

Attachment 24: Assessment of Activity Status

It is within this Attachment that an assessment is made of the proposed Maitahi Village activities against the rules / standards of the relevant planning documents, to determine the activity status. Given the integrated and comprehensive manner in which subdivision, development and earthworks with Schedule X of the NRMP is required to be undertaken, this assessment involves a number of different Zone chapters of the NRMP, and also the NES-CS and NES-FW. The Table of Contents is provided to assist with navigating this assessment, and to provide ease of reference to the different range of activities proposed.

The subject site is located within Schedule X 'Maitahi Bayview Area'. Schedule X contains the special set of provisions that apply to subdivision, development and earthworks within this site. Schedule X is also referenced with the relevant Rule Tables in the Zone Chapters (Chapter 7, 9, 11 and 12). The specific provisions contained in Schedule X override those contained in the Rule Table. In particular:

- REr.106D (Chapter 7), SCr.69C (Chapter 11), OSr.75 (Chapter 11) and RUr.77C (Chapter 12) provide the linkages to Schedule X from within the Rule Tables.
- X.2 and X.3 of Schedule X override REr.22, REr.107 and REr.108 of Chapter 7 'Residential Zone'.
- X.10 of Schedule X contains additional matters of discretion for earthworks within the Maitahi Bayview Area, and so add to REr.61 (Chapter 7) and OSr.49 (Chapter 11) and RUr.27 (Chapter 12).

This assessment against the relevant provisions of the NRMP has therefore started with the specific provisions in Schedule X before then moving onto the general provisions of the relevant Rule Tables within the Zone chapters and also the Freshwater Plan. The NES provisions are assessed at the end.

	Provision	Maitai Project
Table A (page 2)	Schedule X (NRMP)	Applicable to all of the site
Table B (page 2)	Chapter 7, Residential Zone (NRMP)	Arvida Retirement Village
Table C (page 2)	Chapter 7, Residential Zone (NRMP)	Maitai Village – Subdivision and Earthworks
Table D (page 2)	Chapter 9, Suburban Commercial (NRMP)	Koata House
Table E (page 2)	Chapter 11, Open Space and Recreation Zone (NRMP)	The Kākā Stream corridor, along with the neighbourhood reserve.
Table F (page 2)	Chapter 12, Rural Zone (NRMP)	The Water Reservoir
Table G (page 2)	Appendix 24, Freshwater plan (NRMP)	Freshwater rules applicable to all of the site
Table H (page 2)	NES-FW	NES applicable to the relevant freshwater activities
Table I (page 2)	NES-CS	NES applicable to the HAIL site

Note: NRMP (proposed Plan Change 29)

With respect to the NRMP, proposed Plan Change 29 (a Proposed Plan) was public notified in August 2023 with the hearing of submissions starting at the end of August 2024. The hearing is yet to be formally closed and decisions notified.

Plan Change 29 seeks to provide specifically for residential intensification and addresses natural hazards. PC29 crosses over into most chapters of the NRMP, however it does not make changes to the regional rules. As a result, while PC29 proposes changes to the Suburban Commercial Zone, none of those changes have any legal status and so are not addressed in further detail here.

TABLE A

Schedule X 'Maitahi Bayview Area'

X.2 – X.10 are activity rules while X.11 – X.16 impose special information requirements for application within this schedule X area.

Rule	Status	Reason
'Comprehensive Housing Development in the Residential Zone – Higher Density Area'		
X.2	Discretionary Activity	<p>This rule provides for Comprehensive Housing Development in the Residential - Higher Density Area as a Restricted Discretionary Activity, if:</p> <ul style="list-style-type: none"> a. <i>it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, as well as the Special Information Requirements set out within X.11-X.16 of Schedule X;</i> b. <i>the required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational;</i> c. <i>it meets the restricted discretionary standards and terms of Rule REr.22.3;</i> d. <i>it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and</i> e. <i>esplanade reserve is provided in accordance with the standards in X.7 of Schedule X.</i> <p><u>Assessment and Explanation</u></p> <p>The proposed Arvida retirement village occupies the zoned Residential – Higher Density Area and is a proposed Comprehensive Housing Development. X.2 therefore only applies to this component of the Maitahi Village.</p> <p>An assessment of the Arvida village against these RDA standards is as follows:</p> <ul style="list-style-type: none"> a. Complies. The information required by AP14.2 is provided within Attachments 14. The special information requirements within X.11-16 are addressed below. Each of the relevant special information requirements are provided. b. Does not comply. This applicant seeks to undertake the identified transport upgrades, identified in X.9 (addressed below), as a part of the development works. These upgrades are <u>not operational</u> at the time this application has been made, and so the Project does not comply with the RDA status, and <u>becomes a discretionary activity</u>; c. REr.22.3 states: <p><i>Comprehensive Housing Developments which do not comply with the permitted standards of REr.23 - Minimum site area or REr.24 - Site coverage, will be considered as a restricted discretionary activity if:</i></p> <ul style="list-style-type: none"> a. <i>the development is located entirely within the Residential Zone – Higher Density Area, and</i> b. <i>rules</i> <ul style="list-style-type: none"> i. <i>REr.25 - Front Yards,</i> ii. <i>REr.26 - Other Yards,</i> iii. <i>REr.35 - Daylight Admission, and</i> iv. <i>REr.36 - Decks, Terraces, Verandahs and Balconies</i> <p><i>are complied with other than on boundaries internal to the development.</i></p> <p>The proposed retirement village is within the Residential Zone – Higher Density Area so complies with clause (a) above. As set out within the architectural; drawing set within Attachments 14, part of the proposed retirement village does not comply with the front yard and daylight</p>

		<p>admission requirements. As a result, the proposed retirement village (CHD) must be considered as a <u>discretionary activity</u>.</p> <p>d. In terms of the mandatory requirements of the NTLDM, the multiple vehicle crossings proposed long the Road 1 frontage does not comply. Refer to the Transport Assessment provided in Attachment 6.</p> <p>e. Complies. Refer to X.7 below.</p>
'Subdivision – General (Residential Zone)'		
X.3	Discretionary Activity	<p>This rule provides for subdivision as an Restricted Discretionary Activity, if:</p> <p>a. <i>it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, as well as the Special Information Requirements set out within Rules X.11-X.16 of Schedule X;</i></p> <p>b. <i>the required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational;</i></p> <p>c. <i>it complies with all relevant standards in Appendices 10 to 12;</i></p> <p>d. <i>it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020, except for:</i></p> <p>i) <i>The final gradient of the north-south spine road to be designed to ensure that where there is no practicable impediment, the road achieves as low a grade as possible within the southern hillside environment, being no steeper than 1:8 and with sections no steeper than 1:15 where bus stops are to be provided; and</i></p> <p>ii) <i>Off-road paths that serve a transport function to be constructed to a minimum 2500mm width and with grades no steeper than 1:20, and no steeper than 1:15 through the hillside environment. Where constraints are proven to prevent 1:15 grades being achieved, then sections no steeper than 1:12 will be required to be constructed to a minimum 3000mm width;</i></p> <p>e. <i>esplanade reserve is provided in accordance with the standards in X.7 of Schedule X;</i></p> <p>f. <i>the net area of every allotment is at least:</i></p> <ul style="list-style-type: none"> • <i>Residential – Higher Density Area: 200m²</i> • <i>Residential – Standard Density Area: 400m²</i> • <i>Residential – Lower Density Area: 800m²</i> • <i>Residential - Lower Density Area (Backdrop Area): 1500m²</i> <p><i>Except for allotments created solely for access or utility services;</i></p> <p>g. <i>for allotments in the Residential – Standard Density Area, Residential – Lower Density Area, and Residential – Lower Density Area (Backdrop Area) a rectangle measuring 15m by 18m is capable of being located within the boundaries of any allotment, that is clear of any right of way and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services; and</i></p> <p>ga. <i>for allotments in the Residential – Higher Density Area, a rectangle measuring 8m x 15m is capable of being located within the boundaries of any allotment, that is clear of any right of way and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services; and</i></p> <p>h. <i>the layout is consistent with the Structure Plan for Schedule X.</i></p> <p><u>Assessment and Explanation</u></p> <p>This rule applies to the proposed Maitahi Village subdivision (in full).</p> <p>a. Complies. The information required by AP14.2 is provided within the attachments. The special information requirements within X.11-16 are addressed below, with each of these special information requirements provided in support of this application.</p> <p>b. Does not comply. This applicant seeks to undertake the relevant transport upgrades, identified in X.9 (addressed below), as a part of the</p>

		<p>development works. These upgrades are not operational at the time this application has been made, and so the Project does not comply with the RDA status, and becomes a <u>discretionary activity</u>;</p> <p>c. The Integrated Transport Assessment addresses Appendices 10-12. Discrete components do not comply.</p> <p>d. The Integrated Transport Assessment addresses each of the mandatory standards in the NTLDM, as well as the two exceptions provided for in this rule. Discrete components do not comply.</p> <p>e. Complies. Refer to X.7 below.</p> <p>f. Complies. The proposed subdivision fully complies with the net area requirements within clause (f) above.</p> <p>g. Complies.</p> <p>ga. Complies. Only two large allotments are proposed in this zone, to accommodate the Arvida village development.</p> <p>h. This clause requires subdivision to be consistent with the Structure Plan for Schedule X. It is considered that the Maitahi Village project is consistent with the Structure Plan, however there are some very minor differences that do not comply, requiring consent as a <u>discretionary activity</u>.</p> <p>X.3 also states:</p> <p><i>Activities which contravene a standard for the restricted discretionary activity are discretionary.</i></p>
'Backdrop Area (excluding the Skyline Area)'		
X.4	Complies	<p>This rule requires that:</p> <p><i>Building within the Backdrop Area (excluding the Skyline Area) of Malvern Hills and Botanical Hill (as identified on Attachment B1.2 of Schedule X) is a controlled activity if:</i></p> <ul style="list-style-type: none"> a. <i>The final colour of any building's external roof and gutters uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 20%;</i> b. <i>The final colour of any building's external walls, joinery and spouting uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 32%;</i> c. <i>A landscape planting plan is provided showing the site planted with a minimum of 20% native vegetation cover using the planting palette listed below; and</i> d. <i>The building is not located within the Residential Green Overlay as identified on Attachment B1.1 and B1.3 of Schedule X.</i> <p><u>Assessment and Explanation</u></p> <p>This Project does not include any building within the Backdrop Area.</p>
'Skyline Area (Malvern Hills and Botanical Hill)'		
X.5	Complies	<p>This rule requires:</p> <p><i>Building within the Skyline Area (Malvern Hills Landscape Overlay and Botanical Hill Landscape Overlay) as identified on Attachment B1.2 of Schedule X shall be a Restricted Discretionary Activity if:</i></p> <ul style="list-style-type: none"> a. <i>The final colour of any building's external roof and gutters uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 20%;</i> b. <i>The final colour of any building's external walls, joinery and spouting uses a natural range of greys, browns or greens with a light reflectivity value (LRV) of less than 32%;</i> c. <i>A landscape assessment by a suitably qualified and experienced landscape architect along with a detailed landscape plan, is provided setting out how the visual impacts of the building have been designed to avoid or mitigate adverse effects; and</i>

		<p>d. A landscape planting plan is provided showing the site area planted with at least a minimum of 20% native vegetation cover using the planting palette listed in X.4 above.</p> <p><u>Assessment and Explanation</u></p> <p>This Project does not include any building within the Skyline Area.</p>
‘Building on Kākā Hill’		
X.6	Complies	<p>This rule requires that:</p> <p><i>The following activities are non-complying:</i></p> <ul style="list-style-type: none"> a. Buildings within the Kākā Hill Backdrop and Skyline area as identified on Attachment B1.2 of Schedule X; b. Buildings within the Kākā Hill Significant Natural Area as identified on B1.2 of Schedule X (Landscape Overlay). <p><u>Assessment and Explanation</u></p> <p>This Project does not include any building within the Skyline Area.</p>
‘Esplanade Reserve Requirements’		
X.7	Complies	<p>This rule requires:</p> <ul style="list-style-type: none"> a. For the area adjoining the Maitahi/Mahitahi River and Kākā Stream, esplanade reserve shall be vested in stages as subdivision progresses in accordance with the Maitahi/Mahitahi Bayview Structure Plan. b. An esplanade reserve with a minimum total width of 40m shall be vested in stages as subdivision progresses. c. Planting shall be indigenous species and in general accordance with the following planting palette: <p>Trees</p> <p>○ ...</p> <p><u>Assessment and Explanation</u></p> <p>This Project a new Kākā Stream corridor that exceeds 40m in width.</p>
‘Shearing Shed and Chimney Structures’		
X.8	Controlled	<p>This rule states:</p> <p><i>The demolition of the existing “shearing shed” and “chimney” is a controlled activity.</i></p> <p><u>Assessment and Explanation</u></p> <p>This Project seeks consent to demolish these structures.</p> <p>An Archaeological Authority¹ has already been obtained.</p>
‘Services Overlay – Transport Constraints and Required Upgrades’		
X.9	---	<p>This rule contains a table of current transport constraints and the required upgrades. The constraints include:</p> <ul style="list-style-type: none"> - The existing intersection of Nile Street and Maitai Road; - The active mode connections from the PPC 28 Plan Change area to the city centre (Collingwood Street). There may be separate routes to provide for recreational users and commuters (includes work and education); - Gibbs Bridge walk / cycle provision; - The intersection of Ralphine Way and Maitai Valley Road; - Bay View Road requires the management of the road for vehicles, parking and active modes; - Link road from Bay View Road to Walters Bluff and/or Ralphine Way. <p><u>Assessment and Explanation</u></p> <p>These required upgrades are referenced within X.2 and X3 above, and so are a <u>part of those rules</u>.</p> <p>For clarification, and as described in the application documents:</p> <ul style="list-style-type: none"> - The proposed upgrade to the intersection of Nile Street and Maitai Road is a part of the proposed works for this subdivision

¹ Attachment 20

		<p>application. That upgrade will not be operational until stage 1 of the subdivision is completed.</p> <ul style="list-style-type: none"> - The active mode connection, the Gibbs Bridge walk/cycle provisions, and the intersection of Maitai Valley Road and Ralphine Way are all being addressed separately as a part of RM245337-340 (lodged December 2024). Those works are yet to be consented and constructed, so not yet operational. Those works will however be operational in advance of construction works commencing on site. - As this Project does not involve extending Bayview Road to Walters Bluff and/or Ralphine Way.
‘Earthworks / Indigenous Vegetation Clearance’		
X.10	Discretionary Activity	<p>This rule within Schedule X states:</p> <ul style="list-style-type: none"> a. <i>The current NRMP rules apply; however, the following are additional matters of control and/or discretion in addition to those under rules REr.61, OSr.49 and RUr.27:</i> <ul style="list-style-type: none"> o <i>the extent to which the requirements listed in Policies RE6.5, RE6.1, RE6.2, RE6.3, RE6.4, have been considered and achieved; and</i> o <i>the matters that are relevant to the Erosion and Sediment Control Plan provided in accordance with X.16 of Schedule X.</i> <u><i>Earthworks or indigenous vegetation clearance within the ‘Residential Green Overlay’</i></u> b. <i>Any earthworks or indigenous vegetation clearance within the ‘Residential Green Overlay’ as shown within the Structure Plan (Schedule X) is a discretionary activity.</i> <p><u>Assessment and Explanation</u></p> <p>Clause (a) therefore adds additional matters of control and/or discretion to the zone rules listed. Those matters are addressed within the AEE provided in support of this application. See also X.16 below.</p> <p>Part of the proposed earthworks in stage 4 extend into the Residential Green Overlay as defined on the Structure Plan. Those earthworks trigger the need for consent as a discretionary activity.</p>
‘Special Information Requirements that apply within Schedule X’		
<p>Under this heading Schedule X states:</p> <p><i>In order to ensure subdivision, development and earthworks within Schedule X occurs in a manner that achieves the relevant objectives and policies within Chapter 7, the following special information requirements apply under Section 88 of the RMA.</i></p>		
‘Cultural Values and Engagement with Te Tau Ihu’		
X.11	Complies	<p>X.11 requires:</p> <p><i>A Cultural Impact Assessment (prepared by or on behalf of the relevant iwi authority) shall be submitted with any resource consent application involving earthworks, discharges, freshwater and terrestrial ecology, comprehensive housing, or subdivision. The extent to which recommendations in the Cultural Impact Assessment have been included shall be detailed in the resource consent application, including how the provisions contained in Policy RE6.2 have been applied.</i></p> <p><i>If a Cultural Impact Assessment is not provided, a statement of any reasons given by the relevant iwi authority for not providing that assessment shall be provided.</i></p> <p><u>Assessment and Explanation</u></p> <p>The Cultural Impact Assessment² provided in support of this application is considered to fully satisfy the above requirement.</p>

² Attachment 2.1

‘Water Sensitive Design’		
X.12	Complies	<p>X.12 requires:</p> <p><i>Applications for subdivision development or earthworks within Schedule X must provide a report from a suitably qualified and experienced expert(s) that demonstrates that the provisions contained in Policy RE6.3 have been applied in the subdivision and integrated development or earthworks design.</i></p> <p><u>Assessment and Explanation</u></p> <p>The WSD Assessment³ provided in support of this application is considered to fully satisfy the above requirement.</p>
‘Stormwater Management Plan’		
X.13	Complies	<p>X.13 requires:</p> <p><i>Applications for subdivision, development or earthworks within Schedule X must provide a Stormwater Management Plan prepared by a suitably qualified and experienced expert(s) that demonstrates that the matters contained in Policy RE6.3 have been applied in the subdivision and development design process.</i></p> <p><i>Each SMP submitted for subdivision and development or earthworks of this site must be comprehensive and catchment wide. Each SMP must also address any specific matters that are related to the given stage or activity relevant to each application for resource consent.</i></p> <p><i>The content of the SMP must include:</i></p> <ul style="list-style-type: none"> <i>a. Breakdown of sub-catchments including landcover (roads, roofs, hardstand, gardens, open space etc) and associated imperviousness;</i> <i>b. Mapping of existing waterways, natural wetlands and overland flow paths;</i> <i>c. Mapping of predevelopment infiltration capacities to be adopted in design;</i> <i>d. Assumptions for sizing of rainwater tanks (contributing roof areas, people per dwelling and non-potable demands);</i> <i>e. Assumptions for the design of all stormwater treatment devices (size relative to contributing catchments, hydraulic function, design attributes, contaminant reduction) including allowance for climate change;</i> <i>f. Summary of sub-catchment water quality treatment and hydrological mitigation strategy including areas draining to reuse tanks, soakage, consolidated raingardens or wetlands;</i> <i>g. Summary of pre and post development hydrology including estimates of losses (evapotranspiration/reuse), infiltration and surface runoff reported as mean annual volumes, with assessment of impacts on baseflow and stream channel erosion</i> <i>h. Summary of the existing flood hazard affecting the application area, and the potential adverse effects of the development on flood hazard affecting downstream and off-site properties. This should also include any proposed mitigation measures to address these potential effects, and how any mitigation measures are expected to perform. In particular, how changes to the magnitude, duration and timing of peak flows during the range of design events will be managed so as to avoid or mitigate potential adverse effects such as increased flood risk or stream scour;</i> <i>i. Summary of pre and post development water quality including estimates of nutrients, metals and sediments reported as mean annual loads. Include comparison with ‘do nothing’ approach to show proportion of contaminants reduced through proposed water sensitive design measures; and</i> <i>j. Mapping of post developed treatment/soakage locations, waterway enhancements, overland flow paths and flood attenuation devices.</i> <p><u>Assessment and Explanation</u></p>

³ Attachment 5.2

		The Stormwater Management Plan ⁴ and Stormwater Assessment Report ⁵ provided in support of this application is considered to fully satisfy the above requirement.
Integrated Transport Assessment		
X.14	Complies	<p>X.14 requires:</p> <p><i>Applications for subdivision or development within Schedule X must provide an Integrated Transport Assessment (in accordance with the “Integrated Transport Assessment Guidelines” dated November 2010 - RR442) prepared by a suitably qualified and experienced transport expert. This ITA shall set out how the relevant matters in Policy RE6.1 have been achieved. The Integrated Transport Assessment (ITA) prepared for the future subdivisions will fall into two scopes as set out in Table 6.3 of RR442.</i></p> <p><i>Any subdivision with fewer than 100 dwellings must have a “Moderate” scope ITA prepared as part of the consent application.</i></p> <p><i>Any subdivision with more than 100 dwellings must have a “Broad” scope ITA prepared as part of the consent application.</i></p> <p><u>Assessment and Explanation</u></p> <p>The Integrated Transport Assessment⁶ provided in support of this application is considered to fully satisfy the above requirement.</p>
‘Ecological Impact Assessment / Environmental Management Plan’		
X.15	Complies	<p>X.15 requires:</p> <p><i>Applications for subdivision, development or earthworks within Schedule X must provide an Ecological Impact Assessment prepared by a suitably qualified and experienced ecologist:</i></p> <ol style="list-style-type: none"> <i>Identifying and describing the significance and value of freshwater and terrestrial habitats and features;</i> <i>Describing the potential effects (including cumulative effects) on local ecology arising from the proposed activity, including the potential threat from domestic pets;</i> <i>Recommending measures as appropriate to avoid, remedy, mitigate, offset or compensate potential effects (including any proposed conditions / Ecological Management Plan (EMP) required).</i> <p><i>Each Ecological Impact Assessment submitted for subdivision and development or earthworks must address all of the land and freshwater environment contained within Schedule X and account for potential effects on downstream receiving environments (Maitahi/Mahitahi River and Nelson Haven). Each Ecological Impact Assessment must also address any specific matters that are related to the given stage or activity relevant to each application for resource consent</i></p> <p><i>Any EMP shall describe the methods proposed to achieve the outcomes set out within Policies RE6.1 - RE6.5, and its Methods in relation to the Open Space and Recreation Zone, Residential Green Overlay and Revegetation Overlay, as shown within the Maitahi/Mahitahi Bayview Structure Plan.</i></p> <p><u>Assessment and Explanation</u></p> <p>The Ecological Impact Assessment⁷ provided in support of this application is considered to fully satisfy the above requirement.</p>

⁴ Attachment 5.3

⁵ Attachment 5.1

⁶ Attachment 6

⁷ Attachment 3.1

Earthworks Design and Erosion Sediment Control Plan

X.16

X.16 requires:

Applications for subdivision, development, earthworks and earthworks-related discharges within Schedule X must provide a report from a suitably qualified and experienced erosion and sediment control expert that demonstrates that the provisions contained in Policies RE6.1 - RE6.5 have been addressed and achieved in the earthworks design, including a proposed ESCP that will inform detailed ESCPs that will be applied during the construction process. This may be informed by a sediment yield analysis, where appropriate. The report and management plans must detail adaptive management procedures that will be applied with triggers and responses when effects are greater than anticipated. Reference to the Nelson-Tasman Erosion and Sediment Control Guidelines July 2019 or any subsequent updates will inform best practice erosion and sediment control. The ESCP will be informed by any mātauranga and ecological recommendations provided in the corresponding assessments required under X.11, X.12 and X.15.

Assessment and Explanation

The Erosion and Sediment Control Assessment Report⁸ provided in support of this application is considered to fully satisfy the above requirement.

⁸ Attachment 7

TABLE B**Arvida Retirement Village**

The activity of Comprehensive Housing Development is regulated within Rule X.2 of Schedule X rather than within REr.22 of Chapter 7.

Rule	Status	Reason
Chapter 7 Residential Zone Rule Table		
REr.20 Non-residential activities (excluding home occupations)	Complies	Only residential activities are proposed.
REr.21 Home occupations	Complies	This application does not seek to depart from the home occupation rule.
REr.22 Comprehensive Housing Development	<i>Not applicable within Schedule X</i>	See X.2 of Schedule X (addressed above).
REr.23 Minimum site area	<i>Not applicable within Schedule X</i>	See X.3 of Schedule X (addressed above). Note: This rule does not apply to the Comprehensive Housing Developments (CHD).
REr.24 Site coverage	<i>Does not apply</i>	This rule does not apply to the Comprehensive Housing Developments (CHD).
REr.25 Front yards	Discretionary Activity	While the Arvida village does not comply fully with this front yard rule, REr.25.3 directs that this matter be considered as a part of the CHD.
REr.26 Other yards	Complies	This application does not seek to depart from this rule.
REr.27 Outdoor living court – Sites less than 350m ²	Discretionary Activity	While the Arvida village does not comply fully with this rule requiring outdoor living courts, a reduced area of outdoor living is enabled for CHD given the provision for communal spaces.
REr.31 Fences	Complies	The proposed CHD does not seek to depart from this rule.
REr.32 Maximum building height	Complies	This application does not seek to depart from this rule.
REr.35 Daylight admission	Discretionary Activity	The Arvida village does not comply fully with the daylight admission requirements.
REr.38 Parking	Complies	Refer to the Integrated Transport Assessment ⁹ .
REr.38A Cycle parking	Complies	Refer to the Integrated Transport Assessment.

⁹ Attachment 6

RER.40 Access	<i>Discretionary Activity</i>	Refer to the Integrated Transport Assessment.
RER.41 Signs	Complies	This application does not seek to depart from this rule.
RER.43 Noise	Complies	Given the nature of the residential activity proposed, this application does not seek to depart from this rule.

TABLE C**Maitahi Village – Subdivision and Earthworks**

The following assessment relates to the proposed Maitahi Village subdivision and associated earthworks.

Rule	Status	Reason
Chapter 7 Residential Zone Rule Table		
RER.20 Non-residential activities (excluding home occupations)	Complies	Only residential activities are proposed.
RER.21 Home occupations	Complies	This application does not seek to depart from the home occupation rule.
RER.22 Comprehensive Housing Development	<i>Not applicable within Schedule X</i>	See X.2 of Schedule X (addressed above).
RER.23 Minimum site area	<i>Not applicable within Schedule X</i>	See X.3 of Schedule X (addressed above). Note: This rule does not apply to the Comprehensive Housing Developments (CHD) but does apply to the subdivision activity.
RER.24 Site coverage	Complies	This rule does not apply to the Comprehensive Housing Developments (CHD). All other residential allotments will be expected to comply at the time that a dwelling is constructed.
RER.25 Front yards	Complies	This application does not seek to depart from this rule.
RER.26 Other yards	Complies	This application does not seek to depart from this rule.
RER.27 Outdoor living court – Sites less than 350m ²	Complies	This application does not seek to depart from this rule.
RER.28 Pedestrian access to rear of sites	Complies	This application does not seek to depart from this rule.
RER.29 Corner sites	Complies	This application does not seek to depart from this rule.
RER.30	NA	(Deleted by Plan Change 14)
RER.31 Fences	Complies	This application does not seek to depart from this rule.
RER.32 Maximum building height	Complies	This application does not seek to depart from this rule.
RER.33	Complies	This application does not seek to depart from this rule.

Relocated buildings		
RER.35 Daylight admission	Complies	This application does not seek to depart from this rule.
RER.36 Decks, terraces, verandahs and balconies	Complies	This application does not seek to depart from this rule.
RER.36A <u>Building over or alongside drains and water mains</u>	Complies	This application does not seek to depart from this rule.
RER.37 Activities near the coast	<i>Not applicable</i>	---
RER.38 Parking	Complies	This application does not seek to depart from this rule.
RER.38A Cycle parking	Complies	This application does not seek to depart from this rule.
RER.39 Parking or storage of heavy vehicles	Complies	This application does not seek to depart from this rule.
RER.40 Access	Complies	See the Integrated Transport Assessment ¹⁰ .
RER.41 Signs	Complies	This application does not seek to depart from this rule.
RER.42 Outdoor storage	Complies	This application does not seek to depart from this rule.
RER.43 Noise	Discretionary Activity	The noise generated by construction activity (earthworks) is unlikely to fully comply with the permitted activity standard.
RER.44 Helicopter landing pads	Complies	This application does not seek to depart from this rule.
RER.45 Vibration	Complies	This application does not seek to depart from this rule.
RER.46 Light spill	Complies	This application does not seek to depart from this rule.
RER.47 Hazardous substances – use and storage	Complies	This application does not seek to depart from this rule
RER.48 Radioactive material	Complies	This application does not seek to depart from this rule
RER.49 Aerials	Complies	This application does not seek to depart from this rule.

¹⁰ Attachment 6.

RER.50 Radiofrequency exposure levels	Complies	This application does not seek to depart from this rule
RER.51 Buildings near transmission lines	Complies	This application does not seek to depart from this rule.
RER.52 Network utility - buildings	Complies	This application does not seek to depart from this rule.
RER.53 Network utility – above ground and underground utilities	Complies	This application does not seek to depart from this rule.
RER.54 Minor upgrading of electricity transmission lines and support structures	Complies	This application does not seek to depart from this rule.
RER.55 Structures on the road reserve	Complies	This application does not seek to depart from this rule.
RER.56 Network utility - roads	Complies	This rule only applies to State Highways, Arterial Roads and Principal Roads as defined on the planning maps.
RER.57 Neighbourhood parks	Complies	This application does not seek to depart from this rule.
RER.58 Building on low lying sites	Complies	This site is not low lying (below 15.35m NCC Datum).
RER.59 Vegetation clearance	Controlled Activity	Vegetation clearance is proposed as a part of the formation and construction of this subdivision. This does not involve indigenous forest.
RER.60 Soil disturbance	Restricted Discretionary Activity	Soil disturbance is proposed as a part of the formation and construction of this subdivision.
RER.61 Earthworks	Restricted Discretionary Activity	Earthworks are proposed as a part of this subdivision and development proposal. Given the scale of the earthwork proposed, resource consent is required as an RDA. Note: this includes the additional matters of discretion relevant pursuant to X.10 and information requirements from X.16 of Schedule X.
RER.61A Landfill	Discretionary Activity	As part of this Project includes the disposal of excess fill within the upper Kākā Valley area, and with some of that material from the remediation of the HAIL site (thereby not being cleanfill material), it is considered that consent is required as a discretionary activity.

Rules Relating to Overlays on Planning Maps		
RER.63 Service Overlay Building	Permitted	This Project involves servicing this subdivision will reticulated water, wastewater and stormwater infrastructure.
RER.67 Coastal Environment Overlay	<i>Not applicable within Schedule X</i>	--
RER.68 Landscape Overlay – Above ground network utility	Complies	No part of the proposed works or structures are within the Landscape Overlay.
RER.69 Landscape Overlay – Minor Upgrading..	Complies	No part of the proposed works or structures are within the Landscape Overlay.
RER.70 Conservation Overlay	<i>Not applicable within Schedule X</i>	The Conservation Overlay does not apply within Schedule X.
RER.71 Riparian Overlay	Discretionary Activity	The proposed works within and along the Kākā Stream require consent as a discretionary activity.
RER.72 Land Management Overlay	<i>Not applicable</i>	This rule only provides a reference to RER.61 (addressed above).
RER.73 Fault Hazard Overlay	<i>Not applicable within Schedule X</i>	--
RER.82 Flood Path, Flood overlays	Discretionary Activity	The floodplain area adjacent to the Maitai River is within a Flood Overlay with the proposed earthworks requiring consent as a discretionary activity.
RER.83 Inundation Overlays	<i>Not applicable within Schedule X</i>	--
RER.98 Archaeological sites	Complies	No part of the proposed earthworks or building activity is within an archaeological site identified on the planning maps. Note: An Archaeological Authority ¹¹ has been obtained for the proposed works.
RER.106D Maitahi / Mahitahi Bayview Structure Plan (Schedule X)	Schedule X applies.	Schedule X applies.
Subdivision Rules		
RER.107 Subdivision - General	Not applicable within Schedule X	RER.107 is superseded by RER.106D and X.3 of Schedule X (addressed above).

¹¹ Attachment 20.

Subdivision Rules relating to overlays on the Planning Maps		
RER.108 Services overlay ..	<i>Not applicable within Schedule X</i>	RER.108 is superseded by RER.106D and X.3 of Schedule X (addressed above).
RER.109 Landscape Overlay ..	<i>Not applicable within Schedule X</i>	RER.109 is superseded by RER.106D and Schedule X (addressed above).
RER.110 Fault Hazard Overlay	<i>Not applicable within Schedule X</i>	---
RER.111 Flood Path Overlay, Flood Overlay	Discretionary Activity	The floodplain area adjacent to the Maitai River is within a Flood Overlay with the proposed subdivisions requiring consent as a discretionary activity.

TABLE D**Koata House**

The Koata House development is located within proposed Lot 1003 which is within the Suburban Commercial Zone.

Rule	Status	Reason
Suburban Commercial Zone		
SCr.20 Restricted activities	Permitted	The range of commercial and cultural related activities proposed within Koata House are provided for a permitted activity.
SCr.21 Floor space maximum and external appearance - large	Discretionary	This rule provides for up to 800 square metres (gross floor area) of building as a permitted activity. Koata House proposed has a gross floor area of 1320m ² and so requires resource consent as a discretionary activity.
SCr.22 Maximum building height	Discretionary	Buildings up to 8 metres in height are permitted. Koata House proposed has a maximum building height of 9.4 metres from ground level. Resource consent is therefore required as a discretionary activity.
SCr.23 Verandas - stoke centre	Not applicable	--
SCr.24 Verandahs - other areas	Not applicable	--
SCr.25 Landscaping	Complies	A minimum of 5% landscaping must be set aside per site. This landscaping is required along the road frontage, and must be maintained in good condition. The landscaping proposed on the Koata House site is at least 22%.
SCr.26 Setback - from residential zoned boundary	Complies	Buildings must be set back 3 metres from residential zone boundaries. Provision must also be made for landscaping fences walls or a combination of at least 1.8 metres in height along the length of the zone boundary. This rule applies to the southern side boundary of the Koata House site.
SCr.27 Daylight admission - residential zone boundaries	Complies	Koata House fully complies what daylight admission on the southern side boundary.
SCr.28 Building over or alongside drains and water mains	Complies	There are no drains or water mains near the proposed building.
SCr.29 Activities near the coast	Not applicable	---
SCr.30	Not applicable	---

Outdoor living court - residential activity		
SCr.31 Parking and loading	Complies	Parking and loading must be provided in accordance with the standards in Appendix 10 of the NRMP. The standards within Appendix 10 have been assessed within the Integrated Transport Assessment ¹² .
SCr.32 Access	Complies	Vehicle access must be provided in accordance with the standards in Appendix 11 of the NRMP. The standards within Appendix 11 have been assessed within the Integrated Transport Assessment.
SCr.34 Signs	Complies	Any signage will be designed to comply or otherwise obtain a separate resource consent.
SCr.35 Light spill	Complies	All lighting will be designed to comply or otherwise obtain a separate resource consent.
SCr.36 Noise	Complies	The Koata House activities will need to be operated in accordance with the noise performance standards.
SCr.37 Noise - At residential boundary	Complies	The Koata House activities will need to be operated in accordance with the noise performance standards.
SCr.38 Vibration	Not applicable	The Koata House activities are unlikely to cause any adverse vibration effects.
SCr.39 Closing times- services to the public	Complies	<p>The permitted activity rule requires that:</p> <p><i>Any activity located within 50m of a Residential Zone boundary, which is open to the public, <u>or is a place of public assembly</u>, may be open to the public only during the following hours:</i></p> <p><i>Sunday to Thursday inclusive: 7am - 11pm</i></p> <p><i>Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and ...</i></p> <p>Any use of Koata House for the above purposes will need to occur in accordance with these permitted operating times.</p>
SCr.40 Hazardous substances use and storage	Complies	No hazardous substances are to be used or stored as a part of the Koata House activity.
SCr.41 Radioactive material	Complies	No radioactive material is to be used or stored as a part of the Koata House activity.
SCr.42 Aerials	Complies	Provision is made for aerial as a permitted activity. The Koata House activity will need to comply with those standards or seek a separate resource consent once those parts of the activity are defined.
SCr.43 Radiofrequency exposure levels	Complies	No radiofrequency emissions will occur from the Koata House activity.
SCr.44 Network utility - above ground and underground supplies	Complies	All services to the site will comply with the permitted standards, and installed as a part of the subdivision consent.
SCr.45	Not applicable	No structures on road reserve are proposed.

¹² Attachment 6.

Structures on the road reserve		
SCr.46 Network utility - roads	Not applicable	The new roads within the Maitahi Village are to be developed as a part of the subdivision process.
SCr.47 Building on low lying sites	Not applicable	The Koata House land in the suburban commercial zone is not low lying.
SCr.48 Earthworks	Complies	The building platform for this allotment is to be created at the time of subdivision.
SCr.48A Landfill	Not applicable	The Koata House development does not involve a landfill activity.
SCr.52 Land Management overlay - vegetation clearance	Not applicable	This site is not within the Land Management Overlay.
SCr.53 Riparian overlay - activities on land identified with riparian values	Not applicable	The Koata House site does not adjoining the Kākā Stream.
SCr.69C Maitahi/Mahitahi Bayview Structure Plan (Scheduled Site - Sch.X)	Schedule X applies.	Schedule X applies.
SCr.71 Subdivision – general Except for subdivision located in the Heritage Overlay or Heritage Precinct	Not applicable	The Koata House activity is to be located within proposed Lot 1003 of the Maitahi Village subdivision. No further subdivision is proposed.

TABLE E

The Kākā Stream corridor, along with the neighbourhood reserve.

Rule	Status	Reason
Open Space and Recreation Zone (Chapter 11)		
OSr.20 & Oss.3.i Permitted Activities	Non-complying activity	<p>While the subject site is located within Schedule X with the Structure Plan showing land zoned for Open Space & Recreation purposes, OSr.20.1 states:</p> <p><i>Any activity that is permitted by the Open Space and Recreation schedules, and complies with all other permitted conditions of this rule table is a permitted activity.</i></p> <p>The Open Space and Recreation schedules are located in front of the Rule Table – with the subject land within Schedule X not included in those schedules. This is because the resource consent required under Schedule X (in accordance with X.3) requires full consideration of the associated Open Space & Recreation outcomes.</p> <p>Likewise, to qualify as a discretionary activity, the activity must be permitted by the schedule but contravene a permitted condition in the Rule Table. By default therefore, this application must be considered as a non-complying activity.</p> <p>In addition, despite network utility activities being provided for in the Rule Table, as serving infrastructure is not listed in any of the schedules at the front of the Chapter, all servicing infrastructure that is located within the Open Space & Recreation Zone requires consent as a non-complying activity.</p>
OSr.29 Fences	Discretionary Activity	Any fencing proposed as a part of the wastewater pump station within proposed Lot 3000 is considered to be a discretionary activity.
OSr.30 Playgrounds	Complies	The Neighbourhood Reserve proposed within proposed Lot 505 complies with this rule
OSr.42 Network utility buildings	Discretionary Activity	The wastewater pump station within proposed Lot 3000, at the front of the Lot 505 neighbourhood reserve, is considered to require consent as a discretionary activity.
OSr.43 Network utility – above ground and underground utilities	Discretionary Activity	<p>Underground network utilities are a permitted activity.</p> <p>Above ground network utility is not permitted unless expressly provided for. This does not include above ground water and wastewater servicing infrastructure. The above ground sections of the water main and gravity sewer across the proposed new bridge over the Kākā Stream triggers the need for consent under this rule.</p>
OSr.45 Structures on road reserve	Permitted	Structures on road reserve as permitted if they are part of road infrastructure (eg. Bridges) or relate to the safe use of the road or walkway.
OSr.46 Network utility - roads	Permitted	New roads are permitted, unless it is a State Highway, Arterial or Principal Road. No such new roads are proposed.

OSr.47 Vegetation clearance	<i>Controlled Activity</i>	Vegetation clearance is required as a part of the construction of the new Kākā Stream corridor. This is considered to be a controlled activity.
OSr.48 Soil disturbance	<i>Controlled Activity</i>	Soil disturbance is required as a part of the construction of the new Kākā Stream corridor. This is considered to be a controlled activity.
OSr.49 Earthworks	<i>Restricted Discretionary Activity</i>	The construction of the proposed new Kākā Stream corridor will involve earthworks. This is a restricted discretionary activity.
OSr.56 Riparian Overlay	<i>Controlled Activity</i>	This rule requires a controlled activity consent for the extension of a utility service line or structure within a Riparian Overlay. The proposed water main, gravity sewer and bridge are considered to require consent in this regard.
OSr.57 Flood Path Overlay	<i>Discretionary Activity</i>	The floodplain area adjacent to the Maitai River is within a Flood Overlay with the proposed earthworks requiring consent as a discretionary activity.

TABLE F

Water Reservoir

Lot 500 is proposed to accommodate the planned temporary water reservoir, with the access to this reservoir also proposed via a right of way. This proposed reservoir is located within the Rural Zone.

Rule	Status	Reason
Rural Zone (Chapter 12)		
RUr.20 Permitted Activities	Discretionary Activity	This rule provides for an industrial or commercial activity up to 300m ² as a permitted activity, subject to complying with all other rules in the rule table. While the proposed water reservoir would be well within this permitted area (m ²), the formation of the site triggers consent under other rules identified below.
RUr.24 Clearance of Indigenous forest	Complies	The clearance of up to 0.2h of <i>indigenous forest</i> on any one title within a three-year period is a permitted activity, if it complies with all other rules in this rule table. The subject indigenous vegetation is not assessed as within the definition of indigenous forest.
RUr.25 Vegetation Clearance	Controlled Activity	Vegetation clearance is required as a part of the construction of the right of way and proposed reservoir site. This is considered to be a controlled activity.
RUr.26 Soil Disturbance	Controlled Activity	Soil disturbance is required as a part of the construction of the right of way and proposed reservoir site. This is considered to be a controlled activity.
RUr.27 Earthworks	Restricted Discretionary Activity	The construction of the right of way and proposed reservoir site will involve earthworks. This is a restricted discretionary activity.
RUr.43 Structures on the Road Reserve	Permitted	No structures on road reserve are proposed within the Rural Zone.
RUr.58 Riparian Overlay	Permitted	This rule requires a controlled activity consent for the extension of a utility service line or structure within a Riparian Overlay. No such works are proposed in the Rural Zone.
RUr.62 Flood Overlay	No rule	--

TABLE G

Freshwater Plan

The Freshwater Plan is located within Appendix 28 of the NRMP. This set of rules applies across the whole of Nelson City, within each Zone.

Rule	Status	Reason
Freshwater Plan (Appendix 28, NRMP)		
FWr.1 Disturbance of river and lake beds, and wetlands	Discretionary Activity	<p>This rule provides for the following bed disturbance as a permitted activity:</p> <ul style="list-style-type: none"> <i>i) removal of vegetation and flood debris which has been deposited into or on the bed, including trees;</i> <i>ii) the removal of best plants and litter.</i> <p>And well as for:</p> <ul style="list-style-type: none"> - restoration or enhancement of natural instream or out of stream values, including fish passage; .. if the following permitted conditions are met: <p>General conditions</p> <ul style="list-style-type: none"> <i>i. the activity:</i> <ul style="list-style-type: none"> - shall not affect sediment levels or vegetation in all lower tidal reaches of waterbodies during the main spawning period of inanga (15 March to 31 May), and - shall not be carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of koaro and kokopu species spawning habitat, unless ambient levels of sediment are returned within 48 hours of construction commencing within the waterbody, and - shall not be carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoa, Wakapuaka, Lud and Teal rivers and Poorman Stream, and <i>ii. there shall be no storage, mixing or refuelling of fuel, oil, paints, agrichemicals or other similar substances within the bed or within 5m of the banks of any flowing river, or any wetland, and</i> <i>iii. any activity associated with bed disturbance shall not, after reasonable mixing, give rise to any of the following effects in the receiving waters:</i> <ul style="list-style-type: none"> - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or - any conspicuous change of colour or visual clarity, or - any emission of objectionable odour, or - any significant adverse effects on aquatic life, and <i>iv. the use of vehicles and machinery in the wetted bed shall be avoided where possible, and</i> <i>v. fish passage shall be maintained, both during construction and afterwards, and</i> <i>vi. any riparian areas which are disturbed are rehabilitated to the same state or better than that which existed prior to the disturbance, except for the direct approaches to the crossing, and</i> <i>vii. the bed disturbance activity shall not impede legal right to foot access to and along the waterbody, where it exists, unless public notice has been given in accordance with a health and safety plan.</i> <p>The lower section of the proposed works to restore and enhance the in-stream and out-of-stream values of the Kākā Stream are considered to be a permitted activity. Other associated permitted activity standards are contained in FWr.3.1, FWr.9.1, and FWr.10.1 addressed below.</p>

		<p>The short / lower section of the Kākā Stream, including at its confluence with the Maitai River, does not require realignment. The natural freshwater values in that location will simply be restored and enhanced. These works in the lower section of Kākā Stream extend beyond the land owned by the applicant, into reserve land administered by the Nelson City Council.</p> <p>Beyond those disturbance activities addressed above, disturbance of the Kākā Stream and its tributaries are proposed as a part of the Maitahi Village Project. As those works are not specifically part of maintaining peak flow capacity, surrounding land stability, or public safety, consent is required as a discretionary activity (FWr.1.3).</p> <p>No wetland disturbance is proposed, which would require consent as a non-complying activity (FWr1.3).</p>
FWr.2 Vehicle crossings in the beds of rivers and lakes, and wetlands	Complies	This project does not specifically involve vehicle access to or along a river bed for the purpose of crossing.
FWr.3 Planting in riverbeds and margins, and in wetlands	Complies	The proposed remedial and enhancement planting of the river beds is a permitted activity (FWr.3.1). Appropriate / suitable indigenous vegetation would be used and pest plants such as willow excluded.
FWr.4 Maintenance, replacement, upgrade and removal of structures in the beds of rivers and lakes, and their margins (excluding dams)	Controlled Activity	<p>The extension of the utility service lines, such as water mains and reticulated sewer, on, under, or within within 5m of the bed of a river is a controlled activity (FWr.4.2).</p> <p>The proposed new bridge over the Kākā Stream will include utility services incorporated into the bridge design, being over the stream.</p>
FWr.5 Bridges, culverts and fords	Complies	<p>New bridges <u>over</u> the bed of a river that comply with the performance in the rule are permitted activities. For example, abutments are required to be stabilised and protected against erosion, approaches needs to be designed to minimise the discharge of runoff, and the bridge and its associated design structures must be designed to convey a 1:50 year flood event and 0.4m freeboard). With regard to the conveyance, the NTLDM separately requires a 1:100 year flood event and so new bridges must now exceed the 1:50 standard.</p> <p>The proposed bridge over the Kākā Stream is unlikely to include supporting structures <u>within</u> the bed of the river and so no resource consent is required.</p> <p>Culverts are provided for in the Rural Zone as a permitted activity but not in any other zone (FWr.5.1). Resource consent is required as a controlled activity for the new culverts proposed (both temporary and permanent). Any new culvert will be designed to comply with the following standards for controlled activities:</p> <ul style="list-style-type: none"> <i>i. the general conditions in Rule FWr.1.1 (excluding controls on aggregate extraction) are met, and</i> <i>ii. the culvert is positioned so that the gradient and alignment are the same as the river, and</i> <i>iii. the downstream floor of the culvert is set below the river bed level, and</i> <i>iv. erosion immediately below the culvert is avoided by use of armouring materials such as rocks, and</i> <i>v. the culvert is maintained so it does not become blocked by debris, and</i> <i>vi. the culvert and its associated design structures is designed to convey a 1:50 year flood event (and 0.4m freeboard) in the following rivers: Reservoir Creek, Saxton Creek, Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook Stream, Oldham Creek, Todds Valley Stream, Wakapuaka River and its named tributaries and Whangamoa River and its named tributaries, and in any other rivers, the culvert and its associated design structures is designed to convey a 1:15 year flood event (with 0.4m freeboard).</i> <p>All culverts will comply with these standards.</p>

FWr.6 Instream dams	Discretionary Activity	Some temporary and localised damming (and diverting) is proposed as a part of the construction activity. Any damming within this site is a discretionary activity of the dam is less than 2.0m in height (measured from the base to the crest) (FWr.6.3(b)(i)).
FWr.7 Removal of obsolete structures in the beds of rivers and lakes	Complies	The removal of the existing culvert and bridge structures over the Kākā Stream is considered to be a permitted activity, as those works would comply with the general conditions for bed disturbance in rule FWr.1.1 above.
FWr.8 Aggregate extraction in the beds of rivers and lakes	Not applicable	This Project does not involve gravel/aggregate extraction from a site listed in Appendix 28.1.
FWr.9 Deposition of material in the beds and on the banks of rivers and lakes, and in wetlands	Non-complying Activity	<p>FWr.9 provides for as a permitted activity, the placement or deposition of rock and associated geotextile fabric or other suitable material, in, or directly above or below an out of stream structure, for the purpose of protecting that structure. To qualify as a permitted activity, the general condition in FWr.1.1 are to be met. There may be occasions when not all of the general conditions from FWr.1.1 cannot be met and so consent is required as a non-complying activity.</p> <p>FWr.9.1(b) also provides for:</p> <p><i>The deposition of material in the beds and banks of rivers, lakes and wetlands for the purpose of habitat enhancement is permitted if:</i></p> <ul style="list-style-type: none"> <i>i. the general conditions in rule FWr.1.1 are met, and</i> <i>ii. any rocks used look similar to those naturally occurring in the area, and</i> <i>iii. the rocks are clean and free of contaminants including sediment.</i> <p>This provision for the deposition of material for the purpose of habitat enhancement is considered to have relevance to the entire Project, but also in relation to the lower section of enhancement to the Kākā Stream.</p>
FWr.10 Realignment of beds of rivers and lakes, and wetlands	Discretionary Activity	<p>This rule provides for the realignment or piping of a river that that <u>does not</u> have a continuous base flow as a permitted activity, but only in very limited circumstances. Likewise, the realignment or piping of a river that that does have a continuous base flow that does not comply with the conditions in FWr.10.1, is also a discretionary activity.</p> <p>There are numerous streams within the project area that do not have continuous base flows. This includes part of the lower section of Kākā Stream. This permitted activity standard is therefore considered to have some relevance to this Project.</p> <p>The realignment or piping of a bed of a river <u>that has</u> a continuous base flow is a discretionary activity (FWr.10.3).</p>
FWr.11 Activities on the surface of water bodies	Not applicable	This Project does not involve commercial or motorised activities on the surface of waterbodies.
FWr.12 Take, use, and diversion of surface water	Discretionary Activity	<p>In conjunction with the proposed realignment of the Kākā Stream which requires consent under FWr.10 above, consent is also required for the <i>diversion</i> of the Kākā Stream surface water as a discretionary activity.</p> <p>Note: <u>no water is proposed to be taken out</u> of the Kākā Stream, or any of its tributaries, as reticulated water is proposed to be available for construction purposes. There is therefore no “take” of water proposed in relation tot his development. This clarification is provided here as FWr.12.3 also states/directs that:</p> <p>Prohibited</p> <p><i>All takes downstream from the NCC urban water supply intakes in the Maitai River and in the downstream reach of the Roding River within the NCC boundary, which did not exist prior to 9 October 2004 are prohibited.</i></p> <p>In the event that this Project is considered to also involve the taking of water as set out above, Section 42(5)(a) of the Fast Track Approvals Act 2024 would apply.</p>

FWr.13 Temporary Diversion of surface water	Discretionary Activity	This rule provides for temporary diversion of surface water subject to compliance with various standards, such as the diversion not exceeding 50m. There may be occasions when not all of the conditions from FWr.13 can be met and so consent is sought as a discretionary activity.
FWr.14 Take, use, and diversion of groundwater	Complies	<p>This FW rule also provides for the taking, use or diversion of groundwater for limited purposes.</p> <p>As a permitted activity, FWr.14.1 provides for:</p> <p><i>d) the take of groundwater for dewatering a site during construction or earthworks is permitted if:</i></p> <p><i>i) the take does not lower groundwater to more than 8m below the ground level of the site, and</i></p> <p><i>ii) the take does not create a significant risk of subsidence.</i></p> <p>While the Project will include dewatering for construction, and would comply with the above permitted standard, it is also appropriate to note the following provisions in FWr.14.3:</p> <p>Prohibited</p> <p><i>Any take from groundwater in the Maitai catchment which is downstream from the NCC urban water supply intake in the Maitai River, or within the reach of the Roding River that is within the NCC boundary, and which did not exist prior to 9 October 2004, is prohibited.</i></p> <p>It is considered that this Prohibited Activity standard does not apply to temporary and limited dewatering for construction purposes. In support of this interpretation, the Maitai River catchment captures a majority of Nelson City whereby construction activity commonly involves dewatering. There is no “take” of water proposed as all water supply will be reticulated.</p> <p>In the event that this Project is considered to also involve the taking of groundwater as set out above, Section 42(5)(a) of the Fast Track Consenting Act 2024 would also apply.</p>
FWr.15 Take, use, or abstraction of water from ponds, reservoirs or dams	Complies	This provides for water takes from out of stream storage that has been lawfully established. No such water takes are proposed by this Project.
FWr.16 Transfer of water permits	Not applicable	There are no existing water permits, and so no transferring is proposed.
FWr.17 Drilling of a bore or well	Not applicable	No bores or wells are proposed.
FWr.18 Investigative drill holes	Complies	Undertaking geotechnical drilling investigations are provided for as a permitted activity, subject to compliance with the performance standards.
FWr.19 Abandonment or decommissioning of a bore or well	Not applicable	There are no bores or wells that need to be abandoned or recommissioned.
FWr.20 Point source discharges to freshwater bodies (other than stormwater)	Complies	<p>This rule provides for discharges (other than stormwater) as follows:</p> <p><i>Any discharge to water is permitted if:</i></p> <p><i>a. after reasonable mixing it meets Appendix 28.7 and Class A water quality standards (see Appendix 28.5, Appendix 28.6 and Appendix 28.7), or</i></p> <p><i>b. it is a discharge of dye or tracer material for investigative purposes, or</i></p> <p><i>c. it is a discharge of water from the testing or emptying of pipelines, tanks or bunds if no welding residues or other contaminants contained within the pipeline will be discharged to the receiving water body, or</i></p> <p><i>d. it is a discharge of overflow bore water to surface water bodies, if the rate of discharge is no more than five litres per second and the discharge has not been contaminated prior to discharge, or</i></p>

		<p>e. it is a discharge from a swimming pool (excluding swimming pool filter backwash water) which is free of chemicals, algae, leaves, dirt or other debris. (Any discharge with these contaminants must be discharged to the sewerage system) Swimming pool water is considered free of chemical contaminants when it has been left open to sunlight for 14 days, the level of chlorine does not register on any home testing kit, and no smell of chlorine remains.</p> <p>No other such discharges are proposed.</p>
<p>FWr.21</p> <p>Discharge from the public sewerage system to freshwater bodies</p>	<p>Non-Complying</p> <p>(Consented, RM105388V1 and RM105388AV1)</p>	<p>The discharge of public sewerage to freshwater bodies is not permitted. As a discretionary activity, FWr.21.3 provides for:</p> <p><i>1. Any reasonably foreseeable discharge from the sewerage system to freshwater (via the stormwater system, discharged to land or directly to freshwater) as outlined in the NCC Wastewater Asset Management Plan is a discretionary activity if there are:</i></p> <p><i>a. no more than 10 discharges in any 12 month period, and</i></p> <p><i>b. no more than five individual discharges in any single event, and</i></p> <p><i>c. the medical officer of health, the Divisional Manager Planning and Consents and the public are formally notified of the discharge, including its location, within four hours of the emergency response officer first being notified of the discharge.</i></p> <p>In April 2012 the Nelson City Council obtained “global” resource consents (RM105388 and RM105388A) for the discharge of untreated wastewater from various pump stations, manholes and pipework that make up the Council’s wastewater reticulated system. These consents specifically sought consent under FWr.21.3 of the Plan.</p> <p>Changes to these global consents (RM105388V1 and RM105388AV1) were obtained in October 2015, with those changes formally addressing potential changes and additions to/further development of the wastewater reticulation network. The consent conditions set out the design requirements for new pump stations.</p> <p>The Maitahi Village Project includes a fully reticulated wastewater system that will become a NCC asset. The Servicing Report sets out the design options, with one involving the new pump station within proposed Lot 3000. The design parameters and any potential discharge form that pump station are addressed by these global consents.</p>
<p>FWr.22</p> <p>Point source stormwater discharges to water</p>	<p>Controlled</p> <p>(Consented, RM075499V1)</p>	<p>This rule provides for point source discharge of stormwater direct to a river.</p> <p>The permitted activity is not considered to apply as it relates to discharges direct from the roof of a residential building.</p> <p>The controlled activity provisions provide for both the Nelson City Council’s point source discharges (FWr.22.2(1)), and separately for those that are not from Council’s stormwater infrastructure (FWr.22.2(2)).</p> <p>With regard to FWr.22.2(1), all of the proposed stormwater system has been designed to form and become a part of Council’s stormwater system. This rule states:</p> <p><i>Nelson City Council’s point source stormwater discharges to water are a controlled activity if a reticulated stormwater quality improvement plan is provided in the discharge application which outlines how best practicable options will be used to control discharges to Council’s stormwater infrastructure.</i></p> <p>The Nelson City Council obtained a blanket consent (RM075499) in February 2009 for its stormwater discharges to freshwater, specifically as required by FWr.22.1. That consent does not expire until 19 February 2044, and so captures all stormwater discharges “from the entire Nelson City reticulated system” (Landmark Lile Limited, 4 August 2008). The information supporting that application confirmed the applicant was to benefit all existing and future stormwater discharges from the Council’s reticulated network. The consent was changed (RM075499V1) in December 2018 under section 127 of the RM Act 1991, being changes to the conditions relating to monitoring reports and auditing.</p> <p>The stormwater discharges from the reticulated stormwater system, as proposed within the Maitahi Village project, are consented.</p>
<p>FWr.23</p>	<p>Not applicable</p>	<p>This Project does not involve the discharge of agrichemicals in or near waterbodies.</p>

Discharge of agrichemicals in and near waterbodies		
FWr.24 Fertiliser discharges to land where it may enter water	Not applicable	This Project does not involve the discharge of fertiliser onto land.
FWr.25 General discharges to land where it may enter water	Discretionary Activity	<p>FWr.25.1 provided for general discharges to land where it may enter water. Of relevance, this includes:</p> <p><i>d. discharge of grey water <u>or sediment-laden water</u> to land is permitted if:</i></p> <ul style="list-style-type: none"> <i>i. the discharge does not result in surface ponding or runoff of any contaminant into a surface water body, and</i> <i>ii. there is no direct discharge of any contaminant into any surface water body, and</i> <i>iii. the discharge is not within 25m of a surface water body or within any Flood Overlay, and</i> <i>iv. the discharge is not within 50m of any bore, well, or spring used for water supply, and</i> <i>v. the discharge is not noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have a significant adverse effect on the environment, and</i> <i>vi. the water is contained on the site so that there are no adverse effects on adjoining properties.</i> <p><i>e. The discharge of water <u>from a sediment treatment pond or impoundment area onto land</u> where it may enter a surface water body is permitted if:</i></p> <ul style="list-style-type: none"> <i>i. there is no point source discharge of any contaminant into any water body, and</i> <i>ii. the water is not discharged onto adjoining properties.</i> <p><i>f. Discharge of point source stormwater to land is permitted if:</i></p> <ul style="list-style-type: none"> <i>i. the discharge is not within 25m of a surface water body, and</i> <i>ii. the discharge is not within 50m of any bore, well or spring used for water supply, and</i> <i>iii. the discharge is not noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment, and</i> <i>iv. the water is not discharged onto adjoining properties.</i> <p><i>g. Discharges into the Council's stormwater infrastructure are permitted if they comply with:</i></p> <ul style="list-style-type: none"> <i>i. the conditions in the NCC Stormwater Bylaw 2006, and</i> <i>ii. section 9.3 of the NCC Land Development Manual 2010, and</i> <i>iii. all other stormwater management requirements in the Plan.</i> <p style="text-align: right;"><i>(emphasis added)</i></p> <p>Over the course of the proposed construction process it is likely that the activity of disturbance will cause some discharge of sediment to the river, even with the implementation of a comprehensive ESCP. Resource consent is therefore sought as a part of ensuring all associated activities are consented.</p>
FWr.26 Stock fences	Not applicable	This Project does not involve the erection of stock fences over or within the bed of a river, lake or wetland.
FWr.27 Stock access and crossings	Not applicable	This Project does not involve the stock entering or crossing a bed or bank of a river. Grazing of this site will be discontinued.
FWr.28 Discharges of stock effluent onto or into land	Not applicable	This Project does not involve the discharge of stock effluent.
FWr.29 Establishment of, and discharges to,	Not applicable	This Project does not involve the establishment of an on-site efficient disposal field.

effluent disposal fields		
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TABLE H

National Environmental Standard for Freshwater 2020 (Updated 2022)

NES applicable to the relevant freshwater activities.

Rule	Status	Reason
<i>Restoration, wetland maintenance, and biosecurity of natural inland wetlands</i>		
38(2)	Complies	Earthworks within 10m of a natural inland wetland
38(3)	Complies	Taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural inland wetland
39(2)	Complies	Vegetation clearance within, or within a 10m setback from, a natural inland wetland
39(3)	Complies	Taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural inland wetland
39(3A)	Complies	The discharge of water into water within, or within a 100 m setback from, a natural inland wetland
<i>Construction of wetland utility structures</i>		
42(1)	Complies	Vegetation clearance within, or within a 10 m setback from, a natural inland wetland
42(2)	Complies	Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland
42(3)	Complies	The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland
42(4)	Complies	The discharge of water into water within, or within a 100 m setback from, a natural inland wetland
<i>Landfills and cleanfill areas</i>		
45B(1)	Complies	Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing or operating a landfill or a cleanfill area
45B(2)	Complies	Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing or operating a landfill or a cleanfill area.
45B(3)	Complies	Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing or operating a landfill or a cleanfill area; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.
45B(4)	Complies	The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the activity is for the purpose of constructing or operating a landfill or a cleanfill area; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.
45B(5)	Complies	The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—

		<p>(a) the discharge is for the purpose of constructing or operating a landfill or a cleanfill area; and</p> <p>(b) there is a hydrological connection between the discharge and the wetland; and</p> <p>(c) the discharge will enter the wetland; and</p> <p>(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</p>
Urban Development		
45C(1)	Restricted Discretionary Activity	Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.
45C(2)	Restricted Discretionary Activity	Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.
45C(3)	Restricted Discretionary Activity	<p>Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a restricted discretionary activity if it—</p> <p>(a) is for the purpose of constructing urban development; and</p> <p>(b) results in, or is likely to result in, the complete or partial drainage of all or part of the wetland.</p>
45C(4)	Restricted Discretionary Activity	<p>The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if—</p> <p>(a) the activity is for the purpose of constructing urban development; and</p> <p>(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</p> <p>(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.</p>
45C(5)	Restricted Discretionary Activity	<p>The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if—</p> <p>(a) the discharge is for the purpose of constructing urban development; and</p> <p>(b) there is a hydrological connection between the discharge and the wetland; and</p> <p>(c) the discharge will enter the wetland; and</p> <p>(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</p>
Drainage of natural inland wetlands		
52(1) and (2) Non-complying activities	Non-Complying Activity	<p>(1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p> <p>(2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p>
53 Prohibited Activities	NA	<p>(1) Earthworks within a natural inland wetland is a prohibited activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p> <p>(2) The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p>
57	Discretionary Activity	The reclamation of the bed of the Kākā Stream requires consent as a discretionary activity.

TABLE I**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011**

NES applicable to the relevant freshwater activities.

Rule	Status	Reason
Regulation 10 Subdivision	<i>Restricted Discretionary Activity</i>	The Maitahi Village (the Project) involves the subdivision of land, part of which is a HAIL site, with the soil contamination exceeding the standard in Regulation 7.
Regulation 10 Land Use	<i>Restricted Discretionary Activity</i>	The Maitahi Village (the Project) involves changing the use of the land, part of which is a HAIL site, with the soil contamination exceeding the standard in Regulation 7
Regulation 10 Land Use	<i>Restricted Discretionary Activity</i>	The Maitahi Village (the Project) involves the disturbance of soil , part of which is a HAIL site, with the soil contamination exceeding the standard in Regulation 7