

14 March 2025

PO Box 645 Nelson 7040
Phone: 03 546 0200
Fax: 03 546 0239

CCKV Maitai DEV CO LP
c/- Landmark Lile Ltd
Attn: Mark Lile
PO Box 343
Nelson 7040

Resource Consent Number: 245337,
245338, 245339, 245340
Contact: Christian Martin
DD: 03 265 5340
Email: christian.martin@ncc.govt.nz
www.nelson.govt.nz

Dear/Tēnā koe Mark:

Resource consent is granted

Please find attached your resource consent, granted pursuant to Section 113(4) of the Resource Management Act 1991 ("the Act").

Please ensure you read the conditions of your consent carefully before you commence your activity. Some conditions may require you to carry out specific actions before you start. You may also need to obtain other permits or building consents before commencing your activity.

Once the final processing costs are determined an invoice will be sent out or you will be contacted if there is a refund of any fees.

If you have any questions regarding any aspect of your consent or its conditions, please don't hesitate to contact me.

Yours faithfully / Ngā mihi nui



Christian Martin
Senior Planner

RESOURCE CONSENT DECISION

Resource Consent number RM245337 is granted to:

CCKV Maitai DEV CO LP

The activity:

Land use consent associated with the installation of a water main and sewer main through Branford Park and the establishment of a shared pathway (with a section less than 3 metres in width) utilising two shared pathway bridges.

(To be read in conjunction with RM245338, RM245339, and RM245340)

Location details:

Address of property: Maitai Valley Road

Legal description: Part Section 370, Lot 2 DP 8194, Lot 1 DP 8194, Lot 1 DP 10588

Record of title: NL2D/351, NL3D/981, NL4B/118, NL5D/970

Location co-ordinates: 1625731.182, 5430885.728 (NZ Transverse Mercator)

Lapse date:

Your consent will lapse on 14 March 2030 unless you have given effect to it before then (section 125 of the Act).

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 24 December 2024 and the further information received on 27 January 2025, 20 February 2025, and 25 February 2025, and the following conditions of consent. The development shall proceed in general accordance with the plans attached as Appendix A labelled:

- Preliminary Shared Path Alignment and Service Locations
- Preliminary Shared Path Cross-Sections
- Jickells Bridge Long Section and Plan
- Jickells Bridge Cross Section
- Gibbs Bridge Long Section and Plan
- Gibbs Bridge Cross Section
- Intersection and Shared Path Ralphine Way

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, RM245337.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

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Note: A monitoring charge of \$230 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

3. The consent holder shall provide the final alignment of the water main and sewer main prior to works commencing to the NCC Group Manager Infrastructure (c/o [@Land Development](#)) for review and approval. If the final alignment includes the deviation into Branford Park as proposed in the application, results of investigations into the feasibility of maintaining the alignment alongside Maitai Road shall be provided.
4. Prior to works commencing, the consent holder shall submit detailed design engineering plans (to the requirements of the NTLDM) covering the shared pathway and services works (water main and sewer main) for the review and approval of the NCC Group Manager Infrastructure (c/o [@Land Development](#)).
5. Construction shall be undertaken in accordance with the detailed engineering drawings required by condition 4 above.
6. Within one month following the completion of installation, the consent holder shall forward to the Council's Monitoring Officer as built drawings.
7. Unless otherwise agreed or approved by the NCC Group Manager Infrastructure in writing, the shared pathway shall be designed in accordance with the NTLDM, NZTA Cycle Network Guidance, and Austroads Guide to Road Design Part 6a: Paths for Walking and Cycling and submitted to Council in accordance with condition 4 above. The following features and/or considerations shall be addressed as part of the shared pathway design and associated changes to Maitai Valley Road and the Maitai Valley Road/Ralphine Way intersection:
 - a. Separation device: A separation device between the shared pathway and carriageway is required. This is currently shown as a painted separation in the cross section. It is anticipated at each accessway along the shared pathway and at regular intervals in between, a physical island/separator would be required. This is to:
 - i. Ensure that vehicles from adjoining accessways do not turn into the shared pathway;
 - ii. to increase the safety of the shared pathway users; and
 - iii. to clearly signal that the shared pathway and associated separation strip should not be used for vehicle parking.
 - b. Sight distance: Site distances for vehicles turning right from Ralphine Way onto Maitai Valley Road (looking west for this movement) may be compromised by vegetation on private property. Review the intersection control measures and consider a stop sign if necessary.
 - c. Turning radius of the shared pathway on southern side of Maitai Valley Road opposite Ralphine Way: Assess increasing the turning radius of the shared pathway on the southern side of Maitai Valley Road to create a more desirable crossing approach and exit for cyclists and pedestrians, including consideration of a radius that requires the removal of the existing post and rail barrier. A wider radius will make it easier for cyclists and also encourage more confident cyclists to stay on the path rather than short cut across the intersection to avoid having to

completely slow down. The relocation of the post and rail fence will be subject to the approval of Council's Parks team with respect to potential impact on nearby vegetation.

- d. Speed control measures: Consider the implementation of speed control measures on Maitai Valley Road between Ralphine Way and Nile Street to reinforce the 50km/h speed limit and improve the safety of the separated shared path that is relatively close to the moving traffic. Additional vertical speed control devices at regular intervals to complement the two crossing points will be required.
 - e. Proposed bridge structure: Assess the proposed bridge structure under the shared pathway at the Ralphine Way / Maitai Valley Road intersection. Advice note: the Council has a preference to extend the existing under road culvert under Ralphine Way if the level allows rather than add another new structural asset.
8. A safe system audit, in accordance with NTLDM Table 4.2, covering the entirety of the shared pathway, including crossings, shall be carried out and submitted to the NCC Group Manager Infrastructure (c/o [@Land Development](#)) for each stage listed below for review and acceptance. Design at all stages shall take into consideration the matters outlined in condition 7 above. Any modifications necessary to address matters identified in the safe system audit shall remain generally within the scope of the alignment proposed in the application. The relevant stages are:
- a. At preliminary design stage
 - b. Detailed design stage
 - c. Pre-opening / post construction stage
9. The consent holder shall submit the final design of the cultural panelling proposed for the shared pathway bridges, including a statement of relevance to iwi, a summary of iwi engagement undertaken and feedback incorporated into the final design, to Council's Monitoring Officer for approval which is to be obtained prior to installation.

ADVICE NOTES

- 1. Conditions of this consent have been imposed pursuant to Section 108 of the Act.
- 2. Future stop bank work may result in the Maitai Valley Road being realigned and require modification to the alignment of the shared pathway. The consent holder is encouraged to communicate with the Council as design plans proceed.
- 3. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
- 4. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320) and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: At the time of granting, the contact details of the appropriate iwi groups or kaitiaki representatives can be obtained from Pania Lee (Nelson City Council's Kaihautū) pania.lee@ncc.govt.nz or 03 265 6933.

- 5. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:

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- (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
- 6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
- 7. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee and can be found on Council's website under Fees & Charges.
- 8. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

RESOURCE CONSENT DECISION

Resource Consent number RM245338 is granted to:

CCKV Maitai DEV CO LP

The activity:

Land use consent to undertake activities associated with the placement of bridge support structures, including disturbance activities.

(To be read in conjunction with RM245337, RM245339, and RM245340)

Location details:

Address of property: Maitai Valley Road

Legal description: Part Section 370, Lot 2 DP 8194, Lot 1 DP 8194, Lot 1 DP 10588

Record of title: NL2D/351, NL3D/981, NL4B/118, NL5D/970

Location co-ordinates: 1625731.182, 5430885.728 (NZ Transverse Mercator)

Lapse date:

Your consent will lapse on 14 March 2030 unless you have given effect to it before then (section 125 of the Act).

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 24 December 2024 and the further information received on 27 January 2025, 20 February 2025, and 25 February 2025, and the following conditions of consent. The development shall proceed in general accordance with the plans attached as Appendix A labelled:

- Preliminary Shared Path Alignment and Service Locations
- Preliminary Shared Path Cross-Sections
- Jickells Bridge Long Section and Plan
- Jickells Bridge Cross Section
- Gibbs Bridge Long Section and Plan
- Gibbs Bridge Cross Section
- Intersection and Shared Path Ralphine Way

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, RM245338.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$230 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

3. A site-specific Construction Management Plan (CMP) for each shared pathway bridge shall be submitted to Council's Monitoring Officer for review and acceptance at least 10 working days prior to works commencing. The CMP shall be in general accordance with the CMP prepared by Fulton Hogan and submitted with the application. The CMP shall include a Dust, Erosion, and Sedimentation Control Plan (DESCP) as outlined in condition 4 below. The CMP shall be consistent with and informed by the Ecological Management Plan required by condition 9 below. The CMP shall include, but not necessarily be limited to, the following:
 - a. Hours of construction and timing of works
 - b. Identify the areas of work, staging areas, and areas of vegetation to be retained and removed, and stockpile areas.
 - c. Construction methodology and maintenance inspection schedules
 - d. Significant weather event actions
 - e. Dewatering, diversion, and damming works methodology
 - f. Traffic management and work area access management (including recreational users such as pedestrians and cyclists)
4. A site-specific Dust, Erosion and Sedimentation Control Plan (DESCP) shall be prepared by the contractor undertaking the works and submitted to the Council's Monitoring Officer for approval. The DESCP shall include, but not necessarily be limited to, the following:
 - a. details of all principles, procedures and practices that will be implemented to undertake dust, erosion and sediment control and minimise the potential for sediment discharge from the work site both within the river and adjacent to the river;
 - b. relating to in-river works, the measures to be adopted may include, but are not limited to:
 - i. limiting in-river works as much as practicable;
 - ii. completing works in the minimum time practicable;
 - iii. avoiding placement of construction material or excavated material in the flowing channel of the river except as necessary;
 - iv. rapidly and progressively stabilising disturbed areas;
 - v. diverting river flow during the works;
 - vi. installing and maintaining appropriate erosion and sediment control measures.
 - c. plans at an appropriate scale clearly identifying:
 - i. the extent of earthworks and vegetation clearance, in-river works and soil disturbance;
 - ii. any "no go" and/or buffer areas to be maintained undisturbed;
 - iii. all key erosion and sediment control measures; and
 - iv. any other relevant site information.
5. The DESCP measures shall be implemented prior to earthworks or vegetation clearance commencing on site and shall be maintained until such time that the site has been permanently stabilised.

Note: For the purposes of this condition 'permanently stabilised' shall mean planting, seeding, mulching, or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation.

6. The Consent Holder may amend the DESCOP at any time, however any such amendments shall be submitted to the Council's Monitoring Officer for approval. Any amendments to the DESCOP shall not take effect until they are approved.
7. The Consent Holder shall take all practicable measures outlined in the DESCOP to minimise sedimentation and turbidity of the Maitai River.
8. Prior to commencing work on the site, the Consent Holder shall engage a suitably qualified and experienced ecologist ('the Ecologist') to oversee and provide advice and instructions to the Consent Holder and the person undertaking the works on methods that must be implemented to minimise adverse effects on terrestrial and aquatic species.
9. An Ecological Management Plan (EMP) covering both shared pathway bridges shall be submitted to Council's Monitoring Officer for review and approval at least 10 working days prior to works commencing. The EMP shall be approved by the project ecologist identified in condition 8 above. The EMP shall include the following:
 - a. Pre-works checks for nesting native birds within the project footprint, conducted by a suitably qualified ecologist, with results submitted to Council. If active nests are found during pre-work checks, a case-by-case management approach shall be determined by the project ecologist (in association with the Council ecologist if protected native species are recorded breeding), considering species-specific requirements and the scale of vegetation clearance required.
 - b. Pre-works checks for the presence of lizards, undertaken by an appropriately qualified and experienced herpetologist, with results submitted to Council. If lizards are found, they shall be carefully relocated by someone appropriately certified to relocate lizards to adjacent suitable habitat within the Project Area to minimise disturbance.
 - c. Proposed timing of works, being during low flow periods and outside of fish spawning and migration periods, unless otherwise approved by the project ecologist.
 - d. Strategies to minimise effects to habitat immediately outside the project area.
 - e. Methods to minimise the spread and/or establishment of exotic weeds
 - f. A Fish Salvage and Relocation Plan to minimise impacts on fish species
 - g. Clearly demarcate areas of ecologically significant vegetation to be retained within the project footprint, including the identification of taller native roost/nesting trees to be retained, and areas where vegetation is to be removed to facilitate work access.
10. The Fish Salvage and Relocation Plan shall be implemented prior to construction activities within the Maitai River commencing. Works shall be supervised by a suitably qualified and experienced freshwater ecologist.
11. A Restoration and Planting Plan (RPP) for all disturbed and impacted areas shall be submitted to Council's Monitoring Officer for review and approval. The RPP shall:
 - a. Establish continuous native vegetation along riparian margins to stabilise banks, reduce erosion, improve shading, and provide habitat.
 - b. Specify species, density, and location of proposed planting.
 - c. Specify monitoring, maintenance, and replacement procedures to ensure establishment of vegetation for a period of at least 3 years.
 - d. Ensure all plants are appropriate native species suitable to the location as outlined in the living heritage guide:

- e. All plants need to be appropriately eco-sourced species.
- 12. No soil or other debris shall be disposed of in the bed of the Maitai River. Stockpiled material shall be located at least 5 metres away from the top of the bank of the Maitai River.
- 13. The Consent Holder shall, on completion of the earthworks or vegetation clearance and as soon as climatic conditions allow, permanently stabilise the site by planting, seeding, mulching, or otherwise covering exposed ground to minimise the risk of dust, erosion and sedimentation and to enhance bank stability.
- 14. Prior to the removal of the DESCP measures, the Consent Holder, or its agent shall remove any sediment within the controls and ensure it is disposed in a manner that prevents the sediment from discharging into the Maitai River.
- 15. Machinery shall be free of plants, plant seeds, or contaminants, prior to entering the construction area.
- 16. Machinery and equipment shall not be cleaned where wash-water may enter the Maitai River.
- 17. All machinery on the work site shall be refuelled at least 10 metres away from the Maitai River. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water.
- 18. If spillage of any contaminants into the Maitai River or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer.
- 19. Appropriate spill kits and materials shall be held on site to enable any fuel spills to be immediately contained and controlled by an approved product. Any material that is contaminated as a result of a spill shall be removed from the site and disposed of at a site authorised to accept such material.
- 20. Vegetative debris shall not be positioned where it may dam or divert the Maitai River or adversely affect its instream habitat.
- 21. The hours of operation for any activities shall be limited to 0700 – 1800 on weekdays and 0800 – 1700 on Saturdays, except for any overnight pumping for dewatering purposes. No work, except for pumping for dewatering purposes shall occur on Sundays or Public Holidays, unless required due to impacts of adverse weather conditions and the prior approval of the Council's Monitoring Officer is received prior to undertaking the works.
- 22. All activities shall comply with New Zealand Standard NZS6803:1999 (Acoustics – Construction Noise).
- 23. Within one month of the completion of the works, the Consent Holder shall forward to the Council's Monitoring Officer documentation from the Ecologist confirming that the Consent Holder has complied with all instructions given during works.

24. Investigative drilling shall be undertaken in accordance with the *Environmental and Sediment Control Plan* prepared by Fulton Hogan and the *Ecological Considerations and Mitigation for Geotechnical Investigations at Jickells and Gibbs Bridges* prepared by Robertson Environmental and dated 25 February 2025. Due to the limited and temporary nature of work required for investigative drilling, conditions 3, 4, 5, and 9 of RM245338 shall not apply.
25. For the purposes of, and pursuant to section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - a. To modify existing conditions of consent relating to the effects of the activity on the environment;
 - b. To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity; and/or
 - c. If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: At the time of granting, the contact details of the appropriate iwi groups or kaitiaki representatives can be obtained from Pania Lee (Nelson City Council's Kaihautū) pania.lee@ncc.govt.nz or 03 265 6933.

4. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
6. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee and can be found on Council's website under Fees & Charges.

7. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

RESOURCE CONSENT DECISION

Resource Consent number RM245339 is granted to:

CCKV Maitai DEV CO LP

The activity:

Water permit for temporary dam and diversion of water in the Maitai River.

(To be read in conjunction with RM245337, RM245338, and RM245340)

Location details:

Address of property: Maitai Valley Road

Legal description: Part Section 370, Lot 2 DP 8194, Lot 1 DP 8194, Lot 1 DP 10588

Record of title: NL2D/351, NL3D/981, NL4B/118, NL5D/970

Location co-ordinates: 1625731.182, 5430885.728 (NZ Transverse Mercator)

Lapse date:

Your consent will lapse on 14 March 2030 unless you have given effect to it before then (section 125 of the Act).

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 24 December and the further information received on 27 January 2025, 20 February 2025, and 25 February 2025, and the following conditions of consent. The development shall proceed in accordance with the plans attached as Appendix A labelled:
 - Preliminary Shared Path Alignment and Service Locations
 - Preliminary Shared Path Cross-Sections
 - Jickells Bridge Long Section and Plan
 - Jickells Bridge Cross Section
 - Gibbs Bridge Long Section and Plan
 - Gibbs Bridge Cross Section
 - Intersection and Shared Path Ralphine Way

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, RM245339.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$230 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional

monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule

3. Prior to commencing the work authorised by this consent, the Consent Holder shall engage a suitably qualified and experienced ecologist ('the Ecologist') to oversee any fish salvage and provide advice and instructions to the Consent Holder and the person undertaking the works, on methods that must be implemented to minimise adverse effects on aquatic life.
4. No diversion of the Maitai River shall be undertaken during the following periods:
 - a. Between 1 May and 30 September to protect trout spawning; and
 - b. Between 1 April and 15 August to protect koaro and kokopu spawning.

Unless:

- i. It has first been determined and confirmed in writing by the Ecologist that no spawning habitats exist at the site; or
 - ii. The work is otherwise carried out in accordance with written confirmation from the Ecologist that the methodologies proposed are not likely to generate sediment that would pose a risk to any spawning area.
5. Machinery shall only work in the wet areas of the Maitai River where it is the only practicable means of conducting works.
6. Fish salvage and transfer prior to and during any work shall occur in accordance with the Ecological Management Plan required by condition 9 of RM245338.
7. Any diversion shall be carried out in accordance with best practice methodologies as determined by the Ecologist in order to maintain fish passage and minimise downstream sedimentation associated with the diversion.

Review

8. For the purposes of, and pursuant to section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - a. To modify existing conditions of consent relating to the effects of the activity on the environment;
 - b. To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity; and
 - c. If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New

Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: *At the time of granting, the contact details of the appropriate iwi groups or kaitiaki representatives can be obtained from Pania Lee (Nelson City Council's Kaihautū) pania.lee@ncc.govt.nz or 03 265 6933.*

4. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
6. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee and can be found on Council's website under Fees & Charges.
7. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

RESOURCE CONSENT DECISION

Resource Consent number RM245340 is granted to:

CCKV Maitai DEV CO LP

The activity:

Discharge permit to discharge sediment laden water to the Maitai River associated with the construction of two shared pathway bridges.

(To be read in conjunction with RM245337, RM245338, and RM245339)

Location details:

Address of property: Maitai Valley Road

Legal description: Part Section 370, Lot 2 DP 8194, Lot 1 DP 8194, Lot 1 DP 10588

Record of title: NL2D/351, NL3D/981, NL4B/118, NL5D/970

Location co-ordinates: 1625731.182, 5430885.728 (NZ Transverse Mercator)

Lapse date:

Your consent will lapse on 14 March 2030 unless you have given effect to it before then (section 125 of the Act).

Discharge to Water:

Primary Type	Point Source Y/N	Receiving Water Classification	Contaminants
Surface	Y	Maitai River – Moderately affected	Sediment

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with Council on 24 December and the further information received on 27 January 2025, 20 February 2025, and 25 February 2025, and the following conditions of consent. The development shall proceed in accordance with the plans attached as Appendix A labelled:
 - Preliminary Shared Path Alignment and Service Locations
 - Preliminary Shared Path Cross-Sections
 - Jickells Bridge Long Section and Plan
 - Jickells Bridge Cross Section
 - Gibbs Bridge Long Section and Plan
 - Gibbs Bridge Cross Section
 - Intersection and Shared Path Ralphine Way

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

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2. The consent holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, RM245340.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$230 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule

3. The discharge shall be managed so as not to cause any of the following effects in the Maitai River at or beyond the zone of reasonable mixing:
 - a. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b. any conspicuous change in colour or visual clarity that is not typical of ambient background levels at that time;
 - c. any emission of objectionable odour; or
 - d. any significant adverse effects on aquatic life.

If discharge effects beyond the zone of reasonable mixing occur, the consent holder shall notify Council's Monitoring Officer and take all practicable measures to identify and rectify the cause as soon as possible.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: At the time of granting, the contact details of the appropriate iwi groups or kaitiaki representatives can be obtained from Pania Lee (Nelson City Council's Kaihautū) pania.lee@ncc.govt.nz or 03 265 6933.

4. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

6. This discharge permit is granted to the Consent Holder and relates to a particular location. Section 137 of the Act states that the Consent Holder may apply to the Council to transfer the whole or part of the Consent Holder's interest in the permit to any owner or occupier of the site in respect of which the permit is granted; or a local authority; but not to another site unless the consent or a rule in the Nelson Air Quality Plan/Nelson Resource Management Plan expressly provides otherwise.
7. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee and can be found on Council's website under Fees & Charges.
8. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

COMBINED DECISION REPORT OF THE COMMISSIONER APPOINTED BY THE NELSON CITY COUNCIL

INTRODUCTION

Introduction

The Nelson City Council (the Council) appointed me as an Independent Commissioner, pursuant to section 34A of the Resource Management Act 1991 (the Act), to make a decision on the resource consent applications RM245337, RM245338, RM245339, and RM245340 lodged by CCKV Maitai DEV CO LP.

This report has been prepared pursuant to section 113 of the RMA.

Description of Proposal

It is proposed to:

- Establish a shared pathway between the Nile Street/Maitai Road junction and Ralphine Way, including the construction of two new bridges over the Maitai River and associated construction activities on the bed of the river.
- Install a water main and sewer main through Branford Park between the Nile Street/Maitai Road junction and Ralphine Way.

The proposed works are in association with the future development in the Kaka Valley approved via Private Plan Change 28.

The shared pathway is proposed to be at least three metres in width with the exception of an approximately 30 metre stretch where the pathway is restricted to a width of two metres due to the location of Maitai Valley Road and steep topography to the northwest. The shared pathway starts at the junction of Nile Street and Maitai Valley Road and runs on the northside of Maitai Valley Road for about 180 metres to a proposed raised crossing point and thereafter runs along the southside of Maitai Valley Road for approximately 1100 metres to another raised crossing just east of Ralphine Way from which point the path continues up Ralphine Way into the Kaka Valley development site. The proposed shared pathway primarily seeks to utilise the existing sealed extent of Maitai Valley Road effectively narrowing the road available to motor vehicles. Two proposed bridges take the shared pathway across the Maitai River adjacent to and downstream of the Jickells bridge and adjacent to and upstream of the Gibbs bridge. The proposed shared pathway will traverse within the protected root zone of a Heritage Tree (asset ID P70964; Lombardy Poplar); however, the only works proposed are line marking on the existing seal of Maitai Valley Road. Other heritage trees are identified along this section of the valley though none are located within the area of any proposed works.

The two proposed shared pathway bridges are to be located adjacent to the existing vehicle bridges (known as the Jickells and Gibbs bridges) across the Maitai River. The Jickells shared pathway bridge is to be approximately 36.3 metres in length and 3.7 metres wide. The Gibbs Bridge is to be 47.1 metres in length and 3.7 metres wide. The bridges will be used by the shared pathway as well as to facilitate the alignment of the water main and sewer main that are also proposed. The proposed infrastructure pipes will be laid within the bridge decks. Both proposed bridges have been designed so that the underside of the bridges exceed the flood level of the 2090 1% AEP storm event. The Nelson Tasman Land Development Manual (**NTLDM**) required 0.6 metres of freeboard above the 2090 1% AEP flood level. The Jickells shared pathway bridge provides the freeboard required by the NTLDM while the Gibbs shared pathway bridge will only provide 0.4 metres of freeboard. The construction of the bridges requires work being undertaken in the bed of the Maitai River, including the placement of support structures, temporary damming / diversion of water, and the discharge of sediment

laden water, as well as work on the banks of the Maitai and in the riparian margin to facilitate construction access. Reinstatement and remediation of the work area is proposed. The application outlines that specialist design input has been provided from the Waka Group (architect Keni-Duke Hetet) to *"incorporate cultural panelling (conceptually) in recognition of the significance of the Mahitahi River to the iwi of Te Tau Ihu"*.

A water main and sewer main is proposed to be installed from the Kaka Valley development site to connect with existing council services in Nile Street. The proposed alignment of utility services is predominantly located within the road reserve (Maitai Valley Road and Ralphine Way), with the exception of sections detouring through Branford Park. The alignment is located to the north of Maitai Valley Road for the first 600 metres east of Nile Street before crossing under Maitai Valley Road for the next 600 metres at which point it crosses under Maitai Valley Road again and proceeds up Ralphine Way to the Kaka Valley development site. As outlined in the preceding paragraph, the water main and sewer main will utilise the proposed shared pathway bridges to cross the Maitai River. Installing utility infrastructure within the road reserve is a permitted activity; consent is required for the water main and sewer main where it traverses through Branford Park and over the Maitai River.

The following reports have been submitted in support of the application:

- Flood Assessment Report
- Transportation Assessment
- Ecological Impact Assessment
- Iwi Engagement Summary
- Construction Management Plan

Nelson City Council is currently drafting a development agreement for the proposed works in conjunction with the applicant.

Site and Surrounds

The land subject to the proposed works is located in the lower Maitai Valley between the junction of Nile Street and Maitai Valley Road and Ralphine Way. The area is largely rural in character with flat land being utilised for recreational activities (disc golf course, walking paths, cricket ground, picnic areas/swimming holes) with the valley walls being vegetated and containing walking trails around the Centre of New Zealand and various mountain bike trails. The area is a popular recreational space for Nelson residents and visitors. Maitai Valley Road includes two vehicle bridges over the Maitai River in this stretch – the two-way Jickells Bridge and the one-way Gibbs Bridge.

A cluster of residential dwellings is located on Ralphine Way and two additional dwellings are located along Maitai Valley Road to the west. The eastern-most extent of Nelson's urban development is located south of the Maitai River on Mill Street/Hanby Park.

Private Plan Change 28 (**PPC28**) became operative within the Nelson Resource Management Plan (**NRMP**) on 19 December 2024. In general, PPC28 changed the zoning in the Kaka Valley to enable development (residential and commercial) of various densities and intensities. PPC28 identified through Schedule X.9 that certain transport upgrades would need to be completed and operational to allow subdivision or development applications to be considered as restricted discretionary activities rather than discretionary, including the installation of a shared pathway of at least 3 metres between Nile Street and/or Hardy Street and the development site and a bridge over the Maitai River at the existing Gibbs Bridge. An upgrade to the intersection of Ralphine Way and Maitai Valley Road to improve sight lines, install intersection control, and provide a right turn bay for Ralphine Way are also required but are outside the scope of this resource consent and may occur as a permitted activity. The installation of a water main and sewer main connected to Council's infrastructure is necessary to address servicing constraints identified by the Services Overlay of the NRMP for the Kaka Valley development site.

PLAN RULES AFFECTED

According to the NRMP, the following apply to the subject property:

- Zoning: Rural
Open Space Recreation
- Overlays: Maitai River and its tributaries Statutory Acknowledgement Area
Schedule Site CR2
Landscape Overlay: Botanical Hill – Malvern Hills
Inundation Overlay
Floodpath Overlay
Flood Overlay
Riparian Overlay
Heritage Woodlands
Heritage Tree
- Rules: OSr.20 Activities not permitted by the Outdoor Space and Recreation rules or schedules. OSs.3(i) Permitted activities for Scheduled Site CR2 Branford Park only include service buildings, aerial, information recreation activities, play equipment, any activity listed in a management plan approved for the land under the Reserves Act, festivals, ceremonies and outdoor performances, and temporary structures for military training. The proposed activities do not fall under any permitted activity stated in the schedule. (Non-complying)
- OSr.43 Above ground network utilities. The sections of water main and sewer main are located above ground where traversing over the Maitai River (Discretionary)
- OSr.47 Vegetation clearance within 5m of the banks of the Maitai River. Vegetation clearance is required within 5m of the banks of the Maitai River to gain access to the work areas to install shared pathway bridge support structures associated with shared pathway bridge construction (Controlled)
- OSr.48 Soil Disturbance within 5 metres of the banks of the Maitai River. Soil disturbance is necessary within 5m of the banks of the Maitai River to gain access to the work areas to install shared pathway bridge support structures associated with shared pathway bridge construction (Controlled)
- OSr.49 Earthworks within 10 metres of the banks of the Maitai River. Earthworks are required within 10 metres of the banks of the Maitai River to gain access to the work areas to install shared pathway bridge support structures associated with shared pathway bridge construction (Restricted discretionary)
- OSr.56 Riparian Overlay: For the extension of a utility service line within the Riparian Overlay. The proposed water main and sewer main extensions will be located within the Riparian Overlay when traversing the Maitai River (Controlled)
- OSr.57 Erection of a structure and the extension of above ground network utility not attached to an existing structure within the Flood Path Overlay. The construction of the two proposed shared pathway bridges and

extension of the water main and sewer main within the Flood Path Overlay (Discretionary)

RUr.25 Vegetation Clearance within 5 metres of the banks of the Maitai River. Vegetation clearance is required within 5m of the banks of the Maitai River to gain access to the work areas to install shared pathway bridge support structures associated with shared pathway bridge construction (Controlled)

RUr.26 Soil Disturbance within 5 metres of the banks of the Maitai River. Soil disturbance is required within 5m of the banks of the Maitai River to gain access to the work areas to install shared pathway bridge support structures associated with shared pathway bridge construction (Controlled)

RUr.27 Earthworks within 5 metres of the banks of the Maitai River and within the Flood Overlay. Earthworks necessary to gain access to the work areas to install shared pathway bridge support structures associated with shared pathway bridge construction is proposed within 5m of the banks of the Maitai River and within the Flood Overlay (Restricted Discretionary)

RUr.58 Riparian Overlay: The extension of a utility service line and erection a structure within the Riparian Overlay. The proposed shared pathway bridges and the extension of the water main and sewer main extensions will be located within the Matai River Riparian Overlay (Controlled)

RUr.62 Flood Overlay. No rule; advice that the potential for flooding or flood related damage exists in relation to the shared pathway bridges and should be taken into account when considering resource consent applications.

FWr.1 Disturbance of the riverbed. Shared pathway bridge support structure construction requires disturbance to the bed of the Maitai River (Discretionary)

FWr.4 Maintenance, replacement, upgrade and removal of structures in the beds of rivers and their margins. The extension of utility service lines within 5 metres of the bed of the Maitai River triggers resource consent (Controlled)

FWr.5 Bridges, culverts, fords. The shared pathway bridges' supporting structures are within the bed of the river and therefore cannot meet the conditions for a permitted activity (Discretionary)

FWr.6 Instream dams on the Maitai River. Temporary and localised damming and diverting is required during the Gibbs shared pathway bridge construction (Discretionary)

FWr.9 Deposition of material in the beds, on the banks of rivers and lakes and in wetlands. Work requires the deposition of material in the bed and on banks of rivers to facilitate bridge construction that may not meet conditions covered by FWr1.1, including the possibility that, at times, reasonable mixing standards may not be met (e.g. there may be

conspicuous change of colour of visual clarity) and work may extend into the trout spawning period (Non-complying)

FWR.13 Temporary diversion of surface water. Diversion of surface water to facilitate shared pathway bridge pier construction will likely not meet all permitted conditions, including limiting the length of diversion to no longer than 50 metres. (Discretionary)

FWR.25 General discharges to land where it may enter the water. Sediment laden water associated with dewatering of the shared pathway bridge support construction sites will likely not meet permitted conditions (Discretionary)

Overall Status: Non-complying activity

REASONS FOR THE DECISION

Assessment of actual and potential environmental effects

1. I have assessed the application under section 104 of the RMA and determined that the adverse effects of the activity on the environment will be no more than minor and acceptable.
2. The proposed works are necessary to support development in the Kaka Valley enabled by PPC28 as identified in Schedule X.9 of the NRMP. I consider that the proposal has the potential to result in adverse effects in terms of transportation, flooding, ecological effects, character and amenity, construction effects, and cultural effects. These issues are discussed below. This assessment should be read in conjunction with the section 95 Decision Report dated 5 March 2025 which provides a more detailed assessment of environmental effects.

Transportation

3. The establishment of the shared pathway will enhance connections between Nelson and the Kaka Valley development site as well as the Maitai Valley generally. The shared pathway will be at least three metres in width with the exception of a two metre wide section near the Nile Street intersection. The Transport Assessment provided with the application states that good sight lines exist such that priority signage can adequately manage potential conflict between users. Council's Senior Transport Planner Mr James Hills accepts the solution as appropriate given the physical restrictions along this short stretch of pathway and has not noted any potential transport safety related concerns.
4. Mr Hills has not raised any concerns about the proposed alignment of the shared pathway in terms of transport safety and has recommended the consideration of design features as part of detailed design and that a Safe System Audit be conducted at preliminary design stage, at detailed design stage, and at pre-opening / post construction stage per the requirements of the Nelson Tasman Land Development Manual (**NTLDM**). Conditions of consent requiring final design and a safe system audit have been imposed.

Flooding

5. Two shared pathway bridges are proposed adjacent to the existing Gibbs and Jickells vehicle bridges. The water main and sewer main will also be located within the bridge decking. Both proposed shared pathway bridges are designed to pass the 2090 1% AEP flood levels.

6. Flood modelling indicates a small area of increased flood depth on the eastern approach ramp to the Jickells shared pathway bridge. Mr Kay, Council's Flood Activity Engineer, concludes that the increased level of 0.25+ metres on the pathway itself is acceptable given the pathway is very unlikely to be utilised on a storm event of this scale.
7. Flood modelling also indicates two other areas where flooding is increased by approximately 0.05 metres, being near the driveway of 102 Maitai Valley Road and in a vacant paddock at 1 Ralphine Way. In both instances, Mr Kay advises the small increase in flooding will not affect access to 102 Maitai Valley Road or any structures at 1 Ralphine Way. I rely on and adopt Mr Kay's opinion and conclude that adverse flooding effects are adequately avoided.

Ecological Effects

8. The ecological impacts of the proposed works, including vegetation removal and earth disturbance in the riparian area adjacent the bridge sites as well as in-river works, subject to conditions of consent which impose methods to mitigate those impacts, are considered to be temporary and no more than minor.
9. The Environmental Impact Assessment (**EIA**) provided with the application sets out proposed mitigation measures, including restrictions to the timing of works to minimise impacts on aquatic and terrestrial species, minimal required vegetation clearance, pre-work bird and lizard surveys, a fish salvage and relocation plan, and the replanting of impacted areas with native species.
10. Council's Environmental Programs Advisor Mr Scott Butcher and Senior Freshwater Scientist Mr Paul Fisher consider that the mitigation methods are appropriate and agree with the assessment contained in the EIA that adverse ecological effects can be appropriately mitigated by the implementation of best practice construction and ecological management methods and replanting. A condition of consent has been imposed that works will be undertaken under the direction of an ecologist and in accordance with a detailed final Ecological Management Plan to be submitted prior to bridge construction works commencing.

Character and Amenity

11. The Maitai Valley has an open, vegetated character that features limited residential development and multiple recreational opportunities. Further development within the valley has the potential to impact its existing character and visual amenity.
12. The shared pathway will remain consistent with the transport character of Maitai Valley Road which is dominated by the use of a single road through the valley. No impact on the protected Lombardy Poplar on the southern side of Maitai Valley Road is anticipated by the proposed shared pathway as no potentially damaging activity is required. Further, all other works are a sufficient distance from identified heritage woodlands in the wider area and adverse effects on those areas are avoided. The above ground portion of the water main and sewer main will appear as part of the bridge when traversing above the Maitai River and its impact on character and amenity values of the area will be no more than minor. The shared pathway bridges will read as minor extensions to the existing vehicle bridges that are consistent with the existing character of the immediate surrounds.

13. The cultural panelling proposed on each bridge will be a point of interest, will connect the cultural significance of the Maitai River with the relevant iwi, and will be a positive addition to the visual appearance of the bridges.
14. Overall, I consider that the proposal will maintain the character and amenity of the Maitai Valley.

Construction Effects

15. A draft construction management plan (**CMP**) prepared by Fulton Hogan has been submitted as part of the application outlining a works methodology and mitigation measures to minimise effects related to the works in the active river channel and on the banks to install the bridge supporting structures, including temporary and localised damming, diversion, and dewatering. Sedimentation and erosion control, clean water diversion bunds, sediment filtering, and the rehabilitation of all work areas post construction are proposed.
16. Mr Butcher and Mr Fisher conclude that adverse effects on terrestrial and aquatic species can be adequately mitigated based on the construction methodology proposed. A condition of consent requiring final CMPs be submitted once final design plans are complete will ensure appropriate mitigation measures are implemented.
17. Construction will be temporary, and the nearest residences to the bridge work areas are located at 102 Maitai Valley Road (170 metres from the Jickells shared pathway bridge works) and 1 Ralphine Way (140 metres from the Gibbs shared pathway bridge). I consider the distance from work sites and the mitigation available via site-specific CMPs will ensure potential adverse construction effects are less than minor.

Cultural Effects

18. The application outlines an engagement summary conducted on behalf of the applicant by Thirdspace Aotearoa specifically in relation to the shared pathway bridges. Iwi engaged include Ngāti Koata, Ngāti Rārua, Ngāti Apa ki te Rā Tō, Ngāti Toa, Rangitāne o Wairau, Ngāti Tama, Te Ātiawa, and Ngāti Kuia. It is noted that according to the Cultural Engagement Summary provided, engagement with iwi in relation to the larger development of PPC28 has been ongoing since 2020.
19. The proposal addresses feedback received by iwi by incorporating best practice measures to implement sedimentation and erosion controls, committing to riparian replanting and work area remediation, providing a flooding assessment indicating the bridges are above anticipated flood levels, and outlining the intent to include cultural panelling on the side of the shared pathway bridges.
20. Overall, I consider the application has demonstrated engagement with iwi and has adequately integrated feedback received into the proposed design and methodology such that potential adverse cultural effects are considered to be less than minor.

Relevant statutory provisions

The Nelson Resource Management Plan

21. Relevant objectives and policies of the NRMP are contained in Chapter 5 (District Wide), Chapter 11 (Open Space and Recreation), and Chapter 12 (Rural).
22. Objectives and policies in Chapter 5 (District Wide) primarily seek to manage natural and physical resources that recognise the needs of Māori communities (DO1.1), avoid

or mitigate adverse effects of natural hazards (DO2.1), protect and enhance water quality and ecological values of riparian margins (DO6.1), provide for a safe, efficient, and integrated land transport system that encourages transport modes other than private motor vehicles (DO10.1), and mitigates effects of activities and structures in the beds of rivers (DO17.1).

23. I consider that the proposal is consistent with the above-listed policies. The applicant has demonstrated long-term iwi engagement to inform the proposed works and addressed and avoided potential flooding impacts. Construction methodology and the integration of ecological expertise will ensure adverse effects on water quality and riparian margins are temporary and remediated on completion of works. Likewise, in-river works will be managed to mitigate potential impacts both during and post construction. The shared pathway will support non-vehicle modes of travel both to the future Kaka Valley development site and other locations in the Maitai Valley.
24. Objectives and policies in Chapter 11 (Open Space and Recreation) seek to recognise and maintain the amenity provided by current uses (OS1) and retain opportunity to provide for changing community needs (OS2). The proposal supports recreational access of the lower Maitai Valley. While the recreational users of Branford Park during construction may experience some disruption, any such disruption will be temporary. Final construction management plans will ensure safe work sites where interactions with recreational users are possible.
25. Objectives and policies in Chapter 12 (Rural) seek to maintain or enhance rural character (RU2) and rural amenity (RU3). The proposed shared pathway, utility line installation, and shared pathway bridge construction will remain consistent with the rural character and amenity of the lower Maitai Valley.
26. Overall, I consider the proposal is consistent with and not contrary to the objectives and policies of the NRMP.

National Policy Statement for Freshwater Management

27. The proposal is consistent with the objective and policies of the of the National Policy Statement for Freshwater Management 2020. Appropriate control measures have been incorporated into the project design and methodology which will protect the health and wellbeing of the Maitai River in a way that gives effect to Te Mana o Te Wai. Proposed replanting has the potential to enhance riparian values.

Part 2 Matters

28. I have considered the relevant principles outlined in sections 6, 7 and 8 of the Act. Due to the acceptable extent of adverse effects and consistency with relevant objectives and policies, I have concluded that granting consent to this application (subject to conditions) achieves the sustainable management purpose of the Act (as set out in section 5).

Notification and Affected Parties

29. It is considered under Section 95D of the Act that the adverse environmental effects of the proposed activity are no more than minor and there are no persons adversely affected by the proposal (pursuant to section 95E). The application has therefore been processed without notification.

Overall Evaluation

30. I have assessed the application under section 104 and 104D of the Act and determined that the adverse effects of the activity on the environment will be no more than minor and the proposal is not contrary to the policies and objectives of the NRMP and therefore the threshold tests of s104D can be met. I consider granting consent will achieve the purpose of the Act.

Reporting Officer: Christian Martin

Position: Senior Planner

Signed



Date 14 March 2025

This decision report has been reviewed and resource consent is **granted** in accordance with the recommendation, on 14 March 2025 pursuant to delegated authority from Nelson City Council by:

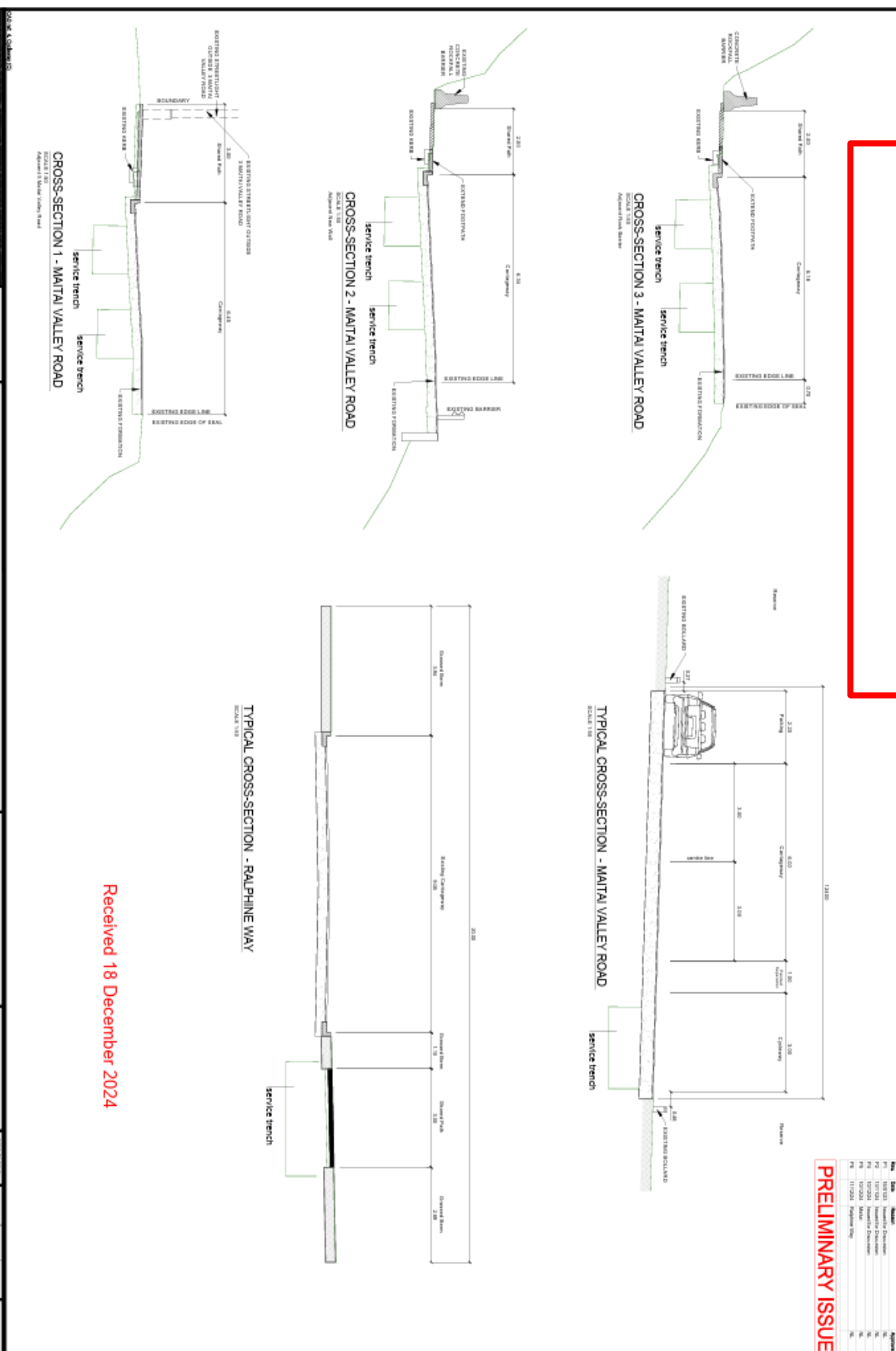


Antoinette Besier
Independent Commissioner

14 MARCH 2025

Received 18 December 2024

APPROVED PLANS
RM245337, 245338, 245339, 245340
14 MARCH 2025



RM245337,245338
245339, 245340

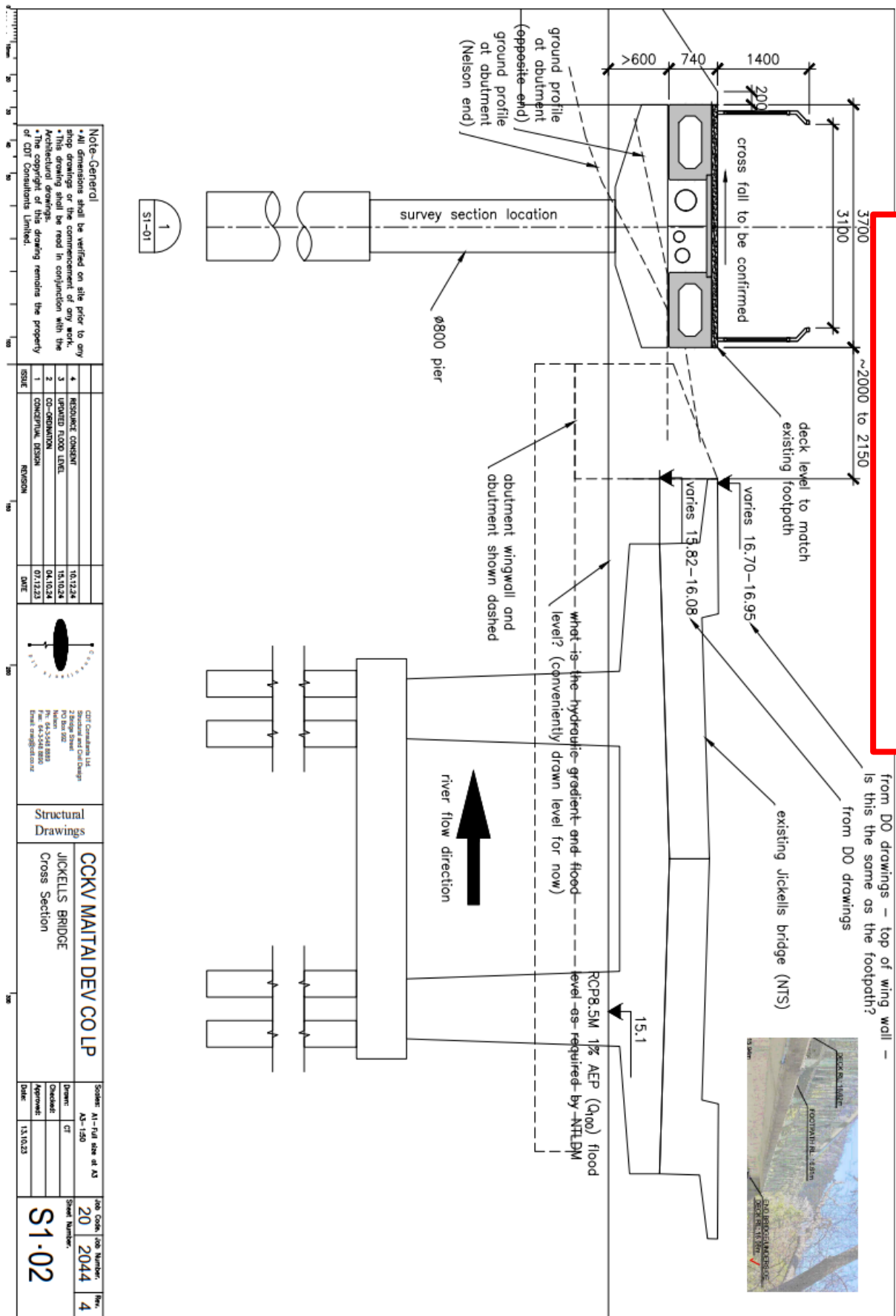
Notice of Decision

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APPROVED PLANS
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APPROVED PLANS
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