

BEFORE THE MAITAIHILL VILLAGE EXPERT PANEL

In the matter of

the Fast-Track Approvals Act 2024 (the *FTAA*) and the deliberations and final decision of the Expert Panel appointed under section 50 and Schedule 3 of the *FTAA* to determine:

- (a) subdivide land at 7 Ralphine Way, Maitai Valley, Nelson to create 184 residential allotments (including one large lot for future development), one allotment for commercial use, along with roads to vest, reserves to vest, and also allotments to vest for utility / infrastructure purposes. The balance land (zoned rural) containing Kākā Hill will remain in one large title at the completion of the subdivision and development process; and
- (b) development of a retirement village containing 192 residential units, a care facility containing 36 beds, the full range of communal facilities, and a cafe; and
- (c) development of the commercial site for the cultural base for Ngāti Koata (Te Whare or Koata), containing offices, meeting rooms, function and event spaces, and a commercial kitchen.

Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024

Decision: Approvals relating to Resource Management Act 1991 granted subject to conditions

Date of Decision: 18 September 2025

Date of Issue: 18 September 2025

Expert Panel

The Honourable Lyn Stevens CNZM KC
(Chair)

Glenice Paine
(Member)

Sam Flewelling
(Member)

Andrew Whaley
(Member)

***Comments received
under Section 53 of the
FTAA:***

25 June 2025

***Details of any hearing
under Section 57 of the
FTAA:***

No hearing was held.

***Comments received
under Section 70 of the
FTAA:***

12 August 2025

***Comments received
under Section 72 of the
FTAA:***

2 September 2025

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DECISION MADE BY THE PANEL: MAITAIHILL VILLAGE APPLICATION FOR RESOURCE CONSENTS

EXECUTIVE SUMMARY

- i. This is an application for resource consents (**Application**) by CCKV Maitai Dev Co Limited Partnership (**the Applicant**) to develop 7 Ralphine Way for the following activities:
 - a. subdivision of 184 residential allotments (including one large lot for future development), one allotment for commercial use, along with roads to vest, reserves to vest, and also allotments to vest for utility / infrastructure purposes. The balance of land (zoned rural) containing Kākā Hill will remain in one large title at the completion of the subdivision and development process. Ngāti Koata are committed to providing between 10 and 50 houses for its iwi, and so at least 132 residential allotments will be made available for sale to the public.
 - b. two of the residential allotments to be created are to be sold to Arvida for the development of a retirement village containing 192 residential units, a care facility containing 36 beds, and the full range of communal facilities such as a residents clubhouse and pavilion. A café will also form part of this complex.
 - c. development of the commercial site for the cultural base for Ngāti Koata (Te Whare or Koata House), containing offices, meeting rooms, function and event spaces, and a commercial kitchen.
- ii. The Site comprises two parcels and will result in an eventual development of 166.89 hectares¹ located at 7 Ralphine Way, Maitai Valley, Nelson (**the Site**).² The Site is currently operating as a farm, with the Kākā Stream having been diverted from its natural course some time ago to now bisect the property in a north-south direction. The Site and surrounding environment is highly modified and has limited ecological value due to historical and current agricultural land use practices, as well as the presence of pests and wild animals. The in-stream and riparian habitat is highly degraded, dominated by exotic pasture, grassland or bare ground with limited riparian vegetation. The water quality is likewise degraded with high levels of sediment from eroding stream banks and *E. coli*. The presence of a former sheep dip has resulted in an area of land contaminated with arsenic, dieldrin and other heavy metals.
- iii. The Application is set against the backdrop of a complex mix of zones and overlays in the Nelson Resource Management Plan (**NRMP**) resulting from Proposed Plan Change 28 (**PPC28**) comprising:
 - a. Residential Zone - Higher Density Area located on the relatively flat terraced landforms of the valley floor and the gentle slopes on the south-east toe of the Malvern Hills;

¹ Section 3.3 of the Application states that Stage 0 will see the applicant's property increasing in scale from 66 hectares to 166.89-hectares (including Kākā Hill), within proposed Lot 7001.

² Schedule 2 of the FTAA lists the location of the project as 43.7 hectares within Record of Title NL11A/1012 and 103 hectares within pending Record of Title 1039028 (part).

- b. Residential Zone - Lower Density Area and Residential Zone on the steeper slopes on the Malvern and Kākā Hills;
 - c. two small areas of Suburban Commercial zoning located centrally on the valley floor;
 - d. Open Space Recreation Zone, primarily along the Kākā Stream corridor; and
 - e. Rural Zoning across the balance of Kākā Hill.
- iv. Importantly for the present Application, PPC28 introduced a structure plan and associated provisions into the NRMP to regulate and guide the subdivision, use and development of the Site. The plan change generating these zoning modifications occurred relatively recently, with the Nelson City Council (**NCC**) resolving to make it operative on 19 December 2024, following a decision of the Environment Court. Due in part to the nature and relative complexity of the Project, there are a total of 13 resource consents sought in the Application. In terms of the NRMP, as well as other relevant regulatory standards (e.g. National Environmental Standard for Freshwater and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), overall the Application is a non-complying activity.
- v. The project is listed in Schedule 2 of the Fast-track Approvals Act 2024 (**FTAA**). It is referred to elsewhere in the decision as the **Project**. On 12 May 2025 an expert panel was appointed to determine the Application (**Panel**).
- vi. The Environmental Protection Authority (**EPA**) assessed the Application under s 46 of the FTAA and decided that it related to a listed project and complied with the requirements of s 42. It was also found to be complete and within scope. The application was then forwarded to the Panel Convener who set up a panel under s 50.³
- vii. The Panel received comments from 21 respondents⁴ and a response to those comments from the Applicant. The Panel has carefully reviewed all of the information presented in evaluating the Application. In terms of addressing any adverse impacts, the Applicant proffered a detailed set of conditions which, it contended, would avoid, remedy, mitigate, offset, or compensate for such adverse impacts. The first set of conditions were generally supported by the NCC which also sought enhancements to certain conditions, particularly those dealing with ecological impacts and the vesting of reserve land as part of the subdivision. The Applicant then provided a second set of conditions (**v2**) which had been developed in discussion and consultation with the NCC. These condition sets sought to respond to many of the comments received from the respondents who had been invited to comment under s 53 of the FTAA.
- viii. Because of the geographical features of the Site, together with the presence of two natural inland wetlands, the Kākā Stream and its tributaries, as well as the Maitai River as part of the receiving environment, the mitigation or avoidance of any adverse impacts has been a central focus of the Application and the deliberations of the Panel. A number of responders (including some parties who opposed the Application) provided helpful and constructive comments as to how improvements to the conditions might be achieved. This led to the Panel presenting its own draft condition

³ FTAA, ss 42 to 44 and sch 2.

⁴ FTAA, s 53.

sets for final comment by participants under ss 70 and 72 of the FTAA. The final condition sets (attached to this decision) are comprehensive and are intended to produce a situation where, even if the Application fell to be assessed under the Resource Management Act 1991 (**RMA**), the resource consents sought by the Applicant would be expected to be granted.

- ix. The Panel has also carefully assessed whether the Application will facilitate the delivery of an infrastructure and development project with significant regional or national benefits as described in the purpose of the FTAA. Section 81(4) of the FTAA specifically requires the Panel to consider the extent of the Projects regional or national benefits. A factual analysis regarding such regional or national benefits is set out in Part G. The Panel has concluded that the regional or national benefits associated with this Project are both significant in terms of the purpose of the FTAA, and also of considerable weight and value in terms of their extent. The Panel has carried out in Part L a detailed evaluation of the nature and scope of the extent of the regional or national benefits, preparatory to its assessment of whether the approvals should be granted or declined under ss 81 and 85 of the FTAA. In this respect the Panel has found that the extent of such benefits should be assessed or quantified depending on their nature as varying between modest and meaningful, substantial or of real value.
- x. Benefits include additional housing supply for varying sectors of the community (including for the aged and Ngāti Koata), additional jobs associated with construction and operation of the retirement village, significant upgrades to infrastructure, and enabling Ngāti Koata to reconnect with their whenua and have their own cultural base in the form of Koata House. The Panel considers that the benefits are indeed regionally significant and clearly meet the definition outlined in the purpose provision of the FTAA.
- xi. The effects and any adverse impacts of the Project have been fully analysed and are as described in Part F of this decision.
- xii. A summary of the relevant statutory tests for each approval sought have been outlined in the discussion about the legal context in Part B. The planning context against which the Application should be assessed is described in Part C.
- xiii. There is a description of the relevant iwi entities in Part D and F (cultural effects). This description includes an analysis of the extensive engagement and collaboration between the Applicant and iwi, noting that the Tangata Whenua iwi, Ngāti Koata, has a significant ownership interest in the Project.
- xiv. The Panel was also required by s 72 of the FTAA to seek comments from the Minister for Māori Crown Relations and the Minister for Māori Development. It notes that the Ministers had also been invited to provide comments under s 53 of the FTAA and had done so. The comments in response offered support for the Project but emphasised the need to ensure robust engagement with all relevant Māori groups.
- xv. The Panel identified the following as being principal issues in contention:
 - a. proof of regional or national benefits and whether they are significant;
 - b. the extent of the regional or national benefits;

- c. nature and scope of any adverse impacts;
 - d. requirements around remediation of contaminated soil;
 - e. inclusion of a landfill (with encapsulation cell) within the Site;
 - f. addressing issues concerning freshwater fisheries activities;
 - g. potential existence of an additional natural inland wetland area;
 - h. nature of any conditions to be imposed on the consents; and
 - i. application of proportionality test in s 85 of the FTAA.
- xvi. Each of these issues has been fully addressed in the decision.
- xvii. The Application is generally in accordance with the planning provisions in the relevant documents. In particular, the Project is broadly consistent with, and seeks faithfully to implement, the provisions of Schedule X within the NRMP.
- xviii. In the course of its analysis of the effects of the Project, the Panel has considered each of the potential effects on the environment individually and has assessed whether the conditions (as initially proposed by the Applicant and latterly amended and enhanced by the Panel) would avoid, remedy or mitigate any adverse impacts. The Panel has found that the adverse impacts, following the application of mitigations and conditions, will range from no more than minor to positive. While each adverse impact is important, the effects of most concern to those invited to comment, and to the Panel, were those arising from contaminated land, ecology, flooding and the transport network.
- xix. An important part of the Project, and one canvassed extensively in PPC28, is that the Kākā Stream should be returned to its original location. This is in close proximity to the area of contaminated land resulting from the previous farming practices. After consideration of a range of options, it is clear that the removal of all contaminated soil is the most appropriate course of action. The realigned stream course will not become "live" until the prescribed (and very low) contaminant concentrations are reached, validated, and certified. Following the proposed remediation, the result will inevitably have a positive effect on the wider receiving environment, as opposed to leaving the contaminated soil in its present location and condition.
- xx. The proposed ecological restoration and enhancement of terrestrial, in-stream, natural inland wetland and riparian habitats will result in no net loss and, more likely, substantial net gain outcomes for local ecology in the medium to long term. The realignment and restoration of the Kākā Stream will restore the mauri of this water way, and in turn that of the Maitai River, resulting in an improvement in its ecological health with regard to flows, water quality, and habitat.
- xxi. The design of earthworks and the resulting lifting of the ground levels will reduce risk to structures in the development and to people residing or visiting there from flooding. Flood modelling of all scenarios, even the conservative scenario, resulted in a very minor increase in peak flows, and no discernible increase in flood depths or extents downstream.

- xxii. Some concerns were expressed by those invited to comment under s 70 about the steepness of the shared paths, the desire for an alternative route past Dennes Hole and the effect of additional traffic. The Panel has found that the detailed information provided in the Application, coupled with revised conditions, was sufficient to ensure that the design of the transport network is appropriate and any adverse impacts with regard to transportation will be less than minor.
- xxiii. In summary, the cumulative benefits of the proposed works - encompassing comprehensive remediation, ecological enhancement, and robust flood protection - underscore the capacity of the Project to deliver enduring gains for both the local environment and the community. These outcomes are further supported by the Panel's close scrutiny of technical assessments and reports, as well as stakeholder feedback. Collectively these affirm that, with appropriate oversight and adherence to the revised conditions, the development and subdivision will align with statutory priorities.
- xxiv. With respect to its obligations to decide whether to grant the approval and set any conditions to be imposed or to decline the approval, the Panel has followed the requirements of s 81 and s 85 of the FTAA.
- xxv. The Panel has also assessed the Application by applying the relevant statutory criteria under the FTAA and has concluded that the application will achieve the purpose of the FTAA. There is no proper basis upon which the substantive application could be declined under s 85. Therefore, the Panel has granted the approvals sought for resource consents, subject to the condition sets in **Appendix A**.

PART A: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

- 1 CCKV Maitai Dev Co Limited Partnership is the authorised person for the Maitahi Village as set out in Schedule 2 of the FTAA.

Site and surrounding environment

- 2 The Site is located at 7 Ralphine Way, situated in Kākā Valley within the wider Maitai Valley area, and located 2.6km east of Nelson city when measured from the Nelson Cathedral. The Site comprises two titles and will result in an eventual development of 166.89 hectares⁵ located at 7 Ralphine Way, Maitai Valley, Nelson (**the Site**).⁶
- 3 The Panel has assessed the features and characteristics of the Site and surrounding area as described in the Application⁷. The Site is located within Kākā Valley comprising alluvial terraces enclosed by steeper surrounding conical volcanic forms. The terraces descend north to south, and the valley floor widens out before joining the Maitai Valley. Kākā Stream follows the toe of the Malvern Hills east facing slopes. As it moves away from this toe it bisects an upper terrace before meandering through a lower river terrace accommodating various rural drains adjoining the Maitai River.
- 4 The Site is accessed via an existing farm track from Ralphine Way. The current landcover of the Site is primarily pasture with regenerating grey scrubland, gorse and plantation pine extending into the steeper surrounding hills. Willow trees are established along the margins of the Maitai River corridor and parts of the Kākā Valley with pockets of rushes and rank grass occurring within the wetter low-lying paddocks and along the Maitai River corridor.
- 5 Kākā Hill which encloses the valley to the east is a conical landform standing 459masl. It is a prominent hill that forms the wider backdrop to Nelson. Its summit is a site of cultural significance (MS57). Also, the very upper part of Kākā Hill is an area of ecological significance as its upper slopes are dominated by kanuka, with small areas of broad-leaved forest and grassland consisting of unidentified grasses with scatterings of matagouri species.
- 6 The Site is a complex mix of zones in the Nelson Resource Management Plan (**NRMP**). The Schedule X Structure Plan (**Figure 1**) and zoning of the Site were inserted into the NRMP via Proposed Plan Change 28 (**PPC28**). The Residential Zone - Higher Density Area is located on the relatively flat terraced landforms of the valley floor and the gentle slopes on the south-east toe of the Malvern Hills. The steeper slopes on the Malvern and Kākā Hills are zoned Residential Zone - Lower Density Area and Residential Zone. Two small areas of Suburban Commercial zoning are located centrally on the valley floor, while the balance of the Site comprises Open Space

⁵ Section 3.3 of the Application states that Stage 0 will see the applicant's property increasing in scale from 66 hectares to 166.89-hectares (including Kākā Hill), within proposed Lot 7001.

⁶ Schedule 2 of the FTAA lists the location of the project as 43.7 hectares within Record of Title NL11A/1012 and 103 hectares within pending Record of Title 1039028 (part).

⁷ Section 2.2 of the Application.

Recreation Zoning primarily along the Kākā Stream corridor, and Rural Zoning across Kākā Hill.



Figure 1: Schedule X Structure plan (source: Landscape Context and Site Analysis, Rough Milne Landscape)



Figure 2: Proposed layout of the development overlying the NRMP zones

- 7 A number of District Plan overlays are located on the Site including a Flood Overlay on the southern portion, Electrical Transmission Lines, Service Overlay and Riparian Overlay River. A Landscape Overlay is located over the mid to upper portions of Botanical Hill – Malvern Hills and Kākā Hill. The Site sits entirely within Schedule X Maitahi Bayview Structure Plan Area. The Site is located within Airshed C in terms of the Regional Plan overlays.

Overview of the Application

- 8 The Application is described in Schedule 2 of the FTAA as:

Develop approximately 180 residential dwellings (50 to be Ngāti Koata iwi-led housing), a commercial centre, and a retirement village (approximately 194 townhouses, 36 in-care facility units, a clubhouse, and a pavilion)

- 9 More specifically, the Project includes the following components:

- a. subdivision to create 184 residential allotments, one allotment is for commercial use, along with roads to vest, reserves to vest, and also allotments to vest for utility / infrastructure purposes. The balance land (zoned rural) containing Kākā Hill will remain in one large title at the end of the subdivision and development process.
- b. two of the allotments to be created are to be sold to Arvida for the development of a retirement village containing 192 residential units, a care facility containing 36 beds, and the full range of communal facilities such as a Residents Clubhouse and Pavillion. A café is also proposed as part of this complex.
- c. development of the commercial site for the cultural base for Ngāti Koata (Te Whare or Koata), containing offices, meeting rooms, function and event spaces, and a commercial kitchen.

- 10 There are a total of 11 subdivision stages (stages 1-11), with one additional stage (Stage 0) proposed as part of undertaking an initial boundary adjustment between the Applicant's title (NL11A/1012) and that adjoining title owned by Bayview Nelson Limited (RT 1039028). This will see the respective boundaries aligned so that the Site falls entirely within the ownership of the Applicant.

- 11 The Site is situated primarily in Kākā Valley, with the valley floor and lower hillslopes also identified for residential development as shown in **Figure 2**. The proposed Arvida Retirement Village is split into two areas by Kākā Stream. Area A is the larger area at 6.56ha on the southeast side of the stream, and Area B is the smaller area at 3.05ha on the northwest side.

Resource consents

- 12 Attachment 24 to the Application provided a detailed breakdown of all non-compliances against the various plans and rules and the Panel agrees with this updated assessment. The Panel has reviewed all the documentation and the further information provided by the Applicant and the participants and has summarised the necessary consents in **Appendix B**. The Panel agrees with the Applicant that, in terms of the NRMP and its various plan changes, as well as other relevant regulatory standards (e.g. National Environmental Standard for Freshwater and National Environmental

Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), overall, the Application is a non-complying activity.⁸

Other approvals

- 13 While the Application has not identified any other approvals as being required, the comments from the Director-General of Conservation⁹ (**D-GC**) questioned whether an approval under the Wildlife Act 1953 (**Wildlife Act**) is required to capture, handle and relocate lizards. This is based on the information in the Ecological Impact Assessment which notes that there are seven different herpetofauna species present or potentially present on site. All seven species are absolutely protected under the Wildlife Act. Any handling, capturing and relocating lizards throughout construction will require approval under the Wildlife Act, in addition to any approvals issued under this decision.
- 14 The D-GC also observed that a complex freshwater fisheries approval is required under the Freshwater Fisheries Regulations 1983 associated with work to divert the Kākā Stream. In Minute 5 the Panel had sought further information from the Applicant concerning the fact that the Application did not seek approval for a freshwater fisheries activity. In its response the Applicant confirmed its position that the Project involved a standard freshwater fisheries activity but that, on its interpretation of the FTAA, there was no need to apply for a separate approval for a freshwater fisheries activity, nor any ability to get one. The Applicant contended that a separate approval could only be sought for a complex freshwater fisheries activity and the Project did not entail such an activity. The Panel is satisfied on the facts that the Project does include a standard freshwater fisheries activity and not a complex freshwater fisheries activity. Hence no separate approval is required. We return to these issues later in our decision.¹⁰
- 15 In response to the comments from Minister for Arts, Culture and Heritage, the Applicant undertook to make an application for an archaeological authority under the Heritage New Zealand Taonga Pouhere Act 2014.

Procedural Steps

Meetings and site visits

- 16 On 22 May 2025, the Panel held a project overview conference at the offices of the NCC with representatives from the Applicant and NCC in attendance as recorded in Minute 4.¹¹ The purpose of the conference was to familiarise the Panel with the content of the Application for consents and provide clarification of aspects of the Application. The Panel is most grateful to the attendees for assisting in the understanding of what the Project entails.
- 17 The Panel then visited the project Site at 7 Ralphine Way. The site visit was conducted in the manner provided for in Minute 1.
- 18 Much of the Panel's correspondence, deliberations and decision-making occurred over online meetings and email following review, drafting and commenting on drafts of

⁸ AEE, February 2025, section 4.

⁹ Comments from Director-General of Conservation, 25 June 2025.

¹⁰ See Part J

¹¹ Minute 4, 26 May 2025.

further information requests, this decision report and the conditions. In addition, the Panel met on 22 occasions.¹² Where appropriate, the Panel issued Minutes recording steps to be taking in its deliberations or directions to be given. These are set out in Panel Minutes [1] to [15].

Invitations to comment

- 19 In accordance with s 53(2), the Panel invited comments on the Application by letter dated 26 May 2025.¹³ Responses to this invitation were due on 25 June 2025. Comments were received on time from the following:

- a. Rolland Dallas;
- b. Director-General of Conservation;
- c. Bayview Nelson Limited;
- d. Friends of the Maitai;
- e. Tony Hadden;
- f. Lynley Marshall;
- g. Minister for Arts, Culture and Heritage;
- h. Minister for Māori Development;
- i. Minister for Seniors;
- j. Minister for South Island;
- k. Associate Minister for Transport;
- l. Emma Morris;
- m. Nelson City Council;
- n. Ngāti Koata;
- o. Peter Olorenshaw;
- p. Royal Forest and Bird Protection Society of New Zealand;
- q. Save the Maitai Incorporated (Inc);
- r. Gary Scott and Catherine Harper;

¹² 12 May 2025, 16 May 2025, 23 May 2025, 30 May 2025, 06 June 2025, 13 June 2025, 24 June 2025, 27 June 2025, 4 July 2025, 11 July 2025, 16 July 2025, 18 July 2025, 22 July 2025, 25 July 2025, 4 August 2025; 14 August 2025; 18 August 2025; 25 August 2025; 29 August 2025; 4 September 2025; 11 September 2025; 15 September 2025. All meetings were held online via MS Teams, with the Panel meeting in person at the Project Overview Conference and during the Site visit on 22 May 2025.

¹³ Minute 4, 26 May 2025.

- s. Chris Taylor; and
- t. Megan Lewis and Timothy Williams.

20 The Panel would like to thank all parties who commented for their contributions. The following is a summary of the matters raised in the comments:

- a. Support for the development;
- b. Iwi engagement and ongoing involvement;
- c. Transport network:
 - i. the unsuitability of the cycleway locating on Ralphine Way due to topography and distance. There was support for the cycleway instead to be located around Dennes Hole;
 - ii. the ability of the single laned Gibbs Bridge to cope with the additional traffic;
 - iii. the road layout and sizing needs to accommodate the development of Bayview;
 - iv. the width of the last 300m of Maitai Valley Road, near the intersection with Nile Street, is too narrow;
 - v. resilience of the road network to slips;
 - vi. does not support alternative transport modes such as cycling or public transport;
 - vii. need for alternative road access to improve resilience and spread the increased traffic generated by the development; and
 - viii. effect of additional traffic on road safety and increasing commute times;
- d. Flooding:
 - i. risk of flooding of the intersection of Maitai Valley Road and Ralphine Way which may cut off the community;
 - ii. increases the risk to people and buildings by building in a floodplain;
 - iii. development and earthworks will increase the flooding impact on neighbouring properties; and
 - iv. increase in the volume, speed and flow of sediment into the downstream environment;
- e. Amenity effects:
 - i. disruption and noise for surrounding residents;

- ii. support for protecting the valley for recreational uses;
 - iii. dust impacts on adjoining residents; and
 - iv. effects on the rural character of the area;
- f. Realigning Kākā Stream through the former sheep dip site:
- i. ensure that the soil contamination is addressed, preferably by its removal, remediation and appropriate disposal;
 - ii. concerns about stream water quality and effects on aquatic ecology;
 - iii. importance of ongoing monitoring of suspended sediment because dieldrin binds to soil and sediment particles;
 - iv. importance of ongoing monitoring of stream water quality;
 - v. leaching and groundwater contamination; and
 - vi. need for a complex freshwater fisheries activity consent;
- g. Effects of earthworks including erosion and sediment management;
- h. Uncertainties with encapsulation cell for contamination soil;
- i. Conditions involving certification of management plans and when this occurs;
- j. Whether the benefits of the Application are significant;
- k. Landscape and visual effects;
- l. Effects on ecology, including significant natural areas (**SNAs**), birds, lizards, wetlands and construction noise on fauna; and
- m. Alignment with objectives and policies of the NRMP.

Applicant's response to comments by invited persons

- 21 On 11 July 2025 the Applicant provided a response to the comments received on the application from those persons who were invited to comment under s 53 of the FTAA. This included, amongst other matters, an updated set of draft consent conditions identified as v2.
- 22 The Panel has considered the Applicant's responses and will, as necessary, refer to the detail of the information provided in other parts of this decision.

Appointment of special advisers

- 23 As outlined in clause 10 of Schedule 3 of the Act, the Panel may appoint special advisers to assist with a substantive application. The Panel appointed Ms Carolyn Wratt

from Wratt Resource Management Planning Limited as a special adviser to provide the Panel with additional support for drafting documents, including the Panel's decision.¹⁴

- 24 The Panel appointed Ms Victoria Heine KC to provide legal services and advice as Counsel assisting the Panel.¹⁵ This appointment was made under clause 10(2) of Schedule 3 of the FTAA.

Appointment of technical advisers

- 25 On 7 July 2025 the Panel appointed Pattle Delamore Partners as a technical adviser to the Panel and assist it with issues arising from certain technical reports submitted by the Applicant, namely, contaminated land, water, and ecology issues and the remediation thereof. This appointment was made under clause 10(3) of Schedule 3 of the FTAA.¹⁶ As described in Minute 14, this appointment was on a precautionary basis, pending further consideration as to whether formal advice or a report on particular technical issues might be needed. In fact, the Panel neither sought, nor received, from PDP such advice or report.

Further information

- 26 The Panel made six requests for further information in accordance with s 67 of the FTAA. The nature of those requests and responses are summarised below.

Nature of the further information requested	Information provided
RFI 1 - 28 May 2025 ¹⁷ information sought from Applicant	
Whether approval for a Standard Freshwater Fisheries Activity is required.	The Applicant confirmed that the Proposal includes a standard freshwater fisheries activity, but does not require approval in and of itself.
How the wetland restoration and enhancement impacts for Wetland 1 can be reliably concluded as positive with a 'net gain' until the findings of the hydrological assessment are fully understood.	The Applicant confirmed that event if there is an unavoidable change in water levels or flow patterns, there is ample scope to implement additional restoration measures (e.g., expanded riparian planting) to strengthen wetland function and still achieve an overall net-gain outcome.
How the construction works will comply with NZS 6803:1999 Acoustics –	Styles Group prepared a noise and vibration assessment that provided this information.

¹⁴ Minute 3, 20 May 2025.

¹⁵ Minute 4, 26 May 2025 and confirmed in Minute 9, 7 July 2025.

¹⁶ Minute 9, 7 July 2025.

¹⁷ Minute 5, 28 May 2025.

Construction Noise at the nearest receivers.	
Sequencing and timing of improvement works at the intersection of Maitai Valley Road and Nile Street, and Matai Valley Road and Ralphine Way.	Both the intersections of Ralphine Way/Maitai Valley Road, and Nile Street/Maitai Road, will be upgraded and completed before titles are sought for Stage 1 of the subdivision. The timing of these required works will be confirmed and secured in Version 2 (v2) of the subdivision conditions.
Maximum gradients for all internal roads.	A table of gradients was provided which demonstrates that the average gradient (local roads and residential lanes) complies with Table 4-8 of the Nelson Tasman Land Development Manual. The short lengths where grades are steeper than the maximum grade were identified.
Whether additional stormwater treatment wetlands are required.	Confirmed that no new wetland is proposed.
Use of rain tanks.	The requirement for the installation of rain tanks on the medium density lots will be imposed by way of consent notice as set out in v2 of subdivision conditions.
The general location of the potential mitigations for the Western Valley slopes.	Further information provided on debris barriers and fences.
Interaction between geotechnical mitigation and impact on stormwater / overland flow paths.	Confirmed that the stormwater assessment has taken into account the diversion of stormwater by debris bunds.
Geotechnical feasibility of steeper lots.	Explained that specific geotechnical building development recommendations for each lot will be provided at s 224 RMA stage.
Discharges to air from the wastewater pump station.	Confirmed that odour from the pump station will comply with permitted Rule AQR.22.1(a) of the Nelson Air Quality Plan.
Approximate dimensions of wastewater pump station.	Layout plan example and photographic examples provided.
Outcomes of discussions with NCC about vesting infrastructure assets.	The Applicant and Council discussed the proposed vesting of land and assets in the pre-application

	<p>process and also in response to preparing this response.</p> <p>Updated in v2 of subdivision conditions and plans dated July 2025.</p>
Front yard setbacks.	Clarified that rule REr.25.1(b) requires that a garage located in a front yard must be setback at least 1m from the wall of the associated residential unit. In this case the residential unit is in the front yard but the garage is not and it was clarified that Diagram 2 on Page 22 of Section 14.2 of the Design Proposal Overview was no longer applicable.
Works and structures required for the Kākā Bridge.	Confirmed that the bridge abutments will be located outside of the bed.
Remediation action plan.	Provided further detail on the remediation action plan.
Pipe size for water supply.	Clarified that sub-mains are typically smaller than DN150.
RFI 2 - 3 June 2025 Further information requested from NCC	
More detailed outline of the findings and conclusions on each of the review topics where such a review was completed by NCC staff.	Summary of NCC technical review of substantive application provided
Who holds responsibility for the Maitai River corridor and the management of the erosion risk.	Confirmed that NCC will become responsible for the area in question when it is vested in Council as an Esplanade Reserve.
RFI 3 - 9 June 2025 Further information requested from both NCC and the Applicant	
The current status of the PC29 process and the relationship between any overlapping aspects of PC29 and PPC28.	Council confirmed that PPC28 and its associated provisions are ringfenced from the effects of PC29.
RFI 4 - 17 July 2025 Further information requested from NCC	
Whether the updated consent conditions are	The response outlined the nature and extent of the discussions with the Applicant in consulting with NCC. It also made some helpful suggestions regarding the detail of certain conditions and in

supported by NCC, or if any outstanding issues remain.	particular how engagement by the Consent Holder with NCC as regulator might occur should the consents be granted.
RFI 5 - 17 July 2025 Further information requested from the Applicant	
The presence of a 'natural inland wetland' across the lower/southern flood plain of the project Site.	It does not meet the definition of a 'natural inland wetland'.
RFI 6 - 25 July 2025 Further information requested from both NCC and the Applicant	
The ability to utilise consent notices to address zoning misalignment.	<p>Council confirmed that it has utilised this approach before and can be worded to avoid any compliance or legal issues.</p> <p>The Applicant confirmed that the use of this approach is not unusual in the regional and will be workable and effective in achieving the intended outcomes. Amended relevant conditions/ consent notices were provided to improve certainty and clarity with this approach.</p>

Conditions

- 27 The Applicant included a set of volunteered conditions with the Application in Attachment 25.
- 28 A number of respondents to the invitation under s 53 of the FTAA commented on the draft conditions provided with the Application. For example, Royal Forest and Bird Protection Society of New Zealand Inc (**Forest and Bird**) provided helpful comments designed to assist the decision-making by the Panel and to support the development of improved consent conditions to address adverse impacts of concern. The comment suggested that the then draft of the conditions lacked specificity or the necessary rigour to manage risks associated with various adverse impacts.
- 29 The Panel considers that the Applicant responded positively to many of the constructive suggestions made by the respondents and sought in v2 of the conditions to meet best practice and provide additional detail in terms of condition design.
- 30 On 11 July 2025, the Applicant provided the v2 set of conditions to the Panel. This set had been the subject of a significant amount of consultation and engagement with NCC. However, the Applicant indicated that because of the limited time available for preparation of the enhanced conditions (in addition to responding to the extensive comments of the respondents) this meant that some aspects of the conditions were the subject of only limited discussion with NCC. This feature of the engagement with

NCC was the subject of RFI 4 to the NCC which resulted in helpful additional information being provided by NCC on various aspects of the v2 conditions.

31 The Panel has considered all comments received regarding the draft conditions in v2. As is required under section 70 of the FTAA, the Panel has developed its own set of draft conditions and directed the EPA on 5 August 2025¹⁸ to invite comments on the draft conditions from the parties listed in s 70(1)(a) to (c):

- a. The Applicant; and
- b. NCC; and
- c. the 21 respondents who provided comments under s 53 of the FTAA.

32 Comments on conditions were received from the Applicant, NCC and six of the 21 respondents who provided comments under s 53. This latter group included the DG-C and Save the Maitai Incorporated (Inc) (**STM**).

33 The decision will address the key aspects of these comments and their impact on the Panel's condition set in later sections of the decision.

34 The Panel notes that the responses from Forest and Bird and Hon James Meager (Minister for the South Island and Associated Minister for Transport) did not contain any comments on conditions.

35 The Panel has provided details of its consideration and analysis of these comments received, as well as the response from the Applicant throughout this decision, particularly in Part K: Conditions below.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

36 Under section 72 of the FTAA, the Panel invited comment from the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development.

37 It is pertinent to recall that the Panel had previously invited comments from the Minister for Māori Development (who also holds the office of the Minister for Māori Crown Relations) under s 53 of the FTAA. The Panel received a reply and has addressed this in more detail in the context of cultural effects.¹⁹

38 The response of the Minister is discussed in Part D at paragraph 148, in the analysis concerning effects on iwi authorities and iwi engagement.

No Hearing

39 The Panel is mindful of the emphasis on time limited decision-making in dealing with applications under the FTAA. The Panel is required, in the case of the listed projects, to focus on the purpose of the FTAA and apply the procedural principles set out in section 10 FTAA. These require the Panel to take all practicable steps to use timely, efficient,

¹⁸ Minute 11, 5 August 2025.

¹⁹ See Part F

consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.

- 40 The Panel has exercised its discretion not to require a hearing on any issue. Under section 56 FTAA, there is no requirement for a panel to hold a hearing. In the course of considering the Application, the Panel received no requests by any of the participants to hold a hearing. The Panel considers it was able adequately to address all issues based on all the information available including the contents of the Application and the various reports and plans accompanying it, the comments and submissions received, the responses to comments and the further information provided by the Applicant, NCC and invited persons. This included the information provided by persons to whom the Panel issued an RFI. The Panel is satisfied that all material issues involved in assessing the Application have been comprehensively addressed in the documentation provided, thereby resolving any technical expert differences of opinion or disputed factual issues. Any residual or ancillary issues were sufficiently addressed in the information received for the Panel to consider and decide the issues in contention on the facts as part of its evaluative assessment.
- 41 The Panel considers that, where insufficient design detail was available at the time of preparing the Application and the Panel's consideration of the Application, these matters have been appropriately addressed via updated plans. Any gaps or omissions will be further dealt with by application of the processes spelled out in the conditions for post-consent review by NCC.

Timing of the Panel decision

- 42 In accordance with the Panel Convenor Minute dated 7 May 2025, the time frame for the Panel to issue its decision documents under ss 79 and 88 was initially 12 September 2025.
- 43 Following receipt of the comments from the 21 respondents provided under s 53 of the FTAA, the Applicant would (under s 55) have been required to provide a response to the comments no later than five working days from the date of the receipt of the comments. Given the extensive nature of the comments received, counsel for the Applicant applied for a suspension of processing the Application under s 64 of the FTAA. The Panel considered the application and, in its discretion, decided to grant the suspension.²⁰ On 11 July 2025 counsel for the Applicant made a written request to resume processing the Application under s 65(1) of the FTAA. The Panel then was required under s 65(2) to resume processing of the Application and that occurred.²¹ The practical effect of the suspension was that there was a delay of seven working days in the timetable fixed by the panel convenor. As a result of the seven day suspension, the timing of the decision (as set under s 79 of the FTAA) has moved out to 23 September 2025.
- 44 The Applicant was able to file a comprehensive response to the comments received under s 53 of the FTAA (together with v2 of the proffered conditions) on 11 July 2025.

²⁰ As discussed in Minute 8 dated 2 July 2025 The processing of the Application was suspended at 11.59pm on 2 July 2025.

²¹ 11.59pm on 11 July 2025.

PART B: LEGAL CONTEXT

The substantive application

- 45 The Proposal has been listed in Schedule 2 of the FTAA. It is one of the first substantive applications to be considered by an expert panel established under Sch 3 of the FTAA. If the Proposal had not been lodged by way of a substantive application under s 42, it would have been necessary for the Applicant to apply for resource consents under the RMA.
- 46 Section 42 is permissive in the case of a listed project. Where a substantive application is lodged under the FTAA, s 42(4) provides that one or more of the following matters (or approvals) may be sought, namely:
- a. a resource consent that would otherwise be applied for under the RMA.²²
- 47 As noted above, four types of approvals that would otherwise be applied for under the RMA have been sought:²³
- a. land-use consents (sections 9 and 13 of the RMA);
 - b. subdivision consent (section 11 of the RMA);
 - c. water permit (other than coastal marine area) (section 14 of the RMA); and
 - d. discharge consent (other than coastal marine area) (section 15 of the RMA).
- 48 None of the approvals sought are for a prohibited activity under the RMA. The Applicant has confirmed that the Proposal also includes a standard freshwater fisheries activity as defined in section 4 of the FTAA, in respect of which conditions in relation to some of the above consents have been found to be appropriate.

The statutory scheme

- 49 The starting point for analysis is the purpose of the FTAA. This is set out in s 3 as follows:

Purpose

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

This provision is written in plain, everyday language. None of the terms used are defined in the interpretation section.²⁴ Ms Limmer KC, for the Applicant, aptly described this purpose provision as “uncomplicated and succinct”.

²² Section 42(4)(a) refers in parenthesis to the following “but see subsection (5)”. “This in turn provides that a substantive application seeking an approval described in s 42(4)(a) – (a) may seek that approval for an activity that is a prohibited activity under the [RMA]”.

²³ Substantive Application Form at, p 12.

²⁴ The only exception is the word “project” which relevantly provides that, in relation to a listed project, it means the project as described in Schedule 2.

- 50 It is axiomatic that the purpose of the FTAA guides the interpretation and application of its provisions. As s 10(1) of the Legislation Act 2019 states: “The meaning of legislation must be ascertained from its text and in the light of its purpose and its context”. The importance of the statutory purpose is underscored in s 43(1)(b)(i) of the FTAA which provides that the substantive application must, inter alia, “explain how the project to which the application relates is consistent with the purpose of this Act”.²⁵ The Panel is satisfied that the Application complied with this requirement.
- 51 Counsel for the Applicant posited that the FTAA reflects the intent of Government to address challenges such as infrastructure deficits, housing shortages and energy needs by accelerating project approvals.²⁶ The Panel observes that the purpose of the FTAA and its relevant context is conveniently summarised in the Legislative Statement outlining the Parliamentary intention for decision making by expert panels as follows:²⁷
- The purpose and provisions of the Bill will take primacy over other legislation in decision making. This means that approvals can be granted despite other legislation not allowing them, such as, projects that are prohibited activities or those which are inconsistent with RMA National Direction. This approach is intended to ensure key infrastructure and other development projects with significant benefits for communities are not declined where the benefit of approving the project outweighs any issue identified.
- 52 Further reference will be made later in the decision to the statutory provisions dealing with the primacy of the purpose of the FTAA. The topic of significant regional and national benefits will also be discussed, as well as the way the Panel is called upon to approach the adjectival elements of the significance of such benefits.
- 53 Reference has also been made to the procedural steps taken by the Panel during its consideration of the substantive application. A key initial step involved the process of inviting comments on the substantive application.²⁸ Comments were invited from the persons and entities listed in s 53(2). Comments from some 21 parties were received, within the statutory timeframe of 10 working days. As noted, the Applicant provided a response to the comments under s 55.²⁹
- 54 As revealed by the outline of procedural steps followed in considering the Application, the Panel used its statutory power under s 67 to request further information from various parties including the Applicant and the NCC. These requests provided useful and relevant information for the Panel’s deliberations. Additionally, the Panel appointed

²⁵ Another area where the legislation relates back to the purpose provision is in the criteria for accepting a referral application for the use of the fast-track approvals process: see s 22(1)(a).

²⁶ Citing the Beehive Media Release by Ministers Hon Chris Bishop and Hon Shane Jones dated 17 December 2024, when the Bill passed its third reading.

²⁷ Legislative Statement, Paragraph 17.

²⁸ Under s 53 of the FTAA.

²⁹ The statutory timeframe under s 55 is 5 working days. During the course of this period, counsel for the applicant sought to have the processing of the substantive application suspended under s 64. The Panel granted this application in the exercise of its statutory discretion: s 64(3). The applicant requested a resumption of the processing of the substantive application under s 65. As a result the Panel resumed processing the application under s 65(2). The result was that the timeline for decision-making was extended by 7 working days.

Ms Victoria Heine KC as counsel assisting. The Panel was grateful for the legal assistance she provided.

55 With respect to decision-making on the approvals or consents sought in the substantive application, the key provisions of the FTAA are ss 81 to 85. Under s 81(1) the Panel has the following statutory power:

- (1) A panel must, for each approval sought in a substantive application, decide whether to-
 - (a) grant the approval and set any conditions to be imposed on the approval; or
 - (b) decline the approval.

By way of elaboration, reference will be made later in the decision to the binary nature of this power.

56 Section 81(2) has the following requirements with respect to decision-making by the Panel:

- (2) For the purpose of making the decision, the panel-
 - (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
 - (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
 - (c) must comply with section 82, if applicable:
 - (d) must comply with section 83 in setting conditions:
 - (e) may impose conditions under section 84:
 - (f) may decline the approval only in accordance with section 85.

57 When making its decision, the Panel is tasked by the FTAA with undertaking a broad evaluative exercise of weighing a range of matters identified in s 81 and s 85 of the FTAA. The starting point is that the Panel must consider the substantive application. The Panel must also consider any advice, report, comment, or other information it receives under various sections of the FTAA listed in s 81(2)(a). These provisions are designed to facilitate the gathering or obtaining of information relevant to the decision-making function. Where information has been sought, the Panel is not required to consider any advice, report, comment, or other information if it has been received after the applicable timeframe. Under s 81(6) the Panel may however, in its discretion, consider such information, so long as the Panel has not made its decision under s 81.

58 Under s 81(2)(b), the Panel must apply the applicable clauses set out in subsection (3). In this case the specified clauses are, because the substantive application is for an approval described in s 42(4)(a) (resource consent), the provisions in clauses 17 to 22 of Schedule 5. Section 81(2)(b) also provides in parenthesis a statutory reminder in the following terms: "see those clauses in relation to the weight to be given to the purpose of this Act when making the decision". The relevant clause, in relation to resource consents, is cl 17 to which reference will be made below.

59 Section 81(2) also requires the Panel to comply with s 82 if it is applicable and s 83 in setting conditions. Of these two sections the only one applicable to the Application is s 83. It relates, for present purposes, to the Panel's discretion ("may impose" are the words used in s 81(2)(e)) to set conditions under s 81(1)(a) or s 84. Section 83

provides that any conditions set by the Panel must be no more onerous than necessary.

- 60 Section 81(2)(f) provides that a Panel “may decline the approval only in accordance with section 85”. For decision making under the FTAA, as reflected in s 85, there are limited circumstances in which an approval must, or may, be declined. The circumstances under which an approval must be declined are stipulated in ss 85(1) and (2). Neither of these subsections is applicable in this case because:
- a. the EPA has confirmed that the approvals sought are not for ineligible activities; and
 - b. the Panel will ensure that the terms of s 7 of the FTAA are not breached;³⁰ and
 - c. this is not an application for a coastal permit for aquaculture activities.³¹
- 61 The statutory provisions in s 85(3) to (5) provide that an approval may be declined if adverse impacts are out of proportion to regional or national benefits. Under s 85(3) the Panel may decline an approval if, in complying with s 81(2) – the section governing decisions on approvals – it forms the view that:
- (a) there are 1 or more adverse impacts in relation to the approval sought; and
 - (b) those adverse impacts are sufficiently significant to be out of proportion to the project’s regional or national benefits that the panel has considered under section 81(4), even after taking into account-
 - (i) any conditions that the panel may set in relation to those adverse impacts; and
 - (ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.
- 62 The reference to s 81(4) in s 85(3) of the FTAA is important. There is an explicit requirement on decision makers that “when taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project’s regional or national benefits” [emphasis added] This evaluative exercise is thus an essential step in the overall decision-making process. Hence when the Act refers in s 85(3)(b) to the project’s regional or national benefits, in the context of a weighing process against any adverse impacts, it is the extent of such regional or national benefits that must be assessed. The factual assessment of the extent of such benefits has been addressed in Part L.
- 63 The term “adverse impact” in s 85(3)(b) is defined in broad terms in s 85(5) as “any matter considered by the panel in complying with s 81(2) that weighs against granting the approval”. The topic of adverse impacts is discussed further below.
- 64 Because the substantive application seeks approval for resource consents under the RMA, s 81(3)(a) identifies the applicable clauses for the Panel’s decision-making as

³⁰ The topic of Treaty settlements and recognized customary rights was addressed in the report by the Minister for Infrastructure dated 10 April 2025 at [7]. Moreover none of the persons invited to comment under s 53(2) has raised any issue under s 7.

³¹ To which cl 17(5) of Sch 5 applies.

clauses 17 to 22 of Sch 5. There is no dispute that clauses 19 to 22 do not apply. The relevant clauses are 17 and 18.

65 For present purposes, clause 17 relevantly provides:

17 Criteria and other matters for assessment of consent application

- (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a), -
 - (a) the purpose of this Act; and
 - (b) the provisions of Parts 2, 3, 6 and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
 - (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
- (2) For the purpose of applying any provisions in subclause (1), -
 - (a) a reference in the Resource Management Act 1991 to Part 2 of the Act must be read as a reference to sections 5, 6, and 7 of that Act; and
- (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
- (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
- ...
- (6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.

66 With particular reference to the statutory injunction in clause 17(1) to give “the greatest weight to paragraph (a)” [the purpose of this Act], Ms Limmer KC submitted that the purpose of the FTAA differs markedly from that of both the RMA and the most recent, historic “version” of Fast Track consenting.³² She contended this crucial difference permeates the decision making framework of the FTAA and results in a legislative regime that may support the grant of a resource consent, even when the traditional RMA process would not.

67 The Panel accepts that, in the context of an application for approval of a resource consent, the legislation prioritises the purpose(s) in s 3 of facilitating significant regional or national benefits over other considerations.³³ It is also the case that the

³² Contained in RMA, s 5 and COVID-19 Recovery (Fast Track Consenting) Act 2020, s 4.

³³ FTAA, cl 17(1) of Schedule 5.

Panel must consider environmental impacts and may decline applications where adverse impacts (not limited to “effects”) are disproportionate to the proven benefits.

- 68 The Panel received submissions³⁴ on section 34(1) of the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) and was referred to *Enterprise Miramar Peninsula Inc v Wellington City Council*.³⁵
- 69 The Panel did not find reference to section 34(1) HASHAA to be of much assistance. The provisions of the HASHAA arise in a different statutory context and employ different language.
- 70 That said, the Panel agrees that a statutory requirement such as that in clause 17(1) Schedule 5 to give greatest weight to the purpose of an Act, does not mean that it will always outweigh other considerations.³⁶ The Panel does not understand the Applicant to be contending otherwise.³⁷

Applicable provisions of the RMA

- 71 Also under clause 17(1), the Panel must take into account:
- (a) the provisions of Part 2, 3, 6 and 10 of the RMA that direct decision making on an application for a resource consent; and
 - (b) the relevant provisions of any other legislation that directs decision making under the RMA.
- 72 Notably, clauses 17(3) and (4) provide that, where any provision of the RMA requires a decision maker to decline any application for a resource consent, the Panel must take such a provision into account, but “must not treat the provision as requiring the panel to decline the application ...”.
- 73 When clause 17(1)(b) refers to provisions in various Parts of the RMA that direct decision making, it does not specify or particularise what provisions apply. It is therefore left to the Panel to determine which such provisions ought to be taken into account.
- 74 The Applicant has submitted that, for decision making in respect of the Proposal, the most important sections of the RMA are ss 5, 6 and 7, as well as s 104. Counsel for the Applicant also noted several other provisions in Parts 3, 6 and 8 to 10 of the RMA that contain procedural requirements and direction. The Panel is minded to view these provisions as having less relevance for present purposes because they do not “direct decision making” as clause 17(1)(b) requires.
- 75 The provisions of ss 5, 6 and 7, and s 104 are relevant because they do operate to direct decision making in the RMA context. They are also the subject of specific reference in clause 17(1) such that the Panel must take them into account.³⁸

³⁴ Save the Maitai Inc paragraphs [14] to [20]

³⁵ [2018] NZCA 541.

³⁶ Save the Maitai Inc paragraph [18].

³⁷ Applicant Table of Comments and Responses at [18].

³⁸ See also clause 17(2)(a).

- 76 In summary, the statutory direction for a panel to take into account key provisions of the RMA³⁹ brings into focus the question of whether the Application promotes the sustainable management of natural and physical resources (s 5 of the RMA), noting that the term sustainable management is defined in the RMA s 5(2). The Panel is also required to consider how the Proposal recognises and provides for the matters of national importance in s 6(a) to (h) of the RMA. These topics are all of some relevance to the Proposal and have been evaluated by the Panel.
- 77 Decision makers must also take into account the matters referred to in s 7(a) to (j) of the RMA. Two such matters are kaitiakitanga and stewardship s 7(a)-(aa) which are discussed next in the context of cultural values. With respect to subsection (b) to (j) of s 7 of the RMA, these refer relevantly to topics such as the efficient use and development of natural and physical resources s 7(b), the maintenance and enhancement of amenity values and the intrinsic values of ecosystems s 7(c)-(d), the maintenance and enhancement of the quality of the environment and any finite characteristics of natural and physical resources s 7(f)-(g), as well as the protection of the habitat of trout and salmon and the effects of climate change s 7(h)-(i). The Panel will discuss these matters later in the decision (Part O).
- 78 The matters discussed in the previous paragraph are all matters which the Panel has weighed up when making its decision under s 81 of the FTAA and in carrying out the proportionality exercise under s 85(3).

Cultural values

- 79 In supporting the Application, Ngāti Koata has directly raised the matter of kaitiakitanga.⁴⁰ For Ngāti Koata, kaitiakitanga is an enduring responsibility for iwi as guardians of Te Taiao and is a lived expression of the intrinsic connection between people and whenua. Kaitiakitanga is also an intergenerational commitment and exercise to protect and nurture the land, waters, and all taonga for the wellbeing of present and future generations.
- 80 The Panel acknowledges that kaitiakitanga is central to Ngāti Koata identity and is well captured in the following whakatauki:

Whatungarongaro te tangata, toitu te whenua

People pass on, but the land remains

- 81 In relation to cultural matters the Environment Court said in its interim decision:⁴¹

[91] Part 2, s 7(a) RMA, directs that particular regard be given to kaitiakitanga. 'Kaitiakitanga' is defined for those purposes as:

kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

[92] As we have noted, PPC28 is in part designed to enable the exercise of kaitiakitanga, including by reflecting Whakatu Tangata Whenua values and ensuring Whakatu Tangata Whenua involvement through subdivision and development processes.

³⁹ In addition to the purpose of the FTAA (clause 17(1)(a) and the provisions of any other legislation that directs decision making under the RMA (clause 17(1)(c)).

⁴⁰ Cultural Impact Assessment for Maitahi Village (CIA), January 2025, Ngāti Koata Trust at 9.

⁴¹ See interim decision NZEnvC 155.

[93] We received only limited evidence on these matters, namely from Mr Hemi Toia, Kaiwhakahaere matua (Chief Executive) of Ngāti Koata's commercial and economic arm, Koata Ltd. We did not receive evidence on behalf of any of the other iwi who are manawhenua. We understand those who affiliate to Whakatu Marae, in addition to Ngāti Koata, are Ngāti Tama, Te Atiawa, Ngāti Kuia, Ngāti Rarua and Ngāti Toa Rangatira.

[94] Mr Toia informed us that one kaitiakitanga purpose of Ngāti Koata's involvement in the applicant's consortium is to help secure access to land to enable provision of secure long-term housing for Ngāti Koata whanau within their rohe. That is in a context in which the Crown, in its Te Tiriti o Waitangi Deed of Settlement, included in its apology "to Ngāti Koata for its failure to ensure Ngāti Koata retained sufficient land for their future needs".

[95] Related to that, as we have noted, Kākā Hill, a maunga of great significance to local iwi and a prominent landscape feature overlooking the Kākā Valley part of the Site, is to be gifted to Ngāti Koata. We were not informed whether affiliation to this maunga extends to any of the other iwi. Furthermore, we were not informed of the affiliations held with respect to the Maitai and Kākā catchment, although we observe that the website for Whakatu marae includes the specification:

Ko Mahitahi te Awa.

[96] As such, we make no findings on those matters other than that we accept Mr Toia's relevant explanations. On matters concerning environmental kaitiakitanga in the development, he informed us that Ngāti Koata is working alongside other iwi (who will continue to take different roles) in order to meet the expectations of "all tangata whenua in Nelson/Whakatu". On matters concerning erosion and sedimentation management, he expressed confidence that these are "designed to reduce inputs into the Maitai awa" by "identifying the constraints in the form of land that is steep or close to waterways and allocating it for re-vegetation as an obligation of development. That confidence is backed by our related evidential findings.

82 Following the final decision of the Environment Court, the topic of kaitiakitanga was included in the policy objectives of PPC28 and finds direct expression in Policy RE 6.2 of Schedule X discussed below. The importance of kaitiakitanga to the land, the subject of the Proposal is reinforced by the Environment Court, again in the interim decision, as follows:

[124] In regard to the matter kaitiakitanga, policy RE6.2 expresses certain priorities whose importance was emphasized in Mr Toia's evidence. Those are, in summary, to:

- (a) ensure subdivision, use and development on the site recognizes and provides "for cultural values and matauranga Māori";
- (b) recognize the customary interests, values, rights and responsibilities exercised by Whakatu Tangata Whenua in a manner consistent with the sustainable management of natural and physical resources; and
- (c) ensure that subdivision and development reflects Whakatu Tangata Whenua values, and enables the exercise of kaitiakitanga.

[125] The related method statements emphasise associated process dimensions of enabling kaitiakitanga according to the applicable tikanga, namely:

- (a) iwi involvement according to the principle of Mana Whakataere (i.e. governance, authority and mandate); and
- (b) consultation with iwi on issues relating to the relationship of Māori with their ancestral lands, water, sites, wahi tapu and other taonga.

[126] Given their important directive purposes, we find that the noted policies need to be refined so as to clearly express and reflect each of those outcome and process dimensions.

[127] In addition, given that the protection of the mauri of the noted water bodies is plainly central to the purposes of kaitiakitanga, we find it important that the noted policies plainly express bottom line protective intentions for the water bodies, according to Te Mana o Te Wai. Our present view is that this should be made explicit in each policy, rather than being simply by cross-referencing.

- 83 The Panel’s findings on cultural values, including kaitiakitanga, are set out later in the decision.

Matters Relevant to Assessment of Proposal

Regional or National Benefits

- 84 The statutory scheme described above requires the Panel inter alia to take into account the matters in cl 17(1)(a) to (c) of Schedule 5. In this assessment, the greatest weight must be given to the purpose of the FTAA. The Panel must therefore identify, and record, the Project’s regional or national benefits and the significance or otherwise of them. This is essentially a forensic exercise which is undertaken below in Part G.
- 85 The Applicant’s submissions suggest that the Panel can rely on the fact that the Project is listed in Schedule 2 for any finding that it has significant regional or national benefits. The Panel does not accept this submission. It is true that the Ministry for the Environment reported to the Fast-Track Projects Advisory Group stated that the Project would provide significant regional developments.⁴² It is also the case that the Advisory Group placed the Project in Priority Group one – the highest tier within the housing and land development sector.⁴³
- 86 However, these findings were made by bodies other than the Panel which has statutory responsibility for making decisions on approvals sought in a substantive application under s 81. By virtue of s 81(4), it falls to the Panel, when taking the purpose of the FTAA into account, to consider the regional or national benefits and the extent thereof. This is something the Panel itself must do in the context of its analysis of, and findings on the existence or otherwise of any regional or national benefits.
- 87 The notion that a panel could rely on findings of another body is also inconsistent with the statutory requirement for the Panel to undertake a proportionality test under s 85(3). As noted above, an approval may be declined if any adverse impacts are “sufficiently significant to be out of proportion to the project’s regional or national benefits that the panel has considered under s 81(4) ...”.
- 88 The Panel has considered the comments provided by STM which appeared to suggest that the statement of purpose in s 3 has the effect of imposing a “significance” gloss on the identified regional or national benefits. STM stated that if these benefits are less than significant, then this weighting will have no impact, as the purpose of the Act is just as well met by not facilitating the project. The Panel does not consider that the purpose statement has that effect. Plainly, the scale or extent of the identified benefits is relevant to the Panel’s consideration of the approval, but not in the way of creating a bar on approval being granted. If the Legislature had intended that to be the case, it would have been much more explicit in the operative provisions of the legislation. STM’s argument is also inconsistent with s 81(4) which refers to extent not significance. In this context the Panel observes that the STM comment has no

⁴² Ministry For the Environment Assessment Form – Stage 1: Application for Listed Project under Fast-Track Approvals Bill – Maitahi Village Project for Schedule 2A, 5 July 2024, Table A, at pp 4-5.

⁴³ Fast-Track Projects Advisory Group: Report to Ministers, 2 August 2024, at p 11.

relevance in the present case because of the findings in Part G as to the significance of the regional or national benefits which will result from this Application.

Adverse impacts

- 89 A further matter for the Panel is to identify any adverse impacts of the Proposal and determine whether they are “sufficiently significant to be out of proportion to the project’s regional or national benefits” – s 85(3)(b). Again, this is a forensic exercise.
- 90 The term “adverse impacts” is defined in very broad terms as essentially any matter properly before the Panel which weighs against the granting of the approval. This is by way of contrast with the term “adverse effects” used in the RMA context.
- 91 The Panel assumes that the decision by Parliament to adopt the word “impacts” rather than “effects” was presumably deliberate, although it is by no means clear whether the two expressions are significantly different in the context of this Application. The Panel will therefore make a forensic assessment of any applicable adverse impacts of the Application on the available facts.

Binary decision making

- 92 Instead of simply conferring a discretion to determine the application as it considers appropriate, as is common in other contexts, the FTAA expressly states that the Panel must either:
- a. grant the approval with any necessary conditions; or
 - b. decline the approval.
- 93 The circumstances in which the approval may be declined are expressly limited. In particular:
- a. there are specified circumstances in which the Panel must decline (s 85(1) and (2) FTAA). Those are not applicable here; and
 - b. the Act also confers on the Panel a discretion to decline but this is circumscribed. As already discussed, the Panel *may* decline only if it forms the view that the adverse impacts are sufficiently significant [so as] to be out of proportion to the Project’s regional or national benefits that the Panel has considered under s 81(4), even taking into account conditions or modifications.
- 94 Two points arise. First, even if the factors in s 85(3) are met, the Panel can still grant the approval. In other words, even if the adverse impacts are significantly out of proportion to the anticipated benefits, it appears that the Panel still has a discretion to allow the approval(s) to proceed. That discretion will necessarily be informed by the purposes of the Act.
- 95 Secondly, and following on from that first point, the mere fact that a project generates or may generate adverse impacts, does not mean it is not allowed to proceed. In

other words, a degree of adverse impact is "hard baked" into the legislative regime. This is also reflected in s 85(4).

Conditions

- 96 As is clear from s 85(3)(b) of the FTAA, the Panel is required to consider whether any conditions attaching to a particular resource consent are appropriate. The scope of the term "condition" is broad. Types of conditions may include any conditions that the Panel may set in relation to adverse conditions (s 85(3)(b)(i)), or conditions or modifications that the Applicant may agree to or propose in order to avoid, remedy, mitigate, offset or compensate for any adverse effects (s 85(3)(b)(ii)).
- 97 Once appropriate conditions have been identified by the Panel, it must ensure that the requirements of s 83 of the FTAA are met. As has been noted, clause 17 of Schedule 5 relevantly imports Part 6 of the RMA which relates to conditions. Relevant sections include:
- a. Section 108 of the RMA which lists the types of conditions which may be imposed. This provision is very broad; and
 - b. Section 108AA of the RMA to the effect that any condition must be directly connected to an adverse effect. By analogy, any condition accepted by the Panel must be directly connected to any adverse impact under the FTAA.
- 98 As already noted the FTAA also has a specific provision about conditions in s 83. The section provides that, when exercising a discretion to set a condition, the Panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of the FTAA.
- 99 The Panel records that, in considering the conditions, it has sought to:
- a. identify a link between the adverse impacts and the conditions which it has imposed; and
 - b. satisfy itself that the conditions are permitted by s 108 RMA; and
 - c. satisfy itself under s 83 that the condition is no more onerous than necessary to address the reason it is set.
- 100 In this later respect the Panel resolved in Minute 13 to refer the final condition set to the Applicant for the purpose of inviting comment on whether the Applicant had any concerns that s83 of the FTAA had not been complied with. Counsel for the Applicant subsequently responded as follows: "*The Applicant has reviewed the Panel's draft conditions and can confirm, pursuant to Section 83 of the FTAA, that it considers they are not more onerous than necessary to address the reasons for which they are set*".
- 101 Once the conditions have been determined, the Panel is required to undertake the proportionality test by taking into account the matters identified in s 85. The Panel has not treated this matter as being formulaic or mathematical, as counsel for the Applicant has suggested. Rather, because the impacts are not always such as to allow

precise quantification (particularly when taking into account conditions), the process has been treated as inherently evaluative.

The Decision on Approvals

102 As already described, s 81 governs the Panel's decision-making task. Clause 17 of Schedule 5 has the effect of importing several parts of the RMA, many provisions of which are irrelevant to this Proposal. Section 104 of the RMA however, is directly relevant. It requires a consenting authority, inter alia, when considering an application for a resource consent to have regard to:

- a. any actual and potential effects on the environment of allowing the activity; and
- b. any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment. The Panel will take such matters into account in its assessment of the Application.

103 In considering these matters, the Panel records that it has confirmed that each consent granted is granted under the RMA in a formal sense. Moreover, when considering the matters listed in s 104, the Panel has noted the statutory requirement to "have regard to these matters" (and has recorded that it will do so). Moreover, when the Panel undertook its analysis of what is a holistic evaluation, it has:

- a. given greater weight to the purpose of the FTAA; and
- b. in applying that purpose has considered the extent of regional or national benefits.

104 The Panel has treated the statutory requirement to "have regard to" particular matters as requiring it to consider any such matters that may arise for consideration on the facts of the case. This has included making a factual assessment as to whether such matters have application to the circumstances concerned or the factual matter under consideration.

105 Finally, it is not entirely clear how s 5 of the RMA purpose of sustainable management sits alongside the FTAA purpose statement which is intended to be enabling. Out of an abundance of caution the Panel has focused on both and has outlined how the balancing has occurred. Given the legislative requirement to give the greatest weight to the purpose of the FTAA, the Panel records that, in the event of any tension between the two, the FTAA must prevail.

Decision Documents

106 The Panel is required to prepare a decision document under s 87 of the FTAA. Under s 87(2) the decision document must, inter alia:

- (i) state the panel's decision; and
- (ii) state the panel's reasons for the decision; and
- (iii) include a statement of the principal issues that were in contention; and
- (iv) include the main findings of the panel on those.

These requirements are addressed in Part N, Part O, and Part P of this decision

PART C: PLANNING CONTEXT

- 107 Although the application for resource consents for the Proposal is made under the FTAA, it is necessary to set the application in its proper planning and related regulatory context. The provisions in the NRMP which primarily govern the development of the Site were inserted via PPC28, recommended for approval by an Independent Hearing Panel, adopted by Council in September 2022, and then approved by the Environment Court in November 2024. This Site is managed by the objectives and outcomes contained within Schedule X of the NRMP, in accordance with the Maitahi Bayview Structure Plan.
- 108 The Application itself follows closely on the heels of the PPC28 process, formally initiated by parties in 2021⁴⁴ which included the Applicant, CCKV Maitai Dev Co LP. In essence PPC28 was advanced in significant part to facilitate the Application. It is apparent from the contents of the Application, including the 25 Attachments, that it has been designed to conform to the environmental expectations of PPC28.
- 109 The NCC website describes PPC28 as involving the rezoning of 287 hectares of land located within the Kākā Valley, along Botanical Hill and Malvern Hill from Rural and Rural-Higher Density Small Holdings Area to a combination of:
- Residential (Higher, Standard and Lower Density Areas);
 - Rural;
 - Open Space Recreation; and
 - Suburban Commercial.
- 110 PPC28 is additionally described as introducing a structure plan and associated objectives, policies, rules, and other methods (such as the landscape and vegetation overlays) into the NRMP to regulate and guide subdivision, use and development of the Site. Consequential changes to existing provisions were also incorporated to ensure the effective administration of the NRMP.
- 111 At a regional level, the applicable planning instrument is the Nelson Regional Policy Statement (**NRPS**), made operative in 1997. Broadly speaking PPC28 was designed to give effect to elements of the NRPS such as where to accommodate urban growth. The result was that the Nelson Resource Management Plan (**NRPS**) (a combined district and regional plan) was amended to give effect to the higher order provisions of the NRPS at a district wide level. Another key outcome applicable to the Application was that the land that is the subject of this application for subdivision and development consent is now zoned for urban development.

⁴⁴ PPC28 was lodged with the Nelson City Council on 16 April 2021. Hearings were held in July 2022 and a Council decision issued in September 2022. An appeal to the Environment Court followed with a hearing held in February 2024. An interim decision was issued in July 2024 and a final decision issued in November 2024.

112 A major focus for the Panel in planning terms has been on the relevant provisions of the NRMP which were considered by the Environment Court in its decision on PPC28⁴⁵. All changes to the NRMP mandated by the outcome of PPC28 are now operative and are incorporated into the NRMP. This means that, for the Application, a critical provision is Schedule X which sits within Volume 2, Chapter 7, Residential Zones of the NRMP, and gives effect to various national policy directives such as the National Policy Statement on Urban Development 2020 (**NPS-UD**), the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) and the National Environmental Standards for Freshwater 2020 (**NES-F**).

113 It is convenient to refer to several aspects of Schedule X which includes as its overarching objective, the following:

Objective

RE6 Maitahi/Mahitahi Bayview Area (Schedule X)

The Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community including:

- a new mixed density residential neighbourhood amongst areas dedicated to public open space and revegetated rural land; and
- a sense of place that is responsive to, and respectful of, natural character, landscape and Whakatū Tangata Whenua values; and
- development that is fully serviced with three waters infrastructure, and coordinated with transport infrastructure upgrades;
- improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity; and
- an environment where the adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.

114 Dealing with the question of subdivision and development, Policy RE6.1 of Schedule X has direct relevance to the Application:

Policy RE6.1 Maitahi/Mahitahi Bayview Area

Provide for subdivision and development which is consistent with the Maitahi/Mahitahi Bayview Structure Plan in Schedule X and where it is demonstrated that:

- a. It will contribute to a well-functioning urban environment;
- b. It accommodates a range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community;
- c. It achieves high quality urban design outcomes
- d. Any comprehensive housing development is consistent with the requirements of Appendix 22;
- e. It is consistent with the requirements of Appendix 9 (where appropriate) and Appendix 14;
- f. The recreational opportunities to meet the needs of current and future residents are implemented and available to the wider community, including the creation of the identified reserves and walkway linkages;
- g. The multi-modal transport connections in the Structure Plan, in the form of roads, cycleways and pedestrian linkages, are implemented;
- h. The urban environment is safe from flooding risks and is resilient from the effects of climate change; and
- i. The adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.

⁴⁵ Save the Maitai Inc v Nelson City Council [2024] NZEnvC 155 (interim decision); Save the Maitai Inc v Nelson City Council [2024] NZEnvC 281 (final decision) and Save the Maitai Inc v Nelson City Council [2024] NZEnvC 290

- 115 Cultural values and mātauranga Māori are reflected in Policy RE6.2 under the heading Whakatū Tangata Whenua Values as follows:

Ensure subdivision, use and development of the Maitahi/Mahitahi Bayview area recognizes and provides for cultural values and mātauranga Māori through:

- a. Recognition of the customary interests, values, rights and responsibilities exercised by Whakatū Tangata Whenua in a manner consistent with the sustainable management of natural and physical resources;
- b. The protection of Kākā Hill's natural and spiritual values in a manner that respects its cultural significance and the customary interests, values, rights and responsibilities exercised by Whakatū Tangata Whenua;
- c. Ensuring that subdivision and development reflects Whakatū Tangata Whenua values, and enables the exercise of kaitiakitanga; and
- d. Ensuring that Whakatū Tangata Whenua are involved throughout the subdivision and development process.

- 116 There is also a policy designed to ensure that any subdivision and development within Schedule X adopts a comprehensive and integrated management approach: Policy RE6.3. This policy addresses the integration of a wide spectrum of components including water quality, ecology and cultural values. As the explanatory notes to this policy observed:

Subdivision and development within the Maitahi Bayview area needs to be undertaken in an integrated manner, with priority given to water quality outcomes in the Maitahi/Mahitahi River and Kākā Stream, and associated cultural, recreational and ecosystem values. It also provides an opportunity for the restoration, protection and enhancement of freshwater and terrestrial ecology values. The Schedule requires the application of best practice principles in all subdivision and development design processes to align with the objectives and intent of the National Policy Statement for Freshwater Management 2020 and National Environmental Standards for Freshwater 2020. Schedule X provides practical guidance around engineering solutions to meet best practice guidelines and proposes to co-design with nature an integrated and regenerative approach to urban development.

- 117 Policy RE6.3 is a good example of how Schedule X has incorporated important elements such as Te Mana o te Wai. This is about restoring and preserving the balance between water, the wider environment and the community which is a fundamental concept at the heart of the higher order policy instrument, namely, the NPS-FM. Another such policy instrument which finds expression within Schedule X is the **NPS-UD** which came into force on 20 August 2020.⁴⁶

- 118 The topic of indigenous biodiversity (Policy RE6.4) is provided for in Schedule X as follows:

Ensure that indigenous terrestrial and freshwater biodiversity is restored, protected and enhanced as an integral part of subdivision and development, including by:

- a. Restoring and enhancing the degraded lower portion of the Kākā Stream where this provides for improved ecological outcomes, and may include the provision of off-set stream enhancement to ensure a net gain of in-stream values within the Structure Plan area;
- b. Identifying, protecting and enhancing existing natural wetlands, their margins and connections to streams;

⁴⁶ The relevance of the NPS-UD to the new growth opportunity in Maitahi/Mahitahi Bayview Area encompassed by Schedule X was considered during the PPC28 process as illustrated by the recommendations of the Independent Hearings Panel at paragraphs 164 to 187.

- c. Providing for ecological linkages between ecological areas (freshwater and terrestrial) inside and neighbouring Schedule X;
- d. Protecting and enhancing threatened species habitats within Kākā Stream;
- e. Providing significant areas of "Residential Green Overlay" and "Revegetation Overlay" requiring indigenous plantings; and
- f. Prioritising the mauri, health and wellbeing of local waterbodies.

119 Reference is also made to the provisions of Schedule X which deal with earthworks, erosion and sediment control: Policy RE6.5. Also applicable to the Application is Policy RE6.6 concerning specific heritage elements such as the shearing shed and chimney near the farm house currently on site. Ultimately, PPC28 took into account relevant iwi management plans. It is apparent that all eight iwi in the area were directly involved in the process leading up to PPC28.⁴⁷

120 It follows from the above that PPC28 resulted in a change of zoning for the land the subject of the Application to being suitable for urban development. It also achieved, through Schedule X, a comprehensive set of policies designed to ensure any development of the Site contributed positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community. The policies in Schedule X also seek to implement the objectives of various national environmental standards and national policy statements. Central to the latter was the NPS-UD which aspires to achieve a well-functioning urban environment.

121 The Panel has also taken into account the references in Schedule X to various rules and requirements at X1 to X16. These provisions set out the status of various activities and provide the relevant means of control or the scope of any discretion applicable to each topic.

122 As already mentioned, the changes to the NRMP, including Schedule X, received extensive consideration in the Environment Court. The Panel agrees with the submission of Ms Limmer KC for the Applicant that PPC28 established through its bespoke Objectives, Policies, Structure Plan and Special Information Requirements, a planning framework that (a) carefully identified areas appropriate for urban development and (b) articulated clear performance expectations and outcome-based thresholds for determining when effects are acceptable.

123 The above planning provisions from the NRMP provide some important regulatory context to the issues which fall to be considered by the Panel arising from the Application. In this regard the Panel acknowledges the statutory requirement that it is required, when considering an application for a resource consent, to take into account,

⁴⁷ Te Tau Ihau Iwi Engagement and Consultation: PPC28 Maitahi Village 2020-2025 filed with the Proposal as Attachment 2.

inter alia, the provisions of Parts 2, 3, 6 and 8 to 10 of the RMA that direct decision making in respect of resource consents.⁴⁸

Contextual Material Arising from Comments

- 124 As noted, some 21 comments were filed in response to the Panel's invitation to comment on the substantive application under s53 of the FTAA. A number of these made statements suggesting that the Panel's assessment of the Application was an opportunity to reopen the issues considered during the PPC28 process. This is not the case: the essential task for the Panel is to make a decision on the approvals sought in the substantive application, as described in the Legal Context in Part B above.
- 123 The necessary contextual response is that the zoning of the Site is now operative as set out in the NRMP Planning Maps and Schedule X, including the Structure Plan. The choice between status quo or change, was made during the PPC28 process. The PPC28 process was open to the public. People had their say and were heard. The decision was to change the zoning. This decision was made having full regard to all submissions in opposition. A comprehensive hearing process was undertaken by the Independent Hearings Panel, followed by an appeal hearing in the Environment Court.
- 124 For clarity in terms of zoning, prior to PPC28 of the 287 hectares, the total area zoned for Rural- Lower Density Small Holdings subdivision was 44 hectares while the balance (243 hectares) was within the Rural Zone. PPC28, as approved by the Environment Court, and now being the subject of Schedule X, includes:
- 131 hectares of Rural land;
 - 38 hectares of Open Space and Recreation land;
 - 16.2 hectares of Residential – Higher Density land;
 - 21.3 hectares of Residential – Standard Density land;
 - 38.77 hectares of Residential Lower Density land;
 - 32 hectares of Residential Lower Density (Backdrop Area) land
 - 1500m² of Suburban Commercial land
- Of the 107 hectares zoned residential, 21 hectares within that Zone is located within the Revegetation Overlay.
- 125 STM commented that it was not aware through the PPC28 process of the severely contaminated HAIL site or that the developer proposed to re-route Kākā Stream through that site. There was also said to be no mention in the PPC28 process of the proposal for a retirement village to take up a large part of the Site. The Panel has reviewed relevant material considered during the PPC28 process which contains various references to the presence of a HAIL site (sheep dip area). In particular the matter was the subject of a report under s 42A of the RMA and was also acknowledged in a joint witness statement from the planning experts.

⁴⁸ CI 17(1), Sch 5 of the Act

126 With respect to the comments about lack of knowledge about a retirement village, the Panel notes that PPC28 included the provision for land zoned for Residential - Higher Density Area purposes, as well as Rule X.2 (Schedule X) that provided specifically for comprehensive housing development. The Panel considers that the construction of a retirement village within the area zoned Residential - Higher Density is consistent with the activities permitted by such zoning. Moreover, the specific use of the land for a retirement village certainly falls within the uses envisaged by the term comprehensive housing development.

127 STM has also made comments about erosion and contamination as follows:

Contaminant discharges from urban activities, including sedimentation, and sediment disposal to sensitive receiving environments including water bodies and the coast, are identified as a resource management issue for the region...

The PPC28 site in particular has many challenges for erosion and sediment control, associated with clay soils, steep contour in some locations and the sensitive receiving environments.

128 The Applicant, in its response, acknowledged that the Site posed some challenges in terms of clay soils, steep slopes, as well as discharging water into a sensitive receiving environment. On this topic the wider context is important.

129 Policy RE6.i of Schedule X - The Plan Change and the Nelson Tasman Future Development Strategy identified the Maitahi / Mahitahi Bayview area as being suitable for accommodating future development as an expansion of Nelson's urban area to provide for population growth and meet consequential housing demand. Moreover, in its decision on erosion and sediment control considerations regarding PCC28, the Environment Court found (at [3]):

- The PPC 28 site is relatively low risk from an erosion and settlement control perspective; and
- There remains erosion and sediment risk associated with development on the site, but the magnitude of this risk is small and it is appropriate to manage that risk by way of plan provisions.

130 The Panel also observes that the Environment Court gave detailed consideration to the topic of erosion and sediment risk. Because of its relevance to a number of topics discussed later, the Panel cites the following paragraphs by way of important context:

[12] The IHP report was extensive and comprehensive. Many of the findings of the commissioners have not been challenged on appeal and the refined and focused case put forward to us by the appellant. We are also able to have confidence in the findings of the commissioners because we were provided with the evidence that was in front of the IHP and upon which they relied. We refer to findings of the commissioners where necessary and this decision.

...

[20] The approach of identifying areas for zoning in a structure plan incorporated in a schedule is consistent with how other site specific rezonings are dealt with in the NRMP. We comment that the proposed structure plan for PPC28 is in considerably more detail than the other examples in the NRMP.

...

[89] We make the following findings on the technical evidence and submissions before us concerning erosion and sediment control:

- (a) the Mahitahi / Maitai River and Kākā Stream are important and sensitive receiving environments. The Mahitahi is highly valued as a recreational resource close to Nelson city. It has significant value from a cultural perspective;
- (b) we accept the evidence of Mr Foley that the PPC28 site is significantly geologically different from many other areas in New Zealand. Clay content is one of the main drivers of sediment risk. Clay makes up a relatively small proportion of the PPC28 soil. We accept the applicant's evidence that the PPC28 site is relatively low risk from an erosion and sediment control perspective;
- (c) The PPC28 structure plan has been developed by the applicant's consultants incorporating a risk-based approach to the determination of appropriate zoning and overlays. We find that a high level sediment risk analysis has been undertaken by Tonkin + Taylor and Mr Foley and that this has been reflected in elements of the structure plan;
- (d) there may be benefit in undertaking a settlement risk modelling analysis. However, we accept that undertaking the exercise now as part of PPC28 would involve a significant element of speculation. The exercise might ultimately have to be re-done once the more detailed planning is undertaken in the context of resource consenting. In terms of our assessment under s32 we find that such an approach would be neither efficient nor effective, and there will be costs of proceeding in this way but little or no benefit;
- (e) the intended direction of the policy package as we understand it is the most appropriate way to manage the erosion and sediment control risks of the development of the PPC28 site. The provisions placed the onus of managing the detail of erosion and sediment control risks on the resource consenting process. Given the relatively lesser erosion and sediment risk associated with the PPC28 site, and the approach already taken by the applicant to developing the structure plan, it is appropriate to manage residual risk in this way;
- (f) we do not accept Ms Gepp's submission that adopting PPC28 rules (and other plan provisions) would be a breach of s76(3) of the RMA. It is not correct, in our assessment, to view the proposed PPC28 rules as "deferring" the assessment of erosion and sediment effects to the resource consenting stage. We have found that the PPC28 structure plan has been developed incorporating a risk-based approach to the determination of appropriate zoning and overlays;
- (g) we accept that there remains erosion and sediment risk associated with development on the site. However, we assess the magnitude of this risk as small. This residual risk is appropriate to be managed by way of plan provisions which, amongst other matters, govern further resource consenting. Section 76(3) is an obligation to have regard to actual and potential effects on the environment of activities including, in particular, any adverse effect. We have extensive regard to the potential adverse effects of erosion and sediment generation in this decision. Section 76(3) does not impose any threshold that must be met before a rule can be adopted;
- (h) we accept Ms Gepp's submission that NPS-FM cl 1.3(1) - Te Mana o Te Wai - requires a high degree of confidence that land use changes will not result in the loss of freshwater values. We are satisfied that the combination of the process that has adopted by the applicant and developing PPC28 and the proposed plan provisions (*provided* these provisions can be modified as we indicate in this decision) will achieve this high degree of confidence.

131 A number of respondents suggested that urbanisation of the Kākā Valley has been strongly opposed by the local community. The Panel has reviewed the report of the Independent Hearing Panel and notes that it received a large number of submissions on PPC28 both in support and in opposition. The Applicant has drawn the Panel's attention to the comprehensive review by the Independent Hearing Panel of all submissions on PPC28, both in favour of and against the plan change. PPC28 was approved by NCC and then subsequently by the Environment Court. In short, the Site has now been rezoned with subdivision and development being required to be in accordance with Schedule X as discussed above. Urban development of the land according to the provisions of Schedule X is now enabled.

132 By way of additional contextual background to the Application, the Panel refers to several extracts from the Independent Hearing Panel's Recommendation Report regarding amenity and construction effects concerns. In terms of amenity, the Report stated:

11. We accept if PPC 28 is approved and developed, it would result in a significant change to the current environment and would have a range of impacts – both positive and potentially adverse. The issue we had to determine was whether PPC 28 would result in the promotion of sustainable management as required by s5 of the Resource Management Act 1991 (RMA), having evaluated it in terms of statutory RMA planning documents (which we address in some detail in the report). We have found that PPC 28 will, subject to the plan provisions we have recommended, meet the purpose of the RMA.
- ...
13. The NPS-UD also acknowledges that urbanisation can result in significant changes which will affect (detract from) some people's amenity values, but may improve others. The NPS-UD states that those changes that may detract from some people's amenity values, are not of themselves an adverse effect. Many of the opposing submitters considered that their amenity values would be adversely affected due to the urbanisation of this area, and the impact it would have on landscape, green/open space and recreational values. We address these aspects in detail in the sections on "Landscape, visual amenity and natural character" and "Open space and recreation".
14. From a 'landscape, visual amenity and natural character' perspective, we have found that in many respects these elements of the environment will be improved, but accept it will be different from that which currently exists. The PPC 28 land within Kākā Valley will enhance the landscape values of Kākā Stream and maintain those associated with the Maitahi/Mahitahi River. The landscape values of Kākā Hill will be maintained and enhanced by retaining its Rural zoning, through future revegetation and the stringent rules relating to any development. The Open Space Recreation Zone and the Residential Zone - Lower Density (Backdrop) Area on Botanical Hill will maintain the landscape values of Botanical Hill. In relation to the Malvern Hills, native vegetation will be enhanced and the associative values increased.
15. From an 'Open space and recreation' perspective, the Applicant acknowledged, and many submitters pointed out, that the Maitahi/Mahitahi Valley downstream of Kākā Valley contains a large number of popular reserve areas and recreational activities⁶. While current users may notice an increased use of the existing green spaces and recreational areas, there will be no reduction of access to them. There will, in fact, be an increase in publicly accessible green space as the Kākā Valley land is privately owned with no current formal public access to it. We find this to be entirely consistent with RMA sections 6(d), 7(c) and 7(f), and objective 1 and policy 1 of the NPS-UD requirement for well-functioning urban environments to *have good accessibility for all people between housing, jobs, community services, natural spaces and open space, including by way of public or active transport*.
16. We have had regard to community expectations as set out in the NRPS. This has particularly been in terms of 'amenity values', and the impact PPC 28 would have on them, given the existing environment would change. We have not agreed with many submitters, including STM, about "the community" and the amenity values held by it.

133 With respect to construction, the Report added:

30. The increase in traffic that would be generated by PPC 28 (construction and urban development) was a significant matter raised by submitters. While many submitters questioned if the road network could cope with the increased traffic, there was a high level of agreement between the traffic experts, including Mr James for STM, in relation to the capacity of the roading network. We accept the outcome of the expert conferencing sessions and their evidence
- ...
934. We accept that if the plan change is approved, and the area is developed as provided for in PPC 28, there will be construction and effects arising from that. Those effects will be addressed in terms of the existing NRMP provisions, and those relevant in PPC 28.

935. Construction effects are generally a consequential effect arising from rezoning and cover a range of different effects. The other sections of this report set out the relevant statutory and policy provisions relating to these different effects.

134 Further matters raised in the comments by the respondents, either in the comments provided under s 53 or in response to the invitation to comment under s 70, have been addressed when specific topics are dealt with later in this decision.

Plan Change 28 and Plan Change 29 Context

135 The Panel considers it appropriate to comment briefly on the recent decision on Plan Change 29 (Housing and Hazards)(**PC29**), noting that significant portions of PC29 were ultimately declined by Council on 5 July 2025. The primary basis for declining the change was that PC29 did not give effect to the amenity outcomes sought under the NRPS, particularly where there was debate as to whether the projected demand for new dwellings had been over estimated in PC29.

136 The PC29 decision⁴⁹ confirmed that PPC28 was ringfenced, meaning that it would not be directly impacted by the decision on PC29. The Panel has also received communications from both the Applicant and NCC confirming this position.

137 In addition to the comments received from the respondents and replied to by the Applicant, and the operative zoning has already been enabled by PPC28, the Panel considers that Policy 2 of the NPS-UD remains relevant as set out in paragraph 167 of the PC29 decision. Policy 2 of the NPS-UD requires Councils to provide 'at least' sufficient capacity to meet expected demand for housing and business over the short, medium and long term. This indicates a policy intent to enable greater development capacity than is necessary to meet demand as a means of improving housing affordability and competitive land and development markets' and enabling more people to living close to centres, public transport and areas of high demand (as set out in Objective 1 – 3 of the NPS-UD). Therefore, the proposed development of the project area established under PPC28 is considered to align with the NPS-UD, regardless of any debates with regard to the 'need' for this development to help address housing demand.

PART D: IWI AUTHORITIES

Section 18 Report for a Listed Project

138 The Ministry for the Environment provided a report under s 18 in accordance with s 49 of the FTAA.⁵⁰ The report identified the following Treaty settlement Acts as being relevant to the Application:

- a. the Ngāti Toa Rangatira Claims Settlement Act 2014;
- b. Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Maui Claims Settlement Act 2014; and

⁴⁹ Section 15.7, paragraphs 240-241

⁵⁰ Treaty settlements and other obligations (Section 18) report, Ministry for the Environment, 10 April 2025.

- c. Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014.
- 139 The Report authors have not identified any documents that the Panel must give the same or equivalent effect to under s 82. Nor are there any procedural requirements that the Panel must comply with under schedule 3, clause 5 of the Act.⁵¹
- 140 The Report identified the following as being both iwi authorities and Treaty settlement entities:
- a. Te Rūnanga o Toa Rangatira Inc, representing Ngāti Toa Rangatira
 - b. Te Ātiawa o Te Waka-a-Māui Trust, representing Te Ātiawa o Te Waka-a-Māui
 - c. Ngāti Apa ki Te Rā Tō Charitable Trust, representing Ngāti Apa ki Te Rā Tō
 - d. Rangitāne o Wairau Settlement Trust, representing Rangitāne o Wairau
 - e. Te Rūnanga o Ngāti Kuia Trust, representing Ngāti Kuia
 - f. Ngāti Rārua Settlement Trust, representing Ngāti Rārua
 - g. Te Pātaka a Ngāti Kōata, representing Te Ngāti Kōata
 - h. Ngāti Tama ki Te Waipounamu Trust, representing Ngāti Tama ki Te Tau Ihu
- 141 Seven of the eight relevant Treaty settlement entities identified above have a statutory acknowledgement over the Maitai River and its tributaries. The exception is Ngāti Apa ki te Rā Tō.⁵² In addition to a statutory acknowledgement, Ngāti Toa Rangatira, Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, Ngāti Kuia, and Rangitāne o Wairau also have a deed of recognition over the Maitai River and its tributaries.⁵³

Substantive Application Information

- 142 The Applicant outlined the consultation undertaken with Te Tau Ihu iwi authorities through both the earlier PPC28 process, as well as in the course of developing this Application. Also, recorded was all the consultation and engagement with Te Tau Ihu iwi from 2020-2025. The forms of engagement included written correspondence, hui, site visits and circulation of draft plan change information for PPC28. In regards to iwi involvement with the Application, further hui and written communication provided opportunities for iwi to raise any concerns. Key documents are the cultural impact assessment by Ngāti Koata, and a statement of cultural values from Ngāti Tama.
- 143 The Panel recognises the deep involvement of Ngāti Koata with the Application and acknowledges that it is a majority shareholder. The Panel accepts from the material

⁵¹ Treaty settlements and other obligations (Section 18) report, Ministry for the Environment, 10 April 2025, paragraph 9.

⁵² Treaty settlements and other obligations (Section 18) report, Ministry for the Environment, 10 April 2025, paragraph 34.

⁵³ Treaty settlements and other obligations (Section 18) report, Ministry for the Environment, 10 April 2025, paragraph 42.

supplied by the Applicant in support of the Application that the requirements of cl 5 of Schedule 5 of the FTAA has been complied with. Indeed, none of the iwi entities suggested otherwise.

Comments Invited under s 53

- 144 The Panel invited comments from the following iwi authorities and Treaty settlement entities under s 53(2)(b) – (g):⁵⁴
- a. Te Rūnanga o Toa Rangatira Inc;
 - b. Te Ātiawa o Te Waka-a-Māui Trust;
 - c. Ngāti Apa ki Te Rā Tō Charitable Trust;
 - d. Te Pātaka a Ngāti Kōata;
 - e. Te Rūnanga o Ngāti Kuia Trust;
 - f. Ngāti Rārua Settlement Trust;
 - g. Ngāti Tama ki Te Waipounamu Trust; and
 - h. Rangitāne o Wairau Settlement Trust.
- 145 Comments were received from Ngāti Koata, advising that most of the matters raised by the Ngāti Koata Trust have been addressed by the Applicant. One residual matter of concern was the contaminated nature of the soil present in the vicinity of the former sheep dip. The comments considered that, leaving it in its present condition, contaminated by arsenic and dieldrin, would not be a responsible option. Accordingly, Ngāti Koata sought that the Applicant ensures that the issue of soil contamination is addressed, preferably by its removal, remediation and appropriate disposal of any HAIL site contamination. Such an outcome would achieve an environmental benefit considerably better than the status quo.

Comments from Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development

- 146 Pursuant to s 70 of the FTAA, the Panel invited comments on its draft conditions from the Applicant, NCC, and every person or group that provided comments pursuant to the earlier section 53 stage of the process. A total of eight responses were received from the following parties:
- a. The Applicant;
 - b. NCC;
 - c. Gary Scott;
 - d. Minister for Transport;

⁵⁴ Minute 4, 26 May 2025.

- e. Peter Olorenshaw;
- f. STM;
- g. DG-C; and
- h. Forest and Bird.

147 Of the responses received, there were no comments of any relevance or materiality on any of the draft conditions that related to cultural values, iwi engagement, Māori development or other matters directly concerning iwi. The Panel, therefore, opted to provide a copy of its draft decision and draft conditions to both the Minister of Māori Crown Relations: Te Arawhiti and Minister for Māori Development for comment pursuant to section 72 FTAA. The Ministers were allowed 10 working days in which to provide any comments on the draft decision or any of the other matters referred to in s 72(2).

148 On 2 September 2025 the Panel received a response from The Honourable Tama Potaka in his capacity as both Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development stating:

I support the application subject to ongoing engagement between the applicant and Te Pātaka a Ngāti Kōata on the appropriate remediation, containment, removal and disposal of the contaminated soil identified; and ongoing engagement with the identified Māori groups, particularly those groups with statutory acknowledgements over the Maitai River.

149 The Panel is grateful to the Minister for this response. It is satisfied that the matters raised have been fully taken into account in the development of the final condition sets settled by the Panel.

Treaty Settlements and Recognised Customary Rights

150 Sections 7 and 8 FTAA provide inter alia that all persons performing or exercising its role under the FTAA must act in a manner that is consistent with the obligations arising under existing Treaty settlements. Section 82 of the FTAA applies if a Treaty Settlement or other customary rights apply to an approval sought in an application. The Panel notes that the report prepared by the Ministry for the Environment relating to the Application under s 18 of the FTAA posits that the process of inviting comments from iwi and Treaty settlement entities under section 53(2) (which is comparable to the related process under the RMA) would ensure that the Panel was meeting any obligations under section 7.

151 As noted in Part B, the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under section 72 FTAA. The Minister for Māori Development provided comments that supported the Application, subject to any comments received from the relevant Māori groups identified in both the s 18 report developed by the Ministry for the Environment and the list of persons invited to comment attached to Minute 4 from the Panel.

152 The significance of the Maitai (Mahitahi) River and its tributaries to iwi of Te Tau Ihu are formally recognised in the Te Tau Ihu Statutory Acknowledgements 2014. All of the iwi of Te Tau Ihu, except Ngāti Apa ki te Ra To, are part of these Statutory

Acknowledgements over the Maitai River and its tributaries.⁵⁵ The recommendations from the Independent Hearings Panel acknowledged the consultation undertaken with all iwi in recognition of the Statutory Acknowledgements as a part of PPC28:

- 13.1 Te Tau Ihu Statutory Acknowledgements 2014.
101. The Te Tau Ihu Statutory Acknowledgements 2014 are attached to the RPS, NRMP and the NAQP. The eight iwi to the Statutory Acknowledgements are:
- Ngāti Kuia
 - Rangitāne o Wairau
 - Ngāti Koata
 - Ngāti Rārua
 - Ngāti Tama ki Te Tau Ihu
 - Te Ātiawa o Te Waka-a-Māui
 - Ngāti Toa Rangatira
 - Ngāti Apa ki te Rā Tō
102. Statutory acknowledgements recognise the particular cultural, spiritual, historical and traditional association of an iwi with an identified site or area. They also require specific consideration within RMA processes, in respect of determining affected parties under s95E and the provision of summaries of any resource consent applications within, adjacent to, or directly affecting a statutory area.
103. The Te Tau Ihu Statutory Acknowledgements 2014 include Statements of Association for the eight Iwi within Te Tau Ihu. As the Applicant has identified, a Te Tau Ihu Map website has been established, showing the statutory acknowledgement areas and the relevant Iwi interests. All but Ngāti Apa have statutory acknowledgements over the Maitai / Maitahi / Mahitahi and its tributaries.
104. As noted in the Māori cultural values section below, all eight iwi were consulted with about the Project and responded positively noting their support for provisions which would allow them to provide further cultural evaluation (should they determine it is required) in the consenting process. Submissions in support of PPC 28 were received from Ngāti Koata Trust [S303], Ngāti Kuia [S305], Ngāti Toa Ki Whakatū [S304] and subsequently Te Ātiawa Trust [S328] with Ngāti Rārua [S314] providing a supporting submission in part.

- 153 Of particular note, Policy RE6.2 has direct relevance to Māori, including the iwi of Te Tau Ihu that have actively taken the opportunity to provide input over the last 5 years of consultation:

Policy RE6.2 Whakatū Tangata Whenua Values

Ensure subdivision, use and development of the Maitahi/Mahitahi Bayview area recognises and provides for cultural values and mātauranga Māori through:

- a. Recognition of the customary interests, values, rights and responsibilities exercised by Whakatū Tangata Whenua in a manner consistent with the sustainable management of natural and physical resources;
- b. The protection of Kākā Hill's natural and spiritual values in a manner that respects its cultural significance and the customary interests, values, rights and responsibilities exercised by Whakatū Tangata Whenua;
- c. Ensuring that subdivision and development reflects Whakatū Tangata Whenua values, and enables the exercise of kaitiakitanga; and

⁵⁵ Ngāti Apa does not have a statutory acknowledgement over the Maitai River and its tributaries, however Ngāti Apa was included in the engagement with the iwi of Te Tau Ihu during PPC28 and this Application.

d. Ensuring that Whakatū Tangata Whenua are involved throughout the subdivision and development process.

- 154 The Cultural Impact Assessment accompanying the Application clearly demonstrates that the Application is consistent with this policy. Further analysis of cultural effects are addressed in Part F of this decision. Suffice to say that the Panel is satisfied that the Application will deliver on the matters of importance to iwi including remediation of the contaminated land, ecological restoration, improvement in mauri of waterbodies, opportunity to reconnect with whenua, housing opportunities for Ngāti Koata and creation of a cultural hub to call their own. The condition sets in **Appendix A** ensure that iwi and their cultural values are at the core of the Project and are delivered by it.

PART E: PRINCIPAL ISSUES IN CONTENTION

- 155 The principal issues in contention are:
- a. proof of regional or national benefits and whether they are significant;
 - b. the extent of the regional or national benefits;
 - c. nature and scope of any adverse impacts;
 - d. requirements around remediation of contaminated soil;
 - e. inclusion of a landfill (with encapsulation cell) within the Site;
 - f. addressing issues concerning freshwater fisheries activities;
 - g. existence of additional wetland area;
 - h. nature of any conditions to be imposed on the consents; and
 - i. application of proportionality test in s 85 of the FTAA.
- 156 Each of these issues has been addressed in the appropriate sections of the decision and not necessarily in the order listed above.

Inclusion of a Landfill within Scope

- 157 STM in its comments⁵⁶ stated that there was no reference to a “landfill” in the listed application on the basis that the landfill/encapsulation cell component was not specifically mentioned in the overall project description which they cited as follows:

Develop approximately 180 residential dwellings (50 to be Ngāti Koata iwi-led housing), a commercial centre, and a retirement village (approximately 194 townhouses, 36 in-care facility units, a clubhouse, and a pavilion).

- 158 STM noted that a person may lodge a substantive application for consent for a “project” which means the project as described and any activity that is involved in, or that supports and is subsidiary to, the project. STM argues that the limits to which an

⁵⁶ STM s53 Comments - Paragraph 94.

activity “supports or is subsidiary to a listed project” should not extend to the landfill/encapsulation cell component of this project. It considers that a “landfill” is an industrial activity and not covered by the scope of the approval sought in the application. The Panel addresses the questions raised by these comments below.

Is the activity really a “landfill”?

159 The Applicant has applied for consent to carry out this activity in relation to both the NRMP, and the National Environmental Standards for Contaminated Sites. Each of these falls under the RMA.

160 Under the NRMP, the definition of landfill is relatively general and means:

a waste disposal site used for the controlled deposit of solid materials onto or into land.

There are no permitted standards for landfills in the NRMP. Under Residential Zone Rule REr.61A.3, the most lenient standard is for a restricted discretionary activity if criteria are met. Otherwise, the activity falls to a fully discretionary status. Rule REr.61A.3 is set out below:

REr.61A.3

Landfill activities are restricted discretionary activities if:

- a. the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m³; and
- b. the landfill accepts only cleanfill material.

161 The Panel considers that, as there is no dispute that the soil is contaminated, it cannot be classified as “cleanfill” and is properly classed as a discretionary activity as proposed by the Applicant.

162 While the activity broadly fits under the definition of a “landfill” under the NRMP, in reality the activity is the relocation and retention of primarily surplus clean soil, as well as accommodating an encapsulation cell for contaminated soil within the Site. On this basis it is not a typical landfill which would potentially be subject to other legislation and regulation e.g. the Waste Minimisation Act 2008.

Is the activity in support or subsidiary to the listed project?

163 The Applicant has been clear in the Application, and its activity status table, that it is applying for the deposition of contaminated soil which will be managed in an encapsulation cell. The Applicant has provided an assessment including a remediation action plan which specifically discusses this activity.

164 This encapsulation cell is part of the remediation and mitigation of the contaminated HAIL area, which is required to enable the realignment of Kākā Stream and the wider development to proceed. Therefore, the Panel is satisfied that it is an activity that is in support of, or subsidiary to, the wider development.

165 The Panel also finds that retaining contaminated soil on a site in some form of encapsulation cell or other method to manage the risk is common. It is in fact directed by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**) as a preference (by way of more permissive limits) to removing contaminated soil off-

site. Where it must be removed off-site, then it must go to a facility with the appropriate consents to receive that level of contaminated material.

- 166 The Panel finds on the facts that the retention of contaminated soil onsite is not an industrial activity and does not accept the interpretation as advanced by STM. Based on STM's argument, any retention of contaminated soil on a residential site would be an industrial activity. This cannot be correct and is not how the Panel understands councils around the country apply this regulation. It would be different if the underlying activities were industrial in nature e.g. whereby material was being deposited onto the Site from other sites more akin to a traditional landfill. This is not the case here.

Overall Conclusion

- 167 Based on the information provided, the Panel finds that the "landfill/encapsulation cell" proposal is clearly within scope of the approvals being sought by the Applicant.

PART F: EVALUATION OF EFFECTS ON THE ENVIRONMENT

- 168 Clause 5(4) of Schedule 5 of the FTAA requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. These matters include:
- (a) an assessment of the actual or potential effects on the environment:
 - (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:
 - (c) if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
 - (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:
 - (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:
 - (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:
 - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:
 - (h) an assessment of any effects of the activity on the exercise of a protected customary right.
- ...
- (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:
 - (b) any physical effect on the locality, including landscape and visual effects:
 - (c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
- (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:
- (f) the unreasonable emission of noise:
- (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

169 The Applicant's Assessment of Environmental Effects provided a summary of the effects at section 5, derived from the various supporting technical documents. Participants who commented also raised a range of actual and potential effects.

170 The following main categories of actual and potential effects on the environment will be considered:

- a. Remediation of contaminated land
- b. Cultural
- c. Three waters infrastructure and servicing
- d. Transport network
- e. Historic heritage
- f. Earthworks, reclamation and geotechnical
- g. Economic
- h. Noise and vibration
- i. Landscape, visual amenity and natural character
- j. Open space and recreational values
- k. Ecology
- l. Air quality; and
- m. Flooding.

171 The Panel has addressed these topics thematically throughout the discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Project, and any adverse impacts, as noted in Part I: Regional and District Planning Framework.

172 In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*.⁵⁷ The environment includes that which presently exists. It also

⁵⁷ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

...embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.⁵⁸

Remediation of Contaminated Land

- 173 The Site has three areas that are listed on the Hazardous Activities and Industries List (**HAIL**), including a wool shed and sheep treatment area, runout area (referred to as the 'southern paddock') and the former homestead. Previous investigations undertaken by Envirolink, documented in the draft Remediation Action Plan⁵⁹ authored by Ms Colvin and Mr O'Cain, lodged with the Application, concluded that contaminants in the soil at the Site posed a potential risk to human health and the environment and that remediation would be required to facilitate the proposed development.
- 174 The issue that attracted the most attention from those invited to comment was the proposed remediation of the former sheep dip and woolshed and the proposed redirection of Kākā Stream in the proximity of this area. The approach suggested by the Applicant was as follows:
- a. soil dieldrin source removal and isolated;
 - b. additional soil and groundwater investigation to:
 - i. delineate impact to more accurately define the extent and volume of soil requiring remediation and management;
 - ii. determine a methodology for groundwater remediation if deemed necessary;
 - c. excavation and disposal of contaminated soil from within the proposed esplanade reserve;
 - d. dewatering and treatment where encountered;
 - e. where unsuitable for re-use in the wider development (e.g. recreational reserves), contaminated soil will either be:
 - i. disposed of at a facility authorised to accept it, or;
 - ii. placed within a suitably located, on-site, engineered, encapsulation cell; and
 - f. site validation and reporting, including a site validation report and long-term management plan.
- 175 As part of the Application, the Applicant also provided a technical review of the RAP v.2

⁵⁸ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

⁵⁹ Attachment 8.1 of Application - Envirolink - Remedial Action Plan v.3 - Dated February 2025

prepared by Envirolink. This review was prepared by HAIL Environmental⁶⁰, and authored by Dr Bull. In summary, the comments by Dr Bull were:

- a. the draft RAP approach is feasible and understandable;
- b. the general issues are well established;
- c. there seems no more risk of unexpected discoveries than would usually be the case on a remedial project;
- d. there are some risks to the integrity of the RAP due to information limitations including: soil volumes that exceed criteria for dieldrin, disposal options, lateral and vertical depth of contaminated soil, design constraints for the encapsulation cell, costs and benefits of removal and encapsulation, remedial criteria to be used, groundwater contamination, old stream channel acting as a preferential pathway, approach to validation, and long term management and monitoring;
- e. even with these uncertainties, there is confidence that site-specific remedial criteria could be developed;
- f. ANZG 'DGV' toxicant default guideline values for sediment quality should be used within the RAP;
- g. further groundwater monitoring should be extended to include upgradient and downgradient bores; and
- h. indications to be provided within the RAP if contaminant concentrations are unsatisfactory.

176 Envirolink, provided a response⁶¹ to the technical review of HAIL Environmental which resulted in amendments to the RAP. These amendments resulted in RAP v.3 which was ultimately the version lodged with the Application. Most of the responses referred to additional investigations that would be undertaken as part of the updated RAP.

Comments Received

177 Many of the comments expressed concern at the presence of the contaminated soil, the proposed management of it and the risk to water quality (groundwater, Kākā Stream, and Dennes Hole at the confluence of Kākā Stream and the Maitai River) and ecology. Many comments sought a monitoring regime with water and sediment testing, or the relocation of the stream away from the area of known contamination.

178 Ngāti Koata stated that one residual matter of concern is that the soil contamination is addressed, preferably by its removal, remediation and appropriate disposal of any HAIL site contamination. This would achieve an environmental benefit considerably better than the status quo.

179 STM referred generally to contamination risks to the Kākā Stream and filed a technical

⁶⁰ Attachment 8.2 of Application - Site contamination specialist review of remedial action plan, HAIL Environmental, 4 February 2025.

⁶¹ Attachment 8.3 of the Application – RAP Report Review HAIL Environmental, Envirolink, 5 February 2025.

review of the contaminated land issues by EHS Support, authored by Mr Hunt. The technical review considered that a significant amount of additional investigation, assessment and design work was needed before the RAP could be finalised and cited the following key issues of concern:

- a. the spatial distribution (extent) of contamination (both horizontally and vertically) was not fully documented. This may have implications on the scale and effects of the remedial works and the associated;
 - b. only a crude groundwater investigation had been undertaken, and so the current level of contamination is not fully documented;
 - c. the ecological sediment cleanup values appear not to consider contaminant bioaccumulation. Consequently, the extent of remediation required may be greater than initially projected. This situation has been exacerbated by the choice of detection limit for organochlorine pesticides used in the Detailed Site Investigation relative to the ecological cleanup criteria that will be required;
 - d. the location of the contaminated soil repository had not been investigated, nor has a detailed design been prepared;
 - e. resilience issues (due to climate change and geologic hazards), particularly with the residual contamination left in place within the Kākā Stream and Linear Reserve alignment (which may be subject to erosion) and the repository (which may be subject to geologic hazards), have not been considered; and
 - f. only a high-level RAP had been prepared and will need to be updated and made more prescriptive once additional investigation/design information is available.
- 180 Forest and Bird expressed concern that the extent of highly contaminated area had not yet been determined. The effectiveness of removal in ensuring the remediated site is safe for human and ecological health was cited as appearing uncertain with consent conditions lacking detail on monitoring requirements and response. It also considered that there were uncertainties with the encapsulation cell including location, long-term integrity, monitoring and maintenance. Forest and Bird also considered that groundwater contamination and continual leaching remained a material risk. The potential role of the old stream channel beneath the woolshed as a preferential pathway for contaminant migration was also raised as needing further investigation, as recommended by HAIL Environmental and acknowledged by Envirolink.

Applicant's response to comments

181 The Applicant responded⁶² to the comments and updated the Envirolink RAP (to version 4) to address many of the matters identified, particularly some of the data gaps raised in Mr Hunt's review as follows:

- (a) *Lack of Background Data Quality* – This is not considered necessary at this stage as it is more relevant to waste management i.e. determining how excess material will be managed and disposed of. However, samples collected as part of the DSI provide some indication of background

⁶² Section 53 Comments – Applicant Response to comments, 11 July 2025.

concentrations;

- (b) *Vertical and lateral extent of contamination not fully defined* – This will be determined during additional investigation and during soil validation requirements post remediation;
- (c) *Former Kākā Stream channel as a preferential pathway not investigated* – The former alignment is believed to have been along the base of the adjacent hill and not through the remediation area. If it is a pathway, attenuation is likely to be great, particularly for dieldrin which is relatively immobile. This situation would also be occurring already and won't be able to be improved until the contamination is removed;
- (d) *No investigation of organochlorine pesticide (OCP) contamination* – Target remedial criteria has been proposed and where necessary, validation samples will be analysed at 'trace' detection limits;
- (e) *No Total Organic Carbon (TOC) analysis has been conducted* – TOC will be included in future analysis and validation samples to ensure the future ecology of the stream is fully protected;
- (f) *Groundwater contamination assessment is limited* – Two rounds of groundwater sampling have been undertaken. The results indicated that groundwater has been affected close to the treatment facility and the RAP consequently proposes additional monitoring wells to be installed and monitoring as part of the conditions;
- (g) *A more robust set of ecological cleanup criteria needs to be derived* – The ANZG value limitations are appreciated but they are considered appropriate in the absence of alternatives. For water, an assessment factor of 100 has been applied during the derivation of the ANZG values to account for uncertainty i.e. 100 x more conservative than the lowest observed 'safe concentration'. It is not considered reasonable for a small project to provide a more detailed assessment than ANZG, and it is likely that no readily discoverable information will be obtained that will yield a higher certainty answer;
- (h) *Resilience issues for residual contamination and the repository* – The effects of climate change have been considered when assessing slope stability risk and are considered negligible. Infrastructure and earthworks design will consider climate change resilience issues. The site for the contaminant cell has been selected based on various environmental risks (stability, flooding, groundwater table) and will be subject to design controls; and
- (i) *The preferred management approach to high concentration dieldrin and arsenic soil has not been confirmed* – A detailed consent condition has been volunteered to address this.

182 The Applicant stated that any contaminated soil will only remain in situ if there is no appreciable risk to human health or ecology. The contaminant mass in the source areas would be removed prior to the commencement of any diversion works. Soil source removal was also cited as being the primary method to address the risk to

groundwater, the proposed stream alignment, and all downstream watercourses. This would be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of such remediation would include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the proposed stream once constructed. No diversion of water into the newly aligned Kākā Stream tributary would occur until a Site Validation Report has been reviewed and certified by Council. The design of the new streambed would also minimise the potential for the stream channel to intercept underlying natural groundwater levels in most conditions.

- 183 The Applicant also provided a further report from HAIL Environmental to review the updated RAP v.4 and other related documentation⁶³.
- 184 In its second report, HAIL Environmental stated that the key indicator contaminants are arsenic and dieldrin, with the dieldrin concentrations in topsoils at the dip being so high that, when excavated, they will be considered persistent organic pesticide wastes under the Stockholm Convention.⁶⁴
- 185 The RAP provides that excavated soil exceeding the Stockholm low content limit for dieldrin will be stored on site in accordance with hazardous substance regulations, pending EPA approved disposal. The usual solution for such waste for New Zealand is disposal to a high temperature incinerator in France, although there may be other solutions within New Zealand. Excavated soil that meets generic managed fill guidelines will be moved to a containment cell within the development, further up the catchment. The containment cell will sit within a much larger volume of excess excavated material from uncontaminated areas of the Site, with monitoring of water levels inside and outside to confirm its integrity.
- 186 All soil samples undertaken by Envirolink indicate that dieldrin (and the related compounds aldrin and endrin) have the highest concentrations in silty topsoil around 0.3 m in depth at, and immediately around, the dip. Arsenic is also high in these soils, and even higher in the underlying silt. Dieldrin concentrations generally appear to decrease rapidly with depth and with distance from the sheep-dip, but arsenic attenuates more slowly.
- 187 HAIL Environmental noted that the RAP provided that, in addition to the excavations for the channel and wetlands, the immediate vicinity of the dip will be further excavated to 2 m depth. The RAP required soil validation of the entire excavated area by sampling and analysis for arsenic and dieldrin. Arsenic and dieldrin remaining within the new stream channel must meet the ANZG default sediment quality guidelines, which respectively are 20 mg/kg and 0.0028 mg/kg per 1 % of organic carbon. The RAP required (conservatively) that arsenic within the wetland area meet the Soil Contaminant Standards protective of commercial outdoor workers, 70 mg/kg, and dieldrin must meet the Stockholm low content limit of 50 mg/kg. If these criteria are not met, there is provision to remove additional material to a further 0.5 m depth. Reinstatement can then begin.
- 188 It was proposed that the new stream channel would pass within about 15 m of the sheep-dip location, and would provide a variety of in-stream and riparian habitats that

⁶³ Report following Comments and Responses, HAIL Environmental, 16 July 2025.

⁶⁴ Report following Comments and Responses, HAIL Environmental, 16 July 2025, paragraph 4.

may include meanders, riffles, pools, boulders, riprap and pinned logs. These works would be done "offline" with the excavation and reinstatement being completed before the stream is redirected into the new channel. The sheep-dip footprint is within the proposed footprint of one of the stormwater wetland basins. The proposed works are expected to remove the bulk of the dieldrin contamination, likely more than 99 % of it by mass. The remainder would be covered over with an impermeable clay liner. Much of the arsenic contamination would also be removed with the removal of the source soil material.

- 189 Stream realignment would not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met). On this basis, HAIL Environmental are satisfied that more than minor adverse effects are unlikely.
- 190 Turning to groundwater, testing has confirmed that arsenic is almost absent from the groundwater and it meets the drinking water standard of 10 µg/L. HAIL Environmental attributed this to arsenic strongly binding to iron oxides in the subsoil and the Site soils having high levels of iron. Dieldrin is poorly soluble and has a high affinity for organic matter, which accounts for its strong retention in the topsoil. However, groundwater around the sheep-dip currently exceeds the ANZG criterion for dieldrin (by some margin as the ANZG criterion is 0.01µg/L), and the groundwater flow direction at the time of monitoring events has been toward Kākā Stream.
- 191 The most effective solution would be the removal of the majority of the dieldrin which will ensure that groundwater concentrations will diminish over time. In addition, dilution with groundwater from the opposite bank and with whatever surface water comes from upstream as well as the behaviour of dieldrin which is poorly soluble will further lower the risk. With a 9,000 ha catchment and a mean annual flow of 2,350 L/s, the Maitai typically offers a dilution factor of over 50 for inflow from the Kākā Hill Tributary. HAIL Environmental accordingly considered that the risk of effects on the Maitai River itself appears negligible.⁶⁵
- 192 The RAP required that new groundwater monitoring bores be installed between the former dip location and the stream, and monitoring undertaken regularly to confirm that contaminant concentrations in groundwater are no higher than before excavation.
- 193 In summary, HAIL Environmental considered that there is little risk of the contamination affecting the stormwater wetland, and the groundwater beneath, for the following reasons:
- a. the residual contamination beneath the wetland will be covered by clean material;
 - b. the stormwater basins will necessarily be engineered to prevent groundwater ingress (both by lining and by setting the base above seasonal groundwater maximum); and
 - c. it is an artificial stormwater control wetland rather than a natural wetland serving ecological purposes.

⁶⁵ Report following Comments and Responses, HAIL Environmental, 16 July 2025, paragraph 32.

- 194 On the basis of the information obtained and the planned remediation actions, HAIL Environmental considered that more than minor adverse effects arising from contamination are unlikely.⁶⁶ In addition, it noted that the construction period would allow for further monitoring and additional intervention if required.

Conditions

- 195 The Panel, in developing the condition sets for the consents relating to the remediation of contaminated land and disposal of material within an encapsulation cell, has focused closely on the enhancement of the conditions proffered by the Applicant in v2. While these were an improvement on the initial version, the Panel considered that they did not go far enough.

- 196 Specific changes were made by the Panel and released as the draft conditions under s 70 FTAA. With regard to the remediation of contaminated land conditions, these changes included the following:

- a. a clear reference to the RAP version 4 and the requirement to undertake additional soil and groundwater investigations as set out within the RAP prior to remediation (i.e. construction of the stormwater basin and stream realignment) works commencing;
- b. the need for an Investigation, Sampling and Analysis Plan to be submitted for review by NCC prior to the commencement of remediation works;
- c. a requirement for any amendments to the RAP to be prepared by a suitably qualified and experienced practitioner and reviewed by NCC;
- d. a requirement for a Contingency Remedial Action Plan to be submitted to NCC for review, should monitoring show that the acceptable ANZG thresholds have been exceeded.
- e. the addition of surface water monitoring requirements to include the confluence of the Maitai River and Kākā Stream, as well as additional monitoring during heavy rainfall events; and
- f. a maximum cap on the length of time that any material with concentrations of dieldrin above 50 mg/kg may be stored on-site i.e. material that is not suitable for reuse on-site or the encapsulation cell.

- 197 These amendments and additions to the v2 set of conditions from the Applicant were considered necessary to provide the appropriate level of robustness and clarity, given the need for these activities to be managed with a high degree of care and responsibility. It was for this reason that suitably qualified and experienced practitioners are required to prepare all key documentation for review by NCC. These review steps have been included at all key stages, as well as to cover the situation where there are any changes to the methodology proposed by, or on behalf of the Applicant, as works progress.

- 198 The provision for additional monitoring has been included to ensure that impacts on

⁶⁶ Report following Comments and Responses, HAIL Environmental, 16 July 2025, paragraph 44.

the swimming location at Dennes Hole (a matter raised by a number of parties who provided comments) are suitably monitored during the period that any residual contamination may be working its way out as a result of the remediation works. While the contamination experts have indicated that the flows and subsequent dilution in the Maitai River are expected to be sufficient to ensure there is no risk to people and the environment, the Panel considered that this should be verified with appropriate monitoring to provide both recreational users of this area, and NCC, with greater confidence with regard to health and safety outcomes. Additional wet weather monitoring has also been required, for a two year period, to target periods where there is greater potential for mobilisation of residual contaminants to occur. Turning to the encapsulation cell/landfill conditions, the Panel proposed the following changes:

- a. greater delineation between landfill and the encapsulation cell conditions and criteria, with direct cross referencing to the RAP version 4 in relation to the encapsulation cell;
- b. increased clarity on design and review steps at key stages; and
- c. additional criteria to be specified within the Ongoing Site Management Plan – Landfill.

199 The Panel acknowledges that the exact extent and volume of contaminated soil is not known at this stage for each disposal option i.e. treatment disposal for dieldrin off site, encapsulation cell, or York Valley Landfill disposal. The Panel has therefore considered that a maximum cap for on-site storage of contaminated material with elevated dieldrin concentrations would be necessary to ensure that the Applicant remained active in its pursuit of best practice options to dispose of this material appropriately. An ongoing site management plan for the encapsulation cell would also provide ongoing monitoring requirements covering all contaminated material retained on site.

200 Similar to the remediation conditions, these amendments and additions were intended to provide the necessary level of robustness and clarity, particularly given the need for these activities to be managed with a high level of care, responsibility, and supervision. The added conditions also recognised that ongoing long term management and monitoring will be required for the encapsulation cell.

201 Any other amendments incorporated by the Panel in relation to these conditions are for the purpose of consistency, clarification, and are considered to be self-explanatory.

202 Comments on the draft conditions were received from STM⁶⁷ which sought amendments to the landfill conditions. In particular, STM sought:

- a. that the Ongoing Site Management Plan is approved before placement of any material into the encapsulation cell;
- b. the addition of an objective to the Ongoing Site Management Plan to demonstrate that effective arrangements are in place for the long-term ownership and management of the landfill;
- c. that the site specific erosion and sediment control plan (**SSЕСP**) needs to be

⁶⁷ Section 70 Comments - STM

certified by NCC; and

- d. proof of implementation of a mechanism to ensure responsibilities of the landfill are maintained in perpetuity.

203 The relevant conditions, including considerations following comments received pursuant to section 70 of the FTAA, are addressed in Part K of this decision.

Panel Findings

204 The Panel has considered the information provided by the Applicant including that prepared by Envirolink, and the helpful reviews prepared by Dr Bull from HAIL Environmental and Mr Hunt from EHS Support. Dr Bull provided the final technical review received on this topic and had the benefit of reviewing all information including that of Mr Hunt. The Panel is satisfied that the views expressed in the second HAIL Environmental report are both credible and persuasive.

205 Overall, the Panel found the assessment of Dr Bull, to be particularly valuable as it provided the Panel with the basis for practical conclusions which could be used to inform the conditions which are discussed further in Part K of the decision. The Panel accepts that the Site is highly contaminated within a localised area at present. Various reports on this topic demonstrate that the Applicant has considered a wide range of options and the removal of all contaminated soil is the most appropriate course of action. The proposal is to remove contaminated soil continually until testing confirms any residual concentrations of contaminants meet appropriate guideline values or until the risk to the environment is negligible. On this basis, the Panel is satisfied that the realigned stream course will not become "live" until the prescribed (and very low) contaminant concentrations are reached and certified via a Site Validation Report process undertaken by suitably qualified experts.

206 Subject to detailed conditions, as discussed further in Part K, the Panel is satisfied that any adverse impacts with regard to the works associated with the remediation of contaminated soil and disposal of contaminated soil within an encapsulation cell, can be mitigated to the extent that they are no more than minor. The Panel also finds that, following the proposed remediation, the result will inevitably have a positive effect on the wider receiving environment, as opposed to leaving the contamination soil in its present degraded condition.

Cultural

207 Ngāti Koata is a 35% shareholder in the project together with three other entities. The significance of this Site and its development is indicated by the fact that the ownership interest of the tangata whenua iwi in the Maitahi Village development was facilitated by the sale of 4,500ha of forestry land from another site in the Tasman region. The lack of housing for whanau in Nelson was described by Mr Toia in his presentation at the overview conference and is a key motivation for this development:

The important historical context, the real and tangible lost opportunity for Ngāti Koata whanau and their descendants with us today, fuels the aspiration, the inspiration, the determination Ngāti Koata have for this whenua and its development.

208 Mr Toia described the strong sense of "coming home" associated with this development and the fact that it will enable Ngāti Koata whanau and other families a healthy, affordable and secure home base. It also provides housing for every stage of life from

a first home to a final home. Koata House will be critical to the identity of Ngāti Koata as they do not currently have a marae of their own, although they share Whakatū Marae. Mr Toia opined that this development provides a tangible way of connecting the local Maitahi Village community to Ngāti Koata and each other. He described it as “te hāpori hononga, he kāinga whakatipuranga - a connected, intergenerational community designed with nature, culture and people at its heart.” Central to this generational connection is the fact that the Maitahi area was historically inhabited by Ngāti Koata through take tuku (rights through gifting), take tupuna (ancestral rights) and take ahi kaa roa (rights of continuous occupation).⁶⁸

209 Kākā Hill is part of the 112ha which will be gifted by the developers to Ngāti Koata and this site has significant cultural and historic values for iwi. It will be an opportunity for Ngāti Koata to reconnect with this site and lead the revegetation efforts, which Mr Toia was anticipating would also provide the new community in this development the opportunity to all contribute to together.

210 Ngāti Koata prepared a Cultural Impact Assessment (**CIA**) to support the Application which identified the following effects:⁶⁹

- a. positive effect on Ngāti Koata exercise of rangatiratanga – the process has allowed kaumatua to co-design the Ngāti Koata Cultural Design Framework which reflects iwi values, aspirations and tikanga. Design features such as pou, cultural wayfinding markers and native planting ensures Ngāti Koata’s cultural identity and historical narrative is embedded in the design. As 35% shareholders, Ngāti Koata are key decision-makers;
- b. positive effect on Ngāti Koata exercise of kaitiakitanga – the development strongly aligns with Ngāti Koata values, and actions such as the revegetation and remedying of contaminated land will restore the mauri of wai māori. Ngāti Koata Pou Taiao influenced the ecological and environmental aspects of the project. There will be a strengthened connection between people and the environment;
- c. positive effect on water quality – engaging water-sensitive design principles in the design aligns with Ngāti Koata IEMP Objective 9.20 which seeks the higher purity and restoration of waterways. Treating stormwater before it reaches the receiving environment will enhance the mauri of the Kākā Stream;
- d. giving effect to Te Mana o te Wai – the measures such as realignment of the Kākā Stream, stabilisation and native planting along stream banks and stormwater treatment wetlands will restore the health of wai māori for present and future generations;
- e. positive future effect on biodiversity – creating ecological corridors and restoring habitats for native flora and fauna supports the aspirations of Ngāti Koata to restore taonga species;
- f. positive future effect on mahinga kai – extensive restoration initiatives, including riparian and wetland planting with native species provides habitat for mahinga kai species such as tuna, inanga and kokopu. The realignment of the Kākā Stream to

⁶⁸ Cultural Impact Assessment, Ngāti Koata Trust, January 2025, section 2.6.1.

⁶⁹ Cultural Impact Assessment, Ngāti Koata Trust, January 2025, section 5.

its historical course further supports mahinga kai by improving water flow and creating stable habitats for native species. The integration of cultural markers allows the transfer of knowledge about mahinga kai practices; and

- g. effective and meaningful alignment with cultural values – the restoration of the natural and cultural integrity of Kākā Stream and its surrounding environments provides a tangible expression of mana taurite.

211 Ngāti Tama prepared a Statement of Cultural Values which described its relationship with the area and affirmed the enduring cultural, historical, and environmental significance of ngā taonga in the affected and wider area and the exercise of Ngāti Tama kaitiakitanga. While the report did not explicitly set out cultural effects, it helpfully identified the applicable principles of Ngāti Tama values, tikanga and mātauranga Māori:⁷⁰

- a. Kaitiakitanga - as kaitiaki, Ngāti Tama hold an enduring and intrinsic connection to the natural landscapes of the Maitahi catchment, including rivers, wetlands, maunga, whenua, and coastal environments. Therefore, the restoration and enhancement of Maitahi awa and tributaries is integral;
- b. Mauri - maintaining water quality, preserving biodiversity, and ensuring sustainable land-use practices uphold the mauri of all natural taonga. The integration of cultural health indicators into environmental management supports the vitality of the land and waterways for future generations;
- c. Ngā awa rivers and freshwater environments - Ngā awa are central to the identity and wellbeing of Ngāti Tama. Ngāti Tama cannot overstate the importance of maintaining and improving the mauri of awa and tributaries such as Kākā stream through sustainable management of wai, riparian restoration, and ensuring adequate water flow levels to support native fish species such as tuna and inanga;
- d. Mahinga kai and taonga species - all activities must support the restoration of traditional food and resource harvesting practices. The preservation and restoration of mahinga kai includes maintaining healthy riparian margins, protecting and restoring the biodiversity of sites, and use of cultural health indicators to measure the impact of activities;
- e. Wai - Ensuring the health of freshwater systems requires integrated water management approaches that prioritise minimum flow levels, sustainable allocation limits, and the restoration of wetlands and floodplains;
- f. Wāhi tapu and wāhi taonga - Protection of maunga and wāhi tapu is paramount and requires appropriate recognition within environmental planning and land-use frameworks, with many significant locations being undocumented;
- g. Coastal and estuarine environments - The principle of 'Ki uta ki tai' must be well understood in catchments such as Maitahi. Restoration, enhancement, and protection effects must be considered within the wider context. A thoughtful and cohesive all-of-catchment approach ensures that activities such as indigenous species planting and water quality improvements support the health of coastal

⁷⁰ Cultural Values, Ngāti Tama, January 2025, section 3.

- waterways and associated biodiversity and ecosystems;
- h. Wairepo wetlands and floodplains - restoring wetland areas and preventing further drainage is a priority for Ngāti Tama;
 - i. Whenua and maunga - the landscape of the Maitahi catchment, including Maungatapu, is rich in cultural and ecological significance. The mauri of these landscapes must be protected through sustainable land-use practices, reforestation initiatives, and the avoidance of activities that degrade the ecological integrity of the maunga and surrounding whenua. Ngāti Tama seeks active participation in land management planning to ensure the enduring protection of these significant places; and
 - j. Biodiversity and ecological integrity - biodiversity restoration efforts must incorporate mātauranga Māori and be led by iwi priorities. Strengthening ecological corridors, enhancing native species populations, and enforcing conservation protections are required to contribute to the resilience of these taonga.

Comments Received

- 212 The comments from the Minister for Māori Development supported the Application, subject to any comments received from the relevant Māori groups. The comments also encouraged the Panel to receive comment from both Ngāti Apa ki te Rā Tō Post Settlement Trust and Wakatū Incorporation and have regard to the relevant statutory acknowledgements of the seven PSGEs. The Panel sought advice from the EPA as to the identity of all relevant iwi authorities and Treaty settlement entities and invited comments accordingly. Those identified included the Ngāti Apa ki Te Rā Tō Trust and seven other regional Māori entities. None of these entities provided comments.
- 213 As outlined above, comments were received from Ngāti Koata which primarily raised concerns about the contaminated land on the Site in the vicinity of the former sheep dip.

Applicant response to comments

- 214 The Applicant helpfully provided the Panel with details of its extensive engagement with all eight PSGEs, including Ngāti Apa ki te Rā Tō, over a five-year period (2020–2025) in relation to both PPC28 and the Maitahi Village project.
- 215 The Applicant submitted that the Minister’s expectation of engagement with both Ngāti Apa ki te Rā Tō and Wakatū Incorporation had been met, and the statutory obligations under the FTAA and RMA have been meaningfully addressed throughout the PPC28 process and consultation during the preparation of the FTAA application. Additionally, the proposed consent conditions (v2) required that iwi continue to be kept informed during the construction process and ensure that cultural values and Mātauranga Māori are recognised and provided for. The findings of the Panel on the matters helpfully raised by the Minister for Māori Development will be addressed below following the discussion on conditions.
- 216 The Applicant agreed with Ngāti Koata that remediation of the Site (as proposed) represents a positive environmental outcome, and pointed to the RAP as containing the remedial methodology to address risks to human health and the environment.

Conditions

- 217 The Panel noted that the v2 set of conditions included a number of specific conditions requiring iwi engagement and reporting across the suite of consents applied for. For example, contractors and subcontractors engaged in the implementation of various consents are required to participate in a cultural induction delivered by Ngāti Koata or their nominated representatives. Other examples include the provision for iwi monitoring to oversee specific works, most notably ground disturbance activities, and the use of Cultural Health Index monitoring in relation to the use of flocculants.
- 218 The development of a SSESCP would also require the consent holder to provide the SSESCP to iwi prior to the commencement of any site works. Moreover, the consent holder is required to establish and maintain monthly communication with iwi for the duration of the works.
- 219 Specific changes were made by the Panel and released as the draft conditions under s 70 FTAA. With regard to cultural values, these changes included the application of Māori Cultural Values and Iwi Engagement and Reporting conditions consistently across the full set of consents, where applicable. This applied to the Land Use consents for comprehensive housing, earthworks and vegetation clearance, landfill and encapsulation cell, riverbed disturbance and reclamation, as well as remediation of contaminated land. In addition, they have been applied to the temporary damming and diversion activity, together with the discharge of construction phase stormwater activity.
- 220 These amendments and additions to the v2 set of conditions from the Applicant resulted in a degree of duplication between some consents. However, the Panel considered this appropriate to ensure that these cultural values based conditions remained applicable, regardless of what consent was being implemented at any given time. The Panel also considered this approach aligned closely with the integrated strategy that the Applicant has adopted for this Project.
- 221 In response to the s 70 process, the Applicant suggested that the design of Koata House be “in general accordance” with the architectural plans to allow more flexibility and providing an opportunity for Ngāti Koata to make further changes to the design. It also included a condition around cultural induction in the set of conditions for the discharge of contaminants.

Panel Findings

- 222 The Panel is satisfied that this development is important to Ngāti Koata in a number of ways. It secures for mana whenua a home base alongside a maunga and awa that have cultural and historical significance. The development will be important in allowing whanau to reconnect with the area and for Ngāti Koata to have their own space with Koata House.
- 223 The Panel considers that kaitiakitanga is central to Ngāti Koata identity and is well captured in the following whakatauki⁷¹

Whatungarongaro te tangata, toitu te whenua

⁷¹ CIA, page 8, section 2.4

People pass on, but the land remains

224 For Ngāti Koata, kaitiakitanga is an exercise of enduring responsibility as guardians of Te Taiao and is a lived expression of the intrinsic connection between people and whenua. Kaitiakitanga is also an intergenerational commitment and exercise to protect and nurture the land, waters, and all taonga for the wellbeing of present and future generations.⁷²

225 In part of its interim decision relating to cultural matters the Environment Court said:

[91] Part 2, s7(a) RMA, directs that particular regard be given to kaitiakitanga. 'Kaitiakitanga' is defined for those purposes as:

kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

[92] As we have noted, PPC28 is in part designed to enable the exercise of kaitiakitanga, including by reflecting Whakatū Tangata Whenua values and ensuring Whakatū Tangata Whenua involvement through subdivision and development processes.

[93] We received only limited evidence on these matters, namely from Mr Hemi Toia, Kaiwhakahaere matua (Chief Executive) of Ngāti Koata's commercial and economic arm, Koata Ltd. We did not receive evidence on behalf of any of the other iwi who are manawhenua. We understand those who affiliate to Whakatū Marae, in addition to Ngāti Koata, are Ngāti Tama, Te Ātiawa, Ngāti Kuia, Ngāti Rārua and Ngāti Toa Rangatira.

[94] Mr Toia informed us that one kaitiakitanga purpose of Ngāti Koata's involvement in the applicant's consortium is to help secure access to land to enable provision of secure long-term housing for Ngāti Koata whanau within their rohe. That is in a context in which the Crown, in its Te Tiriti o Waitangi Deed of Settlement, included in its apology "to Ngāti Koata for its failure to ensure Ngāti Koata retained sufficient land for their future needs".

[95] Related to that, as we have noted, Kākā Hill, a maunga of great significance to local iwi and a prominent landscape feature overlooking the Kākā Valley part of the Site, is to be gifted to Ngāti Koata. We were not informed whether affiliation to this maunga extends to any of the other iwi. Furthermore, we were not informed of the affiliations held with respect to the Maitai and Kākā catchment, although we observe that the website for Whakatū marae includes the specification:⁷³

Ko Mahitahi te Awa.

[96] As such, we make no findings on those matters other than that we accept Mr Toia's relevant explanations. On matters concerning environmental kaitiakitanga in the development, he informed us that Ngāti Koata is working alongside other iwi (who will continue to take different roles) in order to meet the expectations of "all tangata whenua in Nelson/Whakatū". On matters concerning erosion and sedimentation management, he expressed confidence that these are "designed to reduce inputs into the Maitai awa" by "identifying the constraints in the form of land that is steep or close to waterways and allocating it for re-vegetation as an obligation of development". That confidence is backed by our related evidential findings.⁷⁴

226 The Panel has reviewed the nature and scope of the iwi engagement by the Applicant

⁷² CIA, page 9, section 2.4.2

⁷³ Whakatumarae.co.nz

⁷⁴ Decision No. [2024] NZEnvC 155, paragraphs 91 – 96

as set out in the attachments to the Application. This includes:

- a. direct engagement with all eight PSGEs: Ngāti Koata, Ngāti Rārua, Ngāti Apa ki te Rā Tō, Ngāti Toa Rangatira, Rangitāne o Wairau, Ngāti Tama ki Te Waipounamu, Te Ātiawa o te Waka-ā-Māui, and Ngāti Kuia; and
- b. recognition that four of these iwi (Ngāti Rārua, Ngāti Koata, Te Ātiawa, Ngāti Tama) are represented collectively by Wakatū Incorporation in commercial matters; and
- c. Te Tau Ihu Statutory Acknowledgements (2014) have been actively referenced and integrated throughout the planning and engagement process, and specific regard has been given to those with interests in the Maitahi Awa and surrounding rohe.

227 The Panel is satisfied that the engagement processes were thorough and comprehensive. They comprised:

- a. ongoing correspondence, hui, site visits, and information-sharing with Pou Taiao representatives of the eight iwi of Te Taihū; and
- b. development of CIAs, Cultural Values Statements, Cultural Design Frameworks, and consideration and integration of elements of the Iwi Environmental Management Plans; and
- c. formal submissions and feedback incorporated into the Independent Hearing Panel and Environment Court decisions.

228 The Panel has considered the cultural evidence contained in the CIA, the Statement of Cultural Values, the substantive application, the PPC28 recommendation and the Environment Court decisions. The principles of the Treaty, kaitiakitanga, mātauranga Māori and Te Ao Māori have all been central considerations in the design of the Application and intended to remain so throughout its implementation. Although Ngāti Koata, as owner, is the lead iwi, importantly the project is widely supported by all iwi of Te Tau Ihu. This reflects a high level of cultural responsiveness and partnership. The Panel finds that all cultural effects arising from the development are positive.

Three waters infrastructure and servicing

Water supply

229 A new temporary reservoir to service the proposed development during its initial phases is proposed to be situated at RL 123 m, along with a new water main from NCC's reticulated network in Nile Street East to the proposed reservoir. The pipe sizes will be calculated during detailed design to ensure supply pressures and hydrant flows are achieved as well as ensuring maximum permissible head losses are not exceeded. Water mains will be no smaller than DN150 in line with the Nelson Tasman Land Development Manual and hydrants will be positioned around the Site to meet all requirements as per SNZ PAS 4509:2008.

230 For the retirement village, watermains and rider mains will be a minimum of DN150 and DN50 (ID), respectively. The reticulation for both parts of the retirement village will follow a ring-main layout with valves located at all junctions.

231 The Panel sought, via RFI 1, further information about the pipe sizing as the drawings

attached to the Application indicated pipe sizes down to 32mm (outside diameter). The Applicant responded that water mains would be a minimum of 150mm, whereas submains and laterals can be smaller.

Wastewater

- 232 Two wastewater servicing strategies for the residential portion of the project are set out in the Application⁷⁵ with the chosen servicing strategy to be confirmed during detailed design. The first option is that the residential development will be gravity reticulated, while the retirement village will be serviced by low pressure reticulation. All residential lots will be serviced by DN100 laterals. The gravity reticulated network will drain to a new wastewater pump station, which will be constructed at the low point of the Site. Flows will then be pumped via a new rising main, and/or swallow main down Maitai Valley Road, before connecting to existing NCC reticulation in Nile Street East.
- 233 The alternative to gravity reticulation is low pressure sewer reticulation if it is proven to be the best engineering solution. This would negate the need for the wastewater pump station. A low-pressure wastewater network would still discharge to the reticulated NCC network in Nile Street East. All lots would be serviced by a single lateral with boundary kits installed at the lot boundary, with pump and storage chambers being installed within each lot as per NCC requirements.
- 234 The retirement village would also be serviced by low-pressure wastewater reticulation⁷⁶, with low pressure pump chambers strategically positioned around the Site, each servicing a cluster of buildings. Flows from each building will drain to the low-pressure pump chambers by gravity reticulation, designed in accordance with NZBC Clause G13 Foul Water, and other applicable standards. The low-pressure networks servicing Areas A and B will be independent of one another and will discharge to the wider network.
- 235 The Applicant has included sufficient coverage and scope for both options within its Application including provision for a wastewater pump station, which will be subject to its own land use consent.

Stormwater

- 236 The focus of this section is management of stormwater following construction. Although related, the Panel has addressed elsewhere the issues of flooding and the management of stormwater and sediment through the earthworks and construction stage.
- 237 While a stormwater management plan was prepared to support PPC28, a stormwater assessment has further refined the concept and provided more detail on stormwater management to support the Application. The Panel understands the main elements of the stormwater management approach are:
- a. a piped primary stormwater network, sized to convey the 21301 SSP5-8.5 6.67% AEP flow in accordance with the Nelson Tasman Land Development Manual;

⁷⁵ Maitahi Servicing Report, Davis Olgilvie, February 2025, section 3.

⁷⁶ Arvida Maitahi Servicing Report, Davis Olgilvie, February 2025, section 4.

- b. three stormwater treatment wetlands that are co-located within the blue-green corridor along the Kākā Stream sized to treat the 80-85% of mean annual volume (first-flush) or stormwater resulting from a 3-month ARI rainfall event;
 - c. retention tanks on some private lots, where space allows, to retain rainwater from roofs and reuse for toilet flushing;
 - d. vegetation improvements to approximately 50% of the Kākā Stream Catchment, including within the blue-green corridor and significant areas outside Maitahi Village, from brush and grassland into native forest; and
 - e. overland flow paths from the smaller undeveloped tributaries above the developed areas are provided by open channel to maintain connection to Kākā Stream and to avoid routing these through the treatment wetlands.
- 238 An increase in impervious surfaces from the proposed subdivision will result in a minor increase in post-development peak flows of $0.2 \text{ m}^3 / \text{s}$ (+1.2% increase). This scenario assumes no vegetation improvements in the immediate short term. The more realistic scenario where the development is fully constructed and full vegetation improvement have been implemented is expected to result in a change in flow of $-0.5 \text{ m}^3 / \text{s}$ for the 1% AEP and a $-0.4 \text{ m}^3 / \text{s}$ change for a 10% AEP. This scenario includes provision for climate change.⁷⁷ This indicates the effectiveness of the planned vegetation improvements in compensating for the effects of the proposed increase in impervious surfaces. Because vegetation will take time to establish, the stormwater attenuation will not meet clause 5.4.13 of the Nelson Tasman Land Development Manual for the short-term as post-development will exceed pre-development peak flows as mentioned above. However, as the vegetation becomes established, clause 5.4.13 will eventually be exceeded in that the peak flows will either match or fall below pre-development flows or from the Kākā catchment.
- 239 Water sensitive design principles have informed the following stormwater management techniques:⁷⁸
- a. capture and reuse of roof runoff at lot scale. This will be achieved through rainwater reuse tanks plumbed for internal non potable reuse (toilet flushing) to replicate natural interception and evapotranspiration for medium density dwellings in the western and central catchments. Installing a rain tank which varies in size depending on the roof area (up to 5000L for a roof area of greater than 200 m^2) will have the effect of reducing the runoff from the roof areas by approximately 25%.⁷⁹ The Applicant clarified that, at least, 90 lots will have rain tanks;
 - b. treatment of all road and hardstand (driveways) and untreated roofs (where rainwater reuse not adopted) runoff before discharge to the receiving environment through a mix of biological, chemical and physical processes in constructed stormwater treatment wetlands and isolated proprietary devices where necessary. The development area has been divided into three hydrological sub catchments

⁷⁷ Maitahi Village Stormwater Assessment Report, T&T, February 2025, section 6.2.4.4.

⁷⁸ Maitahi Village Water Sensitive Design Report, Morphem Environmental, March 2024, section 1.3.

⁷⁹ Maitahi Village Water Sensitive Design Report, Morphem Environmental, March 2024, section 2.1.

which will drain into separate treatment trains prior to discharge to Kākā Stream;
and

- c. discharge of treated flows from wetlands to areas of constructed ephemeral channels and soakage wetlands to buffer the stream from hydrological changes and support groundwater recharge.

240 Based on the information lodged with the Application, the Panel understands that due to capacity and site constraints, stormwater catchments 'B2' and 'B3' associated with the retirement village are unable to be treated by the proposed identified wetlands servicing the wider Site and that treatment for catchments 'B2' and 'B3' will be designed during detailed design, and will likely comprise proprietary devices, rain gardens, or an additional wetland. In its response to RFI 1 from the Panel, the Applicant clarified that the use of a proprietary device or rain garden in areas B2 and B3 has been factored into the wider stormwater assessment, and in particular, the consideration of Water Sensitive Design options. It also clarified that an additional wetland would not be pursued.⁸⁰

241 No stormwater detention is required to be provided for the retirement village. Runoff from roofs, and small courtyards and patios will be managed by reticulation designed in accordance with NZBC E1/AS1. Runoff from all carriageways will be conveyed via kerb and channel before discharging into piped reticulation via roadside sumps. Roof runoff will discharge via direct connections. This reticulation will be designed in accordance with the NTLDM with capacity for up to and including the 15-year ARI event. Secondary flows throughout the Site will be managed overland for up to and including the 100-year ARI event and this will be determined through detailed design.

Servicing

242 The design of the power and telecommunications network will be carried out during detailed design.

243 The retirement village will generate both solid and liquid waste, primarily from the care building and facility buildings. Liquid trade waste will be as a result of food production and will be directed to the sewer network via appropriately sized grease traps. Ongoing maintenance of these grease traps will be needed on a regular basis to ensure maintenance requirements of the low-pressure sewer and wider network are not above the normal requirements.

244 Solid wastes are likely to be hazardous materials such as those used in healthcare and will be separated into tamper-proof containers and collected and disposed of by appropriately licenced entities.

Comments Received

245 The comments received from Bayview Nelson Limited sought assurance that the sizing of the wastewater and stormwater pipes will have sufficient downgradient capacity to include allocated flows from the Bayview site. It requested that civil engineering drawings show services to the boundary to ensure that future connections to Bayview are provided and that the Kākā Tributary be designated as a reserve and be available

⁸⁰ Maitahi Village Water Sensitive Design Report, Morphem Environmental, March 2024, page 8.

to receive stormwater flows from Bayview.

- 246 Forest and Bird supported the adoption of water sensitive design with rain tanks, treatment wetlands and soakage areas but questioned the long term effectiveness of these systems in protecting Kākā Stream and the Maitai River from urban contaminants and altered flow regimes. It observed that the success of this approach depends on appropriate sizing, construction quality, and, crucially, ongoing diligent maintenance. It noted that the sub-sized wetland for the western catchment and questioned why that wetland is not being increased to at least 4% of the contributing impervious catchment as recommended to ensure stormwater capacity. The comments suggested that, if development outpaces vegetation establishment, then the Kākā Stream could be subject to increased peak flows of 0.2m³/s. It considered that potential instream erosion and ecological impacts during this interim period must be carefully considered and mitigated, and this must be included in conditions of consent.
- 247 STM claimed that stormwater management for Arvida was missing, and that it is not consistent with the requirements of NRPM Schedule X.13 Stormwater Management Plan. If the consent is granted, STM sought specific and enforceable conditions around post-development stormwater quality and peak flow stormwater attenuation.
- 248 Respondent Tony Hadden sought that the Nile Street wastewater capacity be upgraded before adding extra load to the reticulated system. He considered that it is impractical to require rainwater tanks and then unenforceable to require their use. He expressed a desire not to connect his property to any of the services or have street lighting.
- 249 Respondent Chris Taylor expressed support for the extension of any reticulated services further up the Maitai Valley Road that the Kākā Valley development may allow. In particular the provision of town water and sewage together with fiber internet could be installed cost effectively during the development phase.

Applicant's response to comments

- 250 The Applicant responded to the comments from Bayview Nelson Ltd by clarifying that the stormwater treatment system within the proposed roading network is designed only for the CCKV development. The treatment wetland similarly is only designed for this Application and is not intended to treat flows from the Bayview development area. Stormwater from the Bayview development which drains to the Kākā catchment would therefore need to be treated within the Bayview site. Once treated, it would be conveyed via the open swale network (including within the CCKV development) which will be discharged directly to Kākā Stream. The final design and capacity of the stormwater swales would be confirmed during the detailed design phase and documented within the required engineering design report. This process would ensure the swales are appropriately sized to manage anticipated flows, including those conveyed from the developed Bayview catchment. The wastewater network within the CCKV development has been designed to accommodate additional flows from up to 200 residential lots within the Bayview development. Condition 10(g)(vi) of the subdivision consent requires that all network utilities be extended to the boundary of Lot 7000 in Road 1.
- 251 The Applicant acknowledged the proposed stormwater management devices would require reactive and proactive maintenance in order to be effective. Monitoring for blockages and preventing invasive weeds would be important tasks for maintaining the effectiveness of the wetlands. A detailed maintenance plan with maps and clear

explanations of requirements for each feature would be prepared and provided prior to construction.

- 252 The Applicant acknowledged the apparent under-sizing of the overall stormwater wetland system capacity but explained that the sizing reflects the distribution of impervious areas within each catchment. The Applicant noted that detailed design would confirm the level of impermeability and therefore the appropriate sizing.
- 253 The Applicant responded to STM's claims that there is no stormwater management for Arvida, by noting that this information is contained in the Servicing Report. Stormwater treatment would be provided for the wider Site via wetlands. Where possible, these wetlands have been sized with sufficient capacity to treat the Arvida site. The entirety of Area A would receive stormwater treatment from the proposed wetlands mentioned above. Catchment A1 will discharge to the proposed "Central Wetland" while Catchments A2 and A3 will discharge to the proposed "Southern Wetland." For Area B, stormwater runoff from Catchment B1 would be treated by the proposed "Western Wetland." Due to capacity and site constraints, Catchments B2 and B3 are unable to be treated by the proposed wetlands servicing the wider Site. Treatment for the Catchments B2 and B3 would be designed during detailed design and would likely comprise proprietary devices, rain gardens or an additional wetland, where the treatment performance would meet the requirements as set out in the Stormwater Management Plan, and Schedule X.
- 254 The Applicant clarified that the proposed stormwater management includes measures to address stormwater effects such as magnitude, duration and timing of peak flows. It mitigates the effect of additional runoff potential through offset vegetation increases, rather than through traditional detention ponds.
- 255 While the Nile Street East reticulated wastewater network is located outside this Application, the Applicant noted that NCC have identified and budgeted for upgrades in the Long Term Plan. While Tony Hadden considered that rainwater tanks are impractical, the Applicant responded that they are easy to maintain and provide a wide range of other benefits in addition to the primary hydrological benefits. While the upkeep of on-site rainwater reuse tanks would be the responsibility of the property owner, a consent notice will ensure this responsibility is properly administered.
- 256 With regards to the extension of services, the Applicant explained that a resource consent issued in March 2025 approved the extension of reticulated water and wastewater mains from Nile Street to the Site at 7 Ralphine Way. These services are expected to become available to the residents of Ralphine Way, as well as other landowners between Ralphine Way and Nile Street should they wish to connect. It is also planned to extend the Chorus fibre from Nile Street to the project Site. Any neighbour wanting to connect would need to apply to Chorus. In response to the comments stating the properties did not want to connect to wastewater services, any requirement to connect is outside the scope of this Application. Similarly street lighting on Ralphine Way is not part of this Application.

Conditions

- 257 The v2 conditions proffered by the Applicant required detailed design plans and information across each stage of development including, but not limited to, the following:

- a. stormwater - impervious areas relative to the level of revegetation that will need to be planted in accordance with the ERP to achieve no increase in post development flow;
 - b. stormwater - channel, swale, and wetland profile area details;
 - c. stormwater - an assessment to confirm the extent of rainwater tank installation to achieve a 25% reduction in mean annual runoff volumes;
 - d. stormwater - a critical storm assessment to determine the setting of building platforms;
 - e. stormwater - designs of all outfalls and connecting drains for the retirement village lots;
 - f. stormwater – design of diversion bunds and management of debris flows;
 - g. wastewater – design information for the pump station and associated infrastructure; and
 - h. water – design information for the temporary water reservoir.
- 258 For the retirement village, all engineering works including water, stormwater and wastewater would be shown on engineering drawings in accordance with the NTLDM to be submitted to NCC for engineering approval prior to the issue of a building consent. The conditions would rely on servicing in accordance with the detailed design drawings.
- 259 It was intended that telephone/broadband and electric power connections would be provided to all residential lots as well as to the retirement village.
- 260 Specific changes were made by the Panel and released as the draft conditions under s 70 FTAA. With regard to the three waters and servicing infrastructure conditions, the changes included the following:
- a. a requirement that confirmation be provided from NCC that any downstream works to provide servicing capacity to facilitate the development have been completed for each stage;
 - b. a requirement that a geotechnical risk assessment be provided for all land that will be vested with NCC to confirm all infrastructure including stormwater channels within this land, is stable and presents a low ongoing risk of collapse or scour;
 - c. a requirement that any easement in favour of NCC for the water reservoir is not located through a reserve; and
 - d. a requirement that street and reserve lighting details are provided for each stage taking into account effects on adjoining ecological habitat.
- 261 These amendments and additions to the v2 set of conditions largely responded to comments received from NCC in response to RFI 5 from the Panel. These comments related to the details of some conditions, particularly where service infrastructure would ultimately be vested with NCC, in order to ensure that the timing and condition

of infrastructure at handover was appropriate. NCC also held some reservation with regard to the potential imposition of an easement over a vested reserve. NCC noted that such easements could result in increased complications due to the applicability of the Reserves Act 1977, particularly if changes to the easement were required in the future. The Panel considered that this was a matter that the Applicant could address relatively easily through a minor boundary realignment.

- 262 With regard to the street lighting details, the Panel noted the comments received which raised concerns over the impact of light spill on adjoining SNAs. In its response to these comments, the Applicant confirmed that it had addressed this concern in the v2 conditions. However, the Panel could not find any specific condition that addressed this issue and therefore included appropriate provision within the enhanced conditions.
- 263 Feedback received from STM through the s 70 process included comment that additional stormwater conditions were needed, including a Stormwater Management Plan. In addition, STM observed that the conditions relating to stormwater management (post-development) do not appear to reflect Policy RE6.3 and Schedule X.13. STM also sought deletion of the words "to the satisfaction of Council" for the widths of the channels and stormwater wetland treatment areas. The Applicant responded to this feedback by agreeing with STM on these matters which are discussed in more detail in Part K of this decision.

Panel Findings

- 264 The Panel finds that the combination of detailed information and assessment provided, coupled with revised detailed conditions, including alignment with applicable engineering standards, would be sufficient to ensure that any adverse impacts as a result of three waters infrastructure and servicing would be less than minor.

Transport Network

- 265 An integrated transport assessment (**ITA**) was prepared by Traffic Concepts Ltd which set out the approach to managing transport (of all modes) associated with the proposed development and the effects of that. The ITA helpfully explained that Schedule X of the NRMP sets out a number of specific projects that are required to be completed before Stage 1 titles could start to be issued for the new development. These works were already progressing with preliminary designs completed for the shared path, installation of traffic signals at the intersection of Nile Street East and Maitai Valley Road, and changes to the intersection of Ralphine Way and Maitai Valley Road. These improvements were part of separate resource consents (RM245337-340) for works within the road reserve and are not on the subject Site.
- 266 The proposed roading layout was broadly consistent with the Structure Plan contained in Schedule X and comprised a main spine road with a number of cul-de sac reflecting the valley topography. The southern lot of the retirement village was proposed to be accessed via a new roundabout. The northern lot of the retirement village was to be accessed via a central road (Road 1). Access for Koata House would be from Road 2.
- 267 Given the proximity to Nelson City and the high usage of the area for recreational activities, significant improvements (as mentioned above) to the cycle and walking infrastructure along the lower section of Maitai Valley were proposed, including a 3 metre wide shared path along Maitai Valley Road from Ralphine Way to Nile Street East. These works would also include two new separate cycle bridges adjacent to the Gibbs and Jickells Bridges.

- 268 Trip generation rates were estimated as 1,100 vehicles per day associated with the residential development, 480 trips per day from the retirement village and 47 from the care facility (although these are more likely to be outside peak commuter periods). The vehicle movements from Koata House would be harder to predict as it depended on the scale and timing of functions.⁸¹
- 269 The transportation analysis completed as part of developing Schedule X identified an existing safety deficiency with the intersection of Nile Street East and Maitai Valley Road. The sight lines for drivers exiting out of Maitai Valley Road were obstructed by the guardrail and fence on the one lane bridge and the increase in traffic numbers from the proposed development would increase the safety risk for right turning traffic out of Maitai Valley Road. After consideration of a number of solutions, traffic signals were considered to be the most economic and effective treatment.⁸² The impact of the additional traffic on the Nile Street East / Maitai Road intersection and the installation of traffic signals would result in delays of up to 22.5 seconds. The ITA concluded that the effects of the traffic signals in terms of Level of Service were minor when balanced against the noticeable improvement in the safety of the intersection.⁸³
- 270 The ITA identified that the roading design did not comply with the following provisions of the NRPM, Schedule X and the Nelson Tasman Land Development Manual:⁸⁴
- a. bus stops that are steeper than 1 in 15;
 - b. a shared path that is steeper than 1 in 12;
 - c. sight line requirements from Road 11;
 - d. intersection separation for Road 8 and Road 9; and
 - e. legal width of Road 2, 3 and Road 11.
- 271 The ITA considered that the bus stop non-compliance due to the steep grade was unavoidable because of topography. The ITA observed that buses can kneel at these gradients and there are bus stops in NZ with an even steeper grade. An alternative solution to the shared path gradient was considered which involved removing the off-road path and instead providing for those transport modes within the carriageway of the road. This would still be a reasonably steep grade and would increase the safety risk to users from moving traffic. For these reasons, the off-road path was preferred due to it being a safer environment for users.
- 272 The sight line from Road 11 was ten metres shorter than required for right turning traffic. The ITA considered that the safe stopping distance which takes into consideration the travelling speed was sufficient for any approaching vehicle to be able to stop should a conflict situation arise. The reduced separation distance between Roads 8 and 9 has been forced by the hillside topography and the ability to develop land on either side of Road 1. Due to the low number of vehicle movements, a

⁸¹ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, sections 12.1-12.5.

⁸² Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, sections 12.14.

⁸³ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, page 66.

⁸⁴ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, sections 12.8.

staggered tee arrangement and the operating speeds being around 40 km/h, any effects of this non-compliance were considered to be less than minor, with no safety or efficiency impacts on other road users.

- 273 The road design complied with the design requirement of the Nelson Tasman Land Development Manual except for Roads 2 and 3 which did not comply with the road width of 19 metres.⁸⁵ The ITA considered that the reduced legal width for Roads 2, 3 and 11 would have no functional or operational effects as the available carriageway width of 7.5 metres and footpaths would accommodate the expected demands.
- 274 Schedule X and the NRMP required a number of external mitigation measures to address potential effects arising from the development. Consequently, a resource consent for the following was sought separately to this Application for:
- a. the installation/construction of a 3.0 metre wide shared path on Maitai Road and Maitai Valley Road from the development along Ralphine Way to Nile Street East;
 - b. construction of two cycle/pedestrian bridges across the river;
 - c. the installation of traffic signals at the intersection of Maitai Road and Nile Street East for safety reasons;
 - d. installation of an off-road separated path on the eastern side of Ralphine Way; and
 - e. installation of a crossing refuge over Maitai Valley Road on the eastern side of Ralphine Way.
- 275 These measures, as outlined above, addressed the potential adverse effects of the development as required by Schedule X and would be completed before any titles are issued for Stage 1 of the development. The ITA considered any residual impacts were considered to be less than minor.⁸⁶
- 276 The capacity of the one laned Gibbs Bridge was recognised as an issue in PPC28, although the inconvenience effects of an average delay of 3 seconds per vehicle were accepted through the hearing process and expert conferencing with the effects being no more than minor. The actual predicted traffic generation numbers of this Application were only 40% of the numbers used for PPC38 and therefore the average delays would be less.⁸⁷

Comments Received

- 277 The proposed transport network and effects of additional vehicle numbers attracted a number of comments. Issued raised included:
- a. the cycle track is too steep up Ralphine Way (the existing section) and would be better located on the track to Dennes hole;

⁸⁵ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, Table 3.

⁸⁶ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, section 12.13.

⁸⁷ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, page 67.

- b. the inability of one-lane Gibbs Bridge to handle the additional traffic;
- c. increased queues at intersections;
- d. increased safety risk at intersections;
- e. additional parking for recreational users; and
- f. duration of traffic management and construction traffic affecting access to other properties.

278 Bayview Nelson Limited supported a connected road network that enabled future connections with Bayview. This was reflected in the comments from Tony Hadden and STM who enquired as to a connection between Ralphine Way to Walter's Bluff / Bayview Road which was a condition of the Environment Court decision.

279 The Minister for Seniors requested that consideration be given, where practical, to suitable linkages between the retirement village and the subdivision, as well as the reserves and walking and cycling network with Nelson.

280 STM observed that the Site is not currently served by public transport, and the Applicant has not demonstrated that buses can access the overly steep gradients proposed for some streets. Respondents Megan Lewis and Timothy Williams sought confirmation that there would be a bus route from the city centre.

Applicant's response to comments

281 The Applicant acknowledged that the existing 110 m section on Ralphine Way would be more difficult for non-powered cycles, but considered it is not so difficult as to deter cyclists. Electric bikes would have no problem with the gradient. The difference in distance to Trafalgar Street via Ralphine Way versus Dennes Holes was 500 m. The Dennes Hole route was still available but was likely to be less desirable for commuting due to its formation and risk of flooding.

282 The Applicant explained that the one-lane bridge had an operational capacity of 1,900 vehicles per hour. The peak flows from the proposed development were likely to be in the order of 110 vehicles per day which was well below the operating capacity. A number of comments expressed concern at the safety of intersections and increase in queues. The Applicant responded confirming that the sight lines at the intersection of Nile Street East and Maitai Road were identified as substandard in the existing environment and needed to be addressed regardless of this Application. The works to improve this intersection, being part of this Maitahi Village Project, would be completed prior to Stage 1 titles being issued for the subdivision. The Level of Service for each of the other intersections would be within the accepted operational capacity of an urban intersection.

283 Regarding parking associated with recreational users, the Applicant observed that it did not have the ability to regulate parking in these areas. Instead, the NCC would be required to manage parking as part of its normal day-to-day requirements in these areas. Linkages between the retirement village, the subdivision and neighbourhood were provided for and were shown on the master plans. As well as a series of linked accessible pathways, there were at least four proposed connections shown between the Arvida village and the public reserves.

- 284 The Applicant advised that preliminary stages of construction may involve up to approximately six heavy vehicle movements daily (three inbound and three outbound) along Ralphine Way as heavy machinery is brought to the Site on low loaders. Due to staging, the peak volume of heavy vehicles required to import gravel/ engineered fill was generally not expected to exceed 12 daily movements (six inbound and six outbound movements). This would be managed through Construction Management Plans and Traffic Management Plans as proffered in the conditions of consent.
- 285 The Applicant also explained that alignment of Road 1 has been specifically designed to enable the indicative road corridor shown in the Structure Plan. Preliminary design work has been undertaken for the extension of Road 1 through the Bayview land to the ridgeline, to ensure that Bayview can continue the formation of Road 1 in a manner consistent with the CCKV development. This included maintaining a maximum road gradient for Road 1 of 1 in 8 and providing for the continuation of the shared path connection, thereby supporting integrated and accessible transport links between the two developments.
- 286 The Applicant was unable to commit to providing public transport, but noted that Arvida would have a village bus, which would provide transport services for village residences, including trips to the Nelson CBD. NCC had required the design of the development to accommodate future public transport for the Maitahi subdivision and a future link to Bay View Road.

Conditions

- 287 Version 2 of the conditions required a number of matters to be addressed in the detailed design drawings for each stage of the subdivision consent including:
- a. a Road Safety Audit report (detailed design audit), to review the upgraded intersection of Nile Street East and Maitai Valley Road and other transport infrastructure within the stage;
 - b. a traffic signal peer review for the Nile Street East / Clouston Terrace / Maitai Valley Road intersection;
 - c. provision of bus stop and roundabout designs to provide for buses;
 - d. that deflection is provided in the roundabout intersection design for northbound vehicles;
 - e. incorporation of temporary turning heads at the ends of roads that will link to future development e.g. Road 1 to Bayview;
 - f. road layout and design;
 - g. bridge design;
 - h. linking walkways;
 - i. cycle crossings; and
 - j. street trees.

- 288 Specific changes and improvements to the v2 sets were developed by the Panel and released as the draft conditions under s 70 FTAA. With regard to the transport network related conditions, these changes included the following:
- a. a requirement that the Ralphine Way and Maitai Valley Road intersection upgrades, including road safety audit, are also complete prior to s224(c) certificates being issued for Stage 1;
 - b. a requirement for Road 1 to meet the road reserve width standard for a 'sub collector' road classification;
 - c. requirements that road safety audits specific to each stage to be completed and any recommendations from the preliminary road safety audit be addressed;
 - d. detailed plans to be provided for stages with footpath links between roads via reserve areas e.g. Road 2 to Road 4; and
 - e. a requirement to provide a temporary traffic management plan for larger events associated with the Koata House facility.
- 289 These amendments and additions to the v2 set of conditions largely responded to comments received from NCC in response to RFI 5 from the Panel. These comments were generally directed towards the details of some conditions and the need to meet engineering requirements e.g. NTLDM. Another topic covered was that appropriate audits be completed prior to the commencement of construction, noting that most transport infrastructure including roads, footpaths and pathways through reserves would ultimately be vested with NCC.
- 290 Given that Koata House did have limitations with regard to access, on-site parking and manoeuvring, the Panel considered that a temporary traffic management plan should be in place for larger events. This would ensure appropriate management and measures were in place for such events to minimise impacts on the safe and efficient operation of the transport network in this location.
- 291 Responses to the draft conditions through the s 70 process from Peter Olorenshaw and Gary Scott both considered that the shared path down Ralphine Way is inappropriate for cyclists due to its gradient, additional bridge crossings, additional distance and logging trucks. Instead, they supported the cycle track going around Dennes Hole. The Panel considered that these comments related to matters arising under the s 53 process rather than, as required by s 70, being related to the Panel's condition set.
- 292 Comments from NCC during the s 70 process included that 1.5m was not wide enough to be defined as a shared path for the retirement village and therefore NCC suggested minor corrections to Condition Set A accordingly. The Applicant agreed with these comments and also corrected the road width conditions for the retirement village to ensure consistency with the Arvida Services Report. No further comments were raised by any other parties requiring more detailed discussion either in this section or Part K of this decision.

Panel Findings

- 293 The Panel finds that the detailed information provided in the Application, coupled with revised detailed conditions, would be sufficient to ensure that any adverse impacts

with regard to transportation would be less than minor.

Historic Heritage

- 294 Through the PPC28 process, the Cultural Heritage Consultant Amanda Young undertook a heritage and archaeological assessment of the Site, dated December 2020. A more specific investigation into selected above ground heritage items/structures, namely, the timber woolshed/barn, concrete chimney and concrete stone wall remnants was subsequently completed by Origin Consultants in April 2022.
- 295 The background to the structure was that an original cob cottage, named 'Edendale', was reputedly constructed in 1842 on a terrace overlooking the Maitai River, and then later expanded to become a more substantial dwelling. The cottage was restored in 1962 and burned down circa 1991. Historical descriptions of the history of the area state that below Edendale was an old hop-kiln which serviced the adjacent hop-garden, and this evolved into a shearing shed. The Richardson family, who owned the land from around 1914-1969, recalled the hop-kiln turning into the shearing shed. The shearing shed did not appear to have changed in size or appearance, and in 1948 there were holding pens visible in front of the shed indicating it had already changed use by this time.
- 296 Investigations of the chimney indicated that it is not related to the original cottage due to its concrete composition and when it was cast, the chimney was associated with a timber-framed structure clad with rusticated weatherboards, not a cob (earth)-type building.⁸⁸ Similarly the wall remnants appeared to be mid-20th century or later, as the style of rounded stones/boulders cast into the face of concrete walling was quite popular in the 1960s/1970s period.
- 297 The oldest elements of the shearing shed were pre-1900 (or border 1900), but these have been heavily modified since with changes to the roof, fitout of the interior as a woolshed, installation of glass and addition of a lean-to. Accordingly, the shearing shed was described as "an old building at its core, [but] there is much about the woolshed that is only of low constructional or technological significance".⁸⁹
- 298 Rule X.8 of Schedule X classed the demolition of the existing "shearing shed" and "chimney" as a controlled activity. Control was reserved over:
- a. The salvage of the shearers' graffiti on the rusticated weatherboard clad walls and sliding doors to Woolshed Part A1 and Part B (refer Miller 2022) for adaptive reuse and presentation;
 - b. The salvage of the shearing equipment and the ground floor windows to Part A1 (refer Miller 2022), including any timber and building materials that are recoverable and reusable; and
 - c. Recording the existing shearing shed and chimney by digital 3D scanning inside and outside and a 3D model produced.
- 299 This Application proposed to salvage the shearer's graffiti on the walls and sliding door,

⁸⁸ Investigations into selected heritage structures, Origin Consultants, 14 March 2022, page 5.

⁸⁹ Investigations into selected heritage structures, Origin Consultants, 14 March 2022, page 8.

and shearing equipment for use within the Arvida retirement village café or clubhouse.⁹⁰ Any of these items not reused would be stored for future reuse elsewhere. The Application stated that the majority of the 3D scanning has also been undertaken, and this would be completed prior to the removal of these structures.

- 300 An Archaeological Authority has already been sought by the Applicant and granted by Heritage New Zealand Pouhere Taonga. It permitted clearance of all above-ground structures and features within the subject area plus the removal of foundations involving excavations of up to 2m in depth at 7 Ralphine Way, Nelson.⁹¹ The Archaeological Authority required works to be in accordance with a management plan commissioned, or prepared with archaeological advice, by the authority holder. The management plan should provide operational guidelines and procedures for day-to-day activities that may affect archaeological sites during the proposed works. The plan must be submitted to the Heritage New Zealand Pouhere Taonga Archaeologist for approval prior to the commencement of any earthworks. No earthworks should commence until Heritage New Zealand Pouhere Taonga has given its written approval of the plan.

Comments Received

- 301 Comments received from the Minister for Arts, Culture and Heritage observed that the archaeological authority 2024/332 did not encompass the entire proposed development area. The Minister recommended further archaeological assessment be undertaken to ensure coverage across the full project area as the archaeological authority focuses solely on historic sites associated with European settlement and did not address Māori occupation and use of the Site.

Applicant response to comments

- 302 The Applicant advised that archaeological authority 2024/332, under the NZHPT Act, included the land surrounding the historic shearing shed, particularly the area that involved the remediation of the contaminated soil. An archaeological authority for the total project area has not been sought or obtained as there are no known Māori occupation sites within the area proposed for the physical construction of the Maitahi Village. The Applicant acknowledged that the potential for archaeological artefacts or sites of cultural significance to Māori being discovered could not be ruled out and accordingly has volunteered iwi monitoring during the activity of earthworks in recognition of this potentiality. Obtaining a second Authority, although not mandatory, was considered prudent and the Applicant confirmed that such an application would be made following consultation with iwi.

Conditions

- 303 The relevant conditions proffered by the Applicant were primarily contained within Set C of v2. These provided for the land use activity of the demolition of the heritage items including:

⁹⁰ Arvida Maitahi Village (Attachment 14.2 to the AEE), RMM, 4 February 2025, page 19.

⁹¹ Archaeological Authority number 2024/332, Heritage New Zealand Pouhere Taonga, 16 February 2024.

- a. 3D scanning and modelling of the shearing shed and chimney prior to demolition;
 - b. salvage of the shearers' graffiti on the rusticated weatherboard clad walls and sliding doors to Woolshed Part A1 and Part B for adaptive reuse and presentation;
 - c. salvage of the shearing equipment and the ground floor windows to Part A1 including any timber and building materials that are recoverable and reusable; and
 - d. taking of photographs of the salvaged items, along with information as to their storage.
- 304 Also within these proffered conditions was an advice note for the consent holder to be reminded of the obligations under Archaeological Authority 2024/332.
- 305 Although not reflected in the comments from the Minister for Arts, Culture and Heritage, there was a condition, within Set B – Earthworks and Vegetation Clearance, for discovery of Māori archaeological material. The Consent Holder is required to immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangitira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust of any discovery. Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to the Council that appropriate action has been undertaken in relation to the discovery.
- 306 The conditions require similar actions in the event of any discovery of archaeological materials in that works must cease and Council and Heritage New Zealand Pouhere Taonga must be advised.
- 307 Minimal changes were made by the Panel when the draft conditions were released under s 70 FTAA. Such changes that were made included the following:
- a. a requirement for information of planned storage and adaptive reuse of salvaged items within the Site to be provided to NCC following the demolition works; and
 - b. the inclusion of an advice note to confirm that an archaeological authority application to NZHPT will be made for the wider Site prior to earthworks commencing on-site.
- 308 The Panel noted that within the v2 conditions, there was limited direction as to how and where the adaptive reuse and presentation of salvage items would occur. The Panel considered that the conditions would benefit from a minor amendment to stipulate that any adaptive reuse and presentation of salvaged items should be undertaken 'within the development site' to ensure these items are retained and remain within the heritage context of the Site.
- 309 The granting of an Archaeological Authority for the proposed works required additional steps. While there was no mention of a management plan required by the Archaeological Authority, the Panel acknowledged that that is part of a process

separate to the resource consent and it is common for these authorities to follow the substantive consent processes.

- 310 With regard to the potential for additional archaeological authority for the wider Site, as raised in the comments from the Minister for Arts, Culture and Heritage, the Panel is satisfied with the Applicant's response as summarised above. It considers that an additional advice note is appropriate to ensure that the consent holder remains aware of its obligations under the New Zealand Heritage Pouhere Taonga Act for the wider Site.
- 311 Through the s 70 process, the Applicant suggested amendments to the conditions relating to archaeological authorities to clarify what the existing authority covers, and the requirement to apply for another archaeological authority to cover the potential discovery of archaeological artefacts or sites of cultural significance to Māori. No further comments were raised by any other parties that required more detailed discussion either in this section or Part K of this decision.

Panel Findings

- 312 The Panel finds that the actual and potential effects on heritage values are less than minor, and that the conditions proposed appropriately reflect the conditions relating to Rule X.8 in the NRMP.

Earthworks, Reclamation, and Geotechnical

- 313 Analysis of the geology and geomorphology, as set out in the Geotechnical Assessment provided with the Application, indicated the existence of modest natural hazard risks. The most significant slope instability features in Kākā Valley are dominated by translational soil slide/debris flows (generally less than 2 m deep although locally up to approximately 6 m deep) within the gullies (e.g. the Eastern Debris Fan). These areas are limited in extent and mainly associated with slopes steeper than 30° within the headscarp areas and flatter slopes that have been disturbed by past land management, including cutting tracks.⁹² The slope above the proposed residential allotments and the commercial lot (Koata House) on the east side of the valley, and lots downslope of Gullies 5 and 6 on the west side of the valley are a potential rock fall hazard simply due to the presence of boulders and rock debris. Other characteristics of geology that need to be considered in terms of detailed design are liquefaction in isolated pockets, high groundwater levels and erosion by flood waters.
- 314 Some of the proposed residential lots are to be situated in areas that have the potential to be subject to geotechnical hazards and present a High and Moderate geotechnical risk. This could be mitigated through detailed design and construction methods such as removing or stabilising weak soils and replacing them with engineered fill, planting areas to improve stability of slopes and installation of subsoil drains where seepage is encountered.
- 315 The proposed construction works would involve bulk earthworks across large areas of the Site to prepare for future civil infrastructure (including roads) and subsequent built development. The total volumes are in the order of approximately 600,000m³ cut and 670,000m³ fill. Geotechnically the Site has been split into seven sub areas each with specific subdivision design considerations. For example, Area 1 is focussed on the

⁹² Geotechnical Assessment Report, Tonkin + Taylor, February 2025, section 5.2.2.

lower reaches of Kākā Valley, Area 7 is focused on the Kākā Valley Upper Reach, while the remaining areas focus on intervening parts of the Site including the western and eastern hill slopes.

- 316 The Application stated that there will be a balance of cut and fill earthworks, with all excavated rock and soil being retained on Site and used beneficially for roading, three waters infrastructure, flood mitigation works and the creation of allotments. Fill not required for the lots to be created as part of the subdivision would be placed under engineering management and control to form a stable landform within Area 7 (Kākā Upper Reach). This would allow for potential future residential lots or other land use. This area is oversized to allow for such a contingency. The Unsuitable Disposal Area (Landfill) at the northeastern extent of the Site is nominated to receive unsuitable fill materials.
- 317 The majority of the earthworks for Stages 1 – 10 (including the Arvida Village) would be undertaken at the outset of the Project (**Figure 3**). They were anticipated to be completed with the first 18 months.
- 318 A range of engineering measures were proposed for each area including cut and fill batters and ground strengthening works. Debris bunds, barriers or retaining fences have also been indicated as being necessary in a number of locations including:
- a. Area 2 – Eastern slopes - to address potential unstable ground within undeveloped gullies;
 - b. Area 3 – Eastern debris fan - to deflect landslide debris along the northern side of the uphill road;
 - c. Area 4 – Kākā Middle Reach - to protect building sites at the base of the steeply inclined hill from debris runout;
 - d. Area 6 – West Valley slopes – to protect the road and downslope lots from boulder rule from gullies; and
 - e. Area 7 – Kākā Upper Reach – to protect lots from landslide debris from recent slope instability.

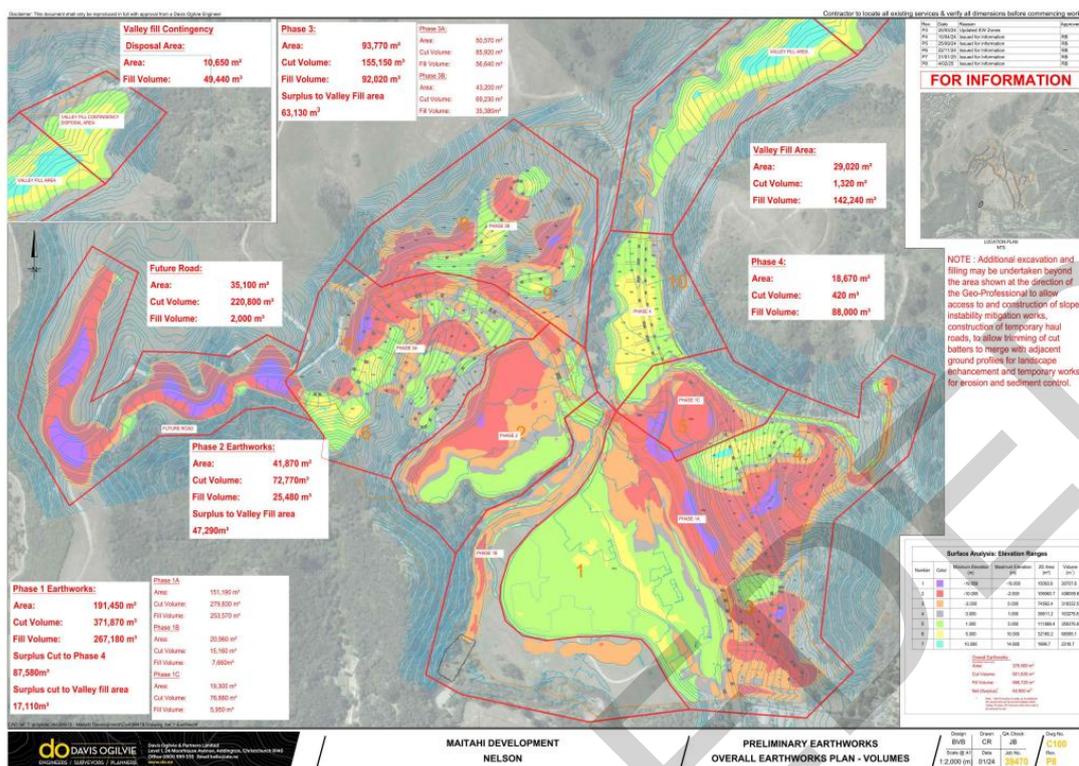


Figure 3: Preliminary earthworks prepared by Davis Oglivie showing the extent and location of cut and fill

- 319 Significant earthworks would be required to realign the Kākā Stream, as indicated in **Figure 4**, as well as removing all contaminated soil (addressed elsewhere in this decision).

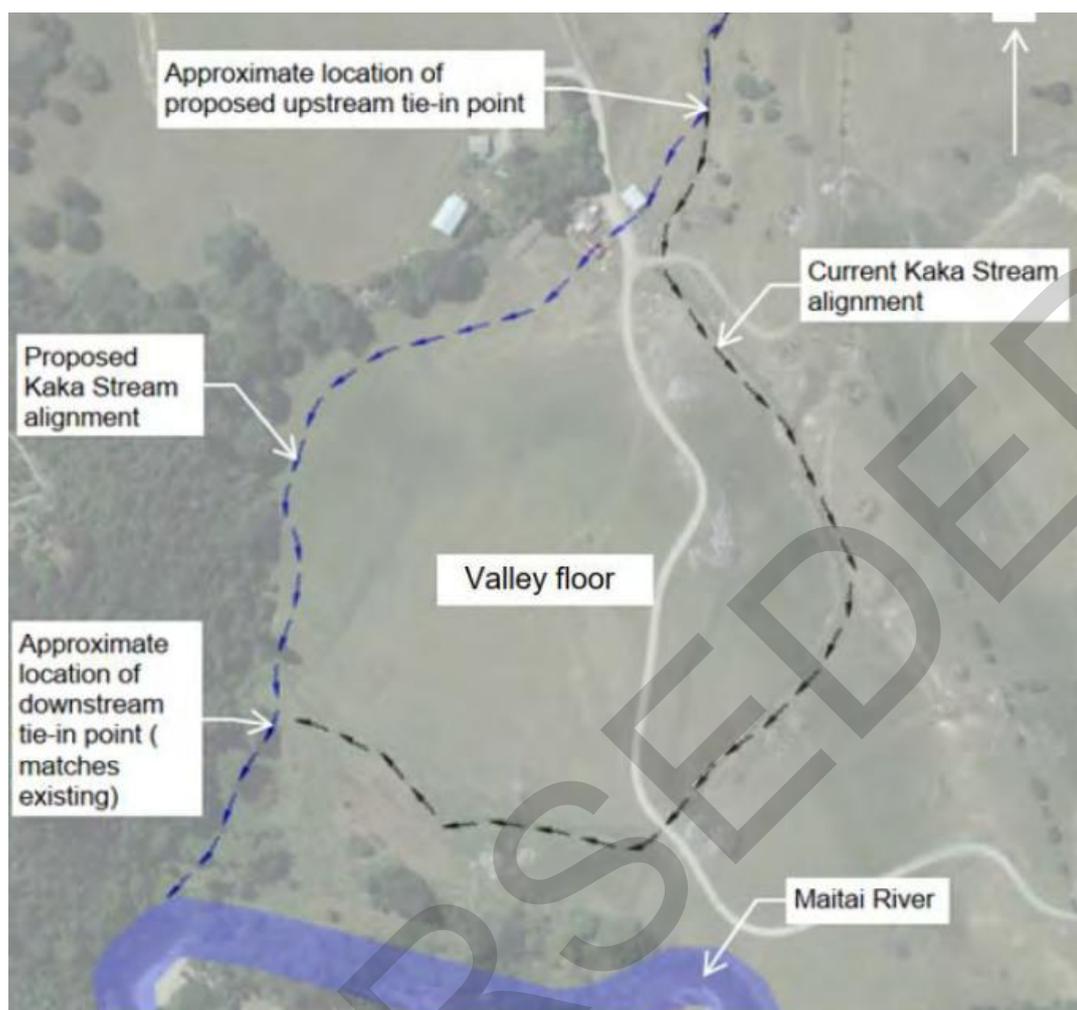


Figure 4: Proposed realignment of the Kākā Stream

- 320 The new stream reach would be established in stages, offline, so that the works were separated from the existing alignment. Once the new reach has been completed and stabilised, the upstream section would be diverted (following remediation) into the new channel. After that, the previous channel that is now isolated from the new alignment would be reclaimed and incorporated into the general earthworks activities.
- 321 The main effects of earthworks were associated with the potential for dust and runoff of sediment laden stormwater. The Panel has addressed dust effects under the Air Quality section of this decision. The Applicant proposed the following methods for controlling sediment and runoff from construction phase earthworks:⁹³
- a. earthworks and construction activities would be staged and sequenced in order to minimise open areas at any given time to the greatest extent practicable. Open earthworks areas would be progressively stabilised to reduce the potential for erosion to occur;
 - b. diversion channels or bunds would be used to divert sediment laden (construction) stormwater runoff from the earthwork areas to the appropriate

⁹³ Erosion and Sediment Control Assessment Report, Blue Skies Environmental, January 2025, section 4.3

sediment control measures. The largest construction stormwater catchment area would be 5ha;

- c. diversion channels or bunds would divert clean stormwater runoff away from and around the earthwork areas;
 - d. sediment retention ponds would be impoundment devices that provide time for suspended solids i.e. sediment to settle out before the runoff is discharged to the receiving environment. These are sized in accordance with the Nelson/Tasman erosion and sediment control guidelines;
 - e. decanting earth bunds would be utilised to treat sediment laden runoff from areas of up to 3,000m²; and
 - f. chemical flocculant would be added to the inflow of all sediment retention ponds and decanting earth bunds using a rainfall activated or flow activated system.
- 322 Gravity flow into various sediment retention devices would be used in preference to pumps.
- 323 The SSESOPs would contain the detail of measures to manage sediment and erosion for each stage. These would require review by NCC prior to any works occurring. The information contained in the management plans would include the area of earthworks to be undertaken, duration of works, stabilisation methods and details of intended chemical treatment with flocculants. The management plan would also set out a programme and methodology for monitoring including targets for pH and clarity/turbidity.
- 324 The Universal Soil Loss Equation calculations provided in the Erosion and Sediment Control Assessment Report indicated that the proposed earthworks would result in a small increase in sediment yield to the Kākā Stream and Maitahi River during the earthworks phase. With the implementation of best practice erosion and sediment control measures, the calculations predicted a minor estimated increase of sediment yield, assuming the earthworks are completed in a staged and progressive manner in accordance with the proposed staging.⁹⁴ While the effects of sediment can include smothering and deterioration of habitat, the Erosion and Sediment Control Assessment considered that adverse effects were anticipated to be temporary and minor. There were no unusual or specifically high-risk elements of the Proposal and erosion and sediment control management could be designed and operated in accordance with the best-practice requirements of Nelson Tasman Erosion and Sediment Control Guidelines.⁹⁵

Comments Received

- 325 Forest and Bird pointed to an uncertainty in the sediment yield predictions. The comment suggested that relying on a potentially inflated baseline of sediment to

⁹⁴ Erosion and Sediment Control Assessment Report, Blue Skies Environmental, January 2025, section 7.2.5.

⁹⁵ Erosion and Sediment Control Assessment Report, Blue Skies Environmental, January 2025, section 7.3.

calculate a percentage increase could underrepresent the actual volume and impact of discharged sediment if the true baseline is lower. The actual tonnage discharged is critical for the receiving environment.

- 326 Forest and Bird also commented on the effectiveness of flocculation and dosing systems. It considered that consistent field performance at this level across variable storm conditions, diverse soil types encountered during bulk earthworks, and over a multi-year construction period requires exemplary site management and robust, adaptable chemical dosing, and without this there is a risk of changing the pH downstream. It observed that fine clays are often the hardest to capture and these can be particularly damaging ecologically. Any failure or mishap during diversion or tie-in phases could result in substantial direct sediment discharge. It concluded that it would be desirable for management plans for these works (e.g. ESCP-SW-001 for Kākā Stream Diversion) to be detailed and rigorously implemented. While the development aims to minimise its sediment contribution, Forest and Bird considered that any increase would add to the existing sediment load from the Kākā Stream and the wider Maitai River catchment, and would impact the Nelson Haven. The cumulative impact needs to be considered and reflected in any eventual consent conditions.
- 327 Respondent Gary Scott expressed concern that earthworks will impact the river and will change the ecology of the flood plain area that currently absorbs water and captures silt deposits during severe rain.
- 328 STM observed that the Site had many challenges for erosion and sediment control, associated with clay soils, steep contours in some locations and the sensitive receiving environments.

Applicant's response to comments

- 329 The Applicant responded that many of the concerns raised have been addressed by the Erosion and Sediment Control Assessment Report. It acknowledged that this is a large earthworks project, but not unusually so. While the overall earthworks footprint was large, it was the area open/exposed to erosion at any one time that was the most relevant to the potential sediment related effects. The Applicant stated that as part of the earthworks, best practice erosion and sediment control would be implemented to minimise the discharge of sediment laden stormwater to the receiving environment. The Application was supported by the assessment report, draft Site-Specific (staged) Erosion and Sediment Control Plans, a Chemical Treatment Management Plan and an Erosion and Sediment Control Monitoring Plan. The Applicant explained that the objective of the proposed erosion and sediment control approach was to minimise sediment yields during construction such that off-site effects on water quality, habitat and amenity were minor and temporary i.e. limited to the duration and period immediately after rainfall. Those effects would coincide with elevated sediment loads within the Kākā Stream and Maitahi River from other sources.
- 330 The Applicant acknowledged the erosion issues within the Kākā Stream. The lower section of the Kākā Stream would be redirected by establishing a new naturalised stream channel offline before directing the flows to the new channel. Completing the relocation first (post contamination removals) would simplify the erosion and sediment control methodology for the balance of the earthworks in the lower catchment and further reduce of risk of sediment discharge to the stream. The new stream channel would reduce the sediment load when compared to that arising from the existing eroding channel, as the new channel will be designed and constructed to be erosion

resilient and would be stabilised before water is diverted into it.

- 331 The Applicant noted that the predicted sediment loads for each stage would be less than that currently generated from the existing land use in the wider valley. This benefit would be achieved progressively through staged development. Overall, there would be an improvement in sediment-related water quality and that improvement would occur earlier than post-development.
- 332 With regards to chemical flocculant treatment, the Applicant agreed with Forest and Bird that active site management and monitoring of the chemical dosing systems (including pH monitoring) should be undertaken throughout the duration of earthworks. Monitoring and maintenance requirements are detailed in the Chemical Treatment Management Plan. The critical element was that dosing rates be set to remain within a neutral pH range to ensure that the flocculant would not result in a biotoxicity effect. Much of the chemical was bound to the sediment retained in the sediment retention pond which ensured environmental safety. The Applicant explained that dose rates can and would be revised if necessary in response to the results obtained from monitoring.
- 333 The Applicant agreed that best practice sediment control measures do still have residual sediment discharge i.e. none of them are 100% efficient in retaining all sediment. This explained why the erosion and sediment control measures proposed have such a significant focus of erosion control at source (e.g. minimising open areas), so as to minimise the amount of sediment that enters the sediment control devices.

Conditions

- 334 The Panel noted that the v2 condition set proffered by the Applicant concerning earthworks and vegetation clearance contained specific conditions, spread across multiple consent condition sets, which were directed towards managing site specific erosion and sediment control. There were also provisions concerning the implementation of erosion and sediment control monitoring plan, as well as site specific erosion and sediment control management plans.
- 335 The Panel is satisfied that these conditions were an improvement on the original set proffered and noted that further enhancements were contained in the Panel's set of draft conditions issued under s 70 of the FTAA.
- 336 The specific changes made by the Panel included the following:
- a. the application of Earthworks staging, Construction Management Plan, SSESC, Traffic Management Plan, Dust Management, Erosion and Sediment Control Monitoring, and Chemical Treatment Plan conditions consistently across the full set of consents, where applicable. This applied to the Land Use consents for comprehensive housing, earthworks and vegetation clearance, landfill and encapsulation cell, riverbed disturbance and reclamation, as well as remediation of contaminated land. In addition, they have been applied to the temporary damming and diversion activity, together with the discharge of construction phase stormwater activity.
- 337 These amendments and additions to the v2 set of conditions from the Applicant resulted in a degree of duplication between some consents. However, the Panel considered this appropriate to ensure these important erosion and sediment control

related conditions remained applicable, regardless of what consent was being implemented at any given time.

- 338 In response to the s 70 process, DG-C sought explicit conditions that state when rapid or progressive stabilisation need to be initiated, as well as the methods. The feedback also considered that visual inspection of the downstream environment is a subjective test and that the condition should instead require water quality standards such as clarity/turbidity, and whether clarity/turbidity differ upstream or downstream of the work sites. DG-C also considered that the Gibbs and Jickells bridges works should have a SSESCP.
- 339 In its feedback, STM sought inclusion of adaptive management procedures in the SSESCP with triggers and responses. In its response to this feedback, the Applicant was in agreement.

Panel Findings

- 340 The Panel members observed during the visit to the Site in May 2025 that the Kākā Stream and catchment had obvious erosion issues. The Panel also observed slumping of the streambanks in a number of places. However, there was nothing novel or unusual about the earthworks proposed or the methods proposed to manage sediment and runoff. Having seen the current sediment situation, the Panel considered that the new streambed to be established through the realignment of the Kākā Stream, would increase stability, as would the revegetation proposed for the streambanks. Both of these measures would reduce the risk of erosion and reduce the amount of suspended sediment available to enter the Kākā Stream and the downstream waterways.
- 341 The Panel acknowledges that the use of detailed erosion and sediment control plans and other plans are well known and established methods for mitigating construction earthworks and stormwater runoff. The Panel therefore finds that any adverse impacts will be less than minor.

Economic

- 342 Property Economics undertook an economic assessment to support the Application which evaluated the range of direct, indirect and induced economic benefits. The original total economic impact on business activity within the Nelson area as a result of the Application over a 7-year period was assessed to be just over \$356 million net present value. Of this, increased local spend by residents, employees, construction workers and additional local business spend through the different stages of development accounts for \$9.3 million over 7 years. Employment multipliers (which include indirect and induced employment activity) were considered to contribute 660 jobs during the peak development and operation year within Nelson, with a total of 2,737 job years over the 7-year development period.⁹⁶ This report has more recently been updated to calculate the economic impacts over a 9 year construction period, to which reference will be made later.
- 343 Direct employment generation in the construction sector is estimated as the largest portion at 1,366 jobs, but the indirect employment generation is almost equivalent but

⁹⁶ Economic Impact Assessment, Property Economics, February 2025, section 2.

spread across a wider range of sectors.⁹⁷

- 344 The economic assessment identified a number of other economic benefits which were not able to be easily quantified including:
- a. increased land and dwelling supply: this will supply the market with an additional 374 dwellings increasing capacity and increases the competitiveness;
 - b. more affordable housing: the potential provision of additional feasible residential development will have an impact on land values. The proposed provision for Ngāti Koata housing is likely to have a direct, rather than market led, impact on the supply of housing at an affordable and social level;
 - c. decreased marginal infrastructure costs: economies of scale will mean lower marginal infrastructure costs;
 - d. increased local economic activity and local employment opportunities through the increase in the number of full-time equivalent employees able to work within Nelson. There will be a net gain for the local economy and stimulate further growth;
 - e. increased local amenity: master-planned developments are able to provide high amenity, master planned environments with purpose built, and targeted amenity values;
 - f. greater levels of investment in the local market: the proposed development can contribute to the overall development and revitalisation of the surrounding community, attracting investment and fostering local entrepreneurship. This can in turn provide significant impetus for growing the local economy; and
 - g. impact on current employment levels through generation of new employment opportunities.
- 345 This economic analysis focuses on this Application within the context of PPC28 and the detailed economic assessment that occurred through that process. The Panel is particularly mindful that PPC28 not only involved Mr Tim Heath on behalf of the Applicant, but also Mr Kirden Lees who represented NCC. Of particular note, the joint witness statement produced by the economic experts in PPC28 agreed on a number of matters including:⁹⁸
- a. from an economic perspective the development of the plan change area would result in significant benefits to Nelson and the region;
 - b. that it is an appropriate location for urban residential development from an economic perspective. There is a need for additional housing in Nelson and the region and the PPC28 area is a good geo spatial location close to the Nelson CBD;

⁹⁷ Economic Impact Assessment, Property Economics, February 2025, section 4.3.

⁹⁸ PPC28 Joint Witness Statement for Economic experts, 27 April 2022, paragraph 3.2.

- c. that there are substantive benefits (additional to the construction phase) to result from the provision of additional housing to the region from urban residential development in this location;
- d. the quantification of the benefits of the construction phase lie somewhere between the cost of construction and the multiplier number provided by Property Economics (Tim Heath) of \$170 million (2019 NZD); and
- e. that these benefits (of the construction phase) are substantive.

Comments Received

- 346 The comments from STM raised concerns about the economic effects of the Application including that:
- a. the assessment did not take into account development and construction jobs that would be provided via future stages in existing subdivisions such as Golden Elm Rise in Toi Toi, Marsden Park, Marsden Homestead and Montebello in Stoke;
 - b. affordability was improving in Nelson without the addition of any major subdivisions increasing supply; and
 - c. this subdivision would be expensive for ratepayers and purchasers.
- 347 STM also observed that the costs associated with environmental effects had not been estimated. It considered that the economic dis-benefits of the project, in particular relating to the change in the nature of the Maitai Valley and the cost of maintaining a contaminated landfill in perpetuity, had not been assessed in economic terms, but were likely to be significantly negative. The economic impact assessment acknowledged that these effects may result in economic impacts, but they have not been addressed.⁹⁹
- 348 The Associate Minister of Transport considered that the Application would support the Government's priorities for housing, infrastructure and economic growth. It presented a significant opportunity to unlock development and economic growth, to benefit the portfolios for which they have Ministerial responsibility and New Zealand overall.

Applicant's response to comments

- 349 The Applicant responded by clarifying that the economic assessment did not identify the 'main' economic benefit being employment. However, it considered that generation of 2,700 job years to a region that experienced an employment fall in the March 2025 quarter is significant, particularly in relation to a total construction sector of some 6,000 jobs. The economic benefits of this Application manifests in positive economic impacts through improving housing market and land use efficiencies, catalytic impacts on development in the Region (residential consents fell 2.8% last year), as well as improving overall affordability. The Applicant considered that context is important for economic effects and observed that \$340m GDP estimated for this Project represents a significant contribution to the Nelson Region in the context that over the last 3 years

⁹⁹ Economic Impact Assessment, Property Economics, February 2025, section 3.

(to March 2025) the regional economy grew \$196m.

- 350 In response to the comment that construction will take longer and reduce the economic benefit, the Applicant commissioned an updated economic impact assessment for a 9-year period which predicted a slightly reduced GDP from \$354m to \$342m and a reduction in approximately 37 employee years.
- 351 In terms of existing subdivisions, the Applicant noted that the potential for residential and non-residential development elsewhere does not necessarily dilute or alter the benefits of this Proposal.
- 352 With regards to dis-benefits, the Applicant explained that it would be double-counting to attribute economic impacts to environmental impacts.
- 353 Arvida responded to the comments around provisions of retirement accommodation. WEBSTER Research were engaged by Arvida in October 2021 to provide an overview of the primary demographic and economic factors within the Nelson and Richmond market.
- 354 No further comments were raised by any parties with regard to economic impacts via the s 70 process.

Panel Findings

- 355 The Panel is aware that the Independent Hearing Panel for PPC28 considered this issue previously and agreed with the expert witnesses for economics that the Project would result in substantial economic benefit to the region, including from the construction phase.¹⁰⁰
- 356 The Panel finds that these economic benefits qualify as significant regional benefits and will address this topic in more detail in Part G.

Noise and vibration

- 357 The Applicant proposed that Construction noise would be managed primarily through compliance with the NZS6803: 1999 Acoustics – Construction Noise.
- 358 The other source of noise arising from the development was the operational noise, which was likely to occur from usage of Koata House, particularly from the holding of events and functions there.
- 359 The Panel noted that the initial Application did not contain a specialist noise and vibration assessment, and sought further information by way of RFI 1 on noise and vibration effects on sensitive receivers. A report from Styles Group set out the upper noise limits in NZS6803 for construction noise received in residential zones and dwellings in rural areas.¹⁰¹ The noise levels from construction work were required to be assessed 1m from the façade of any occupied building and typically over a 15-to-60 minute period. The assessment set out noise limits that could be applied as project

¹⁰⁰ Recommendations from the Independent Hearing Panel following the hearing of PPC 28, 9 September 2022, paragraph 992.

¹⁰¹ Construction noise and vibration assessment, Styles Group, June 2025, pages 3-4.

noise standards and are an abbreviated form of the guideline noise limits in NZS6803:

Time period	Maximum noise levels	
	$L_{Aeq(15 \text{ min})}$	L_{AFmax}
7:30am- 6:00pm, Monday to Saturday	70 dB	85 dB
All other times and on Public Holidays	45 dB	75 dB

- 360 Styles Group considered that light civil works and construction of dwellings could still occur when the 45 dB noise limit applies, provided the work is well separated from the Ralphine Way Receivers by distance and / or topography.
- 361 In terms of vibration, the report recommended adopting a limit of 5mm/s PPV measured on the foundation of any receiving building (occupied or not). This will ensure that cosmetic damage to buildings will not occur. The vibration generating works that that may be perceptible to neighbours is limited to works generally within 50-100m of the receivers. The report observed that communication with properties close-by will go some way towards mitigating potential annoyance effects.
- 362 The nearest sensitive receivers to where earthworks are being undertaken are 14 Ralphine Way where the existing dwelling is located around 15m from the Site boundary, and 5 Ralphine Way where the existing dwelling is located around 12m from the Site boundary. Each of these properties is located around 50m and 17m respectively from the construction access road.¹⁰² The noise level predictions demonstrate that there are some construction activities that have the potential to exceed the Project Noise Standards if mitigation measures are not implemented. There was potential for the Project Noise Standards to be exceeded when works are within approximately 50-100m of the Ralphine Way Receivers. If the Application is to comply with the Project Noise Standards at all times, then all construction activity within 100m of the Ralphine Way receivers would need to be carefully managed. The Construction Noise and Vibration Management Plan (**CNVMP**) would be the main means of managing construction noise and vibration and ensuring the Project Noise Standards were not exceeded.
- 363 To minimise potential noise effects of heavy vehicles, Styles Group recommended that the CNVMP should include prescriptive requirements to preclude any heavy vehicles queuing or idling on Ralphine Way prior to 7:30am, and to ensure that heavy vehicles do not access the Site via Ralphine Way before 7:30am. Styles Group also recommended a condition requiring reduced hours of construction work for works after 1pm on Saturday that are within 100m of any occupied dwelling on Ralphine Way. This recommendation was designed to ensure that the Ralphine Way receivers were provided with respite from works that have the potential to generate higher construction noise levels (60-70dB L_{Aeq}) from 1pm on Saturday, with no works occurring on Sundays and Public Holidays.

¹⁰² Construction noise and vibration assessment, Styles Group, June 2025, pages 8.

Comments Received

- 364 Concerns about the generation of noise (both duration and scale) were raised by respondents Lynley Marshall, STM and Gary Scott. In summary, the concerns were that the scale of earthworks would result in the presence of a considerable number of trucks which will create noise, and that the natural topography of the valley acts as an amphitheatre for noise particularly for trucks in lower gears.
- 365 STM considered that the noise associated with construction of the Maitahi Village subdivision would in no way preserve or enhance the amenity of the lower Maitai Valley. On the contrary, the amenity would be irreversibly damaged, and would be contrary to RPS objective NA1.2. STM also expressed concern that the effect of construction noise on fauna in nearby SNAs has not been assessed, and neither has post-development noise. Consequently, STM sought inclusion of conditions to:
- a. limit construction noise to weekdays between 8 am and 4 pm;
 - b. specify an appropriate noise limit to protect amenity values; and
 - c. manage effects of noise on SNAs.
- 366 Concerns were expressed that construction noise effects on fauna in adjacent SNAs have not been addressed.

Applicant's response to comments

- 367 The Applicant referred to the recommended construction noise limits developed by Styles Group noting that these have been adopted in v2 of the proffered conditions. With regards to the concerns of STM around rock breaking, the Applicant confirmed that some rocks in Gully 11 (upslope of Pylon Track) may require fracturing or removing to prevent them rolling in a seismic event, and this may require excavators or a chemical fracturing process. Styles Group considered that the process is significantly different to traditional blasting and that the noise and vibration effects are likely to be very infrequent (probably only several events required), will easily comply with the relevant noise limits, and would likely be unnoticeable at any existing receiver given the significant separation distances. Styles Group opined that no specific conditions are necessary to manage the effects of the rock fracture or removal.
- 368 The Applicant acknowledged that the noise environment would change from rural to urban and this was anticipated by the rezoning in PPC28. Paragraph 881 of the Hearing Panel's Recommendation for PPC28 recorded:

We are satisfied that any noise effects generated from enabling this land to be urbanised will not be significant in the context of an urban environment.

- 369 The Applicant outlined the various conditions which would manage construction noise, including the timing, level and the requirement for construction work to be undertaken in accordance with a CNVMP.

Conditions

- 370 The key mechanism for managing noise generated by construction was the CNVMP which must be approved by Council prior to commencement of any activity involving site development works. The proffered conditions included the following:

- a. that construction vibration does not exceed 5mm/s PPV when measured within 500mm of ground level on the foundation or structure of any building on another site;
 - b. establishing noise limits for each day and time which must be complied with when measured 1m from the façade of any occupied dwelling or building on any other site;
 - c. setting permitted days and hours of construction, with specific restrictions applying to construction work within 100m of any occupied dwelling on Ralphine Way; and
 - d. heavy vehicle movements using the Ralphine Way access being limited to between 0730 and 1800 Monday to Friday and 0800 and 1700 on Saturdays.
- 371 With regard to operational noise levels from non-residential activities within the retirement village and Koata House, specific conditions based on the permitted noise limits of the NRMP were proposed.
- 372 Minimal changes were proposed by the Panel when the draft conditions were released under s 70 FTAA. Specific changes included the following:
- a. removal of the operational noise condition from the earthworks and vegetation removal set;
 - b. inclusion of CNVMP conditions on the comprehensive housing development (retirement village) set; and
 - c. inclusion of noise limits for any on-site generator associated with the wastewater pump station set.
- 373 The Panel noted that within the v2 conditions, operational noise conditions for non-residential activities are more appropriately placed on the land use consents for operational activities e.g. the café in the retirement village, Koata House and the wastewater pump station. However, construction noise related limits were more appropriately placed on construction relation condition sets, with the most applicable being the earthworks and vegetation removal set.
- 374 With this development the Panel considered that large scale construction activities would occur at different times under different consent. In particular, the retirement village development was projected to occur a number of years after the earthworks to create its lot have been completed. The Panel considered that specific CNVMP conditions should be in place on all applicable consents. This is particularly the case for the retirement village land use consent on the basis that this in itself is a very large complex and there may be other residential activities established within the wider subdivision by the time that construction occurs. Accordingly, consideration should be given to this activity in terms of potential construction noise and vibration impacts.
- 375 As part of the Applicant's comments, Styles Group provided a memorandum¹⁰³ in response to the s 70 process which recommended a number of changes to the noise

¹⁰³ Styles Group memorandum, 12 August 2025.

and vibration conditions. It noted that there were some inconsistencies in the conditions relating to hours of work, heavy vehicle movements and compliance with noise limits. Styles Group recommended modifications to the conditions that will enable vehicle access to the Site between 07:00 and 07:30am, where noise generated by heavy vehicles can comply with a construction noise limit of 55 dB L_{Aeq} and 75 dB L_{AFmax} when measured and assessed 1m from the façade of any occupied dwelling between 7.00am and 7.30am.

- 376 The construction noise limit applying between 07:00 and 07:30, Monday to Saturday is 15 dB below the permitted construction noise limit applying between 07:30 and 18:00, Monday to Saturday. The lower noise limit is designed to deliver a good level of protection to noise sensitive receivers for the early morning period, whilst allowing construction works to get underway at a low intensity. This also shortens the construction timeframe compared to limiting the start of all works to 30 mins later at 07.30am.
- 377 The modifications to the conditions as recommended by Styles Group were designed to deliver the following outcomes:
- a. require compliance with the construction noise limits during all timeframes for the proposed hours of construction work. The conditions preclude any construction work occurring before 07:00 and after 18:00 or on Sundays or Public Holidays. This is despite NZS6803 providing for works that start at 06.30am and finish at 8.00pm (on weekdays); and
 - b. ensure that the CNVMP prescribes the specific restrictions that must be implemented to ensure that noise generated by heavy vehicles on Ralphine Way complies with the relevant noise limits in NZS6803 (55 dB L_{Aeq} and 75 dB L_{AFmax}) between the hours of 07:00 and 07:30 (Monday to Saturday).
- 378 No further comments were raised by any other parties under s 70 that required more detailed discussion either in this section or Part K of this decision.

Panel Findings

- 379 The Panel noted that any issues arising from noise would be able to be addressed through suitable conditions. This mitigation would be achieved by the inclusion of a CNVMP. This would ensure that any adverse impacts, particularly in relation to neighbouring residents on Ralphine Way would be reduced, even during the temporary time periods when the noise issue would arise.
- 380 With respect to the impact of construction noise on birds and fauna in the nearby SNA (the nearest of which is 500m away and outside the project works area) the Panel considered that the combination of the CNVMP, the staging of construction areas, the absence of vegetation in the project works area and the setback to the SNA would mean that any effects would be less than minor.
- 381 The Panel therefore finds that any adverse impacts could be managed through the conditions to a level that is less than minor.

Landscape, visual amenity and natural character

- 382 The current environment of the Site is that of a working farm. It is therefore unavoidable that there will be a change in the landscape and character of the Site. The

question is whether the landscape and visual effects are appropriate and acceptable in the context of the proposed development. The landscape assessment which accompanied the Application took the approach of assuming an urban development in accordance with the zones currently applying to the Site. The assessment therefore focused on the visual and landscape effects where there is a non-compliance with the primary purpose of each zone or a non-compliance with any specific standards. The visual and landscape assessment has focused on the visual effects on the receiving environment and whether the landscape values attributed to this setting are retained or whether, if adversely affected, effects could be satisfactorily avoided, remedied, or mitigated.¹⁰⁴

383 The Panel considers this approach to be reasonable, particularly given the outcome of the PPC28 process as endorsed by the Environment Court and embodied in the NRMP and Schedule X. The Panel observes that the landscape effect of residential development was already assessed through PPC28 and determined by the Independent Hearing Panel to be appropriate.

384 The zoning of PPC28 anticipated that there would be an urban development with open space areas, planting native vegetation, the management of wastewater and undertaking stream work (earthworks and planting). This was said to enhance or maintain the landscape values of Kākā Stream, as well as the values of the Maitai River.

385 It was agreed through the expert conferencing for landscape matters in PPC28 that the landscape include Skyline Areas and the Maitai River and its margins as a significant feature/landscape.¹⁰⁵ The Maitahi and Bayview Private Plan Change Assessment outlined that development within these areas on the valley floor and hillslopes is not readily visible from most public places. The visual effects assessment accompanying the Application therefore focuses on the visibility and visual effects from the surrounding public places. Most of the residential development is located in its respective residential zones. However, due to some small variances between the subdivision layout and underlying zoning in the NRMP, there are a small number of proposed lots to which more than one zoning will apply. These include:

- Lot 100 – Part Residential Zone and part Open Space and Recreation Zone;
- Lot 101 – Part Residential Zone and part Open Space and Recreation Zone;
- Lot 140 – Part Residential Zone and part Open Space and Recreation Zone;
- Lot 180 – Part Residential Zone and part Open Space and Recreation Zone; and
- Lot 1003 – Part Suburban Commercial Zone and part Residential Zone.

386 The Landscape Assessment considered that the view of these would be blocked by dwellings, structures and vegetation and would not result in any visual effects.¹⁰⁶

387 The Panel records that the retirement village is located entirely within the Residential

¹⁰⁴ Landscape Assessment Report Maitahi Village, Rough Milne Mitchell, February 2025, section 5.2

¹⁰⁵ PPC28 JWS for landscape, 11 May 2022.

¹⁰⁶ Landscape Assessment Report Maitahi Village, Rough Milne Mitchell, February 2025, page 16.

Zone – Higher Density with only a small number of, primarily internalised, bulk and location standards that fail to comply with the NRMP. For this reason, the proposed landscape assessment considered it would not result in any adverse visual effects or reduce the visual amenity of the wider development when experienced from the surrounding public or private viewing points.¹⁰⁷

- 388 The water reservoir and 45m of its access track would be situated within the Rural Zone, on Kākā Hill's lower slopes, some 55m outside the Residential Zone. This location was relatively low down at RL123m, and with a dark recessive finish. The colour and the revegetation of native shrubs and trees would make it difficult to see and therefore would have a very low degree of adverse visual effects when seen from the surrounding public places.
- 389 Kākā Stream would sit within an approximately 50m wide open space area that would contain the realigned stream, numerous storm water basins, a network of cycling / walking trails, extensive areas of native vegetation along the steeper hillslopes and stream edge, and open grassed areas for active and passive recreation. The landscape assessment considered that the screening effect of the planting would positively contribute to the vegetated character of the Maitai Valley, retaining a more scenic outlook from this nearby area, and assist in visually separating this development from people recreating. Due to this, the enhancement of Kākā Stream and its surrounding environment was said to positively contribute to the amenity that people experienced from the surrounding public places.¹⁰⁸
- 390 In terms of landscape effects, the small encroachment of residential properties into the Open Space Recreation Zone, and some future dwellings on the toe of the Residential Green Overlay was considered to have a very low degree of effect on the landscape values of Kākā Valley, including the lower slopes of Kākā, Botanical and Malvern Hills.¹⁰⁹ Further to this, the landscape values of the Kākā Stream and its corridor were assessed as being positively enhanced.
- 391 The baseline development for the retirement village, as enabled by the zone, was a node of high-density residential development with commercial and open space development. The layout for this area could included a series of detached and attached housing typologies lining an irregular local roading network, with buildings up to two stories in height. By comparison, what is proposed is a comprehensive development with a variety of housing typologies. The landscape assessment posits that the quality of the architecture, and consistency of the landscaping throughout the village (and the connectedness and accessibility that the village would have with its surroundings) would have a positive outcome.

Comments Received

- 392 Comments from STM considered that the general rural landscape values of the Site and the specific landscape values of parts of the wider area were also not protected by the Application. In particular, STM claimed that the adverse impacts would arise through the development (earthworks, vegetation clearance and buildings) especially in backdrop and skyline areas. STM contended that the development did not achieve

¹⁰⁷ Landscape Assessment Report Arvida Maitahi Village, Rough Milne Mitchell, February 2025, section 5.2.

¹⁰⁸ Landscape Assessment Report Maitahi Village, Rough Milne Mitchell, section 5.2.2.

¹⁰⁹ Landscape Assessment Report Maitahi Village, Rough Milne Mitchell, section 5.3.1.

objectives DO15.1.3 or DO14.2 of the NRMP. STM also observed that the provisions in NA2 of the RPS relating to landscape were specific and directive with landscape values to be protected and development which detracted from landscape and amenity values afforded by gateways between urban and rural areas and different landscape units to be avoided. The Kākā Valley, and this point along Maitai Valley Road, was such a gateway.

- 393 The comments from NCC considered that the proposed development responded positively to key matters of Schedule X of the NRMP, including:
- a. X.4 and X.5: Managing development within the Backdrop and Skyline Areas to protect visual amenity and landscape character through design controls, planting requirements, and location-sensitive building regulation; and
 - b. X.6: Prohibiting buildings within the Kākā Hill Skyline and Backdrop areas, and within identified SNAs, to safeguard key landscape and ecological values.

394 NCC also stated that the Application achieved the provisions of Schedule X which sought to ensure development in the Kākā Valley and Bayview area produced high-quality environmental, landscape, and urban outcomes. NCC considered that the Application appropriately protected areas of landscape sensitivity.

Applicant's response to comments

395 In response to the comments from NCC, the Applicant confirmed that the Maitahi Village did not involve any development within the Backdrop or Skyline areas. These areas were subject to bespoke landscape controls are shown on the Structure Plan.

396 The Applicant responded to STM by noting that the operative underlying zoning enabled residential development. PPC28 addressed the topic of landscape changes and the Independent Hearing Panel made the following findings:¹¹⁰

The PPC 28 land within Kākā Valley will enhance the landscape values of Kākā Stream and maintain those associated with the Maitahi/Mahitahi River. The landscape values of Kākā Hill will be maintained and enhanced by retaining its Rural zoning, through future revegetation and the stringent rules relating to any development. The Open Space Recreation Zone and the Residential Zone - Lower Density (Backdrop) Area on Botanical Hill will maintain the landscape values of Botanical Hill. In relation to the Malvern Hills, native vegetation will be enhanced and the associative values increased.

397 In respect of the STM claims that the Proposal did not achieve DO15.1.3 and DO14.2, the Applicant drew attention to the decision of PPC28 which accepted that there would be an element of rural character lost, but that in and of itself was not necessarily adverse:¹¹¹

We accept that development of the PPC 28 site would inevitably result in a loss of some of its current rural character, and consequently some loss of rural outlook for those people residing adjacent to it, and for those viewing the site from adjacent roads and public places. However, it is our view, that provided the landscape values are maintained or enhanced, this change, in itself, is not adverse.

¹¹⁰ PPC28 Hearing Panel recommendation report, paragraph 14.

¹¹¹ PPC28 Hearing Panel recommendation report, paragraph 467.

- 398 The Panel, via RFI 6, sought further information on, and clarification of, the proposed use of conditions and consent notices to address the future use of five lots. These had a split of two different zones and the Applicant proposed that specific (singular) zone provisions apply to these lots e.g. the application of the Suburban Commercial Zone provisions across the Koata House lot despite a portion of this lot still continuing to partly overlay a residential zone.
- 399 Both NCC and the Applicant responded with comments and examples of situations where this approach has been used across the Tasman and Nelson region, including for developments with a far greater number of lots with misaligned zone boundaries. NCC helpfully referred to a number of legal precedents on this issue. The Applicant also provided amended wording for the applicable conditions to improve clarity and certainty in their intended application. These conditions and consent notices could be found in the draft Subdivision, Koata House and Open Space and Recreation condition sets released under s 70 FTAA.

Conditions

- 400 The provisions for landscape requirements are contained within the v2 condition set as part of various land use resource consents.
- 401 Minimal changes were made by the Panel when the draft conditions were released under s 70 FTAA. Specific changes included the following:
- a. Comprehensive Housing Development – increased referencing to landscape strategy and plans throughout the conditions e.g. fencing treatment plans;
 - b. Koata House – increased specificity on landscape requirements e.g. plantings, materials used, paving, seating, cycle parking as well as the requirement to confirm completion of all landscaping to NCC within a specified time period;
 - c. Water Reservoir and Wastewater Pump Station – a requirement that a landscape plan be provided to NCC for review prior to lodging a building consent as well as confirming completion of all landscaping to NCC within a specified time period; and
 - d. Subdivision, Koata House and Open Space and Recreation areas – Amendments to conditions and consent notices to reflect the text suggestions from the Applicant to provide greater zoning and rule certainty for the five lots with split zoning.
- 402 The Panel considered it is unnecessary to discuss the above specific changes (first three bullet points) in any detail, other than to observe that they sought to provide, with sufficient certainty and clarity, provisions that implement the approach to landscape design and amenity described above.
- 403 Following the detailed and constructive responses from both NCC and the Applicant, the Panel considered that the proposed approach to address this issue was suitably robust and sound. The Panel also noted that there would be further opportunities to address these small zone misalignments through future District Plan Review processes. No further comments were raised by any other parties through the s 70 process that required more detailed discussion either in this section or Part K of this decision.

Panel Findings

- 404 The Panel is satisfied that the Applicant has ensured to the greatest extent possible that the landscape features of this major development would create a desirable urban environment which all residents and those using the area could enjoy. This development would sit in a large valley setting surrounded on three sides by natural hillsides, including the Kākā Hill. On the lower edge sits the Maitai River into which the realigned Kākā Stream will flow. In a sense, these natural features provided the canvas on which the landscape features described above would be imprinted. It is evident to the Panel that these natural landscape features have led the overall design and layout in which the residential and other buildings would sit.
- 405 The Panel finds that any adverse impacts, in the context of the expectations of the underlying zoning and provisions of Schedule X, would be mitigated to an extent that is at the most, less than minor. As plantings and amenity are established and continue to grow they would further mitigate and enhance the Site, and these impacts would give way to positive impacts.

Open space and recreational values

- 406 The structure plan for Maitahi identified large areas for open space and recreation. The Open Space Recreation Zone follows the Kākā Stream, and also forms the western and southern edge of the structure plan area. A proposed neighbourhood reserve is located at the intersection of Road 1 and Road 3, immediately alongside the Kākā Stream. Additional land within the wider development is also to be vested as reserves, in accordance with the Maitahi Bayview Structure Plan. Relevantly, PPC28 anticipated the ecological enhancement of Kākā Stream as well as the creation of areas for informal recreation and a network of roads and walkway / cycleway links for transportation and leisure.
- 407 The realigned Kākā Stream and its numerous storm water basins will be accompanied by a network of cycling / walking trails, extensive areas of native vegetation along the steeper hillslopes and stream edge, and open grassed areas for active and passive recreation. Such open space areas will contribute positively to the amenity that people experienced from the surrounding public places.¹¹²
- 408 The landscape assessment goes further and considers that the landscape values of the Kākā Stream and its corridor will be positively enhanced through:
- a. enhancing the natural character of the in-stream ecology by lining the stream with native vegetation;
 - b. enhancing the natural character of the valley floor within the Open Space Zone by replacing the pasture grass with riparian vegetation alongside the stream and around the water retention basins, and swathes of indigenous shrubs and trees throughout the remainder of the 50m wide corridor;
 - c. creating a comprehensive network of public walking / cycling trails along the length of the stream, including up to four bridges over the stream, with the trail network connecting into the neighbouring residential networks, neighbouring

¹¹² Landscape Assessment Report Maitahi Village, Rough Milne Mitchell Landscape Architects, February 2025, section 5.2.3.

open spaces (Botanical Hill, Maitai Valley etc) and the wider trail network within Nelson; and

- d. creating multiple public open space areas for passive and active recreation including playgrounds, parks and seating areas.

409 A 2.2m wide designated pathway provides a direct pedestrian/cycle linkage between Areas A and B of the retirement village, that is completely separated from the road reserve. Five pathways provide strategic pedestrian/cycle access links between the village and Open Space Recreational Zone Associated with Kākā Stream and Botanical Hill. These pathways are strategically placed to provide all residents with as much direct access to these areas as possible.

Comments Received

410 Comments received from respondent Lynley Marshall outlined the range of recreation opportunities in the Maitai Valley and considered it to be an important recreation area close to the City Centre, that leads up into the mountains. It is a place for recreation daily, year-round use by people of all ages and for a wide variety of recreational activities. She expressed concern that the reserve area is currently a floodplain for the Maitai River and will be subject to future flood damage. She considered that the lay out of the proposed reserve area and paths must be done in such a way to deter users from thinking they can walk through this area alongside the river as it is private property.

411 She also noted that during times of peak use in the recreational areas of the lower Maitai Valley there is a shortage of parking. She considered that parking needs to remain on the side of the road for recreation users in the lower Maitai Valley using Brandford Park and the Maitai Cricket Ground and the three popular swimming holes. Waahi Taakaro Reserve / Sunday Hole has traffic parking on Maitai Valley Road and Ralphine Way in summer if the carpark becomes full.

412 Bayview Nelson Limited requested that, if there is a reduced reserve on the Maitahi side of the Kākā Stream within Lot 6000, it should not result in the need to increase the reserve width on the Bayview side.

413 The comments from the Minister for Seniors observed that the seating pictured in the landscape design report was not considered age friendly as lacks backs and arms.

414 NCC commented that the proposal responds positively to Schedule X.7. This provision required esplanade reserves along the Maitahi River and Kākā Stream to support ecological restoration and recreational connectivity, including the use of an approved indigenous planting palette.

Applicant's response to comments

415 The Applicant confirmed that the proposed reserve corridors provide continuous public access along the Kākā Stream, linking the esplanade and open space recreation zones identified in the Structure Plan and ensuring landscape and ecological connectivity between the Maitahi and future Bayview developments. A centrally located neighbourhood park provides open space and recreation opportunities for both the CCKV and Bayview communities.

- 416 The Applicant also reiterated that the changes proposed along Maitai Valley Road have already been considered and consented with effects found to be no more than minor while also noting that NCC, rather than the Applicant, will be required to manage recreational parking as part of its normal functions.
- 417 With regard to the future of Lot 6000, the Applicant confirmed that should this be subject to subdivision and development, this lot will be subject to a separate consent application at which time the provisions relating to Schedule X will apply, including consideration of the needs for reserves.
- 418 The reserve spaces and playground, along with other infrastructure in these areas will require detailed design in conjunction with NCC. This can include elements such as age appropriate/friendly seating, particularly given the context of the retirement village complex.

Conditions

- 419 The v2 condition set contained the primary conditions for land use relating to open space and recreation areas (set G). These conditions concerned the activity of establishing an open space, recreation corridor and neighbourhood reserve with integrated stormwater management and recreation features. In addition, the subdivision consent (set I) contained additional requirements regarding the timing and establishment of these areas as required by their respective stages of development.
- 420 The Panel has reviewed the various landscape design documents referred to by the Applicant and was satisfied that the development would proceed in general accordance with the information contained in these plans. Minimal changes needed to be made by the Panel when the draft conditions were released under s 70 FTAA.
- 421 The Panel considered it unnecessary to discuss the above specific changes in any detail other than to observe that they seek to provide appropriate certainty and clarity for the establishment of the open space and recreation corridor and associated reserves. For example, the conditions include references to specific landscape design documents.
- 422 No further s 70 comments were raised by any other parties that required more detailed discussion, either in this section or Part K of this decision.

Panel Findings

- 423 The Panel finds that the design and location of the reserves will contribute significantly and positively to open space and recreation values by providing additional recreational opportunities within the Maitai Valley catchment. In particular, there will be linkages to the recreational pathways in the adjoining NCC reserves.

Ecology

- 424 The terrestrial and freshwater receiving environments are the primary two environments where ecological effects require detailed consideration.
- 425 In order to understand the potential ecological effects, the Panel considers it is important to first understand the current ecological environment of the Site. An Ecological Impact Assessment, prepared by Robertson Environmental was lodged with the Application. This assessment described the current environment of Kākā Stream and other tributaries, along with the adjacent lowland and hillslope areas which had

been highly modified and were of limited ecological value. No significant or indigenous habitat types were known to occur within the Project Area. The Site and its zone of influence is said to be predominantly (77.15%) pasture with occasional rushes, shrubs and trees.¹¹³ While the Upper Kākā Hill Tributary was vegetated with a mix of native and exotic shrubland, the lower reaches are characterised by rank pasture and boggy lowlands. Water quality in the stream is compromised with high levels of *E. coli*, nitrogen-nitrate levels and suspended solids. Four species were present, with one of those being inanga which have a conservation status of At Risk (Declining). Two degraded natural inland wetlands are located within the Site, although they lack any notable riparian vegetation. No SNAs are located within the Site, although SNA 166 is identified as being located approximately 500m away. The current Site environment was deemed unsuitable for long-tailed bats and bird diversity is low. A targeted lizard survey indicated that the northern grass skink (not threatened) is likely to be the only lizard species present.

Freshwater ecology

- 426 There are a number of proposed works that will result in positive ecological effects for freshwater ecology, such as:
- a. naturalised channel and substratum heterogeneity via channel reshaping and substrata addition using natural materials and 'alternatives' that provide further ecological benefit (e.g. improve bank stability through planting);
 - b. increased quantity and quality of in-stream riparian habitat available to aquatic (and riparian) flora and fauna;
 - c. enhanced riparian margins with the removal of stock access will improve and maintain connectivity and provide stream shade, and improve biodiversity;
 - d. improved fish passage along the length of the Kākā Stream; and
 - e. improving the functioning of the two natural inland wetlands and enhancing biodiversity.
- 427 The construction phase has the potential to cause temporary effects through loss of in-stream habitat, mortality of species and increased presence of suspended sediment. The proposed realignment of the Kākā Stream will also result in temporary habitat and streambed disturbance. There are a number of mitigation methods proposed to reduce any effects such as timing the streambed works to avoid critical fish migration and spawning periods, and establishing the new channel completely 'offline' before diverting flows.
- 428 The temporary loss of permanent and intermittent stream habitat will result due to the realignment of approximately 1,410 m² of the Kākā Stream channel. This is a more than moderate effect and therefore is to be offset by the creation, restoration, and enhancement of approximately 2,085 m² of new channel along the base of Botanical Hill. The ecological function and habitat diversity will be improved through increased sinuosity (curves and bends), instream habitat complexity and enhancement planting along the stream banks. Rule X.15 requires a detailed Ecological Restoration Plan (**ERP**) which is a comprehensive plan detailing ecological mitigation and enhancement

¹¹³ Ecological Impact Assessment, Robertson Enviro, page 20.

measures to restore and improve biodiversity within the Project Area. Within the ERP, an Offset Stream Restoration Plan is to be developed to outline the types and quantities of offsets, locations, and management interventions required to ensure, at a minimum, no net loss or preferably a net gain in freshwater biodiversity outcomes. The residual adverse effects on streams are assessed as being moderate, but the implementation of the ERP and Offset Stream Restoration Plan will adequately mitigate those.

- 429 Potential hydrological impacts on one of the two small wetlands which may lead to loss of wetland extent and values is classified as a moderate effect. To address this, a Wetland Hydrology Assessment for the subject wetlands is required as a condition of consent. Mitigation measures include native wetland plantings within a 10-20 m buffer, using species that promote hydrological retention and improve habitat complexity. Erosion control measures will be implemented to prevent sedimentation and nutrient loading from upslope land use. Implementation of these measures and the Wetland Hydrology Assessment will identify measures to protect and maintain existing hydrological inputs and minimise alterations from earthworks. These will ensure that the effects on wetlands are low.
- 430 The ultimate downstream receiving environment (Maitahi/Maitai River and Whakatū/Nelson Haven) will be unaffected, provided the volunteered conditions regarding adequate stormwater and erosion and sediment control measures are effectively implemented.

Terrestrial ecology

- 431 The adverse effects on terrestrial ecological features have been assessed by Robertson Environmental as being able to be reduced to low to very low. The implementation of mitigation measures will reflect the Site's modified nature and keep disturbance levels to a minimum. This includes retaining a high level of taller native shrubs and trees including kanuka. The retained native vegetation will continue to provide habitat for birds. Habitat creation and restoration (e.g. through native planting and stabilisation) will enhance ecological value, thereby increasing biodiversity.¹¹⁴
- 432 Ecological management proposed during construction includes:
- a. a Native Fish Salvage and Management Plan;
 - b. an Erosion and Sediment Control Plan;
 - c. a Lizard management Plan;
 - d. considerations of timing and staging of works;
 - e. stream offset works; and
 - f. riparian and amenity planting.
- 433 The Application points to various opportunities for significant ecological gain through the revegetation of Kākā Stream margins (and associated enhancement of aquatic habitat) and the replanting of indigenous vegetation. Accordingly, the ecological

¹¹⁴ Ecological Impact Assessment, Robertson Enviro, section 5.2.3.

assessment anticipates the overall ecological effect as being very low, with a positive net gain expected over a 5-10 year period.

- 434 The Panel acknowledges that the Wildlife Act 1953 must be complied with. As a result, management measures must still be implemented to ensure that any activities do not injure or kill native wildlife. Those measures include:¹¹⁵
- a. a Lizard Management Plan to outline measures to ensure native lizards are identified and protected; and
 - b. seasonal constraints for vegetation clearance activities across the higher quality native dominant areas to reduce impacts on birds, particularly outside the peak breeding season.

Cumulative effects

- 435 The Ecological Impact Assessment considered that the buffering effect of terrestrial and freshwater habitat protection, restoration and enhancement is expected to improve ecological values both within the Site and in adjacent areas. The Application also stated that this Project provided an opportunity to reverse historical impacts caused by land conversion to agriculture, thereby addressing the combination of associated cumulative effects in the long term. Consequently, cumulative adverse effects are not anticipated.¹¹⁶

Comments Received

- 436 The D-GC raised a number of concerns, including:
- a. a lack of information on freshwater values;
 - b. a lack of baseline monitoring of freshwater fauna;
 - c. no Wildlife Act approval to capture, handle and relocate lizards;
 - d. no complex freshwater fisheries approval associated with work to divert the Kākā Stream has been sought;
 - e. the need for tightening of the consent conditions;
 - f. the desirability of having further baseline information to ensure there would be a net gain of indigenous biodiversity as without this information a precautionary approach should be applied;
 - g. the need for a certification process for every management plan;
 - h. there was a disjunct between the ecological impact assessment and conditions which states there will be several management plans developed, yet these have not been carried through into conditions; and

¹¹⁵ Ecological Impact Assessment, Robertson Enviro, section 6.3.

¹¹⁶ Ecological Impact Assessment, Robertson Enviro, section 7.

- i. the conditions relating to a Lizard Management Plan should include a requirement for an accidental discovery protocol in case Threatened or At-Risk – Declining species are discovered within the Site.
- 437 Forest and Bird commented on the need for conditions that ensure that there will be a net gain as claimed. Forest and Bird sought inclusion of a management plan for birds and sought amendments to conditions to require a process for, and enhanced content of, management plans. Forest and Bird also expressed concern that effects on nearby SNAs had not been fully addressed, including construction noise.
- 438 Forest and Bird further considered that the commitment to a Wetland Hydrology Assessment for Wetland 1 is critical, and hence this assessment must occur before final design of adjacent earthworks, and any recommendations must be binding to prevent adverse hydrological changes. There should be a minimum 10m riparian buffer between treatment devices and the stream to protect their ecological and functional integrity.
- 439 STM recognised that the development involves planting and other benefits but considered the impact on birds and other ecological features has not been adequately addressed. STM referenced SNAs 166, 79 and 78 and how the effects of human and cat disturbance will be avoided in lieu of an EMP. STM also raised concerns regarding the potential impact on threatened fish species and the downstream Nelson Haven environment, for example longfin eel, torrent fish, inanga, lamprey, blue gill bully and red fin bully.
- 440 Due to the proposed reclamation of a portion of Kākā Stream, STM raised the regulatory tests of the NES-Freshwater, in particular, regulation 57(2) which states:
- 2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—
 - (a) satisfied itself that there is a functional need for the reclamation of the river bed in that location; and
 - (b) applied the effects management hierarchy.
- 441 Comments from respondent Gary Scott noted that earthworks will occur within proximity of the flood plain at the lower extent of the valley and these will change the ecology that currently absorbs water and captures silt deposits during severe rain. Respondents Megan Lewis and Timothy Williams also expressed concern that there would not be sufficiently high standards of ecological protection.

Applicant response to comments

- 442 With regard to the adequacy of information on freshwater and terrestrial values, the Applicant responded that the required information on freshwater ecological values has been provided to support a robust assessment of effects. The Ecological Impact Assessment included detailed field survey data, SEV assessments, and ecological significance evaluations in accordance with accepted good practice. The Applicant considered that the conclusions of the Ecological Impact Assessment are based on a thorough technical assessment using recognised methodologies and supported by enforceable conditions to ensure ecological outcomes are achieved.
- 443 As part of its response to freshwater ecology matters, the Applicant has provided a Stream Mitigation Assessment (**SMA**) prepared by Robertson Environmental Limited

(July 2025). The SMA supplements the Ecological Impact Assessment and provides further assessment of, and detail on, the proposed Kākā Stream tributaries and reclamation aspect, as well as the mitigation package designed to achieve no net loss of stream ecological value and function. The SMA contains supporting Environmental Compensation Ratio information and how these compare against the offsets proposed. The conclusions of this assessment state that with the proposed safeguards in place e.g. performance targets, monitoring and reporting, and adaptive measures, the proposed stream offsetting is well positioned to remediate the past impacts, future proof habitat quality, and deliver enduring ecological benefits across the wider Kākā Hill Tributary catchment.

- 444 With regard to terrestrial ecology, particularly birdlife and SNAs, the Applicant has agreed with STM that restoration measures must ensure robust ecological outcomes for both on-site and adjacent values. The Applicant considers that the v2 condition set directly addressed these matters with specific objectives for the ERP that require “achieving no net loss of indigenous biodiversity values” and “re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District”. Vegetation clearance outside bird nesting season, as well as ongoing pest and weed management is also required.
- 445 To comply with the Wildlife Act 1953, the Applicant confirmed that approvals would be applied for as required separate to the FTAA process. The Applicant confirmed its position that the Project does not involve a Complex Freshwater Fisheries Activity. This issue is addressed in Part J below.
- 446 In relation to the comments from Forest and Bird, the Applicant contended that a net gain is assured through the following conditions:
- a. clear ecological objectives being set (clause a), including ecosystem resilience, biodiversity enhancement, and ecological process restoration;
 - b. measurable, performance standards being defined (clause b), such as survival rates, canopy closure, and habitat-specific targets;
 - c. site-specific planting plans and eco-sourcing being required (clause d), appropriate to the Bryant Ecological District;
 - d. a structured monitoring and adaptive management framework is established (clause h), with defined indicators and triggers for remedial action; and
 - e. the existence of legal protection and long-term management.
- 447 The Applicant agreed that a Wetland Hydrology Assessment for Wetland 1 is critical and it will be undertaken prior to final design of adjacent earthworks, with implementation of its recommendations secured via conditions. The placement of the wetlands will generally achieve the 10m buffer (as per NRMP RE6.3 (M)) from the realigned Kākā Stream low flow channel but the exact placement will be determined during detailed design.
- 448 With regard to the functional need test raised by STM, the Applicant referred to the structure planning process that was undertaken as part of PPC28 which identified the lower section of Kākā Stream as being highly modified and that its realignment back to the western side of the valley floor would provide the most restorative gain in terms of

achieving the relevant provisions of the NPS-FM. While contending that the applicability of NES-F under the FTAA framework is not strictly required, the Applicant considered that the proposed realignment could only occur in the proposed location to achieve the maximum ecological and cultural yields.

- 449 The balance of responses made by the Applicant to the comments in opposition are addressed by enhancements to the condition sets, across a range of activities. These are discussed further below.

Conditions

- 450 The Applicant has made a number of changes to the v2 set of proffered conditions in response to the issues raised in the comments, including the Ecological Restoration Plan which now requires explicit ecological objectives, performance standards, monitoring, and adaptive management for all terrestrial, riparian, stream, and wetland restoration areas, including the 120 ha Kākā Hill site. The Stream Restoration Plan requires detailed SEV-based confirmation of offset adequacy, alongside five-year performance standards and triggers for remedial action. A Fish Salvage and Relocation Plan is also required. The Wetland Restoration Plan requires hydrological management measures to protect or reinstate natural wetland water regimes to achieve a no net loss, or net gain, in wetland extent or ecological value. The Lizard Management Plan includes pre-clearance surveys, active translocation, and a Protocol for the accidental discovery of Threatened or At-Risk–Declining species. The v2 conditions setting out the process for management plans were amended to ensure they are approved, by NCC prior to relevant works commencing.
- 451 The Panel is satisfied that the conditions discussed above appropriately address many of the concerns raised by the respondents.
- 452 The Panel however noted some areas where enhancements would be appropriate to the v2 set of conditions and included changes to achieve this outcome in its draft conditions for the purposes of s 70 of the FTAA. These included the following:
- a. a requirement for each of the Ecological Restoration Plan, Stream Remediation Plan, and Wetland Restoration Plan to be prepared by a SQEP and peer reviewed by an independent SQEP with relevant expertise. These reports must then be submitted to NCC for review prior to commencement of works; and
 - b. a requirement for the Lizard Management Plan to include a communication procedure to report any findings to NCC, including any GIS data, and the results of any species captured and relocated; and
 - c. the application of Ecological conditions across all consent sets of direct relevance including earthworks and vegetation clearance, bed disturbance and reclamation activities, and temporary damming and diversion activities.
- 453 The Panel was satisfied that the use of management plans for detailed design and implementation matters is common practice, particularly for large and complex sites with many variables. However, due to the high degree of reliance placed on the above listed management plans and the importance of these to deliver robustly on their respective objectives, the Panel considered that each of these should be both prepared and independently reviewed by a SQEP, prior to submission to NCC.

- 454 Following the comments from NCC, the Panel also made a number of minor amendments, primarily for clarification purposes and to ensure that there would be appropriate lines of communication and reporting maintained between the Applicant and NCC.
- 455 With regard to the impact on adjoining SNAs, the Applicant confirmed that it had addressed this concern in the v2 conditions. As mentioned earlier in this decision, while there were many mitigation considerations and conditions proposed with regard to ecology, there were no specific conditions that addressed potential lighting impacts from street and reserve lighting on adjoining SNAs. The Panel therefore included provision within the conditions (subdivision and comprehensive housing development sets) to address these specific issues accordingly.
- 456 Comments from a number of parties were received through the s 70 process on the conditions associated with ecology. The Applicant suggested the inclusion of a requirement for plants to be eco sourced and that drought tolerant species be used for the planting around the pump station. Both DG-C and STM considered that the effects near an SNA must reflect Policy 3.10 NPS-IB with STM requesting a specific amendment to Condition Set B (Earthworks and Vegetation Clearance) to include an additional objective for the ERP to avoid any reduction in the population size or occupancy of threatened or at risk (declining) species that use adjacent SNAs.
- 457 STM also considered that the conditions regarding vegetation clearance or earthworks within 100m of wetland 1 were unlawful. STM commented that whether the activities will result in complete or partial drainage and whether the mitigation is appropriate/adequate, are matters that should be determined as part of this application and not deferred to a discretionary assessment by a SQEP after consent has been granted. STM also sought additional consideration of significant adverse effects on aquatic life to more fully reflect s 107 of the RMA.
- 458 Feedback from the DG-C noted that a minimum of 10 m buffer is adequate to reduce nutrient and other contaminant inputs for slopes that are under 10°. For steeper slopes, it was suggested 20 m be used instead for best practice and outcomes. The feedback also sought inclusion of in-stream habitat indices, a new condition avoiding instream works during spawning times for the native fish species present in the stream and that culvert design follows the New Zealand Fish Passage Guidelines.
- 459 In its response to the comments received through the s 70 process, the Applicant accepted some matters such as the reference to effects on aquatic life, and disagreed with others. The Applicant considered that the intent of these comments is already addressed through the performance standards within the ERP condition. Further discussion and assessment on specific conditions and topics including wetland hydrology function, stream restoration plan, impacts on SNAs, wetland restoration plan, fish passage and culvert design, are provided in Part K.

Panel Findings

- 460 The Panel is satisfied that the ecological assessment properly and thoroughly considered the overall nature and scope of the potential effects for the whole Application, both direct and indirect. The Panel finds that the effects are likely to be low to moderate. With the volunteered integration of impact mitigation and development (during detailed design) and implementation of appropriate ecological restoration and enhancement of terrestrial, in-stream, wetland and riparian habitats,

the Panel is satisfied that there will be no net loss and more likely, substantial net gain outcomes for local ecology in the medium to long term.

- 461 In response to the comments received, the Panel finds that the manner in which the Applicant has tightened up the conditions is appropriate and responsive to the concerns raised. The resulting enhancements will be clearly established in the relevant management plans, with the objectives of each clearly articulated and a process for certifying them included. Notwithstanding the short term adverse effects on ecology as a result of realigning the Kākā Stream, the Panel is satisfied that there will be a net ecological benefit over time as the revegetated areas become established.
- 462 For completeness, the Panel also finds that, if applied, the requirements of Regulation 57(2) of the NES-F will be met because, first, there is a clear functional need to realign the lower portion of Kākā Stream to meet the applicable planning framework established under PPC28. The structure plan in PPC28 showed the stream realigned to a course consistent with that proposed in the Application. While this new alignment brings Kaka Stream within approximately 15m of the point where there is currently the highest level of contamination, remediation and validation will be required before flows through the new stream alignment can occur. Secondly, it is supported by iwi as it will restore the mauri of the stream by aligning it closer to its original course and improving its ecological health with regard to flows and habitat. The Panel also finds that, if applied, the effects management hierarchy (as defined and set out in section 3.21 of the NPS-FM), can also be considered to have been addressed, particularly where aquatic offsetting is to be provided.

Air quality

- 463 There are two aspects to air quality associated with this proposed development. These are smoke from solid fuel burners that may be established in the subdivision and dust generated through the construction phase earthworks.
- 464 The Applicant does not support use of solid fuel burning and has volunteered the prohibition of solid fuel burning appliances on the basis that a consent notice would be included on all future titles.
- 465 Dust is often an inevitable outcome of earthworks with the effects being a nuisance to site workers and nearby residents from airborne dust. Deposition of dust to surrounding terrestrial and aquatic habitats can also contribute to sediment loads. To minimise potential dust nuisance, the Applicant proposes the following approach:¹¹⁷
- a. earthworks will be staged (as far as practicable) so as to minimise the length of time that areas are exposed to drying;
 - b. the route and speed of vehicles working on the Site will be controlled appropriately; and
 - c. surface layers of exposed soil will be dampened (with water) to minimise dust generation.
- 466 If the above measures to control dust prove to be inadequate (due to high winds etc), works will be ceased until conditions are favourable. The Panel requested by way of

¹¹⁷ Erosion and Sediment Control Assessment Report, Southern Skies, January 2025, section 4.3.9.

RFI 1 information on the ability to comply with the Nelson Air Quality Plan (**NAQP**) in terms of any potential discharge to air (dust) associated with the construction earthworks at the nearest sensitive receivers. The Applicant responded that the Construction Management Plan and Erosion and Sediment Control Plans are the key mechanisms for managing dust and that the NAQP only triggers the need for resource consent approval if the dust effects are offensive or objectionable beyond the boundary of the Site.

- 467 The Panel also inquired what level of compliance there is with the NAQP and any potential discharge to air (odour) associated with the wastewater pumpstation at the nearest sensitive receivers including those within the development such as the Arvida complex. The Applicant responded that the proposed pump station will include a proprietary odour unit to ensure the activity does not discharge offensive or objectionable odour and therefore does not require a discharge consent under the NAQP.

Comments Received

- 468 Both respondents Lynley Marshall and Gary Scott expressed concern at the potential for dust which is a health concern for neighbouring properties. Lynley Marshall also stated her support for the imposition of covenants to prevent fires for heating and to ensure clean air.

Applicant's response to comments

- 469 The Applicant responded by explaining that dust mitigation measures will be employed during the earthworks phase to prevent off-site dust migration. Section 4.3.9 of the ESCAR provides details regarding the management of dust, which includes (but is not limited to), weather and dust monitoring, limiting the amount of exposed/bare soil and time which it is exposed, and restricting vehicle speeds within the works area. A water cart will also be made available to dampen surfaces and prevent dust from migrating beyond the Site boundary.
- 470 Mitigation measures will also be used to prevent the tracking of silt onto the public roads. These include aggregate haul roads, washing of wheels, rumble strips or a combination of these. By adopting these mitigation measures, the Applicant considers that environmental effects from dust will be no more than minor.

Conditions

- 471 The Applicant has provided a number of conditions in the v2 set to respond to air quality consents. First, SSESCPs are required to be developed under each of the comprehensive housing development, earthworks and vegetation removal, landfill, riverbed disturbance, and damming and diversion consents. These SSESCPs are a key means for providing for the management of construction related dust and require the following:
- a. identification of potential dust sources on the Site;
 - b. methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
 - c. monitoring procedures, including daily site inspections and weather condition

assessments;

- d. response procedures for dust complaints or exceedances; and
 - e. identification of a site representative responsible for implementing the dust management plan.
- 472 As the earthworks and vegetation removal condition set deals with the most extensive construction earthworks associated with the proposed development, this also contains additional specific Dust Management conditions. These require the avoidance of visible dust beyond the boundaries of the Site and that no visible dust be discharged beyond the boundary that causes an offensive or objectionable effect. Weather forecasts must also be monitored and additional dust suppression measures implemented in dry and/or windy conditions. These measures can include the additional application of watering or temporarily suspending earthworks if the dust cannot be adequately suppressed. A complaints register for dust-related complaints must also be held.
- 473 A Traffic Management Plan condition also requires identification of measures to prevent dust and sediment being carried from the Site onto the public road network.
- 474 In the event of any unanticipated dust, erosion or sediment effects occurring beyond the boundaries of the Site, all earthworks will cease until the breach has been remedied to the satisfaction of the NCC Monitoring Officer. Earthworks are required to be staged to minimise the area of land exposed at any time. If works stops for longer than 14 days, the area must be stabilised or covered to prevent dust. These same conditions apply when earthworks are completed.
- 475 With regard to potential discharges to air from solid fuel burners, the subdivision condition set contains requirements for consent notices that will be registered on each title. Such notices will not permit the discharge to air from any small-scale solid fuel burning appliance (including any small scale ultra-low emission or pellet burning appliance) installed within a building.
- 476 The wastewater pump station condition set has also required a comprehensive condition in relation to the submission of detailed design plans prior to lodgement of any building consent application. These detailed design plans must address a number of matters, including details on odour treatment to ensure it will not result in any offensive or objectionable odours beyond the boundary of the Site.
- 477 The Panel is satisfied that the conditions proffered by the Application in the v2 set are appropriate to meet the key concerns expressed by respondents. The Panel has not made any material change to any the relevant conditions proffered by the Applicant regarding air quality. Some minor enhancements were included in the in the s 70 draft conditions set which are provided for clarification and completeness.
- 478 No further s 70 comments were raised by any other parties that required more detailed discussion either in this section or Part K of this decision.

Panel Findings

- 479 The Panel finds that any adverse impacts associated with air quality will be satisfactorily met with the detailed final conditions and will be managed to a level that is less than minor.

Flooding and Erosion

480 Arising from the proposed activities associated with the development on the Site, there are four primary issues regarding flooding and erosion:

- a. risk to the structures to be built and the people who will reside there resulting from this development;
- b. the loss of flood storage (for the Maitai River) in the lower floodplain of the Kākā Stream where land is to be filled to enable the Arvida Village to be constructed above predicted flood levels, with the corresponding risk of increased flood levels for the Maitai River both upstream and downstream of the Site;
- c. the potential for additional stormwater runoff being discharged off the site during and post construction potentially increasing the flood level downstream of the site in the Maitai River; and
- d. erosion of the Maitai River bank within the Site boundary.

481 The Panel has noted the various references to flooding in the Geotechnical Assessment Report. The topic is dealt with in some detail in Section 3.1 dealing with proposed earthworks, and section 6.2.1.2 dealing with the Kākā Lower Reach earthworks and building foundations. In the latter reference it provides:

earthworks to create building platforms in this area will include placing typically up to 4.5 m of fill to build up the area above flood levels. Localised cuts up to a maximum 2.0 m depth are proposed on the eastern part of the area where land levels are higher.

482 For ease of reference, the Panel refers to the earthworks cut and fill staging diagram included at **Figure 3** above. The areas shaded green indicate proposed filling of between 1 m to 5 m in depth.

483 The Applicant has provided a detailed stormwater assessment with associated flood modelling. This includes assessment of anticipated peak flows before, during construction and post development scenarios.

484 The development includes mitigation measures to provide improved attenuation of stormwater flows post development. These measures include:

- a. the revegetation of 50% of the catchment from existing pasture and scrub to native vegetation within the Site;
- b. a holistic whole-of-catchment water sensitive design approach which includes:
 - i. retention tanks on individual lots which will collect runoff from roof surfaces in rain tanks and provide for the re-use of this water for toilet flushing. Retention tanks are planned for those lots where space allows (medium and low-density areas); and
 - ii. infiltration of stormwater into the ground during smaller rain events. Infiltration is planned in three proposed new soakage basins that would sit behind the western and central treatment wetlands. Treated flows from the wetlands will overflow into the soakage basins before

infiltrating to ground until the soil is fully saturated or the maximum infiltration rate is exceeded. In these instances, treated flow will then overflow into the Kākā Stream.

- 485 The Applicant has undertaken modelling of flooding for the Matai River to determine the effects of the development. This has utilised the NCC Maitahi/Mahitahi River flood model (DHI Mike model MaiBkYk_202103_v089) to assess the combined effects of both the changes in flow and the proposed filling within the lower Kākā Valley.
- 486 The 2130 SSP5-8.5M 1% Annual Exceedance Probability (AEP) and Present Day 6-hour events, inclusive of climate change considerations, were modelled for the proposed earthworks scenario, and results compared to the pre-development scenario. The 6-hour storm was used for assessment rather than the 12-hour storm, as it was shown to be critical for the Kākā Catchment and below peak for the Maitai Catchment, giving the largest overall difference.
- 487 The modelling completed included the future landform which the Applicant advised was developed iteratively to ensure that the offsite flood effects are not exacerbated as a result of the filled platform. The modelled scenario includes the flow increases in the Kākā Catchment from the Site development.
- 488 The Applicant has taken a conservative approach when modelling future scenarios in respect of which the following factors have been assumed:
- a. revegetation of 50% of the catchment from the existing pasture and scrub to native vegetation in the upper catchment as not being established, noting it will take a period of years for this vegetation to be sufficiently established, including under-storey vegetation for any benefits to be realised;
 - b. no attenuation from retention tanks. In larger storms, modelled as the 1% (AEP) 6-hour event, retention tanks are likely to fill to capacity early within a storm event and thus provide little to no attenuation during larger events; and
 - c. no infiltration from attenuation ponds and wetlands. In the larger storms it is likely that ground will be saturated early within a storm event limiting the potential for stormwater attenuation.

Additional stormwater discharged from the Site.

- 489 Modelling by the Applicant of the Kākā Catchment indicated an increased peak flow from the present day 6-hour 1% AEP flow of 0.2 m³/s (no vegetation establishment) and a change on flow in the 2130 SSP5-8.5m 6-hour 1% AEP flow of 0.1 m³/s (partial vegetation establishment), with a minor peak flow reduction when modelled assuming fully established vegetation.

Flooding impact from the loss of storage, and additional stormwater discharge

- 490 Modelling of the Maitai River by the Applicant, including the proposed landform, assumed the more conservative increase of 0.2 m³/s. This has shown that increases in flood depths caused by the development are local and substantially contained within the CCKV boundary.
- 491 The modelled off-site effects for increases in flood depth arising from the development indicate less than 0.05 m. This is within the accuracy of the model.

Erosion of the Maitai River bank within the Site boundary

492 The Panel observed during its site visit that the Maitai River has eroded on part of the true right bank, at the river bend adjacent to the boundary of 5 Ralphine Way and the Site. The river continues to erode into an area of the Site identified as 'Local Purpose Reserve to vest in NCC' which includes the eastern stormwater attenuation ponds.

493 In respect of the riverbank, the Applicant has not included any erosion protection measures. The Panel issued RFI 2 to obtain the NCC's understanding of the erosion issue, whether there were planned mitigation measures and who would be responsible for any implementation. NCC responded by letter dated 17 June 2025 in summary as follows:

Council will assume ownership and ongoing management responsibility for the area shown as "Local Purpose Reserve to vest in NCC," including any future erosion protection measures.

Council has commissioned an Options Report addressing scour protection in this location exists(sic) and this is under internal review.

Council is not yet in a position to confirm a preferred option for intervention or timing thereof.

Comments Received

494 The comments received on this topic were primarily from those parties with an interest in the Maitai River or residents living on or in the proximity of Ralphine Way.¹¹⁸

495 One of the key concerns expressed by respondents was the inappropriateness of allowing subdivision at a location with recurring flooding at the Maitai Valley Road/Ralphine Way intersection. The concerns raised related to the potential for the proposed Site to be cut off for access, including for emergency services. The other issue raised related to the proposed landform that will fill part of the floodplain in the lower Kākā catchment, exacerbating potential flooding issues and levels.

496 In its comments, NCC¹¹⁹ confirmed that the flooding assessment was carried out on a "worst case scenario" basis and there was no reliance on the establishment of the vegetation to mitigate the increased run off from the Site. It will, as regulator, ensure that revegetation of the wider catchment would be staged so that the right level of mitigation is in place for any newly created impervious surfaces for each stage. NCC considered that all these matters can appropriately be addressed via conditions of consent.

Applicant's response to comments

497 The Applicant responded to various comments on this topic by commenting that the flooding effects had been assessed as part of the PPC28 process and also specifically in relation to this application for resource consent. The Applicant reiterated the results and conservatism of the flood modelling and that the Project will not exacerbate the existing situation. The Applicant stated that the NCC controls Maitai Valley Road which links the development Site to Nile Street. This area is known to be prone to flooding, as indicated by NCC's flood modelling for the Kākā / Maitahi River floodplain. During the level of flooding experienced in 2022, the Applicant noted that the situation was

¹¹⁸ E Morris, L Marshall, G Scott and C Harper, Save The Maitai

¹¹⁹ NCC RFI 2 Response Section 4.1 – NCC RFI 2 Response – Attachment A – Table of Feedback

managed under a state of emergency. The retirement village will have its own medical care including purpose-built facility, while ambulances are not expected to be coming to the facility most weeks as suggested by respondent Gary Scott. The Applicant further contended that the subdivision has been designed to provide for future road links to Walters Bluff and Bayview Road and that should there be any emergency situations, the Site will remain accessible by helicopter.

Conditions

- 498 As part of the v2 conditions set, the Applicant included specific conditions regarding the requirement for NCC to approve the detailed design of the subdivision. These included the on-site design of flood and stormwater management across each stage of development including, but not limited to, the following:
- a. impervious areas relative to the level of revegetation that will need to be planted in accordance with the ERP to achieve no increase in post development flow;
 - b. channel, swale, and wetland profile area details;
 - c. an assessment to confirm the extent of rainwater tank installation to achieve a 25% reduction in mean annual runoff volumes;
 - d. a critical storm assessment to determine the setting of building platforms; and
 - e. a requirement for secondary flow paths over residential allotments or vehicle crossings to be maintained.
- 499 Following receipt of the v2 condition set, relatively minor changes only were made by the Panel and released as the draft conditions under s 70 FTAA. These amendments and additions largely responded to comments received from NCC in response to RFI 5 from the Panel. These comments related to the details of some conditions in order to ensure that the timing and condition of flood and stormwater infrastructure when handed over to NCC was appropriate. Some amendments were also made to clarify matters such as any lowering of building platforms should not occur without a further flood assessment from a chartered professional engineer.
- 500 In response to the s 70 process, the Applicant suggested amendments to the stormwater and flood risk conditions in the subdivision set, including a blockage assessment for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow.
- 501 In its feedback, STM contended that it was unlawful to have a condition that required a review of the Esplanade Reserve Landscape Planting Plan by a suitably qualified flood or stormwater engineer to determine the extent and type of planting required to avoid adverse flooding effects on the wider environment or on any neighbouring properties.
- 502 In its response, the Applicant agreed with STM and therefore suggested alternative wording with the criteria referring to roughness requirements set out in the Stormwater Assessment Report.

Panel Findings

- 503 The design of earthworks and the resulting lifting of the ground levels will reduce risk to structures in the development or to people residing or visiting there from flooding. The overall risks from flooding are assessed as no more than minor. Flood modelling of all scenarios, even using the conservative scenario, resulted in a minor increase in peak flows, and no discernible increase in flood depths or extents downstream.
- 504 The assessment takes into account that the on-site stormwater management plans have been completed in accordance with NCC's NTLDM and Schedule X.13. This approach has been reviewed and agreed by NCC, subject to further review and agreement of detailed design as required by the conditions. The Panel is satisfied that the planned on-site flooding and stormwater management design and approach will meet the requirements of NCC's NTLDM.
- 505 The Panel is also mindful of the requirements of Schedule X.13 and finds that any off-site flood effects, as assessed and described by the Applicant assuming a 'worst case scenario', as reviewed and accepted by NCC, will be no more than minor.
- 506 The Panel notes that parts of the Site, identified on the plans as "*Local Purpose Reserve to vest in NCC*", will include relevant portions of the Maitai River on which erosion has been observed. The NCC has acknowledged and accepted that it will become responsible for any on-going maintenance, including the provision of any mitigation or protection works. The Panel is satisfied that NCC is aware of this issue, and is already progressing towards a plan for the ongoing management of this as evident by the Geomorphic Assessment and Reach Management Options Report commissioned by NCC and completed in 2024.

Summary of Effects on the Environment

- 507 Overall, the Panel finds that the adverse impacts, following the application of mitigations and conditions, will be less than minor in relation to infrastructure and servicing, transport, historic heritage, noise and vibration, landscape, visual amenity and natural character, and air quality.
- 508 In relation to the remediation of contaminated land, earthworks, reclamation and geotechnical, ecology, and flooding and erosion, the Panel finds that adverse impacts will be no more than minor.
- 509 The Panel finds that, once completed and/or established, remediation of contaminated land, landscape and visual amenity, and ecological improvements are ultimately expected to deliver positive effects.
- 510 The Panel also finds that there will be positive effects associated with cultural values, open space and recreational values, and economic impacts (discussed further under Part G below).

PART G: SIGNIFICANT REGIONAL OR NATIONAL BENEFITS

- 511 A principal issue in contention with this Project is whether the Applicant has established that this is a project with "significant regional or national benefits". If it is the case, as noted above in Part B, s 81(4) of the FTAA specifically requires the Panel

to consider the extent of the project's regional or national benefits.¹²⁰

- 512 Section 3 of the FTAA states that the purpose of the Act is to “facilitate the delivery of infrastructure and development projects with *significant regional or national benefits.*” [emphasis added]
- 513 There is no specific definition of the term significant regional or national benefits in relation to listed projects. However, s 22 of the FTAA, which relates to the criteria for assessing a referral application, identifies in s 22(1)(a), the first of the relevant criteria as being that “the project is an infrastructure or development project that would have significant regional or national benefits”. The wording of this description is consistent with the purpose provision in s 3.
- 514 The significance of this similarity is that s 22(2) provides that, for the purposes of subsection (1)(a), there is a range of matters which the Minister may consider. These include, inter alia:
- (2) For the purposes of subsection (1)(a), the Minister may consider—
 - (a) whether the project—
 - (i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:
 - (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:
 - (iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):
 - (iv) will deliver significant economic benefits:
 - (v) will support primary industries, including aquaculture:
 - (vi) will support development of natural resources, including minerals and petroleum:
 - (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:
 - (viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:
 - (ix) will address significant environmental issues:
 - (x) is consistent with local or regional planning documents, including spatial strategies:

- 515 This list of factors which may be taken into account by the Minister in assessing the criteria for accepting a referral application provides some useful guidance to a panel as to the nature of a project which falls within the purpose section of the FTAA. However, at best for a panel deciding whether a particular project is a project with significant regional or national benefits, s 22(2) can only provide a flavour of, or guide to, what is required. The question of whether a project is indeed one with significant regional or

¹²⁰ If the application was a referral application – the panel must treat the stage of the project to which the application relates as constituting the project; but may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed (section 81(5) FTAA).

national benefits remains an intensely factual determination turning on the particular circumstances of the Application.

- 516 According to the Shorter Oxford Dictionary, the word “significant” lists two relevant meanings. The adjective involves something that is:
- a. full of meaning or import; and
 - b. important, notable.

For present purposes, the Panel is content to use the meaning as “sufficiently great or important to be worthy of attention; noteworthy” as a working definition.

Economic and social context

- 517 Any factual assessment of regional or national benefits, particularly in relation to infrastructure or development projects, will be informed by related economic and social factors. The relevant regional context will therefore be important. Because this is a housing and building project, the needs of the Nelson City and the surrounding area are central to the factual assessment.
- 518 The Application refers to the importance of economic benefits to Nelson City and cites its low economic ranking and performance.¹²¹ Specifically the ASB recently released a regional economic scoreboard for the September 2024 quarter in which Nelson ranked last / lowest at 16th for the fourth quarter in a row.¹²²
- 519 In terms of increased land or dwelling supply, the current market commentary relating to the Nelson region suggests that, like the rest of New Zealand over recent times, there has been a substantial increase in house prices.¹²³ During this period the rest of New Zealand has seen a 2.1% decrease in house prices to March 2025, whereas in Nelson there has been a continued rise in house prices. Against such a background, it is material that the region has a ten-year residential consent average of 165 per year. The development provides for the construction of 374 dwellings, suggesting that even over an extended time frame, there is the potential to have a material impact on the market. The Panel was also referred to data relating to the Nelson region suggesting that, while housing affordability nationally has improved, housing affordability in the region continues to be lower.¹²⁴
- 520 The Panel is also mindful that this project was identified as a significant feature in the Nelson Tasman Future Development Strategy in 2019 and also in the most recent Nelson Tasman Future Development Strategy 2022 (**FDS**). The FDS was officially adopted on 29 August 2022 and a Future Development Strategy Implementation Plan was adopted on 19 November 2024. The Maitai Valley greenfield expansion area is shown in **Figure 5**.

¹²¹ This has been reported nationally and has been publicly acknowledged by the Mayor.
<https://www.thepress.co.nz/nz-news/360520173/nelson-economy-facing-long-hard-haul>

¹²² AEE, page 7.

¹²³ <https://rep.infometrics.co.nz/nelson-city/income-and-housing/house-values>

¹²⁴ <https://rep.infometrics.co.nz/nelson-tasman/income-and-housing/housing-affordability>

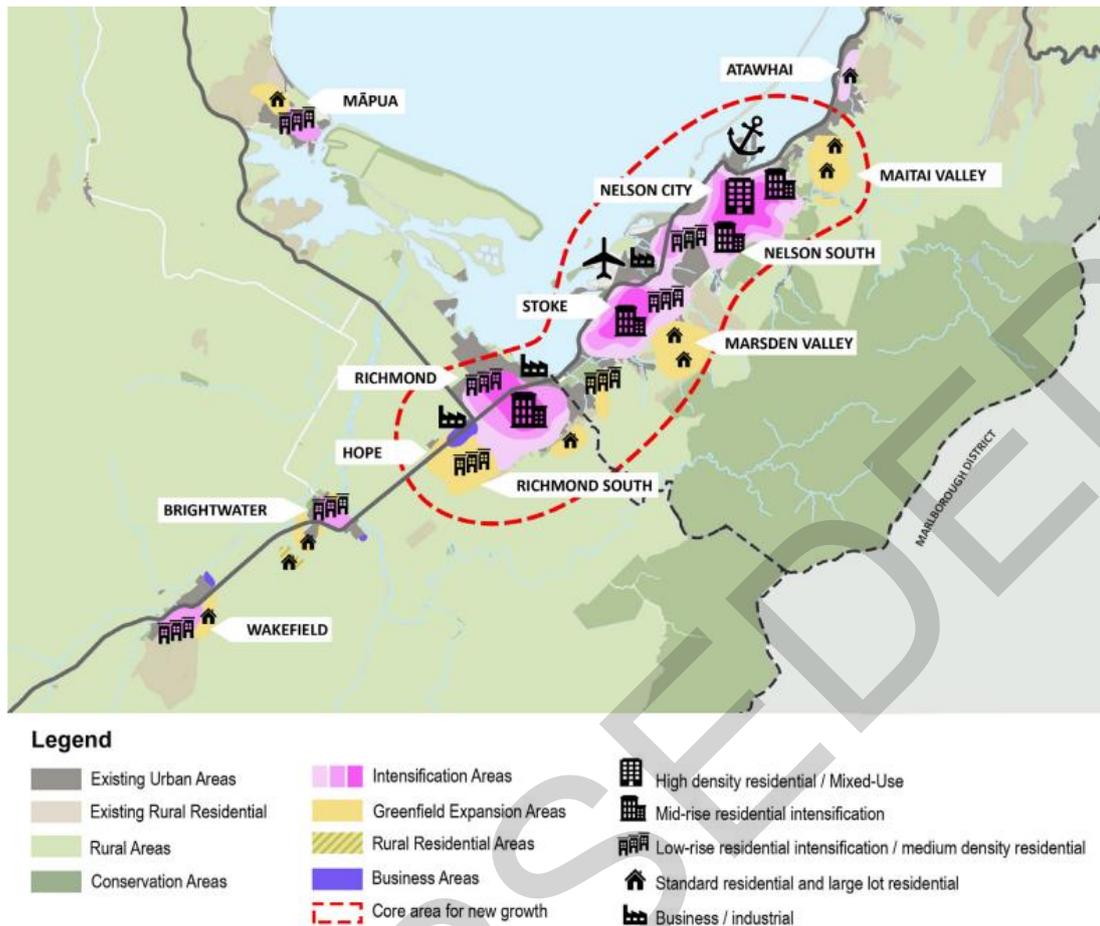


Figure 5: Future development strategy 2022-2052

- 521 Of the 25,000 houses to be provided in the next 30 years, the FDS identifies 900 to be provided by Maitahi and Bayview.¹²⁵ Placed in the context of the development of the region for the next 30 years, the Panel concludes that the Project has considerable regional significance for contributing to growth.
- 522 The Panel was informed that Arvida engaged WEBSTER research in 2021 to provide an overview of the primary demographic and economic factors within the Nelson and Richmond market. The report estimated that the population aged 70+ years within the Nelson, Tasman, and Marlborough Regions is forecast to increase from 24,060 in June 2020 to 48,210 in 2048. Around 33 per cent is forecast to occur within Nelson. To meet this demand, an additional 44 independent units and 73 care units are required each year within the primary study area. These findings remain relevant as no new retirement village complexes have been constructed in the area covered in the report since the report was published. Developments such as this enable older people to remain in a community setting in their local environment near to where their social and cultural connections are.

Evidence of Significant Regional Benefits

- 523 The Applicant has provided an Economic Impact Assessment. It was authored by

¹²⁵ Nelson Tasman Future Development Strategy 2022-2052, 20 September 2022, Table 1.

expert economists from the firm Property Economics Limited.¹²⁶ As discussed in the section on economic effects in Part F, this development provides additional housing capacity across a range of typologies, providing more choice in the market in relation to price points and location. The Application supports the significant direct impact on the construction sector (as well as related construction services). Direct employment measures approximately 1,462 job years with the remaining around 1,275 job years resulting from indirect and induced activity.¹²⁷

- 524 The Applicant contends that the development will contribute to a well-functioning urban environment, not only due to the makeup of the Maitahi Village, but also because of its proximity to Nelson City, and the enhancements proposed to the receiving environment. This construction project itself will create 182 residential sections that will be available for the general population to help meet the demands of forecasted population growth. Moreover, the development integrates a retirement village to serve New Zealand's aging population. The Arvida Village contains an additional 192 residential units (on two allotments), with not only a diverse range to meet a variety of types, prices and different household needs, but also a 36-bed care facility for those who require 24-hour residential care. The retirement village will enable older people to remain within a community but have increasing levels of care as and when they need it.
- 525 The Project is also seen as delivering regionally significant infrastructure in the form of upgrades to downstream wastewater pipe infrastructure which will increase the capacity. The transport infrastructure includes a new shared commuter path along a portion of Maitai Valley Road and two new shared path bridges to cross the Maitai River. While these are undoubtedly benefits of the development, arguably they do not classify as being of regional significance. They are amenities which will serve to enhance the environment for those who live there. At best the benefits will accrue to visitors who seek to enjoy the environment and amenities associated with proposed walking tracks and cycleways.
- 526 The comments from STM suggest that the Applicant's evidence as to the Project's regional benefits is sparse, vague, and significantly overstated and does not meet that threshold of "significant" for the following reasons:
- a. while construction jobs benefit the region, it is doubtful that they reach the threshold of a significant regional benefit;
 - b. the assessment does not take into account development and construction jobs that will be provided via future stages in existing subdivisions;
 - c. the economic dis-benefits of the project are likely to be significantly negative;
 - d. existing plan enabled capacity exceeds demand as set out in the PC29 decision report;
 - e. affordability is improving in Nelson without the addition of any major subdivisions increasing supply;

¹²⁶ Economic Impact Assessment, Property Economics, February 2025.

¹²⁷ Economic Impact Assessment, Property Economics, February 2025, section 4.2.

- f. this subdivision will be expensive for ratepayers and purchasers; and
- g. there is no evidence of a lack of retirement village accommodation in Nelson.
- 527 The Panel does not agree with these criticisms as to the factual weighting of the various aspects of economic benefits. They are not borne out by the evidence contained in the Application and related reports and plans. Moreover, they are inconsistent with many of the findings discussed above, including findings of the Independent Hearing Panel when considering PPC28.
- 528 The Panel appreciates that not all benefits can be assessed in monetary terms. For example, the Panel considers that the Application is significant to Māori in the region, not just Ngāti Koata, as evidenced by the support from other iwi for the Application. The importance to Ngāti Koata can be inferred by the sale of 4500ha of Ngāti Koata iwi forestry to fund their participation in this development. Ngāti Koata do not currently have a marae of their own and share the Whakatū Marae. This Project will provide them with an opportunity to reconnect with their whenua and have their own space.
- 529 Although the criteria spelled out in s 22 of the FTAA are not directly applicable to the assessment by the Panel whether the development is a project with significant regional or national benefits, the Panel nevertheless refers to the criteria listed there for guidance on relevant considerations. In the paragraphs that follow, the Panel addresses each of the relevant criteria.
- 530 For example, s 22(2)(a)(iii) refers to the issue of increasing the supply of housing, addressing housing needs, or contributing to a well-functioning urban environment (within the meaning of policy 1 of the NPS-UD). It is undeniable that the Project will increase the supply of housing given that it is primarily a housing development. In determining whether the Project will contribute to a well-functioning urban environment, the Panel has been guided by Policy 1 of the NPS-UD which sets out the meaning of a "well-functioning urban environments" as follows:
- urban environments that, as a minimum:
- i. have or enable a variety of homes that:
 1. meet the needs, in terms of type, price, and location, of different households; and
 2. enable Māori to express their cultural traditions and norms; and
 - ii. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
 - iii. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - iv. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
 - v. support reductions in greenhouse gas emissions; and
 - vi. are resilient to the likely current and future effects of climate change.
- 531 The Panel has considered each of the clauses in the above definition. The proximity of the Site to the Nelson CBD and the variety of housing types means it will meet the needs of not only different households, but a range of demographics. The involvement of Ngāti Koata means that the Project will provide housing and opportunities to express their cultural values through the development of the commercial site. In addition, the Residents' Clubhouse and Pavillion will create a focus for the retirement village and

provide a space for social opportunities. The development will have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport, given the proximity to the Nelson CBD and existing recreational opportunities.

- 532 The Panel is satisfied the development is surrounded by quality open space, all of which will be easily accessible. The cycle trails support alternative transport modes. The development will support a competitive housing market by adding to the housing stock and offering a variety of housing types to complement existing developments. The Project supports reductions in greenhouse gas emissions through its close proximity to Nelson CBD as well as supporting cycling and walking. Similarly, the conditions proffered to avoid solid fuel heating will reduce the potential for greenhouse gas emissions to be generated. The effects of climate change are most relevant to the management of stormwater and flood risk impacts, and as outlined above. The Panel is satisfied that the development responds appropriately to climate change.
- 533 With respect to subsection (iv) of s 22(2)(a) (delivery of significant economic benefits), the Panel is satisfied that the development will deliver such significant economic benefits for the reasons outlined elsewhere in this decision. The analysis does not need to be repeated.
- 534 The Panel also considers that the development will support development of natural resources in subsection (vi). If a broad definition is applied to this term, then it follows that the Kākā Stream, its tributaries and surrounding corridor will be improved. Additionally, the removal of soils contaminated by dieldrin and arsenic will greatly enhance the natural resources and ecology of the area. The proposed remediation of contaminated soil also addresses a significant environmental issue (subclause ix).
- 535 As canvassed in Part F, the Project will reduce the risks arising from natural hazards such as reducing the risks associated with flooding and erosion (subclause viii).
- 536 As addressed in Part I, the Project is consistent with local or regional planning documents, including spatial strategies (subclause x).
- 537 Having considered all of the information before it, the Panel considers that the above benefits are indeed regionally significant and clearly meet the definition outlined in the purpose provision of the FTAA. The Panel also finds that many aspects of the Project meet the criteria described in s 22 FTAA as set out above, even though this section relates to a different context of accepting a referral application.
- 538 Moreover, the Panel is satisfied that the evidence presented of regional and related benefits is credible and the arguments in support of the significance of such regional and related benefits are persuasive. The Panel finds on the facts that, in the context of the needs of the Nelson region, these benefits are very significant. It is noted that these findings are also consistent with the findings in the report of the Independent Hearings Panel which considered PPC28.¹²⁸

¹²⁸ Recommendations from the Independent Hearing Panel following the hearing of PPC 28, 22 June 2022, paragraphs 222-223, 230-232, 243-262.

PART H: STATUTORY DOCUMENTS

539 The Application has addressed the relevant statutory documents and identified relevant provisions. Rather than repeat all of that, this section addresses the documents of particular relevance to the Application (particularly relevant provisions) and any comments received. The Panel also relies on its conclusions on effects and the conditions it has decided to impose in support of the conclusions reached on relevant planning provisions (including Part H: Regional and District Planning Framework as relevant to the topic area).

National Policy Statements

540 The relevant National Policy Statements were addressed in section 6.1 of the Application and include:

- a. NPS-FM;
- b. NPS-UD; and
- c. National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**).

541 While the recent consideration of PPC28 assessed the plan change proposal against the national policy statements, the test applied in such a context is different. Section 75(3)(a) of the RMA requires district plans (and hence applications for private plan changes) to *give effect* to national policy statements. However, s 104(b)(iii) of the RMA requires the consent authority to *have regard* to national policy statements for resource consents. Consequently, while the analysis for PPC28 is certainly relevant, further assessment is required to reflect the statutory tests in the FTAA and the increased level of detail provided in the Application.

National Policy Statement for Freshwater Management 2020

542 The NPS-FM sets out a framework under which local authorities are to manage freshwater (including groundwater).¹²⁹ The single objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises the:¹³⁰

- a. health and well-being of water bodies and freshwater ecosystems;
- b. health needs of people (such as drinking water); and
- c. ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.¹³¹

¹²⁹ NPS-FM clause 1.5.

¹³⁰ NPS-FM clause 2.1.

¹³¹ The Panel is cognisant of the provisions of s 104(2F) which provides "When considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPS-FM 2020 (which relates to the hierarchy of obligations in the NPS-FM 2020)". If this provision were given a strict interpretation, it would appear that the Panel should ignore consideration of the primary objective in the NPS-FM. Out of an abundance of caution the Panel is nevertheless chosen not to apply such an interpretation but rather to have regard for the objective which has some applicability in the

This objective also reflects the hierarchy of obligations in Te Mana o te Wai.¹³²

- 543 The NPS-FM is of particular relevance to this Application given that two natural inland wetlands meeting the definition of the NPS-FM have been identified within the Site,¹³³ together with the presence of the Kākā Stream and other waterways. The Application posits that the fundamental concept of Te Mana o te Wai (and its stated principles), along with the stated objective and principles, are delivered through the planning provisions encapsulating Schedule X. This is said to be achieved through the fully integrated set of provisions relating to stormwater management (including water sensitive design), cultural values, ecology, and landscape.¹³⁴ More specifically, the stormwater assessment report considers that the stormwater management approach is well aligned with the intent of the NPS-FM which includes improvement of degraded water bodies (Kākā Stream natural channel design) through water quality treatment, protection and enhancement of aquatic habitats through water quality flows and avoiding further degradation of natural wetlands.¹³⁵
- 544 The Panel requested further information¹³⁶ from the Applicant on clause (c) of the definition of "natural inland wetland" in the context of the constructed wetland. The Applicant responded¹³⁷ that:
- a. the southern floodplain area does not include a wetland, as defined by the RMA; and
 - b. even if there was a wetland in that area, it would be excluded from the definition of "natural inland wetland" in the NPS-FM, by virtue of clauses (c) and (e).

Clause (c) depends on there being a water body that has been deliberately constructed. In the absence of a definition in the NPS-FM or the NES-F for "deliberately constructed", the Applicant contends that the historic re-alignment activities satisfy that aspect of clause (c) such that any features that have appeared subsequent and because of the realignment means that the definition of "natural inland wetland" does not apply. The Panel returns to this issue in Part J below.

- 545 Policy 2 of the NPS-FM seeks to involve Tangata whenua in freshwater management and ensure that Māori freshwater values are identified and provided for. Iwi (and in particular Ngāti Koata) have been an integral partner in the development of the Application, as evidenced by the input into the design, comments on key components and its significant majority shareholding. The Cultural Impact Assessment (CIA) notes the emphasis of the Application on restoring the health of wai māori through:¹³⁸

context of this Application. The objective of NPS-FM 2020 was raised directly by the Applicant in its Application.

¹³² NPS-FM clause 1.3.

¹³³ Erosion and Sediment Control Assessment Report, Southern Skies Environmental Ltd, page 9.

¹³⁴ Application, pages 94-95.

¹³⁵ Maitahi Village Stormwater Assessment Report, Tonkin + Taylor, February 2025, page 47.

¹³⁶ Request for information #5, 17 July 2025.

¹³⁷ Memorandum of Counsel, 24 July 2025.

¹³⁸ Cultural Impact Assessment, Ngāti Koata, section 5.4.

- a. the realignment of Kākā Stream to its natural course, improving flow and ecological function;
- b. stabilisation and native planting along stream banks to reduce erosion and sedimentation, ensuring the stability and health of the streambed; and
- c. stormwater treatment wetlands, which act as buffers to protect the downstream receiving environments, contributing to improved water quality in the Maitahi awa.

These initiatives address the historical degradation of Kākā Stream and its tributaries over time and strongly support the aspirations of Tiaki Taiao to restore wai māori for present and future generations.

- 546 Policy 5 seeks to improve the health of degraded waterbodies, while Policy 12 seeks to achieve the national target for water quality improvement. The *E. coli* measurements of Kākā Stream currently exceed the NPS-FM bottom line value by some margin. Similarly nitrate-nitrogen and turbidity levels are elevated above the guideline.¹³⁹ This policy will be achieved through the retirement of the Site from farming, as well as stabilisation and enhancement of the banks of all waterbodies with indigenous vegetation. In addition, the remediation of contaminated soil will ensure any future leaching of contaminants, such as arsenic and dieldrin into the groundwater and ultimately into the waterways, will be very low and within applicable human health and ecological guidelines.
- 547 Policy 6 seeks to avoid further loss of extent of natural inland wetlands, protect their values and promote their restoration. The two natural inland wetlands on the Site are currently dominated by exotic plant species and have been significantly degraded due to vegetation removal, livestock grazing, and pugging. The Application emphasises the importance of protecting, restoring, and enhancing the ecological values of these identified wetland features. Conditions include a requirement for a wetland hydrology assessment which will provide recommendations to avoid potential adverse effects on wetland hydrology, aiming for No Net Loss, or preferably Net Gain, outcomes for wetland ecology and the hydraulic regime.
- 548 Policy 7 seeks to avoid the loss of river extent and values to the extent practicable. The realignment of Kākā Stream and enhancement works will lead to the loss of 1,110 m of highly degraded riparian and in-stream habitat along the Lower Kākā Hill Tributary and intermittent reaches associated with two tributaries. The Application is therefore inconsistent with Policy 7. Because potential impacts on the streams are inconsistent with the NPS-FM, biodiversity offsetting through stream reinstatement (via a new alignment), and restoration will be undertaken to compensate for the loss of river extent and values. Key offsetting measures include:¹⁴⁰
- a. creation of new habitat features to support aquatic recolonisation and improve fish passage;
 - b. enhanced riparian buffers to stabilise banks, provide shading, and contribute

¹³⁹ Ecological Impact Assessment, Robertson Enviro, pages 26-27.

¹⁴⁰ Ecological Impact Assessment, Robertson Enviro, section 6.1.3.1.

organic inputs; and

- c. reconfigured flow paths to maintain water transport capacity while optimising ecological value.
- 549 Policy 9 seeks to protect the habitats of indigenous freshwater species. While there will be a temporary loss of habitat as a result of the realignment of Kākā Stream, the restoration of the habitat will result in a net gain. In addition, new stream alignment will be created offline and the diversion to the new alignment will not occur until it is completed to meet remediation and ecological criteria. Therefore, the period of disturbance to habitats will be minimised to the greatest extent possible.
- 550 Policy 13 of the NPS-FM requires that the condition of water bodies and freshwater ecosystems to be systematically monitored over time and action taken where freshwater is degraded. The Independent Hearing Panel for PPC28 considered that there would need to be a requirement to address water quality monitoring in future stormwater consenting processes. This monitoring should be undertaken for the downstream receiving environment of the Kākā Stream rather than at the outlets of individual water quality treatment devices. The monitoring should also provide information which would then be used by NCC to assess trends in target attribute states and progress towards these and determine if degradation was occurring. The Panel is cognisant that monitoring of water quality is required by a number of the conditions, including groundwater bores. This will enable the collection of data and remediation actions to be undertaken when necessary, in accordance with the requirements of the conditions relating inter alia to remediation of contaminated soil.
- 551 As already noted, the Application proposes the realignment (including widening and deepening), protection, restoration and enhancement of several existing stream reaches. This includes the proposal to realign the Lower Kākā Hill Tributary back to its original course. Additionally, the protection, restoration, and enhancement of two existing wetlands and two intermittent streams, both of which are currently degraded and dominated by exotic vegetation, is an essential part of the Application. These initiatives are designed to improve the ecological integrity and functionality of the aquatic and wetland habitats within the project area, aligning with relevant Schedule X provisions of the NRMP and the NPS-FM.
- 552 Having had regard to the NPS-FM, and worked through each of the provisions in the NPS-FM, the Panel finds that the Application will manage freshwater in a way that gives effect to Te Mana o te Wai and is consistent with the policies under consideration. The Panel accepts that there may be temporary effects on water quality, particularly arising from construction activities generally and works in the streambed to realign Kākā Stream. However, over the lifespan of the development, and in the longer term, there will inevitably be substantial improvements in water quality. This will see the retirement of the Site from farming (the likely source of the elevated *E. coli* and elevated nitrate-nitrogen levels), the extensive revegetation of the riparian margins and within the wider catchment, stabilisation of the stream banks and the remediation of contaminated land. Management of stormwater will be by way of treatment wetlands, riparian planting and overland flow paths that support filtration and reduce sedimentation. As stated by Ngāti Koata in its CIA, these measures will ensure that stormwater runoff is treated before reaching the receiving environments, thereby

mitigating adverse effects and enhancing the mauri of Kākā Stream.¹⁴¹ Further, the CIA states that development places significant emphasis on restoring the health of wai māori through the realignment and enhancement of Kākā Stream. This prioritises the maintenance and enhancement of freshwater ecosystems for their cultural and ecological integrity.

- 553 The Panel finds that the proposed erosion and sediment management approach will minimise sediment yield and that any adverse sediment-related effects will be temporary and no more than minor, and consistent with the NPS-FM. The Panel is conscious of the importance of the waterbodies in and near the Site for recreation purposes and considers that the Project will improve the water quality and freshwater habitats, particularly with conditions in place to monitor and report on this in accordance with Policy 14. Overall, the Panel finds that the Application will result in communities being enabled to provide for their social, economic, and cultural wellbeing in accordance with Policy 15.

National Policy Statement on Urban Development

- 554 The Panel considers that the Project will improve housing affordability and quality by supporting competitive land and development markets (Objective 2). It will contribute to a well-functioning urban environment by enabling a variety of modern and healthy homes. It is in a location that has good access to public open spaces, town centres and transport services (Policy 1). STM commented that this Application does not support a reduction in greenhouse gases in terms of Policy 1. However, the Applicant pointed out the close proximity of this Site to Nelson's City Centre was relevant to the consideration of vehicle emissions generated from providing for urban growth in locations close to employment opportunities. The provisions of a dedicated shared pathway linkage to Nile Street East will also support alternative transport modes (i.e. cyclists) that do not generate emissions. It will also facilitate travel on foot to the City Centre and to nearby recreational spaces.
- 555 The NPS-UD seeks to provide well-functioning urban environments, and NPS-UD Policy 1 sets out what constitutes a 'well-functioning urban environment' and requires that planning decisions contribute to such environments. The Panel has assessed the Application against NPS-UD Policy 1 in Part G and finds that the Application is consistent with NPS-UD Objective 1 and Policy 1.
- 556 The increase in housing enabled by the Application will improve housing affordability simply through increasing the supply, as reflected in the economic assessment report. In addition, proposed provision for Ngāti Koata housing is likely to have a direct, rather than market led, impact on the supply of housing at an affordable and social level. The Panel finds that the Application achieves NPS-UD Objective 2.¹⁴²
- 557 The zoning of the Site and framework contained within Schedule X of the NRMP does or can satisfy all of the Objective 3 clauses, as found by the Independent Hearing Panel for PPC28, and has little relevance to the Application.¹⁴³
- 558 Objective 4 (and Policy 6) of the NPS-UD, which addresses amenity values, sets out

¹⁴¹ Cultural Impact Assessment, Ngāti Koata, section 5.3.

¹⁴² Economic Impact Assessment, Property Economics, page 10.

¹⁴³ PPC28 Recommendations, paragraph 171.

that urban environments, including their amenity values, develop and change over time “in response to the diverse and changing needs of people, communities, and future generations”. While not an urban environment at present, the Site has a pattern of urban zoning which enables the form of development proposed by the Application. In accordance with NPS-UD Policy 6(d) the implementation of the Project will increase the supply of housing and realise additional development capacity. The likely current and future effects of climate change have been considered in accordance with Policy 6(e), particularly with regard to the proposed management of stormwater and flooding effects.

- 559 Objective 5 (and Policy 9) of the NPS-UD address the Treaty of Waitangi (Te Tiriti o Waitangi). Given the central involvement of Ngāti Koata in this Application and the support from Te Tauihu iwi for PPC28, the Panel is satisfied that the Application is consistent with these provisions.
- 560 Objective 6 is implemented (in part) by Policy 2, which requires that “at least” sufficient development capacity is provided within the district to meet the expected demand for housing, in the short, medium and long terms. The Panel finds that this Application will supply significant development capacity in accordance with the established zoning of the NRMP, and is well integrated with infrastructure planning.
- 561 Having considered each of the provisions, the Panel finds that the Application is consistent with the relevant provisions of the NPS-UD.

National Policy Statement for Indigenous Biodiversity 2023

- 562 The objective of the NPS-IB is:
- (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
 - (b) to achieve this:
 - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
 - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
 - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
 - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.
- 563 The Application contends that the development is consistent with the NPS-IB as it involves a net gain in biodiversity values. In addition, and with regard to Policies 1 and 2, this Project has been planned in collaboration and consultation with iwi so that cultural values are recognised and enhanced.¹⁴⁴
- 564 Policy 1 seeks to manage indigenous biodiversity that takes into account the principles of the Treaty of Waitangi, while Policy 2 relates to tangata whenua exercising kaitiakitanga. The Application has been prepared in close partnership with Ngāti Koata and this is reflected in the CIA. The CIA states¹⁴⁵ that the Application actively promotes

¹⁴⁴ Application, section 6.3.

¹⁴⁵ Cultural Impact Assessment, Ngāti Koata, section 5.5.

biodiversity by creating ecological corridors and restoring habitats for native flora and fauna. Native vegetation, including harakeke and kahikatea, is being planted throughout the development, which will support biodiversity restoration and provide resources such as harakeke and rongoā. These plantings support the aspirations outlined in the Ngāti Koata Cultural Design Framework, which emphasises restoring taonga species to enable sustainable use for present and future generations. Biodiversity initiatives include:

- a. the revegetation of 50% of the catchment with native forest, creating green corridors that connect fragmented habitats and support the movement of taonga species such as birds, bats, and lizards;
- b. riparian and wetland planting to provide habitats for aquatic and terrestrial species, enhancing ecological connectivity across the development; and
- c. predator control measures, enabling the reestablishment of birdlife and protecting nesting sites, which aligns with the iwi aspiration to create bird corridors and restore native habitats.

565 Policy 3 supports the adoption of a precautionary approach. The Panel notes that the Application does not explicitly adopt such an approach in its analysis of any environmental detriments and benefits of the Project. This is understandable as the policy mandating a precautionary approach pervaded the whole of the PPC28 process before the Independent Hearings Panel and the Environment Court. The result was the integration of Schedule X into the NRMP. What is significant with the Application, and any analysis relating to it, is that the Applicant and its expert advisers have sought assiduously to reflect the provisions in, and policies behind, Schedule X. In this way a precautionary approach is necessarily infused into the key elements of the Application.

566 Policy 7 seeks to protect SNAs by avoiding or managing adverse effects from new subdivision, use and development. While there are no SNAs within the Site, the comments from STM helpfully drew attention to the presence of SNAs in close to the Site, and the potential for construction noise, earthworks, dust and lighting to effect fauna within any SNAs. The Ecological Impact Assessment acknowledged that highly mobile indigenous fauna may inhabit areas extending beyond SNA boundaries, and earthworks within the catchment could affect downstream environments. Because the Site has been significantly modified and the exotic vegetation consists of a low diversity of species and is simple in structure, it is unlikely to provide habitat for Threatened or At Risk species. This assessment is also relevant to Policy 15 which relates to highly mobile fauna outside SNAs. Potential effects on birds and SNAs are addressed through multiple conditions, including vegetation clearance restrictions during the bird nesting season, ongoing pest and weed management programmes, and controls on lighting.

567 Policy 8 recognises the importance of maintaining indigenous biodiversity outside SNAs, while Policy 13 promotes restoration and Policy 14 promotes increased indigenous vegetation cover. All three policies are achieved by the extensive revegetation proposed by the Application, and this is ensured through management plans and conditions. Conditions in V2 require restoration and enhancement objectives that explicitly include "achieving no-net-loss of indigenous biodiversity values" and "re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District".

568 Having assessed the Application against the policies in the NPS-IB, the Panel finds that the Project is consistent with the relevant objectives of this instrument. The various aspects of the Application described above, coupled with specific conditions in the final condition sets, will assist in achieving the various policies which the NPS-IB supports.

National Environmental Standards

569 The National Environmental Standards relevant to this Application are:

- a. NES-F; and
- b. NES-CS.

570 Each National Environmental Standard is addressed below.

National Environmental Standards for Freshwater

571 The NES-F set out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The Application contends that the proposed activities comply with the rules relating to:

- a. Restoration, wetland maintenance, and biosecurity of natural inland wetlands (Regulations 38 and 39);
- b. Construction of wetland utility structures (Regulation 42); and
- c. Landfills and cleanfill areas (Regulation 45B).

572 Non-compliance with the following regulations in the NES-F triggers the need to obtain resource consent approval:

- a. Urban development (Regulation 45C):
 - i. vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development;
 - ii. earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development;
 - iii. earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development and results in, or is likely to result in, the complete or partial drainage of all or part of the wetland;
 - iv. the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity the activity is for the purpose of constructing urban development, there is a hydrological connection between the taking, use, damming, or diversion and the wetland and the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland; and

- v. the discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if the discharge is for the purpose of constructing urban development, there is a hydrological connection between the discharge and the wetland and the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

b. Drainage of natural wetlands:

- i. earthworks outside, but within a 100 m setback from, a natural inland wetland and the taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity (Regulation 52(1) and (2)).

- c. The reclamation of the bed of the Kākā Stream requires consent as a discretionary activity (Regulation 57¹⁴⁶).

573 The effects of non-compliance with these regulations have already been assessed elsewhere in the decision and the analysis is not repeated.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

574 The NES-CS serves to ensure soil contamination is identified so that human health and the environment are not adversely affected at the time that the use of land changes, subdivision or soil disturbance. The historical use of a sheep dip as a part of farming activities has resulted in part of the Site being designated a HAIL site, such that resource consent is required for change of use, subdivision and earthworks.

575 The Application therefore seeks resource consent under the following NES-CS regulations:

- a. Subdivision of land, part of which is a HAIL site, with the soil contamination exceeding the standard in Regulation 7 is a restricted discretionary activity (Regulation 10);
- b. Changing the use of the land, part of which is a HAIL site, with the soil contamination exceeding the standard in Regulation 7 is a restricted discretionary activity (Regulation 10); and
- c. Disturbance of soil, part of which is a HAIL site, with the soil contamination exceeding the standard in Regulation 7 is a restricted discretionary activity (Regulation 10).

576 The effects of non-compliance with these regulations have already been assessed elsewhere in the decision and the analysis is not repeated.

¹⁴⁶ See Para 462 for Functional Need and Effects Management Hierarchy discussion.

PART I: REGIONAL AND DISTRICT PLANNING FRAMEWORK

- 577 An assessment of the relevant statutory plans has been included within the Application as is required by Schedule 5, clause 5(1)(h) of the FTAA.
- 578 The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by the NCC and other commentators. The Panel outlines the key matters applicable to its deliberations in the following sections, as well as adding further considerations and assessment of its own.
- 579 With regard to the Nelson Regional Policy Statement (**NRPS**) provisions, the Applicant contended that the wider-regional resource management issues that were applicable to the Plan Change process, such as where to accommodate urban growth, have little relevance to the assessment of this application for subdivision and development on land now zoned for urban development.¹⁴⁷ The Panel however notes that Schedule 5, clause 17 sets out the criteria and other matters for assessment of consent applications. This provision states:
- (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),—
- (a) the purpose of this Act; and
- (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
- (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
- 580 Section 104(1)(b)(v) of the RMA (which sits within Part 6 as referred to above) requires the consent authority to have regard to a regional policy statement or proposed regional policy statement. Similarly, s 104(1)(b)(vi) of the RMA requires decision makers to have regard to a plan or proposed plan. Based on this requirement, the Panel has considered the Application against each of the relevant NRPS and NRMP provisions.
- 581 For ease of navigating the assessment, the analysis is structured around themes to avoid excessive duplication. This section is not intended to be a comprehensive analysis of all the objectives and policies relevant to the Application, but rather is intended to provide confirmation of the Panel's consideration of the relevant plans in accordance with s 104(1)(b).

Regional Policy Statement and Nelson Resource Management Plan Themes

Underlying Philosophy

- NRPS Chapter 4 – UP2.2, UP2.3, UP2.4, UP3.2, UP3.3, UP3.4

- 582 The most relevant objectives and policies in this chapter relate to significant adverse environmental effects as a result of incomplete information (Objective UP2.2 and Policies UP2.3). In particular, Policy UP2.3.2 seeks to only grant resource consents where the consenting authority is confident that potential adverse effects on

¹⁴⁷ Application, section 6.4.

the environment can be avoided, remedied, or mitigated. Having considered the information included with the Application, the responses to the Panel's six requests for further information, technical advice in the expert reports, responses to comments and further information which will be obtained through monitoring (as required by conditions), the Panel is satisfied that it has sufficient information on which to base its decision. Having completed its assessment following the completion of the process of receiving comments on the Panel's condition sets under s 70 of the FTAA, the Panel is confident that potential adverse effects on the environment can be avoided, remedied, or mitigated through the measures proposed by the Applicant and the conditions imposed.

Treaty of Waitangi and cultural matters

- NRPS Chapter 5 – TW1.4, TW1.5, TW1.6
- NRMP DO1 Tangata Whenua – DO1.1, DO1.1.1, DO1.1.2, DO1.1.3, DO1.1.4, DO1.1.5, DO1.1.1.6

583 The objectives and policies of this section of the NRPS address the relationship of the Māori and their culture with their ancestral lands, water and sites, wāhi tapu, urupā, and other taonga.

584 The overarching objective of this chapter of the NRMP is:

Management of natural and physical resources that recognises the needs of Māori communities and enables them to provide for their social, economic, and cultural well being and their health and safety.

585 Ngāti Koata is central to this Application. The development will provide housing for their whanau, a cultural centre of their own (Koata House) and an ability to reconnect with the awa and whenua. The Application provides a means for the relationship of Ngāti Koata with their culture, traditions and ancestral taonga to be strengthened. The Panel finds that this Application is an opportunity to achieve the cultural aspirations and tikanga of Ngāti Koata. The values of Ngāti Koata have guided the Application such as improving the mauri of the awa and removing heavily contaminated soil.

Urban Development

- NRPS Development and Hazards Chapter 6 – DH1.2, DH1.3, DH1.4
- NRMP DO14 Subdivision and development – DO14.1, DO14.1.1, DO14.1.2, DO14.1.3, DO14.3, DO14.3.1, DO14.3.2, DO14.3.3, DO14.4, DO14.4.1, DO14.4.2, DO14.4.3, DO14.5, DO14.5.1
- NRMP DO15 Peripheral urban expansion – DO15.1, DO15.1.1, DO15.1.2, DO15.1.3

586 NRPS Chapter 6 seeks to address the effects of urban expansion and achieve sufficient development capacities. The absence of a definition for "urban expansion" means that these objectives and policies could be interpreted two ways – as applying to rural zoned land that is yet to be rezoned for urban purposes, or as applying to urban zoned land that is yet to be developed. Out of an abundance of caution the Panel has considered the Application against the provisions in this chapter. However, NRPS Policy DH1.3.3. is more targeted towards rezoning and is less relevant to this Application.

- 587 It is accepted that the Application will result in additional residential capacity which will contribute toward achieving the capacities set out in NRPS Objective DH1.2.2. Policy DH1.3.1 requires features or values of significance to be identified and protected. The Application considers all of the matters in clauses (i)-(vi) and manages any adverse effects of the proposed development, with a net improvement likely for aspects such as culturally significant features, water quality and ecological biodiversity. NRPS Policy DH1.3.4 relates to proposals for urban subdivision and/or development and seeks to include adequate and appropriate provision of services including waste disposal, stormwater, water supply, electricity and other network services. Having considered the proposed servicing for the Site, the Panel are satisfied that the Application will achieve NRPS Policy DH1.3.4.
- 588 The NRMP provisions in the DO14 Subdivision and Development chapter traverse a number of matters including:
- a. recognising natural characteristics;
 - b. retaining existing landscape features;
 - c. the types and intensity of subdivision reflecting the natural and physical capabilities of the land;
 - d. adopting the principles of high quality urban design;
 - e. the orderly development of land;
 - f. the coordination of infrastructure with development;
 - g. appropriate infrastructure to service development;
 - h. the efficient use of infrastructure;
 - i. the management of the effects of infrastructure;
 - j. the management of effects of development on infrastructure such as high voltage transmission lines; and
 - k. providing appropriate community services and facilities.
- 589 The Panel is satisfied that the Application achieves all of these elements. The layout and form of the residential development responds to the natural characteristics of the Site, particularly the valley topography and the Kākā Stream which forms a central feature. The proposed infrastructure is sized to service this development, as well as connecting to future development like the adjoining Bayview site. Koata House is not only important to Ngāti Koata but will also provide an important community facility, providing somewhat of an anchor to the development.
- 590 NRMP Policy DO15.1.3 Rural greenbelt seeks to avoid, remedy or mitigate adverse effects on existing rural character and amenity values in the Maitai Valley. This issue was addressed during the PPC28 process and the resulting operative zoning pattern supports this policy. It is therefore not relevant for further consideration in this Application.

Natural hazards

- NRPS Chapter 6 – DH2.2, DH2.3, DH2.4
- NRMP DO2 Natural hazards – DO2.1, DO2.1.1, DO2.1.2, DO2.1.3, DO2.1.4

- 591 The key natural hazards of relevance to this Application are geotechnical, erosion and flooding. The Site comprises a range of geotechnical risks, from low to high, as assessed in the Geotechnical Assessment Report. This range of risks is typical of most hillside residential land within Nelson, including a lot of the residentially zoned land located above the valley floors. Any geotechnical risks to land that will be developed for housing have been assessed as capable of being addressed through detailed engineering design. Consequently, there will not be a significant risk of geotechnical hazards arising from or affecting the subdivision.
- 592 The Stormwater Assessment Report demonstrated that the proposed mitigation measures are sufficient for reducing the long term risk of flooding by reducing post-development flow rates and velocities to the same, or less than, pre-development levels, across the range of design events. Increases in modelled flood depth are less than 0.05 m, which is within the tolerance of model error.¹⁴⁸ Calculation of the on-site effects and flooding risks to the proposed development indicates that the Kākā Stream flows will be contained within the proposed new stream channel.¹⁴⁹ As a result, the objectives and policies in both the NRPS and NRMP regarding natural hazards are considered by the Panel to be achieved.
- 593 The banks of the Kākā Stream in its present location are prone to erosion and slumping, as evident during the Panel's site visit. The design of the newly aligned section of the stream will prevent this occurring and the revegetation of the streambanks for the rest of the stream will increase the stability.
- 594 The Application and related reports assert that any natural hazards can be appropriately mitigated to a point where human health and safety is not endangered in accordance with the NRMP objectives and policies in the DO2 section.

Amenity values

- NRPS Chapter 7 Natural and amenity values – NA1.2, NA1.3, NA1.4
- NRMP DO14 Subdivision and Development – DO14.2, DO14.2.1

- 595 The Application acknowledged that there will be a change in amenity from the current farming uses to an urban development and that this is anticipated by the zoning and planning framework established under the PPC28 process. Mitigation measures such as the enhancement of Kākā Stream, extensive revegetation, and creation of recreation spaces will positively contribute to the amenity that people experience from public spaces. An extensive network of pedestrian / cycle pathways that access the length of Kākā Stream including multiple bridge crossings are proposed. The layout of the residential subdivision and design of the retirement village buildings are intended to provide a high level of amenity through access to sunlight and outlooks.

¹⁴⁸ Stormwater Assessment Report, Tonkin + Taylor, August 2022, section 6.4.1.

¹⁴⁹ Stormwater Assessment Report, Tonkin + Taylor, August 2022, section 6.4.2.

Landscape values and natural features

- NRPS Chapter 7 Natural and amenity values –NA2.2, NA2.3, NA2.4
- NRMP DO5 Natural Values – DO5.1, DO5.1.1, DO17.1.2

- 596 NRPS Objective NA2.2 seeks to preserve and enhance the character of the natural setting and protect significant natural features. Given the current farming uses of the Site, the Application will result in enhanced natural character through:
- a. lining the stream with native vegetation that will shade the stream that assists with creating habitats for aquatic organisms and stabilising the stream banks;
 - b. replacing the pasture grass with a plethora of riparian vegetation alongside the stream and around the stormwater treatment wetlands , and swathes of indigenous shrubs and trees throughout the remainder of the 50m wide corridor; and
 - c. extensive planting of native species within the Revegetation Overlay.
- 597 The location of the development within the valley formation will also preserve the landscape values of the surrounding hills and ridgelines.

Ecology

- NRPS Chapter 7 Natural and Amenity Values – NA3.2, NA3.3, NA3.4, NA4.2, NA4.3, NA4.4
 - NRMP DO5 Natural Values – DO5.1, DO5.1.2
- 598 While there are no SNAs within the Site, the Application is cognisant of the presence of SNA, particularly on Kākā Hill. In response to the comments from Forest and Bird, the Applicant agreed that native vegetation restoration is important for strengthening ecological connectivity, buffering SNAs, and supporting native flora and fauna over the long term. Potential effects on birds and SNAs are addressed through multiple mechanisms, including vegetation clearance restrictions during the bird nesting season and ongoing pest and weed management. The management of pests and weeds through the conditions is consistent with the objectives and policies in RPS Section NA4.2.
- 599 Following mitigation, the ecological effects likely to be associated with the Application have been assessed as ranging from low to very low through to a net gain for:
- a. in-stream and riparian enhancement of the Kākā Hill Tributary;
 - b. natural inland wetland restoration and enhancement; and
 - c. revegetation throughout the Site with indigenous species.

Beds of rivers and natural inland wetlands

- NRPS Chapter 7 Natural and amenity values – NA6.2, NA6.3, NA6.4

- NRMP DO17 Activities in the beds or rivers and lakes, and in wetlands – DO17.1, DO17.1.1, DO17.1.2, DO17.1.3, DO17.1.4, DO17.1.6, DO17.1.7, DO17.1.8, DO17.1.10, DO17.1.11, DO17
- 600 The proposed realignment of the lower reach of the Kākā Hill Tributary involves redirecting the existing channel westward to its original historical alignment within an enhanced stream corridor. This will require the infilling of approximately 630 m² of the existing channel (~400 metres of intermittent stream and ~230 metres of permanent stream) and the establishment of approximately 920 m² of new watercourse with increased sinuosity. The proposed channel will incorporate natural stream features, including widened and deepened sections, meanders, rock riffles, and pool habitats. Elements such as embedded boulders, riprap, and pinned logs will enhance habitat complexity and stabilise the channel. Riparian restoration will include native plantings to promote vegetation establishment and long-term bank stability. The realignment will be established in stages, offline from the existing stream, ensuring hydrological continuity until the new channel is stabilised, at which point the flow will be diverted into its new alignment. The former stream channel will then be decommissioned and reclaimed as part of the broader earthworks programme.
- 601 NRPS Section NA6 relates to beds of rivers and lakes. Due to the realignment of the Kākā Stream and works such as culverts, there will be disturbance of the Kākā Stream and its tributaries as part of the Application. The design of the streambed and banks will enhance the instream habitat and prioritise the natural functioning of the river including the ecosystems they contain, consistent with NRPS Policy NA6.3.1 and NA6.3.2. Other than the realignment of the Kākā Stream, minimal structures are proposed within the beds of rivers, resulting in the Application being consistent with the objectives and policies in NRPS Section NA6.
- 602 Works are proposed in the riverbed associated with the realignment of Kākā Stream, as well as habitat enhancement activities. NRMP Policy DO17.1.1 adopts a stringent policy position which seeks to avoid activities which disturb the bed of a river or a wetland, unless the disturbance is for (b) the restoration or enhancement of any in-stream or out-of-stream values. The disturbance is for this purpose and therefore can reasonably be considered to be consistent with this policy.

Riparian margins

- NRPS Chapter 7 Natural and Amenity Values – NA5.2, NA5.3
 - NRMP DO6 Riparian and coastal margins – DO6.1, DO6.1.1, DO6.1.2, DO6.1.4
DO17 Activities in the beds of rivers and lakes, and in wetlands - DO17.1.5,
- 603 NRPS Section NA.5 relates to the management of riparian and coastal margins. The revegetation of the banks of the Kākā Stream is a key feature of the Application and will achieve NRPS Objective NA5.2.1 which seeks to protect and enhance significant habitats, natural features, natural functions, natural character, landscape, amenity, cultural features and water quality. The transformation from a working farm environment to include the proposed revegetated riparian area will have a positive effect on all the matters listed in RPS Objective NA5.2.1. In addition, the management of stormwater and the removal of contaminated soil will improve water quality. The Application will increase the opportunities for public access and recreation opportunities along the riparian margins and is therefore consistent with NRPS Objective NA5.2.3. Reserve corridors will provide continuous public access along Kākā Stream, linking the esplanade and open space recreation zones identified in the Structure Plan and

ensuring landscape and ecological connectivity.

- 604 Works and structures are proposed in the riparian edges associated with bridges and infrastructure.

Water Quality

- NRPS Chapter 9 Water – WA1.2, WA1.3, WA1.4,
 - NRMP DO18 Freshwater Abstraction and instream Flows – DO18.1, DO18.4, DO18.4.1
 - NRMP DO19 Discharges to freshwater and freshwater quality – DO19.1, DO19.1.5, DO19.1.6, DO19.1.17, DO19.1.8, DO19.1.10, DO19.1.11, DO19.1.12, DO19.2, DO19.2.1
 - NRMP DO20 Freshwater management – DO20.1, DO20.1.1, DO20.1.3,
- 605 NRPS Objective WA1.2.1 seeks to maintain and enhance water quality to protect the life supporting capacity of aquatic ecosystems and in specific areas, for urban water supply. While there is the potential for short term and minor effects on water quality arising from construction activities, the mechanisms outlined in the erosion and sediment control plan will be key to minimising any adverse effects. The water quality of the Kākā Stream is already degraded as evidenced by elevated levels of *E. coli*, suspended sediment and nitrate nitrogen. The retirement of the Site from farming, revegetation of the riparian margins, effective control of stormwater and removal of contaminated soil all will have a positive effect on water quality. Removal of the contaminated soil will address the risk to groundwater, the proposed stream and all downstream watercourses. NRMP Policy DO19.1.6 promotes taking opportunities to enhance existing water quality and the Application is consistent with this. The Application will also result in the enhancement of the mauri of the water, a matter which is significant to Ngāti Koata.
- 606 NRMP Policy 19.1.8 seeks to avoid or remedy the contaminants in point source stormwater discharges. A water sensitive design approach has been adopted, which targets runoff from impervious surfaces to avoid negatively impacting the health of receiving freshwater environments including Kākā Stream and Maitai River. The Application proposes treatment of runoff from all road and hardstand (driveways) and untreated roofs (where rainwater reuse is not adopted) before discharging to the receiving environment. Treatment will be provided through a mix of biological, chemical and physical processes in constructed stormwater treatment wetlands and through the use of isolated proprietary devices where necessary. Discharge of treated flows from wetlands to areas of constructed ephemeral channels and soakage wetlands is proposed to buffer the stream from hydrological changes and support groundwater recharge.
- 607 The combination of the proposed stormwater treatment for the urban areas and wider vegetation improvements in the catchment are expected to improve downstream water quality and manage contaminants and hydrologic changes to a high standard.

Soils, erosion and sediment

- NRPS Chapter 10 Soils – SO1.2, SO1.3, SO1.4

- NRMP DO13 Soil erosion and sedimentation – DO13.1, DO13.1.1, DO13.1.2, DO13.1.3
- 608 By necessity earthworks will be required to create geotechnically stable areas and platforms for development. As outlined in the Geotechnical Assessment Report, there are a range of mitigation options, such as ground improvement works where weaker soil is excavated and replaced with engineered fill, slope instability mitigation using retaining walls, earth bunds and barriers and planting, and installation of rock bolts and mesh on high cut slopes in rock. Detailed design of slope geotechnical hazard mitigation will be undertaken as part of the detailed design process. Riparian planting proposed along the banks of Kākā Stream will contribute substantially to stabilising and retaining the soil in this location.
- 609 It is intended that there will be a balance of cut and fill earthworks meaning that all soil can be retained onsite.

Contaminated soil and hazardous substances

- NRPS Chapter 10 Soils – SO1.3.3, SO1.2.4, SO1.3.4,
 - NRMP DO3 Hazardous substances and waste – DO.1, DO3.1.1, DO3.1.2, DO3.1.3, DO3.1.4, DO3.1.5
- 610 The presence of contaminated soil was one of the more significant issues addressed by the Application, and it is proposed to remove the contaminated soil completely until testing confirms any residual concentrations of contaminants meet relevant and appropriate human health and ecological guideline values. As discussed, conditions provide for management and disposal options for contaminated soil, such as the requirements for all soils containing dieldrin above 50mg/kg to be securely stored in sealed containers on an impervious surface in a bunded area at least 25m from any water body and review of a Hazardous Waste Management Plan. The approach of the Application to contaminated soils is entirely consistent with NRPS Objective SO1.2.4 and Policy SO1.3.4 and NRMP Policy DO3.1.3.
- 611 The use of flocculants and coagulants are classed as hazardous substances and will be stored in accordance with the Hazardous Substances procedure, with bulk flocculant material being held in secure storage. Chemical Spill Contingency Procedure Spills will be managed in accordance with the Emergency Spill Response Procedure.

Discharges to air, Noise

- NRPS – DA1.2, DA 1.3, DA2.2, DA2.3
- 612 The single objective regarding air quality is:
- DA1.2.1 Improvement in Nelson's ambient air quality
- 613 The Applicant has proffered a condition which does not allow the discharge to air from any small-scale solid fuel burning appliance (including any small scale ultra-low emission or pellet burning appliance) installed within a building, or the discharge of dust that is offensive or objectionable beyond the boundary of the project Site.
- 614 Policy DA1.3.7 seeks to minimize emissions from motor vehicles. While this matter is more relevant to the consideration of PPC28, the Panel is mindful of the proximity of

the Site to Nelson City Centre. The transport network proposed by the Application will further support and enable the use of alternative transport modes.

- 615 This section of the NRPS also addresses noise, and Objective DA2.2.1 seeks to avoid, remedy or mitigate unreasonable noise. The Applicant has volunteered conditions that will control the timing and level of construction noise, including the requirement for all construction work to be undertaken in accordance with a CNVMP. The CNVMP will prescribe the noise mitigation measures that will be adopted to ensure compliance with the construction noise standards, in particular at the nearest sensitive receivers on Ralphine Way. The matters relating to noise have been discussed above in Part F.
- 616 The Panel is satisfied that the Application will support the objectives and policies of this section of the NRPS.

Energy

- NRPS – EN1.2, EN1.3

- 617 The most relevant aspect of the Application to this section of the RPS is energy conservation and methods for reducing greenhouse gas emissions. In a similar response to the section on air emissions, the proximity of the Site to Nelson City Centre and the transport network proposed by the Application will further support the use of alternative transport modes.

Transport

- NRPS Infrastructure Chapter 14 – IN2.2, IN2.3, IN2.4
- NRMP DO10 Land Transport – DO10.1, DO10.1.1, DO10.1.2, DO10.1.3, DO10.1.4, DO10.1.5, DO10.1.6, DO10.1.7, DO10.1

- 618 NRPS Objective IN2.2.1 seeks to achieve:

a safe and efficient land transport system that promotes the use of sustainable resources, whilst avoiding, remedying or mitigating its adverse effects on human health and safety, and on natural and physical resources.

- 619 NRMP Objective DO.10.1 contains many of the same elements, particularly a safe and efficient transport system:

A land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable.

- 620 The overall concept of the Application for transport is to facilitate easy access to and within the Site by vehicle, as well as providing a connected and safe network for pedestrians and cyclists. A mixture of road types is proposed that accommodate a range of traffic volumes, speed environments, functions and users. The transport network has been designed to accommodate public transport should it become available. For example, Road 1 has been designed to accommodate a 12-metre bus, consistent with public transport requirements.

- 621 The transport network has been located with an eye to the future development of Bayview to achieve integrated and connected developments. In this respect, it is consistent with Policy DO10.1.13 which supports the integration of new roads and intersections with the adjoining road network.

- 622 The ITA provided with the Application assessed all transport related non-compliances as less than minor. The analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area.¹⁵⁰

Heritage

- NRPS Chapter 7 Natural and Amenity Values – NA1.3.4, NA1.3.5
 - NRMP DO4 Heritage – DO4.1
- 623 While the shearing shed and chimney remnants are not scheduled in the NRMP as historic heritage features, these structures are recognised in the provisions for Schedule X as having heritage value. The above ground structures will be largely demolished and materials will be salvaged for adaptive reuse and presentation. This is consistent with Objective DO4.1 which supports the retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson. In addition, the retention and display of these items in the area where they stood will retain their heritage significance.

Schedule X of the NRMP

- 624 The Application considered that the most relevant provisions of the NRMP are those are provided within the Environment Court Decision, with those all now operative and incorporated into the NRMP. The Applicant therefore has focused on those provisions that relate to Schedule X of the NRMP.¹⁵¹ While the Panel agrees that those provisions are highly relevant to the Application, it has for completeness, been necessary to look wider and consider all relevant provisions in the NRMP in accordance with s104(1)(b)(vi) of the RMA.

- 625 The overarching objective for Schedule X is:

Objective RE6 Maitahi/Mahitahi Bayview Area (Schedule X)

The Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community including:

- a new mixed density residential neighbourhood amongst areas dedicated to public open space and revegetated rural land; and
- a sense of place that is responsive to, and respectful of, natural character, landscape and Whakatū Tangata Whenua values; and
- development that is fully serviced with three waters infrastructure, and coordinated with transport infrastructure upgrades;
- improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity; and
- an environment where the adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.

- 626 The Applicant contended that each of the above listed outcomes are achieved by the Maitahi Village as demonstrated in the supporting technical reports and plans.

- 627 This objective is delivered by six policies. Policy RE6.1 Maitahi/Mahitahi Bayview Area provides for subdivision and development that is consistent with the Structure Plan.

¹⁵⁰ Integrated Transport Assessment, Traffic Concepts Ltd, February 2025, section 13.

¹⁵¹ Application, section 6.5.

The policy sets out nine matters of importance to development including accommodating a range of housing densities and forms, implementing the multi-modal transport connections identified in the Structure Plan and creating recreational opportunities. The Panel is satisfied that the Application is largely consistent with the Structure Plan (and this has been confirmed by the comments received from NCC).

- 628 In response to comments, the Applicant contended there will be consistency with the Structure Plan in that:
- a. the Maitahi Village has been designed to be consistent with the Maitahi Bayview Structure Plan within Schedule X;
 - b. Schedule X has provided for Suburban Commercial land as a part of the Maitahi Bayview Structure Plan;
 - c. the proposed walkway/pathway linkages are consistent with the indicated walkways shown in the Maitahi Bayview Structure Plan;
 - d. the Maitahi Village proposed to develop the first section of sub collector road (Road 1), in accordance with the indicative road shown on the Maitahi Bayview Structure Plan; and
 - e. the proposed Maitahi Village subdivision is in accordance with the enabled density within Schedule X.
- 629 The Applicant considered that the overall development is in accordance with what is anticipated by the Maitahi Bayview Structure Plan, including the enhancement of Kākā Stream. Comments received from NCC also acknowledged that the Application achieves high-quality environmental, landscape, and urban outcomes. The Panel agrees with this assessment.
- 630 Policy RE6.2 Whakatū Tangata Whenua Values supports the recognition of cultural values and matauranga Māori. The Panel acknowledges the involvement of Ngāti Koata as a cornerstone of the project. The expression of their cultural values in the design of the Application is confirmed by the CIA. The Panel considers that the Application is consistent with this Policy.
- 631 Policy RE6.3 Integrated Management is highly detailed and sets out sixteen policies, which are generally focused on the earthworks, water quality / quantity and stormwater management. The Applicant outlined that improvement of water quality was a driving force in the process that developed this policy and that this will be delivered by the Application. While there is the potential for short term and minor effects on water quality arising from construction activities, the mechanisms outlined in the Erosion and Sediment Control Plan will be key to minimising any adverse effects. The retirement of the Site from farming, revegetation of the riparian margins, restoration of wetlands, effective control of stormwater and removal of contaminated soil all will have a positive effect on water quality.
- 632 Policy RE6.4 Indigenous Biodiversity seeks to restore, protect and enhance indigenous terrestrial and freshwater biodiversity as an integral part of subdivision and development. As set out in the Application, there will be a net gain of biodiversity

values in the medium term including for stream features and wetlands.¹⁵² Short term and minor effects may arise from the discharge of construction phase stormwater although industry standard best practice measures will be adopted to remove or reduce contaminants to acceptable levels prior to discharge into any waterway within or adjacent to the proposed works area. There will be a loss of permanent and intermittent stream habitat but works will be undertaken during low flow periods to reduce the effects on fish. The creation of a new length of Kākā Stream will result in an improvement in freshwater habitat, especially when coupled with the riparian revegetation proposed. Revegetation with indigenous plantings including in reserve areas and the residential green overlay will also contribute to the overall enhancement of terrestrial and freshwater biodiversity throughout the wider development.

- 633 Policy RE6.5 Earthworks, and Erosion and Sediment Control requires that subdivision, development and earthworks does not accelerate soil erosion or mobilisation. Earthworks are a necessary step in enabling development, and adherence to the Erosion and Sediment Control Plan, as required by the conditions, will be critical to minimising sediment runoff and dust during construction. The proposed best practice erosion and sediment control methods, including staging, will minimise sediment yield during the development phase of the project. The historical erosion issues within the Kākā Stream have been acknowledged by the Applicant and were visible to the Panel during its visit to the Site. The lower section of the Kākā Stream will be redirected by constructing a new naturalised stream channel offline before directing the flows to the new channel. Completing the relocation first (post contamination removals) will simplify the erosion and sediment control methodology for the balance of the earthworks in the lower catchment and further reduce of risk of sediment discharge to the stream. The new stream channel will reduce the sediment load when compared to that arising from the existing, eroding channel, as the new channel will be designed and constructed to be erosion resilient and will be stabilised before water is diverted into it.
- 634 Policy RE6.6 Heritage Structures requires that the values of the shearing shed and chimney are recorded and recovered prior to their demolition. This is ensured through appropriate conditions.

Nelson Resource Management Plan Zones

- 635 As described above the Site comprises a pattern of zones. The Panel has had regard to the objectives and policies of each of the zones in the context of the activity proposed within them and any non-compliances with standards.

Residential Zone

- 636 Objective RE1 Living style supports a diversity of residential styles, and the attendant policies seek to provide a choice of building densities and flexibility of design. The Application provides a range of housing types and will support a full profile of the community. The retirement village in particular will provide options as people's needs change and a higher level of support is needed. Policy RE1.2A Comprehensive housing encourages and promotes higher density development, a policy that is satisfied by the retirement village. Policy RE1.4 Lower density areas seeks to maintain open spaciousness of development which will be achieved by the larger lot size of

¹⁵² Ecological Impact Assessment, Robertson Enviro, section 5.1.

development proposed in those areas.

- 637 Objective RE2 Residential character supports a principally residential environment including an adequate amount of daylight, minimal disturbances from nuisances and a reasonable degree of privacy. Policy RE2.1 seeks to limit noise consistent with a predominantly residential environment. While there will be increased noise during the earthworks and construction phase (with the levels and hours of activity to be managed by conditions), the ultimate operational environment will be residential and noise will need to comply with the permitted standards of the NRMP. Policy RE2.2 Nuisances relates to glare, light spill, dust, vibration and odour. Of these, the most relevant is dust and vibration during construction. To minimise potential dust nuisance, the Applicant proposed to stage earthworks to minimise the period that areas are exposed to drying, controlling speed of vehicles onsite and dampening with water particularly near residents in Ralphine Way. In terms of vibration, the report from Styles Group recommended adopting a limit of 5mm/s PPV measured on the foundation of any receiving building (occupied or not and this is enforced through conditions. The Panel consider that these methods will control dust and vibration to an appropriate level to be consistent with the policy.
- 638 Policy RE2.3 relates to daylight and sunlight and protects adjoining sites from undue shading. Policy RE2.4 seeks to protect the outlook and privacy of adjoining development. The sunlight analysis provided in the Landscape Strategy submitted with the Application confirms that the northern orientation of the development and use of the valley floor and lower slopes provide the best location within the wider site with regard to sun availability. Both sunlight and privacy matters will be protected through the permitted rules the NRMP as the vacant sections are progressively developed.
- 639 Policy RE2.6 seeks that non-residential activities generate effects that are not significantly greater than the normal residential use of any property unless they can be adequately avoided, remedied or mitigated. The proposed café component of the retirement village represents the only non-residential component entirely within a residential zone. However, this will be situated within the context of the wider retirement village, with effects absorbed and mitigated accordingly. There is also good separation from the nearest residential lots in the wider subdivision.
- 640 Policy RE2.7 avoids activities breaking up community and neighbourhood coherence. Because this Application is a comprehensive and integrated development for the entire Site, it enables a cohesive development.
- 641 Objective RE3 relates to streetscape, landscape and natural features. The location of the development and the proposed layout will enhance the natural features of the Site, particularly Kākā Stream and the backdrop of the surrounding hills. While Policy RE3.3 and RE3.4 seeks to retain trees, vegetation and indigenous vegetation which contributes to the amenity values, there is very little in the way of valuable vegetation onsite due to historic farming practices.
- 642 Policy RE3.5 supports an open landscape character with minimised hard landscaping and safer streets. The Landscape and Visual Assessment Report proposes that the development entrance to the two retirement village precincts be open treed street character with planting and trees making up a significant portion of the streetscapes. The absence of internal fencing and boundary definition, and the limited visual infrastructure within the landscape of the retirement village creates a sense of open space. The wider Maitahi subdivision has also been master planned with considerable

reserve areas including the Kākā Stream corridor to provide for the provision of an open and spacious character.

- 643 Policy RE3.9 is specific to Maitahi and seeks to protect the landscape and natural character values of the Malvern Hills, Botanical Hill and Kākā Hill skyline and backdrop areas, and the Maitahi/Mahitahi and Kākā Valleys. The Panel is satisfied the Application achieves all the clauses in the policy, including avoiding development on or near any ridgelines, long term management and protection of indigenous vegetation in the Revegetation Overlay and protecting the natural character of the Open Space zones.

Suburban Commercial Zone

- 644 Koata House will be located primarily within the Suburban Commercial Zone as a focal point for Ngāti Koata and a multi-purpose space for the community. The Panel consider that Koata House will help reflect the cultural identity of Ngāti Koata and reinforce community identity and focal points in accordance with Objective SC1 and Policy SC1.1. The Panel considers that the design of Koata House coupled with conditions regarding landscaping, hours of operation, noise, and traffic management are considered sufficient to achieve the intent of Policies SC2.3 (odour, dust, glare, and noise), SC2.4 (daylight and sunlight), and SC2.5 (scale of buildings and visual appearance).¹⁵³

Rural Zone

- 645 Many of the objectives and policies for the Rural Zone are not relevant for the activities proposed by the Application as they relate to protecting the life-supporting capacity of soil and other resources through controlling development density. However, the proposed temporary water reservoir will be located in the Rural Zone on the lower slopes of Kākā Hill and will represent a minor component of the wider rural area that will be appropriately managed with conditions on landscaping and colour palette controls.¹⁵⁴ This aspect will therefore align with Objective RU2 and Policy RU2.3 which seeks to ensure that structures maintain, or do not compromise, the open space and natural character of the rural zone.

Open Space and Recreation Zone

- 646 The Open Space and Recreation Zone is located through the central 'spine' of the Site and largely follows the Kākā Stream alignment. A number of activities are proposed in this zone including fencing as part of the wastewater pump station, underground network utilities, vegetation clearance, soil disturbance to create the new Kākā Stream corridor, earthworks and aboveground network utilities (wastewater pump station, water main, gravity sewer and bridge). A small number of intrusions into this zone from residential activities will also result which are discussed under Paragraphs 382-403. Kākā Stream is important for amenity and recreation opportunities as well as biodiversity and cultural values. The Panel is satisfied that enhancement of the Kākā Stream, and making it available for public access, will achieve Objective OS1 and its

¹⁵³ SC4 Maitahi/Mahitahi Bayview (Schedule X). This provides: "For objectives and policies relevant to the Suburban Commercial Zone which is contained within Schedule X area, refer to RE6 and associated policies within Chapter 7 Residential Zone." The Panel has not interpreted this provision as indicating that other objectives and policies for the Suburban Commercial Zone do not apply.

¹⁵⁴ RU5 Maitahi/Mahitahi Bayview Development (Schedule X). This provides: "For objectives and policies relevant to the Rural zoned land which is contained within Schedule X area, refer to RE6 and associated policies within Chapter 7 Residential Zone." See footnote above.

associated policies.¹⁵⁵

Planning documents recognised by a relevant iwi authority and lodged with the Council

- 647 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.¹⁵⁶ The Panel understands that the following planning documents, recognised by relevant iwi authorities, have been lodged with the Council:

Iwi	Iwi Management Plan
Ngāti Kuia	Pakohe Management Plan 2015
Ngāti Rārua, Ngāti Toa Rangatira, Te Ātiawa, Ngāti Koata, Ngāti Tama	Ngā Taonga Tuku Iho Ki Whakatū Management Plan 2004
Ngāti Koata	Ngāti Koata No Rangitoto Ki Te Tonga Trust Iwi Management Plan 2002
All Te Tau Ihi iwi	Te Tau Ihu Mahi Tuna (Eel Management Plan) 2000
Ngāti Tama	Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan 2018
Ngāti Rārua	Poipoia Te Ao Tūroa Ngāti Rarua Environmental Strategy 2021

- 648 The CIA and Statement of Cultural Values provided by the Applicant clearly communicate the values and directions that arise out of these iwi management plans. Given the broad support received from iwi, the Applicant submitted that no further consideration of the iwi management plans is required.¹⁵⁷ The Panel considers this approach is somewhat simplistic and requires further analysis.
- 649 The Panel appreciates the identification of relevant parts of the iwi management plans in both the CIA prepared for Ngāti Koata and the statement of cultural values prepared by Ngāti Tama. It was particularly helpful for the Panel to see where and how the Application aligns with the issues, objectives and policies in the Ngāti Koata Iwi Management Plan.
- 650 The Panel is satisfied that the Application is consistent with the Ngāti Koata Iwi Management Plan. The Panel also notes that the remaining Te Tau Ihi iwi have given

¹⁵⁵ OS3 Maitahi/Mahitahi Bayview Development (Schedule X). This provides: "For objectives and policies relevant to the Open Space and Recreation Area which is contained within Schedule X area, refer to RE6 and associated policies within Chapter 7 Residential Zone." See footnote above.

¹⁵⁶ Schedule 5, clause 5(1)(h) and clause 5(2)(g).

¹⁵⁷ Application, section 6.6.

broad support for the Application. Moreover, the conditions sets volunteered by the Applicant as v2 included specific conditions acknowledging cultural values and providing for iwi engagement and reporting. As no explicit concerns have been raised with respect to particular issues in individual iwi management plans, the Panel considers no further matters remain to be addressed or taken into account.

PART J: OTHER CONSIDERATIONS

Freshwater fisheries activity

- 651 When summarising the comments from parties invited to comment on the Application, reference was made to the comments of the D-GC on the proposed freshwater fisheries activity on the Site as part of the project. Without making any reference to the definition of standard freshwater fisheries activity in the FTAA, the D-GC argued that the realignment of the Kākā Stream involves a “permanent stream diversion” and requires the “construction of a permanent dam or diversion structure...to stop the stream following its current course.” The comment cited the definition of a “complex freshwater fisheries activity” but made no reference to the various conditions that had been proffered by the Applicant to minimize any adverse effects on aquatic life and fisheries under the heading “Ecology” in the Water Permit (section K) in Attachment 25 at page 38.
- 652 In its response to the comments received from the D-GC, the Applicant maintained that a complex freshwater fisheries approval is not required because:
- a. the realignment of the Kākā Stream does not involve any culvert or ford that might permanently block fish passage; and
 - b. the re-alignment does not involve a “permanent dam or diversion structure”.
- 653 The Applicant referred to the definition of the term “diversion structure and dam” in the FTAA which in turn draws on the definition in the Freshwater Fisheries Regulations 1983 (**FFR-1983**) where the emphasis is on the word “structure” and what such structure is designed to do. The word “structure” is not separately defined under the FFR-1983 but it is defined in the RMA as “...any building, equipment, device, or other facility made by people and which is affixed to land...”. While the realigned stream will inevitably have some geographic form or shape to it, the Panel considers on the facts that it is not a “structure” captured by the definition.
- 654 The Applicant submits, correctly in the Panel’s view, that the Application involves the natural re-alignment of Kākā Stream. To complete the re-alignment to what is thought to be its original path, it is not proposed that any structure (such as a building, device, or other facility made by people) be fixed either within, or in close proximity to, Kākā Stream.
- 655 The Panel is satisfied that neither a dam nor a diversion structure is proposed in this case. Neither the expert reports filed by the ecologists concerning the re-alignment of the Kākā Stream, nor any of the plans or maps suggest that the work associated with the re-alignment would involve such structures. In any event, the gravamen of the definition of complex freshwater fishery activity focusses on whether what is proposed is either a culvert or ford that permanently blocks fish passage, or a permanent dam or diversion structure. To suggest that works of that nature are required to align the

stream from its current course (and in its present degraded condition) is both artificial and contrary to the facts.

- 656 The matter is put beyond doubt when the provisions of regulation 43 of the FFR-1983 are considered. These usually apply to the obtaining of an approval for a complex freshwater fisheries activity and relate to the possible requirement by the D-GC to include a fish facility where a dam or diversion structure is proposed to manage the passage of fish. The Panel finds that such an issue simply does not arise in the circumstances of this case because the proposed re-alignment is a natural one, without structures as defined. The Applicant is not proposing a "dam" or "diversion or other structure" that will impede the natural movement of fish either up or down the Kākā Stream. The possible requirement of whether a fish facility should be installed simply does not arise.
- 657 For the above reasons, the Panel is satisfied that the proposal to re-align the Kākā Stream does not involve any activity which falls within the definition of complex freshwater fisheries activity. The legal analysis does not support the view of the D-GC, nor is it an available interpretation on the facts presented in the Application, the expert reports or any related plans and maps.
- 658 The Panel agrees with the submissions of the Applicant that what is proposed with the re-alignment of the Kākā Stream involves a standard freshwater fisheries activity. The facts before the Panel inevitably drive such a conclusion in the light of the definition of such an activity that applies under the FTAA. In section 4 of the FTAA the term is defined as follows:

Standard freshwater fisheries activity means an activity that includes construction of any of the following:

- (a) a culvert or ford that could impede but not permanently block fish passage;
- (b) weirs that comply with the conditions of regulation 72 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
- (c) works—
 - (i) that require active disturbance to a water body, including diversions, in-stream operations, and removal of gravel, that does not persist for more than 3 months; or
 - (ii) that are within 500 m of the coast and do not occur during the white baiting season; or
 - (iii) that are in an area known to be used for trout, salmon, or native fish spawning and do not occur during the spawning season; or
 - (iv) that require repeated disturbance to a water body and are temporary works for which there is a period of more than 6 months between each period of work.

- 659 The Panel is satisfied that the proposed activity falls with this provision. The definition is broad and the emphasis is on an activity that could impede, but not permanently block, the passage of fish. The Panel has considered the full scope of works required for the re-alignment of Kākā Stream and finds on the material available that an activity falling within this definition is clearly involved.
- 660 The only remaining issue is whether, if this is a standard freshwater fisheries activity, it is necessary for the Applicant to obtain a separate approval for a standard freshwater fisheries activity as it would if a complex freshwater fisheries activity were involved. The Panel agrees with the Applicant that the answer is no. It is unnecessary to burden this decision by providing further legal analysis to support what is a clear position. In short, the Applicant accepts that the Proposal involves a standard freshwater fisheries

activity, and where that is the case Checklist A2 of the EPA's application form requires certain information to be provided. The Applicant has provided such information to the EPA on 13 June 2025 in response to RFI 1 issued to it.

- 661 Finally, the Panel notes that, even if it is wrong in its legal analysis and factual findings, and the Project somehow involves a complex freshwater fisheries activity, the Applicant has proffered a set of conditions designed to mitigate or remove any adverse effects to fisheries in the Kākā Stream, most notably the requirement for a Fish Salvage and Relocation Plan. These have been expanded on by the Panel and can be found in various condition sets in **Appendix A**. In developing these conditions, the Panel has had regard to the provisions of clause 19 of Schedule 5 of the FTAA. If these conditions are applied to the proposed realignment of the stream, the Panel finds the effects on fish life would be minimal.

Natural Inland Wetlands

- 662 When discussing the NPS-FM above, the Panel noted the presence of two wetlands on the Site which had been referred to in the Application as "natural inland wetlands." The decision addressed earlier the key features of these wetlands and how the Applicant proposed to ensure the features of them were preserved and indeed enhanced through the various stages of the development. There is no dispute on the facts that these two wetland areas fall within the definition of "natural inland wetland" as defined in the NPS-FM.
- 663 In the course of their comments on the Application two responders, Gary Scott and Catherine Harper questioned whether there was in fact a third wetland in the area of the lower or southern part of the Site. In response to this comment the Applicant contended, citing the ECIA, section 3.1.3, that the "southern area is not classified as a natural inland wetland."
- 664 The Panel decided to seek further information from the Applicant on this issue and in particular:
- a. the nature and scope of any expert assessment made concerning the southern part of the Site, and
 - b. whether any of the proposed activities would be occurring in an area that fell within the definition of natural inland wetland.

The EPA issued RFI 5 to the Applicant for this purpose.

- 665 In response the Applicant contended that the southern floodplain does not include a wetland as defined as defined in the NPS-FM and the RMA. In the NPS-FM the definition is as follows:

means a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:

- (i) is within an area of pasture used for grazing; and
- (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
- (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply.

666 The Act referred to in the above definition is the RMA which defines "wetland" as:

includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

667 The Applicant referred to the factual findings outlined in a technical memorandum prepared by the ecologist, Dr Ben Robertson. He confirmed that the floodplain area was visually assessed during the ecological fieldwork. While a formal delineation was not undertaken, due to an absence of indicators such as wetland hydrology or wetland vegetation, the area was evaluated in accordance with standard ecological field practice and with reference to the definitions referred to above. Importantly the area is highly modified, elevated above the main valley floor, actively grazed and dominated by exotic pasture species typical of an environment that is well drained. On this basis further investigation was not warranted.

668 Dr Robertson also cited the Tonkin & Taylor (2021) report in relation to the PPC28 Ecological Constraints Assessment. This explicitly considered the potential wetland constraints under NPS-FM 3.22. While wetlands 1 and 2 were identified elsewhere on the Site, no other putative wetlands were mapped or recorded within the southern floodplain. It is also relevant that the statutory mapping carried out by the NCC under the NPS-FM 3.8 of the area in question did not identify any confirmed or potential wetland.

669 Having considered the above information and other material relied upon by Dr Robertson, the Panel is satisfied that no part of the southern floodplain on the Site could be classified as falling within the definition of natural inland wetland. On the available facts the Panel finds that there are only two wetlands on the Site, namely, the two areas identified by the Applicant in the Application as discussed elsewhere.

670 The Applicant further submitted that, even if the area in question were to be found to meet the definition of wetland in the RMA, it would still not qualify as a natural inland wetland under the NPS-FM due to the exclusions in (e) and (c) of the definition.

671 Dealing first with exclusion (e), it involves a wetland that "is within an area of pasture used for grazing." The Panel is satisfied on the facts that this exclusion would apply because the southern floodplain area of the Site is actively grazed and dominated by exotic pasture species listed on the pasture exclusion list and there is no known habitat or threatened species present that would override this conclusion.

672 With respect to the exclusion in (c), this would apply if there is a body of water that has been deliberately constructed. The factual situation here is that the Kākā Stream has in the past been intentionally realigned through its current course, with associated excavation and accessway changes altering the original floodplain topography. The evidence provided by the Applicant in the expert ecological reports filed with the Application provide some support for the proposition that the present course of the Kākā Stream is not where it flowed historically. On the basis that it was realigned as Dr

Robertson stated, a wetland in the southern part of the Site would have developed in or around the realigned stream since the construction work was completed.

- 673 The Applicant's counsel helpfully provided legal submissions in support of the factual findings, together with an analysis of related provisions concerning the definition of construction and deliberate. The Panel accepts these submissions provide some support for the proposition that it is reasonable to conclude that the historic realignment exercise would have required work of a similar kind to those now proposed by the Applicant, to effectively reverse the historic realignment. However, the Panel considers it is unnecessary to determine either the legal or factual issues involved because the matter is resolved by the other factual findings above.
- 674 The primary finding of the Panel is that the southern part of the Site does not contain a natural inland wetland. Even if this conclusion were wrong, the exclusion in (e) applies because it is a wetland within an area of pasture used for grazing. Accordingly, there is no need to make further findings on the submission concerning the application of the second exclusion contended for by the Applicant.
- 675 It follows from the above that the Site contains only two wetland areas as contended for by the Applicant. In short the Panel agrees with the assessments in the technical memorandum of Dr Robertson.

PART K: CONDITIONS

FTAA General Requirements for Conditions

- 676 In the course of the outline of the statutory scheme in Part B, the Panel referred to the power in s 81(1)(a) of the FTAA to grant an approval sought in a substantive application and set any conditions to be imposed on the approval. The statutory requirements on what conditions are set will be determined by the type of approvals being sought.
- 677 When exercising the discretionary power to set a condition, a panel must comply with s 83 of the FTAA which provides:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

- 678 The Panel issued Minute 13 dealing with this topic and will discuss later how this section has been complied with.

Conditions for Resource Consents

- 679 As the Application seeks approval for resource consents, clause 18 of Schedule 5 applies:

18 Conditions on resource consent

When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:

- (a) a reference to a consent authority must be read as a reference to a panel; and
- (b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

680 As part of several resource consents, particularly those relating to the Kākā Stream, the Applicant has referred to a standard freshwater fisheries activity. There is a definition of this term in s 4 of the FTAA which is referred to in the above discussion about freshwater fisheries activities. Clause 19 of Schedule 5 provides:

19 Conditions on resource consent may deal with standard freshwater fisheries activity

- (1) A panel may set conditions on a consent in respect of a standard freshwater fisheries activity for which approval, dispensation, or authorisation is required, or for which a requirement may be imposed, under the following provisions:
 - (a) regulation 42 of the Freshwater Fisheries Regulations 1983:
 - (b) regulation 43 of the Freshwater Fisheries Regulations 1983:
 - (c) regulation 65(2) of the Freshwater Fisheries Regulations 1983:
 - (d) section 26ZM(2)(a) or (3)(b) of the Conservation Act 1987.
- (2) If the panel sets conditions under subclause (1), they must be the conditions the panel considers necessary to manage the effects of the activity on freshwater fish species, taking into account—
 - (a) best practice standards; and
 - (b) the New Zealand Fish Passage Guidelines.
- (3) The provisions referred to in subclause (1)(a) to (d) do not apply to the holder of a resource consent issued under this Act who complies with the relevant conditions imposed under this clause.

681 The Panel has, in setting conditions regarding the standard freshwater fisheries activity, taken into account the provisions of the New Zealand Fish Passage Guidelines.¹⁵⁸

682 With respect to resource consent conditions generally, the Panel notes that a resource consent condition must:¹⁵⁹

- a. be for a resource management purpose, not an ulterior one; and
- b. fairly and reasonably relate to the development authorised by the resource consent or designation; and
- c. not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

683 Moreover, the underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.¹⁶⁰ Furthermore conditions must also be certain and

¹⁵⁸ available at <https://niwa.co.nz/freshwater/new-zealand-fish-passage-guidelines>

¹⁵⁹ *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

¹⁶⁰ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].

enforceable.¹⁶¹

684 It is axiomatic that a condition must also not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.¹⁶² Such authorisation is subject to the following principles:

- a. the basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions; and
- b. this power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 of the RMA); and
- c. this power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 of the RMA).

685 The Panel also notes that s 220 of the RMA specifies the conditions that may be imposed on a resource consent relating to a subdivision.

Comments on Conditions

686 On 11 July 2025, the Applicant and NCC provided a largely agreed set of conditions (v2) to the Panel. The Panel used this agreed set as a base to develop the draft conditions circulated on 5 August 2025 for comments pursuant to s 70 of the FTAA.

687 The Applicant had earlier filed with the Application a set of proffered conditions (sets A to M) as Attachment 25. At the Project overview conference, counsel for the Applicant advised that the conditions proffered with the Application were still a work in progress. The Panel was advised that the Applicant was in ongoing discussions with NCC regarding both the content and wording of these conditions.

688 As noted v2 formed the basis of the Panel's draft condition set, albeit with amendments that the Panel considered appropriate. The set of conditions was then made available to the 21 parties who provided comments through the s 53 process and comments on conditions invited under s 70 of the FTAA. Eight parties responded with comments on the draft conditions, although the responses from Forest and Bird and Hon James Meager (Minister for the South Island and Associated Minister for Transport) did not contain any comments on conditions. While not an exhaustive list, a summary of the issues raised by each party is outlined below.

689 The Applicant's comments sought:

- a. amended wording to multiple conditions to improve clarity;
- b. amendments to the noise conditions to require compliance with the construction noise limits during all timeframes for the proposed hours of construction work. The conditions preclude any construction work occurring

¹⁶¹ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

¹⁶² *Turner v Allison* (1970) 4 NZTPA 104.

before 07:00 and after 18:00 or on Sundays or Public Holidays. This is despite NZS6803 providing for works that start at 06.30am and finish at 8.00pm (on weekdays).

- c. amendments to ensure that the Construction Noise and Vibration Management Plan prescribes the specific restrictions that must be implemented to ensure that noise generated by heavy vehicles on Ralphine Way complies with the relevant noise limits in NZS6803 (55 dB L_{Aeq} and 75 dB L_{AFmax}) between the hours of 07:00 and 07:30 (Monday to Saturday).
- d. correction of an error to the dimensions for roading, parking and loading;
- e. inclusion of the Arvida Village café in the land use consent conditions;
- f. amendments to the condition relating to archaeological authority to clarify the nature of the existing archaeological authority, and the requirement to apply for another one to cover the potential discovery of Māori archaeological value;
- g. insertion of "general accordant" for the architectural plans for Koata House to allow more flexibility of design;
- h. insertion of the need for eco sourced plants for landscape plans;
- i. requirement for drought tolerant native species for the pump station;
- j. clarifications to the stormwater and flood risk conditions in the subdivision set, including a blockage assessment for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow; and
- k. inclusion of cultural induction in the conditions set relating to discharge of contaminants which was missing.

690 NCC comments suggested that:

- a. the draft conditions were generally acceptable in their current form and intent;
- b. NCC's role with regards to management plans should be to "review and confirm" to ensure they address all matters required by the relevant condition and that any subsequent reports contain all required information, rather than "certify and/or approve";
- c. Futureproofing the reference to the NCC's Group Manager Infrastructure, so that it reads "Nelson City Council's Group Manager Infrastructure or equivalent role"; and
- d. deletion of "shared" pedestrian path as 1.5m is not wide enough to be shared.

691 STM's comments in summary suggested:

- a. amendments to tie the management plans back to objectives and policies in the NRMP and ensuring they are consistent with them;
- b. inclusion of adaptive management procedures in the site specific erosion and

sediment control plan with triggers and responses;

- c. inclusion of new conditions to manage stormwater, primarily through a Stormwater Management Plan.
- d. amendments sought relating to management plans, including that the conditions do not clearly specify that all works must be undertaken in accordance with certified management plans, "approval" and "certification" are used interchangeably, need for objectives and parameters to be met by management plans to be set in consent conditions and improved clarity of management plan objectives;
- e. conditions relating to stormwater management (post-development) do not appear to reflect Policy RE6.3 and Schedule X.13;
- f. absence of conditions relating to the Arvida retirement village components including pavilion, club house, care centre and café;
- g. vegetation and earthworks conditions:
 - i. amendments to reflect NPS-IB Policy 3.10;
 - ii. questioned the lawfulness of conditions regarding vegetation clearance or earthworks within 100m of wetland 1 and whether the activities will result in complete or partial drainage;
 - iii. inclusion of a condition regarding not having significant adverse effects on aquatic life to reflect s 107 RMA;
- h. changes sought for the landfill conditions to ensure that the OSMP is approved before placement of any material into the encapsulation cell, and effective arrangements are in place for its long-term ownership and management; and
- i. subdivision conditions:
 - i. deletion of "to the satisfaction of council" for the widths of the channels and stormwater wetland treatment areas; and
 - ii. questioned the lawfulness of reviewing the Esplanade Reserve Landscape Planting Plan to determine the extent and type of planting required to avoid adverse flooding effects on the wider environment or on any neighbouring properties.

692 The DG-C's comments raised the following points:

- a. the management plan conditions do not provide sufficiently objective standards against which a council officer could certify management plans. The completion or amendment of management plans via certification after consent has been granted creates a risk of unlawful delegation. Certification must not, in effect, constitute approval;
- b. the Applicant's proposed approach to the variation of management plans would in effect delegate the function of determining requirements for the mitigation of

adverse effects, and the extent of effects that are acceptable;

- c. any management plans proposed as part of the consents should be approved by the Panel;
- d. inconsistent wording across conditions which are duplicated. This could be resolved by a separate document that outlines conditions common to all the resource consents and a condition at the beginning of the resource consents that requires compliance with the common conditions;
- e. amendments to the Stream Mitigation Assessment;
- f. the Gibbs and Jickells bridges works must also have a SSESCP;
- g. amendments to the conditions regarding stabilisation;
- h. concerns around visual inspection of the downstream environment being a subjective test, the conditions should instead require water quality standards such as clarity/turbidity, and whether clarity/turbidity differ upstream or downstream of the work sites;
- i. changes to reflect Policy 3.10 of the NPS-IB states;
- j. inclusion of in-stream habitat indices;
- k. a minimum of 10 m buffer is adequate to reduce nutrient and other contaminant inputs for slopes that are under 10°. For steeper slopes, it is suggested 20 m instead for best practice and outcomes; and
- l. inclusion of a new condition so that instream works is not undertaken during spawning times for the native fish species present in the stream and for culvert design to follow New Zealand Fish Passage Guidelines.

693 In accordance with s 72 of the FTAA, the Panel directed the EPA on 18 August 2025 to invite comments from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development on the draft decision, including any draft conditions. Those Ministers had ten working days to comment on the draft decision, including any assessment made by the panel in relation to a relevant Treaty settlement and any draft conditions related to that assessment. The response from Minister is provided in Paragraph 148.

Panel's condition set

Use of management plans – applicable principles

694 The conditions proffered by the Applicant in Attachment 25 of the Application contained 14 examples of the use of management plans. The various types of proposed management plans are set out in the table below as **Table 1**.

Table 1: Management plans required by the conditions

Name of Management Plan	Condition Set/Number	Objective and Criteria
Site Specific Erosion and Sediment Control Plan (SSESCP)	A: 6 - 10 B: 16 - 20 H: 15 - 19 J: 16 - 20 K: 10 - 14	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • NZS6803:1999. • DIN4150-3.
Construction Noise and Vibration Management Plan (CNVMP)	A: 17 - 23 B: 37 - 44 J: 36 - 42 K: 30 - 36	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • NZS6803:1999.
Traffic Management Plan (TMP)	A: 24 - 27 B: 12 - 15 J: 12 - 15	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • Road Controlling Authority Requirements.
Erosion and Sediment Control Monitoring Plan (ESCMP)	B: 33 H: 32 J: 33 K: 27 L: 11 - 13	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • Southern Skies ESC Report – App B.
Chemical Treatment Management Plan (CTMP)	B: 36 H: 34 J: 35 K: 29 L: 14	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • Southern Skies ESC Report – App A.
Ecological Restoration Plan (ERP)	B: 45 - 47 J: 43 - 45 K: 37 - 39	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP.

Name of Management Plan	Condition Set/Number	Objective and Criteria
Stream Restoration Plan (SRP)	B: 48 - 49 J: 46 - 47 K: 40 - 41	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • Stream Ecological Valuation. • Stream Mitigation Assessment. • Ecological Compensation Ratio.
Fish Salvage and Relocation Plan (FSRP) – within the SRP condition	B: 48(j)	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP.
Wetland Restoration Plan (WRP)	B: 50 - 51	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • EIANZ guidelines.
Lizard Management Plan (LMP)	B: 52 - 53 J: 48 - 49	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • DoC Guidelines.
Traffic Management Plan (TTMP) – Koata House	D: 9 - 10	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • Code of TTPM.
Ongoing Site Management Plan – Landfill (OSMP – Landfill)	H: 14	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP.
Remediation Action Plan (RAP)	M: 2, 16 - 21	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • Site Validation Report. • MfE Contaminated Land Guidelines.
Post Site Remediation Plan – Stream (PSRP-Stream)	M: 24	Objective Included. Detailed criteria including: <ul style="list-style-type: none"> • Preparation by SQEP. • ANZG Guidelines.

- 695 When the comments were received on the Panel's draft conditions under s 70 of the FTAA, three of the respondents commented in various ways on the use of management plans in the draft conditions of consent. The Panel therefore considers it necessary to discuss the legal status of management plans under the FTAA and the principles applicable to their use.
- 696 The Panel accepts the submission of counsel for the Applicant that management plans do not, and are not intended, to authorise anything. Instead, they are a legitimate and often used means of enhancing the likelihood of compliance with the conditions of consent. Generally speaking, they will be particularly useful for projects of material scale and complexity, across multiple stages over a number of years – which most projects with significant regional or national benefits will be.
- 697 A convenient starting point is the jurisprudence developed under the RMA. Section 108(3) of the RMA gives a consent authority the power to impose conditions on resource consents requiring the preparation and maintenance of management plan(s). The statutory wording is general and is framed as a "requirement that the consent holder...supply to the consent authority information relating to the exercise of the resource consent."¹⁶³ Management plans are simply a means of adaptively managing and mitigating the actual, or potential, adverse effects of an activity. Their utility is particularly appropriate in cases where imposing a standard condition of consent may not give sufficient flexibility to manage an adverse effect¹⁶⁴ and/or where they require a level of detail that would be inappropriate in a consent condition. By virtue of clause 18 of Schedule 5 of the FTAA, s 108 of the RMA applies to a panel when it is setting conditions on a consent in respect of an application under the FTAA. The Panel is therefore satisfied that, subject to compliance with the legal principles applicable to their use, management plans are as lawful under the FTAA as they are under the RMA.
- 698 Case law developed in the RMA context provides helpful guidance as to the use of management plans. In *Re Canterbury Cricket Assn Inc*,¹⁶⁵ the Court held that, where a management plan is proposed in consent conditions, it is imperative that:
- a. the conditions of consent identify the performance standards that are to be met; and
 - b. any management plans should be confined to identifying how these standards are to be achieved.¹⁶⁶
- 699 The Court emphasised its expectation that an applicant seeking the inclusion of a management plan requirement should provide evidence demonstrating how the effects of the activity are to be managed under the management plan objectives and how, in broad terms, those objectives are to be achieved.¹⁶⁷ Without such evidence, the Court indicated it is unlikely to be satisfied the proposed conditions were appropriate.¹⁶⁸

¹⁶³ Section 108(4) of the RMA provides a non-exhaustive list of the types of information which may be the subject of a condition under s 108(3).

¹⁶⁴ *Wood v West Coast Regional Council* [200] NZRMA, 193, at 6.

¹⁶⁵ *Re Canterbury Cricket Assn Inc* [2013] NZEnvC 184 [2013] NZRMA 371, at [114]-[128].

¹⁶⁶ At [125].

¹⁶⁷ At [130].

¹⁶⁸ At [130].

- 700 There is clear authority for the proposition that the objectives in a management plan condition may be made up of qualitative criteria (in appropriate circumstances), instead of quantitative criteria.¹⁶⁹ The Environment Court has also stated that it is inappropriate to include parameters or limits within a management plan – these should be in the conditions themselves. However, a management plan may legitimately provide information as to how specified parameters or limits can and will be met.¹⁷⁰ The Panel agrees with the submission of Ms Gepp KC for STM that the objectives and parameters to be met by management plans must be set out in the consent conditions and not be left to the management plans.¹⁷¹
- 701 Finally, in terms of applicable principles, as with any consent conditions, a condition requiring or relying upon a management plan must be clear, certain, and enforceable. The Applicant accepts it is the consent conditions themselves which should state the objectives / outcomes to be achieved and the matters the management plan must cover. It was the Applicant's stated intention that its proposed conditions, achieve this.
- 702 The Panel has applied the above principles in assessing the use of management plans in the consent conditions in the Application.

Comments on the Management Plan Conditions

- 703 The Panel considers that there is no material dispute as to the legal principles discussed above. Rather, differences between the parties arising from the comments on the Panel's draft conditions turned more on whether the conditions, as a matter of fact, achieve what they are intended to achieve and are clear, certain and enforceable in the sense that they do not leave critical decisions, such as what effects are tolerable, to a later time or another body.
- 704 Having said this, there are several matters arising from the comments made on behalf of the DG-C which call for specific comment. The first relates to the statement that the Department "considers that the management plan conditions do not provide sufficiently objective standards against which a council officer could certify management plans".
- 705 Two matters arise: one concerns the substance of the submission, the other raises an important matter of process or practice. The Panel deals with the process point first.
- 706 As is apparent from the Application, there were some 14 examples of management plans in the proffered conditions.¹⁷² The Panel considers that, given the existence of such a range of management plans on different topics, the submission made in such broad terms is less than helpful. First, it is too general. What specific management plans are said to fall foul of the criticism made? And, in what respects and how do particular plans not provide "sufficiently objective standards".
- 707 Those responding to requests for comment under s 70 are reminded of the importance of engaging substantively with the proposed conditions. As stated at clause 20.3 of the

¹⁶⁹ *Northcote Point Heritage Preservation Soc Inc v Auckland Council* (2016) NZEnvC 248, at [48], in reliance on the decision of the High Court in *Environmental Defence Society Inc v NZ King Salmon Co* [2013] NZRMA371 at [114] to [128].

¹⁷⁰ *Wellington Fish & Game Council v Manawatu-Whanganui Regional Council* (2017) EnvC 37 at [175]

¹⁷¹ *Remediation NZ Ltd v Taranaki Regional Council* [2024] NZEnvC 213 at [466]-[468] applying *Wellington Fish & Game Council v Manawatu-Whanganui Regional Council* (2017) NZEnvC 37 at [175].

¹⁷² As described above in Table 1.

Guidance Note:¹⁷³

If the administering agencies do not support the applicant's proposed set of conditions, they are encouraged to respond accordingly and propose alternative or additional conditions or track-change suggested amendments.

- 708 The Panel acknowledges that the above guidance was offered in respect of advice provided by administering agencies pursuant to s 51 of the FTAA. Such advice would likely be part of a report on the agency's "response to the draft conditions, including any management plan attached to the application, recommending track-changed amendments (if any)". However, if anything, a response by an agency to an invitation to comment on the Panel's draft conditions under s 70 of the FTAA, comes at a critical time, late in the overall consideration process, when strict time limits are in operation. Accordingly, it is incumbent on agencies and other participants providing comments on draft conditions to comply with the spirit of the guidance under clause 20.3 in order to provide meaningful assistance to the parties and to the Expert Panel.
- 709 With respect to the substance of the submission alleging a failure to "provide sufficiently objective standards", the Panel has itself assessed each of the proposed management plans identified in **Table 1** to ensure that they comply with the principles applicable to proffered management plans, and in particular the requirement that the conditions of consent clearly identify performance standards to be met and contain the objectives to be achieved by the particular management plan.
- 710 Other than a small number of management plan conditions e.g. Chemical Treatment Management Plan, where an objective was not clearly articulated, the Panel is satisfied that there are specific conditions relating to these performance standards and objectives, as well as conditions, mandating how these are to be achieved and measured. The few management plans that did not have an objective clearly articulated have now been amended accordingly. An example of this is set out below.

Set B – Earthworks and Vegetation Clearance – Condition 36

Chemical Treatment Management Plan (CTMP)

All chemical treatment and dosing of earth worked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the Chemical Treatment Management Plan provided in Appendix A – Chemical Treatment Management Plan in the Southern Skies Environmental Erosion and Sediment Control Assessment Report. **The objective of the CTMP is to ensure that any chemical treatment of sediment laden water is designed, implemented, and managed to maximise treatment effectiveness, and minimise environmental, human health and ecological effects.**

- 711 The Panel next addresses the proposition advanced by the DG-C that "the Department considers reliance should not be placed on unenforceable qualitative objectives of management plans".
- 712 This is a flawed submission. First it fails to inform the Panel which of the 15 management plans is in breach of the proposition. Second, it suggests that qualitative objectives in management plans are unenforceable. Counsel for the Applicant submitted that this was an incorrect statement of the law. The Panel agrees. The applicable legal principle is set out at paragraphs 698-701 above and provides that

¹⁷³ Fast Track Approvals Act 2024: Panel Convener's Practice and Procedure Guidance, 22 July 2025 (Guidance Note).

qualitative criteria are permissible in appropriate circumstances. If the DG-C was intending to submit that with certain management plans the circumstances were not appropriate for the use of qualitative criteria, this needed to be properly spelled out and an explanation provided as to why this is the case.

- 713 The final point of contention advanced by the DG-C was that “any management plan proposed as part of the consents should be approved by the Panel”. The Applicant challenged this proposition which had been advanced without authority, either in the statutes or in case law.
- 714 The Panel does not accept that all management plans (including variations) need to be approved by the relevant expert panel as part of the FTAA consenting process. Such an approach would be contrary to present planning practice, and to the law.
- 715 The Panel finds support in this view from the manner in which the topic of management plan conditions has been addressed in the Guidance Note at section 21. The guidance rightly assumes that conditions may include reliance on the preparation of management plans. The Guidance Note relevantly provides that:

Applicants should provide either draft management plans or sufficient information as to the purpose, structure, content and drafting process for management plans, to provide the panel with confidence that they will be sufficient to address identified adverse impacts. Applicants are also strongly encouraged to consider utilising other condition mechanisms that may provide greater certainty....

- 716 The Panel considers this to be sound and appropriate guidance. The type of condition mechanism used by applicants in their proffered conditions will always depend upon the topic concerned and the particular circumstances of the case.
- 717 It follows from the above analysis that the Panel does not agree with the approach advanced by the DG-C on this issue. The Panel is satisfied that in the present Application that not all of the management plans need to be sighted before a decision is made.

Activities to be in accordance with Management Plans

- 718 In its comments¹⁷⁴, STM suggested that all condition sets that relate to works which will be subject to a management plan, should include the following additional wording:

All works must be undertaken in accordance with certified management plans.

- 719 The Panel has considered the need for this clause and the value of adding it to what are already substantive condition sets. The Panel notes the general condition in every condition set which already uses words along the lines of “activities are to be carried out in accordance with the application including further information and the conditions of consent”.
- 720 Similarly, conditions with regard to each management plan also use wording along the lines of “the consent holder shall prepare and implement a management plan with the objective of...”.

- 721 In combination, the Panel considers that these conditions satisfactorily cover the need

¹⁷⁴ Section 70 Comments – STM – Page 2

for relevant works to be undertaken in accordance with respective certified management plans and that the additional text suggested by STM is not necessary.

Other issues regarding conditions

- 722 Many of the points of contention regarding the form of wording of the conditions in this Application have been addressed in the previous section or dealt with in the course of the Panel's analysis and assessment of the conditions themselves. There remain a few miscellaneous issues to be mentioned for the sake of completeness.

Certification of management plans

- 723 The first such issue arises from the comments of STM following the invitation under s 70 of the FTAA to comment on the Panel's conditions sets. Counsel for STM submitted that:
- a. The conditions do not clearly specify that all works must be undertaken in accordance with certified management plans. A statement that "All works must be undertaken in accordance with certified management plans" should be added to every consent.
 - b. The conditions interchangeably use the terms "approval" and "certification" where referring to Council certification of management plans. The term certification should be used consistently.

- 724 The Panel notes that, in response to these comments, counsel for the Applicant accepted both comments. The only exception was in relation to the discussion of the role of NCC where the words "review and confirm" were preferred. The Panel has taken these comments into account in the development of the wording of the final form of the conditions sets.

Role of NCC in conditions requiring certification

- 725 In its comments made following the invitation under s 70, NCC's primary concern with the draft management plan conditions related to its role in the management plan process. Specifically, it wanted to "review and confirm" some management plans, rather than "certifying" or "approving" them.
- 726 The Applicant informed the Panel that it had conferred with NCC to clarify whether its desire to move to a "review and confirm" role affected every management plan proposed. NCC advised that its request only affected some proposed management plans and it was happy to "certify" others – namely, engineering-related management plans. NCC also advised that its "tracked changes" to the Panel's conditions capture the full extent of changes it sought in this regard.
- 727 The Panel understands that NCC's request seeking changes across the condition sets related essentially to Council's review processes and the role of Council's Monitoring Officer in monitoring of the consent conditions.¹⁷⁵
- 728 On this basis, NCC recommended that, for conditions that require the submission of plans and reports to NCC, these should be "reviewed" as opposed to "approved" or "certified" to confirm all required information is present. NCC considered that this adjustment better reflected the role of Council's Monitoring Officer in administering the conditions of consent. Where the review process identified a need for further technical consideration, NCC advised that this information would be referred to other suitably

¹⁷⁵ NCC Response to Minute 11 and RFI 5, 12 August 2025.

qualified Council staff or specialists for the same review process. This approach would avoid the need for any subsequent or post consent “approvals” or “certifications” by NCC, notwithstanding the engineering and surveying approval conditions related to sections 223 and 224 of the RMA in relation to subdivision matters.

- 729 The Panel has considered this suggestion by NCC and agrees that it is appropriate. The resultant process will place the emphasis on the Consent Holder and their suitably qualified and experienced practitioners, who will be responsible for preparing the majority of any detailed design plans or management plans for submission to NCC. The NCC will then review these to ensure they have been prepared in accordance with the detailed criteria of the associated consent conditions.
- 730 The Panel therefore has adopted the recommendations from NCC on the various condition sets and also included the recommended advice note from NCC on each condition set which will provide added clarity around the how these conditions are intended to be applied.

NCC infrastructure capacity

- 731 NCC provided the Panel with draft condition wording in response to an RFI to seek assurance that the sizing of any wastewater infrastructure in the proposed development would be approved by NCC prior to being installed. This was to ensure there was sufficient downstream servicing capacity in NCC’s reticulated system, including planned capacity upgrades in its Long Term Plan, as well as within the Site to accommodate flows from future upstream development e.g. the Bayview site or the undeveloped Lot 6000.
- 732 NCC subsequently provided a follow up response on this matter on 31 July 2025¹⁷⁶ to provide a correction and further clarification on the extent of planned upgrades that NCC has taken into account. These corrections (in underline) are set out below:

The current LTP upgrades are based on 400 lots/units or equivalent for Maitahi plus 200 lots/units or equivalent for Bayview plus 200 lots/units or equivalent for future growth (including the super lot and balance lot), from previous conversations with the Applicant. This proposal is for 374 residential lots and units and introduces a super lot (identified for future development). It also has remaining residential balance land that does not have any development proposed at this time, or is stated not to be developed, however is residentially zoned.

- 733 The Panel considers that the above information provides confirmation that the level of development proposed by the Applicant is within the planned downstream reticulated wastewater servicing capacity. The Panel also has included a condition (Condition 7) on the Subdivision set (Set I) of conditions as follows:

Prior to the issue of the Section 224(c) Certificate for any Stage other than Stage 0 & 11, the Consent Holder shall obtain confirmation from Council’s Group Manager Infrastructure that all necessary works to ensure there is available servicing capacity to facilitate development have been completed to the extent required for that stage.

- 734 The Panel therefore considers that this matter has been sufficiently addressed.

¹⁷⁶ NCC Response to Minute 10 and RFI 4 – Corrected Version as at 31 July 2025

Boundary interface with Ralphine Way residents

- 735 Some neighbouring residents¹⁷⁷ of Ralphine Way provided comments under s 53 regarding the boundary interface with the project Site and whether this would subject them to effects associated with loss of privacy or security.
- 736 The Applicant has not provided a detailed response to these comments, other than to comment that there are no plans to change any existing fencing along these boundaries.
- 737 The Panel has considered this matter and notes that, despite the underlying mix of zoning along these boundaries as being part open space and recreation, part rural and part residential, virtually all adjoining land on the Site will be developed as part of the reserve areas to be vested with NCC. Based on the landscape design information submitted with the Application, these are expected to be attractive amenity spaces with plantings indicated along all the boundary interfaces with Ralphine Way residents. Any tracks, which are a common and expected feature of many open spaces, are not indicated directly adjacent to any fence lines for extended sections, or at an alignment that would be expected to encourage track users to unduly impact on the privacy or security of adjoining residences. The Panel is therefore satisfied that any impacts on privacy and security will be less than minor and that no further conditions are required to address this issue.

Covenants to restrict pet ownership

- 738 Respondent Peter Olorenshaw¹⁷⁸ provided comment seeking a requirement that all new lots be subject to a covenant or similar legal mechanism to restrict the ownership of pets, particularly cats and dogs, for ecological reasons. STM addressed the effects of cat disturbance on ecology more broadly by including human disturbance as a result of subdivision.¹⁷⁹ Given the intent of the underlying zoning as residential, the Panel sees the reference to humans in this context as irrelevant.
- 739 The Applicant responded on the cat issue that it was unwilling to impose such a mechanism, noting that in its experience, such mechanisms are virtually unmanageable and are very difficult to enforce. The Applicant referenced the Ecological Restoration Plan conditions in Condition Set B (Condition 45) which require the consideration of pest animal control measures as a more effective mechanism. The Panel agrees with the Applicant. Accordingly, the Panel has not included what it considers would be an unworkable condition.

Applicability of the New Zealand Coastal Policy Statement and Schedule X.15 requirements

- 740 STM¹⁸⁰ raised the applicability of the NZCPS and queried its relevance, given the downstream effects on the Nelson Haven which is in the coastal environment. STM also considered that the Applicant's Ecological Impact Assessment did not comply with Schedule X.15 of the NRMP which is set out below:

¹⁷⁷ Section 53 comments - L Marshall (1 Ralphine Way), page 3; E Morris (5 Ralphine Way), page 1.

¹⁷⁸ Section 53 comments - P Olorenshaw, Paragraph 2.15.

¹⁷⁹ Section 53 comments - STM - Paragraph 72

¹⁸⁰ Section 53 comments - STM - Paragraphs 67 - 71

X.15 Ecological Impact Assessment/Environmental Management Plan

Applications for subdivision, development or earthworks within Schedule X must provide an Ecological Impact Assessment prepared by a suitably qualified and experienced ecologist:

- a. Identifying and describing the significance and value of freshwater and terrestrial habitats and features;
- b. Describing the potential effects (including cumulative effects) on local ecology arising from the proposed activity, including the potential threat from domestic pets;
- c. Recommending measures as appropriate to avoid, remedy, mitigate, offset or compensate potential effects (including any proposed conditions/Ecological Management Plan (EMP) required).

Each Ecological Impact Assessment submitted for subdivision and development or earthworks must address all of the land and freshwater environment contained within Schedule X and account for potential effects on downstream receiving environments (Maitahi/Mahitahi River and Nelson Haven).

Each Ecological Impact Assessment must also address any specific matters that are related to the given stage or activity relevant to each application for resource consent.

Any EMP shall describe the methods proposed to achieve the outcomes set out within Policies RE6.1 - RE6.5, and its Methods in relation to the Open Space and Recreation Zone, Residential Green Overlay and Revegetation Overlay, as shown within the Maitahi/Mahitahi Bayview Structure Plan.

- 741 The Applicant responded¹⁸¹ that the effects of sedimentation have been expressly addressed in the Ecological Impact Assessment and Erosion and Sediment Control Assessment Report. Broadly, the conclusions from these assessments were that, post construction, cumulative sediment loads from the wider Kākā Stream catchment (representing approximately 2.5% of the wider Maitai catchment) would decrease over time compared to current sediment loads, as a result of the land use changes from primarily agricultural land use and scrub towards developed impervious areas, reforestation, and use of a comprehensive stormwater treatment process to directly target sediments.
- 742 The Panel is satisfied that provision of an ecological impact assessment covering the land subject to this proposed development (but not the entire PPC28 area) is still in alignment with the intent of Schedule X.15.
- 743 The Panel agrees with the Applicant and finds that the requirements of Schedule X.15 have been appropriately addressed within the considerable detail provided in the various supporting technical assessments and v2 set of conditions. The Panel also refers to the Independent Hearing Panel Report on PPC28 from September 2022 which states:

The purpose of the NZCPS, as set out in its Preamble is to "...state policies in order to achieve the purpose of the Act [RMA] in relation to the coastal environment of New Zealand". A key consideration therefore is the PPC 28 site within the Coastal Environment.

There was considerable debate, mainly between the landscape architects and planners, about the extent to which, and if in fact, the site formed part of the Coastal Environment. We address this matter in the sections addressing landscape, visual amenity and natural character and erosion and sediment control. However, it is our view that the site is not within the Coastal Environment, and therefore the provisions of the NZCPS do not apply. [emphasis added]

- 744 Overall, the Panel is satisfied that the requirements of Schedule X.15 have been met

¹⁸¹ Section 53 comments – Applicant - Table of comments and responses – Points 67 - 71

and, consequently, the NZCPS does not require any further detailed assessment.

Reliance on Environmental Institute of Australia and New Zealand (EIANZ) Ecological Impact Assessment 2018 Guidelines

- 745 The DG-C¹⁸² expressed concern that the EIANZ guidelines used by the Applicant in its Ecological Impact Assessment have not been endorsed by the Department of Conservation, the Ministry for the Environment, or the New Zealand Ecological Society. On that basis the DG-C could not accept that the Applicant's conclusions on the residual impacts are accurate. The Panel notes that no alternative endorsed ecological guidelines or criteria were suggested or recommended by the DG-C as a preferred approach.
- 746 The Applicant responded¹⁸³ to confirm that, while the EIANZ (2018) Guidelines are not formally endorsed, they are a widely accepted and standardised methodology for ecological effects assessment in New Zealand. The Applicant also noted that the EIANZ guidelines have been consistently applied across comparable statutory processes, including fast track consent applications such as the Drury Centre Precinct (Kāinga Ora) application under the COVID-19 Recovery (Fast-track Consenting) Act 2020.
- 747 The Panel agrees with the Applicant and considers that the information provided within the Ecological Impact Assessment, along with subsequent supporting information and conditions, together provide a robust approach to identifying and mitigating any ecological impacts from the proposed development.

Construction Noise

- 748 The Applicant requested specific changes¹⁸⁴ to conditions that relate to construction noise and associated heavy vehicles. These conditions are common across a number of condition sets.
- 749 The requested changes are to permit construction noise, and noise from heavy vehicles on Ralphine Way entering the site, to occur during the period between 0700am-0730am. The previous version of the condition was limited to a 0730am starting time.
- 750 To support the requested amendments, the Applicant provided a Technical Review Memorandum from Styles Group, which confirmed that *NZS6803:1999 Acoustics Construction Noise* could still be complied with in respect of all proximate receivers for the 0700am-0730am time period. This time period is subject to lower noise limits (55 dB $L_{Aeq(15\ min)}$ and 75 dB L_{AFmax}) than the 0730am-1800pm time period (70 dB $L_{Aeq(15\ min)}$ and 85 dB L_{AFmax}).
- 751 Styles Group also commented that, as Ralphine Way is a Public Road, it does not technically form part of the application "Site" and therefore, without the proposed amendments to the construction noise limits, the Applicant is concerned that noise generated by any heavy vehicles queuing in Ralphine Way may be a nuisance to existing residents. Under the current draft there would be no condition to control this activity.

¹⁸² Section 53 comments – Director-General of Conservation, Paragraph 5.

¹⁸³ Section 53 comments – Applicant, Table of comments and responses, Point 5.

¹⁸⁴ Section 70 comments – Applicant, Dated 12 August 2025

- 752 The volunteered conditions would therefore allow for construction vehicles on Ralphine Way to enter the site during this half an hour window, subject to a certified CNVMP demonstrating that these heavy vehicle movements can comply with the respective noise limits.
- 753 The Panel has reviewed the proposed amendments and additional technical information prepared by Styles Group and is satisfied that the provisions of *NZS6803:1999 Acoustics Construction Noise* will still be met. The Panel considers that these amendments would also assist with protecting amenity for residents in Ralphine Way by reducing potential disturbance from queuing heavy vehicles, while at the same time would provide the Applicant with a slightly wider construction window. This could be expected ultimately to reduce the number of construction days required for the development, particularly near Ralphine Way residents. The Panel therefore has accepted the proposed amendments accordingly.

Operational Noise – Café

- 754 In its detailed review of the condition set for the comprehensive housing development that will accommodate the retirement village, the Panel has made minor edits to the condition limiting noise from the non-residential café activity (Condition 46 of Set A).
- 755 The current wording (as per v2 of the Applicant's set of draft conditions received on 11 July 2025) presently applies only to noise received at the notional boundary of any dwelling in a Rural Zone. In effect, any noise limits from this café would only apply to the existing residents of Ralphine Way who are located primarily within a rural (Higher Density Small Holdings Area) zone.
- 756 The Panel considers that once dwellings are constructed within the wider Maitahi subdivision, it is appropriate that the café noise limits should also apply to these residential zoned lots to protect the expected level of residential amenity. Thus the condition would not apply within the site of the retirement village activity itself. However, as the café activity will be integrated into the retirement village complex, it is anticipated that it will be managed appropriately in accordance with the type of amenity involved.
- 757 The edits made by the Panel are set out below.

Cumulative noise levels from the operation of Non-Residential Activity (Café) within the retirement village shall comply with the following noise limits when measured and assessed in accordance with NZS6801:2008 Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise:

(a) at the notional boundary of any dwelling in a Rural Zone, **and**

(b) at, or within, the boundary of any Residential Zone outside the site of the retirement village activity:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
06:00am – 10:00pm Monday to Saturday	50 dB	-
All other times	40 dB	75 dB

Stormwater Management and Rule X.13 of Schedule X

- 758 STM requested additional conditions¹⁸⁵ and amendments regarding stormwater management. The example provided was to the Comprehensive Housing Development (retirement village) condition set where new conditions were requested requiring the preparation of a stormwater management plan which must meet an extensive list of criteria in order to meet the requirements of Rule X.13 in Schedule X. STM requested that the same provisions should also apply where relevant in other condition sets.
- 759 In its response, the Applicant contended that these matters have already been fully addressed in the Stormwater Assessment Report and would ultimately be delivered specifically through the subdivision condition set, as opposed to the various other condition sets. However, the Applicant has requested that a further condition is provided for each of the subdivision stages (1-11). This condition is set out below as part of the specific subdivision criteria that must be met for each stage:

An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the Stormwater Assessment Report (T&T, February 2025).

- 760 The Panel is satisfied that the approach suggested by the Applicant is preferable, given stormwater engineering matters and requirements will be able to be applied through each stage of the development alongside other key engineering and infrastructure related requirements. This approach would require a suitably qualified stormwater engineer and specifically links to the requirements of Rule X.13 of Schedule X as well as the information already provided in the Stormwater Assessment Report submitted with the Application. As a result, the Panel considered this was a robust approach which would still address the intent of what STM was seeking in its suggested amendments.

SSESCP Principles

- 761 The DG-C sought amendments¹⁸⁶ to one of the listed principles in accordance with which any SSESCP must be developed to manage temporary construction earthworks. This principle is with regard to the progressive and rapid stabilisation of disturbed areas as currently set out below:

Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is designed for both erosion control and dust minimisation.

- 762 The DG-C suggested that there should be more explicit thresholds or criteria as to when rapid or progressive stabilisation would be deemed to be necessary. The DG-C considered that using specific water quality testing standards e.g. clarity/turbidity would be a less subjective approach, rather than using visual inspections. However, the comments stopped short of suggesting any specific limits themselves.

- 763 The Applicant disagreed that these changes were necessary but did not provide any

¹⁸⁵ Section 70 comments – STM – Condition Set A

¹⁸⁶ Section 70 comments – DG-Conservation (DoC) – Page 5

detailed explanation. However, the Panel has reviewed the current wording of this specific principle and the balance of the SSES CP related conditions, which are extensive. The Panel is mindful that these conditions already include requirements to provide specific information including:

Stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation.

- 764 The Panel was therefore of the view that any risks with regard to the application of rapid and progressive stabilisation throughout the works is already suitably provided for in the existing conditions.

Ecological Restoration Plan

- 765 Both STM¹⁸⁷ and DG-C¹⁸⁸ provided comments and requested amendments to the ERP restoration and enhancement objectives for the Site.
- 766 STM was specific in its request, seeking additional wording to avoid the reduction in population size or occupancy of Threatened or At Risk (declining) species, including the New Zealand Robin, that use adjacent SNAs and to avoid adverse effects on any threatened or at risk indigenous species that may use the restoration areas.
- 767 The DG-C was less specific but generally sought that reference to the effects that are to be avoided, as listed in Clause 3.10(2) of the NPSIB, be included and that other effects be managed using the effects management hierarchy.
- 768 The Applicant responded to both. First, it considered that there are already suitable performance standards provided in the balance of the ERP conditions and other conditions, such as the requirement for a Lizard Management Plan. The Applicant reiterated that the Project is expected to deliver a net ecological benefit, and therefore the population size and occupancy of important indigenous species is unlikely to decrease, notwithstanding the difficulty in obtaining precise population size figures due to natural variation.
- 769 Secondly, the Applicant confirmed that the proposal already seeks to protect SNAs and that no physical works are proposed within 500m of any SNA (as set out at page 35 of the Ecological Impact Assessment).
- 770 The Panel agrees with the Applicant and finds that the objectives, as currently worded, are appropriate and that there is sufficient detail and criteria through the related conditions to ensure any adverse impacts on SNAs will not only be avoided, but protected, restored, and enhanced.
- 771 The Panel also considers that the NPS-IB has been satisfactorily addressed with regard to the impact on SNAs. This is covered in more detail in Part H of the decision.

Stream Restoration Plan

- 772 The DG-C commented¹⁸⁹ that the listed criteria in the SRP which includes a

¹⁸⁷ Section 70 Comments – STM, Condition Set B.

¹⁸⁸ Section 70 Comments – DG-C, page 5.

¹⁸⁹ Section 70 Comments – DG-C, page 5.

requirement for specific monitoring protocols and use of the pre-construction survey as a baseline, was not sufficient and that in stream indices (indicators) should also be included. These included a requirement to reinstate macroinvertebrate and fish populations to the original baseline survey population levels.

- 773 In response, the Applicant contended that the Stream Mitigation Assessment already sets out a complete mitigation framework addressing all three ecological function categories being habitat, water quality/biogeochemical, and biota with measurable outcomes. The balance of conditions also required measurable targets e.g. SEV uplift, percentage canopy covers, riparian buffer width, and ecological monitoring against baseline values. Overall, the Applicant considered that adopting absolute species count targets is not an ecologically robust approach, given natural variability and the fact that the “no net loss” approach (along with other criteria) is consistent with best practice. It is also enforceable and auditable.
- 774 In its assessment of this matter, the Panel agreed with the Applicant that the current condition set was suitably robust and did not require further alteration. The Panel also considered that the DG-C’s comments had not suitably recognised, or given adequate weight to, the current clear and obvious degraded state of Kākā Stream and the significant improvements that are expected following the reclamation and realignment in line with the proposed approach by the SRP.

Wetland Restoration Plan

- 775 The DG-C provided comment¹⁹⁰ suggesting that the proposed vegetated buffer for the identified natural inland wetlands should be a minimum of 20m, as opposed to 10m, given the slope angle on which they are located.
- 776 The Applicant disagreed but did not provide a detailed explanation. The Panel has reviewed the relevant section of the condition in question which is set out below:
- Define a minimum 10 m vegetated buffer around each wetland, or greater where practicable, and include spatial planting plans showing:
- Plant species lists, eco-sourcing requirements, densities, and zonation;
 - Planting layout tailored to wetland type and buffer function;
- 777 The Panel noted that the slope of each Wetland has not yet been confirmed, including by the DG-C. In addition, the current condition wording does not limit the vegetation buffer to 10m. Rather, it requires a minimum of 10m, or greater where practicable. When coupled with the information in the Ecological Impact Assessment, which assessed that native planting of 10m, or greater, adjacent to natural inland wetlands would result in a net ecological gain, the Panel is satisfied that the current vegetated buffer requirements are appropriate.

Wetland Hydrological Function – Lawful Approach to Condition

- 778 STM’s legal counsel provided a specific comment¹⁹¹ with regard to a condition requiring a Wetland Hydrological Assessment for Natural Inland Wetland 1. The view expressed was that this was an unlawful condition and that the hydrological assessment and

¹⁹⁰ Section 70 Comments – DG-C, page 6.

¹⁹¹ Section 70 Comments – STM, Condition Set B.

resultant mitigation should be determined now as opposed to being deferred.

779 The Applicant disagreed, noting that the Application specifically identified and sought consent under the NES-F for this matter and that a detailed response was provided as part of RFI 1 on 13 June 2025.

780 The Panel has undertaken a further review the Applicant's response to the Panel's earlier RFI and finds that this material did assess the preliminary hydrological risk with the Ecological Impact Assessment reasonably, assuming that the small footprint of upgradient earthworks will not drain or materially alter the hydrological regime. Moreover, should the detailed hydrological assessment reveal a different outcome, there is ample scope to implement additional restoration measures such as expanded vegetation planting to strengthen the wetland function and still achieve an overall net-gain outcome.

781 The Panel therefore considers that this matter has been satisfactorily addressed through the provision of an acceptable level of information to understand the likelihood of adverse impacts. In addition, should it be determined that there is an unexpected adverse impact, then the relevant condition enables this to be addressed accordingly.

Timing of water reservoir installation

782 NCC sought¹⁹² that an additional condition be added to the land use consent for the temporary water reservoir as follows:

The water tank shall be fully constructed and in operation for Stage 1 of the subdivision consent.

783 The Applicant has responded to this request commenting that the timing of the installation of this service infrastructure is already provided for within the subdivision conditions and that there is no need to duplicate this requirement in the land use consent.

784 The Panel agrees with the Applicant and is satisfied that this requirement is already set out in the subdivision condition set and must be in place for Stage 1.

Subdivision – Stormwater blockage assessments

785 The Applicant requested¹⁹³ the rewording of two similar stormwater infrastructure related conditions within the subdivision condition set. These concern Stages 2 and 5, both of which require stormwater assessments for potential blockage of culverts, waterways, drains and bridges.

786 The wording proposed by the Applicant achieves the same as the current wording but with greater clarity as set out below for one of the conditions:

~~A critical storm assessment undertaken by the stormwater engineer for culverts, waterways, drains and bridge blockage assessment from a 1 in 500 year storm event debris flow risk. **A blockage assessment as per the NTLDM undertaken by the stormwater engineer for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris**~~

¹⁹² Section 70 Comments – NCC, Condition Set E.

¹⁹³ Section 70 Comments – Applicant, Condition Set I.

flow based on the critical duration of the storm event relative to the location within the wider catchment.

- 787 The Panel agrees that these changes add clarity and are appropriate to be included accordingly.

Subdivision – Transport

- 788 NCC also requested amendments¹⁹⁴ to the condition requiring a detailed road safety audit at each stage of the subdivision. The current condition wording refers to a preliminary design audit that has already been undertaken. Given the preliminary road safety audit has been completed, any detailed design will therefore be based on these recommendations before the detailed design audit will follow.
- 789 Consequently, it is NCC's view that there is no need for the condition to refer to the need to address recommendations of the preliminary road safety audit. The condition is focussed on the detailed design audit rather than the detailed design itself.
- 790 The Panel considers that the amendments proposed by NCC are logical and improve the intent of the condition as set out below.

A Road Safety Audit report (detailed design audit), specific to the stage ~~and addressing any recommendations of the preliminary Road Safety Audit~~, to determine whether the measures are effective **and safe** design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor.

Subdivision - Lighting

- 791 NCC further requested amendments¹⁹⁵ to the condition requiring details on street and reserve lighting at each stage of the subdivision. The comments centre around the practicalities of establishing what matter i.e. ecology, or health and safety, would take priority when lighting impacts are being considered, particularly if there are different standards and guidelines that could apply. This could be an important issue.
- 792 The Panel has considered this request and agrees that there are likely to be scenarios where roading and pedestrian safety matters could be compromised if sufficient lighting were not provided e.g. pathways and bridges. The neighbourhood park, which is central to the development, is also expected to be subject to a greater need for lighting due to the likely future use of this park e.g. for sports or higher occupancy recreational activities.
- 793 The Panel also considered that the primary intent of the ecology based lighting criteria was aimed at adjacent SNAs and areas of notable native and wildlife habitat e.g. near wetlands. The Panel is satisfied that there is no reason that these areas, located at the periphery of the development areas, would be compromised as a result of the amendments proposed by NCC. The Panel therefore agrees with NCC that the following amendments should be made to these conditions.

Street and reserve lighting details (~~where applicable~~ **other than the neighbourhood park**) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native

¹⁹⁴ Section 70 Comments – NCC, Condition Set I.

¹⁹⁵ Section 70 Comments – NCC, Condition Set I.

vegetation, wetlands, or wildlife habitat, **except where road and pedestrian safety matters override this requirement.**

Fish Passage during instream works and Culvert Design

- 794 The DG-C has sought¹⁹⁶ a new condition in relation to the riverbed disturbance condition set. The new wording would be as follows:

No instream works should be undertaken during spawning times for the native fish species present in the stream. Culvert design should follow New Zealand Fish Passage Guidelines | Earth Sciences New Zealand | NIWA.

- 795 In relation to the first part of the condition i.e. no works during spawning times for native fish species present, the Applicant considers that this matter is already suitably covered in the conditions relating to the Stream Restoration Plan which includes the requirement for a Fish Salvage and Relocation Plan (**FSRP**). The FSRP is required to be prepared by a suitably qualified and experienced ecologist and must specify a number of things, including how works will be timed to avoid sensitive fish migration or spawning periods.
- 796 The Panel agrees with the Applicant and is satisfied that the risk to aquatic species during spawning times is appropriately addressed in the current condition set.
- 797 With regard to the second part of the condition, the Applicant confirmed that this was accepted. The Panel is satisfied that this is an appropriate addition and should be included under the "culvert" subheading within this condition set.

Construction Phase Stormwater Discharge – Sediment Control Monitoring

- 798 The Applicant has proposed¹⁹⁷ specific performance monitoring of the sediment control systems i.e. retention ponds, decanting earth bunds, during higher rainfall events (over 25mm in a 24 hr period). Currently the draft conditions require the preparation of a summary report and for this to be provided to NCC within 10 working days and this could potentially be onerous on both the Applicant and NCC. They proposed that it should be amended so this requirement only applies "upon request" from NCC.
- 799 The Panel has considered this request in light of the comprehensive erosion and sediment control information provided with the Application, and the balance of conditions. The Panel is satisfied that the requirement to prepare a report each time there is an event of this magnitude could be onerous on both the Applicant and NCC. The Panel considers that the early performance of the system is likely to be of most interest to NCC and that, once it is performing consistently as intended, NCC would be unlikely to need constant updates, unless there is the potential for a notable change to occur with its performance e.g. storm damage.
- 800 The Panel nevertheless considers that it is important that the Consent Holder keep a basic record of the required information for each of these rainfall events. However, the Panel agrees that this does not need to constitute a "report" and has made further amendments accordingly to keep this requirement as straightforward as possible.
- 801 Overall, the Panel is satisfied that the requirement to keep a record during each event

¹⁹⁶ Section 70 Comments – DG-C, page 6.

¹⁹⁷ Section 70 Comments – Applicant, Condition Set L.

over 25mm in a 24hr period, and provide this to NCC "upon request by NCC" is appropriate and will reduce a potential administrative burden on NCC and the Consent Holder. The amendments to this condition are set out below.

Following a rainfall trigger event (>25mm in a 24hr period), a summary ~~report~~ **record shall be kept** of the performance of sediment retention ponds, decanting earth bunds, and overall erosion and sediment control system observed during the rainfall event. ~~report~~ **This record** will be provided to NCC **upon request**. The ~~report~~ **record** will include:

...

Remediation and Landfill conditions including ownership and management of the Encapsulation Cell Ongoing Site Management Plan

- 802 As part of its comments on the draft conditions, STM suggested edits to four of the condition sets. These were Set A (comprehensive housing development), Set B (Earthworks and Vegetation Clearance), Set H (Landfill), and Set I (Subdivision).
- 803 No suggested edits were offered, or further comments were made, by STM with regard to the remediation of contaminated land set (Set M) conditions, despite the extensive technical review comments provided by Mr Hunt as part of the s 53 comment stage.
- 804 The Panel acknowledges that considerable detail was added to the Set M (Remediation of Contaminated Land) conditions by the Applicant as part of its v2 condition set, including reference to an updated RAP (v.4), greater detail on the Site Validation Report requirements including ground and surface water monitoring, detailed Ongoing Site Management Plan requirements, highly contaminated soil management criteria, and restrictions on the timing of any diversion of Kākā Stream until remediation is mitigated. The Set M conditions were also enhanced with additional detail by the Panel, prior to its release for comments pursuant to s 70 of the FTAA.
- 805 STM has helpfully provided comment¹⁹⁸ on the landfill condition set (Set H) with specific amendments suggested regarding the long term ownership and management of the landfill area, including the encapsulation cell. This includes the need to reference effective long term ownership arrangements within the objective of the OSMP-Landfill condition, as well as additions to the ownership and responsibility requirements of the balance of the condition.
- 806 The Applicant has confirmed that generally it accepts these suggestions. The Panel also considered them appropriate and useful to ensure ownership and management responsibilities for this important component of the proposed development will continue to be in place.
- 807 Minor amendments were also sought by NCC¹⁹⁹ and in combination with the STM suggestions, the Panel considers the following amendments suitably address the feedback from all parties.

Prior to the placement of any material into the encapsulation cell, the Consent Holder shall prepare and implement an OSMP-Landfill for the encapsulation cell. The objective of the OSMP-Landfill is to ensure the ongoing protection of human health and the environment and to demonstrate that effective arrangements are in place for the long term ownership and management of the landfill. The OSMP-Landfill shall be submitted to Council's Monitoring

¹⁹⁸ Section 70 Comments – STM, Condition Set H.

¹⁹⁹ Section 70 Comments – NCC, Condition Set H.

Officer and certified by suitably qualified and experienced practitioner (SQEP) at the Consent Holders expense, **and submitted to Council's Monitoring Officer for review to confirm that the OSMP-Landfill contains the information required by this condition.** prior to the placement of any material into the encapsulation cell.

The OSMP-Landfill shall be prepared by a SQEP and shall include, but not be limited to, the following:

- i. Ownership and Responsibility:
 - Identification of the cells' specific location by way of a registered professional survey.
 - Identification, including contact details, of the party **that owns the site on which the landfill is located and the party** responsible for ongoing monitoring, maintenance, and reporting and **the** procedure for updating Council's Monitoring Officer should this contact information change.
 - A mechanism to ensure responsibilities are maintained in perpetuity (e.g. consent notice, land covenant, or other legal instrument registered on the title). **Proof of implementation of this mechanism must be provided to Council's Monitoring Officer.**

...

Other Minor Amendments

- 808 The Panel has made a number of minor amendments to the condition sets following the comments received pursuant to s 70 of the FTAA. These amendments are considered to be self-explanatory and have been made primarily for clarity and robustness of the conditions themselves. Accordingly, they have not been the subject of a detailed explanation or analysis in this decision.
- 809 These changes include the addition of specific and clearly stated objectives for conditions related to management plans where an objective was not previously included. Where suggestions from various respondents have been generally accepted by the Applicant, amendments to reflect the intent of these suggestions have also been included, where the Panel considers it appropriate.
- 810 Examples of these types of minor amendments are shown below:

Set A – Site Specific Erosion and Sediment Control Plan (SSESCP)

No less than 10 working days prior to the commencement of any site development works, the Consent Holder shall provide a SSESCP to the Council Monitoring Officer for ~~approval~~ **review to confirm that the SSESCP contains the information required by this condition and condition 7.** The purpose **objective** of the **each** SSESCP is to ensure construction effects **associated with the retirement village site** including erosion, dust, sediment control, are effectively managed **to achieve Policies RE6.3 and RE6.5, and implement Rule X.16 of Schedule X.**

Set B – Earthworks and Vegetation Clearance

Prior to certification, the Consent Holder shall provide any SSESCP to Te Tauihu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The purpose **objective** of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on the SSESCP content before implementation.

Consent notices pursuant to s 221 of the RMA

- 811 Consent notices are required in respect of resource consents to undertake a subdivision. Such consent notices are necessary to require conditions to be complied with on an ongoing basis. In this case, provision has been made for consent notices in the conditions for subdivision (Set I) released by the Panel.

- 812 The consent notices must be targeted and appropriate to ensure that there is ongoing compliance with these requirements beyond the completion of the relevant stage of subdivision and that all future owners of each residential lot are fully informed as to their obligations with respect to these matters.

Concluding observations regarding conditions

- 813 There are 13 condition sets contained within **Appendix A** to this decision. These condition sets are intended to be read as an integrated package, given the interrelationship between the different activities covered.
- 814 The Panel anticipates that following this decision, the condition sets will be incorporated into NCC's system, whereby consent numbers including appendices will be applied accordingly.
- 815 Should the final set of conditions (to be released with the decision) contain minor errors or omissions, the Panel notes it has powers under s 89 of the FTAA to make such minor corrections.

PART L: EVALUATION OF EXTENT OF BENEFITS

The Statutory Test

- 816 When discussing the decision-making aspects of its task, the Panel referred to the statutory requirements of ss 81 and 85 of the FTAA. Under s 81(4), when the statutory purpose is being taken into account, the Panel must consider the extent of the Project's benefits. These may be regional or national, but to qualify within the purpose provision they must be significant, as already discussed.
- 817 The Panel considered the regional or national benefits in Part G and concluded that the Applicant had in this case demonstrated on the facts that such benefits were significant, and by a considerable margin. So when the Panel is evaluating the project's regional or national benefits for the purpose of s 85(3)(b), those benefits are by definition significant.
- 818 The inquiry, when evaluating the extent of the project's regional or national benefits, is different. It is seeking to place a measurement on, or provide a quantification of, the benefits as found.
- 819 The word "extent" is not defined in s 4 of the FTAA. The dictionary definition refers variously to terms such as "assessment" or "assessed value" or degree, size, magnitude, dimensions or breadth of the thing being measured.²⁰⁰ This is the approach the Panel has taken to its evaluative task, bearing in mind that not all benefits are able to be calculated in precise financial or monetary terms. Sometimes expression of quantification or value in absolute terms may simply not be possible. The context in which any regional or national benefits occur will undoubtedly be relevant.

Types of benefits

- 820 The Panel summarised the evidence of the economic and other regional benefits in

²⁰⁰ Shorter Oxford Dictionary.

Parts F and Part G. What is required now is an evaluation of the extent of such regional benefits. The Panel's finding (Part G) was that the Project would (broadly speaking) result in substantial economic benefit to the region, including from the construction phase. In terms of extent, the Panel accepts the evidence in the updated economic report of an impact on GDP of around \$340 million and an impact on employment activity of some 2700 FTEs. The Panel considers these numbers are robust and credible, particularly having regard to the economic and social needs of the Nelson region. In economic terms the consequential benefits described in the reports show material gains to the Nelson City and its surrounding region to a high degree. Employee opportunities and the construction industry will receive a material boost.

- 821 The Panel is also satisfied that the Project will result in an increase in housing supply. As to the extent of this benefit, the Panel assesses that its value to the region will be significant or material, particularly given the housing needs described in the Nelson - Tasman Future Development Strategy 2022.²⁰¹ The Maitahi Village development will have an immediate impact on housing supply to a large extent. Given the economic conditions nationally, the willingness of a motivated developer to start project works now is a positive benefit, albeit one that is difficult to quantify in monetary terms. Such benefit extends to housing across a range of typologies with additional choice and location features soon to become available to residents. These benefits are material and real.
- 822 In the context of housing availability, the Panel accepts the evidence provided by Arvida concerning the demand for retirement village complexes. The Panel finds there will be a real need for new units in the Nelson region (discussed in Part G) in the short term. The extent of this benefit is also assessed as meaningful and positive, particularly for seniors, especially as a retirement complex on the Site is intended to be constructed. The retirement village operation will also create employment opportunities post construction.
- 823 With respect to housing affordability, the Panel accepts as credible the proposition that the development will increase the availability of housing (of various types) with a consequential impact on affordability. While the extent of any improvement in affordability can be difficult to assess, because of the vagaries of market conditions, nevertheless the Panel assesses this benefit as being likely to be positive and meaningful.
- 824 Cultural benefits arising from the Project and the Panel's findings are set out in Part F. The benefits include restoration of wai Māori and the presence of mahinga kai through the improvement of water quality, as well as the enhancements from a realigned Kākā Stream. The exercise of rangatiratanga and kaitiakitanga opportunities will be enhanced for mana whenua. This will occur through the development of an iwi-led housing project, the provision of land for Koata House and the regeneration and preservation of Kākā Hill. While such benefits to Māori and local iwi may be difficult to quantify in monetary terms, the Panel is satisfied in terms of extent that the benefits are positive to a material extent.
- 825 With reference to the amenities that will result from the development, these are referred to in various parts of the decision, including Part F and Part G. They include improved opportunities for the wider community to enjoy enhanced recreation both

²⁰¹ Discussed in Part G.

onsite and in the neighbouring areas. There will be improved traffic safety for residents and the wider community. This benefit is also related to greater linkages to multi-modal transport options for the wider community. It is axiomatic that such benefits are difficult to quantify. However, the Panel assesses them as being real, meaningful and positive for the community.

- 826 The development will result in new infrastructure and many enhancements to the environment such as linked recreational pathways. A range of ecological benefits will flow from a net gain in ecological values identified in the reports of ecology experts. Long-term improvements to water quality will occur. Importantly in ecological terms, the removal of risks from contaminated soil from the HAIL site will benefit the community. There will also be an improvement in landscape features, plus upgraded natural character values for the Kākā Stream and the associated corridor.
- 827 Undoubtedly these ecological benefits qualify as regional benefits, although in most cases are not capable of measurement in monetary or financial terms. In terms of extent, they are important to those who will live in the housing generated by the development and others in the wider region who visit the Maitahi Valley. The Panel assesses these benefits as material and of high importance.
- 828 The purpose of the Act refers to national as well as regional benefits. With the nature and scope of this development, any national benefits are likely to be indirect. The Panel assesses the extent of such benefits as likely to be modest in the form of increased economic activity, primarily in the Nelson-Tasman region but with flow on impacts to those supplying materials and services from beyond the immediate area. Inevitably the Government will benefit (again indirectly) from such increased economic activity in monetary terms.
- 829 Taking all these benefits from the development into account, the Panel assesses the overall value as high in economic, monetary or financial terms. Where the benefits are not of this type, the Panel considers the extent of the benefits, when viewed as a whole, to be material, meaningful and positive. These benefits will flow both to the environment and the amenities in the area and to the community generally. Finally, they have been robustly established in the Application and related reports and in other material presented. The Panel finds on the facts that the regional or national benefits, when viewed in totality, will be substantial.

PART M: ASSESSMENT OF ADVERSE IMPACTS

- 830 In s 85(3) of the FTAA reference is made to any "adverse impacts in relation to the approval sought". This reference begs the question as to whether the term "adverse impacts" is the same as "adverse effect" being the term used in the RMA. The Panel has already considered in Part F the nature of any adverse effects of the Application in relation to subjects arising under the RMA. There is no need to repeat the analysis here. The legislation contains no guidance as to the equivalence or otherwise of adverse effects in an RMA context and adverse impacts under the FTAA. In these circumstances the Panel proposes to treat any adverse effects as found under the RMA as being the same as adverse impacts for the purposes of its evaluation and decision-making under the FTAA.
- 831 However it is important to note that the existence of any adverse impacts may be

determined after having taken into account “any conditions that the panel may set in relation to those adverse impacts”.²⁰² Moreover the Panel is also required under s 85(3)(b)(ii) to take into account “any conditions or modifications that the Applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts”. Therefore, the critical analysis, in the Panel’s assessment, is what effect will any conditions set or agreed to under these provisions, have on the nature and scope of any adverse impacts that are found to exist.

- 832 In terms of the facts in relation to adverse impacts, the counsel for the Applicant has helpfully provided the Panel with a summary table describing adverse impacts arising from the Application for the purposes of s 85(3). The same table also provided a summary of the benefits claimed to be available from the development. A copy of this table is attached as **Appendix C**. Each of the adverse impacts are assessed below, together with the effect of any conditions or mechanisms to avoid, remedy or mitigate those impacts.

Minor increase in sediment loads in runoff during construction

- 833 The SSES CP will be the primary mechanism for controlling the effects from earthworks and minimising any runoff from the Site. The set of conditions pertaining to Earthworks and Vegetation Clearance sets out the principles for the SSES CP including:
- a. emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures;
 - b. sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas;
 - c. earthworks and construction water management measures will be confirmed in the SSES CPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions;
 - d. progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is designed for both erosion control and dust minimisation;
 - e. streamworks and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a “dry” environment by working off-line or diverting upstream flows; and
 - f. comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management

²⁰² S 85(3)(b)(i) of the FTAA.

devices and the downstream environment.

- 834 The conditions also specify the minimum information that is to be included in an SSESCP, including factors such as the time of year that the earthworks will be undertaken, stabilisation methods to reduce the area open and chemical treatment through flocculation.

Minor or less adverse ecological effects during the construction phase

- 835 The Panel recognises that the construction phase has the potential to cause temporary effects through loss of in-stream habitat, mortality of species and increased suspended sediment. The proposed realignment of the Kākā Stream will result in temporary habitat and streambed disturbance. The temporary loss of permanent and intermittent stream habitat due to the realignment of the Kākā Stream channel will be offset by the new channel along the base of Botanical Hill, and the improvement of instream habitat. The offsetting combined with the numerous management plans required by the conditions, means that the overall ecological effect is very low, with a positive net gain expected over a 5-10 year period.

Minor, temporary and inevitable amenity impacts during construction phase (dust, noise and traffic)

- 836 The Panel acknowledges that any construction activity will create dust, noise and traffic. For noise and vibration effects, the Panel has relied on the technical reports prepared by Styles Group. The key mechanism for managing noise generated by construction is the Construction Noise and Vibration Management Plan which is required prior to commencement of any activity involving site development works. The conditions are cognisant of the proximity of existing dwellings and have established parameters for hours of operation and noise limits to minimise the adverse effects experienced by surrounding properties.
- 837 Dust is often an inevitable outcome of earthworks with the effects being a nuisance to site workers and nearby residents from airborne dust. Creation of dust can also contribute to sediment loads in waterways. The conditions manage dust through staging earthworks to minimise the duration of exposed areas, controlling construction vehicles on-site, water dampening, and ceasing work during unfavourable weather conditions.
- 838 The conditions require a Traffic Management Plan prior to any earthworks or construction commencing. The Traffic Management Plan shall include:
- a. the location and design of vehicle access points and haul routes;
 - b. anticipated construction traffic volumes and types of vehicles;
 - c. hours of operation for construction traffic;
 - d. measures to avoid, remedy or mitigate adverse effects on traffic safety and the efficiency of the road network, including signage, temporary traffic control, and parking restrictions if required;
 - e. provision for safe pedestrian and cyclist access past the site;
 - f. measures to prevent dust, debris, and mud being carried onto the public road

network;

- g. access arrangements for emergency services and affected properties;
- h. procedures for ongoing review and amendment of the Traffic Management Plan as necessary; and
- i. contact details for the site manager and the person responsible for traffic management.

Minor effects on water quality from first flush runoff once developed

839 The construction of the proposed development will result in a significantly higher level of impermeable surfaces than currently exists. The Applicant's approach to managing the effects from stormwater, is multi-faceted, including:

- a. a piped primary stormwater network,;
- b. three stormwater treatment wetlands;
- c. retention tanks on some private lots;
- d. revegetation of approximately 50% of the Kākā Stream Catchment; and
- e. overland flow paths from the smaller undeveloped tributaries to the Kākā Stream.

840 Thus the stormwater from first flush will be treated and cleansed of any contaminants before reaching the Kākā Stream. The conditions require detailed design plans of stormwater management and information across each stage of development.

Minor increase in traffic delays at the intersection of Nile Street East / Maitai Road / Clouston Terrace

841 As stated in the ITA, the proposed development will increase the number of vehicles using the Nile Street/ Maitai Road intersection. A range of different intersection controls for this junction were considered, including improvements to the approach of Maitai Road, stop control, a roundabout, two lane bridge and traffic signals. The analysis showed that the installation of traffic signals was the most economic and effective treatment of the safety issue.²⁰³ The SIDRA analysis indicates that traffic signals will add delay at the intersection of up to 22.5 seconds, at an intersection which is already operating well below its practical capacity. The Integrated Transport Assessment concludes that the effects of the traffic signals in terms of Level of Service are minor which is balanced against the noticeable improvement in the safety of the intersection.

Less than minor impact on heritage and archaeological values from deconstruction of shearing shed and potential disturbance or destruction of European and Māori archaeological sites

842 The Application proposes to salvage the shearer's graffiti on the walls and sliding door, and shearing equipment for use within the Arvida retirement village café or clubhouse.

²⁰³ Integrated Transport Assessment, Traffic Concepts, February 2025, section 12.14.

Any of these items not reused will be stored for future reuse elsewhere. An Archaeological Authority has already been sought by the Applicant and granted by Heritage New Zealand Pouhere Taonga. The Applicant has suggested rewording the conditions to clarify what the existing authority covers, and the requirement to apply for another archaeological authority to cover the potential discovery of archaeological artefacts or sites of cultural significance to Māori.

Less than minor risks of contamination from encapsulation cell

- 843 The Panel made a number of changes to the conditions relating to the encapsulation cell. Due to the increased robustness of conditions for ongoing long term management and monitoring, the Panel is satisfied that the risk of contamination from the encapsulation cell is less than minor.

Very low visual and landscape impacts from the water reservoir and minor deviations from the Structure Plan

- 844 The water reservoir and 45m of its access track will be situated within the Rural Zone, on Kākā Hill's lower slopes. The proposed location is relatively low down at RL123m, where the water tank will not be deemed as being situated on Kākā Hill's (459 masl) upper and more visually sensitive slopes. The Panel is aware that the dark recessively finished reservoir and the revegetation of native shrubs and trees on all cut and fill slopes will screen the majority of the reservoir from the surrounding public places to the point that it will be difficult to see at best. The Panel considers the adverse visual effects when seen from the surrounding public places to be less than minor.
- 845 Small portions of four properties extend into the Open Space Recreational Zone and two properties extend into the Neighbourhood Reserve. These relatively small areas of residential development will result in a slight loss to the amount of exotic vegetation that is located on the lower slopes of Kākā Hill and the amount of open space within the Neighbourhood Reserve. In addition, ten lots (Lots 109 - 118) within the Lower Density Area are partly or entirely located within the Residential Green Overlay.

Low geotechnical risk arising from development

- 846 The conditions require a suitably qualified and experienced geo-professional to be available to undertake the geotechnical supervision, reviews and inspections of the proposed cuts and foundations during the implementation of the consent. In addition, the conditions require all earthworks to be undertaken in accordance with the Tonkin and Taylor Geotechnical Assessment. At the completion of each stage, a completion report is required from a suitably qualified and experienced Geo-Professional that provides a professional opinion that there is a low ongoing geotechnical risk associated with the completed works.

Less than minor effects on hydrology, including the potential for only negligible impacts on off-site flooding

- 847 The design of earthworks and the resulting lifting of the ground levels will reduce risk to structures in the development or to people residing or visiting there from flooding. The conditions ensure the earthworks complies with the detailed engineering drawings upon which the flood modelling was premised. Flood modelling of all scenarios, even the conservative scenario resulted in a minor increase in peak flows, and no discernible increase in flood depths or extents downstream.

Benefits

848 The Applicant has identified the following benefits arising from the Application:

- a. economic opportunities;
- b. employment;
- c. increased housing supply;
- d. cultural;
- e. ecology;
- f. water quality;
- g. improved traffic safety;
- h. improved linkages to multi-modal transport options;
- i. improved landscape and natural character values of the Kākā Stream;
- j. remediation of the existing contaminated land; and
- k. increased passive and active recreation opportunities onsite and downstream, including for the wider community.

The decision has already discussed the nature and scope of these benefits and the extent of them in Parts G and L above. The findings are not repeated here.

849 To assist the Panel with its evaluation under s 85(3) counsel for the Applicant also provided table 2 comprising a comparison of adverse impacts and regional benefits. A copy of this table is attached as **Appendix D**. It is noted that the columns list the various impacts and also the potential impact where impacts after avoidance, remediation, mitigation, offsetting or compensation are taken into account as required under s 85(3)(b)(i) and (ii). Helpfully the Applicant also included references to the source materials including evidence, reports, plans and tables.

PART N: FINDINGS ON PRINCIPAL ISSUES IN CONTENTION

850 While s 87(2)(a)(iii) of the FTAA requires a decision document to include a statement of the principal issues that were in contention, s 87(2)(a)(iv) also requires the decision to include the main findings of the Panel on those issues.

851 The principal issues in contention, and location of the findings of the Panel on each, are set out below:

- a. proof of regional or national benefits and whether they are significant – Part G;
- b. the extent of the regional or national benefits – Part G;
- c. the nature and scope of any adverse impacts – Part F, Part M;

- d. requirements around remediation of contaminated soil – Part F;
- e. inclusion of a landfill (with encapsulation cell) within the Site – Part E, Part F;
- f. addressing issues concerning freshwater fisheries activities – Part J;
- g. existence of additional wetland area – Part J;
- h. nature of any conditions to be imposed on the consents including management plans – Part K; and
- i. application of proportionality test in s 85 of the FTAA – Part O.

852 Each of these issues has been fully addressed where they arise in the decision.

PART O: OVERALL ASSESSMENT

853 As noted in Part C, the Panel may decline an approval if, in complying with s 81(2), the panel forms the view that:—

- (a) there are 1 or more adverse impacts in relation to the approval sought; and
- (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
 - (i) any conditions that the panel may set in relation to those adverse impacts; and
 - (ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.²⁰⁴
- (4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

854 This test is different from the test developed over the years under the RMA²⁰⁵. In contrast, the FTAA envisages an overall evaluation or balancing approach to decision making. The Panel must balance the adverse impacts against the regional or national benefits of the project in the manner discussed in the legal context section above.

855 The Panel has considered all responses received from those invited to comment on its draft conditions under s 70 of the FTAA. This includes any necessary commentary on Part 2 (excluding s 8 of the RMA), and Part 8 of the RMA, as required under Schedule 5, Clause 17 (1)(b) which is provided below, notwithstanding that the greatest weight must be applied to Schedule 5 17(1)(a) being the purpose of the FTAA.

Sections 105, 106, 106A, and 107 – Part 8 - Resource Management Act (RMA)

856 Section 105 of the RMA sets out matters relevant to discharge or coastal permits as follows.

- (1) If an application is for a discharge permit or coastal permit to do something that

²⁰⁴ Section 82 FTAA

²⁰⁵ *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38

would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (b) the applicant's reasons for the proposed choice; and
- (c) any possible alternative methods of discharge, including discharge into any other receiving environment.

(2) If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent.

857 This Application seeks approval for one discharge consent, being the discharge of construction phase stormwater subject to erosion and sediment control measures. The Panel is satisfied that the nature of the discharge and sensitivity of the receiving environment to adverse effects is properly understood and that the reasons for the discharge i.e. construction phase stormwater, are self-explanatory. Given the scale of the proposal and earthworks, the Panel is also satisfied that there are no other practical or feasible alternative discharge methods due to the limited ability to contain and discharge all construction phase stormwater to land and distance from any other potential discharge locations i.e. the coast.

858 The reclamation aspect of the proposal involves a realignment of Kākā Stream for which there is no esplanade reserve in place at present. The new alignment will provide for the introduction of an esplanade reserve and conditions have been imposed accordingly (Condition Set I).

859 Section 106 of the RMA applies in situations where a consent authority may refuse subdivision consent in certain circumstances. Section 106(1) states:

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) there is a significant risk from natural hazards; or
- (b) [Repealed]
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

860 The Applicant provided an assessment against s 106 within the Geotechnical Assessment and Stormwater Assessment Report, both of which were prepared by Tonkin and Taylor dated February 2025. This identified that there are a number of measures that can be implemented as part of the detailed design and construction to avoid, remedy or mitigate any potentially high and medium risk areas. These measures include the requirement for a Geotechnical Statement of Suitability to be provided for each lot which will in turn make recommendations regarding the location of dwellings and the way in which the land is to be developed to achieve and maintain a low level of risk.

861 Consent conditions have accordingly been applied in Condition Set I (Subdivision) that require a Geotechnical Site Certification Report for each stage prior to the issue of s 224 certification. Any recommendations from the Geotechnical Certification Report are also to be included as consent notices on titles issued. Conditions are also applied to each stage prior to the issue of s 223 certification requiring critical stormwater

assessments to determine building platforms/ground levels. The design of the subdivision has already ensured that all allotments are provided with legal and physical access.

862 The Panel there finds that there are no circumstances under s 106 of the RMA that would prevent the subdivision consent being granted with conditions.

863 Similarly, s 106A of the RMA applies in situations where a consent authority may refuse land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards. As noted above, the Panel is satisfied that these risks have been adequately addressed.

864 Section 107 of the RMA states that discharge permits or coastal permits shall not be granted where if, after reasonable mixing, the contaminant or water discharged is likely to give rise to any of the following effects:

- the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- any conspicuous change in the colour or visual clarity;
- any emission of objectionable odour;
- the rendering of fresh water unsuitable for consumption by farm animals; and
- any significant adverse effects on aquatic life.

865 The relevant permit sought by the Applicant is for the discharge of construction phase stormwater to land and water. The Panel is satisfied that this discharge is temporary in nature and therefore may be granted under s107(2)(b). However, the Panel also finds that any of the effects listed above will either not occur, or that appropriate conditions are in place to address the risk of these occurring.

Sections 5, 6 and 7 – Part 2 RMA

866 As discussed in Part B at paragraphs 71 to 78, the statutory direction in Clause 17(1) of Schedule 5 the FTAA requires that panels must take into account certain key provisions of the RMA. This brings into focus the question of whether the Project meets a range of provisions in the RMA including s 5 which states that the purpose of the RMA is to promote the sustainable management of natural and physical resources. The findings of the Panel on these matters are set out below.

867 The Panel is satisfied that the Project has been prepared and presented in an integrated manner, consistent with PPC28, to develop an urban zoned greenfield site for residential activities. The Panel finds that the Project meets the definition of sustainable management as set out in s5(2) of the RMA. Such a finding is consistent with the analysis of the effects of the Project carried out earlier in Part F of the decision. As noted, it is also consistent with the detailed requirements of Schedule X of the NRMP.

868 Section 6 of the RMA requires consideration of how the Project recognises and provides for the matters of national importance in s 6(a) to (h) of the RMA and the matters referred to in s 7(a) to (j) of the RMA must also be taken into account.

869 The Panel finds that the Project recognises and provides for all relevant matters of national importance including the natural inland wetlands, Kākā stream and its tributaries, SNAs and areas of indigenous vegetation, open space and recreation access including along Kākā Stream, cultural values, historic heritage, and the risks from natural hazards such as flooding and land stability. These matters have all been the subject of detailed reports and consideration, with proposed mitigations and detailed conditions as set out in **Appendix A**.

870 With respect to the matters referred to in s7(a) to (j) of the RMA which must also be taken into account, the Panel finds that the Project has regard to all relevant matters described in these sections. This includes cultural matters, particularly kaitiakitanga and stewardship which are dealt with in Parts B, D and F of this decision. The Project also represents the efficient use and development of natural and physical resources, noting the underlying zoning of the Site which is identified for residential development. Amenity values, ecosystems and the quality of the environment will be subject to short term effects that are less than minor to no more than minor, while long term effects are expected to be positive. Climate change has also been factored into the analysis of flood risk, and stormwater management.

Analysis of Decision Making under Sections 81 and 85

871 The statutory scheme of the FTAA calls for decisions on approvals, or in this case resource consents sought, to be determined under ss 81 and 85, as described in Part B at paragraphs 55 to 70. The approach outlined there has been applied by the Panel in reaching its decision and making the various findings of fact referred to throughout the decision.

872 The Panel has complied with the requirement stipulated in s 81(2)(a) to consider the substantive application and the advice received by the panel under the relevant sections of the FTAA. The Panel has also applied the applicable clauses set out in s 81(3) in making its broad evaluative assessment of the substantive application and in weighing the matters applicable in relation to resource consents, including the matters required to be considered by the provisions of clauses 17 and 18 of Schedule 5.

873 As the substantive application seeks resource consents, the Panel has taken into account the relevant provisions of Parts 2, 3, 6, and 8 to 10 of the RMA that direct decision making on an application for a resource consent. The particular sections considered have been discussed at paragraphs 856 to 870 above. In relation to its assessment of the conditions proffered by the Applicant, and as set by the Panel as a result of its deliberations, the approach referred to at paragraphs 96 to 101 has been followed.

874 When taking into account the applicable provisions of the RMA, the Panel has been cognisant of the ecological context in which this development and related subdivision will occur. As has been discussed, the receiving environment in the Maitahi Valley includes the Kākā Stream and the Maitai River. Several of the respondents had this aspect at the heart of their comments including the Friends of the Maitai, STM, DG-C, Forest and Bird and a number of the residents in Ralphine Way.

875 The topic of protecting the mauri of these water ways was also an important aspect of the cultural reports filed by local iwi. Examples include the Statement of Cultural Values presented by Ngāti Tama and the Cultural Design Framework prepared by Ngāti Koata.

- 876 It is for this reason that the Panel has sought to ensure that all aspects of the applicable ecological considerations have been fully addressed, not only in the development and settlement of the condition sets, but also in the analysis of the facts set out in this decision.
- 877 In taking into account the relevant provisions of the RMA, the Panel has found that, had the substantive application been considered under that legislation, the consents would have been granted. This is because the Panel is satisfied that, having regard to the adverse impacts discussed above, all can be avoided, remedied, mitigated, offset or compensated for in a manner that reduces any adverse impacts to the levels as determined in the findings above in Part F, and as summarised at paragraphs 507 to 510.
- 878 As has been described, an important part of the Project, is that the Kākā Stream should be returned to its original location. This is in close proximity to the area of contaminated land resulting from the previous farming practices. After consideration of a range of options, it is clear that the removal of all contaminated soil is the most appropriate course of action. The conditions mandate that the realigned stream course will not become "live" until the prescribed (and very low) contaminant concentrations are reached, validated, and certified. Following the proposed remediation, the Panel is satisfied that there will be a positive effect on the wider receiving environment, as opposed to leaving the contaminated soil in its present location and condition.
- 879 The Panel has also found that the proposed ecological restoration and enhancement of terrestrial, in-stream, natural inland wetland and riparian habitats will result in no net loss and, more likely, substantial net gain outcomes for local ecology in the medium to long term. Importantly the realignment and restoration of the Kākā Stream will restore the mauri of this water way, and in turn that of the Maitai River, resulting in an improvement in its ecological health with regard to water flows and habitat.
- 880 In summary, the Panel is satisfied that the cumulative benefits of the proposed works - encompassing comprehensive remediation, ecological enhancement, and robust flood protection - underscore the Project's capacity to deliver enduring gains for both the local environment and the community. These outcomes and findings are further supported by the Panel's close scrutiny of technical assessments and stakeholder feedback, which collectively affirm that, with appropriate oversight and adherence to the revised conditions, the development will align both with statutory priorities and community aspirations.
- 881 As the Application was advanced under the FTAA, the Panel has also referred in the legal context in Part B to the analysis required before a panel must or may decline approvals under s 85 of the FTAA. This involves first making findings as to the Project's regional or national benefits. These have been considered, and findings made, in Part G. The Panel has found that in this case the regional benefits are significant in the manner described in paragraphs 523 to 538.
- 882 The Panel is also required, under s 81(4), to consider the extent of the project's regional or national benefits. This issue has also been fully addressed in the findings in Part L. The Panel has found that taking all the benefits from the Project into account, the overall value or extent is substantial in economic, monetary or financial terms. Where the benefits are not of this type, the Panel has found the extent of the benefits, when viewed as a whole, to be material, meaningful and positive. Such benefits will flow both to the environment, the amenities in the area and to the community. Finally,

the Panel has found they have been robustly established by the Applicant. The Panel has therefore concluded on the facts that the regional or national benefits, when viewed in totality, are substantial.

- 883 Under s 85 of the FTAA, the Panel may decline an approval if the adverse impacts as found are found to be “out of proportion to the regional or national benefits...” This evaluative assessment is to be undertaken after taking into account any conditions proffered by the Applicant or set by the Panel in relation to any adverse impacts as defined in s 85(5).
- 884 In the present case, because the adverse impacts as found have been avoided, remedied, mitigated, offset or compensated for by the conditions set out in **Appendix A**, there is simply no prospect that these adverse impacts could be found to be “sufficiently out of all proportion to the regional or national benefits” discussed earlier. The weighing exercise under s 85(3) therefore comes down squarely against the conclusion that any adverse impacts are sufficiently significant to outweigh the Project’s regional or national benefits as found in this decision.
- 885 It follows from the above analysis, and the findings of the Panel as recorded in this decision, that the 13 resource consents sought in the Application must be granted. The case for doing so is compelling. Indeed, on the facts as presented and found, and in the light of the conditions sets in **Appendix A**, the case for granting the resource consents is overwhelming.

PART P: FINAL DECISION

- 886 The approval of the 13 resource consents sought under the RMA is granted, subject to the conditions in **Appendix A**.
- 887 The Panel would like to thank all parties and advisers who made contributions throughout this process.



The Honourable Lyn Stevens CNZM KC
(Chair)



Sam Flewelling (Member)



Glenice Paine (Member)



Andrew Whaley (Member)

**APPENDIX A:
CONDITIONS OF CONSENT**

SUPERSEDED

Resource Consent:	<i>Insert Consent Reference</i>
Grants to:	CCKV Maitai Dev Co Limited Partnership
Commencement date:	18 September 2025
Lapse Date:	10 years after commencement date
Expiry date:	No expiry
Location:	7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) to undertake a Comprehensive Housing Development (including a residential retirement village), and for a café within the village as a non-residential activity.

Note: To be read in conjunction with Condition Sets B- M.

Subject to the following conditions:

General condition

1. The activity of undertaking a Comprehensive Housing Development (residential retirement village), and café as a non-residential activity, shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The comprehensive housing development shall proceed in accordance with the:
 - *Arvida Maitahi Village Design Plans* (Issue 27/6/2025), prepared by JTB Architects Limited and Rough Milne Mitchell Landscape Architects (Attachments 14.1-14.11, containing 243 pages), including the plans identified in **Appendix 1**: with the following also linked in the footnotes below:
 - Plan A: Design Proposal Overview - Villa Typology Plan (page 17).¹
 - Plan B: Landscape Strategy - Landscape Masterplan (page 31).²
 - Plan C: Landscape Strategy - Fence Treatment – Area A (page 43).³
 - Plan D: Landscape Strategy - Fence Treatment – Area B (page 44).⁴

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0031/7798/14.2V2-Package-B-DESIGN-PROPOSAL-OVERVIEW.pdf

² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0032/7799/14.31V2-Package-C-pt-1-DESIGN-PROPOSAL-LANDSCAPE-STRATEGY.PDF

³ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/7802/14.34V2-Package-C-pt-4-DESIGN-PROPOSAL-LANDSCAPE-STRATEGY.PDF

⁴ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/7802/14.34V2-Package-C-pt-4-DESIGN-PROPOSAL-LANDSCAPE-STRATEGY.PDF

3. The Consent Holder shall advise the Nelson City Council's (**Council**) Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent number **Insert Consent Reference**.

Development

4. The development subject to this consent on Lot 1000 shall not be undertaken until Stage 1 of the subdivision consent has received Section 224 certification and the design engineering drawings have been approved by the Council's Group Manager Infrastructure.
5. The development subject to this consent on Lot 1001 shall not be undertaken until Stage 2 of the subdivision consent has received Section 224 certification and the design engineering drawings have been approved by the Council's Group Manager Infrastructure.

Site Specific Erosion and Sediment Control Plan

6. No less than 10 working days prior to the commencement of any site development works, the Consent Holder shall provide a Site Specific Erosion and Sediment Control Plan (**SSESCP**) to the Council Monitoring Officer for review to confirm that the SSESCP contains the information required by this condition and Condition 7. The objective of each SSESCP is to ensure construction effects associated with the Comprehensive Housing Development site including erosion, dust, and sediment control, are effectively managed to achieve Policies RE6.3 and RE6.5, and implement Rule X.16 of Schedule X of the Nelson Resource Management Plan (**NRMP**).
7. The SSESCP shall be prepared by a suitably qualified expert(s) and address the following (at the minimum):
 - (a) Description of the works, laydown areas, anticipated equipment and processes;
 - (b) Hours of operation and anticipated duration of works;
 - (c) Methodology for the timing and staging of new building construction, service installation and associated site earthworks;
 - (d) Measures to manage construction vehicle traffic and parking;
 - (e) Details of on-site access, turning and manoeuvring for heavy vehicles;
 - (f) The location and content of any construction signage;
 - (g) Erosion, dust and sediment control measures including (but not limited to);
 - i. Measures to prevent fugitive dust and windblown sediment beyond the site boundaries being Lots 1000 and 1001 respectively;
 - ii. Measures to manage sediment in construction stormwater and to avoid sediment entering surface water bodies adjacent to the site;
 - iii. Details of any measures to control the spreading or deposition of mud and detritus from vehicles onto the surrounding road network;
 - iv. Description of the methods proposed for the disposal of material removed from any sedimentation ponds or impounding area if and where flocculent has been used; and
 - v. Description of the equipment that will be available on site during the works for the purposes of minimising or suppressing dust emissions;
 - (h) Adaptive management procedures that will be applied with triggers and responses when effects are greater than anticipated;
 - (i) Procedures for the management of construction stormwater;

- (j) Details relating to the storage of fuel and/or lubricants and any handling procedures along with contingency plans (including use of spill kits);
 - (k) Contact details for site manager;
 - (l) Complaints procedures and register; and
 - (m) Procedures for the monitoring, audit and review of the SSES CP.
8. Should the Council's Monitoring Officer find on review of the SSES CP that it does not contain all the required components, the Consent Holder shall submit a revised SSES CP to the Council's Monitoring Officer for subsequent review. The review process shall follow the same procedure and requirements as outlined in Conditions 6-7. No construction or earthworks activities shall commence on site prior to the SSES CP review by the Council's Monitoring Officer being completed.
9. All construction and earthwork activities on the site shall be carried out in accordance with the certified SSES CP.
10. The SSES CP may be amended at any time by the Consent Holder. Any amendments to the SSES CP shall be submitted by the Consent Holder to the Council Monitoring Officer for review. If the amended SSES CP is reviewed as being complete, then it becomes the certified plan for the purposes of Condition 6. Any amendments to the SSES CP shall be:
- (a) For the purposes of improving the measures outlined in the SSES CP for achieving the SSES CP objective (see Condition 6);
 - (b) Consistent with the conditions of this resource consent; and
 - (c) Prepared by a suitably qualified expert or experts.

Iwi Engagement and Reporting

11. Prior to certification, the Consent Holder shall provide the SSES CP to Te Taiuhu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The objective of this condition is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on plan content before certification and implementation.
12. The Consent Holder shall maintain a record of all correspondence, including the dates the SSES CP was provided, any feedback received, and recommended actions included within the SSES CP.
13. The Consent Holder shall establish and maintain monthly communication with Te Taiuhu Iwi Pou Taiao for the duration of works.
14. Project updates to iwi shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
15. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
16. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

Construction Noise and Vibration

Construction Noise and Vibration Management Plan

17. Prior to any earthworks commencing on site, the Consent Holder shall prepare a Construction Noise and Vibration Management Plan (**CNVMP**). This Plan shall be forwarded no later than 10 working days prior to works commencing to the Council's Monitoring Officer for review to confirm that the CNVMP contains the information required by this condition and Condition 18. The objective of the CNVMP is to set out the methods and procedures that will be used to ensure compliance with the hours of work and noise and vibration controls in these conditions.

18. The CNVMP shall provide, as a minimum, the following details:
- The relevant conditions setting out limits on noise levels, vibration levels and hours of work
 - The programme of works and consented hours of construction work.
 - The nature of any restrictions that must be implemented by the Consent Holder to ensure the noise generated by construction vehicles accessing the Site via Ralphine Way can comply with the noise limits in Condition 22(ii). This may include restrictions on the number of heavy construction vehicles that can enter the site in any 15-minute period.
 - Identification of surrounding noise sensitive receivers.
 - Procedures for ensuring that the Consent Holder provides surrounding noise sensitive receivers with ongoing and regular updates throughout the various stages of construction work so that receivers have advanced notice of the approximate dates and duration of the busiest and noisiest construction activities on site that may affect receivers.
19. The CNVMP shall, as a minimum, address the requirements of Annex E of NZS 6803:1999 *Acoustics – Construction Noise* and the Association of Australasian Acoustical Consultants (**AAAC**) Guideline for interpreting and applying NZS 6803:1999. The CNVMP and any amendments must be prepared by a suitably qualified acoustics consultant (e.g., Member of the Acoustical Society of New Zealand (**MASNZ**)). Amendments that include changes to the construction methodology must be tracked and any revised CNVMP shall be submitted to the Council’s Monitoring Officer for review.
20. All construction works on the site shall be carried out in accordance with the CNVMP and a copy of the CNVMP must be kept on site during construction hours.

Construction Vibration Limits

21. All construction works on the site must be designed and conducted to ensure that the construction vibration does not exceed 5mm/s PPV when measured within 500m of ground level on the foundation or structure of any building on another site. Vibration shall be measured and assessed in accordance with the German Standard DIN 4150-3:2016 *Structural vibration – Effects of vibration on structures*.

Construction Noise Levels

22. (i) Construction noise levels generated from the Site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB
07:30am to 6:00pm, Monday to Saturday	70 dB	85 dB

- (ii) Noise levels generated by heavy vehicles on Ralphine Way and entering the site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB

23. Construction hours
- The permitted days and hours of construction work are:
 - Monday to Friday 7:00am to 6:00pm.

- (ii) Saturday 8:00am to 1:00pm for construction work within 100m of any occupied dwelling on Ralphine Way.
- (iii) Saturday 7:00am to 5:00pm for construction work more than 100m from any occupied dwelling on Ralphine Way.
- ii. Heavy vehicle movements using the Ralphine Way access are limited to between 7:30am and 6:00pm Monday to Friday and 8:00am and 5:00pm on Saturdays, unless a certified CNVMP demonstrates that heavy vehicle movements accessing the Site between 07:00 and 07:30 (or 7.00am and 8.00am on Saturdays) can and will be managed to comply with the noise limits in Condition 22(ii).
- iii. No construction work is permitted on Sundays or Public Holidays.

Traffic Management Plan

- 24. Prior to the commencement of any construction or earthworks activity on the site, the Consent Holder shall submit a Traffic Management Plan (**TMP**) to the Council's Monitoring Officer for review to confirm that the TMP contains the information required by this condition and Condition 26. The TMP shall be prepared by a Suitably Qualified and Experienced Practitioner (**SQEP**) and shall be in accordance with industry best practice for temporary traffic management and the requirements of the Road Controlling Authority.
- 25. The objective of the TMP is to ensure that construction traffic is managed in a way that maintains the safety and efficiency of the surrounding transport network, minimises disruption to road users, and protects the amenity of the surrounding environment.
- 26. The TMP shall include, but not be limited to, the following:
 - (a) The location and design of vehicle access points and haul routes;
 - (b) Anticipated construction traffic volumes and types of vehicles;
 - (c) Hours of operation for construction traffic;
 - (d) Measures to avoid, remedy or mitigate adverse effects on traffic safety and the efficiency of the road network, including signage, temporary traffic control, and parking restrictions if required;
 - (e) Provision for safe pedestrian and cyclist access past the site;
 - (f) Measures to prevent dust, debris, and mud being carried onto the public road network;
 - (g) Access arrangements for emergency services and affected properties;
 - (h) Procedures for ongoing review and amendment of the TMP as necessary; and
 - (i) Contact details for the site manager and the person responsible for traffic management.
- 27. All construction-related traffic shall be managed in accordance with the TMP for the duration of the works.

Servicing - General

- 28. All servicing for the Arvida Maitahi Village shall be designed in accordance with the Nelson Tasman Land Development Manual (**NTLDM**), where applicable, and as described in the *Arvida Maitahi Servicing Report* prepared by David Ogilvie dated 13 February 2025 and shown on the following plans (dated 27 June 2025):
 - (a) Plans 1-5 - 13.7(V2) Arvida Maitahi Village – Engineering Design – Stormwater Drainage Plan.
 - (b) Plans 1-5 - 13.7(v.2) Arvida Maitahi Village – Engineering Design – Wastewater Drainage Plan.
 - (c) Plans 1-5 - 13.7(v.2) Arvida Maitahi Village – Engineering Design – Roading Plan.

- (d) Plans 1-5 - 13.7(v.2) Arvida Maitahi Village – Engineering Design – Water Plan.

Roading, Parking and Loading

29. The internal private roads shall be formed and permanently surfaced in accordance with the following widths and standards as set out in the *Design Proposal – Landscape Strategy – Street Typology Plan* (Arvida Maitahi Village (Issued 27/6/2025), Page 32):
- (i) Main Village Road: 4.2m wide, including 1.2m pedestrian path.
 - (ii) Shared Space Cluster Road: 4.5m wide.
 - (iii) Shared Pedestrian/Buggy link: 2.2m wide.
30. All parking and loading spaces shall be formed, sealed and marked out in accordance with the requirements of the NTLDM.

Wastewater

31. Prior to the occupation of any building on-site:
- (a) The development shall be reticulated by a low pressure pumped sewer system discharging directly to the Council's reticulated wastewater network. This pressure system shall be 'private' and maintained by the Consent Holder. The design of the low pressure wastewater system shall be supported by a design report and shall be designed to minimise infiltration and minimise odour. An Operation and Maintenance (**O & M**) Report shall also be provided to the Council's Monitoring Officer. The Consent Holder shall adhere to the O & M Report and provide an annual maintenance report to the Council's Monitoring Officer.

Stormwater

32. Internal stormwater reticulation shall be installed complete with all necessary manholes, sumps, inlets and a connection to each building.
33. The internal piped primary stormwater network shall be capable of conveying the 6.67% Annual Exceedance Probability (**AEP**) storm event. Secondary flow paths will be via the internal roading network and will be capable of conveying the 1% AEP storm event.
34. If the Stormwater Management Area serving Maitahi Village does not have sufficient capacity to provide stormwater treatment, on-site treatment shall be provided using proprietary devices or rain gardens, in accordance with the *Stormwater Assessment Report* (Tonkin & Taylor Limited, August 2022, Job No: 1012397.1000.v3).

Cabling

35. Live telephone/broadband and electric power connections shall be provided (at the Consent Holder's expense) to each residential unit or facility and all wiring must be underground to the standard required by the supply authority.

Engineering design, construction and certification

36. All engineering works including water, stormwater and wastewater shall be shown on detailed design engineering drawings in accordance with the NTLDM to be submitted to the Council's Monitoring Officer for review prior to the issue of a building consent. All engineering works shall be completed by the Consent Holder in accordance with the approved design drawings and reports referred to.

37. Upon completion of works and prior to occupation of any new dwellings/units, as-built plans detailing the services required related to that stage of development shall be provided to the Council's Monitoring Officer for review.
38. Prior to the occupation of any building on-site, the Consent Holder shall provide to the Council's Monitoring Officer written certification from a suitably qualified chartered professional engineer that all civil works have been completed in accordance with the requirements of the conditions of this consent and the NTLDM as applicable. If the development is undertaken in stages, written certification can be provided for each stage to satisfy this condition.

Landscape Design

39. The site shall be landscaped and fenced in accordance with plans referenced in Condition 2, specifically including:
 - (a) Plan C: Landscape Strategy - Fence Treatment – Area A (page 43).
 - (b) Plan D: Landscape Strategy - Fence Treatment – Area B (page 44).
40. For the avoidance of doubt, the boundary fencing may be erected progressively, provided that the relevant length along the boundary is fenced prior to the adjoining building at that location being constructed.
41. The landscape planting identified in *Plan B – Design Proposal – Landscape Strategy - Landscape Master Plan* (Page 31) in the *Landscape Design Package* may be established progressively to coincide with development staging.
42. Within 2 months following completion of each landscape stage as the Arvida-Maitahi Village is developed, the Consent Holder shall provide to the Council's Monitoring Officer a statement by its landscape design professional confirming the landscaping has been established in accordance with the *Landscape Master Plan* and *Landscape Design Package*.
43. Entranceway gates and structures associated with the development shall not be placed on Council Road Reserve.
44. Any fencing within the visibility splays facing Road 1 shall comply with the 900mm maximum height specified in Figure 4-11 of the *Nelson Tasman Land Development Manual 2020* (NTLDM).

Lighting Effects – Ecological Areas

45. Prior to the installation of any external lighting in common areas as identified in:
 - (a) Design Proposal – Landscape Strategy - Lighting Strategy Area A Plan (Page 49).
 - (b) Design Proposal – Landscape Strategy - Lighting Strategy Area B Plan (Page 50).

the Consent Holder shall submit written confirmation from a suitably qualified and experienced Ecologist to the Council's Monitoring Officer that the lighting design has been designed to minimise light spill and achieve no greater than a low magnitude of effect (Environment Institute of Australia and New Zealand (**EIANZ**) Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement.

Café Noise

46. Cumulative noise levels from the operation of Non-Residential Activity (Café) within the retirement village shall comply with the following noise limits when measured and assessed in accordance with NZS6801:2008 *Measurement of environmental sound* and NZS 6802:2008 *Acoustics - Environmental noise*:
- (a) at the notional boundary of any dwelling in a Rural Zone, and
 - (b) at, or within, the boundary of any Residential Zone outside the site of the retirement village:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
6:00am – 10:00pm Monday to Saturday	50 dB	-
All other times	40 dB	75 dB

Review

47. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually, commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity.
 - (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by, Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. The development is anticipated to be constructed in stages and as such the staged implementation of the internal roading network is also enabled by this consent.
3. This is not a discharge permit. In the event of any unanticipated dust, contamination, erosion or sediment effects occurring beyond the identified areas of the contaminated site, all earthworks must cease until the breach has been remedied to the satisfaction of the Council's Monitoring Officer.
4. Should a site-specific construction phase stormwater discharge consent be required, this shall be obtained prior to earthworks commencing.
5. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

Appendix 1: Approved Plans

	<i>Pages</i>	<i>Drawing Title</i>
DESIGN PROPOSAL - OVERVIEW		
	17	Villa Typology Plan
DESIGN PROPOSAL - LANDSCAPE STRATEGY		
	32	Street Typology Plan
	35	Hardscape Area A
	36	Hardscape Area B
	37	Retaining walls Area A
	38	Retaining walls Area B
	39	Softscape Area A
	40	Softscape Area B
	43	Fence Treatment - Area A
	44	Fence Treatment - Area B
	49	Lighting Strategy - Area A
	50	Lighting Strategy - Area B
DESIGN PROPOSAL - ARCHITECTURAL RESPONSE		
	55	Material Palette Strategy
APPENDIX A - ARCHITECTURAL DRAWINGS		
	67-70	Care Building and Café – plans and Sections
CLUBHOUSE		
	75-78	Clubhouse – plan and sections
PAVILION		
	82-84	Pavilion – plan and elevations
RESIDENTS SHED AND MAINTENANCE AREA		
	89-90	Maintenance Shed – plan and elevations
	93-95	Residents Shed – plan and elevations
VILLAS - CLASSIC		
	101-104	Whio – plan and elevations
	108-111	Kiwi 2 – plan and elevations
	115-118	Kiwi 3 – plan and elevations
	122-125	Kiwi 3 (Stepped) – plan and elevations
	129-132	Miromiro – plan and elevations
	136-139	Kokako – plan and elevations
	143-146	Kokako – Duplex – plan and elevations
VILLAS - LIFESTYLE		
	151-153	Waimea 2B SG (North) – plan and elevations
	158-161	Waimea 2B SG (South) – plan and elevations
	165-168	Waimea 2B DG (North) – plan and elevations
	172-175	Waimea 2B DG (South) – plan and elevations
	179-182	Waimea 3B SG (North) – plan and elevations
	186-189	Waimea 3B SG (South) – plan and elevations
	193-196	Waimea 3B DG (North) – plan and elevations
	200-203	Waimea 3B DG (South) – plan and elevations
	207-211	Ruru – plans and elevations
VILLAS - PREMIUM		
	217-220	Lake Hayes – plan and elevations
	224-227	Takahe – plan and elevations
	231-234	Shotover – plan and elevations
	238-241	Hihi – plan and elevations

Resource Consent: [Insert Consent Reference](#)

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement date: 18 September 2025

Lapse Date: 5 years after consent commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) to undertake earthworks and vegetation clearance. This includes consent under the National Environment Standard for Freshwater (**NES-FW**) for any earthworks or vegetation clearance within 10m of a natural inland wetland, and outside 10m but within 100m of a natural inland wetland for the purposes of urban development and potential partial drainage of a wetland.

Note: To be read in conjunction with Condition Sets A, C - M.

Subject to the following conditions:

General condition

1. The activity of undertaking earthworks and vegetation clearance including within 10m of a natural inland wetland and 100m of a natural inland wetland, shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The works shall proceed in accordance with the *Maitahi Development Nelson – Preliminary Earthworks Plans* (Davis Ogilvie, Updated July 2025),¹ including the plans labelled:

-	Plan A	Dwg C001:	Overall Earthworks Plan
-	Plan B	Dwg C001:	Overall Earthworks Plan - Volumes
-	Plan C	Dwg C100:	Sheet 1
-	Plan D	Dwg C101:	Sheet 2
-	Plan E	Dwg C102:	Sheet 3
-	Plan F	Dwg C103:	Sheet 4
-	Plan G	Dwg C104:	Sheet 5
-	Plan H	Dwg C105:	Sheet 6
-	Plan I	Dwg C106:	Sheet 7
-	Plan J	Dwg C107:	Sheet 8
-	Plan K	Dwg C108:	Sheet 9
-	Plan L	Dwg C110:	Sheet 10
-	Plan M	Dwg C111:	Sheet 11

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0025/7792/13.2V2-Maitahi-Civils-Set-1-Earthworks-.pdf

- Plan N Dwg C112: Sheet 12
- Plan O Dwg C113: Sheet 13
- Plan P Dwg C114: Sheet 14
- Plan Q Dwg C115: Sheet 15

3. The Consent Holder shall advise the Nelson City Council's (**Council**) Monitoring Officer in writing, at least 15 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent number **Insert Consent Reference**.
4. At least 5 working days before the commencement of earthworks on the site, the Consent Holder shall hold a pre-construction meeting with the Council's Monitoring Officer, the relevant supervising experts, lead contractor(s), and Te Taihū iwi. At this pre-construction meeting, the Consent Holder shall provide an explanation as to the works programme, monitoring and reporting requirements.

Staging

5. The earthworks shall be carried out in stages in general accordance with the Southern Skies Environmental Erosion and Sediment Control Assessment Report dated 31 January 2025 including the table below:

ESC Stage	Season	DO Earthworks Phase	Area (ha)	Approx. time	Notes
Stage 1A	1	1A	2.7	4 months	Early start / enabling works required. Staged stabilisation.
Stage 1B	1	1A	2.9a	4 months	Stage 1B expected to commence approximately ½ way through Stage 1A.
Stage 1C	1	1A, 1B, 1C	8.8	6 months	Stage 1C expected to commence approximately ½ way through Stage 1B. Stage 1A will be complete.
Unsuitable Borrow site	1		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site					Not expected that it will be required for Stage 1.
Stream diversion cut / construction	1		0.3	3 months	Staged offline construction of the new Kaka stream alignment.
Stage 2	2	4	1.88	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Unsuitable Borrow site	2		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	2		2.23	6 months	Staged and required for Stage 2.
Stage 3	2	2	4.5	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Stage 4	3	3A, 3B	6.8	7 months	Enabling works stage to complete Kaka 5A and 5B permanent stream. Initial bulk earthworks occurring at the same time. Remaining earthworks following completion of steam works. Some areas within the SRP catchments to remain untouched (no earthworks).
Unsuitable Borrow site	3		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	3		1.5	13 months	Staged and required for Stage 3 and Stage 4.

Māori Cultural Values

6. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of, and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Taihū iwi representatives upon request.

7. During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (**iwi monitor**) is available to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
8. Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
 - (a) the Consent Holder shall immediately:
 - i. Cease earthworks and mark off the affected area;
 - ii. Advise the Council's Monitoring Officer of the discovery; and
 - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery;
 - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and
 - (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to the Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
9. The Consent Holder shall work in partnership with Ngāti Koata Trust and Te Taihū Iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the monitoring methods.
10. The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months, and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the Consent Holder shall resolve and remediate the issues with the appropriate iwi authority.
11. All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.

Traffic Management Plan

12. Prior to the commencement of any construction or earthworks activity on the site, the Consent Holder shall submit a Traffic Management Plan (**TMP**) to the Council's Monitoring Officer for review to confirm that the TMP contains the information required by this condition and Condition 14. The TMP shall be prepared by a Suitably Qualified and Experienced Practitioner (**SQEP**) and shall be in accordance with industry best practice for temporary traffic management, and the requirements of the Road Controlling Authority.

13. The objective of the TMP is to ensure that construction traffic is managed in a way that maintains the safety and efficiency of the surrounding transport network, minimises disruption to road users, and protects the amenity of the surrounding environment.
14. The TMP shall include, but not be limited to, the following:
 - (a) The location and design of vehicle access points and haul routes.
 - (b) Anticipated construction traffic volumes and types of vehicles.
 - (c) Hours of operation for construction traffic.
 - (d) Measures to avoid, remedy or mitigate adverse effects on traffic safety and the efficiency of the road network, including signage, temporary traffic control, and parking restrictions if required.
 - (e) Provision for safe pedestrian and cyclist access past the site.
 - (f) Measures to prevent dust, debris, and mud being carried onto the public road network.
 - (g) Access arrangements for emergency services and affected properties.
 - (h) Procedures for ongoing review and amendment of the TMP as necessary.
 - (i) Contact details for the site manager and the person responsible for traffic management.
15. All construction-related traffic shall be managed in accordance with the TMP for the duration of the works.

Site Specific Erosion and Sediment Control Plans

16. The Site Specific Erosion and Sediment Control Plans (**SSESCP**) shall be generated for each construction area as identified in *Appendix C – Site Specific Erosion and Sediment Control Plans* in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The areas that have identified requirements for SSESCPs are shown in the table below:

Reference number	Title	Revision	Date
ESCP-000-00	Erosion and Sediment Control Plan – Staging Index	A	15.06.24
SSESCP-001	Site Specific Erosion and Sediment Control Plan – Stage 1	A	20.05.24
SSESCP-002	Site Specific Erosion and Sediment Control Plan – Stage 2	A	23.05.24
SSESCP-003	Site Specific Erosion and Sediment Control Plan – Stage 3	A	17.06.24
SSESCP-004	Site Specific Erosion and Sediment Control Plan – Stage 4	A	09.07.24
SSESCP-SW-01	Site Specific Erosion and Sediment Control Plan – Kaka Stream Diversion	A	26.05.24

17. No less than 10 working days prior to the commencement of any site development works, in any of the areas covered by a SSESCP, the Consent Holder shall provide the SSESCP to the Council's Monitoring Officer for review to confirm that the SSESCP contains the information required by this condition, Condition 18 and Condition 19. The objective of each SSESCP is to ensure that construction effects including erosion, dust, sediment control, are effectively managed to achieve Policies RE6.3 and RE6.5, and implement Rule X.16 of Schedule X of the Nelson Resource Management Plan (**NRMP**).
18. Each SSESCP shall be prepared using the following principles:

- (i) Emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures:
 - (ii) Sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas;
 - (iii) Earthworks and construction water management measures will be confirmed in the SSES CPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions;
 - (iv) Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is designed for both erosion control and dust minimisation;
 - (v) Streamworks and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a “dry” environment by working off-line or diverting upstream flows; and
 - (vi) Comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management devices and the downstream environment.
19. Each SSES CP shall contain as a minimum, the following information:
- (i) the specific construction activity to be undertaken;
 - (ii) the area of earthworks, and/or the nature of the stream works at specific locations, and
 - (iii) identification of the downstream receiving environment;
 - (iv) the locations of all earthworks and/or stream works;
 - (v) methods for managing construction water effects for specific activities;
 - (vi) the duration of the earthworks and/or stream works;
 - (vii) the time of the year that the stream works are to be undertaken, and where applicable,
 - (viii) the measures to be implemented to respond to any heightened weather risks at that time;
 - (ix) stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation;
 - (x) chemical treatment (flocculation) at sediment retention ponds and decanting earth bunds; and
 - (xi) the following details for dust management:
 - i. Identification of potential dust sources on the site;
 - ii. Methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
 - iii. Monitoring procedures, including daily site inspections and weather condition assessments;
 - iv. Response procedures for dust complaints or exceedances;
 - v. Identification of a site representative responsible for implementing the Dust Management Plan.

20. Any of the SSES CPs may be amended at any time by the Consent Holder, however any amendments shall be submitted to the Council's Monitoring Officer for review. Once the amended SSES CP is reviewed by Council, then it will become the certified plan. Any amendments to a SSES CP shall be:
- (a) For the purposes of improving the measures outlined in the SSES CPs;
 - (b) Consistent with the conditions of this resource consent; and
 - (c) Prepared by a SQEP.

Iwi Engagement and Reporting - SSES CP

21. Prior to certification, the Consent Holder shall provide any SSES CP to Te Taiuhu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The objective of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on the SSES CP content before implementation.
22. The Consent Holder shall maintain a record of all correspondence, including the dates the relevant SSES CP was provided, any feedback received, and recommended actions included within the SSES CP.
23. In addition, the Consent Holder shall establish and maintain regular communication with Te Taiuhu Iwi Pou Taiao for the duration of works.
24. Project updates shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
25. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
26. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

Dust Management – General Requirements

27. The Consent Holder must undertake all earthworks in a manner that avoids, as far as practicable, the generation of visible dust beyond the boundary of the site. No visible dust must be discharged beyond the boundary that causes an offensive or objectionable effect.
28. The Consent Holder shall implement all dust control measures specified in the certified SSES CP throughout the duration of the earthworks.
29. The Consent Holder shall proactively monitor weather forecasts and implement additional dust suppression measures on days where dry and/or windy conditions are forecast, including:
- (a) Increasing the frequency or intensity of water application; and
 - (b) Temporarily suspending earthworks where effective dust suppression cannot be achieved.
30. The Consent Holder shall ensure that any exposed earth surfaces that are not actively worked for more than 14 consecutive days are stabilised by means such as hydroseeding, mulching, or geotextiles to prevent dust emissions.
31. The Consent Holder must maintain a complaints register for dust-related issues. The register must include:
- (a) The nature, date, and time of the complaint;
 - (b) Weather conditions at the time of the complaint;
 - (c) Actions taken in response; and
 - (d) This register must be made available to the Council's Monitoring Officer upon request.

Erosion and Sediment Control Monitoring Plan

32. All earthworks and sediment control devices on site shall be designed, supervised and monitored by SQEPs in accordance with the Erosion and Sediment Control Monitoring Plan (**ESCMP**) provided in Appendix B of the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The objective of the ESCMP is to detail the erosion and sediment control management and monitoring system that will be implemented for the duration of the site earthworks activities to minimise environmental, human health and ecological effects.

Monitoring of Erosion and Sediment Control Measures

33. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify the Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to the following:
- (i) Time and date of the incident;
 - (ii) Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has had on the receiving environment; and
 - (iii) Any measures taken to prevent further effects.

Stormwater Control and Sediment Retention Ponds

34. Sediment retention ponds shall be approved by a suitably qualified and experienced Geo-Professional in accordance with the ESCP and shall be in accordance with either *GD05 Auckland Erosion and Sediment Control Guide for Land Disturbance Activities* or the *Nelson Tasman Erosion and Sediment Control Guidelines 2019* otherwise referred to as 'best practice'.

Chemical Treatment Management Plan

35. All chemical treatment and dosing of earth worked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the Chemical Treatment Management Plan (**CTMP**) provided in Appendix A – Chemical Treatment Management Plan in the Southern Skies Environmental Erosion and Sediment Control Assessment Report. The objective of the CTMP is to ensure that any chemical treatment of sediment laden water is designed, implemented, and managed to maximise treatment effectiveness, and minimise environmental, human health and ecological effects.

Construction Noise and Vibration Management Plan

36. Prior to any earthworks commencing on site, the Consent Holder shall prepare a Construction Noise and Vibration Management Plan (**CNVMP**). This Plan shall be forwarded no later than 10 working days prior to works commencing to the Council's Monitoring Officer for review to confirm that the CNVMP contains the information required by this condition, Condition 37 and Condition 38. The CNVMP shall be prepared in accordance with the Styles Group Construction and Noise Vibration Assessment – Maitahi Village dated 11 June 2025. The objective of the CNVMP is to set out the methods and procedures that will be used to ensure compliance with the hours of work and noise and vibration controls in these conditions.
37. The CNVMP shall provide, as a minimum, the following details:
- (a) The relevant conditions setting out limits on noise levels, vibration levels and hours of work;

- (b) The programme of works and consented hours of construction work;
 - (c) Identification of surrounding noise sensitive receivers;
 - (d) The nature of any restrictions that must be implemented by the Consent Holder to ensure the noise generated by construction vehicles accessing the Site via Ralphine Way can comply with the noise limits in Condition 41(ii). This may include restrictions on the number of heavy construction vehicles that can enter the site in any 15-minute period;
 - (e) A specific section that sets out the noise mitigation measures that must be observed for construction works that are within 100m of the property boundary of any Ralphine Way Receivers. This section should set out the specific limits and mitigation measures that the constructor will need to observe to ensure compliance with the consented noise limits;
 - (f) Procedures for ensuring that the Consent Holder provides receivers on Ralphine Way with ongoing and regular updates throughout the various stages of construction work so that receivers have advanced notice of the approximate dates and duration of the busiest and noisiest construction activities on site that may affect receivers on Ralphine Way; and
 - (g) Written communication with occupants of all dwellings on Ralphine Way of the works in writing at least ten (10) days prior to the commencement of activities on site. The written advice shall set out:
 - (i) a brief overview of the construction works;
 - (ii) the working hours and expected duration;
 - (iii) all mitigation measures to be implemented; and
 - (iv) the procedure for recording concerns/complaints regarding noise.
38. The CNVMP shall, as a minimum, address the requirements of Annex E of NZS 6803:1999 *Acoustics – Construction Noise* and the Association of Australasian Acoustical Consultants (**AAAC**) Guideline for interpreting and applying NZS 6803:1999. The CNVMP and any amendments must be prepared by a suitably qualified acoustics consultant (e.g., Member of the Acoustical Society of New Zealand (**MASNZ**)). Amendments that include changes to the construction methodology must be tracked and any revised CNVMP shall be submitted to the Council’s Monitoring Officer for approval.
39. All construction works on the site shall be carried out in accordance with the CNVMP and a copy of the CNVMP must be kept on site during construction hours.
40. All construction works on the site shall be designed and conducted by a suitably qualified and experienced professional to ensure that the construction vibration does not exceed 5mm/s PPV when measured within 500mm of ground level on the foundation or structure of any building on another site. Vibration shall be measured and assessed in accordance with the German Standard DIN 4150-3:2016 Structural vibration – Effects of vibration on structures.
41. (i) Construction noise levels generated from the Site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
7:00am to 7:30am, Monday to Saturday	55 dB	75 dB
7:30am to 6:00pm, Monday to Saturday	70 dB	85 dB

(ii) Noise levels generated by heavy vehicles on Ralphine Way and entering the site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

Time Period	Maximum noise levels	
	L _{Aeq} (15min)	L _{AFmax}
7:00am to 7:30am, Monday to Saturday	55 dB	75 dB

42. Construction hours

- i. The permitted days and hours of construction work are:
 - (i) Monday to Friday 7:00am to 6:00pm.
 - (ii) Saturday 8:00am to 1:00pm for construction work within 100m of any occupied dwelling on Ralphine Way.
 - (iii) Saturday 7:00am to 5:00pm for construction work more than 100m from any occupied dwelling on Ralphine Way.
- ii. Heavy vehicle movements using the Ralphine Way access are limited to between 7:30am and 6:00pm Monday to Friday and 8:00am and 5:00pm on Saturdays, unless a certified CNVMP demonstrates that heavy vehicle movements accessing the Site between 7:00am and 7:30am (or 7.00am and 8.00am on Saturdays) can and will be managed to comply with the noise limits in Condition 41(ii).
- iii. No construction work is permitted on Sundays or Public Holidays.

43. The CNVMP may authorise some work to take place at other times where the CNVMP demonstrates that those works will comply with the construction noise limits (for example, light vehicle movements, works well separated from any receivers, site meetings, electrical fitout, painting etc).

Ecological Restoration Plan

44. Prior to the commencement of any vegetation clearance or earthworks within the Project Area, the Consent Holder shall prepare and submit an Ecological Restoration Plan (**ERP**) to the Council's Monitoring Officer for review to confirm that the ERP contains the information required by this condition and Condition 45. The ERP must cover all terrestrial, riparian, stream, and wetland restoration and enhancement areas within the Project Area, including the 120 ha Kākā Hill restoration site.

45. The ERP must:

- (a) Be prepared by a Suitably Qualified and Experienced Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise;
- (b) State clear restoration and enhancement objectives for all areas, including those within the Project Area and the 120 ha Kākā Hill site. Objectives must include:
 - i. Achieving no net-loss of indigenous biodiversity values;
 - ii. Enhancing biodiversity, ecological connectivity, and habitat condition across terrestrial, riparian, wetland, and stream ecosystems;
 - iii. Re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District; and

- iv. Avoiding, remedying, or mitigating adverse effects on adjacent Significant Natural Areas (**SNA**) and any Threatened or At Risk indigenous species that may use the restoration areas.
- (c) Include the following component management plans:
- i. A Stream Restoration Plan (**SRP**);
 - ii. A Wetland Restoration Plan (**WRP**); and
 - iii. A Lizard Management Plan (**LMP**).
- (d) Define measurable performance standards for each habitat type, including:
- i. Minimum 80% native vegetation survival at Year 3; and
 - ii. Canopy closure or vegetative cover thresholds appropriate to habitat type;
- Note: The SRP includes performance standards specific to the realignment and restoration of Kākā Hill Tributary.*
- (e) Provide spatial planting plans for all restoration and enhancement areas, including:
- i. Plant species lists tailored to each ecological zone;
 - ii. Eco-sourcing requirements;
 - iii. Planting densities and layout; and
 - iv. Habitat zonation appropriate to the Bryant Ecological District.
- (f) Set out implementation milestones and schedules, including indicative timing and sequencing of planting and site works.
- (g) Identify site preparation and maintenance methods, including:
- i. Weed control and management of invasive species; and
 - ii. Pest animal control measures.
- (h) Require that the removal of native woody vegetation be undertaken outside the peak bird breeding season (August to February inclusive), unless a Suitably Qualified and Experienced Ecologist confirms in writing to the Council's Monitoring Officer that no active nests are present in the area to be cleared.
- (i) Include a monitoring and reporting programme for each restoration component, specifying:
- i. Frequency and duration of monitoring;
 - ii. Success indicators linked to performance standards; and
 - iii. Adaptive management triggers and corrective actions.
- (j) Describe mechanisms for long-term protection and management, including:
- i. Legal protection (e.g. covenants, consent notices); and
 - ii. Ongoing maintenance responsibilities.
- (k) Ensure all planting follows appropriate guidance for the Bryant Ecological District (e.g., Courtney et al. 2003 – Living Heritage – Growing Native Plants in Nelson, Department of Conservation Nelson Marlborough Conservancy and Nelson City Council).
46. All aspects of restoration and enhancement must be implemented and maintained in accordance with the approved ERP.

Stream Restoration Plan

47. As part of the ERP, and prior to the commencement of any stream alignment works, or associated construction that may impact freshwater ecological values, the Consent Holder must prepare and submit a Stream Restoration Plan (**SRP**) to the Council's Monitoring Officer for review to confirm that the SRP contains the information required by this condition. The SRP must:
- (a) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise;
 - (b) State objectives for the realignment and restoration of Kākā Stream and affected tributaries (**KHT1–KHT4**), including:
 - i. Achieving functional aquatic ecosystems that support indigenous fish and macroinvertebrate communities;
 - ii. Enhancing ecological connectivity and stream–riparian interactions;
 - iii. Restoring natural geomorphic processes, and stream habitat diversity;
 - (c) Establish current baseline conditions for reaches KHT1–KHT4. This must include:
 - i. Channel morphology (including cross-sectional profiles, substrate composition, and longitudinal profiles);
 - ii. Stream Ecological Valuation (**SEV**) assessment;
 - iii. Characterisation of hydrological regime (e.g., baseflow and permanence);
 - iv. Baseline data will inform performance standards and monitoring triggers;
 - (d) Include detailed landscape plans by SQEP that integrate best practice stream design principles and demonstrate alignment with the restoration objectives outlines in clause (b);
 - (e) Confirm, using the SEV method, that the proposed restoration works will result in adequate SEV uplift and appropriate Environmental Compensation Ratios (**ECR**) for offsetting stream loss, based on final design. This assessment must be consistent with the approach set out in the Stream Mitigation Assessment (SMA; Robertson Environmental, dated 10 July 2025) and demonstrate that ECRs meet or exceed those calculated in the SMA, or otherwise demonstrate that no net loss in stream ecological value will occur;
 - (f) Identify and map the spatial extent of all stream restoration works, and demonstrate that the total offset area is sufficient to meet the ECR required based on final impact and restoration SEV scores;
 - (g) Define measurable performance standards, including but not limited to:
 - i. Minimum SEV uplift targets of ≥ 0.1 SEV units compared to baseline;
 - ii. Minimum 80% riparian vegetation survival;
 - iii. Performance standards must be met within five years of completion of physical restoration works, unless otherwise agreed with the Council's Monitoring Officer based on monitoring evidence and SQEP advice;
 - (h) Specify monitoring protocols and frequency, using the pre-construction survey as a baseline. Monitoring must occur annually for 5 years post-restoration or until all performance standards have been met, whichever is later, and include:
 - i. Repeat SEV assessments;
 - ii. Macroinvertebrate and fish surveys;
 - iii. Riparian vegetation surveys;

- (i) Define adaptive management triggers and responses. If monitoring indicates failure to meet any performance standard, the SRP must outline:
 - i. Diagnostic steps (e.g. site inspections, root cause analysis, further sampling);
 - ii. Remedial actions (e.g. infill planting, channel re-grading, fish passage remediation); and
 - iii. Timelines for remedial actions and subsequent monitoring to confirm effectiveness;
 - (j) Include a Fish Salvage and Relocation Plan (**FSRP**), prepared by a Suitably Qualified and Experienced Freshwater Ecologist, specifying:
 - i. Methods for fish capture and relocation during stream works;
 - ii. Timing of works to avoid sensitive fish migration or spawning periods;
 - iii. Holding and release protocols, including suitable release sites;
 - iv. Documentation and reporting requirements; and
 - (k) Include reporting mechanisms, such as an annual SRP compliance and monitoring summary report to the Council's Monitoring Officer, demonstrating progress toward objectives, outcomes, and any adaptive actions taken.
48. All stream restoration works must be implemented and maintained in accordance with the approved SRP.

Wetland Restoration Plan

49. As part of the ERP, and prior to the commencement of any earthworks or construction activities within 20m of Wetland 1 or Wetland 2, the Consent Holder must prepare and submit a Wetland Restoration Plan (**WRP**) to the Council's Monitoring Officer for review to confirm that the WRP contains the information required by this condition. The objective of the WRP shall be as set out in 50(b) below. The WRP must be prepared by a SQEP Ecologist, in accordance with the Environment Institute of Australia and New Zealand (**EIANZ**) guidelines (2018), and must:
- (a) Be prepared by a Suitably Qualified and Experienced Ecologist and be peer reviewed by an independent SQEP with relevant ecological and wetland restoration expertise.
 - (b) State restoration objectives for each wetland area, including, as a minimum:
 - i. Achieving no net loss in wetland extent or ecological value;
 - ii. Restoring or maintaining wetland hydrological function and indigenous plant dominance; and
 - iii. Enhancing wetland habitat diversity and resilience to edge effects.
 - (c) Specify hydrological management measures (if any) to protect or reinstate natural wetland water regimes, including stormwater input design (if applicable), flow attenuation, and groundwater interactions.
 - (e) Define a minimum 10 m vegetated buffer around each wetland, or greater where practicable, and include spatial planting plans showing:
 - i. Plant species lists, eco-sourcing requirements, densities, and zonation; and
 - ii. Planting layout tailored to wetland type and buffer function.
 - (f) Identify site preparation and maintenance measures, including:
 - i. Weed and pest animal control; and

- ii. Browsing and trampling prevention (e.g. fencing if required).
 - (g) Define measurable performance standards, including but not limited to:
 - i. Indigenous wetland vegetation cover \geq 80% within 5 years;
 - ii. Hydrological function restored or maintained, with no net reduction in wetland extent; and
 - iii. Buffer vegetation \geq 80% survival by Year 3.
 - (h) Specify a monitoring and reporting programme, including:
 - i. Baseline data collection pre-restoration;
 - ii. Annual monitoring for 5 years post-restoration;
 - iii. Parameters including vegetation cover and composition, hydrology (surface and/or groundwater), and weed/pest presence; and
 - iv. Adaptive management triggers and required remedial actions if performance standards are not met.
50. All wetland restoration and enhancement works must be implemented and maintained in accordance with the approved WRP.

Lizard Management Plan

51. As part of the ERP, the Consent Holder must submit a Lizard Management Plan (**LMP**) to the Council's Monitoring Officer for review to confirm that the LMP contains the information required by this condition. The objective of the LMP is to ensure the protection and conservation of native lizard populations during earthworks and vegetation clearance activities. The LMP must be prepared by a Suitably Qualified and Experienced Herpetologist, in accordance with the Department of Conservation's *Key Principles for lizard salvage and transfer in New Zealand 2019*, or other equivalent ecological guidelines, and must:
- (a) Identify all areas of potential indigenous lizard habitat within the Project Area, including rock piles, sunny shrublands, and woody debris;
 - (b) Specify pre-clearance survey methods, including timing, search effort, and detection techniques appropriate to the species likely to be present;
 - (c) Detail capture, handling, containment and translocation procedures, including relevant welfare and biosecurity measures;
 - (d) Define release site criteria, any required habitat enhancement, and measures to ensure long-term suitability and protection;
 - (e) Include post-translocation monitoring protocols (frequency, success indicators, adaptive management);
 - (f) Include a communication procedure to report to the Council's Monitoring Officer, including any GIS data, the results of any species captured and relocated; and
 - (g) Outline contingency measures and a Protocol, requiring all works to cease immediately in the event a Threatened or At-Risk–Declining lizard species is encountered. The find must be reported to the Council's Monitoring Officer and the Department of Conservation, and management measures must be developed by a Suitably Qualified and Experienced Herpetologist in consultation with DOC before works recommence.
52. All lizard management actions must be undertaken in accordance with the certified LMP.

Wetland 1 - Hydrological Assessment

53. Prior to the commencement of any vegetation clearance or earthworks within 100 m of Wetland 1, the Consent Holder must submit to the Council's Monitoring Officer a Hydrological Assessment prepared by a Suitably Qualified and Experienced Hydrologist that:
- (a) Assesses whether the proposed activity results, or is likely to result, in the complete or partial drainage of all or part of Wetland 1; and
 - (b) confirms either that drainage is unlikely, or sets out the mitigation required to maintain the wetland's existing hydrological regime.
54. If the Hydrological Assessment concludes the works will, or are likely to, drain all or part of Wetland 1, or otherwise adversely alter its hydrological regime, the Consent Holder must, before earthworks begin, implement the mitigation set out in the assessment (e.g. temporary bunds, cut-off drains, soakage or attenuation devices, staged earthworks) so as to maintain the wetland's existing hydrological regime.
55. A Chartered Professional Engineer or Suitably Qualified and Experienced Ecologist must supply to the Council's Monitoring Officer, before earthworks start, confirmation that:
- (a) drainage risk is unlikely or
 - (b) all mitigation specified under Condition 54 has been put in place to maintain the wetland's existing hydrological regime.

Ecology

56. Prior to any works commencing, the Consent Holder shall provide to the Council's Monitoring Officer a letter of engagement confirming the SQEP Ecologist's availability to undertake the site briefing, best practice advice, supervision, reviews and inspections of the proposed works during the implementation of this consent.
57. Prior to any earthworks commencing, the Consent Holder shall ensure the SQEP Ecologist briefs any contractors undertaking the works, including any methods that must be employed by the contractors to minimise potential adverse effects on ecological values at the commencement of works in accordance with best practice and the ERP.
58. Notwithstanding any other condition of this consent, the Consent Holder shall not, in the opinion of the Council's Monitoring Officer, cause any of the following effects in Kākā Stream (or any other watercourse):
- (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) After reasonable mixing, any conspicuous change in colour or visual clarity that is not typical of ambient background levels at that time;
 - (c) Any emission of objectionable odour;
 - (d) Any significant effects on aquatic life.
59. All machinery used on the site shall be refuelled at least 20 metres away from any watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer and undertake all necessary remedial actions immediately.
60. Machinery and equipment shall not be cleaned within 10 metres of the bank of any open watercourse.

61. All reasonable endeavours shall be taken by the applicant to ensure machinery shall be free of plants and plant seeds prior to entering the construction area.

Stream Construction Methodology

62. The new Kākā Stream channel shall be constructed in stages and offline from the existing stream alignment to avoid in-stream works. The new channel shall be fully constructed and stabilised prior to diverting flows from the existing stream into the new alignment. The project ecologist shall also certify that the construction meets stream design and ecological objectives required by Condition 47(a) to (c) prior to any diversion to the new alignment commences.

Decommissioning of Old Channel

63. Within 10 working days of diverting flows into the new Kākā Stream channel, the Consent Holder shall decommission (reclaim) the existing stream channel and incorporate it into the general earthworks area, in accordance with the approved Stage 1 SDESCP.

Earthworks and Vegetation Clearance – Pre Construction

64. Prior to any earthworks commencing, the Consent Holder shall provide to the Council's Monitoring Officer a letter of engagement confirming the suitably qualified and experienced Geo-professional's availability to undertake the geotechnical supervision, reviews and inspections of the proposed cuts and foundations during the implementation of this consent.
65. Prior to earthworks commencing, detailed designs of the earthworks shall be provided to the Council's Monitoring Officer to confirm that the detailed design of the earthworks contains the information required by this condition. The detailed plans shall show the location of any proposed retaining structures, bunds, catch fences or similar devices and indicate the required fill levels for Lot 1000 to avoid future flooding effects under the 2130 RCP8.5M 1% Annual Exceedance Probability Maitai/Maitahi River flood level scenario.

Note: This condition is to ensure structures such as retaining walls, or geotechnical mitigations such as the diversion bund are reviewed by the Council engineering team prior to these works being undertaken to ensure the location and alignments are consistent with the intent of the conditions of the subdivision consent.

Earthworks – During Construction

66. All earthworks shall be undertaken in accordance with the Tonkin and Taylor Geotechnical Assessment dated 5 February 2025 including the Plan titled *Geotechnical Hazard Mitigation Recommendations* (Page 70).
67. Any excavation or retaining walls greater than 1.2 metres in height, or supporting surcharge loads shall be specifically designed by a suitability qualified and experienced Geo-professional experienced in hillslope design.
68. The investigation and design of fills in excess of 1.0 m high or any fill on ground sloping at more than 3H:1V shall be carried out or reviewed by a suitability qualified and experienced Geo-professional experienced in hillslope design. The effect of filling on global stability shall be assessed.
69. All earthworks and associated drainage shall be designed, implemented and inspected during construction under the supervision of a suitably qualified and experienced Geo-professional.

Note: The Consent Holder is responsible for ensuring inspections are undertaken by the geo-professional. Inspections undertaken by the supervising engineer, the contractor or the Council's Building Inspector do not fulfil the inspection and supervision requirements of this condition.

70. All fill shall be certified in accordance with NZS4431:2022 *Earthfill for Lightweight Structures* unless the Geo-professional otherwise deems unnecessary.
71. All practical measures shall be taken by the Consent Holder to prevent any sediment, erosion, or dust effects beyond the boundary of the site.
72. At no time during the works, including backfilling and drainage, shall the earthworks encroach onto any other property.
73. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath outside of the site resulting from the earthworks authorised by this consent that, in the opinion of the Council's Monitoring Officer, is considered to result in nuisance effects. In the event that deposition causing nuisance effects does occur it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater system or any receiving water courses.
74. Should the Consent Holder cease, abandon work on site, stop the works for a period longer than 14 consecutive days, or be required to allow time gaps in accordance with the proposed timeline, it shall first take adequate preventive and / or remedial measures to prevent sediment discharge, and shall ensure that any commenced earthworks are permanently stabilised by either planting, seeding, mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation. These measures shall be maintained thereafter until the site soils have been reinstated to an erosion-free state.
75. In the event that earthworks are to be suspended for a period of three months or more (e.g., due to staging), a suitably qualified and experienced Geo-professional shall submit a report to the Council's Monitoring Officer that confirms that there is a low ongoing geotechnical risk associated with the earthworks while suspended, and the site has been appropriately stabilised to prevent erosion and instability until earthworks recommence.
76. No earthworks resulting in exposed ground or cut or fill faces shall be undertaken in any location if rain is forecast in the period before erosion and sediment control measures can be implemented to secure the ground from the effects of overland flows pursuant to the certified SSESCP.
77. If at any stage in the implementation of this consent earthworks reveal adverse ground conditions, such as the presence of soft and / or water-saturated ground, or layers of plastic clay, or evidence of slope movement is observed, all works in that area shall be ceased immediately and the services of a suitably qualified and experienced Geo-professional shall be obtained. Subsequent works shall follow the recommendations made by the Geo-professional.
78. Earthworks and ground shaping shall be constructed to prevent ponding and provide a positive gradient away from foundational elements.
79. If the ground conditions differ from the design assumptions, the design engineer shall seek advice from a suitably qualified and experienced Geo-professional, and shall follow any recommendations made by the Geo-professional (providing the recommendations do not conflict with any other conditions of this consent).
80. Sediment settlement ponds shall be specifically investigated, designed and inspected during construction by or under the direction of a chartered professional engineer practising in civil or geotechnical engineering. The engineering design shall be reviewed by a suitably qualified and experienced Geo-professional who shall also confirm to the supervising engineer that the ground conditions are suitable for the settlement pond proposed.

Earthworks – Post Construction

81. The Consent Holder shall, on completion of the earthworks and as soon as climatic conditions allow, permanently stabilise the site by planting, seeding, mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation and to enhance slope stability.

82. Within one month following the completion of all earthworks for each stage:
- (a) the Consent Holder shall submit to the Council's Monitoring Officer, a completion report from a suitably qualified and experienced Geo-Professional that provides a professional opinion that there is a low ongoing geotechnical risk associated with the completed works. This report shall also provide confirmation that the site has been appropriately stabilised.
 - (b) the Consent Holder shall submit to the Council's Monitoring Officer, a completion report from a suitably qualified and experienced ecologist, stormwater engineer and land contamination professionals that confirms the earthworks authorised by this consent, have been satisfactorily completed to meet all relevant conditions and compliance obligations of this consent.
83. Once the Geo-Professional has confirmed that the site, or part thereof, has been stabilised, the associated erosion and sediment control measures shall be removed and any sediment within the controls shall be disposed of in a manner that prevents the sediment from discharging into a watercourse prior to the control being removed.

Review

84. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - (b) To require the Consent Holder to adopt the best practicable option to reduce, remediate or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
 - (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes

1. Where a condition requires notification to, or review/approval by, the Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (DESCPs), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (CTMPs).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Monitoring Officer, or Council more generally, is providing technical approval of the methodology or design.

2. The Consent Holder is advised that under the Wildlife Act 1953, all indigenous lizard species (including skinks and geckos) are classified as protected. Any activities that may result in the disturbance, injury, killing, or capture of lizards are an offence under the Wildlife Act unless authorised by the Department of Conservation (DOC). This resource consent does not constitute approval under the Wildlife Act. Where there is potential for indigenous lizards to be present within the area of works, it is the Consent Holder's responsibility to:
 - Undertake appropriate surveys or assessments by a suitably qualified ecologist prior to the commencement of works;
 - Seek any necessary authorisations or permits from DOC if protected species may be impacted;
 - Implement appropriate avoidance, mitigation, or relocation measures where required.
3. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available in house) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

Resource Consent: *Insert Consent Reference*

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement date: 18 September 2025

Lapse Date: 2 years after consent commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 Resource Management Act 1991 (**RMA**)) to demolish the existing shearing shed and chimney.

Note: To be read in conjunction with Condition Sets A-B, D-M.

Subject to the following conditions:

General condition

1. The activity of demolishing the shearing shed and chimney shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. Prior to the “shearing shed” and “chimney” being demolished, the Consent Holder shall record the existing shearing shed and chimney by digital 3D scanning inside and outside and a 3D model be produced.
3. At least 5 working days prior to any demolition works proceed on the “shearing shed” and “chimney”, the Consent Holder shall provide a copy of the 3D record to the Nelson City Council’s (**Council**) Monitoring Officer.
4. Prior to the “shearing shed” being demolished, the Consent Holder shall salvage the:
 - (a) shearers’ graffiti on the rusticated weatherboard clad walls and sliding doors to Woolshed Part A1 and Part B (refer Miller 2022) for adaptive reuse and presentation; and
 - (b) shearing equipment and the ground floor windows to Part A1 (refer Miller 2022), including any timber and building materials that are recoverable and reusable.

The shearers’ graffiti within Parts A1 and B of the shearing shed are shown in Photos 26 and 27 in Appendix 1, being photos contained in the Miller 2022 investigation.

The shearing equipment and ground floor windows in Part A1 are shown in Photos 22-24 in Appendix 2, being photos contained in the Miller 2022 investigation.

Note: Miller 2022 relates to the ‘Investigations into selected heritage structures – timber woolshed/barn, concrete chimney, and concrete/stone wall remnants’ (Updated 6 April 2022, prepared by Robin Miller from Origin Consultants Limited)

5. Photographs of the salvaged items, along with information as to their storage and planned adaptive reuse, and/or presentation within the application site shall be provided to the Council's Monitoring Officer within 15 working days of the demolition works being completed.

Advice Notes:

1. Where a condition requires notification to, or review/approval by Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or Suitably Qualified and Experienced Practitioner (**SQEP**) engagement letters), these should also be sent directly to the Council's Monitoring Officer.

2. "Shearing shed" and "chimney" in this condition set relates to the specific structures identified within the Origin Consultants Limited Memo updated 6 April 2022 and entitled "Investigations into selected heritage structures – timber woolshed/barn, concrete chimney, and concrete/stone wall remnants" and presented within PPC28. Furthermore, in relation to the shearing shed, it is only part A1 of the building that is captured by this rule.
3. The Consent Holder is also advised that the works covered by this consent are also the subject of Archaeological Authority 2024/332, which relates to the European archaeological values associated with the pre-1900 European occupation of this site.
4. The Consent Holder has confirmed it will apply for an additional Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (**NZHPT**) 2014 for the wider Maitahi Village site, to cover the potential discovery of Māori archaeological values. The Consent Holder has also confirmed that it will make that application prior to earthworks commencing on-site.
5. The Consent Holder is also advised that part of the site is also a Hazardous Activities and Industries List (**HAIL**) site, and so appropriate care and consideration must be given to the National Environment Standard for Assessing and Managing Contaminants on Soil to Protect Human Health (**NES-CS**), along with the consent conditions in set 'M' Remediation of Contaminated Land.

Appendix 1:

Shearers' graffiti within Parts A1 and B of the shearing shed - Photos 26 and 27

Photo 26 (Source: Miller 2022)



Photo 26 Shearers' graffiti (mostly from 1960s) on the now internal wall between Part A1 and Part B.

Photo 27 (Source: Miller 2022)



Photo 27 Shearers' graffiti on the roller door to the south elevation of Part B.

Appendix 2:

Shearing equipment and the ground floor windows to Part A1 (refer Miller 2022)

Photo 28 (Source: Miller 2022)



Photo 28 Shearing equipment in Part A2.

Photo 22 (Source: Miller 2022)



Photo 22 One of the three-light mullion windows at ground floor level to the south elevation (with remaining piece of pressed pattern glass).

Photo 23 (Source: Miller 2022)



Photo 23 The other three-light ground floor south elevation window (with pressed pattern glazing).

Photo 24 (Source: Miller 2022)



Photo 24 Blocked up three-light window on the west side of Part A1.

D	Land Use (s9)	Koata House and future use of this Lot (Lot 1003)
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Resource Consent: Insert Consent Reference

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement Date: 18 September 2025

Lapse Date: 5 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) to construct and operate a commercial and community facility (**Koata House**).

Note: To be read in conjunction with Condition Sets A-C, E-M.

Subject to the following conditions:

General conditions

1. The activity, of constructing and operating a commercial and community facility (Koata House) shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The development shall proceed in general accordance with the Plan set A and B labelled:
 - Plan set A: Koata House / Te Whare ō Koata – Maitahi Village (Waka Group Architecture Ltd, dated 31 January 2025) numbered RC1.01-1.06, RC2.01, RC3.01-3.02¹
 - Plan set B: Koata House / Te Whare ō Koata – Maitahi Village (RMM Landscape Architects - Landscape Concept, dated June 2024)²
3. The buildings subject to this consent shall not be constructed until Lot 1003 of the subdivision consent has obtained Section 224 Certification.

Landscape Plans

4. Prior to the lodgement of building consent for Koata House, a detailed landscape plan, and specification shall be submitted to the Nelson City Council’s (**Council**) Monitoring Officer for review to confirm that the detailed landscape plan contains the information required by this condition and the following:

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/1907/15.-Koata-House_Te-Whare-o-Koata-Maitahi-Village.pdf

² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0022/7816/15.1-Koata-House-Landscape-Concept.pdf

- (a) That it is in general accordance with Plan Set B: Koata House / Te Whare ō Koata – Maitahi Village (Landscape Concept, dated June 2024); and
 - (b) specifies the indigenous species to be eco-sourced and planted, materials used, paving, retaining wall design, seating and cycle parking areas, as well as setting out any required weed and pest control, need for replacement planting e.g. should plants die or become diseased, irrigation, and maintenance requirements.
5. If no response is received from the Council's Monitoring Officer after 15 working days of submission, the detailed landscape plan and specification shall be treated as confirmed.
6. Within 2 months following completion of all landscaping, the Consent Holder shall provide to the Council's Monitoring Officer, a statement by its landscape design professional confirming the landscaping has been established in accordance with the requirements of this consent.

Transport Design Details for Koata House

7. At the building consent stage for the development of Koata House, the Consent Holder shall provide to the Council's Monitoring Officer plans that show the following transport information:
 - (a) Detailed design drawings demonstrating vehicle tracking curves for all anticipated bus and service vehicle manoeuvres associated with Koata House; and
 - (b) Visibility splays designed in accordance with Figure 4.11 of the Nelson Tasman Land Development Manual 2020 (**N TLDM**).
8. These plans shall be prepared by a suitably qualified and experienced transport engineer and must demonstrate that access arrangements are appropriate for the expected transport demands of the 180-seat event space.

Temporary Traffic Management Plan

9. If deemed necessary by the suitably qualified and experienced transport engineer, a Temporary Traffic Management Plan (**TTMP**) specifically addressing bus and other vehicle movements and parking arrangements during larger events on the site shall be prepared by the suitably qualified and experienced transport engineer and submitted to the Council's Monitoring Officer for review to confirm that the TTMP contains the information required by this condition and Condition 10.
10. The objective of the TTMP is to ensure that construction traffic is managed in a way that maintains the safety and efficiency of the surrounding transport network, minimises disruption to road users, and protects the amenity of the surrounding environment. The TTMP shall be prepared in accordance with industry best practice for temporary traffic management and the requirements of the Road Controlling Authority. The TTMP shall include, but not be limited to, the following matters:
 - i. The location and layout of dedicated bus drop-off and pick-up areas;
 - ii. Proposed routes for buses to and from the site;
 - iii. Measures to safely manage interactions between buses, pedestrians, and other vehicles;
 - iv. Temporary signage and traffic controls (including the use of marshalls if required);
 - v. Proposed bus schedules or coordination with public transport providers;
 - vi. Provisions for emergency vehicle access; and
 - vii. Measures to avoid queuing or congestion on the surrounding road network.

The approved TTMP shall be implemented for all events above a threshold as determined by a suitably qualified and experienced transport engineer and all traffic management measures shall be adopted throughout the event period.

Operating Hours

11. Koata House shall operate, for the purposes of functions and events, within the hours of:
- (i) Sunday to Thursday inclusive: 7:00am – 11:00pm.
 - (ii) Friday, Saturday, Christmas Eve and New Year's Eve: 7:00am – 1:00am the following day.

Noise Limits

12. Noise generated from activities undertaken within Koata House shall not exceed the following limits measured at, or within, the boundary of any site in the Residential Zone:

Day Time:	L ₁₀ : 55 dBA
Other Times:	L ₁₀ : 45 dBA
	L _{max} : 75 dBA

Day Time means: 7:00am to 10:00pm Monday to Friday, and 9:00am to 10:00pm Saturdays, Sundays and Public Holidays.

All measurements and assessment shall be in accordance with NZS 6801:2008 and NZS 6802:2008.

Future use or development of Lot 1003

13. Any future alternative use or development of this site (Lot 1003) which complies with the permitted activity rules and standards in Chapter 9 'Suburban Commercial' Zone of the Nelson Resource Management Plan 2004 (**NRMP**), being the rules and standards as at 18 September 2025, is allowed.

Review

14. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
 - (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by the Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or Suitably Qualified and Experienced Practitioner engagement letters), these should also be sent directly to the Council's Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The role of the Council's Monitoring Officer is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Council's Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. Condition 3 is to ensure that prior to any construction, the ground beneath the buildings has been certified by a Geo-professional, the mechanically stabilised earth (**MSE**) wall has been completed and it is within the boundaries of the Lot 1003, the debris bund has been fully constructed and vested to the Council and the building has connection to a legal road. These matters will be required as part of the section 224 certification for the underlying subdivision.
3. Condition 11 is not intended to limit the use of Koata House as a marae.
4. Condition 13 is also secured by way of a consent notice registered on the relevant computer freehold register. A portion of proposed Lot 1003 (Koata House) is within the Residential Zone. One of the purposes of this consent is to remedy that zoning anomaly and enable the Suburban Commercial provisions in Chapter 9 of the NRMP. Condition 13 and the consent notice recognise the Suburban Commercial function, form, and intent of this allotment as a part of the Maitahi Village development.
5. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support the Council and provide advice as part of any review and/or approval.

E	Land Use (s9)	Temporary Water Reservoir
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Resource Consent: Insert Consent Reference

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement Date: 18 September 2025

Lapse Date: 3 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) to construct and operate a temporary water reservoir.

Note: To be read in conjunction with Condition Sets A-D, F- M.

Subject to the following conditions:

General conditions

1. The activity, of constructing and operating a temporary water reservoir shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The temporary water reservoir shall be designed and located in accordance with the Nelson Tasman Land Development Manual (**NTLDM**) and the *Maitahi Village Servicing Report* prepared by David Ogilvie dated 13 February 2025 and shown on the following plans dated 27 June 2025:
 - (a) Plan 1 13.4(v.2) Maitahi Village – Engineering Design – Overall Water and Services Plan – Dwg C300.¹
 - (b) Plan 2 13.4(v.2) Maitahi Village – Engineering Design – Overall Water and Services Plan – Dwg C307.²
3. The works under this consent shall not occur until the final right of way levels and surface to the temporary water reservoir have been reviewed by Nelson City Council’s (**Council**) Monitoring Officer.
4. Stormwater from the right of way shall be collected in a controlled manner to a Council stormwater system subject to review by the Council’s Monitoring Officer.
5. The vehicle access to the water tank platform from the right of way shall provide adequate room for turning for a 90 percentile 2-axle truck.

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0027/7794/13.4V2-Maitah-Civils-Set-3-Water-and-Services.pdf

² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0027/7794/13.4V2-Maitah-Civils-Set-3-Water-and-Services.pdf

6. A benched area of no less than 3.0m shall be provided around the perimeter the tank for maintenance purposes and formed to the standards of the NTLDM.

Landscaping

7. Prior to lodging a building consent for the proposed water tank, the Consent Holder shall submit a detailed Landscape Plan from a suitably experienced landscape design professional to the Council's Monitoring Officer for review to confirm that the Landscape Plan contains the information required by this condition. The Landscape Plan shall show:
 - a) The location, type and spacing of eco-sourced native plant species (trees, shrubs and groundcovers) on all cut and fill batters associated with the water tank platform and access road.
 - b) Drought tolerant native trees and shrubs consistent with species recommended in the Nelson City Council Living Heritage Plant Guide.
8. All landscaping planting shall be carried out in accordance with the approved Landscape Plan within the first planting season (being 1 May – 30 September) following installation of the temporary reservoir.
9. Within 2 months following completion of the landscape planting, the Consent Holder shall provide to the Council Monitoring Officer a statement from its landscape design professional confirming the landscaping has been established in accordance with the Landscape Plan.
10. All plants shall be planted following best horticultural practice including use of at least 20mm of topsoil, fertiliser and watering in to ensure best outcomes and shall be maintained by the Consent Holder for a period of, at least, two years.

Water Tank

11. Construction of the water tank shall not occur until the detailed engineering plans of the Maitahi Village Subdivision required under Stage 1 of Subdivision Consent **Insert Consent Reference** (or any subsequent variation) have been certified by the Council's Group Manager Infrastructure.
12. The water reservoir shall be finished in dark recessive colours (and have a LRV of no more than 20%) so that it is recessive within the Kākā Hill landscape.

Public Safety

13. A security fence around the tank site with a lockable gate located at the access entry shall be installed prior to the construction of the water tanks to the satisfaction of the Council's Monitoring Officer. The gate shall not open outwards or result in an obstruction of the right of way. The Consent Holder shall install temporary locks on all lids, doors, chamber covers and gates for security and safety purposes. The Consent Holder shall ensure Council approved locks are ordered through the Council and fitted to facilities. All costs associated with the supply of fitted locks shall be met by the Consent Holder.

Review

14. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:

- (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
- (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
- (c) Provided that the Council deems that it is necessary to do so to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Monitoring Officer, or Council more generally, is providing technical approval of the methodology or design.

This does not apply to any conditions requiring infrastructure approvals from Council's Group Manager Infrastructure.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Council's Monitoring Officer.

2. The subdivision consent specifies the water reticulation standard, including the tank design capacity. The earthworks consent addressed the physical earthworks to form the right of way / access track and pad.
3. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

Resource Consent: [Insert Consent Reference](#)
Grants to: CCKV Maitai Dev Co Limited Partnership
Commencement Date: 18 September 2025
Lapse Date: 3 years after commencement date
Expiry date: No expiry
Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) to establish and operate a wastewater pump station.

Note: To be read in conjunction with Condition Sets A-E, G-M.

Subject to the following conditions:

General condition

1. The activity, of establishing and operating a wastewater pump station shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The development shall proceed in general accordance with the Plans and information labelled:
 - Plan A: Servicing Report - Maitahi Village (Davis Ogilvie & Partners Ltd, dated 13 February 2025).¹
 - Plan B: Wastewater Pump Station and Storage Tank – Layout (Tonkin & Taylor Limited, Figure No. 1012937.1000-W-F15, dated June 2025).²
 - Plan C: 13.3(V2) Maitahi Civils Set 2 – Drainage (David Ogilvie & Partners Ltd, Dwg. C205, dated July 2025).³
3. The wastewater system and pump station shall be subject to detailed design to the standards of the Nelson Tasman Land Development Manual (**NTLDM**).

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/1880/9.1.-Maitahi-Servicing-Report.pdf

² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0024/5748/Attachment-4-Wastewater-Pump-Station-and-Storage-Tank-Layout.pdf

³ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0026/7793/13.3V2-Maitahi-Civils-Set-2-Drainage.pdf

Pump Station Detailed Design

4. Prior to lodging a building consent for the proposed wastewater pump station, detailed design plans of the pump station shall be submitted to Nelson City Council's (**Council**) Monitoring Officer for certification by the Group Manager Infrastructure or the equivalent role.

The design plans shall show as minimum:

- (a) Space for a screened overflow chamber.
- (b) Dedicated space for the Council to provide additional treatment in the future.
- (c) Odour treatment.
- (d) Manhole space.
- (e) A dedicated on site generator and associated acoustic design requirements to ensure noise does not exceed the following limits measured at, or within, the boundary of any site in the Residential Zone:

Day Time L₁₀: 55 dBA

Other Times L₁₀: 45 dBA

L_{max}: 75 dBA

Day Time means: 7:00am to 10:00pm Monday to Friday, and 9:00am to 10:00pm Saturdays, Sundays and Public Holidays.

All measurements and assessment shall be in accordance with NZS 6801:2008 and NZS 6802:2008.

- (f) Dedicated space for the Council to provide further storage in future.
 - (g) Vehicle access and off-street parking for maintenance operation.
 - (h) Fencing and security details.
 - (i) A reticulated water connection including meter and back flow prevention.
 - (j) How the design will comply with the requirements of RM105388V1.
5. The pump station shall be designed and operated so that it does not result in any offensive or objectionable odours beyond the boundary of the site.

Pump Station Landscaping

6. Prior to lodging a building consent for the area associated with the proposed wastewater pump station, the Consent Holder shall submit a Landscape Plan from a suitably experienced landscape design professional to the Council's Monitoring Officer for review to confirm that the Landscape Plan contains the information required by this condition. The landscape management plan shall:
- a) Show the location, type and spacing of eco-sourced native plant species (trees, shrubs and groundcovers) for the site perimeter (excluding access) including interface between the wastewater pump station and neighbourhood park;
 - b) Require planting of drought tolerant native trees and shrubs consistent with species recommended in the Nelson City Council Living Heritage Plant Guide; and
 - c) Provide direction on the establishment of planting, weed and pest control, replacement planting, irrigation and maintenance.

7. All landscaping planting shall be carried out in accordance with the approved Landscape Plan within the first planting season (being 1 May – 30 September) following installation of the wastewater pump station.
8. Within 2 months following completion of the landscape planting, the Consent Holder shall provide to the Council Monitoring Officer a statement from its landscape design professional confirming the landscaping has been established in accordance with the Landscape Plan.
9. All plants shall be planted following best horticultural practice including use of at least 20mm of topsoil, fertiliser, and watering in to ensure best outcomes and shall be maintained by the Consent Holder for a period of, at least, two years.

Review

10. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
 - (c) If the Council deems that it is necessary to do so to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or Suitably Qualified and Experienced Practitioner engagement letters), these should also be sent directly to the Council's Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The role of the Council's Monitoring Officer's is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to

determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as “confirmation” or “review” in these conditions reflects this process and does not imply that the Council’s Monitoring Officer, or Council more generally, is providing technical approval of the methodology or design.

This does not apply to any conditions requiring infrastructure approvals from the Council’s Group Manager Infrastructure.

2. It is acknowledged that the process of detailed design may result in some alterations to the layout of the pump station within this site.
3. This land use consent provides for the establishment of this wastewater pump station of land zoned as Open Space & Recreation. This wastewater infrastructure is to be vested in Nelson City Council as a part of Stage 1 of the subdivision consent. Once operational, the pump station will also be subject to the resource consent for pump stations relating to overflow discharges (RM105388V1).
4. With the installation of odour treatment as a part of the pump station, along with operation and management procedures and compliance with the above conditions, the discharge to air (odour) is permitted pursuant to Rule AQr.20 of the Nelson Air Quality Plan.

Resource Consent:	<i>Insert Consent Reference</i>
Grants to:	CCKV Maitai Dev Co Limited Partnership
Commencement Date:	18 September 2025
Lapse Date:	10 years after commencement date
Expiry date:	No expiry
Location:	7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 the Resource Management Act 1991 (**RMA**)) to establish an open space and recreation corridor and neighbourhood reserve, with integrated stormwater management and recreational features.

Note: To be read in conjunction with Condition Sets A-F, H-M.

Subject to the following conditions:

General condition

1. The activity, of establishing an open space and recreation corridor and neighbourhood reserve, with integrated stormwater management and recreational features, shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The development shall proceed in general accordance with the information labelled:
 - 16.2(A)(V2) Landscape Design Document – Part 2(A) – Design Report (prepared by RMM, dated 2 July 2025 – Pages 04-25).¹
 - 16.2(B)(V2) Landscape Design Document – Part 2(B) – Design Report (prepared by RMM, dated 2 July 2025 – Pages 27-41).²
 - 16.2(C)(V2) Landscape Design Document – Part 2(C) – Design Report (prepared by RMM, dated 2 July 2025 – Pages 43-50).³

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0024/7818/16.2AV2-Landscape-Contaxt-and-Site-Analysis-Part-2A.pdf

² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0025/7819/16.2BV2-Landscape-Contaxt-and-Site-Analysis-Part-2B.pdf

³ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/7820/16.2CV2-Landscape-Contaxt-and-Site-Analysis-Part-2C.pdf

Playground Design and Construction

3. The Consent Holder shall collaborate with the Nelson City Council (**Council**), in the detailed design and construction of the two proposed playgrounds within the development. The final design shall be submitted to the Council's Monitoring Officer for review prior to construction commencing. The detailed design plans shall also identify maintenance access arrangements for the proposed reserves.

Agreement on Planting Species

4. The Consent Holder shall collaborate with the Council on the final selection of plant species and landscape plans for all landscape planting within Open Space and Recreation Zones and other publicly vested areas. A Landscape Plan with planting schedule shall be submitted to the Council's Monitoring Officer for approval no later than one month prior to planting being carried out.

Reserve Landscape Plans

5. The Consent Holder shall collaborate with the Council, in the detailed design and construction of the Reserves within the development. The Detailed Design Plans shall also identify maintenance access arrangements for the proposed reserves. Detailed Design Plans of each Reserve shall be submitted to the Council's Monitoring Officer for review prior no later than one month prior to construction commencing.

Application of Residential Zoning Rules to Specific Lots

6. Future use and development which complies with the permitted activity rules and standards for the Residential Zone in Chapter 7 of the Nelson Resource Management Plan (**NRMP**) as at 18 September 2025, shall be allowed on Lots 100, 101, 140, 180, for the purposes of land use under this consent.

Review

7. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
 - (c) If the Council deems that it is necessary to do so, to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by the Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or Suitably Qualified and Experienced Practitioner engagement letters), these should also be sent directly to the Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Council's Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. Conditions 3 and 4 are to ensure that species selection aligns with the Council's requirements and expectations and allows for appropriate input at the detailed design stage.
3. No public car parking areas is to be provided within the reserve areas. On-street parking only is to be relied upon for these areas.
4. Condition 5 provides for flexibility in the condition in order to allow for refinement through the detailed design process, to ensure the Reserves achieve the desired outcomes of both the Consent Holder and the Council.
5. This consent covers the establishment, layout, and use of the open space corridor and neighbourhood reserve. The works to form this area including integrated stormwater features are subject to other relevant consents e.g. earthworks, vegetation clearance, remediation of contaminated land.
6. Condition 6 is also secured by way of a consent notice registered on the relevant computer freehold registers. This is required due to minor alignment differences between the detailed design of Road 1 and the indicative road alignment shown on the Structure Plan in Schedule X of the NRMP. Portions of proposed Lots 100, 101 and 180 (within Stage 7), Lot 140 (within Stage 9), are shown as being partially within the Open Space and Recreation Zone. Condition 6 and the consent notice recognise the residential function, form, and intent of these lots as part of the development.

H	Land Use (s9)	Landfill
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Resource Consent: *Insert Consent Reference*

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement date: 18 September 2025

Lapse Date: 10 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) to establish and operate a landfill operation as a part of disposing of surplus material from the site works. This includes consent under the NES-CS for the disposal of contaminated material via an encapsulation cell within the landfill area.

Note: To be read in conjunction with Condition Sets A-G, I- M.

Subject to the following conditions:

General condition

1. The activity, of establishing and operating a landfill as part of disposing of surplus material from the site works including disposal of contaminated material (encapsulation cell) shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. Only fill material from the development of the Maitahi Village Subdivision shall be placed in the landfill area.
3. The Consent Holder shall advise the Nelson City Council’s (**Council**) Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent number *Insert Consent Reference*.

Māori Cultural Values and Monitoring

4. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A record of induction attendance shall be maintained by the Consent Holder and made available to the Council’s Monitoring Officer and Te Taihu iwi representatives upon request.

5. During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (**iwi monitor**) is available to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
6. Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
 - (a) the Consent Holder shall immediately:
 - i. Cease earthworks and mark off the affected area;
 - ii. Advise the Council Monitoring Officer of the discovery; and
 - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery;
 - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and
 - (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to the Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
7. The Consent Holder shall work in partnership with Ngāti Koata Trust and Te Tauihu Iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the receiving environment monitoring methods.
8. The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the applicant shall resolve and remediate the issues with the appropriate iwi authority.
9. All iwi engagement, monitoring and remediation works shall be carried out at the Consent Holder's expense.

Landfill Design and Construction Methodology

10. Prior to any works commencing on site, the Consent Holder shall submit to the Council's Monitoring Officer a Design and Construction Methodology (**DCM**) which has been reviewed and approved by a suitably qualified and experienced Geo-professional. The DCM shall include, but not be limited to, the following items:
 - (i) Design and construction details;
 - (ii) Fill details (area, material, volumes, height);
 - (iii) Location, design and construction details of any sediment retention pond in the landfill area;
 - (iv) Details of any vegetation clearance within the landfill area;
 - (v) Details of the encapsulation cell prepared by a suitably qualified and experienced geo-professional that includes location of the cell within the landfill, capacity of the cell, containment materials as described in Conditions 12-13 of this consent;
 - (vi) how the encapsulation cell meets the general criteria listed in the RAP - Table 6 - Soil disposal criteria; and

- (vii) how the encapsulation cell meets the general criteria listed in Section 6.4 of the RAP v.4 and listed in Condition 12.
11. All earthworks shall be designed by a suitably qualified and experienced Geo-Professional where relevant to achieve a low level of geotechnical instability risk. During construction, a suitably qualified and experienced Geo-professional shall undertake regular inspections to ensure that the design is suitable for the prevailing ground conditions, and to provide further geotechnical recommendations in the event of unforeseen ground conditions.

Encapsulation Cell Waste Acceptance Criteria and Design

12. The encapsulation cell shall be designed and constructed to provide complete environmental protection, including the use of a low permeability liner system, an engineered cap, and any other containment measures necessary to isolate contaminated soil from the surrounding environment:
- (i) All soil to be placed in the encapsulation cell shall meet the following Waste Acceptance Criteria (**WAC**):
 - i. For arsenic: the Wasteminz Class 3 WAC (as set out in Table 6 of the most recent Wasteminz Technical Guidelines for Disposal to Land); and
 - ii. For dieldrin: the Low Persistent Organic Pollutants (**POP**) content threshold of < 50 mg/kg, as defined by the Environmental Protection Authority (**EPA**) 2023;
 - (ii) Any soil that exceeds the Class 3 WAC for arsenic shall not be placed in the encapsulation cell and must instead be disposed of at a facility authorised to accept such waste; and
 - (iii) Prior to the construction of the encapsulation cell, the Consent Holder shall submit a final Encapsulation Cell Design Report, prepared by a Chartered Professional Engineer to the Council's Monitoring Officer for review. The Council's Monitoring Officer may have the design report further reviewed by an independent Suitably Qualified and Experienced Practitioner (**SQEP**) at the Consent Holders expense. The report shall confirm compliance with the design and acceptance criteria above and include the Ongoing Site Management Plan (**OSMP-Landfill**) for the encapsulation cell required under Condition 14.
13. The encapsulation cell shall be designed by a Chartered Professional Engineer with experience in landfill or containment cell design. The final Encapsulation Cell Design Report shall demonstrate that the cell design and construction meets, at a minimum, the following requirements:
- (i) Location and Depth:
 - i. The base of the cell shall be located no closer than 1000 mm above the highest known seasonal groundwater level; and
 - ii. The cell shall be located at least 25 metres from any surface water body, including the Kākā Stream, its tributaries, and any overland flow paths;
 - (ii) Base and Sidewall Liner:
 - i. A minimum 500 mm engineered clay liner shall be constructed on the base and up the sides of the cell using low permeability clay or barrier with equivalent permeability. Final geometry and design details for the encapsulation cell will depend on volumes of soil requiring disposal encountered during subdivision construction; and
 - ii. The clay liner shall be compacted to achieve a permeability of no more than 1×10^{-9} m/s; and
 - (iii) Waste Placement and Separation Layers:

- i. All contaminated soil to be encapsulated shall be placed in compacted layers to minimise voids;
 - ii. A geotextile fabric (e.g. Bidim or equivalent) shall be installed over the compacted soil to separate it from the capping system; and
 - iii. A minimum 1,000 micron High Density Polyethylene (**HDPE**) liner (or equivalent impermeable barrier) shall be installed over the geotextile fabric, with a minimum 300 mm overlap at all lateral joints, heat-welded or otherwise sealed to prevent leachate migration;
- (iv) Capping System:
- i. A minimum 500 mm compacted clay cap shall be placed over the HDPE liner, followed by a minimum 200 mm topsoil layer to promote vegetation; Final geometry and design details for encapsulation cell will depend on volumes of soil requiring disposal encountered during subdivision construction;
 - ii. All capping materials shall be tested to confirm suitability (e.g. for pH, contaminants, and structure) prior to placement; and
 - iii. A layer of orange safety mesh or similar shall be installed 200 mm above the HDPE liner as an excavation warning barrier;
- (v) Vegetation and Surface Finish:
- i. Where vegetation is proposed, only shallow-rooted native plant species (e.g. tussocks or grasses) shall be used to avoid root penetration through the cap; and
 - ii. Planting shall be carried out in accordance with a certified planting plan developed in consultation with a restoration ecologist.

Encapsulation Cell Ongoing Site Management Plan

14. Prior to the placement of any material into the encapsulation cell, the Consent Holder shall prepare and implement an OSMP-Landfill for the encapsulation cell. The objective of the OSMP-Landfill is to ensure the ongoing protection of human health and the environment, and to demonstrate that effective arrangements are in place for the long term ownership and management of the landfill. The OSMP-Landfill shall be certified by a SQEP at the Consent Holders expense, and submitted to the Council's Monitoring Officer for review to confirm that the OSMP-Landfill contains the information required by this condition.

The OSMP-Landfill shall be prepared by a SQEP and shall include, but not be limited to, the following:

- (i) Ownership and Responsibility:
 - i. Identification of the cells' specific location by way of a registered professional survey.
 - ii. Identification, including contact details, of the party that owns the site on which the landfill is located and the party responsible for ongoing monitoring, maintenance, and reporting and the procedure for updating the Council's Monitoring Officer should this contact information change; and
 - iii. A mechanism to ensure responsibilities are maintained in perpetuity (e.g. consent notice, land covenant, or other legal instrument registered on the title). Proof of implementation of this mechanism must be provided to the Council's Monitoring Officer;
- (ii) Inspection and Monitoring Regime:

- i. Schedule of inspections (at least annually) to assess the condition of the encapsulation cell cover, surface drainage, any erosion or subsidence, and vegetative cover.
 - ii. Groundwater level monitoring, with specified monitoring location(s);
 - iii. Landfill leachate monitoring via an observation well installed by a SQEP; and
 - iv. Contingency measures if monitoring identifies leachate migration, cap failure, or other risk to people and/or the environment.
- (iii) Maintenance Requirements:
- i. Procedures for maintaining the integrity of the capping system, drainage infrastructure, and access controls; and
 - ii. Remedial action procedures in the event of damage or failure of any containment components;
- (iv) Record-Keeping and Reporting:
- i. A log of all inspections, maintenance, and monitoring results, to be retained for the life of the cell; and
 - ii. Reporting to the Council’s Monitoring Officer no less than once every two years, or immediately if any failure or exceedance is detected; and
- (v) Site Access and Security:
- i. Measures to restrict unauthorised access to the encapsulation cell area and maintain security of the site.

Site Specific Erosion and Sediment Control Plans

15. The Site Specific Erosion and Sediment Control Plans (**SSESCP**) shall be generated to include the landfill area as identified in *Appendix C – Site Specific Erosion and Sediment Control Plans* in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report Maitahi Village*. The areas that have identified requirements for SSESCPs are shown in the table below:

Reference number	Title	Revision	Date
ESCP-000-00	Erosion and Sediment Control Plan – Staging Index	A	15.06.24
SSESCP-001	Site Specific Erosion and Sediment Control Plan – Stage 1	A	20.05.24
SSESCP-002	Site Specific Erosion and Sediment Control Plan – Stage 2	A	23.05.24
SSESCP-003	Site Specific Erosion and Sediment Control Plan – Stage 3	A	17.06.24
SSESCP-004	Site Specific Erosion and Sediment Control Plan – Stage 4	A	09.07.24
SSESCP-SW-01	Site Specific Erosion and Sediment Control Plan – Kaka Stream Diversion	A	26.05.24

16. No less than 10 working days prior to the commencement of any site development works, in any of the areas covered by a SSESCP, the Consent Holder shall provide the SSESCP to the Council’s Monitoring Officer for review to confirm that the SSESCPs contain the information required by this condition, Condition 17 and Condition 18. The objective of each SSESCP is to ensure the construction effects including erosion, dust, sediment control, are effectively managed to achieve Policies RE6.3 and RE6.5 and implement Rule X.16 of Schedule X of the Nelson Resource Management Plan (**NRMP**).

17. Each SSES CP shall be prepared using the following principles:
- (i) Emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures;
 - (ii) Sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas;
 - (iii) Earthworks and construction water management measures will be confirmed in the SSES CPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions;
 - (iv) Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is to be designed for both erosion control and dust minimisation;
 - (v) Streamworks and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a “dry” environment by working off-line or diverting upstream flows; and
 - (vi) Comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management devices and the downstream environment.
18. Each SSES CP shall contain as a minimum, the following information:
- (i) the specific construction activity to be undertaken;
 - (ii) the area of earthworks, and/or the nature of the stream works at specific locations;
 - (iii) identification of the downstream receiving environment;
 - (iv) the locations of all earthworks and/or stream works;
 - (v) methods for managing construction water effects for specific activities;
 - (vi) the duration of the earthworks and/or stream works;
 - (vii) the time of the year that the stream works are to be undertaken, and where applicable, the measures to be implemented to respond to any heightened weather risks at that time;
 - (viii) stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation;
 - (ix) chemical treatment (flocculation) at Sediment Retention Ponds and Decanting Earth Bunds; and
 - (x) the following details for dust management:
 - i. Identification of potential dust sources on the site;
 - ii. Methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
 - iii. Monitoring procedures, including daily site inspections and weather condition assessments;
 - iv. Response procedures for dust complaints or exceedances;
 - v. Identification of a site representative responsible for implementing the DMP.

19. Any SSES CP may be amended at any time by the Consent Holder, however any amendments shall be submitted to the Council's Monitoring Officer for review. If the amended SSES CP is reviewed, then it becomes the certified plan for the purposes of Condition 16. Any amendments to a SSES CP shall be:
 - (a) For the purposes of improving the measures outlined in the SSES CPs;
 - (b) Consistent with the conditions of this resource consent; and
 - (c) Prepared by a SQEP.

Iwi Engagement and Reporting - SSES CP

20. Prior to certification, the Consent Holder shall provide the SSES CP and the OSMP-Landfill to Te Taiuhu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The objective of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on plan content before implementation.
21. The Consent Holder shall maintain a record of all correspondence, including the dates the relevant SSES CP was provided, any feedback received, and recommended actions included within the SSES CP.
22. In addition, the Consent Holder shall establish and maintain regular communication with Te Taiuhu Iwi Pou Taiao for the duration of works.
23. Project updates shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
24. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
25. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

Dust Management – General Requirements

26. The Consent Holder must undertake all earthworks in a manner that avoids, as far as practicable, the generation of visible dust beyond the boundary of the site. No visible dust must be discharged beyond the boundary that causes an offensive or objectionable effect.
27. The Consent Holder shall implement all dust control measures specified in the certified SSES CP throughout the duration of the earthworks.
28. The Consent Holder shall proactively monitor weather forecasts and implement additional dust suppression measures on days where dry and/or windy conditions are forecast, including:
 - (a) Increasing the frequency or intensity of water application; and
 - (b) Temporarily suspending earthworks where effective dust suppression cannot be achieved.
29. The Consent Holder shall ensure that any exposed earth surfaces that are not actively worked for more than 14 consecutive days are stabilised by means such as hydroseeding, mulching, or geotextiles to prevent dust emissions.
30. The Consent Holder must maintain a complaints register for dust-related issues. The register must include:
 - (a) The nature, date, and time of the complaint;
 - (b) Weather conditions at the time of the complaint; and
 - (c) Actions taken in response.

This register must be made available to the Council's Monitoring Officer upon request.

Erosion and Sediment Control Monitoring Plan

31. All earthworks on site shall be supervised and monitored by SQEPs in accordance with the Erosion and Sediment Control Monitoring Plan (**ESCMP**) provided in Appendix B – Erosion and Sediment Control Monitoring Plan of the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The objective of the ESCMP is to detail the erosion and sediment control management and monitoring system that will be implemented for the duration of the site earthworks activities to minimise environmental, human health and ecological effects.

Monitoring of Erosion and Sediment Control Measures

32. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify the Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to the following:
- (i) Time and date of the incident;
 - (ii) Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has had on the receiving environment; and
 - (iii) Any measures taken to prevent further effects.

Chemical Treatment Management Plan

33. All chemical treatment and dosing of earth worked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the *Chemical Treatment Management Plan (CTMP)* provided in Appendix A – Chemical Treatment Management Plan in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report Maitahi Village*. The objective of the CTMP is to ensure that any chemical treatment of sediment laden water is designed, implemented, and managed to maximise treatment effectiveness, and minimise environmental, human health and ecological effects.

Stormwater Control and Sediment Retention Ponds

34. Sediment retention ponds shall be approved by a suitably qualified and experienced Geo-Professional in accordance with the SSESCP and in accordance with either *GD05 Auckland Erosion and Sediment Control Guide for Land Disturbance Activities* or the *Nelson Tasman Erosion and Sediment Control Guidelines 2019*, otherwise referred to as 'best practice'.

Ecological Testing

35. Prior to any works commencing on site, the Consent Holder shall undertake eDNA testing in the reach of the Kākā Stream directly below the landfilling area to determine if any species of significance are present. The Consent Holder shall submit the testing results to the Council's Monitoring Officer within 3 days of receiving the results.
36. Where testing results indicate that there are species of significance in the immediate Kākā Stream reach, the Consent Holder shall amend the SSESCP to provide additional measures to ensure that these species are appropriately protected, and any potential adverse effects on them will be mitigated.

Riparian Buffer Management and Landscape Planting

37. A minimum 10 metre vegetated and undisturbed buffer shall be maintained at all times between all active fill or earthwork areas and the banks of Kākā Stream. No vegetation clearance, soil disturbance, machinery movement, refuelling or stockpiling of material shall occur within this buffer unless specifically approved in the SSES CP and confirmed by a suitably qualified and experienced ecologist to result in no more than minor ecological effects.
38. Within three (3) months of the completion of earthworks, the Consent Holder shall submit a Native Planting Plan to the Council's Monitoring Officer. The Plan shall be prepared by SQEP Ecologist and in consultation with the SQEP specialising in contaminated land and encapsulated cells. The Plan shall include, but not be limited to:
 - (a) A site plan showing proposed planting areas;
 - (b) A schedule of indigenous species (appropriate to the ecological context and whenua) to be planted, including planting densities and layout;
 - (c) Details of any weed and pest control measures during establishment;
 - (d) Maintenance programme including weed control, infill planting and performance targets for plant survival and cover over a minimum 5-year period; and
 - (e) Monitoring schedule and adaptive management triggers to address failures in plant establishment or unanticipated ecological effects.
39. Planting and restoration shall be implemented in the first planting season following final landform completion unless otherwise agreed in writing by the Council's Monitoring Officer.

Use of Machinery during construction

40. Machinery and equipment shall not be cleaned within 10 metres of any open watercourse.
41. All machinery on the work site shall be refuelled at least 20 metres away from any open watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer.

Post Construction – Geotechnical

42. Following the satisfactory completion of all earthworks, the suitably qualified and experienced Geo-Professional shall submit a completion report that provides a professional opinion that there is a low ongoing geotechnical risk associated with the completed works. This report shall also provide confirmation that the site has been appropriately stabilised.
43. Once the Geo-Professional has confirmed that the site has been stabilised, the erosion and sediment control measures shall be removed and any sediment within the controls shall be disposed of in a manner that prevents the sediment from discharging into a watercourse prior to the control being removed.
44. In the event that earthworks are to be suspended for a period of three months or more (e.g., due to staging), a suitably qualified and experienced Geo-professional shall submit a report to the Council's Monitoring Officer that confirms that there is a low ongoing geotechnical risk associated

with the earthworks while suspended, and the site has been appropriately stabilised to prevent erosion and instability until earthworks recommence.

Post Construction – Encapsulation Cell Completion Certification

45. Following the completion of the encapsulation cell construction, a SQEP in contaminated land and in consultation with the suitably qualified and experienced geo-professional engineer, shall prepare and submit a Completion Report. The OSMP-Landfill shall be submitted to the Council's Monitoring Officer and certified by a SQEP at the Consent Holder's expense. The report shall include:
- (i) A statement confirming that all works have been carried out in accordance with the certified Remediation Action Plan (**RAP**) and the certified Encapsulation Cell Design Report;
 - (ii) Confirmation that all contaminated soils placed within the cell met the approved Waste Acceptance Criteria under Condition 12;
 - (iii) Documentation and photographs of construction stages, including liner installation, capping system, and any drainage or marker layers; and
 - (iv) A professional opinion that the encapsulation cell presents a low ongoing risk to human health and the environment, subject to implementation of the certified OSMP-Landfill.

Post Construction – Encapsulation Cell Site Finalisation

46. Once the Completion Report has been received and accepted by the Council's Monitoring Officer, the Consent Holder shall:
- (i) Implement any final capping or surface stabilisation measures as specified in the RAP or Completion Report;
 - (ii) Ensure that no further disturbance of the encapsulation cell occurs, except in accordance with the certified OSMP-Landfill; and
 - (iii) Install permanent physical markers or signage identifying the location and restricted nature of the encapsulation cell to the satisfaction of the Council's Monitoring Officer.

Review

47. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
 - (c) If the Council deems that it is necessary to do so to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Council's Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Council's Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. This is not a discharge permit. In the event of any unanticipated dust, contamination erosion or sediment effects occurring beyond the identified areas of the contaminated site, all earthworks must cease until the breach has been remedied to the satisfaction of the Council's Monitoring Officer.
3. Council Officers, at their discretion and at the Consent Holder's expense, may seek (where not available in house) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

I	Subdivision (s11)	Maitahi Village subdivision and development
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Resource Consent: *Insert Consent Reference*

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement Date: 18 September 2025

Lapse Date: 10 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Subdivision consent (Section 11 of the Resource Management Act 1991 (**RMA**)) to undertake the subdivision of a site legally described as Section 26-27 and Part Section 29 Square 23, Part Section 58, 59-60, 62-64 Suburban North District, Lot 2 DP 564514, Part Section 11 District of Brook Street and Maitahi and Part Section 8 Square 23.

Note: To be read in conjunction with Condition Sets A-H, J-M.

Subject to the following conditions:

Lapse date:

This consent will lapse in ten years after it commences unless it has been given effect to before then (section 125 of the RMA). For subdivisions, the consent is given effect to when the Consent Holder has submitted a survey plan to Nelson City Council (**Council**) for the subdivision under s 223 of the RMA. Once the survey plan has been approved by the Council under s 223 of the RMA, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in s 224 of the RMA.

CONDITIONS

General Condition

1. The activity of undertaking a subdivision shall be carried out in general accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The subdivision shall proceed in general accordance with the subdivision scheme plans A-M labelled:
 - Plans A – M - ‘Proposed Subdivision Scheme Plan – Maitahi Village’ (Davis Ogilvie, Drawings 350-362, Version H, dated July 2025)¹

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0024/7791/12V2-Subdivision-Scheme-Plan.pdf

Staging & Servicing Constraints

3. The subdivision shall be undertaken in general accordance with the subdivision scheme plan referred to in Condition 2.
 - a) Stage 0 is for a boundary adjustment to create Lots 7000 and 7001;
 - b) Stage 1 is for 1 future development lot (Lot 1000) serviced by Road 1 (Lot 2000) and includes Lot 500 (to be vested as Local Purpose - Stormwater Reserve), Lot 517 (to be vested as Local Purpose - Amenity Reserve), and Lot 3000 (to be vested as Local Purpose - Wastewater Reserve) (at no cost to Council));
 - c) Stage 2 is for 1 future development lot (Lot 1001) serviced by Road 1 (Lot 2001);
 - d) Stage 3 is for 37 (Lots 1-35, Lot 174, Lot 175) residential lots serviced by Roads 2 & 5 (Lot 2002) and includes Lots 501 and 502 (to be vested as Local Purpose - Stormwater Reserve);
 - e) Stage 4 is for 19 residential lots (Lots 45-61, Lots 63-64) serviced by Road 4 (Lot 2004) and includes Lot 514 (to be vested as Local Purpose - Protection Reserve);
 - f) Stage 5 is for 11 residential lots (Lots 36-44, Lot 62, Lot 1002) and 1 commercial (Koata House) lot (Lot 1003) serviced by Roads 2 & 3 (Lot 2003) and includes Lots 515 (to be vested as Local Purpose - Protection Reserve), and 503 (to be vested as Local Purpose - Recreation Reserve - Neighbourhood Park);
 - g) Stage 6 is for 34 residential lots (Lots 65-96, Lot 177, Lot 182) serviced by Roads 1, 9 & 10 (Lot 2005) and includes 504 (to be vested as Local Purpose - Amenity Reserve (at no cost to Council));
 - h) Stage 7 is for 14 residential lots (Lots 97-106, Lots 178-180, Lot 183) serviced by Road 1 (Lot 2006) and includes Lots 505 (to be vested as Local Purpose - Stormwater Reserve);
 - i) Stage 8 is for 24 residential lots (Lots 107-129, Lot 181) serviced by Road 11 (Lot 2007) and includes Lots 506 and 507 (to be vested as Local Purpose - Stormwater Reserve) and 508 (to be vested as Local Purpose Amenity Reserve (at no cost to Council));
 - j) Stage 9 is for 19 residential lots (Lots 130-148) serviced by Road 8 (Lot 2008), ROW 1 (serving Lots 136-139), ROW 2 (serving Lots 145-148) and includes Lots 509, 510 and 511 (to be vested as Local Purpose - Stormwater Reserve);
 - k) Stage 10 is for 24 residential lots (Lots 149-151, Lots 153-173) serviced by Road 3 (Lot 2010), ROW 3 (serving Lots 149-151, Lot 153) and ROW 4 (serving Lots 156-159) and includes Lot 513 (to be vested as Esplanade Reserve) and 512 (to be vested as Local Purpose - Amenity Reserve (at no cost to Council)); and
 - l) Stage 11 is for 2 balance lots (Lot 5000 and Lot 6000).
4. Stages 0 and 1 shall proceed in numerical sequence. All other stages may proceed in any sequence or combination subject to the lot(s) within each stage being provided with legal and physical access to a road, connections to all reticulated network utilities for water, wastewater, stormwater, power and telecommunications, and overland stormwater flow paths to a Council approved system.
5. Prior to the issue of the s 224(c) RMA Certificate for any particular stage, all conditions relevant to that stage shall be complied with.
6. Prior to the issue of the s 224(c) RMA Certificate for any Stage other than Stage 0, the following transport constraints shall be completed and approved by Council's Team Leader Transport Activity Management:
 - (a) The upgraded intersection of Nile Street East and Maitai Valley Road; and
 - (b) The works consented within RM245337-340.
7. Prior to the issue of the s 224(c) RMA Certificate for any Stage other than Stage 0 & 11, the Consent Holder shall obtain confirmation from the Council's Group Manager Infrastructure (or equivalent

role) that all necessary works to ensure there is available servicing capacity to facilitate development have been completed to the extent required for that stage.

Geotechnical Risk Assessment of Land to Vest to the Council

8. A Geotechnical Risk Assessment shall be provided for all land proposed to vest in each stage of the development. This assessment must be prepared by a suitably qualified and experienced Geo Professional and specifically:
- (a) assess all stream and channel banks, paths and stairs/steps, or other park infrastructure, to ensure they are stable and present a low risk of collapse or scour, and
 - (b) identify and recommend any risks and necessary mitigation measures.

All identified risks must be mitigated to a level acceptable to the Council, consistent with the intended use of the Reserve.

Impervious Area Assessment

9. An impervious area and stormwater flow assessment, that calculates the level of revegetation that will need to be planted, in accordance with the approved Ecological Restoration Plan, to achieve no increase in post development stormwater flows on the downstream environment, shall be provided with any “Design” Engineer drawing for any stage.

Channels & Stormwater Wetland Treatment Areas

10. The widths of the channels and stormwater wetland treatment areas shown on the approved plans (required by Condition 11) shall be sufficient to meet the standards of the Nelson Tasman Land Development Manual 2020 (NTLDM).

Prior to approval of the Survey Plan pursuant to section 223 of the RMA

Staged Detailed Design (Stages 1-10)

11. Prior to applying for s 223 RMA approval of the survey plan for any of stages 1-10, detailed “Design” drawings, in accordance with the requirements of the NTLDM, and in accordance with the approved plans (except as otherwise required by any specific condition of consent) shall be provided to the Council’s Group Manager Infrastructure (or equivalent role). These “Design” drawings shall include the roads (including footpaths), rights of way, vehicle crossings, cycleways, reserve maintenance access and reticulated service networks (including secondary flowpaths).

Detailed landscaping plans shall also be prepared in accordance with the conditions of any other relevant consents and provided alongside the detailed design drawings.

The detailed “Design” drawings shall be supported with technical reporting and assessments that shall address, but not be limited to, the following matters in these respective stages:

A) Stage 1:

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage of the upgraded intersection of Nile Street East and Maitai Valley Road, the upgraded intersection of Maitai Valley Road and Ralphine Way, and other transport infrastructure within the stage, to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;

- ii) A traffic signal peer review, for the Nile Street East / Clouston Terrace / Maitai Valley Road intersection to inform the traffic signal and intersection design, shall be undertaken by an independent suitably qualified traffic signal design specialist;
- iii) Bus Stops at 15m in length and 2.5m wide which shall be incorporated into the road design of Road 1 (Lot 2000), and the roundabout design providing for a 12m long bus to undertake a 270 degree turn at the Road 1 and Road 3 intersection;
- iv) The deflection provided in the roundabout intersection design for northbound vehicles to manage approach speeds for traffic safety;
- v) The re-arrangement of the boundaries for Lot 25 to allow the alignment of Road 5 to curve with a radius of 40m minimum into Road 2 and the remaining Road 5 to create a T-intersection;
- vi) The incorporation of a temporary turning head at the end of Road 1;
- vii) The increase in the services berm to 1.6m in width on both sides of Road 1 and confirmation that the Road 1 road reserve width will meet the requirements for 'sub collector' classification;
- viii) Street tree and Open Channel Planting Plans (where applicable);
- ix) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (Environment Institute of Australia and New Zealand (**EIANZ**) Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat except where road and pedestrian safety matters override this requirement; and
- x) Details of any other transport infrastructure within the stage (where applicable).

Stormwater & Flood Risk

- xi) Long sections and cross sections of all engineered or modified channels showing:
 - a. channel profile, design flow (including Annual Exceedance Probability (**AEP**)), depth, velocity, freeboard, and setback distances from the road edge and property boundaries, along with longitudinal sections;
 - b. The location and depth of proposed underground services shown on the same typical cross sections if applicable;
 - c. An indication of the surface materials and construction methods to be used to withstand scouring effects from flood flows that overtop Culvert 3 in Road 1 without the road deteriorating or resulting in failure;
- xii) An assessment by a suitably qualified and experienced stormwater engineer (**the stormwater engineer**) outlining the extent of rainwater tank installation and use required for allotments in order to achieve a 25% reduction in mean annual run-off volumes. This assessment shall include which allotments require tanks, the volume of the tanks relative to the sites impervious area, and for what stage(s) from the Western and Central catchments the tanks will be installed to mitigate potential stream bank erosion in small low frequency rain events. In the event at least 25% reduction cannot be achieved through rain tank storage, the additional storage required to achieve 25% shall be included into the wetland design;
- xiii) A critical storm assessment undertaken by the stormwater engineer using variable scenarios including the nested rainfall pattern for small catchments in Section 3.2 of the Nelson City Council's Inundation Practice Note to determine:
 - a. the setting of building platform/ground levels and Infrastructure under the 2130 RCP8.5M 1% AEP Maitai/Mahitahi River flood level unless that infrastructure is designed to be flood resistant;
 - b. culvert and bridge blockage assessment from a 1 in 500 year storm event debris flow risk;

- xiv) A calculated design by the stormwater engineer reviewed and approved by a suitably experienced ecologist of all the wetland ponds and treatment areas based on allotment size and estimated impervious areas for all stages of the subdivision development including a document that outlines the operational and maintenance requirements of the wetland and any associated structures including but not limited to: inspection and maintenance; anticipated frequency for maintenance activities, odour and insect control and estimated costs;
- xv) A review of the *Esplanade Reserve Landscape Planting Plan* by a suitably qualified flood or stormwater engineer to confirm that it meets the roughness requirements set out in Section 6.4.1 of the *Stormwater Assessment Report* (February 2025);
- xvi) Design of all outfalls and connecting stormwater drains required for Lots 1000 and 1001 as shown in the *Davis Ogilvie Arvida Engineering Design Overall Layout Dwg No C100 Rev A2* dated 27/06/25 and outfalls from Road 1 as shown in the *Davis Ogilvie Mahitahi Development Engineering Design Overall Drainage Plan Dwg No C200 Rev A2* dated 09/07/25; and
- xvii) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the Nelson Resource Management Plan (**NRMP**), and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Wastewater

- xviii) Designs of the wastewater pump station and associated wastewater infrastructure; and
- xix) An assessment by a chartered professional wastewater engineer that confirms the wastewater pump station and associated infrastructure is designed to service the maximum yield for the catchments in which the pump station will serve, including the maximum yield of super lot 1002, up to 200 lots for Bayview Nelson Limited, and taking into consideration the Recreation Reserve toilet block. Details and the basis for the design capacity and any constraints of the pumpstation and downstream Council system shall also be provided.

Water

- xx) Designs of the temporary water reservoir and associated infrastructure to connect to Lot 1000 for firefighting purposes and details of the access track to the temporary water reservoir. The designs shall be accompanied by a detailed water design report for the overall development that shall address at least the following minimum information:
 - a. The platform level of the reservoir;
 - b. The contour the reservoir can service by gravity that will meet the minimum pressure and flow requirements of the NTLDM plus any requirement for pressure and/or flow boosting for upper levels of the Maitahi Village development;
 - c. Any pressure control measures necessary within the development area and at the property connection to the Council trunk main in Ralphine Way;
 - d. How this reservoir will be managed when the Council 2,500m³ and 500m³ bulk storage reservoirs are constructed and if it has a longer-term purpose;
 - e. How chlorine residuals will be maintained in order to ensure a potable water supply; and
 - f. How service and fire-fighting water requirements for the various stages of the development will be met from the proposed reservoir.

Landscaping

- xxi) Detailed design plans of the Esplanade Reserves (Lot 500, Lot 513) prepared by a suitably qualified experienced Landscape Architect that is consistent with the approved Ecological Restoration Plan (**ERP**) and Fire and Emergency New Zealand (**FENZ**) Guidelines showing all paths, tracks, plantings, lighting, and structures (being walls, fences, benches or art). The

planting plans shall be supported by a planting methodology and monitoring and maintenance programme.

B) Stage 2

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) The Bridge design for Road 1 (Lot 2001) including freeboard requirements to the NTLDM;
- iii) Street Tree and Open Channel Planting Plans (where applicable);
- iv) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat except where road and pedestrian safety matters override this requirement;
- v) The incorporation of a temporary turning head at the end of Road 1; and
- vi) Details of any other transport infrastructure within the stage (where applicable).

Stormwater

- vii) A blockage assessment as per the NTLDM undertaken by the stormwater engineer for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow based on the critical duration of the storm event relative to the location within the wider catchment; and
- viii) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

C) Stage 3

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Incorporation of a temporary turning head at the end of Road 2;
- iii) Street Tree and Open Channel Planting Plans (where applicable);
- iv) Evidence that driveways compliant with the NTLDM can be achieved for the first 5m into all allotments without the need for retaining structures on Road Reserve;
- v) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat except where road and pedestrian safety matters override this requirement;
- vi) Details of any other transport infrastructure within the stage (where applicable);

Stormwater

- vii) Long Sections and Cross section of Channels 3 (a & b) showing:

- a. Cross section channel profiles, design flow (including AEP), depth, velocity, freeboard, and setback distances from road edge and property boundaries, along with longitudinal sections;
 - b. The location and depth of proposed underground services shown on the same typical cross sections if applicable;
 - c. Typical cross and long sections (to scale and fully dimensioned) of proposed vehicle entrances and culverts;
 - d. A longitudinal section of the proposed wastewater and stormwater laterals from Road 2 (Lot 2002) to the eastern lots, demonstrating sufficient cover and grade; and
 - e. Details of secondary flow capacity and how overland flow will be managed in the event of a culvert blockage, including whether driveways are designed with low points to allow overland flow to re-enter the channel downstream;
- viii) Indicate the surface materials and construction methods to be used to withstand scouring effects from flood flows that overtop Culvert 3a in Road 2 without the road deteriorating or resulting in failure; and
- ix) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Landscaping

- x) Detailed Planting plan for Lots 501 and 502.

D) Stage 4

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Realignment and modification to the property boundaries made during detailed design (where required) to provide one smooth curve radius for Road 4;
- iii) Details on vertical road design and level areas at the intersection of Roads 2 and 4;
- iv) Evidence that driveways compliant with the NTLDM can be achieved for the first 5m into the allotments without the need for retaining structures on Road Reserve;
- v) Street Tree and Open Channel Planting Plans (where applicable);
- vi) Street and reserve lighting details (where applicable other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat except where road and pedestrian safety matters override this requirement;
- vii) Detailed plans for Lots 514 & 515 (in Stage 5) including the footpath from Road 4 (Lot 2004) to the Road 2 (Lot 2003) connection point in Stage 5; and
- viii) Details of any other transport infrastructure within the stage (where applicable).

Stormwater & Flood Risk

- ix) The design and surfacing of the diversion bund in Lots 514 & 515 (in Stage 5) detailing the bund profile and the location for access for future operation and maintenance requirements for machinery to remove debris to the requirements of the NTLDM; and
- x) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Landscaping

- xi) Detailed planting plans for Lots 514 & 515.

E) Stage 5

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Incorporation of increased berms on both sides of Road 3 by providing a 750mm width and this shall be increased if other services require more space as per the NTLDM or insufficient space has been provided for proposed street tree planting;
- iii) An assessment from a suitably experienced traffic engineer outlining whether any parking adjacent to Lot 503 (the Recreation Reserve) is required and recommendations on how the parking will be designed if required;
- iv) Incorporation of a temporary turning head at the end of Road 3;
- v) An assessment from a suitably qualified traffic engineer indicating that the proposed under-width road reserve arrangement for Road 3 can operate safely, efficiently and house all necessary services. In addition, this assessment shall indicate the maximum potential residential traffic yield that could use the proposed under-width road reserve arrangement for Road 3. If the assessment indicates that Road 3 cannot operate safely, efficiently, and house all necessary services and / or cannot provide for the potential residential yield of Lot 6000, the width of Road 3 (Lot 2003) shall be increased to accommodate the potential traffic numbers;
- vi) Subject to Condition 11.E.xii below, evidence that any dip in Road 3 ensures intersection visibility is not compromised;
- vii) Street Tree and Open Channel planting plans (where applicable);
- viii) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement;
- ix) Detailed plans for Lots 514 & 515 including the footpath/pathway from Road 4 (Lot 2004) to the Road 2 (Lot 2003) connection point in Stage 5 (only if Stage 5 occurs before Stage 4); and
- x) Details of any other transport infrastructure within the stage (where applicable);

Stormwater & Flood risk

- xi) The design and surfacing of the diversion bund in Lots 514 & 515 detailing the bund profile and the location for access for future operation and maintenance requirements for machinery to remove debris to the requirements of the NTLDM (only if Stage 5 occurs before Stage 4);
- xii) A blockage assessment as per the NTLDM undertaken by the stormwater engineer for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow based

on the critical duration of the storm event relative to the location within the wider catchment. Design solutions to mitigate potential adverse effects on the road formation. This assessment shall also determine the design solution to convey flows or debris over Road 3 whether it is a dip in the road or an alternative solution; and

- xiii) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025);

Geotechnical Risk Assessment Reserve

- xiv) Geotechnical plans showing the Mechanically Stabilised Earth retaining wall is entirely located within Lot 1003.

Landscape

- xv) Detailed planting plans for Lots 514 & 515 (only if Stage 5 occurs before Stage 4).

F) Stage 6

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Design of the linking walkways between Roads 9 & 10 through Local Purpose Reserve Lot 504 and connecting to the Esplanade Reserve (Lot 503);
- iii) Street tree and Open Channel Planting Plans (where applicable);
- iv) An adjustment to the Road 1 alignment in the vicinity of Lot 90 to Lot 97 to provide one smooth curve of a consistent radius along with design methods from the Traffic Engineer to consider on-street parking and how this will influence lane geometry;
- v) Vertical road design and level areas at the intersection of Roads 9 and 10;
- vi) Any cycle crossing at the Road 9 and Road 1 intersection, including signs that give cyclists on the cycleway priority;
- vii) Incorporation of a temporary turning head at the end of Road 1;
- viii) Detailed plans for Lots 504 including any footpath/pathway from Road 1, Road 9, and Road 10 to Lot 513;
- ix) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement; and
- x) Details of any other transport infrastructure within the stage (where applicable).

Stormwater

- xi) Long sections and cross sections of Channels 5b & 5b1 showing:
 - a. channel profile, design flow (including AEP), depth, velocity, freeboard, and setback distances from road edge and property boundaries, along with longitudinal sections;
 - b. The location and depth of proposed underground services shown on the same typical cross sections if applicable; and
 - c. Indicate the surface materials and construction methods to be used to withstand scouring effects from flood flows to Road 1.

- xii) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Landscape

- xiii) Detailed planting plan for Lot 504.

G) Stage 7

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) The incorporation of a turning head at the end of Road 1 (within legal road or covered by a right of way easement in gross in favour of the Council over Bayview Nelson Limited land);
- iii) Evidence that driveways compliant with the NTLDM can be achieved for the first 5m into the allotments without the need for retaining structures on Road Reserve;
- iv) Street tree and Open Channel Planting Plans (where applicable);
- v) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement; and
- vi) Details of any other transport infrastructure within the stage (where applicable).

Stormwater

- vii) Long sections and cross sections of Channels 5b & 5b1 and Culvert 5b1 showing:
 - a. channel profile, design flow (including AEP), depth, velocity, freeboard, and setback distances from road edge and property boundaries, along with longitudinal sections;
 - b. The location and depth of proposed underground services shown on the same typical cross sections if applicable; and
 - c. An indication of the surface materials and construction methods to be used to withstand scouring effects from flood flows to Road 1.
- viii) A blockage assessment as per the NTLDM undertaken by the stormwater engineer for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow based on the critical duration of the storm event relative to the location within the wider catchment; and
- ix) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Services General

- x) All network utilities extended to the boundary of Lot 7000 (Bayview Nelson Limited) in Road 1.

H) Stage 8

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Detailed plans of the walking track/pathway through Lot 508 and Lot 512 (as part of Stage 10);
- iii) Street tree and Open Channel Planting Plans (where applicable);
- iv) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement; and
- v) Details of any other transport infrastructure within the stage (where applicable).

Stormwater

- vi) Long sections and cross-section of Channels 5b & 5b2 and Culvert 5b2 showing:
 - a. channel profile, design flow (including AEP), depth, velocity, freeboard, and setback distances from road edge and property boundaries, along with longitudinal sections;
 - b. The location and depth of proposed underground services shown on the same typical cross sections if applicable; and
 - c. Indicate the surface materials and construction methods to be used to withstand scouring effects from flood flows to Road 1.
- vii) A blockage assessment as per the NTLDM undertaken by the stormwater engineer for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow based on the critical duration of the storm event relative to the location within the wider catchment; and
- viii) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Landscaping

- ix) A detailed plan shall be provided by a suitably qualified experienced Landscape Architect in accordance with the ERP provided by the Ecologist, outlining the area of replanting for the Residential Green Overlay to ensure that native vegetation achieves 80% canopy cover within the Residential Green Overlay area within each lot.

I) Stage 9

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Street tree and Open Channel Planting Plans (where applicable);
- iii) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement; and
- iv) Details of any other transport infrastructure within the stage (where applicable).

Stormwater

- v) Long sections and cross-section of Channels 5b showing:

- a. channel profile, design flow (including AEP), depth, velocity, freeboard, and setback distances from road edge and property boundaries, along with longitudinal sections;
 - b. The location and depth of proposed underground services shown on the same typical cross sections if applicable; and
 - c. Indicate the surface materials and construction methods to be used to withstand scouring effects from flood flows to Road 1.
- vi) A blockage assessment as per the NTLDM undertaken by the stormwater engineer for culverts, bridges, waterways and drains using a 1 in 500 year storm event debris flow based on the critical duration of the storm event relative to the location within the wider catchment; and
 - vii) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

J) Stage 10

Transport

- i) A Road Safety Audit report (detailed design audit), specific to the stage to determine whether the measures are effective and safe design solutions. This shall be undertaken by an independent and suitably qualified Safe System Auditor;
- ii) Detail and changes needed as a result of the assessment in Condition 11.E.v in respect to Road 3 width and overall design;
- iii) A temporary turning head at the end of Road 3;
- iv) Street Tree and Open Channel Planting Plans (where applicable);
- v) Street and reserve lighting details (other than the neighbourhood park) to minimise light spill and achieve no greater than a low magnitude of effect (EIANZ Guidelines 2018) on any adjoining ecological habitat, including but not limited to native vegetation, wetlands, or wildlife habitat, except where road and pedestrian safety matters override this requirement; and
- vi) Details of any other transport infrastructure within the stage (where applicable).

Stormwater

- vii) Details on the cut-off drain or diversion bund extended from Channel 2a along and within the boundaries of Lots 163-173;
- viii) Details of foot/cycle bridges within the esplanade reserves in accordance with Table 10.3 of the NTLDM; and
- ix) An assessment by a suitably qualified and experienced stormwater engineer that includes the information listed in Rule X.13 of Schedule X of the NRMP, and that confirms the outcomes set out in the *Stormwater Assessment Report* (T&T, February 2025).

Services General

- x) All network utilities services extended to the boundary of Lot 6000.

Landscaping

- xi) Details of the planting, walking tracks, structures such as but not limited to bridges, benches, fences or art.

12. The “Design” engineering drawings and landscaping plans (with proposed easements also shown) shall be submitted to the Council’s Group Manager Infrastructure (or equivalent role) and Group Manager Environmental Management (or equivalent role) for certification. Drawings should be sent via email to land.development@ncc.govt.nz. No works relating to the construction of stormwater

treatment wetlands, roads, building development or any reticulated services shall commence until the “Design” engineering drawings have been approved by the Council.

Easements

13. All necessary easements as required for right of way, right to drain water and sewage and right to convey water, telecommunications, computer media and electricity shall be shown under a Memorandum of Easements on the Survey Plan for each respective stage in accordance with the approved detailed “Design” drawings submitted for the purposes of s 223 of the RMA.
14. An easement in gross in favour of the Council for a right of way, to drain water, convey water, electricity and telecommunications shall be provided to the temporary water reservoir in Stage 1 provided this easement is not via a reserve to be vested in the Council.
15. The location and widths of easements in gross in favour of the Council shall be determined at the Detailed “Design” stage for each respective subdivision stage and may also need to cover channels and overland flow paths that are part of other stages for the efficiency of ongoing maintenance for the public. The approved easement areas shall be shown on the Survey Plan for the purposes of s 223 of the RMA.
16. All documentation for the preparation and registration of the easements and the instruments review by the Council shall be at the Consent Holder’s expense.

Certification

17. Prior to the approval of the Survey Plan under s 223 of the RMA for each respective stage, the Consent Holder shall submit as-built engineering plans for the certification of the Group Manager Infrastructure (or equivalent role).

Vesting

18. Lots 513 and 500 shall vest in the Nelson City Council as Esplanade Reserve in their respective stages unless the land has been assessed as having an unacceptable land instability risk to the Council, in which case the land shall be amalgamated to adjoining land.
19. Lots 501, 502, 505, 506, 507, 509, 510, and 511 shall vest to the Council as Local Purpose- Utility Stormwater Reserve in their respective stages unless the land has been assessed as having an unacceptable land instability risk to the Council, in which case the land shall be amalgamated to adjoining land.
20. Lot 3000 shall vest as Local Purpose Utility Reserve – Wastewater pumpstation in Stage 1.
21. Lots 503 shall vest to the Council as Recreation Reserve - Neighbourhood Park in Stage 5.
22. Lot 514 and 515 shall vest to the Council as Protection Reserve in their respective stages.
23. Lots 504, 508, 512, 517 shall vest to the Council as Local Purpose- Amenity Reserve in their respective stages unless the land has been assessed as having an unacceptable land instability risk to the Council, in which case the land shall be amalgamated to adjoining land.
24. Lots 2000 to 2008 shall vest to the Council as legal road in their respective stages.

Prior to the issuing of a section 224(c) RMA Certificate for the subdivision

Site Validation

25. Prior to the issue of a s 224(c) RMA Certificate for Stage 1, a Site Validation Report by a Suitably Qualified Experienced Practitioner (**SQEP**) in contaminated soils shall be provided to the Council that shall confirm that the land within the Reserves has been remediated to the standards of the

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) for Recreational Reserve Standards.

26. Prior to the issue of a s 224(c) RMA Certificate for Stage 11, an Ongoing Site Management Plan (**OSMP-Landfill**) by a SQEP in contaminated soils shall be provided to the Council for the encapsulated cell on Lot 6000. This Report shall include, but not be limited to:

(i) Ownership and Responsibility:

- i. Identification of the cells' specific location by way of a registered professional survey;
- ii. Identification, including contact details, of the party that owns the site on which the landfill is located and the party responsible for ongoing monitoring, maintenance, and reporting and the procedure for updating the Council's Monitoring Officer should this contact information change; and
- iii. A mechanism to ensure responsibilities are maintained in perpetuity (e.g. consent notice, land covenant, or other legal instrument registered on the title). Proof of implementation of this mechanism must be provided to the Council's Monitoring Officer;

(ii) Inspection and Monitoring Regime:

- i. Schedule of inspections (at least annually) to assess the condition of the encapsulation cell cover, surface drainage, any erosion or subsidence, and vegetative cover;
- ii. Groundwater level monitoring, with specified monitoring location(s);
- iii. Landfill leachate monitoring via an observation well installed by a SQEP; and
- iv. Contingency measures if monitoring identifies leachate migration, cap failure, or other risk to people and/or the environment;

(iii) Maintenance Requirements:

- i. Procedures for maintaining the integrity of the capping system, drainage infrastructure, and access controls; and
- ii. Remedial action procedures in the event of damage or failure of any containment components;

(iv) Record-Keeping and Reporting:

- i. A log of all inspections, maintenance, and monitoring results, to be retained for the life of the cell; and
- ii. Reporting to the Council's Monitoring Officer no less than once every two years, or immediately if any failure or exceedance is detected; and

(v) Site Access and Security:

- i. Measures to restrict unauthorised access to the encapsulation cell area and maintain security of the site.

The OSMP-Landfill shall be the subject to a Consent Notice to be registered on the title of the land it is within.

Revegetation and Residential Green Overlays

27. The revegetation planting as required by Condition 9 shall be planted prior to the issue of a s 224 RMA Certificate for that stage.

28. The planting of the Residential Green Overlay, (as designed to achieve 80% canopy cover), shall be undertaken prior to the issue of a s 224 RMA Certificate for Stage 8.

Civil Engineering and Reserves Construction

29. All of the planned works as shown in the stage certified “Design” drawings subject to Conditions 10, 11 (all), and 12 shall be completed in accordance with the certified design drawings to the satisfaction of the Council’s Group Manager Infrastructure (or equivalent role) and Group Manager Environmental Management (or equivalent role) prior to the issue of a s 224(c) Certificate for their respective stage.
30. Any identified secondary flow path over a residential allotment shall be subject to a Consent Notice registered on the title that prevents the alteration or obstruction of the flow path.
31. Any vehicle crossing or right of way that has a secondary flow path overtop at the location of the culverts or any similar devices shall have the surface of the vehicle crossing or right of way at that point designed to resist scour forces.
32. The stormwater assessment in Condition 11A.xii. relating to the number and volumes of rainwater reuse tanks in order to mitigate stream bank erosion in small frequent events shall indicate which allotments in in what stages these allotments relate. These allotments shall be subject to a Consent Notice condition that requires the rainwater reuse tanks installation and ongoing maintenance by the lot owner.
33. At each stage, every residential allotment shall be provided with a connection to a network utility for water, stormwater, wastewater, power and telecommunications and a vehicle crossing or approved connection to a legal road.
34. The location and details of the meters for each residential allotment shall be recorded on the Council’s Water Meter Location Form which shall be submitted to the Council for approval prior to the issue of a s 224(c) Certificate.
35. Written confirmation of the above from the supply authority shall be provided to the Council in accordance with Section 9.11.3.6 of the NTLDM.

As-built Plans

36. All of the works in the certified “Design” drawings relating to roading, water, stormwater and wastewater shall be shown on “As-built” engineering drawings to the requirements of the NTLDM, and to the satisfaction of the Council’s Group Manager Infrastructure (or equivalent role).

Engineering and Reserve Certifications

37. Prior to the issue of a s 224(c) RMA Certificate for each stage a suitably qualified chartered professional engineer or registered professional surveyor shall provide the Council’s Manager Consents and Compliance (or equivalent role) with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the NTLDM.

This written certification shall be on the prescribed form ‘Certificate upon completion of Subdivision Work’ contained in Appendix D of Section 2 of the NTLDM.

Note: If any of the works required in Condition 4 are carried out and signed off at Building Consent stage before s 224(c) RMA Certification is applied for, the Consent Holder must still ensure that the Certification required under Condition 37 is provided in the prescribed form at the time the s 224(c) RMA Certification is applied for. Sign off under a Building Consent does not fulfil Condition 25 of this consent.

38. Prior to the issue of a s 224(c) RMA Certificate for relevant Stages the Ecologist and Landscape Architect shall provide written certification that the wetlands, plantings of the residential green overlay, and any other Reserve to vest has been undertaken in accordance with the respective conditions of this consent.

Building Site/Geotechnical Certification

39. Prior to the issue of a s 224 RMA Certificate for each stage (other than stages 0 & 11), a Geotechnical Site Certification Report shall be submitted to the Council by a chartered professional engineer practising in geotechnical engineering or from an experienced engineering geologist that all the proposed residential allotments in that stage contain an accessible site suitable for the erection of a residential building and confirm that the risk to any land to vest to Council is of an acceptable level considering its purpose:
- a) The certification shall define the area within each stage that is suitable for building on and shall list development conditions pertaining to the site and the lot generally that shall become Consent Notices on the relevant titles;
 - b) Should any mitigation measures be required as part of the building site certification or be located on balance land, then these shall be designed and constructed under the supervision of the certifier of the building site. Any mitigation measures requiring ongoing monitoring and/or maintenance shall be subject to a Consent Notice on the title of the relevant lots. With the exception of any debris catch fences or similar devices on land to be vested, such devices shall be located within the allotment(s) it is relevant to protecting from potential adverse effects;
 - c) A s 224(c) RMA Certificate will not be granted if a suitable building site is not defined or the risk of instability to land to vest to Council is not of an acceptable level; and
 - d) Any lots upon which a certified building site has not been identified or contains land to vest to Council that does not have a risk level acceptable to Council shall be amalgamated with an adjacent lot containing a certified building site or the balance land.

Maintenance Performance Bond

40. The Consent Holder shall provide the Council with a performance bond for each stage in accordance with Section 1.4 of Appendix 1 of the NTLDM. The bond for defects will be for the sum of \$1,500.00 per lot or residential site from a minimum of \$5,000.00 to a maximum of \$30,000.00 per stage, plus a bond administration fee of \$150.00 except for Stage 1 which shall have a maximum \$400,000.00 applied. For other significant infrastructure items that are to vest with the Council in later stages, an additional bond amount will be required. This amount will be set by the Council's Engineering Manager (or equivalent role).

The term of the performance bond for defects liability will be for a minimum period of twenty-four (24) months from the issue of a s 224 RMA Certificate for all civil works, whereas a five-year period from the issue of a s 224 certificate shall be imposed for all works and plantings within the Reserves.

41. The bond shall provide that fair wear and tear and damage by third parties will be excepted. Provision shall be made for resolution of disputes which is satisfactory to both parties.
42. The Council and the Consent Holder shall enter into a Maintenance Contract to give effect to the above condition.

Consent Notices/Ongoing Conditions

43. The following conditions (in addition to those conditions above that require Consent Notice conditions) shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s 221 of the RMA. The Consent Notice(s) documentation shall be prepared by the Consent Holder's Solicitor and all costs associated with the approval and registration of the Consent Notice(s) shall be met by the Consent Holder. Where a condition including a Consent Notice refers to an assessment outcome, management plan, or OSMP-Landfill, the wording of the Consent Notice shall be determined by the Council's Delegated Officer based on the recommendations of that assessment at the time of s 224 RMA application.

General

- a) The discharge to air from any small-scale solid fuel burning appliance (including any small scale ultra-low emission or pellet burning appliance) installed within a building shall be prohibited;
- b) The installation of zincalume, copper or bare corrugated iron roofing shall be prohibited;
- c) The recommendations from the Geotechnical certification report;
- d) The requirement for ongoing maintenance of the rainwater reuse tanks;
- e) The requirement for ongoing maintenance of the encapsulation cell on the balance land, and future Lot 6000, in accordance with the conditions of Consent *Insert Consent Reference* (Set H);
- f) Any identified secondary flow path over a residential allotment shall be subject to a Consent Notice registered on the title that prevents the alteration or obstruction of the flow path; and
- g) The washing of vehicles shall not be undertaken on any impervious surface, including driveways, private accessways, or paved areas, where washwater may enter the stormwater system. This restriction is imposed to prevent the discharge of contaminants to the environment via the stormwater network. The registered proprietor of the lot shall ensure that all residents and occupiers of the property are made aware of this restriction.

Stage 1

Lot 1000 (Arvida A)

- h) The finished ground level and finished floor levels on Lot 1000 shall meet the requirements in the conclusions of the critical storm assessment report required in Condition 11A.xiii. The platform ground levels shall not be lowered without a flood assessment from a Chartered Professional Engineer with experience in flood management. Lowering of the ground does not include the trenching of services where the trenches are backfilled to the original level; and
- i) A low-pressure onsite wastewater system will be required for this lot. Details of the system design shall be provided to the Council no later than the time of the application for Building Consent. The lot owner shall be responsible for all ongoing monitoring and maintenance of the system.

Stage 2

Lot 1001

- j) The finished ground level and finished floor levels on Lot 1001 shall meet the requirements in the conclusions of the critical storm assessment report required in Condition 11A.xiii;
- k) A low-pressure onsite wastewater system will be required for this lot. Details of the onsite system design shall be provided to Council prior to the application for Building Consent. The lot owner shall be responsible for all ongoing monitoring and maintenance of the system; and
- l) The ongoing maintenance of all proprietary stormwater treatment devices.

Stage 3

- m) The owners of Lots 11, 13, 14, 15 and 16 with a culvert or similar device under the vehicle crossing for their lot shall be responsible for the ongoing maintenance and any replacement of this device, (and shall repair any associated damage to their vehicle crossing) at their own cost;

Stage 5

- n) With the exception of the Koata House development (Consent *Insert Consent Reference* Set D), any future development and activities within Lot 1003 shall adhere to the permitted activity rules and standards of the NRMP's Chapter 9 Suburban Commercial Zone rules at 18

September 2025. Any breach of these rules shall be considered under a resource consent assessing those matters relevant to the rules in which consent is sought;

Stage 7

- o) Future use and development of lots 100, 101 and 180 shall be allowed under this consent provided it complies with the permitted activity rules and standards of Chapter 7 of the NRMP as at 18 September 2025.

Stage 8

- p) Lot owners with lots subject to the plantings of the Residential Green Overlay in Stage 8 (including any balance land) shall be responsible for the ongoing maintenance of all the plantings on their lot. These plantings shall not be removed unless the planting is dead or dying. In the event the planting is dead or dying, the planting shall be removed and replaced with another plant of the same species within the next available planting season;

Stage 9

- q) Future use and development of lot 140 shall be allowed under this consent provided it complies with the permitted activity rules and standards of Chapter 7 of the NRMP as at 18 September 2025.

Stage 10

- r) The lot owners of the surface cut-off drain or diversion bund ('the device') subject to Condition 10.J.vii, shall be responsible for the ongoing monitoring and maintenance and costs of repair of the device to prevent it from becoming obstructed. The lot owners shall not undertake any activity that compromises the function of the device;

Stage 11

- s) The owner of Lot 6000 shall adhere to any recommendations of the OSMP-Landfill subject to Condition 26 of this consent;

Lot 5000 Revegetation

- t) Lot 5000 shall be managed in accordance with the ERP, including any ongoing pest and weed management requirements;

Fencing

- u) Any fence located within 1.5m of the boundary with a Reserve or future Reserve subject to this consent shall:
 - i) Not exceed 1.2m in height; or
 - ii) Not exceed 1.8m in height and be visually permeable for its entire length and height;
 - iii) In either case, where board or paling fences are constructed, the structural posts and railings shall not face the Reserve; and
 - iv) be constructed at the cost of the lot owner; and

Arvida (Stages 1 and 2)

- v) The long-term maintenance of any stormwater treatment proprietary devices.

ADVICE NOTES

Development Contributions

1. The Consent Holder shall pay a Development Contribution for Lot(s) encompassing any transport, water, wastewater, stormwater and community infrastructure and reserves in accordance with the Council's Development Contributions Policy 2024, which can be viewed on the Council's website.

- (a) The Development Contribution shall be paid prior to the issuing of a s 224(c) Certificate for the subdivision.
- (b) Under section 208(a) (i) of the Local Government Act 2002, the Council may withhold the issuing of the s 224(c) Certificate if the Development Contribution is not paid.
- (c) Should a Building Consent be issued for any dwelling(s) on any Lots before a s 224(c) Certificate is issued, any Development Contributions paid under the Building Consent will be deducted from the required amounts.
- (d) The Development Contribution for community infrastructure and reserves shall be calculated in accordance with Section 7.4 of the Council's Development Contributions Policy 2024, and section 203(1) of the Local Government Act 2002.

Street Naming

2. Roads to Vest in Council – under the Council's Road Naming Procedure, the Consent Holder is asked to submit three names for each road to vest. The names will be considered by the Council's Hearings Panel. The full road naming policy and guidelines are available on request from Council Officers. The Consent Holder is encouraged to liaise with iwi regarding appropriate names. Iwi contact details are available from the Nelson City Council.
3. Any application for street naming should be submitted at the time the s 223 RMA approval application is submitted, or at any time before that. If more than one street is to be named, the application should include all the roads to be named (including names for roads to vest at later stages), so that the Hearings Panel can consider the names as a group.

Naming of Private Ways

4. Land Information New Zealand (**LINZ**) requires that, in the case of any right of way or jointly owned access lot that serves more than more than 5 lots, the properties on the Right of Way must receive whole numbers, or alternatively the Right of Way may be named as a private way.

Easements over Reserve Land

5. If any easement is to be registered over reserve land that is to vest in the Council, full Council approval is required, as set out in the Minister's delegations of the Reserves Act 1977. This requires Council Officers to present a paper to the relevant Committee and then to a meeting of full Council. Depending on timing and the Committee schedule this may take one to three months. This should be taken into consideration when providing Nelson City Council with easement documentation for signing over reserve land.

Advice Notes in relation to Specific Conditions

Condition 11(D).ii

6. Consideration should also be provided at the same time how on street parking will be used and if any restrictions will be required as that will influence the lane geometry.

Condition 11(D).vii

7. The space for maintenance access to the temporary water reservoir will assist in determining the extent of the boundaries for Lots 514 & 515.

Condition 12

8. It is acknowledged that some design plans may be approved under different consent conditions relating to the stream re-alignment, earthworks or other land use consents associated with the overall development. It is expected that the Consent Holder will manage each consent and ensure all conditions for all consents are being met, and will ensure for efficiency at the time of the s 224 RMA application that all reports and conditions are provided to the Council's Manager Consents and Compliance (or equivalent role) regardless of whether these were previously provided to the Council's Monitoring Officer under other consents.

Condition 15

9. Easements over the Reserves as shown on the approved consent plans may be subject to change or not required. If these are to remain these easements may be subject to section 239 of the RMA.

Condition 17

10. Approval of the Land Transfer (**LT**) plan or scheme plan is facilitated by the provision of a LT plan or scheme plan with as built details overlaid on the plan to show services. Alternatively, provide a copy of the As Built Plan with easement boundaries overlaid on the plan.
11. Where there are services easements through private lots and right of ways, show the stormwater pipe in green and the wastewater in red line colour and show all pipe laterals. Show the water pipe as blue.
12. Where there are roads to vest, show the kerb lines and footpath as magenta colour.

Condition 39(a)

13. The building site shall be defined with respect to boundary pegs and/or survey co-ordinates, the latter to be provided by a registered surveyor.

General

14. This resource consent authorises only the activity described above. Any matters or activities not consented by this consent or covered by the conditions above must either:
- (a) comply with all the criteria of a relevant Permitted Activity in the NRMP; or
 - (b) be allowed by the RMA; or
 - (c) be authorised by a separate resource consent.
15. This consent is granted to the Consent Holder, but section 134 of the RMA states that such consent “attaches to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
16. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
17. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

J	Land Use (s13)	Disturbance and deposition of material in the bed of Kākā Stream and its tributaries, including reclamation
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Resource Consent: **Insert Consent Reference**

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement Date: 18 September 2025

Lapse Date: 10 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land Use Permit (section 13 of the Resource Management Act 1991 (**RMA**)) for disturbance of the bed of rivers for construction related activities, deposition of material in the bed and on the banks of rivers, and reclamation of rivers. This includes consent under the National Environmental Standards for Freshwater (**NES-FW**) for any reclamation of rivers.

Note: To be read in conjunction with Condition Sets A-I, K-M.

Subject to the following conditions:

General Condition

1. The activity, of disturbing the bed of rivers for construction related activities, deposition of material in the bed and on the banks of rivers, and reclamation of rivers, shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The works shall proceed in accordance with the *Maitahi Development Nelson – Preliminary Earthworks Plans* (Davis Ogilvie, Updated July 2025),¹ including the plans labelled:

- Plan A Dwg C001: Overall Earthworks Plan
- Plan B Dwg C001: Overall Earthworks Plan – Volumes
- Plan C Dwg C100: Sheet 1
- Plan D Dwg C101: Sheet 2
- Plan E Dwg C102: Sheet 3
- Plan F Dwg C103: Sheet 4
- Plan G Dwg C104: Sheet 5
- Plan H Dwg C105: Sheet 6
- Plan I Dwg C106: Sheet 7
- Plan J Dwg C107: Sheet 8
- Plan K Dwg C108: Sheet 9
- Plan L Dwg C110: Sheet 10

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0025/7792/13.2V2-Maitahi-Civils-Set-1-Earthworks-.pdf

- Plan M Dwg C111: Sheet 11
- Plan N Dwg C112: Sheet 12
- Plan O Dwg C113: Sheet 13
- Plan P Dwg C114: Sheet 14
- Plan Q Dwg C115: Sheet 15

3. The Consent Holder shall advise the Nelson City Council's (**Council**) Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent number **Insert Consent Reference**.
4. At least 5 working days before the commencement of earthworks on site, the Consent Holder shall hold a pre-construction meeting with the Council's Monitoring Officer, the relevant supervising experts, lead contractor(s), and Te Tauihu iwi. At this pre-construction meeting, the Consent Holder shall provide an explanation as to the works programme, monitoring and reporting requirements.

Staging

5. The earthworks shall be carried out in stages in general accordance with the Southern Skies Environmental *Erosion and Sediment Control Assessment Report* dated 31 January 2025 including the table below:

ESC Stage	Season	DO Earthworks Phase	Area (ha)	Approx. time	Notes
Stage 1A	1	1A	2.7	4 months	Early start / enabling works required. Staged stabilisation.
Stage 1B	1	1A	2.9a	4 months	Stage 1B expected to commence approximately ½ way through Stage 1A.
Stage 1C	1	1A, 1B, 1C	8.8	6 months	Stage 1C expected to commence approximately ½ way through Stage 1B. Stage 1A will be complete.
Unsuitable Borrow site	1		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site					Not expected that it will be required for Stage 1.
Stream diversion cut / construction	1		0.3	3 months	Staged offline construction of the new Kaka stream alignment.
Stage 2	2	4	1.88	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Unsuitable Borrow site	2		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	2		2.23	6 months	Staged and required for Stage 2.
Stage 3	2	2	4.5	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Stage 4	3	3A, 3B	6.8	7 months	Enabling works stage to complete Kaka 5A and 5B permanent stream. Initial bulk earthworks occurring at the same time. Remaining earthworks following completion of steam works. Some areas within the SRP catchments to remain untouched (no earthworks).
Unsuitable Borrow site	3		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	3		1.5	13 months	Staged and required for Stage 3 and Stage 4.

Māori Cultural Values

6. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of, and understand, the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Tauihu Iwi representatives upon request.

7. During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (**iwi monitor**) is available to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
8. Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
 - (a) the Consent Holder shall immediately:
 - i. Cease earthworks and mark off the affected area;
 - ii. Advise the Council Monitoring Officer of the discovery; and
 - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery;
 - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and
 - (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
9. The Consent Holder shall work in partnership with Ngāti Koata Trust and Te Tauihu Iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the receiving environment monitoring methods.
10. The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the applicant shall resolve and remediate the issues with the appropriate iwi authority.
11. All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.

Traffic Management Plan

12. Prior to the commencement of any construction or earthworks activity on the site, the Consent Holder shall submit a Traffic Management Plan (**TMP**) to the Council's Monitoring Officer for review to confirm that the TMP contains the information required by this condition and Condition 14. The TMP shall be prepared by a Suitably Qualified and Experienced Practitioner (**SQEP**) and shall be in accordance with industry best practice for temporary traffic management, and the requirements of the Road Controlling Authority.

13. The objective of the TMP is to ensure that construction traffic is managed in a way that maintains the safety and efficiency of the surrounding transport network, minimises disruption to road users, and protects the amenity of the surrounding environment.
14. The TMP shall include, but not be limited to, the following:
 - (a) The location and design of vehicle access points and haul routes;
 - (b) Anticipated construction traffic volumes and types of vehicles;
 - (c) Hours of operation for construction traffic;
 - (d) Measures to avoid, remedy or mitigate adverse effects on traffic safety and the efficiency of the road network, including signage, temporary traffic control, and parking restrictions if required;
 - (e) Provision for safe pedestrian and cyclist access past the site;
 - (f) Measures to prevent dust, debris, and mud being carried onto the public road network;
 - (g) Access arrangements for emergency services and affected properties;
 - (h) Procedures for ongoing review and amendment of the TMP as necessary; and
 - (i) Contact details for the site manager and the person responsible for traffic management.
15. All construction-related traffic shall be managed in accordance with the TMP for the duration of the works.

Site Specific Erosion and Sediment Control Plans

16. The Site Specific Erosion and Sediment Control Plans (**SSESCP**) shall be generated for each construction area as identified in Appendix C – Site Specific Erosion and Sediment Control Plans in the Southern Skies Environmental Erosion and Sediment Control Assessment Report. The areas that have identified requirements for SSESCPs are shown in the table below:

Reference number	Title	Revision	Date
ESCP-000-00	Erosion and Sediment Control Plan – Staging Index	A	15.06.24
SSESCP-001	Site Specific Erosion and Sediment Control Plan – Stage 1	A	20.05.24
SSESCP-002	Site Specific Erosion and Sediment Control Plan – Stage 2	A	23.05.24
SSESCP-003	Site Specific Erosion and Sediment Control Plan – Stage 3	A	17.06.24
SSESCP-004	Site Specific Erosion and Sediment Control Plan – Stage 4	A	09.07.24
SSESCP-SW-01	Site Specific Erosion and Sediment Control Plan – Kaka Stream Diversion	A	26.05.24

17. No less than 10 working days prior to the commencement of any site development works, in any of the areas covered by a SSESCP, the Consent Holder shall provide the SSESCP to the Council's Monitoring Officer for review to confirm that the SSESCP contains the information required by this condition, Condition 18 and Condition 19. The objective of each SSESCP is to ensure that construction effects including erosion, dust, sediment control, are effectively managed to achieve Policies RE6.3 and RE6.5, and implement Rule X.16 of Schedule X of the Nelson Resource Management Plan (NRMP).
18. Each SSESCP shall be prepared using the following principles:

- (i) Emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures;
 - (ii) Sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas;
 - (iii) Earthworks and construction water management measures will be confirmed in the SSES CPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions;
 - (iv) Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is designed for both erosion control and dust minimisation;
 - (v) Streamworks and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a “dry” environment by working off-line or diverting upstream flows.; and
 - (vi) Comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management devices and the downstream environment.
19. Each SSES CP shall contain, as a minimum, the following information:
- (i) the specific construction activity to be undertaken;
 - (ii) the area of earthworks, and/or the nature of the stream works at specific locations;
 - (iii) identification of the downstream receiving environment;
 - (iv) the locations of all earthworks and/or stream works;
 - (v) methods for managing construction water effects for specific activities;
 - (vi) the duration of the earthworks and/or stream works;
 - (vii) the time of the year that the stream works are to be undertaken, and where applicable;
 - (viii) the measures to be implemented to respond to any heightened weather risks at that time;
 - (ix) stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation;
 - (x) chemical treatment (flocculation) at sediment retention ponds and decanting earth bunds; and
 - (xi) the following details for dust management:
 - i. Identification of potential dust sources on the site;
 - ii. Methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
 - iii. Monitoring procedures, including daily site inspections and weather condition assessments;
 - iv. Response procedures for dust complaints or exceedances; and
 - v. Identification of a site representative responsible for implementing the Dust Management Plan.

20. Any of the SSES CPs may be amended at any time by the Consent Holder, however any amendments shall be submitted to the Council's Monitoring Officer for review. Once the amended SSES CP is reviewed, then it becomes the certified plan. Any amendments to a SSES CP shall be:
 - (a) For the purposes of improving the measures outlined in the SSES CPs;
 - (b) Consistent with the conditions of this resource consent; and
 - (c) Prepared by a SQEP.

Iwi Engagement and Reporting - SSES CP

21. Prior to certification, the Consent Holder shall provide any SSES CP to Te Taiuhu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The objective of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on the SSES CP content before implementation.
22. The Consent Holder shall maintain a record of all correspondence, including the dates the relevant SSES CP was provided, any feedback received, and recommended actions included within the SSES CP.
23. In addition, the Consent Holder shall establish and maintain regular communication with Te Taiuhu Iwi Pou Taiao for the duration of works.
24. Project updates shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
25. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
26. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

Dust Management – General Requirements

27. The Consent Holder must undertake all earthworks in a manner that avoids, as far as practicable, the generation of visible dust beyond the boundary of the site. No visible dust shall be discharged beyond the boundary that causes an offensive or objectionable effect.
28. The Consent Holder shall implement all dust control measures specified in the certified SSES CP throughout the duration of the earthworks.
29. The Consent Holder shall proactively monitor weather forecasts and implement additional dust suppression measures on days where dry and/or windy conditions are forecast, including:
 - (a) Increasing the frequency or intensity of water application;
 - (b) Temporarily suspending earthworks where effective dust suppression cannot be achieved.
30. The Consent Holder shall ensure that any exposed earth surfaces that are not actively worked for more than 14 consecutive days are stabilised by means such as hydroseeding, mulching, or geotextiles to prevent dust emissions.
31. The Consent Holder must maintain a complaints register for dust-related issues. The register must include:
 - (a) The nature, date, and time of the complaint;
 - (b) Weather conditions at the time of the complaint;
 - (c) Actions taken in response; and
 - (d) This register must be made available to the Council's Monitoring Officer upon request.

Erosion and Sediment Control Monitoring Plan

32. All earthworks and sediment control devices on site shall be designed, supervised and monitored by SQEPs in accordance with the Erosion and Sediment Control Monitoring Plan (**ESCMP**) provided in Appendix B of the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The objective of the ESCMP is to detail the erosion and sediment control management and monitoring system that will be implemented for the duration of the site earthworks activities to minimise environmental, human health and ecological effects.

Monitoring of Erosion and Sediment Control Measures

33. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify the Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to, the following:
- (i) Time and date of the incident;
 - (ii) Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has had on the receiving environment; and
 - (iii) Any measures taken to prevent further effects.

Chemical Treatment Management Plan

34. All chemical treatment and dosing of earth worked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the Chemical Treatment Management Plan (**CTMP**) provided in Appendix A – *Chemical Treatment Management Plan* in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The objective of the CTMP is to ensure that any chemical treatment of sediment laden water is designed, implemented, and managed to maximise treatment effectiveness, and minimise environmental, human health and ecological effects.

Construction Noise and Vibration Management Plan

35. Prior to the commencement of any earthworks on site, the Consent Holder shall prepare a Construction Noise and Vibration Management Plan (**CNVMP**). This Plan shall be forwarded no later than 10 working days prior to works commencing to the Council's Monitoring Officer for review to confirm that the CNVMP contains the information required by this condition, Condition 36 and Condition 37. The CNVMP shall be prepared in accordance with the Styles Group *Construction and Noise Vibration Assessment – Maitahi Village* dated 11 June 2025. The objective of the CNVMP is to set out the methods and procedures that will be used to ensure compliance with the hours of work and noise and vibration controls in these conditions.
36. The CNVMP shall provide, as a minimum, the following details:
- (a) The relevant conditions setting out limits on noise levels, vibration levels and hours of work;
 - (b) The programme of works and consented hours of construction work;

- (c) The nature of any restrictions that must be implemented by the Consent Holder to ensure the noise generated by construction vehicles accessing the Site via Ralphine Way can comply with the noise limits in Condition 40(ii). This may include restrictions on the number of heavy construction vehicles that can enter the site in any 15-minute period;
 - (d) Identification of surrounding noise sensitive receivers;
 - (e) A specific section that sets out the noise mitigation measures that must be observed for construction works that are within 100m of the property boundary of any Ralphine Way Receivers. This section should set out the specific limits and mitigation measures that the constructor will need to observe to ensure compliance with the consented noise limits;
 - (f) Procedures for ensuring that the Consent Holder provides receivers on Ralphine Way with ongoing and regular updates throughout the various stages of construction work so that receivers have advanced notice of the approximate dates and duration of the busiest and noisiest construction activities on site that may affect receivers on Ralphine Way; and
 - (g) Written communication with occupants of all dwellings on Ralphine Way of the works in writing at least ten (10) days prior to the commencement of activities on site. The written advice shall set out:
 - (i) a brief overview of the construction works;
 - (ii) the working hours and expected duration;
 - (iii) all mitigation measures to be implemented; and
 - (iv) the procedure for recording concerns/complaints regarding noise.
37. The CNVMP shall, as a minimum, address the requirements of Annex E of NZS 6803:1999 *Acoustics – Construction Noise* and the Association of Australasian Acoustical Consultants (**AAAC**) Guideline for interpreting and applying NZS 6803:1999. The CNVMP and any amendments must be prepared by a suitably qualified acoustics consultant (e.g., Member of the Acoustical Society of New Zealand (**MASNZ**)). Amendments that include changes to the construction methodology must be tracked and any revised CNVMP shall be submitted to the Council’s Monitoring Officer for approval.
38. All construction works on the site shall be carried out in accordance with the CNVMP and a copy of the CNVMP must be kept on site during construction hours.
39. All construction works on the site shall be designed and conducted by a suitably qualified and experienced professional to ensure that the construction vibration does not exceed 5mm/s PPV when measured within 500mm of ground level on the foundation or structure of any building on another site. Vibration shall be measured and assessed in accordance with the German Standard DIN 4150-3:2016 Structural vibration – Effects of vibration on structures.
40. (i) Construction noise levels generated from the Site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB
07:30am to 6:00pm, Monday to Saturday	70 dB	85 dB

- (ii) Noise levels generated by heavy vehicles on Ralphine Way and entering the site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

Time Period	Maximum noise levels	
	L _{Aeq(15min)}	L _{AFmax}
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB

41. Construction hours

- i. The permitted days and hours of construction work are:
 - (i) Monday to Friday 7:00am to 6:00pm.
 - (ii) Saturday 8:00am to 1:00pm for construction work within 100m of any occupied dwelling on Ralphine Way.
 - (iii) Saturday 7:00am to 5:00pm for construction work more than 100m from any occupied dwelling on Ralphine Way.
- ii. Heavy vehicle movements using the Ralphine Way access are limited to between 07:30am and 6:00pm Monday to Friday and 8:00am and 5:00pm on Saturdays, unless a certified CNVMP demonstrates that heavy vehicle movements accessing the Site between 7:00am and 7:30am (or 7:00am and 8:00am on Saturdays) can and will be managed to comply with the noise limits in Condition 40(ii).
- iii. No construction work is permitted on Sundays or Public Holidays.

42. The CNVMP may authorise some work to take place at other times where the CNVMP demonstrates that those works will comply with the construction noise limits (for example, light vehicle movements, works well separated from any receivers, site meetings, electrical fitout, painting etc).

Ecological Restoration Plan

43. Prior to the commencement of any vegetation clearance or earthworks within the beds or margins of any river in the Project Area, the Consent Holder shall prepare and submit an Ecological Restoration Plan (**ERP**) to the Council's Monitoring Officer for review to confirm that the ERP contains the information required by this condition and Condition 44. The ERP must cover all terrestrial, riparian, stream, and wetland restoration and enhancement areas within the Project Area, including the 120 ha Kākā Hill restoration site.

44. The ERP must:

- (a) Be prepared by a Suitably Qualified and Experienced Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
- (b) State clear restoration and enhancement objectives for all areas, including those within the Project Area and the 120 ha Kākā Hill site. Objectives must include:
 - i. Achieving no-net-loss of indigenous biodiversity values;
 - ii. Enhancing biodiversity, ecological connectivity, and habitat condition across terrestrial, riparian, wetland, and stream ecosystems;
 - iii. Re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District; and
 - iv. Avoiding, remedying, or mitigating adverse effects on adjacent Significant Natural Areas (**SNA**) and any Threatened or At Risk indigenous species that may use the restoration areas.
- (c) Include the following component management plans:

- i. A Stream Restoration Plan (**SRP**);
 - ii. A Wetland Restoration Plan (**WRP**); and
 - iii. A Lizard Management Plan (**LMP**).
- (d) Define measurable performance standards for each habitat type, including:
- i. Minimum 80% native vegetation survival at Year 3; and
 - ii. Canopy closure or vegetative cover thresholds appropriate to habitat type.
- Note: The SRP includes performance standards specific to the realignment and restoration of Kākā Hill Tributary.*
- (e) Provide spatial planting plans for all restoration and enhancement areas, including:
- i. Plant species lists tailored to each ecological zone;
 - ii. Eco-sourcing requirements;
 - iii. Planting densities and layout; and
 - iv. Habitat zonation appropriate to the Bryant Ecological District.
- (f) Set out implementation milestones and schedules, including indicative timing and sequencing of planting and site works.
- (g) Identify site preparation and maintenance methods, including:
- i. Weed control and invasive species management; and
 - ii. Pest animal control measures.
- (h) Require that the removal of native woody vegetation be undertaken outside the peak bird breeding season (August to February inclusive), unless a Suitably Qualified and Experienced Ecologist confirms in writing to the Council's Monitoring Officer that no active nests are present in the area to be cleared.
- (i) Include a monitoring and reporting programme for each restoration component, specifying:
- i. Frequency and duration of monitoring;
 - ii. Success indicators linked to performance standards; and
 - iii. Adaptive management triggers and corrective actions.
- (j) Describe mechanisms for long-term protection and management, including:
- i. Legal protection (e.g. covenants, consent notices); and
 - ii. Ongoing maintenance responsibilities.
- (k) Ensure all planting follows appropriate guidance for the Bryant Ecological District (e.g., Courtney et al. 2003 – *Living Heritage – Growing Native Plants in Nelson*, Department of Conservation Nelson Marlborough Conservancy and Nelson City Council).

45. All aspects of restoration and enhancement must be implemented and maintained in accordance with the approved ERP.

Stream Restoration Plan

46. As part of the ERP, and prior to the commencement of any stream alignment, reclamation works or associated construction that may impact freshwater ecological values, the Consent Holder shall

prepare and submit a Stream Restoration Plan (**SRP**) for review by the Council's Monitoring Officer to confirm that the SRP contains the information required by this condition. The SRP must:

- (a) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
- (b) State objectives for the realignment and restoration of Kākā Stream and affected tributaries (**KHT1–KHT4**), including:
 - i. Achieving functional aquatic ecosystems that support indigenous fish and macroinvertebrate communities;
 - ii. Enhancing ecological connectivity and stream–riparian interactions; and
 - iii. Restoring natural geomorphic processes and stream habitat diversity.
- (c) Establish current baseline conditions for reaches KHT1–KHT4. This must include:
 - i. Channel morphology (including cross-sectional profiles, substrate composition, and longitudinal profiles);
 - ii. Stream Ecological Valuation (**SEV**) assessment;
 - iii. Characterisation of hydrological regime (e.g., baseflow and permanence); and
 - iv. Baseline data will inform performance standards and monitoring triggers.
- (d) Include detailed landscape plans by SQEP that integrate best practice stream design principles and demonstrate alignment with the restoration objectives outlined in clause (b).
- (e) Confirm, using the SEV method, that the proposed restoration works will result in adequate SEV uplift and appropriate Environmental Compensation Ratios (ECRs) for offsetting stream loss, based on final design. This assessment must be consistent with the approach set out in the Stream Mitigation Assessment (**SMA**); Robertson Environmental, dated 10 July 2025) and demonstrate that ECRs meet or exceed those calculated in the SMA, or otherwise demonstrate that no net loss in stream ecological value will occur.
- (f) Identify and map the spatial extent of all stream restoration works, and demonstrate that the total offset area is sufficient to meet the ECR required based on final impact and restoration SEV scores.
- (g) Define measurable performance standards, including but not limited to:
 - i. Minimum SEV uplift targets of ≥ 0.1 SEV units compared to baseline;
 - ii. Minimum 80% riparian vegetation survival;
 - iii. Performance standards must be met within five years of completion of physical restoration works, unless otherwise agreed with the Council's Monitoring Officer based on monitoring evidence and SQEP advice.
- (h) Specify monitoring protocols and frequency, using the pre-construction survey as a baseline. Monitoring must occur annually for 5 years post-restoration or until all performance standards have been met, whichever is later and include:
 - i. Repeat SEV assessments;
 - ii. Macroinvertebrate and fish surveys;
 - iii. Riparian vegetation survey.
- (i) Define adaptive management triggers and responses. If monitoring indicates failure to meet any performance standard, the SRP must outline:

- i. Diagnostic steps (e.g. site inspections, root cause analysis, further sampling);
 - ii. Remedial actions (e.g. infill planting, channel re-grading, fish passage remediation); and
 - iii. Timelines for remedial actions and subsequent monitoring to confirm effectiveness.
- (j) Include a Fish Salvage and Relocation Plan (**FSRP**), prepared by a Suitably Qualified and Experienced Freshwater Ecologist, specifying:
- i. Methods for fish capture and relocation during stream works;
 - ii. Timing of works to avoid sensitive fish migration or spawning periods;
 - iii. Holding and release protocols, including suitable release sites; and
 - iv. Documentation and reporting requirements.
- (k) Include reporting mechanisms, such as an annual SRP compliance and monitoring summary report to the Council's Monitoring Officer, demonstrating progress toward objectives, outcomes, and any adaptive actions taken.
47. All stream restoration works must be implemented and maintained in accordance with the approved SRP.

Lizard Management Plan

48. As part of the ERP, the Consent Holder shall submit a Lizard Management Plan (**LMP**) to the Council's Monitoring Officer for review to confirm that the LMP contains the information required by this condition for certification by the Council's Monitoring Officer. The LMP must be prepared by a Suitably Qualified and Experienced Herpetologist and must:
- (a) Identify all areas of potential indigenous lizard habitat within the Project Area, including rock piles, sunny shrublands, and woody debris;
 - (b) Specify pre-clearance survey methods, including timing, search effort, and detection techniques appropriate to the species likely to be present;
 - (c) Detail capture, handling, containment and translocation procedures, including relevant welfare and biosecurity measures;
 - (d) Define release site criteria, any required habitat enhancement, and measures to ensure long-term suitability and protection;
 - (e) Include post-translocation monitoring protocols (frequency, success indicators, adaptive management);
 - (f) Include a communication procedure to report to the Council's Monitoring Officer, including any GIS data, the results of any species captured and relocated; and
 - (g) Outline contingency measures and a protocol, requiring all works to cease immediately in the event a Threatened or At-Risk-Declining lizard species is encountered. The find must be reported to the Council's Monitoring Officer and the Department of Conservation, and management measures must be developed by a Suitably Qualified and Experienced Herpetologist in consultation with DOC before works recommence.
49. All lizard management actions must be undertaken in accordance with the certified LMP.

Ecology

50. Prior to any works commencing, the Consent Holder shall provide to the Council's Monitoring Officer a letter of engagement confirming the SQEP Ecologist's availability to undertake the site briefing, best practice advice, supervision, reviews and inspections of the proposed works during the implementation of this consent.
51. Prior to the commencement of any earthworks, the Consent Holder shall ensure the SQEP Ecologist briefs and contractors undertaking the works, including any methods that must be employed by the contractors to minimise potential adverse effects on ecological values at the commencement of works in accordance with best practice and the ERP.
52. All machinery used on the site shall be refuelled at least 20 metres away from any watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer and undertake all necessary remedial actions immediately.
53. Machinery and equipment shall not be cleaned within 10 metres of the bank of any open watercourse.
54. All reasonable endeavours shall be taken by the applicant to ensure machinery shall be free of plants and plant seeds prior to entering the construction area.

Stream Construction Methodology

55. The new Kākā Stream channel shall be constructed in stages and offline from the existing stream alignment to avoid in-stream works. The new channel shall be fully constructed and stabilised prior to diverting flows from the existing stream into the new alignment and any subsequent reclamation. The project ecologist shall also certify that the construction meets the ecological objectives required by Condition 46(a)-(c) prior to any diversion to the new alignment commences.

Decommissioning of Old Kākā Stream Channel - Reclamation

56. Within 10 working days of diverting flows into the new Kākā stream channel, the Consent Holder shall decommission (reclaim) the existing Kākā Stream channel and incorporate it into the general earthworks area, in accordance with the approved Stage 1 SSESCP.

Culverts

57. During the installation of any culverts, the Consent Holder shall take all practicable steps to minimise sedimentation and increased turbidity of the stream during and following completion of the works, including:
 - (a) Completing all works in the minimum time practicable;
 - (b) Undertaking works in dry weather and low flow conditions, as far as practicable;
 - (c) Avoiding placement of construction material or excavated material in the flowing channel, except as required for the construction of the temporary diversion and the physical replacement of the culvert;
 - (d) Separating construction activities from flowing water;
 - (e) Installing and maintaining appropriate erosion control and sediment control measures; and

- (f) Rapidly and progressively stabilising all disturbed areas.
58. Prior to the removal of any existing culvert, the Consent Holder shall form a temporary diversion in the stream channel. The diversion shall be formed and supervised under the recommendations and supervision of the SQEP Ecologist to manage fish passage during the works and minimise disturbance of the bed and margins of Kākā Stream.
59. Following the installation of the replacement culvert, the temporary diversion shall be removed under the supervision of the SQEP Ecologist. Care shall be taken to minimise disturbance to the bed of the stream as far as practicable.
60. The Consent Holder shall ensure that any fish found stranded as a result of the temporary diversion works are immediately transferred to another suitable reach in Kākā Stream using a method approved by the SQEP Ecologist.
61. The design of any culverts shall be prepared in accordance with the New Zealand Fish Passage Guidelines – Earth Sciences New Zealand/NIWA.

Review

62. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- To modify existing conditions of consent relating to the effects of the activity on the environment.
 - To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
 - If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

- Where a condition requires notification to, or review/approval by Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Council's Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Council's Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. The Consent Holder is advised that under the Wildlife Act 1953, all indigenous lizard species (including skinks and geckos) are classified as protected. Any activities that may result in the disturbance, injury, killing, or capture of lizards are an offence under the Wildlife Act unless authorised by the Department of Conservation (**DOC**). This resource consent does not constitute approval under the Wildlife Act. Where there is potential for indigenous lizards to be present within the area of works, it is the Consent Holder's responsibility to:
 - Undertake appropriate surveys or assessments by a suitably qualified ecologist prior to the commencement of works;
 - Seek any necessary authorisations or permits from DOC if protected species may be impacted;
 - Implement appropriate avoidance, mitigation, or relocation measures where required.
3. Council Officers, at their discretion and at the Consent Holder's expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

K	Water Permit (s14)	To temporarily dam and divert water for construction purposes, and for the diversion of Kākā Stream.
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Resource Consent: Insert Consent Reference

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement Date: 18 September 2025

Lapse Date: 10 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Water Permit (section 14 of the Resource Management Act 1991 (**RMA**)) to temporarily dam and divert water for construction purposes, and for the diversion of Kākā Stream. This includes consent under the NES-FW for any damming or diversion within 100m of a natural inland wetland.

Note: To be read in conjunction with Condition Sets A-J, L-M.

Subject to the following conditions:

General Condition

- The activity, of temporarily damming and diverting water for construction purposes, and for the diversion of Kākā Stream, shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

- The works shall proceed in accordance with the *Maitahi Development Nelson – Preliminary Earthworks Plans* (Davis Ogilvie, Updated July 2025),¹ including the plans labelled:

- Plan A Dwg C001: Overall Earthworks Plan
- Plan B Dwg C001: Overall Earthworks Plan – Volumes
- Plan C Dwg C100: Sheet 1
- Plan D Dwg C101: Sheet 2
- Plan E Dwg C102: Sheet 3
- Plan F Dwg C103: Sheet 4
- Plan G Dwg C104: Sheet 5
- Plan H Dwg C105: Sheet 6
- Plan I Dwg C106: Sheet 7
- Plan J Dwg C107: Sheet 8
- Plan K Dwg C108: Sheet 9
- Plan L Dwg C110: Sheet 10
- Plan M Dwg C111: Sheet 11
- Plan N Dwg C112: Sheet 12

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0025/7792/13.2V2-Maitahi-Civils-Set-1-Earthworks-.pdf

- Plan O Dwg C113: Sheet 13
- Plan P Dwg C114: Sheet 14
- Plan Q Dwg C115: Sheet 15

3. The Consent Holder shall advise Nelson City Council's (**Council**) Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent number **Insert Consent Reference**.
4. At least 5 working days before the commencement of earthworks on site, the Consent Holder shall hold a pre-construction meeting with the Council's Monitoring Officer, the relevant supervising experts, lead contractor(s), and Te Taihu iwi. At this pre-construction meeting, the Consent Holder shall provide an explanation as to the works programme, monitoring and reporting requirements.

Staging

5. The earthworks shall be carried out in stages in general accordance the Southern Skies Environmental *Erosion and Sediment Control Assessment Report* dated 31 January 2025 including the table below:

ESC Stage	Season	DO Earthworks Phase	Area (ha)	Approx. time	Notes
Stage 1A	1	1A	2.7	4 months	Early start / enabling works required. Staged stabilisation.
Stage 1B	1	1A	2.9a	4 months	Stage 1B expected to commence approximately ½ way through Stage 1A.
Stage 1C	1	1A, 1B, 1C	8.8	6 months	Stage 1C expected to commence approximately ½ way through Stage 1B. Stage 1A will be complete.
Unsuitable Borrow site	1		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site					Not expected that it will be required for Stage 1.
Stream diversion cut / construction	1		0.3	3 months	Staged offline construction of the new Kaka stream alignment.
Stage 2	2	4	1.88	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Unsuitable Borrow site	2		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	2		2.23	6 months	Staged and required for Stage 2.
Stage 3	2	2	4.5	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Stage 4	3	3A, 3B	6.8	7 months	Enabling works stage to complete Kaka 5A and 5B permanent stream. Initial bulk earthworks occurring at the same time. Remaining earthworks following completion of steam works. Some areas within the SRP catchments to remain untouched (no earthworks).
Unsuitable Borrow site	3		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	3		1.5	13 months	Staged and required for Stage 3 and Stage 4.

Māori Cultural Values

6. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Tauihu Iwi representatives upon request.

7. During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (**iwi monitor**) is available to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
8. Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
 - (a) the Consent Holder shall immediately:
 - i. Cease earthworks and mark off the affected area;
 - ii. Advise the Council Monitoring Officer of the discovery; and
 - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery;
 - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and
 - (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
9. The Consent Holder shall work in partnership with Ngāti Koata Trust and Te Tauihu Iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the receiving environment monitoring methods.
10. The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the applicant shall resolve and remediate the issues with the appropriate iwi authority.
11. All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.

Site Specific Erosion and Sediment Control Plans

12. The Site Specific Erosion and Sediment Control Plans (**SSESCP**) shall be generated for each construction area as identified in Appendix C – *Site Specific Erosion and Sediment Control Plans* in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The areas that have identified requirements for SSESCPs are shown in the table below:

Reference number	Title	Revision	Date
ESCP-000-00	Erosion and Sediment Control Plan – Staging Index	A	15.06.24
SSESCP-001	Site Specific Erosion and Sediment Control Plan – Stage 1	A	20.05.24
SSESCP-002	Site Specific Erosion and Sediment Control Plan – Stage 2	A	23.05.24
SSESCP-003	Site Specific Erosion and Sediment Control Plan – Stage 3	A	17.06.24
SSESCP-004	Site Specific Erosion and Sediment Control Plan – Stage 4	A	09.07.24
SSESCP-SW-01	Site Specific Erosion and Sediment Control Plan – Kaka Stream Diversion	A	26.05.24

13. No less than 10 working days prior to the commencement of any site development works, in any of the areas covered by a SSESCP, the Consent Holder shall provide the SSESCP to the Council's Monitoring Officer for review to confirm that the SSESCPs contain the information required by this condition, Condition 14 and Condition 15. The objective of each SSESCP is to ensure construction effects including erosion, dust, sediment control, are effectively managed to achieve Policies RE6.3 and RE6.5, and implement Rule X.16 of Schedule X of the Nelson Resource Management Plan (NRMP).
14. Each SSESCP shall be prepared using the following principles:
- (i) Emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures;
 - (ii) Sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas;
 - (iii) Earthworks and construction water management measures will be confirmed in the SSESCPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions;
 - (iv) Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is designed for both erosion control and dust minimisation;
 - (v) Stream works and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a "dry" environment by working off-line or diverting upstream flows; and
 - (vi) Comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management devices and the downstream environment.
15. Each SSESCP shall contain as a minimum, the following information:
- (i) the specific construction activity to be undertaken;
 - (ii) the area of earthworks, and/or the nature of the stream works at specific locations;
 - (iii) identification of the downstream receiving environment;
 - (iv) the locations of all earthworks and/or stream works;

- (v) methods for managing construction water effects for specific activities;
 - (vi) the duration of the earthworks and/or stream works;
 - (vii) the time of the year that the stream works are to be undertaken, and where applicable;
 - (viii) the measures to be implemented to respond to any heightened weather risks at that time;
 - (ix) stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation;
 - (x) chemical treatment (flocculation) at sediment retention ponds and decanting earth bunds; and
 - (xi) the following details for dust management:
 - i. Identification of potential dust sources on the site;
 - ii. Methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
 - iii. Monitoring procedures, including daily site inspections and weather condition assessments;
 - iv. Response procedures for dust complaints or exceedances;
 - v. Identification of a site representative responsible for implementing the Dust Management Plan.
16. Any of the SSES CPs may be amended at any time by the Consent Holder, however any amendments shall be submitted to the Council's Monitoring Officer for review. Once the amended SSES CP is approved, then it becomes the certified plan. Any amendments to a SSES CP shall be:
- (a) For the purposes of improving the measures outlined in the SSES CPs for achieving the SSES CP purpose;
 - (b) Consistent with the conditions of this resource consent; and
 - (c) Prepared by a Suitably Qualified and Experienced Practitioner (**SQEP**).

Iwi Engagement and Reporting - SSES CP

17. Prior to certification, the Consent Holder shall provide any SSES CP to Te Taiuhu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The objective of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on the SSES CP content before implementation.
18. The Consent Holder shall maintain a record of all correspondence, including the dates the relevant SSES CP was provided, any feedback received, and recommended actions included within the SSES CP.
19. In addition, the Consent Holder shall establish and maintain regular communication with Te Taiuhu Iwi Pou Taiao for the duration of works.
20. Project updates shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
21. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
22. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

Dust Management – General Requirements

23. The Consent Holder must undertake all earthworks in a manner that avoids, as far as practicable, the generation of visible dust beyond the boundary of the site. No visible dust shall be discharged beyond the boundary that causes an offensive or objectionable effect.
24. The Consent Holder shall implement all dust control measures specified in the certified SSES CP throughout the duration of the earthworks.
25. The Consent Holder shall proactively monitor weather forecasts and implement additional dust suppression measures on days where dry and/or windy conditions are forecast, including:
 - i. Increasing the frequency or intensity of water application; and
 - ii. Temporarily suspending earthworks where effective dust suppression cannot be achieved.
26. The Consent Holder shall ensure that any exposed earth surfaces that are not actively worked for more than 14 consecutive days are stabilised by means such as hydroseeding, mulching, or geotextiles to prevent dust emissions.
27. The Consent Holder must maintain a complaints register for dust-related issues. The register must include:
 - i. The nature, date, and time of the complaint;
 - ii. Weather conditions at the time of the complaint;
 - iii. Actions taken in response; and
 - iv. This register must be made available to the Council's Monitoring Officer upon request.

Erosion and Sediment Control Monitoring Plan

28. All earthworks and sediment control devices on site shall be designed, supervised and monitored by SQEPs in accordance with the Erosion and Sediment Control Monitoring Plan (**ESCMP**) provided in Appendix B of the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The objective of the ESCMP is to detail the erosion and sediment control management and monitoring system that will be implemented for the duration of the site earthworks activities to minimise environmental, human health and ecological effects.

Monitoring of Erosion and Sediment Control Measures

29. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify the Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to the following:
 - (i) Time and date of the incident;
 - (ii) Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has had on the receiving environment; and
 - (iii) Any measures taken to prevent further effects.

Chemical Treatment Management Plan

30. All chemical treatment and dosing of earth worked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the Chemical Treatment Management Plan (**CTMP**) provided in Appendix A – *Chemical Treatment Management Plan* in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*.

Report. The objective of the CTMP is to ensure that any chemical treatment of sediment laden water is designed, implemented, and managed to maximise treatment effectiveness, and minimise environmental, human health and ecological effects.

Construction Noise and Vibration Management Plan

31. Prior to any earthworks commencing on site, the Consent Holder shall prepare a Construction Noise and Vibration Management Plan (**CNVMP**). This Plan shall be forwarded no later than 10 working days prior to works commencing to the Council's Monitoring Officer for review to confirm that the CNVMP contains the information required by this condition, Condition 32 and Condition 33. The CNVMP shall be prepared in accordance with the Styles Group Construction and Noise Vibration Assessment – Maitahi Village dated 11 June 2025. The objective of the CNVMP is to set out the methods and procedures that will be used to ensure compliance with the hours of work, and noise and vibration controls in these conditions.
32. The CNVMP shall provide, as a minimum, the following details:
 - (a) The relevant conditions setting out limits on noise levels, vibration levels and hours of work ;
 - (b) The programme of works and consented hours of construction work;
 - (c) The nature of any restrictions that must be implemented by the Consent Holder to ensure the noise generated by construction vehicles accessing the Site via Ralphine Way can comply with the noise limits in Condition 36(ii). This may include restrictions on the number of heavy construction vehicles that can enter the site in any 15-minute period;
 - (d) Identification of surrounding noise sensitive receivers;
 - (e) A specific section that sets out the noise mitigation measures that must be observed for construction works that are within 100m of the property boundary of any Ralphine Way Receivers. This section should set out the specific limits and mitigation measures that the constructor will need to observe to ensure compliance with the consented noise limits;
 - (f) Procedures for ensuring that the Consent Holder provides receivers on Ralphine Way with ongoing and regular updates throughout the various stages of construction work so that receivers have advanced notice of the approximate dates and duration of the busiest and noisiest construction activities on site that may affect receivers on Ralphine Way; and
 - (g) Written communication with occupants of all dwellings on Ralphine Way of the works in writing at least ten (10) days prior to the commencement of activities on site. The written advice shall set out:
 - (i) a brief overview of the construction works;
 - (ii) the working hours and expected duration;
 - (iii) all mitigation measures to be implemented; and
 - (iv) the procedure for recording concerns/complaints regarding noise.
33. The CNVMP shall, as a minimum, address the requirements of Annex E of NZS 6803:1999 Acoustics – Construction Noise and the Association of Australasian Acoustical Consultants (**AAAC**) Guideline for interpreting and applying NZS 6803:1999. The CNVMP and any amendments must be prepared by a suitably qualified acoustics consultant (e.g., Member of the Acoustical Society of New Zealand (MASNZ)). Amendments that include changes to the construction methodology must be tracked and any revised CNVMP shall be submitted to the Council's Monitoring Officer for approval.
34. All construction works on the site shall be carried out in accordance with the CNVMP and a copy of the CNVMP must be kept on site during construction hours.
35. All construction works on the site shall be designed and conducted by a suitably qualified and experienced professional to ensure that the construction vibration does not exceed 5mm/s PPV

when measured within 500mm of ground level on the foundation or structure of any building on another site. Vibration shall be measured and assessed in accordance with the German Standard DIN 4150-3:2016 Structural vibration – Effects of vibration on structures.

36. (i) Construction noise levels generated from the Site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: Acoustics – Construction Noise:

Time Period	Maximum noise levels	
	$L_{Aeq(15min)}$	L_{AFmax}
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB
07:30am to 6:00pm, Monday to Saturday	70 dB	85 dB

- (ii) Noise levels generated by heavy vehicles on Ralphine Way and entering the site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: Acoustics – Construction Noise:

Time Period	Maximum noise levels	
	$L_{Aeq(15min)}$	L_{AFmax}
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB

37. Construction hours

- i. The permitted days and hours of construction work are:
 - (i) Monday to Friday 7:00am to 6:00pm.
 - (ii) Saturday 8:00am to 1:00pm for construction work within 100m of any occupied dwelling on Ralphine Way.
 - (iii) Saturday 7:00am to 5:00pm for construction work more than 100m from any occupied dwelling on Ralphine Way.
- ii. Heavy vehicle movements using the Ralphine Way access are limited to between 7:30am and 6:00pm Monday to Friday and 8:00am and 5:00pm on Saturdays, unless a certified CNVMP demonstrates that heavy vehicle movements accessing the Site between 7:00am and 7:30am (or 7.00am and 8.00am on Saturdays) can and will be managed to comply with the noise limits in Condition 36(ii).
- iii. No construction work is permitted on Sundays or Public Holidays.

38. The CNVMP may authorise some work to take place at other times where the CNVMP demonstrates that those works will comply with the construction noise limits (for example, light vehicle movements, works well separated from any receivers, site meetings, electrical fitout, painting etc).

Ecological Restoration Plan

39. Prior to the commencement of any vegetation clearance or earthworks within the Project Area, the Consent Holder shall prepare and submit an Ecological Restoration Plan (**ERP**) to the Council’s Monitoring Officer for review to confirm that the ERP contains the information required by this condition and Condition 40. The ERP must be prepared by a Suitably Qualified and Experienced

Ecologist and must cover all terrestrial, riparian, stream, and wetland restoration and enhancement areas within the Project Area, including the 120 ha Kākā Hill restoration site.

40. The ERP must:

- (a) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
- (b) State clear restoration and enhancement objectives for all areas, including those within the Project Area and the 120 ha Kākā Hill site, which objectives must include:
 - i. Achieving no-net-loss of indigenous biodiversity values;
 - ii. Enhancing biodiversity, ecological connectivity, and habitat condition across terrestrial, riparian, wetland, and stream ecosystems;
 - iii. Re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District; and
 - iv. Avoiding, remedying, or mitigating adverse effects on adjacent Significant Natural Areas (**SNA**) and any Threatened or At Risk indigenous species that may use the restoration areas.
- (c) Include the following component management plans:
 - i. A Stream Restoration Plan (**SRP**);
 - ii. A Wetland Restoration Plan (**WRP**); and
 - iii. A Lizard Management Plan (**LMP**).
- (d) Define measurable performance standards for each habitat type, including:
 - i. Minimum 80% native vegetation survival at Year 3; and
 - ii. Canopy closure or vegetative cover thresholds appropriate to habitat type.

Note: The SRP includes performance standards specific to the realignment and restoration of Kākā Hill Tributary.
- (e) Provide spatial planting plans for all restoration and enhancement areas, including:
 - i. Plant species lists tailored to each ecological zone;
 - ii. Eco-sourcing requirements;
 - iii. Planting densities and layout; and
 - iv. Habitat zonation appropriate to the Bryant Ecological District.
- (f) Set out implementation milestones and schedules, including indicative timing and sequencing of planting and site works.
- (g) Identify site preparation and maintenance methods, including:
 - i. Weed control and invasive species management; and
 - ii. Pest animal control measures.
- (h) Require that the removal of native woody vegetation be undertaken outside the peak bird breeding season (August to February inclusive), unless a Suitably Qualified and Experienced Ecologist confirms in writing to the Council's Monitoring Officer that no active nests are present in the area to be cleared.
- (i) Include a monitoring and reporting programme for each restoration component, specifying:
 - i. Frequency and duration of monitoring;

- ii. Success indicators linked to performance standards;
 - iii. Adaptive management triggers and corrective actions.
- (j) Describe mechanisms for long-term protection and management, including:
- i. Legal protection (e.g. covenants, consent notices);
 - ii. Ongoing maintenance responsibilities.
- (k) Ensure all planting follows appropriate guidance for the Bryant Ecological District (e.g., Courtney et al. 2003 – *Living Heritage – Growing Native Plants in Nelson*, Department of Conservation Nelson Marlborough Conservancy and Nelson City Council).
41. All restoration and enhancement must be implemented and maintained in accordance with the approved ERP.

Stream Restoration Plan

42. As part of the ERP, and prior to the commencement of any stream alignment works, or associated construction that may impact freshwater ecological values, the Consent Holder must prepare and submit a Stream Restoration Plan (**SRP**) to the Council's Monitoring Officer for review to confirm that the SRP contains the information and objectives required by this condition. The SRP must:
- (a) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
 - (b) State objectives for the realignment and restoration of Kākā Stream and affected tributaries (**KHT1–KHT4**), including:
 - i. Achieving functional aquatic ecosystems that support indigenous fish and macroinvertebrate communities;
 - ii. Enhancing ecological connectivity and stream–riparian interactions; and
 - iii. Restoring natural geomorphic processes and stream habitat diversity.
 - (c) Establish current baseline conditions for reaches KHT1–KHT4. This must include:
 - i. Channel morphology (including cross-sectional profiles, substrate composition, and longitudinal profiles);
 - ii. Stream Ecological Valuation (**SEV**) assessment;
 - iii. Characterisation of hydrological regime (e.g., baseflow and permanence); and
 - iv. Baseline data will inform performance standards and monitoring triggers.
 - (d) Include detailed landscape plans prepared by SQEP that integrate best practice stream design principles and demonstrate alignment with the restoration objectives outlined in clause (b).
 - (e) Confirm, using the SEV method, that the proposed restoration works will result in adequate SEV uplift and appropriate Environmental Compensation Ratios (**ECR**) for offsetting stream loss, based on final design. This assessment must be consistent with the approach set out in the Stream Mitigation Assessment (**SMA**); Robertson Environmental, dated 10 July 2025) and demonstrate that ECRs meet or exceed those calculated in the SMA, or otherwise demonstrate that no net loss in stream ecological value will occur.
 - (f) Identify and map the spatial extent of all stream restoration works, and demonstrate that the total offset area is sufficient to meet the ECR required based on final impact and restoration SEV scores.

- (g) Define measurable performance standards, including but not limited to:
 - i. Minimum SEV uplift targets of ≥ 0.1 SEV units compared to baseline;
 - ii. Minimum 80% riparian vegetation survival; and
 - iii. Performance standards must be met within five years of completion of physical restoration works, unless otherwise agreed with the Council's Monitoring Officer based on monitoring evidence and SQEP advice.
- (h) Specify monitoring protocols and frequency, using the pre-construction survey as a baseline. Monitoring must occur annually for 5 years post-restoration or until all performance standards have been met, whichever is later and include:
 - i. Repeat SEV assessments;
 - ii. Macroinvertebrate and fish surveys; and
 - iii. Riparian vegetation survey.
- (i) Define adaptive management triggers and responses. If monitoring indicates failure to meet any performance standard, the SRP must outline:
 - i. Diagnostic steps (e.g. site inspections, root cause analysis, further sampling);
 - ii. Remedial actions (e.g. infill planting, channel re-grading, fish passage remediation); and
 - iii. Timelines for remedial actions and subsequent monitoring to confirm effectiveness.
- (j) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
- (k) Include a Fish Salvage and Relocation Plan (**FSRP**), prepared by a Suitably Qualified and Experienced Freshwater Ecologist, specifying:
 - i. Methods for fish capture and relocation during all stream works (including any culvert installation or removal);
 - ii. Timing of works to avoid sensitive fish migration or spawning periods;
 - iii. Holding and release protocols, including suitable release sites; and
 - iv. Documentation and reporting requirements.
- (l) Include reporting mechanisms, such as an annual SRP compliance and monitoring summary report to the Council's Monitoring Officer, demonstrating progress toward objectives, outcomes, and any adaptive actions taken.

43. All aspects of stream restoration must be implemented and maintained in accordance with the approved SRP.

Ecology

44. Prior to any works commencing, the Consent Holder shall provide to the Council's Monitoring Officer a letter of engagement confirming the SQEP Ecologist's availability to undertake the site briefing, best practice advice, supervision, reviews and inspections of the proposed works during the implementation of this consent.

45. Prior to any earthworks commencing, the Consent Holder shall ensure the SQEP Ecologist briefs and contractors undertaking the works, including any methods that must be employed by the contractors to minimise potential adverse effects on ecological values at the commencement of works in accordance with best practice and the ERP.

46. All machinery used on the site shall be refuelled at least 20 metres away from any watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer and undertake all necessary remedial actions immediately.
47. Machinery and equipment shall not be cleaned within 10 metres of the bank of any open watercourse.
48. All reasonable endeavours shall be taken by the applicant to ensure machinery shall be free of plants and plant seeds prior to entering the construction area.

Kākā Stream Diversion

49. The Kākā Stream shall not be diverted through, or adjoining the area identified as contaminated land until the site has been remediated in accordance with the Remediation Action Plan (**RAP**) and to the satisfaction of the Ecology and Contaminated land SQEP, and the Site Validation Report confirms that the diversion will avoid contaminant-related adverse effects on aquatic ecological values within the freshwater receiving environment, including the Maitai River.

Stream Construction Methodology

50. The new Kākā Stream channel shall be constructed in stages and offline from the existing stream alignment to avoid in-stream works. The new channel shall be fully constructed and stabilised prior to diverting flows from the existing stream into the new alignment. The project ecologist shall also certify that the construction meets the stream design and ecological objectives required by Condition 42(a) to (c), prior to any diversion to the new alignment commences.

Decommissioning of Old Channel – Reclamation

51. Within 10 working days of diverting flows into the new Kākā stream channel, the Consent Holder shall decommission (reclaim) the existing Kākā Stream channel and incorporate it into the general earthworks area, in accordance with the approved Stage 1 SSESCP.

Culverts

52. During the installation of any culverts, the Consent Holder shall take all practicable steps to minimise sedimentation and increased turbidity of the stream during and following completion of the works, in accordance with the SSESCP, including:
 - (a) Completing all works in the minimum time practicable;
 - (b) Undertaking works in dry weather and low flow conditions, as far as practicable;
 - (c) Avoiding placement of construction material or excavated material in the flowing channel, except as required for the construction of the temporary diversion and the physical replacement of the culvert;
 - (d) Separating construction activities from flowing water;
 - (e) Installing and maintaining appropriate erosion control and sediment control measures; and
 - (f) Rapidly and progressively stabilising all disturbed areas.

53. Prior to the removal of any existing culvert, the Consent Holder shall form a temporary diversion in the stream channel. The diversion shall be formed and supervised under the recommendations and supervision of the SQEP Ecologist to manage fish passage during the works and minimise disturbance of the bed and margins of Kākā Stream.
54. Following the installation of the replacement culvert, the temporary diversion shall be removed under the supervision of the SQEP Ecologist. Care shall be taken to minimise disturbance to the bed of the stream as far as practicable.
55. The Consent Holder shall ensure that any fish found stranded as a result of the temporary diversion works are immediately transferred to another suitable reach in Kākā Stream in a method approved by the SQEP Ecologist.
56. The design of any culverts shall be prepared in accordance with the New Zealand Fish Passage Guidelines – Earth Sciences New Zealand/NIWA.

Review

57. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - (b) To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
 - (c) If the Council deems that it is necessary to do so, to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by, Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Council's Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Council's Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Council's Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. Council Officers, at their discretion and at the Consent Holder's expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

SUPERSEDED

Resource Consent:	<i>Insert Consent Reference</i>
Grants to:	CCKV Maitai Dev Co Limited Partnership
Commencement date:	18 September 2025
Lapse Date:	10 years after commencement date
Expiry date:	11 years after commencement date
Location:	7 Ralphine Way, Maitai Valley, Nelson

The activity:

Discharge Permit (section 15 of the Resource Management Act 1991 (**RMA**)) for the discharge of construction phase stormwater (including dewatering, sediment, and flocculant) to land and surface water. This includes consent under the National Environmental Standards for Freshwater (**NES-FW**) for any construction phase discharge within 100m of a natural inland wetland.

Note: To be read in conjunction with Condition Sets A-K, M.

Subject to the following conditions:

General condition

1. The activity, being the discharge of construction phase stormwater (including dewatering, sediment, and flocculant) to land and surface water shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The Consent Holder shall advise the Nelson City Council (**Council**) Monitoring Officer in writing, at least 15 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent number ***Insert Consent Reference***.
3. At least 5 working days before the commencement of earthworks on site, the Consent Holder shall hold a pre-construction meeting with the Council's Monitoring Officer, the relevant supervising experts, lead contractor(s), and Te Tauihu iwi. At this pre-construction meeting, the Consent Holder shall provide an explanation as to the works programme, monitoring and reporting requirements.

Erosion and Sediment Control Report

4. All construction phase discharge of stormwater shall be carried out in general accordance with the Southern Skies *Environmental Erosion and Sediment Control Assessment Report* dated 31 January 2025 including the table below:

ESC Stage	Season	DO Earthworks Phase	Area (ha)	Approx. time	Notes
Stage 1A	1	1A	2.7	4 months	Early start / enabling works required. Staged stabilisation.
Stage 1B	1	1A	2.9a	4 months	Stage 1B expected to commence approximately ½ way through Stage 1A.
Stage 1C	1	1A, 1B, 1C	8.8	6 months	Stage 1C expected to commence approximately ½ way through Stage 1B. Stage 1A will be complete.
Unsuitable Borrow site	1		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site					Not expected that it will be required for Stage 1.
Stream diversion cut / construction	1		0.3	3 months	Staged offline construction of the new Kaka stream alignment.
Stage 2	2	4	1.88	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Unsuitable Borrow site	2		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	2		2.23	6 months	Staged and required for Stage 2.
Stage 3	2	2	4.5	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Stage 4	3	3A, 3B	6.8	7 months	Enabling works stage to complete Kaka 5A and 5B permanent stream. Initial bulk earthworks occurring at the same time. Remaining earthworks following completion of stream works. Some areas within the SRP catchments to remain untouched (no earthworks).
Unsuitable Borrow site	3		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	3		1.5	13 months	Staged and required for Stage 3 and Stage 4.

5. The Consent Holder shall ensure that any clean water diversion drains subject to Condition 6 shall be constructed in accordance with the Nelson Tasman Land Development Manual (**NTLDM**) and discharged to Kākā Stream (or any other watercourse within the site).
6. All clean water diversion drains or bunds shall be constructed after the installation of the sediment retention ponds and before any other earthworks occur.
7. Any outfall structure shall be constructed to ensure no localised erosion of the water course occurs. The direction of the discharge shall be aligned with the natural downstream flow as much as practicable so as to prevent erosion and scouring of the opposite stream bank. Any outfall structure shall be protected against erosion and scouring in accordance with the requirements of the NTLDM.
8. No obstructions shall be placed in the cut off or diversion drains that will impede the natural flow.
9. The Consent Holder shall provide a plan of any discharge points clearly identifying the location (including coordinates) of the outfall structure to the Council's Monitoring Officer prior to the commencement of the discharge.

Water Quality

10. Notwithstanding any other condition of this consent, the Consent Holder shall not cause any of the following effects in Kākā Stream (or any other watercourse) in the opinion of the Council's Monitoring Officer:
 - (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) The discharge of potentially contaminated soil from the Hazardous Activities and Industries List (**HAIL**) site;
 - (c) The discharge of sediment to a level where it may adversely impact on the ecological function and aquatic habits in the Maitai River;

- (d) After reasonable mixing, any conspicuous change in colour or visual clarity that is not typical of ambient background levels at the time; or
- (e) Any emission of objectionable odour.

Erosion and Sediment Control Monitoring Plan

11. All construction phase stormwater discharges (including dewatering, sediment and flocculant) shall be supervised and monitored by Suitably Qualified and Experienced Practitioners (**SQEP**) in accordance with the Erosion and Sediment Control Monitoring Plan (**ESCMP**) provided in Appendix B of the Southern Skies Environmental *Erosion and Sediment Control Assessment Report* including the specific requirements set out in Conditions 12-14. The objective of this ESCMP is to detail the erosion and sediment control management and monitoring system that will be implemented for the duration of the site earthworks activities to minimise environmental, human health and ecological effects.
12. Water quality shall be monitored for clarity and pH during rainfall events of greater than 25mm within a 24 hour period. If one or more of the targets listed in Section 4.2 of the ESCMP are breached, then the management actions identified within Section 5.3 of the ESCMP shall be implemented.
13. Following a rainfall trigger event (>25mm in a 24hr period), a summary record shall be kept of the performance of sediment retention ponds, decanting earth bunds, and overall erosion and sediment control system observed during the rainfall event. This record will be provided to the Council upon request. The record will include:
 - (i) A summary of the rainfall (total and intensity);
 - (ii) A summary of the manual monitoring undertaken and comparison of manual monitoring results to previously recorded results;
 - (iii) A summary of the site performance against the performance targets;
 - (iv) A record of any other matters which may have compromised the overall Erosion and Sediment Control performance during the rain event and the identified mitigation, maintenance, and management response; and
 - (v) A summary of the water sample analysis.

Chemical Treatment Management Plan

14. All chemical treatment and dosing of earth worked areas on site shall be designed, maintained, supervised and monitored by SQEPs in accordance with the Chemical Treatment Management Plan (**CTMP**) provided in Appendix A – *Chemical Treatment Management Plan* in the Southern Skies Environmental *Erosion and Sediment Control Assessment Report*. The objective of the CTMP is to ensure that any chemical treatment of sediment laden water is designed, implemented, and managed to maximise treatment effectiveness, and minimise environmental, human health and ecological effects.

Monitoring of Erosion and Sediment Control Measures

15. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify the Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to the following:
 - (i) Time and date of the incident;

- (ii) Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has had on the receiving environment; and
- (iii) Any measures taken to prevent further effects.

Dewatering from contaminated land

16. Prior to any discharge to either surface water or land, any dewatering of groundwater or stormwater (following excavation) required from the area of contamination in the location of the sheep dip shall be treated in accordance with Envirolink's 2025 *Remediation Action Plan (RAP)* v.4, or any subsequent certified version, as well as any other requirements of **Insert Consent Reference** (Set M).

Māori Cultural Values

17. The Consent Holder shall work in partnership with Ngāti Koata Trust and Te Tauihu Iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the stream monitoring methods.
18. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives. The purpose of the induction is to ensure that all personnel are aware of and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.
- A record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Tauihu Iwi representatives upon request.
19. The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the applicant shall resolve and remediate the issues with the appropriate iwi authority.
20. All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.

Review

21. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
 - (b) To require the Consent Holder to adopt the best practicable option to reduce, remediate or remove any adverse effect upon the environment, arising from the generated effects of the activity; and
 - (c) If the Council deems that it is necessary to do so, to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice notes:

1. Where a condition requires notification to, or review/approval by, Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Council's Monitoring Officer.

2. Rainfall will be recorded on site at the existing weather station located near the southern extent of the Kākā Stream.
3. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.

M	Land Use (s9)	Remediation of contaminated land
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Resource Consent: *Insert Consent Reference*

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement date: 18 September 2025

Lapse Date: 2 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (section 9 of the Resource Management Act 1991 (**RMA**)) associated with the soil disturbance, changing the of use of land, and subdivision of land which is within a HAIL site under the NES-CS.

Note: To be read in conjunction with Condition Sets A-L.

Subject to the following conditions:

General condition

1. The activity, of undertaking soil disturbance and remediation of contaminated land, shall be carried out in accordance with the application for resource consent, including any reports, plans, and any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Specific Conditions of Consent

2. The development shall proceed in accordance with Envirolink’s 2025 *Remediation Action Plan (RAP)* v.4, or any subsequent certified version. The objective of the RAP is to identify and implement the measures necessary to manage and remediate contaminated land so that risks to human health, groundwater, surface water, and ecological values are reduced to acceptable levels and the site is made suitable for its intended use.
3. Prior to undertaking the works authorised by this resource consent(s), the Consent Holder shall appoint a representative(s) who shall be Nelson City Council’s (**Council**) principal contact person(s) in regard to matters relating to these resource consents.
4. The Consent Holder shall advise the Council’s Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Notice should be sent via email to regulatory@ncc.govt.nz and advise the consent *Insert Consent Reference*.
5. The Consent Holder shall arrange for a site meeting between the Consent Holder’s principal contractor and the Council’s assigned monitoring officer, which shall be held on site prior to any works commencing. No works shall commence until the Council’s assigned monitoring officer has completed the site meeting.
6. The Consent Holder shall ensure that copies of these resource consent conditions and the RAP are provided to the contractors carrying out the works and any persons undertaking any ground disturbance works at the site.

7. A Protocol for unexpected contamination, should it be encountered, shall be prepared by a suitably qualified and experienced practitioner (**SQEP**) and submitted to the Council's Monitoring Officer at least 5 days prior to earthworks commencing on site, unless an alternative timeframe is agreed by the Monitoring Officer.

Iwi Engagement and Reporting

8. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of, and understand, the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A full record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Taihū Iwi representatives upon request.

9. The Consent Holder shall provide the RAP to Te Taihū iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The purpose of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on plan content before implementation.
10. The Consent Holder shall maintain a record of correspondence, including the dates the plans were provided and any feedback received. In addition, the Consent Holder shall establish and maintain regular communication with Te Taihū Iwi Pou Taiao for the duration of works.
11. During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (**iwi monitor**) is available, at the Consent Holder's expense, to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
12. If soil testing is undertaken to assess contamination (including, but not limited to, Hazardous Activities and Industries List (**HAIL**) activities), the results of such testing shall be provided to all Te Taihū iwi Trusts, including Ngāti Koata, within 10 working days of the results being received by the Consent Holder.
13. Project updates shall be provided by the contractor in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request.
14. Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
 - (a) the Consent Holder shall immediately:
 - i. Cease earthworks and mark off the affected area;
 - ii. Advise the Council Monitoring Officer of the discovery; and
 - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery.
 - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui

Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and

- (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
15. All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.

Remediation Works

16. An additional soil and groundwater investigation, as outlined in the draft plan contained within Appendix F of the RAP v.4, will be undertaken by a SQEP prior to remediation works commencing.
17. An Investigation, Sampling and Analysis Plan will be submitted to the Council's Monitoring Officer for review prior to remediation works commencing. Any subsequent updates or amendments to the RAP will be submitted to the Councils' Monitoring Officer for review prior to remediation works commencing.
18. The RAP shall be implemented, and the Consent Holder shall ensure it is adhered to by all contractors and workers on the site for the duration of the soil disturbance.
19. The RAP may be amended by the SQEP at any time to manage any changes to the methodology and ensure best practice. Any amendment of the soil remedial criteria and/or soil disposal criteria shall be submitted to the Council's Monitoring Officer for review and, if deemed necessary by Council, certification by a SQEP at the Consent Holder's expense.
20. The Consent Holder shall ensure that a copy of the most up to date and certified RAP, is provided to the contractors carrying out the works and that a copy is held on site at all times during the soil disturbance works.
21. Any specific erosion and sediment management controls addressed in the RAP shall be implemented to ensure the proposed stockpile(s) on site does not create a potential exposure pathway via the stormwater network or entering neighbouring sites.

Site Validation Report

22. On completion of contaminated soil remedial works a Site Validation Report (**SVR**) shall be prepared. The SVR shall be prepared by a SQEP in accordance with Ministry for the Environment *Contaminated Land Guidelines No. 1: Reporting on Contaminated Sites in New Zealand*, Revised 2021 and, at the minimum include:
- (a) a summary of contaminated soil earthworks undertaken at the site;
 - (b) evidence of appropriate disposal of surplus contaminated soils including details on the encapsulated cell;
 - (c) results of soil validation sampling undertaken with comparison to remedial targets set in Table 5 of the RAP;
 - (d) results of ground and surface water sampling undertaken during and after remedial works, and
 - (e) identification of areas of residual contamination (if any) that exceed the remedial targets set in Table 5 of the RAP.

Following the completion of works and prior to diversion of water into the newly aligned Kākā Stream tributary, the SVR prepared by the SQEP shall be submitted to the Council's Monitoring Officer for review (at the Consent Holders expense).

Kākā Stream Diversion - During Work and Site Management

23. Kākā Stream shall not be diverted through, or adjoining, the area identified as contaminated land until the site has been remediated in accordance with the RAP and the certified SVR confirms that remedial monitoring has reported decreased concentrations of contaminants of concern in groundwater to levels set out and required in the most recent version of the RAP.

Post Remediation Management Plan - Kākā Stream Realignment

24. Post Remediation Management Plan (**PRMP-Stream**) shall be prepared by a SQEP following the completion of the remedial works. This objective of the PRMP-Stream is to outline the monitoring and ongoing management requirements for the realigned Kākā Stream, and any residual contamination at the site (excluding the encapsulation cell, which is dealt with separately under Consent **Insert Consent Reference** – Set H). The PRMP-Stream shall be submitted to the Council's Monitoring Officer for review to confirm that the PRMP-Stream contains the information required by this condition.

- (a) The following monitoring will be undertaken as part of the PRMP-Stream.
- (i) Surface water sampling of the realigned Kākā Stream in at least four locations: upgradient, adjacent to the source area, 20 m downgradient and 50 m downgradient of the (former) source area;
 - (ii) Surface water sampling of the Maitai River, in at least one location, immediately upstream and downstream of the confluence with Kaka Stream (i.e. Dennes Hole);
 - (iii) Water samples will be analysed for dieldrin and dissolved arsenic;
 - (iv) Water monitoring is to occur monthly for a minimum of two years post certification of the SVR then either quarterly for a minimum of three years, or unless agreed otherwise by the Council's Monitoring Officer;
 - (v) If concentrations of dieldrin or dissolved arsenic are above the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (**ANZG**) thresholds for freshwater ecosystems (i.e. 95% species protection for dissolved arsenic and absolute value for dieldrin) are detected in the stream in the adjacent and the two downgradient sample locations (but not in the upgradient location), a second monitoring round shall be completed at all sites within two weeks of the initial sampling;
 - (vi) If both sets of results show exceedances of the above ANZG thresholds in the adjacent and two downgradient sample locations (but not the upgradient location) the Consent Holder shall submit and implement a Contingency Remedial Action Plan as described in the RAP. Otherwise, monitoring shall continue to occur monthly as required in the above conditions;
 - (vii) The Contingency Remedial Action Plan shall be submitted to the Council's Monitoring Officer for review at the same time as it is implemented. Any further amendments requested by the Council Monitoring Officer shall be incorporated into the Contingency Remedial Action Plan and implemented accordingly, unless the Consent Holder disagrees with the requested amendments. In the event of a disagreement, the matter shall be reviewed by a SQEP agreed upon by both parties. The SQEP shall determine whether the requested amendments are necessary to achieve the environmental

outcomes intended by the consent i.e. as per Condition 24 (a)(v) . The SQEP's determination shall be final, and any amendments required shall be incorporated into the Contingency Remedial Action Plan and implemented without delay; and

- (viii) In addition to the monitoring required by the above conditions, wet-weather monitoring for dieldrin and dissolved arsenic shall be undertaken at all sites of any rainfall event exceeding 50 mm in a 24-hour period. This monitoring shall occur on a minimum quarterly basis for the first two years following certification of the SVR. Where no rainfall events occur that meet this threshold within a given quarter, monitoring for that quarter shall not be required.
- (b) The Consent Holder shall forward the results of the monitoring to the Council's Monitoring Officer within 5 days of receiving them.

Off-site Soil Disposal

- 25. Any contaminated material removed from the site shall be disposed of as follows:
 - (a) Soil with dieldrin <50 mg/kg shall be disposed of at a facility authorised to receive such material or shall be placed in an encapsulated cell on the balance land.
 - (b) Soil with dieldrin >50 mg/kg may be temporarily stored until such time it can be received by a facility authorised to receive such material.
- 26. Records shall be made available to the Council's Monitoring Officer on request detailing the disposal or storage location and volume of material.
- 27. All contaminated soil removed off site shall be transported by truck and securely covered while in transit.

Highly Contaminated Soil Management (Dieldrin >50 mg/kg)

- 28. All soils containing dieldrin above 50 mg/kg shall be securely stored in sealed containers on an impervious surface in a bunded area at least 25m from any water body.
 - (a) A Hazardous Waste Management Plan for these soils shall be submitted to the Council for review prior to site works commencing.
 - (b) Stored material shall be stored on site for a maximum of 5 years unless agreed otherwise by the Council's Monitoring Officer
 - (c) The Consent Holder shall provide written confirmation of the final disposal route and regulatory compliance with the Hazardous Substances and New Organisms Act 1996 and Environmental Protection Authority requirements before materials are removed from the site.

Review

- 29. For the purposes of, and pursuant to section 128 of the RMA, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - (a) To modify existing conditions of consent relating to the effects of the activity on the environment;
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity;

- (c) If the Council deems that it is necessary to do so, to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date; and
- (d) To comply with national environmental standards made under section 43 of the RMA.

Advice Notes:

1. Where a condition requires notification to, or review/approval by, Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Council's Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (**DESCP**), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (**CTMP**).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Monitoring Officer.

For the avoidance of doubt, the Council's Monitoring Officer is not in a position to approve or certify the technical content of plans or reports submitted under these conditions of consent. The Council's Monitoring Officer's role is to receive the submitted information and coordinate its review by the relevant qualified Council staff or external experts. This review is undertaken solely to determine whether the submitted material addresses all the matters required by the applicable condition(s) of consent. The use of terms such as "confirmation" or "review" in these conditions reflects this process and does not imply that the Monitoring Officer, or the Council more generally, is providing technical approval of the methodology or design.

2. This is not a discharge permit. In the event of any unanticipated dust, contamination, erosion or sediment effects occurring beyond the identified areas of the contaminated site, all earthworks must cease until the breach has been remedied to the satisfaction of the Council's Monitoring Officer.
3. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.
4. Rainfall will be recorded on site at the existing on-site weather station located near the southern extent of the Kākā Stream.
5. This consent does not provide for re-diverting the stream including additional associated earthworks if the Consent Holder chooses to realign the stream to avoid the contaminated area or move it to a location where the ANZG guideline values of Condition 22 can be confirmed.

APPENDIX B: CONSENTS REQUIRED

Land Use Consent (Section 9):

- a. To undertake a Comprehensive Housing Development (residential retirement village) with café, as a discretionary activity;
- b. To undertake earthworks and clear vegetation, as a discretionary activity;
- c. To demolish the existing shearing shed and chimney, as a controlled activity;
- d. To construct a commercial activity (Koata House), as a discretionary activity;
- e. To establish and operate a wastewater pump station, as a non-complying activity
- f. To construct a temporary water reservoir, as a discretionary activity;
- g. To form the new Open Space and Recreation (zoned) corridor and neighbourhood reserve, with the integration of stormwater management and recreational features, as a non-complying activity;
- h. To establish and operate a landfill operation as a part of disposing of surplus material, including as a part of disposal of material from the Remediation Action Plan, as a discretionary activity.

Subdivision Consent (Section 11) to subdivide land as a part of undertaking a comprehensive and fully integrated urban development, as a discretionary activity.

Land Use Consent (Section 13) for:

- a. Disturbance of the bed of rivers for construction related activities, as a discretionary activity;
- b. Disposition of material in the beds and on the banks of rivers, including reclamation, as a non-complying activity.

Water Permit (Section 14) to temporarily dam and divert water for the purpose of, and in association with construction activities, as a discretionary activity.

Discharge Permit (Section 15) for discharge of construction phase stormwater (including from dewatering, sediment and flocculant) to land and surface water as a discretionary activity.

National Environmental Standards for Freshwater 2020 Consent for:

- a. Reclamation of rivers (including Kākā Stream), as a discretionary activity;
- b. Urban development within 10m of a natural inland wetland, as a restricted discretionary activity;
- c. Earthworks within 100m of a natural inland wetland where drainage of the wetland may result, as a non-complying activity.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 Consent for:

- a. Subdivision of land, as a restricted discretionary activity;
- b. Change of use of land, as a restricted discretionary activity;
- c. Soil disturbance of land, as a restricted discretionary activity.

APPENDIX C:

SUMMARY TABLE FOR S 85(3) EVALUATION

Table 1. Summary table for section 85(3) evaluation	
Adverse Impacts	Benefits
<ol style="list-style-type: none"> 1. Minor increase in sediment loads in runoff, during construction. 2. Minor or less adverse ecological effects during the construction phase. 3. Minor, temporary and inevitable amenity impacts during construction phase (dust, noise and traffic). 4. Minor effects on water quality from first flush runoff once developed. 5. Minor increase in traffic delays at the intersection of Nile Street East / Maitai Road / Clouston Terrace. 6. Less than minor impact on heritage and archaeological values from deconstruction of shearing shed and potential disturbance or destruction of European and Māori archaeological sites. 7. Less than minor risks of contamination from encapsulation cell. 8. Very low visual and landscape impacts from the water reservoir and minor deviations from the Structure Plan. 9. Low geotechnical risk arising from development. 10. Less than minor effects on hydrology, including the potential for only negligible impacts on off-site flooding. 	<ol style="list-style-type: none"> 1. Significant increase in employment opportunities during construction. 2. Significant economic impact. 3. Significant ecological benefits arising from a net gain in ecological values. 4. Overall, a significant cultural benefit through the combination of benefits, including principally: <ol style="list-style-type: none"> a. Restoring the health of wai Māori and the presence of mahinga kai through water quality improvements and enhancement of Kaka Stream; b. Enhanced opportunities for mana whenua to exercise rangatiratanga and kaitiakitanga: <ol style="list-style-type: none"> i. Providing the opportunity for Ngāti Koata to secure land for Koata House; ii. Providing the opportunity for a portion of the development to be an iwi-led housing project; and iii. Revegetation and protection of Kākā Hill. 5. Long-term improvements in water quality. 6. Increased housing supply in Nelson. 7. Increased passive and active recreation opportunities onsite and downstream, including for the wider community. 8. Improved traffic safety for the wider community. 9. Improved linkages to multi-modal transport options for the wider community. 10. Reduction in contamination risk from the existing contamination source. 11. Improved landscape and natural character values of the Kākā Stream corridor. 12. Substantial alignment and consistency with relevant planning provisions, including those decided upon in the very recent Private Plan Change 28 process such as: <ol style="list-style-type: none"> a. The Maitahi Bayview Structure Plan; b. The Special Information required by Rules X-X of Schedule X; c. The Bespoke Objective and its implementing policies.

APPENDIX D:

COMPARISON OF ADVERSE IMPACTS AND REGIONAL BENEFITS

Table 2. Maitahi Village Project - Comparison of adverse impacts and regional benefits for s85(3) assessment				
Impact	Potential impact (where adverse after avoidance, remediation, mitigation, offsetting or compensation (s85(3)(b)(i) and (ii)))	+	-	Reference / Source
				Sec Key
Economics and employment	1 "Our EIA estimates that the proposed development would have significant and positive economic impacts on the Nelson regional economy and represents a significant opportunity for the region to protect, sustain and grow jobs and income while also providing additional competitive residential opportunities."	++		Attachment 1 (V2), June 2025, p12 Response Table 13, responses 5, 12, 24, 25, 29, 38, 39 and 131 Response Table 16, response 4 Response Table 18, comment 2
Housing	2 - "This development also positively contributes to the outcomes sought in the NPS-UD ¹⁰ by providing additional housing capacity across a range of typologies and providing more choice in the market in relation to price points and location?" - Positive contribution to alleviating the numbers and affordability of housing - Meeting the critical need for healthy, secure and affordable homes for Ngāiwi Koata.	++		Attachment 1 (V2), June 2025, p12; Summary of Presentation (Hemi Toia), 16 July 2025 Response Table 13, response 5
Cultural	3 - Positive effect on exercise of rangatiratanga (including the gifting of Kākā Hill) - Positive effect on exercise of Kaitiakitanga (including the gifting of Kākā Hill) - Positive effect on water quality and the health of wai māori for present and future generations, including through the realignment and enhancement of Kākā Stream - Restoring the health of wai māori through the realignment and enhancement of Kākā Stream for present and future generations - Positive effect on biodiversity - Positive effect on mahinga kai - Effective and meaningful alignment with cultural values	++		Attachment 2.1, January 2025, pp23-27; Attachment 2.3 , January 2025, pp13-14; Summary of Presentation (Hemi Toia), 16 July 2025 Response Table 4, response 7.1 Response Table 11, response 10 Response Table 14, response 2
Ecology	4 - Significant net positive ecological effects from the restoration and enhancement of terrestrial, instream, wetland, and riparian habitats.	+++		Attachment 3.1, February 2025, pp46-47, 65 & Ecological Restoration Plan; Wetland Restoration Plan; Stream Restoration Plan; Stream Mitigation Assessment , 11 July 2025 (these plans will be provided as part of the volunteered V2 conditions) Response Table 4, responses 3.1 and 7.1 Response Table 13, responses 5, 72-79 and 85
Ecology Construction Effects (Temporary)	5 No more than minor impacts due to: - Adverse effects on in-stream and riparian habitat are mitigated through volunteered conditions: timed and staged works, erosion and sediment controls, and riparian planting. - Adverse effects on terrestrial vegetation are mitigated through volunteered conditions: phased clearance, no-go zones and native reinstatement. - Potential adverse effects on native freshwater fish are mitigated via the Fish Salvage & Relocation Plan: pre-works surveys, salvage and transfer, and post-works monitoring. - Potential adverse effects on native avifauna are mitigated through volunteered conditions: works outside the breeding season, and pre-works surveys. - Potential adverse effects on native lizards are mitigated via the Lizard Management Plan: pre-clearance surveys, translocation to on-site refugia and habitat monitoring.	++		Attachment 3.1, February 2025, pp46-47; Stream Restoration Plan; Stream Mitigation Assessment , 30 June 2025; Ecological Restoration Plan; Fish Salvage & Relocation Plan; Lizard Management Plan (these plans will be provided as part of the volunteered V2 conditions) Response Table 10, responses 8 – 12, and 21 – 30 Response Table 13, responses 72-79
Water Quality	6 - Mitigation of the adverse effects from first flush urban stormwater runoff through water sensitive design (including nature-based solutions) to a less than minor level - Mitigation of potential adverse hydrological effects of the change in runoff characteristics as a result of the increased impervious surfacing (through temperature, groundwater recharge and extended detention) through rainwater reuse and consolidation treatment wetlands and infiltrations basins, so any adverse impacts downstream will be less than minor - Avoidance of potential adverse effects of the discharge of contaminants from building materials containing zinc or copper. - Overall improvement in water quality despite the potential for the less than minor adverse impacts described above, due largely to the more significant positive effects of decreases in sediment and nutrient runoff.		N	Attachment 5.1, Dated February 2025, p9; Attachment 5.2 , Dated January 2025, p9 Response Table 4, responses 3.1, 3.5.c and 3.6 Response Table 9, response 10 Response Table 12, response 6 Response Table 13, response 62
Water Quality Construction Effects (Temporary)	7 Minor and temporary effects/impact from the discharge of sediment during construction.			Attachment 7, Dated January 2025, p33 Response Table 4, response 3.1 Response Table 9, response 42 Response Table 13, response 5
Residential Amenity Construction Effects (Temporary)	8 - Potential dust effects mitigated to the point they would be minor , through the Site Specific Erosion and Sediment Control Plan - Potential noise effects mitigated to the point they would be minor , through the Construction Noise and Vibration Management Plan - Potential traffic effects mitigated to the point they would be minor , through the Traffic Management Plan			Response to Minute 5 , 13 June 2025, including CNVA (Styles Group) , & Response to Comments , 11 July 2025 Response Table 9, responses 34 and 46 Response Table 12, responses 5, 7, 17 and 18 Response Table 13, responses 44, 48, 101 – 106, and 137
Geotechnical	9 Potential geotechnical risks are avoided, remedied and / or mitigated including through development conditions at s 224 (stage) to the point any residual risk is low and certainly not significant.			Attachment 4, February 2025, p43 Response Table 9, response 10 Response Table 12, responses 4 and 14
Flooding	10 - Negligible potential for increased flood risk off-site			Attachment 5.3, August 2022, pp53-56

		- No adverse flooding effects within the development	N	N	Response Table 9, responses 10, 11 and 14 Response Table 12, responses 4 and 16
Traffic safety	11	<ul style="list-style-type: none"> - Minor effects on traffic delays at intersection of Nile Street East / Maitai Road / Clouston Terrace. - Positive improvement to safety of the intersection of Nile Street East / Maitai Road / Clouston Terrace. - Positive impact of developing part of the connecting road to enable the future link to Bayview / Walters Bluff. - Positive impacts from linking to consented shared pathway at Ralphine Way, plus other recreational walkway linkages. - Positive provision for future bus service in roading concept 	<ul style="list-style-type: none"> ■ ■ ■ ■ ■ 	<ul style="list-style-type: none"> ■ 	<p>Attachment 6, February 2025, pp68-69</p> <p>Response Table 1, response 6 Response Table 2, response 4 Response Table 7, response 6 Response Table 8, response 16.5 Response Table 9, response 23 and 24 Response Table 12, responses 15 and 16 Response Table 13, responses 49, 54, 115, 121 and 127 Response Table 19, response 8.1 Response Table 20, response 19</p>
Land Contamination	12	<ul style="list-style-type: none"> - Potential for adverse impacts from the encapsulation cell are largely avoided through site selection and construction methodology, then mitigated through volunteered conditions to ensure effects are less than minor. - Positive remediation of land contamination effects - Positive improvement to groundwater through removing the source of contamination 	<ul style="list-style-type: none"> ■ ■ ■ 	<ul style="list-style-type: none"> ■ 	<p>Attachment 8.1 (V3), July 2025, pp15, 17, and 37 HAIL Environmental Ltd, 16 July 2025, paragraph 31.</p> <p>Response Table 1, response 1 Response Table 3, response 7 Response Table 4, responses 4.2, 4.5.a and 4.6 Response Table 12, response 19 Response Table 13, response 90-97 Response Table 15, response 4 Response Table 19, response 5</p>
Servicing	13	Provision of fully serviced urban development, coordinated with infrastructure upgrades	N	N	Attachments 13 (V2) , February 2025 Response Table 1, response 5
Landscape	14	<ul style="list-style-type: none"> - Very low degree of adverse effect from the reservoir - Very low degree of adverse effect due to the minor zoning related infringements (described in Response to Comments (11 July 2025), item 173, page 120). - Positive enhancement of the natural character of the Kākā Stream and its corridor - With the exception of the minor zoning related infringements, Maitahi Village aligns closely with the spatial layout of the Maitahi Bayview Structure Plan (Schedule X) 	<ul style="list-style-type: none"> ■ ■ ■ 	<ul style="list-style-type: none"> ■ ■ 	<p>Attachment 10.1, February 2025, p24; NCC Table of Feedback, 17 June 2025, items 11.28-11.29; Response to Comments, 11 July 2025, item 173, p120.</p> <p>Response Table 13, response 44-47</p>
Recreation Values (and Open Space)	15	<ul style="list-style-type: none"> - A new network of public walking and cycle trails, with connections with the wider network - Provision for new neighbourhood reserve and open space areas for passive and active recreation - Benefits to recreational values within the Maitai River catchment downstream of the site due to water quality improvements. 	<ul style="list-style-type: none"> ■ ■ ■ 		<p>Attachment 10.1, February 2025, p17; Attachment 5.2, p9</p>
Air Quality	16	Potential adverse impacts avoided through prohibition of solid fuel burning.	N	N	Substantive Application , p83
Heritage	17	Potential adverse impacts associated with demolition of the shearing shed mitigated through the recording and the salvage of heritage material/elements (shearing shed) and thus effects on heritage will be less than minor. Demolition of the shearing shed is necessary to remove the source of contamination.		<ul style="list-style-type: none"> ■ 	<p>Substantive Application, p34; Attachment 19, IHP Decision, pp179-184; Schedule X, Rule X.8</p>
Archaeology	18	<ul style="list-style-type: none"> - Potential adverse impacts on European archaeological values mitigated through the conditions of the Archaeological Authority (2024/332) . - Potential adverse impacts on Māori archaeological values will be mitigated through: <ul style="list-style-type: none"> o the volunteered iwi monitoring during earthworks; and o the conditions of an additional authority to be sought for that purpose. 		<ul style="list-style-type: none"> ■ ■ 	<p>Attachment 20, February 2024 Response Table 5, response 3</p>

Key

- = Significant Impact
- = Positive Impact
- N = Nil Impact
- = Adverse Impact