IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2024] NZEnvC 290

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act and Private Plan Change 28 to the Nelson Resource Management Plan
BETWEEN	SAVE THE MAITAI INCORPORATED
	(ENV-2022-CHC-65)
	Appellant
AND	NELSON CITY COUNCIL
	Respondent
AND	CCKV MAITAI DEV CO LP & BAYVIEW NELSON LIMITED
	Applicants

Court:	Environment Judge J J M Hassan Environment Judge K G Reid Environment Commissioner K A Edmonds
Hearing:	On the papers
Counsel:	J Maassen for the applicants K Anderson for Nelson City Council
Last case event:	15 November 2024
Date of Decision:	20 November 2024
Date of Issue:	20 November 2024



DECISION OF THE ENVIRONMENT COURT CONFIRMING FINAL PLAN PROVISIONS

A: The parties are directed to make the changes to PPC28 set out in Attachment A to this decision.

B: Applications for costs are not encouraged. Any party wishing to apply must do so by Friday 29 November 2024, and any response is to be provided by Friday 13 December 2024.

REASONS

Introduction

[1] Save the Maitai Incorporated ('STM'/'appellant') appealed against the approval by the Nelson City Council ('NCC'/'Council') of Private Plan Change 28 ('PPC28').[1] In response to findings and directions in the court's interim decision, a joint witness statement of the planning witnesses was filed setting out their agreed position on all relevant PPC28 provisions.[2]

[2] The planners also lodged a supplementary JWS on 26 August 2024 addressing the overlap between the Council's proposed Plan Change 29 ('PC29') and PPC28. STM lodged a memorandum with comments on the JWS provisions on 30 August 2024, but did not seek further hearing time and was content for the remaining issues to be determined on the papers.

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1 PPC28 is formally known as *Private Plan Change 28: Maitahi – Bayview to the Nelson Resource Management Plan*.

2 *Save the Maitai Inc v Nelson City Council* [2024] NZEnvC 155 ('interim decision') at [89]. Joint witness statement of the planning witnesses dated 15 August 2024.

[3] The remaining issues were subsequently addressed in the court's final decision,[3] and the parties were directed to make changes to PPC28 for the approval of the court, subject to the court's directions at paragraphs [10], [60] and [61] of the final decision.

[4] The appellant and applicants have now filed a joint memorandum, dated 15 November 2024, attaching amended plan provisions in accordance with the court's decision.

[5] In a memorandum dated 12 November 2024 the respective planners[4] who provided the court with the JWS have also advised the court that they consider the final provisions reflect the final decision of the court.

[6] Having considered the amended provisions, we are satisfied that the amendments made reflect the court's final decision.

Outcome

[7] The parties are directed to make the changes to PPC28 set out in Attachment A to this decision.

Costs

[8] Applications for costs are not encouraged. Any party wishing to apply must

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3 *Save the Maitai Inc v Nelson City Council* [2024] NZEnvC 281 ('final decision').

4 Mark Lile, Planner for the applicants and Jason Jones, Planner for NCC.

do so by **Friday 29 November 2024**, and any response is to be provided by **Friday 13 December 2024**.

For the court



K G Reid
Environment Judge



J J M Hassan
Environment Judge



PPC 28 Plan Provisions (Post Final Decision Version – Nov 2024)

Amendments to Planning Maps (NRMP, Volume 4)

Amend **Planning Maps A2.1 and A2.2** (Road Hierarchy Maps) by adding:

a. 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; and

b. a Proposed Sub Collector Road from the new indicative road (described in (a) above) down to the northern side boundary, following the alignment of a future roading link to Walters Bluff (see Attachments B1.1 and B4).

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/Mahitahi Bayview Structure Plan (Attachments B2.1 to B2.6).

Amend Planning (Zoning – right hand side) **Maps 5, 7, 8, 11, 15 and 52** by adding Schedule X in accordance with the proposed Maitahi/Mahitahi Bayview Structure Plan (Attachment B2.1).

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/Mahitahi Bayview Structure Plan (Attachment B3).

Amendments to Text (NRMP, Volume 2)

Chapter 7: Residential Zone

Add to REd as follows:

> To meet some of the anticipated significant demand for additional residential land, the Kākā Valley and Bayview properties are identified within Schedule X (Maitahi/Mahitahi Bayview Area). The future residential development opportunity provided by the provisions of Schedule X and its Structure Plan are designed to meet a variety of needs and residential housing densities, including those of Māori. Other important outcomes include: increasing the community's recreational opportunities; a small commercial area for resident's day to day needs; ensuring transport (including active transport) connectivity at a local and regional scale; and protecting, restoring and enhancing the indigenous terrestrial and freshwater values; all in a culturally appropriate manner recognising the ancestral values of the land and waterbodies to Whakatū Tangata Whenua.

Add to RE3.1.viii as follows:

> …. and landscape values of the Malvern Hills, Botanical Hill and Kākā Hill - see Schedule X – Maitahi/Mahitahi Bayview.

Add Policy RE3.9 Maitahi/Mahitahi Bayview Area, along with explanation, reasons, and methods:

Policy RE3.9 Maitahi/Mahitahi Bayview Area (Schedule X)

Require that the landscape and natural character values of the Malvern Hills, Botanical Hill and Kākā Hill skyline and backdrop areas, and the Maitahi/Mahitahi and Kākā Valleys, be protected and managed by:

a. Avoiding building and development on the Kākā Hill skyline and backdrop areas that would have more than minor adverse effects on Kākā Hill's landscape, visual, natural character and ecological values, including its backdrop function for Nelson City;

b. Requiring buildings, associated earthworks, and native planting within the Backdrop Area and Skyline Area of Malvern Hills and Botanical Hill to be designed, located and landscaped so as to protect the values of the Backdrop and Skyline Areas;

c. Requiring that a Residential Green Overlay is established with appropriate planting and protected at the time of subdivision and development;

d. Requiring that existing indigenous vegetation within the Revegetation Overlay is managed and protected over the long term;

e. Ensuring earthworks are minimised to the greatest extent practicable within the Residential Green Overlay; and

f. Requiring that natural character and ecological values are incorporated into any works within Open Space zones and within any proposal to modify freshwater tributaries of Kākā Stream.

Explanation and Reasons

RE3.9.i Kākā Hill is an important natural feature and visual backdrop for Nelson City. These values need to be protected from buildings and development that would result in more than minor adverse landscape, visual and natural character effects.

The Kākā Valley has indigenous vegetation that should be preserved, as well as steep areas suitable for re-vegetation that can enhance the natural character and ecology of the valley.

The Maitahi Bayview Area has been identified as an area within Nelson which can absorb a relatively large amount of development. However, to maintain the natural character and landscape values of the area, controls are proposed over building locations, form, finish and landscaping requirements. These controls are imposed through Schedule X, the Structure Plan and Overlays for the Maitahi Bayview Area.

Schedule X, the Structure Plan and Overlays for the Maitahi/Mahitahi Bayview Area have also imposed spatial controls over development.

Methods

RE3.9.ii Identification of the Malvern Hills, Botanical Hill and Kākā Hill landscape units within the Maitahi/Mahitahi Bayview Structure Plan and using zoning, overlays and the resource consenting process, guided by assessment criteria, as a package to manage, protect and enhance the area's landscape, visual and natural character values.

RE3.9.iii Specific rules to restrict the building form, colour, and landscaping on the Malvern Hills and Botanical Hill.

RE3.9.iv Specific rules to avoid inappropriate development on Kākā Hill by imposing a higher level of restriction (non-complying activity status) on built development.

RE3.9.v Requiring native revegetation within the Residential Green Overlay (Residential Zone) and Revegetation Overlay (Rural Zone) shown on the Structure Plan at the time of subdivision and development, in accordance with an Ecological Management Plan.

Add Objective RE6 Maitahi/Mahitahi Bayview Development (Schedule X) and Reasons:

Objective

RE6 Maitahi/Mahitahi Bayview Area (Schedule X)

The Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community including:

- a new mixed density residential neighbourhood amongst areas dedicated to public open space and revegetated rural land; and
- a sense of place that is responsive to, and respectful of, natural character, landscape and Whakatū Tangata Whenua values; and
- development that is fully serviced with three waters infrastructure, and coordinated with transport infrastructure upgrades;
- improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity; and
- an environment where the adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.

Explanation and Reasons

RE6.i The Plan Change and the Nelson Tasman Future Development Strategy have identified the Maitahi/Mahitahi Bayview Area as being suitable for accommodating future development as an expansion of Nelson's urban area to provide for population growth and meet consequential housing demand. Schedule X and the associated Maitahi/Mahitahi Bayview Structure Plan are to ensure that residential and commercial development and open space can meet a range of needs. The Schedule's provisions will ensure development is appropriate, culturally sensitive, and provides for enhanced community recreational opportunities and ecological values. The Structure Plan also provides

for road, cycle and pedestrian linkages which will benefit the areas within and outside of the Maitahi Bayview Area. Landscape values are recognised through green and revegetation overlays, building control rules and overall design guidance around landscaping and use of recessive colours for buildings.

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

Policy RE6.1 Maitahi/Mahitahi **Bayview Area**

Provide for subdivision and development which is consistent with the Maitahi/Mahitahi Bayview Structure Plan in Schedule X and where it is demonstrated that:

a. It will contribute to a well-functioning urban environment;

b. It accommodates a range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community;

c. It achieves high quality urban design outcomes;

d. Any comprehensive housing development is consistent with the requirements of Appendix 22;

e. It is consistent with the requirements of Appendix 9 (where appropriate) and Appendix 14;

f. The recreational opportunities to meet the needs of current and future residents are implemented and available to the wider community, including the creation of the identified reserves and walkway linkages;

g. The multi-modal transport connections in the Structure Plan, in the form of roads, cycleways and pedestrian linkages, are implemented;

h. The urban environment is safe from flooding risks and is resilient from the effects of climate change; and

i. The adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.

<u>Explanation and Reasons</u>

RE6.1.i Subdivision and development within the Maitahi/Mahitahi Bayview area consistent 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 that achieves best practice urban design, maintains landscape values and protects, restores and enhances indigenous terrestrial and freshwater values. The Structure Plan provides 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 The use of scheduling for the Maitahi/Mahitahi Bayview area to ensure integrated development and servicing in accordance with the Structure Plan.

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

RE6.1.iv Subdivision and development of Maitahi/Mahitahi Bayview area in accordance with best practice landscape and urban design principles and freshwater outcomes.

RE6.1.v Specific rules within the Schedule to avoid, remedy or mitigate the adverse effects of subdivision and development.

RE6.1.vi Additional information requirements under section 88 of the RMA, including the Special Information Requirements in X.11-X.16 that demonstrate how the outcomes sought by Policies RE6.1-RE6.5 are to be achieved.

Add Policy RE6.2 Whakatū Tangata Whenua Values, explanation and reasons, and methods:

Policy RE6.2 Whakatū Tangata Whenua Values

Ensure subdivision, use and development of the Maitahi/Mahitahi Bayview area recognises and provides for cultural values and mātauranga Māori through:

a. Recognition of the customary interests, values, rights and responsibilities exercised by Whakatū Tangata Whenua in a manner consistent with the sustainable management of natural and physical resources;

b. The protection of Kākā Hill's natural and spiritual values in a manner that respects its cultural significance and the customary interests, values, rights and responsibilities exercised by Whakatū Tangata Whenua;

c. Ensuring that subdivision and development reflects Whakatū Tangata Whenua values, and enables the exercise of kaitiakitanga; and

d. Ensuring that Whakatū Tangata Whenua are involved throughout the subdivision and development process.

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. Furthermore, section 6 (e) requires the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga to be recognised and provided for, while section 7 requires particular regard to be had to kaitiakitanga, and section 8 requires the principles of the Treaty of Waitangi to be taken into account. In recognition of tangata whenua values associated with the site and area, the Schedule rules require ongoing consultation and involvement with Iwi through each development phase to ensure tangata whenua values are recognised and provided for.

Methods

RE6.2.ii The specific provision for Iwi involvement following the principle of Mana Whakahaere through the requirement in X.11 for a Cultural Impact Assessment for any resource consent application involving earthworks, freshwater, discharges, subdivision or comprehensive housing, also demonstrating how the associated outcomes sought by Policies RE6.1-RE6.5 to be achieved.

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

Add Policy RE6.3 Integrated Management, explanation and reasons, and methods:

Policy RE6.3 Integrated Management

Require that subdivision and development within Schedule X ensures a comprehensive and integrated management approach including, but not limited to:

A. Prioritising the health and well-being of surface waterbodies in a manner that maintains or enhances cultural, recreational and ecosystem values.

B. Ensuring integrated stormwater management, erosion and sediment control and flood hazard mitigation by:

   a. Implementing best-practice erosion and sediment control measures for the duration of all earthworks (as addressed in Policy RE6.5 Earthworks, and Erosion and Sediment Control);

   b. Integrating flood hazard mitigation solutions that address any identified potential significant adverse effects on downstream flood hazard up to the 2130 RCP8.5 1% AEP event; and

   c. Integrating the management of surface water and ground water.

C. Ensuring urban development:

   a. Uses ‘green infrastructure’ engineering solutions to mimic and work with natural processes;

   b. Retains, restores and enhances existing elements of the natural drainage system, and integrates these elements into the urban landscape;

   c. Conserves the use of water resources through rainwater capture and reuse to meet non potable demands; and

   d. Requires that building materials either exclude or be finished in a manner that prevents water runoff from containing copper or zinc.

D. Ensuring Water Sensitive Design principles are utilised in the planning and implementation stages.

E. Mimicking pre-development hydrology through retention and detention by matching pre-development mean annual volume of stormwater runoff and pre-development channel forming flows in Kākā Stream to reduce the risk of scour, sediment mobilisation and adverse impacts on instream biota.

F. Providing for the 'first flush' of all site generated stormwater (excluding where on lot reuse or infiltration occurs) to be passed through constructed vegetated treatment devices to avoid temperature fluctuations and minimise concentrations of copper, zinc, hydrocarbons, nutrients and sediment to the smallest amount practicable prior to discharge to Kākā Stream, existing wetlands or Maitahi/Mahitahi River. First flush is to be based on treating 80-85% of mean annual volume or stormwater resulting from 3-month ARI Rainfall events (25mm rainfall depth or 10mm/hr rainfall intensity).

G. Providing treatment of runoff from all road surfaces within the Walters Bluff/Brooklands catchment, subject to the physical possibility to provide devices and Nelson City Council approval as the ultimate asset owner. On the steeper roads servicing small lot areas this is likely to consist of proprietary type treatment devices while on the ridgeline there may be scope for rain-gardens and swales.

H. Requiring the mapping of areas with suitable infiltration capacity and factoring in design to optimise groundwater recharge where viable as part of integrated water sensitive design strategy. Infiltration capacity is to be protected through construction and optimised in-fill areas with specific design and construction of permeable fill.

I. Providing and protecting overland flow paths through road design and other dedicated pathways to pass peak flows from upper slopes safely.

J. Maintaining and enhancing the upper reach of Kākā Stream (above the Residential Zone Higher Density Area), and

K. Restoring and enhancing the lower reaches of Kākā Stream through a continuous riparian corridor (Blue-Green Spine) with:

    a. The corridor reflecting natural topography;
    b. Channel meanders and flood benches;
    c. Robust riparian vegetation;
    d. Peak flood capacity;
    e. Ecosystem function and habitat;
    f. Stormwater treatment wetlands in areas of suitable topography;
    g. Public access via well designed walking/cycling paths (excluding roads except at crossing points); and
    h. Natural character values.

L. Minimising stream loss and protecting springs and seeps including their flow paths, and providing for 1% annual exceedance probability (AEP) flood flow (including allowance for the effects of climate change to 2130) within the stream including its riparian margin, so as to protect and enhance the Kākā Stream and its tributaries.

M. Providing for the co-location of stormwater treatment wetlands/rain-gardens within the Kākā Stream Blue-Green Spine where this is the most appropriate option to: protect the main stream, increase ecological values, and provide high quality public amenity. Where stormwater treatment is located in the Blue-Green Spine the design shall ensure a minimum 10 m riparian buffer between

any device and the stream and support ongoing maintenance access.

N. Managing earthworks and compaction outside residential zones to minimise changes to the hydraulic response of flows directly or indirectly discharging into the Kākā Stream and its tributaries.

O. Including on-lot management of water quality/quantity through rainwater capture and reuse and soakage (where viable) so as to conserve and reuse water for non-potable internal and external purposes.

P. Providing for the integration of peak flood attenuation within the Blue-Green Spine, while ensuring: that stream ecology (including fish passage) is preserved; any off line stormwater treatment devices are protected; natural character is maintained or enhanced; and the health and safety of community and visitors is protected.

Explanation and Reasons

RE6.3.i Subdivision and development within the Maitahi Bayview area needs to be undertaken in an integrated manner, with priority given to water quality outcomes in the Maitahi/Mahitahi River and Kaka Stream, and associated cultural, recreational and ecosystem values. It also provides an opportunity for the restoration, protection and enhancement of freshwater and terrestrial ecology values. The Schedule requires the application of best practice principles in all subdivision and development design processes to align with the objectives and intent of the

National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater 2020. Schedule X provides practical guidance around engineering solutions to meet best practice guidelines and proposes to co-design with nature an integrated and regenerative approach to urban development.

RE6.3.ii Best practice erosion and sediment control measures, including staging, will be required and imposed through resource consents.

Methods

RE6.3.iii Subdivision and development being required to demonstrate water sensitive design best practice.

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

RE6.3.v Special Information Requirements for earthworks in Schedule X, including within X.11, X.12, X.13, X.15 and X.16.

RE6.3.vi Requiring that subdivision and development demonstrate consistency with the Stormwater Management Plan required in Schedule X.

Add Policy RE6.4 Indigenous Biodiversity, explanation and reasons, and methods:

Policy RE6.4 Indigenous Biodiversity

Ensure that indigenous terrestrial and freshwater biodiversity is restored, protected and enhanced as an integral part of subdivision and development, including by:

a. Restoring and enhancing the degraded lower portion of the Kākā Stream where this provides for improved ecological outcomes, and may include the provision of off-set stream enhancement to ensure a net gain of in-stream values within the Structure Plan area;

b. Identifying, protecting and enhancing existing natural wetlands, their margins and connections to streams;

c. Providing for ecological linkages between ecological areas (freshwater and terrestrial) inside and neighbouring Schedule X;

d. Protecting and enhancing threatened species habitats within Kākā Stream;

e. Providing significant areas of "Residential Green Overlay" and "Revegetation Overlay" requiring indigenous plantings; and

f. Prioritising the mauri, health and wellbeing of local waterbodies.

Explanation and Reasons

RE6.4.i The Maitahi Bayview Structure Plan recognises the importance of indigenous biodiversity and the significant opportunity to connect, enhance and protect biodiversity features on Kākā Hill (including the identified Significant Natural Area shown on the Landscape Overlay), Kākā Stream, Atawhai/Maitahi/Mahitahi ridgeline, and adjacent coastal slopes. Schedule X requires the identification and management of indigenous biodiversity to ensure that potential environmental changes arising from subdivision and development processes will not reduce associated values or the provision of ecosystem services or functions. The Schedule anticipates a net gain of indigenous biodiversity values across the land and freshwater resources contained within Schedule X in the medium term.

Methods

RE6.4.ii Use of Structure Planning which includes the Open Space and Recreation Zone, 'Residential Green Overlay' and 'Revegetation Overlay'.

REr.6.4.iii Requiring an Ecological Impact Assessment and associated Environmental Management Plan as a part of applications for subdivision, development and earthworks to demonstrate the anticipated net gain of biodiversity values within these overlay areas in the medium term, as required by Schedule X.15, and that demonstrates how the outcomes sought by Policy RE6.4 are to be achieved.

RE6.4.iv Requiring enhancement of areas within the 'Residential Green Overlay' and 'Revegetation Overlay' to achieve 80% canopy cover with indigenous vegetation over 80% of the area within a 5-year timeframe as a part of each stage of subdivision and development.

RE6.4.v Requiring that applications for subdivision or development provide a Stormwater Management Plan that ensures a comprehensive stormwater management approach which will maintain and enhance freshwater ecosystem health.

RE6.4.vi Identification, protection and enhancement of all remaining natural wetlands.

RE6.4.vii Provide for ecological linkages with other areas with ecological values.

Add Policy RE6.5 Earthworks, explanation and reasons, and methods:

Policy RE6.5 Earthworks, and Erosion and Sediment Control

Require that subdivision, development and earthworks within Schedule X does not accelerate soil erosion or mobilisation, through:

a. Ensuring that earthworks activities are designed, managed and remediated to protect the mauri of local waterbodies and to maintain or enhance the health and well-being of the waterbodies and associated ecosystems.

b. Ensuring that the design of subdivision and management measures for earthworks are informed by associated sedimentation risk, including through sediment yield analysis where appropriate.

c. Implementing and maintaining best-practice erosion and sediment control measures from the outset and throughout the duration of all earthworks, ensuring that these measures are in alignment with freshwater and recreational values, with particular emphasis on minimising sediment discharges to the Kākā Stream, Maitahi/Mahitahi River and its swimming holes;

d. Avoiding, to the greatest extent practicable, and otherwise minimising, earthworks on steeper slopes;

e. Requiring staging and progressive stabilisation of all earthworks to minimise the area of earthworks left exposed at any one time and the adverse effects of erosion;

f. Minimising the overall extent of earthworks to that necessary to enable the proposed development or activity;

g. Incorporating a comprehensive site management and monitoring system to ensure all implemented erosion and sediment control measures remain fully operational throughout their intended duration; and

h. Developing and implementing an adaptive management strategy that includes procedures to monitor the effectiveness of the required erosion and sediment control measures, and establishes contingency plans if actual or potential adverse effects are identified during the consenting of earthworks.

Explanation and Reasons

RE6.5.i Earthworks are a necessary component of the anticipated development within the Maitahi/Mahitahi / Bayview area. Policy RE6.5 informs the overall design of such development, within the context of the outcomes sought by all other provisions. It prompts subdivision and earthworks designs to be informed by a clear understanding of potential erosion and sedimentation effects, and to adopt effective avoidance, management and remediation measures to minimise the transportation and discharge of sediment and effects on receiving environments. Inherent in this approach is the principal of Te Mana o te Wai.

RE6.5.ii The outcomes of this policy may be achieved in various ways which will incorporate a risk-based approach considering overall design and reflecting specific geological conditions, balance of cut and fill, and any geotechnical opportunities or constraints. For example, areas that expose rock will have significantly lower erosion potential than other areas that expose soils. Areas with low clay content soils will have a lower sediment yield risk than areas of higher clay content soils. Some areas may be worked in larger stages over shorter durations to allow completion of works during summer. Other areas may be tightly staged to minimise the area exposed at any given time. All these factors contribute to an effective strategy for the management of earthworks, consistent with Policy RE6.5.

Methods

RE6.5.iii Procedures and standards are outlined within Nelson City Council's technical documents and guidelines to help manage the design and execution of earthworks. To be consistent with this policy, all works undertaken within the Maitahi/Mahitahi / Bayview area must adopt those standards as a minimum. However, there may be circumstances where a higher standard is required. That will be identified and adopted on a case-by-case basis through the preparation and assessment of earthworks consent applications. The details of how the policy and its principles and outcomes will be achieved and incorporated into design will be provided in the report and proposed Earthworks and Erosion Sediment Control Plan that is required by Schedule X.16.

RE6.5.iv Comprehensive Housing Development in the Residential Zone – Higher Density Area and Subdivision – General (Residential Zone) are managed as restricted discretionary activities with Special Information Requirements for earthworks set out within Rule X.16 of Schedule X.

RE6.5.v Applications for earthworks resource consent are accompanied by a report from a suitably qualified and experienced erosion and sediment control expert demonstrating how the earthworks will meet Policy RE6.5. Adaptive management procedures are detailed, including triggers and responses when effects may exceed anticipated levels.

RE6.5.vi Earthworks activities are required to adhere to the general NRMP rules set out at rules REr.61, Osr.49 and Rur.27, including standards on excavation or

filling depths, proximity to river banks, soil placement, and the stabilisation and rehabilitation of bare soil areas.

Add Policy RE6.6 Heritage Structures, explanation and reasons, methods and rules:

Policy RE6.6 Heritage Structures

Ensure that the values of the shearing shed and chimney are recorded and recovered prior to their demolition.

Explanation and Reasons

RE6.6.i The older part of the shearing shed and the chimney remnant are structures that have some remaining heritage value. This policy and the associated Rule X.8 ensure that these values are recorded and, where practicable, recovered for reuse prior to demolition.

Methods

RE6.6.ii Resource consent requirement, with specific matters of control.

Add to the 'Contents of Residential Zone rule table':

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

Add a new rule REr.106D

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

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

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

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

Schedule X Maitahi Bayview Area

X.1 Application of the Schedule

This Schedule applies to the Kākā Valley and Bayview property area shown as 'Schedule X' on Planning Maps 5, 7, 8, 11, 15 and 52.

The majority of the Schedule site is located within the Kākā Valley which is enclosed by the Botanical, Malvern, and Kākā 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 the northern side urban area. Kākā Hill is identified as a strategic part of the city backdrop.

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 weighed against the important landscape and visual characteristics (which are valued by the community), tangata whenua values, the appropriate maintenance and enhancement of recreational values, and ecological values.

Spatial tools (the Structure Plan and Overlays) 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.

The development of the Kākā Valley for residential and commercial development and open space is located within a valley which is physically self-contained and setback from the open space and corridor of the Maitai Valley. The lower and middle slopes of the Malvern Hills are already developed, and the proposed residential zoning of the upper slopes provides an extension of this existing development and zoning. However, there are specific controls on the development of the upper Malvern Hills, Botanical Hill and Kākā Hill areas, which are defined in this Schedule as the 'skyline' and 'backdrop' areas, to ensure landscape and natural character values are maintained; and where appropriate adverse effects from development are avoided.

Schedule X integrates into the Nelson Resource Management Plan (NRMP) by requiring that the zones are developed in a manner consistent with the Plan provisions, but with additional controls designed to ensure the primary characteristics are maintained or enhanced. This is to meet the expectations of the community and ensure development is undertaken in a harmonious and consistent manner. The purpose 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 restored and enhanced in a manner which is consistent with the National Policy Statement for Freshwater Management 2020. Similarly, rules and information requirements are included to ensure that earthworks activities are designed, managed and remediated in a manner that prioritises the mauri, health and wellbeing of local waterbodies.

The purpose of Schedule X is to ensure that subdivision and development is guided by the Structure Plan accompanying this Schedule, and to incorporate specific rules and overlays

within the Schedule and relevant Rule Tables of the NRMP. Schedule X is referred to in the following Residential, Rural, Open Space & Recreation and Suburban Commercial Zones rules: REr.106D, REr.109.5, SCr.69C, SCr.71.2, OSr.75, and RUr.77C.

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 zoned areas within the Structure Plan. These rules are to be considered in addition to all relevant zone rules except where specified.

The NRMP contains both district and regional rules, with the provisions in Schedule X traversing across both of these functions in an integrated manner. As a result, and as directed by AD11.4, the NRMP cannot be administered in isolation from Schedule X. This is of particular relevance and importance when considering the special provisions in Schedule X that relate to water sensitive design, earthworks, and stormwater management.

X.2 Comprehensive Housing Development in the Residential Zone – Higher Density Area

Comprehensive Housing Development (with or without subdivision) in the Residential Zone – Higher Density Area is a restricted discretionary activity if:

a. it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, as well as the Special Information Requirements set out within X.11-X.16 of Schedule X;

b. the required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational;

c. it meets the restricted discretionary standards and terms of Rule REr.22.3;

d. it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and

e. esplanade reserve is provided in accordance with the standards in X.7 of Schedule X.

Discretion is restricted to:

i) The matters of control under REr.107.2 where subdivision is proposed;

ii) The ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought;

iii) The matters in Rule REr.22.3;

iv) Consistency with Appendix 22 (Comprehensive Housing Development);

v) The matters in the Nelson Tasman Land Development Manual 2020, and consistency with the Stormwater Management Plan provided in accordance with X.13 of Schedule X;

vi) The matters in Appendices 11 to 12 of the Plan;

vii) The design and layout of roads, access, cycleways, walkways, reserves and biodiversity corridors;

viii) The staging of development and associated roading and reserves;

ix) The restricted discretionary matters listed in REr.108.3 (Subdivision in the Services Overlay) where subdivision is proposed;

x) Consistency with the Maitahi/Mahitahi Bayview Structure Plan;

xi) Any recommendations made in the Cultural Impact Assessment required by X.11 of Schedule X;

xii) The matters that are relevant to the Water Sensitive Design assessment provided in accordance with X.12 of Schedule X;

xiii) The matters that are relevant to Earthworks/Indigenous Vegetation Clearance and

Earthworks and Erosion Sediment Control Plan in accordance with X.10 and X.16 of Schedule X respectively;

xiv) The matters that are relevant to the Stormwater Management Plan provided in accordance with X.13 of Schedule X;

xv) The matters that are relevant to the Integrated Transport Assessment provided in accordance with X.14 of Schedule X, and whether the transport constraints identified in X.9 of Schedule X have been addressed and are operational; and

xvi) Consistency with the outcomes identified within any Environmental Management Plan, in relation to the Residential Green Overlay and Revegetation Overlay, as provided in accordance with X.15 of Schedule X.

Activities which contravene a standard for the restricted discretionary activity are discretionary.

Explanation

This specific rule for Schedule X supersedes REr.22, 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 achieve the *National Policy Statement on Urban Development (May 2022)* in an efficient manner, while still requiring high quality outcomes and appropriate servicing.

X.3 Subdivision – General (Residential Zone)

Subdivision is a restricted discretionary activity if:

a. it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, as well as the Special Information Requirements set out within Rules X.11-X.16 of Schedule X;

b. the required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational;

c. it complies with all relevant standards in Appendices 10 to 12;

d. it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020, except for:

   i. The final gradient of the north-south spine road to be designed to ensure that where there is no practicable impediment, the road achieves as low a grade as possible within the southern hillside environment, being no steeper than 1:8 and with sections no steeper than 1:15 where bus stops are to be provided; and

   ii. Off-road paths that serve a transport function to be constructed to a minimum 2500mm width and with grades no steeper than 1:20, and no steeper than 1:15 through the hillside environment. Where constraints are proven to prevent 1:15 grades being achieved, then sections no steeper than 1:12 will be required to be constructed to a minimum 3000mm width;

e. esplanade reserve is provided in accordance with the standards in X.7 of Schedule X;

f. the net area of every allotment is at least:

- Residential – Higher Density Area: 200m^2
- Residential – Standard Density Area: 400m^2
- Residential – Lower Density Area: 800m^2
- Residential - Lower Density Area (Backdrop Area): 1500m^2

Except for allotments created solely for access or utility services;

g. for allotments in the Residential – Standard Density Area, Residential – Lower Density Area, and Residential – Lower Density Area (Backdrop Area) 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

ga. for allotments in the Residential – Higher Density Area, a rectangle measuring 8m x 15m 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

h. the layout is consistent with the Structure Plan for Schedule X.

Discretion is restricted to:

i) The matters of control under REr.107.2;

ii) The ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought;

iii) The matters in the Nelson Tasman Land Development Manual 2020, and consistency with the Stormwater Management Plan provided in accordance with X.13 of Schedule X;

iv) The matters in Appendices 11 to 12 of the Plan;

v) The design and layout of roads, access, cycleways, walkways, reserves and biodiversity corridors;

vi) The staging of development and associated roading and reserves;

vii) The restricted discretionary matters listed in REr.108.3 (Subdivision in the Services Overlay);

viii) Night-time lighting effects within the Backdrop Area and Skyline Area caused by road lighting and signage;

ix) Consistency with the Maitahi/Mahitahi Bayview Structure Plan;

x) Any recommendations made in the Cultural Impact Assessment required by X11 of Schedule X;

xi) The matters that are relevant to the Water Sensitive Design assessment provided in accordance with X.12 of Schedule X;

xii) The matters that are relevant to Earthworks/Indigenous Vegetation Clearance and Earthworks and Erosion Sediment Control Plan in accordance with X.10 and X.16 of Schedule X respectively;

xiii) The matters that are relevant to the Stormwater Management Plan provided in accordance with X.13 of Schedule X;

xiv) The matters that are relevant to the Integrated Transport Assessment provided in accordance with X.14 of Schedule X, and whether the transport constraints identified in X.9 of Schedule X have been addressed and are operational; and

xv) Consistency with the outcomes identified within any Environmental Management Plan, in relation to the Residential Green Overlay and Revegetation Overlay, as provided in accordance with X.15 of Schedule X.

Activities which contravene a standard for the restricted discretionary activity are discretionary.

Explanation

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 achieve the *National Policy Statement on - Urban Development (May 2022)* in an efficient manner, while still requiring high quality outcomes and appropriate servicing.

The Maitahi/Mahitahi Bayview Structure Plan and Schedule X contain site specific controls over landscape effects from building, including Rules X.4 – X.6 below.

X.4 Backdrop Area (excluding the Skyline Area)

Building within the Backdrop Area (excluding the Skyline Area) of Malvern Hills and Botanical Hill (as identified on Attachment B1.2 of Schedule X) is a controlled activity if:

a. 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%;

b. 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%;

c. A landscape planting plan is provided showing the site planted with a minimum of 20% native vegetation cover using the planting palette listed below; and

d. The building is not located within the Residential Green Overlay as identified on Attachment B1.1 and B1.3 of Schedule X.

Control is reserved over:

i) The building's external appearance; and

ii) The following planting palette and a maintenance schedule:

Trees

- *Alectryon excelsus* – Tītoki
- *Aristotelia serrata* – Makomako
- *Beilschmiedia tawa* – Tawa
- *Cordyline australis* – Cabbage tree, tī kouka
- *Dodonaea viscosa* – Akeake
- *Dacrycrpus dacrydioides* – Kahikatea
- *Dacrydium cupressinum* – Rimu
- *Fuchsia excorticata* – Kōtukutuku, tree fuchsia
- *Fuscospora solandri* – Black Beech, Tawhairauriki/tawairauriki
- *Fuscospora truncate* – Hard Beech, Tawhairaunui
- *Griselinia lucida* – Puka
- *Hoheria angustifolia* - Houhi
- *Kunzea ericoides* – Kānuka
- *Leptospermum scoparium* – Mānuka
- *Macropiper excelsum* – Kawakawa
- *Melicytus ramiflorus* – Māhoe
- *Myoporum laetum* – Ngaio
- *Myrsine australis* – Māpou
- *Olearia paniculate* – Akiraho
- *Pittosporum eugenioides* – Tarata
- *Pittosporum tenuifolium* – Kōhūhū
- *Plagianthus regius* – Lowland ribbonwood, Manatū
- *Podocarpus totara* – Tōtara
- *Prumnopitys ferruginea* – Miro
- *Prumnopitys taxifolia* – Mataī
- *Pseudopanax crassifolius* – Lancewood, Horoeka
- *Sophora microphylla* – Kōwhai
- *Weinmannia racemose* – Kāmahi

Shrubs, Ground Covers, Grasses, and Sedge

- *Brachyglottis repanda* – Rangiora
- *Coprosma repens* – Taupata
- *Coprosma robusta* – Karamū
- *Veronica stricta* – Koromiko
- *Melicytus crassifolius* – Coastal porcupine shrub, Mahoe
- *Ozothamnus leptophyllus* – Tauhinu
- *Phormium cookianum* – Whaririki
- *Cortaderia richardii* – South Island Toetoe

Any building that does not comply with a controlled activity standard shall be a restricted discretionary activity, with the following matters of discretion:

1. The building's external appearance;
2. Visibility of the building from public places;
3. Effects on the visual amenity values of the Backdrop Area; and
4. Opportunities for mitigating the visual effects and reducing a building's visual prominence through planting, earthworks, or through the use of low impact architectural design techniques.

Resource Consent for a Restricted Discretionary Activity shall be considered without notification or service of notice.

Explanation

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.

X.5 Skyline Area (Malvern Hills and Botanical Hill)

Building within the Skyline Area (Malvern Hills Landscape Overlay and Botanical Hill Landscape Overlay) as identified on Attachment B1.2 of Schedule X shall be a Restricted Discretionary Activity if:

a. 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%;

b. 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%;

c. A landscape assessment by a suitably qualified and experienced landscape architect along with a detailed landscape plan, is provided setting out how the visual impacts of the building have been designed to avoid or mitigate adverse effects; and

d. A landscape planting plan is provided showing the site area planted with at least a minimum of 20% native vegetation cover using the planting palette listed in X.4 above.

Discretion is reserved over:

i) Earthworks associated with the building platform and building design;

ii) The building's location;

iii) The building's external appearance;

iv) Effects on the visual amenity values of the Skyline Area;

v) The extent to which structures will be visible from the Nelson City Centre, State Highway 6 (QE II Drive between the Maitahi/Mahitahi River bridge and Atawhai Drive) and from Maitahi/Mahitahi Valley Road between Jickells and Sharland Bridge; and

vi) Opportunities for mitigating the visual effects and reducing the building's visual prominence through planting, earthworks, or through the use of low impact

architectural design techniques.

Resource Consent for a Restricted Discretionary Activity shall be considered without notification or service of notice.

Explanation

This rule, combined with the minimum allotment sizes required by X.3 above and the information requirements of Appendix 14, will ensure the landscape values of the Skyline Area are maintained to an appropriate standard.

X.6 Building on Kākā Hill

The following activities are non-complying:

a. Buildings within the Kākā Hill Backdrop and Skyline area as identified on Attachment B1.2 of Schedule X;

b. Buildings within the Kākā Hill Significant Natural Area as identified on B1.2 of Schedule X (Landscape Overlay).

Explanation

These rules will ensure the landscape, natural values and identified significant ecological (terrestrial) values of Kākā Hill are protected.

X.7 Esplanade Reserve Standards

a. For the area adjoining the Maitahi/Mahitahi River and Kākā Stream, esplanade reserve shall be vested in stages as subdivision progresses in accordance with the Maitahi/Mahitahi Bayview Structure Plan.

b. An esplanade reserve with a minimum total width of 40m shall be vested in stages as subdivision progresses.

c. Planting shall be indigenous species and in general accordance with the following planting palette:

Trees

- *Alectryon excelsus* – Tītoki
- *Aristotelia serrata* – Makomako
- *Beilschmiedia tawa* – Tawa
- *Cordyline australis* – Cabbage tree, tī kouka
- *Dacrycrpus dacrydioides* – Kahikitea
- *Dodonaea viscosa* – Akeake
- *Dacrydium cupressinum* – Rimu
- *Fuchsia excorticata* – Kōtukutuku, tree fuchsia
- *Fuscospora solandri* – Black Beech, Tawhairauriki/tawairauriki
- *Fuscospora truncate* – Hard Beech, Tawhairaunui
- *Griselinia lucida* – Puka
- *Hoheria angustifolia* – Houhi

- *Kunzea ericoides* – Kānuka
- *Leptospermum scoparium* – Mānuka
- *Macropiper excelsum* – Kawakawa
- *Melicytus ramiflorus* – Māhoe
- *Myoporum laetum* – Ngaio
- *Myrsine australis* – Māpou
- *Pittosporum eugenioides* – Tarata
- *Pittosporum tenuifolium* – Kōhūhū
- *Plagianthus regius* – Lowland ribbonwood, Manatū
- *Podocarpus totara* – Tōtara
- *Prumnopitys ferruginea* – Miro
- *Prumnopitys taxifolia* – Mataī
- *Pseudopanax crassifolius* – Lancewood, Horoeka
- *Sophora microphylla* – Kōwhai
- *Weinmannia racemose* – Kāmhai

Shrubs, Ground Covers, Grasses, and Sedges

- *Aposadmia sismilis* – Oioi
- *Carex secta* – Pukio
- *Carex virigata* – Pūrei
- *Cortaderia richardii* – South Island Toetoe
- *Phormium tenax* – Harakeke
- *Juncus edgariae* – common rush, Wiwi
- *Juncus pallidus* – Giant Rush
- *Juncus australis* – Rush, Wiwi

Plants set back from Stream and Wetland Margins

- *Astelia frangrans* – Kahakaha
- *Coprosma propinqua* – Mingimingi
- *Coprosma rigida* – streamside coprosma, Karamū
- *Coprosma robusta* – Karamū
- *Myrsine divaricate* – Weeping Māpou
- *Veronica stricta – Koromiko*

Explanation

This requirement will ensure that esplanade reserve is vested in accordance with the Maitahi/Mahitahi Bayview Structure Plan, and that the enhancement planting be undertaken in general accordance with an appropriate planting palette.

X.8 Shearing Shed and Chimney Structures

The demolition of the existing "shearing shed" and "chimney" is a controlled activity.

Control is reserved over:

a. The salvage of the shearers' graffiti on the rusticated weatherboard clad walls and sliding doors to Woolshed Part A1 and Part B (refer Miller 2022) for adaptive reuse and presentation;

b. The salvage of the shearing equipment and the ground floor windows to Part A1 (refer Miller 2022), including any timber and building materials that are recoverable and reusable; and

c. Recording the existing shearing shed and chimney by digital 3D scanning inside and outside and a 3D model produced.

"Shearing shed" and "chimney" in this rule relate to the specific structures identified within the Origin Consultants Limited Memo updated 6 April 2022 and entitled "*Investigations into selected heritage structures – timber woolshed/barn, concrete chimney, and concrete/stone wall remnants*" and presented within PPC28. Furthermore, in relation to the shearing shed, it is only part A1 of the building that is captured by this rule.

Note: An Archaeological Authority is also required pursuant to the Heritage New Zealand Pouhere Taonga Act 2014.

X.9 Services Overlay – Transport Constraints and Required Upgrades

This table relates to X.2 and X.3 of Schedule X.

Transport Upgrade	***Construction or improvement***
The existing intersection of Nile Street and Maitai Road;	*Upgrade intersection to address safety deficiency.* *These improvement works are likely to be Traffic Signals, but other options can be considered.*
The active mode connections from the PPC 28 Plan Change area to the city centre (Collingwood Street). There may be separate routes to provide for recreational users and commuters (includes work and education);	*Construct a separated shared path from PPC 28 to Nile Street and/or Hardy Street.* *The shared path must be at least 3000mm wide.* *There are a number of design options that will be considered as part of Stage 1 of the subdivision.*

Gibbs Bridge walk / cycle provision;	*Construct a shared cycle/walk bridge across the Maitahi/Mahitahi River.* *Note that this upgrade may be replaced with alternative shared path access from PPC 28 that removes the need for this project.*
The intersection of Ralphine Way and Maitai Valley Road;	*Improve sight lines, install intersection control and provide right turn bay for Ralphine Way.*
Bay View Road requires the management of the road for vehicles, parking and active modes;	*Implement parking restrictions and improve forward sight lines through vegetation removal.* *This does not include the intersection of Bay View Road and State Highway 6.*
Link road from Bay View Road to Walters Bluff and/or Ralphine Way.	*Provide connection from Bay View Road to Nelson via either Walters Bluff and/or Ralphine Way.*

X.10 Earthworks / Indigenous Vegetation Clearance

Earthworks - General

a. The current NRMP rules apply; however, the following are additional matters of control and/or discretion in addition to those under rules REr.61, OSr.49 and RUr.27:
   - the extent to which the requirements listed in Policies RE6.5, RE6.1, RE6.2, RE6.3, RE6.4, have been considered and achieved; and
   - the matters that are relevant to the Erosion and Sediment Control Plan provided in accordance with X.16 of Schedule X.

Earthworks or indigenous vegetation clearance within the 'Residential Green Overlay'

b. Any earthworks or indigenous vegetation clearance within the 'Residential Green Overlay' as shown within the Structure Plan (Schedule X) is a discretionary activity.

Note: This rule provides protection over the small area of existing indigenous vegetation located within the 'Residential Green Overlay' in advance of subdivision and development of the site.

Special Information Requirements that apply within Schedule X

In order to ensure subdivision, development and earthworks within Schedule X occurs in a manner that achieves the relevant objectives and policies within Chapter 7, the following special information requirements apply under Section 88 of the RMA.

X.11 Cultural Values and Engagement with Te Tau Ihu Iwi

A Cultural Impact Assessment (prepared by or on behalf of the relevant iwi authority) shall be submitted with any resource consent application involving earthworks, discharges, freshwater and terrestrial ecology, comprehensive housing, or subdivision. The extent to which recommendations in the Cultural Impact Assessment have been included shall be detailed in the resource consent application, including how the provisions contained in Policy RE6.2 have been applied.

If a Cultural Impact Assessment is not provided, a statement of any reasons given by the relevant iwi authority for not providing that assessment shall be provided.

X.12 Water Sensitive Design

Applications for subdivision development or earthworks within Schedule X must provide a report from a suitably qualified and experienced expert(s) that demonstrates that the provisions contained in Policy RE6.3 have been applied in the subdivision and integrated development or earthworks design.

X.13 Stormwater Management Plan

Applications for subdivision, development or earthworks within Schedule X must provide a Stormwater Management Plan prepared by a suitably qualified and experienced expert(s) that demonstrates that the matters contained in Policy RE6.3 have been applied in the subdivision and development design process.

Each SMP submitted for subdivision and development or earthworks of this site must be comprehensive and catchment wide. Each SMP must also address any specific matters that are related to the given stage or activity relevant to each application for resource consent.

The content of the SMP must include:

a. Breakdown of sub-catchments including landcover (roads, roofs, hardstand, gardens, open space etc) and associated imperviousness;
b. Mapping of existing waterways, natural wetlands and overland flow paths;
c. Mapping of predevelopment infiltration capacities to be adopted in design;
d. Assumptions for sizing of rainwater tanks (contributing roof areas, people per dwelling and non-potable demands);
e. Assumptions for the design of all stormwater treatment devices (size relative to contributing catchments, hydraulic function, design attributes, contaminant reduction) including allowance for climate change;
f. Summary of sub-catchment water quality treatment and hydrological

mitigation strategy including areas draining to reuse tanks, soakage, consolidated raingardens or wetlands;

g. Summary of pre and post development hydrology including estimates of losses (evapotranspiration/reuse), infiltration and surface runoff reported as mean annual volumes, with assessment of impacts on baseflow and stream channel erosion

h. Summary of the existing flood hazard affecting the application area, and the potential adverse effects of the development on flood hazard affecting downstream and off-site properties. This should also include any proposed mitigation measures to address these potential effects, and how any mitigation measures are expected to perform. In particular, how changes to the magnitude, duration and timing of peak flows during the range of design events will be managed so as to avoid or mitigate potential adverse effects such as increased flood risk or stream scour;

i. Summary of pre and post development water quality including estimates of nutrients, metals and sediments reported as mean annual loads. Include comparison with 'do nothing' approach to show proportion of contaminants reduced through proposed water sensitive design measures; and

j. Mapping of post developed treatment/soakage locations, waterway enhancements, overland flow paths and flood attenuation devices.

X.14 Integrated Transport Assessment

Applications for subdivision or development within Schedule X must provide an Integrated Transport Assessment (in accordance with the "*Integrated Transport Assessment Guidelines*" dated November 2010 - RR442) prepared by a suitably qualified and experienced transport expert. This ITA shall set out how the relevant matters in Policy RE6.1 have been achieved. The Integrated Transport Assessment (ITA) prepared for the future subdivisions will fall into two scopes as set out in Table 6.3 of RR442.

Any subdivision with fewer than 100 dwellings must have a "Moderate" scope ITA prepared as part of the consent application.

Any subdivision with more than 100 dwellings must have a "Broad" scope ITA prepared as part of the consent application.

X.15 Ecological Impact Assessment / Environmental Management Plan

Applications for subdivision, development or earthworks within Schedule X must provide an Ecological Impact Assessment prepared by a suitably qualified and experienced ecologist:

a. Identifying and describing the significance and value of freshwater and terrestrial habitats and features;

b. Describing the potential effects (including cumulative effects) on local ecology arising from the proposed activity, including the potential threat from domestic pets;

c. Recommending measures as appropriate to avoid, remedy, mitigate, offset or compensate potential effects (including any proposed conditions / Ecological Management Plan (EMP) required).

Each Ecological Impact Assessment submitted for subdivision and development or earthworks must address all of the land and freshwater environment contained within Schedule X and account for potential effects on downstream receiving environments

(Maitahi/Mahitahi River and Nelson Haven). Each Ecological Impact Assessment must also address any specific matters that are related to the given stage or activity relevant to each application for resource consent

Any EMP shall describe the methods proposed to achieve the outcomes set out within Policies RE6.1 - RE6.5, and its Methods in relation to the Open Space and Recreation Zone, Residential Green Overlay and Revegetation Overlay, as shown within the Maitahi/Mahitahi Bayview Structure Plan.

X.16 Earthworks Design and Erosion Sediment Control Plan

Applications for subdivision, development, earthworks and earthworks-related discharges within Schedule X must provide a report from a suitably qualified and experienced erosion and sediment control expert that demonstrates that the provisions contained in Policies RE6.1 - RE6.5 have been addressed and achieved in the earthworks design, including a proposed ESCP that will inform detailed ESCPs that will be applied during the construction process. This may be informed by a sediment yield analysis, where appropriate. The report and management plans must detail adaptive management procedures that will be applied with triggers and responses when effects are greater than anticipated. Reference to the Nelson-Tasman Erosion and Sediment Control Guidelines July 2019 or any subsequent updates will inform best practice erosion and sediment control. The ESCP will be informed by any mātauranga and ecological recommendations provided in the corresponding assessments required under X.11, X.12 and X.15.

Add Maitahi/Mahitahi Bayview Structure Plan and supporting maps to Schedule X – Volume 2.

Chapter 9: Suburban Commercial Zone

Amend SCd.1 as follows:

This Zone includes … Bishopdale, Kākā Valley, and …

Add to SCd as follows:

Within the Maitahi/Mahitahi *Bayview area (Schedule X), 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.*

Add SCX Maitahi/Mahitahi Bayview Development (Schedule X) after SC3.2:

SC4 Maitahi/Mahitahi 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.

Add to Contents page for the Suburban Commercial Zone:

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

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

Add to SCr.71.2 as follows:

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

Chapter 12: Rural Zone

Add to RUd as follows:

As a part of meeting some of the significant demand and need for additional residential land, the Kākā Valley and adjoining Bayview property is identified within Schedule X (Maitahi/Mahitahi Bayview). 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.

Add to RU2.1.iA as follows:

and Maitahi/Mahitahi Bayview (Schedule X)

Amend RU2.ii(b) to read:

and Maitahi/Mahitahi Bayview (Schedule X)

Amend RU2.2.iA to read:

and Maitahi/Mahitahi Bayview (Schedule X)

Add RU5 as follows:

RU5 Maitahi/Mahitahi Bayview Development (Schedule X)

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

Add to Contents page for the Rural Zone:

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

Add a new rule RUr.77C

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

Chapter 11: Open Space & Recreation Zone

Add to OSd.8 as follows:

As a part of meeting some of the significant demand and need for additional residential land, the Kākā Valley and adjoining Bayview property is identified within Schedule X (Maitahi/Mahitahi Bayview). This also includes new Open Space & Recreation areas. 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.

Add OS3 as follows:

OS3 Maitahi/Mahitahi Bayview Development (Schedule X)

For objectives and policies relevant to the Open Space and Recreation Area which is contained within Schedule X area, refer to RE6 and associated policies within Chapter 7 Residential Zone.

Add to Contents page for the Open Space & Recreation Zone:

OSr.75 Maitahi Bayview Structure Plan (Schedule X)

Add a new rule OSr.75

RUr.75 Maitahi/Mahitahi Bayview Structure Plan (Schedule X)	RUr.75.1 Schedule X applies	RUr.75.2 Schedule X applies	RUr.75.3 Schedule X applies	RUr.75.4 Schedule X applies	RUr.75.5 Schedule X applies

THE SEAL OF THE ENVIRONMENT COURT NEW ZEALAND