

3 August 2021
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Private Plan Change Request 28
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Dear Mark,

REQUEST FOR FURTHER INFORMATION – PRIVATE PLAN CHANGE REQUEST 28 - MAITAHĪ BAYVIEW

Thank you for your request for a private plan change (the PPC) to rezone approximately 287 hectares of land located within Kaka Valley, along Botanical Hill and Malvern Hill, at Lot 200 DP520337, Quail Rise, Nelson.

Pursuant to clause 23 of Part 2 of Schedule 1 of the Resource Management Act 1991 (the RMA or Act), the following information is requested so that we can better understand:

- the nature of the request in respect of the effect it will have on the environment, including taking into account the provisions of Schedule 4;
- the ways in which any adverse effect may be mitigated;
- the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the request;
- the nature of any consultation undertaken or required to be undertaken.

Overall comments

1. Having undertaken a review of the information provided with the PPC, and in considering the characteristics of the site and the surrounding area, we have identified a number of matters where there is an apparent disconnection between the outcomes described in the PPC request and technical reports that accompanies it and the proposed new Appendix and provisions.
2. Our overall approach to reviewing the PPC for adequacy of information has been to determine:
 - a. Whether there is sufficient justification and information provided in accordance with clause 23 (as above)
 - b. Whether the PPC would be able to be recommended for acceptance, considering the criteria set out in clause 25(4), and in particular subclauses (c) and (d), taking into account the new national direction and the age of the existing Nelson Resource Management Plan (NRMP) and Regional Policy Statement.
3. Included within the requests are some recommended changes to the Structure Plan, which are indicated as note. These do not form part of the request itself but are rather recommendations on how better outcomes could be achieved. The Council would welcome the opportunity to discuss these with the applicant.

The Planning Report

4. Please provide an updated planning report that includes section 4.7.

Proposed Plan Provisions and Section 32 evaluation report

5. Please provide an updated section 32 evaluation report that includes:
 - a. An evaluation under s32(1)(b) of how the proposed provisions are the most appropriate to achieve the objectives of the proposal and the NRMP, including but not limited to:
 - i. The appropriateness of the zoning of each area, which takes into account the constraints and restrictions on the site;
 - ii. The rationale for and appropriateness of the suburban commercial centre and its location;
 - iii. The rationale and justification for the additional provisions proposed in the PPC;
 - iv. How the proposed provisions interact with existing NRMP provisions;
 - v. How the proposed location of the road on the ridgeline gives effect to Policy NA2.3.2 of the Regional Policy Statement, which states "to avoid development which detracts from the amenity afforded by dominant ridgelines".
 - vi. How the proposal gives effect to DO13A.5.1 in respect to environmental responsiveness.
 - vii. How the proposal will give effect to Objective 1 of the National Policy Statement for Freshwater Management and achieve Te Mana o Te Wai.
 - b. An updated Table 1 that provides an assessment of the social benefits of the status quo.
 - c. An explanation of the rationale for Option 2, given s32(1)(b) requires the identification of other reasonably practicable options for achieving the objectives (noting that under s32(3)(b) this includes existing objectives in the NRMP).
 - d. An updated Option 2 which includes an assessment of its social and cultural costs.
 - e. An updated Option 3 which includes an assessment of environmental and social benefits.
 - f. How the PPC gives effect to the New Zealand Coastal Policy Statement (NZCPS). In particular the Tonkin and Taylor report proposes an option for stormwater runoff that would involve an increase in the capacity of the pipe system discharging into the Haven. Policy 23 of the NZCPS directs that steps be taken to avoid adverse effects of stormwater discharges to the coastal environment.

Reason:

The evaluation of options does not include a clear and consistent approach to evaluating the costs and benefits of the proposed rezoning. For instance, Option 4 addresses social costs of future development but there is no analysis of social costs in respect to Options 1, 2 and 3. There is no evaluation provided as to why the proposed zoning boundaries have been determined and why the additional provisions are required.

6. Please address the questions set out in Appendix 1 of this request in respect of the proposed provisions themselves. Appendix 1 needs to be read in conjunction with the rest of this request which includes further detail about aspects of how outcomes stated in the request are achieved through the PPC.
7. The proposed layout of the southern part of the site and the location of the Open Space Recreation Zone and the Residential Zone – Higher Density Area as shown in the Structure Plan and Landscape Overlay is prefaced on the realignment of the Kaka Stream below the proposed Indicative Road. Please address how the proposed provisions either support or enable this outcome being achieved, whether the NRMP would support this outcome and what the outcome would be if regional consents were not forthcoming. This point needs to be read in conjunction with the rest of this request.

Reason

It is unclear how the realignment is supported by the Structure Plan and the consequences of the development of the area if the realignment does not occur.

Clause 4A of Schedule 1 and s32(4A) – Advice from Iwi Authorities

8. Please provide details of how the pre-notification requirements for iwi authorities has been undertaken. While the PPC outlines what engagement occurred, there is no record provided of how the pre-notification requirements have been met, including written confirmation from the iwi authorities that this has occurred.

Reason

Clause 4A specifically requires that a copy of the relevant draft plan change is provided to the iwi authorities who have been consulted under clause 3(1)(d), with adequate time and opportunity for consideration and the provision of advice, and that the advice received from the iwi authorities is had particular regard to. Section 32(4A) requires that the advice received and response to that advice are summarised, including any provisions that are intended to give effect to the advice. The material provided in the Iwi Engagement Summary indicates that the PPC provisions themselves were drafted post engagement.

Urban Design

9. Please respond to the following questions which specifically relate to Report 9A, the Landscape, Visual Amenity and Urban Design Assessment (LVAUDA). Please note that some of these questions intersect with other questions and Appendix 1 of this letter as to whether the PPC provisions and zoning sought are the most appropriate way to achieve the NRMP objectives and Part 2 and whether the stated objective will be achieved.
 - a. There are many statements about aspirations and intentions in respect to urban design, neighbourhood design, landscape character treatments and the built environment. However, it is unclear how many of these statements will be given effect to through the PPC, and whether they will be achievable or facilitated by the PPC. In this regard the following statement used throughout parts of Report 9A does not give certainty and nor does it allow potential urban design outcomes and therefore potential urban design effects to be assessed:
The PPCR provides a framework that can achieve this objective and policy. Ensuring that it is met will occur through a resource consent design phase in which a number of other policy provisions that will be considered.
 - b. Please address how the intention of creating a well-functioning neighbourhood with suburban commercial and residential areas that create a robust foundation for building a community can be achieved through the proposed PPC provisions. This could be addressed through an indicative masterplan that describes and allows the following to be assessed:
 - i. Interconnected local street layout (ref p74) including consideration of 'orderliness'(p83) and wayfinding (p79) and verification of gradients to demonstrate access viability.
 - ii. Indicative lot layouts showing frontages to streets and public spaces in a way that encourages interaction and safety (p74) and demonstrates that efficient access can be obtained to all lots (Policy DO14.3.1), and a record of numbers of each dwelling/lot type.
 - iii. Illustrative building footprints on the lot layout and indicative key street cross sections.
 - iv. Solar access for proposed lots, particularly because the majority of the land will be south-facing.
 - v. Areas where excavation and intensive contour modification is intended and areas of vegetated hillside/bush that are to be retained.

- vi. Verification of extent of zones to recognise practicality of gaining access to and building upon steeply sloping sites.
 - vii. Drawings showing how contour modification relates to the profile of the Bayview ridge as seen from the east with comparative cross and long sections that demonstrate this. (These sections should be landscape rather than engineering drawings.)
- c. An assessment of, justification for, and appropriateness of the location of the local centre, which should include alternatives. In particular, please address the following matters:
- i. A local centre is shown on the far side of the stream on the homeward journey and risks being unable to readily serve the higher density residential development that extends up the valley on the eastern side of the stream.
 - ii. How a marketplace as intended will realistically be achieved and sustained and supported by the PPC provisions and if this is to be provided, why the PPC area is appropriate and better than other areas around, including the nearby city centre. (p78).
- d. An explanation of how the building design controls would achieve the stated objective. In particular:
- i. What is the built vernacular and what are the materials of the surrounding environment, why are they relevant, and what are the controls that ensures that sympathetic development is achieved? (p68, also p81) Is the character of buildings around of such distinctive quality that control is warranted?
 - ii. How the standards under Rule X.3 e) and f) for the higher density area achieve the stated outcome?
 - iii. Please explain how the proposed PPC provisions allow the building quality aspirations of "stimulating, enjoyable and convenient" (p75) to be achieved.
- e. Context and connection drawings and analysis that addresses the following:
- i. How the CPTED principles will be addressed through the provisions, in particular to address issues such as providing safe connections from the lower residential area to Maitai Valley Road and the city centre.
 - ii. How the attributes of quality urban design identified in the Urban Design Protocol under 'Connections' will be addressed and subsequently achieved through the provisions.

Reason

At a high level, there is a disconnection between what is stated will be achieved through the LVAUDA and what is contained within the PPC itself.

Landscape

10. The Landscape Overlay proposed to be included within the NRMP includes a notation of Kanuka Vegetation and Kahikatea Tree to be protected in three different places. Two of these notations are located in the proposed Open Space Zone. However, the third is located in the proposed Residential Lower Density Area. Please advise how it is proposed to protect this tree/vegetation in accordance with the Overlay.

Reason

This information is required as it is unclear how the tree/vegetation is to be protected through the proposed provisions.

11. Sheet 29 of the LVAUDA refers to the native planting palette for the Open Space Recreation Zone contained in Appendix 1 – Figures 38 providing for the proposed esplanade reserve. Please advised how it is intended that this planting palette be implemented through the PPC.

Reason

There is a disconnection between what is stated will be achieved through the LVAUDA and what is contained within the PPC itself.

12. Section 3.3 of the LVAUDA identifies that the site is split between two landscape character areas, namely: Kaka Valley and Bayview. These have not been mapped. By comparison, the Nelson Landscape Study: Landscape Character Assessment (BML, 2014) identifies and maps parts of three landscape character areas within the site, namely: Maitai Valley, Atawhai Hills and Malvern Hills.

Sections 3.4 and 5.1 of the LVAUDA discusses landscape effects on four areas, namely Kaka Hill, Kaka Valley and Maitai Valley, Botanical Hill and Malvern Hills. These generally appear to correlate with three areas of visual amenity landscape identified within the Nelson Landscape Study: Visual Amenity Landscape Evaluation (2016), namely Botanical Hill, Malvern Hills and Kaka Hill as well as the Kaka and Maitai Valley however the extent of each landscape within which effects have been assessed is not explicitly defined.

Given these discrepancies, the LVAUDA should clarify the following mapped extent of the relevant landscape character areas / landscape in terms of both:

- a. the site and its receiving environment
- b. the extent of each landscape assessed when identifying levels of effect

13. In the absence of differentiating between areas of landscape, the LVAUDA has combined the assessment of landscape effects for Botanical Hill and Malvern Hills on the basis that eastern facing slopes are “similar and difficult to differentiate between one another” (Page 35). Within the Nelson Landscape Study: Visual Amenity Landscape Evaluation (BML, 2016) the extent of the Botanical Hills associated with west facing slopes culminates north of Walters Bluff, differentiating Malvern Hills as the rolling ridgeline which continues north of an area of skyline visible from Queens Elizabeth II Drive (SH6) adjacent to Neale Park.

With respect to the mapped extent of the Botanical Hills, the Structure Plan includes an area of Residential Zone Lower Density Area in the Backdrop Area and Skyline Area. In summarising the effects on the Botanical Hill Skyline, the assessment states that the inclusion of the PPC Open Space Recreation Zone will maintain the landscape values of Botanical Hill and will not the change nor effect the existing landscape character of this area.

Given this discrepancy in differentiating between the Botanical Hills and Malvern Hills, please clarify the level of effect generated by the inclusion of residential development within the mapped extent of the Botanical Hill and skyline above Walters Bluff from the west.

14. North of Walters Bluff, the LVAUDA differentiates the Malvern Hills based on south-east and north-west slopes however the effects of development on the combined Malvern Hills and Botanical Hills are limited to consideration of the eastern facing slopes, assessed as moderate (Page 36). While the assessment acknowledges that the existing landscape character of the remaining areas of Malvern Hills will change by providing for an increase in residential development and considers this will provide “an appropriate fit”, please also quantify the equivalent level of landscape effect in terms of the north-west and skyline / backdrop.

15. In discussing effects of residential development within the skyline area, the LVAUDA recognises that earthworks will alter the more subtle landform changes on this hillside, while stating the overall landform and larger landform features, being ridges, spurs and valleys will remain evident. Specifically, the LVAUDA states the skylines line and form when viewed from SH6 and the coast will be maintained (Page 36). Please clarify how earthworks are to be managed through the PPC framework to ensure landscape values associated with the backdrop and skyline will be maintained during subdivision and development.

In terms of managing effects of buildings within the skyline area, it is not clear how the skylines' line and form can be maintained in the absence of an ability to restrict the location of development which may otherwise extend above the profile of the primary ridgeline. Please clarify why location is excluded as a matter of control given the larger lot sizes and anticipated outcome of maintaining the line and form of the skyline (see also Appendix 1).

16. In assessing landscape effects within the Malvern Hills (Page 36), as well as within the proposed Residential Zone ascending Kaka Hill and within the Higher Density Small Holdings Zone (Page 35), the LVAUDA notes a difference between the spatial extent of the proposed zoning and the actual extent of development envisaged, with specific reference to topographical constraints and geotechnical high-risk areas. Similarly, Section 5.1 states the mix of development and open space will retain the topographical nature of the Kaka Valley floor. Regenerating vegetation also contributes an established characteristic of large areas of the identified Higher Density Small Holdings Zone.

Given the level of subdivision and associated vegetation clearance and earthworks that could otherwise occur within identified zones, please provide further information to demonstrate how the proposed provisions are the appropriate means to achieve the described outcomes achieved. One means of addressing this could be an indicative masterplan and visualisations used to assist the assessment and supporting identified levels of landscape and visual effects, and include:

- a. The extent of zones which will likely be developed to recognise practicality of gaining access to and building upon steeply sloping geotechnically constrained sites.
 - b. Areas where excavation and intensive contour modification is intended and areas of vegetated hillside/bush that are likely to be retained, including the ability to maintain an area of Kanuka Vegetation and Kahikatea Tree to be protected within the Residential Lower Density Area.
 - c. Landscape drawings including comparative cross and long sections that demonstrate how contour modification will:
 - i. Maintain the profile of the Primary Ridgeline annotated as the "Malvern Hills and Botanical Hill Ridgeline" on Attachment B1.2 as seen from the east and west.
 - ii. Maintain a sympathetic relationship between residential areas and open space along the Kaka Valley floor and margins of the Maitai River. This should include comparative landscape cross sections.
17. Section 5.1 of the LVAUDA states the mix of development and open space recreational zone will provide a framework that will enhance the natural character of Kaka Stream and Maitai River margins. Conversely, later this section identifies that the removal of vegetation and pasture and replacing it with built form will "inherently reduce the natural character of the lower slopes of Kaka Hill" (Page 35). Beyond this, no explicit assessment is included to compare the existing and anticipated post development levels of natural character relating to either Kaka Stream or the Maitai River.

Section 1.3 of the LVAUDA discusses that effects on the existing level of natural character have been considered due to changes to the natural elements, patterns and processes within the receive environment. Given this methodology, please qualify how the existing and anticipated level of natural character has been assessed and how the PPC provisions will ensure the natural character of the existing waterways will be enhanced.

18. While viewpoints generally provide a good range of representative views, please provide an updated visual effects assessment to address the potential effects on the more sensitive viewing audiences expected to experience visual effects as follows:
 - a. Occupiers of residential dwellings along Ralphine Way
 - b. Recreation Users along the Maitai River
 - c. Occupiers of residential dwellings along the northern slopes of Sharland Hill including Cleveland Terrace
 - d. Occupiers of residential dwellings along the lower slopes of Malvern Hills
 - e. Recreation users within Nelson Haven and coast

The LVAUDA generally assesses visual effects with respect to viewpoint photography and does not always identify the relevant viewing audiences assessed. Conversely, Table 5 (Page 10) of the LVAUDA identifies that visual effects have been assessed through considering the sensitivity of the viewing audience with the magnitude of change when determining the overall level of effect. When identifying levels of effect, sensitivity generally discusses transient views from access roads and transport corridors which typically have lower sensitivity rather than taking account of higher sensitivity recreation areas or occupiers of dwellings which may also obtain views.

19. Please clarify the field of view and reading distance used to represent viewpoint photography to ensure any differences in cropping or zoom are accounted for.

Biodiversity

20. The Ecological Opportunities and Constraints Assessment (Ecology Report) states that there are five different initiatives included in the PPC to increase aquatic habitat values for native species. The first of these is the provision of a riparian corridor, which is provided for in the Structure Plan and proposed rules. However, it is unclear how the other four are to be provided (facilitating fish passage at all road crossings, excluding non-native fish from the catchment through built barriers, rehabilitating areas with native wetland flora species, and designing, constructing and maintaining a naturalised lower section of the Kaka Stream).

The Ecology Report also states:

- a. That there are areas of value in the proposed Residential Areas that require appropriate protection or mitigation to ensure any proposed development does not result in a net loss of ecological value; and
- b. Any future development in the Higher Density Small Holdings area should be designed in a way that maintains ecological value and avoids the removal of indigenous vegetation and habitat for indigenous fauna
- c. That it is expected that there will be sufficient space available for mitigation, offset or compensation within the site
- d. That the realignment of the lower reaches of the Kaka Stream provides enhancement opportunities.

The Structure Plan only shows an indicative location of a single road and does not identify areas within each of the proposed residential zones where subdivision is likely not to occur (such as from geotechnical constraints). The Ecology Report (section 4.1.1) acknowledges that there is approximately 36.2ha of vegetation with common or abundant indigenous plants and up to 12 ha of low quality exotic vegetation that can

provide habitat for indigenous fauna and states that additional targeted surveys of indigenous fauna (including absolutely protected species such as indigenous lizards, *Powelliphanta* snails and long-tailed bats) will be required.

Please provide information to address these matters, including what mechanism is to be used to both identify and manage adverse effects on indigenous vegetation and the habitats of indigenous fauna that are located outside of the significant natural area (SNA) shown on the Landscape Overlay, so that an overall "no net loss" is achieved and how enhancements may be achieved through the realignment of the Stream.

Reason

This information is required as it is unclear how these are addressed through the proposed provisions. There is no detail on how the Structure Plan will ensure the existing terrestrial values of the site are protected or enhanced, and that the "no net loss" is achieved, as recommended through the ecology report. The vegetation clearance rules of the NRMP afford protection for indigenous forest species but are extremely permissive for regenerating and remnant indigenous vegetation that do not meet the "forest" criteria. Further information is requested to understand how much of the indigenous vegetation in the area could be cleared. There are no provisions that either require or guide the relocation of the stream through a subdivision process and as such it is unclear how this may occur or how the ecological enhancement may be achieved.

21. Please clarify / provide further evidence to address the following:
- a. How the proposed Open Space Zone will provide for the four primary functions of a Biodiversity Corridor (as described in the NRMP); in particular, what mechanisms would be used to ensure ecological protection and enhancement opportunities are balance with recreation / access needs, as this is not clear in the proposed provisions. For instance, the use of a riparian overlay on Kaka Stream.
 - b. if it intended that, and if so how, the ecological corridors discussed in the ecological reports will be created and connect the SNA on the upper eastern boundary of Kaka Valley with the Kaka Stream corridor.
 - c. Whether it is intended that the upper vegetated slopes adjacent to the SNA create biodiversity corridors. If so, this needs to be addressed through the Structure Plan provisions.
 - d. If the protection of the SNA, the 40m buffer along Kaka Stream, the area of Open Space on the north-eastern boundary of the Structure Plan area, the regenerating area beside the Centre of New Zealand Park, the two wetlands and the few isolated trees are sufficient to meet the ecological principles proposed – in particular Principle 15, or whether additional corridors are required to meet Policy D)5.1.2.

Reason

The Ecology Report states that the Structure Plan has considered Policy DO5.1.2 - linkages and corridors. The Structure Plan currently includes an "Open Space" corridor following Kaka Stream. The recommendations in the Ecology Report and the proposal as shown in the Structure Plan appear to be inconsistent. Both ecological reports discuss the recommendation to connect the SNA on the upper eastern boundary of Kaka Valley with the Kaka Stream corridor (discussed in Section 3.1 of the Environmental Review).

These ecological corridors are noted as important "...to facilitate uninterrupted movement by a range of species." However, no such corridors are shown on the Structure Plan and there is no clear mechanism in the Structure Plan provisions to achieve this. The Ecology report does not address the Nelson City Council report for SNA 166 which notes the importance of the northern slopes of Kaka Hill as a significant ecological corridor.

- "The site's other main value is in it being an integral part of a much larger tract (c500 ha) of native forest/scrub vegetation that runs continuously (or very nearly so) for c8km from the Kaka Hill area northward, almost to Gentle Annie at Hira. This larger tract (of which this site is a part) is a significant corridor for native forest birds and other wildlife between the Nelson City area and the Hira area. It is important that a continuous corridor of vegetation is maintained along the length of this site so that these important connectivity values are retained."

The narrow biodiversity corridor proposed along the NE boundary in the Structure Plan is inadequate at protecting the important value of the site as an ecological corridor from the Mahitahi to the North. A more appropriate corridor would be the entire upper slopes of Kaka Hill, connected to the indigenous vegetation/wetland at the N property boundary and to the Mahitahi riparian at the Southern property boundary. The SNAs are shown on the surrounding properties as scheduled in the draft Nelson Plan to provide some context. The SNAs on the adjacent property form part of this wider ecological corridor from the city to Atawhai/North Nelson, but the function of these connected sites as ecological corridors will be greatly reduced by the potential clearance of vegetation from the upper slopes of Kaka Hill. This area is also an obvious connector for public access into Ngati Koata's Sharlands area.

Note: The Parks and Facilities have included the following recommendations in respect of the adequacy of the biodiversity corridors proposed in the Structure Plan:

- a. The riparian margin of the Kaka Hill tributary (shown in green below) provides an important linkage from the vegetated parkland of Botanical Hill to the wetland/SNA at the site's northern boundary. The riparian corridor would be of higher ecological value if it was wider than as proposed in the structure plan.
- b. To improve ecological connectivity within the site and to the coastal edge, there would ideally be multiple corridors of indigenous vegetation retained or restored between the upper slopes of Kaka Hill and the Kaka tributary, Kaka tributary and Atawhai/Mahitahi ridgeline. The obvious reason for these would be retention (and in some cases reinstatement) of the indigenous vegetation in the gullies. Potential areas for corridors are indicated in pale orange.
- c. Due to the recent (permitted) clearance of scrubland vegetation in the western half of the area, there is limited ecological connection between the coastal zone and ridgeline. This would be improved by reinstatement of fingers of indigenous vegetation in the steeper gully/slope sections between the Atawhai ridgeline and lower slopes. These should where possible connect to other areas of vegetation closer to the coastal edge. Potential areas for corridors are indicated in pale orange, where there are obvious connections to parkland or steep vegetated private land which is unlikely to be cleared for development due to slope.

The Plan showing these referenced areas is contained in Appendix 2.

Stormwater Management and Ecological Effects Management and Flood Risk Management

A – The Morphem Environmental Ltd Report

22. The Morphem Environmental Ltd report contains a number of recommendations as to the content of the PPC. Please advise how the following are incorporated into the PPC:
 - a. Under section 3.3.4:
 - i. Clearly identifying areas requiring active enhancement, along with the responsibilities, timing and standards for enhancement
 - ii. Mapping and classification of wetlands within the structure plan area (beyond the two identified)

- iii. Demonstration that the ecological and stormwater objectives can be integrated with the development
 - iv. Signalling that anticipated enhancement actions may be utilised as offset or compensation actions to address residual adverse effects.
- b. Under section 4.2, the intent to pre-treat stormwater and protect the existing and potential ecological values of Kaka Stream (in addition to the Maitai River) should be strongly promoted through the structure planning process and incorporated into the Schedule of associated rules.
 - c. Under section 4.3, the integration of fish passage is clearly communicated in the structure plan given the quality of upstream habitat and connection to the coast via the River.
 - d. Under section 4.6 – ensuring that the realigned / new channel is resilient across the range of flow events while forming a resilient ecological corridor and that it is designed in parallel with the design of any integrated flood detention, backwater impacts from the Maitai River and protection of any development in the lower terrace.
 - e. Under section 4.7, that overland flow paths are an essential design consideration, that should be sustained without impacts on private or public property, including their formal identification and marking.
 - f. Under section 5, the 18 principles, beyond reference to “best practice methods” in Policy RE6.3 and X.11 (see Appendix 1 for further questions).
 - g. Under section 6.2, the four recommended spatial plan amendments which include refined allocation of spaces to provide for stormwater management and associated open spaces.

In respect to the wetlands, please address if there are any additional natural wetland habitats as defined by the National Policy Statement for Freshwater Management (NPSFM) and the National Environmental Standard for Freshwater (NESFW), and whether the extent of buffering shown on the Structure Plan is sufficient to avoid effects on those identified wetlands as prescribed under the NESFW regulations.

Reason

This information is required as it is unclear how these matters are addressed through the proposed provisions, or if it has been decided not to address them, why that is the case.

The NPSFM and NESFW have introduced new requirements and restrictions on the identification and development of wetlands. It is unclear whether the Structure Plan work has identified all wetlands on the site, and if not, why these have not been, given the potential implication on feasibility of the subsequent development of the land.

In respect to e., it is likely that these may include vegetated gullies and these could potentially provide further ecological connections to Kaka Stream and the surrounding terrestrial features, as discussed earlier in this request.

In respect of g., it is unclear as to where the stormwater treatment wetlands or devices would potentially be located and whether there is enough space available within the 40m Open Space corridor to provide for sufficient stormwater treatment and flow attenuation, without affecting ecological values and the functioning of the stream itself.

23. Please address why terrestrial ecology principles have not been included in the 18 Principles for development covered in proposed “rule X.11”; or otherwise included within the proposed PPC provisions (noting that this is also addressed under a previous question on biodiversity about how effects on biodiversity are managed through the proposed PPC provisions).

Reason

The drafted Principles provide minimal consideration of terrestrial ecology values, with a focus on freshwater and particularly on Water Sensitive Design.

Note: Best practice provisions for terrestrial ecology should generally include:

- Managing adverse effects on SNA, including avoiding:
 - Loss of ecosystem representation and extent
 - Disruption to sequences, mosaics or ecosystem function
 - Fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems
 - A reduction in population size or occupancy of a threatened species using the SNA
- Identification, protection, restoration and enhancement of wetlands, former wetlands
- Identification, protection, restoration and enhancement of areas that provide important connectivity or buffering functions
- Increasing indigenous vegetation cover to 10%.

24. Please provide further information on the likely extent of earthworks that may be required to provide suitable ground conditions for residential housing in the Residential Zone Higher Density Area located in the flood plain of Kaka Stream.

Reason

Work in this area has the potential to impact on freshwater ecology in the Stream. Further information is needed to understand the potential effects on the Stream's hydrology, flow permanence, groundwater and surface water connection (hyporheic zone).

B - Stormwater and flood risk management

25. Please provide information to demonstrate:

- a. That the proposed zoning is feasible from a stormwater and flood risk management perspective and that potential adverse effects beyond the site are able to be appropriately managed through the proposed provisions; and
- b. The assumptions underlying the conclusions and recommendations for how the appropriate stormwater management outcomes are going to be achieved in future developments.

The above needs to include:

- i. Sufficient information to demonstrate that a proposed stormwater management system for the Brooklands/Bayview catchments (north side of the ridge) is feasible, practicable and achievable and how Policy 23 of the NZCPS would be given effect to.
- ii. Sufficient information to demonstrate that a proposed stormwater management system for the south side of the ridge/Kaka Hill Tributary catchment is feasible, practicable and achievable.
- iii. Information to confirm that the proposed corridor around the Kaka Stream realignment would be an adequate width to achieve all environmental, ecological and access outcomes (such as waterway capacity, fish passage and habitat) stated in the PPC objectives, and how the proposed provisions will achieve this.
- iv. An assessment of the geomorphology of the existing waterways and sediment transport, and the potential increase in stream erosion due to increased volume and frequency of runoff, and the effects of this on the proposed system. The assessment needs to cover the existing sediment yield for the catchment for Q20, Q50 and Q100 modelled rainfall events, and the potential sediment yield as a result of the zoning changes and subsequent earth disturbance.

- v. The anticipated volume and extent of filling and offset storage proposed within the Maitai River floodplain, including an assessment of the frequency of ponding in this new cut area and implications for vegetation and proposed land uses, as well as the effects of this on wider flood risk (via modelling).
- vi. Hydraulic modelling of:
 1. The existing Kaka Hill Tributary catchment, including overland flow paths, flood levels and flood extents in a 1% AEP event, including consideration of climate change effects.
 2. The Kaka Hill Tributary and Maitai River with the proposed development, stormwater system (including attenuation), Kaka Hill Tributary realignment, floodplain filling and offset storage, and the effects on flood levels and flood risk at the site and in the wider area.
 3. The impact on groundwater connectivity and water tables and Maitai River Environmental flows.
- vii. Assessment and the proposed mitigation (if any) of the bank erosion and migration of the Maitai Riverbank and how the reserve/esplanade width has been established and would address any potential future changes to the Riverbank.

Reason

There is very limited detail on the proposed stormwater and flood risk management provided in the PPC. While high-level information is provided on possible stormwater and flood risk management options, preferred or recommended options are not identified. Limited information is provided on the arrangement of the proposed development and stormwater and flood risk management system, and there is insufficient detail provided to confirm whether the options discussed are practicable. On the hill areas, the site topography could make stormwater treatment and attenuation challenging and could have significant adverse effects beyond the site.

In respect of flood risk, the Maitai River has been modelled and the proposed development on the Maitai Valley flats is within the modelled floodplain. However, this does not include the proposed development and stormwater system. The Maitai River model needs to include the proposed development, proposed stormwater system (including attenuation) and proposed Kaka Hill Tributary realignment, to understand the combined effects downstream (e.g. relative timing of peak flows, and changes in flood level) both at the site (e.g. on the flats where high density development is proposed) as well as off-site.

While section 6.7 of the PPC Request on Flood Hazard Risks states that "*Tonkin & Taylor has also assessed the peak flood flow capacity of the Kaka Stream tributary*", the only relevant information provided in the T&T Infrastructure and Flooding Report v6 relates to peak runoff estimates, not channel capacity. The Kaka Hill Tributary has not been modelled or otherwise assessed, and therefore the flood levels and extents are not known.

The development in the Brooklands/Bayview catchments has not considered the effects of development on stormwater discharges to water in the coastal environment, as required under the NZCPS.

The T&T report notes that the existing stormwater pipe system has no spare capacity and mentions two options for managing stormwater runoff – on-site detention to mitigate peak flows and discharging to the existing network or increasing the capacity of the pipe system (by upgrading the existing pipe network or constructing new pipelines) discharging to the Haven. No preferred option is identified, and insufficient information is provided to demonstrate that either option is feasible. With regard to

upgrading or constructing new stormwater pipelines discharging to the Haven, crossing the existing vulnerable wastewater rising main along SH6 needs to be considered.

High-density development is proposed in the Maitai River floodplain. This will require filling within the floodplain. It is proposed in the T&T report that the effects of this filling on flood risk will be mitigated by excavation of offset storage within the floodplain. Insufficient detail has been provided to demonstrate that this is feasible for the proposed extent of rezoning. No information is provided on the volume of fill proposed in the floodplain, the volume and levels of the offset storage proposed. Even if an equivalent volume of storage is provided to that lost, with a different level-volume (stage-storage) relationship this cut and filled floodplain will behave differently to the existing floodplain. The proposed filling and offset storage should therefore be modelled to understand the effects and demonstrate performance.

The magnitude of the proposed development for the PPC is significant at a catchment scale and includes potential for changes to the extent of hydraulic connectivity with the Maitai River. The Structure Plan require the re-alignment of the Kaka tributary, provision of an offline detention dam, proposed removal of alluvial gravels and silt, and infill of the flood plain for high density residential development.

Management of flood hazard risks has been considered in section 6.7, and freshwater values have been considered in section 6.10, although this is primarily focused on ecological values. In addition, the Morphem report discusses earthworks, ecology, stormwater management and best practice water sensitive design. However, the information provided does not adequately assess the impact of the PPC on the downstream effects to the Maitai, specifically with respect to:

- a. Maintenance of a natural flow regime in both the Kaka Stream and Maitai River, allowing for both low flows and flood flows which are important for ecological functioning of the waterways;
- b. Floodplain effectiveness including hydraulic connectivity with the Maitai River, frequency of flooding, and retention of flood debris (fine silt and vegetation)
- c. Natural connectivity with ground water, including discharge of groundwater to the Kaka tributary and Maitai gravels and river, hyporheic zone processes, and silt impacts on porosity

It is noted in the T&T report that in the loop north of Maitai Road, the Maitai Riverbank has eroded, and the channel has migrated to the north, adjacent to the proposed development. It is not clear what (if anything) is proposed to mitigate this bank erosion and migration, or how the proposed reserve/esplanade width has been established and whether this is of adequate width. It is noted that further assessment of cause of this erosion is proposed in section 6.3 of the T&T Infrastructure and Flooding report.

It is not clear if any assessment has been carried out of the sediment loads and the existing catchments and effects of this on the proposed stormwater and flood risk management system. The downstream section of the Kaka Hill Tributary passes across an alluvial fan, where sediment has historically been deposited during flood events prior to discharging into the Maitai River. Confining Kaka catchment flow to a flood way through this section has the potential to increase sediment discharge to the Maitai River and to the Haven, as well concentrating flood discharge to the Maitai River at the floodway outfall. Although sediment management measures have been considered, without an idea of the current and potential catchment yield it is difficult to assess if these are adequate or if sufficient mitigation and management is possible within the proposed structure plan.

There is also limited cross-discipline assessment of the proposed approaches. For example, if in-stream storage on an existing waterway is proposed then there also needs to be: a civil/earthworks assessment of works required; a geotechnical assessment of

the hazards; an ecological assessment on the effects on the in-stream ecology; and a geomorphological assessment of the sediment loads in the stream and the rate of sedimentation in the dam

Transport

26. Please define the study area for the transport assessment.

Reason

The Transportation Impact Report (TIR) fairly describes that the roading network north of the Nelson City Centre has traffic carrying capacity to accommodate traffic growth, and at further distances traffic will distribute across more streets. Equally however, it is expected that city centre streets will likely experience the greatest additions of employment and education related traffic that is not assessed. The basis and rationale for the extent of effects assessed needs to be demonstrated.

27. Please provide an updated Structure Plan that includes a network of other roads that will support the 4.5km long spine road, including to demonstrate the achievability of community connections.

Reason

At the north end of the site, Bay View Road carries the classification of a 'Sub Collector'. At the south end of the site, Ralphine Way and Maitai Valley Road are both classified as 'Local Roads'. Figure 16 of the TIR shows the development spine road connecting between these two roads as an Indicative Road. The hierarchy and form of this spine road is not defined, nor is assessment made of the hierarchy and need for (or not) classifications changes to other roads it connects with. For example, it is anticipated that the existing local road hierarchy of Ralphine Way and Maitai Valley Road (west of Ralphine Way) would elevate.

28. Please confirm the typologies of the suite of roads and lanes proposed, and their achievability, including particularly grades. It is noted that the Land Development Manual requires gradients for bus routes not be steeper than 1 in 15.

Reason

The TIR describes the proposed roads of the site to be formed in line with the Land Development Manual. The form of roads in the hierarchy differ depending on classification with, for example narrower and steeper roads permissible for lesser roads in the hierarchy. The TIR gives the impression that the standards of the LDM will be able to be achieved, but like existing parts of Bay View Road, this is not always feasible in practice. Information needs to be provided to confirm the achievability of roads being formed on the site.

29. In respect of anticipated traffic generation, please provide:

- a. Sensitivity testing of the effects of higher generation and
- b. Mapping of the residential catchments and analysis of the data to validate the appropriateness of the assumptions made.

Reason

The application and TIR fairly recognise that the proximity of the site to the Nelson City Centre will support strong use of alternative transport choices in the form of walking and cycling. Chapter 10 of the TIR provides assessment of the expected vehicle trip generation of the site, and deviates from the industry-standard to instead refer to local surveys of residential trip rates. However, the TIR lacks evidence of the local data.

The TIR points to vehicle volumes throughout and does not include any analysis of the expected walking and cycling trips. This encouraged use of alternative transport modes is a fundamental principle of the PPCR and walking and cycling trip numbers need to be

included in the assessment to substantiate the support to be afforded to alternate travel modes and the lower car use generations.

30. In respect of anticipated traffic distribution, please:

- a. Demonstrate the viability of the expected traffic distributions, including mapping and sensitivity testing
- b. Provide details of anticipated walking and cycling trip distributions, as the TIR only addresses car traffic
- c. Address the capacity of local schools to accommodate the additional demand from new residents in the area (this should be undertaken with consultation with the Ministry of Education).

Reason

Chapter 10 of the TIR provides an assessment of the expected distributions of car traffic. It is presumed that this has been derived based on an expected development form. Mapping needs to be brought forward to the assessment to provide the evidence base that demonstrates the assumptions. Again, sensitivity testing of the same needs to be included. The distributions include 28% of traffic coming to and from a connection to Walters Bluff. This connection has not been proven as viable either by Council or through the PPCR. Viability should either be demonstrated through the application, to substantiate the distribution assumed, or the distributions should be re-assessed without it. School travel is a significant part of morning peak travel and is likely to affect trip distribution.

31. In terms of the walking and cycling network and connections shown on the Structure Plan, please address:

- a. The achievability of the links, particularly in terms of grades
- b. Linkages to the established network beyond the site with they are proposed to connect
- c. The need (or otherwise) for the existing links to be strengthened
- d. Quantification of walking and cycling numbers and distributions (as per earlier questions)
- e. A hierarchy of walking and cycling routes.

Reason

The TIR variously refers to the site being formed to provide excellent walking and cycling connections to the wider Nelson network of paths and cycleways. The Structure Plan shows indicative walkway and cycleway links in the context of the site, but detail is lacking as to the achievability of these links (again including particularly in terms of grades) and the established network beyond the site with which they connect, and the need (or otherwise) for the existing links to be strengthened. Quantification of walking and cycling trip numbers and distributions, as above, will support the requirements.

Note: The Council's Parks and Facilities Department would like to see, amongst other routes:

- a. A recreational walking/ cycling route from the top of Kaka Hill down the east face to the valley floor.
- b. Continuation of the recreational walking/cycling route from Sir Stanley Whitehead Reserve as a mid-level path away from the road network through to Frenchay Drive together with linkages to other road connections.
- c. A shared path from the esplanade reserve along Kaka Stream tributary to the Bayview ridgeline.
- d. Linkages to other park tracks and trails including the Maitai Esplanade Reserve and along the true right of the Maitai River alongside Dennes Hole.

32. In terms of road capacity, please:

- a. Provide further information on the capacity of the roads in terms of levels of service, safety and community outcomes anticipated.
- b. Further evaluate the capacity of Gibbs Bridge with one-way traffic and safety analysis that quantifies the expected changes, including also in terms of walking and cycling for which facilities are currently lacking
- c. Provide an analysis of road capacity against the relevant LDM good practice guidance.

Chapter 10 of the TIR unreasonably characterises the capacity of roads and does not take into account the levels of service, safety and community outcomes anticipated and does not realise the good practice guidance prescribed by the LDM.

33. Please update the PPC to include an equivalent analysis to authenticate the full package of improvements required to deliver the development.

Reason

The TIR recommends a series of network improvements and refers to these being contributed to by the development and also by the Council. Chapter 12 states that the only works that are deemed necessary in order to address the potential adverse effects of the PPC are at the intersection of Nile Street East and Maitai Road. This does not fairly reflect the fuller package of works that have been identified as necessary for safety, walking and cycling reasons.

The March 2020 Transportation Infrastructure Report provided a fuller appraisal of deficiencies and project improvements that have variously (or not) been provided for in the LTP.

It is noted (and considered appropriate) that the detail of the network improvements are to be confirmed at time of subdivision consent being sought, for which assessment is expected to be required for a discretionary activity given that some roads and paths will likely not achieve compliance with the Land Development Manual 2020.

Air Quality

34. Please provide an airshed modelling assessment which indicates if the proposed zoning changes are consistent with achieving (at a minimum) the air quality standards specified in the National Environmental Standards for Air Quality 2004 (amended in 2011), assuming the eventual property owners exercise their right to install ultra-low emission burners (ULEBs) and drive combustion engine vehicles.

Reason

As noted in section 3.2 and section 6.19 of the PPCR the site falls within Airshed C as defined by the Nelson Air Quality Plan (NAQP), and therefore NAQP rules apply. The NAQP enables the installation of ULEBs in Airshed C which, while 'low emission', are not 'no emission'. In addition, the re-zoning and subsequent development of roading infrastructure will bring increased vehicle movements into the valley, and therefore increased vehicle emissions.

Section 6.19 identifies that subdivision design can have a beneficial effect on air quality if it promotes passive solar heating and active transport modes but does not address the potential air quality impacts relating to increased combustion engine vehicle and solid fuel burners in a valley site. Elsewhere in Nelson inversion layers are a common feature of valleys and have led to poor air quality by trapping emissions in the bottom of the valley. In particular, emissions from solid fuel burners can sink down into valley floors and become trapped there by the inversion layer. Inversion layers can also result in the movement of emissions along the layer resulting in air quality impacts away from the site of the initial emission.

The current application has not fully assessed the risks/effects to ambient air quality from the re-zoning, both in the Kaka valley itself and in the wider Maitai Valley airshed. It is also important to note that the current National Environmental Standards for Air Quality are being updated and are likely to be more rather than less stringent. This will need to be considered in the assessment.

Historic Heritage

35. Please address post-1900 historic heritage resources on the site, not limited to archaeological ones, and provide a timeline of the use and development of the site for greater clarity.

Reason

The heritage report is largely concerned with pre-1900 archaeological values. Section 6(f) of the RMA does not limit historic heritage to only being pre-1990 archaeological evidence and there needs to be more explicit assessment of potential historic heritage resources, both pre- and post-1900 on the development site.

Economics

36. Please provide an updated economics report that addresses the potential effects of the suburban commercial centre shown on the PPC site map in Appendix 1.

Reason

This information is required to assess the overall economic impacts of the proposed development.

37. Please provide the assumptions and each step that underpins the analysis in sections 7 and 8. As an example, additional clarity on what has been assumed for each step would allow the assessment of the impacts of multipliers on \$170M of economic impact for the Nelson Region in table 5. Another example is a detailed breakdown of the anticipated works that would result in the estimated \$33m of off-site infrastructure.

Reason

Multiplier analysis of this type can suffer from two key problems:

- (a) The assumption that infinite resources are available at current prices; and
- (b) The assumption that extra output can be produced in one part of the economy without taking resources away from other parts of the economy.

Infrastructure

A - Wastewater

38. Please provide the technical information that demonstrates the suitability of the upgrades that are described as necessary for the connection to the NCC wastewater network in Nile Street through to Neale Park Pump Station. This should include assumptions made around other growth occurring in that catchment (including any changes to inflow and infiltration that have been allowed for) and pipe alignments proposed. The information should address the capacity of the Weka Street/Sovereign Street Pump Station and its rising main to Neale Park Pump Station, and the availability of suitable land for the additional storage upgrade identified as required. Please also include consideration of septicity issues arising from the additional pumping steps.
39. Please provide the technical information that demonstrates the adequacy of the capacity of the downstream network on the Walters Bluff and Brooklands side of the development (including for a fully developed catchment area). Alternatively, please address other options.

Reason

The information provided on the capacity of the wastewater network for the proposed development mostly consists of assertions that there is capacity or assertions about what upgrades are required to provide capacity. There is insufficient information to confirm the validity of these assertions. Therefore, the information in 38 and 39 above is required to demonstrate that there is adequate capacity in the wastewater network for the proposed development – or what upgrades are required to achieve it.

As an example, while the applicant/requestor has correctly identified “Additional storage may need to be provided at some downstream pumping stations” (understood to be required at the Sovereign Street/Weka Street Pump Station), there is also potentially the need to upgrade the rising main between the Sovereign Street/Weka Street Pump Station and Neale Park Pump Station. This is not mentioned and needs to be identified if infrastructure is required to be upgraded for the subsequent subdivision and development to occur.

Similarly, for the downstream pump stations on the Walters Bluff/Brooklands side, they are not mentioned. If they need to be upgraded for the development the effect could be significant.

The question around what other growth has been assumed (in assessing that there is adequate capacity in the existing system) is fundamental. The wastewater infrastructure also services others, but there is no information about any allowance that has been made for growth in other sewage inputs to the network. As there are different approaches that could be taken for addressing other growth demand, the Council needs to understand what is proposed. Similarly, there can be significant effects/issues with septicity and information is needed as to whether it has been considered.

B - Water

40. Please provide the background information referred to in the technical report covering the operation and sizing of the proposed water supply to the development (current and future) and discussions with NCC.

Reason

This information is required to better understand the assertions and assumptions contained in the technical report.

41. Please provide information that demonstrates the feasibility of the reservoir sites. This needs to include confirmation that the level of the lower reservoir is suitable for it to be filled without pumping from the existing network and the height and extent of any structure and associated earthworks that would be required could meet the proposed provisions in the PPC itself.

Reason

This information is needed to determine if there are any fundamental issues with placing the reservoirs in the general locations indicated. They are just shown as circles on the plan with sizes, and there is no other information provided. There is a risk that it is not feasible to construct reservoirs in the locations indicated, and without reservoirs it would be difficult to effectively provide a water supply for the subsequent development of the site. This is not an issue that can be addressed through a subdivision application.

Overall reason for infrastructure questions:

Generally, the approach taken to infrastructure appears to be that servicing will be addressed through the application of the Services Overlay. There are two issues here:

- 1 The National Policy Statement on Urban Development 2020 (NPSUD)
 - Objective 6 requires any Council decisions on urban development are integrated with infrastructure planning and funding decisions
 - Policy 8 requires that councils are responsive to plan changes that would add significantly to development capacity, even when out of sequence with planned land release
 - Development capacity is defined as including “the provision of adequate development infrastructure to support the development of the land for housing or business use”
 - Clause 3.2 defines sufficient development capacity as needing to be “infrastructure ready”, which is subsequently defined as:
 - in relation to the short term, there is adequate existing development infrastructure to support the development of the land
 - in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan

- 2 Policies DO14.3.2 and DO14.3.3 of the NRMP

Clauses g) and h) of Policy DO14.3.2 state:

g) Provision of sufficient land and infrastructure with capacity to support the servicing requirements of future development on land in the vicinity that is in the Services Overlay.

h) New or upgraded infrastructure required in accordance with a) to f) above shall be funded and constructed by the consent holder, as part of the development. Provision of land or pipe capacity under g) above shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).

Policy DO14.3.3 states:

Development and subdivision of areas that do not have access to reticulated services, or where the existing services are operating at full capacity, should not proceed where:

- a) it will result in significant adverse effects, or
- b) the services listed in policy DO14.3.2 cannot be provided.

The explanation states:

The Council has developed a Long Term Plan to fund the servicing of parts of the urban area according to a timetable. As this proceeds, subdivision and development will become viable in new areas. This servicing timetable will be guided by the Nelson Development Strategy.

Given that the proposal is not identified as a project in the Council’s existing or proposed Long Term Plan, the applicant needs to provide sufficient level of information to demonstrate that:

- There is adequate development infrastructure to support the development, or
- The nature of the projects that would need to be included in an updated Long Term Plan, or
- Assurance that that applicant will fund any infrastructure upgrades themselves, and
- That there are mechanisms in the PPC provisions that would prevent development occurring until the necessary upgrades have occurred.

The level of information provided and the reliance on the Services Overlay to address these issues at a later date is inconsistent with the requirements of the NPSUD. It is noted that the Council is not intending to continue using the Services Overlay in the Whakamahere Whakatū Nelson Plan, on the basis that a plan zoning should already

be appropriately serviced by infrastructure with capacity to accommodate the likely demand and aligned with Long Term Plan, which is consistent with the requirements of the NPSUD. We note that have we considered recent decisions, such as the Ohinewai Rezoning decision of the Waikato District Plan Hearings Panel, in forming this view.

Geotechnical

42. Please present a detailed methodology outlining the steps followed for the geotechnical risk assessment including demonstrating alignment with AGS (2007) and the associated assumptions and limitations of the assessment. Points covered in the methodology should include:
- a. Overview of datasets considered in the assessment including dates of aerial imagery and the uses and limitations of each of the datasets.
 - b. Locations and types of geomorphic features that informed the geotechnical risk assessment, consistent with a 'landslide inventory' as per AGS, 2007.
 - c. Whether run-out of the slope failures and debris sourced from the catchments within the study area is considered in the risk assessment.
 - d. How liquefiable land was identified and how this was incorporated into the risk assessment.
 - e. How risk was quantified from the datasets considered in the assessment.

Reason

There is insufficient information to determine the veracity of the geotechnical risk assessment.

43. Please provide the following supporting information:
- a. Overlay of the risk zones with the rezoning requested under the PPCR
 - b. Commentary around the feasibility of the proposed rezoning including the density of dwellings that would be allowed under the PPCR with respect to the assigned geotechnical risk.
 - c. Information on how geotechnical risk will be mitigated in the design process considering the PPCR zoning, including demonstrating how this is addressed by the policy framework.

Reason

It is unclear how the geotechnical risk zones relate to the rezoning requested in the PPCR.

Legislative requirements

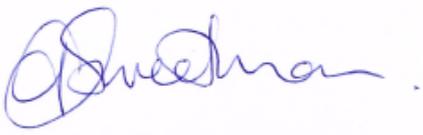
There is no statutory time limit to the provision of this further information. Further, Clause 23 of Part 2 of Schedule 1 provides that the person who made the request:

- (a) May decline, in writing, to provide the further or additional information or to agree to the commissioning of a report; and
- (b) May require the local authority to proceed with considering the request.

Please advise how you wish to proceed.

My contact details are on the top of this letter. Please contact me at if you would like to discuss any matters relating to this request. The Council welcomes the opportunity to discuss the contents of this request.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Gina Sweetman", enclosed in a light blue rectangular box.

Gina Sweetman
Consultant Planner

Appendix 1 Specific questions on the Proposed Provisions

In respect of Objective RE6, please:

- Explain how this is the most appropriate objective, taking into account the objectives for the proposal as set out in the LVAUDA.
- The alignment between the stated outcome of transport connectivity in (g) and the Structure Plan itself which only shows the one road route and does not show any other potential transport routes or whether or how the two residential zone areas may connect.

In respect of Policy RE3.9:

- Clarity on where the landscape values are described to be able to determine whether they are maintained.
- Clarity of what the meaning of "shall have regard to" means.
- It states that locating building sites shall be a matter of regard when assessing the landscape effects of proposed development on the backdrop and skyline areas; however, as identified earlier, the location of building sites is not included as a matter of control in either X.7 or X.8.
- Its explanation states that the controls on building form, finish and landscaping requirements will ensure the pattern of development will be consistent with the existing residential development on the north-east side of the hill, however the existing residential development is controlled by the standard residential zone rules which have no such controls on building form, finish and landscaping requirements and will likely evolve over time in a manner different to that of the Schedule X area. Please address this inconsistency.

In respect of Policy RE6.1, the explanation for the policy refers to a number of matters that are not addressed in the policy itself and are not clearly addressed by or included in what is sought to be included within the NRMP. Please address their relevance and if they are to be achieved, how this would occur through the implementation of the proposed provisions.

In respect of Policy RE6.2, please address how this directly responds to s6(e), 7(a) and 8 of the RMA. The policy in itself only requires careful consideration and does not require any other action that would implement the objective.

In respect of Policy RE6.3, please provide clarity of what these best practice methods are and where they may be sourced. Currently, the wording used in X.10 and X.11 does not align with Objective RE6, Policies RE6.2 and RE6.3 or the associated methods and explanations.

In respect of the objective and policies as a whole, as outlined earlier, it is unclear as to exactly what the content of Schedule X, given what is described as being inserted under Section 4.3 of the PPC. In respect of all these proposed provisions, while we appreciate that they are sought to be inserted in the NRMP, the NRMP in itself does not reflect contemporary drafting or best practice. In particular, policies should provide clear direction of the action that is to be taken to achieve the objectives of the NRMP. The policies as proposed are brief and are resorting to explanations and reasons to describe them. Given that explanations and reasons have no statutory weight, these and the policies they support need to be reconsidered.

The proposed Overlays labelled Skyline Area and Backdrop Area on the proposed overlay maps in Attachment B1.2 are referred to in the proposed schedule as Skyline Area, Backdrop Area and Kaka Hill Backdrop Area and Skyline Area. For clarity and enforceability these backdrop areas should have sub-labels identifying on the map which portions of the backdrop the Kaka Hill Backdrop Area and Skyline Area relates to.

X.11.8)-12) refers variously to different areas without identifying these areas on the structure plan maps, please identify the following areas on the structure plan maps or provide some other method for clearly identifying what specific areas these references relate to:

- the upper reach of the Kaka Stream (above woolshed),
- riparian corridor (Blue Green Spine),
- lower portion of the Kaka Stream

The wording used in the Application of the Schedule for Proposed Rule REr.106D is inconsistent with that for Rule 106 applying to the Marsden Valley. Please explain why a different approach is required.

In respect of Attachment B1.1, please show the location of the entire length of the Kaka Stream through the site. In particular, the area "below" the indicative road only shows the "proposed river" and not the "existing river".

Section X.1 - This section of the schedule is relatively short for a schedule area of this size and complexity. Please explain why the approach taken in Schedule U section U.1 was not adopted in this instance to further support decision making and provide more of the important background information from the Plan change supporting documents into the schedule itself.

Please address the relationship between Rules X.2 and X.3. As worded, a subdivision in the High Density Area for a comprehensive residential development would trigger both rules. Please address the appropriateness of this approach.

In respect of proposed Rule X.2, please address:

- The rationale for and appropriateness of a restricted discretionary activity status, particularly given the number of matters of discretion proposed and their breadth, and their reliance on other rules, appendices and other documents
- How this rule applies when there is only a comprehensive housing development (CHD) without subdivision. The NRMP has a CHD rule REr.22.3 in the general rules as a land use consent, separate to subdivision. Please explain the rationale of having this rule grouped with the subdivision rules, and which rule a CHD without an associated subdivision would be assessed against.
- Whether the matters of discretion could be simplified and rationalised to avoid duplication
- The rationale for and appropriateness of precluding public or limited notification
- Matter II refers to a design statement, contextual analysis and preliminary infrastructure design and urban design outcomes. The amendments sought to the Plan do not include any of these. If these are to be included, please address what these are, where these are, and provide clear rationale for and appropriateness of their inclusion
- In respect of Matters III and IV, how these work together, given that Rule REr.22.3 as referenced in III restricts discretion to three specific matters in Appendix 22 (as set out in condition b) of Rule X.2, but then matter IV refers to all of the Appendix 22
- How the reference to Appendix 22 'Comprehensive Housing Development' as matter IV would apply in respect to the matters in Rule REr.22.3 referenced in III.
- Should the reference under Matters III and IX be to matters of discretion.
- How Policy 11 of the NPSUD is give effect to through the reference to Appendix 10
- How cultural and heritage values are addressed
- Clarity how the explanation for the rule which states it supersedes REr.107.3 relates to the wording used in the Application of the Schedule

In respect of proposed Rule X.3, please address:

- The rationale for and appropriateness of a restricted discretionary activity status, particularly given the number of matters of discretion proposed and their breadth, and their reliance on other rules, appendices and other documents
- The intention of the wording under condition g) where it states "or as otherwise specified by Schedule X"
- Why e) sets the net site area of allotments in the Residential – Lower Density Zone as 800m² and why this is not consistent with the 600m² net site area set in the rest of the Residential – Lower Density Zone in the NRMP. There is no rationale provided in the objectives or policies for this distinction.
- Why f) creates a front yard setback of the rectangle which is greater than the standard front yard setback that would apply to these sites under Rule REr.25. There is no rationale provided in the objectives or policies for this distinction for the rest of the residential zone.
- Whether the matters of discretion could be simplified and rationalised to avoid duplication
- The rationale for and appropriateness of precluding public or limited notification
- Matter II refers to a design statement, contextual analysis and preliminary infrastructure design and urban design outcomes. The amendments sought to the Plan do not include any of these. If these are to be included, please address what these are, where these are, and provide clear rationale for and appropriateness of their inclusion
- How Policy 11 of the NPSUD is given effect to through the reference to Appendix 10
- Clarity how the explanation for the rule which states it supersedes REr.108.3 relates to the wording used in the Application of the Schedule

In respect of proposed Rule X.4, please address:

- The relationship of this Rule with X.10 and X.11. In particular, there are no rules in the Suburban commercial zone relating to soil disturbance or vegetation clearance. This is of particular importance considering the extent of building coverage allowed for in the Suburban Commercial Zone and the proximity of this proposed zone to the Kaka Stream
- The rationale for relying on the existing zone rules.
- How policies REr.6.2 & 6.3 align with reliance on the existing Suburban commercial zone rules.

Please address why no changes or particular reference is made to the Open Space Zone in the Schedule X. In particular, large areas of open space are proposed to be created and the PPC associated reports included significant discussion on the use and development of the Open Space Zoned land. Please explain how these new areas of Open Space Zone would achieve their intended purpose and interact with the existing Open Space Zone objectives, policies and rules. In particular, it is noted that under the existing rules, all activities within the Open Space Zone would be non-complying under OSr.20.1 and OSr.3.

In respect of proposed Rule X.5, please address why the standard rural zone allotment size is more appropriate for this area compared to the rest of the residential zone allotment sizes proposed. IN particular, the size of the rural zone lot sizes and the residential lower density backdrop area are very similar, but the rest of the zone rules mean that the controls on development between similarly sized lots will be quite different in the rural higher density small holdings area. There is no rationale provided in the objectives or policies for this distinction

In respect of proposed Rule X.6, please address:

- How a land use consent for a comprehensive residential development (Rule X.2) can trigger the vesting of an esplanade reserve.
- Whether it is intended that the areas identified as open space and recreation zone are the Structure Plan esplanade reserves that this rule applies to. Does this need to be clarified in the rule wording or in the Structure Plan?
- Whether the Note included in X.6 need to contemplate the possibility that consent for the realignment may not be granted.
- How the Schedule relates to the NRMP riparian appendix AP6.2 and the currently listed lower Kaka Hill tributary 20m riparian strip for both sides of the riverbank (table 6.2) and the Riparian overlay Rules Res.71, RUr.58 and OSr.56.

In respect of proposed Rules X.7 and X.8, please:

- Provide an explanation of how these relate to the existing rules in the NRMP (for example earthworks).
- Address the subjective nature of what are a "natural range" of colours.
- Address whether condition c of Rule X.7 and matter of control 2 of Rule X.8 should reference to the Plant Schedule contained in Section 4.2 of the Preliminary Landscape Design Document included in the PPC request. It is noted that Sheet 29 of the LVAUDA states that native vegetation shall consist of the plant species outlined in Appendix 1 – Figures 36, 37 and 38.
- Address the rationale for and appropriateness of precluding public or limited notification
- Address the rationale for and appropriateness of a controlled activity status for Rule X.8, given the requirements under condition d) and matter of control "effects on the visual amenity values of the Skyline Area" and how this would assist to achieve both the proposed policy 3.9 and the objective. In doing so, please address how the proposed PPC provisions and in particular a controlled activity status, give effect to Policy NA2.3.2 of the Regional Policy Statement, which states "to avoid development which detracts from the amenity afforded by dominant ridgelines".
- Why there are no controls or conditions relating to the location of buildings, access, earthworks, vegetation clearance.

In respect of X.9, please:

- Provide an explanation of how these relate to the existing rules in the NRMP.
- Advise which objective or policies these implement and why this rule is the most appropriate means to achieve the objective. A prohibited activity status generally requires a thorough evaluation to its appropriateness and a clear and defined link to an objective and policies.

In respect to X.10 and X.11:

- An explanation of how and to what these information requirements and design requirements apply, considering in particular the approach taken to Appendix 13, the wording in "Application of the Schedule" and proposed Rules X.2 to X.8, section 88 and the resource consent process.
- An explanation of how these relate to the proposed objective and policies and matters of discretion for Rules X.2, X.3 and X.4 in the proposed Schedule and to other Rules in the NRMP.
- An explanation of how these would meet the recommendations contained in the Morphum Environmental Ltd report for these to be adopted as the basis for more quantitative Plan Provisions (including rules)
- An explanation of how these are intended to operate alongside the LDM2020, particularly where they may contradict it
- Definitions for the terms "nature based infrastructure" and "water sensitive design" used in X.11 (noting that green infrastructure is a definition contained in the National Planning Standards).

- The rationale for and appropriateness of the approach to achieve the objective and whether there are alternative reasonably practicable options.
- X.11 contains a number of subjective terms; again, it is unclear how X.11 is proposed to operate. Subjective terms such as “where practical” and “where feasible” are not appropriate to use in a Rule if that is the intention.
- X.11.6 includes a requirement to map areas with high infiltration capacity, but there is no direction when this is to occur.
- How X.11.12 is intended to work alongside regional consenting, as it appears to be pre-emptive.
- Why is X.11.16 only addresses earthworks outside of residential zones and how the restrictions on compaction apply while relying the residential standard for earthworks. There is no rationale provided for why this would not apply to residential zoned land, especially where close to the Kaka Stream.
- The bullet point to X.11.17 reads as an aspirational statement/outcome. It is unclear as to its purpose.

Given the matters raised in the Ecology Report, please explain why biodiversity corridors have not been clearly identified as they are in other Structure Plans. The area is possible lizard habitat as the Maitai Valley has been identified as containing Nelson Green Gecko Habitat. Lizard habitat includes manuka and kanuka scrub land, long grasses and exotic pest plants like gorse. Lizards are hard to find when doing a general ecological survey. Habitats for indigenous fauna and indigenous fauna protection is very weak in the operative NRMP, relying on the identification of biodiversity corridors, which requires the engagement of an ecologist for subdivisions, vegetation clearance or soil disturbance. In addition, the requirements of the Wildlife Act 1953 is not reflected in operative permitted activity standards leading to property owners potentially undertaking permitted activity vegetation clearance or earthworks/soil disturbances in areas of lizard habitat, potentially in breach of the Wildlife Act. Please address and consider incorporating provisions relating to lizard protection into the Structure Plan.

Appendix 2: Recommended biodiversity corridors

