Proposed provisions – Evidence version	Comments
Amendments to planning maps 1. 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 ~~a.~~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). 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 (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 (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 (Attachment B3)	No comment
Chapter 7: Residential Zone	
REd ~~As a part of~~To meet~~ing~~ some of the significant and anticipated demand ~~and need~~ for additional residential land, the Kākā Valley and adjoining Bayview property ~~is~~ are identified within Schedule X (Maitahi Bayview Area). ~~This also includes land for Rural-Higher Density Small Holdings subdivision and development.~~ The future residential development enabled by Schedule X is ~~ideally~~ arranged to ~~located to~~ meet a ~~range~~ variety of needs and typologies, while ~~adding positively to~~increasing the community's recreational ~~community recreational~~ opportunities, ~~increasing~~ ensuring transport connectivity at a local and regional scale, and, ~~being culturally sensitive, and~~ enhancing the indigenous terrestrial and freshwater values all ~~and associated development~~ in a culturally sensitive way.	I suggest the wording of the second sentence needs to be considered, as I am unclear of the use of "meet a variety of typologies".
RE3.1.viii 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 and Kākā Hill - see Schedule X ~~–~~ Maitahi Bayview.	
RE3.9 Maitahi Bayview Area (Schedule X) The landscape values (as identified in Appendix 9 AP9.6) of the skyline and backdrop areas ~~which~~ that are part of the Malvern Hills, Botanical Hill, Kākā Hill and the Maitai Valley shall be protected and maintained where appropriate ~~through~~by: a. Avoiding building and development on Kākā Hill that has more than minor effects on the natural	Appendix AP9.6 refers specifically to the Botanical Hill-Malvern Hills Overlay. It does not address landscape or natural character values within the Site outside the backdrop and skyline overlays or within the Maitai Valley. Protecting landscape and natural character values relies on outcomes/provisions outside these areas, such as the Residential Green Overlay, Revegetation Overlay and Open Space Recreation Zone.

character and landscape values b. The strategic use of a ~~schedule~~ Structure ~~p~~Plan responding to the natural character and landscape context, with ecological overlays to ~~support and~~ enhance natural ecosystem function by revegetation; and ~~b.~~c. Ensuring any ~~S~~subdivision and development design and layout ~~which~~ is consistent with the existing pattern of residential development on the north-east side of the hills where appropriate; and ~~c.~~d. Ensuring careful ~~D~~design, location and mitigation of earthworks; and ~~d.~~e. Controlling ~~Placement~~ placement of building sites; and ~~e.~~f. Requiring ~~Built~~ appropriate built form and finish of future buildings; and g. Requiring appropriate ~~Provision~~ provision of landscape ~~ing~~ planting to mitigate earthworks and built form; and Explanation and Reasons RE3.9.i The ~~Malvern Hills have~~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 ~~Malvern Hills~~area, controls are proposed over building locations, form, finish and landscaping requirements. These controls are imposed through Schedule X and the Structure Plan for the Maitahi Bayview Area. ~~This~~ That will ensure the pattern of development will be consistent with the existing residential development on the north-east side of the hill. Schedule X and the Structure Plan for the Maitahi/Mahitahi Bayview Area has also imposed ~~a~~ spatial controls over development. Methods RE3.9.ii Identification of Malvern Hills, Botanical Hill and Kākā Hill ~~area~~ within the Maitahi Bayview Structure Plan. RE3.9.iii Specific rules to restrict the ~~control~~ building height, colour, and landscaping on the Malvern Hills and Botanical Hill. RE3.9.iv Specific rules to avoid inappropriate development on Kākā Hill by higher levels of restriction on built development.	The chapeau to this policy needs to be amended to also reflect that it addresses ecological and natural character values as well as landscape. In particular, as drafted clause b does not sit well with the chapeau. Clause a reference should be to adverse effects, not just effects Clause b – I am unclear from the provisions as to how the ecological overlays are proposed to apply. There are not any particular rules or matters of discretion that speak directly to these. I am also unclear on how this sits and fits with proposed new policy RE6.4 Clause c – needs to be clarity in this clause about which hills are being talked about. I assume the Malvern and Botanical Hills? The same applies in the explanation. I am also unclear why it is important that this consistency applies necessarily. Clause g – remove the and at the end.
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. Protects the landscape and natural character values of Kākā Hill and appropriately maintains other landscape and natural character values in the manner set out in Policy RE3.9; and b Provides for a range of residential densities appropriate to different parts of the Maitahi Bayview area; and	As above. Clause a) in referring to Policy RE3.9 limits landscape and natural character values to the Botanical Hill-Malvern Hill Overlay. Clause c – The second part of this clause is the way in which the outcome is achieved. This needs to be in the policy, rather than in the objective. Given the overlays, and the intent relayed by Mr Milne to Mr Girvan, I question whether this clause should include protection of existing indigenous vegetation as well as ensuring indigenous vegetation of significant areas. However, as noted elsewhere, there are no provisions that would provide for/address this. Clause d – NPSFM in full

c Provide for integrated management of freshwater in the affected catchments,. ~~t~~That is achieved by controlling the location and arrangement of development and land use patterns, and ensuring indigenous revegetation of significant areas, alongside controls on construction and development to achieve best practice including water sensitive design principles. The aim is to ensure appropriate management of impacts on freshwater quantity and quality; and ~~b.~~d. ~~Gives effect~~Recognises and provides for the hierarchy values of ~~to~~ Te Mana o te Wai and NPSFM 2020; and ~~c.~~e. Enhances ecological and biodiversity values by protecting certain areas from development, requiring revegetation, and establishing ecological corridors; and ~~d.~~f. ~~Minimises the effects of urban development on~~Restores and improves the freshwater values of the ~~Maitahi/Mahitahi River~~Kākā Stream and its tributaries, with associated improvement's to Maitahi/Mahitahi River, by ~~directing~~ improvements to the alignment, ~~and~~ margins; and ~~e.~~g. Results in a well-functioning urban environment; and ~~f.~~h. Involves the provision of full ~~servicing~~ serviced three waters infrastructure; and g.i. Mitigates hazards in the lower Kākā Valley by ensuring flood hazards are managed to ensure land is protected from a 1 in 100 year AEP with proper allowance for the effects of climate change; and h.j. Provides for transport connectivity and alternative transport modes in a manner that aligns with planned upgrades though the use of the Services Overlay, with refinements that include triggers and additional information requirements; and~~Avoids and mitigates the effects on local landscape values; and~~ i.k. Enhances recreational opportunities through the provision of additional Open Space & Recreation zoned land, as well as a network of proposed walkways. j.l. Involves Tangata Whenua throughout the subdivision and development process; and 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's urban fabric to provide for population growth and meeting consequential housing demand. Schedule X and the associated Maitahi Bayview Structure Plan are to ensure that a range of residential development can occur. The Schedule rules constrained by policy and assessment criteria ~~guidance~~ will ensure development isappropriate and culturally sensitive and provides for enhanced community recreational opportunities and ecological values through the use of best practice ~~Freshwater~~ water sensitive design~~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	Clause e – again, this is the way in which the outcome is achieved and needs to be in the policy, and clear. Should be clear as to where these values are enhanced – on site and beyond? Clause f – again, the last part of the clause is the direction to achieve the objective. In respect to the latter though – I do not consider that there is sufficient evidence to demonstrate that this realignment would restore and improve freshwater values, that would warrant such directive policy. That is subject to a separate resource consent process. Clause i – ditto. Clause j – ditto Clause k – ditto. The clarity should be who it enhances recreational opportunities for. I would suggest the future residents and wider Nelson community. Clause l – again, this is a method. What is the outcome? A structure plan that reflects and is consistent with mana whenua cultural values. Explanation and reason may need to change. Should be a reference to which version of the FDS – assume the 2019 one. The schedule rules constrained policy and assessment criteria – assessment criteria have no statutory weight – reference should be to matters of control or discretion.
Policy RE6.1 Maitahi Bayview Structure Plan The principal method for achieving sustainable management of the ~~Development of the~~ Maitahi Bayview ~~area~~ Area is the Structure Plan that is within Schedule X. Subdivision and development must~~shall~~ generally ~~accord with~~follow the Structure Plan ~~identified within Schedule~~ ~~X by providing~~subject to any adjustments	The chapeau is not written as a policy and needs to be reworded so it does. A policy should not start by describing what the method is. Delete the first sentence. The first word of the clauses do not follow from the chapeau (except for clause a) and need to be amended.

appropriately identified at the resource consent stage. ~~In particular s~~Subdivision and development must demonstrate that: : a. It accommodates the ~~A~~ range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community appropriate to the zone and in an arrangement that secures the Structure Plan design; and b. Achieves high quality urban design and in particular: i. addresses the intended residential development to be created by subdivision and development; and ii. demonstrates as a part of the assessment of subdivision and development the urban design effects of future residential use; and iii. an assessment of the outcomes against the relevant urban design objectives and policies. ~~b. Sustainable development which achieves high quality urban design principles; and~~ c. Ensures ~~Comprehensive~~ comprehensive housing ~~which~~ is consistent with the requirements of Appendix 22; and d. Ensures that subdivision and development is ~~Consistency~~ consistent with the requirements of Appendix 9 (where appropriate) and Appendix 14; and ~~e. Protection of heritage and cultural values; and~~ ~~f. Freshwater management which is consistent with the NPS Freshwater; and~~ ~~g.~~e. Ensures that the ~~Recreational~~ recreational opportunities to meet the needs of current and future residents shown in the Structure Plan are implemented by subdivision and development, including the provision of the identified reserves and walkway linkages; and ~~h.~~f. Ensures the multi-modal transport connections in the Structure Plan, in the form of ~~Connectivity through~~ roads, cycleways and pedestrian linkages, are implemented as a part of the subdivision and development; and ~~i. Sustainable servicing infrastructure including low impact stormwater design treatment and disposal; and~~ ~~j. The enhancement of ecological and biodiversity values.~~ Explanation and Reasons RE6.1.i Development within the Maitahi Bayview area in general accordance with the Schedule and Structure Plan will ensure that the area is developed in a manner which provides for a diversity of housing choice to meet the needs of Nelson. The provisions of Schedule X are designed to ensure development occurs in a manner which achieves best practice urban design principles and maintains landscape values. ~~The provision for ongoing Iwi involvement in development of the site respects cultural values and the best practice freshwater guidance within the Schedule ensures recreational opportunities and ecological values are enhanced.~~ The Structure Plan provides ~~for continuity of~~ public amenity through provision of road, cycleway and pedestrian linkages and reserves all of which are designed to integrate development into the surrounding environment. The Schedule and Structure Plan have been designed in accordance with urban design principles which take account of the existing landforms and landscape amenity values of the valley, surrounding hills, and ridgelines.	Clause b – not sure of why iii is there. Isn't this a MoD? It doesn't add any value. With the deletion of previous Clause e – heritage and cultural values, there is now no policy support to address the proposed new Rule X.10. The heritage provisions in the NRMP cannot be relied upon as they relate to scheduled buildings, and the applicant is not proposing to schedule the buildings. There is a policy disconnect.

Methods RE6.1.ii The use of ~~Schedule~~ scheduling for the 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. RE6.1.vi Additional requirements within the Structure Plan area. RE6.1.vii Additional information requirements under section 88 of the RMA.	
Policy RE6.2 Cultural Values – Mana Whenua Subdivision and ~~Development~~ development of the Maitahi Bayview area shall ~~include consideration~~ incorporate ~~of~~ ~~cultural~~ tangata whenua values and matauranga ~~maori~~Māori through: a. The ~~P~~protection of Kākā Hills' natural and spiritual values and enabling tino rangatiratanga of this significant place ~~identified~~ ~~historic places (MS56 and MS58)~~; and b. Ensuring cultural impact assessments ~~for~~ are a part of applications for resource consent and providing for those values to be assessed as a part of the resource consent process. In that way, ensuring ~~Consultation~~ consultation with Iwi on issues relating to the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga, and other matters relating to their cultural, social, economic and physical wellbeing, including responsiveness and reflection of cultural values within subdivision and development; and c. Management of natural and physical resources in a manner which respects and takes account of the principles of the Treaty of Waitangi; and d. Enable whakatū Nelson tāngata whenua to exercise kaitiakitanga ~~of freshwater~~over natural and physical resources. 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~~ sites ~~(MS57 and MS58)~~ identified within the Maitahi Bayview area the Schedule rules require ongoing consultation with Iwi through each development phase to ensure development respects cultural values. Methods RE6.2.ii Rule within the Schedule to require provision of a cultural impact assessment for any resource consent application involving earthworks, freshwater, discharges, subdivision or comprehensive housing. RE6.2.iii Consultation with Iwi on issues relating to the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga	Why is header mana whenua, but then the policy talks of tangata whenua? Why are Whakatū Nelson tangata whenua mentioned in clause d and not in the chapeau and title to the policy? Clause b is convoluted. Provision of a CIA through a resource consent is a method by which the policy is achieved. The clause needs to be reworded so that the focus is on the policy direction – that is, being responsive and reflecting cultural values. Clause d – first word needs to be changed for tense and any subdivision or development shall: - Demonstrate that tangata whenua values have been responded to and reflected within the design and layout Address how tangata whenua are able to exercise kaitiakitanga over natural and physical resources

Policy RE6.3 Integrated Catchment Management Tools and Principles

A. Ensure the ~~is~~ sustainable management of the Kākā Valley catchment and the Malvern Hills catchment by integrated catchment management using a mixture of methods including structure planning, ecological overlays, and zones together with resource consent processes that ~~are informed~~must meet the ~~by~~ multi-disciplinary application of best practice principles t.~~subdivision and development enhance freshwater and terrestrial ecological values through:~~

~~A.~~B. Require a Stormwater Management Plan at ~~the~~an earl~~ier~~iest stage of subdivision and development of the Malvern Hills or Kākā Valley catch~~m~~ment that demonstrates the following principles will be achieved:

a. Promotion of land management which minimises nutrient loss and does not accelerate soil erosion; and

b. Maintenance or enhancement of ecosystem health, water quality and quantity including through appropriate management of stormwater and use of water sensitive design; and

c. Management of surface water and ground water in an integrated manner; and

d. Protection and enhancement of Kākā 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; and

e. Conservation and reuse of water resources; and

f. Identification, protection and enhancement of natural wetlands; and

g. Preservation, and where degraded, restoration of natural character of freshwater bodies; and

h. Protection of threatened species habitats within Kākā Stream; and

i. 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; and

j. Realignment of the lower section of the Kākā Stream to restore and enhance freshwater ecological and biodiversity values.

k. The adoption of best-practice erosion and sediment control design to ensure that construction sediment yield is consistent with freshwater and recreational outcomes, and in particular, impacts on the Kākā Stream, Maitahi/Mahitahi River, and swimming holes.

l. Avoiding or minimizing earthworks on steepest slopes, and staging and progressively stabilizing all earthworks to minimize the risk of erosion during development.

m. Providing off-set stream enhancement within the Structure Plan area to achieve a net gain for in stream values.

~~j.~~n. Integrating hazard mitigation solutions with the package of measures required above.

~~B.~~C. Ensuring that the approved Stormwater Management Plan ~~is~~ ~~appropriate and~~ informs the assessment of incremental development of th~~os~~e catchments so that the freshwater outcomes are not compromised by cumulative adverse effects.

~~C.~~D. Require strict information requirements to satisfy decision-makers that any subdivision and development considers the impact of subdivision and development on freshwater quantity and quality and meets the principles of this policy.

Explanation and Reasons

Part A

- This all needs rewording for sense ' ensure that subdivision and development of the land covered by Schedule X takes a multi-disciplinary best practice integrated management approach"? However, I am unclear how this is necessarily achieved.

Part B

- I agree at a high level that this is an appropriate response, but I am not clear how this is then applied through the rule framework. The information requirement is for a Stormwater Management Plan, but there is no tie back to this policy and ensuring that the first SMP covers the entire area, and that any future development needs to be consistent with that SMP.
- The matters of discretion in X.2 and X.3 need to be more clearly tied to this policy direction so that it is achieved.
- Clause d suggest protections of springs, seeps, flow paths, tributaries of Kākā Stream, but this level of detail has been omitted from the Structure Plan and associated overlays.
- Mr Wilson queries the appropriateness of many of these clauses for a SMP and sets out in his addendum what he would consider should form the scope of a SMP. I agree.

Part C – "ensuring that all subdivision and development within the Structure Plan area is consistent with the overarching SMP and that any incremental development does not compromise the freshwater outcomes described {where}?" As I address later on, there is also an issue that the information requirement for a SMP only ties to residential subdivision and comprehensive residential development, and not to other subdivision or development on the site.

I am unclear as to the need for Part D, or how it is achieved. This is an information requirement and need not be in a policy. However, at present there is a disjunct between the information requirement for a SMP and this policy (and the matters of discretion).

RE6.3.i Subdivision and Development within the Maitahi Bayview area provides an opportunity for protection and enhancement of freshwater and terrestrial ecology values ~~on~~ ~~the site~~. The Schedule provides guidance on best practice principles which should be utilised in all subdivision and development design processes to align with the objectives and intent of the National Policy Statement -for Freshwater ~~M~~Management 2020 and National ~~E~~Environmental Standards for Freshwater 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. RE6.2.ii Best practice erosion and sediment control measures, including staging, will be required and imposed through resource consents. Methods RE6.3.ii Subdivision and ~~D~~development ~~will incorporate~~being required to demonstrate water sensitive design 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. RE6.3.vii Additional requirements over earthworks. RE6.3.viii Requiring that subdivision and development demonstrate consistency with the supporting Stormwater Management Plan for Schedule X.	
Policy RE6.4 Indigenous Terrestrial Biodiversity Ensure that indigenous terrestrial biodiversity is enhanced as a part of subdivision and development, in accordance a 'revegetation overlay' identified on the Maitahi Bayview Structure Plan. That is to be achieved by requiring a Vegetation Management Plan as a part of applications for subdivision and development that demonstrate revegetation form part of the subdivision and development activity in a way that improves the long term terrestrial indigenous cover in those identified locations	I am unclear as to how this policy is exactly achieved and how exactly indigenous terrestrial biodiversity would be enhanced, as the policy gives little direction beyond setting out what the method is. While there is a requirement for a Vegetation and Fauna Management Plan under X.16, it is unclear as to its exact purpose and content. What is it to show and achieve? What it is to show should be set out in the information requirement and what it is to ultimately achieve needs to be in the policy. The policy also omits reference to Fauna, albeit the provision of a Plan is a method and in my opinion need not be included in a policy. And, while it would be an information requirement for any subdivision or development subject to X.2 and X.3: - There is no matter of discretion in X.3 that is clear about its purpose and what is to be considered. While XI states "the matters raising from the information provided in accordance with X.3(a) above, this provides no direction in the absence of any exact purpose and content. - This information requirement would only apply to subdivision in the residential areas and not apply to development that was not a comprehensive residential development in the higher density area., I don't see how the revegetation of the Kākā Hill land would be triggered, since the applicant's evidence is that it's not been developed. There are also no specific protections of the vegetation on the land beyond the NRMP rules. I would expect to see a rule that links specifically to the Revegetation Overlay, much in the same way the Landscape and Services Overlay applies. I would expect to see a separate rule for any subdivision or development within one

<table>
<tr><td></td><td>of these overlays and then specific matters of discretion. The policy also doesn’t mention the Residential Green Overlay.</td></tr>
<tr><td>REr.106D Maitahi Bayview Structure Plan (Schedule X)<table><tr><th>Item</th><th>Permitted</th><th>Controlled</th><th>Discretionary / Non-Complying</th><th>Assessment criteria</th><th>Explanation</th></tr><tr><td>REr.106D

Maitahi Bayview Structure Plan (Schedule X)</td><td>REr.106D.1

Schedule X applies</td><td>REr.106D.2

Schedule X applies</td><td>REr.106D.3

Schedule X applies</td><td>REr.106D.4

Schedule X applies</td><td>REr.106D.5

Schedule X applies</td></tr></table></td><td></td></tr>
<tr><td>REr.109.5 (Landscape Overlay s- Subdivision)

The rules pertaining to subdivision and development within Maitahi Bayview Structure Plan area are located in Schedule X. These controls address the specific amenity landscape values applicable to that location</td><td></td></tr>
<tr><td colspan="2">Schedule X</td></tr>
<tr><td>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, Kākā 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. Kākā 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 - 3 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 Hills</td><td></td></tr>
</table>

Botanical Hill and Kākā 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, and where appropriate, avoided. The Schedule seeks to integrate into the Nelson Resource Management Plan (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 Management 2020. 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~~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 zone areas within the Structure Plan. These rules are to be considered in additional to all relevant zone rules except where specified. The NRMP contains both district and regional rules, with the provisions making up 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.	
Administration and activity status **Permitted Activities** Unless otherwise described in this Schedule, the permitted activities shall be as set out in the following zone chapters of the Nelson Resource Management Plan (NRMP): • Chapter 7 Residential Zone; • Chapter 9 Suburban Commercial Zone; • Chapter 10 Open Space & Recreation Zone; • Chapter 12 Rural Zone. Note: Schedule X does not provide for any new permitted activities. **Controlled Activities** Unless otherwise described in this Schedule, the controlled activities shall be as set out in the following zone chapters of the Nelson Resource Management Plan (NRMP): • Chapter 7 Residential Zone; • Chapter 9 Suburban Commercial Zone;	

• Chapter 10 Open Space & Recreation Zone; • Chapter 12 Rural Zone. Schedule X provides new controlled activities within Rules X.4, X.5 and X.10. These new rules, specific to Schedule X. Consistent with the format used in the NRMP, X.4 and X.5 also address the activity status triggers in the event that compliance is not fully achieved with these rules. X.4 and X.5 also contain specific provisions relating to 'Notification', 'Assessment Criteria' and the 'Special Information Requirements'. **Restricted Discretionary Activities** Unless otherwise described in this Schedule, the restricted discretionary activities shall be as set out in the following zone chapters of the Nelson Resource Management Plan (NRMP): • Chapter 7 Residential Zone; • Chapter 9 Suburban Commercial Zone; • Chapter 10 Open Space & Recreation Zone; • Chapter 12 Rural Zone. Schedule X provides new restricted discretionary activities within Rules X.2 and X.3. Consistent with the format used in the NRMP, X.2 and X.3 also address the activity status triggered in the event that compliance is not fully achieved with the listed standards. X.2 and X.3 also contain specific provisions relating to 'Notification', 'Assessment Criteria' and the 'Special Information requirements'. **Discretionary Activities** Unless otherwise described in this Schedule, the discretionary activities shall be as set out in the following zone chapters of the Nelson Resource Management Plan (NRMP): • Chapter 7 Residential Zone; • Chapter 9 Suburban Commercial Zone; • Chapter 10 Open Space & Recreation Zone; • Chapter 12 Rural Zone. **Non-Complying Activities** Unless otherwise described in this Schedule, the non-complying activities shall be as set out in the following zone chapters of the Nelson Resource Management Plan (NRMP): • Chapter 7 Residential Zone; • Chapter 9 Suburban Commercial Zone; • Chapter 10 Open Space & Recreation Zone;	

• Chapter 12 Rural Zone.	
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, as well as the 'Design and Information Requirements' set out within Rules X.8, X.9 and X.13-X.16, 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; and ~~2)~~ e) the transport constraints identified in Rule X.11 have been addressed and are operational. 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 consistency with the Stormwater Management Plan, 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. ~~X.~~XI. Any recommendations made in the Cultural Impact Assessment required in X.8 of this Schedule. XII. The matters arising from the information provided in accordance with X.2(a) above. 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	Clause e – reword - The transport upgrades listed in X.11 have been completed and are operational. The MoD for the Stormwater Management Plan needs to be a lot stronger and clearer to respond to what has been raised in the policy. Issues that need to be addressed include the need for the first SMP to address the whole area and then subsequent development to be consistent with that, and the policy and information requirements. "the matters arising from the information provided in accordance with X.2(a) above" is vague and does not provide direction to applicants, consent staff or decision makers. For example, in respect to the revegetation, I would expect MoD to cover things like the provision of a planting plan, species, size, timing, ongoing management and protection etc. In terms of the stormwater management plan, again I would expect to see very clear matters of discretion for the SMP to be considered against.,

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 provide a streamlined planning process, and so achieve the National Policy Statement on -Urban Development 2020 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 Design and Information Requirements set out within Rules X.8, X.9 and X.13-X.16; 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; and. f) the infrastructure constraints identified in Rule X.11 have been addressed and are operational 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 consistency with the Stormwater Management Plan, 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	Same as per X.3 I question whether this subdivision rule needs to also be relevant to all zones proposed with the Structure Plan, given that PPC28 also covers open space and commercial zones. That also raises the question on whether there needs to be other rules for relevant activities that require consistency with the Structure Plan, and I suggest the applicant needs to address that at the hearing.

VIII. Consistency with the Maitahi Bayview Structure Plan. IX. Any recommendations made in the Cultural Impact Assessment required in X.8 of this Schedule. X. Night-time lighting effects within the Backdrop Area and Skyline Area caused by road lighting and signage. ~~VIII.~~ The matters arising from the information provided in accordance with X.3(a) above. 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 National Policy Statement on -Urban Development 2020 ~~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.	
X.4 Backdrop Area Building within the Backdrop Area of Malvern Hills and Botanical Hill (as identified on Attachment B1.2 of Schedule X) is a controlled activity if: 1. 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%; and. 2. 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 3. the site area shall be planted with a minimum of 20% native vegetation cover. Control is reserved over: • The building's 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, 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* – Whararikі ○ *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. 4. 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. 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 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%, and either
 	
c) The final height of any dwelling shall sit below the primary ridgeline when viewed from Nelson City, State Highway 6 and from Maitahi/Mahitahi Valley Road between Jickells and Sharland Bridge, 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.
 	
~~d)~~ e) the site area shall be planted with a minimum of 20% native vegetation cover.
 	
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* – Titoki
  ○ *Aristotelia serrata* – Makomako
  ○ *Beilschmiedia tawa* – Tawa
	I address this in the body of the Addendum. In short, I recommend that this be amended to a restricted discretionary activity rule.

- *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 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 building's 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~~ 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 Buildings on the Kākā Hill ~~Prohibited activities~~ The following activities are ~~prohibited~~non-complying: (a) Buildings on Kākā Hill backdrop and skyline area as identified on Attachment B1.2 of Schedule X; (b) Buildings on Kākā Hill within the Significant Natural Area as identified on B1.2 of Schedule X. Explanation These rules will ensure the landscape and natural values of Kākā Hill are protected long term.	I am satisfied that there is now policy justification for X.6(a), but I remain of the view that there is not policy justification for X.6(b). I would anticipate this being addressed through new Policy RE6.4. The explanation should refer to ecological values as well.
X.7 Esplanade Reserve Standards a) For the area adjoining the Maitahi/Mahitahi River and ~~over~~ Kākā 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 shall be indigenous species and in general accordance with the following planting palette: Trees ○ *Alectryon excelsus* – Tītoki ○ *Aristotelia serrata* – Makomako	I note that should consent not be obtained for realignment of the Kākā Stream, that these esplanade provisions would apply to its current alignment. This results in an issue of consistency with the structure plan should consent not be approved. I further note that that 750m of the site that is not subject to Riparian Overlay Rule OSr.56 would continue to not be subject to that rule. This could allow structures to be constructed in the esplanade reserve setback without appropriate consents. I also agree with Dr Blakely that there should be a requirement of a minimum 20m width of esplanade reserve either side of the River and Stream. Given esplanade reserves will only be taken through subdivision, and

○ *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	subdivision will require resource consent, this provides for the evaluation of whether less than 20m is appropriate in any particular circumstance. Dr Blakely is also concerned that there is a disconnect between this rule and the cross sections in Mr Milne's evidence. The latter shows a "riparian margin" of a minimum total width of 40m over Kākā Stream, with additional "Open Space" zone over / outside of this. This rule suggests min 40 m total and esplanade reserve suggests multi-use space to Dr Blakely. She addresses this in paragraph (11) to her addendum.

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<u>Juncus edgariae – common rush</u>
<u>Juncus pallidus – Giant Rush</u>
<u>Juncus australis – Rush</u>

<u>Plants set back from Stream and Wetland Margins</u>

<u>Astelia frangrans – kahakaha</u>
<u>Coprosma propinqua – Mingimingi</u>
<u>Coprosma rigida – streamside coprosma</u>
<u>Coprosma robusta – Karamū</u>
<u>Myrsine divaricate – Weeping Māpou</u>
<u>Veronica stricta – Koromiko</u>

<u>Note: It is recognised here that the lower KākāKākā Stream tributary may, subject to resource consent approval, be realigned as a part of developing</u> in general accordance with the Maitahi Bayview Structure Plan.

<u>Explanation</u>

<u>This requirement will ensure that esplanade reserve is vested in accordance with the Maitahi Bayview Structure Plan, and that the enhancement planting be undertaken in general accordance with an appropriate planting palette.</u>
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X.10 Heritage Structures

<u>The demolition of the existing structures and chimney is a controlled activity. Control is reserved over:</u>

<u>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; and</u>

<u>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</u>

<u>c) recording the existing buildings, structures and chimney by digital 3D scanning inside and outside and a 3D model produced.</u>

<u>Note: an Archaeological Authority is also required pursuant to the Heritage New Zealand Pouhere Taonga Act 2014.</u>
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This rule is unclear as to what existing structures and chimney are being referred to. There is also no policy support for this rule. As I have outlined before, with the deletion of the clause from RE6.1, there is no policy support for this rule and the NRMP historic heritage provisions cannot be relied upon as the applicant is not proposing to schedule any buildings or structures, including the shearing shed.

Further, I agree with Dr McEwan that the applicant has approached the heritage values of these incorrectly. The approach should be whether they have historic heritage values or not, and if so, what category they should be assigned. The fact that the applicant may want to do something else with these structures does not mean that they have no value and do not meet the criteria to be scheduled. There is a consent pathway already within the NRMP for works associated with Scheduled historic heritage buildings and structures, and that in my view is the appropriate approach in these circumstances. It may be appropriate however, to include a bespoke restricted discretionary rule for alterations with these additional matters as matters of discretion, and a bespoke policy with these matters for a discretionary activity rule, for removal.
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<u>X.11 Services Overlay – Transport Constraints and Required Upgrades</u>

<u>This table relates to X.2 and X.3 of Schedule X.</u>
<table>
<tr><th><u>Transport Upgrade</u></th><th><u>Construction or improvement</u></th><th><u>Development Threshold</u></th></tr>
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I consider the development threshold should be amended to "must be operational prior to the occupation of the first new dwelling or the creation of the first lot that could access onto Ralphine Way/Bay View Road". Occupation of the first dwelling may be sufficient.

I note that Mr Georgeson has also recommended that the second row be amended to adding a requirement that such links are sealed and, as far as practicable, provided at a gradient no steeper than 1:15. He also recommends that the reference to Hardy Street be removed.
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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.*	*Prior to the first new dwelling/lot with access onto Raphine Way.*		
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 will be at least 2500mm wide.* *There are a number of design options that will be considered as part of Stage 1 of the subdivision.*	*Prior to the first new dwelling/lot with access onto Raphine Way.*		
Gibbs Bridge walk / cycle provision;	*Construct a shared cycle/walk bridge across Maitai River.* *Note that this upgrade may be replaced with alternative shared path access from PPCR 28 that removes the need for this project.*	*Prior to the first new dwelling/lot with access onto Raphine Way.*		
The intersection of Ralphine Way and Maitai Valley Road.	*Improve sight lines, install intersection control and provide right turn bay for Ralphine Way.*	*Prior to the first new dwelling/lot with access onto Raphine 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.*	*Prior to the first new dwelling/lot with access onto Bay View Road from PPCR 28 area.*	
	X.12 Additional Earthworks Requirements *To ensure that that development within the Structure Plan area appropriately minimises adverse sediment effects, and is consistent with the relevant ecology, water quality and recreation provisions of the NRMP and NPSFW, the following principles shall be adopted during the design, consenting and implementation of earthworks. These principles are complimentary to, and shall be adopted in conjunction with, the matters of control and discretion listed in earthworks rules of the NRMP.* *1) Implement of best-practice erosion and sediment control measures for the duration of all earthworks.* *2) Avoid to the greatest extent practicable, and otherwise minimise, earthworks on steepest slopes.* *3) Minimise the overall cumulative extent of earthworks to the greatest extent practicable.* *4) Minimise the area of earthworks exposed to erosion and any given time by staging and progressive stabilisation.* *5) Identify and adopt practicable additional measures for earthworks on higher risk areas such as steep slopes and adjacent to streams.* *6) Implement a comprehensive site management and monitoring procedure to ensure all erosion and sediment control measures remain fully functional.* *Implement adaptive management methodology and plan that incorporates measures to monitor the effectiveness of erosion and sediment control measures, and contingency responses if effects are identified that exceed those anticipated during the consenting of earthworks.*			I am uncertain as to what exactly these principles are and how they would be applied in addition to any consent. I suggest that there needs to be a new bespoke earthworks rule. This Rule would need to apply across all zones on the site, and refer back to those other rules, in terms of their requirements and matters of control or discretion. This "requirement" should be an additional matter(s) of control or discretion. A new rule should also include the X.9 information requirement. The reference to the NPSFW should be to the NPSFM.
	Special Information and Design Requirements within Schedule X ~~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.~~ In order to ensure subdivision and development within Schedule X occurs in a manner that achieves the relevant objectives and policies within Chapter 7 in relation to landscape, natural character cultural and freshwater values, special information requirements are set out within X.8-X.13 below and imposed under Section 88 of the RMA. For clarification. • X.8 is a general rule that applies to any development within Schedule X;			I confirmed with Mr Lile that reference in the third bullet point Is to X.13 to X.16. If X.13 to X. 16 are only to apply to X.2 and X.3, then I am unclear as to what would be the purpose of having the Revegetation Overlay in the Rural Zone. This is because neither rule applies to the Rural Zone. Further, I cannot see how the Policy RE6.4 is to be achieved through the rule framework proposed. I have addressed this earlier. I question whether the first two bullet points are intended to also apply to subdivision consents.

• X.9 is a general requirement that applies to applies to any development within Schedule X; X.10-13 are requirements that apply to any application for subdivision or comprehensive housing development and linked via X.2 and X.3 above.	
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. The extent to which recommendations in the Cultural Impact Assessment have been included shall be detailed in the resource consent application.	
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. 5) Pass first flush of all site generated stormwater through constructed vegetated treatment devices prior to discharge to Kākā Stream, existing wetlands or Maitahi/Mahitahi 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 Kākā Stream (above woolshed) and realign the lower reach through continuous riparian corridor (Blue- Green Spine). Corridor to reflect natural topography and	I remain unclear as to what these are and how these are an information requirement. I have expressed wording with some of these principles in my s42A report and Appendix A. These need to be amended to be consistent with the direction of the NPS-FM, particularly between the use of minimise and avoid. I suggest that this needs to be reframed as the requirement for a report to be provided with an application that addresses the following. Then, the rules need to have clear matters of discretion that provide something to evaluate the report that is submitted against. As noted by Mr Ridley in his addendum, these should be expanded to include reference to erosion and sediment control for both bulk and secondary earthworks. As identified by Dr Blakely, there are no best practice channel design guidelines. She has expressed concern about reliance and suitability of yet to be developed guidelines for inclusion. There is also reference made through these to a blue green spine. While I and others who have been involved with PPC28 will understand what this refers to, I consider that this would not be understood by anyone else picking up and trying to implement PPC28. There is no blue green spine shown on the Structure Plan. I also note here Dr Blakely's concerns that the Structure Plan does not show the wider wetlands, perennial and intermittent waterways and overland flow paths.

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) 9) Where practical, co-locate stormwater treatment wetlands within Kākā 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 Kākā Stream where this provides for improved ecological outcomes, provides for more efficient urban form and demonstrates adherence with best practice channel design guidelines. This includes provision of off-sets to ensure a net gain of in stream values within the Structure Plan area. 13) Identify, protect and enhance all remaining natural wetlands and their margins. 14) Protect and enhance the Kākā 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 Kākā 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	

X.13 Stormwater Management Plan A Stormwater Management Plan shall be prepared and submitted with any application for subdivision or development within Schedule X.	There is no definition of what a stormwater management plan is, or what its content is required to be. I would expect there to be a definition of what a stormwater management plan and detail about what it's content should be. This could be in an appendix to the NRMP or to Schedule X. An example of a Stormwater Management Plan template is https://content.aucklanddesignmanual.co.nz/regulations/technical-guidance/ndc/Documents/SMP_Template_Explanatory.pdf
X.14 Integrated Transportation Assessment An Integrated Transport Assessment shall be prepared and submitted with any application for subdivision or development within Schedule X.	There is no definition of what an integrated transportation assessment is, or what its content is required to be. I would expect there to be a definition and detail about what it's content should be. This could be in an appendix to the NRMP or to Schedule X. I agree with Mr Georgeson who recommends a definition referencing the Waka Kotahi industry standard 'Research Report 422 Integrated Transport Assessment Guidelines' November 2010 (**RR422**), which usefully provides guidance on ITA scope (RR422 Table 6.1 Scope of ITA) in the form of 'Simple', 'Moderate', 'Broad' and 'Extensive', relative to the quantum of traffic generated and significance of transportation effects arising from any new activity. He further recommends that that any subdivision with less than 100 dwellings provide a moderate scope ITA, and one with over 100 a broad scope.
X.15 Ecological Assessment An assessment of the significance of indigenous biodiversity values and the potential threat to those values from domestic pets shall be prepared and submitted with any application for subdivision or development within Schedule X.	There is no information on what the content of the ecological assessment. This should also require detailed ecological surveys, a significance assessment and an ecological effects assessment to determine avoidance or appropriate effects management.
X. 16 Vegetation and Fauna Management Plan A Vegetation and Fauna Management Plan shall be prepared and submitted with any application for subdivision or development within Schedule X. This shall address the 'Residential Green Overlay' and the 'Revegetation Overlay' as shown within the Maitahi Bayview Structure Plan.	There is no definition of what a Vegetation and Fauna Management Plan is, or what its content is required to be. I would expect there to be a definition and detail about what it's content should be. This could be in an appendix to the NRMP or to Schedule X. Dr Blakely sets out what she would consider necessary and appropriate in her addendum. It is not clear the extent to which landcover disturbance may occur and the requirements of revegetation / pest management to ensure beneficial landscape and natural outcomes. There is no reference to the Vegetation Overlay Plan (Sheet 9 included in RMMs assessment) and how this relates to the Structure Plan. Beyond the vegetation clearance rules in the NRMP, there are no rules that prevent indigenous vegetation being removed from the two new proposed Overlay areas. Dr Blakely also considers this Plan should apply site wide in the same manner as the SMP, taking a whole of site approach (via preparation of an overarching Vegetation and Fauna Management Plan at the Structure Plan level), with subsequent subdivision or development specific management plans that are in accordance with the Structure Plan-level management plan would provide a site-wide approach, identify and address cumulative effects. I agree.
Add Maitahi Bayview Structure Plan and ~~Landscape Overlay Maps~~supporting maps 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~~ 3 respectively.	
Chapter 9: Suburban Commercial Zone	
SCd.1	

<table>
<tr><td>This Zone includes … Bishopdale, <u>Kākā Valley,</u> and …</td><td></td></tr>
<tr><td>SCd

<u>Within the Maitahi 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.</u></td><td></td></tr>
<tr><td>SCX Maitahi Bayview Development (Schedule X) after SC3.2

<u>SC4 Maitahi Bayview (Schedule X)</u>

<u>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.</u></td><td></td></tr>
<tr><td><u>SCr.69C Maitahi Bayview Structure Plan (Schedule X)</u>

<table><tr><td><u>SCr.69C</u>

<u>Maitahi Bayview Structure Plan (Schedul e X)</u></td><td><u>SCr.69C. 1</u>

<u>Schedule X applies</u></td><td><u>SCr.69C. 2</u>

<u>Schedule X applies</u></td><td><u>SCr.69C. 3</u>

<u>Schedule X applies</u></td><td><u>SCr.69C. 4</u>

<u>Schedule X applies</u></td><td><u>SCr.69C. 5</u>

<u>Schedule X applies</u></td></tr></table></td><td></td></tr>
<tr><td>SCr.71.2

i) <u>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.</u></td><td></td></tr>
<tr><td colspan="2">Chapter 12: Rural Zone</td></tr>
<tr><td>RUd

<u>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 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.</u></td><td></td></tr>
<tr><td>RU2.1.iA

<u>and Maitahi Bayview (Schedule X)</u></td><td></td></tr>
<tr><td>RU2.ii(b)

<u>and Maitahi Bayview (Schedule X)</u></td><td></td></tr>
</table>

<table>
<tr><td>RU2.2.iA

<u>and Maitahi Bayview (Schedule X)</u></td><td></td></tr>
<tr><td>RU5

<u>RU5 Maitahi Bayview Development (Schedule X)</u>

<u>For objectives and policies relevant to the</u> <u><s>Rural – Higher Density Small</s></u> <u><s>Holdings Area</s></u><u>Rural zoned land</u> <u>which is contained within Schedule X</u> <u>area, refer to RE6 and associated policies within Chapter 7 Residential</u> <u>Zone.</u></td><td></td></tr>
<tr><td>RUr.77C

<table><tr><td><u>RUr.77C

Maitahi Bayview Structure Plan (Schedule X)</u></td><td><u>RUr.77C.1

Schedule X applies</u></td><td><u>RUr.77C.2

Schedule X applies</u></td><td><u>RUr.77C.3

Schedule X applies</u></td><td><u>RUr.77C.4

Schedule X applies</u></td><td><u>RUr.77C.5

Schedule X applies</u></td></tr></table></td><td></td></tr>
<tr><td colspan="2">Chapter 11: Open Space & Recreation Zone</td></tr>
<tr><td>OSd.8

<u>As a part of meeting some of the significant demand and need for</u> <u>additional residential land, the Kākā Valley and adjoining Bayview</u> <u>property is identified within Schedule X (Maitahi Bayview). This also</u> <u>includes new Open Space & Recreation areas. The future residential</u> <u>development enabled by Schedule X is ideally located to meet a range</u> <u>of needs, while adding positively to community recreational</u> <u>opportunities, increasing connectivity and resilience, being culturally</u> <u>sensitive, and enhancing ecological and freshwater values.</u></td><td></td></tr>
<tr><td><u>OS3 Maitahi Bayview Development (Schedule X)</u>

<u>For objectives and policies relevant to the Open Space and Recreation</u> <u>Area which is contained within Schedule X area, refer to RE6 and</u> <u>associated policies within Chapter 7 Residential Zone.</u></td><td></td></tr>
<tr><td><u>OSr.75</u>

<table><tr><td><u>RUr.75

Maitahi Bayview Structure Plan (Schedule X)</u></td><td><u>RUr.75.1

Schedule X applies</u></td><td><u>RUr.75.2

Schedule X applies</u></td><td><u>RUr.75.3

Schedule X applies</u></td><td><u>RUr.75.4

Schedule X applies</u></td><td><u>RUr.75.5

Schedule X applies</u></td></tr></table></td><td></td></tr>
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