Boffa Miskell

Memorandum

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Attention:	Gina Sweetman
Company:	c/- Nelson City Council
Date:	19 May 2022
From:	Rhys Girvan (Registered Landscape Architect)
Message Ref:	Private Plan Change 28: Maitatahi Bayview – Landscape Peer Review
Project No:	BM19401B

Private Plan Change 28: Maitatahi Bayview – Landscape Peer Review

1 I have prepared this memorandum on behalf of the Nelson City Council (Council) in respect of technical landscape related matters arising from the submissions and further submissions on the Private Plan Change 28 (PPC28) to the Nelson Resource Management Plan (NRMP).

2 Specifically, this memorandum relates to the following matters as identified in submissions:

- Adverse effects on Nelson's ridgetops and skylines.
- Adverse effects from significant landform modification.
- Adverse effects on the natural character of Kaka Stream.
- Landscape character effects on the Maitai Valley and Maitai River.
- Colour controls and night-time lighting effects.
- Need for visualisations and 3d modelling.

Qualifications and experience

3 I hold the qualifications of Master of Landscape Architecture from Lincoln University and Bachelor of Arts from the University of Canterbury.

4 I have practiced as a landscape planner for approximately 18 years. I have worked for Boffa Miskell Limited for 10 years, formerly in the Wellington office and relocating to the Christchurch office in 2018. I previously worked for Queenstown Lakes District Council and a large multi-disciplinary environment planning and design practice in London.

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

Code of conduct

6 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing my evidence and will continue to

comply with it while giving oral evidence before Council Hearings. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

Involvement with the Private Plan Change 28

7 I have been involved in PPC28 since April 2021 when I was engaged by Nelson City Council to provide a technical landscape peer review. I undertook a site walk over with Council and applicant representatives on the 7th May 2021. Following this, I have provided input into Council's s.92 Further Information Request and met with Paul Smith and Tony Milne from R+M Landscape Architects[1] to discuss these aspects on the 13 August 2021.

8 I have read PPC28 dated 24 August 2021. I have also read the submissions and further submissions on PPC28 provided to me by Council that relate to my area of expertise and attended expert conferencing on 11th May 2022 with Tony Milne and Anne Steven, landscape architect engaged by Save the Maitai Incorporated, as set out in the resultant Landscape Joint Witness Statement (JWS).

9 This report has been prepared to assist the Section 42A report which will support the Hearings Panel for PPC28.

10 There were few areas of agreement in the JWS. Accordingly, I have provided a more detailed assessment of PPC28 and expanded on my rationale recorded in the JWS.

The Proposed Activity

11 The proposed activity seeks to rezone approximately 287 hectares of land within the Kaka Valley and parts of Botanical Hill and the Malvern Hills from:

- Rural
- Rural-Higher Density Small Holdings Area

To:

- Residential
  - Higher, 300m2
  - Standard, 400m2
  - Lower Density Areas, 800m2
  - Lower Density Area (Backdrop Area), 1500m2
  - Rural-Higher Density Small Holdings Area
- Open Space Recreation
- Suburban Commercial

12 The Proposed Structure Plan includes Skyline and Backdrop Areas within which additional landscape provisions are proposed to manage the effects of potential development within such areas. The layout of the structure plan is presently limited to Indicative Road linking Bayview Road

[1] Applicant landscape architects

with Ralphine Way within the Kaka Valley, alongside indicative walkway / cycleway links and indicative lookout locations. Two wetland areas are also identified either side of Kaka Stream.

13 The proposed Structure Plan is outlined in the Landscape, Visual Amenity and Urban Design Assessment prepared by Rough + Milne Landscape Architects (**R+M Assessment**) which forms part of the PPC28 Request (**Site**).

The Site and Existing Environment

14 The landscapes which encompass the Site are described in the R+M Assessment. This references several studies prepared by Boffa Miskell on behalf of Council to inform the Draft Nelson Plan and collectively described as the **Nelson Landscape Study** for which I was the primary author. The findings of these assessments can be summarised as follows:

- The Site straddles three district wide landscape character areas, namely parts of the Malvern / Botanical Hills, Atawhai Hills and the Maitai Valley.[2]
- No part of the Site is identified as being an outstanding natural feature of landscape.[3] The Maitai River has been classified and mapped as a Significant Landscape included in the draft Nelson Plan.
- Parts of the Malvern Hills, Botanical Hill and Kaka Hill have been classified and mapped as areas of visual amenity landscape, reflected as parts of the 'City Backdrop' and 'city backdrop – Skyline Area' recognised in the draft Nelson Plan[4]. This assessment used Appendix AP9 of the NRMP as a starting point and refined the mapping, landscape values and threats which based on a current review of each identified backdrop area.

15 Prior to my involvement with PPC28, I also assisted Council with assessing the landscape capacity of the Kaka Valley which identified an overall **medium** landscape capacity in part of the proposed plan change area[5].

Assessment Methodology

16 To assess the level and significance of effects of PPC28, the R+M Assessment has set out an overall judgement in accordance with current best practice adopting a seven-point scale which extends between very low and very high[6.] This takes account of a range of factors across relevant landscape dimensions, including the specific sensitivity of the receiving environment or viewing audience and the proposed magnitude of change. A key aspect of determining such effects therefore relies on identifying and responding to the relevant landscape and natural character values to be managed.

17 In combination with assessing the level and significance of effects, the R+M Assessment considers the nature of effects in terms of whether these will be positive (beneficial) or negative (adverse) in

[2] Boffa Miskell (2014) Nelson Landscape Study: Landscape Characterisation

[3] Boffa Miskell (2016) Nelson Landscape Study: Landscape Evaluation

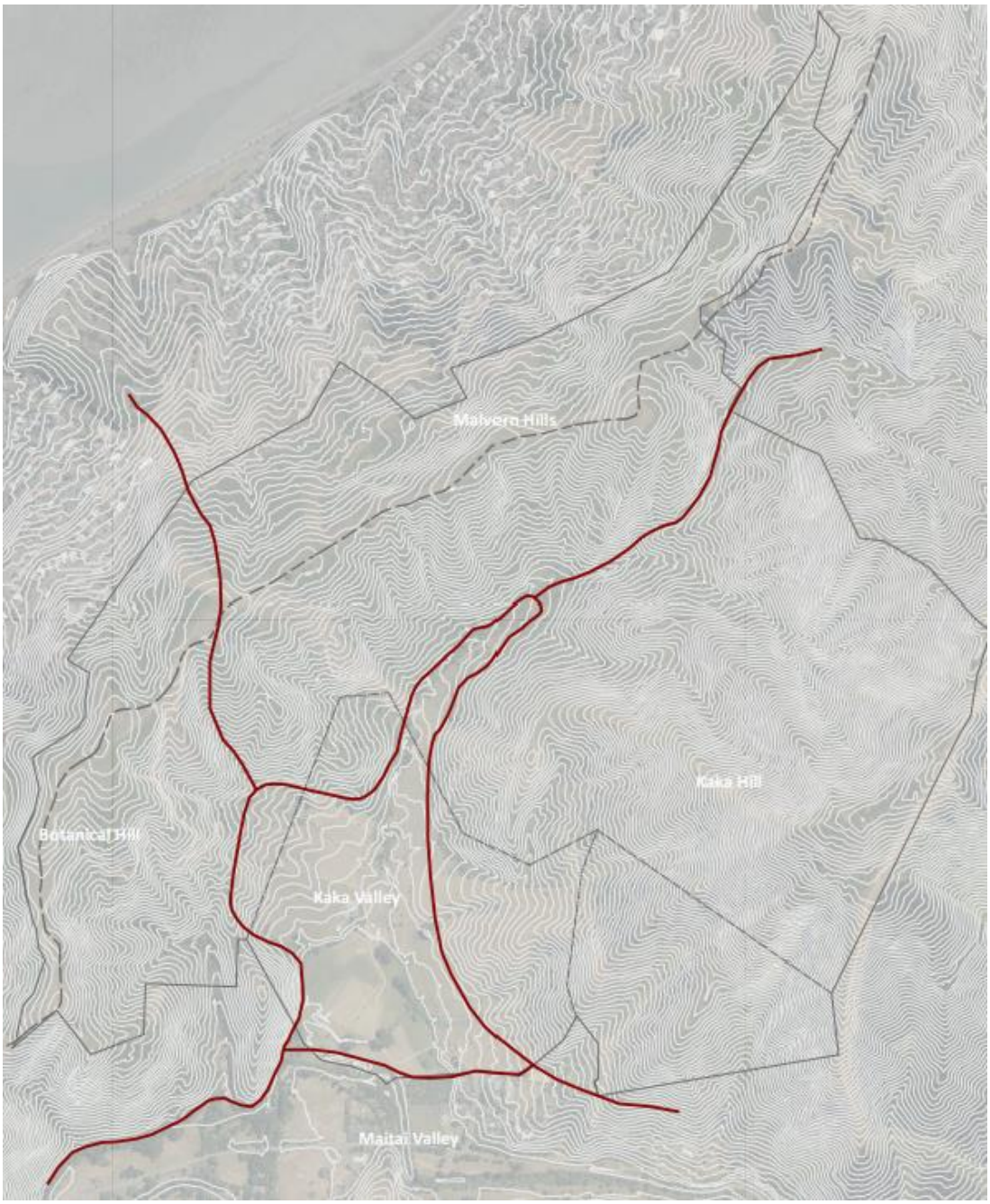
[4] Boffa Miskell (2016) Nelson Landscape Study: Visual Amenity Landscape

[5] Boffa Miskell (2018) Kaka Valley Landscape Capacity

[6] Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines

the context within which such effects occur. The R+M Assessment recognises that a change in a landscape or view does not, of itself, necessarily constitute an adverse landscape or visual effect. It is primarily the way in which the development is designed and located which may or may not result in adverse landscape effects. The R+M Assessment relies on the proposed PPC28 Structure Plan and associated landscape provisions contained in Schedule X to avoid or mitigate the potential for adverse landscape effects.

18 For the purpose of responding to issues raised in submissions, I refer to the landscape units as mapped in Appendix 1 of the R+M Landscape Architects Further Information Response (20 August 2021), reproduced below:



Appendix 1 of the R+M Landscape Architects Further Information Response

Key Theme 1: *The development requires significant modification of landforms over decades, and ridge-top buildings will have an adverse visual impact on the city's skyline*

19 Concerns with adverse impacts from modifying existing landforms over time and visual effects on the city's ridge-tops and skylines form key issues identified in several submissions, including those prepared using a standard proforma. Policies NA2.3.1 and NA2.3.2 of the Nelson Regional Policy Statement are particularly relevant to this issue which state:

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

20 Similarly, Policy D09.1.4. of the NRMP states that:

> *Particular regard should be had for the protection of visual amenity values in the following areas:*
>
> *a) ridge lines/skylines, and*
>
> *b) seaward facing slopes of hills, and…*

21 Provisions proposed to manage the potential for adverse landscape or visual effects of ridge-top buildings and skyline areas include controls on the location of dwellings, requirements to use a recessive colour palette and planting indigenous vegetation within 20% of each identified lot within the backdrop area. Furthermore, the R+M Assessment identifies that the proposed zoning will not result in a full spread of development within ridgetop areas due to topographical constraints and geotechnical high-risk areas[7].

22 Given the current absence of understanding the likely layout of development anticipated through subdivision or the resultant extent or volume of earthworks envisaged, it is difficult to verify the magnitude of change and consequent level of landscape and visual effects as identified in the R+M Assessment. In such instances, the assessment of a plan change request can be supported by a proxy development that represents a non-fanciful level of development within the proposed zones to confirm its feasibility or otherwise in terms of managing potential adverse effects. Notwithstanding this, subdivision will require resource consent at which time such detail will be assessed. Appendix 14.2: Information Requirements sets out the specific requirements which include ensuring the landscape opportunities and constraints are considered as part of informing appropriate development.

23 Specifically, the R+M Assessment recognises that landscape effects associated with ridgetop development may occur within two defined landscape units, namely Botanical Hill and an adjoining area of the Malvern Hills. Parts of the Site also extend into the Kaka Hills backdrop and skyline

[7] Rough and Milne Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, Sheet 36.

areas however no zone change is proposed in the existing rural zone retained in this area over which the landscape overlays ensure buildings are prohibited. The potential for adverse effects associated with landform modification may also occur outside identified ridgetop areas within parts of the Botanical Hill, Malvern Hills, Kaka Hill and Kaka Valley landscape units. A review of the specific landscape effects in each identified landscape unit is set out below.

Botanical Hill

24 Botanical Hill forms the eastern edge and prominent green backdrop to Nelson City which extends between Walters Bluff and the entrance into the Maitai Valley. The Backdrop and Skyline Areas identified as Botanical Hill also includes the ridgeline above Walter Bluff. This encompasses the distinctive conical form of Botanical Hill and larger prominent natural backdrop to the east of Nelson City. There is very limited built modification currently apparent, particularly along the skyline, with most of the landform expressing a coherent and memorable 'green' backdrop character which provides a high degree of contrast with urban development at its base. Recreation use and the existing lookout on Botanical Hill enable opportunities to experience wildlife near Nelson's town centre. There is no formal recreation use over the private land within the Site.

25 In assessing visual effects, it is unclear what the combined ZTV provided in Figure 20 of the R+M Assessment refers to with respect to potential visibility of Botanical Hill coloured to represent "low" or "very low". As set out in the Nelson Landscape Study and reproduced in the R+M Assessment[8], visibility of Botanical Hill is very high from Nelson's Central Business District and highly visible from parts of Nelson's coastal environment including within the Nelson Port and areas within Nelson Haven and the Boulder Bank. In this context, I consider enabling the potential for low density residential development along the skyline of a highly visible area such as identified above Walters Bluff introduces the potential for significant adverse landscape effects.

26 Within PPC28, the ridgetop area above Walters Bluff is proposed to be rezoned from rural to residential lower density within the city Backdrop Area (Schedule X.4) and Skyline Area (Schedule X.5). R+M Landscape Architects acknowledge that further consideration should be given to development in this area when viewed from the west[9]. No amendment to this area has been proposed at the time of preparing this s42A memorandum. During expert conferencing it was agreed to include an additional ridgeline within which development must be considered for the purpose of defining when development occurs above the primary ridgeline for the purpose of assessing potential adverse skyline effects. This has yet to be provided or considered.

27 Based on the current provisions and structure plan, I consider the proposed zoning identified in this area introduces the potential for skyline effects on a highly visible and coherent area of Nelson's skyline previously identified as part of the Botanical Hill in the Nelson Landscape Study – Visual Amenity Landscape Evaluation (Boffa Miskell, April 2016). Given the current structure plan and planning provisions, I disagree that enabling development within this area of skyline area will ensure

[8] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, Sheet 24.

[9] R+M Landscape Architects, response to FIR dated 20 August 2021.

low to **moderate** effects, specifically from Nelson Port (Viewpoint Photographs 7A and 7B), Neale Park (Viewpoint Photograph 8E), Peace Grove (Viewpoint Photograph 8G), SH6 (Viewpoint Photograph 8D). Conversely, I consider this would enable residential subdivision which disrupts this memorable green backdrop character of the broader highly visible Botanical Hill backdrop and skyline and represents a specific landscape threat identified in the Nelson Landscape Study.

28 The submission of David Jackson (Submission Point 51.002) seeks the added inclusion of access to Walters Bluff for which potential provision is not currently included. The ability to establish such access may have additional landscape effects which need to be considered alongside any review of the proposed zoning and consequent ability to manage potential adverse effects. Once zoning is adopted, it is understood that roading infrastructure is permitted[10]. I acknowledge that both the Transport and Urban Design JWS support such a ridgetop link with Walters Bluff and consider such access to the ridgetop from Walter Bluff may occur in a manner which avoids extending into the skyline area with the Botanical Hill Landscape Unit. Accordingly, I consider such access should be defined to ensure earthworks resulting from such activity will avoid or mitigate earthworks or retaining which introduces further adverse effects if this aspect of the plan change is approved.

29 In terms of managing skyline effects in the event zoning and overlays are confirmed, the submission of Shelagh Noble (Submission Point 107.003) identifies specific concern with how the proposed skyline provisions will be implemented. Whilst the proposed plan change includes provisions to ensure the final height of any dwelling shall sit below the primary ridgeline[11], this line forms a 2-dimensional line on a plan and it is not understood how such extension above this line will be determined, such as through the inclusion of viewpoint locations from which such effects are to be considered. I agree with the recommended addition of *"when viewed from Nelson City and State Highway 6*" to clarify Schedule X5c) will be implemented and note this is consistent with addressing major threats to the landscape character of Nelson stated in D09.i.b) of the NRMP.

30 Outside the ridgetop area within the identified Botanical Hill landscape, the Structure Plan proposes a new access between the Botanical Hill ridgeline and the floor of the Kaka Valley and a Residential Low-Density Area adjoining an expanded area of open space adjoining Botanical Hill. The nature of the steeply sloping topography in this area means the likely extent of earthworks will extend substantially beyond the access corridor as identified, for which the anticipated level of modification including its potential to support appropriate remediation is unknown. Whilst this access follows an existing 4wd track, I consider the nature and extent of such additional modification which may result in this context, should be demonstrated to ensure potential for substantial adverse effects can be effectively mitigated and will be provided as part of the continued expert conferencing.

Malvern Hills

31 The Malvern Hills are identified along the first leading ridgeline to the north of Walters Bluff and extends parallel with Nelson Haven before culminating at Bay View Road south of the Dodson Valley. The north-west edge of the Malvern Hills follows the existing Residential Zone before

[10] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, Sheet 35.

[11] Skyline Area: Schedule X.5.c)

ascending to the rolling ridgetop, which has been identified as a city backdrop and skyline area within which additional planning provisions apply. The steeper undeveloped eastern slopes are contained within the Kaka Valley and culminate along the margins of Kaka Stream.

32 The R+M Assessment recognises the ridge top of the Malvern Hills forms a city backdrop as identified in the NRMP and confirmed as part of the Nelson Landscape Study[12]. This area reflects a rolling and predominantly open foothills landform comprising a series of distinctive domes and rounded spurs. The existing land cover is predominantly pasture following the removal of areas of regenerating vegetation in 2019. Areas of regenerating vegetation remain within the steeper south-eastern slopes which extend into the Kaka Valley. The open rounded form along the ridge top of the Malvern Hills remains locally memorable as part of the natural and rural backdrop above a belt of existing residential development to the east of Nelson Haven. Built development currently culminates north-west of and below the ridgetop managed as part of the surrounding modified rural landscape and maintains a high level of visual coherence.

33 The key landscape values of the Malvern Hill skyline area and backdrop identified in this area and referred to in the R+M Assessment are described as the: "*rolling ridgetop landform running parallel with Nelson Haven*"; and the "*predominantly open skyline and rural backdrop character*"[13]. Given such values, the extent to which earthworks can be managed during subdivision to ensure potential adverse effects on identified landscape values will be avoided or mitigated remains unclear. Potential Landscape Threats in relation to the Malvern Hills identified in the Nelson Landscape Study and adopted in the R+M Assessment are set out below[14]:

- *Elevated residential subdivision and development which dominates this natural backdrop character.*
- *Earthworks / tracking which detract from the rolling ridgetop character.*
- *Prominent structures and buildings which dominate the skyline.*

34 In spatial terms, the Structure Plan identifies a Residential Lower Density Area along the length of the Malvern Hill's ridge top within the Site except for an open space area and indicative lookout at 240 metres above sea level (masl) which retains an open elevated knoll above Brookland. The inclusion of development along the ridgeline and backdrop introduces potential threats to the existing landscape values and increases the likely level of landscape and visual effects. In the event that earthworks and tracking include geotechnical mitigation to accommodate increased development, this may significantly detract from the rolling ridgetop character, and result in greater landscape effects than currently identified in the R+M Assessment.

35 To assess the level of landscape effects associated with development within the Malvern Hills, the R+M Assessment identifies, "*Spatially the extent of the proposed residential zoning appears relatively large on the zone and structure plan. However, in reality the proposed zone will not result in a full spread of development within this area due to topographical constraints and geotechnical*

[12] Boffa Miskell (2016) Nelson Landscape Study: Visual Amenity Landscape.

[13] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, sheet 25.

[14] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, sheet 25.

high risk areas."[15] Conversely, the geology and geotechnical hazards assessment included with PPC28 states that, "*High geotechnical risk areas would not normally be feasible for residential development without geotechnical mitigation measures being incorporated into the development aimed at achieving levels of risk that are acceptable, or tolerable by the Consenting Authority*."[16] In the absence of clarifying the nature of modification and geotechnical mitigation envisaged, it is difficult to confirm the actual extent of development and consequent level of effect which will occur. This raises potential for more than **moderate adverse** effects on existing landscape values as identified in the R+M Assessment[17].

36 In terms of visibility, I agree with the R+M Assessment that the Malvern Hills are not visible from the town centre and will have moderate levels of visibility from adjoining areas of SH6 following alongside Nelson Haven. Conversely, the upper faces of the Malvern Hills are highly visible from parts of the coast including areas of Nelson Haven and the Boulder Bank. Whilst parts of the summit and upper slopes of the Malvern Hills are visible along the skyline from SH6 passing alongside Nelson Haven (R+M Assessment Viewpoint Photographs 9C-9F), the summit of the Malvern Hills is typically seen below the higher ridgeline of the Atawhai Hills which extend between Kaka Hill to Wells Hill beyond the foothills when viewed from Nelson's coastal edge.

37 The submission of David Jackson (Submission Point 51.005) recommends replacing the Residential Lower Density zones with standard residential zoning to provide more efficient use of land. Given the additional space enabled through proposed zoning, planting 20% native planting in each lot as purposed in Schedule X.4 will be more effective in assimilating built development within this more sensitive backdrop area. Accordingly, I consider the provision for larger lots as proposed should be retained as part of seeking to maintain the coherence and naturalness of this more visually sensitive area of landscape. As identified within the JWS, such provisions should also clarify that a minimum 20% of each lot within the backdrop overlay equally applies to vegetation specified in the skyline overlay (Schedule X.5).

38 The eastern slopes of the Malvern Hills extend into the Kaka Valley and largely outside the backdrop overlay as reflected in the Draft Nelson Plan. Development in this area is proposed to occur within a combination of Residential Lower Density and Higher Density Small Holdings Areas. When assessing the landscape effects in this area, the R+M Assessment states, "*…the density of development will be very sparse. It is worthwhile mentioning that the higher density small holdings area descends down to the valley floor, because the topographical constraints on this hillside will make it difficult to develop. As such, it is considered that development will be on the very upper part of these slopes or along the lower slopes near the valley floor. As such, it is likely that the majority of this hillside will retain a large amount of its current open vegetated character."*[18] No further information or clarification has currently been provided to indicate such areas of development or any existing indigenous vegetation in this area to be retained.

[15] Rough and Milne Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment,

[16] Tonkin and Taylor (2021) Geology and Geotechnical Hazards Report, page 6.

[17] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, Sheet 37.

[18] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, sheet 36.

39 If PPC28 is adopted, subdivision will require a subsequent resource consent for which a future design statement will need to explain how the proposed layout and earthworks will avoid or mitigate adverse effects on identified landscape values. Given this relies on an ability to achieve a feasible development which will manage the potential for adverse effects on such values, I consider further information is necessary at this stage to demonstrate the extent and nature of vegetation clearance and landform modification envisaged and corresponding areas where development is anticipated. This would help ensure subdivision and development enabled is successfully accommodated within suitable areas and the potential for more significant adverse effects over and above those identified in the R+M Assessment are avoided. To this end, I understand that a draft stormwater management plan which relates to such issues will be provided ahead of continued expert conferencing on the 27 May and 2 June, following which consequential revisions to the Structure Plan will occur.

Kaka Hill

40 PPC28 proposes to prohibit buildings within the Kaka Hill backdrop and Skyline Area[19] which is supported in the submissions of Ngāti Rarua (Submission Point 314.010) and the Department of Conservation (Submission Point 107.002).

41 Outside landscape overlays identified in relation to the lower slopes of Kaka Hill, subdivision consent will be required in proposed residential, residential lower density and higher density small holdings areas prior to developing these areas. As with the steeper east facing slopes of the Malvern Hills, no further information has been provided to indicate the extent of earthworks and associated vegetation clearance envisaged, instead relying on the existing requirements of NRMPs Appendix 14. The uncertainty of the nature of development that will result in this area is reflected in the R+M Assessment when describing visual effects from the Maitai Valley Road (Viewpoint Photograph 1B), stating, "*In doing so it would, hopefully, result in a design outcome that maintains important landscape patterns, retains native vegetation and enhances amenity and character."*[20]

42 The extent of existing indigenous vegetation within proposed residential areas has subsequently been mapped as part of the Ecology JWS[21]. Prior to subdivision, it is understood the clearance of such indigenous vegetation in residential and adjoining Higher Density Small Holdings Areas would be permitted, and no additional provisions are proposed to specifically ensure open areas that accommodate such indigenous vegetation will be retained and assist with integrating residential development in such contexts. Given this, I consider there is potential for far greater landscape effects than currently reflected in the R+M Assessment. To address such effects, I consider the Structure Plan should be refined to indicate the development areas envisaged based on identified ecological, slope and geotechnical constraints and any associated stormwater management plan outcomes to be development through further expert conferencing. I agree with R+M Landscape Architects that successful design outcomes should maintain important landscape patterns including

[19] Proposed Schedule X.6(a)

[20] R+M Landscape Architects (2021) Landscape, Visual Amenity, and Urban Design Assessment, sheets 40-41.

[21] Robertson Environment (2022) Private Plan Change 28 - Maitahi Bayview Supplementary Terrestrial Ecological Values Assessment

native vegetation and consider provisions which assure such outcomes are necessary within the Structure Plan to reduce potential for more significant landscape and visual effects.

Botanical Hill, Malvern Hills and Kaka Hill Recommendations:

1. Refine the spatial configuration of the Residential Zone: Lower Density Area and potential access included within the Skyline Area above Walters Bluff to avoid potential for prominent skyline development.
2. Demonstrate how potential rules which relate to development which extends above the identified primary ridgeline (Schedule X.5) will be triggered with particular regard to views from Nelson City and State Highway 6.
3. Confirm how the identified access between Kaka Valley can be absorbed within the landscape in a manner which avoids or mitigates potential for significant adverse landscape effects.
4. Clarify that a minimum of 20% native vegetation cover also applies in the Skyline Area (X.5).
5. Amend the Structure Plan in response to ensuring areas of existing native vegetation are retained and areas with identified slope and geotechnical constraints are avoided as part of managing the potential for more significant adverse landscape effects.

Key Theme 2: *Natural Character Effects*

43 Concerns with natural character effects is a key matter raised in several submissions including the proforma submission which states:

> *Engineered changes to the Maitai River floodplains and Kaka Stream realignment will create a flood risk for downstream residents and impact on the mana, habitat value and natural character of these waterbodies.*

44 The preservation of natural character of rivers, wetlands and their margins is a matter of national importance required under section 6(a) of the RMA. Natural Character is not defined within the RMA or the National Policy Statement for Freshwater Management 2020, however the Draft New Zealand Institute of Landscape Architect Guidelines, provides the following definition through which natural character may be assessed:

> *An area's distinct combination of natural characteristics and qualities – including degree of naturalness*[22]*.*

45 Following a request to understand the basis for the assessment of natural character, the Further Information Response prepared by R+M Landscape Architects acknowledge that the R+M Assessment, "*did not explain how the natural character of Kaka Stream and Maitai Stream* [sic] *will be enhanced*", instead noting this aspect of their assessment relied on the Morphum Report[23]. The Morphum Report assesses the potential impacts of earthworks and ecology which inform key natural

[22] Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021], Glossary, p109.

[23] R+M Landscape Architects Further Information Response (dated 20 August 2021)

characteristics and qualities, however there is no specific assessment as to existing or anticipated changes in the natural character, including across the active bed, margins and context of Kaka Stream and which may be affected by the development. In the absence of this assessment, it is unclear the extent to which natural character effects have been considered and how the natural character of these key areas will be enhanced or preserved.

46 In terms of Kaka Stream and its margins, the R+M Assessment identifies that the "Open Space Recreation Zone will form a central green spine returning the stream to its natural alignment. The Open Space Recreation Zone will be 40m wide. It also provides a minimum 20m buffer between the Maitai River and the Residential Zone - High Density Area"[24]. Native vegetation to occur within this esplanade reserve is also listed, without any specified site coverage. Whilst I support this open space provision and the resultant wider ecological outcomes and freshwater as proposed in proposed PPC28 planning provisions X.7 and X.9, I consider further understanding is necessary in the context of enhancing natural character as identified in the Landscape JWS.

47 To date, the R+M Assessment observes that the *"…mix of development and open space will retain the topographical nature of the valley floor, enhance the natural character of Kaka Stream and maintain the values associated with Maitai River*". Conversely, the R+M Assessment notes that, *"…the removal of vegetation and pasture, and replacing it with built form will inherently reduce the natural character of its lower slopes"* when discussing adverse effects on the lower slopes of Kaka Hill. I consider the implications for the natural character of the active bed, margins and context of the Kaka Stream are important matters to address and which inherently relate to the continued expert conferencing as part of a draft Storm Water Management Plan and revised Structure Plan which this is understood to inform.

48 As part of absorbing development within the moderate landscape capacity identified within the Kaka Valley, I also consider the feasibility of river terracing and mechanisms to ensure this will be designed to respond to the existing topography and its natural characteristics and qualities remain key matters to address, particularly any relocation of the active bed and margins of Kaka Stream and associated terracing observed within the context of the Maitai River.

Natural Character Recommendations:

6. Clarify and demonstrate how the natural character of the Kaka Stream and the Maitai River will be preserved through the application of the proposed Storm Water Management Plan and indicative cross sections that explain outcomes anticipated within its active bed, margins and context.

Key Theme 3: *Development capacity of the Maitai Valley*

49 Protecting the landscape values of the Maitai Valley is raised in several submissions including a key issue identified in the proforma which states:

[24] R+M Landscape Architects (2021) Landscape, Visual Amenity and Urban Design Assessment, sheet 34

The Maitai Valley's rural character and amenity should be protected and preserved for the benefit of current and future generations. Suburban sprawl will change the nature of this valley forever. The proposed urban development would result in loss of open space in the city's greenbelt, and conflict with recreational values. Undeveloped green spaces like the Maitai Valley are essential for people's health and wellbeing.

50 In addition, several submissions seek to protect the amenity and character of the Kaka and Maitai Valleys through only applying the residential zoning to the northern side of the Bayview Ridge (Peter Taylor - Submission Point 312.007; Daniel Levy - Submission Point 319.005; Gareth Powdrell - Submission point 350.007 and Save the Maitai Incorporated – Submission Point 367.011).

51 The Maitai Valley was previously assessed as one of 32 landscape and seascape character areas within the Nelson Landscape Study[25]. The boundaries of this landscape character area typically culminate along the lower slopes of the more elevated hill forms which contain this area of valley floor. This defines an enclave of accessible open space and recreation opportunities with limited rural lifestyle development to the east of Nelson City. This landscape character area was assessed as having **high** overall landscape value, for which the following key landscape values are recognised[26]:

Biophysical

- *An accessible inland valley system following the Maitai River*
- *Predominantly managed as open space and pasture with exotic amenity plantings*

Sensory

- *Open space areas and a strong association with the Maitai River retain a high level of naturalness*
- *Coherent picturesque scenic qualities contributing an iconic and memorable inland valley landscape setting in close proximity to Nelson*
- *Coherent configuration of open space continues recreation access along the Maitai River*
- *Transient values associated with recreational use of the river and accompanying open space areas*

Associative

- *Highly valued recreational area associated with the Maitai River, open space and associated reserves including the golf course and motor camp*
- *The Maitai River was historically a source of argillite, a highly valuable and useful rock used for toki (adzes) and working tools.*

[25] Boffa Miskell (2014) Nelson Landscape Study, Landscape Characterisation.

[26] Boffa Miskell (2016) Nelson Landscape Study, Landscape Evaluation, page 40.

52 Within the Maitai Valley, several submissions including the submission of Mike Tasman-Jones (submission point 358.001) recognise that the Maitai River forms a Significant Landscape within the Maitai Valley which has subsequently been mapped and included in the Draft Nelson Plan.

53 The R+M Assessment combines the assessment of landscape effects within the Maitai Valley with the Kaka Valley[27]. As such, the R+M Assessment concludes that a **moderate** degree of adverse landscape character effects occurs with respect to the Kaka Valley floor[28]. Beyond this, the R+M Assessment provides no specific assessment on effects on the character or amenity of the Maitai Valley or Maitai River, with the exception of assessing adverse visual effects based on representative viewpoints from Maitai Valley Road (**low-moderate**), Maitai Valley Recreational Spaces (**low-moderate**), Maitai Cricket Ground, Ralphine Way (**low-moderate** and **moderate**) and parts of Botanical Hill (**low** to **very low**) and Sharland Hill (**low-moderate**).

54 In assessing potential visual effects from the Maitai Valley and its surroundings, the R+M Assessment refers to, "*areas of open space will provide visual separation between clusters of built form*"[29] and *"retaining the majority of the vegetated hill sides and requiring 20% native planting within properties on Malvern Hills upper hill slopes…",* noting, "*the general vegetated character will remain the predominant feature, rather than built form, when seen from Sharland Hill"*[30]*.* I agree that this outcome would contribute to mitigating adverse effects, however, consider further clarification of the extent of development enabled within the Structure Plan is necessary in relation to areas of residential and higher density rural development which are enabled outside landscape overlays on Kaka Hill and the Malvern Hills to ensure the character of the Maitai Valley will be maintained and enhanced and the natural character of Kaka Stream will be preserved, as set out above.

55 In responding to the change in character of the Maitai Valley, the R+M Assessment acknowledges the Site can currently accommodate 40 rural living properties as part of the underlying Rural – Higher Density Holdings Area. As set out in the Kaka Valley Landscape Capacity Study, I agree that a higher density development may be accommodated within the confines of the Kaka Valley, provided it has appropriate regard to surrounding areas, including the significant Maitai Landscape associated with the Maitai River and visual amenity landscape of Kaka Hill[31]. In terms of managing effects within the context of the Maitai Valley, I consider provisions should ensure development will be integrated beyond terracing defining the margins of the Maitai River and within the vegetated lower slopes and hillsides which form the context of the Kaka Stream which help confine development within the Kaka Valley.

56 The submissions of Save the Maitai and Oliver Barrett (Submissions Point S454.001) discuss that the view from the Centre of New Zealand goes both ways, to the mountains and back up the Maitai, observing, "*The view down the Maitai is currently a superb green oasis which one can look at for hours. The [Sic] spoil this with residential sprawl would be a massive blight and no doubt affect*

[27] R+M Landscape Architects (2021) Landscape, Visual Amenity and Urban Design Assessment, sheet 34.

[28] R+M Landscape Architects (2021) Landscape, Visual Amenity and Urban Design Assessment, sheet 35.

[29] R+M Landscape Architects (2021) Landscape, Visual Amenity and Urban Design Assessment, sheet 41.

[30] R+M Landscape Architects (2021) Landscape, Visual Amenity and Urban Design Assessment, sheet 53.

[31] Boffa Miskell (2018) Kaka Valley Landscape Capacity

people's enjoyment from the top. Think about the lost global Instagram moments". It must be emphasised that a change in an existing view is not automatically an adverse visual effect. I consider provisions which protect the margins of the Maitai River within a coherent vegetated open space framework and contribute to preserving natural character within the context of the Kaka Stream remain key landscape matters observed from this viewpoint.

Maitai Valley Recommendations:

7. Demonstrate indicative plans and cross sections enabled through provisions which ensure that the landscape character of the Maitai River will be maintained and enhanced.

Key Theme 4: *Requiring low reflectivity paint/surfaces for all houses in all zones should be incorporated into plan rules.*

57 The submission of Jo Gould (Submission Point 156.008) seeks that that the plan change should require colour controls in all zones. The proposed colour controls PPC28 relate to ensuring the colour palette responds to the increased visual sensitivity of the backdrop and skyline areas. Such colour controls will help ensure buildings visually recede within areas of native planting as required to reduce the potential prominence of built development and assist with maintaining the visual coherence of this more highly visible and sensitive backdrop and skyline area. Such provisions are agreed as beneficial mitigation that respond to the underlying landscape values. Beyond such areas, I consider additional colour controls would have more limited benefit in maintaining coherent landscape values and are not warranted.

Colour Recommendation:

8. Maintain colour controls as identified in ridgetop and skyline areas

Key Theme 5: *Requiring 'dark sky' lighting requirements.*

58 Several submitters 107.006 (Shelagh Noble), 156.007 (Jo Gould), 218.001 (David Wheeler) and 290.002 (Lindie Nelson) refer to effects on the dark sky environment and seek that lighting should be designed in a way to minimise light spill upwards & outwards. Particular concerns are raised in relation to the character of the Kaka Valley and prominent lighting introduced along the ridgeline. It is noted that Item Rer.46 of the NRMP requires that lighting onto any other site to not exceed 3 lux (horizontal and vertical) measured at the boundary of the other site which will help address such effects on the context of adjoining areas within the Kaka Valley. Beyond this, I consider such controls have merit where these contribute to managing the potential for broader adverse night-time effects and maintaining the coherence of Backdrop and Skyline Areas.

Night-Time Lighting Recommendation:

9. Include lighting controls to minimise potential for glare and light spill within the backdrop and skyline overlay areas.

Key Theme 6: *Need for visualisations and 3d modelling: scaled model or photograph of the possible houses against the landscape especially as viewed from publicly accessible areas?*

59 The submission of Kathryn Switzer (Submission Point 164.003) identifies that the R+M Assessment does not give a realistic idea of the visual effect and scale of the proposed development and the infrastructure required to develop it. The submission of Shelagh Noble (Submission Point 107.003) also recognises the benefit of a 3d model to help understand 2 dimensional plans at this stage of the decision-making process.

60 Whilst I acknowledge this is a plan change request for which subsequent subdivision and land use resource consents will be required, I agree that the nature of potential development which may occur is not easily understood, particularly based on the descriptions of how development may occur in the absence of modelling or visual simulations which support the level of effects as identified in the R+M Assessment. I therefore consider further such visual information would assist understanding the indicative layout and likely extent of earthworks and development envisaged when peer reviewing the likely level of effects. This should also take account of areas of open space and vegetation relied upon to assist the absorption of development.

Visualisation Recommendations:

10. Provide a 3d model or indicative visualisations which illustrate how provisions may avoid or mitigate the potential adverse effects.

RECOMMENDATIONS

61 Based on my peer review of key issues raised in submissions, the collective summary of recommendations is set out below:

1. **Error! Reference source not found.**
2. Demonstrate how potential rules which relate to development which extends above the identified primary ridgeline (Schedule X.5) will be triggered with particular regard to views from Nelson City and State Highway 6.
3. **Error! Reference source not found.**
4. Ensure the requirement for the site area to be planted with a minimum of 20% native vegetation cover applies in the skyline area.
5. Amend the Structure Plan in response to ensuring areas of existing native vegetation are retained and areas with identified slope and geotechnical constraints are avoided as part of managing the potential for more significant adverse landscape effects.
6. Clarify and demonstrate how the natural character of the Kaka Stream and the Maitai River will be preserved through the application of the proposed Storm Water Management Plan and indicative cross sections that explain outcomes anticipated within its active bed, margins and context.
7. Demonstrate indicative plans and cross sections enabled through provisions which ensure that the landscape character of the Maitai River will be maintained and enhanced.

8. Maintain colour controls as identified in ridgetop and skyline areas.
9. Include lighting controls to minimise potential for glare and light spill within the backdrop and skyline overlay areas.
10. Provide a 3d model or indicative visualisations which illustrate how provisions may avoid or mitigate the potential adverse effects.

Date: 19/05/2022



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