The applicant has committed to keeping Iwi directly involved throughout the process of this PPCR as well as the subsequent design, resource consent and construction processes that would normally follow. This commitment is set out within Rule X.8 of the proposed Schedule X (refer to Section 4.3).

The feedback received from Iwi is set out within **Attachment C1** of this PPCR. Overall, while there is a long way to go in this process, this feedback was positive.

The applicant has demonstrated a commitment to providing Iwi with a direct opportunity to participate in this significant development project, as a part of delivering and developing in accordance with the principles of Te Mana o te Wai (NPS-FM) and the principles of the Treaty of Waitangi (Te Tiriti of Waitangi).

## 7.2 National Policy Statement on Urban Development Capacity 2020

In July 2020 the National Policy Statement on Urban Development (NPS-UD) was gazetted and then came into force on 20 August 2020. This new NPS replaced the former NPS-Urban Development Capacity (NPS-UDC). The NPS-UD gives further direction, such as where development capacity should be provided and how Councils can be more responsive to development opportunities.

The intent of the NPS-UDC is most concisely set out in the Introductory Guide published by the Ministry for the Environment:

*The National Policy Statement on Urban Development (NPS-UD) is part of the urban planning pillar of the Government's Urban Growth Agenda (UGA). <sup>1</sup> To support productive and well-functioning cities, it is important that regional policy statements (RPSs) and regional and district plans provide adequate opportunity for land development for business and housing to meet community needs.*

*The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.*

*Potential benefits of flexible urban policy include higher productivity and wages, shorter commute times, lower housing costs, social inclusion, and more competitive urban land markets.*

*According to the cost-benefit analysis completed by PricewaterhouseCoopers (PwC), lower socio-economic groups and future generations will benefit most from greater land-use flexibility (increasing options for how land owners can develop their land). New Zealand's cities will also be better equipped to respond to many urban problems, such as changing patterns of wealth inequality, housing unaffordability and climate change.*

*Most of the NPS-UD's provisions contribute to more competitive land markets in some form, but three are key.*

- The intensification policies (Policies 3, 4 and 5) seek to improve land-use flexibility in the areas of highest demand – areas with good access to the things people want and need, such as jobs and community services, and good public transport services. These factors are indicators of the best areas for development, and there is strong evidence to demonstrate that reducing constraints on development in these locations would have the biggest impact.*
- The responsive planning policy (Policy 8) seeks to improve land-use flexibility generally by ensuring local authorities have particular regard to plan changes that would add significantly to development capacity as they arise.*
- The removal of minimum parking rates in district plans (Policy 11) seeks to improve land-use flexibility in urban environments. It will allow more housing and commercial developments, particularly in higher density areas where people do not necessarily need a car to access jobs, services or amenities. Urban space can then be used for higher value purposes than car parking. Developers will still provide car parking in many areas, and must still provide accessible car parking, but the number of car parks will be driven by market demand.*

*The NPS-UD is also intended to:*

- *improve accessibility for all people between housing, jobs, opportunities for social interaction, services, and public open space, including by way of public and active transport (Policy 1)*
- *improve the evidence used by decision-makers in planning decisions (Objective 7, subpart 3 of Part 3)*
- *provide direction on minimum requirements for local authorities in taking into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi) in relation to urban environments (Policy 9)*
- *ensure zones have provisions that individually and cumulatively support the purpose of the zone (Policy 3, subpart 7 of Part 3)*
- *support reductions in greenhouse gas emissions (Objective 8, Policy 1).*

*In achieving these outcomes, the NPS-UD will contribute to the UGA's objectives, and address restrictive Resource Management Act 1991 (RMA) planning practices. Ultimately, it will help local authorities allow more urban development and housing through their plans, to better meet the different housing needs and preferences of New Zealanders (emphasis added).*

The NPS-UD applies to all local authorities with an urban environment within their district or region. This includes Nelson City Council and Tasman District Council which are identified as Tier 2 local authorities. The NPS-UD also applies to “*planning decisions*” made by any local authority that affect an urban environment (Section 1.3 of NPS-UD).

The NPS-UD defines *planning decision* as follows:

*Planning decision means a decision on any of the following:*

- (a) *a regional policy statement or proposed regional policy statement*
- (b) *a regional plan or proposed regional plan*
- (c) *a district plan or proposed district plan*
- (d) *a resource consent*
- (e) *a designation*
- (f) *a heritage order*
- (g) *a water conservation order.* (Section 1.4, p7)

Given the overall intent of the NPS-UP, the identification of the subject site within the Nelson Tasman Future Development Strategy 2019, and the outcomes sought by this PPCR, it is considered that the decision on this PPCR is a planning decision that falls within the scope listed above. In particular, it is clear through Policy 8 (addressed below) that Plan Changes, such as this, are recognised as a significant part of achieving the objectives of the NPS-UD.

Part 2 of the NPS-UD contains the *Objectives and Policies*, Part 3 contains the *Implementation* requirements, and Part 4 sets out the *Timing* requirements for implementation.

Given their national importance, appropriate consideration is given to each of the 8 objectives and 11 policies below.



## 2.1 Objectives

**Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

The purpose of the NPS-UD and the focus on Objective 1, is to enable communities and future generations to provide for their well-being. The meaning of a well-functioning urban environment is defined in Policy 1 addressed below.

**Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*

It is considered that the primary method available to achieve Objective 2 is by rezoning additional land, whether through Council initiated Plan Changes, Plan Reviews, supporting privately initiated plans changes, or through approving resource consent applications. The key to achieving this Objective is through increased supply of residential land across the full spectrum of needs and in a variety of locations. This is addressed further in relation to Policy 8 below.

**Objective 3:** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- (a) *the area is in or near a centre zone or other area with many employment opportunities;*
- (b) *the area is well-serviced by existing or planned public transport*
- (c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

This PPCR relates to land near Nelson's City Centre Zone and so achieves this objective. Given this location, surrounding amenities, limited alternative sites and constraints over other options, it is anticipated that there would be high demand for residential land in this location.

**Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

This Objective, along with Policy 6, enables change to the built form of urban environments over time as a part of providing for the diverse and changing range of needs. While this subject site is not currently a built urban form, these provisions provide recognition and acceptance of changes to our urban setting that will be required in order to provide for the well-being of our community.

**Objective 5:** *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Objective 5 and Policy 9 require that the principles of the Treaty form a part of decision making. The steps taken by the applicant are summarised in **Attachment C1** of this PPCR and discussed further under Policy 9 below.

**Objective 6:** *Local authority decisions on urban development that affect urban environments are:*

- (a) *integrated with infrastructure planning and funding decisions; and*
- (b) *strategic over the medium term and long term; and*
- (c) *responsive, particularly in relation to proposals that would supply significant development capacity.*

This PPCR has involved detailed assessment of current infrastructure capacity. This work was undertaken by Tonkin & Taylor Limited alongside the parallel work on the Council's preparation of its Draft Long-Term Plan. These assessments therefore overlapped and were integrated as part of a strategic planning exercise. As such, it is considered that the applicant has achieved consistency with the intent of Objective 6.

**Objective 7:** *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*

This objective provides an obligation on the Council's to monitor and keep updated information on the supply and demand of land to meet community needs. This matter is further addressed under Policy 2 below.

**Objective 8:** *New Zealand's urban environments:*

- (a) *support reductions in greenhouse gas emissions; and*
- (b) *are resilient to the current and future effects of climate change.*

Objective 8, Policy 1(e), 1(f) and 6(e) collectively seek to set directions that support reductions in greenhouse gas emissions and be resilient to the effects of climate change.

This PPCR site is strongly positioned to help achieve these outcomes, with its close proximity to Nelson City and opportunity for future residents to utilise alternative transport modes and without sitting in congested traffic corridors such as those linking to Stoke, Tahunanui and Richmond. In addition, the site is not at risk from sea level rise and, with the planned sub-collector road connection, would provide a more resilient community and transport network.

## **2.2 Policies**

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) *have or enable a variety of homes that:*
  - (i) *meet the needs, in terms of type, price, and location, of different households; and*
  - (ii) *enable Māori to express their cultural traditions and norms; and*
- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change (emphasis added).*

Policy 1 essentially sets out the minimum standards for what constitute well-functioning urban environments, being standards that determine community well-being, health and safety. The site of this PPCR has the physical and locational advantages that provide the opportunity for these standards to be achieved and exceeded. Along with the applicant's engagement and commitment to Iwi, and the provision for a wide range of housing needs,

this PPCR is considered to represent a model example of what constitutes a well-functioning urban environment.

**Policy 2:** *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

As mentioned above, Nelson City and Tasman District are Tier 2 authorities. This policy provides an obligation on the Council to provide at least sufficient development capacity (land and required services) to meet demands over short, medium and long terms. Importantly, given the benefits of supply to a competitive market, the words 'at least' enable Council's to exceed expected demands if that scenario was in any way possible.

The latest information on land supply and demand is located within the NPS-UDC, Nelson Tasman Monitoring Report July 2019- June 2020 available on Tasman District Council's website. According to the Council, updated information will not again be available until July 2021. This report is based on data from Ministry for Housing and Urban Development and Stats NZ from 2018 and so does not take account of growth data for the last 2 years nor events associated with the COVID-19 outbreak. Over the last 12 months the Real Estate Institute has published information which shows that median house prices in New Zealand and Nelson have increased dramatically. In particular Nelson has experienced a rise of 12.7% in median house prices since December 2019, with Nelson, Marlborough and Tasman being the only region in New Zealand where sales volumes have decreased year-on-year. The report issued in December 2020 states that the inventory levels within the region are currently the lowest on record. This unequivocally demonstrates that demand is strongly out-stripping supply in the housing market.

Policies 3 and 4 relate to Tier 1 authorities so are not relevant to this assessment.

**Policy 5:** *Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:*

- (a) *the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
- (b) *relative demand for housing and business use in that location.*

This policy requires that planned urban form be commensurate with the greater of the level of accessibility or relative demand. This PPCR has however sought to provide for a range of densities in response to opportunities and constraints such as topography. The higher density residential area planned will also have excellent accessibility via existing transport corridors plus existing and new active transport linkages.

**Policy 6:** *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
  - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*

- (ii) *are not, of themselves, an adverse effect*
- (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) *the likely current and future effects of climate change.*

This Policy was addressed as a part of the discussion on Objective 4, Objective 8, and policies Policy 1 and 4 above.

**Policy 7:** *Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.*

This policy requires that the Council set bottom lines in its RPS and District plan. The Nelson City Council is currently in the process of preparing the draft Whakamehere Whakatu Nelson Plan, being a replacement to the NRPS and NRMP. These bottom lines will therefore need to be provided in that final document.

**Policy 8:** *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- (a) *unanticipated by RMA planning documents; or*
- (b) *out-of-sequence with planned land release.*

There is no doubt that with approximately 750 new allotments planned as a part of the PPCR, this PPCR will add significant development capacity while also becoming a well-functioning urban environment for both future residents and also the wider population to enjoy.

The planning documents (addressed in following sub-sections) provide a framework for structure planning as a part of providing for additional land for urban expansion. Because of this, this PPCR cannot be reasonably described as unanticipated by the planning documents currently in place. In addition, the adopted NTFDS 2019 identifies the subject site as one of two urban expansion (greenfield) options that are important as a part of achieving the obligations under the NPD-UD. This further reinforces the role and importance of this site. Policy 8 therefore requires that decision making is responsive to this plan change request.

In section 7.3 below the matter of sequencing is also addressed, as set out in the NTFDS 2019. However, Policy 8(b) makes it clear that decision making must be responsive whether in or out of sequence. This is reinforced further in Subpart 2 'Responsive Planning' of the NPS-UD.

Policy 9 below was also acknowledged alongside Objective 5 above. Policy 9 states:

**Policy 9:** *Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

- (a) *involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- (b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*

- (c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
- (d) *operate in a way that is consistent with iwi participation legislation.*

As set out within **Attachment C1**, and also addressed within section 2.4 and 6.5 of this PPCR, the applicant has involved Iwi in the preparation of this proposal and have committed to keeping Maori involved throughout the subsequent design, consenting and construction processes. This commitment is demonstrated in **Attachment C1** and also in proposed Schedule X. As such, this PPCR is considered to be fully consistent with Policy 9 and the associated principles of the Treaty of Waitangi (Te Titiri o Waitangi).

**Policy 10:** *Tier 1, 2, and 3 local authorities:*

- (a) *that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*
- (b) *engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*
- (c) *engage with the development sector to identify significant opportunities for urban development.*

Both Nelson City and Tasman District have been working together to implement this NPS through the preparation of the NTFDS 2019.

It was in the lead up to the draft FDS that the Nelson City Council engaged with the landowners over the opportunities within the Kaka Valley to provide for urban development.

**Policy 11:** *In relation to car parking:*

- (a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*
- (b) *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

Policy 11 relates to the removal of the parking requirements which has since been implemented by the Nelson City Council. This will further encourage developers to encourage the increased use of alternative transport modes / active transport linkages.

Part 3 of the NPS-UD sets out *what local authorities must do* to give effect to the objectives and policies. These requirements are set out within seven subparts, including:

- *Subpart 1 – Providing development capacity*
- *Subpart 2 – Responsive planning*
- *Subpart 3 – Evidence-based decision-making*
- *Subpart 4 – Future Development Strategy (FDS)*
- *Subpart 5 – Housing and Business Development Capacity Assessment (HBA)*
- *Subpart 6 – Intensification in tier 1 urban environments*
- *Subpart 7 – Development outcomes for zones*
- *Subpart 8 – Car parking*

Subparts 2 and 4 are considered to have direct relevance to the assessment of this PPCR as it relates to the NTFDS 2019 which has been prepared and adopted by the Nelson City and Tasman District Council's.

Clause 3.12 states:

**3.13 Purpose and content of FDS**

- (1) *The purpose of an FDS is:*
  - (a) *to promote long-term strategic planning by setting out how a local authority intends to:*
    - (i) *achieve well-functioning urban environments in its existing and future urban areas; and*
    - (ii) *provide at least sufficient development capacity, as required by clauses 3.2 and 3.3, over the next 30 years to meet expected demand; and*
  - (b) *assist the integration of planning decisions under the Act with infrastructure planning and funding decisions.*
- (2) *Every FDS must spatially identify:*
  - (a) *the broad locations in which development capacity will be provided over the long term, in both existing and future urban areas, to meet the requirements of clauses 3.2 and 3.3; and*
  - (b) *the development infrastructure and additional infrastructure required to support or service that development capacity, along with the general location of the corridors and other sites required to provide it; and*
  - (c) *any constraints on development.*
- (3) *Every FDS must include a clear statement of hapū and iwi values and aspirations for urban development.*

The adopted NTFDS 2019 is addressed under section 7.3 below.

In summary, this PPCR is significant in the context of the NPS-UD as it will enable more people to live and work in a well-functioning urban environment, will provide for a wide range of needs and help improve housing affordability by increasing land supply that is plan-enabled.

## 7.3 Nelson Tasman Future Development Strategy (July 2019)

The FDS was prepared in late 2018 with public feedback on the high-level scenarios and ideas gathered in January and February 2019. A second round of public consultation took place in April and May 2019. Following this consultation, including with input from iwi, community groups, businesses, individuals and statutory organisations, the strategy was finalised and presented to both Councils for adoption.

On 26 July 2019 the Nelson City Council and Tasman District Council formally adopted the Nelson Tasman Future Development Strategy 2019, hereafter referred to as the FDS.

Both Council's have background information on the development of the FDS on their respective websites:

<http://www.nelson.govt.nz/building-and-property/city-development/future-development-strategy/>

<https://www.tasman.govt.nz/my-council/key-documents/more/future-development-strategy/>

Section 1 of the FDS provides a summary of the purpose and content, along with a summary of the process followed in its preparation, how the FDS will be implemented and the key recommendations. Section 2 of the FDS contains more detailed information on housing and business land needs, and discussion on the options selected to address and meet those needs. Section 3 then deals with the Implementation while section 4 contains the detailed recommendations. A glossary and references are located in sections 5 and 6.

The FDS openly acknowledges the speed at which the Nelson and Tasman population is growing. The FDS focuses on how to best meet those needs, while also acknowledging that “well-managed growth can bring opportunity, prosperity, and enrich our communities” (p3).

The FDS also states that house prices in Nelson and Tasman are some of the most unaffordable in New Zealand. It should be noted however that the FDS was adopted in 2019 and Nelson and Tasman have seen a significant increase in house prices since then. Refer to Section 4.1 above. In addition, the FDS 2019 was adopted a year before the NPS-UD was gazetted and so will need to be updated to ensure it accurately reflects this new national policy and its amended obligations.

The FDS is described as setting out a long-term picture for future urban growth, looking over a 30-year period from 2018 to 2048. The FDS is described as a high-level strategy, not setting out the detail of how housing and business areas will be developed, with further interrogation of potential constraints being identified as required. (p3). For example, the FDS only broadly identifies the spatial locations in which development capacity will be provided based on the broad suitability criteria used in undertaking the assessment process. The sequencing and timing issues are also broadly described.

Another key feature of the FDS focuses on the longer term of 2028-2048 as “*current plans already provide capacity for the next 10 years of growth*” (p5). The reference to *plans* here is to the NRMP and TRMP, but with gazetted special housing areas included in the current capacity allowances (p10). The FDS however also acknowledges the risk that not all of this capacity may be taken up (section 3.1, p32). In this context the FDS adopts a responsive strategy, as a part of remaining relevant. Amending the sequencing is one of the options available in that regard.

The FDS also strongly supports intensification of Nelson, Stoke and Richmond, but under a high growth scenario, the FDS notes that some greenfield development may also be



needed. In this regard the FDS identifies that some expansion of the Nelson Urban Area is provided for in the Kaka Valley, Saxton and Richmond South. The FDS contains maps of the selected growth areas, while also estimates the potential housing capacity available within those selected locations. The Kaka Valley is identified as having a potential capacity to provide for 842 housing units, broadly within the valley floor area. Given the forecasted shortfall not being until 2028, this capacity is not expected to be required until Decade 2 and 3. Table 1 of the FDS sets this out most clearly:

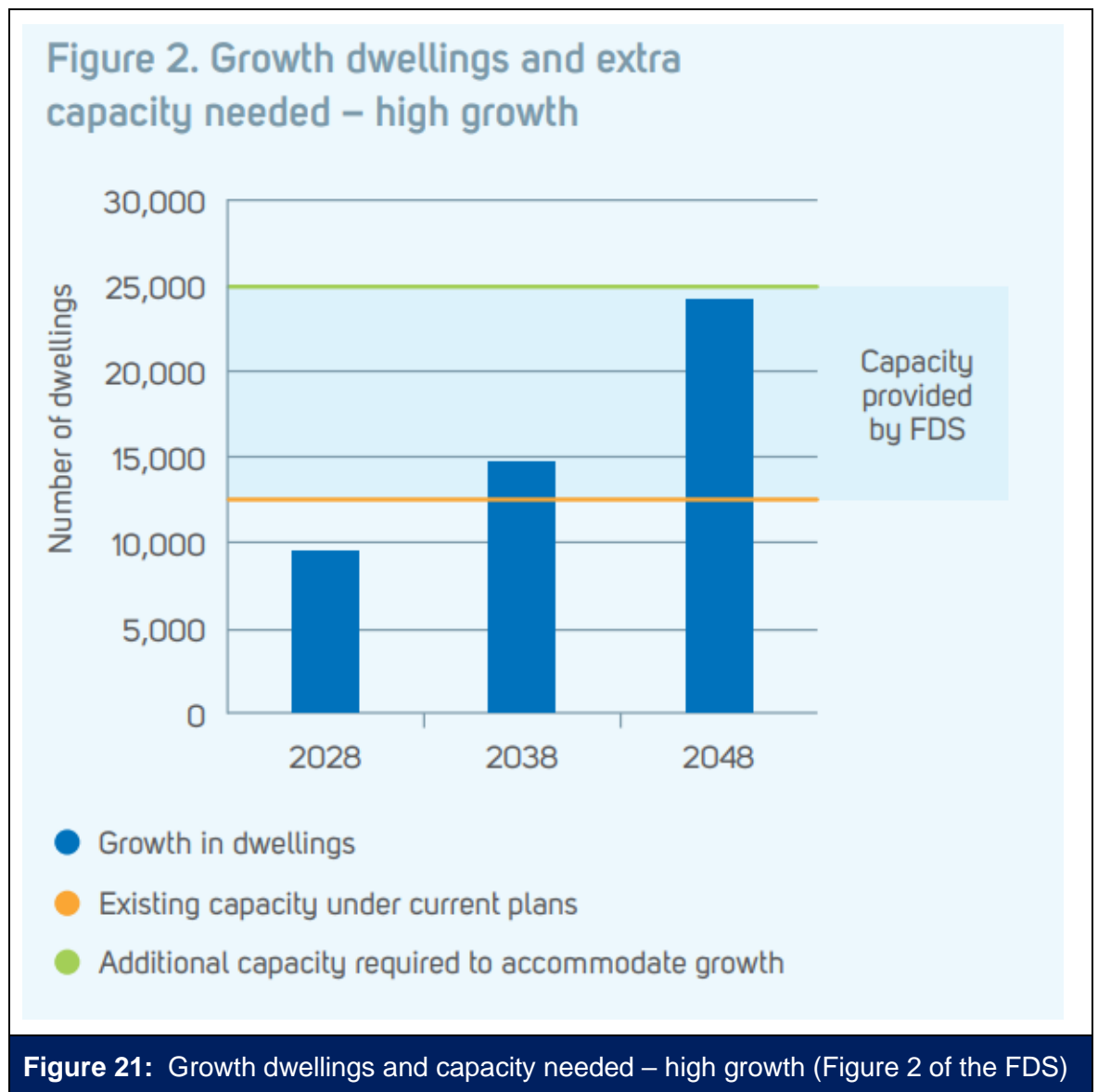
Table 1. Long term housing capacity by broad location			
Area	Decade 2: 2029 – 2038	Decade 3: 2039 – 2048	Total
<b>NELSON</b>			
Central**	2,288	154	2,442
Stoke**	313	981	1,294
Dodson**	190	–	190
Kaka Valley**	614	228	842
Saxton**	819	–	819
<b>Nelson total</b>	<b>4,223</b>	<b>1,363</b>	<b>5,586</b>
<b>TASMAN</b>			
Richmond**	952	–	952
Richmond South**	–	1,628	1,628
Brightwater	403	660	1,063
Wakefield	251	1,229	1,480
Mapua	619	128	747
Motueka	864	–	864
Mariri Hills	–	1,360	1,360
Upper Moutere	95	–	95
Murchison / Takaka	233	–	233
Collingwood / Parapara	200	–	200
Tapawera	40	–	40
<b>Tasman total</b>	<b>3,658</b>	<b>5,005</b>	<b>8,663</b>
<b>Nelson Tasman total</b>	<b>7,882</b>	<b>6,368</b>	<b>14,249</b>

**Figure 20:** Table 1 of the FDS: Long term housing capacity by broad location

The provision of 24,000 extra houses (Nelson and Tasman combined) is based on the high growth scenario used in the FDS. Planning for the high growth scenario is on the basis of being future proofed. The FDS states:

*If growth rates are higher than what plans anticipate, then it can take time to modify plans for them to keep them up to date. In turn this can place pressure on land and house prices, affecting affordability. (p10)*

**Figure 2** of the FDS shows this high growth scenario and what is planned over and above the existing capacity:



As set out in section 4.1 above, the approach of relying on currently zoned land and gazetted SHAs until 2028 will need to be revisited. These trends, including the reducing housing affordability statistics, strongly indicate that the supply shortage needs to be more actively and urgently addressed.

In addition to the number of additional houses needed, the FDS also states there will be pressure for different types of houses to be built, for affordability issues to be addressed, adaption to climate change, and for actions to reduce impacts on the natural environment (p4). The FDS also emphasised the importance of Iwi partnership which has been incorporated in the FDS, as well as the input from the public received during the consultation phase.

The following core principles were also developed as a result on the analysis undertaken and public feedback:

- *Favour intensification of urban areas over expansion, and favour expansion over new settlements*
- *Promote intensification close to facilities and services and in a way that supports public transport, walking and cycling*
- *Expand in areas with good access to community services and infrastructure*

- *Minimise expansion onto land of high productive value*
- *Further development of areas prone to sea level rise in Nelson City is contingent upon an adaptation strategy being in place*
- *Ensure the growth needs of all settlements are provided for*
- *All development helps to revive and enhance the mauri of the natural world. (p11)*

Section 2.4 sets of the “Overall urban form and strategic growth approach” as follows:

*The FDS provides for a mix of building up existing urban areas through intensified redevelopment of selected areas and building out around existing settlements through managed expansion. Across the combined Nelson and Tasman regions (i.e. beyond the Nelson Urban Area):*

- ***building up*** (also called “intensification”) accounts for at least 40% to 45% of additional capacity across the region, provided through more housing options located within existing urban areas
- ***building out*** (also called “expansion”) accounts for 55% to 60% of additional capacity across the region, provided through the managed expansion of existing settlements and some additional rural-residential living options with good access to smaller centres. (p11)

The FDS describes the benefits of the “building out” options as follows:

*Enabling controlled expansion on the edges of existing larger settlements provides for housing choices while minimising the costs of providing necessary trunk infrastructure. Locating new urban development close to local jobs and services also helps to reduce intraregional trips, compared to new settlements in more remote locations.*

*Actively identifying where urban expansion should occur also reduces pressure for unplanned and uncoordinated developments, providing certainty to developers, as well as signalling intentions to landowners. Equally, the extent and timing of urban expansion in the vicinity of the Nelson Urban Area needs to be managed to ensure that there is a degree of support for intensification. (p12)*

And also:

*The FDS recognises the need to provide for managed expansion of existing settlements to provide for housing and locational choice, as intensification alone would not provide sufficient capacity in a high growth scenario due to limited suitable areas. In terms of urban expansion options, the FDS identifies a number of sites that may be made available in decades 2 and 3 of the lifetime of the FDS.*

#### 2.7.1 EXPANSION AREAS FOR DECADE 2

*(2028–2038)*

*Kaka Valley and Saxton, Nelson Urban expansion is provided for on the edges of Nelson City with housing development identified in the Kaka Valley and Saxton areas. These areas adjoin the existing urban area and are in close proximity to centres and employment areas, and in the case of Saxton, already serviced. ... (emphasis added, p18)*

Importantly, then:

#### 2.7.3 WHAT MIGHT URBAN EXPANSION

LOOK LIKE?

*In taking a managed approach to building out, the FDS seeks to encourage more effective use of rural land that is to be developed for housing both in terms of a wider range of housing choices as well as better open spaces and management of environmental effects, like stormwater run-off.*

*Urban expansion can take a variety of forms, from 'traditional' suburban development to master planned communities that provide for a range of housing densities and housing forms from stand-alone houses through to terraced housing. In other cases, a clustered approach may be taken, with a dense core surrounded by areas for larger lots and restoration of natural features. Greenfield locations also allow for intensification; that is a more intensive pattern of development is planned for at the time of subdivision, such as space for apartments to be developed at a later date close to a neighbourhood centre, or terraced housing arranged around a local park, with vehicle access by way of a rear lane. The different types of urban expansion are shown in Table 4 (on the following page).*

*New urban areas may be subject to structure planning before rezoning, subdivision and development. The structure plan will take a large area and may well see part of the area identified for large lot development or similar, with other areas identified for more intensive housing. Structure plans also provide for an integrated approach to stormwater management and roading patterns that support passenger transport and active modes across multiple properties. Typically, 30% to 40% of greenfield areas will be devoted to roads, open spaces and green networks, such as stream corridors, riparian areas and wetlands, rain gardens and similar for stormwater treatment.* (p19, emphases added)

Section 3 of the FDS then works through various steps in the Implementation of the strategy. Being responsive by undertaking regular monitoring of growth is listed as an important part of Council's role (section 3.1, p32). Updating the capacity assessment is another component. It is acknowledged that:

*Monitoring will allow the Councils to keep track of how development is actually occurring and whether any further actions are required to ensure there is sufficient development capacity at all times. This may involve:*

- *Amending the sequencing of a development area*
- *Enlarging a development area*
- *Adding a new development area*
- *Advancing the detailed planning for a development area, such as structure planning.* (p32)

The second element to implement the FDS is to undertake detailed planning to confirm feasibility, determine land use and infrastructure needs. Changes to the resource management documents are also identified as part of the implementation, likewise spatial planning in the form of structure plans for urban expansion areas. For urban intensification, the FDS identifies the preparation of the Climate Change Action Plan and also the Intensification Action Plan. Infrastructure Strategies are also identified as relevant to the consideration of competing demands for funding and investment. In summary therefore, there are a number of strands to the Implementation of the FDS with the monitoring and review also having the potential to change the FDS to ensure it fulfils the requirements of 'responsive planning' and changing demands.

## 7.4 Intensification Action Plan (September 2020)

The joint Nelson Tasman FDS recommends each Council develop an Intensification Action Plan (IAP) to support the intensification outcomes of the FDS. The FDS considers the role brownfield and greenfield land has to play in accommodating Nelson's future growth. The IAP states that 'at least 60% of future housing growth is to be accommodated by intensification (the building up of housing) within the Nelson Urban Area' (p.4). Put in blunt terms this would equate to approx. 3,351.6 new dwellings being located within Nelson's urban area leaving a shortfall of approx. 2,234.4 dwellings to be accommodated on greenfield land by 2048.

The IAP acknowledges the role greenfield development will play in easing the supply of housing, specifically Figure 7 includes development in the Mahitahi Valley as contributing towards household capacity projections. Interestingly the IAP notes the importance of green space as a valued contributor to the wellbeing of communities to give residents opportunities to interact with nature and help increase natural biodiversity. *'Council will be encouraging developers to build up green infrastructure in support of the clever land management and urban design objectives it seeks'* (p.5). The PPCR has improved environmental outcomes through increasing biodiversity and increased provision of public open space and recreational opportunities at its heart with development planned in a holistic manner around public open spaces, walkways and linkages as well as biodiversity corridors and esplanade and riparian reserves.

The IAP identifies four key workstreams:

- Workstream 1 – Housing Preference
- Workstream 2 – Regulation
- Workstream 3 – Infrastructure
- Workstream 4 - Cost

The PPCR land is located in very close proximity to Nelson City Centre and will include some higher density development on the Valley floor thus providing for a diversity of housing choice in an area free from risk of sea level rise. The proposed Structure Plan and Schedule will complement the existing planning framework and align with the Objectives and Policies of the NPS-UD which are considered in section 7.2 of this PPCR. The provision of the services overlay on the relevant parts of the site will ensure servicing requirements are addressed at subdivision development stage.

## 7.5 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) came into force on 3 September 2020. This new NPS replaced the former National Policy Statement for Freshwater Management 2014 (as amended 2017). The new NPS-FM further strengthens the fundamental concept of Te Mana o te Wai.

In terms of its Application, Section .5 states:

*This National Policy Statement applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).*

As a fundamental concept, the NPS-FM clarifies that:

*Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.*

Section 1.3(4) lists the six principles of Te Mana o te Wai:

- a. **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.
- b. **Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- c. **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
- d. **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
- e. **Stewardship:** the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
- f. **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Section 1.3(5) of the NPS-FM states that there is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- a. first, the health and well-being of water bodies and freshwater ecosystems;
- b. second, the health needs of people (such as drinking water);
- c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

### Objective

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
  - (a) first, the health and well-being of water bodies and freshwater ecosystems

- (b) *second, the health needs of people (such as drinking water)*
- (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

### **Policies**

- Policy 1:** *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
- Policy 2:** *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*
- Policy 3:** *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
- Policy 4:** *Freshwater is managed as part of New Zealand's integrated response to climate change.*
- Policy 5:** *Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*
- Policy 6:** *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*
- Policy 7:** *The loss of river extent and values is avoided to the extent practicable.*

This policy is already acknowledged in the Tonkin and Tylor report provided in Attachment C5. See section 4.1.4.2. In addressing this policy T&T state:

*The NPS-FM (2020) policy 3.24 outlines that the loss of river extent and values is avoided. Regarding the PPCR, the loss of extent of the Kaka Hill Tributary should therefore be avoided. In terms of the reinstatement of the natural alignment of the lower Kaka Hill Tributary the planning AEE should demonstrate that there is a functional need for the realignment and any effects on river extent and values should be managed by applying the effects management hierarchy (i.e. avoid, minimise, remedied, mitigate, and offset). The reinstatement of the lower Kaka Hill Tributary to a natural channel will provide an opportunity for biodiversity and ecological enhancement, the development of land, and to safely convey catchment flood flows through the lower part of the development. (p15, Attachment C5)*

- Policy 8:** *The significant values of outstanding water bodies are protected.*
- Policy 9:** *The habitats of indigenous freshwater species are protected.*
- Policy 10:** *The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.*
- Policy 11:** *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.*
- Policy 12:** *The national target (as set out in Appendix 3) for water quality improvement is achieved.*
- Policy 13:** *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*
- Policy 14:** *Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.*



**Policy 15:** *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

Part 3 of the NPS-FM sets out what local authorities must do to implement this new national policy and its principles.

Aside from the identification of the natural inland wetland areas within the Structure Plan for long term protection, it is considered that the commitment to involve Te Tau Ihu throughout the process, alongside the applicant, including in subsequent design and construction processes is a significant part of delivering on the principles as well as well as many of the associated policies.

## 7.5 National Environmental Standards

There are two National Environmental Standards that have some relevance to this PPCR:

- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS); and
- National Environmental Standards for Freshwater (NES-FW)

The NES-CS was acknowledged in section 3.3 of this Request in the context of a HAIL site being present adjacent to the shearing shed. This HAIL is registered on the basis of a former sheep dip being used during past intensive sheep farming activities.

The requirements under the NES-CS to obtain resource consent prior to any change of land use, subdivision or earthworks (within the contaminated site) are well known by the applicant.

With regard to the NES-FW:

*The Freshwater NES set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards.*

*The standards are designed to:*

- *protect existing inland and coastal wetlands*
- *protect urban and rural streams from in-filling*
- *ensure connectivity of fish habitat (fish passage)*
- *set minimum requirements for feedlots and other stockholding areas*
- *improve poor practice intensive winter grazing of forage crops*
- *restrict further agricultural intensification until the end of 2024*
- *limit the discharge of synthetic nitrogen fertiliser to land, and require reporting of fertiliser use.*

*In many cases, people will need to apply for a resource consent from their regional council to continue carrying out regulated activities. (MfE website)*

These requirements were also in the forefront of the ecological assessment processes undertaken by Tonkin and Taylor, and Morphum Environmental Limited. The most relevant requirements are identified in the Tonkin and Taylor report provided in **Attachment C5** (section 4.1.5), including Subpart 2 which requires resource consent (discretionary activity) for any reclamation of a river. The Freshwater Plan (NRMP) already triggers the need for this consent and so this is not an additional consenting requirement.

## 7.6 Nelson Regional Policy Statement

The Nelson Regional Policy Statement (hereafter referred to as 'NRPS') became operative on 10 March 1997 and has not been changed in any way since then. The purpose of this document is:

*“to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region”. (s59 of the RM Act 1991)*

The NRPS is the document that has guided the development of other plans, such as regional and district plans (Refer to AB3.4, p6, NRPS).

The content of Regional Policy Statement's prepared under the RM Act 1991 is determined by Section 62 'Contents of Regional Policy Statements'.

In achieving 'integrated management' of the region's natural and physical resources, and for the purpose of meeting the statutory obligation contained within Section 62(1)(h) above, the NRPS refers to 'cross-boundary issues'. These 'issues' cross territorial or geographical boundaries and therefore have a wider community of interest (Refer to AB1 (p5), AB5 (p7), LB1.1 (p21), UP1 (p29) and DH1.1 (pp43-44) of the NRPS).

The NRPS identifies the cross-boundary issues with other local authorities in section UP1 'Issues affecting other authorities' (pp29-30). Of the 16 issues listed in UP1 however the one that has direct relevance to this PPCR include:

- *a co-ordinated and complementary approach to urban spatial requirements including the needs for residential, rural-residential, commercial, and industrial expansion (Nelson City / Tasman District);*

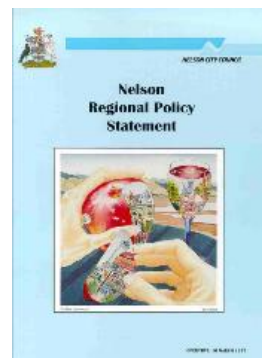
The preparation of the joint NTFDS 2019 is an example of Council's coordinated approach to dealing with urban spatial requirements.

LB1.1 (p21) of the RPS identifies those matters that may be of regional significance, including:

- *Matters which are of widespread public concern or interest throughout the region relating to actual or potential effects on the environment;*
- *Values associated with natural and physical resources or any structure, place, feature or area which are of greater than local significance, which are unique within the region;*
- *Issues where resources or effects cross administrative boundaries and require co-operation or integration of policies, actions or decision making;*
- *Effects considered by tangata whenua to be of greater than local significance;*
- *Cumulative effects of resource use, management or protection which are of regional significance; and/or*
- *Matters relevant to the Nelson City area which are of national or international significance (p21, NRPS)*

While a majority of the issues addressed by this PPCR are more of a local significance, the matter of urban spatial planning to meet growth needs is considered to be a regional issue.

At this point it is appropriate to acknowledge that as a Unitary Authority, the provisions of the NRPS are imbedded directly into the NRMP.



The NRPS provides full recognition to the relationship of Maori to the natural and physical resources of this region, as acknowledged and required by Part 2 of the Act, and in particular sections 6(e), 7(a) and 8.



The issue is identified as:

*“The adverse effects of resource use on cultural values and sites of significance to tangata whenua” (p37)*

Appendix 2 of the NRPS provides a more detailed account of resource management issues as stated by iwi.

The NRPS then sets out the following objectives:

**TW1.4 objectives**

- TW1.4.1 Resource use which provides for the relationship of the Maori and their culture with their ancestral lands, water and sites, waahi tapu, urupa, and other taonga.*
- TW1.4.2 A mutually satisfactory relationship between Council and tangata whenua regarding resource management.*
- TW1.4.3 Increased opportunities for tangata whenua to exercise kaitiakitanga in the region.*
- TW1.4.4 Increased opportunities for the cultural aspirations and tikanga of the tangata whenua with regard to natural and physical resources to be met. (p39)*

The relevant policies (listed below) set out how the objectives are to be achieved:

**TW1.5 policies**

- TW1.5.1 To ensure that all persons exercising functions and powers under the Act take into account the Principles of the Treaty of Waitangi. (p39)*
- TW1.5.2 In consultation with tangata whenua, to seek to identify and protect specific matters or sites of cultural significance to the tangata whenua. (p39)*
- TW1.5.3 To seek the views of the tagmata whenua when developing objectives, policies, or rules relating to matters which tangata whenua themselves have indicated to Council are of significance to them. (p39)*
- TW1.5.4 To provide for matters stated to be of significance to the tangata whenua (as outlined in Appendix 2) or as otherwise defined in the future as far as is consistent with the purpose and principles of the Resource Management Act and the powers of Council to do so. (p39)*
- TW1.5.5 To ensure that tangata whenua views are sought and considered prior to Council consideration of any resource consent application which relates to matters which the tangata whenua themselves have indicated are of significance to them. (p39)*
- TW1.5.7 To implement policies and procedures to ensure that those undertaking works which may potentially result in damage to sites of significance to the tangata whenua are informed of the presence of such sites. (p39)*
- TW1.5.11 To have regard to environmental plans prepared by iwi authorities. (p40)*

Then in terms of the methods and anticipated environmental results:

TW1.6.2 Council will ensure that the tangata whenua are given ample opportunity to have input into the preparation of resource management policies and plans by consultation during plan preparation and by circulating material for comment prior to Council consideration. (p40)

TW1.9.2 Planning provisions which provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (p41)

Given the process outlined in section 2.4 above and in **Attachment C1**, and with the ongoing commitment to Iwi as set out in the Schedule X, it is considered that this PPCR has fully delivered on the above provisions of Chapter 5 of the NRPS.

#### Chapter 6 Development and Hazards

DH1 of Chapter 6 addresses Urban Expansion while DH2 addresses Natural Hazards, with both of these issues being directly relevant to this PPCR.

- DH1 Urban Expansion

This chapter of the NRPS has particular relevance to this PPCR, with the issue set out as follows:



*Adverse effects on natural and physical resources as a result of urban expansion.*

*Potential constraints to urban expansion in Nelson include limitations to physical space in and around the city, amenity and conservation considerations, natural hazards, servicing constraints, and cultural values. Furthermore, any planned limits or expansion should take into account the needs of Tasman District.*

*The Nelson urban area is sandwiched between hills and coastline with limited land readily available for urban expansion. These physical constraints pose real limits to expansion. Further limits are imposed in achieving the purpose of the Act itself. The Act requires the potential of physical and natural resources to meet the reasonably foreseeable needs of future generations to be sustained, the life supporting capacity of air, water, soil, and ecosystems to be safeguarded, and any adverse effects of activities on the environment to be avoided, remedied, or mitigated.*

...

*Any further expansion must be adequately serviced, particularly in terms of effluent and stormwater disposal. Where it is not possible to utilise public systems, private systems with acceptable capacity and performance standards will need to be developed.*

*When considering the options for urban expansion it is necessary to assess the environmental effects of such expansion against identified minimum environmental standards. Accommodating urban expansion raises the question of the appropriate density of development in the urban area, and the extent to which existing infrastructure can cater for additional development.*

*Further intensification of development may be associated with loss of urban amenities, such as outdoor living space, privacy, and separation from adverse effects of noise and smelly activities. It may also result in benefits such as reduction in the use of energy and in the emission of greenhouse gases, associated with transport systems.*

*There is a need to consider both the impact of urban expansion on the transport system and of the transport system on urban expansion.*

*Adverse effects on the road network may include ribbon development or over-intensification of activities along the margins of arterial roads, resulting in road safety problems, road congestion, and increased travel times and costs.*

Significant adverse effects resulting from the development of the road network to cater for urban expansion may include increased traffic flows and noise on new arterial roads, leading to loss of amenity values in residential areas.

Both the adverse and beneficial effects of intensification of existing development versus urban expansion into adjoining rural areas will need to be assessed.

The people of Nelson also have opinions in terms of what they value in their environment. Some assessment of these values is required to indicate whether they are compatible with continued urban growth. Such an assessment should not however be limited to just Nelson. Tasman District and in particular Richmond forms part of the wider economic and social community with Nelson to the point where many facilities and services are shared. Richmond has some serious urban growth constraints, most importantly with horticultural activity on the Waimea Plains. As those conflicts have the potential to adversely affect the economic well-being of a sector of the wider Nelson-Tasman community, it is important that Nelson City Council takes these matters into account when deciding growth options. (pp43-44, NRPS, emphasis added)

The above description of the issue remains valid today, with these issues also being considered within the process of preparing the FDS.

## **DH1.2 objectives**

DH1.2.1 To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.

## **DH1.3 policies**

DH1.3.1 To identify areas having features or values of significance and to ensure that these features or values are appropriately protected. Areas identified will include those which:

- i) have significant flora and fauna values;
- ii) are subject to significant natural hazards;
- iii) are recognised as being significant in terms of culture or heritage;
- iv) have high natural amenity value;
- v) have significant open space values such as greenbelt(s);
- vi) make significant contribution to the natural character of the coastal environment, wetlands, rivers and their margins; and/or
- vii) are outstanding natural features and landscapes.

DH1.3.2 To have regard to community expectations when determining the extent and location of urban expansion.

DH1.3.3 Where urban expansion is considered to have greater net benefit than intensification, to provide for the most appropriate form of urban expansion for Nelson. In determining what is most appropriate, to assess the costs and benefits of various options according to the following criteria:

- i) energy efficiency in terms of location and structures;
- ii) infrastructure costs including opportunity costs of existing infrastructure;
- iii) natural or physical barriers to expansion;
- iv) existence of incompatible rural activities such as quarries or smelly activities;
- v) susceptibility to natural hazards;
- vi) existence of sensitive uses such as land transport links, airports or ports;
- vii) utilisation of the land resource for primary production purposes;
- viii) proximity to existing facilities;

- ix) *impacts on natural and conservation values associated with riparian and coastal margins, rivers and the coast;*
- x) *effects on internationally, nationally, or regionally significant natural features and landscapes;*
- xi) *effects on internationally, nationally, or regionally significant native vegetation and significant habitats of indigenous fauna;*
- xii) *effects on ancestral land, water sites, waahi tapu and other taonga of significance to tangata whenua;*
- xiii) *effects on heritage values of sites, buildings, places, and areas of regional, national, or international significance;*
- xiv) *effects on amenity values of international, national, or regional significance;*
- xv) *effects on recreation resources of international, national, or regional significance;*
- xvi) *effects on urban form and on the demarcation between urban and rural areas; and*
- xvii) *effects on availability of land resources for future generations.*

*DH1.3.4 To ensure that any proposals for urban subdivision and/or development include adequate and appropriate provision of services including waste disposal, stormwater, water supply, electricity and other network services.*

The community, through their input into the FDS, and the applicant through the comprehensive assessment and design process followed in the preparation of this PPCR, has given careful consideration to the above criteria. The Structure Planning tool available within the NRMP is used as a means to implement these provisions and achieve the objectives and policies. The FDS is also consistent with the process that is identified in DH1.4.2 below.

#### **DH1.4 methods**

*DH1.4.1 As part of the District Plan Review process, Council will seek public input in order to ascertain community expectations with respect to urban expansion.*

*DH1.4.2 Council will undertake an assessment of future demand for and implications of urban expansion and, where community expectations and environmental effects can be met, will make appropriate provision for further expansion in its District Plan and Regional Coastal Plan.*

*DH1.4.3 Council will develop rules in its District Plan to ensure adequate water supply and waste disposal is provided for all subdivisions and/or developments.*

*DH1.4.4 Council will continue to work with Tasman District Council to achieve an integrated approach to urban expansion through both the Nelson and Tasman District Plans.*

*DH1.4.5 Council will review existing information and where necessary initiate resource surveys in order to classify areas according to their conservation significance, amenity values, or susceptibility to natural hazards. (emphasis added)*

#### **DH1.7 anticipated environmental results**

*DH1.7.1 Urban expansion which avoids, remedies, or mitigates adverse effects on areas identified as having special significance or value to the community.*

*DH1.7.2 Maintenance of environmental standards when assessing the relative merits of intensification of the urban area versus urban expansion.*

*DH1.7.3 A pleasant, functional and coherent urban area which provides for the reasonable expectations of the community while avoiding, remedying, or mitigating adverse effects on the environment. (emphasis added)*

It is through the preparation of the Maitahi Bayview Structure Plan and Schedule X, alongside the regulation and controls in the NRMP, that the effects of this PPCR are avoided, remedied and mitigated.

- **DH2 Natural Hazards**

DH2 of the NRPS addresses Natural Hazards, with the threat to human health and safety being a risk of development on hazard prone land. (Issue DH2.1, p47). The risks of flooding, land instability, earthquakes, fire and sea level rise are all acknowledged in this sub-chapter.

**DH2.2 objectives**

*DH2.2.1 Protection of property and human health and safety from the effects of natural hazards.*

*DH2.2.2 Adverse effects from hazard events being minimised.*

*DH2.2.3 Hazard proneness being minimised.*

*DH2.2.4 The avoidance, remedy or mitigation of the adverse effects on hazard related works.*

**DH2.3 policies**

*DH2.3.1 To record a first priority to avoiding or mitigating hazards which threaten human life and second priority to avoiding or mitigating hazards which threaten property or other values.*

*DH2.3.2 Where possible Council will avoid an appropriate development on hazard prone areas. Where this is not practical or achievable Council will require that remedial or mitigation measures are undertaken in such a way as to avoid adverse environmental effects to the extent practicable.*

*DH2.3.3 Two only permit development on hazard prone areas where the developer demonstrates to Council that the hazard be avoided or adequately mitigated. In making its decision, Council will take into account the following matters:*

- i) the types, levels of risk and any likely increase in the disaster or disc potential if development proceeds;*
- ii) any measures that can be taken to avoid remedy or mitigate adverse effects of the development (both on and off-site);*
- iii) the type risk and the consequent danger to human life;*
- iv) the potential costs resulting from hazard events and where those costs will fall;*
- v) the appropriateness of alternative uses of that particular site;*
- vi) the tentative sites available for the proposed development;*
- vii) the presence / likelihood of significant cumulative effects.*

*DH2.3.4 To prohibit developments in hazard prone areas which increase the potential for loss of human life or which result in potential damage to other resources and values which cannot be avoided or adequately mitigated.*

*DH2.3.5 To only undertake physical works, or issue resource consents for physical works to be undertaken to avoid mitigate the adverse effects of natural hazards is satisfied as to:*

- i) the need for the work;*
- ii) the likely effects of the work on the environment;*



- iii) *available means of avoiding remedying or mitigating likely effects on the environment;*
- iv) *the costs and benefits of alternative means of achieving the desired outcome including the 'do nothing' option; and*
- iv) *the potential to offset adverse effects through environmental compensation.*

*DH2.3.6 To recognise the function of natural coastal features (such as beaches sand dunes wetlands and barrier islands) and natural processes in protecting subdivision, use, or development to maintain and, where appropriate, enhance that ability.*

*DH2.3.7 To decline consent to an appropriate development in hazard prone areas or to otherwise required that remedial or mitigation measures are undertaken in such a way as to avoid adverse environmental effects of the core hazards.*

With the advice and guidance from Tonkin & Taylor, the applicant has identified natural hazards and has appropriately avoided and mitigated those risks in the structure planning process, again with support from the regulation and controls in the NRMP.

#### Chapter 7 Natural and Amenity Values

Chapter 7 of the NRPS addresses the wide-ranging topic of natural and amenity values. There are six topics covered by this Chapter:

- NA1: amenity and conservation values
- NA2: landscape values and natural features
- NA3: significant indigenous vegetation and habitats of indigenous fauna
- NA4: management of pests
- NA5: riparian and coastal margins
- NA6: beds of rivers and lakes



NA 1 relates to amenity values and conservation values. Identification of these values in the District Plan (NRMP) is the key method to ensure such values are appropriately protected or managed:

*NA1.4.3 Council will develop performance standards in its District Plan to protect the amenity value enjoyed at/on a particular site and at/on adjoining or nearby sites.*

*NA1.4.4 Council will include rules in the District Plan which protect significant townscape features, cultural sites, trees, and historic sites and buildings, including the identification of heritage protection areas within which alteration, reconstruction or demolition of a heritage item requires a resource consent.*

A full assessment of the site was undertaken as a part of the structure planning process. This included existing identified values and also acknowledged and used new information assembled over more recent years.

NA2 is considered to have relevance as it relates to landscape values. Objective NA2.2 and the relevant associated policies are provided below:

*Adverse impacts on natural features and the landscape character of Nelson City.*

*The landscape character of Nelson City is unique and dominated by physical landforms. The city is located at the head of Tasman Bay behind the Nelson Boulder Bank and is flanked by a number of ranges of hills rising from coastal foothills up to the city boundary along the ridge*

of the Bryant Range. The urban area is principally located on the narrow coastal plain, the floodplain of the Maitai River and the coastal foothills. Other parts of the coastal plain and the inland valleys mainly support pastoral farming. The coastal foothills support a variety of uses including pastoral farming, exotic forestry, reserve land, exotic shrubland, and regenerating native bush.

The main divide of the Bryant Range forms a dominant backdrop to the city. It is mainly comprised of indigenous or regenerating indigenous vegetation, including beech forest, specialised ultramafic vegetation and subalpine species. This area is in two land ownerships: the Mt Richmond Forest Park administered by the Department of Conservation and the Water Works Reserve administered by Nelson City Council.

Major threats to the landscape character of the Nelson City area include:

- Residential expansion especially along prominent ridgelines in the urban area. These result in loss of natural colours and patterns, development of a saw tooth appearance to ridgelines from houses and other prominent structures, and loss of public views from the ridgeline.
- Loss of views from within the urban area to prominent landscape features such as the coast or ridgelines. This may include the loss of prominent views from main routes in and out of the city, loss of views from within the central business district to the hills and coast, and blurring of the urban rural interface.
- Exotic forest establishment and harvesting along prominent foothills. This may result in removal of native vegetation, development of tracks and landings, and changes in landscape colours and patterns especially during harvesting.

The landscape characteristics and ownership patterns are such that they provide a useful basis on which to develop resource management plans such as the District Plan as they draw together many features important to the conservation and amenity values in Nelson City.

For such a small country, New Zealand has a unique and extremely diverse natural landform, geological and soil heritage as a result of its long and complex geological history and location between two of the world's crustal plates. Nelson City area is no exception and contains a large number of landforms such as the Nelson and Cable Bay Boulder Bank, mineral sites such as the Dun Mountain chromite and olivine deposits, earth deformation sites such as the Whangamoa Fault, fossil localities such as The Cliffs, and igneous sites such as the Pepin Island intrusives.

There are a wide variety of human activities, such as major earthworks, forestry, farming, and quarrying, that may threaten the natural character or continued existence of these natural features.

The variety of landscape types and landforms in the Nelson area is complemented by a diverse range of habitats and corresponding diversity of wildlife. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is addressed in detail in Section 6.3. (pp61-62, NRPS)

The relevant objective and policies are as follows:

**NA2.2 objective**

- NA2.2.1 A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected (p62)

**NA2.3 policies**

- NA2.3.1 To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City
- NA2.3.2 To avoid development which detracts from the amenity afforded by dominant ridgelines

- NA2.3.3 *To avoid development which detracts from the landscape and amenity values afforded by viewshafts with the urban area and by gateways between urban and rural areas and between different landscape units*
- NA2.3.4 *To encourage land use practices in rural areas which avoid, remedy, or mitigate impacts on landscape values.*
- NA2.3.5 *To identify and protect significant landscape and natural features throughout the city area, including:*
- i) natural or physical features considered to be of regional, national, or international significance;*
  - ii) macro features which contribute to the landscape setting of Nelson;*
  - iii) natural or physical qualities of the area which contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes; and*
  - iv) the absence of adverse effects which significantly detract from people's appreciation of pleasantness, aesthetic coherence and cultural and recreational attributes.*
- NA2.3.6 *To identify landscape areas and natural features of significant conservation value based on the following criteria:*
- i) significant Maori cultural sites identified now or in the future in accordance with tikanga maori;*
  - ii) protected areas such as reserves, sanctuaries and parks;*
  - iii) scenic sites of national or international significance, including their collective characteristics;*
  - iv) representative examples of regionally, nationally or internationally significant or outstanding landforms; and*
  - v) geologic features of regional, national or international significance and of high vulnerability.*
- Note: Identification of areas of significant conservation value will be undertaken in consultation with Department of Conservation, tangata whenua, and other appropriate organisations, agencies and individuals.*
- NA2.3.7 *To recognise and provide for the protection of those landscape and natural attributes which contribute to a site being recognised as significant where these attributes:*
- i) are considered to be of high vulnerability to change;*
  - ii) are subject to actual or potential threat of change;*
  - iii) are not subject to any other relevant form of protection; and*
  - iv) it is within Council's powers to achieve appropriate protection.*
- The degree of protection will be based on the relative importance of the site.*
- NA2.3.8 *To prevent any activity on or adjacent to any significant landscape or natural feature unless the adverse effects of that activity on the site or feature can be avoided, remedied, or mitigated.*
- NA2.3.9 *To preserve the natural character of the coastal environment.*

Particular care has been taken to ensure the landscape and visual amenity values are assessed and addressed in this PPCR. The NRMP is a key method/tool in achieving these outcomes.

NA3 is heading “*Protection of significant indigenous vegetation and significant habitats of indigenous fauna*”. The two objectives are as follows:

**NA3.2 objectives**

- NA3.2.1 *Protection of areas of significant indigenous flora and significant habitats of indigenous fauna.*
- NA3.2.2 *Restoration and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna, undertaken as appropriate.*

The applicant has located and protected areas of significant ecological values within the Structure Plan as required by this objective. Likewise, this PPCR also includes methods to restore and enhance biodiversity and the natural environment.

NA5 contains the provisions around the “management of riparian and coastal margins”.

**NA5.2 objectives**

- NA5.2.1 *Management of riparian and coastal margins which protects and enhances significant habitats, natural features, natural functions, natural character, landscape, amenity, cultural features and water quality.*
- NA5.2.2 *Riparian and coastal margins where natural processes such as floods and erosion do not result in damage to structures or danger to human health and safety.*
- NA5.2.3 *Protection and enhancement of public access and recreational opportunity to and along riparian and coastal margins consistent with protection of land ownership rights and conservation values.*

**NA5.3 policies**

- NA5.3.1 *To identify and protect the natural character of riparian and coastal margins where any or all of the following features or values exist:*
  - i) *presence of regionally or nationally significant natural features, indigenous vegetation, or regionally or nationally significant habitats of aquatic fauna;*
  - ii) *scenes or landscapes of regional or national significance within which water forms an essential component;*
  - iii) *landforms or geological features of regional or national significance;*
  - iv) *heritage, recreational, scientific or other amenity or intrinsic values of regional or national significance;*
  - v) *actual or potential occurrence of significantly degraded water quality as a result of non point discharges of pollutants;*
  - vi) *natural hazards such as flooding, erosion or sedimentation, within or adjoining a coastal or riparian margin;*
  - vii) *the need to maintain access to and along riparian and coastal margins for river maintenance or river/coastal protection works; and/or*
  - viii) *the need to provide wildlife corridors between significant habitat areas.*

- NA5.3.3 *Where a riparian or coastal margin is considered to be of high priority for protection, to give preference to the establishment of an esplanade reserve.*
- NA5.3.4 *Where a riparian or coastal margin is considered of moderate priority for protection, to give priority to the negotiation of esplanade strips.*
- NA5.3.5 *Where a riparian or coastal margin is considered of low priority for protection, to encourage appropriate management through general provisions in the District Plan but otherwise not seek additional protection.*
- NA5.3.6 *To assess the required width of esplanade reserves and strips in terms of the reasons for establishing them.*
- NA5.3.7 *To consider the establishment of esplanade reserves and esplanade strips along water bodies of less than three metres in width if the values associated with these water bodies:*
- i) satisfy the criteria outlined in Policy 1;*
  - ii) are under potential threat; and*
  - iii) cannot be protected through other mechanisms.*
- NA5.3.8 *To compensate landowners where appropriate for taking esplanade reserves and strips in accordance with the provisions of the Act.*
- NA5.3.9 *To permit public access of right to esplanade reserves and esplanade strips, except where:*
- i) conservation values may be jeopardised by public access*
  - ii) emergency situations may arise and so make public access inappropriate; or*
  - iii) instruments creating esplanade reserves, esplanade strips or access strips themselves place restrictions on public access.*
- NA5.3.10 *Unless legislative or operational requirements dictate otherwise, to manage riparian and coastal margins under Council's ownership or control in such a way as to protect habitats, natural processes, natural character, cultural values, natural features and landscapes, amenity values, the life-supporting capacity of ecosystems, water quality and public access.*
- NA5.3.11 *To recognise the dynamic nature of riparian and coastal margins and to seek to avoid developments which have the potential to be adversely affected by (or accentuate) natural hazards, including flooding, erosion and accretion events.*
- NA5.3.12 *To advocate or promote management practices for riparian land that enhance existing or desired natural characteristics and values.*
- NA5.3.13 *To manage riparian and coastal margins in such a way as to enhance or maintain water quality.*

#### **NA5.4 *methods***

- NA5.4.1 *Council will, in consultation with tangata whenua, Department of Conservation, Nelson Marlborough Fish and Game Council, land owners, community interest groups, and other appropriate parties, identify riparian and coastal margins which are of priority for acquisition and will list these in the District Plan.*
- NA5.4.2 *Council will, through its District Plan, require esplanade reserves in priority areas, at the time of subdivision.*

- NA5.4.4 *Council will under section 33 of the Act consider transferring the administration of esplanade reserves to local iwi where the esplanade reserve itself, or the land or water adjoining it, are of significance to iwi and the transfer will not detract from the purpose for which the esplanade reserve was established.*
- NA5.4.6 *Council will require resource consents for any significant land disturbance, vegetation clearance or the erection of new structures in existing or proposed esplanade reserves and esplanade strips, and will consider such activities against the following criteria:*
- i) the reasons for establishing the esplanade reserve or strip.*
  - ii) the need for the work.*
  - iii) the likely effects of the work on the environment and on the integrity of the esplanade reserve or strip;*
  - v) available means of avoiding, remedying, or mitigating likely effects on the environment and the integrity of the esplanade reserve or strip;*
  - v) the costs and benefits of alternative means of achieving the desired outcome, including the 'do nothing' option; and*
  - vi) the potential to offset adverse effects through environmental compensation.*
- NA5.4.7 *Council will provide for the maintenance of existing works and structures within riparian and coastal areas, provided such maintenance does not exceed existing scale and intensity and any adverse effects are avoided, remedied, or mitigated.*
- NA5.4.8 *Council will require resource consents to be granted for works and structures in riparian and coastal margins other than those necessary for specific protection programmes, where such activities are likely to result in significant adverse effects on the environment. Council will place suitable conditions on any consents granted to ensure that works and structures are appropriately designed and maintained, and are removed when no longer required.*
- NA5.4.9 *Where priority riparian areas become available and protection can not be achieved in any other way, Council will consider purchase of these areas.*
- NA5.4.10 *Council will negotiate esplanade strips and access strips with the appropriate land owners in areas where these devices are most appropriate to achieving the purpose of the Act.*
- NA5.4.11 *Council will work with land managers, sector groups (in particular those involved with agriculture, horticulture, forestry, land-based aquaculture and network utilities) and other interest groups to develop strategies and/or codes of practice to avoid, remedy, or mitigate adverse effects caused by riparian land use releasing sediment, chemical or biological contaminants into water bodies.*
- NA5.4.12 *Council will take enforcement action as appropriate to protect the functioning and integrity of riparian margins where it believes that provisions of the Act, a relevant resource management plan or resource consent are being contravened.*
- NA5.4.13 *Council will promote the maintenance and enhancement of suitable indigenous riparian vegetation.*

This PPCR proposes to service an esplanade reserve over the Kaka Stream which is not an outcome required by Chapter 6 of the NRMP. This is considered to highlight a positive outcome planned by this PPCR, while achieving the objectives and policies above.

NA6 is headed 'Beds of river and lakes' and contains the following provisions.

**NA6.2 objective**

NA6.2.1 *Minimal adverse environmental effects from structures on river and lake beds.*

**NA6.3 policies**

NA6.3.1 *To manage river and lake beds in a manner which gives priority to the natural functioning of the river including the ecosystems they contain and the life supporting capacity of those ecosystems.*

NA6.3.2 *To provide for structures or physical works on river or lake beds where the adverse effects of such structures or works can be avoided, remedied or mitigated.*

NA6.3.3 *To recognise the importance of maintaining and enhancing the flood carrying capacity of rivers and to only permit structures which conflict with this function where their adverse effects can be avoided, remedied, or mitigated.*

NA6.3.4 *To control new works and new structures in the beds of rivers and lakes which have potential to result in significant adverse effects on riparian values.*

**NA6.4 methods**

NA6.4.1 *Council will require resource consents for structures in river or lake beds and will consider applications against the following criteria:*

- i) the need for the work;*
- ii) the likely effects of the work on the environment;*
- iii) available means of avoiding, remedying or mitigating likely effects on the environment;*
- iv) the net costs and benefits of the proposed works (including environmental and associated costs);*
- v) costs and benefits of alternative means of achieving the desired outcome, including the 'do nothing' option; and*
- vi) the potential to offset adverse environmental effects through environmental compensation.*

NA6.4.2 *Council will give consideration to the preparation of a regional plan to manage structures and works in river beds. This will specify appropriate rules for the authorisation and management of activities considered to have significant adverse effects and will permit activities where the adverse effects are not considered significant.*

NA6.4.3 *Until such time as a regional plan may be prepared Council will continue to administer the provisions of the Transitional Regional Plan and the Act through the resource consent procedures. Where appropriate, Council will impose conditions on resource consents to protect the natural functioning of lake and river beds.*

NA6.4.4 *Council will, through literature, personal contact and discussions with resource consent applicants, seek to reduce the environmental impact of structures and works on river and lake beds.*

NA6.4.5 *Council will undertake river control work including clearance of obstructions where this is shown to be the most appropriate option for hazard mitigation.*

NA6.4.6 *Council will require resource consent applications for the erection of new structures in river and lake beds and will place suitable conditions on any*



*consents granted to ensure that structures are appropriately designed, maintained and are removed when no longer required.*

- NA6.4.7 *Council will provide for the maintenance of existing works and structures within the beds of rivers and lakes provided such maintenance does not exceed existing scale and intensity and any adverse effects are avoided, remedied, or mitigated.*

The proposed Maitahi Bayview Structure Plan and Schedule X has been formulated against best practice, low impact, principles to ensure the freshwater resources are enhanced through the subdivision and development process. These environmental enhancement objectives of the PPCR are clearly and robustly embedded into the proposed provisions.

#### Chapter 9 Water

Chapter 9 identifies the following issue:

*The quality of natural waters and their contamination, or potential contamination, by the discharge of pollutants. (p95)*



#### **WA1.2 objectives**

- NA1.2.1 *Maintenance and enhancement of the quality of inland water to protect the life-support incapacity of reported ecosystems, and in specific areas, for the water supply. (p97)*
- NA1.2.2 *Maintenance and enhancement of coastal water quality to protect fishery, fish spawning and aquatic ecosystems and, in specific areas, to protect shellfish gathering contact recreation and cultural and spiritual values. (p97)*

#### **WA1.3 policies**

- WA1.3.1 *Following consultation with appropriate agencies including tangata whenua and the wider community, to classify all inland and coastal waters within the Nelson City area, based on one or more of the following:*
- i) protection of urban water supplies to a drinking water standard;*
  - ii) protection of instream fisheries and wildlife values;*
  - iii) protection of areas of cultural value;*
  - iv) protection of recreation values for contact recreation purposes; and/or*
  - v) protection of coastal waters to preserve aquatic ecosystems, fisheries, fish spawning, gathering of shellfish and other food, and to safeguard the potential development of aquaculture.*
- WA1.3.2 *To minimise the volume of contaminant entering water from non-point sources, including sediment chemicals, refuse in debris (p97)*
- WA1.3.3 *To control point discharges through the use of resource consents and appropriate conditions in order to ensure their water quality classifications are met and sustained (p97)*
- WA1.3.5 *To maintain riparian and coastal margins such a way as to enhance or maintain the water quality (p98)*
- WA1.3.6 *To recognise and, where possible, reduce, adverse effects of water quality resulting from contaminated stormwater (p98)*

For the same reasons outlined under NA6 above, and with the parallel regulation and control maintained within the Freshwater Plan (NRMP), NPS-FM and NES-FW, this PPCR has addressed the matter of water quality and the various values associated with its life supporting capacity, cultural significance and recreational attributes.

#### Chapter 10 soils

The rural productive values have been assessed (**Attachment X**) as a part of this PPCR. Productive values were not identified as a significant constraint to urban expansion in this location. This PPCR has therefore addressed the relevant considerations in Chapter 10 of the NRPS.

### **SO1.2 objectives**

SO1.2.1 To maintain the life supporting capacity of soils in Nelson.

SO1.2.2 To avoid, remedy, or mitigate off-site adverse effects of land use activities on soils.

SO1.2.3 To avoid significant adverse effects on adjoining properties from the application of agricultural chemicals.

SO1.2.4 To avoid, remedy, or mitigate contamination of soil.

### **SO1.3 policies**

SO1.3.5 To require that the adverse off-site effects, including those on water quality, of earthworks and other forms of soil disturbance are avoided, remedied or mitigated.

SO1.3.7 To recognise that some activities such as urban expansion or transport infrastructure remove soils from primary production and to provide for these activities where their adverse environmental effects can be remedied or mitigated, or it achieves the purpose of the Act to do so. Matters to be taken into account when considering establishment of uses likely to remove soils from primary production include:

- i) the quality of the land being removed from primary production and its versatility for a range of uses
- ii) the extent of land of that particular quality or type within the wider region (Tasman Bay lowlands and foothills)
- iii) effect of removing the land in question from primary production on adjoining land use
- iv) the permanence of the activity proposed and the feasibility of returning the land to primary production following cessation of the activity.
- v) the alternatives available to the use of the proposed site.
- vi) the potential for adverse effects to be offset by environmental compensation or development contributions.
- vii) the costs and benefits to the community and the sustainable management of other natural and physical resources from the proposed development.



- viii) *the costs and benefits to the community and the sustainable management of other natural and physical resources from not proceeding with the proposed development. (emphasis added)*

#### Chapter 11 discharges to air

Chapter 11 of the NRPS identifies the following resource management issue:

##### *DA1.1.2 Vehicle Emissions*

*The responsibility for control of vehicle emissions lies with the Ministry of Transport. Councils may influence the quality of vehicle emissions through voluntary emission testing programmes, and the quantity of emissions through service provisions such as the number and design of roads, control of activities which adjoin major roads and are likely to disrupt traffic flows, provision of parking spaces, access to public transport facilities and proximity of areas of residence to those of employment. (emphasis added)*



The provisions that are relevant to this PPCR state:

##### **DA1.2 objective**

*DA1.2.1 Improvement in Nelson's ambient air quality.*

##### **DA1.3 policies**

*DA1.3.7 To seek to minimise vehicle emissions from motor vehicles while acknowledging the effects of primary transport corridors on air quality and the resultant incompatibility between some land use activities and those primary transport corridors.*

The subject site is ideally located in relation to transport efficiencies, not being accessed from congested arterial roads, close to Nelson City, and being well placed to link onto active transport routes. It is considered that this PPCR will help achieve lower vehicle emissions in the long term.

#### Chapter 12 energy

Chapter 12 has direct overlaps with 11 addressed above. The same assessment of this PPCR again the following provisions applies.

##### **EN1.3 policies**

*EN1.3.2 To promote energy conservation and efficiency in city form and in the design of developments*

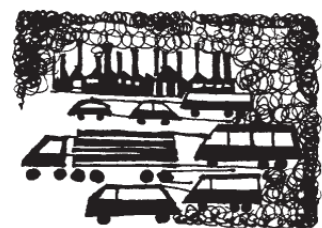
*EN1.3.3 To encourage energy conservation and efficiency in transportation.*

##### **EN1.4 methods**

*EN1.4.2 Council will establish cycle routes through the urban area in order to provide for safe and convenient cycling.*

*EN1.4.3 Council will ensure that subdivisions and developments take into account the need to provide safe and convenient pedestrian access, including footpaths, walkways and linkages.*

*EN1.4.4 Council will work with public passenger transport operators and the general public to promote a greater use of public transport (including mini buses, vans*



and taxis) and more efficient use of private vehicles through trip minimisation and car pooling.

EN1.4.5 Council will ensure that when making any decisions regarding the location of residential, industrial or commercial development, it gives due regard to minimising the likely demand for transport created by that development. (emphasis added)

#### **EN1.7 anticipated environmental results**

EN1.7.4 Urban form resulting in reduced dependence on non-renewable sources of energy.

The location of this site is close proximity to Nelson City, close to employment, community facilities, and with excellent linkages, is a significant feature of this PPCR.

#### Chapter 14 Infrastructure

This chapter addresses land, marine and air transport infrastructure.

*Transport includes land, sea and air based facilities and services, both public and private in terms of infrastructure and use. The geographic isolation of Nelson and the lack of a railway service places a higher than normal reliance on sea and road transport of bulk goods.*



*The effect of transport on the sustainable management of natural and physical resources is significant. It also affects the economic, social and cultural well-being of communities and their health, safety and welfare. It has a major influence on the way and rate at which the future development of the region occurs but also has the potential to adversely affect the environment. Examples of such adverse effects include the generation of noise, vibration, vehicle emissions, landscape impacts, impacts on soil and water values and constraints on future options.*

*There are also environmental effects from the use, development or protection of land which impact on the efficient and effective use of the transport infrastructure.*

#### **The issue**

##### **IN2.1 issue**

- 1) *Adverse effects on natural and physical resources as a result of road construction and maintenance.*
- 2) *Adverse effects on amenity values from vehicular traffic.*
- 3) *Adverse effects from adjoining activities on the functioning of roads.*
- 4) *Providing for existing demand and future growth in demand for land transport whilst avoiding, remedying, or mitigating adverse effects on the environment.*
- 5) *Reduce the need for non-sustainable uses of transport.*

*The physical isolation of Nelson from the remainder of the South Island, coupled with the constraints of Nelson's location, nestled between hills and coastline, places pressure on the structure and development of the road transport network. Contributing to this isolation is the fragility of those land transport links and the fact that Nelson is easily cut off from other areas. There is only one major highway passing through Nelson. Transport routes traverse areas prone to slips and flooding, and traverse fault lines. Such problems make road linkages between Tasman Bay and the remainder of the South Island difficult to establish and maintain.*

*Other modes of land transport include walking and cycling. Research undertaken by the Nelson City Council into the recreation needs of its residents clearly shows walking to be a major recreational pursuit. Cycling is also popular, both in terms of recreation and as a mode of transport, particularly in the inner city area. Significant conflict can occur between*

walking/cycling and other road users (particularly trucks). There is a need to consider how provision for walking and cycling can be enhanced without unnecessarily constraining the needs of other road users. Development of pedestrian linkages, cycleways and walkways are options which will require consideration.

Despite the fact that the RPS was adopted in 1997 the above issue statement remains relevant in today's setting. Since 1997 the major transport routes between Nelson and Richmond have become significantly more congested. Another change since 1997 must be the technology changes in alternative modes of transport i.e. electric bikes.

The following objective, policies and methods cover the range of transport issues and a list of strategies to ensure the effects on and from land transport are sustainably managed.

## **IN2.2 objectives**

- IN2.2.1 *A safe and efficient land resource system that promotes the use of sustainable resources whilst avoiding, remedying or mitigating its adverse effects on human health and safety, and natural and physical resources.*

## **IN2.3 policies**

- IN2.3.1 *To promote the development of transportation systems which:*
- i) meet community needs for accessibility;*
  - ii) use energy-efficiently;*
  - iii) discourage dispersed development;*
  - iv) avoid or reduce or adverse effects on human health, water, soil, air and ecosystems;*
  - v) are consistent with the provisions of Part II of the Act and the New Zealand Coastal Policy Statement*
- IN2.3.2 *Where the adverse effects of expansion of transport infrastructure can be avoided, remedied or mitigated, and expansion is considered to have greater net benefit than intensification of the use of existing transport infrastructure, to provide for the most appropriate form of expansion. In determining what is most appropriate, to assess the costs and benefits of the various options according to the criteria outlined in Section 5.1.*
- IN2.3.3 *To implement methods of controlling the effects of activities, including subdivision, on the land transport system.*
- IN2.3.4 *To provide for the continued safe and efficient operation, maintenance and upgrading of the land transport system and its linkages with maritime and air transport.*
- IN2.3.5 *To encourage walking and cycling as alternatives to the use of private motorcars.*

And then in terms of Methods listed to achieve the above:

## **IN2.4 methods**

- IN2.4.1 *Council will include provisions in its District and Regional Plans to encourage development of an urban form readily and efficiently serviced by the road network and where adequate separation or buffers are maintained between major roads, goods handling areas and noise sensitive uses.*
- IN2.4.2 *Where new roads are constructed or existing roads maintained and/or upgraded, Council will adopt road alignments, designs and techniques which avoid, remedy, or mitigate adverse effects on natural and physical resources and maximise road safety.*

- IN2.4.3 *Council will include policies and rules in its District Plan, and as appropriate in any regional plan, to control the adverse effects of activities which may affect the transport infrastructure.*
- IN2.4.4 *Council will implement the Regional Land Transport Strategy as appropriate to ensure that future land transport needs are being provided for.*
- IN2.4.5 *Council will make provision for pedestrian access, walkways, cycleways where appropriate, and where possible provide physical separation from other road users, sufficient lighting and an appropriate surface.*
- IN2.4.6 *Council will seek to reduce traffic congestion, better utilise the transport infrastructure, and avoid, remedy or mitigate adverse effects on amenity values. In order to achieve this, Council will work with other local authorities, transport operators, organisations and individuals to promote a wider range and improved patronage of public passenger and freight transport options, and more efficient use of private vehicles including trip minimisation and car pooling.*
- IN2.4.7 *Council will advocate to Central Government for continued improvement in routes linking Nelson and Richmond and the Nelson/Tasman area to other South Island centres.*
- IN2.4.8 *Council will liaise with Transit NZ concerning alternative alignment of State Highway 6 through Nelson City and its linkage to the port.*
- IN2.4.9 *Council will work with port and truck operators in order to minimise noise arising from vehicle movements and cargo handling, particularly during the night.*

Policy 2.3 1 discourages dispersed development while method 2.4.1 refers to an urban form that is readily and efficiently serviced. As a site in very close proximity to the City and proposing to link two existing areas of urban Nelson, this PPCR is not considered to result in the adverse outcomes associated with urban dispersal. Likewise, this is a site that can be readily and efficiently serviced, and so is considered to be consistent with these relevant provisions of the NRPS.

#### Summary

Whilst formally adopted in 1997 many of the current provisions of the NRPS remain relevant and pertinent to resource management in 2021.

An assessment of this PPCR against the relevant provisions of the NRPS has shown that, because of the locational advantages of this site, along with the structure planning processes followed by the applicant, this proposal for urban expansion is very consistent with the relevant objectives and policies of the NRPS.

## **7.8 Nelson Resource Management Plan (NRMP)**

The Nelson Resource Management Plan (NRMP) was publicly notified in 1996 with the district and regional plan components becoming operative in 2004. The Regional Coastal Plan became operative in 2006. The Freshwater Plan was then notified on 9 October 2004 and this became operative in July 2007. There have been a number of other changes and variations made to the NRMP since 2004, including numerous technical fixes and also four changes relating to provision of additional land to meet the needs of urban growth.

The NRMP is a combined regional and district plan. It therefore also contains provisions in relation to the coastal marine area, soil erosion and sedimentation, discharges, natural hazards, and freshwater environments.



The NRMP is in 4 volumes. Volume 1 contains the administrative chapters, including the 'Meaning of Words' (Chapter 2), 'Administration' (Chapter 3), 'Resource Management Issues' (Chapter 4), 'District Wide Objectives and policies' (Chapter 5) and 'Financial Contributions' (Chapter 6).

Volume 2 contains the *Zone Rules*, Volume 3 contains the *Appendices*, and Volume 4 contains the *Planning Maps*.

Given the nature and location of this PPCR, there are numerous provisions throughout the NRMP that are relevant to this assessment, including:

Volume 1

- Chapter 2 'meaning of words'
- Chapter 3 'administration'
- Chapter 4 'resource management issues'
- Chapter 5 'district wide objectives and policies'

Volume 2

- Chapter 7 'residential'
- Chapter 9 'suburban commercial'
- Chapter 11 'open space and recreation zone'
- Chapter 12 'rural'

Volume 3

- Appendix 1 'Heritage buildings, places and objects'
- Appendix 3 'Archaeological sites'
- Appendix 6 'Riparian and Coastal Margin Overlays'
- Appendix 7 'Guide for subdivision and structures in the landscape overlay'
- Appendix 9 'landscape components and views'
- Appendix 14 'Residential subdivision design and information requirements'
- Appendix 28 freshwater

The relevant Volume 4 'Planning Maps' were addressed in section 3.2 above, along with the current provisions in Chapter 2 that regulate the use and development of the site. It is within this section that these existing planning tools/methods will be linked with the broader planning framework, including the objectives and policies of the NRMP.

Chapter 3 'administration' sets out how the NRMP is structured and how it is to be interpreted and administered. AD2 (p1) acknowledges that the Plan may change from time to time, either through proposed changes by the Council or at the request of any person or organisation. The changes made since 1996 as documented on the Council's website: <http://www.nelson.govt.nz/environment/nelson-resource-management-plan/nelson-resource-management-plan-2/nrmp-plan-changes/>. Further explanation as to the privately requested plans changes made to the NRMP will be provided later.

AD6 is entitled 'Activities dealt with in rules' and describes the rule cascade used in the NRMP. This rule format has also been used in the preparation of this PPCR.

AD8 'resource consents' provides an explanation as to what information is to be included with applications. For example, for subdivision applications, AD8.3 (p11) requires:

dd) Any information required by any Structure Plan or contained in any Schedule



AD11 is also helpful as it sets out the Plan construction, with an explanation as to the integral role played by the planning maps to identify information such as zones and areas, overlays, and scheduled land. Within AD11 each zone and area is identified, as well as each of the different overlays. Given the relevance to this PPCR, the zones and overlays as presented in AD11.2 and AD11.3 are provided in **Figure 22** and **23** below.

<b>Residential Zone</b>	Lower Density Area Higher Density Area
<b>Rural Zone</b>	Lower Density Small Holdings Area Higher Density Small Holdings Area
<b>Inner City Zone</b>	Intense Development Area City Centre City Fringe
<b>Suburban Commercial Zone</b>	Leisure Area
<b>Industrial Zone</b>	Tahunanui Area Vanguard Street/St Vincent Street Area Port Area Nayland Road South Area Saxtons Area Airport Area

**Figure 22: Zones and Area** (Source: AD11.2, p20, Chapter 3, NRMP)

<i>Hazard Overlays</i>	
Fault hazard overlay	Grampians slope risk overlay
Tahunanui slump core slope risk overlay	Tahunanui slump fringe slope risk overlay
Flood path overlay	Inundation overlay
Flood overlay	
<i>Heritage Overlays</i>	
Heritage buildings, places and objects	Heritage precincts
Heritage and landscape trees	Archaeological sites
Wakefield quay precinct	Archaeological overlay
<i>Other Overlays</i>	
Coastal environment overlay	Landscape overlay
Proposed road	Services overlay
Riparian overlay	Road to be stopped
Conservation overlay	View shaft overlay
Land management overlay	Potential quarry overlay
Airport effects control overlay	Marine ASCV overlay
Port effects control overlay	Scheduled frontage
	Airport effects advisory overlay

**Figure 23: Overlays** (Source: AD11.3, p22, Chapter 3, NRMP)

Additional descriptive information is also provided on each of the above overlays in AD11.3 of the Plan. Some of these overlays are of central importance to understanding this PPCR and how this PPCR has been prepared to fit within the current planning framework in the NRMP. For example:

#### **e) Flood overlay**

*Indicates areas in the Rural Zone and Conservation Zone where land may be subject to flooding or hazards caused by running water such as debris flows on steam fans and the change in the position of creeks, but insufficient information is available to allocate it to the Inundation Overlay or Flood Paths Overlay.*

*The Flood Overlay is an advisory overlay which is given effect to through other rules in the Plan, the Resource Management Act itself or through other legislation. Examples of situations where the Flood Overlay will be taken into account include the earthworks rules of*

*the Plan which make earthworks within the Flood Overlay a restricted discretionary activity, section 14 of the Resource Management Act which controls the damming or diversion of water, and the Building Act which takes flood hazards into account when assessing a building consent. (AD11.3.1, p23, Chapter 3)*

The portion of this site within the flood overlay is noted in Section 3.2 (p18) above, while the zone rules that requires resource consent within this overlay are addressed in section 6.2 (p53) and in section 6.7 (pp58-59). The flooding assessment provided in **Attachment 7** also acknowledges these rules.

#### **AD11.3.2 Landscape overlay**

*All areas adjacent to the city, coast and main traffic routes which are highly sensitive to development. They comprise mainly the ridge tops together with the most sensitive shoulder slopes. (p23, Chapter 3)*

The location and implications of the Landscape Overlay on the elevated portions of the site are addressed in Section 3.2 (pp20) and Section 6.2 (p54). The Landscape and Visual Assessment provided **Attachment 9(a)** also acknowledged these provisions, including the various provisions of the NRMP that support those.

#### **AD11.3.3 Services overlay**

**AD11.3.3.i** *The Services Overlay relates to the availability and capacity of services such as wastewater, water supply, stormwater drainage, and roads. The overlay areas contain one or more of the following servicing constraints:*

- a) *Development of the area is beyond the immediate scope of the Long Term Plan or Council's Nelson Development Strategy.*
- b) *The area is low lying and requires filling before servicing can occur*
- c) *The area is one where extension of services is required to serve other land or contribute to a network. This includes the provision of legal road and utilities up to the boundary of the development site to serve the development potential of adjoining land in the Services Overlay.*
- d) *Services in the area are inadequate and require comprehensive upgrading before development can proceed*
- e) *The area is above the contour for which water can be supplied to meet the requirements of the Council's Land Development Manual. (The standards are based on the NZS4404: Land Development and Subdivision, and the New Zealand Fire Service Water Supplies Code of Practice).*

*These constraints must be addressed before development of these areas can proceed. Resource consent will not be declined for servicing constraint reasons when they have been resolved.*

**AD11.3.3.ii** *The Services Overlay also deals with situations where services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners. (p24, Chapter 3, emphasis added)*

The portion of this site located within the Services Overlay is shown in Figure 4 (p18). The purpose of the Services Overlay is also addressed in section 3.2 (p18). The associated rules are then addressed in section 6.2 (pp52-53) and also in section 6.8 and **Attachment 7**.

#### **AD11.3.10 Road overlays**

*Proposed Road Overlay, and Road to be Stopped Overlay cover areas where the road network is to be extended or modified in some way. No rules apply to the Road to be Stopped Overlay. The Road to be Stopped Overlay is for information only, and will be taken*

*into account in considering resource consent applications (e.g. when considering the roading pattern for a subdivision consent). Road alignments shown in the Proposed Road Overlay are indicative only and are considered as a standard and term under the Services Overlay – Building Rules, and matters of discretion and assessment criteria under the Subdivision Rules. Roads may also be designated in the Plan from time to time as required. See AD11.5 (designations) below.*

*In relation to Indicative Roads shown on a Structure Plan refer to AD11.4A for explanation. (p26, Chapter 3, emphasis added)*

While this PPCR does not use 'Road Overlays', the explanation above also refers to *Indicative Roads* through the structure planning process addressed below.

#### **AD11.4 Scheduled sites**

**AD11.4.i** *Some activities are located in zones where they do not comply with the ordinary zone standards. An example is a service station in the Residential Zone. Confinement to commercial areas would not allow the necessary distribution of such services across all areas of the city. These activities are provided for by scheduling and regulating them especially on their identified site. The intention of this is to ensure the continuation of a service to the community and protect the investment committed to buildings and site development. Opportunity to expand on site may be provided for such activities, which is a more liberal regime than existing use rights provided for under section 10 of the Act.*

**AD11.4.ii** *Schedules are also used in the Open Space and Recreation Zone to indicate permitted activities in different classes of land within that zone.*

**AD11.4.iii** *The rules that apply to the activity and site are stated in the relevant schedule. The schedules are located after the rule table in the relevant zone. The relationship between the schedule and the rule table is set out within each schedule. (pp27-28, Chapter 3, emphasis added)*

It is within AD11.4 that schedules are described as a method/tool within and at the end of each of the rule tables, essentially to establish a set of different rules from those ordinarily applicable to the underlying zone. It is within the schedule that the relationship between the ordinary rules and the site-specific rules is determined.

Finally, AD11.4 describes the role and benefits of Structure Plans in the NRMP planning framework. As this is the primary planning tool used in this PPCR, a copy of AD11.4A is provided in full below.

#### **AD11.4A Structure Plans**

**AD11.4A.i** *Structure Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway/cycleway connections, open space and natural values, character and activities). These elements may also exist in areas of Rural zoning where they link more urban neighbourhoods or are adjacent to urban areas. Requiring that development proceed in general accordance with the Structure Plan will ensure that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.*

**AD11.4A.ii** *The Structure Plans are located either within Scheduled Sites for various locations and zones throughout the district, for example in the Residential and Rural Zone rules (Chapters 7 and 12), and/or in the planning maps contained in Volume 4 of the Plan. Structure Plans incorporated in the Nelson Resource Management Plan have the effect of a rule and must be complied with to the extent specified in the relevant rule.*

**AD11.4A.iii** A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans. Rules relevant to those overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

**AD11.4A.iv** The Structure Plans may include zones where the pattern and intensity of development that exists or is anticipated for an area and/or adjoining areas may assist in explaining the location, linkage and scale of transportation, service and other linkages across parcels of land within the Structure Plan area.

**AD11.4A.v** Other information that may be shown on the Structure Plans includes the items below. Sections AD11.4A.v – AD11.4A.ix provide the definition and intent of these items:

- a) **Indicative Roads:** The purpose of indicative roads on Structure Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (e.g. valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and improve the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads may potentially arise in a wider context than merely the Structure Plan area.
- b) **Walkways:** The purpose of the walkways on Structure Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.
- c) **Biodiversity Corridors:** The purpose of Biodiversity Corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. In addition Biodiversity Corridors recognise and help preserve the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori. Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will wherever practicable include any existing Riparian Overlay. “Biodiversity Corridor” is defined in Chapter 2 of the Plan.
- d) **Greenspace:** The purpose of ‘greenspace’ is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. ‘Greenspace’ and Biodiversity Corridors can exist together as they will often achieve compatible goals. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes. “Greenspace” is defined in Chapter 2 of the Plan.

**AD11.4A.vi** Subdivision applications are to show how they provide for items on a Structure Plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown “indicatively” on the Structure Plan as they show an intent rather than precise location for those features. This may be shown by way of an indicative line or through the use of text. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of

*design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.*

**AD11.4A.vii** *The Council acknowledges that the indicative connections may not directly serve or enhance a particular subdivision, for example where shown, or described, within a balance area. This, along with the formation and management of public use of certain connections, may also be at odds with farming, rural industry (including quarrying) or other legitimate rural land use practice activities on adjoining land. The Council will in those cases work with the land owners and any other landowners that may be affected in determining the appropriate time and method to provide the items described in AD11.4A.v or to set aside land upon subdivision for those purposes. In the interim, the objective will be to avoid activities and structures on the land which would compromise the future attainment of those connections or corridors. Any walkways/cycleways through the Rural Zone shown, or described, on a Structure Plan will only be opened by the Council for public use when network connection has been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.*

**AD11.4A.viii** *For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items on these plans must be provided for in the general locations shown, or described, within the development area and linking to adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6). It is not intended that the positions are exact or can be identified by scaling from the Structure Plan. It is intended that connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, costing considerations, and impact on other land uses. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future.*

**AD11.4A.ix** *The primary objective of indicative roads, walkways/cycleways or Biodiversity Corridors is connectivity. Compliance with the rules requires that connection is planned for, or provided, within each stage of development, and to adjoining property boundaries at the appropriate stage, and is not restricted or prevented through the use of “isolation strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised. (pp28-29, Chapter 3, emphasis added)*

The use of Structure Plans to provide for future development areas is therefore clearly an anticipated and integral part of the planning framework. The wider support provided by other sections and chapters of the NRMP are outlined below.

Chapter 4 of the NRMP sets the scene by identifying the “significant resource management issues affecting Nelson City” (R11, p2-4). It also identifies the nature and cause of these issues. Chapter 4 is addressed here as this provides helpful background to the more specific provisions and directions contained in subsequent chapters.

Chapter 4 identifies 17 significant issues, with those of relevance to this assessment including:

- R12 Issues that cross territorial boundaries
- R13 Population characteristics
- R14 Tangata whenua
- R15 Landscape, seascape and open space values

- *RI6 Natural features*
- *RI7 Soils*
- *RI9 Risk from natural hazards*
- *RI10 Energy efficiency*
- *RI12 Public access to margins of lakes, rivers, and the coast*
- *RI13 Heritage and cultural values*
- *RI14 Amenity values*
- *RI14A Urban design*
- *RI14B Sustainable land transport*
- *RI15 Adverse environmental effects of activities*
- *RI16 Competing demands or values attributed to resources*
- *RI17 Hazardous substances, contaminant discharges, and waste management*
- *RI18 Freshwater environments*

The following discussion explains that some of these issues are only broadly relevant while others are of particular relevance to the assessment of this application. Once the above issues have been introduced this assessment cascades down to the more specific District Wide objectives and policies contained in Chapter 5 of Volume 1.

*Issues that cross territorial boundaries (RI2)*

RI2 places Nelson in the context of the adjoining provinces of Tasman and Marlborough, and notes the social and economic integration with these adjoining communities. The issues of relevance between these areas are however different with Tasman having particular relevance in terms of expansion into productive land.

- a) *Urban space requirements, including residential, industrial and commercial expansion. (p2, Chapter 4)*

In recognition of this relationship the obligations under the NPS-UDC resulted in the preparation of the NTFDS 2020 (addressed in section 7.3 above).

*Population characteristics (RI3)*

RI3 acknowledges how population growth rates are monitored due to their impacts on the sustainable management of natural and physical resources, including financial sustainability, and overall well-being, health and safety of the population. The relevance and importance of this issue has significantly increased since 1996, however the changes made to the NRMP since its adoption are also a reflection of how the NRMP is able to address growth needs as population pressures arise. Council initiated or private initiated plan changes, as mentioned above, are evidence of this.

*Tangata Whenua (RI4)*

The NRMP states that this issue is '*discussed fully*' in the NRPS. Herein lies the overlap and close integration between the RPS and the NRMP. These issues are also closely related to the competing demands (RI16) and heritage and cultural values (RI13) discussed below.

Of the seven issues listed in RI4, the following are considered to have particular and direct relevance to the applicant's process of involving Iwi in the preparation of this PPCR, as well as its commitment's set out in Schedule X. Further discussion on these tangata whenua issues is provided within the District Wide provisions addressed below.

**RI4.1.i** Adequately recognising the needs and aspirations of tangata whenua in resource management issues.

**RI4.1.ii** Adverse effects of resource use of cultural values and sites of significance to tangata whenua (p3, Chapter 4)

Landscape, seascape and open space values (RI5)

RI5 explains:

- RI5.i The landscape and topographic setting of Nelson City is integral to its identity, influencing past and future patterns and forms of development.*
- RI5.ii Nelson is a coastal city occupying the river valleys, low hills and plains inland of Nelson Haven and Waimea Estuary. The city is framed by a series of largely undeveloped ridgelines running back to indigenous forest on much of the remote skyline with forestry and farming occupying much of the land in between.*
- RI5.iii Within the existing urban boundary, the landscape is largely modified. However, important visual perspectives of the city's remote backdrop, coastal environment and riparian areas may be attained from within the urban area, from traffic corridors, pedestrian precincts, public open space and private property.*
- RI5.iv The coastal landscape outside the urban area consists of an open coast line fringed largely by pastoral farming and forestry, and containing valued land form and seascape features such as the Boulder Bank, bluffs, and estuaries.*
- RI5.v Development (structures, plantings, and land disturbance activities) has the potential to detract from the visual appearance of landscape and seascape components within and surrounding the District. The significance of this will depend on the degree of modification in the existing landscape or seascape and the visual obtrusiveness of specific activities within it.*
- RI5.vi Pressure on landscape, seascape, and open space values is most likely in areas where topography, productive potential, and access are conducive to changes in resource use, including aquaculture.*
- RI5.vii Pressure also arises as a result of the desire or need to locate utilities on ridgetop or hilltop locations due to locations and operational constraints.*

The relevant issue is as follows:

- RI5.1.iii Adverse visual effects on key landscape and open space features within the urban area resulting from development on ridge lines, in important viewshafts or encroaching on riparian open space.*

The applicant's assessment and management of the landscape and visual effects of this proposal has been described in assessments provided within **Attachment 9(a)** of this PPCR. This has included appropriate consideration of the landscape assessments commissioned by Council and being used in the preparation of the draft Nelson Plan.

Natural values (RI6)

This issue acknowledges the contribution that natural features (such as rivers, wetlands and significant natural landforms) make to Nelson's bio-diversity, landscape setting, amenity values and heritage. The methods used in the NRMP to ensure these biodiversity values are enhanced, while also being protected from the adverse effects of development, are addressed below.



#### Soil (RI7)

Soils are identified as an important regional resource. RI7.1 (p4) however acknowledges that in terms of the eastern hills, soil infertility and weed reversion problems, indicates that farming of this area is not necessarily a sustainable use long term. The assessment attached to this PPCR (**Attachment 3**) confirms this low soil fertility, weed problem, and overall unsustainable land use. While soils are therefore relevant, it is considered that this issue is more appropriate on a regional basis, and not of direct importance to the site and assessment of this PPCR.

#### Risk from natural hazards (RI9)

Of the range of potential natural hazards addressed in RI9, land instability is listed as a feature of the geological setting of the district, while flooding is also a feature of Nelson's location within the floodplains (e.g. Maitai). Fire is also a risk listed, given Nelson's dry climate and extent of forestry and flammable vegetation. The Malvern and Botanical Hills have experienced these significant risks over recent years. The identified issues are as follows:

- RI9.1.i Risk to property and human life associated with community use and occupation of hazard prone areas.*
- RI9.1.ii Accentuated risk of natural hazards as a result of land use practices such as slope excavation, disturbance of soil and vegetation, and structures.*

As noted already, the applicant has used the considerable experience and expertise of Tonkin & Taylor to ensure the natural hazard risks are appropriately avoided or mitigated. The methods used in the NRMP to address these issues are articulated in the District Wide provisions addressed below.

#### Energy efficiency (RI10)

It is within RI10 that energy efficiency is identified as a regionally significant issue, with 'population dispersal' being a reason for reliance on private motor cars. (RI10.i, p7). The high level of dependency on private motor vehicles (and lack of alternatives in Nelson) is also noted as a part of this issue. It should however be recognised here that there are now other efficient transport technologies that were not available in 1996, such as e-bikes and scooters etc. This issue links directly back to Chapters 12 and 14 of the NRPS whereby the urban form and alternative transport linkages help achieve energy efficiency.

#### Efficient use of natural and physical resources (RI11)

The efficient use of natural and physical resources is another regionally significant issue, with relevance to resources such as infrastructure and water. Efficient use of urban land is also recognised:

*Resources available for urban development are limited with potential to conflict with other values (such as natural character and landscape). Intensification of use also presents conflicts as values such as amenity come under pressure from increasingly dense development (RI11.ii, p7)*

The conflicts mentioned in this statement are addressed in the district wide provisions (below) and have also been assessed as constraints in the structure planning process outlined above.

Public access to margins of lakes, rivers, and the coast (RI12)

RI2 broadly acknowledges land use may compromise public access, yet public access can also comprise other values such as public safety and ecological values. The value of the freshwater/riparian areas are fully acknowledged in this PPCR, with enhancement of access and ecological values a significant focus.

Heritage and cultural values (RI13)

The listed heritage and cultural values are as follows:

- RI13.1.i Loss of important heritage features and sites for present and future generations due to their demolition, desecration, or modification for activities unsympathetic or incompatible with the inherent value of these resources.*
- RI13.1.ii Recognition of the cultural affiliations of tangata whenua with their ancestral lands, waters, sites, waahi tapu, and other taonga.*
- RI13.1.iii Recognition of the status of the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance in the Resource Management Act 1991. (Chapter 4, p8)*

These matters have been addressed above in the context of the NRPS and also addressed in more detail in the District Wide provisions below.

Amenity values (RI14)

The Plan states:

- RI14.i Amenity values are those inherent qualities or characteristics which contribute to people's appreciation or enjoyment of the local environment and therefore the community's overall perception of well being. (Chapter 4, p8)*

Some of the identified components of amenity values include visual streetscape, convenience and accessibility, recreational values and aesthetic values. Hence, there are a number of actual and potential effects on amenity values from the activity of rezoning given the subdivision and development outcomes that this enables. The methods used to address those potential adverse effects are addressed in Section 4.2 and 4.3 above. The methods used in the NRMP to manage these effects on amenity values are also canvassed in the following assessment of the relevant provisions of the NRMP.

Urban design (RI14A)

RI14A explains:

- RI14A.i Urban design considers the design of the city and suburbs. It includes the design of, and relationships between, the buildings, spaces and networks (e.g. streets) and has a significant influence on people because our everyday lives are connected by the environments we share in urban areas.*
- RI14A.ii While Nelson has many attractive buildings and spaces, there are also some poor examples, where opportunities to do something better were not realised.*

The listed issues are therefore:

- RI14A.1.i The long lifetime of buildings and subdivision layouts, associated infrastructure and structures mean that poor urban development in our city and suburbs will*

have long term effects on current and future generations. These effects may include:

- a) a city form that is difficult to walk or cycle around and therefore overly dependent on motor vehicles, impacting on convenience and accessibility, and creating low resilience to increasing energy costs.
- b) neighbourhoods and communities that are disconnected and lack identity.
- c) built structures and public areas such as roads, parks and squares that are not human scaled, have a low level of amenity and do not invite multiple uses.
- d) compromise to the attractiveness, vitality and safety of the public environment in town and neighbourhood centres.
- e) lack of diversity in development form and types throughout the zones, and consequent lack of variety in the level and scale of living, working and recreational opportunities.
- f) poor quality infill development with subsequent poor amenity for residents and compromise to the amenity of neighbours.
- g) expansion of urban development into the rural land resource and subsequent effects on roading, servicing and rural landscape values.
- h) inefficient use of the residential land resource.
- i) poor quality urban design and supporting infrastructure that is difficult and inefficient for future generations to retrofit.

*RI14A.1.ii Treating the development of the city and suburban areas as individual activities, involving the layout of predetermined building, street and lot patterns onto the existing environment with little consideration of strategic planning, context and the inter-relationships between sites. This can lead to a poor quality urban environment and poor urban experiences for residents and visitors.*

*RI14A.1.iii The potential for disjointed consideration of design factors, through prescriptive policy and administrative processes and reliance on minimum standards, to lead to poor urban design for both private and public developments. (p9, Chapter 4, emphasis added)*

The above urban design issues are addressed in district wide provisions (DO13A) below. The matters underlined have, however, been addressed specifically in the PPCR (as set out in Attachment 9(b)), with appropriate provision for a range of residential densities and associated housing types, appropriate management of landscape effects, while also acknowledging that the detail and layout would be addressed in the subdivision design and consenting phase.

#### Sustainable land transport (RI14B)

RI14B aligns closely with RI10 'energy efficiency' as both relate to the environmental benefits of an efficient transport system and good urban design:

**RI14B.i** *The land transport system is vital for economic and social wellbeing, but can be associated with negative environmental and social effects. Managing the demand for travel, pursuing modal shift and changing to more efficient means of transport with lower environmental impacts and greater social cohesion, is desired.*

**RI14B.1.ii** *Land use activities, urban design and the location of activities can also adversely affect the land transport system, particularly the way in which the land transport system addresses potential health and safety effects, sustainability and efficiency of resource use, earthworks, stormwater, construction effects and the choice of travel modes. (p10, Chapter 4, emphasis added)*

These 'issues' are then listed as follows:

***RI14B.1.i** Land transport networks have the potential to adversely affect air and water resources, ecological habitats and biodiversity corridors, our carbon footprint and climate change impacts, urban design and amenity values, the health and safety of different transport mode users and community cohesion.*

***RI14B.1.ii** Land use activities and urban design activities that adversely affect the land transport system. These effects may include:*

- a) generation of vehicular traffic and increased volumes of traffic.*
- b) parking and loading effects.*
- c) effects on visibility and safety.*
- d) dispersal of activities which leads to social isolation, increased dependence upon the motor vehicle and reduced demand and viability for other forms of transport options, including public transport.*
- e) dependence upon one form of transport.*
- f) the inefficient use of resources, in terms of road construction resources and fossil fuel.*
- g) inconsistencies with the sustainable transport vision of the NCC Regional Land Transport Strategy. (p10, Chapter 4, emphasis added)*

The advantages of the site is this PPCR, being in close proximity to Nelson City and with excellent opportunity for connections and therefore use of alternative transport modes has particular relevance to this issue. These advantages are addressed in **Attachments 8 and 9(a)**.

Adverse environmental effects of activities (RI15)

The introduction to RI15 states:

*RI15.i Adverse effects of activities become a resource management issue where they cross property or site boundaries to the detriment of activities, resources, or values on adjacent sites, or where they have impacts in time (ie limit subsequent uses of the site or resource). The significance of effects such as noise, traffic, glare, odour and contamination will vary according to the setting and adjacent uses or values. For example, a lower environmental standard may be more acceptable within industrial areas than within or adjacent to residential areas. (Chapter 4, p10)*

While the matter of 'adverse effects of activities' is relevant to resource management generally, the listed 'issues' are of relevance to the activities that are enabled by this PPCR:

*RI15.1.i Degradation of the life supporting capabilities of natural resources (land, water, air and ecosystems) through the environmental outcomes of resource over-use, contamination, compromise in the integrity of ecological processes, soil compaction or erosion, or habitat destruction.*

*RI15.1.ii Reduced water quality which may limit downstream uses of the resource.*

*RI15.1.iii Loss of opportunities to use or enjoy resources and values as a result of adjacent land use or activities.*

*RI15.1.iv Risk to public health, safety, and amenity values associated with traffic, aircraft and vessel movement, noise, and other contaminant discharges.*

The methods / tools used by the NRMP to ensure these adverse effects of activities are avoided, remedied and mitigated are addressed in various sections of this PPCR such as Section 6.2.

Competing demands or values attributed to resources (RI16)

As the title signals, the NRMP identifies competing demands or values as a significant resource management issue. Examples of this competition are provided in the explanation, including the demands on the rural—urban fringe for continued growth and subdivision. This issue is also listed in RI16.1.ii (p11). This issue is therefore pertinent to this PPCR given its location.

Hazardous substances, contaminant discharges, and waste management (RI17)

Issue RI17 is broad in nature however it does address the matter of contamination of water:

- RI17.i *Environment contamination is the process of physical, chemical, or biological change in the condition of land, water, and air as a result of discharges. This may compromise the life supporting capacities of these resources, and accordingly the health of ecosystems and communities. In extreme cases, contaminated sites may be declared unsafe for human use or occupation.*
- RI17.ii *Waste generation and contaminant discharges may arise from a range of industrial, agricultural, and urban activities, in the form of effluent, solid waste, odour, dust, smoke, chemical leachate, or sedimentation. In the past, waste has often been disposed of into sensitive receiving environments such as water bodies or the coast. (Chapter 4, p12)*

The issue is then identified as:

- RI17.1.i. *Contamination of land, air and water and the associated impacts on cultural values and the health and safety of ecosystems and communities resulting from the generation, use, storage, transportation and disposal of hazardous substances and contaminant wastes. (Chapter 4, p12)*

The current rules that control the effects of discharges to water, and other activities that impact on water quality, were addressed in section 6.2 above. This PPCR has undertaken a comprehensive assessment of the subject site and is supported by specialist advice to ensure the subdivision and development enabled by this PPCR will use best practice to ensure the outcomes are sustainable and sensitive.

Freshwater environments (RI18)

In this section the significant freshwater issues are identified. The following contextual information is provided:

- RI18.ii** *Urban activities which affect the natural character and ecosystems relate to flood protection works to protect properties, and subdivisions which result in loss of riparian vegetation, increased area of impermeable surface leading to increased stormwater flows, culverts, sedimentation during earthworks, and toxic pollutants running off roads and industries. Specific examples are the flood protection structure on Brook Stream, and the high level of toxins in Arapiki Stream which have been discharged from industrial activities. Stream health in the urban area has been classified as being from moderate to very degraded.*

**RI18.vi** *The quality of stormwater flowing into Nelson's urban streams reflects urban land uses. It is the key water quality issue for the urban area, affecting both the small streams it enters and the sensitive coastal receiving environments into which the streams flow (Waimea Inlet and Nelson Haven).*

**RI18.viii** *Freshwater is essential for survival, and rivers are valued by many people for aesthetic, recreational, spiritual and cultural reasons. Rivers, lakes and wetlands also have intrinsic natural values which are reduced when their health is degraded through physical modification, contamination, and low flows.*

**RI18.ix** *Safeguarding the life-supporting capacity of water and ecosystems is central to the purpose of the Resource Management Act. The preservation of the natural character of wetlands, lakes and rivers, and their margins is listed as a matter of national importance.*

**RI18.x** *Freshwater and rivers are a 'public good' owned by everyone and managed by the Council on behalf of the public. Public resources such as water and air are managed differently from privately owned resources such as land. Land use activities are generally allowed unless a rule requires otherwise. In contrast, activities involving water or water bodies can only occur if they are expressly allowed by the Act, a rule in a regional plan, or by a resource consent. (Chapter 4, p13, emphasis added)*

The above background description highlights the significance of freshwater.

The significant freshwater issues identified are also broadly stated:

**RI181.ix** *The potential for activities and discharges to adversely affect water quality and natural character. How to maintain or enhance water quality to a level appropriate to maintain the recognised uses and values. (Chapter 4, p13)*

District Wide Objectives and Policies of the NRMP, addressed below, address these freshwater issues and how the sustainable management of water resources is to be achieved.

#### Chapter 5 district wide objectives and policies

Of the twenty (20) sections in Chapter 5, the following are considered to have relevance to the assessment of this application. Some are however more relevant or pertinent to this application than others.

- DO1 Tangata whenua
- DO2 Natural hazards
- DO3 Hazardous substances and waste
- DO4 Heritage
- DO5 Natural values
- DO6 Riparian and coastal margins
- DO9 Landscape
- DO10 Land Transport
- DO13A Urban design
- DO14 Subdivision and development
- DO15 Peripheral urban expansion
- DO16 Zones

- DO17 Activities in the beds of river and lakes, and in wetlands
- DO18 Freshwater abstraction and instream flows
- DO19 Discharges to freshwater quality
- DO20 Freshwater management

#### Tangata Whenua (DO1)

The relevant objective and policies of DO1 are provided below. ....

##### **objective DO1.1 Maori and resources**

*Management of natural and physical resources that recognises the needs of Maori communities and enables them to provide for their social, economic, and cultural well being and their health and safety. (Chapter 5, p2)*

##### **policy DO1.1.1 relationship with ancestral resources**

*Natural and physical resources should be managed in a way that recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (Chapter 5, p2)*

##### **policy DO1.1.2 treaty principles and kaitiakitanga**

*Management of natural and physical resources that takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga. (Chapter 5, p2)*

##### **policy DO1.1.3 management by tangata whenua**

*Tangata whenua should have opportunities to manage their ancestral land and resources in a sustainable manner. (Chapter 5, p3)*

##### **policy DO1.1.4 traditional resources**

*Access should be provided to traditional resources within public reserves, water bodies, and coastal water, consistent with preserving natural values. (Chapter 5, p3)*

##### **policy DO1.1.5 cultural activities**

*Opportunities should be given to maintain Maori cultural values within the District by enabling the Maori community to establish (in appropriate zones) a range of housing types, and educational, health, and community activities. (Chapter 5, p4)*

##### **policy DO1.1.6 water management**

*Make policy decisions on water management having regard to the provisions of resource management plans such as eel management and iwi environmental management plans that promote the sustainable use of water and associated resources. (Chapter 5, p4)*

Aside from the objective, policies DO1.1.1, DO1.1.2 and DO1.1.3 are considered to have direct relevance to this PPCR. In order to achieve this objective through these policies it is important that Iwi are able to be involved in resource management planning, not only at a decision-making level but also alongside applicants to ensure cultural values are properly considered and provided for. Regular conversations and feedback from hui are identified in methods to achieve these outcomes. It is through these processes of consultation and hui that this PPCR has been prepared. Continued involvement with Iwi is also a commitment required by the schedule of rules that frame this PPCR.



The relevant 'Natural hazard' objective and policies are as follows:

**objective DO2.1 natural hazards**

*An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated. (Chapter 5, p5)*

**policy DO2.1.1 health and safety**

*Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger human health and safety. (Chapter 5, p5)*

**policy DO2.1.2 property and environment**

*Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated. (Chapter 5, p5)*

**policy DO2.1.3 aggravation of hazard**

*No activity should aggravate any known or potential natural hazard on its own site or any other site. (Chapter 5, p6)*

**policy DO2.1.4 flood mitigation**

*Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works. (Chapter 5, p6)*

The overall approach taken in the policies is set out in the explanation to Objective DO2.1 as follows:

**DO2.1.ii** *The policies under this objective aim to ensure that activities do not occur in such a way that there is a potential for loss of life and damage to property through natural hazards when such occurrences could be avoided or mitigated through management of the activity. (p5, Chapter 5)*

The preference however, as stated in Policy DO2.1.1, is to avoid activities within hazard prone areas when human health and safety are endangered. While the Maitai flood plain is proposed to be rezoned in part to provide for residential development, the nature of the risks in that flood plain area are assessed as being relatively shallow and not of a severity that human health and safety would be endangered. The development area would be filled as a part of future subdivision and development to avoid those flooding risks, filling would be undertaken in a manner which does not aggravate the flood hazard on any other site as required under policy DO2.1.3. It is also appropriate to note here that the site is within the *flood overlay* and not the *flood path overlay*. The flood path is considered to pose the significant risks associated with the high flow velocities within the main river channel.

In terms of policies DO2.1.2 and DO 2.1.3, the NRMP used "rules in each zone", including hazard overlays and the use of the planning maps as methods to ensure the location of activities are controlled. These rules are set out within section 3.2 and 6.2 of this PPCR, while also being addressed in the assessment of actual and potential effects in section 6.6 and 6.7. In combination, these rules regulate earthworks, subdivision and development activities for the purpose of achieving objective DO2.1.

Policy DO2.1.4 is to be achieved through taking esplanade reserves or strips at the time of subdivision and development to mitigate flood effects (method DO2.1.4.ii, p6). While the current NRMP does not secure that outcome, this PPCR has filled that gap whereby requiring this reserve to be set aside as a part of subdivision within Schedule X.

#### Hazardous substances and waste (DO3)

Objective DO3.1 and policy DO3.1.3 are as follows:

***objective DO3.1 hazardous substances***

*Management of the actual and potential effects arising from the storage, use, disposal, and transportation of hazardous substances to ensure that any potential or actual adverse environmental effects are avoided, remedied, or mitigated. (Chapter 5, p8)*

***policy DO3.1.3 contaminated sites***

*Management of contaminated sites to contain effects, and to promote the rehabilitation of sites to a level where risk to the environment or health is remedied or mitigated. (Chapter 5, p9)*

In section xx of this Request the presence of a HAIL site in the vicinity of the former shearing shed and sheep dip was identified. As required by the NES-CS (section 6.18) the process of development will necessitate appropriate management of any contaminated land, whether through containment or through the use of other best practice methods to remediate the area.

#### Heritage (DO4)

The following objective and policy seeks to retain heritage items, while using the Archaeological Overlay as a means of protecting significant cultural values.

***objective DO4.1 heritage values***

*Retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items. (Chapter 5, p13)*

***policy DO4.1.5 archaeological sites and overlay***

*Archaeological sites, and places of special significance to tangata whenua, as identified as an individual site and/or falling within the Archaeological Overlay, as well as the cultural and spiritual values associated with those places, should be protected from activities which would have adverse effects on those sites, places and values. (Chapter 5, p15, emphasis added)*

The presence of MS57 within this site is an example of how the above objective and policy is to be achieved. This PPCR has acknowledged this existing site, along with the current rules in the NRMP that provide for its protection. These rules are addressed in Section 3.2 and 6.2 above. The applicant's commitment to keeping Iwi involved in the subsequent stages of development, following the rezoning process, is also a way to ensure cultural values are protected.

The potential for this site to also contain archaeological sites protected under the Heritage New Zealand Pouhere Taonga Act 1994 has also been acknowledged in this PPCR. That legislation is relevant to the assessment of this PPCR also.

## Natural values (DO5)

The introduction to DO5 provides helpful context to the objectives and policies in this part of the Plan:

*DO5.i Nelson contains a wide range of significant natural features vital to the character and diversity of the District. As well as regionally significant features such as remnant areas of indigenous forest and wetland, there are features of national and international significance including the Nelson mineral belt, Nelson Boulder Bank, and extensive coastal inlets and estuaries. (See Issues in Chapter 4, particularly RI5 - landscape, seascape and open space values and RI6 – natural features.) (Chapter 5, p19)*

Objective DO5.1 is as follows:

### ***objective DO5.1 natural values***

*An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting. (Chapter 5, p19)*

The explanation/reasons provided in support of this objective also set the local scene:

***DO5.1.ii In the Nelson City area, indigenous communities with priority for protection are:***

- *Alluvial forest*
- *Coastal sand dune, spit and boulder communities*
- *Coastal forest and shrub land*
- *Estuarine communities*
- *Ultramafic communities*
- *Freshwater wetlands and riparian forest* (Chapter 5, p19)

The four listed policies then seek:

### ***policy DO5.1.1 areas with high natural values***

*Some areas with high natural values are identified in this Plan, and will be managed in such a way as to protect and enhance those values. Other areas that have high natural values will be identified in accordance with the criteria in Table DO5.1, and managed in such a way that protects and enhances those values. (Chapter 5, p19)*

### ***policy DO5.1.2 linkages and corridors***

*Promotion of linkages and corridors between areas of natural vegetation. (Chapter 5, p20)*

### ***policy DO5.1.3***

*Active participation of landowners is seen as vital to the protection and enhancement of significant natural areas. Council will work with landowners, recognise their stewardship and current management practices, and will favour the use of non regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives. (Chapter 5, p20B)*

### ***policy DO5.1.4***

*Plan provisions related to protection and enhancement of significant natural areas will be reviewed and a plan change notified not later than 5 years from those provisions becoming operative. (Chapter 5, p21)*

There are a range of methods listed to achieve these objectives, such as mapping areas with significant conservation value, assessing resource consent applications, and encouraging landowners to fence off areas of high natural value. Furthermore, and of particular relevance to this PPCR, identifying biodiversity corridors on structure plans is

specifically listed as a key method to achieve policy DO5.1.2. This has also included incorporation of information available on SNAs, made available as a part of the preparation of the draft Nelson Plan, relevant to policy DO5.1.4. The applicant has also taken active steps to fence off natural areas, and proceed with addressing the significant pest problems. Some of this fencing has received support from Nelson City Council.

As a part of the process of assessing the subject site, and with feedback from the Department of Conservation in hand, the applicant's mapped the freshwater wetlands and also provided a biodiversity corridor along a portion of the north-eastern side boundary. Combined with the Kaka Stream riparian corridor to eventually be vested as esplanade reserve, these components of the proposed Structure Plan achieve objective DO5 and the outcomes described in the associated policies.

#### Riparian and coastal margins (DO6)

Riparian margins are identified in DO6 as being of considerable significance for a wide range of reasons. This is encapsulated in Objective DO6.1:

##### ***objective DO6.1 riparian and coastal margins***

*Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced. (Chapter 5, p24)*

##### ***policy DO6.1.1 priority margins***

*Priority riparian and coastal margins should be identified, and acquired at the time of subdivision, development, or through negotiation. (Chapter 5, p24)*

##### ***policy DO6.1.2 activities in margins***

*The values associated with riparian and coastal margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies. (Chapter 5, p26)*

The primary method of achieving this objective and policy DO6.1.1 is the use of showing priority margins on the Planning Maps and listing those in Appendix 6 of the NRMP. These planning tools were described in section 3.2 above and also Section 6.2 and 6.14. As mentioned previously, there is a gap in this framework that has been identified and rectified in proposed Schedule X providing a positive community benefit.

#### Natural character (DO7)

DO7 relates to the coastal environment and so is not addressed further here.

#### Landscape (DO9)

Chapter 5 of the NRMP contains the most specific explanation of what landscape characteristics are significant to Nelson and how these landscape values are to be sustainably managed. The "major threats" are also listed as:

- a) *Residential expansion especially along prominent ridge lines in the urban area. These result in loss of natural colours and patterns, development of a saw tooth appearance on the skyline ridge, and loss of public views from the ridge line.*

- b) *Loss of views from within the urban area to prominent landscape features such as the coast or ridge lines. This may include the loss of prominent views from main routes in and out of the District, loss of views from within the central business district to the hills and coast, and blurring of the urban rural interface.*
- c) *Exotic forest establishment and harvesting along prominent foothills. This may result in removal of native vegetation, development of tracks and landings, and changes in landscape colours and patterns especially during harvesting.*
- e) *The intrusiveness of structures (including signs and antennas) or tracks into otherwise “natural” or rural landscapes. (See Chapter 4 Issues, particularly RI5, RI6 and RI8). (DO9.i, p36, emphasis added)*

The landscape and urban design assessment undertaken by Rough and Milne Landscape Architects has comprehensively identified and assessed the subject landscape values in recognition of the above listed issues in DO9.

***objective DO9.1 landscape***

*A landscape that preserves and enhances the character and quality of the setting of the city and in which its landscape components and significant natural features are protected. (Chapter 5, p36)*

***policy DO9.1.1 significant features***

*Significant landscape and coastal features which contribute to the setting of Nelson should be protected. (Chapter 5, p37)*

***policy DO9.1.2 development***

*Development should be undertaken in a manner which avoids, remedies, or mitigates adverse effects on the landscape, coastal features and amenity values. (Chapter 5, p37)*

***policy DO9.1.3 primary road routes***

*Primary road routes that contribute to the experience of arriving in and departing Nelson, or of moving from one part of the city to another, should be protected and enhanced. (Chapter 5, p37)*

***policy DO9.1.4 visual amenities***

*Particular regard should be had for the protection of visual amenity values in the following areas:*

- a) *ridge lines/skylines, and*
- b) *seaward facing slopes of hills, and*
- c) *estuaries, and*
- d) *shorelines / riparian margins, and*
- e) *coastal headlands, promontories, and adjacent sea, and*
- f) *relatively unmodified parts of the coastal environment. (Chapter 5, p37)*

“Methods” to achieve the landscape objective and policies in DO9 of the Plan are listed in DO9.1.4.ii-vi, with the relevant methods provided below:

***DO9.1.4.ii Planning maps that define Landscape Overlays and view shafts in respect of landscape values.***

**DO9.1.4.iii** *Rules that regulate activities by reference to effects on landscape and views.*

**DO9.1.4.vi** *Conditions on resource consent relating to visual amenity where consent is required. (p38)*

Particular care has been taken to ensure the landscape values of the Nelson setting are maintained as a part of this PPCR. This has involved identifying the variable landscape sensitivities, mapping the opportunities and constraints, and putting in place a structure plan with an integrated set of rules that manage landscape effects across the site. The Structure Planning process enables this approach, which has been fully embraced by the applicant's design team. Refer to Section 6.16 and Attachments 9(a) and 9(b).

#### Land Transport (DO10)

Land Transport Objective DO10.1 and the associated policies are relevant to this assessment. In terms of the objective, the Plan seeks to achieve:

##### **DO10.1 land transport system**

*A land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable. (Chapter 5, p38)*

##### **policy DO10.1.1 environmental effects of vehicles**

*The environmental effects of vehicles should be avoided or mitigated by promoting more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise the number and length of vehicle trips and encourage the use of transport modes other than private motor vehicle. (Chapter 5, p39)*

##### **policy DO10.1.2 road network**

*The road network should be maintained and developed to accommodate a range of road types to support a range of functions and streetscape characteristics. (Chapter 5, p39)*

##### **policy DO10.1.3 expansion of the road network**

*New roads and intersections should integrate with the adjoining road network while not adversely affecting the environment, or the safety or efficiency of the road network. (Chapter 5, p40)*

##### **policy DO10.1.4 traffic effects of activities**

*Activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network and encourage a shift to more sustainable forms of transport. (Chapter 5, p41)*

##### **policy DO10.1.5 access to sites**

*Every site should have an access that provides safe entry and exit for vehicles from the site to a road (except for defined sites in the City Centre), without compromising the safety or efficiency of the road network, the safety of different types of road users or the streetscape values. (Chapter 5, p41A)*

##### **policy DO10.1.7 pedestrian and bicycle traffic**

*A safe, pleasurable and convenient network for pedestrian and bicycle traffic should be developed and maintained as an integral part of the land transport system. (Chapter 5, p42)*

These provisions also have a close relationship with policy DO14.3.1 "roading", (relevant to the Services Overlay) and also policy DO13A.2 "improving connections" of the Plan, addressed under the relevant objectives below.

The following explanatory paragraph highlights the relevance of these land transport issues to the assessment of this PPCR:

*Land use planning, particularly the creation of new roads, walkways and cycleways through subdivision and development, and the location of nodes of activity through zoning and associated rules, have potential to influence the sustainability of the land transport system. The Council encourages the co-location of activities through land use planning which can encourage a shift from vehicle dependence to the increased use of cycling, walking and passenger transport. (Chapter 5, p39, emphasis added)*

This approach is also consistent with the following method alongside policy DO10.1.1:

***DO10.1.1.iv*** *Provide in the Plan for urban consolidation, by zoning and regulating the development of new greenfields subdivisions, and allowing a higher density of dwelling units in areas within walking distance of shopping areas and transport nodes, including The Wood and the Stoke Centre.*

It is through the private plan change process, recognised as available within AD2, that the merits of this PPCR is to assessed / regulated. The above land transport objective and policies have also been acknowledged in the transportation assessment provided within Attachment 8. That assessment highlights the advantages of the subject location, being in close proximity to Nelson City and having the advantage of scale and connectivity, then achieve the overall objective and related policies. In addition, it should be recognised that with the technological changes that have occurred since the NRMP was developed, alternative transport modes have significantly reduced travel times and provided alternative transport options.

#### Urban design (DO13A)

The benefits of good urban design are outlined in this section of Chapter 5. Likewise the potential adverse effects from subdivision and development that do not apply urban design principles are also identified.

There are six objectives of urban design addressed within DO13A of the NRMP, making this one of the most comprehensively addressed District Wide issues. These objectives relate to the following topics:

1. Recognising the local context ;
2. Improving connections;
3. Creating high quality public spaces;
4. Providing for diversity;
5. Sustainable places and communities;
6. Urban design process.

Provided in support of this PPCR is an urban design assessment from Rough & Milne Landscape Architects (**Attachment 9(a)**) also with a Landscape Design Document (**Attachment 9(b)**) that specifically addresses best practice urban design principles, these relevant provisions of the NRMP, and the quality outcomes being planned for. Section 7 of the Attachment 9(a) addresses each of these 6 principles and the relevant objectives and policies in section 8 of Attachment 9(a).

#### ***objective DO13A.1 recognising the local context***

*Subdivision and development that reflects, and creates positive relationships with, our local environment, heritage and urban context. (Chapter 5, p55)*

#### ***policy DO13A.1.1 local context and environment***



*Subdivision and development should relate to local topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns. (Chapter 5, p56)*

The local context of this site has been carefully assessed as a part of preparing the proposed Structure Plan and Schedule. It is with the subsequent consent process that further consideration of the local context will be further assessed. DO13A.1.1.v also refers to Appendix 14 of the NRMP which contains the 'Residential Subdivision Design and Information Requirements'.

***objective DO13A.2 improving connections***

*Subdivision and development in urban areas that creates interconnected structures and spaces to ensure that all people find urban areas easy to get around, and connected natural environment networks that support native biodiversity. (Chapter 5, p56)*

***policy DO13A.2.1 accessibility***

*Accessibility is maximised through subdivision and development design which provides for:*

- a) safe and pleasant transport networks for all modes of movement, including pedestrians, cyclists, public transport and motor vehicles.*
- b) a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas. (Chapter 5, p57)*

***policy DO13A.2.2 natural connectivity***

*Subdivision and development should provide for the enhancement, restoration and, where appropriate, multiple use of natural environment connections, particularly from the hills to the coast, utilising rivers, streams and natural catchment features through urban environments to enhance native biodiversity. (Chapter 5, p57)*

***policy DO13A.2.3 public to private connections***

*Public spaces created as part of subdivision and development should be connected to and overlooked by private buildings and spaces in a manner that is human scaled and encourages interaction and safety. (Chapter 5, p58)*

The proposed Structure Plan has identified the indicative road connection, as well as the primary walkway connections. Along with the natural connections to be secured by vesting of esplanade reserves, and within the biodiversity corridor, the subdivision and development process will ensure these objective and policies are achieved.

With regard policy DO13A.2.3, provision is made for a range of different zone / density types and it is within the subsequent subdivision and development processes that this outcome will be achieved. The methods refer to the Comprehensive Housing Development provisions in Appendix 22 (NRMP), Structure Plans, along with the zone rules and assessment criteria.

***objective DO13A.3 creating high quality public spaces***

*Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that are beautiful and inspiring, provide for and enable social, cultural, economic and environmental wellbeing and enhance amenity values. (Chapter 5, p58)*

***policy DO13A.3.1 high quality public spaces***

*Subdivision and development of, or adjoining, urban public spaces should where appropriate provide for:*

- a) landscape and streetscape design that is of high quality, is people rather than vehicle orientated and maintains or enhances social, cultural and amenity values.*

- b) *a sense of human scaled elements at the interfaces of buildings, infrastructure and urban public spaces.*
- c) *the public space to have a variety of distinctive spaces appropriate to the context that function well as places for a range of activities including meeting people, relaxing, playing and walking through them.*
- d) *a range of public open spaces and parks that cater for the different needs of people both in terms of ages and abilities, and levels of recreational and leisure use. (Chapter 5, p59)*

**policy DO13A.3.2 multi use**

*Public spaces which facilitate multiple uses to achieve a range of social, cultural, economic and environmental benefits. (Chapter 5, p60)*

The structure planning process has also involved appropriate consideration of the planned public spaces and how these will provide for the needs and well being of the future community to occupy the site and beyond. Further consideration and refinement of these outcomes will be planned and delivered at the time of subdivision and development, with further input and direction from the Consent Authority during the consent process. These methods are listed following each of the above policies.

**objective DO13A.4 providing for diversity**

*Subdivision and development that provides for a range of choices in housing types, neighbourhood types, compatible employment opportunities and leisure and cultural activities. (Chapter 5, p60)*

**policy DO13A.4.1 flexibility, choices and adaptability**

*Subdivision and development should facilitate, where appropriate:*

- a) *mixed use developments that support a variety of compatible land uses and reflect local needs.*
- b) *flexibility to adapt buildings and spaces to accommodate a range of uses both now and in the future.*
- c) *a range of building types to provide accommodation and offer opportunities for all groups within the community.*
- d) *a range of subdivision layouts that contribute to a diversity of neighbourhood types and identities. (Chapter 5, p61)*

Diversity of housing densities and meeting the wide range of needs is a key feature of the proposed Structure Plan, which has arisen naturally in response to the variable opportunities (and constraints) presented by this site. Provision has been made for some local Suburban Commercial development in response to providing for local needs and enabling the injection of some social interaction. Comprehensive Housing, implementing Structure Plans and creating and implementing different residential zone provisions are all methods listed to achieve these outcomes. The NRMP therefore fully encourages this approach taken by the applicant.

**objective DO13A.5 sustainable places & communities**

*Urban development that meets the community's current needs without compromising future needs. (Chapter 5, p62)*

**policy DO13A.5.1 environmentally responsive**

*Subdivision and development should be environmentally responsive, which for the urban environment includes considering the following opportunities:*

- a) *the efficient use of existing infrastructure and the sustainability of new infrastructure.*
- b) *the containment of urban sprawl and avoidance of inefficient use of the urban land resource.*
- c) *interconnection within and between neighbourhoods to reduce vehicle dependence.*
- d) *the reuse of existing buildings and sites, and the adaptability of proposed buildings and sites.*
- e) *the establishment of small neighbourhood village areas for local shopping/services.*
- f) *the consideration of connections to public transport or future public transport networks.*
- g) *the collection and reuse of rainwater to supplement potable supplies.*
- h) *low impact stormwater design treatment and disposal.*
- i) *the solar orientation of buildings and sites.*
- j) *the encouragement of the use of renewable energy sources and sustainable building materials.*
- k) *responding to sea level rise predictions.*
- l) *the inclusion of innovative and sustainable options for the treatment of human waste. (Chapter 5, p62)*

This objective and policy refers to urban growth, including reference to urban sprawl, with a list of considerations/opportunities provided in the policy to help direct resource management decision making. The key objective is to meet the community's needs in a manner that is environmentally responsive. While the methods refer to administering these outcomes at the time of assessing resource consent applications, many of the listed opportunities have also been addressed during the structure planning process, and will be achieved within the resource consent process as per the information requirements.

#### ***objective DO13A.6 urban design process***

*Sustainable management of Nelson's urban resources achieved through quality urban design processes. These processes holistically manage urban systems and interconnections rather than focusing on the effects of individual activities. (Chapter 5, p63, emphasis added)*

#### ***policy DO13A.6.1 policy and administration***

*Quality urban design should be supported through flexible and responsive policy and administration systems that use a holistic approach to the management of urban environmental effects. (Chapter 5, p63, emphasis added)*

#### ***policy DO13A.6.2 coordinated approaches***

*Subdivision and development should use a coordinated multi disciplinary approach to avoid the adverse effects and cumulative adverse effects of managing urban resources individually and from a single discipline's perspective. (Chapter 5, p63, emphasis added)*

#### ***policy DO13A.6.3 collaboration***

*To encourage the collaboration of the private and public sector where there are opportunities for projects to assist with the Council's role of achieving a quality urban design vision for the community in a sustainable and equitable manner. (Chapter 5, p64, emphasis added)*

The collaborative approach taken by the applicant in the preparation of this PPCR is summarised in section 2.0 above, and also in Section 7.7 (in the context of these policy directions) of Appendix 9(a).

#### Subdivision and development (DO14)

The provisions of Chapter DO14.1 seek to ensure the activity of subdivision and development is appropriate to the natural characteristics of the City, consistent with the principles of high-quality urban design, and result in an orderly and efficient use of land. The matter of natural characteristics is directly related to the consideration of landscape outcomes discussed already.

##### **objective DO14.1 city layout and design**

*Subdivision and development that recognises and is appropriate to the natural characteristics of the City and is consistent with principles of high quality urban design and the orderly and efficient use of land. (Chapter 5, p67)*

##### **policy DO14.1.1 landscape features**

*Subdivision and development should provide practicable sites while retaining existing landscape features such as landforms, mature trees, indigenous vegetation, and natural watercourses. (Chapter 5, p67)*

##### **policy DO14.1.2 type and intensity of development**

*The type and intensity of subdivision and development should reflect the natural and physical capabilities of the land and the characteristics of the zone. (Chapter 5, p68)*

##### **policy DO14.1.3 orderly development**

*Subdivision and development of land should provide for use of land in an orderly manner, in association with cost effective and efficient provision of facilities and services. (Chapter 5, p68)*

These themes are consistent with many of those addressed in earlier sections of Chapter 5. For example, DO14.1.2 is essentially the same as DO13A.1.1. The methods of implementation also refer to the zone rules and associated assessment criteria, applicable to the subdivision and development consent processes.

##### **objective DO14.2 amenity values**

*The amenity values of the built environment shall be maintained or enhanced through the subdivision and development processes. (Chapter 5, p68)*

##### **policy DO14.2.1 allotments**

*The pattern created by subdivision, including allotment sizes, shapes, and dimensions should take into account the range of future potential land uses and the development potential of the area, and any potential adverse effects on the environment and amenity values, and the relationship of the allotments to any public open spaces (including reserves and streets). (Chapter 5, p69)*

These provisions are also directed toward the assessment of applications for subdivision and development, with the rules controlling subdivision densities.

Objective DO14.3 and the associated policies that follow, are important parts of the planning framework that are equally important to understanding the use of the Services Overlay, Structure Plan, and indicative roading tools that form components of this PPCR.

##### **objective DO14.3 services**

*The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots within the developments and the development potential of other land in the Services Overlay. (Chapter 5, p69)*

##### **policy DO14.3.1 roading**

*Subdivision and development should provide for:*

- a) *The integration of subdivision roads with the existing and future road network in an efficient manner, which reflects the function of the road and the safe and well-integrated management of vehicles, cyclists, and pedestrians, and*
- b) *Safe and efficient access to all lots created by subdivision and to all developments, and*
- c) *Roading connections as shown on Structure Plans and/or as described in Schedules in the NRMP, and*
- d) *Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and*
- e) *Public to private space relationships and roading design that represents a high quality urban streetscape, and*
- f) *The road network requirements to support the access and connectivity of future developments on other land in the Services Overlay.*
- g) *The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder and vested in Council as part of the development. Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant). (Chapter 5, p70)*

These provisions clearly show the role played by the Services Overlay and Structure Plans in the planning framework to ensure the likely effects on the transport network, and the needs of future residents, are appropriately addressed at the time of subdivision.

***policy DO14.3.2 drainage, water and utilities***

*Subdivision and development should provide for:*

- a) *Water supplies of sufficient capacity and of suitable standard for the anticipated land uses on each lot or development, including fire fighting requirements, and*
- b) *The disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of any land, and*
- c) *The treatment and disposal of wastewater in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment, and*
- d) *Connections from all new lots or buildings to a reticulated water supply, stormwater disposal system, and wastewater treatment and disposal system, where such systems are available, and*
- e) *Supply of electricity, including street lighting, and telecommunication facilities for the anticipated land uses, using a method of supply appropriate to the amenity values of the area, and health and safety, and*
- f) *Any necessary additional infrastructure for water supply, stormwater disposal or wastewater treatment and disposal or power and telecommunications, and*
- g) *Provision of sufficient land and infrastructure with capacity to support the servicing requirements of future development on land in the vicinity that is in the Services Overlay.*
- h) *New or upgraded infrastructure required in accordance with a) to f) above shall be funded and constructed by the consent holder, as part of the development. Provision of land or pipe capacity under g) above shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it*

*is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*

- i) *All wastewater, water and stormwater infrastructure specified in Section 3 of the NCC Land Development Manual 2010 to become public shall be vested in Council.*

*The costs of additional new or upgraded infrastructure shall be paid for by the developer, or as part of the development. (Chapter 5, p72)*

**policy DO14.3.3 areas without services**

*Development and subdivision of areas that do not have access to reticulated services, or where the existing services are operating at full capacity, should not proceed where:*

- a) *it will result in significant adverse effects, or*
- b) *the services listed in policy DO14.3.2 cannot be provided. (Chapter 5, p73)*

As with transport infrastructure, the provision of sufficient water, wastewater, stormwater and other utilities are required at the time of subdivision. These requirements are administered through the use of the Services Overlay, zone rules, assessment criteria and the Land Development Manual, as listed in the associated methods. An important component of this PPCR is an extension to the Services Overlay to include the newly zoned urban land. With this in place the future subdivision and development will need resource consent with the extra discretion available to the Consent Authority to ensure this new area is appropriately serviced.

**objective DO14.5 community services and facilities**

*Appropriate provision for community services and facilities in the district.*

**objective DO14.5.1 community services and facilities**

*Subdivision and development should provide for or contribute towards:*

- a) *The provision of land for the reasonably foreseeable community needs of present and future generations for recreational and cultural pursuits and amenity values, and*
- b) *The development of land to provide for sport, play, recreation, culture and amenity for the community, and*
- c) *The protection or preservation of areas or items of natural or cultural value.*

Consultation with the Nelson City Council during the structure planning process was used to help establish the location and nature of reserve areas to meet the reasonably foreseeable needs of the future residents. These reserve areas now feature within the proposed Structure Plan, but with the potential for these to be refined at the time of detailed subdivision design. It is at the time of subdivision and development that the consent authority would secure these reserves, and require them to be vested.

**Peripheral urban expansion (DO15)**

The explanation to DO15 sets out this district wide issue:

**DO15.i** *Expansion around the periphery of the current urban area may have adverse effects on amenity values (particularly visual and recreational values), and tends to use the land resource and provide for infrastructure inefficiently. Expansion of the urban area tends to diminish the ecological and recreational values of the district (for example by reducing the habitat available for wildlife) and to increase dependency on private cars (and thus increase use of fossil fuels) for travel. Existing urban areas should generally be developed in preference to rural areas. There is considerable scope for intensification of development within existing urban zones. However, some development on the periphery of the existing urban area may be appropriate and should be provided for. (Chapter 5, p77, emphasis added)*

This explanation highlights the benefits of intensification versus urban expansion, but also provides the opportunity for development of the periphery on a case-by-case basis. The ability of the subject site and its surrounding environment to absorb urban development was recognised in the FDS and has been assessed thoroughly in the structure planning process described within Attachment 9(a). The locational benefits of this site, in close proximity to Nelson City and with excellent connections that would provide the opportunity for alternative transport modes coupled with the biodiversity and riparian gains built into the Structure Plan, are also significant opportunities in the context of this objective and its associated policies.

**objective DO15.1 urban form**

*An urban form in which intensive development is not detached from existing urban boundaries and which avoids or mitigates adverse effects on ecological, recreational, cultural, community and amenity values.*

***DO15.1.i** There is ready access to countryside from the present urban zones, for example into the Maitai Valley, and Grampians. Views of the countryside are available to commuters from State Highways and arterial roads, for example between Richmond and Stoke and at Bishopdale Saddle. Existing land allocated to the urban zones and the capacity of most existing infrastructure are sufficient to cater for significant future growth.* (Chapter 5, p77, emphasis added)

**policy DO15.1.1 encouragement of infill**

*To encourage infill developments provided the adverse effects on character and amenity values of existing areas are avoided, remedied or mitigated.* (Chapter 5, p77, emphasis added?)

**policy DO15.1.2 limiting effects of urban expansion**

*Proposals that involve urban expansion through more intensive subdivision and development should address any actual and potential adverse effects on adjacent and nearby activities and avoid, remedy or mitigate them.* (Chapter 5, p77, emphasis added?)

**policy 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.* (Chapter 5, p78, emphasis added)

These provisions have direct relevance to the assessment of this PPCR as there is reference specifically to the Maitai Valley, no doubt being due to the recreational and amenity values on offer in close proximity to the City. As such these provisions clearly seek to promote and *encourage* (DO15.1.1) intensification over urban expansion into rural areas within the rural zones on the fringe of the City. However, as set out within policy DO15.1.3, if developed is to occur into these areas, the effects are required to be avoided, remedied or mitigated. The structure planning process used to assess these landscape and recreational values are described in **Attachment 9(a)** of this PPCR.

Also of relevance to the wider assessment of this PPCR is that existing zoned areas are identified as providing sufficiently to cater for significant urban growth (DO15.1.i). These provisions were inserted in November 2012, almost 10 years ago, and so must also be considered in the context of current community needs, forecasted population growth, and reducing housing affordability.

Zones (DO16)

DO16 introduces *zoning* as a means of managing natural and physical resources ‘by location’. The objective and relevant part of the policy is provided below.



### **objective DO16.1 management of resources by location**

*Management of the natural and physical resources of Nelson in a way that responds to the varying resource management issues and the varying actual and potential effects of use, subdivision, development, and protection arising in different parts of the District. (Chapter 5, p79)*

#### **policy DO16.1.1 zones (and areas)**

*The District should be divided into zones (and areas), for the purposes of resource management, as follows: (Chapter 5, p80)*

##### **1. Residential Zone**

*A quality residential environment that provides a choice of living styles, a high level of amenity, and a minimal occurrence of nuisances. (Chapter 5, p80)*

*DO16.1.1.i The primary goal of the Residential Zone is to provide the opportunity for residential accommodation. Past experience has shown that people want a wide range of living styles to reflect their various needs, while maintaining high levels of amenity. Nuisances have adverse effects on amenity values, and can affect health and safety in residential areas. (Chapter 5, p80)*

##### **3. Suburban Commercial Zone**

*Suburban commercial centres which enable community needs to be met, while minimising their impacts on surrounding areas.. (Chapter 5, p80)*

##### **5. Open Space and Recreation Zone**

*A framework for the present and future management of open space and recreation land. (Chapter 5, p81)*

This PPCR has followed this method of managing resources by location, and used existing zone types to ensure future developed is responsive to the planned future activities in each areas of the Structure Plan. The Schedule tool has also been used to address the site specific characteristics and outcomes planned for this urban growth area. The zones rules and Schedule X will deliver the outcomes of DO16.

The last four sections of Chapter 5 address the following district wide resource management issues:

- DO17 Activities in the beds of rivers and lakes, and in wetlands
- DO18 Freshwater abstraction and instream flows
- DO19 Discharges to freshwater and freshwater quality
- DO20 Freshwater management

It is within these sections that the special restrictions over the use of river beds, and freshwater are comprehensively addressed and linked to the Freshwater Plan provisions in Appendix 28 of the NRMP. A number of those provisions were acknowledged in Section 6.2 of this PPCR, which also noted that resource consent will be required for realignment, diversion, disturbance and discharge activities that would need to be part of subdivision and development of this site in accordance with the Maitahi Bayview Structure Plan. It will also be within those consent processes that the actual and potential effects on the freshwater environment will be rigorously assessed against the relevant provisions in sections DO17-20, National Policy and National Environmental Standards. In recognition of these various requirements, this PPCR has incorporated best practice stormwater design requirements in Schedule X, following specialist expert advice.

Significantly also, these proposed provisions have recognised the importance of freshwater to Iwi and so provided for their involvement in the processes that will follow, thereby enabling Iwi to exercise their kaitiaki of this resource.

#### Chapter 7 Residential

Chapter 7 of the Plan contains the specific provisions for the residential zone, which combined with the provisions forming this PPCR will regulate the subdivision and development of the newly zoned land.

There are five objectives currently within Chapter 7:

- RE1 living style
- RE2 residential character
- RE3 streetscape, landscape, and natural features
- RE4 Marsden Valley (Schedule I)
- RE5 Marsden Valley Plateau and Hills (Schedules U and V)

RE4 and RE5 have been inserted in the NRMP as a part of the private plans change processes in 2011 (Plan Change 13). Other plan changes have also seen insertion of new provisions in Chapter 7, such as policy RE3.7 Ngawhatu residential area (2006, PC03/05-03/06) and commentary within REd.7 and REd.8 (pp1-2, Chapter 7).

One of the key provisions in Chapter 7 is RE1 and the related policies which collectively seek to provide for the diversity of residential styles in response to the locational areas, and to also provide for the differing community needs. The planning framework therefore has a range of different residential zone types (as listed on page 121 above), while also providing for flexibility and innovation through a range of mechanisms such as Comprehensive Housing Developments. These provisions are of particular importance to the range of opportunities available once the Structure Plan is in place. The applicant and future landowners then have the ability, within this framework, and following Schedule X, to deliver a wide range of residential allotment sizes and typologies to meet the diverse needs of the community. The higher density provisions proposed, with a minimum lot size of 300m<sup>2</sup>, is also a response to wider community feedback on providing for smaller house options, again adding to the changing needs of the community.

#### ***Objective RE1 living style***

*The option of a diversity of residential styles based on the differing characteristics of areas of the city, and differing community needs.* (Chapter 7, p2, emphasis added).

#### ***Policy RE1.1 densities***

*A choice of building densities should be provided within the city, taking into account people's preferences, the existing character of neighbourhoods, topography, townscape, the capacity of infrastructure, and the constraints of the land resource.* (Chapter 7, p2, emphasis added)

***RE1.1.ii*** *In addition to the residential densities referred to above, specific areas have different density provisions. This has usually been determined on account of the existing amenity and physical constraints of land, services and roading in the area concerned and is usually shown on a Structure Plan and through associated plan provisions.* (Chapter 7, p2, emphasis added)

### **Policy RE1.2 flexibility in development**

*Flexibility in density, building form, and site development below that specified in the rules should be allowed, provided that the development:*

- a) *integrates the design of residential units and any subdivision, and that all required resource consents are applied for concurrently, along with any building consent or building sketch plans, and*
- b) *presents a high standard of on site and off site amenity, and*
- c) *does not diminish the amenity of neighbouring sites, and*
- d) *is designed with regard to the character of the area, and*
- e) *does not significantly affect the views or outlook from adjacent properties, and*
- f) *the cumulative effects of such developments do not significantly change the density of the area or detrimentally affect its character, and*
- g) *does not diminish the streetscape of adjacent roads, and*
- h) *represents quality urban design (refer to section DO13A District Wide Objectives and Policies) in particular a diversity of building forms and co location of activities. (Chapter 7, p3)*

**RE1.2.vi** *Development opportunities specific to individual areas are identified by way of Structure Plan. (Chapter 7, p3, emphasis added)*

### **Policy RE1.2A comprehensive housing**

*Encourage and promote higher density developments where such developments incorporate quality urban design principles (refer section DO13A District Wide Objectives and Policies), and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities. (Chapter 7, p2)*

### **Policy RE1.4 lower density areas**

*The open spaciousness of development should be maintained within those areas identified on the Planning Maps for lower density development. (Chapter 7, p5)*

The changes described to the NRMP in Section 4.3 above integrate this proposal into this current planning framework, again following the same formula used by both the private sector and Nelson City Council over the last 10 years to provide for urban growth in response to population changes.

The Residential Zone rule table (Chapter 7, pp19-20) contains the comprehensive set of rules that regulate land use and subdivision activity. REr.1-10 (pp16-18) sets out how this rule table is to be interpreted, with some specific guidance also provided in relation to scheduled sites:

### **RE.7 Scheduled Sites**

*Any activity listed in a Schedule following the Rule Table shall comply with the rules set out in the Schedule. (Chapter 7, p17)*

The structure of the rule table also separates the general rules of REr.20-REr.62 from the 'Rules Relating to Overlays on Planning Maps' (REr.63-REr.106C), the 'Subdivision rules' (REr.107-REr.116), and then identifies the 'Freshwater rules' within Appendix AP28.9).

Given how they are identified on the Planning Maps as Overlays, REr.99-REr.106C (p20, Chapter 7) lists the Schedules A to W provisions as follows:

<i>RER.99</i>	<i>Bishopdale Pottery (Scheduled Site - Sch.B)</i>
<i>RER.100</i>	<i>Nelson Marlborough Health Services (Scheduled Site - Sch.C)</i>
<i>RER.101</i>	<i>BP Annesbrook (Scheduled Site - Sch.D)</i>
<i>RER.102</i>	<i>Ngawhatu Residential Area (Scheduled Site - Sch.E)</i>
<i>RER.103</i>	<i>Polytechnic (Scheduled Site - Sch.F)</i>
<i>RER.104</i>	<i>Trafalgar Street/Hathaway Court (Scheduled Site - Sch.G)</i>
<i>RER.105</i>	<i>Bishopdale Subdivision Area (Scheduled Site – Sch.H)</i>
<i>RER.106</i>	<i>Marsden Valley (Scheduled Site – Sch I)</i>
<i>RER.106A</i>	<i>Marsden Plateau Landscape Area (Scheduled Site – Sch U)</i>
<i>RER.106B</i>	<i>Marsden Hills (Scheduled Site – Sch V)</i>
<i>RER.106C</i>	<i>Enner Glynn and Upper Brook Valley Structure Plan (Schedule W) – refer to the Rural Zone Chapter 12</i>

Note: With Schedule W being the most recent new Schedule identified / added to Chapter 7, this PPCR has used ‘Schedule X’ following this same alphabetical format.

The roles of schedules and the associated structure planning processes have already been comprehensively described.

#### Chapter 9 Suburban Commercial

The NRMP provides for suburban commercial centres to meet community needs in a range of residential areas across the City. The framework of rules and supporting policies recognise that a society changes, so too do needs, and so the rule are flexible to enable areas to change and adapt over time (policy DO16.1.1(3), Chapter 5, p80).

Chapter 9 also explains that suburban commercial centres serve to help reinforce community identity, while having the potential to add vibrancy, all being part of good quality urban design.

There are three objectives within Chapter 9, with the first two relating to all suburban commercial areas and the last dealing specifically with the Marsden Valley. These three objectives are as follows:

#### ***objective SC1 consolidation***

*Suburban commercial centres which enable the immediate or wider community to meet their needs, and which help reinforce community identity and focal points with due consideration to the appropriateness of development on any site. (Chapter 9, p2)*

#### ***objective SC2 amenity and adverse effects***

*Suburban commercial centres which have a high level of on site amenity, and which do not have significant adverse effects on neighbouring areas or on the safe and efficient operation of the road network. (Chapter 9, p3)*

#### ***objective SC3 Marsden Valley Suburban Commercial Zone***

*To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, provision of an area of publicly accessible open space central to the Zone, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment. (Chapter 9, p5)*

The NRMP uses rules as the primary methods to achieve the above objectives and associated policies. With regard to objective SC3, Rule SCr.69B states that Schedule I applies and then at the end of the Rule Table:

*For provisions relating to Schedule I see Chapter 7, Residential Zone. (Chapter 9, p63)*

Then in Schedule I (pp12-125) there are some specific controls over suburban commercial activity.

The same planning framework is also used for the Suburban Commercial zoned land within Schedule E Ngawhatu, although there is no specific objectives or policies in Chapter 9 applicable to the Ngawhatu area. Schedule X proposed by this PPCR adopts the same framework as Schedule I and introduces a specific Objective into Chapter 9. (is this correct?)

#### Chapter 11 Open Space and Recreation

The Open Space and Recreation Zone contains all of those open space areas that are of high value to the community, with most being vested and managed as reserve. Given the wide range of different reserves, serving local needs through to large regional events, Chapter 11 also uses the scheduling tool to help manage the effects from those different activities.

There are a range of different reserves / open spaces areas proposed within this Structure Plan, such as an addition to Botanical Reserve / Hill, esplanade reserve, and a neighbourhood reserve in the valley floor. The reserve status to be created over those open space areas will ultimately be decided by the Consent Authority at the time of subdivision. Once vested, the zone rules within Chapter 11 would apply.

#### Chapter 12 Rural

Finally, Chapter 12 contains the specific provisions that guide and regulate the management of rural land resources including the productive areas, as well as the Small Holdings Areas established to provide for rural-residential type development. The Small Holdings areas are generally in areas with more limited productive potential.

The introduction to this chapter also recognises potential changes to rural zoning to the north of the city:

*As a consequence of the rapid uptake of the remaining residential land at the southern margin of the city, an increasing demand is anticipated for residential development is anticipated to the north of the city between the end of the existing residential area and Todds Valley. The demand for residential development to extend to higher contours through the northern residential area is also anticipated. Prior to extension of the residential zoning, issues such as water supply and sewer, property access, conflict with the State highway and natural hazards including slope stability will need to be addressed. Council anticipates that future proposals to extend the Residential Zone will be dealt with by way of privately promoted plan changes. (RUd.8, p2, Chapter 12, emphasis added)*

This again shows the clear expectation that there may be privately promoted plan changes to meet the needs/demands for land as time goes by.

Chapter 12 has four listed objectives which are identified and discussed in the following.

**objective RU1 protect resources and capacities**

*Land used in a manner which will protect the life-supporting capacity, versatility and availability of land, soil, rock, aggregate, other natural resources, and ecosystems. Management must therefore be in a responsible manner which will sustain the potential of resources to meet the reasonably foreseeable needs of future generations. (Chapter 12, p2)*

The soil resource is therefore the focus of this objective, with the benefits that arise from productive activities. The extent to which the land the subject of his PPCR contains productive values has been addressed above, with no high productive values present.

**policy RU1.3 management of effects of connections on structure plans**

*The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that does not result in unreasonable reverse sensitivity effects with other land use activities. (Chapter 12, p3)*

This policy is relevant to this PPCR as the structure planning process has identified new linkages. No reverse sensitivity outcomes would however occur as a significant majority do not pass through rural land, and the future of the balance rural land would not be in production.

**objective RU2 rural character**

*Maintenance or enhancement of an environment dominated by open space and natural features. (Chapter 12, p3)*

The capacity of this site to absorb the visual effects of a new zoning pattern and urban development has been comprehensively addressed in the structure planning process. The new zoning pattern and rule framework (Schedule X) have been a direct response to these assessed values. Importantly, a significant areas of open space forms an integral part of the proposed Structure Plan. Even with the new areas zoned for residential and small holdings purposes, large areas of open space would remain due to the topographical and geotechnical constraints.

**policy RU2.2 density – small holdings**

*Small land holdings should be of sufficient size to provide for:*

- a) maintenance of general rural character and amenities, and*
- b) being visually unobtrusive, utilising topography to avoid visual impacts, and*
- c) servicing from existing infrastructure, especially roads, and*
- d) privacy and separation of dwellings, and.*
- e) containment of the adverse effects on site, especially to provide for on site sewage disposal, and*
- f) avoidance or mitigation of natural hazards, and should be in close proximity to the urban area of Nelson, to promote transport efficiency. (Chapter 12, p3)*

Small holdings areas form a part of this PPCR in areas where the topography is considered suitable and appropriate for this density and character of development. The existing planning framework has essentially been utilised in that regard.

**objective RU3 protection of amenity**

*Recognise and maintain the local rural amenity experienced within the Rural Zone including the local noise environment. (Chapter 12, p7)*

This objective acknowledges the amenity of a rural zone, characterised by the effects associated with farming and forestry. The subject site has the benefit of having

separation from intensive farming and forestry activities that cause such amenity effects. This separation is provided by the contained shape of the valley catchment and also the buffer provided by Kaka Hill itself.

***objective RU4 Marsden Valley (Schedule I)***

*For objectives and policies relevant to the Rural Zone – Higher Density Small Holdings Area which is contained within the Schedule I area refer to RE4 Marsden Valley (Schedule I), Chapter 7. (Chapter 12, p9)*

This final objective provides a linkage to Schedule I which is an area of the Marsden Valley that also includes some land in the rural zone.

## **7.9 New Zealand Coastal Policy Statement 2010 (NZCPS)**

The NZCPS 2010 states the coastal policies for the coastal environment in order to achieve the purpose of the Resource Management Act 1991.

While the NRPS and NRMP were developed under the former 1994 version of the NZCPS, these planning documents (addressed above) contain appropriate provisions in relation to the management of the coastal environment.

With respect to Objective 2 of the NZCPS, and the preservation of the natural character of the coastal environment, the applicant has fully assessed the relevant landscape values. Likewise, it is appropriate to acknowledge Objective 6 of the NZCPS which enables people and communities to provide for their social, economic and cultural well-being, through subdivision and development,

*“... recognising that:*

- The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits ...”.*

This PPCR has not only taken into account coastal landscape values, but has also proposed an appropriate zoning pattern and supporting provisions that are considered to be appropriate in this location.

Objective 1 of the NZCPS also seeks “*to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dune and land ...*”. There are numerous related policies to seek to achieve this objective, all of which have also been given effect through the current provisions of the NRPS and NRMP. For example, Policy 23 ‘Discharge of contaminants’, Chapter 13 ‘coastal marine area’ contains rules for stormwater discharges and the discharge of contaminants.

The NZCPS has therefore been given effect to through the current planning framework and its rules already manage the development of residential land along the Malvern and Atawhai Hills. The rules that safeguard the integrity, form and function and resilience of the coastal environment are equally relevant and appropriate to the activities proposed by this PPCR.



## 8.0 Part 2 of the Resource Management Act

Part 2 of the Resource Management Act 1991 contains the purpose and principles of the sustainable management.



5(2) provides the meaning of sustainable management as:

*In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

This PPCR has been carefully prepared to ensure this goal of sustainable management is achieved. The very purpose of this Request is to enable more land to be available to meet the needs and well-being of our growing population, thereby relieving some pressure on the current and forecasted high demands and associated land prices. Given the location of this site, in such close proximity to employment and recreational amenities, this PPCR also provides the opportunity to create a well-functioning urban environment. The range of different zones and proposed densities will also allow a wide cross section of the community to benefit and access land to meet their needs.

The proposed Maitahi Bayview Structure Plan has been developed with a strong ethic towards environmental enhancement and respect for the principles of Te Mana o te Wai. The Structure Plan has, on a spatial level, provided the space for freshwater values and biodiversity to be improved, while the integrated set of rules of Schedule X require best practice design be followed along with a commitment to keep Te Tau Ihu Iwi directly involved through the processes of subdivision and development. Hence while the principles of the structure planning tool available within the NRMP remain entirely valid, the outcomes being planned are appropriately aligned with national policy and 2021 expectations.

Section 6 of the Act identifies the matters of national importance that must be recognised and provided for.

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

As set out in the PPCR, each of these matters have been the focus of the structure planning process. There are no matters of national importance that have been overlooked. The supporting technical reports and assessment canvasses all of these issues, with the discussions in Section 6.0 demonstrating how these considerations have been addressed and provided for.

Section 7 of the Resource Management Act 1991 lists other matters that all persons must have particular regard to. Each of these matters has also been addressed in this PPCR.

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Section 8 requires that all persons must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). These principles are a fundamental part of resource management, and are directly part of the planning framework at a national policy level through to strategies such as the FDS.

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

The applicant has embraced the opportunity to involve Iwi from the outset of this process and have formally committed to working alongside Iwi over the processes that will follow, to ensure the best cultural outcomes are achieved.

Overall, it is considered that this PPCR fully achieves the sustainable management of natural and physical resources as set out in Section 5, and the principles listed in sections 6 to 8.



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