Boffa Miskell

Memorandum

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Attention:	Gina Sweetman
Company:	c/-Nelson City Council
Date:	28 June 2022
From:	Rhys Girvan
Message Ref:	PPC28 Maitahi Bayview Development – Peer Review Landscape Addendum
Project No:	BM19401B

INTRODUCTION:

1 My full name is Rhys James Girvan. I have prepared this addendum evidence on behalf of the Nelson City Council (**Council**) in respect of additional technical related matters arising from the applicant's evidence and amended Structure Plan relating to Private Plan Change 28 (PPC28) to the Nelson Resource Management Plan (**NRMP**). My qualifications and experience are as identified in my Section 42A memorandum to Gina Sweetman dated 19 May 2022.

2 I have prepared this addendum to my s42A memorandum to summarise the findings of my additional technical review in relation to landscape, natural character and visual effects and this should be read in conjunction with my s42A memorandum. I have reviewed the applicant's further evidence and information in the preparation of this addendum, including the following specific documents:

- Landscape Evidence and the Revised Structure Plan and supporting Graphic Attachment of Mr Milne;
- Natural Character Assessment Report (RMM, 6 June 2022);
- Stormwater Management Plan (Tonkin and Taylor, June 2022); and
- Updated Schedule X (V2, 15 June 2022) attached to Mark Lile's evidence.

3 I have discussed PPC 28 Applicant's Experts Evidence with the Council's Planning, Ecology, Urban Design, Erosion and Sediment Control, Stormwater and Water Sensitive Design S42A experts. I

have also discussed some key changes to the Structure Plan and findings of the natural character assessment report with Mr Milne following my review of this evidence.

4 Specifically, my addendum evidence relates to the following matters:

- The revised Structure Plan layout;
- The inclusion of 'Residential Green Overlay' and 'Revegetation Overlay';
- The adequacy of additional provisions to manage Skyline Effects;
- Natural character of the coastal environment and Kākā Stream; and
- Night-time lighting effects.

5 At the time of preparing my addendum, I note the indicative 'work-in-progress' Master Plan as referred to in the applicant's evidence has yet to be provided to assist with my peer review. Accordingly, I have been unable to use this to assist my understanding of the effectiveness of the Structure Plan based on its demonstrated ability to accommodate and absorb a non-fanciful future residential development layout.

Code of conduct

6 I have read and will continue to comply with the Code of Conduct for Expert Witnesses as set out in the Environment Court's Practice Note 2014. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Revised Structure Plan Layout

7 In general terms, I agree that the removal of the Higher Density Small Holdings Area, proposed reduction in extent of residential zoned land and inclusion of Revegetation Overlays will reduce the potential for more significant earthworks that may otherwise have occurred through the Structure Plan as notified. Accordingly, I consider the revised Structure Plan avoids the potential for more substantial earthworks within the steeper, more vegetated slopes of Kākā Hill and steeper eastern slopes of the Malvern Hills. This therefore, limits the potential for greater associated landscape effects in these areas.

8 Within the context of the Maitai Valley, I consider the proposed layout helps ensure future subdivision and development will be accommodated within a more gently sloping and contained area of Kākā Valley. Adjoining this, Mr Milne's evidence identifies *"a key component of the proposal is the proposed revegetation of the Rural zone"*[1]. I agree that this overall layout will assist with

[1] Evidence of My Tony Milne, Paragraph 147

absorbing development and limits the potential for significant adverse natural character, landscape and visual effects. Once established, I consider development will remain relatively well contained along the lower terraces and gentler slopes of Kākā Hill and confines of Kākā Valley.

9 Along the eastern slopes of Malvern Hill, Botanical Hill and the associated ridgetops above, the proposed residential zoned land now includes a 'Revegetation Overlay' and 'Residential Green Overlay' in steeper areas, where residential zone lower density area has also been identified. However, the objectives, policies and rules that specifically relate to these areas are unclear beyond the requirement to prepare a vegetation and fauna management plan. Such a plan would address areas with any application of subdivision and development that is required under X.2 and X.3. Based on the evidence and subsequent discussion with Mr Milne, I understand the intent of these areas is to achieve complete native revegetation cover on private land. I agree such revegetation would assist with integrating development within potential backdrop areas and reduces the potential for adverse landscape and visual effects. To ensure such outcomes, I consider such intent should be made more explicit and enforceable as part of the PPC28 provisions.

10 Within the Kākā Valley, the Structure Plan continues to rely on the diversion of the lower reach of Kākā Stream near its confluence with the Maitai River. From a landscape and natural character perspective, I accept that there is no driver to retain or shift the alignment of this modified watercourse. To ensure potential adverse effects can be addressed and potential ecological enhancement will occur, I defer to the expert ecology, erosion and sediment control and stormwater evidence. From a landscape perspective, I have reviewed the cross sections provided by Mr Milne and agree these demonstrate an ability to integrate Kākā Stream along a minimum 40m vegetated riparian corridor, which can support beneficial landscape outcomes. Beyond this stream corridor, I consider the relationship between the river, its margins and elevated development on the adjoining terraces remains unclear. Specifically, cross sections FF, GG, II and JJ all appear to illustrate the adjoining residential higher density area at a similar grade to the adjoining flood plain and differ from cross section HH in this regard. This modified terrace edge adjoins the margins of the Maitai River and remains a key element to ensure potential adverse landscape effects relating to the river corridor will be addressed in this context.

'Residential Green Overlay' and 'Revegetation Overlay'

11 As identified above, I consider the current extent to which provisions ensure that the 'Residential Green Overlay' and 'Revegetation Overlay' in the Rural Zone' is used to prevent development and requires revegetation, remains unclear. Through discussion with Mr Milne, I understand the intent of both these areas is to ensure 100% native vegetation cover will occur. To ensure this outcome, I consider this should be made explicit within Schedule X, akin to the 20% site coverage required in X.4 and X.5 alongside a palette of appropriate indigenous vegetation. I consider any subsequent

Vegetation and Fauna Management Plans Measures, as required by X.16, should be used to outline the measures necessary to support achieving such explicit objectives.

12 In seeking to prevent development and requiring revegetation in such areas, I note part of the indicative cut as illustrated in the Indicative Earthworks Plan for Collector Road, intercepts part of the 'Residential Green Overlay' and sets up an inherent tension between avoiding development in such areas and promoting effective revegetation following such disturbance. In this context I consider such earthworks may result in increased visual effects in the short term and will require a clear direction in their design and long-term implications to ensure the longer-term benefit of native revegetation will be established.

Skyline Effects

13 As identified in the Landscape JWS, I consider the potential for skyline development above Walters Bluff should generally be avoided to minimise the potential for more significant adverse visual effects. Whilst I support consideration of views from Nelson City, SH6 and the Maitai Valley Road between Jickells and Sharland Bridge when considering such effects, I consider the mechanism through which such provisions will be implemented remains inadequate. More specifically, Rule X.5 continues to refer to the primary ridgeline identified in Figure B1.2 and does not refer to the updated "Malvern Hills and Botanical Hill Ridgeline" now referred to in Figure 8 of the RMM Graphic Supplement. Coinciding with this, it is also unclear how target points are to be identified from such roads to determine whether such skylines are breached. Based on the existing skyline areas as mapped in the Nelson Landscape Study I consider any development in this location will breach the skyline.

14 In landscape policy terms, I consider enabling development along an area of skyline above Walters Bluff will likely remain contrary to Policies NA2.3.1 and NA2.3.2 of the Nelson Regional Policy Statement and Policy Do9.i of the NRMP. When compared with existing elevated suburbs to the north of Nelson and the adjoining ridgetop of the Malvern Hills, I consider the extent to which development may extend above this area of skyline is somewhat unique. In comparison, the ridgetop further north is more typically observed against a backdrop of the Atawhai Hills or beyond a foreground of existing built form.

15 Given this context, I consider it will be difficult to ensure development can be integrated above Walters Bluff and within part of the identified Botanical Hills skyline in a manner which avoids an intrusive 'saw tooth' development configuration. Given such uncertainty, I recommend greater discretion is required when determining the appropriateness of development in this area. This will ensure adverse effects along this prominent skyline location will be effectively managed and potential for more substantial adverse skyline effects will be avoided. There may simply be some

areas of skyline in this location which prominent development cannot be avoided, and discretion is therefore required.

Natural Character

Coastal Environment

16 As set out in the JWS, I have adopted the Coastal Environment as identified in the Nelson Coastal Study (Boffa Miskell, 2016). Based on this, I understand the implication of this is limited to an area of about 2,500m^2, which is legally part of the property at 4 Chamerion Way. Based on my discussion with Mr Milne, I understand this land is no longer under the owner of the applicant and therefore no longer forms part of the PPC28 Structure Plan meaning effects in this area can be disregarded.

17 In this location, I consider the level of natural character is low-moderate, consistent with the findings of the Nelson Coastal Study across this broader area of the coastal environment. Accordingly, I disagree that natural character in this location is very low as identified in the RMM assessment[2]. On the basis of a seven-point scale which applies to such evaluation, I consider the lowest rating of very low most typically applies to heavily modified and built-up areas principally devoid of natural elements, patterns or processes. In the context of Nelson, such areas would most typically be encountered within parts of Nelson Port.

18 In terms of broader impacts of the PPC28 on the coastal environment context, I consider this overall low-moderate level of natural character as identified will be retained and is enhanced with the addition of 20% coverage of native vegetation along the backdrop and skyline areas as proposed.

Kākā Stream

19 As with the assessment of coastal natural character, I consider the lower reach of the Kākā Stream along which the stream diversion is enabled, also retains a low-moderate level of natural character. This area does not currently include hard engineered and unvegetated forms which would be expected in areas with low and very low levels of natural character as identified in the RMM assessment[3]. Notwithstanding this, I consider such levels of natural character can be preserved and enhanced to equal or greater levels, including through stream diversion designed to address ecological outcomes to result in no more than very low adverse and potential beneficial effects.

20 In preserving the natural character of Kākā Stream, I support the specific provisions seeking to revegetate and link its upper reaches with revegetated rural land. Where this flows adjacent residential development as proposed, I continue to consider further specific provisions should

[2] RMM (June 2022) Natural Character Assessment, page 13.

[3] RMM (June 2022) Natural Character Assessment, page 17.

ensure any structures are carefully considered to avoid or minimise hard engineered forms and maintain natural elements, patterns and processes along the length of diverted strength between its confluence and upper reaches. Whilst I generally support the provisions as outlined in X.7 and X.9 in this regard, I agree with Mr Wilson engaged by Council to address water sensitive design that the inclusion of structures should only be located within the stream corridor if a best practical options process has been followed; locating detention with the stream corridor should be avoided if possible.

Night-Time Lighting Effects

21 I support the inclusion of additional requirement to address lighting effects along the Backdrop and Skyline Areas at the time of subdivision and agree this would benefit from a P3 standard of lighting and adoption of Black Night technology to manage adverse effects. Based on Mr Milne's evidence, I agree the impacts of lighting in Kākā Valley must also be considered in the context of the baseline which may otherwise occur and within which effects can be absorbed.

CONCLUSION

22 Overall, I consider the amended structure plan addresses several key concerns identified within my section 42A memorandum. As currently drafted, I consider the mechanics of some necessary and additional planning provisions remain unclear, particularly in relation to ensuring skyline effects will be effectively managed above Walters Bluff and identified revegetation outcomes will occur. Provided such shortfalls are addressed, I consider the revised structure plan layout has potential to avoid significant landscape, natural character and visual effects to the extent that enables the successful absorption of subdivision development in the context of the Kākā Valley and Bayview Ridgeline.

Date: 28/6/2022



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