BEFORE THE NELSON CITY COUNCIL

Council Committee or Independent Hearing Commissioner(s)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 29 to the Nelson Resource Management Plan for Nelson City Council

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STATEMENT OF EVIDENCE OF RHYS JAMES GIRVAN

Senior Principal Landscape Planner

10 June 2024

QUALIFICATIONS AND EXPERTISE

1. My full name is Rhys James Girvan. I am employed as a senior principal: landscape planner at Boffa Miskell Limited a national firm of landscape architects, planners and ecologists.

2. I hold the qualifications of Master of landscape architecture from Lincoln University and Bachelor of Arts from the University of Canterbury.

3. I have practiced as a landscape planner for approximately 20 years. I have worked for Boffa Miskell Limited for approximately 12 years, formerly in the Wellington office and relocating to the Christchurch office in 2019. I previously worked for Queenstown Lakes District Council and a large multi-disciplinary environment planning and design practice in London.

4. I am a registered member of the New Zealand Institute of Landscape Architects.

CODE OF CONDUCT

5. I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

SCOPE

6. For Plan Change 29 (PC29) I was engaged by Nelson City Council (NCC) to provide landscape evidence regarding the landscape effects of the removal of the Church Hill/ Piki mai view shaft from Appendices 8 and 9 of the Nelson Resource Management Plan (NRMP).

7. I am familiar with the Nelson Region, and have assessed the landscape of Nelson at a district level, having co-authored three studies relating to Nelson's characteristics and values commissioned by Nelson City Council:

Nelson Landscape Study: Landscape Character Assessment

8. This study identified the landscape and seascape character areas which make up the Nelson region, providing character descriptions and associated mapping in a report form[1].

Nelson Landscape Study *Visual Amenity Landscape Evaluation*[2]

9. This study included a section on visibility, which informed the landscape overlays that were identified within the Draft Whakamahere Whakatū Nelson Resource Management Plan. Views from the town centre, main arterial routes and the coastal edge informed the overlay areas. Of note, the study recognised the importance of key locations in identifying prominent city and seaward facing slopes that warranted inclusion in the overlay. Views from the Town Centre including the significant viewpoints identified in the operative NRMP and their degree of visibility were recorded in Appendix 3 of the study.

Nelson Landscape Study: *Landscape Evaluation*[3]

10. This study built on the findings of the landscape character assessment and provided a preliminary technical landscape evaluation identifying the outstanding natural features and landscapes in accordance with RMA section 6(b). This included articulation of the important landscape attributes that are valued by the Nelson Community, alongside relevant landscape sensitivities and threats.

11. The findings from these studies were initially commissioned by the NCC as the landscape component of the technical reporting required for the development of the Draft Whakamahere Whakatū Nelson Plan, which has been put on hold.

[1] Boffa Miskell (2014) Nelson Landscape Study: Landscape Character Assessment. Prepared by Boffa Miskell for Nelson City Council.
[2] Boffa Miskell (2016) Nelson Landscape Study: Landscape Evaluation: Visual Amenity Landscapes. Prepared by Boffa Miskell Limited for Nelson City Council.
[3] Boffa Miskell (2016) Nelson Landscape Study: Landscape Evaluation prepared for Nelson City Council. Prepared by Boffa Miskell Limited for Nelson City Council.

BACKGROUND

12. Nelson City Council notified PC29 as an interim response to the Draft Whakamahere Whakatū Nelson Plan (Nelson Plan). The changes are a response to population growth demands in Nelson City and aim to provide for housing densification, impacting on residential areas in Nelson, but also commercial and industrial zones within the city. The objective is to support housing delivery and well-functioning urban environments within Nelson *"while ensuring that natural hazard risks are appropriately managed and historic heritage is protected"*[4].

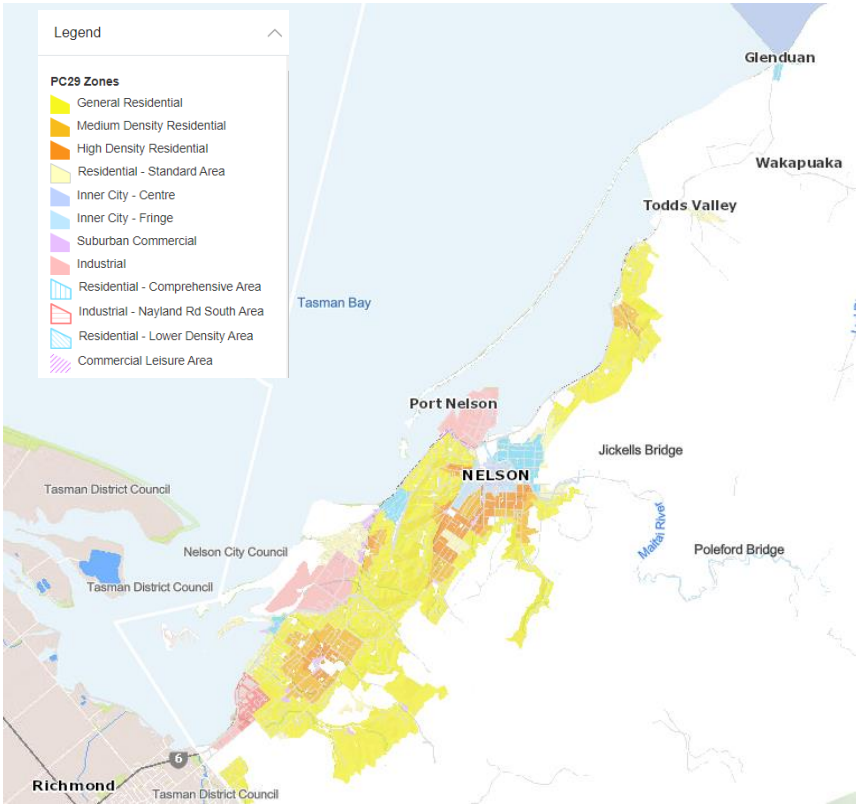
13. As is outlined in Section 5.2 of the Section 32 Report, PC 29 is a response to the requirements of the National Policy Statement: Urban Development (NPSUD).

14. The Section 32 analysis identifies that, "*Since the View Shaft was introduced in the NRMP, views to the Haven from the Church Steps have become increasingly obstructed by the growth of trees along Trafalgar Street*". Given the proposed increase in density in the CBD which also impacts available views, PC29 therefore needs to consider whether the viewshaft from the Church Steps to the sea should be retained. As stated in the scope above, this evidence considers the effect of this from a landscape perspective. I will provide a description of the landscape character of Church Hill/ Piki mai below, and comment on the wider landscape issues under the submissions heading.

SITE AND EXISTING ENVIRONMENT

15. PC 29 covers land within Nelson CBD and residential areas, extending from Todds Valley in Atawhai in the northeast through to the residential area adjoining Saxton Field in Stoke at the southwest extent of Nelson. See **Map 1** below for the areas affected:

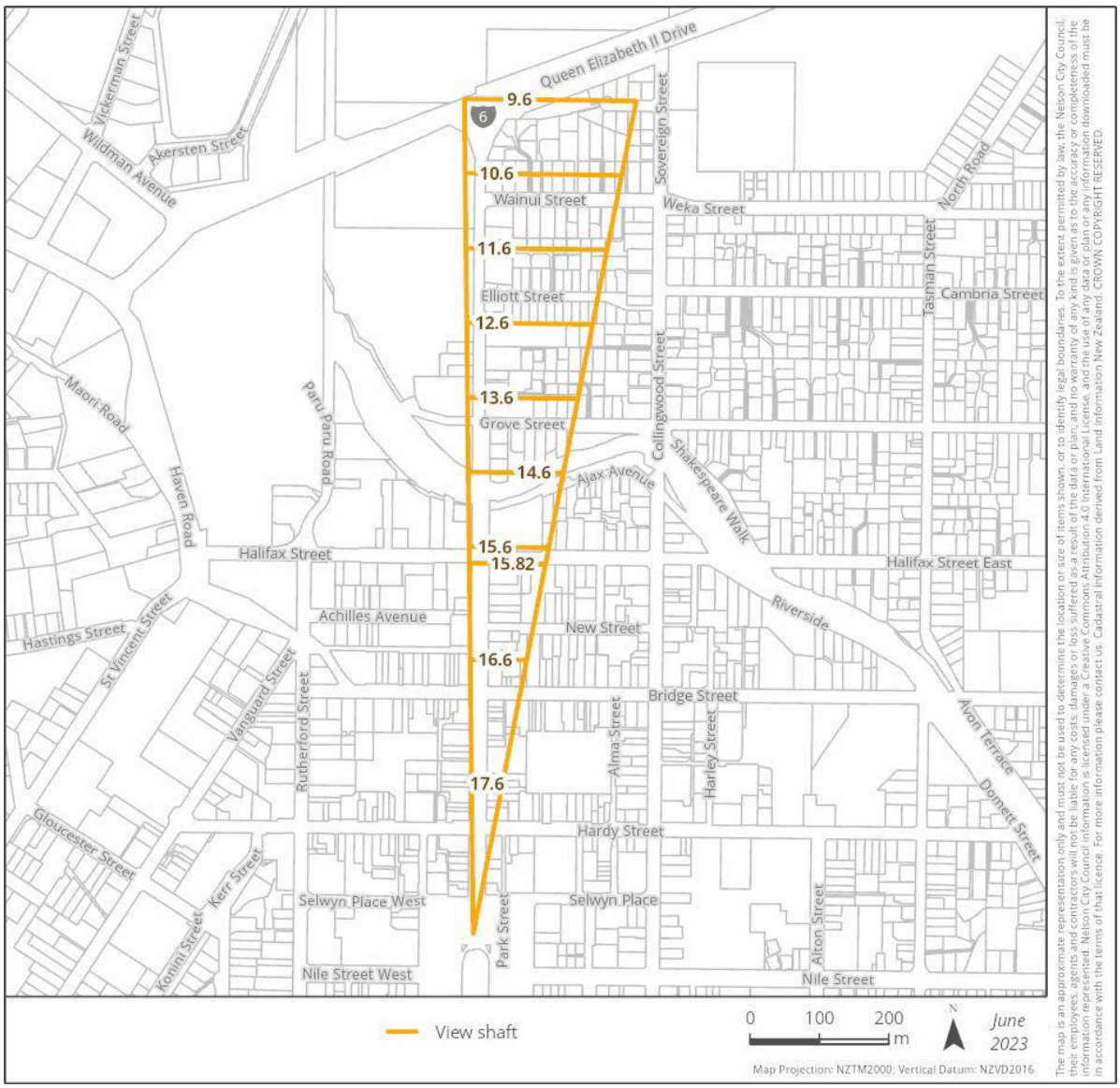
[4] https://shape.nelson.govt.nz/plan-change-29



***Map 1**: highlighted areas in Nelson showing the extent of PC29*

16. The topography surrounding Nelson City is largely foothills extending into a backdrop of rural hinterland and mountain ranges with several iconic conical hills adjoining the narrow coastal strip forming the main area of settlement, making use of the Boulder Bank which has created a natural harbour. Church Hill/Piki mai forms a notable landscape feature at the southern end of the Nelson CBD, and physically separates the elevated southern end of Trafalgar Street from the flatter section to the north.

17. The southern end of Trafalgar Street (which is zoned Residential Lower Density in the NRMP) extends from the Cathedral carpark south along to the foothills/backdrop of the city, terminating at the base of the Grampians Hill (which forms the skyline backdrop to Nelson City when viewed further north). The Church Steps are in an area known colloquially as "Upper Trafalgar Street" for its location at the elevated end of the CBD. From this area, Trafalgar Street runs from the Church Hill steps north towards Nelson Haven, terminating at a roundabout with State Highway 6 (SH 6), with Kinzett Terrace directly north adjacent to the estuary and mouth of the Maitai River. The Church Hill Viewshaft identified in the NRMP is shown on Map 2 below.



Map 2: Church Hill View Shaft

18. Church Hill/ Piki mai consists of Port hills Gravel (late Miocene) and marks a transition between the larger hills of the Grampians to the south and between the coastal foothills (such as the Port Hills and Malvern Hills). Prior to European settlement, it is understood Piki mai was a sentinel pā, used by the local tribes when under threat from invading forces. It was valued due to the height of the land providing natural vantage point over the surrounding landscape including Whakatū to the north, Whakapuaka to the east, Maungatapu to the south-east and the Waimea trail to the west[5].

19. The Heritage New Zealand heritage trust states on their website that in 1841, the hill was selected by Captain Arthur Wakefield as the centre of

[5] https://www.theprow.org.nz/places/piki-mai/

the new town of Nelson, with administrative buildings constructed, then fortified against a then predicted (but never eventuated) Māori attack in 1843[6]. In 1848 Cathedral Hill was transferred to the Church of England, with Bishop Selwyn holding sermons initially in a tent on the hill, with three flights of wooden steps providing easier access to the patrons. Piki mai was then confirmed as the site for a church which was completed in 1851. In 1858 Queen Victoria established Nelson as a city.

20. In 1893, the existing wooden spire of the cathedral was damaged by an earthquake, then in 1920 a fire damaged the building. A new cathedral was approved in 1925 and completed in 1967[7]. The steps however were completed earlier.

21. In 1913 the current Church Steps, commissioned by Thomas Cawthron and designed by Arthur Reynolds Griffin were opened[8]. These steps were constructed out of Tonga Bay Granite (sourced from Tonga Bay in the Abel Tasman). The steps have been used as a gathering point by the Nelson community since this time, for events such as Christmas carols on New Years Eve, through to religious protests.

22. The setting of the church steps, the Cathedral and the botanical planting and heritage trees that form the current character of Church Hill / Piki mai contribute to the "Upper Trafalgar Street" character, as well as both the Church Steps and the Cathedral.

23. Within Church Hill / Piki mai, there are a number of protected heritage trees that contribute to the established nature of the landscaped grounds around the church, which is enjoyed by residents of Nelson and visitors as a place to walk through and rest or picnic. The trees in the grounds are largely exotic, with 10 trees within Church Hill / Piki mai grounds identified in the NRMP for their heritage value – all of which are exotic. Two trees (GT07.17 *Eucalyptus globulus* and GT007.013: *Quercus ilex*) are protected under the NRMP due to their landscape value. While not all trees are protected, their size and stature contribute to the sense of

[6] https://www.heritage.org.nz/list-details/253/Listing
[7] https://www.theprow.org.nz/places/nelson-s-landmark-cathedral/
[8] https://www.theprow.org.nz/places/nelson-s-church-steps/

place and the importance of the Cathedral and the Church steps as historical features and an icon for the establishment of Nelson as a city.

STATUTORY REQUIREMENTS

Resource Management Act

24. Church Hill / Piki mai is not identified as an outstanding natural feature or landscape or area of visual amenity landscape. Policies and Plans are required to be prepared in accordance with Part 2 of the RMA[9]. Of part 2, the following matters are relevant from a landscape perspective:

- ***Section 7 (c)*** *maintenance and enhancement of amenity values.*
- ***Section 7(f)*** *maintenance and enhancement of the quality the environment*

National Policy Statement

25. PC 29 is in response to national direction to fulfil Councils obligations under central government's National Policy Statement for Urban Development (NPS-UD) 2020. This is listed as the main objective of PC 29 in the Section 32 analysis[10]. Of particular relevance are:

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

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

a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people,

[9] Following Schedule 1 of the RMA
[10] Section 32 Evaluation report of PC 29

communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity.

e) the likely current and future effects of climate change.

Nelson Regional Policy Statement

26. Within the Nelson Regional Policy Statement, relevant Objectives and Policies include:

NA1.2.1 *Preservation or enhancement of amenity and conservation values.*

NA2.2.1 *A landscape which preserves and enhances the character of the natural setting in which significant natural features are protected.*

NA2.3.3 *To avoid development which detracts from the landscape and amenity values afforded by viewshafts within the urban area and by gateways between urban and rural areas and between different landscape units.*

NA2.3.5 *To identify and protect significant landscape and natural features throughout the city area, including:*

(i) natural or physical features considered to be of regional, national, or international significance;

(ii) macro features which contribute to the landscape setting of Nelson;

(iii) natural or physical qualities of the area which contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes; and

(iv) the absence of adverse effects which significantly detract from people's appreciation.

Nelson Resource Management Plan

27. The Nelson Resource Management Plan (NRMP) is a combined District (land use) and Regional (coastal, land disturbance and freshwater) Plan. Specifically, in relation to views, Policy IC2.4 states:

IC2.4 *Buildings and structures should not interrupt or otherwise compromise significant views within the Inner City and from other parts of the City across the Zone.*

28. Within the explanation and reasons which support this policy, the NRMP notes that Nelson's inner city is enhanced by its setting within the hills and the views that are afforded of these and the more distant mountains, of the sea from Church Hill, and of Church Hill itself and the steps.

29. Method IC2.4.iii refers explicitly to the rule defining the view shaft protection area from the Church Steps, looking down Trafalgar Street.

30. Table 9.1 of the NRMP sets out further detail in terms of the focus and context of significant views with those relevant to this viewpoint, including the locations described as "Nelson Central level" and "Civic House" proposed to be removed. Table 9.1 is reproduced below.

Location	View Orientation	Observe Location	Focus	Context	Frame L Margin	Frame R Margin	Comments	Critical Importance	Threats
Nelson central level (top)	North	Top of Church Steps	Trafalgar Street and City Centre	City/sea/ Cathedral/ Civic House	Cathedral / vegetation	Cathedral / vegetation	Significant trees frame view. View of Civic House clock, port and Tasman Bay	✓	Height of City Centre could block views to port and sea
Nelson central level (mid)	North	Top/mid Church Steps	Trafalgar Street and City Centre	City/Civic House/ Trafalgar Street	Vegetation / City Centre	Vegetation / City Centre	Significant trees frame view. View of Civic House clock, port and Tasman Bay	✓	Height of City Centre could block views to port and sea
Nelson central level (lower)	North	Bottom Church Steps central	Trafalgar Street and City Centre	City buildings	Cathedral / trees / Kaka Point	Kaka Hill / Cathedral / trees	Port view to Civic House clock and City Centre only	✓	Height of City Centre could block views to port and sea
Civic House	South	Intersection Civic House/ Halifax/ Trafalgar Streets	Trafalgar Street to Cathedral	City buildings	Trafalgar Street (east)	Trafalgar Street (west)	Principal view shaft to Cathedral defined by built edge of street and Cathedral tower. Street trees important.	✓	Inappropriate redevelopment could adversely affect this character area

31. Relevant rules are currently set out in ICr.56: Viewshaft Overlay. Assessment criteria relevant to this policy as set out under ICr56.4 state:

a. *whether the building frames the view horizontally or vertically from the edges of the view shaft. This may be acceptable in some circumstances.*

b. *the extent of intrusion into the view shaft, and the elements of the view affected.*

c. *the extent to which the core of the view is impinged upon.*

d. *whether the building removes existing intrusions or increases the quality of the view.*

32. Under ICr.56.5, the explanation relevant to the Viewshaft Overlay states:

> *The rule relates to views from the Church Steps looking north, towards the Haven. These views are important for visitors and residents alike, and provide an important link between the City Centre and the sea beyond. Any proposed building or structure that would impinge on the defined view shaft, will need to be assessed as a discretionary activity in terms of its potential impact on the view shaft.*

33. In addition to views related to the defined viewshaft, the view along Trafalgar Street also contribute an important element of available views, subject to Rule ICr.21 - Buildings over road reserve. This will continue to control the intrusion of structures that might block this view e.g. walkways connecting buildings, enclosed verandas, signs or architectural features.

COUNCIL'S SECTION 32 EVALUATION

34. PC 29 was notified in August of 2023. The reports that informed policy writing of PC 29 that are relevant from a landscape perspective, including those set out above.

35. A summary of the relevant height provisions between the Operative and proposed PC29 Maximum Building Height Provisions within the Church Hill Viewshaft relate to the Inner City and City Fringe zones. These are set out in the table below, noting a divergence between absolute heights and heights related to existing ground level.

Zone	Operative NRMP (Maximum building Height)[11]	Operative View shaft height restrictions[12]	Proposed PC29 (Maximum building Height)
Inner City and City Fringe	• 15m	• 17.6m to 15.6m	• 24m
Residential Zones (North of Halifax Street)	• Residential Higher Density - 7.5m • Residential – 7.5m	• 14.6m to 9.6m	• Residential – No height change in PC29 – i.e 7.5m • Residential Higher Density Areas - No height change in PC29 – i.e 7.5m

METHODOLOGY

36. To assist with understanding the change in available views relating to the Church Hill Viewshaft, an accurate 3d digital model of the viewshaft and corresponding height planes relevant to this plane change have been prepared (see **Figure 1**). The existing viewshaft forms a 3D area which commences at a defined origin point at the Church Steps and forms an angle of 11.7, orientated along Trafalgar Street and towards the Nelson Haven. The height of the viewshaft is defined by RL heights as it progresses north towards Nelson Haven.

37. Based on this 3d digital model, a series of visual simulations have been prepared to illustrate the actual areas in which development may occur relative to ground level within the defined extent of the Church Hill Viewshaft. Further understanding of the methodology used to prepare visual simulations is set out in **Figure 4** of the Graphic Supplement.

38. Whilst the viewshaft is consistent with the parameters of the NRMP (Appendix 8), modelling of the viewshaft has relied on GIS information within the NRMP. Iron Spike (IS) III, for which the origin point is referred to in Figure 8.1 Church Hill Viewshaft, could no longer be located through which the origin point of this viewshaft refers. Modelling also does not take into account site coverage, recession planes or articulation within each parcel and therefore represents a worse case view of the potential parameters within which future development would remain contained.

[11] Above existing Ground Level
[12] Absolute height NZVD2016

39. The view from the origin point of the viewshaft that has been modelled is slightly offset to the west of the church steps and aligned with the western edge of Trafalgar Street. Given this offset, the origin point location is now partially obscured by mature vegetation established within Church Hill / Piki Mai which frames this view. In response to this change, the photography used to prepare the visual simulation along the viewshaft has therefore been obtained to represent an open representative view at an eye height of 1.5 metres above ground level (AGL) and 4.1 metres to the east of the viewshaft origin.

40. It should be emphasised that the origin point represents the starting point of the viewshaft plane above which views are protected, rather than a point where it is expected all people are likely to stand to appreciate the view. Combined with this the photo point has been selected as a representative view of the vista associated with the viewshaft, demonstrating what can be seen from the Church Steps from an area more likely to be used for this purpose.

41. For the purpose of assessing visual effects, the plans and photo simulations included in the separate Graphic Supplement show the following:

    a) Extent of existing viewshaft (coloured orange);

    b) Existing building heights otherwise anticipated under the existing operative NRMP and currently restricted by the viewshaft (green); and

    c) Proposed building heights anticipated as a consequence of Plan Change 29 (blue).

42. To prepare visual simulations and assess consequent effects, only parameters which may occur within the defined Church Hill Viewshaft have been modelled, with a resulting wireline showing the maximum envelope within which development may occur. It is appreciated that broader implications on available views may also occur because of PC 29 beyond the Church Hill viewshaft, however this assessment is confined to

effects of extending proposed development within the Church Hill viewshaft only.

ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

43. When viewed from the Church Steps, the existing protrusions that have occurred in the Inner City, City Fringe and Residential areas within this viewshaft, have resulted in a loss of visual connection to the Port and Tasman Bay. The extent to which existing vegetation and built development extrudes above the viewshaft is illustrated on **Figure 1**. Within the southern area of the view shaft, south of Halifax Street, this primarily relates to street trees located in clusters along Trafalgar Steet and at the intersections of Bridge Street and Hardy Street. Trees established in this area are all exotic semi-mature Oak and London Plane trees which generally reach heights of between 14 and 16 metres. North of the Maitai River there are also numerous other locations where suburban trees extrude through the defined viewshaft including along Trafalgar Street and the area to the east (along Grove, Elliot, and Wainui Street) consistent with an established urban area and to the extent which contributes cumulative screening of potential sea views in the event foreground trees are removed.

44. In addition to vegetation, several buildings have also breached the existing Church Hill Viewshaft largely without any current appreciable effects. Buildings which extend above the Church Hill Viewshaft are shown and labelled on **Figure 1** and entail the following:

- **7 & 9 Dundas St** are in the residential zone and were built in 1983/84. The dwellings did not require resource consent as there are no rules in the residential zone relating to the View Shaft Overlay.

- **38 Halifax St** was built in 1972 and altered in 1993. The 1993 resource consent is for the veranda and a bit of trim over the Halifax St Road reserve, not anything view shaft related.

- **68 Bridge St** – got a certificate of compliance in 2011.

- **121 Trafalgar St** – has had multiple consents prior to 2003, none of which mention the view shaft overlay.

45. The extent of the Church Hill Viewshaft currently culminates to the south of Queen Elizabeth II Drive which extends along the southern edge of the Nelson Haven. Further existing vegetation lines this coastal edge and has additional potential to restrict available views outside the defined viewshaft. Development and vegetation in this area currently remains limited, however remains outside of the defined viewshaft for which further obstructions may likely continue.

46. When considering impacts on available views from the Church Steps, there is a cumulative effect. As the city of Nelson has grown and matured there has been a progressive combination of obstructions which restrict what once formed a visual connection between the Church Steps and the sea. Consequently, any previous direct visual connection is no longer apparent. Even during winter when the exotic trees lose their leaves, the combination of successive tree branches, evergreen trees and built form restricts any more obvious visual connection between the Church Steps and Tasman Bay. Whilst associations with this view remain, particularly including the ongoing alignment of Trafalgar Street for which the Church Steps align, obvious views of the sea no longer persist.

47. Based on the current viewshaft, approximately 2-3 metres of the upper extent of potential buildings within the Inner City and Fringe Zone are restricted under current plan provisions. This is illustrated on **Figure 2**. This extrusion remains below the canopy of intervening trees and therefore limits the extent to which any additional development introduced in this context would be visible.

48. When compared to the existing situation, PC29 would enable built form up to 24 meters within the Inner City and City Fringe Zones, including within the defined Church Hill Viewshaft (see **Figure 3**). This exceeds the height of existing trees and would result in built form up to 11.2 metres (or 3 storeys) above the existing viewshaft. Whilst development in this area would be visible above the intervening tree canopy, it would have no further material reduction in views of the coast nor the alignment and axis along Trafalgar Street for which the Church Steps are aligned.

49. As described in the methodology above, visual simulations have been prepared to assist with my assessment and are included in a separate

Graphic Supplement for reference. The representative view from the Church Steps adjacent the origin point of the viewshaft is shown in **Viewpoint 1**. This demonstrates that given the existing breaches to the viewshaft, any increase in built form would have no discernible reduction on available views of the Port or Tasman Bay, including Nelson Haven or the Boulder Bank which presently remains concealed. Whilst parts of the Civic House clock may remain visible from the top of the Church Steps, this would not be affected by increasing the height of buildings within the viewshaft.

50. In essence, increasing the height limit within the Church Hill Viewshaft viewed from the Church Steps would expand a broader urban skyline and city centre viewed above the current tree canopy rather than obscure any views of the port and sea referred to in Table 9.1. The primary axis framed by street trees along Upper Trafalgar Street would also remain.

51. In addition to views from Church Hill steps towards the coast, the opposite effect has been considered looking south along the alignment of Trafalgar Street within the Church Hill Viewshaft towards Church Hill / Piki mai. As with Viewpoint 1, this may result in an increase in development visible within Nelson's Iner City Zones, however this would not result in any further loss of views of Church Hill or Cathedral tower seen along the alignment of Trafalgar Street when compared with the extent this is currently observed. A summary of identified available views are set out below:

    - **Viewpoint 2** shows the view from the Trafalgar Street Bridge looking towards Church Hill/ Piki mai. From here the church steps are obscured by the cumulative tree canopy which extends along the alignment of Trafalgar Street. The Cathedral remains clearly visible beyond this and above the existing avenue of trees. To the right of the viewshaft, the proposed extrusion of the height plane along the eastern side of Trafalgar Street is visible and extends below the Council offices and Civic House clock at 38 metres and which continues to define and punctuate the skyline from this location. The summit of the Grampians remains visible beyond this. To the left of this viewpoint, the extension of development enabled

by PC29 would occur above the skyline and partially obstruct views of the Grampians and backdrop to Brook Sanctuary beyond. While the extension of the scale of inner city built-form will reduce the relationship between Nelson's setting and its surrounding hills apparent from this location, this is not directly related to views of the Cathedral which remain along the primary axis of Trafalgar Street and which remains framed by established vegetation.

- **Viewpoint 3** shows the view from Kinzett Terrace Park adjacent to the roundabout between Trafalgar Street and State Highway 6. From here, the provision of increased development within the Church Hill viewshaft becomes less apparent and most typically would remain contained below the established intervening tree canopy apparent along Upper Trafalgar Street. Any development within the parameters enabled by the removal of the Church Hill viewshaft would remain below the top of the Cathedral which remains focussed along the axis of Trafalgar Steet and below Nelson's vegetated backdrop.

- **Viewpoint 4** shows the view from Akersten Street to the west of Nelson Haven within the Port of Nelson. From here, additional development enabled within the Church Hill View Shaft would appear well below the skyline and within Nelson's existing urban context including intervening vegetation which occurs above the Church Hill Viewshaft. Above this, views of the Cathedral and Civic House clock will remain as obvious features viewed against the vegetated backdrop of the Grampians.

Summary

52. An analysis of available views confirms the Church Hill viewshaft no longer performs its function of providing views of the sea from the Church Steps. Whilst this view changes during winter when the exotic trees lose their leaves and may continue to be modified through time, the nature of cumulative protrusions has progressively modified views from the Church Steps to the extent that sea views can no longer be expected to form a key characteristic of existing or ongoing views. Protrusions reflect an accumulation of successive tree branches, some

evergreen trees and built form including those within and adjoining the defined viewshaft. Further vegetation and development may also occur along Queen Elizabth II Drive outside the Church Hill viewshaft and can be expected to further exacerbate this established effect.

53. Notwithstanding a lack of visibility of the sea, the alignment of Trafalgar Street with the Church Steps represents an important historic axis and connection influencing the character of Nelson. Similarly, a variety of medium and longer distance views can be expected to remain looking south towards the Cathedral along this axis. Such connections and views retain enduring and coherent aspects of the layout of Nelson City. Reference to this connection is considered important to retain and reinforce in order to promote appropriate recognition of these strong associative values. Given this context, it remains part of place making relevant to Rule ICr.21: Buildings over Road Reserve for which protection of the alignment of views along Trafalgar Street within the road corridor are considered important to maintain.

RESPONSE TO SUBMITTERS

54. There were 880 submissions received by the Council in relation to PC 29, with 42 individual submission points relating to the Church Hill view corridor as it relates to Appendix 8 and 9 and proposed revisions within the NRMP. These submission points cover the following issues:

Contribution to landscape character

55. Several submissions refer to the setting and character of Nelson, particularly in relation to previous associations with views of the sea. These can be summarised as follows:

    - *The contribution of the viewshaft to the views and landscape setting and character of Nelson.* [13]

[13]#S20.010 Tim Bayley; #S42.040 Mary Bronsteter; #S385.015 Ian Bowman; #S398.016,# S398.022 & #S398.042 Heritage New Zealand;# S458.013 Nelson Historical Society; #S495.031 New Zealand Institute of Architects; #S605.049 & #S607.050 Hamish and Jane Greenfell; #S607.006 Belinda Fletcher; #S613.006 Jason McCormick; #S617.011 & #607.023 Sarah Holman; #S720.009 Mary Gavin; #S732.036 John Fitchett; #S831.014 & S831.025 Heritage Nelson.

- *Visual accessibility to a significant and iconic heritage feature of Nelson, which reinforces the relationship between Pikimai/Church Hill and the central city.*[14]

- *The vital visual connection between the land and sea that this corridor enables.*[15]

56. As illustrated in **Viewpoint 1**, the combination of breaches within the Church Hill viewshaft means the visual connection previously anticipated between the Church Steps and the sea no longer endures. Notwithstanding this, the relationship and association between the Church Steps and the alignment of Trafalgar Street towards the coast remains clearly apparent and forms a key contribution to the character of available views. In this context, existing street trees provide a current aspect of the amenity appreciated along the Trafalgar Street corridor and accentuates the avenue along which this established axis maintains.

57. Given this context, a primary factor which contributes to the relationship between Church Hill and Tasman Bay is the alignment of Trafalgar Street relevant to views south towards the cathedral. This forms a key contribution of the landscape setting and character of Nelson and should be expected to remain. Whilst larger development would frame this view because of PC29, the alignment between the Cathedral and Trafalgar Street will continue to be a primary focus of the structure and layout of Nelson City, even with of increased development enabled within the Inner-City Zone.

Trafalgar Street Trees and streetscape/ view

58. Many submissions recognise that the street trees down Trafalgar Street restrict the visual access down the Church Hill view corridor. Of the submissions that mention the Trafalgar Street trees, the following opinions were expressed:

- *The trees provide landscape amenity, shading and landscape character that contributes positively to the Trafalgar Street*

[14] #S20.010 Tim Bayley; #S385.015 Ian Bowman; #S398.022 Heritage New Zealand; #S458.013 Nelson Historical Society; #S720.009 Mary Gavin; #S831.014 & #S831.025 Heritage Nelson;
[15] #S596.007 Jennifer-Anne Fletcher; #S607.006 Belinda Fletcher; #S613.006 Jason McCormick;

streetscape and should be retained in their current form, or trimmed.[16]

- *The trees within this view corridor are unprotected and may die.*[17]
- *The presence of trees within this view corridor is insufficient justification to allow building heights of 24m.*[18]
- *The leaves in winter allow for views down the viewshaft. The presence of the trees within the viewshaft complement it rather than obstruct it. Deciduous trees cannot be compared to solid obstructions (of buildings).*[19]
- *The current trees should be better managed by the Council or replaced with a more appropriate variety that retains the view. The trees are problematic/ damage buildings.*[20]

59. As some submitters have stated, it should be acknowledged that existing trees along Trafalgar Street could be removed or progressively removed to maintain the view, however as outlined above, this is only part of a larger ongoing and cumulative issue. In addition to numerous breaches within the viewshaft, buildings which have been constructed within and outside the viewshaft now also contribute to removing any meaningful visual connection between the Church Steps and the sea which was previously anticipated.

60. A key contribution which remains relevant within the context of the Church Hill viewshaft is the Trafalgar Street Corridor which maintains an historic reference between the central city and the sea. Along this corridor the Cathedral remains a prominent foundation for Nelson City and continues to be visible from the coast. In recognition of this important axis, provisions should ensure the legibility of this primary axis endures.

[16] #S20.010 Tim Bayley; #S774.005 Allison McNabb;
[17] #S385.015 Ian Bowman; #S495.031 New Zealand Institute of Architects; #S831.025 Heritage Nelson;
[18] #S162.009 Mark Gabites; #S398.016 Heritage NZ; S720.009 Mary Gavin; #S732.036 John Fitchett;
[19] #S596.007 Jennifer-Anne Fletcher; #607.006 Belinda Fletcher; #S613.006 Jason McCormick;
[20] #S732.036 John Fitchett; #S774.005 Allison McNabb;

61. Given the above, I consider the removal of the Church Hill viewshaft will not impact materially on the context of this significant view, due to the loss of visual connection that has already occurred under existing plan provisions. The key dimensions of amenity which relate to the viewshaft (associated with the layout of Trafalgar Street to connect the Church Hill Steps with the coast). I consider the importance of this corridor could be further reinforced with reference to Rule IC.21. This would ensure the potential for more permanent built elements including walkways connecting buildings, enclosed verandas, signs or architectural features remain absent along Trafalgar Streets defined urban corridor to ensure this enduring axis and historic connection remains.

62. There were two submissions in support of the proposed removal of the Pikimai/Church Hill protection[21]. The reasons for support of the removal were worded the same, stating that the deletion of the IC2.4 view is a necessary impact from the intensification, with the supporting submissions also noting that the Trafalgar Street Trees have already removed the view from the top of the Church Steps. I agree that the presence of trees has contributed to the erosion of views whilst noting the role and importance of maintaining this enduring Trafalgar Street axis which will remain.

RECOMMENDATIONS

63. Based on the nature of the identified connection between Church Hill / Piki mai and the coast, I consider this viewshaft is now largely redundant and seeks to protect a view of the sea from the Church Steps which has now been diminished. The removal of the Church Hill Viewshaft will have no material impact on this fact, due to the cumulative intervening structures and vegetation both within the viewshaft, and outside of the viewshaft which can be expected to continually impede this view. For this reason, I support other methods that identify the value of this enduring connection, including the importance of the relationship between Trafalgar Street the Church Hill Steps and the Cathedral.

[21] #S777.008 Trafalgar House Ltd; #S845.017 GP Investments Limited.

64. To this extent, I consider relevant provisions may continue to include reference to Rule IC.21, recognising the importance of enduring associative values and connections along the main axis of Trafalgar Street which will remain. This could support:

    - Redefining the Church Hill viewshaft to relate to an open unbuilt corridor down Trafalgar Street as an important historic value informing the establishment of Nelson City. This could cover the width of Trafalgar Street, along which all permanent structures would remain restricted in accordance with Rule IC.21, protecting the overall legibility and connection between the Cathedral and its axis towards and from the coast along Trafalgar Street.

    - Story telling (such as the historical shoreline depicted in pavement on Bridge Street).

    - Other methods that may involve a response that is determined through the discussion with a cultural heritage advisor and/or the wider community.

CONCLUSIONS

65. On considering the views of the Church Hill Viewshaft, my assessment confirms that the current viewshaft no longer achieves its intent of maintaining a view from the Church Steps to the sea. The reasons for this relate to cumulative foreground and more distant visual obstructions including:

    a) Mature trees along Trafalgar Street and at the intersections with Bridge Street and Hardy Street.

    b) Numerous locations where other trees within the viewshaft in the suburban area east of Trafalgar Street (along Grove, Elliot, and Wainui Street) intrude into the viewshaft.

    c) Instances where large buildings both within the viewshaft with parapets, lift shafts and sections of roof and in

adjoining areas along Trafalgar Street obstruct available views.

d) The viewshaft stops short of the coastline. The reason for this is unknown, but it means that there is a section of land including QE II Drive and road reserve planting that has potential to restrict views.

66. Notwithstanding the limited impact of removal of the Church Hill Viewshaft in terms of already compromised sea views, I consider associations between the Church Steps and their orientation along Trafalgar Street remain an important and enduring element of Nelson's urban landscape. In recognition of this relationship, I consider the assessment criteria relating to Rule IC.21 could be further reinforced to ensure an enduring but evolving functional unbuilt urban corridor is specifically maintained along Trafalgar Street to the north of the Cathedral, including ongoing reference to its contribution to the setting and character of Nelson.

Rhys Girvan



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