Fast-Track Approvals Act 2024

Application for Resource Consent

Maitahi Village

at 7 Ralphine Way, Nelson

CCKV Maitai Dev Co LP

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Acronyms

BNL	Bayview Nelson Limited
CCKV	CCKV Maitai Dev Co Limited Partnership
NTFDS	Nelson Tasman Future Development Strategy 2022
HNZ	Heritage New Zealand Pouhere Taonga Act 2014
NCC	Nelson City Council
NES-CS	National Environmental Standard for Managing Contaminants in Soil
NES-F	National Environmental Standard for Freshwater
NPS-IB	National Environmental Standard for Indigenous Biodiversity
NPS-FW	National Policy Statement for Freshwater
NPS-UD	National Policy Statement for Urban Development 2020
NRMP	Nelson Resource Management Plan
NTLDM	Nelson Tasman Land Development Manual
RPS	Nelson Regional Policy Statement
SP	Maitahi Bayview Structure Plan
TDC	Tasman District Council

Attachments - Supporting Information

No.	Maitahi Village Assessment Reports	Author / Source	Dated
1	Fast Track Economic Impact Assessment	Property Economics Ltd	Feb.25
2.1	Cultural Impact Assessment – Ngāti Koata_Maitahi Village	Thirdspace Projects Aotearoa Ltd	Feb.25
2.2	Te Tauihu Iwi Engagement & Consultation: PPC28 & Maitahi Village 2020-2025	Thirdspace Projects Aotearoa Ltd	Feb.25
2.3	Statement of Cultural Values - Maitahi	Ngāti Tama ki Te Waipounamu Trust	Feb.25
3.1	Ecological Impact Assessment	Robertson Environmental Ltd	Feb.25
3.1	Ecological Impact Assessment - Appendices	Robertson Environmental Ltd	Feb.25
3.2	Ecological Recommendations for Contamination Management	Robertson Environmental Ltd	Jan.25
4	Geotechnical Assessment Report	Tonkin & Taylor Ltd	Feb.25
5.1	Maitahi Village-Stormwater Assessment Report	Tonkin & Taylor Ltd	Feb.25
5.2	Maitahi Village – Stormwater Management. Water Sensitive Design Report	Morphum Environmental Ltd	Jan.25
5.3	Stormwater Management Plan	Tonkin & Taylor Ltd	Aug.22
6	Integrated Transport Assessment	Traffic Concepts Ltd	Feb.25
7	Erosion and Sediment Control Assessment Report – Maitahi Village	SouthernSkies Environmental Ltd	Feb.25
8.1	Remediation Action Plan. Maitahi Subdivision, 7 Ralphine Way, Nelson	Envirolink Ltd	Feb.25
8.2	Site contamination specialist review of remedial action plan	HAIL Environmental Ltd	Feb.25
8.3	Response to review of RAP	Envirolink Ltd	Feb.25
9.1	Maitahi Servicing Report	Davis Ogilvie & Partners Ltd	Feb.25
9.2	Arvida Maitahi Servicing Report	Davis Ogilvie & Partners Ltd	Feb.25
10.1	Landscape Assessment Report – Proposed Maitahi Village	Rough Milne Mitchell Landscape Architects Ltd	Feb.25
10.2	Landscape Assessment Report – Proposed Arvida Retirement Village	Rough Milne Mitchell Landscape Architects Ltd	Feb.25
11	Investigation into selected heritage structures	Origin Consultants Ltd	April.22
	Maitahi Village Plan Sets		
12	Subdivision Scheme Plans	Davis Ogilvie & Partners Ltd	Feb.25
	Maitahi Village - Civil Drawing Sets	Davis Ogilvie & Partners Ltd	*Feb.25*
13.1	Maitahi Civils Set 1 – Overall Earthworks Plan		
13.2	Maitahi Civils Set 1 – Earthworks		
13.3	Maitahi Civils Set 2 – Drainage		
13.4	Maitahi Civils Set 3 – Water & Services		
13.5	Maitahi Civils Set 4 – Roading		
13.6	Maitahi Civils Set 4 – Roading - Nile Street intersection		
13.7	Arvida Civils		
	Arvida Maitahi Village	JTB Architects & Rough Milne Mitchell Landscape Architects Ltd	Feb.25
14.1	Package A – RC Site		
14.2	Package B – Design Proposal Overview		
14.3(1)	Package C - Pt 1- – Design Proposal Landscape Strategy		
14.3(2)	Package C – Pt 2 -Design Proposal Landscape Strategy		
14.3(3)	Package C – Pt 3 - Design Proposal Landscape Strategy		
14.3(4)	Package C – Pt 4 - Design Proposal Landscape Strategy		
14.4	Package D – Design Proposal Architectural Response		
14.5	Package E – Design Proposal Care & Café Building		
14.6	Package F – Design Proposal Clubhouse		
14.7	Package G – Design Proposal Pavillion		
14.8	Package H – Design Proposal Residents Shed & Maintenance		
14.9	Package I – Design Proposal Villas - Classic		
14.10(1)	Package J – Pt 1 – Design Proposal Villas - Lifestyle		
14.10(2)	Package J – Pt 2 – Design Proposal Villas - Lifestyle		
14.11	Package K – Design Proposal Villas - Premium		
15	Koata House / Te Whare ō Koata – Maitahi Village	Waka Group Architecture Ltd	Jan.25

16.1	Landscape Context and Site Analysis – Part 1	Rough Milne Mitchell Landscape Architects Ltd	Feb.25
16.2(A)	Landscape Design Report – Part 2(A)	Rough Milne Mitchell Landscape Architects Ltd	Feb.25
16.2(B)	Landscape Design Report – Part 2(B)	Rough Milne Mitchell Landscape Architects Ltd	Feb.25
16.2(C)	Landscape Design Report – Part 2(C)	Rough Milne Mitchell Landscape Architects Ltd	Feb.25
17	Maitahi Village Aerial Masterplan	Myles Montgomery	Feb.25
	Other Supporting Documents		
18.1	Record of Title NL11A_1012	CCKV Maitai Dev Co LP	Feb.25
18.2	Record of Title 1039028	Bayview Nelson Limited	Feb.25
19	NRMP - PPC 28 - Hearing Panel Recommendation Report	Nelson City Council	Sept.22
20	Archaeological Authority 2024-332	Heritage New Zealand Pouhere Taonga	Feb.24
21	Decision [2024] NZEnvC 290	Environment Court	Nov.24
21.1	NRMP: Relevant Planning Maps and Structure Plan maps within Sch. X	Environment Court	Nov.24
22.1	RC Application RM245337-340_Shared Pathway & Bridges	Landmark Lile Ltd	Dec.24
22.2	A. NL2D_351_Title_Search_Copy	Landonline	Dec.24
22.3	A. NL3D_981_Title Search_Copy	Landonline	Dec.24
22.4	A. NL4B_118_Title_Search_Copy	Landonline	Dec.24
22.5	A. NL5D_970_Title_Search_Copy	Landonline	Dec.24
22.6	B1. Shared Path & Servicing Plans	Davis Ogilvie	Dec.24
22.7	B2. Shared Path Cross-Sections	Davis Ogilvie	Dec.24
22.8	B3. Structural Drawings - Jickells and Gibbs Bridges	CDT Consultants Ltd	Dec.24
22.9	C. Construction Management Plan	Fulton Hogan Ltd	Dec.24
22.10	D. Flood Assessment Report	Tonkin & Taylor Ltd	Dec.24
22.11	E. Transportation Assessment	Traffic Concepts Ltd	Dec.24
22.12	F. Ecological Impact Assessment	Robertson Environmental Ltd	Dec.24
22.13	G. Iwi Engagement Summary	Thirdspace Aotearoa	Dec.24
23	Maitahi Village Project – Anticipated Staging / Timing	CCKV Maitai Dev Co LP	Feb.25
24	Assessment of Activity Status	CCKV Maitai Dev Co LP	Feb.25
25	Volunteered Consent Conditions	CCKV Maitai Dev Co LP	Feb.25

1.0 Introduction

1.1 The Purpose of the Act

The purpose of the Fast-Track Approvals Act 2024 is set out in section 3 as follows:

> ***3 Purpose***
>
> *The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.*

The Maitahi Village project is consistent with the purpose of the Act in that it has been promulgated and designed to contribute quickly and effectively to meet a range of housing needs in close proximity to Nelson City. The regional significance of this project arises from its scale, makeup, and location, which generate a range of important economic, cultural, environmental, and social benefits.

The lack of affordable housing is one of the most significant challenges facing the Nelson region. Housing deprivation is high and requires urgent attention[1]. The project will supply approximately 374 residential units/allotments to meet a range of needs, along with 36 aged care beds, and to iwi and community housing providers. The need for Iwi housing was clearly expressed during the PPC28 hearing process. Retiree needs will also be met by the Arvida retirement village.

The project will deliver regionally significant infrastructure, in that the required downstream wastewater pipe infrastructure will see upgrades to existing aged and at capacity infrastructure. The project will retain trunk electricity corridors and extend the telecommunications network. The transport infrastructure for the project includes a new shared commuter path along a portion of Maitai Valley Road and two new shared path bridges to cross the Maitai River. This will benefit other users in the wider valley area as well as the project site.

The economic return to the region from this Maitahi Village project will be significant[2]. In addition to helping to address housing demands, the total economic impact on business activity within Nelson as a result of the development over a 7-year period[3] is estimated to be just over $356 million (NPV). This would contribute 660 FTEs during the peak development and operational year within Nelson, with a total of 2,737 FTE years over the 7-year development period.

These economic benefits are of particular importance to Nelson City given its lowest economic ranking / performance in 2024 out of 16 regions. This has been reported nationally and also acknowledged publicly by the Nelson Mayor[4].

ASB released its regional economic scoreboard for the September 2024 quarter, ranking Nelson the last/lowest (16th), as follows:

[1] Public Housing Plan 2021 – 2024', Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development, at page 3
[2] **Attachment 1**. Economic Impact Assessment.
[3] **Attachment 23**. Anticipated Staging / Timing.
[4] https://www.thepress.co.nz/nz-news/360520173/nelson-economy-facing-long-hard-haul

Nelson is still finding it challenging, having now been at the bottom of the Scoreboard for the fourth quarter in a row.

The bright spot has been a more than doubling of non-residential consent issuance over Q3 compared to a year earlier to an elevated level. That flags some commercial construction is in the pipeline.

Other activity indicators are fairly subdued. Retail sales values fell 9% compared to a year earlier, by far the weakest region and continuing the trend of a decline in spending. Car registrations also fell, in contrast with some recovery in most regions after a feast-to-famine start to 2024.

House prices were down very marginally, in line with national performance. Sales turnover was down slightly, but that does come after a bit of a spike around autumn.

Employment and consumer confidence across the upper South Island was comparatively weak.

This project was also identified as a significant part of the region's Nelson Tasman Future Development Strategy in 2019, and also again in the most recent Nelson Tasman Future Development Strategy 2022 (NTFDS)[5].

The FDS Final Technical Report of 12 September 2022[6] used the multi-criteria analysis, with the Maitahi Bayview urban growth area (N-106) scoring '*very high*' and '*high*' thereby confirming the significance of the project to the wider Nelson-Tasman region:

Very High Scores for:

- Iwi and hapū development;
- Scale of proposal;
- Capacity to deliver;
- Reverse sensitivity and human health effect;
- General accessibility by private vehicle to employment, education and social opportunities;
- Landscape value (ONL, ONF, Coastal Environment).

High Scores for:

- Level of accessibility by public and active transport to essential services, employment, education and social opportunities;
- Iwi and hapū development, potential for commercial development by Iwi / Māori trusts;
- Iwi and hapū development, potential for papakāinga development;
- Ability for a range of housing types to be provided;
- Efficiency of supporting transport infrastructure, stormwater infrastructure, wastewater infrastructure, potable water infrastructure;
- Efficiency of supporting community infrastructure.

The project is also identified in the NTFDS Implementation Plan 2023 for implementation in years 1-10 (subject to the rezoning being confirmed by the Environment Court). Environment Court Decision[7] approved PPC28 in November 2024.

[5] www.nelson.govt.nz/building-and-property/city-development/future-development-strategy
[6] Appendix 4, pp109-110
[7] **Attachment 21**. Decision No. [2024] NZEnvC 290 (20 November 2024)

This Maitahi Village project is one of three listed projects in the Nelson-Tasman Region. The significant social and economic benefits of this project have particular importance given the state of the Nelson economy. The value of this project has also been formally endorsed by the region in its Nelson Tasman Future Development Strategy 2022.

1.2 Ineligible or competing activities

Section 43(1)(c) of the Act requires the applicant to demonstrate that the project does not involve any *ineligible activities* as set out in Clause 5 as follows:

> ***5 Meaning of ineligible activity***
>
> *(1) In this Act, **ineligible activity** means any of the following:*
>
> *(a) an activity that—*
>
> *(i) would occur on identified Māori land; and*
>
> *(ii) has not been agreed to in writing by the owners of the land or been subject to a determination under section 23:*

This application is not on any identified Māori land. Refer to the Records of Title[8].

> *(b) an activity that—*
>
> *(i) would occur in a customary marine title area; and*
>
> *(ii) has not been agreed to in writing by the customary marine title group:*

This application is not on a customary marine title. Refer to the Records of Title.

> *(c) an activity that—*
>
> *(i) would occur in a protected customary rights area; and*
>
> *(ii) would have a more than minor adverse effect on the exercise of the protected customary right; and*
>
> *(iii) has not been agreed to in writing by the protected customary rights group:*

This application is not on any protected customary rights area. Refer to the Records of Title.

> *(d) an activity that would occur on either of the following classes of land:*
>
> *(i) Māori customary land:*
>
> *(ii) land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Māori Act 1993:*

This application is not on any Māori customary land, nor land set aside as a Māori reservation. Refer to the Records of Title.

> *(e) an aquaculture activity or an activity that is incompatible with aquaculture activities—*
>
> *(i) that would occur within an aquaculture settlement area declared under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or an area reserved under another Treaty settlement for the aquaculture activities of a particular group; and*
>
> *(ii) for which the applicant who is proposed to hold an approval described in section 24C(3)(a) (resource consent) is not authorised to apply for a coastal permit under the Resource Management Act 1991:*

This application does not involve aquaculture.

> *(f) an activity—*
>
> *(i) that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991; and*
>
> *(ii) that—*
>
> *(A) could not be granted an access arrangement because of section 61(1A) of that Act; or*
>
> *(B) would occur in an area for which a permit cannot be granted under that Act:*

[8] **Attachments 18.1 and 18.2**. NL11A_1012 & Id.1039028.

This application does not involve any crown minerals.

(g) an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991:

This application does not involve the coastal marine area as regulated by Part 7A of the RMA.

(h) an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that would occur on land that:—

(i) would occur on land that is listed in Schedule 4; and

(ii) has not been subject to a determination under section 24:

This application does not involve any crown minerals.

(i) an activity that—

(i) would occur on a national reserve held under the Reserves Act 1977; and

(ii) requires approval under that Act; and

(iii) has not been subject to a determination under section 24:

This application does not involve a national reserve. Refer to the Records of Title.

(j) an activity that—

(i) would occur on a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority; and

(ii) has not been agreed to in writing by the person or persons in whom the reserve is vested:

This application does not involve works on reserve land that is vested in someone other than Nelson City Council.

(k) an activity that—

(i) would occur on a reserve held under the Reserves Act 1977 that is managed by someone other than the Department of Conservation or a local authority; and

(ii) has not been agreed to in writing by the person or persons responsible for managing it:

This application does not involve works on reserve land that is vested in someone other than Nelson City Council.

(l) an activity that is—

(i) a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act; or

This application does not involve an activity within the Exclusive Economic Zone and Continental Shelf.

(ii) an activity that is described in section 15B of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it; or

This application does not involve the harmful discharge from ships or offshore installations.

(iii) an activity that is prohibited by section 15C of the Resource Management Act 1991:

This application does not involve the discharge of radioactive waste or other radioactive material.

(m) a decommissioning-related activity (which is an activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012):

This application does not involve a decommissioning activity.

(n) an activity undertaken for the purposes of an offshore renewable energy project.

This application does not involve offshore renewable activities.

*(2) The agreement referred to in subsection (1)(a), (b), (j), or (k) is not required for an activity that is prospecting, exploration, mining, or mining operations of Crown-owned minerals undertaken below the surface of any land or area referred to in that subsection (the **land**) if the activity—*

(a) will not or is not likely to cause any damage to the surface of the land or any loss or damage to the owner or occupier of the land; and

(b) *will not or is not likely to have any prejudicial effect in respect of the use and enjoyment of the land by the owner or occupier of the land; and*

(c) *will not or is not likely to have any prejudicial effect in respect of any possible future use of the surface of the land.*

This application does not involve prospecting, exploration, mining, or mining operations.

(3) A person whose agreement is required under subsection (1)(j) or (k)—

(a) must not unreasonably withhold their agreement; and

(b) in deciding whether to give their agreement, must take into account the purpose of this Act and any relevant matters under the Reserves Act 1977.

Clauses (1)(j) or (k) do not apply.

(4) For the purposes of subsection (3)(b), if a provision of the Reserves Act 1977 would require the person to withhold their agreement, the person must take into account that the provision would normally require them to withhold their agreement, but must not treat the provision as requiring them to do so.

(5) The agreement referred to in subsection (1)(k) is not required if—

Clauses (1)(k) does not apply.

(a) the reserve on which the activity is to occur is proposed to be the subject of a land exchange; and

(b) the reserve is a Crown-owned reserve; and

(c) the person or persons responsible for managing the reserve are not in place because of a Treaty settlement.

*(6) In subsection (2), **exploration, mining, mining operations, and prospecting** have the meanings given to those terms in section 2(1) of the Crown Minerals Act 1991.*

In summary, this project does not involve any ineligible or completing activities.

1.3 Confirmation of compliance with 46(2)(a), (b) and (d)

Section 46 of the Act states:

46 EPA decides whether substantive application is complete and within scope

(2) A substantive application complies with this subsection if—

(a) the application complies with—

(i) section 42; and

(ii) sections 43 and 44; and

This project is supported by the information required under section 43 (see 1.1. above for a description of how the project is consistent with the purposes of the Act) and Schedule 2. This application is also supported by the information listed in table form on pages 4-5 above.

Section 44(2)(b) requires that:

(b) the application relates solely to a listed project or a referred project; and

Project is defined as:

project—

(a) means,—

(i) in relation to a listed project, the project as described in Schedule 2:

(ii) in relation to an unlisted project,—

(A) the project as described in the referral application for the project or, if the referral application is yet to be lodged, as it will be described in the application; or

(B) if the project has been referred, the project as described in the notice under section 28; and

(b) includes any activity that is involved in, or that supports and is subsidiary to, a project referred to in paragraph (a)

This application relates to a solely listed project, being the *Maitahi Village*.

This application does not involve any activities that are not directly a part of or supporting the Maitahi Village subdivision and development.

1.4 Enforcement Action

The Applicant has had one instance of enforcement action taken against it, arising from earthworks undertaken by contractors to form access tracks for geotechnical investigations at this site. Summarised as follows:

- 27 & 28 June, earthworks undertaken by contractors. Earthworks later found to have breached the 1.2m permitted depth – out of the two tracks constructed, one was found to have exceeded by 200mm and the other by 50mm. These breaches were committed by the contractors without the Applicant's approval.

- 12 July 2023, Formal Warning for earthworks contravening the RMA 1991.

- 12 July 2023, Abatement Notice requiring Applicant to apply for retrospective resource consent for the unauthorised earthworks undertaken.

- 10 August 2023, Application made for Retrospective Resource Consent.

- 11 September 2023, Resource Consent granted

- 13 December 2023, Inspection completed by NCC Compliance

The applicant has extensive experience in large scale residential development with stakeholders having previously undertaken developments such as *The Fields* and *The Meadows* in Richmond, Tasman District. Designated as a Special Housing Area in August 2017 and since then over 430 titles have been issued with a further 217 Lifestyle Retirement Village units making the Meadows one of, if not the largest development in Tasman. The developments were undertaken with real professionalism and speed. The real impact that this has on addressing the housing shortage is seen in the corresponding number of building consents issued in relation to this development with over 300 building consents having been issued. If this application is approved, this applicant will achieve similar results in terms of speed of completion and execution of a well-thought-out master planned development.

The design team of planners, engineers, surveyors, ecologists, landscape architects, and multiple others are well-established professional experts with capacity and track record both locally and South Island wide to ensure the project will be completed to a high standard and within the proposed timeframes.

2.0 Description of the Site

2.1 The Site and the Receiving Environment

This Project involves two separate but adjoining Certificates of Title[9], shown and described below.

Firstly, NL11A/1012[10] involves 65.9368-hectares described as Pt Sec 8 Square 23 and Pt Sec 11 District of Brook Street and Maitai. This title has a street address of 7 Ralphine Way, Maitai Valley, and a Valuation Number of 1947020400. NL11A/1012 is owned by CCKV Maitai Dev Co LP. See **Figure 1** below.

Pt Sect 8 Square 23 is the eastern side of this title and contains an area of approximately 22-hectares. Pt Sec 11 is the larger western portion of approximately 44 hectares, being much the valley floor.

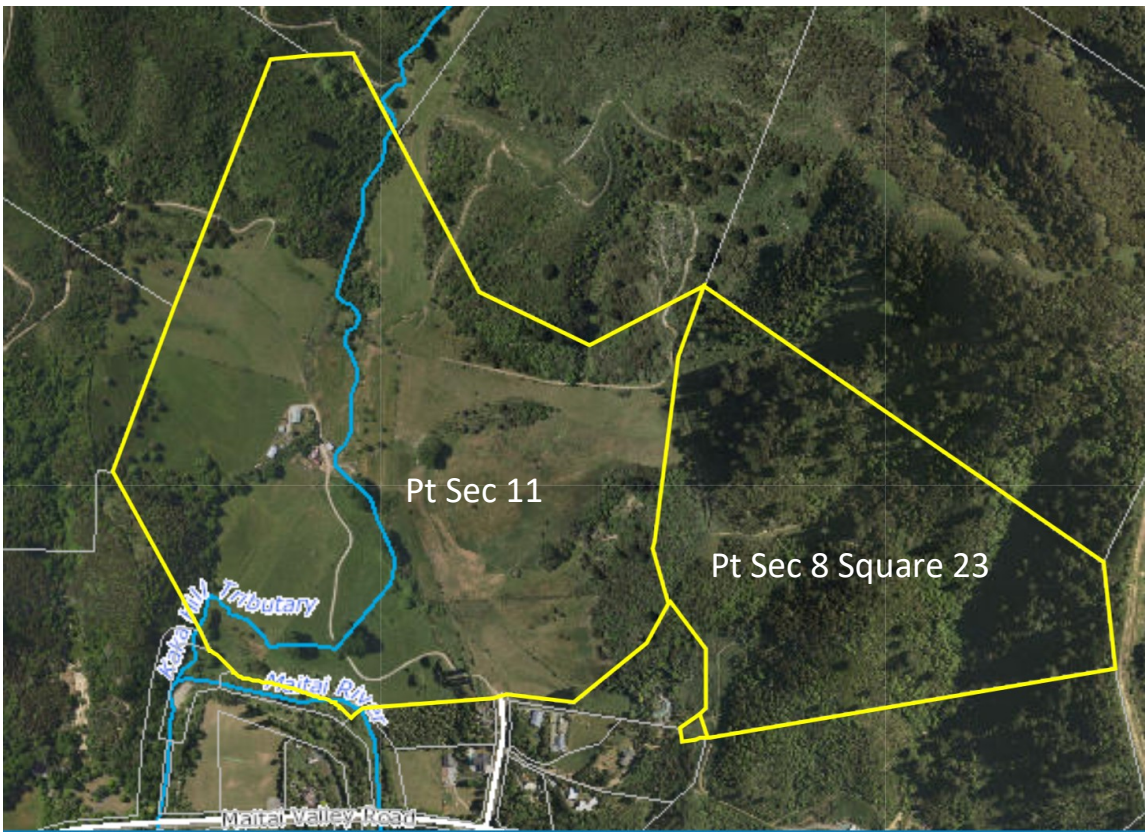

Figure 1: 7 Ralphne Way, Maitai Valley (Source: Top of the South Maps, February 2025)

Adjoining and to the north of NL11A/1012 is Record of Title 1039028[11] which is owned by Bayview Nelson Limited. See **Figure 2** below.

[9] **Attachments 18.1 and 18.2**

[10] **Attachment 18.1**

[11] **Attachment 18.2**

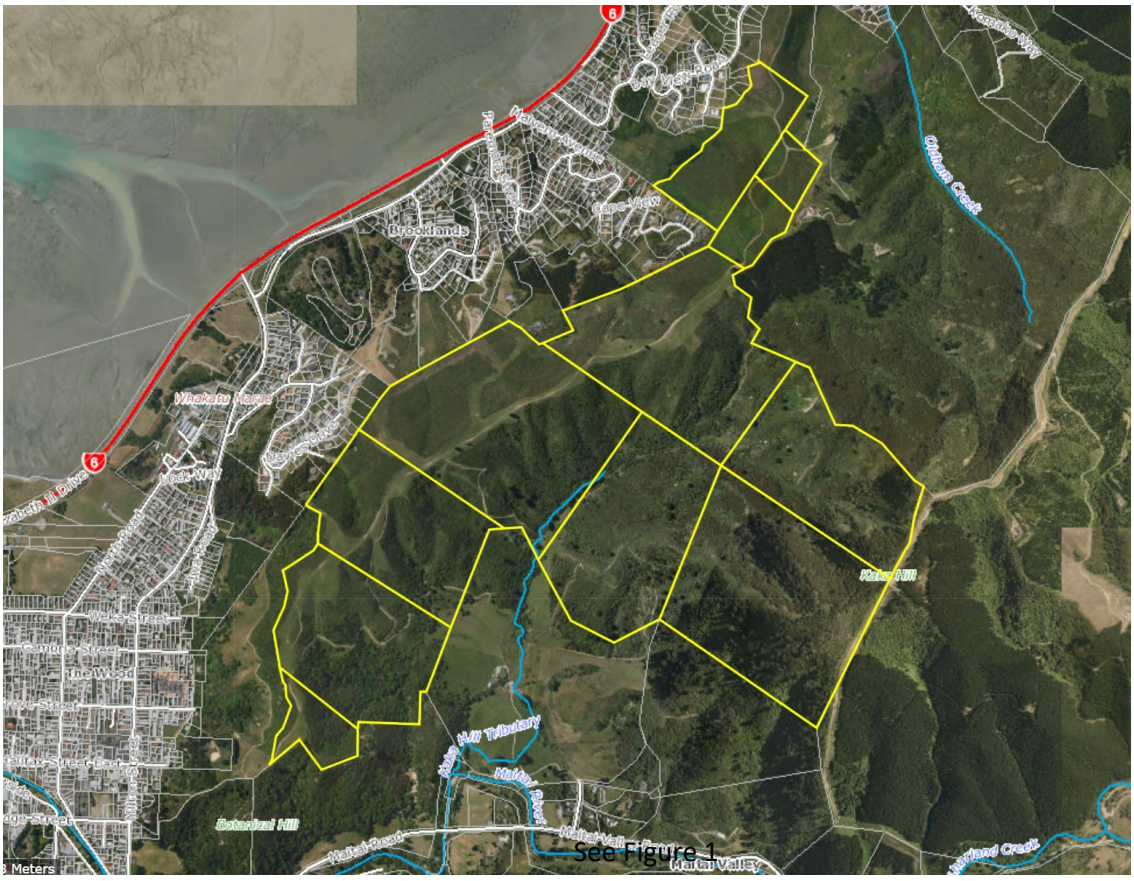

Figure 2: Bayview Nelson Limited (Source: Top of the South Maps, February 2025)

There are a number of features of this site that, in combination, make it unique and significant. These features will be summarised under this subheading with information drawn from the supporting technical assessments (provided within Attachments).

This site is available undeveloped land, located a short ~3.5-minute drive (2.6km) from the Nelson Cathedral / Pikimai, at the top of the City Centre to the end of Ralphine Way. The location and scale provides a significant opportunity in terms of planning for sustainable urban growth, particularly in terms of transport efficiencies. The locational and scale of this opportunity to accommodate much needed urban growth has been recognised in the Nelson Tasman Future Development Strategy 2022, and subsequently the approval of PPC28 by the Environment Court. Figure 3 on the following page also locates this land within Schedule X to the east of Nelson City, accessed via the Maitai Valley.

Figure 3: Location of the land now the subject of Schedule X of the NRMP

This site is also very well located for connections to well established community walkway linkages, such as along the left-bank of the Maitai River, feathered through Botanical Hill and the Centre of New Zealand immediately adjoining, and also Sir Stanley Whitehead walkway elevated above the City along the face of Botanical Hill. These linkages are identified and described in the Landscape Context and Site Analysis – Part 1[12], but also acknowledged in the Integrated Transport Assessment[13]. These connections also represent significant opportunities to recreational amenity for both the future residents, as well as the wider population that would benefit from the existing and new connections and shared open space / reserve areas.

Section of 5 of the Integrated Transportation Assessment[14] also contains a description of each of these relevant roads over which access to the site is gained. The current transport constraints are well documented within Rule X.9 of Schedule X (NRMP).

The Maitai Valley contains a large number of popular reserve areas and recreational activities. These include Branford Park, the Maitai Cricket Ground, Waahi Taakaro Reserve, Maitai camping ground, various swimming holes (such as Dennes Hole, Black Hole, Sunday Hole), the Waahi Takaro Golf Club, and mountain biking opportunities. Dennes Hole is the closest to the site as it is located on the right bank of the Maitai River immediately adjoining the site, and at the confluence of the Kākā Stream.

The significance of the Maitai (Mahitahi) 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 are part of these Statutory Acknowledgements over the Maitai River and its tributaries. The Cultural Impact

[12] **Attachment 16.1**
[13] **Attachment 6**
[14] **Attachment 6**.

Assessment[15] and Cultural Values Statement[16] provide in support describe these cultural values, as well as the wider interests in this area.

The following documents address the significance and value of this site to Māori:

- Cultural Impact Assessment (CIA) – Ngāti Koata[17];
- Te Tauihu Iwi Engagement & Consultation: PPC28 & Maitahi Village 2020-2025[18];
- Statement of Cultural Values – Maitahi – Ngāti Tama[19].

Through the process of PPC28 it was established that archaeological site MS57 ('Lookout and waahi tapu. Kākā Hill', Appendix 3, NRMP) was inaccurately located on the planning maps and was actually reference to the top of Kākā Hill.

In terms of European heritage, the Origin Consultants report[20] identified parts of the shearing shed and remnant chimney as having some heritage value.

Historical farming activities took place in the area, which included a large sheep farm and the growing of hops on the valley floor. The Remediation Action Plan[21] describes the land use history and resultant area of contamination:

> *The property has been used as a farm for many years, stocking sheep and cattle, while possibly growing hops in the late 1800s.*
>
> *The higher parts of the property are currently used for grazing. The central part of the property contains the former woolshed, an implement shed and smaller auxiliary buildings.*
>
> *The existing farmhouse and additional farm related buildings are also located centrally but are located on a raised river terrace overlooking the woolshed. The flatter area to the south of the woolshed is grazing paddock. In more recent times the property mainly stocks cattle with some feral goats also present.*
>
> *Kākā Stream runs north to south bisecting the property and cuts across the southernmost part before discharging into the Maitai River, which is immediately south. Several small overland flow paths, draining the lower paddocks toward the Maitai River, have also been noted.*
>
> *An inspection of the area west of the woolshed revealed historical sheep treatment infrastructure including holding pads, chemical draining infrastructure and sump, and a standpipe which may have been used for water supply. A footbath was also observed towards the south of the woolshed. These features are shown on Figure 4.*

[15] **Attachment 2.1**
[16] **Attachment 2.3**
[17] **Attachment 2.1.**
[18] **Attachment 2.2.**
[19] **Attachment 2.3.**
[20] **Attachment 11**
[21] **Attachment 8.1**

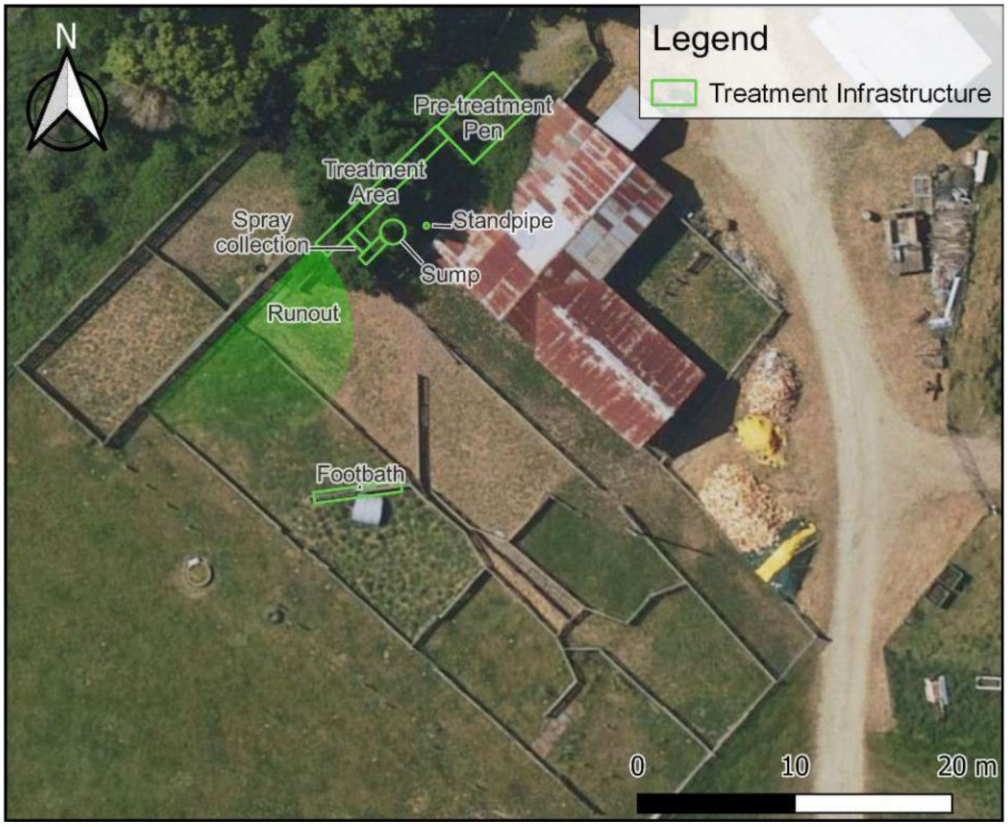

Figure 4 – Treatment Infrastructure Layout

Operations related to sheep dipping/spraying have been present since the earliest aerial photograph taken in the 1940s.

The former homestead was removed between 1980s and 2000, and a new dwelling was relocated to the current site, northwest of the woolshed.

…

Former Homestead Area

Sample location plans and tabular data are presented in the previous Envirolink reports. Those plans and results tables are included in Appendix C of this report.

In summary:

- *Concentrations of heavy metals in shallow soils do not exceed relevant human health standards (NESCS7 Soil Contaminant Standards (SCS)) for the proposed high density residential land use. Shallow soil in this area is considered suitable for re-use.*
- *Concentrations of lead, zinc and arsenic reported are above NCC background concentrations and therefore if the soil is to be disposed of off-site, it will need to go to a facility authorised to accept it.*

Woolshed, Sheep Dip and Runout Area

Various phases of investigation have been undertaken on both soil and groundwater in this part of the site. Sample location plans and tabular data are presented in the previous Envirolink reports. These plans and tables are included in Appendix C of this report.

Proposed Esplanade Reserve: Concentrations of arsenic and dieldrin exceeding human health standards (NES recreational SCS) have been reported to depths up to 1.5 m below ground level (m bgl) within the immediate vicinity of the sheep dip and 0.7 m in the location of the surrounding infrastructure. Figure 5 presents the arsenic results in and around this area. Dieldrin has been detected in soil 25 m downgradient of the treatment infrastructure at its furthest point; soil sample KV42 (0-75mm depth) reported 1.32 mg/kg. The extent of the dieldrin contamination has been inferred but not fully defined.

In some areas, arsenic appears to have migrated through a shallow hardfill layer into the upper river deposits where concentrations have been recorded in excess of surface concentrations. In contrast to arsenic, dieldrin's affinity for organic matter seems to have reduced its downward migration with all depth samples showing reduced concentrations relative to those at the surface.

Proposed High Density Residential Area (Southern Paddocks): Concentrations of arsenic are reported below the applicable NES CS standard. Elevated concentrations of copper, chromium and nickel (as compared to background values) are interpreted to be geogenic associated with the ultramafic rock formations in the area. Mafic and ultramafic rocks typically contain naturally elevated concentrations of common anthropogenic contaminants including chromium, copper, nickel. Landcare Research highlights the issue of elevated chromium and nickel in mafic soils of the Nelson-Tasman region, explains that a separate set of background values are required for those soils, and explains that insufficient data was available at the time to construct such a background.

Shallow groundwater encountered in the immediate vicinity of the sheep dip has reported concentrations of heavy metals and dieldrin that exceed applicable ecological standards. Shallow water was typically encountered from 1.4 m bgl.

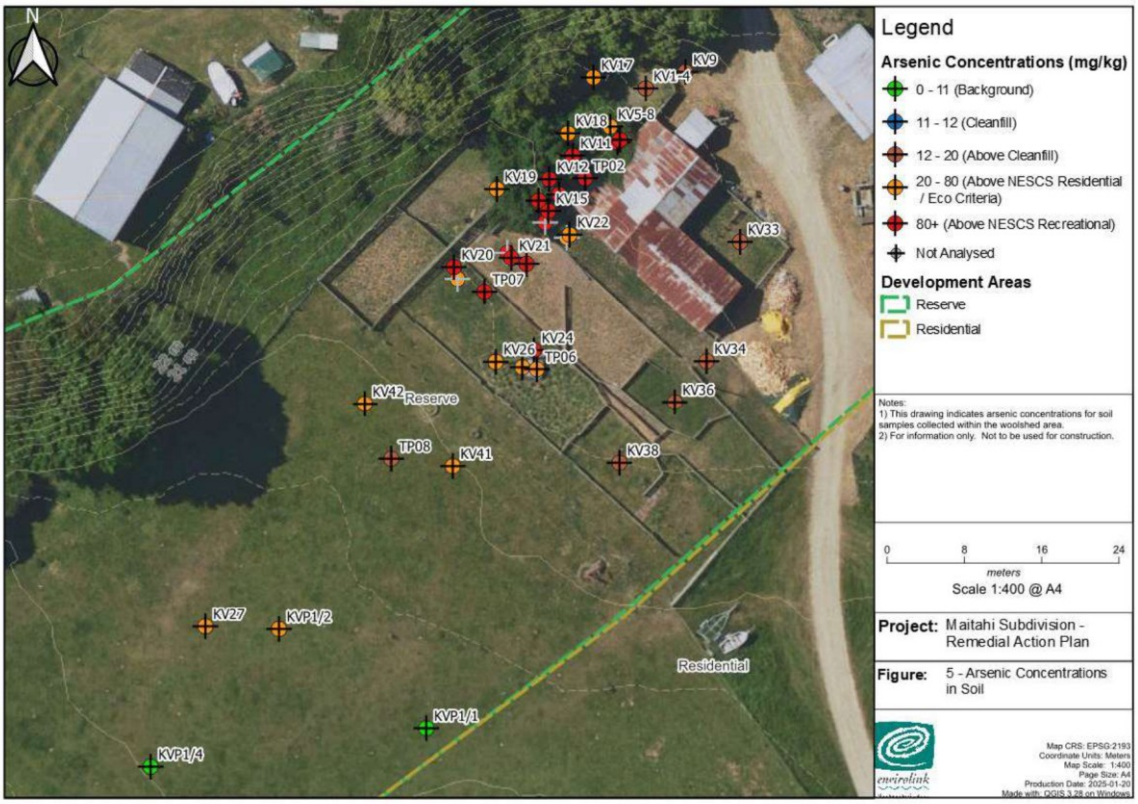

Figure 5 – Summary of Arsenic Results within the proposed Esplanade Reserve

The subject site also comprises a range of geotechnical risks, from low to high, as shown in the geology and Geotechnical Assessment Report[22]. This range of risks are typical of most hillside residential land in Nelson City, including a lot of residentially zoned land above the valley floors.

Along with the natural geology and geotechnical hazard, the location of this site adjacent to the Maitai River means that part of the site is currently at risk from flooding during Q100 events. The nature of these risks has been also assessed and reported by Tonkin and Taylor as a part of assessing

[22] **Attachment 4**

opportunities and natural hazard risks for urban development in this catchment. The flooding assessment is provided within the Stormwater Assessment Report[23].

The landscape values within the site and receiving environment are described within:

- Landscape Context and Site Analysis[24]
- Landscape Assessment Report – Proposed Maitahi Village[25]

These values are described as follows:

Landscape Description

Description of the Site and the Receiving Environment

The receiving environment, being the environment upon which the Maitahi Village is located is contained to the Maitahi Valley that is enclosed to the north and west by the Botanical and Malvern Hills, to the east by Kākā Hill and to the south by the Maitai River and Maitai Valley Road.

Kākā Valley's landform, land cover, cultural factors, quality / condition of the landscape, and aesthetic factors have been appropriately described in the Kākā Valley Landscape Capacity Assessment and the Nelson Landscape Study.

Kākā Valley's "valley floor reflects alluvial terraces enclosed by steeper surrounding conical volcanic forms" . The terraces descend north to south, and the valley floor widens out before adjoining the Maitai Valley. This wider area on the valley floor and the lower hillslopes is where the site is situated (excluding the Arvida Retirement Village). 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."

The valley floor which is accessed via an existing farm track from Ralphine Way is "currently managed as 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.

Kākā Hill which encloses the valley to the east is a conical landform standing 459masl and is a prominent hill that forms the wider backdrop to Nelson. Its summit is a site of cultural significance (MS57) as it was used as a lookout by TuMatakokiri to alert others about raiding parties. Also, the very upper part of Kākā Hill is also 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 a matagouri species.

The Malvern Hills consist of a line of hills that form a prominent ridgeline running north-east to southwest, between Dodson Valley and Botanical Hill. The ridgeline is relatively wide and flat, larger than what you may expect when seen from sea level, and is predominantly open, consisting of grazed paddock land. It also contains a relatively well-maintained farm access track that historically was accessible to the public to walk and bike along. Expansive views to the east over Tasman Bay and its coastal landscape, and west inland of the wider mountainous landscape can be experienced from this farm track.

Botanical Hill stands at 147masl and forms the southern end of the line of hills running north to south along Nelson Havens coastline. It joins Malvern Hills above Walters Bluff, however, as the landform of these hills are similar, it is difficult to draw a line in the sand between the two. In contrast Botanical Hill's southern end forms part of the entry threshold in Maitai Valley from Nelson, which is a clear and legible

[23] **Attachment 5.3**

[24] **Attachment 16.1.**

[25] **Attachment 10.1**

landscape feature. The top of Botanical Hill is associated with the Centre of New Zealand Monument, in which the public can freely access this part of Botanical Hill as most of it is public reserve land.

The Maitahi Bayview land has recently been rezoned, by way of PC28 which anticipates a comprehensive residential neighbourhood to be developed within this area. This will include a mix of higher and lower density residential development, a commercial area, a neighbourhood reserve, the ecological enhancement of Kākā Stream as well as open space areas for informal recreational, and a network of roads and walkway / cycleway links for transportation and leisure. Therefore, the current rural land use is not anticipated to remain.

It is worthwhile mentioning that the Higher Density Area is limited to the relatively flat terraced landforms on the valley floor, and the gentle slopes on the south-east to of the Malvern Hills. The steeper slopes on the Malvern and Kākā Hills are zoned Residential – Lower Density Area and Residential, respectively.

Landscape Values of the Receiving Environment

*The landscape character and landscape values of Kākā Valleys valley floor are identified and described in the Kākā Valley Landscape Capacity Assessment8 which are agreed with. To reduce repetition and for succinctness of reading, the concluding statements regarding Kākā Valley's landscape character and values are included below (**bold for emphasis**):*

- *"the **landscape character sensitivity of the Site is assessed as moderate** reflecting part of a largely enclosed inland valley associated with the Maitai River. Particular sensitivities identified include the relationship with the Maitai River including associated terracing along the river corridor, the steepness of the topography along the toe of Kākā Hill and the broader steeper open vegetated backdrop against which the valley floor is seen."*
- *"the **visual influence of the Site is assessed as moderate-low** providing a relatively well enclosed part of a larger inland valley with limited available public and private views. Available views are primarily of the lower terrace adjoining the Maitai River and parts of the toe slopes of Kākā Hill with more elevated mid-distance views from the summit of Botanical Hill. Maintenance and enhancement of planting along the Maitai River and additional planting designed to soften the residential edge along the toe of Kākā Hill provides opportunities for mitigation in these areas."*
- *"the landscape value of the Site is assessed as moderate-high with a strong relationship with important values along the Maitai River. Beyond the more immediate river corridor, landscape value is significantly reduced, however the integration of higher density residential development requires careful consideration where this adjoins the river corridor in response to increased landscape values in this area."*

In addition to the above, the Maitahi and Bayview Private Plan Change Assessment12 described the landscape values (physical, perceptual, and associative) of Kākā Valley as:

- ***Moderate - high biophysical values** associated with the Maitai River and its associated terracing, however, beyond the immediate river corridor these values are substantially reduced.*
- ***Moderate sensory and aesthetic values** resulting from its enclosed valley floor, however reduced by the historic farming activities and associated land cover modifications.*
- ***Low associate values** being in private ownership and historically used for farming activities.*

Additionally, regarding the recent rezoning, Appendix 9 in the NRMP identifies the landscape components, their significance to Nelson's landscape setting, their sensitivities and how they may be affected by development.

It is also important to note that the Maitahi Bayview Structure Plan and associated policy provisions for development within Kākā Valley are focused on providing for a well-designed residential development that includes open space areas, planting native vegetation, the management of wastewater and undertaking stream work (earthworks and planting) to enhance the landscape values of Kākā Stream and maintain the

values of the Maitai River. Therefore, whilst development is enabled, and the naturalness of the valley is anticipated to be reduced, the landscape values of Kākā Stream and Maitai River are to be maintained and / or enhanced

Finally, the site has been comprehensively assessed in terms of the value or significance of aquatic, wetland and terrestrial ecological values. The Ecological Impact Assessment[26] describes those values as follows:

3.1.2 Aquatic Ecology

...

3.1.2.2 Ecological Value

All streams within the survey Project Area are modified from their original natural condition. Notably Lower Kākā Hill Tributary associated with the floodplain area has been realigned away from its original course, straightened in part and confined to a small macro-channel (connection to floodplain reduced due to incision, channelisation, or infilling) and, in some cases, the active channel has been widened, straightened or deepened. Additionally, sections of stream through the Project Area could not be assessed as they have been piped or culverted.

The NPS-FM directs the consideration of the potential value of any freshwater features being impacted if they were restored. Based on this, the assessed streams have the potential to have enhanced water quality, shading, and increased in-stream habitat heterogeneity. However, the water quality will still be affected by the highly modified, largely agricultural usage catchment. Based on the overall freshwater assessment (habitat and species), stream sites on the main Kākā Hill Tributary (sites Site A/KHT1 and Site B) were assessed to have ***Moderate*** *ecological value, respectively, whilst the sites on the smaller hillslope tributaries (KHT2, KHT3) was* ***Low*** *(refer Table 3.8). The difference in ecological value between the reaches assessed may be attributed to a higher stream order, more permanent flows and more in-stream habitat availability for sites Site A/KHT1 and Site B, as well as observed presence of īnanga (At Risk — Declining) at sites Site A/KHT1. The ecological value attributed for freshwater habitat (in-stream and riparian) and freshwater fish species are comparable and as such are expressed as one value for the remainder of the report.*

Table 3.8 Freshwater ecological features and overall ecological value.

Freshwater habitat/ species assessment	Lower Kākā Hill Tributary (Site A)	Lower Kākā Hill Tributary (KHT1)	Upper Kākā Hill Tributary (Site B)	Unnamed Tributary on Eastern Hillslope (KHT2)	Unnamed Tributary on Eastern Hillslope (KHT3)	Unnamed Tributary on Western Hillslope (KHT4)
Overall value	Moderate	Moderate	Moderate	Low	Low	Low

3.1.3 Natural Wetlands

...

3.1.3.3 Ecological Value

The wetland habitats within the Project Area are predominantly dominated by exotic plant species and have been significantly degraded due to factors such as vegetation removal, livestock grazing, and pugging. Wetland 1, in particular, was heavily impacted by smothering effects from a nearby landslip caused by the August 2022 storm event. However, recent observations indicate that Wetland 1 is undergoing a natural restoration process, with native vegetation such as rautahi and pureī showing signs of regrowth. The condition of the two wetland areas that were mapped were assessed in addition to the wetland delineation process. The assessment involved giving a value based on four "Matters": representativeness (low),

[26] **Attachment 3.1**

rarity/distinctiveness (moderate), diversity and pattern (low), and ecological context (moderate). Although the exotic wetlands are highly modified and relatively small in size, their ecological value is considered to be ***Moderate****. This is due to the overall reduction in freshwater wetland habitat across the Bryant Ecological District, which has seen a loss of c. 99% in area (Tasman District Council 2020). Additionally, the retained hydrogeomorphic features of these systems provide ecological functionality for stormwater attenuation and excess contaminant (e.g. sediment, nutrients) removal.*

3.1.4 Terrestrial Ecology (flora)

..

3.1.4.5 Ecological Value

Table 3.9 summarises and further justifies the terrestrial habitat values in accordance with EIANZ guidelines. The Project Area is not designated as SNA and currently lacks the ecological values required for such classification. Within the area, secondary native shrubland habitats are considered of High ecological value. In contrast, areas dominated by exotic scrub and trees are assessed as having Low to Moderate ecological value. Exotic (pasture) grasslands and areas of recently cleared or bare ground are evaluated as having Low and Very Low ecological values, respectively.

Table 3.9 Assignment of values within the terrestrial receiving environment to habitats and species (adapted from EIANZ, 2018).

Habitat/Species	Value	Comments
Regenerating kānuka shrubland and mixed māhoe-exotic scrub with patchy canopy and degraded understorey (RS)	High	This secondary native shrubland dominated area with the Project Area supports recognised biodiversity attributes (indigenous vegetation). The area is not listed as SNA (NRMP). The wider, albeit fragmented shrubland area contains Threatened plant species (kānuka) and is considered to act as a buffer and connect adjacent ecosystems. It may support TAR or locally uncommon or rare species (i.e., birds, lizards); however, the limited canopy diversity and lack of understorey vegetation, existing edge effects (as evidenced through the encroachment of exotic plants species) and exposure to a high degree of disturbance (grazing and to a lesser extent noise) likely significantly reduce the carrying capacity of this habitat for indigenous fauna. The overall High rating reflects kānuka's Threatened status, and the importance of native vegetation as habitat for indigenous fauna and for linking ecosystems within the Bryant Ecological District.
Predominantly exotic scrub/ trees with highly degraded understorey (ES)	Low-Moderate	This area is dominated by exotic vegetation. It does not support any recognised high biodiversity attributes (e.g. indigenous vegetation/forest) or feature as SNA (NRMP). The wider area may support Nationally Threatened, At Risk or locally uncommon or rare species (i.e., birds, lizards); however, the area 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 TAR species.

Pasture grasses and gorse with occasional native shrubs/trees (EG)	Low	Highly modified area with little to no representation of indigenous vegetation and very low levels of diversity. This habitat type is not expected to support significant numbers of TAR species.
Recently cleared vegetation and accessways (CV)	Very Low	Highly modified and comprising either dead vegetation, bare ground, or re-establishing pasture grasses and weeds, these areas have no recognised ecological value.

3.1.4 Terrestrial Ecology (Fauna)

..

3.1.5.1 Bats

Ecological Value

There is limited habitat within the Project Area suitable for commuting, roosting, and foraging by pekapeka/long-tailed bats, with the closest known record located 13-14 km away to the east. While no targeted ABM surveys were conducted, their presence within or adjacent to the Project Area is considered unlikely. This assessment is based on a lack of positive records, the proximity of urban development, existing noise and light pollution, and limited adjacent foraging habitat and connectivity to known bat records/habitat.

3.1.5.2 Birds

Ecological Value

Bird diversity in the Project Area is most likely low and dominated by introduced and Not Threatened species. These native birds are likely to breed throughout the remaining scrub, shrubland and planted vegetation within the Project Area. The vast majority of TAR birds identified in the desktop review are likely to be confined to the riverine/coastal margin of Maitai River and the Nelson Haven. The only TAR species with the potential to frequent the Project Area are those listed in Table 3.10, which could potentially use the Kākā Hill Tributary for foraging. Little to no breeding or roosting habitat for TAR species was identified.

Habitat suitability for TAR species is considered to be low and they are likely to be at most infrequent visitors to the Project Area rather than resident. The ecological value of bird habitat within the Project Area is therefore considered to be ***Low to Moderate****. The moderate rating reflects the albeit very low potential for TAR species (pīhoihoi / New Zealand pipit and kārearea / southern falcon) to occupy or utilise the area. Again, these species are not restricted to these habitats within the Project Area and likely utilise available, higher quality habitat across the wider lowland valley floor and hill country environment and adjacent coastal area.*

3.1.5.3 Macroinvertibrates

Ecological Value

The overall ecological value of inhabitant invertebrates is considered to be ***Low*** *given the likely absence of TAR species.*

3.1.5.4 Herpetofauna

Ecological value

It is confirmed that the Not Threatened Northern grass skink are present throughout the Project Area, in a wide variety of dense exotic vegetation types such as areas of exotic scrub and rank grassland habitats. It is unlikely that any other native lizard species are present.

Northern grass skink are widespread and Not Threatened and the habitat value for native lizards is limited. As such, the ecological value of the habitat for lizards is considered to be ***Low****.*

3.1.6 Summary of Ecological Value

Table 3.12 summarises the ecological values of the ecological features (aquatic and terrestrial) present within the Maitahi Village Project Area.

***Table 3.12** Summary of ecological values for aquatic and terrestrial habitat and species within the Project Area.*

Ecological Feature		Assigned Ecological Value
Aquatic Habitat		
Kākā Hill Tributary (Site A, KHT1, Site B)		Moderate
Unnamed Tributaries on Eastern and Western Hill-slope (KHT2, KHT3 and KHT4)		Low
Aquatic Fauna		
Fish	Kākā Hill Tributary (Site A, KHT1, Site B)	Moderate
	Unnamed Tributaries on Eastern and Western Hillslope (KHT2, KHT3 and KHT4)	Low
Wetland Habitat		
Wetland 1 (western side of Kākā Valley)		Moderate
Wetland 2 (eastern side of Kākā Valley)		Moderate
Terrestrial Habitat		
Secondary native shrubland (NS)		High
Exotic scrub (ES)		Low-Moderate
Exotic grassland (EG)		Low
Cleared vegetation and accessways (CV)		Very Low
Terrestrial Fauna		
Bats		N/A
Native birds		Low-Moderate
Native Macroinvertebrates		Low
Native herpetofauna		Low

Zoning

This site was recently rezoned following the approval of PPC28 by the Environment Court[27]. The now operative provisions have been incorporated in the Nelson Resource Management Plan (NRMP). The NRMP is now only available as an ePlan[28]. A consolidated copy of the relevant planning maps and Structure Planning documents within Schedule X are provided[29] in support of this application. These relevant planning map / structure plans are also provided, at an appropriate scale, within the Landscape – Context and Site Analysis[30] provided in support.

As set out within the above referenced documents and as provided in **Figure 4** below accompanied by the zoning legend, the operative zoning provides for a new Open Space & Recreation zoning over the area immediately adjoining the Matai River, following the western side of the flood plain, and then up the Kākā Valley corridor. A new area of Open Space & Recreation zoning is also provided in a central position to the east of Kākā Stream, north of this identified road alignment, for a Neighbourhood Reserve. The two identified natural inland wetlands carry this Open Space & Recreation zoning.

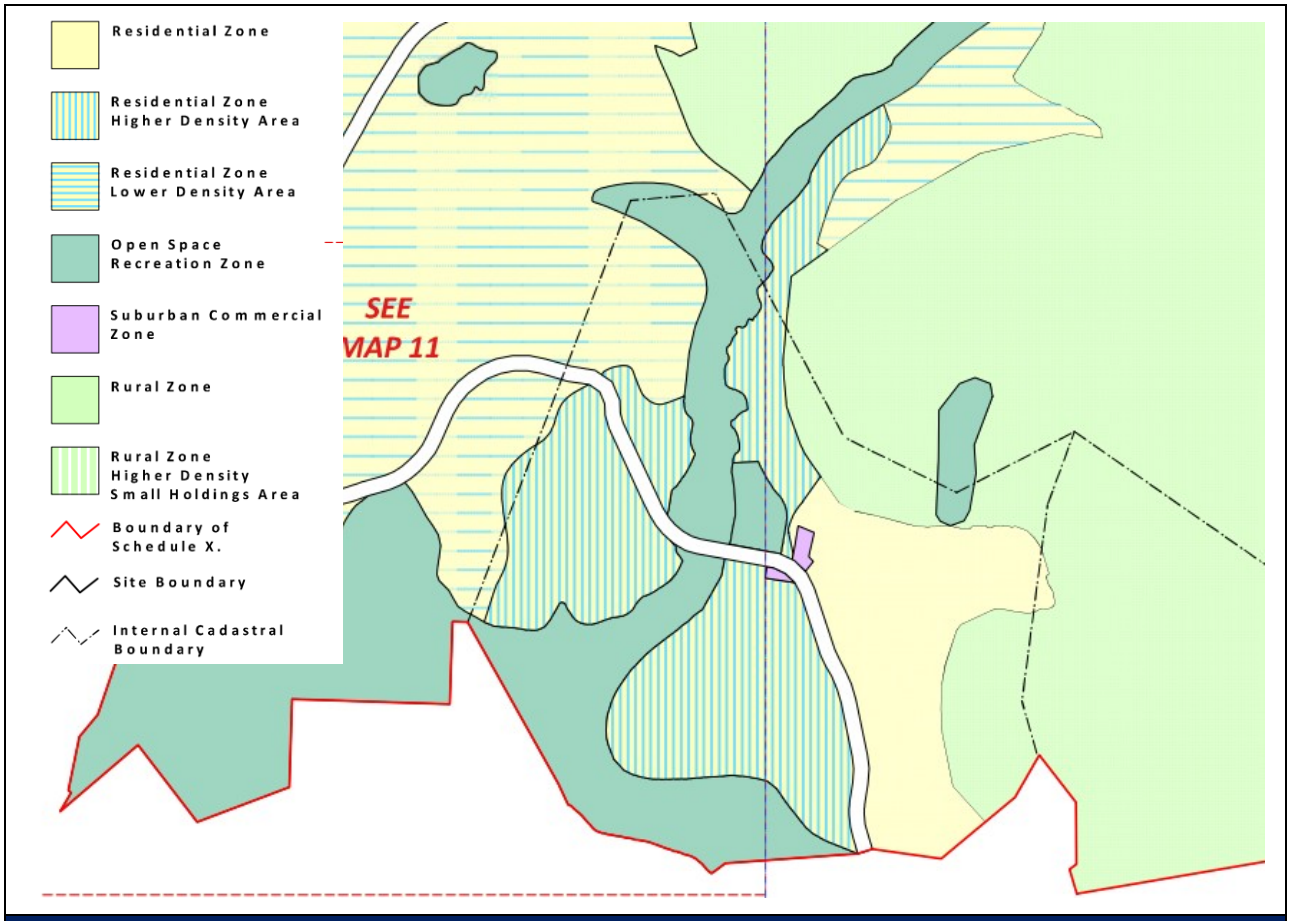

Figure 4: Zoning Map

The site has also been rezoned with a range of residential zonings, to provide for a range of housing needs. The Higher Density Area has the vertical stripes, with that area also intended to enable Comprehensive Housing Development to occur. Standard density residential and lower density areas are also provided in response to site suitability (slope and aspect etc). The reb outline to this site defines the area benefiting from Schedule X, and being the subject of the planning framework for Schedule X.

[27] **Attachment 21**.
[28] https://www.nelson.govt.nz/environment/nelson-resource-management-plan/nelson-resource-management-plan-2/view-the-nrmp/explore-the-nrmp/
[29] **Attachment 21.1**
[30] **Attachment 16.1, pages 22-27**

Part of the Maitahi Bayview Structure Plan is provided in **Figure 5** below, with this adding other structure planning features such as indicative roading and walkway connections and also vegetation areas. As explained above, the full set of maps is provided in the supporting documents.

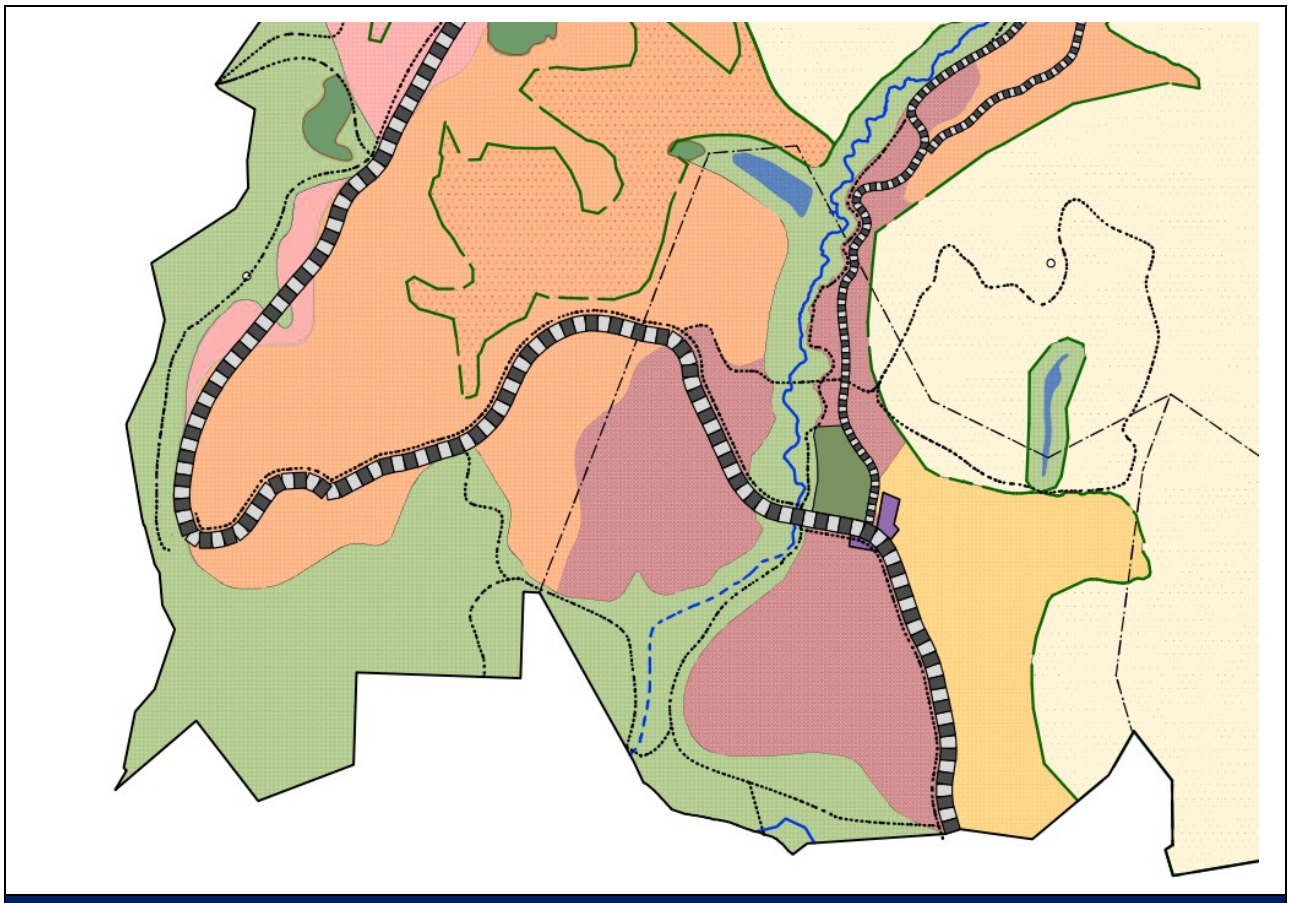

Figure 5: the relevant part of the Maitahi Bayview Structure Plan

2.2 Names and addresses of owners and occupiers of the site and adjacent

The owners (and occupiers) of the land the subject of this Project are as follows:

NL11A/1012[31]
CCKV Maitai Dev Co LP

Record of Title 1039028[32]
Bayview Nelson Limited

CCKV has a sale and purchase agreement, subject to resource consent and issuance of a separate title for the land, to purchase ~102-hectares and amalgamate that into their existing title at 7 Ralphine Way. Refer to Stage 0 of the subdivision scheme plan[33].

The Project (development) land would then have Bayview Nelson Limited to its north, Kākā Hill to the east (owned by CCKV), Botanical Hill Reserve owned by Nelson City Council to the west, the Maitai Cricket Ground to the south, plus the following cluster of rural small holdings properties to the south:

Address	Owner	Legal Description
1 Ralphine Way	[redacted]	Lot 2 Deposited Plan 12089
2 Ralphine Way	[redacted]	Lot 28 Deposited Plan 12089
5 Ralphine Way	[redacted]	Lot 3 Deposited Plan 12089
6 Ralphine Way	[redacted]	Lot 27 Deposited Plan 12089
10 Ralphine Way	[redacted]	Lot 2 Deposited Plan 445165
14 Ralphine Way	[redacted]	Lot 25 Deposited Plan 12089
18 Ralphine Way	[redacted]	Lot 24 Deposited Plan 12089
105 Maitai Valley Road	[redacted]	Part Lot 1 Deposited Plan 10782

A map showing the above Project land and the adjacent landownership is also provided in **Figure 6** below:

[31] **Attachment 18.1**
[32] **Attachment 18.2**
[33] **Attachment 12**.

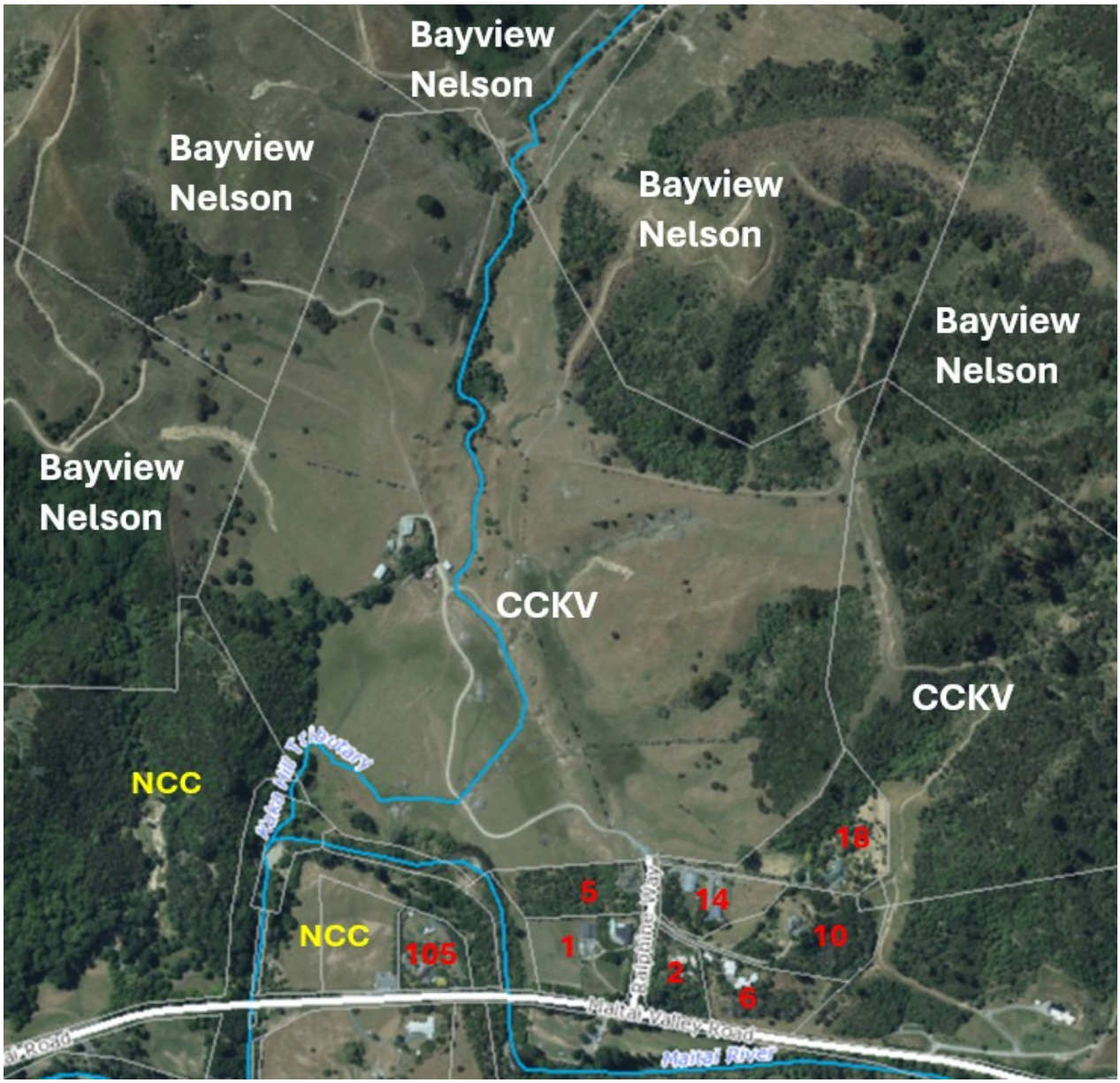

Figure 6: The Project land and the adjacent landownership

2.3 Persons and groups likely to be affected by the project

The following list identifies those that are considered to be affected by the project:

- Bayview Nelson Limited, as owner of part of the project site.
- Nelson City Council
- Tasman District Council
- Ngāti Koata
- Ngāti Kuia
- Rangitāne o Wairau

- Ngāti Rārua
- Ngāti Tama ki Te Tau Ihu
- Te Ātiawa o Te Waka-a-Māui
- Ngāti Toa Rangatira
- Ngāti Apa ki te Rā Tō

There are no other people or groups likely to be affected as a result of:

- Treaty Settlement Entities
- Protected customary rights groups and customary marine title groups
- Ngā hapū o Ngāti Porou
- Groups under the Marine and Coastal Area (Takutai Moana) Act 2011

2.4 Consultation

Authorities

Both the Nelson City Council and the Tasman District Council are stakeholders with interests in this project as it is a part of the joint Nelson Tasman Future Development Strategy 2022. Implementation of the NTDFS as outlined by the NTFDS Implementation Plan 2023 is a part of achieving the Council's obligations under the NPS-UD.

The Nelson City Council has also aligned its Long Term Plan 2024-2034 in anticipation of the implementation of this growth opportunity.

Iwi

The consultation undertaken with Te Tau Ihu iwi authorities has been comprehensive, meaningful and ongoing. The Recommendations from the Independent Hearings Panel[34] 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,*

[34] Recommendations from the Independent Hearing Panel following the hearing of PPC 28 under the Resource Management Act 1991 (September 2022)

showing the statutory acknowledgement areas and the relevant Iwi interests. All but Ngāti Apa have statutory acknowledgements over the Maitai / Maitahi / Mahitahi29 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.

The Te Tau Ihu Iwi Engagement & Consultation[35] document also sets out the ongoing consultation that the applicant has had with iwi since the IHP made its recommendations[36] in September 2022. Consultation also occurred in advance of the application for Archeological Authority (addressed below).

Bayview Nelson Limited

Bayview Nelson Limited currently owns part of the site with that relevant land also being the subject of an unconditional sale and purchase agreement.

Other Agencies

Importantly, consultation has also occurred with the following agencies either as a part of the PPC28 process, or subsequently:

- Heritage New Zealand - Pouhere Taonga.
- NZ Transport Agency - Waka Kotahi.
- Forest and Bird Protection Society of New Zealand Incorporated.
- Department of Conservation.

With regard to Heritage New Zealand - Pouhere Taonga, the applicant obtained an Archaeological Authority (2024/332) on 16 February 2024 "*to clear the project area as preparation for the development of the property into residential sections at 7 Ralphine Way, Nelson*". This applicant included the necessary evidence of consultation with the relevant iwi organizations.

The NZ Transport Agency became involved as a submitted on PPC28, with a particular interest in the long term management of transport constraints, as now incorporated into the Schedule X (NRMP) provisions. The Project, along with the separate application for resource consent[37] sought, addresses the transport constraints applicable to this phase of development within Schedule X.

The applicant consulted the Royal Forest & Bird Protection Society in January 2022. The overall feedback received from Ms Gillian Pollock on behalf of the Society was that *"The development is a wonderful opportunity to break new ground with truly nature-friendly housing*" (10 January 2022).

The Department of Conservation was consulted in the preparation of PPC28, with that consultation feedback documented in the letter from DOC of 23 July 2020. PPC28 recorded that feedback as follows:

... the creation of a generous open space/ecological enhancement area adjoining the Maitai River and linking through to Kākā Stream was supported. DOC also encouraged the applicant to extend the riparian corridor through to the upper eastern boundary to form a biodiversity corridor that linked with the SNA on the adjoining site. DOC also acknowledged the limited ecological values in the lower Kākā but stressed the need for an appropriately qualified ecologist to undertake the necessary survey work and to identify what

[35] **Attachment 2.2**

[36] **Attachment 19**

[37] **Attachment 22.1-22.13**

actions could/should be taken to maintain and enhance freshwater values. Finally, DOC also encourage the applicant to consider contributing to the Nelson Nature 'Halo' project (involving predator control and habitat enhancement).

The feedback also noted that a lizard survey should be undertaken in the summer months at some stage in the future, prior to the design phase.

Finally, the feedback also noted that the assessment of cultural values would need to canvass the several iwi that have statutory acknowledgments and associations with the Maitai River and its tributaries. (PPC28 Request, 24 August 2021)

The outcomes sought by DOC are imbedded within the Schedule X (NRMP) provisions, and being delivered as a part of this project.

The PPC28 process also provided the opportunity for adjacent landowners to become involved and make submissions. The Recommendations from the IHP[38] comprehensively set out that process and the issues addressed within the First Schedule process. The site now has an operative urban zoning that is accompanied with the Structure Plan contained within Schedule X (NRMP). This project seeks to deliver on those outcomes provided for by this new zoning pattern.

PPC28 was appealed to the Environment Court by Save the Maitai Incorporated. As outlined in the Environment Court Decision[39], the focus of the appeal was on the matters of water quality and the effects from erosion and sediment control. Those matters have been comprehensively addressed in the preparation of this application and the supporting technical reports.

[38] **Attachment 19**

[39] **Attachment 21**

3.0 The Project and Proposed Activities

3.1 Maitahi Village - Overview

The Maitahi Village (Project) is a fully integrated and comprehensive subdivision and development that will provide for a range of housing needs, while also deliver significant positive economic, social, cultural and environmental benefits.

This project has been planned, and seeks to achieve, the relevant objectives and outcomes of the Nelson Resource Management Plan (NRMP), as set out within Schedule X and in accordance with the *Maitahi Bayview Structure Plan*. These bespoke provisions were part of Plan Change 28, recommended for approval by an Independent Hearing Panel, adopted by Council in September 2022, and then approved by the Environment Court in November 2024.

Schedule 2 of the Fast Track Approval Act 2024 includes the *Maitai Village*, being described 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).*

A full description of the Maitahi Village is provided under the subheadings that follow, with the proposed Village including the following components described in Schedule 2 of the Act as quoted above:

1. The proposed subdivision involves the creation of **184** residential allotments (including one large lot for future development), **one** allotment for commercial use, along with roads to vest, reserve 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. Ngāti Koata are committed to between 10 and 50 houses for its iwi, and so at least 132 residential allotments for sale to the public.

2. 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 Pavillion.

3. 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.

The following description has been structured as follows:

- <u>The Initial Development Activities</u>:
    - Servicing Infrastructure and Transport Network Upgrades;
    - Recording and Removal of Heritage Structures;
    - Earthworks;
    - Remediation of the Contaminated Land;
- <u>The Proposed Subdivision</u>:
    - Layout and Staging;
    - Servicing Infrastructure;
    - Roading and Transport;
    - Geotechnical Engineering;
    - Integrated Ecological Features;

- Integrated Landscape Features;
- Integration of Cultural Values.

- The Arvida Retirement Village:
  - Retirement Village Layout and Makeup;
  - Retirement Village Access and Internal Roading;
  - Retirement Village Servicing;
  - Retirement Village Architecture;
  - Retirement Village Landscape and Outdoor Recreation;
  - Retirement Village Construction Timetable.
- The Koata House (commercial) Development

Figure 7: The Maitahi Village Masterplan[40]

[40] **Attachment 16.2(Pt 2(B))**.

3.2 Initial Development Activities

Servicing Infrastructure and Transport Network Upgrades

Provided in Section 6.5 of this application is a comprehensive explanation as to the relevant provisions of the NRMP, including Schedule X '*Maitahi Bayview Area'* which has particular relevance to this site and Project. It is within Section X that the relevant local transport constraints are identified, being part of the planning framework. Those relevant provisions provide important context the following summary.

- *Transport Network*
    - *Shared Pathway*
    - *Bridges*
    - *Intersections*

A separate application for resource consent (RM245337-340)[41] was formally submitted in December 2024, with that application seeking consent for the construction of two new bridges over the Maitai River as a part of addressing identified transport constraints. These new bridges are also planned as a part of extending the Council's reticulated water and wastewater infrastructure to the site. A full copy of that application for resource consent is provided with this application, so that those separate off-site works can be distinguished from this Project.

The only other off-site transport-related work planned as a part of this project is the proposed upgrade to the intersection to Nile Street East and Maitai Road with installation of traffic signals. The applicant proposes to upgrade that intersection in accordance with the proposed engineering concept plans[42], as noted in the Maitahi Village Services Report[43], and as described and assessed in the Integrated Transport Assessment (ITA)[44].

In combination with the works proposed and sought within RM245337-340, the site (and wider community) will benefit from access via Maitai Road, Maitai Valley Road, and Ralphine Way, with a dedicated and separate shared pathway linking to Nile Street East (including two new dedicated bridges), and with upgrades to the two relevant intersections (Nile Street East/Maitai Road, and Maitai Valley Road/Ralphine Way).

In terms of timing[45], with the exception of the intersection of Nile Street East and Maitai Road, the works proposed within RM245337-340 are to be undertaken in 2025. The new intersection of Nile Street East and Maitai Road will be undertaken as a part of stage 1 of the proposed subdivision.

- *Water and wastewater infrastructure*

RM245337-340 also includes new water and wastewater reticulation to be extended from Nile Street East to the subject site at 7 Ralphine Way. The two proposed shared pathway bridges will also serve to carry that servicing infrastructure over the two crossings of the Maitai River. A majority of this new servicing infrastructure is to be located within road reserve, with a portion also located within Branford Park as a part of avoiding adverse effects on mature trees that are located close to the Maitai Road carriageway. The alignment of the shared pathway and servicing infrastructure has been agreed with the Nelson City Council.

[41] Attachment 22.
[42] Attachment 13.6.
[43] Attachment 9.1.
[44] Attachment 6.
[45] **Attachment 23**. Anticipated Staging/Timing.

The extension of the water reticulation is an important part of providing a water supply for the planned Maitahi Village construction activities. This is also why the bridges and reticulated servicing (RM245337-340) have been sought separately in advance of this project sought under the Fast-Track Approvals Act 2024.

Recording and Removal of Heritage Structures

The existing dwelling and all of the current farm buildings / structures, including the shearing shed, adjacent stock yards, hay barn and chimney are to be removed at the initial phase of site works.

Resource consent is required (and sought here) for the demolition of the shearing shed and for the removal of the separate remnant chimney structure which are not listed with HNZ. These structures were assessed by Original Consultants Limited in 2022[46]. This consenting requirement was part of PPC28 and is now a requirement in Schedule X (NRMP, Rule X.8, Controlled Activity).

X.8 of Schedule X reserves control over:

a. *the shearers' graffiti on the rusticated weatherboard clad walls and sliding doors to the Woolshed for adaptive reuse and presentation;*

b. *the shearing equipment and the ground floor windows on part of the building be salvaged, along with any other timber and building materials that are recoverable and reusable;*

c. *the existing shearing shed and chimney be recorded by digital 3D scanning inside and outside and a 3D model produced.*

The Arvida retirement village component of this project includes the reuse and presentation of the graffiti covered walls and sliding door, as well as the shearing equipment. This is further described under the Arvida Retirement Village subheading below.

A majority of the digital scanning required by Clause (c) was undertaken by Origin Consultants Limited in October 2022. The balance of this 3D scanning and recording will be undertaken before these heritage structures are removed. Consent conditions are volunteered[47] to ensure these requirements are met before the heritage structures are removed

In preparation of the salvage and final demolition and removal of the sharing shed and chimney remnant, the applicant sought and obtained Archaeological Authority (2024/332)[48] from HNZ on 16 February 2024.

Earthworks

Bulk earthworks are proposed as a part of the construction of the proposed Maitahi Village subdivision, including for the creation of the landform, roading, servicing infrastructure, and building platforms.

In conjunction with the integrated realignment and enhancement of the lower section of Kākā Stream (described under a separate subheading below), the eastern side of the valley floor is to be filled to create a raised building platform for Area (Lot 1000) of the Arvida retirement village.

The proposed earthworks are described in supporting plans and documents as follows:

- Maitahi Services Report[49];
- Bulk Earthworks Plans[50];

[46] **Attachment 11**. Investigation into selected heritage structures.
[47] **Attachment 25**.
[48] **Attachment 20**.
[49] **Attachment 9.1**
[50] **Attachments 9.1 and 13.2**

- Geotechnical Assessment Report[51].

The proposed earthworks involve four principal phases of cut to fill as shown on the earthworks plans prepared by Davis Ogilvie[52]. In some areas, the bulk earthwork phases also have sub-phases.

The Geotechnical Assessment Report[53] contains a comprehensive description of the proposed earthworks as follows:

> *Earthworks will be required for the construction of the access road extension of Ralphine Way, the creation of subdivision roading and other infrastructure, the realignment of Kākā Stream, creation of flood mitigation and stormwater treatment infrastructure, creation of a temporary reservoir site, creation of building platforms, creation of construction stage erosion and sediment control works and construction stage access, including haul roads and for slope instability mitigation works.*
>
> *It is intended 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 this subdivision will be placed under engineering management and control to form a stable landform within Area 7 to allow for potential future residential lots or other land use. The fill in Area 7 has been designed to accommodate a maximum potential volume in a stable landform that is greater than the resource consent volume estimates indicate is required. This allows for a contingency in the fill storage. If the contingency storage is not required the finished levels may be lower than indicated on the drawings.*
>
> *DOP drawing titled Preliminary Earthworks, Overall Earthworks Plan - Volumes'(ref: C100 Rev P8 dated 01/24) included in Appendix B shows a phasing plan and provides cut and fill volumes for each phase of works. Four earthworks phases and a future road phase are shown on the drawings as set out below:*
>
> - *Phase 1A and 1C works comprise the eastern slope and the Arvida development while Phase 1B comprises the lower reach Kākā Stream realignment and bridge.*
> - *Phase 2 comprises the Lower West Valley fan and terrace area.*
> - *Phase 3A and 3B comprise the Western slope area.*
> - *Phase 4 is works to form the Middle Kākā Reach area.*
> - *The Upper Reach Valley Fill areas are intended to support excess fill material from Phases 1 to 3 to allow for future residential development and the upstream valley fill is a contingency area for fill disposal and have provision for disposal of low level contaminated soils if required within a specially designed containment cell.*
> - *The Future Road works extends from the western end of Phase 3A up to the Atawhai Ridge.*
>
> *It is envisaged that earthworks Phases 1 to 4 will be undertaken in conjunction with subdivision Stages 1 and 2. DOP preliminary estimate of cut and fill quantities for bulk earthworks as set out in Figure C001 Overall Earthworks Plan below. Based on our experience in earthworks we consider that these estimated could vary by -10% to +20% and not that the contingency volume will be largely be taken up through bulking (increasing in volume) of cut volumes via the excavation process.*
>
> ***Table 3.1: DOP preliminary estimates of cut and fill***

[51] **Attachment 4.**
[52] **Attachment 13.2**.
[53] **Section 3.1, Attachment 4.**

Phase	Cut (m^3)	Fill (m^3)	Cut/fill balance (m^3)	Comment
Phase 1	371,870	267,180	104,690	Surplus to Valley fill Area. Balance 87,580 $m^3$to Phase 4.
Phase 2	72,770	25,480	47,290	Surplus to Valley fill Area
Phase 3	155,150	92,020	63,130	Surplus to Valley Fill Area
Phase 4	420	88,000	- 87,580	Deficit to come from Phase 1.
Valley Fill* Area	1,320	142,240	-140,920	Will have additional 1,4710 m^3 minimum reserve capacity.
Valley Fill Contingency Area	0	49,440	-49440	Surplus Fill volumes will include some fill not suitable for use as certified fill.
Column Totals	**601,530**	**664,360**	**62,830**	Balance does not allow for bulking of cut material

*Maximum design volume for Valley Fill Area, stockpile capacity assumes cut will be cut to a surplus fill stockpile.

The surplus fill from Phases 1 to 3 excavations will be placed as controlled engineered fill in the 'Upper Reach Valley Fill Areas' with provision made for a separate stockpile for topsoil and any fill material that is unsuitable to place as engineered fill for later respreading as landscape fill.

The provided estimates indicate that up to 62,830 m3 of additional capacity. This is likely to be taken up by the increase in soil volume placed as fill due to bulking of cut material. If the contingency storage is not required the finished levels may be lower than indicated on the drawings.

The values provided above are an estimate. As detailed design progresses a more accurate cut and fill volume estimate will be developed with an aim to minimise cuts where access grades permit and by beneficial use of remaining surplus fill for landscape enhancement and stability mitigation.

The Erosion and Sediment Control Assessment Report[54] also contains a comprehensive description of the proposed earthworks, with the following description also provided of the earthworks proposed in Phase 1 to form the new lower reach for Kākā Stream, and affecting other streams:

It is proposed to realign the lower reach of the Kākā Stream, moving it to an increased channel length along the western side of the valley floor. This will then allow development of the lower gradient areas of the central and eastern side, as well as providing space for permanent stormwater treatment wetlands to service the permanent development. The realigned channel will tie in with the downstream end of the existing alignment (across land owned by NCC) and discharge to the Maitahi River at the existing location (Dennes Hole). The existing and proposed stream alignments are shown on Figure 1.

Refer to the Kākā Stream Diversion SSESCP for details of the construction methodology for the stream diversion, which will isolate those works from the existing stream until fully stabilised. Once stabilised, the stream flows will be diverted into the new channel, and the old channel isolated and incorporated into the general site earthworks. Prior to the permanent Kākā Stream Diversion being made live, the stream morphology and stabilisation will be signed off by the Project Ecologist.

Minor tributaries of the Kākā Stream will need to be diverted either permanently or temporarily as part of the earthworks design. If streamworks are required, they will be clearly identified in the relevant SSESCP. The SSESCP will detail the extent of stream works required, methodology for diverting the stream and required ESC measures to prevent sediment discharge to the live streams.

Both the Geotechnical Assessment Report (Tonkin & Taylor[55]), and the Erosion and Sediment Control Assessment Report also describe other important components of the proposed bulk earthworks,

[54] **Attachment 7.**
[55] **Attachment 4**.

including the works and mitigation measures planned to address the geotechnical constraints and risks, as well as the methods proposed to ensure the construction activity is appropriately managed to achieve the following objectives[56]:

- *Minimise the potential for sediment generation and sediment yield by maximising the effectiveness of ESC measures; and*
- *Take all reasonable steps to avoid or minimise potential adverse effects on freshwater environments within or beyond the Project works boundary, with particular regard to reducing opportunities for sediment generation and discharge.*

The Erosion and Sediment Control Assessment Report sets out *how* the above objectives will be achieved, being through the provision of a *Chemical Treatment Plan*, an *Erosion and Sediment Control Monitoring Plan*, and also *Site Specific Erosion and Sediment Control Plans*.

Remediation of Contaminated Land ('RAP')

Also forming an integral part of the earthworks process is the remediation of the existing contaminated part of the site, in and around the existing shearing shed with the presence of a historical sheep dip and run-out area. Those works will be undertaken in accordance with the Remediation Action Plan (RAP)[57], to ensure the site is rendered suitable for the proposed uses.

Section 6.0 of the RAP sets out the steps proposed to achieve the stated objectives and scope of the remedial works. These steps and methods were selected following appropriate consideration of the options, with refinement to address the feedback from the peer revie process[58].

The scope of the works[59] forming part of the RAP are listed as follows:

- *Removal of existing structures (stockyards and shearing shed);*
- *Soil dieldrin source removal and isolation;*
- *Additional soil and groundwater investigation[17] to delineate the remaining impacted soil and accurately define the volumes of soil requiring remediation and management;*
- *Excavation / construction of encapsulation cell area to create capacity to place the contaminated material;*
- *Excavation and disposal of contaminated soil from within the proposed esplanade reserve (recommended to be undertaken in stages);*
- *Where material is un-suitable for re-use in the wider development (e.g. recreational reserves) contaminated soil will either be:*
  - *Disposed of to a facility authorised to accept it; or*
  - *Placed within a suitably located, on-site engineered, encapsulation cell.*
- *Dewatering and treatment;*
- *Reinstate the encapsulation area as per final engineering design plans, using soil that meets background concentrations set for the Maitai / Kākā Valley area;*
- *Site validation and reporting, including a site validation report and an ongoing site management plan*

It is estimated that the heavily contaminated soil (source material) that requires removal from the site is $30m^3$-$40m^3$, located in an area of approximately $60m^2$ behind / west of the existing shearing shed.

The next most impacted soil, being that which exceeds both the ecological criteria and human health recreational criteria, must either be disposed off-site at an approved landfill or encapsulated on site with an appropriate containment/encapsulation cell. The RAP estimated there to be appropriately

[56] **Attachment 7, Section 4.2.**
[57] **Attachment 7**
[58] **Attachments 8.2 and 8.3.**
[59] **Section 6.2, Attachment 8.1.**

480m^3 of this contaminated soil. Of this 480m^3, approximately ½ *may* need to be disposal off site due to arsenic concentrations. Appropriate design parameters for this encapsulation cell are set out in section 6.4 of the RAP.

The third stage of the remediation is to excavate the soil (approximately 1.000m^3) that exceeds the applicable ecological criteria. Some of this soil may reused in locations isolated from ecological risks, with the balance disposed in the excess fill site proposed in the location further up Kākā Valley.

Section 8.0 of the RAP contains a list of recommendations for the management of the remediation process, all of which are volunteered as an integral part of the proposal / project.

In summary, the above-described remediation process will remove the current heavily contaminated soil from the site while also ensure that the site is suitable for the proposed uses.

3.3 The Proposed Subdivision

Layout and Staging

Proposed subdivision scheme plans[60] are provided within this application. There are a total of 11 development stages (stages 1-11), with one additional stage (Stage 0) proposed as a 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).

CCKV Maitai Dev Co LP has an unconditional sale and purchase agreement to purchase land from Bayview Nelson Limited, with Stage 0 of this project implementing that agreement. 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. Likewise, the Bayview Nelson Limited title will reduce in the scale by the same amount, down to 120.42-hectares, within proposed Lot 7000. All relevant easements and interests will be transferred as a part of this Stage 0 process.

Stage 0 of this project is proposed to occur as quickly as possible following resource consent approval, independent of all other components of this Project. This stage simply involves consolidating the Maitahi Village development land for this particular Project within the ownership of the applicant.

The following table summarises each of the proposed stages of subdivision, and provides a breakdown of the components of each stage. The stages of subdivision have been planned in direct response to the planned phases of earthworks, coordination with the realignment of Kākā Stream, ESCP, and progressive construction/extension of the roading and servicing infrastructure.

[60] **Attachment 12**.

	Residential / Suburban Commercial	Roading (to vest)	Recreation (to vest)	Utility (to vest)	Rural
Stage 1	**1** (Lot 1000 (Arvida))	Lot 2000	Lots 516, 517, 519, 520	Lots 3000, 501, 518	
Stage 2	**1** (Lot 1001 (Arvida))	Lot 2001			
Stage 3	**37** (Lots 1-35, 174, 175, 176)	Lot 2002		Lots 503, 504	
Stage 4	**19** (Lots 45-64)	Lot 2004		Lots 500, 521	
Stage 5	**10** (Lots 36-43, 1002) 1 (1003 (Commercial))	Lot 2003	Lots 505, 522		
Stage 6	**34** (Lots 65-95, 177, 182)	Lot 2005	Lot 506	Lot 525	
Stage 7	**14** (Lots 96-106, 178-180)	Lot 2006		Lot 515	
Stage 8	**24** (Lots 107-129, 181)	Lot 2007	Lot 509	Lots 507, 508	
Stage 9	**19** (Lots 130-148)	Lot 2008		Lots 510-512	
Stage 10	**24** (Lots 149-151, 153-173)	Lot 2010	Lots 513, 514		
Stage 11	Lot 6000				Lot 5000
TOTAL	**183 residential lots (including 2 for Arvida)** **1 Suburban Commercial** **1 balance title (2 lots)**				

The table above and summary below has been prepared with reference to the Subdivision Scheme Plans[61] provided in support of this project / application.

Stage 1 involves the construction of the sub-collector road from the end of Ralphine Way through to Kākā Stream. As shown on the subdivision plans, Stage 1 also includes the creation of Lot 1000 (6.56ha) being the first development area for Arvida, along with a new corridor for the Lower Kākā Stream diversion, including both reserve to vest for recreation and for stormwater management purposes. Other features of Stage 1 include a roundabout providing for an intersection providing a new road to the north and proposed Lot 3000 which is to be vested and developed as a wastewater pump station.

Stage 2 will involve another extension to the sub-collector road and the creation of proposed Lot 1001 for the remaining part (3.05-hectare) of the Arvida retirement village. Stage 2 will therefore also involve

[61] **Attachment 12**.

the bridge over the Kākā Stream to the upper terrace of the site. Based on the earthworks design plans, the bridge will be approximately 12m long and also serve to carry servicing infrastructure.

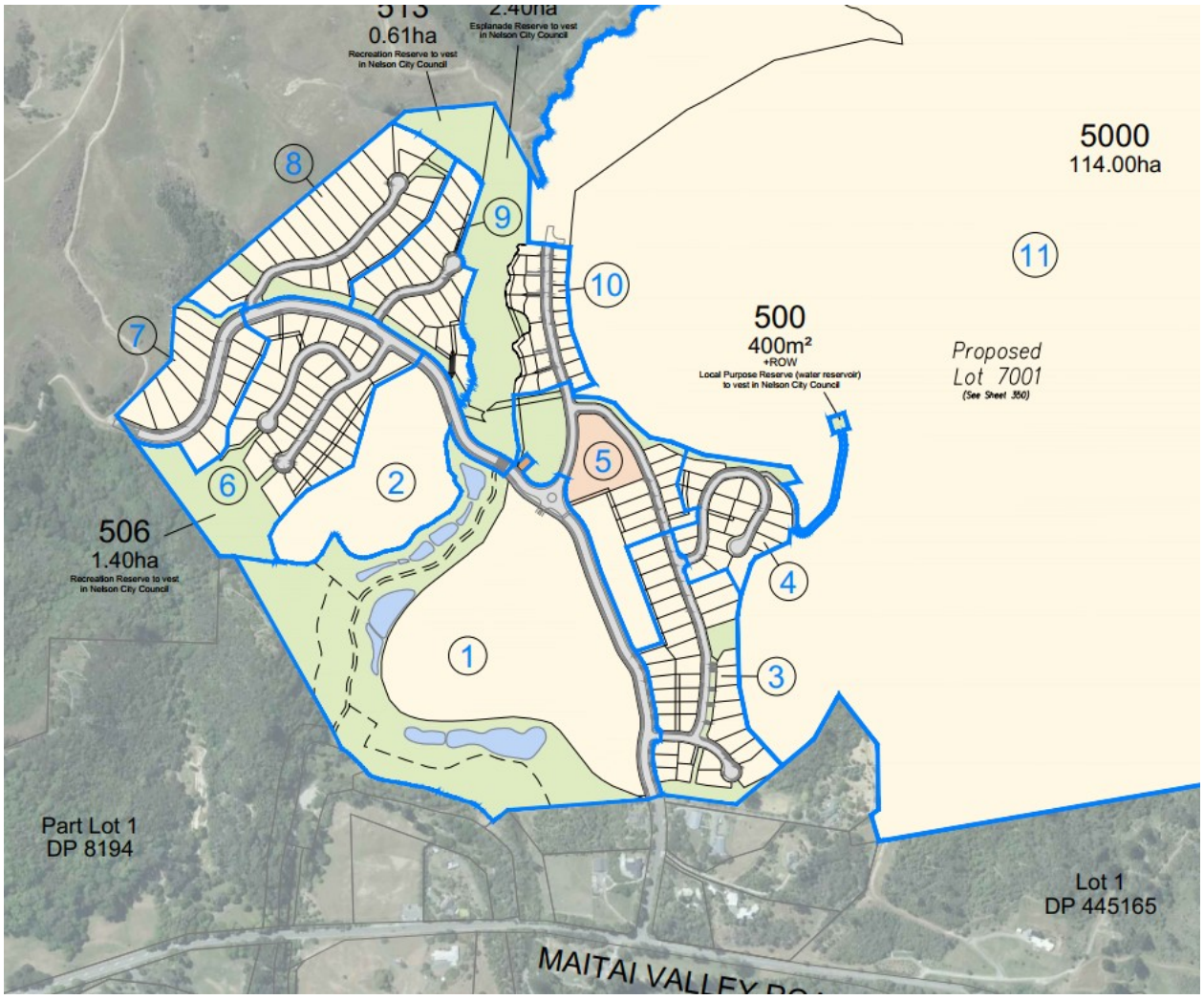

Figure 8: Subdivision Stages 1-11

Stage 3 contains 37 proposed residential allotments, a new section of road to vest, and two proposed local purpose reserves (stormwater) to vest.

Stage 4 extends the stage 3 subdivision to the north with the addition of a further 19 residential allotments, a new road to vest, and one new local purpose reserve (water supply) to vest, and an additional reserve (recreation).

Stage 5 will see the creation of two new sections of road that will also create a linkage from the roundabout to the stage 3 and 4 subdivision. Stage 5 will see the creation of the commercial site (Lot 1003 for Ngāti Koata's development), one residential super lot (Lot 1002, 7876m^2), an additional 10 residential allotments, a local purpose reserve to vest, and the creation of an additional 6366m^2 local purpose reserve (Lot 505) also to be vested as a neighborhood reserve. In combination, the neighbourhood reserve (Lot 505), the commercial land within Lot 1003, the bridge over the Kākā Stream, and the main entrance to the Arvida Retirement Village represents the hub of this Maitahi Village project.

Note: The development of proposed Lot 102 for residential purposes is not a part of this project. This super lot is expected to become the subject of separate comprehensive development.

Stage 6 contains an additional 34 residential allotments to be developed with access from an extension to the sub-collector road, and involving two new cul-de-sac roads. This stage also includes the addition of 1.4-hectares to be vested as local purpose (recreation) reserve, becoming a part of the adjoining Botanical Reserve.

Stage 7 is located above Stage 6, being developed off an extension to the sub-collector road and containing an additional 14 residential allotments. This stage also includes a local purpose (stormwater) reserve to vest in Council.

Stage 8 contains another 24 residential allotments on the opposite side of the sub-collector road, with two allotments to vested as local purpose (stormwater) reserve and also one new local purpose (recreation) reserve.

Stage 9 is located below Stage 8 and would see the creation of an additional 19 residential allotments, one new road to vest, three additional areas of local purpose (stormwater) reserve, and a new right of way serving four residential lots.

Stage 10 is the last stage of residential subdivision with this involving an additional 24 residential allotments to be accessed from an extension to Road 3 (up Kākā Valley). It is within stage 10 that the last section of Kākā Stream esplanade reserve would be vested, with additional local purpose reserves also created and vested.

Stage 11 is the final stage of subdivision which would see the 8.69-hecatare residentially zoned balance allotment and also a separate 114-hectares balance allotment of rural land containing Kākā Hill.

The staging described above and on the Subdivision Scheme Plans is likely to be followed, however there may be a need to change the sequences or combined stages if the need arises.

With regard to commencement, the applicant is planning to give effect to the subdivision consent immediately as set out within the '*Maitahi Village Project – Anticipated Staging/Timing*' document[62]. Stage 0 is proposed to be undertaken in 2026, with stage 10 titled toward the end of 2033.

Servicing Infrastructure

The servicing of this project with reticulated water and wastewater was addressed above in terms of the **off-site** works, with the **on-site** water, wastewater and stormwater reticulation and management described within:

(i) *Drainage, Water and Services Plans*[63] prepared by Davis Ogilvie;

(ii) *Maitahi Servicing Report*[64] prepared by Davis Ogilvie;

(iii) *Stormwater Assessment Report*[65] prepared by Tonkin & Taylor Limited.

In combination, the proposed water servicing plans[66] and Services Report[67] show and describe the proposed subdivision is to be serviced with fully reticulated potable water. Part of the proposed reticulation includes a new (temporary) water reservoir (at approximately RL123) on the eastern side of the site. The Services Report confirms that:

[62] **Attachment 23**.
[63] **Attachment 13.3 and 13.4**.
[64] **Attachment 9.2**.
[65] **Attachment 5.1**.
[66] **Attachment 13.4**.
[67] **Attachment 9.1**

The site will be serviced by potable water reticulation, designed in accordance with the NTLDM, SNZ PAS 4509:2008, relative consent conditions and engineering best practice. See potable water servicing plans in Appendix C.

Pipe sizes will be verified during detailed design to ensure supply pressures and hydrant flows are achieved as well as ensuring maximum permissible head losses are not exceeded. Pipes will be no smaller than DN150 in line with the NTLDM.

Piped reticulation will be uPVC or polyethylene, specified in accordance with the NTLDM.

Hydrants will be positioned around the site to meet all requirements as per SNZ PAS 4509:2008.

The proposed drainage plans[68] and Services Report[69] also show and describe the proposed subdivision will also be serviced with reticulated wastewater. Part of the proposed wastewater reticulation includes a wastewater pump station at the side of the neighborhood reserve. The Services Report (Section 3.0) clarifies that:

Wastewater from all lots will be conveyed via new reticulation through the project site before being

conveyed down Ralphine Way and Maitai Valley Road, before discharging to the existing NCC network in Nile Street East.

Two wastewater servicing strategies are being considered for the project as summarised in the following sections of this report. The chosen servicing strategy will be confirmed during detailed design, depending on what solution is proven to be the best engineered solution, as well as having the lower capital, and whole of life costs.

Stormwater drainage plans[70] are also provided while the Report describes[71] the proposed stormwater drainage network. This part of the servicing proposal has however also been prepared in conjunction with the preparation of a Stormwater Management Plan (SMP)[72] and Stormwater Assessment Report[73], which includes assessment of flooding effects, integration of water sensitive design principles, and the wider objective of enhancing the lower section of Kākā Stream through its realignment and enhancement. Hence, while each of these components are described separately, they are interrelated (and inseparable) both from a design perspective and also in terms of the integrated outcomes that are proposed.

The Davis Ogilvie drainage plan and services report describes the primary and second reticulation components of the proposed stormwater system. The primary system has been designed to accommodate rainfall up to and including a 15-year ARI storm event in accordance with the NTLDM. The secondary reticulation has been designed to provide for rainfall up to and including the 100-year ARI storm event. Secondary flows will be managed overland within road carriageways and other formed secondary flow paths.

The drainage plans also show the reticulated stormwater network discharging to the proposed Kākā Stream corridor, including to the proposed stormwater treatment areas. It is within the Stormwater Assessment Report that the best practice / water sensitive design approaches to stormwater management are described in detail. This includes the specialist input/report[74] from Morphum Environmental Ltd. The key components of the stormwater management approach, beyond the piped

[68] **Attachment 13.3.**
[69] **Attachment 9.1**.
[70] **Attachment 13.3.**
[71] **Attachment 9.1**.
[72] **Attachment 5.3.**
[73] **Attachment 5.1.**
[74] **Attachment 5.2**

and secondary systems described above, are based on water sensitive design approaches as set out under the following sub-headings[75] in the *Stormwater Assessment Report*:

- Inter-disciplinary planning and design
- Retention of stormwater through re-use and infiltration
- Stormwater treatment in wetlands
- Natural stream design
- Overland flow paths
- Revegetation

The proposed treatment wetlands and soakage basins are shown on the Conceptual Layout Conceptual Design (Figure A1) within the Stormwater Assessment Report. This Stormwater Assessment Report[76] (Tonkin & Taylor) describes the engineering basis of this approach, while as per the inter-disciplinary planning and design approach adopted by the applicant, the associated ecological and landscape (and natural values) components are explained and assessed separately (under the relevant subheadings below).

Roading and Transport

The roading and transport related components of the Maitahi Village project are described within the:

(i) *Servicing Report*[77] prepared by Davis Ogilvie;

(ii) *Roading Plans*[78] prepared by Davis Ogilvie;

(iii) *Integrated Transport Assessment*[79] (ITA) prepared by Traffic Concepts Limited;

and also

(iv) Within the separate application[80] for source consent lodged with the NCC in December 2024 for the off-site bridges (Jickells and Gibbs Bridge), shared pathway, and upgrade to the intersection of Maitai Valley Road and Ralphine Way.

The Servicing Report[81] clarifies that:

> *The proposed roading network will be designed in accordance with the NTLDM, relevant consent conditions, and engineering best practice. The roading servicing plans and standard road cross sections can be found in Appendix D.*
>
> *The roading geometric design has been completed to high-level, which will be fine-tuned during detailed design. Signage and marking design's as well as the design of street-furniture has not been completed, which will be completed during detailed design.*
>
> *A high-level road safety audit will be completed by Traffic Concepts Ltd (TCL) as part of the consenting process. Furthermore, a detailed design safety audit will be completed prior to submitting for engineering approval.*
>
> ..

[75] **Section 4.2, Stormwater Assessment Report – Attachment 5.1**.
[76] **Attachment 5.1**.
[77] **Attachment 9.1**.
[78] **Attachment 13.5 and 13.6**
[79] **Attachment 6**.
[80] **Attachment 22.**
[81] **Attachment 9.1, Section 8.0.**

As mentioned above, the detailed design will be developed in line with the NTLDM. Where not possible, deviations from the NTLDM will be highlighted to NCC during the engineering approval process.

The Roading Plans[82] show 11 new roads and 4 new rights of way. Typical cross sections for each of the proposed road types and right of way are also provided in the roading drawings, along with long sections. The concept drawings of the proposed new traffic lights at the intersection of Nile Street East and Maitai Road is also provided[83].

A detailed description of the roading and transport aspects of this proposal / project is also provided within Section 8 of the Integrated Transport Assessment (ITA). The ITA also serves to comprehensively assess the proposal for compliance against the NRMP and NTLDM. The ITA describes the off-site works, and all part so the on-site roading/transport infrastructure, including within the proposed Arvida retirement village.

Geotechnical Engineering

The Tonkin & Taylor Geotechnical Assessment[84] also contains a description of the methods proposed to ensure the proposed subdivision is suitable for residential and commercial development. The methods considered appropriate for each of the *geo sub-areas*[85] assessed are described in Section 4.2.2 of the Geotechnical Assessment Report, with those converted into volunteered consent conditions in section 6.2 and 7.1. The geo sub-areas and the respective recommendations are also shown graphically on Figure F-60 '*Maitahi Subdivision Geotechnical Hazard Mitigation Recommendations*'[86].

Ecological Components

The proposed development includes a comprehensive package of ecological measures designed to enhance ecological values and manage the actual or potential adverse effects of activities. These measures, detailed in the Ecological Impact Assessment (EcIA)[87], incorporate avoidance, remediation, mitigation, and offsetting strategies.

Key Ecological Features & Enhancements

The Project incorporates the following ecological protection and enhancement measures:

- Protection, restoration, and enhancement of two identified wetlands within the Project Area to support wetland hydrology and biodiversity.
- Extensive revegetation with indigenous plant species in riparian margins, wetlands, and terrestrial areas to enhance biodiversity and ecological connectivity.
- Riparian enhancement along Kākā Hill Tributary and other modified stream reaches to improve water quality, stabilise banks, and enhance aquatic habitat.
- Realignment and enhancement of Kākā Stream within the Project Area as an offset for the unavoidable loss of approximately 300m of intermittent stream habitat. See **Figure 9** below.
- Erosion and sediment control measures to limit sedimentation effects on receiving freshwater environments.

[82] **Attachment 13.5.**
[83] **Attachment 13.6.**
[84] **Attachment 4**.
[85] **See Figures F-03 and F-04 – Attachment 4**
[86] **Attachment 4**.
[87] **Attachment 3.1**.

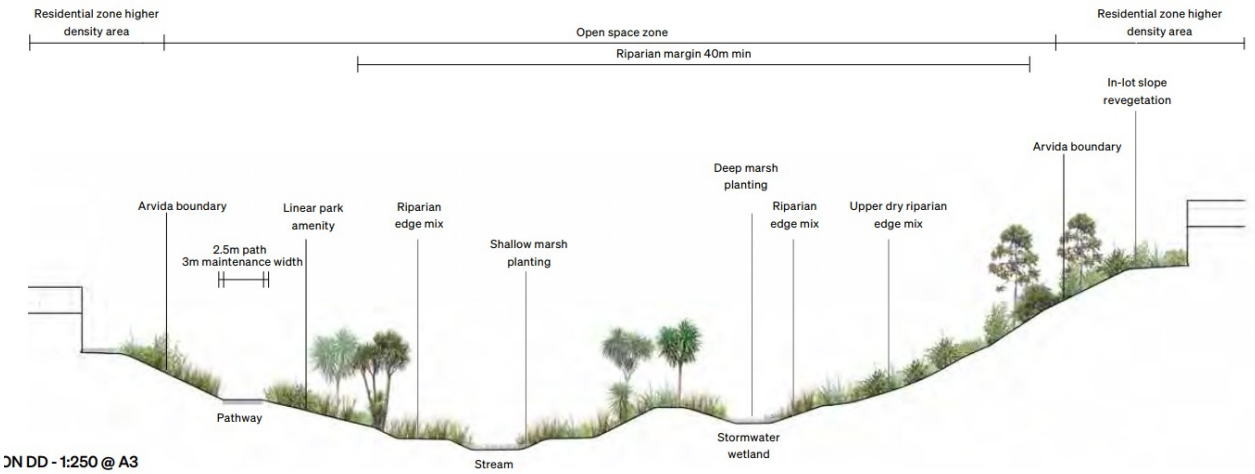

Figure 9: The planned restoration and enhancement of the Kākā Stream

Source: The top photo is sourced from the Ecological Impact Assessment[88]. The lower cross section is from the Landscape Design Report[89].

Stream Offset & Restoration Measures

Given that the loss of 300m of intermittent instream habitat cannot be fully mitigated, the Project proposes a stream realignment and enhancement plan, which includes:

- Preparation and implementation of a Stream Restoration Plan (SRP), aligning with best-practice stream offsetting methodologies.
- Enhancement of Kākā Stream through increased sinuosity, bank stabilisation, and in-stream habitat complexity improvements (e.g., riffles, pools, and woody debris).
- Incorporation of fish passage measures to ensure longitudinal connectivity for aquatic species.

[88] **Attachment 3.1**

[89] **Attachment 16.2.**

The focus and content of the SRP are outlined in Section 6.1.3.1 "Proposed Stream Offset" of the EcIA[90]. The Concept Design for Kākā Stream realignment, prepared by RMM[91], is further summarised under the landscape section.

Mitigation & Ecological Management Measures

To ensure actual and potential adverse ecological effects are avoided, remedied, or mitigated, the following management plans will be implemented (as a condition of consent, once granted):

- Lizard Management Plan – ensuring appropriate management of native lizard populations during and post-development.
- Fish Salvage and Relocation Plan – minimising impacts on aquatic fauna during stream realignment works.
- Ecological Restoration Plan (ERP) – detailing comprehensive ecological mitigation, enhancement, and monitoring measures, including a Stream Restoration Plan (SRP), aligning with best-practice stream offsetting methodologies.
- Wetland Hydrology Assessment – to ensure potential hydrological impacts on protected wetlands are avoided or mitigated.
- Erosion and Sediment Control Plan (ESCP)[92] – to prevent sedimentation and protect downstream water quality.
- Stormwater Treatment Measures – designed to enhance water quality and minimise hydrological impacts on receiving freshwater environments.
- HAIL Site Management[93] – addressing potential contamination risks in accordance with best-practice environmental management.
- Instream Works Best Practices – ensuring all works occur during appropriate low-flow periods (summer) and avoid peak fish migration seasons (May to November).

Design Considerations for Aquatic & Riparian Enhancement

To enhance the realigned and protected stream reaches, the following key features have been recommended in the EcIA:

- Incorporation of habitat complexity (e.g., pools, runs, riffles, woody debris, logs, and boulders) to support aquatic biodiversity.
- Riparian planting along streams and wetlands to stabilise banks, reduce sedimentation, and improve habitat quality.
- Inclusion of water-sensitive design elements in stormwater retention basins, flow paths, and open space areas.

These measures have been integrated into the Concept Design prepared by RMM[94] and are detailed further in the landscape section of the report.

[90] **Attachment 3.1**
[91] **Attachment 16.2**
[92] **Attachment 7.**
[93] **Attachment 8.1**
[94] **Attachment 16.2**

Integrated Landscape Features

The Landscape Assessment Reports[95] and Landscape Design Report (Part 2)[96] describe the landscape features integrated within the design of the Maitahi Village Project. In particular, the Landscape Design Report contains a comprehensive set of plans, diagrams and cross sections of these features. It is within this Landscape Design Report that the cultural, recreational, ecological, and engineering components are combined into a set of landscape masterplans and supporting descriptive information.

While the Landscape Design Report contains a comprehensive description of the landscape and natural features incorporated in the proposed Maitahi Village subdivision, the 'Arvida Maitahi Village' drawing set[97] contains a comprehensive description of the features integrated into the proposed retirement village. The associated features of the Arvida retirement village are described under a separate subheading below.

The key components of this proposal have been developed in accordance with the '*Maitahi Bayview Structure Plan*' and overarching provisions of the NRMP planning framework supporting Schedule X. The manner in which the Maitahi Village has responded to and this site and achieve the relevant objectives are set out in the following sections of the Landscape Design Report:

- Design foundation
- A vision and cultural response
- An illustrative landscape masterplan
- Illustrative landscape concept plans for proposed parks, reserves and streets
- Indicative cross-sections for the linear park and road typologies
- Same planting/materials palettes
- Exemplar imagery

The Design Strategy set out within the Landscape Design Report is also broken down as follows:

- Landscape Design Strategy
- Green Network
- Blue Network
- Connections and Circulation
- Landscape Masterplan

Stepping through the plan and diagrams within the above sections of the Design Strategy also serves to demonstrate how the Masterplan has integrated the overall design philosophy and considerations, including greenspaces, ecology (including the freshwater values), cultural values, recreation and connectivity, and the requirement to use water sensitive design in the management of stormwater. The following 'Overview' is also provided, describing the masterplan:

> *The Kākā stream green corridor and open space system seeks to create a series of attractive, safe, accessible and multi functional open spaces. The overall design will celebrate and enhance key views toward Kākā Hill, as well as down the valley towards the Mahitahi/Maitai River and the southern portion of the reserve.*
>
> *The Kākā Stream corridor will be enhanced with extensive native vegetation, and the current alignment will be retained in the northern part of the development. The southern portion of Kākā Stream will be realigned, where a careful integration of the new stream bed with these site topography and streamside revegetation*

[95] **Attachment 10.1 and 10.2**.
[96] **Attachment 16.2**.
[97] **Attachments 14.1 – 14.4.**

will contribute to enhancing the existing site character. The riparian corridor along Kākā Stream will be extended and planted with a multitude of native plant mixes that will thrive and the varying site conditions along the stream, providing a rich biodiversity corridor through the development. The integration of site hydrology into the open space system will enhance the aesthetic, experiential and ecological vibrancy of the reserves.

The majority of their reserves will be overlooked by either private lots worth visually permeable fencing or by streets with pedestrian footpaths. The limbed-up trees and low and the planting will establish safe and clear sight lines throughout the portions of their reserves that will be frequented by visitors. Denser and taller vegetation will be placed on sloped areas away from paths and areas actively used by pedestrians.

A series of hardscape elements along the walkways will act as a wayfinding network throughout the reserves. Small resting spaces, either with seating or large boulders that can be used as a perch, will be located in these areas. Another key element in these areas will be cultural markers – these vertical sculptural forms will highlight views to key local features, as well as views over the site. Together, these elements can enhance the user experience of the reserves and help to build on the existing local identity of the site . These elements will be refined further during the detail design phases, and will require consultation with Ngāti Koata ad nga iwi and iwi of Te Tau Ihu.

Integration of Cultural Values

Particular care has been given to recognizing and providing for cultural values and mātauranga Māori in all aspects of the Maitahi Village project. These efforts are in direct recognition of the customary interests, values, and rights and responsibilities exercised by Whakatū Tangata Whenua.

The recognition of and commitment to integrating cultural values was a fundamental part of the bespoke provisions volunteered as a part of PPC28, and are now an integral part of the provisions contained in Schedule X of the NRMP.

The following documents have direct relevance in this regard:

- Cultural Impact Assessment (CIA) – Ngāti Koata[98];
- Te Tauihu Iwi Engagement & Consultation: PPC28 & Maitahi Village 2020-2025[99];
- Statement of Cultural Values – Maitahi – Ngāti Tama[100].

While these three listed documents provide the most direct reference to cultural values, the integration of cultural values in the Maitahi Village project is also clearly expressed in a number of other supporting plans reports (i.e. Stormwater Assessment Report, Landscape Design Report).

Through the process of iwi consultation over the last 5 years, the applicants consultant team has been provided with a number of cultural outcomes that have influenced the final masterplan design and development proposal. The positive outcomes for iwi will be achieved through the conditions and recommendations set out within sections 6 and 7 of the CIA, and through the implementation of the recommendations contained in section 5 of the Statement of Cultural Values from Ngāti Tama.

[98] **Attachment 2.1**
[99] **Attachment 2.2.**
[100] **Attachment 2.3.**

3.4 The Arvida Retirement Village

Arvida has a sale and purchase agreement with the applicant, which has meant the applicants consultant team has integrated with the Arvida design team throughout the masterplanning and design process. This is demonstrated within the retirement village masterplan and architectural plans being prepared with collaboration with the wider landscape design, infrastructure planning, and assessment processes.

The Arvida retirement village is a significant component of this project. The village is to be constructed in stages as per the 'Anticipated Staging/Timing'[101] document provided in support of this application. Once fully complete and operational, the village would have approximately 55 full-time equivalent staff.

The Arvida retirement village design drawings[102] are provided with this application, with a summary also provided under the relevant subheadings below. The proposed servicing infrastructure is also described in a separate report[103], with the landscape and urban design outcomes described in the Landscape Assessment Report[104].

Retirement Village Layout and Makeup

The proposed village has been designed within proposed lots 1000 and 1001 (stages 1 and 2 of the subdivision), being split by the proposed new Kākā Street corridor, and also with Area B (Lot 1001) being located on the upper terrace. In combination, the village will occupy approximately 9.6 hectares.

The proposed retirement village contains 193 residential units, 36 bed care facility and the full range of support facilities. As shown on the Arvida drawings[105], the village will provide:

- A diverse range of housing options.
- Centralised communal buildings with outdoor amenity and activity spaces.
- Shared communal facilities, including a Residents Clubhouse, Café, and ancillary buildings arranged across the site which offer a range of social and recreational opportunities.
- A range of living options, from independent living with options for care support as required, through to Carehome living with full nursing support.
- Comprehensive connectivity within the site between facilities and residences and linking to the wider community.
- Open space and landscaping to provide outdoor social, recreation and activity spaces, with visual amenity.

The diverse range of housing options is a common feature of many retirement villages as this serves to meet a wide range of housing needs, preferences, and circumstances. The proposed village has 15 different villas and townhouse types, being designed and located in response to their position within the village site.

[101] **Attachment 23.**
[102] **Attachments 14.1 to 14.11**.
[103] **Attachment 9.2**.
[104] **Attachment 10.2**.
[105] **Attachment 14.1**

The Clubhouse and associated outdoor areas is located on the western side of Lot 1000 (Area A), occupying a position where residents and visitors will be able to enjoy the outlook over the esplanade area occupying the realigned Kākā Stream, and the views to Botanical Reserve.

Toward the centre of the village but also located close to the entrance, is the proposed Care Facility which also contains a café for residents and visitors. The Care Facility will have 36 care/dementia beds.

A community pavilion building is also proposed within Lot 1001 (Area B), located on the upper terrace, thereby having the benefits of views to the south, over the Kākā Stream and toward the Maitai/Mahitahi River.

Retirement Village Access and Internal Roading[106]

The Main Entrance to the village is located on the western side of the proposed new roundabout. This part of the site is considered to have particular importance as it has the commercial land (to be development with Koata House) opposite, with the recreation reserve opposite (to the west) of that.

A large majority of Area A of the village will therefore be accessed internally. The Ruru units have however been designed with access direct from the sub-collector road (Road 1). Area B has a separate entranceway from Road 1 which will provide access via one primary internal road and several side roads. Area B also has 4 Ruru units will access direct from the sub-collector road.

The Arvida Maitahi Serving Report also contacts a section of Roading (Section 8.0), where typical cross sections of internal roading is described / specified.

Retirement Village Servicing

As noted above, the Arvida Maitahi Servicing Report[107] and civil drawings describe the proposed village being serviced with potable water to provide for the need of the village, while also comply with the requirements of the Building Code and the SNZ PAS 4509:2008. The village will also be provided with reticulated wastewater in accordance with the NTLDM. Power and telecommunications will also be provided to the Village.

Retirement Village Architecture

Care has been taken to recognize the landscape and qualities of this environment in the design of the village architecture[108]. Also see **Figure 10** below. The site has more of a rural feel and so the architecture has been developed in response to the objective of being responsive and sympathetic to that character. This design philosophy is also outlined in the supporting Landscape Assessment Report[109]:

> *The motivation of the design team from the outset was to develop a village layout that positively engaged with its surrounding environment and maximises a sense of space within the village, to develop a 'villa in the landscape' character to the village. The lack of any defined internal boundaries and fencing and the development of the site as a comprehensive integrated village development is a primary feature of the facility.*

The architectural response also includes a Materiality and Colour palette that has the following components:

[106] **Attachment 14.2**
[107] **Attachments 9.2 and 13.7**
[108] **Attachment 14.4**.
[109] **Attachment 10.2.**

a. Rural
b. Local pallet of materials
c. Use of existing barn door
d. Natural and earthy
e. Culturally responsive
f. Vernacular Agricultural Forms,
g. Gables and lean-to roofs,
h. Verandahs,
i. Variety of forms/materials

The shearers' graffiti on the historic internal rusticated weatherboard of the shearing shed, along with the shearing equipment, will also be salvaged and reused and installed in the café or clubhouse of the retirement village. It is considered that these features will provide the future residents of the village with some European farming history of the site, while also deliver on the applicant's commitments under Schedule X of the NRMP.

Figure 10: Arvida Retirement Village – architectural response

Retirement Village Landscape and Outdoor Recreation

Rough Milne Mitchell (RMM) Landscape Architects were intimately involved in PPC28 and have also stayed involved alongside JTB Architects in the village design. The Landscape Masterplan[110] that sets out the planned:

- Street Typology Plan
- Green Space Networks
- Pedestrian Connectivity
- Hardscape Areas
- Retaining Walls
- Softscape Areas
- Fencing Treatments
- Lighting Strategy

The Landscape Assessment Report also states:

> *The village will be comprehensively landscaped and specimen trees will be strategically located to provide amenity, vertical relief and shade in certain places. The amenity values created by high quality surroundings are considered important and central to the success of the overall development. The 'landscape', as an important communal facility will be well maintained which further enhances its presentation and wider appearance.*
>
> *Connectivity to and integration with the surrounding areas is considered central to the philosophy of the village with 10 opportunities within the village to gain direct access to the surrounding environment. This means that the land is utilised efficiently, and full benefit is gained from the spaces and planting that is established.*
>
> *On entering either entrance to the two village precincts, an open treed street character will be observed with planting and trees making up a significant portion of the streetscapes. Attractive single storied houses will be located and clustered within a parkland type landscape. Unlike the more conventional subdivisions, the absence of internal fencing and boundary definition, and the limited visual infrastructure within the landscape of the village, means that the sense of open space and resulting amenity values are greatly enhanced.*
>
> *It is important that planting within a development of this nature is purposely intended to be 'familiar' or recognisable to the target client base while at the same time same time suited to and complimentary to its wider location. It is the intention to firmly locate the village within its local environment and integrate the village with the emerging surrounding landscape that will be developed as part of the wider development of the Kākā Valley.*
>
> *Within a framework of 'naturalistic' plantings, as features within this residential landscape, it is intended to use a relatively simple palette of materials and plants. A framework of larger deciduous and evergreen trees are located at strategic points within the site and its perimeter that are intended to respond to and be continued, within the adjacent reserve areas. Large grade specimen trees will be specified at the outset, to provide some vertical relief and give the new landscape a more developed appearance. A second tier of planting will comprise of the smaller trees and larger shrubs that occupy the smaller 'mini landscapes' around the units to define and separate areas and spaces at the local level.*

Site Sections are also provided within the Landscape Masterplan that help describe and communicate the above proposal.

[110] **Attachment 14.1.**

A range of visualisations[111] are also provided within the masterplan set also communicating these design intentions.

Retirement Village Construction Timetable

Arvida Construction and Civil Staging Plans are provided in support of this application, with those stages also included in the Anticipated Staging/Timing[112] document. These plans show Area A of the retirement village having two civil stages and seven development stages, with Area B having one civil stage and three development stages.

The village construction timetable follows the creation of the two first stages of subdivision which would see the creation of the proposed building platforms (Areas A and B).

3.5 Koata House / Te Whare ō Koata

Located toward the centre of the '*Maitahi Bayview Structure Plan*' is the area of Suburban Commercial (zoned) land that is to be created at Stage 5 of the proposed subdivision as Lot 1003[113].

Figure 11: Koata House development

It is within this new commercial site that Ngāti Koata proposes to establish *Koata House / Te Whare ō Koata*, being a commercial premise that will contain offices, meeting rooms, function spaces, and a commercial kitchen. This component of the Maitahi Village project is described on the architectural drawings[114] provided in support of this application, and as shown in **Figure 10** above.

Koata House has a gross floor area of 1320m^2 over two levels. The building has been designed to be culturally appropriate for Ngāti Koata, with the layout and profile sitting comfortably on this prominent site at the base of Kākā Hill. The building site will be formed at the time of subdivision, and the maximum height being at 9.4m above the formed building platform level.

[111] **Attachment14.1**
[112] **Attachment 23**.
[113] **Attachment 12**.
[114] **Attachment 15.**

The Integrated Transportation Assessment[115] describes the transport and access parts of this development:

> *There will be 18 permanent car parks around a circle with at least 27 overflow car parks. The servicing vehicles use the permanent parking area for the pick-up and drop off of goods.*
>
> ...
>
> *As shown access is from Road 2 with the nearby intersection of Road 1, Road 2 and Road 3 being formed as a tee junction. The internal car park layout easily meets the accepted parking standards.*

3.6 Consent Conditions

Provided in support of this application[116] for resource consent is a set of draft consent conditions that are volunteered.

[115] **Attachment 6**.

[116] **Attachment 25**

4.0 Resource Consents Sought

4.1 Resource Consents Sought for this Project

This project seeks resource consent as an integrated package. This includes all of these consents required under the Nelson Resource Management Plan ("**NRMP**")[117], National Environmental Standard for Freshwater ("**NES-F**"), National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NES-CS**").

The following summary of the consents sought arise from the "Assessment of Activity Status" provided with this application[118].

Resource Management Act 1991

Land Use Consent (Section 9) for:

(i) To undertake a Comprehensive Housing Development (residential retirement village) as a *discretionary activity*;

(ii) To undertake earthworks and clear vegetation as a *discretionary activity*;

(iii) To demolish the existing shearing shed and chimney as a *controlled activity*;

(iv) To construct a commercial activity (Koata House) as a *discretionary activity*;

(v) To establish and operate a wastewater pump station as a *non-complying activity*

(vi) To construct a temporary water reservoir as a *discretionary activity*;

(vii) 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;*

(viii) 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) for:

(i) 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:

(i) Disturbance of the bed of rivers for construction related activities as a *discretionary activity*;

(ii) Disposition of material in the beds and on the banks of rivers as a *non-complying activity*.

Water Permit (Section 14) for:

(i) 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:

(i) Discharge of construction phase stormwater (including from dewatering, sediment and flocculant) to land and surface water as a *discretionary activity*.

[117] The NRMP is a combined district a regional plan, and also includes the regional coastal plan and air quality plan.

[118] **Attachment 24**

National Environmental Standards for Freshwater 2020

Consent for:

(i) Reclamation of rivers (including Kākā Stream) as a *discretionary activity*;

(ii) Urban development within 10m of a natural urban wetland as a *restricted discretionary activity*;

(iii) Earthworks and the diversion of water within 100m of a natural inland wetland as a *non-complying activity*.

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

Consent for:

(i) Subdivision of land as a *restricted discretionary activity*;

(ii) Change of Use of land as a *restricted discretionary activity*;

(iii) Soil disturbance of land as a *restricted discretionary activity*.

Summary

Overall, with all aspects of this application being bundled, this Project must be considered as a ***non-complying activity***.

The following table also sets out the requested lapse and durations:

Section	Lapse (s125, RMA)	**Duration** (s123, RMA)
Section 9		
(i) Arvida village	10 years	Not applicable
(ii) Earthworks	5 years	Not applicable
(iii) Heritage	2 years	Not applicable
(iv) Koata House	5 years	Not applicable
(v) Pump Station	3 years	Not applicable
(vi) Water Reservoir	3 years	Not applicable
(vii) Open Space & Rec	10 years	Not applicable
(viii) Landfill	10 years	Not applicable
Section 11 & NES-CS - Subd	10 years	Not applicable
Section 13	8 years	Not applicable
(i) Disturbance & deposition	10 years	Not applicable
Section 14 – Dam or divert	10 years	Not applicable
Section 15 - Discharge	10 years	10 years
NES-CS	2 years	Not applicable
NES-F – Reclamation etc	10 years	Not applicable

Note: the lapse of some of the requested activities will be from the issue of 224 certificate of the underlying subdivision

4.2 Other Resource Consents Required

A separate resource consent application (RM245337-340) has been submitted for the construction of the two shared pathway bridges across the Maitai River. Those bridges also serve as bridge crossings for the extension of reticulated water and wastewater to the site.

No other resource consents are required. All required resource consents are sought here as a comprehensive and fully integrated package.

4.3 Existing Resource Consents for the Activity

There are no resource consents that have been issued or sought for the activities proposed by the Maitahi Village project.

5.0 Assessment of Environmental Effects

5.1 Positive Effects

This Project will result in a number of positive social, economic and environmental benefits, some of these benefits having particular importance and so considered to be *significant*.

Nelson Economy and Employment

As the lowest performing region for over a year, the economic benefits of this project will be *significant* for at least a decade due to the staged construction activity, but also over the long term due to the additional vitality this project will add to the City Centre.

The economic benefits of rezoning this land and making it available for urban development are acknowledged in the Nelson Tasman Future Development Strategy 2022, and were also agreed by the experts that provided evidence (and undertook expert conferencing) as a part of PPC28. The assessment of economic effects by Property Economics Limited[119] has been updated and concluded that:

> *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. This essentially leverages off the locational attributes that the region provides for the development, which allows retention of a greater level of activity throughout the construction and operation of the facilities.*
>
> *This development also positively contributes to the outcomes sought in the NPS UD by providing additional housing capacity across a range of typologies and providing more choice in the market in relation to price points and location.*
>
> *It is important to note that these benefits exist within a timeframe that is likely to see significant uncertainty in development opportunities and a lower appetite for risk, impacting on both the construction and productive base of the localised and regional economies.*
>
> *Economic Benefits include:*
>
> - *Total 7-year regional economic contribution of around $356m (NPV).*
> - *Total 7-year regional employment generation 2,737 FTE years.*

Given the significance of these benefits assessed by Property Economics Limited, and relevance to the purpose of the Fast Track Approvals Act 2024, it is appropriate to provide these in full here:

> *Economic Benefits:*
>
> 1. *Increased Land / Dwelling Supply: The proposed land area has the ability to supply the market with an additional 374 dwellings increasing capacity within a single -planned area. This provides not only the ability for the area to improve its responsiveness to growth demands but itself facilitate further growth within the area with an increase in overall competitiveness.*
>
>   *Additionally, this provides clear direction to the market regarding both its ability to meet future demand pressures and its provision through an efficient site location and size.*
>
> 2. *More Affordable Housing: The potential provision of additional feasible residential development capacity within the wider area is likely to have the impact on reducing counterfactual land values.*

[119] **Attachment 1**

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.

A significant contributor to residential property values is the underlying land values impact by growth expectations and supply. The identification of additional residential land areas suitable for development is likely to reduce price pressure in the local and surrounding markets

3. *Decreased Marginal Infrastructure Costs: Once again the opportunity to masterplan an area has the potential to bring with it, economies of scales and lower marginal infrastructure costs. Additionally, the 'future provision and identification' of this area allows for the future proofing of the area and the community and private infrastructure requirements.*

4. *Increased Economic Activity / Local Employment: The increased local population base will result in a net increase in the number of full-time equivalent employees able to work within Nelson due to the project generating increased demand for local business and services. This will be a net gain for the local economy and stimulate further growth and amenity improvements for the area.*

5. *Increased Local Amenity: Master-planned developers are able to provide high amenity, master planned environments with purpose built, and targeted amenity values. This is particularly true for the proposed development as it can provide dedicated associated community services and amenities.*

6. *Greater Levels of Investment in the Local Market: The proposed Project can contribute to the overall development and revitalisation of the surrounding community, attracting investment and fostering local entrepreneurship. This can provide significant impetus for growing the local economy.*

   In particular, the demand generated by a development can stimulate investment in various ancillary services and businesses. These can include transportation services, equipment manufacturers and retailers. The presence of the Project can create opportunities for local entrepreneurs to innovate and offer unique services.

7. *Impact on Current Employment Levels: While Covid-19 has had a less significant impact on the general economy than initial estimated, it is clear that the next few years represent uncertain times with several crucial sectors likely to experience significant downturns and considerable restricting*

   While the sectors that are likely to benefit directly by this proposed development are not necessarily the hardest 'hit' sectors of the economy, they do contribute substantially to overall community wellbeing and will support greater spend and general economic activity that in turn supports greater activity in the affected sectors.

   The Nelson economy has experienced a particularly difficult period with total employment rising only 2 over the past 3 years, in comparison to the national rise of 5%. Additionally, there has been no growth in the Nelson construction sector , while nationally this has grown 3% over the same period.

   This supports a key FTAA purpose of resulting in a public benefit through generating additional employment. Additional employment opportunities contribute positively to improving income levels of many households in the Nelson, and therefore improve the economic, social and cultural wellbeing of both current and future generations.

The above economic benefits of this Project are considered to be significant to this region, and of particular importance when considering the purpose of the Fast Track Approvals Act 2024.

Contributing to a well-functioning urban environment

It is considered that this Project will contribute to a well-functioning urban environment as a consequence of the proposed makeup of the Maitahi Village, but also due to its proximity to Nelson City, and the enhancements proposed to the receiving environment.

Not only does this project involve the creation of **182** residential sections that will be available for the general population to help meet the demands of forecasted population growth, but the village integrates a retirement village to serve New Zealand's aging population. The Arvida village contains an additional **192** residential units (on two allotments), with a diverse range to meet a range of types, prices and different household needs, but also a **36-bed** care facility for those who require 24-hour residential care.

Other fundamental benefits of this project relevant under this topic include:

i) the proximity (and connectivity) of this site to Nelson City;

ii) the provision made for Māori to express their cultural traditions and norms; and

iii) the resilience of this site from the current and future effects of climate change.

The Maitahi Village is located very close to Nelson City, and so will have convenient access to jobs and services. The Maitai Valley within which the site is located is also fortunate to have large open spaces for active and passive recreational amenity. The proposed village will also add to those amenities.

Through the transport upgrades proposed, both within this application and a separate application lodged by the applicant in December 2024, the current transport constraints between the site and the City are to be removed. The construction of a shared pathway between the site and Nile Street East will also provide for the growing demand for alternative transport modes.

Housing Needs

As set out above, the combined Maitahi Village subdivision and retirement village involves 182 residential allotments which represents a significant positive contribution to providing for housing needs in close proximity to Nelson City.

Māori Cultural Values

As set out under the subheading below, these are significant positive cultural effects to arise from the Maitahi Village project.

Ecological Values

As set out under the subheading below, these are significant positive ecological effects from the Maitahi Village project.

5.2 Māori Cultural Values

The following documents have direct relevance in this regard:

- Cultural Impact Assessment (CIA) – Ngāti Koata[120];
- Te Tauihu Iwi Engagement & Consultation: PPC28 & Maitahi Village 2020-2025[121];
- Statement of Cultural Values – Maitahi – Ngāti Tama[122].

Schedule X of the NRMP contains specific provisions that require the provision for Māori cultural values and traditions to be incorporated into the subdivision and development in this location. In advance of undertaking a assessment of effects of the proposed Maitahi Village on identified cultural values and associations significant to the area, the Cultural Impact Assessment[123] sets out:

- Ngāti Koata's cultural values
- the process of establishing an appropriate design framework
- the guiding values
- the design outcomes
- the cultural design framework aspirations
- a statement of cultural values for the Maitahi area
- the legislative framework

In undertaking this assessment, the CIA[124] also acknowledges that:

> *If an activity is assessed as having a potential or actual adverse effect on these values and associations, mitigation measures have been specified as conditions. Where the activity has a minor or positive effect, mitigation measures may be stated as conditions or recommendations to lessen the effect or, if positive, to enhance the effect.*

The conditions set out within section 6 and the recommendations contained in section 7 of the CIA, are fully accepted and part of this Maitahi Village project. So too are those recommended within the Statement of Cultural Values[125] prepared by Ngāti Tama. Given the manner and process in which the CIA has been prepared, with opportunity for all iwi to contribute, the assessed impact on cultural values is considered to be applicable to the wider interests in this statutory acknowledgment area.

While the approach taken in this assessment of effects of the Maitahi Village has been to reference rather than repeat (at length) the conclusions from the supporting technical documents, the fundamental outcomes in terms of cultural values are considered to be a reflection of the wider impacts on the *environment* within which this project is proposed. The full assessment has therefore been provided below as this confirms the positive future and potential impacts on cultural values, and that the adverse short terms effects can be mitigated or minimised through the adoption of condition conditions.

5.1 Positive effect on Ngāti Koata exercise of rangatiratanga

The Maitahi Village development actively supports the restoration of Ngāti Koata rangatiratanga through collaborative engagement, iwi leadership, and decision-making processes that center Ngāti Koata as landowners and developers. The Ngāti Koata Cultural Design Framework, co-developed with kaumātua,

[120] **Attachment 2.1**
[121] **Attachment 2.2.**
[122] **Attachment 2.3.**
[123] **Attachment 2.1**
[124] **Attachment 2.1, Section 5.**
[125] **Attachment 2.3**

"ensures that the project reflects iwi values, aspirations, and tikanga throughout its design and implementation" (Cultural Design Framework, 2024).

The project's governance structure demonstrates a commitment to Ngāti Koata's authority. Koata Ltd's 35% shareholding positions Ngāti Koata as key decision-makers, allowing for the integration of cultural priorities into the project's foundation. A submission for a Private Plan Change (PC 28) emphasised the importance of iwi-led housing solutions to address historical grievances of land alienation, reconnecting Ngāti Koata to ancestral whenua and enabling pathways to homeownership for whānau (Hippolite, 2022).

Engagement with Pou Taiao managers and the integration of Ngāti Koata feedback into design iterations further demonstrates a positive effect on rangatiratanga. Specific measures, such as incorporating pou, cultural wayfinding markers, and native planting, ensure that the development visibly reflects Ngāti Koata's cultural identity and historical narrative (Cultural Design Framework, 2024).

5.2 Positive Effect on Ngāti Koata Exercise of Kaitiakitanga

The Maitahi Village development strongly aligns with Ngāti Koata kaitiakitanga values by prioritising environmental restoration, sustainable design, and ecological integrity. The realignment of Kākā Stream to its historical course, alongside riparian and wetland restoration, demonstrates a commitment to restoring the mauri of wai māori (freshwater). This aligns with Objective 9.5 of the Ngāti Koata IEMP, which emphasises maintaining and enhancing freshwater ecosystems for cultural and ecological purposes (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.32).

Ngāti Koata Pou Taiao were given opportunities to engage with and influence the ecological and environmental aspects of the project, ensuring that iwi aspirations for biodiversity, mahinga kai, and habitat restoration were upheld. Initiatives such as native revegetation, predator control, and wetland creation support taonga species and ecological connectivity, addressing Issue 10.9 of the IEMP, which highlights the importance of protecting indigenous flora and fauna from development impacts (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.39).

The inclusion of kaumātua and the Whakapapa Kōmiti in the development of the cultural framework ensures that Ngāti Koata intergenerational knowledge and values have guided the project. This approach will ensure a strengthened connection between people and the environment, upholding Ngāti Koata as active kaitaiki of te taiao.

5.3 Positive effect on water quality

The Maitahi Village development incorporates a holistic, water-sensitive design approach that aligns with Ngāti Koata IEMP Objective 9.20, which seeks the highest purity and restoration of waterways (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.35). This approach mimics natural hydrological processes, emphasising sustainable stormwater management to protect and enhance freshwater ecosystems.

Key design features include:

- *Constructed wetlands that manage stormwater through natural filtration, removing urban contaminants such as heavy metals and hydrocarbons.*
- *Riparian plantings along stormwater pathways and wetlands, contributing to natural filtration and improving water quality.*
- *Overland flow paths lined with native plants and stone, supporting infiltration and reducing sedimentation in receiving environments.*

These measures ensure that stormwater runoff is treated before reaching receiving environments, mitigating adverse effects and enhancing the mauri of Kākā Stream. This approach supports Policy 9.6.4, which promotes land-use practices that avoid, remedy, or mitigate adverse effects on water quality (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.33)

5.4 Giving effect to Te Mana o Te Wai

The development places significant emphasis on restoring the health of wai māori through the realignment and enhancement of Kākā Stream. This effort aligns with Objective 9.5, which prioritises maintaining and enhancing freshwater ecosystems for their cultural and ecological integrity (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.32).

Specific measures include:

- *The realignment of Kākā Stream to its natural course, improving flow and ecological function.*
- *Stabilisation and native planting along stream banks to reduce erosion and sedimentation, ensuring the stability and health of the streambed.*
- *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, supporting the aspirations of Tiaki Taiao to restore wai māori for present and future generations (Cultural Design Framework, 2024).

5.5 Positive future effect on biodiversity

The project actively promotes biodiversity by creating ecological corridors and restoring habitats for native flora and fauna. This reflects Objective 10.13, which focuses on protecting indigenous habitats and addressing the adverse effects of development on biodiversity.

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 (ibid).

Biodiversity initiatives include:

- *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.*
- *Riparian and wetland planting to provide habitats for aquatic and terrestrial species, enhancing ecological connectivity across the development.*
- *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 (Cultural Design Framework, 2024).*

5.6 Positive future effect on mahinga kai

The Maitahi Village development has the potential to support and enhance Ngāti Koata's value of mahinga kai through the restoration of ecosystems, the inclusion of native planting, and the protection of freshwater resources. These efforts align with the Ngāti Koata Iwi Environmental Management Plan (IEMP), which emphasises the sustainable use and restoration of resources critical to mahinga kai practices.

The development incorporates extensive ecological restoration initiatives, including riparian and wetland planting with native species, which provide habitats for mahinga kai species such as tuna, inanga, and kokopu. By stabilising streambanks and enhancing aquatic habitats, the project aligns with Objective 9.5 of the IEMP, which seeks to maintain and enhance freshwater ecosystems for their life-supporting and cultural capacities (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.32).

The realignment of Kākā Stream to its historical course further supports mahinga kai by improving water flow and creating stable habitats for native species. The integration of stormwater treatment wetlands ensures water entering the stream is free from contaminants, contributing to the health and mauri of the wai māori and the species it supports.

The development's focus on water-sensitive design contributes directly to the preservation and enhancement of freshwater resources essential for mahinga kai. By mimicking natural hydrological processes and ensuring effective stormwater treatment, the project aligns with Policy 9.6.4 of the IEMP, which promotes land-use practices that prevent adverse effects on water quality (Ngāti Koata Nō Rangitoto Ki Te Tonga Trust, 2002, p.33). This approach ensures the availability of clean, sustainable water for gathering kai.

The integration of cultural markers and spaces for storytelling within the development fosters opportunities for intergenerational knowledge transfer about mahinga kai practices. These spaces can serve as venues for teaching tikanga and mātauranga associated with gathering, processing, and sustainably managing resources. This aligns with the aspirations of Ngāti Koata to strengthen their cultural identity and maintain the practices of tūpuna (Hippolite, 2022).

The combination of habitat restoration, water quality improvement, and native planting ensures that the development not only preserves but actively enhances mahinga kai resources. These efforts align with Ngāti Koata as kaitiaki and supports the vision for environmental stewardship that benefits current and future generations.

5.6 Effective and meaningful alignment with cultural values

By integrating water-sensitive design and biodiversity restoration, the project reflects Ngāti Koata values of kaitiakitanga and upholds the aspirations of mana taurite. The efforts to restore the natural and cultural integrity of Kākā Stream and its surrounding environments provide a tangible expression of these values. In addition to ecological benefits, the project ensures opportunities for mahinga kai, rongoā, and cultural education, strengthening the relationship Ngāti Koata has with the whenua itself, wai māori, and the wider environment.

This evaluation has found that the development is an integrated and comprehensive approach that will ensure the health and mauri of the natural environment is prioritised, and further finds that it addresses the aspirations and objectives outlined in the Ngāti Koata IEMP and the Ngāti Koata Cultural Design Framework

While the Koata House component of the Maitahi Village is located on commercial land (Suburban Commercial) and so anticipated by the planning framework, this has been long planned by Ngāti Koata as a part of reconnecting and returning to the land, and again being in touch physically and spiritually with Kākā Hill. The Koata House project, being located in the centre of the village and in a prominent position, is considered to contribute to achieving the wider objectives of this project, as set out within the relevant objectives and policies of the NRMP.

5.3 Landscape, Visual Amenity and Natural Character

The following documents have direct relevance to this assessment:

- Landscape Assessment Report – Proposed Maitahi Village[126]
- Landscape Assessment Report – Proposed Arvida Retirement Village[127]
- Landscape Design and Context Analysis – Part 1[128]
- Landscape Design Report – Part 2[129]

The assessment of the actual and potential effects from the Maitahi Village (subdivision and development) project are as follows:

5.3.1 Residential Zone, Residential Zone – Higher Density Area and Lower Density Area

As mentioned, 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.

These areas of development are very small in size and scale, are consistent with the pattern of development with Kākā Valley and will continue to form a legible and coherent spread of development within Nelson East. The extent of this development, including the water reservoir is situated on the Kākā Hills lower slopes, therefore will not impact on more visually sensitive slopes (AP9.7iv) in which it may other impact on the way in which Kākā Hill contributes to the city's setting and forming part of its backdrop (AP9.7iii).

Also, the native vegetation around the water tank will go a small way in offsetting the reduction in vegetation within the Rural Zone, albeit it consists predominantly of exotic plant species.

Ten lots (Lots 109 - 118) within the Lower Density Area are partly or entirely located within the Residential Green Overlay. These 10 lots and the road alignment have been designed to provide adequate space for a dwelling and residential activities to be located alongside the road. In turn, this ensures that the steep upper slopes will remain free of development and can accommodate future native vegetation.

Overall, the small encroachment of residential properties into the Open Space Recreation Zone and Neighbourhood Reserve, and future dwellings on the toe of the Residential Green Overlay will have a very low degree of effect on the landscape values of Kākā Valley, including the lower slopes of Kākā, Botanical and Malvern Hills.

5.3.2 Open Space Recreation Zone

The realignment of Kākā Stream and the design of the Open Space Recreation Zone will:

- *Enhance the natural character of the in-stream ecology by lining the stream with native vegetation that will shade the stream that assists with creating habitats for aquatic organisms.*
- *Enhance the natural character of the valley floor, within the Open Space Zone by replacing the pasture grass with a plethora of 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.*
- *Create a comprehensive network of public walking / cycling trails along the length of the stream, including up to four bridges of the stream, with the trail network connecting into the neighbouring*

[126] **Attachment 10.1**
[127] **Attachment 10.2**
[128] **Attachment 16.1**
[129] **Attachment 16.2**

residential networks, neighbouring open spaces (Botanical Hill, Maitai Valley etc) and the wider trail network within Nelson.

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

Due to these reasons, the enhancement of Kākā Stream will achieve what is sought by the NRMP.

5.3.3 Summary

Overall, the landscape values of the Kākā Stream and its corridor will be positively enhanced as sought by the NRMP. The small encroachment of residential properties into the Open Space Recreation Zone and Neighbourhood Reserve, and future dwellings on the toe of the Residential Green Overlay will have a very low degree of effect on the landscape values of Kākā Valley.

And in terms of conclusion:

There are several small instances where the development does not align with the Structure Plan.

Regarding these instances, it has been found that:

- *the Maitahi Village Project will have a very low degree of adverse visual effects when seen from the surrounding public places due to the reservoirs slightly elevated location, albeit well mitigated.*
- *The landscape values of the Kākā Stream and its corridor will be positively enhanced.*
- *The small encroachment of residential properties into the Open Space Recreation Zone and Neighbourhood Reserve will have a very low degree of effect on the landscape values of Kākā Valley.*

Overall, the proposed Maitahi Village Project will be generally consistent with the Maitahi Bayview Structure Plan and policy provisions. Where there is slight misalignment with the NRMP, the proposal will have no more than a very low degree of adverse effects on the landscape values of the Kākā Valley.

It is therefore considered that the Maitahi Village project achieves the landscape outcomes sought within the relevant objectives and policies through following the Maitahi Bayview Structure Plan, enhancing the Kākā Valley corridor, and mitigating the actual and potential adverse effects that may arise.

With regard to the Arvida retirement village component of this project, the assessment of actual and potential effects is as follows:

Potential Issues

The potential landscape related issues resulting from the proposal are the way in which the comprehensive housing development as proposed will or will not form part of the anticipated development within Kākā Valley, as provided for and illustrated on the Maitahi Bayview Structure Plan and the relevant objectives, policies and matters of discretion in Schedule X and Appendix 22 of the NRMP.

Assessment of Visibility and Visual Effects (on Amenity if that is the policy direction)

"A visual effect is a kind of landscape effect. It is a consequence for landscape values as experienced in views. Visual effects are a subset of landscape effects. A visual assessment is one method to help understand landscape effects."

As mentioned above, the proposed Arvida Village is located entirely within the Residential Zone –Higher Density Area, which anticipates this type of development. Therefore, the proposal will visually accord with what is anticipated with the zone. Therefore, the proposed Arvida Village will 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.

Assessment of Landscape Effects

"A landscape effect is an outcome for a landscape value. ... Change itself is not an effect: landscapes change constantly. It is the implications of change on landscape values that is relevant."

The proposed Arvida Village is located entirely within the Residential Zone – Higher Density Area, which anticipates a dense node of residential development, including apartment buildings which is consistent with what is proposed.

The village will occupy a series of terraced areas that will be undertaken as part of the overall Maitahi Village development.

The baseline development for this area is a node of high-density residential development with commercial and open space development. An indicative layout for this area could include a series of 300-400m² lots with both detached and attached housing typologies lining an irregular local roading network, with buildings up to 7.5m in height.

By comparison, what is proposed is a comprehensive development with a 'villa in a landscape' approach to the overall development. A range of domestic scaled largely single-story dwellings located within a parkland setting with trees and vegetation being used to articulate and soften the development precinct. A specific strategy has been adopted by the architecture of the village to ensure a level of variety and interest will be achieved both between neighbours as well as around the perimeter of the village. This has been done through the utilization of over a dozen different housing typologies and by identifying different themes in various areas that will guide materiality, details and a planting approach. The development comes with a comprehensive and coordinated landscape approach that will benefit from a high level of ongoing maintenance.

The two distinct precincts will be integrated into its Kākā Valley location through the restoration that will be ongoing as part of the overall Maitahi Village development. It will also be done by extending the naturalistic structure planting, using similar local vegetation species to address the changes in levels that are found within the site.

The outcome will be a residential precinct that achieves a high-density node of development through the efficient and communal use of available land. Development edges will be overtly residential in character.

While the village precinct is to be fenced and gated as an ongoing management strategy, with the potential for adverse 'gated community' outcomes, care has been given to mitigating this adverse impression. A generous and welcoming entrance development will remain, in normal operating environments, in the open position during daylight hours, perimeter fences are all place in locations that will not be prominent. The suburban interface will appear 'fenceless' with buildings forming part of the village perimeter. Equally all reserve edge fences will be fully complying and 'best practice', namely the use of fully permeable 1.2m high fencing, integrated with planting that preserves all views and the potential for surveillance retained.

Overall, the Arvida Village, will be consistent with and include huge improvements on an otherwise conventional detached suburban approach. The quality of the architecture, and consistency of the landscaping throughout the village and the connectedness and accessibility that the village will have with its surroundings will have a positive outcome on this residential precinct.

And in terms of conclusion:

It has been found that:

- *The proposed Arvida Village will result in positive landscape values for the site and its receiving environment when compared to what is anticipated by the zoning.*
- *When compared to development anticipated by the zone, the proposed Arvida Village will not result in any adverse visual effects or reduce the visual amenity that is experienced when viewed from the surrounding public or private vantage points.*
- *When comparing the proposal against the matters of discretion, the application has been found to be fully compliant.*

Overall, the proposal will have positive effects on the landscape values of the site and its receiving environment.

The Maitahi Village, including the Arvida village portion, is therefore considered to provide an appropriate response to this landscape setting.

5.4 Natural Hazards

The following documents have the most relevance to the assessment of natural hazards:

- Geotechnical Assessment Report[130]
- Stormwater Assessment Report[131]

In terms of the geotechnical related natural hazards, Tonkin & Taylor Limited has undertaken a comprehensive assessment of the geotechnical conditions and constraints within this site, and with that process of assessment and its findings set out within the Geotechnical Assessment Report.

Tonkin & Taylor has identified where mitigation works are required as a part of making sure the proposed submission and development is suitable for the uses intended. This is set out as follows:

> ***6.3 Post-development geotechnical hazard zonation***
>
> *We have considered the beneficial impact of proposed earthworks, and mitigation options outlined in Section 6.2, on the stability of the final landform and the residual risk to infrastructure, including proposed residential and commercial lots, on completion of proposed works.*
>
> *T+T Figure titled 'Post-Development Geotechnical Risk Plan', Figure 1012397.1000-GT-F60 (attached in Appendix A) shows the modified residential land development risk zonation that can be achieved based on the proposed earthworks and the recommended geotechnical hazard mitigation works contained in this report. We consider that if the recommendations contained in this report are adhered as part of design and construction it is feasible to reduce the existing slope instability risk to building platforms on lots to a Low level. We note that a low residual risk is normally considered acceptable by key stakeholders.*

Section 7 of the Geotechnical Assessment Report provides an assessment of the risks against section 106 of the Resource Management Act 1991:

> ***7 RMA Section 106 considerations***
>
> *We assess that the geotechnical aspects of the earthworks, proposed lots and infrastructure within the Sites is suitable for subdivision development. This includes the land areas with an existing Medium and High risk of geotechnical hazards, provided adequate mitigation and/or remediation work as outlined in this report is undertaken as part of the subdivision development process.*
>
> *Section 106 of the Resource Management Act states that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards. It states that an assessment of the risk from natural hazards requires a combined assessment of:*
>
> *a the likelihood of natural hazards occurring (whether individually or in combination); and*
>
> *b the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
>
> *c any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in (b) above.*
>
> *As part of our investigations, we have identified potential geotechnical hazards. We have considered the potential for geotechnical hazards to be to be triggered by rainstorm and earthquake events or from*

[130] **Attachment 4**

[131] **Attachment 5.1**.

activities that may be undertaken on the land. We have assessed the likelihood of various slope instability scenarios and the material damage to land and structures that may arise. We have undertaken this assessment for the proposed final landform on which the lots will be formed, and with geotechnical mitigation measures in place as recommended in this report.

We note that from a planning point of view, a High risk may be considered significant and a Medium risk, without appropriate measures to avoid, remedy or mitigate the risk may also be potentially viewed as significant.

In Section 6 we have identified a number of measures that can be implemented as part of detailed design and construction to avoid, remedy or mitigate potentially significant risks. The implementation of these measures will require geotechnical input during the detailed design and construction stages.

Following the implementation of the earthworks design and construction stages, in accordance with our recommendations in Section 7, we consider that the modified risk rating will be as shown in T+T Figure 10012397.1000-GT-F70, attached in Appendix A.

Based on the assessment of risks undertaken for this report and with provision for resource consent conditions to be set that require geotechnical hazards to be mitigated through design and construction works we consider that there will not be a significant risk of geotechnical hazards arising from or affecting the subdivision.

We note that there may be some areas of potential Moderate and High risk on some lots at the 224 certification stage if lot owners undertake inappropriate development. We anticipate that the accompanying geotechnical statement of suitability to be provided with the 224 Application will make further recommendations regarding the location of dwellings on the lots and the way in which the land is developed by lot owners to achieve and maintain a Low level of residual risk. It would be appropriate for any ongoing requirement for future lot owners to be formulated at the 224 certification stage via consent notices.

The Recommendations and proposed consent conditions in section 7.1 are of particular importance and relevant to this assessment. These recommendations/conditions are an integral part of this application.

In terms of the natural hazard associated with flooding, the Stormwater Assessment Report[132] encapsulates that assessment as a part of the wider (and fully integrated) assessment of stormwater management on a catchment wide basis as required by Schedule X of the NRMP. The Stormwater Management Plan[133] also has particular relevance in that regard.

The Stormwater Assessment Report has assessed both off site effects caused by filling part of the Kaak Valley floor, and also the on-site effects. The off-site effects are assessed as being negligible, as set out in section 6.4.1 as follows:

6.4.1 Effects of development on Maitahi/Mahitahi River flooding

The NCC Maitahi/Mahitahi River flood model (DHI Mike model MaiBkYk_202103_v089) has been used to assess the combined effects of both the changes in flow and the proposed filling within the lower Kākā Valley. This model was updated with the future landform (Version 250121), provided by Davis Ogilvie, which was developed iteratively to ensure that the offsite flood effects are not exacerbated as a result of the fill. The modelled scenario includes the flow increases in the Kākā Catchment from the site development. The Present-Day event includes Scenario 1 flow increase of 0.2 m3/s, while the 2130 SSP5-8.5M event includes Scenario 2 (as the conservative scenario) flow changes (with 0 m3/s increase).

The 2130 SSP5-8.5M 1% AEP and Present Day 12-hour and 6-hour events were modelled for the proposed earthworks scenario, and results compared to the pre-development scenario.

[132] **Attachment 5.1**

[133] **Attachment 5.3**

This has shown that all increases in flood depths caused by the development are local and contained within the CCKV boundary and off-site effects are negligible (Increases in modelled flood depth are less than 0.05 m, which is within the tolerance of model error), as shown in Figure 6.11, Figure 6.13 for the local area, and in Figure 6.15 and Figure 6.17 for the downstream catchment. Based on this assessment it is considered that proposed land use changes in the Kākā Catchment does not increase any flood risks in the Maitahi/Mahitahi River downstream from the confluence with the Kākā Stream.

It should be noted that erosion effects are managed through a combination of options such as rain tanks on lots with re-use of stormwater, soakage into the alluvial gravels and extended detention in the wetlands.

...

It is recognised that any change in land use or change in levels within the remaining floodplain may cause an offsite flood effect, therefore it is required that:

- *Filling is confined to areas identified in the above footprint;*
- *Any additional planting is not to provide significant increases in roughness.*

Through the design process, additional flood modelling will be undertaken based on the landscape architects' proposals to ensure that the proposed improvements in this area do not have an offsite effect.

Then in terms of the on-site effects and flooding risks to the proposed new urban development, the assessment in section 6.4.2 concludes that the Kākā Stream flows will be contained within the proposed new stream channel:

6.4.2 Kākā Valley flooding

A TUFLOW direct rainfall model was used to provide a more detailed understanding of flooding in the post-development scenario. The model version is Kākā_007, and is based on:

- *The latest earthworks footprint (Version 250121, detailed in DO report);*
- *Restored and enhanced Kākā Stream watercourse (refer to Robertson Environmental report);*
- *Runoff from the modified post-development catchment.*

The 2130 SSP5-8.5M 10% and 1% AEP storm events were run through the model. Modelled depths are presented in Figure 6.19 below. This shows the containment of Kākā Stream flood flows within a restored and enhanced stream channel, and the impact of proposed earthworks on the existing floodplain extents.

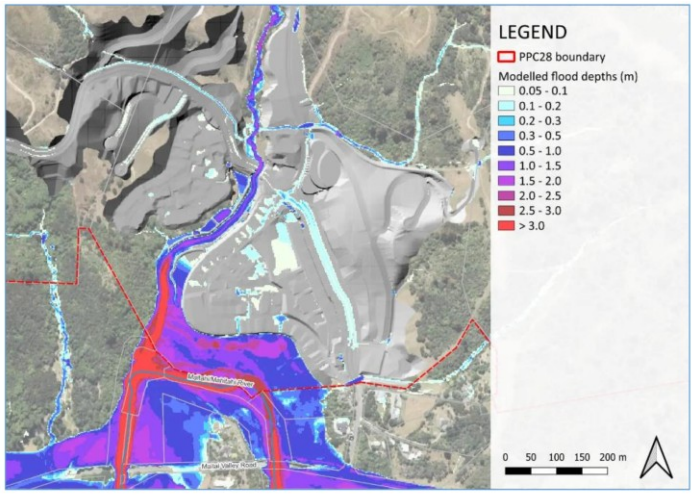

Figure 6.19: Modelled post-development scenario, including restored and enhanced Kākā Stream, proposed Lower Kākā earthworks, and unattenuated post-development flows from developed catchment (2130 SSP5-8.5M 1% AEP 6hr event). Model version Kākā_007.

It is on this basis that, under section 106 of the Resource Management Act 1991, the flooding risks are considered to have appropriately mitigated and with the proposed development being suitable for its intended uses.

5.5 Servicing Infrastructure

This project has been planned and designed with fully reticulated servicing infrastructure.

The applicant has separately sought to extend water, wastewater and fibre from Nile Street East to the site as a part of a separate resource consent application (RM245337-340, formally lodged in December 2024). Those works will be completed prior to any construction works commencing, as the water supply connection is necessary for construction activity.

The Servicing Reports[134] provided within this application demonstrate how this project has been planned and designed to achieve the relevant standards of the Nelson Tasman Land Development Manual (NTLDM). Standardized subdivision consent conditions are volunteered and can be imposed to ensure the subdivision and development is appropriately serviced.

As a part of the detailed engineering design phase of this project that a range options associated with the water and wastewater reticulation will be selected. A low-pressure versus high-pressure sewer are two options that will be further considered alongside the relevant officers of the Nelson City Council.

5.6 Stormwater Management and Water Quality

The NRMP (via Schedule X) requires that the stormwater management infrastructure be undertaken using a water sensitive design approach, on a catchment wide basis, and with the integrated consideration of flooding, ecology and cultural values. This has resulted in the planned management of stormwater within the proposed new and enhanced Kākā Stream corridor, also as a part of enhancing freshwater ecological values and incorporating a cultural lens to the project.

Given the multidisciplinary approach to achieving the stormwater management requirements of Schedule X, each of the following technical supporting documents are relevant under this stormwater management topic:

(i) Stormwater Assessment Report[135] (Tonkin and Taylor Ltd)

(ii) Water Sensitive Design[136] (Morphum Environmental Ltd)

(iii) Stormwater Management Plan[137] (Tonkin and Taylor Ltd)

(iv) Cultural Impact Assessment[138] (Thirdspace Aotearoa Ltd,)

(v) Ecological Impact Assessment[139] (Robertson Environmental Ltd)

(vi) Landscape and Visual Assessment[140] (Rough Milne Mitchell Landscape Architects Ltd)

(vii) Servicing Reports[141] (Davis Ogilvie Partners Ltd)

(viii) Servicing Plans[142] (Davis Ogilvie Partners Ltd).

[134] **Attachments 9.1 and 9.2**
[135] **Attachment 5.1**
[136] **Attachment 5.2**
[137] **Attachment 5.3**
[138] **Attachment 2.1**
[139] **Attachment 3.1**
[140] **Attachments 10.1, 16.1 and 16.2**
[141] **Attachment 9.1 and 9.2**
[142] **Attachments 13.3 and 13.7**

(ix) Erosion and Sediment Control Assessment Report[143] (Southernskies Environmental L:td)

Note: the integrated design approach taken also causes the above reports to have relevance to the other topics addressed separately within this assessment of environmental effects.

Stormwater Management and Long Term Water Quality Effects

The approach adopted by the applicant to manage stormwater runoff is comprehensively described in section 4 of the Stormwater Assessment Report[144], with this approach being approached on a multi-disciplinary basis, and utilising water sensitive design principles to ensure freshwater quality and ecosystem heath is improved, also for the purpose to achieve the objectives and policies of the NPS-F.

The successful integration and use of water sensitive design principles/methods are addressed specifically in the Water Sensitive Design Report[145]:

> *For the Maitahi Village project water sensitive design is used to meet the requirements of Nelson City Council's schedule X provisions by mimicking the natural hydrology of the Kākā Stream catchment and treating stormwater runoff from impervious surfaces through constructed wetland systems. On lot water reuse and first flush soakage basins are used to mitigate the increase in runoff volumes from development. Constructed wetlands shall receive inflows from impervious surfaces and provide controlled water quality treatment with extended detention to manage a range of water quality issues prior to discharge to the ephemeral soakage basins. Further, all roofing materials shall be specified to avoid the generation of Zinc or Copper. The integration of these stormwater management devices and measures within the blue green corridor defined by the restored Kākā Stream will support the wider ecological/biodiversity aspirations alongside other benefits related to landscape amenity, community connections and passive recreation. The combination of these water sensitive design elements means the development will meet national best practise standards and likely improve downstream water quality as sediment and nutrient runoff from agricultural practise is replaced with urban design that manages contaminates and hydrology to a high standard.* (emphasis added)

Robertson Environmental Limited[146] has described the current water quality and ecological values within the project site, and also assessed the effects of the Maitahi Village project on those values as follows:

> *With the development (during detailed design) and implementation of the ERP, the operation of the Project is expected to result in significant net positive ecological effects, including improved water quality within the Kākā Hill Tributary and corresponding benefits to recreational values within the Maitai River catchment downstream of the site. Anticipated positive effects include:*
>
> ***In-Stream & Riparian Habitat***
>
> - *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).*
> - *Increased quantity and quality of in-stream and riparian habitat available to aquatic (and riparian) flora and fauna.*
> - *Enhanced riparian margins with no animal stock access to improve and maintain connectivity and provide stream shade, with improved biodiversity.*
> - *Limited water flow velocities for protection against erosion and habitat flushing.*
> - *Improved fish passage along the Kākā Hill Tributary stream length.* (emphasis added)

[143] **Attachment 7**

[144] **Attachment 5.1**

[145] **Attachment 5.2, section 4.**

[146] **Attachment 3.1**.

The improvements to water quality have been planned and enabled through the planning framework contained within Schedule X of the NRMP, and are now proposed to be delivered by this project. The Ecological Impact Assessment acknowledges that these improvements will also benefit downstream recreational values. The Cultural Impact Assessment also supports the planned water quality improvements due to the corresponding positive effects on cultural values. Later in this assessment the water quality benefits are addressed in the context of the instream biodiversity values.

Short Term Water Quality Effects

It is under this subheading that the actual and potential effects from earthworks as a part of construction activity have direct relevance and importance. These effects have been acknowledged and assessed in the Erosion and Sediment Control Assessment Report from Southernskies Environmental, and in the Ecological Impact Assessment report from Robertson Environmental. The short-term effects are also acknowledged in the Cultural Impact Assessment, with support given on the basis of the mitigation measures proposed to ensure those effects are appropriately managed/minimised.

The actual and potential effects from the construction activity on ecological values have been addressed in the Ecological Impact Assessment:

> *Construction phase ecological effects include loss and modification of in-stream habitat; loss of existing vegetation cover, potential injury and/or mortality of native freshwater species; reduction in stream ecological function from possible sediment discharge and stream bed disturbance; temporary disturbance to avifauna; potential injury and/or mortality of lizards.*
>
> *The effects assessment is based on the following embedded mitigation being delivered during construction of the Project:*
>
> - *A provisional Erosion and Sediment Control Plan has been prepared for the Project which describes how the effects of sedimentation from construction earthworks will be managed. As such, it is assumed that issues related to sediment generation are adequately mitigated and will not lead to adverse ecological effects. This includes the potential effects on the downstream receiving environment (Maitai River and Nelson Haven) as it has been assumed that it can be acceptably managed as part of project delivery.*
> - *Stormwater generated from the construction area will be treated through industry standard best practice measures, to remove or reduce contaminants to acceptable levels prior to discharge into any waterway within or adjacent to the proposed works area.*
>
> *The Project will restore the lower intermittent reaches of the Kākā Hill Tributary, allowing it to flow through its original channel along the western edge of the historic floodplain. In terms of terrestrial ecology, no high-value habitats are known to exist within the area designated for this realignment on the Project plan. Accordingly, potential effects of the realignment on terrestrial ecology are not addressed further in this report.*
>
> *Requirements for proposed activities to preclude injury/mortality of native animals under the Wildlife Act (1953) is considered separately to this assessment and is addressed as part of Impact Management (Section 6).*

The Erosion and Sediment Control Assessment Report and the implementation of the best practice measures set in that report are therefore of particular importance to the management of the short-term construction effects. Given the particular importance placed on these outcomes by the planning framework (Schedule X) it is considered appropriate to set this assessment out in full here.

With the assistance of sediment modelling (USLE), and following the adoption of Best Practice Management (BPM) as recommended and set out, the Southernskies Environmental Limited assesses these effects as follows:

7.3. Potential Adverse Effects

The potential adverse effects of sediment laden discharges from the Project include direct impacts on water quality, freshwater and marine biodiversity, values of specific interest to mana whenua, other cultural values and values such as natural character. These potential impacts of accelerated erosion and sediment discharge are well documented.

Where appropriate ESCs are not implemented, there is potential for a range of adverse effects on the social, natural, environmental, cultural and economic wellbeing of the area. There could include:

- *Ecological values associated with direct and indirect impacts on flora and fauna on land and in adjacent freshwater and marine waterbodies, such as:*
  - *Smothering.*
  - *Deterioration of habitat from discharge of sediment and pollutants and sedimentation (e.g. stream blockage, reduced light levels, weed growth).*
  - *Abrasion and direct impact to fish, stream insects, shellfish and other bottom-dwelling organisms.*
- *Water quality for consumable water resources.*
- *Aesthetic and recreational values of land and waterbodies.*
- *Property and public utilities.*
- *Cultural matters of significance to mana whenua, including the mauri of water, mahinga kai, customary rights and kaitiaki initiatives.*

In general, and as illustrated in Table 6 above, the sediment loads predicted are only a small portion of the overall load that will enter a given stream during a rain event, as the Project earthworks footprint is only a relatively small proportion of the Maitahi River catchment systems.

The USLE calculation indicates sediment load increase within each individual stage vs the calculated pre-development (or existing) is relatively low in volume, although can appear to be a relatively high percentage change. However, when assessed against the sediment load in the Kākā Stream catchment receiving environment the change the percentage changes are minor.

While most of the stream catchment include regenerating scrub forest in the upper catchments and pastoral farming. Sediment sources within the catchment will include sediment laden runoff from existing pasture, scrub forest, stream bank and stream bed erosion, land slips, tracking, and sundry other sources. Hence for most of the catchments, the Project represents a small portion of the USLE calculated estimated sediment load.

The potential adverse effects of the predicted sediment yield from the Project on the freshwater receiving environments are assessed and reported on in the Ecological Impact Assessment.

With the implementation of the best-practice ESC methodologies as summarised above, construction of the Project is unlikely to result in significant sediment-related adverse effects downstream of the Project area.

Adverse effects are anticipated to be temporary and minor. This conclusion is based on the observed performance of other projects that have implemented the same standard of ESC practice, the Project emphasis on proactive monitoring to maintain the performance of all ESC devices, and the conservatism in the USLE estimates, including lower erodibility of the geology and soil of the site. There are no unusual or specifically high-risk elements of this proposal that would prevent a NTESCG compliant ESC methodology being successfully implemented.

ESC management can be designed, operated, and maintained to a high standard in accordance with the best-practice requirements of the NTESCG.

Prior to earthworks commencing in each works area, a SSESCP will be developed for those works. This could be in the form of a series of plans for the various activities to occur during construction or based on specific chainages of works that need to occur. This approach allows for flexibility, fine tuning and ownership of the ESC measures and methodologies by the contractor.

A specific SSESCP has been prepared for the Kākā Stream diversion which makes up a large portion of the proposed stream works. The developed methodology seeks to ensure the works can be undertaken off-line and 'in the dry'. The ESC methodologies in accordance with NTESCGs will ensure that the values of the freshwater environments are not compromised below the extent of works.

8. CONCLUSION

The earthworks proposed as a part of the Maitahi Village Project have the potential to result in changes to water quality during the construction phase as a result of the discharge of sediment from earthworks during both rain events and streamworks.

As part of the Project earthworks activities, the ESCs will be implemented to minimise sediment related effects to an acceptable level.

To ensure that final construction management input is provided for and to also allow for flexibility with the specific ESC implementation on site, final SSESCPs will also be provided prior to earthworks commencing in a given works area. The final SSESCPs will confirm the detailed design, specific ESC locations, and the staging and sequencing of works for that location or activity and will provide a staged approach to the works within a site and across the Project.

The implementation of SSESCPs will enable the construction team to have ongoing input into the ESC design prior to and during construction, subject to compliance with the design and implementation standards specified in this report.

The Project will utilise best-practice ESC measures that meet or exceed the outcomes anticipated by the NTESCG. The staging approach and progressive stabilisation are estimated to result in small increases in sediment load within the respective catchments and the greater Kākā Stream catchment.

An ESC management structure and monitoring plan will be adopted to ensure that the ESC measures are designed, constructed, maintained, and decommissioned in accordance with best practice and as anticipated by this ESCAR.

Overall, it is anticipated that the proposed ESC management approach will ensure that the sediment yield from the works will be minimised to an acceptable level and that any adverse sediment-related effects will be temporary and minor, and consistent with the NPS:FM and the relevant plan provisions. (emphasis added)

In summary, it is considered that the short-term effects from the activity of earthworks (and associated discharges) are considered to have a minor effect on the receiving environment.

5.7 Land Contamination Effects

An important component of this project is the remediation of the contaminated land associated with the sheep dip and area sounding the shearing shed. The contaminated land is located on the flood plain and within the area affected by the flooding of Kākā Stream, and so remediation is considered to have environmental benefits. The proposed realignment of the Kākā Stream also causes this remediation project to be necessary in order to achieve the wider environmental benefits.

The following documents have direct relevance to this assessment:

- Remediation Action Plan[147]
- Site contamination specialist review of remedial action plan[148]
- Response to review of RAP[149]

One of the objectives of the RAP is listed as:

> *Ensure potential on and off-site risks to human health and the environment associated with soil disturbance and redevelopment are adequately managed; and*

Appropriate care has been taken, as required by the NES-CS, to ensure the proposed remediation works are undertaken in a manner that protects human health and also the receiving environment. As noted above and in the RAP, the purpose of these works is to remove the source of the contamination so that the changes in land use are suitable.

The RAP provides the summary of the approach taken and the associated effects of these planned works:

> ***9.0 CONCLUSIONS AND RECOMMENDATIONS***
>
> *Three former HAIL areas were identified on the property. The former woolshed, sheep spray area, and run out zone have reported significantly elevated concentrations of arsenic and OCPs. This area is proposed to be used as an esplanade reserve, including stormwater wetland and stream. The two other HAIL areas, the southern paddock and the former homestead, are suitable for the proposed high density residential use.*
>
> *Remediation of the former woolshed and sheep spray area will be completed in stages, as detailed below. The key indicator contaminants are arsenic and dieldrin, as such these contaminants of concern will drive the remedial methodology. All stages of the proposed works will be monitored by a SQEP.*
>
> - *Soil dieldrin source removal and isolation;*
> - *Additional soil and groundwater investigation to:*
>   - *Delineate impact to more accurately define the volumes of soil requiring remediation and management;*
>   - *Determine a methodology for groundwater remediation if deemed necessary.*
> - *Excavation and disposal of contaminated soil from within the proposed esplanade reserve;*
> - *Dewatering and treatment where encountered;*
> - *Where unsuitable for re-use in the wider development (e.g. recreational reserves), contaminated soil will either be:*
>   - *Disposed of at a facility authorised to accept it, or;*
>   - *Placed within a suitably located, on-site, engineered, encapsulation cell;*
> - *Site validation and reporting, including a site validation report and long-term management plan.*
>
> *Soil from the southern paddock and former homestead is suitable for the proposed use and therefore remediation is not required. Slightly elevated (above background) concentrations of nickel, copper and chromium are a result of the local geology and are not considered to pose a risk to receptors. Slightly elevated (above NCC cleanfill) concentrations of zinc and lead in shallow soil around the homestead were reported. This soil will need to be managed in accordance with Section 8.6.*
>
> *The RAP will be updated following further investigation, development layout changes, modifications to site conditions etc. Given the nature of this project the remediation and management will need to adapt to the*

[147] **Attachment 8.1**
[148] **Attachment 8.2**
[149] **Attachment 8.3**

design as it progresses. Amendments to the RAP will be in consultation with the local authority prior to implementation.

The following are recommendations of this RAP and could be included as conditions of consent.

- *Works will be undertaken in accordance with this remediation action plan. Where an update to the RAP is required, the updated report will be issued to Council prior to completion of the next stage of remedial works;*
- *At the completion of the works a site validation report (SVR) will be provided to Council, which will include:*
    - *Confirmation the works were completed in accordance with the RAP.*
    - *Location and dimensions of excavations completed.*
    - *Testing of soils undertaken during the activity.*
    - *Volume and location of disposed excess soil.*
    - *Records of any unexpected discoveries of contamination.*
    - *Confirmation of soil disposal location via waste tickets / receipts.*
    - *Final design, volume and location of the encapsulation cell.*
- *Where contaminated soils are to be retained on the property, an ongoing site management plan (OMP) will be produced. The OMP will include:*
    - *The type, quantity and location of residual soil contamination on the site.*
    - *Any ongoing monitoring requirements following the development.*
    - *Detail management measures should the site be subject to further developments.*
- *All excavation works will be monitored by a SQEP and testing undertaken to determine soil contaminant concentrations to determine appropriate disposal locations and provide information to the SVR and OMP.*

CCKV Maitai Dev Co LP also requests a condition of consent that allows for modifications /amendments to this RAP to be made or recommended that may be outside the current scope. Changes to remediation methodologies and construction requirements can change over the course of a development and therefore the applicant requests flexibility within the resource consent to align with such changes.

The above recommendations within the RAP, and as finalised following the peer review process[150], have been adopted by the applicant as a part of this Maitahi Village project. The effects from the remediation process are considered to be positive, while the potentially adverse short-term effects of these works are considered to be appropriately managed through the mitigation measures volunteered. Importantly, this includes the specialist technical input from Robertson Environmental Limited[151].

[150] **Attachment 8.2**
[151] **Attachment 3.2**

5.8 Ecological Values

As with the other specialist inputs within the applicant's team, the input from Robertson Environmental Ltd into both Schedule X and into the delivery of the Maitahi Village project has particular significance to this part of the assessment.

The assessment of effects on ecological values (freshwater and terrestrial) from the Maitahi Village project are comprehensively discussed and assessed in the Ecological Impact Assessment[152].

The actual and potential effects of this project (including construction activity) on water quality was addressed separately above. As noted however, improvements to water quality through the land use changes and comprehensive enhancement methods proposal will also lead to other ecological and cultural benefits. An all-encompassing assessment of ecological values is therefore undertaken here in recognition of the scope of the project and the interrelationship between the components.

The Executive Summary of the Ecological Impact Assessment, inserted below, provides a concise summary the total range of effects:

> *As part of the Maitahi Village Project, CCKV Maitai Dev Co LP intends to subdivide and develop a lowland flat and hillslope property located in Kākā Valley, Nelson, for residential dwellings. To assess the ecological values and potential effects of the Project, Robertson Environmental Limited was engaged to conduct an ecological assessment of the ecological (terrestrial and freshwater) features based on preliminary design, in accordance with the EIANZ Guidelines (2018).*
>
> *Desktop, database, and field surveys have shown that the tributaries of Kākā Hill Tributary, along with the adjacent lowland and hillslope areas to be directly impacted by the project, are highly modified and hold limited ecological value. This area, influenced by a semi-agricultural catchment, has undergone impacts from both historical and current agricultural land use practices, as well as from pest animals. Key conclusions of the assessment were as follows:*
>
> - *The terrestrial aspect of the lowland and margin habitat directly affected is dominated by exotic grassland or bare ground with limited indigenous vegetation, common across the adjacent lowland environment, and of relatively low value ecologically.*
> - *The in-stream and riparian habitat directly affected is relatively small in area, highly degraded, dominated by exotic pasture grassland or bare ground with limited riparian vegetation (indigenous or otherwise), common across the adjacent lowland environment, and of relatively low value ecologically.*
> - *The presently degraded Kākā Hill Tributary upper reach (above the existing farmhouse) will be protected, restored, and enhanced through native planting and stabilisation efforts, including the reinstatement of flow through its original course.*
> - *Fragmentation and edge effects were apparent throughout the site, with isolated exotic shrubs and trees and other exotic weed species a common feature and animal stock and pests present.*
> - *Two small exotic wetlands have been mapped and will be protected, restored, and enhanced as part of the Project. These wetlands are not within the area to be directly affected by the proposed development.*
> - *No significant or indigenous habitat types are known to occur within the Project Area and 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.*

[152] **Attachment 3.1.**

- *Regarding native flora and fauna, the potential for adverse effects is considered very low, primarily given the Project Area's modified nature and existing disturbance levels. Native lizards (northern grass skink) and fish (tuna/shortfin eel, kōura, pākoko/upland bully and īnanga) were recorded.*
- *Predominantly the overall magnitude of the potential effects, both direct and indirect, are low or very low, and the resultant significance of the potential adverse effect (in the absence of any mitigation measures) is generally* ***Very Low****.*

Despite the level of effect for native species being very low, compliance with the Wildlife Act 1953 will be required for any on-site works to ensure native birds, lizards and fish are not impacted. Recommended measures include production of a Lizard Management Plan and Fish Salvage and Relocation Plan and programming works to ensure avoidance of peak bird breeding and fish migratory seasons.

Potential loss of aquatic ecological values that are of a more than Moderate effect for which offset enhancement is required includes:

- *Temporary loss of permanent and intermittent stream habitat due to the realignment of approximately 1,410 m^2 of channel, offset by the creation, restoration, and enhancement of approximately 2,085 m^2. The restoration will include increased sinuosity, improved in-stream habitat complexity (e.g., riffles, pools, and cover structures), and riparian restoration and enhancement planting alongside both the realigned and existing watercourses to improve ecological function and habitat diversity.*

The structure planning process set aside the freshwater enhancement corridor within the property boundary and Kākā Hill Tributary catchment area to ensure there is sufficient space for offset stream restoration and enhancement. A detailed Ecological Restoration Plan (ERP) for the wider Project is mandated by Schedule X (Rule X.15). This plan includes an Offset Stream Restoration Plan, which outlines the appropriate types and quantities of offsets, locations, and management interventions required to ensure, at a minimum, No Net Loss or preferably Net Gain outcomes for freshwater biodiversity values. At the detailed design stage, a comprehensive ERP must be developed as part of the resource consent conditions to confirm stream offset measures. It is anticipated that adherence to the Offset Stream Restoration Plan and its implementation will adequately mitigate the ***Moderate*** *residual adverse effects on streams.*

Potential loss of wetland values that are of a more than ***Moderate*** *effect for which mitigation is required includes:*

- *Potential hydrological impacts on a small exotic wetland, which may lead to loss of wetland extent and values.*

To address this, it is recommended that a Wetland Hydrology Assessment for the subject wetland be required as a condition of consent and incorporated into the proposed ERP. This assessment should provide recommendations to avoid potential adverse effects on wetland hydrology, aiming for No Net Loss or preferably Net Gain outcomes for wetland ecology. It is considered that if this measure is implemented that the overall level of effects on wetlands will be reduced to ***Low****.*

Effects management concepts proposed in this report to address these effects include implementation of ecological management during construction, including:

- *Native Fish Salvage and Management plan;*
- *Erosion and Sediment Control Plan;*
- *Lizard management;*
- *Considerations of timing and staging of works;*
- *Stream offset;*
- *Riparian and amenity planting.*

No major ecological constraints are anticipated in the development of the Site and there are opportunities to enhance aquatic habitat values within the site. With the implementation of the mitigation and compensation measures listed above, the overall level of the ecological effects associated with these works is Very Low with no significant adverse residual effects expected, and a positive ***Net Gain*** *for ecology anticipated over a 5 -10 year time period.*

As noted in this Ecological Impact Assessment, contains a comprehensive set of 'Proposed Impact Management[153]' recommendations that specifically address the relevant effects on 'aquatic ecology', 'wetland ecology' and 'terrestrial ecology'. These methods form a fundamental part of this Maitahi Village project. It is on this basis that the above assessment of actual and potential ecological effects has been made.

5.9 Transportation / Traffic Effects

The Integrated Transportation Assessment has undertaken an assessment of the actual and potential effects of the transportation effects of the Maitahi Village project. Important also to that assessment are the transport constraints that are being addressed as a part of a separate application submitted with the Nelson City Council in December 2024. Combined with the upgrade to the intersection of Nile Street East and Maitai Road proposed as a part of the Maitahi Village project, each of the relevant off-site network constraints identified in Rule X.9 will be removed, paving the way for the safe and efficient access to and from the site for both vehicular and alternative modes of transport.

The Integrated Transport Assessment[154] has also addressed the proposed internal standard of roading and access proposed within the Maitahi Village. Each of the areas of non-compliance identified in the ITA have been assessed as having less than minor adverse effects.

The ITA concludes:

13. Conclusion

The Maitahi Village (Project) is a fully integrated and comprehensive subdivision and development that will provide for a range of housing needs, within an enhanced cultural, ecological, landscape and recreational setting in close proximity to Nelson City.

This project has been planned and seeks to achieve the objectives and outcomes that were carefully planned within Schedule X of the Nelson Resource Management Plan (NRMP), in accordance with the Maitahi Bayview Structure Plan. These bespoke provisions were part of Plan Change 28, recommended for approval by an Independent Hearing Panel, adopted by Council in September 2022, and then approved by the Environment Court in November 2024.

The Project includes the following components:

1. *The proposed subdivision involves the creation of 182 residential allotments, one allotment for commercial use, along with roads to vest, reserve 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.*
2. *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.*
3. *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.*

[153] **Attachment 3.1, Section 6.**

[154] **Attachment 6**

There are a total of 11 subdivision stages (stages 1-11), with one additional stage (Stage 0) proposed as a 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). The planned ecological, cultural and recreational outcomes will be developed progressively at each stage. A comprehensive description of these fully integrated components of the development are provided in the Application and supporting technical reports and plans.

The assessment show there are some non-compliances with the NRMP and NTLDM. These relate to the following:

- *Road widths (Roads 2, 3 and 11)*
- *Off road shared path grade*
- *Intersection separation distance (Roads 8 and 9)*
- *SISD for Road 11 and number of cul de sac's*
- *Number of vehicle crossings*

The assessment of these non-compliances shows the overall effects are less than minor.

The off-site effects that need to be managed are contained within Schedule X of the NRMP. These improvements form part of a separate consent that was lodged in December 2024 apart from the proposed traffic signals at the intersection of Nile Street East and Maitai Road. The analysis of the performance of the proposed traffic signals shows that while there is a slight reduction in the Level of Service, the intersection still operates well within the capacity of an urban intersection. The proposed signals significantly improve the safety of the intersection.

Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area. Any effects are no more than minor. (emphasis added)

The transport network upgrades proposed will also benefit the existing users of the Maitai Valley, being an area with elevated recreational opportunities and patronage. Equally important are the opportunities to be provided for future residents of and visit to the Maitahi Village to access the site using alternatives modes. Given the close proximity to Nelson City, this is considered to be a key feature of this project that is also a part of the objective of establishing a well-functioning urban environment.

5.10 Historic Heritage

The only relevant heritage values that are relevant to this assessment include those identified in Rule X.8 of Schedule X, and as referenced in the Origin Consultants[155] report:

The demolition of the existing "shearing shed" and "chimney" is a controlled activity.

Control is 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.

"Shearing shed" and "chimney" in this rule relate to the specific structures identified within the Origin Consultants Limited Memo updated 6 April 2022 and entitled "Investigations into selected

[155] **Attachment 11**

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.

Note: An Archaeological Authority is also required pursuant to the Heritage New Zealand Pouhere Taonga Act 2014.

This application proposes to salvage the heritage items listed in a. and b. of this rule, with the Arvida retirement village proposing to use some of those items in the Arvida retirement village café of clubhouse[156]. Any of these items not reused will be stored for future reuse elsewhere.

A majority of the 3D scanning has also been undertaken. All scanning will be completed prior to these structures being removed.

The actual and potential effects on heritage values are considered to be less than minor. The applicant also holds an Archaeological Authority[157] for the proposed works.

5.11 Open Space & Recreation Values

The Maitahi Village project has been designed to implement the *Maitahi Bayview Structure Plan* that forms part of Schedule X of the NRMP. A key feature of the Structure Plan is the zoning of the Kākā Stream corridor for Open Space and Recreation purposes, along with the widened lower corridor to provide space for the restoration and enhancement of ecological values, while also provide space for the integrated management of stormwater (including flooding risks) and recreational values.

Another key feature of the Maitahi Village is the proposed neighbourhood reserve at the intersection of Road 1 and Road x, immediately alongside the Kākā Stream. Additional land is also to be vested as reserves, in accordance with he *Maitahi Bayview Structure Plan*.

The features of the Open Space and Recreation areas within the Maitahi Village are described in the:

- Landscape Assessment Report - Proposed Maitahi Village[158]
- Landscape Design Report – Part 2[159].

The Landscape Assessment Report addresses the realigned lower section of the Kākā Stream area as follows:

The realignment of Kākā Stream and the design of the Open Space Recreation Zone will:

- *Enhance the natural character of the in-stream ecology by lining the stream with native vegetation that will shade the stream that assists with creating habitats for aquatic organisms.*
- *Enhance the natural character of the valley floor, within the Open Space Zone by replacing the pasture grass with a plethora of 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.*
- *Create a comprehensive network of public walking / cycling trails along the length of the stream, including up to four bridges of the stream, with the trail network connecting into the neighbouring residential networks, neighbouring open spaces (Botanical Hill, Maitai Valley etc) and the wider trail network within Nelson.*

[156] **Attachment 14.2**
[157] **Attachment 20**.
[158] **Attachment 10.1**
[159] **Attachment 16.2**

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

Due to these reasons, the enhancement of Kākā Stream will achieve what is sought by the NRMP.

In combination with the additional land to be vested as Neighbourhood Reserve and for other open space and recreation purposes, it is considered that the Maitahi Village will contribute significantly and positively to the open space and recreation values and opportunities with the Maitai Valley catchment.

5.12 Residential Amenity Values

Given the generally undeveloped nature of receiving environment, it is considered that the construction activity proposed in the construction of the Maitahi Village is well placed to ensure significant adverse effects on environment do not occur. There is a low density cluster of rural-residential development established with Ralphine Way addresses that will however be the most affected and so the preparation of a Construction Management Plan (CMP) will need to set down appropriate parameters for the management of noise, traffic and dust.

Firstly, in terms of traffic related effects, the heavy machinery required to undertake the earthworks will largely remain on site to undertaken the bulk earthworks (cut to fill process). Before those works can start, the applicant has (separately) planned to address the transport constraints by the upgrade of Ralphine Way and Maitai Valley Road, while also establish the shared pathway (including the two dedicated shared pathway bridges). The day-to-day management of traffic once construction works start will be via appropriate construction operating hours in accordance with the NZS603: 1999 Acoustics – Construction Noise.

The management of dust will be through the use of water for dampening down soils, but also for the purpose of the filling and engineered compacting process. Dust effects will also be addressed in the CMP, in follow best practice as required for all bulk earthworks. What is however relevant here is that the geology is such that dust effects are not expected to a significant risk.

It is standard practice for earthworks consent in Nelson City to also be the subject of consent conditions that restrict operating hours, and with construction noise manged in accordance with the NZS603: 1999 Acoustics – Construction Noise.

5.13 Air Quality

With the now operative urban zoning of this site the requirements of the Nelson Air Quality Plan (AQP) are considered to apply. No solid fuel burning devices are now permitted.

The applicant has however always planned that Maitahi Village would not allow solid fuel burning so that the future occupants of the site collectively enjoy a high standard of amenity and air quality. The prohibition of solid fuel burning is volunteered as a consent notice, and will also be the subject of restrict covenants.

6.0 Relevant Provisions

6.1 National Environmental Standards (NES)

The following national environmental standards are considered to have some level of relevance to this Project:

- Resource Management (National Environmental Standards for Air Quality) Regulations 2004, and amended 2011;
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020, and Amendment Regulations (No 2) 2022;
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The relevance of these standards is addressed below, with an assessment of each also provided as an attachment[160].

National Environmental Standards for Air Quality 2004

The NES-AQ came into effect on 8th October 2004 and was updated in 2011. It is made up of 14 separate but interrelated standards providing a minimum level of human health protection, including those that ban the discharge of significant quantities of dioxins and other toxins, standards for ambient outdoor air quality, design standards for new wood burners, and requirements on landfills. No consents are required nor sought under the NES-AQ.

The NES-AQ is not considered to have direct or particular relevance to this Project, and so no further assessment is considered necessary. It is however relevant to note here that this application for subdivision includes volunteered consent notices that prohibit the installation of solid fuel burning devices on any of the proposed new allotments.

National Environmental Standards for Freshwater 2020

The NES-F sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Non-compliance with a standard in the NES-F triggers the need to obtain resource consent approval, with an assessment of this Project against those standards provided as an attachment[161] to this application. Resource consent is required under the NES-F for this project, and the effects of those activities has been comprehensively assessed within the supporting information provided in support.

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

The NES-CS serves to ensure soil contamination is identified so that human health and the environment is 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 caused part of the site being a HAIL site, with resource consent required for change of use, subdivision and earthworks. The relevant provisions of the NES-CS are identified within this application[162], with the relevant risks and effects of

[160] **Attachment 24**

[161] **Attachment 24**

[162] **Attachment 24**

the proposed remediation of the HAIL site comprehensively addressed in the supporting Remediation Action Plan[163].

6.2 Regulations made under the RM Act 1991

There are no other regulations made under the Resource management Act 1991 that are applicable to this project.

6.3 National Policy Statements

The following national policy statements will addressed under this heading:

- New Zealand Coastal Policy Statement 2010
- National Policy Statement for Highly Productive Land 2022 (amended August 2024)
- National Policy Statement for Freshwater Management 2020
- National Policy Statement on Urban Development 2020
- National Policy Statement for Indigenous Biodiversity 2023

The NZCPS and NPS-HPL are only addressed for the purpose of completeness, as neither are considered to be relevant to this Project.

New Zealand Coastal Policy Statement 2010

The Maitahi Village is located within the Maitai/Mahitahi Valley, within the Kākā Stream catchment flowing south. The Kākā valley catchment is not within the coastal environment, and so the NZCPS 2010 is not relevant to this Project. This was also carefully considered and determined in the Recommendations from the Independent Hearings Panel[164] in September 2022:

> ***13.5 New Zealand Coastal Policy Statement 2010***
>
> *121. 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.*
>
> *122. 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.*
>
> *123. Notwithstanding our findings above, we did 'turn our minds to' the implications for PPC 28 had all, or part, of the site been within the Coastal Environment. It is our view that this would not have affected our recommendation to approve PPC 28 or to recommend additional provisions. The reasons are those set out later in this report, but in summary they are: that the site and its immediate surrounding area are not outstanding from a landscape or natural character perspective; there is already significant urban development immediately adjoining the site; and that the plan provisions we have recommended mean any adverse effects would be able to be avoided or mitigated in a manner consistent with the relevant provisions of the NZCPS, such that subdivision, use or development would not be inappropriate.* (emphasis added)

[163] **Attachment 8.1**

[164] **Attachment 19.**

National Policy Statement for Highly Productive Land

The Maitahi Village Project relates to land recently rezoned as a part of providing for additional land for residential growth as identified as necessary and appropriate under the Nelson Tasman Future Development Strategy 2022. This rezoning is now operative, with the new zoning framework set out with Schedule X of the NRMP. The proposed residential subdivision and retirement village are located on the land zoned for residential purposes, and not located on land zoned for 'general rural or rural protection'[165]. The provisions of the NPS-HPL are not therefore considered to have any directly relevance top this project.

National Policy Statement on Urban Development

The NPS-UD was gazetted the on 20 July 2020, and came into force on 20 August 2020. The NPS-UD was in response to growth pressures being faced nationally.

In summary the purpose of the NPS-UD is to:

- have well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- provide at least sufficient development capacity to meet the different needs of people and communities.

Given the stated purpose of this newly zoned land within Schedule X to contribute to a well-functioning urban environment and provide for a range of housing needs[166], the NPS-UD has particular relevance to the assessment of this Project in the context also of the purpose of the Fast Track Approvals Act 2024.

The relevant objectives and policies of the NPS-UD are as follows:

2.1 Objectives

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

(a) the area is in or near a centre zone or other area with many employment opportunities;

(b) the area is well-serviced by existing or planned public transport

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: *New Zealand's 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.*

[165] Clause 3.5(7), NPS-HPL
[166] Refer to xxx of this assessment

Objective 5: *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Objective 6: *Local authority decisions on urban development that affect urban environments are:*

(a) integrated with infrastructure planning and funding decisions; and

(b) strategic over the medium term and long term; and

(c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*

Objective 8: *New Zealand's urban environments:*

(a) support reductions in greenhouse gas emissions; and

(b) are resilient to the current and future effects of climate change.

2.2 Policies

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

(a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) 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

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change (emphasis added).

Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

Policies 3 and 4 relate to Tier 1 authorities so are not relevant to this assessment.

Policy 5: *Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:*

(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

(a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*

(b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*

(i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*

(ii) *are not, of themselves, an adverse effect*

(c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*

(d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*

(e) *the likely current and future effects of climate change.*

***Policy 7**: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.*

***Policy 8:** Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

(a) *unanticipated by RMA planning documents; or*

(b) *out-of-sequence with planned land release.*

***Policy 9:** Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

(a) *involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*

(b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*

(c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*

(d) *operate in a way that is consistent with iwi participation legislation.*

***Policy 10:** Tier 1, 2, and 3 local authorities:*

(a) *that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*

(b) *engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*

(c) *engage with the development sector to identify significant opportunities for urban development.*

***Policy 11:** In relation to car parking:*

(a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and

(b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

The relevance of the NPS-UD to this new growth opportunity (provided by Schedule X) was thoroughly considered within the PPC28 process as set out in the Recommendations from the Independent Hearings Panel[167], as follows:

14.4.2 A well-functioning urban environment

164. Objective 1 of the NPS-UD is:

> *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

165. Policy 1 of the NPS-UD sets out what constitutes a 'well-functioning urban environment' and requires that planning decisions contribute to such environments.

> *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*
>
> *(a) have or enable a variety of homes that:*
>
> *i. meet the needs, in terms of type, price, and location, of different households; and*
>
> *ii. enable Māori to express their cultural traditions and norms; and*
>
> *(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
>
> *(c) 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*
>
> *(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
>
> *(e) support reductions in greenhouse gas emissions; and*
>
> *(f) are resilient to the likely current and future effects of climate change.*

166. We agree with Mr Lile's evidence that PPC 28 will contribute to Nelson being a "well-functioning urban environment". In this respect we find that PPC 28 would give effect to all of the Policy 1 sub-clauses.

167. Despite Ms McCabe's written evidence having a contrary view to Mr Lile, in response to the Hearing Panel's questions Ms McCabe agreed all of the Policy 1 clauses could be satisfied. Nevertheless, she maintained her reservations about the 'need' for the development, in light of anticipated supply in the draft FDS 2022 despite the JWS by the economists (which we address below). In this respect we agree with Mr Maassen's Reply Submissions where he stated:

> *Ms McCabe did not seem to appreciate that the thrust of the NPS-UD is to increase supply. Particularly where it makes a significant contribution to housing capacity because it is economics 101 that supply enhancement is a key aspect of achieving housing affordability and price stability.*

[167] Attachment 19

It is not the function of planners to control the timing of land release based on projections of the Council that cannot be achieved under the current plan provisions. Nor did Ms McCabe have the expertise to make such a judgment.

168. Objective 2 of the NPS is:

> *Planning decisions improve housing affordability by supporting competitive land and development markets.*

169. We address this in more detail in the section titled - Housing Affordability. However, we record that we find PPC 28 would give effect to this objective.

170. Objective 3 of the NPS is:

> *"Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
>
> *a) the area is in or near a centre zone or other area with many employment opportunities;*
>
> *b) the area is well serviced by existing or planned public transport;*
>
> *c) there is high demand for housing and or for business land in the area, relative to other areas within the urban environment."*

171. We find, based on the Applicant's evidence that PPC 28 does or can satisfy all of the Objective 3 clauses, noting that only one needs to be 'met' to satisfy the Objective. The PPC 28 land is close to the Nelson CBD and employment opportunities; it can be serviced by public transport, and the evidence we had from the Applicant, Ngāti Koata (Mr Toia) and some submitters – notably Mr McKee of Bayleys Real estate, who all set out that there is a high demand for housing and or for business land in the area (relative to other areas within the urban environment).

172. Objective 4 (and policy 6) of the NPS-UD which addresses amenity values, sets out 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". We address this in more detail in the section titled - Community Opposition - Overall decline PPC 28. However, we record that we find PPC 28 would give effect to the objective and policy.

173. Objective 5 (and policy 9) of the NPS-UD address the Treaty of Waitangi (Te Tiriti o Waitangi). We address this in more detail in the section titled - Māori cultural values, and other sections of this report (including the section on Part 2). However, we record that we find PPC 28 would give effect to the objective and policy.

174. Objective 6 of the NPS-UD is a key provision in contention between the Applicant and STM.

> *Local authority decisions on urban development that affect urban environments are:*
>
> *a) integrated with infrastructure planning and funding decisions; and*
>
> *b) strategic over the medium term and long term; and*
>
> *c) responsive, particularly in relation to proposals that would supply significant development capacity."*

175. 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 (we address this below). The term "at least" is significant and does not require Councils (or us in making the recommendations we have) to address 'need' - or matching supply and demand for additional land. It requires Nelson City Council (in this case) to provide "at least" sufficient development capacity is provided within the district.

176. A number of the submitters raised the issues of need – mainly that there was no need to enable PPC 28 land to be urbanised. This was on the basis of other greenfield land being more suitable

(eg in Richmond and Stoke), and that intensification in Nelson should be preferred rather than urban expansion (we also address this further below). With respect to those submitters, as we have set out above the thrust of the NPS-UD is to increase land supply so as to support the competitive operation of the land and development markets;52 a key aspect of achieving housing affordability.

177. With respect to Objective 6, we address a) in the infrastructure funding section later. In terms of b) we address the identified need for more housing below, with reference to the Council's policy documents. With reference to c) – we accept PPC 28 will supply significant development capacity and address this further below.

178. In terms of the NPS-UD Policies, we have addressed Policy 1 above. Also of particular importance is Policy 8:

> *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*
>
> *a) unanticipated by RMA planning documents; or*
>
> *b) out of sequence with planned land release.*

179. In short, Policy 8 enables or supports the consideration of private plan changes for land not identified for urban development in the Regional Policy Statement or the NRMP - i.e. they are "unanticipated by a RMA planning document". This applies to the subject site. It also enables the opportunity to consider whether development of the site to different densities or zones would produce a better overall outcome or a 'well-functioning urban environment'.

180. Further direction in terms of the application of Policy 8 is found within the NPS-UD itself. Subpart 2 – Responsive Planning, Clause 3.8 'Unanticipated or out of sequence developments' sets out that:

> *(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*
>
> *a) would contribute to a well-functioning urban environment; and*
>
> *b) is well-connected along transport corridors; and*
>
> *c) meets the criteria set under subclause (3).*

181. PPC 28 is unanticipated by the NRPS and NRMP. This is hardly surprising given that those documents were made operative many years ago. And, as we understand it, the NRPS has not been changed since 1997. In order to be considered under Policy 8 it therefore first needs to be capable of delivering 'significant development capacity'.

182. The NPS-UD defines development capacity as follows:

> *means the capacity of land to be developed for housing or for business use, based on:*
>
> *a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and*
>
> *b) the provision of adequate development infrastructure to support the development of land for housing or business use*

183. The definition of development infrastructure includes water, wastewater and stormwater as well as land transport infrastructure. Therefore, if a proposal cannot be adequately serviced by the necessary infrastructure it cannot be said to contribute to development capacity. We set out in other sections of this report that we have found the site can be adequately serviced.

184. Furthermore, we accept that PPC 28 will provide significant development capacity (Sub-clause c)). This was accepted by the economists in their JWS – which stated:

"Both economic experts agree that in terms of the UPS-UD the proposed development would meet the "significant development capacity" test to invoke a plan change under policy 8. The development would promote competitiveness across housing markets in the region. This meets objective 2 of the NPS-UD to promote competitive land and development markets.

185. It is our finding that PPC 28 satisfies Policy 8; namely that the plan change would add significantly to development capacity and that it would contribute to a well-functioning urban environment.

186. We set out here, for completeness Policy 5 of the NPS-UD:

Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

187. For all of the reasons set out in this and other sections of this report, we find the PPC 28 would "enable a density of urban form commensurate" with this Policy.

The Maitahi Village Project proposes to deliver the well-functioning urban environment in accordance with the planning framework upon which Schedule X was formulated, including the Maitahi Bayview Structure Plan. As a result, the Maitahi Village project is considered to be entirely consistent with, and achieves, the relevant direction in the NPS-UD.

National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPS-FM) came into force on 3 September 2020. This NPS-FM strengthened the fundamental concept of Te Mana o te Wai.

In terms of its Application, Section 1.5 states:

This National Policy Statement applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

As a fundamental concept, the NPS-FM clarifies that:

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Section 1.3(4) lists the six principles of Te Mana o te Wai:

*a. **Mana whakahaere**: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.*

*b. **Kaitiakitanga**: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.*

*c. **Manaakitanga**: the process by which tangata whenua show respect, generosity, and care for freshwater and for others.*

*d. **Governance**: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.*

e. ***Stewardship****: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations*.

f. ***Care and respect****: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation*.

Section 1.3(5) of the NPS-FM states that there is a hierarchy of obligations in Te Mana o te Wai that prioritises:

a. *first, the health and well-being of water bodies and freshwater ecosystems;*

b. *second, the health needs of people (such as drinking water);*

c. *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future*.

The relevant objective and policies of the NPS-FM are as follows:

Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policies

Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai*.

Policy 2: *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for*.

Policy 3: *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments*.

Policy 4*: Freshwater is managed as part of New Zealand's integrated response to climate change*.

Policy 5: *Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved*.

Policy 6: *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted*.

Policy 7: *The loss of river extent and values is avoided to the extent practicable*.

Policy 8: *The significant values of outstanding water bodies are protected*.

Policy 9: *The habitats of indigenous freshwater species are protected*.

Policy 10*: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9*.

Policy 11: *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided*.

Policy 12: *The national target (as set out in Appendix 3) for water quality improvement is achieved*.

Policy 13: *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*

Policy 14: *Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.*

Policy 15: *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

Prior to undertaking an assessment of this Project against the relevant provisions of the NPS-FM, it is considered appropriate to provide some background as to how the related freshwater provisions of contained within Schedule X relate to his topic.

While not a Freshwater Planning Instrument, Schedule X of the NRMP contains 'bespoke' provisions that were designed to ensure subdivision and development within this scheduled site gives effect to various national planning instruments, including the NPS-FM, in the absence of the Council giving effect to the NPS-FM. This was also addressed in the Recommendation from the IHP[168]:

> *114. The Applicant has addressed the NPS-FM in the PPC request. No changes were sought to any of the rules that fall within the section 30 RMA functions of the Council (regional functions). In this regard, any regional activities or consent applications triggered by PPC 28 will need to comply with, or be assessed in terms of, the operative NRMP. Notwithstanding this, the NPSFM will still need to be considered through any subsequent regional consenting process.*
>
> *115. We address the relevant provisions of the NPS-FM later in this report. However, we find that with the evidence before us, and the provisions we have recommended, we have reconciled the NPS-UD and NPS-FM as submitted by Ms Gepp for Save the Maitai Inc (STM).*

And then in terms of the overall assessment:

> *743. … While PPC 28 is not a Freshwater Planning document, we are, overall, satisfied that the current provisions of the NRMP in combination with the PPC 28 provisions we have recommended (which ensure more detailed information is provided on sediment and stormwater management, and ecological impacts) will give effect, to the extent possible at the plan change level, to the NPSFM. In this regard we note that the policy 'position' in PPC 28 provisions is the protection, restoration and enhancement of freshwater quality; consistent with the NPS-FM.* (emphasis added)

In summary, until such time as the Nelson City Council gives effect to the NPS-FM through the First Schedule Process, the implementation of the NPS-FM is via the NES-F and through consideration of any resource consent application dealing with freshwater. As noted above however, Schedule X also provides an integrated set of provisions that arise out of the NPS-FM planning framework. Those provisions were also tested and amended by the Environment Court[169], now being an operative part of the NRMP.

The bespoke provisions contained within Schedule X are considered to be of particular importance to this assessment of this Project against the NPS-FM, and so the assessment of the relevant provisions of the NRMP are cross referenced frequently throughout this assessment of the NPS-FM.

The fundamental concept of Te Mana o to Wai (and its stated principles), along with the stated objective and principles, are delivered through the planning provisions encapsulating Schedule X. This is achieved through the fully integrated set of provisions relating to stormwater management (including

[168] **Attachment 19**

[169] Decision No. [2024] NZEnv 290, dated 20 November 2024.

water sensitive design), cultural values, ecology, and landscape. Fundamentally however, the IHP also acknowledged the role played by the structure planning process, which identified a significant opportunity to restore and enhance the mauri of the lower section of the Kākā Stream in particular:

> *[116] With the lower section of the Kākā stream highly modified through historical farming practices, it was considered that the Structure Plan should provide for enhancement and restoration. Specialist advice from the consultant team identified a significant opportunity to realign the lower section back to the west, following what was identified as a historical alignment. That location (with the benefits of shade), maximises the potential benefits and opportunities for the enhancement for freshwater quality and ecological values, as addressed in the expert evidence of Mr Markham for the applicant, with the potential benefits also acknowledged in the Ecology JWS.*
>
> *[117] In order to achieve the objectives and policies of the NPS-FM, the PPC28 proposal also provides space for a fully integrated design, catering for the range of design considerations, to be provided for. This lower section of the proposed green-blue corridor ranges in width from 56.9metres (m) (up near the shearing shed), to 128.5m (in the widest section on the bend) and then a variable width (75m-81m) in the lower section around the river frontage. The dimensions are shown on the plans and cross sections attached to the landscape evidence of Mr Tony Milne.*

Consistency with the NPS-FM, and achievement of the objective, is considered to be clearly demonstrated in the:

- Cultural Impact Assessment
- Te Tau Ihu Iwi Engagement & Consultation: PPC28 & Maitahi Village 2020-2025
- Statement of Cultural Values - Maitahi
- Ecological Impact Assessment

In combination, these supporting documents set out how the principles of Te Mana o te Wai have been followed in designing/planning this project and preparing this application. It is considered that the Maitahi Village will restore and preserve the balance between the water, the wider environment, and the community.

Some further assessment is however also required due to the loss of stream bed as set out in Section 6.1 of the Ecological Impact Assessment[170]. This is considered to be inconsistent with Policy 7 of the NPS-FM as those effects are required to be avoided. Clause 3.24(3) of the NPS-FM however also provides that consent may not be granted for such loss of river extent or values unless:

> *(a) the council is satisfied that:*
>
> *(i) the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and*
>
> *(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and*
>
> *(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and*
>
> *(b) any consent granted is subject to:*
>
> *(i) conditions that apply the effects management hierarchy; and*

[170] **Attachment 3.1**

(ii) conditions that specify how the requirements in (a)(iii) will be achieved.

As set out Section 6.1.3 of the Ecological Impact Assessment, this Project includes a proposed "Residual Effects Management Approach" to ensure No Net Loss or preferably Net Gain, thereby also ensuring the objective of the NPS-FM is achieved.

National Policy Statement for Indigenous Biodiversity

The NPS-IB came into force on 4 August 2023 and was amended in October 2004, and provides direction to Council's as to the protection, maintenance and restoration of terrestrial indigenous biodiversity. The NPS-IB directs that indigenous biodiversity be maintained with no overall reduction, and where necessary, restored and enhanced (Clause 1.7).

Clause 1.5 also sets out the decision making principles, such as prioritizing the mauri and intrinsic values of indigenous diversity.

The relevant objective and policies of the NPS-IB are as follows:

Objective

(1) The objective of this National Policy Statement 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.

Policy 1: *Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.*

Policy 2: *Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:*

(a) managing indigenous biodiversity on their land; and

(b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and

(c) actively participating in other decision-making about indigenous biodiversity.

Policy 3: *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

Policy 4: *Indigenous biodiversity is managed to promote resilience to the effects of climate change.*

Policy 5: *Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.*

Policy 6: *Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach.*

Policy 7: *SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.*

Policy 8: *The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.*

Policy 9: *Certain established activities are provided for within and outside SNAs.*

Policy 10: *Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.*

Policy 11: *Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.*

Policy 12: *Indigenous biodiversity is managed within plantation forestry while providing for plantation forestry activities.*

Policy 13: *Restoration of indigenous biodiversity is promoted and provided for.*

Policy 14: *Increased indigenous vegetation cover is promoted in both urban and non-urban environments.*

Policy 15: *Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.*

Policy 16: *Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.*

Policy 17: *There is improved information and regular monitoring of indigenous biodiversity.*

This Project is considered to be consistent with the NPS-IB as it involves a net gain in biodiversity values. This is set out comprehensively in the Ecological Impact Assessment[171]. In addition, and with regard to policies 1 and 2, this project has been planned with iwi so that cultural values are enhanced. This is clearly set out within the supporting information.

6.4 Nelson Regional Policy Statement

The NRPS 1997 was carefully considered at the time that PPC28 was assessed, and that was recorded in the recommendations from the Independent Hearing Panel (9 September 2022):

13.8 Nelson Regional Policy Statement 1997 (RPS)

127. PPC 28 is required to "give effect" to the RPS. The RPS was made operative in 1997 and we understand has not been amended since. While it is acknowledged that it is somewhat out of date and has, in many respects been 'over-taken' by more recent NPSs (as set out above), there are still provisions relevant to the PPC.

128. The Applicant provided extensive coverage of the RPS in section 7.6 of the request. We agree with its findings, and address the key issues below, and also later under the specific topic headings.

The wider-regional resource management issues that were applicable to the Plan Change process, such as where to accommodate urban growth, are considered to have little relevance to the assessment of this application for subdivision and development on land now zoned for urban development. Furthermore, as a Unitary Authority, the Nelson Resource Management Plan (being a combined district and regional plan) has been prepared to apply the higher order provisions of the NRPS at the district wide level.

[171] **Attachment 3.1**

6.5 Nelson Resource Management Plan

The most relevant provisions of the NRMP to this assessment are those are provided within the Environment Court Decision[172], with those all now operative and incorporated into the NRMP. It is considered appropriate to focus this assessment on these provisions, that relate to Schedule X of the NRMP, as these have also given effect to the current national policy directions.

The overarching objective for Schedule X is set out in the following objective:

> ***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.*

It is considered that each of the above listed outcomes are achieved by the Maitahi Village, with this being demonstrated in the supporting technical reports and plans.

Policy RE6.1 also have direct relevance to this assessment:

> ***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*

[172] **Attachment 21.**

change; and

i. The adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.

The supporting technical reports and plans also demonstrate that these outcomes are achieved.

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

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

There are three documents attached[173] to this application that, in combination with the description of the Project provided, clearly show how this application is consistent with this policy. More work is required to deliver on these outcomes, with those commitments firmly embedded in the recommendations of the attachments that have been adopted/volunteered by the applicant.

Policy RE6.3 is headed Integrated Management, with this very long policy addressing the integration the full spectrum of components that have an impact of water quality, ecology and cultural values. The methods employed to achieve integrated management are addressed in the supporting documents, and in particular the Stormwater Assessment Report[174] and the Water Sensitive Design Report[175]. The inclusion of stormwater treatment and soakage areas within the design of the Kākā Stream corridor also demonstrates this approach graphically. The assessed improvement of water quality was a driving force in the process that sought and imposed this approach, now being delivered by the Maitahi Village in accordance with RE6.3.

Policy RE6.4 then seeks:

Policy RE6.4 Indigenous Biodiversity

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;

[173] **Attachment 2.1, 2.2 and 2.3**.

[174] **Attachment 5.3**

[175] **Attachment 5.2**

b. Identifying, protecting and enhancing existing natural wetlands, their margins and connections to streams;

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.

Achievement of these outcomes is clearly addressed in the Ecological Impact Assessment[176], Cultural Values Assessment[177], and also the Landscape Assessment Report – Proposed Maitahi Village[178].

Policy RE6.5 seeks:

Policy RE6.5 Earthworks, and Erosion and Sediment Control

Require that subdivision, development and earthworks within Schedule X does not accelerate soil erosion or mobilisation, through:

a. Ensuring that earthworks activities are designed, managed and remediated to protect the mauri of local waterbodies and to maintain or enhance the health and well-being of the waterbodies and associated ecosystems.

b. Ensuring that the design of subdivision and management measures for earthworks are informed by associated sedimentation risk, including through sediment yield analysis where appropriate.

c. Implementing and maintaining best-practice erosion and sediment control measures from the outset and throughout the duration of all earthworks, ensuring that these measures are in alignment with freshwater and recreational values, with particular emphasis on minimising sediment discharges to the Kākā Stream, Maitahi/Mahitahi River and its swimming holes;

d. Avoiding, to the greatest extent practicable, and otherwise minimising, earthworks on steeper slopes;

e. Requiring staging and progressive stabilisation of all earthworks to minimise the area of earthworks left exposed at any one time and the adverse effects of erosion;

f. Minimising the overall extent of earthworks to that necessary to enable the proposed development or activity;

g. Incorporating a comprehensive site management and monitoring system to ensure all implemented erosion and sediment control measures remain fully operational throughout their intended duration; and

h. Developing and implementing an adaptive management strategy that includes procedures to monitor the effectiveness of the required erosion and sediment control measures, and establishes contingency plans if actual or potential adverse effects are identified during the consenting of earthworks.

[176] **Attachment 3.1**

[177] **Attachment 2.1**

[178] **Attachment 10.1**

The three specialist reports that collectively address these outcomes include the Erosion and Sediment Control Assessment Report[179], the Geotechnical Assessment Report[180] and the Ecological Impact Assessment[181].

Finally, RE6.6 relates to heritage values and seeks:

> ***Policy RE6.6 Heritage Structures***
>
> *Ensure that the values of the shearing shed and chimney are recorded and recovered prior to their demolition.*

The recording and recovery of the identified heritage values form a part of this Project.

There are other relevant provisions of the NRMP that also require some consideration. For instance, there are relevant provisions that have been addressed in the Landscape Assessment Reports[182], and also relevant provisions addressed in the Integrated Transportation Assessment[183].

In summary, given the conclusions from the assessments undertaken in Section 5 'Assessment of Environmental Effects' of this application, it is considered that this Project is consistent with the most relevant objective and policies of the NRMP.

6.6 Iwi Management Plans

As a part of PPC28 the Independent Hearing Panel[184] recorded that the iwi relevant management plans had been considered and addressed:

> *141. Ms Sweetman set out at Appendix S of the s42A report what she considered were the relevant provisions from the IMPs in respect of PPC 28. We agree. We record here that we have addressed matters relating to Māori (including iwi) throughout this report and more specifically in the section "Māori Cultural Values"*

The full list of relevant iwi management plans are as follows:

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

[179] **Attachment 7**
[180] **Attachment 4**
[181] **Attachment 3.1**
[182] **Attachments 10.1 and 10.2.**
[183] **Attachment 6.**
[184] **Attachment 19**.

All iwi have been directly involved in the process leading up to PPC28, and also kept fully involved since September 2022 right up to the preparation of this application. This is set out in the *Te Tau Ihu Iwi Engagement & Consultation: PPC28 & Maitahi Village 2020-2025*[185] document provided in support.

The Cultural Impact Assessment[186] and Statement of Cultural Values[187] provided in support of this application clearly communicate the values and directions that arise out of these iwi management plans. Given the support received from iwi, it is considered that no further consideration of the iwi management is required. Appendix S of the S42A report (to PPC28) can however be provided on request.

6.7 Treaty Settlements and Customary Rights

There are no Treaty settlements or customary rights that apply to the Project area.

6.8 Statutory Acknowledgments

The Te Tau Ihu Statutory Acknowledgements 2004 have been addressed in the Cultural Impact Assessment[188]. Full recognition to these cultural interests and values associated with the Mahitahi River and its tributaries has been given in the preparation of PPC28 (now operative within Schedule X, NRMP) and in this Project.

[185] **Attachment 2.2**
[186] **Attachment 2.1**
[187] **Attachment 2.3**
[188] **Attachment 2.1**

7.0 Assessment Against Section 5, 6 and 7 of the RMA

Part 2 of the RMA sets out the Act's Purpose and Principles, as covered under sections 5 to 8. Section 5 sets out the sustainable management purpose of the RMA, which is to – *"...promote the sustainable management of natural and physical resources"*. Overall, and for the reasons set out below, it is considered that this Project represents the sustainable management of natural and physical resource, and significantly, with support all iwi of Te Tau Ihu.

Section 6 sets out the following matters of national importance, none of which have relevance to this site or project for the reasons set out below.

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*
>
> *(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
>
> *(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
>
> *(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
>
> *(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
>
> *(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
>
> *(f) the protection of historic heritage from inappropriate subdivision, use, and development:*
>
> *(g) the protection of protected customary rights:*
>
> *(h) the management of significant risks from natural hazards.*

In terms of section **6(a)**, this site is not a part of the coastal environment. This was agreed within the PPC28 process. This project relates to the development of land within the Kākā Valley catchment, which drains to the south.

In terns of section **6(b)**, there are no outstanding natural features or landscapes within this site. This was agreed within the PPC28 process.

In terms of section **6(c)**, the Significant Natural Area on the southern side of Kākā Hill is protected from development and is not within the subject development footprint.

In terms of section **6(d)**, this project involves the creation of esplanade reserve that provides for public access to the Kākā Stream, where no such access is currently available.

In terms of section **6(e)**, Schedule X contains bespoke provisions that were volunteered by the applicant, which recognise and provide for cultural values and mātautanga Māori.

In terms of section **6(f)**, the shearing shed contains some heritage value that are not considered to trigger relevance under section 6(f). Notwithstanding this, the heritage values present are to be recorded and salvaged in accordance with the requirements of Rule X.8 of Schedule X.

In terms of section **6(g)**, there are no "protected customary rights" relevant to this site or project.

In terms of section **6(h)**, this project has appropriately identified natural hazards and through the recommended / volunteered mitigation methods to address those risks.

Section 7 sets out other matters for consideration:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*
>
> *(a) Kaitiakitanga*
>
> *(aa) the ethic of stewardship*
>
> *(b) the efficient use and development of natural and physical resources*
>
> *(c) the maintenance and enhancement of amenity values*
>
> *(d) intrinsic values of ecosystems:*
>
> *(e) [Repealed]*
>
> *(f) maintenance and enhancement of the quality of the environment*
>
> *(g) any finite characteristics of natural and physical resources:*
>
> *(h) the protection of the habitat of trout and salmon:*
>
> *(i) the effects of climate change:*
>
> *(j) the benefits to be derived from the use and development of renewable energy.*

The relevant section 7 matters are addressed below.

In terms of section **7(a)**, the Schedule X provisions have directly enabled the exercise of kaitiakitanga within this site. This is clearly set out in the Cultural Impact Assessment[189] provided in support.

In terms of section **7(aa)**, the applicant see themselves as stewards and are seeking to pass on this land to future generations in a better and healthier state than it exists currently.

In terms of section **7(b)**, Nelson does not have a large volume of land available to cater for residential growth to meet the forecasted need of the growing population. This Project include a comprehensive housing development on the *Residential – Higher Density Areas*, and also proposes to efficiently use the other newly zoned urban land.

In terms of sections **7(c) and 7(f)**, particular care been taken in both the development of Schedule X provisions and in this project to undertake a subdivision and development that is sympathetic to the qualities of this environment, while also add positively to the amenity outcomes.

In terms of section **7(d)**, it is considered that the restoration and enhancement of the Kākā Stream will also provide for the enhancement of the intrinsic values.

In terms of section **7(h)**, this Projects involves the enhancement of freshwater values and so is considered to directly benefit the habitat for trout.

Sections 7(g) and 7(i) are not considered to be directly relevant to this Project.

Section 8 sets out that in relation to managing the use, development, and protection of natural and physical resources, we are to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). While not listed as a matter to be addressed under the Fast Track Approvals Act 2024, the principles of the Treaty have been at the forefront of the planning for this urban growth opportunity on this greenfield site. This is demonstrated by the process set out within the supporting documents.

[189] **Attachment 2.1**