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

Overall:

- Macrons need to be used appropriately and correctly.
- Maitahi / Mahitahi needs to be referred to, in accordance with Ngāti Koata submission.

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;	This policy needs semi-colons after each point and the use of "and" between points. Points need to be numbered, rather than bullet points. This policy is specific to Malvern Hills. There is no policy support for the Kaka Hill Backdrop and Skyline, and specifically the prohibited activity status that is proposed to apply. I consider this is a significant policy flaw. I note I have recommended a non-complying activity status would be more appropriate in this regard, including in respect to that part of the rule relating to significant natural areas. There is no policy support for a prohibited activity status applying to either the Kaka Hills or significant natural areas. If a non-complying activity status is to apply, there is still a lack of policy support for these. It is not good planning practice to have rules that are not supported by objectives and policies. Further, the applicant has not demonstrated in the s32 evaluation that a prohibited activity status is the most appropriate method to achieve the objectives. Note the Planning JWS (3) regarding enabling educational facilities. I see no specific need for its inclusion, as I consider it falls within the definition of a well-functioning urban environment. I am generally comfortable with the amendment sought by Ngāti Rārua in respect to (b), to separate out giving effect to Te Mana o Te Wai from the involvement of tangata whenua.

(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.	However, at this point in time, I am not assured that PPC28: • gives effect to Te Mana o te Wai, • enhances ecological and biodiversity values • minimises the effects of urban development on freshwater values or • avoids or mitigates the effects on local landscape values. I am also uncertain that "minimises the effects of urban development on the freshwater values of the Maitahi River and its tributaries" is appropriate. I do not consider the use of "minimise" is consistent with the following provisions in the NPS-FM: • Objective 2.1, which priorities the health and well-being of water bodies and freshwater ecosystems. • Policy 5 which requires 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 systems is maintained and (if communities choose) improved. At this point in time, I am also unclear of policies 6 to 9 of the NPS-FM will be achieved. While I appreciate policy 5 values will be set through a plan review process in a forthcoming freshwater planning instrument, I consider they are both clear in their requirements.
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	This policy needs semi-colons after each point and the use of "and" between points. Points need to be numbered, rather than bullet points. The chapeau/start of this policy needs to specifically refer to "identified in Schedule X" after Bayview area. I am unclear what the reference in clause 2 to high quality urban design principles are, or where these are. I am unclear as to the methods in Schedule X and through the layout of the Structure Plan how the protection of heritage and cultural values are provided for. In particular, the applicant's heritage assessment identifies the shed as having heritage value; however, there are no provisions that seek to protect this value. I am also unclear how cultural values are protected. I address this later in respect of the requirement for a cultural impact assessment, whose conclusions and recommendations are not reflected through the matters of discretion. I am also unclear how this bullet point relates to Policy RE6.2 on cultural values. The National Policy Statement for Freshwater Management 2020 needs to be written in full. Ngāti Rarua have sought that the enhancement of ecological and biodiversity values sought through Objective RE6(c) are reflected in this policy. At this point in time, I am uncertain if these clauses can be met.

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.	Note the Planning JWS (3) regarding enabling educational facilities. I see no specific need for its inclusion, as I consider it falls within the definition of a well-functioning urban environment.
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	This policy needs semi-colons after each point and the use of “and” between points. Points need to be numbered, rather than bullet points. I am unclear why this policy just refers to development and not subdivision. I am unclear as to why the first bullet point is necessary, as these are already addressed through other provisions in the NRMP. Irrespective, MS58 is not relevant, and the correct reference is MS57 and not MS56. The explanation should be amended accordingly. I am unclear why the exercise of kaitiakitanga is just limited to freshwater. In my view, limitation to consultation is not directive enough, and should require consideration and responsiveness to that consultation, and reflection of cultural values through subdivision and development. While I acknowledge that X.8 requires the provision of a cultural impact assessment, the matters of discretion for X.2 to X.5 do not include any matters of control or discretion that provide for the consideration of cultural values. I address this later.

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.	This method does not align with proposed X.8, which appears to be just limited to subdivision and comprehensive housing developments. I am unclear how X.8 would apply to earthworks, freshwater and discharge consents. As I address later, X.2 to X.5 also do not include consideration of cultural values as a matter of control or discretion.
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	This policy needs semi-colons after each point and the use of “and” between points. Points need to be numbered, rather than bullet points. This policy needs to be amended to specifically reference the Maitahi Bayview area, the structure plan and Schedule X. I am unclear as to how this policy will be triggered exactly, and how this policy relates to the matters in X.9. The policy also as drafted only applies to subdivision and development, so I am unclear as to how this relates to earthworks, discharge and other freshwater related consents. In particular, stream realignment. I do not consider “does not accelerate soil erosion” is an appropriate clause, and does not give effect to the NRMP, NRPS or the NPS-FM. I consider that it would be more appropriate that this clause was reworded to refer to prevents or avoids soil erosion. I am unclear how “not accelerating soil erosion” would be a means of enhancing freshwater and terrestrial ecological vales. The second bullet point talks of maintenance or enhancement, whereas the chapeau is to enhance; this is inconsistent. The point is also unclear and should be reframed as to exactly the direction that is being given. The end of the fourth bullet point reads as a method, rather than a policy. This “method” has also not been translated into an actual method in Schedule X. The last bullet point simply parrots the chapeau/start of the policy at the end and does not provide sufficient direction. I am also at this point in time, unclear as to its appropriateness. The evidence from Council’s experts is that there is no evidence that the realignment is appropriate and would enhance freshwater ecological and biodiversity values. Given the importance of the swimming holes to the Nelson community, recognition should be given to enhancing water quality to safeguard their recreational values.

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
REr.106D Maitahi 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

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	
Sch. X	**Maitahi Bayview Area**

The full names of these national instruments need to be used.

	X.1	**Application of the schedule**	
		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. 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. 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. Figures 1 & 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. 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. 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. 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. 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. 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 additional to all relevant zone rules except where specified.	Incorrect reference – it is the National Policy Statement for Freshwater Management 2020. Inconsistent use of NRMP and Nelson Resource Management Plan. I am unclear as to how the "information" requirements in X.8 and X.9 are intended to apply. Are they intended to apply to just the rules in Schedule X or to all rules that are triggered within the relevant Zone chapters? I am unclear as to whether they would be triggered for any freshwater consents under Appendix 28 – Freshwater.
	X.2	***Comprehensive Housing Development in the Residential Zone – Higher Density Area***	
		Comprehensive Housing Developments (with or without subdivision) in the Residential Zone – Higher Density Area are a restricted discretionary activity if:	

		a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and b) it meets the restricted discretionary standards and terms of Rule REr.22.3; and c) it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and d) esplanade reserve is provided in accordance with the standards in X.7 of this Schedule. Discretion is restricted to: I. The matters of control under REr.107.2 where subdivision is proposed, and 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; and III. The matters in Rule REr.22.3; and IV. Consistency with Appendix 22 (Comprehensive Housing Development), and V. The matters in the Nelson Tasman Land Development Manual 2020, and VI. The matters in Appendices 11 to 12 of the Plan, and VII. The design and layout of roads, access, cycleways, walkways, reserves and biodiversity corridors; and VIII. The staging of development and associated roading and reserves; and IX. The restricted discretionary matters listed in REr.108.3 (Subdivision in the Services Overlay) where subdivision is proposed; and X. Consistency with the Maitahi Bayview Structure Plan. Resource consent for restricted discretionary activities will be considered without notification or service of notice. Activities which contravene a standard for the restricted discretionary activity are discretionary. Explanation 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.	There is nothing within this rule, in terms of the standards or matters of discretion, that requires consideration of or consistency with the cultural impact assessment or ecological outcomes and freshwater principles assessment. I would expect there to be more conditions for qualifying as a restricted discretionary activity to reflect the outcomes from the JWS. As a restricted discretionary activity, with specific matters of discretion, I consider that there is incomplete coverage of the matters covered through the proposed policies 6.1 to 6.3.
			At this point in time, I do not support the non-notification clause.
	X.3	***Subdivision – General (Residential Zone)***	All of the comments in X.2 apply to this rule.
		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; and b) it complies with all relevant standards in Appendices 10 to 12; and c) it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and	

		d) esplanade reserve is provided in accordance with the standards in X.7 of this Schedule; and e) The net area of every allotment is at least Residential – Higher Density Area: 300m^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; and f) 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 g) the layout and design is in general accordance with the Structure Plan or as otherwise specified by Schedule X. Discretion is restricted to: I. The matters of control under REr.107.2, and 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; and III. The matters in the Nelson Tasman Land Development Manual 2020, and IV. The matters in Appendices 11 to 12 of the Plan, and V. The design and layout of roads, access, cycleways, walkways, reserves and biodiversity corridors; and VI. The staging of development and associated roading and reserves; and VII. The restricted discretionary matters listed in REr.108.3 (Subdivision in the Services Overlay); and VIII. Consistency with the Maitahi Bayview Structure Plan. Resource consent for restricted discretionary activities will be considered without notification or service of notice. 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 provide a streamlined planning process, and so achieve the NPS-UD in an efficient manner, while still requiring high quality outcomes and appropriate servicing. The Maitahi Bayview Structure Plan and Schedule X contain site specific controls over landscape effects from building. Refer to the general rules below.	Note my concerns with the Services Overlay in JWS Planning (3), in that I do not consider it directive enough to ensure upgrading works necessary in the wider network (transport and threewaters) to support the development of the PPC28 area are in place before subdivision or development occurs). The JWS Transportation and JWS Planning (3) also include discussion regarding this rule being augmented to include identified upgrades to address deficiencies, to occur in advance of development, require the provision of an ITA and that any upgrades identified through an ITA be implemented. I support this. There should be a clear definition of an ITA and what needs to be included in one. This should include trip generation rates, traffic modelling and active travel provision, amongst other matters.
	X.4	***Backdrop Area***	
		Building within the Backdrop Area (as identified on Attachment B1.2 of Schedule X) is a controlled activity if: • 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%.	This rule needs semi-colons after each point and the use of "and" between points. Points need to be numbered, rather than bullet points.

		• 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%. • the site area shall be planted with a minimum of 20% native vegetation cover. Control is reserved over: • The buildings external appearance; • The following planting palette and a maintenance schedule. Trees ○ *Alectryon excelsus* – Tītoki ○ *Aristotelia serrata* – Makomako ○ *Beilschmiedia tawa* – Tawa ○ *Cordyline australis* – Cabbage tree ○ *Dodonaea viscosa* – Akeake ○ *Dacrycrpus dacrydioides* – Kahikitea ○ *Dacrydium cupressinum* – Rimu ○ *Fuchsia excorticata* - kōtukutuku, tree fuchsia ○ *Fuscospora solandri* – Black Beech ○ *Fuscospora truncate* – Hard Beech ○ *Griselinia lucida* - Puka ○ *Hoheria angustifolia* ○ *Kunzea ericoides* – Kānuka ○ *Leptospermum scoparium* – manuka ○ *Macropiper excelsum* – Kawakawa ○ *Melicytus ramiflorus* – Māhoe ○ *Myoporum laetum* - Naigo ○ *Myrsine australis* - Māpou ○ *Olearia paniculate* - Akiraho ○ *Pittosporum eugenioides* - Tarata ○ *Pittosporum tenuifolium* - Kōhūhū ○ *Plagianthus regius* – Lowland ribbonwood ○ *Podocarpus totara* – tōtara ○ *Prumnopitys ferruginea* - Miro ○ *Prumnopitys taxifolia* – Matai ○ *Pseudopanax crassifolius* – Lancewood ○ *Sophora microphylla* – Kōwhai ○ *Weinmannia racemose* – Kāmhai Shrubs, Ground Covers, Grasses, and Sedge ○ *Brachyglottis repanda* – Rangiora ○ *Coprosma repens* - Taupata ○ *Coprosma robusta* – Karamū ○ *Veronica stricta* – Koromiko ○ *Melicytus crassifolius* – Coastal porcupine scurb ○ *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: • The buildings external appearance. • Visibility of the building from public places. • Effects on the visual amenity values of the Backdrop Area. • 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.	This needs to be clear that the controlled activity rule only applies to the Malvern Hills and not the Kaka Hill Backdrop. Building's not buildings. I am relatively comfortable with the change sought by Ngāti Rārua. The bullet points need to be numbered. Building's not building.

	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.	At this point, I do not support a non-notification clause. There should be a default rule to non-complying for Kaka Hill.
X.5	***Skyline Area***	This needs to be clear that the controlled activity rule only applies to the Malvern Hills and not the Kaka Hill Skyline.
	Building within the Skyline Area (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%, and either c) The final height of any dwelling shall sit below the primary ridgeline, as illustrated on the Maitahi Bayview Structure Plan (Sheet B1.2); or d) 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. Control is reserved over: 1. Earthworks. 2. Building location, scale, height, modulation, roof pitch, colour, reflectivity and any other aspects of the external appearance. 3. The following planting palette and a maintenance schedule. Trees ○ *Alectryon excelsus* – Tītoki ○ *Aristotelia serrata* – Makomako ○ *Beilschmiedia tawa* – Tawa ○ *Cordyline australis* – Cabbage tree ○ *Dodonaea viscosa* – Akeake ○ *Dacrycrpus dacrydioides* – Kahikitea ○ *Dacrydium cupressinum* – Rimu ○ *Fuchsia excorticata* - kōtukutuku, tree fuchsia ○ *Fuscospora solandri* – Black Beech ○ *Fuscospora truncate* – Hard Beech ○ *Griselinia lucida* - Puka ○ *Hoheria angustifolia* ○ *Kunzea ericoides* – Kānuka ○ *Leptospermum scoparium* – manuka ○ *Macropiper excelsum* – Kawakawa ○ *Melicytus ramiflorus* – Māhoe ○ *Myoporum laetum* - Naigo ○ *Myrsine australis* - Māpou ○ *Olearia paniculate* - Akiraho ○ *Pittosporum eugenioides* - Tarata ○ *Pittosporum tenuifolium* - Kōhūhū ○ *Plagianthus regius* – Lowland ribbonwood ○ *Podocarpus totara* – tōtara ○ *Prumnopitys ferruginea* - Miro ○ *Prumnopitys taxifolia* – Matai	I note Mr Girvan agrees with the addition or 'when viewed from Nelson City and State Highway 6' to clause c), as sought by Shelagh Noble [107.003]. I agree. I am not certain that d) is appropriate as a controlled activity, as it requires a judgement of acceptability of the mitigation offered and is not certain on the face of it. Mr Girvan recommends that the minimum of 20% native vegetation cover should also apply to the Skyline area. I agree. I consider there needs to be more direction as to what aspects of "earthworks" control is reserved over. Is it landform, amount of modification, visual amenity? I am relatively comfortable with the change sought by Ngāti Rārua.

		○ *Pseudopanax crassifolius* – Lancewood ○ *Sophora microphylla* – Kōwhai ○ *Weinmannia racemose* – Kāmhai Shrubs, Ground Covers, Grasses, and Sedge ○ *Brachyglottis repanda* – Rangiora ○ *Coprosma repens* - Taupata ○ *Coprosma robusta* – Karamū ○ *Veronica stricta* – Koromiko ○ *Melicytus crassifolius* – Coastal porcupine scurb ○ *Ozothamnus leptophyllus* – Tauhinu ○ *Phormium cookianum* – Whaririki ○ *Cortaderia richardii* – South Island Toetoe 4. Effects on the visual amenity values of the Skyline Area; 5. 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. 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: 1. The buildings external appearance 2. Effects on the visual amenity values of the Skyline Area. 3. The extent to which structures will be visible from the Nelson City Centre and State Highway 6 (QE II Drive); 4. 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. 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.2 above and the information requirements of Appendix 14, will ensure the landscape values of the Skyline Area are maintained to an appropriate standard.	Building's not buildings At this point, I do not support a non-notification clause. There should be a default rule to non-complying for Kaka Hill.
	X.6	**Prohibited Activities**	
		The following activities are prohibited: (a) Buildings on Kaka Hill backdrop and skyline area as identified on Attachment B1.2 of Schedule X; (b) Buildings within the Significant Natural Area as identified on B1.2 of Schedule X. Explanation These rules will ensure the landscape and natural values of Kaka Hill are protected long term.	For the reasons set out in the Joint Witness Statement, I do not support a prohibited activity status. I consider (a) is better addressed through amendments to X.4 and X.5. The rule title should be amended to "buildings within the significant natural area identified on B1.2 of Schedule X".
	X.7	***Esplanade Reserve Standards***	
		a) 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. b) An esplanade reserve with a minimum total width of 40m shall be vested in stages as subdivision progresses.	

		c) Planting in general accordance with the following planting palette: Trees ○ *Alectryon excelsus* – Tītoki ○ *Aristotelia serrata* – Makomako ○ *Beilschmiedia tawa* – Tawa ○ *Cordyline australis* – Cabbage tree ○ *Dacrycrpus dacrydioides* – Kahikitea ○ *Dodonaea viscosa* – Akeake ○ *Dacrydium cupressinum* – Rimu ○ *Fuchsia excorticata* - kōtukutuku, tree fuchsia ○ *Fuscospora solandri* – Black Beech ○ *Fuscospora truncate* – Hard Beech ○ *Griselinia lucida* - Puka ○ *Hoheria angustifolia* ○ *Kunzea ericoides* – Kānuka ○ *Leptospermum scoparium* – manuka ○ *Macropiper excelsum* – Kawakawa ○ *Melicytus ramiflorus* – Māhoe ○ *Myoporum laetum* - Naigo ○ *Myrsine australis* - Māpou ○ *Pittosporum eugenioides* - Tarata ○ *Pittosporum tenuifolium* - Kōhūhū ○ *Plagianthus regius* – Lowland ribbonwood ○ *Podocarpus totara* – tōtara ○ *Prumnopitys ferruginea* - Miro ○ *Prumnopitys taxifolia* – Matai ○ *Pseudopanax crassifolius* – Lancewood ○ *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 ○ *Juncus pallidus* – Giant Rush ○ *Juncus australis* – Rush Plants set back from Stream and Wetland Margins ○ *Astelia frangrans* – kahakaha ○ *Coprosma propinqua* – Mingimingi ○ *Coprosma rigida* – streamside coprosma ○ *Coprosma robusta* – Karamū ○ *Myrsine divaricate* – Weeping Māpou ○ *Veronica stricta* – Koromiko 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. Explanation 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.	The Riparian Overlay is not proposed to be extended along the 750m of Kaka Stream; and therefore there is no mechanism to prevent structures being built within the esplanade reserve under OSr.56. This needs to be addressed. I am unclear of the use of "over" in respect of Kaka Stream. Note concerns raised by Tanya Blakely and the desire for a minimum width of 20m either side to be applied. I am generally comfortable with the change sought by Ngāti Rarua.
		Information and Design Requirements	
		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.	It is unclear how these are to be applied. What resource consents would these be required to be submitted with. There should be specific reference to s88, as well as specific reference to what

X.8	***Cultural Values and Engagement with Te Tau Ihu Iwi***
	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.

X.9	***Ecological outcomes and freshwater***
	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: 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. 2) Co-design with nature an integrated and regenerative approach to urban development: a) Use 'green infrastructure' engineering solutions where possible to mimic or work with processes found in the natural environment. b) Retain, restore and enhance existing elements of the natural drainage system, and integrate these elements into the urban landscape. 3) Address pressures on waterbodies close to source by implementing Water Sensitive Design (WSD) principles in the planning through to the implementation stages 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. 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. 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. 7) Provide and protect overland flow paths through road design and other dedicated pathways to pass peak flows from upper slopes safely. 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; a) Channel meanders and flood benches b) Robust riparian vegetation c) Peak flood capacity d) Eco-system function and habitat e) Integrated stormwater wetlands f) Public access via well designed walking/cycling paths (no roads except at crossing points)

resource consents. I am unclear as to how they would be triggered for freshwater, earthworks, vegetation clearance, soil disturbance. I am unclear as to whether these are intended to be rules, that change activity status if these assessments are not provided, or whether they are information requirements, and if so, how they would apply to other resource consents.

While a cultural impact assessment is to be provided, there are no matters of control or discretion that provide for the consideration of cultural values or the outcomes from a cultural impact assessment.

As above. I am unclear as to how they would be triggered for freshwater, earthworks, vegetation clearance, soil disturbance.

It is ultra vires and contrary to Schedule 1 Part 3 in terms of incorporation by reference to refer to a replacement of the NTLDM.

At the time of writing this, these were under review and discussion, so I have not reviewed these individually.

In my view, the applicant should also consider new rules, standards and matters of discretion to address:

- the requirement for a comprehensive stormwater management / integrated catchment management plan
- open area limits on earthworks
- stabilisation of earthworks

		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. 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. 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. 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. 13) Identify, protect and enhance all remaining natural wetlands. 14) Protect and enhance the Kaka Stream and its tributaries, including; a) Minimising stream loss. b) Identifying springs/seeps and protect these including the flow paths to the nearest streams c) Providing for flood flows (1:100yr) within the stream including its riparian margins. 15) Provide for ecological linkages between ecological areas (freshwater and terrestrial) inside and neighbouring Schedule X. 16) 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 17) Conserve and reuse water resources, through maximising water-use efficiency by reducing potable water demand and maximising the use of greywater and stormwater. 18) considering climate change during all stages of the design process.	• the use of highly efficient chemically treatment sediment retention ponds, over design of dirty and clean water diversion, and adaptive monitoring programme • minimum flood levels for all new habitable dwellings • Any new structures or earthworks within the PPC28 area within a floodplain, waterway flow path, or overland flow path in a 1% AEP event being a discretionary activity • Attenuate post-development peak flows to 80% of pre-development peak flows for the 10% AEP and 1% AEP event. • Provide extended detention in accordance with the NTLDM plus additional attenuation if necessary to mimic the pre-development hydrology, so that post-development peak flows do not exceed 80% of pre-development peak flows for the 50% AEP and 20% AEP. • Provide stormwater treatment of runoff from all new development in the PPC28 area, by treating the first flush runoff. The first flush is defined as the runoff from 25 mm rainfall depth or a 10 mm/hr rainfall intensity. • Any realignment of the Kaka Hill Tributary shall require a comprehensive design over the full length of the proposed realignment, including incorporating ecology and landscape.

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 Maitaihi 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)

SCr.69C Maitahi 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.69 C.5 Sched ule X applies

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

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