
24 August 2021

Nelson City Council
PO Box 645
Nelson 7040
Attn: Gina Sweetman
gina.s@sweetmanplanning.co.nz

Dear Gina,

Updated Private Plan Change Request to the Nelson Resource Management Plan (PC28)
CCKV Dev Co LP & Bayview Nelson Limited

Please find attached the applicant's formal response to the further information request of 3 August 2021. In this response we have also carefully set out how this information supplements, and in some instances replaces, the Request initially lodged on 16 April 2021.

There are essentially three elements to the further information request:

- (a). Section 32 Evaluation: the questions that relate to the Section 32 evaluation;
- (b). Schedule X and relevant provisions: the questions seeking clarification as to the functionality of Schedule X (including the Structure Plan) and linkages between existing and proposed provisions;
- (c). Technical Assessments: questions on the supporting technical assessment reports.

The questions relevant to these three elements of the PPCR are spread through the 43 individual questions, sub-questions and Attachment 1 of the information request. Because of this, and to help you locate this further information, I have attached a '*Further Information Response Table – 24 August 2021*'. Note: Some of the questions only required a simple answer, with no change to the Request documents, and without any additional technical addendum.

Our review of your questions and feedback on the Section 32 evaluation has resulted in a restructuring and expansion of that evaluation (Attachment D1). This Evaluation will continue to be updated as the formal process advances.

The further information request has also provided the helpful opportunity to test and strengthen Schedule X, including the Maitahi Bayview Structure Plan and supporting provisions. As such a number of changes and improvements have been made to the provisions contained within Section 4.3 and Attachment B (Structure Plan and Planning Maps).

Finally, the further information request includes a number of questions about the supporting technical assessments. We understand a number of those questions have arisen from internal staff and external consultants that have assisted in the review of the PPCR.

Some of the information sought of the technical assessment reports is already available within the supporting documents originally submitted. Because of this we took the opportunity, with your approval, to arrange some meetings between the applicant's specialists and the consultants who undertook those assessments for the Consent Authority. The specialist transport, flooding/stormwater, and landscape experts met in this regard, with those discussions feeding into the addendum reports prepared as a part of this response.

At this point it is also relevant to point out that there are some items in the further information request that we consider are unnecessary in order to understand Request and the associated effects. Our assessment as to why some of those questions / requests are unnecessary is provided within the attached *Further Information Response Table*. In particular, we consider some of these requests seek information that the NRMP requires would be assessed and managed as a part of resource consent process. The resource consent information requirements have therefore been addressed within Section 6.2 ('*Baseline Considerations and Information Requirements*') of the Request. You will see from this summary of information requirements that the information required at the resource consent phase is considerable and all encompassing, and specifically directed at ensuring the objectives and planned outcomes are achieved.

If it would assist, we would welcome the opportunity to meet with you, either in person or on a video conference, to help you locate the information requested.

Further improvements to the proposed provisions will inevitably be made as a consequence of further assessment work and feedback. Any such changes that strengthen the provisions are welcomed.

Please contact me if you have any queries.

Yours sincerely,



Mark Lile
Landmark Lile Limited
Resource Management Consultancy

cc. - CCKV Dev Co LP & Bayview Nelson Limited
- Te Tau Ihu Iwi

Attachments:

The following documents are provided in response to the further information request of 3 August 2021, as replacements or supplementary/addendum information, as directed below:

DOCUMENT	DATED	DIRECTIONS
Private Plan Change Request	24/8/2021	<u>Replaces</u> Private Plan Change Request dated April 2021
ATTACHMENTS		
B. Structure Plan and Planning Maps.	20/08/2021	<u>Replaces</u> Attachment B.
C7. Further information response, including Wastewater and Water Supply Addendum Report.	20/8/2021	<u>Addendum</u> information to Attachment C7.
C8. Further Information - Transport.	18/08/21	<u>Addendum</u> information to Attachment C8.
C9A. Response to further information request.	20/8/2021	<u>Addendum</u> information to Attachment C9(a)
D1. Section 32 Evaluation.	24/8/2021	<u>Replaces</u> the S32 Evaluation dated April 2021

FURTHER INFORMATION RESPONSE TABLE – 24 AUGUST 2021		
	Overall Comments	Refer to
1.	This is a contextual statement/comment and not a request for further information. The identified matters are addressed under the relevant requests below.	----
2(a) & (b)	This is a statement/comment and not a request for further information.	----
3.	Recommendations in 21, 23 and 31 have been considered and addressed under the associated requests below. A meeting to discuss these suggestions with the relevant staff would also be helpful at some stage in the near future as soon as that can be arranged.	----
	The Planning Report	
4.	This relates to a numbering error. There was no section 4.7 and so the numbering has been amended.	----
	Proposed Plan Provisions and Section 32 evaluation report	
5a(i)	The S32 Evaluation has been updated to address this matter.	Revised S32
a(ii)	The S32 Evaluation has been updated to address this matter.	Revised S32
a(iii)	The S32 Evaluation has been updated to address this matter.	Revised S32
a(iv)	The S32 Evaluation has been updated to address this matter.	Revised S32
a(v)	The S32 Evaluation has been updated to address this matter.	Revised S32
a(vi)	The S32 Evaluation has been updated to address this matter.	Revised S32
a(vii)	The S32 Evaluation has been updated to address this matter.	Revised S32
b.	The S32 Evaluation has been updated to address this matter.	Revised S32
c.	The S32 Evaluation has been updated to address this matter.	Revised S32
d.	The S32 Evaluation has been updated to address this matter.	Revised S32
e.	The S32 Evaluation has been updated to address this matter.	Revised S32
f.	The Request and S32 Evaluation have been updated to address this matter.	Revised S32
6.	The S32 Evaluation has been updated to address these matters.	Revised S32
7	The S32 Evaluation has been updated to address this matter. However the overall / net benefits of realigning the lower section of Kaka Stream are addressed in the Ecological Assessment and in the Environmental Review. This is shown on the Structure Plan and referenced in the Schedule in various places. We have however also now added this to the new Policy RE6.3.	Revised Request and S32.
	Clause 4A of Schedule and 32(4A) – Advice to Iwi Authorities	
8a	The consultation undertaken with iwi over the proposed rezoning is set out within Attachment C1 of the Request as submitted in April 2021. The final PPCR lodged in April 2021 was also sent to all iwi for their further consideration, with the applicant following up at various times since April 2021 to obtain feedback. This consultation process post lodgement has now been incorporated into the Request and s32. The applicant is yet to receive further feedback from iwi but will provide updates as this arrives.	Revised Request and s32

Urban Design		
9(a)	Improvements have been made to the Section 4.3 (The Requested Changes) and the Section 32 Evaluation. Clarification being provided. A masterplan will be prepared as apart of the detailed design phase, and utilised to address the resource consent information requirements. If further provisions are justified and recommended as to create a good design outcome, these recommended changes to the PPC will be considered.	Revised Request Section 32
(b)(i)-(vii)	<p>As set out within Section 6.2 of the Request, the information requirements of the NRMP already requires that a very high standard of urban design information be submitted with applications for subdivision and for comprehensive housing developments. In particular, refer to:</p> <ul style="list-style-type: none"> - AD8.3 Information to be included with subdivision applications; - AD11.4A Structure Plans; - Appendix 14 Residential Subdivision Design & Information Requirements; - AP22 Comprehensive Housing Development; and well as - The assessment criteria within RER.22.4 and RER.107. <p>In combination the NRMP seeks to achieve the urban design objectives using these methods, which have been fully incorporated into this PPCR.</p>	Revised Request and S32
(c)(i)	The locations of the Suburban Commercial Zones areas have been selected following consideration of a range of options in the same general area, each of which had their advantages and disadvantages. These commercial areas will be readily accessible from the road frontage and in a location central for those may prefer to walk or use alternative transport modes.	Revised Section 32
(c)(ii)	The provision for small scale commercial activities to serve local neighbourhoods is considered to be a positive feature of the Structure Plan. If this commercial area was not provided for, then future residents would have no choice but to shop elsewhere and would also miss out on potential social and community benefits enabled by this provision.	Revised Section 32
(d)(i)	Refer to 9(b) above. These outcomes will be addressed in the design phase and resource consent process.	Revised Request and S32
(d)(ii)	Rules X.3 e) and f) are existing rules that apply to subdivision in the <i>Residential Zone – Higher Density Area</i> .	Revised Request and S32
(d)(iii)	Refer to 9(b) above. These outcomes will be addressed in the design phase and resource consent process.	Revised Request and S32
(e)(i)	Refer to 9(b) above. These outcomes will be addressed in the design phase and resource consent process.	Revised Request and S32
(e)(ii)	Refer to 9(b) above. These outcomes will be addressed in the design phase and resource consent process.	Revised Request and S32
Landscape		
10.	A minor change to the Structure Plan has been made to ensure all protected Kanuka is located within an Open Space Zone.	Attachment 9(a) addendum
11.	Schedule X has been amended to include the planting palette in Figure 38 of the LVAUDA.	Attachment 9(a) addendum
12.	The spatial extents of the Nelson Landscape Study areas have been shown in Appendix 1 of the response from Rough and Milne. These spatial extents have also now been shown on Attachment B1.2 to assist the interpretation of Schedule X – particularly in terms of Kaka Hill.	Revised Request and Attachment 9(a) addendum

13.	The landscape experts have agreed that some further assessment of the Lower Density Area above Walters Bluff would be undertaken at a later date. The current level of information is however considered to be sufficient.	Attachment 9(a) addendum
14.	The Rough & Milne response has clarified their assessment of landscape effects on Malvern Hills.	Attachment 9(a) addendum
15.	Schedule X has been amended to add the control over the location and scale of earthworks.	Revised Request and Attachment 9(a) addendum
16.	The applicant considers that the Maitahi Bayview Structure Plan provides the appropriate level of detail for this Plan Change Request. The current level of information is considered to be sufficient.	Attachment 9(a) addendum
17.	The applicant considers that the Maitahi Bayview Structure Plan provides the appropriate level of detail for this Plan Change Request. The current level of information is considered to be sufficient.	Attachment 9(a) addendum
18.	The landscape experts have agreed that some further assessment of the effects on private views would be undertaken at a later date.	Attachment 9(a) addendum
19.	The view and reading distance of images are clarified in the Rough & Milne response	Attachment 9(a) addendum
Biodiversity		
20.	<p>The ecological initiatives identified in the ecological report will be achieved through the use of the best practice principles (drafted collectively by Morphum and Tonkin & Taylor) in the subdivision and development design processes, through satisfying the information requirements (including under the NRMP Freshwater Plan and NES-FW), and through achieving the outcomes required by the various planning documents. In summary, the Consent Authority will have full discretion in the resource consent process to ensure these ecological outcomes are achieved. Seeking such detailed information, such as how fish passage will be achieved at road crossings, is well beyond the reasonable scope of information that is necessary to understand the effects of this Plan Change Request.</p> <p>Refer to Section 6.2 of the Request where the information requirements are outlined.</p>	Section 6.2 of the Request
21(a).	<p>Biodiversity Corridor is defined in the NRMP as follows:</p> <p><i>means a vegetated corridor of a minimum width of 20m that allows for the flow of indigenous organisms and biological resources along the corridor, for biological processes within the corridor, and connectivity between areas of ecological value.</i></p> <p>Helpful and particularly relevant explanation is also provided within AD11.4A.v(c) with AD11.4A.vi and Appendix 14 setting out the information requirements at the time of subdivision and development. See section 6.2 of the PPCR.</p> <p>The NRMP therefore has a robust framework, as adopted in this PPCR, for achieving the wide range of related objectives, such as in relation to natural values, recreation, and freshwater. Importantly, there is discretion and control over these outcomes, to be exercised by Council as a part of the subdivision process (see AD11.4A.vi). Please also note the stated “<i>element of design flexibility to meet both the objectives of the Council and the developer</i>”.</p>	Section 6.2 of the Request
(b)	<p>The current Structure Plan already shows the Open Space Zone extending to the top of the Kaka Stream corridor. In response to early consultation feedback from the Department of Conservation, his corridor also extends up the side boundary, up Kaka Hill and connecting with the SNA on the adjoining property and on Kaka Hill. See Attachment B2.1.</p> <p>In accordance with AD11.4A.vi of the current NRMP, the process provides for flexibility and discretion for the associated objectives to be further achieved within the formal resource consent process.</p>	----
(c)	As per 21(a) and (b) above.	----

(d)	As per 21(a) and (b) above.	----
	Stormwater Management and Ecological Effects Management and Flood Risk Management	
	A. The Morphum Environmental Ltd Report	
22(a)(i)	The recommendations of the Morphum Environmental Review (Attachment C6) resulted in a set of 'Plan Provisions/Principles' listed in Section 5 of the report that were fully adopted and incorporated into the PPCR (within Schedule X and the supporting provisions). Section 6 of the Morphum report includes the recommended steps and spatial plan amendments to progress the development "through the consenting and design phases". In other words the PPCR includes a set of provisions that, combined with the currently requirements of the NRMP, will ensure the stated objectives are achieved.	----
(a)(ii)	As per 22(a)(i) above.	----
(a)(iii)	As per 22(a)(i) above.	----
(a)(iv)	As per 22(a)(i) above.	----
(b)	As per 22(a)(i) above.	----
(c)	As per 22(a)(i) above.	----
(d)	As per 22(a)(i) above.	----
(e)	As per 22(a)(i) above.	----
(f)	This item relates to further questions in Appendix 1. Policy 6.3 and X.9 have been amended in response to this and other suggestions.	Revised Request and S32
(g)	As per 22(a)(i) above.	----
23.	Terrestrial ecology added into X.9 of the Schedule	Revised Request
24.	The information sought under this item relates to effects that can only be assessed as a part of the detailed design process, which is outside of the scope of an assessment for a Plan Change Request. In addition, the NRMP already has a robust set of provisions and information requirements that require careful assessment of the potential effects of earthworks / filling, and also any change to the current stream corridor. Refer to Section 6.2 for the information requirements.	----
	B. Stormwater and flood risk management	
25(a)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(b)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(i)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(ii)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(iii)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(iv)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(v)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(vi)(1)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum

(vi)(2)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(vi)(3)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
(vii)	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021.	Attachment 7 addendum
Transport		
26-33	Refer to Transportation report, being addendum to Attachment C8. Updates also made to the Structure Plan and Planning Maps 2.1 and 2.2 (Attachment B4)	Attachment C8 addendum and Attachment B4
Air Quality		
34.	<p>As discussed over recent weeks, there are a number of reasons that have influenced the applicant's decision not to undertake airshed modelling, namely:</p> <ol style="list-style-type: none"> 1. The applicants plan to impose restrictive covenants that will prohibit the installation of solid fuel burners within the Kaka Valley catchment; 2. The potential changes to the NES for Air Quality that are being discussed nationally; 3. The issue of air quality being better addressed as a part of the WW Nelson Plan process. <p>In combination, it is considered that the issue of air quality effects do not need to be further assessed at this stage.</p>	----
Historic Heritage		
35.	The applicant has addressed the post-1900 historic heritage resources (as well as the pre-1900 historic ones) within the assessment report submitted within Attachment C2. The report outlined the historic values associated with the Richardson family and their ownership of the property. Although this association has high regional historical significance, the report concluded that the physical manifestation of these values is generally limited with the exception of the specific small areas associated with the Richardson farming era, for example, the farm building complex and the Edendale cottage location. There are no other known historic values.	----
Economics		
36.	Given the scale, location and nature of activities provided for in the proposed suburban commercial areas, the actual and potential adverse distributional effects are considered to be less than minor and certainly not beyond the effects of trade competition.	----
37	<p>The following response has come from Tim Heath from Property Economics Limited:</p> <p><i>First point relates to the assumptions applied to the modelling of the economic contribution. The assumptions utilised for this, that essentially result in a construction injection of \$260m, are outlined in this section of the report. These highlight the total direct spend and the resulting 'multiplier value'. The only factor not outlined here are the list of multipliers, these traverse 156 sectors and are extensive. There is a base construction sector multiplier (a single value), that is essentially represented by the total value divided by the direct injection.</i></p> <p><i>While we appreciate the limitations of the multiplier approach to evaluating economic activity, some of these relate to the assumptions outlined in the report (such as assumptions around the movement of labour) it was considered that the limitation resulting from finite resources is unlikely to play a material role in this assessment given that the development is for 750 homes over 20 years (effectively 37 homes a year). Additionally, the economic contribution is not site specific (although the costings are), this means that the assessment has not assumed that the homes built here are 100% unique and represent a complete net gain (i.e they are likely to redirect at least some expected growth).</i></p>	----

	Infrastructure	
	A. Wastewater	
38.	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021, including Wastewater and Water Supply Addendum Report dated August 2021.	Attachment 7 addendum
39.	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021, including Wastewater and Water Supply Addendum Report dated August 2021.	Attachment 7 addendum
	B. Water	
40.	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021, including Wastewater and Water Supply Addendum Report dated August 2021.	Attachment 7 addendum
41.	Refer to Response to Request for Further Information from Tonkin & Taylor dated 20/8/2021, including Wastewater and Water Supply Addendum Report dated August 2021.	Attachment 7 addendum
	Geotechnical	
42(a)-(c)	Tonkin and Taylor has provided the following responses under this subheading: <i>As pointed out in the report the assessment of risk was in generally accordance with the AGS (2007). However, due to inadequacies in the AGS methodology and its lack of direct transfer to New Zealand for residential land planning its methodology should not be solely relied on in the New Zealand context when assessing the suitability of land for residential land development. In New Zealand the RMA defines the threshold and methodology for assessing the risk and suitability for land for development is defined and all potential residential land development within the PPCA will be subject to that test under the resource consent process. For the purpose of assessing the PPCA under the plan change request. The heat map approach to assessing risk from consequences and likelihood of natural landslide hazards is applicable with modification for use when assessing risk as required at the subdivision stage. The methodology used uses a combination of quantitative assessment of landslide likelihood supported by field verification and selected case study review to establish slope stability potential in different geologies. An important component of assessing slope instability likelihood is the geomorphic analysis of slopes to assign a relative chronology to the slope evolution in the area, considering the frequency of triggering events over the life of each slope.</i>	----
(d)	<i>In response to the request for whether landslide runout is assessed it should be noted that runout is part of the landslide process. In regard to assessment of liquefiable land we have followed MBIE Planning and engineering guidance for potentially liquefaction-prone land. Level A and Level B (part) as appropriate for a plan change assessment.</i>	----
(e)	<i>Final risk assessment is not a quantified risk assessment. It should be understood that all risk assessment involved subjective components and risk by definition is about uncertainty of outcomes. Hence the risk characterization. Hence the high risk zoned land is that that where subdivisional engineering construction that is normally employed in the Nelson setting cannot, with certainty ensure consequences that are not significant when tested at the resource consent stage.</i>	----
43(a)	The digital files for the geology and geotechnical risk layers were emailed to Gina Sweetman and Kimmeny Stephens (BECA) on 4 June 2021.	----
(b)	The geotechnical assessment submitted with the PPCR has already assessed the proposed rezoning. Refer to Attachment C4.	----
(c)	The manner in which geotechnical risks are mitigated in the detailed assessment and design process are outlined already in the PPCR, including within Attachment C4.	----