



**landmark life**<sup>ltd</sup>  
RESOURCE MANAGEMENT

# Application for Resource Consent

Shared Pathway and Bridges,  
Maitai Valley Road, Nelson

CCKV Maitai Dev Co LP



# Application Form

## APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Nelson City Council  
PO Box 645  
Nelson 7040

From: CCKV Maitai Dev Co LP  
Attn: Neil Donaldson  
[Neil@maitahi.nz](mailto:Neil@maitahi.nz)

(Please use the above contact details for invoicing purposes only)

1. CCKV Maitai Dev Co LP applies for the following type of resource consent:

RMA	Consent Type	Activity
Section 9	Land Use	To construct a shared pathway, with part being less than 3.0m wide, and including two new bridges over the Maitai River, and for all related construction activities; and To install a water main and gravity sewer through Branford Park.
Section 13	Land Use	To undertake activities on the bed of a river, including construction related disturbance activities and the placement of bridge support structures.
Section 14	Water Permit	To temporarily dam and divert water for the purpose of, and in association with, the construction of the shared pathway bridges.
Section 15	Discharge	To discharge sediment laden water as a part of the construction of the two bridges.

2. A detailed description of the activities to which the application relates is provided within Section 3.0 of the attached Assessment of Environmental Effects.
3. The site names and addresses of the owners of the land to which the application relates are as follows:
- Nelson City Council
4. No additional resource consents are required in relation to this proposal.
5. An assessment of the potential and / or actual effects the proposed activity may have on the environment, in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991, is attached.
6. An assessment of the proposed activity against the matters set out in Part 2 and against any relevant provisions of a document referred to in Section 104(1)(b) of the Resource Management Act 1991 is attached.
7. No other information is required to be included in the application by the regional plan, the Resource Management Act 1991 or any regulations made under the Act.



**Mark Lile**

Signed on behalf of the Applicant  
Dated: 18 December 2024

**Address for Service:**

CCKV Maitai Dev Co LP  
C/- Landmark Lile Limited  
PO Box 343  
Nelson 7040  
Attn: Mark Lile

Email: [mark@landmarklile.co.nz](mailto:mark@landmarklile.co.nz)

Mob: 027-244-3388

# Application Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>6</b>
<b>2.0</b>	<b>The Site and Receiving Environment.....</b>	<b>7</b>
<b>3.0</b>	<b>Description of the Proposal .....</b>	<b>15</b>
3.1	Overview .....	15
3.2	Shared Pathway .....	15
3.3	New Jickells and Gibbs Bridges.....	17
3.4	New Water Main and Gravity Sewer .....	20
<b>4.0</b>	<b>Activity Status .....</b>	<b>22</b>
4.1	Zoning (Nelson Resource Management Plan) .....	22
4.2	Relevant Rules of the NRMP .....	23
4.3	Required Consents .....	25
<b>5.0</b>	<b>Assessment of Environmental Effects.....</b>	<b>26</b>
5.1	Introduction and Scope.....	26
5.2	Permitted Baseline .....	26
5.3	Transport Effects .....	26
5.4	Effects on the Lombardy Poplar.....	27
5.5	Flooding Effects.....	27
5.6	Ecological Effects .....	28
5.7	Cultural Values .....	29
5.8	Landscape Values .....	29
<b>6.0</b>	<b>Relevant Planning Documents .....</b>	<b>30</b>
6.1	National Planning Documents.....	30
6.2	National Environmental Standards (NES) .....	34
6.3	Te Tau Ihu Statutory Acknowledgements .....	34
6.4	Nelson Regional Policy Statement.....	34
6.5	Nelson Resource Management Plan .....	35
<b>7.0</b>	<b>Overall Assessment and Part 2 of the RMA.....</b>	<b>44</b>

## Supporting Information

- Attachment A:** Certificates of Title (x4)
- Attachment B1:** Shared Path & Servicing Plans (Davis Ogilvie)
- Attachment B2:** Shared Path – Cross Section (Davis Ogilvie)
- Attachment B3:** Structural Drawings – Jickells & Gibbs Bridges (CDT Consultants Ltd)
- Attachment C:** Construction Management Plan (including Dust, Erosion, and Sediment Control Plan) (Fulton Hogan Ltd)
- Attachment D:** Flooding Assessment (Tonkin & Taylor Ltd)
- Attachment E:** Transportation Assessment (Traffic Concepts Ltd)
- Attachment F:** Ecological Impact Assessment (Robertson Environmental Ltd)
- Attachment G:** Iwi Engagement Summary (Thirdspace Aotearoa)

# 1.0 Introduction

This is an application for resource consent for the construction of a shared pathway, from the intersection of Nile Street East and Maitai Valley Road, to the land at 7 Ralphine Way contained within Schedule X of the NRMP. This new shared pathway is also proposed to be coordinated with the extension of water and wastewater services to the site, also being a part of this proposal.

The proposed shared pathway principally requires resource consent as it involves the construction of new bridges (alongside Jickells and Gibbs Bridges) over the Maitai River. While bridges are provided for as a permitted activity in the NRMP, any support structure and physical works within the bed of any requires resource consent approval. Consent is also required for the servicing infrastructure within the bridge structure.

The proposed shared pathway will provide a significant enhancement to the safety and amenity of large number of existing and future recreational users of the Maitai Valley Road, up to the intersection of Ralphine Way. Particular care has also been taken to ensure the alignment of the pathway maintains and enhances the transport and recreational values in the valley. This has also been achieved through obtaining pre-application feedback from the relevant Nelson City Council officers.

The proposed bridges have also been designed to minimise their visual impact, while also being culturally responsive. In recognition of the Statutory Acknowledgements and the principles of Te Mana o Te Wai, iwi have been consulted over this project. The applicant has a strong working relationship with iwi of Te Tau Ihu and that relationship will continue to be strengthened as the associated Maitahi Village development is further advanced.

A multi-disciplinary approach has also been taken to ensure both the short-term construction effects and long term ecological and cultural outcomes of this project are appropriately avoided, remedied and mitigated. The proposed works also include the incorporation of restoration opportunities that are designed to improve long term ecological functioning and cultural values of the river.

The flooding risks of the Maitai River have been appropriately considered and addressed in the design of the proposed shared pathway bridges. Both bridges have in fact been designed with their underside above the level of the 1% AEP storm event to ensure compliance with the NTLDM. Both of the proposed bridges will be higher than the existing bridges.

As noted above, a multi-disciplinary approach has been taken to ensure each of the relevant and overlapping considerations are addressed, and to achieve alignment with the relevant objectives and policies of the planning documents, particularly those that formed an integral part of PPC28. As a result, this application is supported by a comprehensive and fully integrated set of supporting technical assessments and plans.

Overall, this application is considered to achieve the sustainable management of natural and physical resources and so be consistent with the purpose and principles of the Resource Management Act 1991. This project will also serve to address some of the existing transport and servicing constraints that are relevant to enabling the significant positive social, economic and environmental outcomes that is provided for by Schedule X of the NRMP.



## 2.0 The Site and Receiving Environment

This application for resource consent relates to the 1.4km land-road corridor from the southern end (start) of Maitai Valley Road and ending at the land at 7 Ralphine Way. This is a transport (and recreational) corridor which passes through the Branford Park recreational area, crossing the Maitai River at the Jickells and Gibbs Bridges, passes the Maitai Cricket Ground and part of the Waahi Taakaro Reserve, and then provides access to the 8 properties with frontage to Ralphine Way.

Provided in support of this application are a number of plans and technical reports that contain relevant information that, in combination, describe this site. A recent copy of the relevant 4 x Records of Title for the relevant parcels (outside of road reserve) are provided within **Attachment A**. A summary of this supporting information is provided below.

Plans showing the alignment of the proposed shared pathway are provided within **Attachments B1 and B2** of this application. Starting at the southern end, these plans locate the proposed pathway on the western side of Maitai Valley Road before crossing at the first bend over to the southern side of the road. The initial portion of the pathway is characterised by a narrow section of the road, caused by the steep cut on the western side and the eroded river-bank on the eastern side. Refer to **Figure 1** below.



**Figure 1:** The narrower section of Maitai Valley Road, constrained on both sides

The proposed pathway crosses the road in a location 210m from Nile Street East in the location of the existing crossing. See **Figure 2**. The bend then continues for another 150m before the road straightens for a distance of 380m up to Jickells Bridge. The carriageway is very wide along this section, with the recreational space (Disc Golf Course) on the northern side and treed reserve on the southern side. The trees on the southern side are a part of the landscape grouping which includes a Lombardy Poplar close to the edge. Refer to **Figure 3**.





**Figure 2:** The existing crossing from the footpath to the walkway / cycleway



**Figure 3:** The Lombardy Poplar close to the current carriageway



Jickells Bridge is located approximately 760m from Nile Street east, with the river flowing toward the south. This bridge is approximately 7.0m wide, plus 2 x 1.2m footpaths. Refer to **Figure 4**.



**Figure 4:** Jickells Bridge – looking east, up Maitai Valley Road

The Maitai Cricket Ground is located after Jickells bridge on the left / northern side, followed by the property at 105 Maitai Valley Road. Number 102 Maitai Valley Road is on the right, with part of the Ngati Koata landholding also having frontage on the southern side before Gibbs Bridge. Refer to **Figure 6** and the plans in **Attachment B1** which identify adjacent landowners.

Gibbs Bridge is the one-way bridge that is 3.7m wide. Refer to **Figure 5** below. The northern side of the bridge is characterised by the concrete wall / rail, while to south side has a concrete edge (<1.0m wide) that is used as a footpath. Beyond Gibbs Bridge the Waahi Taakaro Reserve is located on the right/southern side with number 1 Ralphine Way located on the left/northern side. 1 Ralphine Way is a corner site, with frontage to Ralphine Way.



**Figure 5:** Gibbs Bridge – looking east, up Maitai Valley Road





**Figure 6:** Aerial Photo of the area between Jickells Bridge and Ralphine Way

Ralphine Way has a formed-sealed width of 9.0m, being designed and constructed to extend further north.

The transport assessment provided in **Attachment E** contains a description of the local transport network. Nile Street East is a Collector Road, while Maitai Valley Road up to and including Ralphine Way is a Proposed Sub-Collector Road. The width of Maitai Valley Road is described in **Attachment E**, with it naturally varying in width along its length in response to topography and the bridges. The transportation assessment also describes the sight distances along Maitai Valley Road and at the intersection with Ralphine Way.

The Maitai River and its tributaries have Statutory Acknowledgement for all iwi of Te Tau Ihu. The rich cultural history of the valley are fully addressed in the management plan contained within **Attachment C**, and also canvassed by the summary of engagement (with iwi) provided within **Attachment G**.

This application is also supported by plans (**Attachment B3**) that help describe the profile of the Maitai River at the two bridge locations, along with a description of the current and forecasted flooding risks (**Attachment D**) and freshwater values (**Attachment F**).

In terms of flooding, baseline flood modelling (2090 RCP8.5M 1% AEP storm event) has been identified by Tonkin & Taylor and shown in their Figure 3.1 (inserted into **Figure 7** below). This shows widespread flooding in the area during that modelled event. For Jickells Bridge the modelled flood level is identified as RL15.1m, while at Gibbs Bridge the modelled flood level is RL18.8m. These levels are relevant to the establishment of design level of the underside of the proposed footbridges.

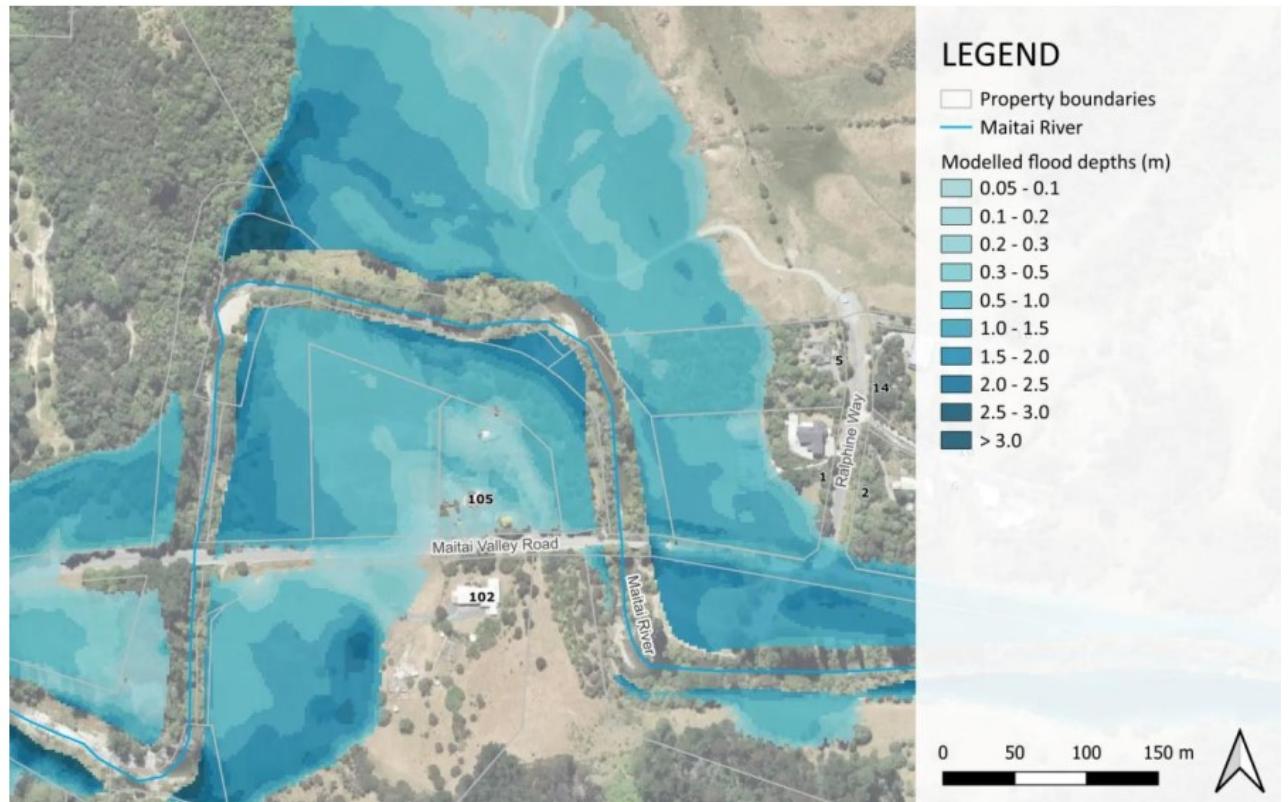


Figure 3.1: Modelled flood depths around Gibbs and Jickells Bridges in the 2090 RCP8.5M 1% AEP storm event. Model version MaiBikYk\_v083.

## Figure 7: The Baseline Flood Modelling (see Attachment D).

Within the Construction Management Plan (CMP) provided within **Attachment C** is a description of both the existing Jickells and Gibbs Bridges. Extracts from that description is provided below, with photos provided in **Figures 8 and 9**, and also figures provided within section 4 of this application.

In terms Jickells Bridge:

*The Jickell's Bridge is the most western of the bridges that form part of the proposal, some 800 meters east from the start of Maitai Valley road. The bridge is double laned, approximately 12.0 meters wide and 40.0 meters long. The bridge platform is supported by two piers located on the riverbanks with no piers located in the active river channel.*

Refer to **Figure 8** on the following page.

In terms of Gibbs Bridge:

*The Gibb's Bridge is the most eastern of the bridges that form part of the proposal, some 1.1 kilometers east from the start of Maitai Valley road. The bridge is single laned, approximately 5.0 meters wide and 47.0 meters long. The bridge platform is supported by two piers and two abutments roughly 15 meters apart. Only one of the piers is located in the active river channel.*

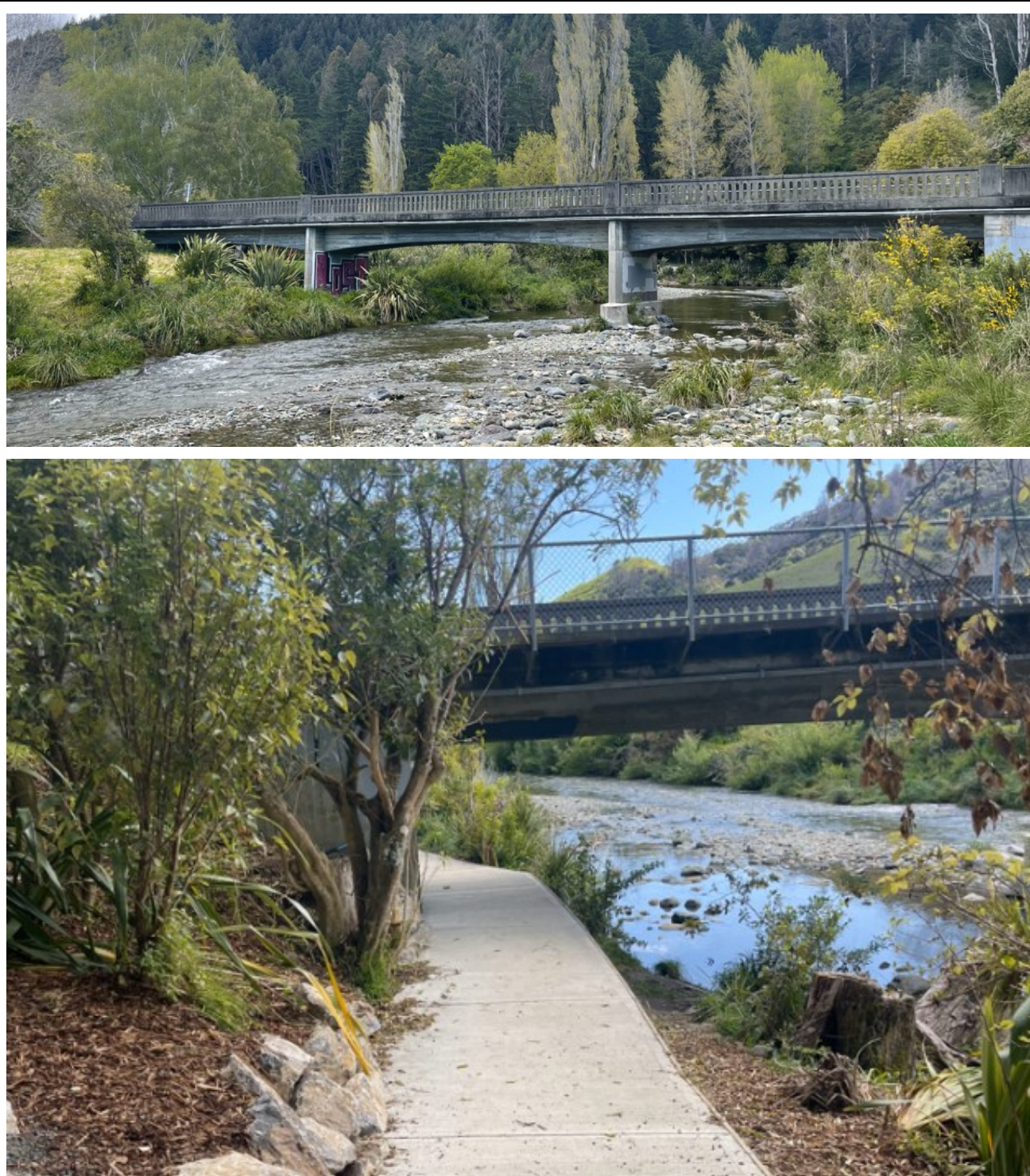
Refer to **Figure 9** on page 13.





**Figure 8:** The underside of Jickells Bridge looking west, plus eastern underpass





**Figure 9:** Gibbs Bridge, plus western underpass

Provided within **Attachment F** of this application is an *Ecological Impact Assessment* that includes a comprehensive description of ecological values within the work area. Extracts from that comprehensive description are provided below, along with the summary provided from Table 3.8 of the EIA.

### 3.1.2.2 Ecological Value [Aquatic Ecology]

The aquatic (freshwater) aspect of the Gibbs and Jickells Survey Areas within the Maitai River are assessed as having **Moderate to High** ecological value, attributed to their permanently highflowing hydrology, coarse substratum (gravel, cobble, boulders), water quality, and the potential presence of TAR fish species. These features support diverse and stable aquatic habitats with low sediment deposition and suitable conditions for fish and invertebrate communities.

Riparian vegetation at both sites contributes to ecological value, with Gibbs featuring a more intact understorey compared to the Jickells Survey Area, where the understorey is largely absent. Despite this variation, both sites benefit from riparian shading and stabilisation, though further enhancement could improve habitat complexity and shading effectiveness.

### 3.1.4.5 Ecological Value [Terrestrial Ecology - Flora]

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

### 3.1.6 Summary of Ecological Value

Table 3.8 summarises the ecological values of the ecological features (aquatic and terrestrial) present within the Project Area.

**Table 3.8** Summary of ecological values for aquatic and terrestrial habitat and species within the Project Area.

Ecological Feature		Assigned Ecological Value
Aquatic Habitat		
Maitai River (Gibbs and Jickells Survey Area)		Moderate-High
Aquatic Fauna		
<b>Fish</b>	Maitai River (Gibbs and Jickells Survey Area)	Low-High
Terrestrial Habitat		
Secondary native shrubland (NS)		High
Exotic shrubs/trees (ES)		Low-Moderate
Exotic grassland (EG)		Low
Accessways or Bare Ground (NV)		Very Low
Terrestrial Fauna		
Bats		N/A
Native birds		Low-Moderate
Native Macroinvertebrates		Low
Native herpetofauna		Low

The zoning of this site is described in section 4.1 below.



## 3.0 Description of the Proposal

### 3.1 Overview

This application from CCKV Maitai Dev Co LP ("CCKV") involves the construction of a shared pathway between Nile Street East and the land contained within Schedule X (at 7 Ralphine Way). This shared pathway will provide an active mode transport connection from the PPC28 land to Nile Street. Part of this proposed pathway also passes close to a protected Landscape Tree (Lombardy Poplar) which does not require resource consent as the works only involve line marking.

In order to achieve this active mode connection, two new bridges are required over the Maitai River, alongside and separate from the Jickells and Gibbs Bridges. These two new bridges are also proposed as a part of this application for resource consent, including the works required for the bridge construction and for their position with support structures within the bed of the river.

Another component of this application which will require resource consent is the coordinated extension of the gravity sewer main and water main from Nile Street East to the site. The alignment for these new services will predominantly follow the road corridor but also pass within the Reserve to avoid significant trees, and will also cross the Maitai River via the proposed new shared pathway bridges.

A detailed description of the above-described proposal is provided under the relevant subheadings below, with support from the plan and technical reports provided as Attachments to this application.

### 3.2 Shared Pathway

The proposed shared pathway is described on the plans and cross sections within **Attachments B1 and B2** and also in the Transportation Assessment provided within **Attachment E**.

As a matter of background, Plan Change 28 was promulgated and approved on the basis that there would be an active mode transport connection between the site at 7 Ralphine Way (contained within Schedule X) and Nile Street East. The provision of this shared pathway is required as a part of ensuring the transport network can safely accommodate the growth provided for within Schedule X, while also be a part of delivering a well-functioning urban environment.

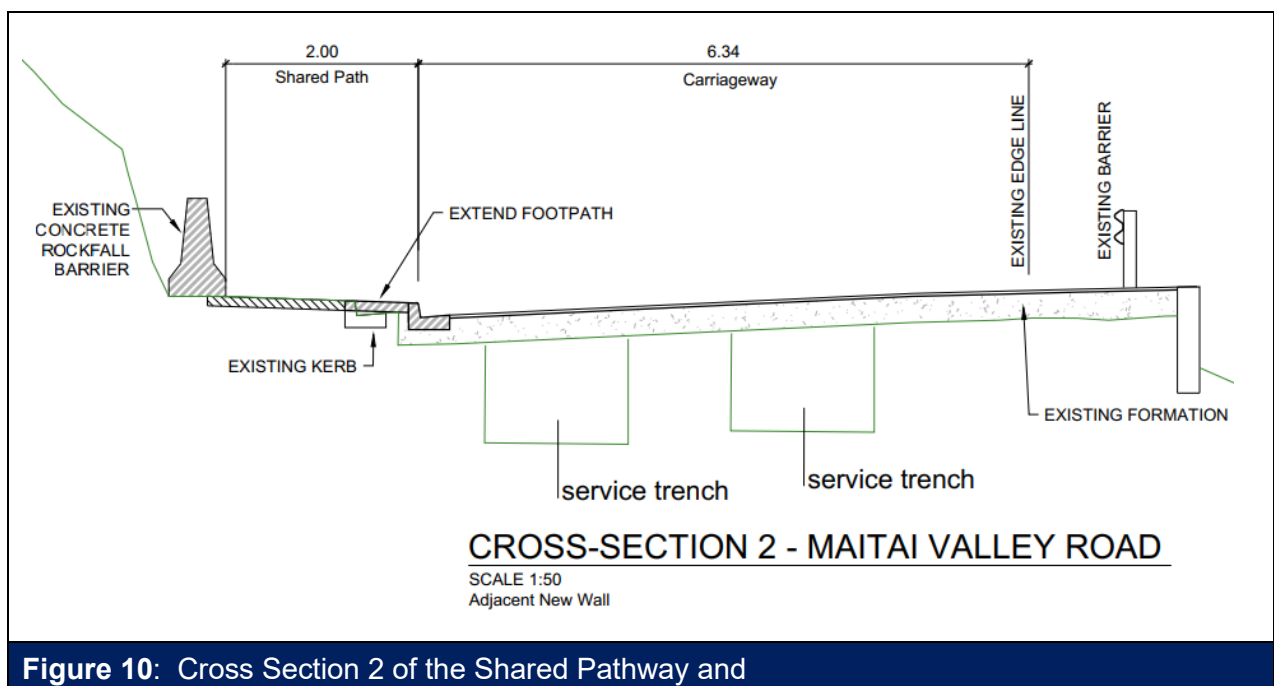
Schedule X (X.9) requires that the following improvements/upgrades be made to the transport network:

<b>Transport Upgrade</b>	<b>Construction or Improvement</b>
<i>The active mode connections from the PPC 28 Plan Change are to the city centre (Collingwood Street). There may be separate routes to provide for recreational users and commuters (includes work and education).</i>	<i>Construct a separated shared path from PPC28 to Nile Street and/or Hardy Street. The shared pathway must be at least 3000mm wide There are a number of design options that will be considered as part of Stage 1 of the subdivision.</i>
<i>Gibbs Bridge walk / cycle provision</i>	<i>Construct a shared cycle/walk bridge across the Maitahi/Mahitahi River. Note that this upgrade may be replaced with alternative shared path access from PPC 28 that removes the need for this project.</i>
<i>The intersection of Ralphine Way and Maitai Valley Road</i>	<i>Improve sight lines, install intersection control and provide right turn bay for Ralphine Way.</i>

This application seeks to address and remove these transport constraints through the provision of the shared pathway and construction of the new bridges as described below. Other transport constraints identified within Schedule X will be addressed as a part of the resource consent to subdivide and develop the site.

The alignment of the proposed shared pathway is shown on the plans provided in **Attachment B1** of this application. Starting from Nile Street East, this pathway is proposed to be located on the western side of Maitai Valley Road before crossing at the existing road crossing approximately 220m from Nile Street (see **Figure 2** above). The proposed pathway would then follow the southern side of the road until it crosses at the intersection with Ralphine Way, and then follows the eastern side of Ralphine Way to the site. The intersection of Maitai Valley Road and Ralphine Way would be upgraded as required by X.9 as a part of also installing the shared-pathway crossing.

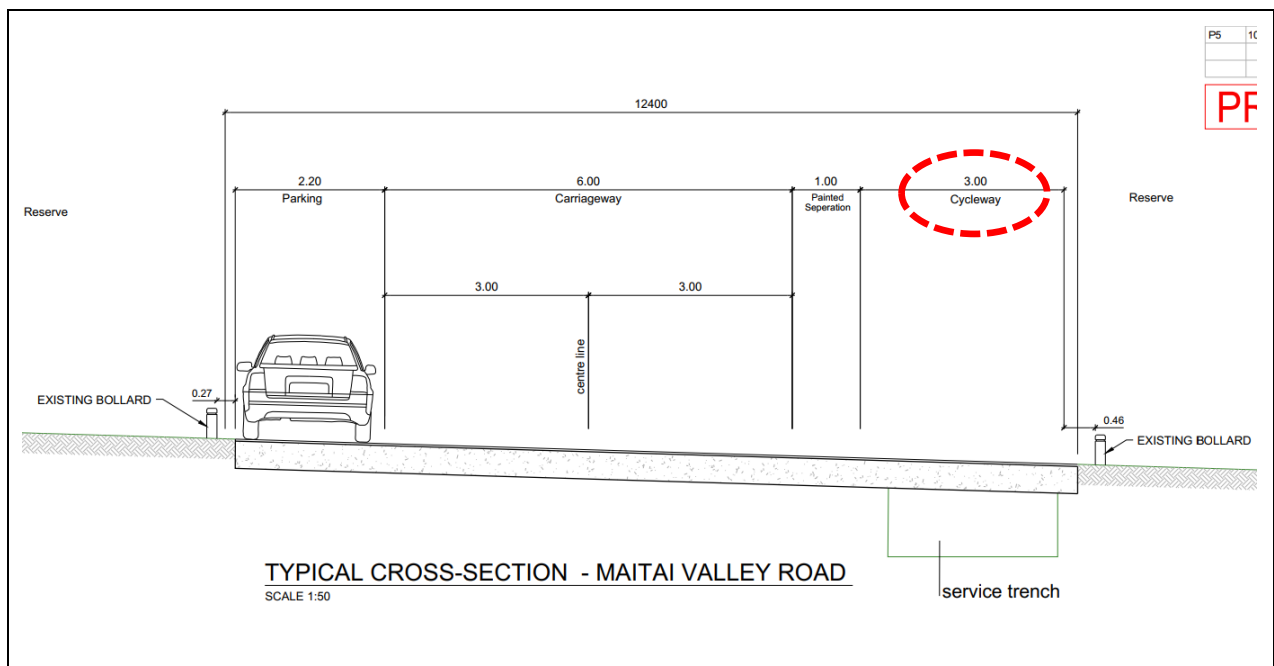
As shown in **Attachments B1 and B2**, the proposed shared pathway would be 3.0m wide for a significant majority of its length (see **Figure 11**), with only narrower sections at the southern end in response to the physical constraints caused by the streetlight outside of number 3 Maitai Valley Road, and also the narrow carriageway caused by the concrete rockfall barrier (west side) and retaining wall and barrier (east side). In combination, the section of proposed pathway that is less than 3.0m wide, being down to 2.0m in width, is for a section of pathway 30m in length. For the first section of shared pathway the carriageway of Maitai Valley Road would also be narrowed to a width between 6.18m and 6.45m. Refer to **Figure 10** below.



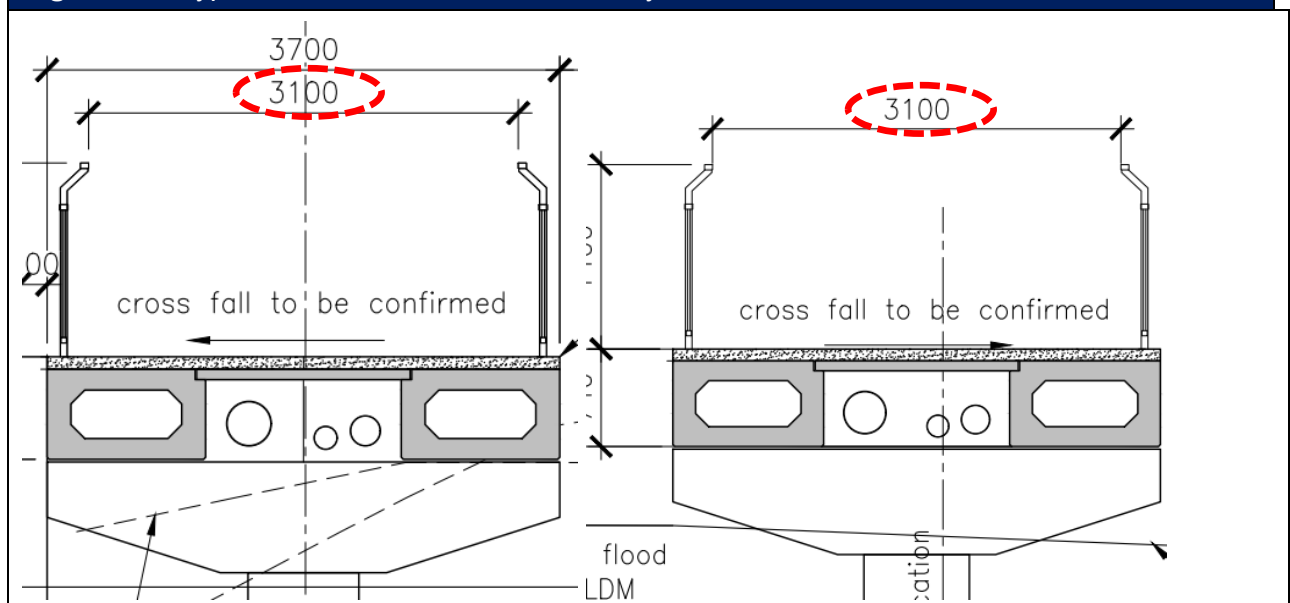
The Typical Cross Section of the Shared Pathway is provided in **Figure 11** on the following page. For the ~550m of the pathway up to the Jickells Bridge, this pathway is able to be accommodated within the existing formed carriageway and defined by the bollards on each side of the road.

At the point of crossing the Maitai River, at Jickells and the Gibbs Bridges, new dedicated bridges for the shared pathway are proposed to follow the southern side of Maitai Valley Road / existing bridges. As shown on the bridge plans provided in **Attachment B3**, and in **Figure 12** below, these new bridges over the Maitai River will maintain the 3.0m side shared pathway width.

Beyond Gibbs Bridge the proposed shared pathway will continue on the southern side of the road before crossing on the eastern side of the Ralphine Way intersection and then extending up eastern side of Ralphine Way road reserve to the site.



**Figure 11: Typical Cross Section – Maitai Valley Road**



**Figure 12: The Shared Pathway Bridges (Jickells on left, Gibbs on right)**

As noted in section 2.0 above, the proposed shared pathway passes alongside the protected Lombardy Poplar (see **Figure 3**) and is within the calculated root protection zone as shown on **Attachment B1**. Construction of the shared pathway will only involve altering the road marking within the current formed / sealed carriageway.

### 3.3 New Jickells and Gibbs Bridges

The detailed plans and elevations of the proposed new dedicated shared pathway bridges alongside the existing Jickells and Gibbs bridges are provided within **Attachment B3** of this application. The bridges have been designed by CDT Consultants, with specialist input from Thelin Construction, and



also Fulton Hogan Ltd with respect to construction management and methodology, and Robertson Environmental Ltd with respect to construction management and ecological restoration works.

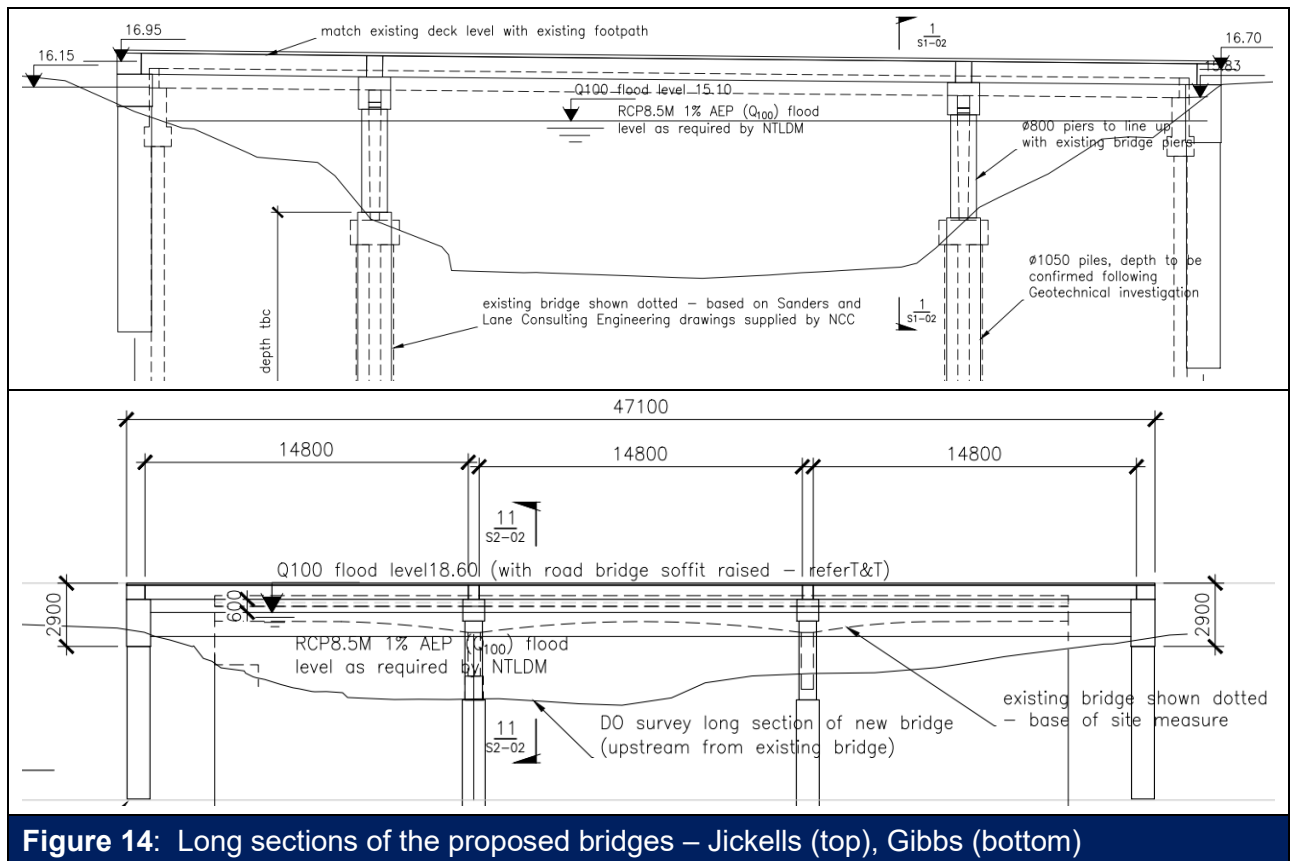
Visualisations of the proposed bridges are provided in **Figure 13** below. Both bridges are stand alone, located immediately south of the existing bridges, with structure supports aligned with the existing piers (see Gibbs Bridge visualisation below). With the specialist design input from Waka Group (architect, Keni-Duke Hetet), the proposed bridge includes some cultural panelling (conceptually) in recognition of the significance of the Mahitahi River to iwi of Te Tau Ihu.



**Figure 13:** Visualisations of the proposed Jickells (top) and Gibbs (bottom) Bridges

The engineering design drawings provided in **Attachment B3** include plans of the bridge locations as well as long sections showing the bridge across the River profile and cross sections of the proposed shared pathway bridges next to the cross section of the existing bridges.

The proposed Jickells Bridge is located on the downriver/southern side of the existing bridge. This new bridge is 36.3m in length (conceptually) and 3.7m wide. This proposed bridge will have four supporting piers in line with the piers of the existing bridge. In accordance with the flooding assessment undertaken by Tonkin & Taylor, the underside of this proposed Jickells Bridge will be at 15.94m, being the same as the underside level of the current Jickells Bridge.



**Figure 14: Long sections of the proposed bridges – Jickells (top), Gibbs (bottom)**

The proposed new shared pathway alongside the Gibbs Bridge is to be located alongside the upriver/southern side of the existing bridge. This new bridge is 47.1m in length (conceptually) and 3.7m wide. This proposed bridge will also have four supporting piers in line with the piers of the existing bridge. In accordance with the flooding assessment undertaken by Tonkin & Taylor, the underside of this proposed Gibbs Bridge will be at RL 19.2m, being 1.3m higher than the underside of the existing bridge. Even at 19.2m however this does not comply with the NTLDL.

Also provided as an impact part of this part of the proposal is the detailed Construction Management Plan, prepared by Fulton Hogan Limited and provided within **Attachment C** of this application. This CMP describes how the bridges will be constructed, what physical works in the river are required, and the mitigation measures volunteered to ensure the temporary effects are minimised. A summary of that CMP/ESCP is provided below.

The CMP acknowledges the hydrology of the Maitai River, its cultural significance, and the ecological values that exist, including seasonal fish migration sensitivities.



Fulton Hogan has provided a description of the construction methodology, including the driving of piles, disturbance of the river banks, impact on riparian vegetation on part of the work site, the use of a range of large plant/machinery, and the physical disturbance of the riverbed. As part of minimising the effects of these activities within the river, the CMP describes the use of dewatering, along with filtration and discharge of water below the work area. The CMP also describes the creation of temporary and protected gravel platforms for plant to access the pier sites.

Reinstatement and remediation of the work site is also volunteered as a part of the construction activity. This includes opportunities for ecological enhancement, as set out by Robertson Environmental Limited:

### **5.1 Positive Effects**

*The construction of two bridges over the Maitai River within a lowland floodplain, where existing riparian values are relatively low, offers opportunities for significant ecological improvement through targeted riparian restoration efforts. While instream restoration is not deemed appropriate given the high-flow hydrology and existing bed stability of the Maitai River, the Project may involve enhancing riparian margins to deliver net ecological benefits. Opportunities include:*

#### **Riparian Habitat**

- *Riparian restoration and planting — Establishing continuous native vegetation along riparian margins to stabilise banks, reduce erosion, and improve shading. Targeted planting will also enhance biodiversity and provide habitat connectivity for terrestrial and semi-aquatic species.*
- *Improved bank stability — Utilising native species to stabilise banks near the bridge structures, reducing the risk of erosion and ensuring long-term riparian health.*

*Further benefits can be integrated during detailed design, including:*

- *Green infrastructure - Expanding native vegetation along roadsides and bridge approaches to create biodiversity corridors.*
- *Habitat connectivity - Linking riparian restoration areas to improve ecological function across the floodplain.*
- *Shading and thermal regulation - Enhancing riparian shade to reduce water temperatures, benefiting aquatic and riparian ecosystems. (Attachment F, Section 5)*

The CMP also describe the internal monitoring and auditing undertaken by Fulton Hogan as a part of minimising the construction effects, as well as the use of best practice tools, and also identified when it considers Council's monitoring of consent conditions should be undertaken.

The detailed CMP provided in **Attachment C** is expected to be an important and integral part of this proposal. It is expected that this CMP would be updated and improved in response to any feedback received during the resource consent process.

## **3.4 New Water Main and Gravity Sewer**

As set out above, the applicant also proposes to lay a new water main and gravity sewer up Maitai Valley Road and Ralphine Way to the site. The plans provided in **Attachment B1** show the alignment of these new services, including where they depart from the road reserve to avoid established trees. These diversions off the road reserve and into the recreational reserve of Branford Park (CR2 Scheduled Site) also triggers the need for resource consent approval.

In terms of the river crossings, the proposed water main and gravity sewer is to be laid within the bridge decks as shown in the cross sections provided in **Figure 12**. Consent is also sought for this infrastructure, out of an abundance of caution, given it being over a freshwater resource.

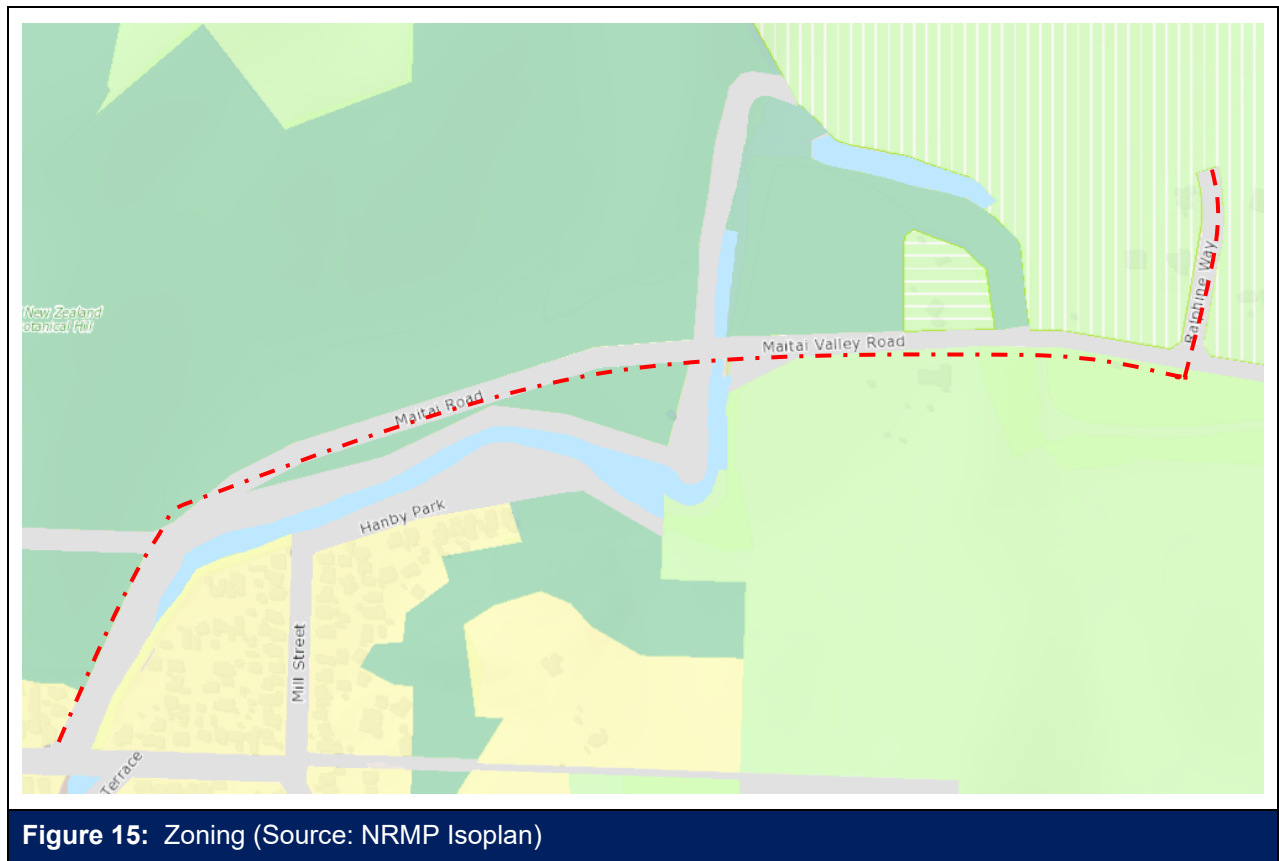


This part of the proposal, extending water and wastewater reticulation to the site, is a part of removing the current water and wastewater servicing constraints identified by the *Services Overlay* (NRMP).

## 4.0 Activity Status

### 4.1 Zoning (Nelson Resource Management Plan)

With the exception of the first section of shared pathway from the bottom end of Maitai Valley Road located in the *Residential Zone*, a majority of the pathway is located in the *Open Space & Recreation Zone*, with the final section east of Gibbs Bridge within the *Rural Zone*, including part within the Rural – Small Holdings Area (Ralphine Way). See **Figure 15** below.



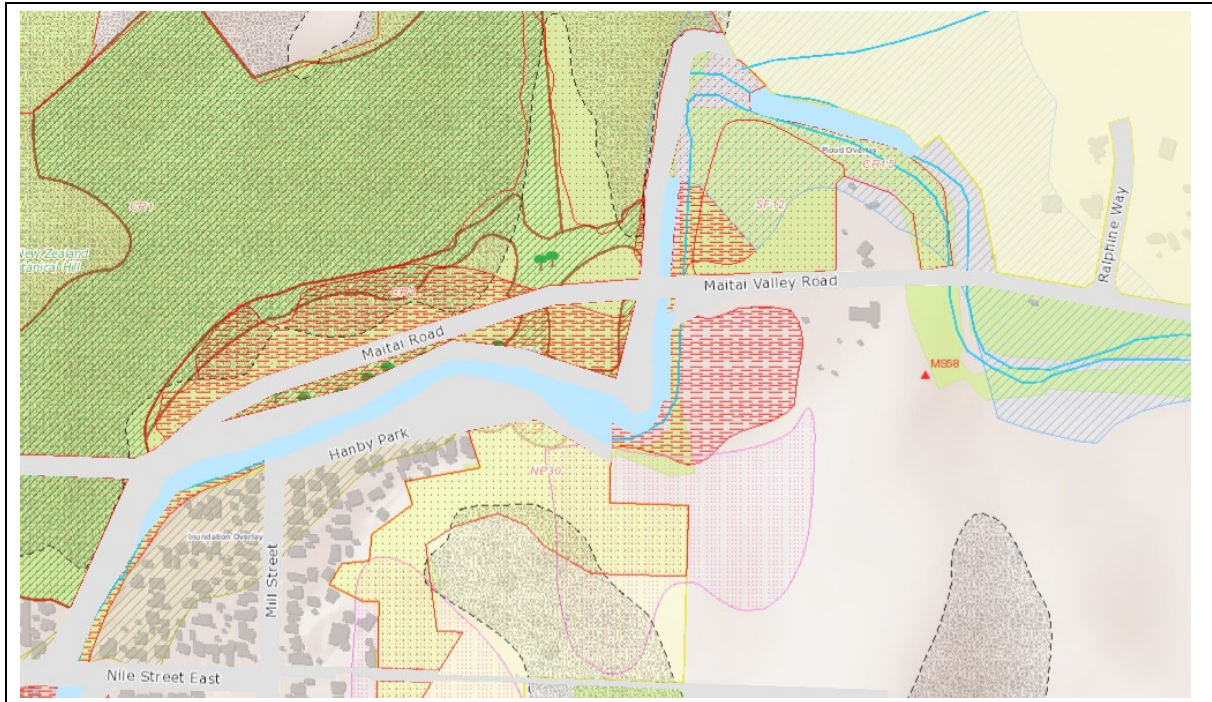
**Figure 15:** Zoning (Source: NRMP Isoplan)

Provided within **Figure 16** below is the Overlay Map from the NRMP, sourced from the online planning maps (Isoplan).

There are a number of Overlays that apply to part of the subject site, namely:

1. The Landscape Tree (Lombardi Poplar);
2. The Woodland that extends across onto the south side of Maitai Valley Road;
3. The Floodpath Overlay (shown in red hatching);
4. The Flood Overlay (shown in blue hatching);
5. The Riparian Overlay (blue lines); and
6. Scheduled Site (CR2 'Branford Park') in the Open Space & Recreation Zone.

Given the overlays between the above Overlay features it is considered necessary to Council's Isoplan version of the maps to establish the relevant zoning and overlays within the subject site area.



**Figure 16: Overlays (Source: NRMP Isoplan)**

## 4.2 Relevant Rules of the NRMP

**Table 1** assesses the proposal against the relevant rules within the Nelson Resource Management Plan (NRMP).

TABLE 1:		
Rule	Status	Reason
<b>Open Space and Recreation Zone (Chapter 11)</b>		
<b>OSr.20 &amp; Oss.3.i</b> Permitted Activities	<b>Non-complying Activity</b>	Part of this proposal involves laying a water main and gravity sewer within Branford Park (CR2). As schedule CR2 does not specifically provide for infrastructure services, resource consent is required as a non-complying activity.
<b>OSr.43</b> Network utility – above ground and underground utilities	<b>Discretionary Activity</b>	Underground network utilities are a permitted activity.  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 shared pathway bridges triggers the need for consent under this rule.
<b>OSr.45</b> 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.
<b>OSr.46</b> Network utility - roads	Permitted	New roads are permitted, unless it is a State Highway, Arterial or Principal Road. No new road is proposed.
<b>OSr.47</b> Vegetation clearance	<b>Controlled Activity</b>	Vegetation clearance is required as a part of the construction of the shared pathway bridges. This is considered to be a controlled activity.



<b>OSr.48</b> Soil disturbance	<b>Controlled Activity</b>	Soil disturbance is required as a part of the construction of the shared pathway bridges. This is considered to be a controlled activity.
<b>OSr.49</b> Earthworks	<b>Restricted Discretionary Activity</b>	The construction of the proposed shared pathway bridges will involve earthworks within 10m of the Maitai River. This is a restricted discretionary activity.
<b>OSr.56</b> Riparian Overlay	<b>Controlled Activity</b>	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 bridges are considered to require consent in this regard.
<b>OSr.57</b> Flood Path Overlay	<b>Discretionary Activity</b>	The proposed bridges and network utility lines requires consent as a discretionary activity within the Flood Path Overlay.
<b>OSr.70</b> Heritage and Landscape Trees	Permitted Activity	The proposed shared pathway passes alongside the existing protected Lombardy Poplar tree. The works required to form the pathway along the existing sealed carriageway will however only involve altering the road markings. Works that do not involve compaction, sealing, removal or addition of soil is permitted.
<b>Rural Zone (Chapter 12)</b>		
<b>RUr.25</b> Vegetation Clearance	<b>Controlled Activity</b>	Vegetation clearance is required as a part of the construction of the shared pathway bridges. This is considered to be a controlled activity.
<b>RUr.26</b> Soil Disturbance	<b>Controlled Activity</b>	Soil disturbance is required as a part of the construction of the shared pathway bridges. This is considered to be a controlled activity.
<b>RUr.27</b> Earthworks	<b>Restricted Discretionary Activity</b>	The construction of the proposed shared pathway bridges will involve earthworks within 10m of the Maitai River. This is a restricted discretionary activity.
<b>RUr.43</b> Structures on the 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.
<b>RUr.58</b> Riparian Overlay	<b>Controlled Activity</b>	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 bridges are considered to require consent in this regard.
<b>RUr.62</b> Flood Overlay	No rule	
<b>Freshwater Plan (Appendix 28)</b>		
<b>FWr.1</b> Disturbance of the river bed	<b>Discretionary Activity</b>	The disturbance of the riverbed (s described in <b>Attachment C</b> ) is proposed a s apart of the construction of the shared pathway bridges.
<b>FWr.3</b> Planting in river beds and margins	Permitted	The proposed remedial and enhancement planting of the river bed is a permitted activity.
<b>FWr.4</b> Maintenance, replacement, upgrade and removal of structures in the beds of rivers ..	<b>Controlled Activity</b>	The proposed extension of the utility serve lines (water main and gravity sewer) over the river is a controlled activity when within 5m of the bed.

and their margins		
<b>FWr.5</b> Bridges, culverts and fords	<b>Discretionary</b>	New bridges <u>over</u> the bed of a river that comply with the performance standards in the rule are permitted. Of note, the abutments will be stabilised and protected against erosion, the approaches will be designed to minimise the discharge of runoff, and the bridge and its associated design structures have been designed to convey a 1:50 year flood event and 0.54m freeboard). With regard to the conveyance, the NTLDM now requires a 1:100 year flood event and so the proposed bridges far exceed the 1:50 standard.  The proposed bridges also include supporting structures <u>within</u> the bed of the river and so resource consent is required as a discretionary activity.
<b>FWr.6</b> Instream dams	<b>Discretionary Activity</b>	Some temporary and localised damming (and diverting) is likely to be required as a part of the construction activity.
<b>FWr.9</b> Deposition of material in the beds and on the banks of rivers and lakes, and in wetlands	<b>Non-complying Activity</b>	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 all of the general conditions from FWr.1.1 cannot be met and so consent is required as a non-complying activity.
<b>FWr.13</b> Temporary Diversion of surface water	<b>Discretionary Activity</b>	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 all of the conditions from FWr.13 cannot be met and so consent is sought as a discretionary activity.
<b>FWr.18</b> Investigative drill holes	Permitted	Undertaking geotechnical drilling investigations are provided for as a permitted activity, subject to compliance with the performance standards.
<b>FWr.25</b> General discharges to land where it may enter water	<b>Discretionary Activity</b>	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 apart of ensuring all associated activities are consented.

## 4.3 Required Consents

In summary, the following resource consents are required:

TABLE 2:			
RMA	Consent Type	Activity	Status
Section 9	Land Use	To construct a shared pathway, with part being less than 3.0m wide, and including two new bridges over the Maitai River, and for all related construction activities; and To install a water main and gravity sewer through Branford Park	Non-complying Activity
Section 13	Land Use	To undertake activities on the bed of a river, including construction related disturbance activities and the placement of bridge support structures.	Non-complying Activity
Section 14	Water Permit	To temporarily dam and divert water for the purpose of, and in association with, the construction of the shared pathway bridges.	Discretionary
Section 15	Discharge	To discharge sediment laden water as a part of the construction of the two bridges.	Discretionary Activity

## 5.0 Assessment of Environmental Effects

### 5.1 Introduction and Scope

This assessment has been prepared in response to the planning assessment undertaken in section 4.2 above

### 5.2 Permitted Baseline

Pursuant to Section 95D(b) of the Resource Management Act 1991, the permitted baseline provides guidance as to the effects of the proposal, with three relevant considerations:

- The effects of activities that are permitted by the District Plan;
- The effects of existing lawfully established activities on the site;
- The effects of unimplemented resource consents.

It is considered that the activities permitted by the District Plan are relevant to this assessment. This is considered to include:

- a) the formation of transport infrastructure (including a shared pathway) within road reserve;
- b) the laying of servicing infrastructure within road reserve, away from the root protection zones of heritage or landscape trees; and
- c) the construction of bridges which comply with the permitted standards in FWr.4, such as those that do not required structural support in the bed.

Given these permitted activities, the primary focus of this assessment is on those activities that fall outside of the permitted baseline.

### 5.3 Transport Effects

The construction of the proposed shared pathway is considered to have *significant positive effects* for the large number of existing users of this lower valley area. In particular, a new shared pathway alongside the Gibbs Bridge is considered to also address the current road safety effects from the shared use of this existing one way bridge.

Providing this shared pathway through to the PPC28 land (Schedule X, NRMP) also serves to remove two of the transport constraints identified within X.9. The actual and potential effects of the section of pathway that does not meet the 3.0m wide specific in X.9 has however been addressed by Traffic Concepts as follows:

*As shown the proposed development will meet the identified requirements of the transport related items from Schedule X.9, except for the provision of a 3.0 metre wide shared path from the PC 28 land to Nile Street East. There is a short section near the intersection of Maitai Road and Nile Street East that is narrowed down to 2.0 metres due to the road corridor constraints.*

*The narrowed section is around 30 metres in length and runs along the existing rock protection barrier that is north of number 5 Maitai Road. The combination of the rock barrier, the steep bluff and the river edge has made it impractical to provide the full 3.0 metre wide path on this short section of Maitai Road.*

*The effects of this narrowed section can be mitigated by permanent warning signs with a narrowed cycle lane and "Downhill Cyclists Give Way" signs.*



*The approach sight lines to the narrowed section of shared pathway are excellent and cyclists are able to see and slow down and/or give way as required. Any effects can be managed by the signage.*

*As part of preparing the design, consultation has been undertaken with Council representatives to explain the constraints and get approval in principle to reduce the width of the shared path. Positive feedback was given due to the particular constraint at this location.*

## **8. Conclusion**

*The proposed works that trigger the need for a resource consent include the works in the riverbed of the Maitai River, works near a heritage tree and reduced width of the shared path for 30 metres.*

*The reduced width of the shared path near the southern end has been discussed with the Council, along with an explanation why the path needs to be narrowed. The existing constraints for a short 30 metres of Maitai Road include the river edge moving close to the road and the rock protection barrier to control rockfall from the adjacent bluff. The short section of the shared path can be managed with signage, so the effects are **less than minor**. (Traffic Concepts Limited, Attachment E)*

In summary, the proposed shared pathway (including bridges) will have positive effects for the large number of existing users of this lower valley area. In addition, due to the current physical constraints on the lower section of Maitai Valley Road, a narrower section of pathway is required (being 2.0m in width). With the good visibility available and with the mitigation measures volunteered, this short section of narrower pathway is considered to have less than minor adverse effects for future users.

## **5.4 Effects on the Lombardy Poplar**

As noted in section 3 above, the proposed shared pathway passes alongside the protected Lombardy Poplar tree located close to the southern side of Maitai Valley Road. The proposed shared pathway is however to be located within the current formed/sealed carriageway of Maitai Valley Road and so the actual and potential effects associated with the formation of the pathway altering linemarking are considered to be less than minor.

## **5.5 Flooding Effects**

With the proposed new bridges having support structures within the bed of the river, the applicant commissioned Tonkin & Taylor Limited to assess the flooding effects of the proposal to estimate the off-site effects on the receiving environment. The Flooding Assessment provided within **Attachment D** is the final report, following a series of model runs as a part of refining the final bridge design.

The conclusions from Tonkin & Taylors flooding assessment is provided below:

### **4 Conclusions**

*A number of scenarios have been run to determine appropriate bridge deck underside levels to achieve the level of service as per the NTLDM, and to assess effects on flooding of the proposed bridges and approach ramps.*

#### Jickells Bridge

- The proposed footbridge downstream of Jickells Bridge achieves the required freeboard in the design event when adopting a bridge deck underside level equivalent to the existing bridge (RL 15.94 m).*

#### Gibbs Bridge

- The existing Gibbs Bridge deck is impacted by the top flood level in the design event. As a result of this flow obstruction there is a subsequent increase in flood levels upstream of the bridge.*

Modelling indicated that removing this obstruction through raising the existing Gibbs Bridge deck would reduce upstream flood levels by approximately 200mm at the peak of the 2090 RCP8.5M 1% AEP event. An underside of bridge deck level based on the scenario where the existing bridge has been raised to achieve current level of service by the 2090 modelling horizon was adopted (RL19.2m). If this is not acceptable to NCC, a higher underside of bridge deck would need to be adopted (RL 19.4 m).

- Based on the existing Gibbs Bridge level, the proposed footbridge upstream of Gibbs Bridge does not achieve the 600 mm required freeboard (as per NTLDM requirements) but remains above the flood levels in the design event (2090 RCP8.5 1% AEP). The proposed footbridge does achieve the required freeboard for a present-day 1% AEP event. This option would achieve NTLDM freeboard requirements if there was a future upgrade of the existing Gibbs bridge to increase the deck height to meet current level of service (i.e. 0.6 m freeboard).

Flood level difference maps were produced to estimate the offsite effects on flood levels of the two footbridges. These maps show:

- Up to 60 mm increase in flood depths by Gibbs Bridge in the neighbouring private property (1 Ralphine Way). This increase is in an undeveloped area already significantly impacted by flooding. The incremental effects of the proposed bridge are considered less than minor.
- Some modifications to flood levels around the proposed access ramps.
- Outside of these areas, depth changes were less than the model confidence limits of 50 mm. (emphasis added)

It is considered that the proposed bridges, being above the height of the existing Jickells and Giggs Bridges, have been designed to ensure the actual and potential flooding effects are less than minor.

## 5.6 Ecological Effects

As this application for resource consent involves the construction of two bridges with supports within the bed of the Maitai River, along with the necessary construction related activities, the applicant commissioned the expertise of Robertson Environmental Ltd to ensure the ecological effects are appropriately managed. The comprehensive assessment of the ecological values present within the work area and from the activities proposed is provided within **Attachment F**. The conclusion to that assessment is provide below:

*The construction of two new bridges over the Maitai River, with a limited areal footprint, has been designed to minimise ecological impacts while providing opportunities for restoration of degraded riparian areas. The bridge installations are focused on areas already subject to significant historical modification, including the presence of existing bridges and degraded riparian margins dominated by exotic species.*

*Potential impacts on ecological features are expected to be highly localised and short-term, primarily occurring during the construction phase. While vegetation clearance and earthworks may temporarily disturb riparian and instream habitats, the affected areas are limited to small sections of the riparian zone and one instream footing at the Gibbs site (c. 4 m<sup>2</sup>). Importantly, no permanent loss of freshwater (instream or riparian) values is anticipated. The implementation of appropriate erosion and sediment control (ESC) and stormwater management measures will ensure that adverse effects on downstream freshwater ecosystems are avoided.*

*Overall, the limited impacts associated with the bridge construction are expected to be short-term and localised, confined to the construction phase. Assuming integration of mitigation measures and detailed design that incorporates ecological restoration and enhancement of riparian habitats, the Project has the potential to deliver significant net positive ecological outcomes in the medium to long term. (Robertson Environmental Limited, **Attachment F**, emphasis added).*

The above conclusion highlights the successful approach taken by the applicant to minimise the actual and potential adverse effects from the activities (mostly being temporary), while also delivering net positive ecological outcomes in the medium to long term as a part of the wider philosophy and approach taken by the applicant and its project team.

## 5.7 Cultural Values

The process of consultation with iwi over the wider Maitahi project is set out within PPC28 and has extended over approximately 4 years. The applicant has therefore established a strong working relationship with iwi and continues to strengthen that relationship in accordance with its wider commitments.

For this project, and in recognition of the significance of the Maitahi awa and wider valley to the iwi of Te Tau Ihu, the applicant undertook a consultation process to ensure the final proposal to install two new bridges appropriately addressed cultural values and achieves positive outcomes.

The Engagement Summary provided within **Attachment G** of this application sets out the process that has been followed, in relation to this project, since September 2024. The next step in this process will be to share the final resource consent application with the iwi organisations and regroup with the assistance of *Thirdspace Aotearoa* to close out this proposal and the mitigation measures that are volunteered.

It is considered that the applicant has demonstrated its full commitment to ensuring the cultural values of the Mahitahi River are appropriately addressed in this application and the final construction activities.

## 5.8 Landscape Values

With shared pathways being a typical part of roading infrastructure, and with bridges also a permitted activity, only the support structures (piers etc) are considered to be relevant from a landscape or visual perspective. Notwithstanding this, the conceptual cultural panelling shown in the visualisations within **Figure 13** of this application are considered to provide a positive visual contribution to this Mahitahi environment.

The proposed bridge supporting piers have been positioned to align with the existing piers supporting the current Jickells and Gibbs Bridges. Piers are a common feature below bridges and are considered to only have a very localised visual impact. The actual and potential visual effects on the two receiving environments is considered to be largely contained, and also less than minor due to their positions aligning with the existing piers.



## 6.0 Relevant Planning Documents

### 6.1 National Planning Documents

Consideration is required to be given to the relevant provisions of the following National Policy Statements (NPS):

- NPS for Freshwater Management;
- New Zealand Coastal Policy Statement;
- NPS on Electricity Generation;
- NPS for Renewable Electricity Generation;
- NPS on Urban Development;
- NPS for Highly Productive Land;
- NPS for Indigenous Biodiversity.

Only the NPS-FM is considered to be directly relevant to the assessment of this application for resource consent. The indirect benefits of addressing the transport and servicing constraints to enable development within Schedule X (NRMP) have already been strongly endorsed through PC28 in the context of the NPS-UD.

#### National Policy Statement for Freshwater Management 2020 (NPS-FM)

The objective of the NPS-FM is set out as follows:

##### ***National Policy Statement for Freshwater Management***

*The objective of the National Policy Statement for Freshwater Management (NPS) with respect to water quality is to safeguard the life supporting capacity, ecosystem processes and indigenous species when managing the use and development of land and of discharges of contaminants.*

*The integrated management objective of the NPS is to improve integrated management of freshwater and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.*

*I consider that the proposed river maintenance activities are consistent with the Objectives of the Freshwater NPS. Best practice measures will be implemented and mitigation provided in order to ensure that the life-supporting capacity, ecosystem processes and indigenous species of the rivers in the Nelson District will be safeguarded.*

In terms of its Application, Section 1.5 states:

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

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

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

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

- a. **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.
- b. **Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- c. **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
- d. **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
- e. **Stewardship:** the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
- f. **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

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

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

This hierarchy is embedded in the objective and also the policies:

### **Objective**

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
  - (a) first, the health and well-being of water bodies and freshwater ecosystems
  - (b) second, the health needs of people (such as drinking water)
  - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

### **Policies**

- Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 2:** Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.
- Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- Policy 4:** Freshwater is managed as part of New Zealand's integrated response to climate change.
- Policy 5:** Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is

*improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*

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

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

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

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

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

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

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

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

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

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

Adherence to the NPS-FM has been paramount in the preparation of this proposal and application, giving prominence to Te Mana o Te Wai provisions. In doing so, the applicant has committed to and undertaken active and ongoing engagement with iwi, and reciprocity measures to protect and enhance freshwater ecosystems, biodiversity, and cultural values. The manner in which the applicant has achieved the outcomes required by this NPS are summarised below:

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

- As set out within **Attachment F** (the Ecological Impact Assessment) and as summarised in section 3 above, this proposal has been designed to provide for net positive ecological outcomes (and associated cultural outcomes) in the medium to long term as a part of the wider philosophy and approach taken by the applicant and its project team. This is considered to give effect to Te Mana o te Wai.

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

- Pre-application consultation with iwi has ensured all cultural values are identified at an early phase, with opportunity for input into the proposed works, including the construction methodology.

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



- In integrated approach has been taken in the assessment and design process, through the expertise of a multi-disciplinary team.

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

- The proposed bridges have been designed with appropriate regard given to the forecasted 1% return flooding events, which incorporates climate change forecasts.

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

- This policy is one more relevant to the Council's obligations to give effect to the NPS-FM.

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

- No such losses will occur as a consequence of the proposed works.

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

- No loss of river extent and value is proposed. Appropriate care has been taken to ensure the short term effects are less than minor.

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

- Through the assessment of Robertson Environments, there will be no adverse on any significant values. This is not an outstanding water body.

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

- With the assessment from Robertson Environmental, this application includes measures to ensure indigenous freshwater species are protected. This includes timing of the works to avoid sensitive fish migration periods, and ecological supervision at appropriate times during the works.

Overall, it is considered that this application is consistent with the purpose and relevant provisions of the NPS-FM. Care has been taken to ensure the short-term effects from the construction activity are appropriately managed, and with the wider project seeking to achieve net positive outcomes.

## 6.2 National Environmental Standards (NES)

Consideration is required to be given to the relevant provisions of the following National Environmental Standards (NES):

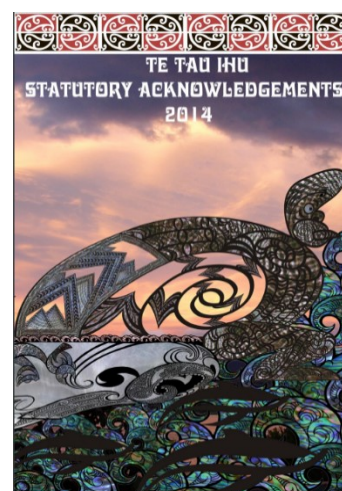
- NES for Freshwater;
- NES for Plantation Forestry;
- NES for Telecommunication Facilities;
- NES for Air Quality;
- NES for Marine Aquaculture;
- NES for Sources of Human Drinking Water;
- NES for Electricity Transmission Activities;
- NES for Assessing and Managing Contaminants in Soil.

Only the NPS-F is considered to have some relevance to the assessment of this application for resource consent. None of the activities proposed are considered to trigger the need for consent under the NES-F.

## 6.3 Te Tau Ihu Statutory Acknowledgements

Statutory acknowledgements, recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014, acknowledge the cultural, spiritual, historical, and traditional associations of iwi with specific areas. These acknowledgements are detailed in the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014.

Early and ongoing consultation with iwi with statutory acknowledgements has been initiated for the project and maintained throughout the development process. As set out previously, the applicant has developed a strong and open working relationship with iwi and is committed to further strengthening that relationship over time.



The Iwi Engagement Summary provided within **Attachment G** demonstrates the applicants full acknowledgement of cultural values in this location and will continue to ensure those values are maintained and enhanced as a result of this project.

## 6.4 Nelson Regional Policy Statement

The NRPS contains the high-level objectives and policies that has guided the preparation of the Nelson Resource Management Plan (NRMP, addressed in section 6.5 below). Given the location nature of the activities proposed, the NRPS is not considered to have particular relevance to the assessment of this application.

## 6.5 Nelson Resource Management Plan

### Background

The Nelson Resource Management Plan (NRMP) was publicly notified in 1996 with the district and regional plan components becoming operative in 2004. The Regional Coastal Plan became operative in 2006. The Freshwater Plan was then notified on 9 October 2004 and this became operative in July 2007. There have been a number of other changes and variations made to the NRMP since 2004, including numerous technical fixes and also four changes relating to provision of additional land to meet the needs of urban growth.

Plan Change 28 is of relevance to this application, with the Environment Courts final decision on Plan Change 28 adopted in early December 2024. PC28 will be fully operative by the end of December 2024. The relevant provisions are addressed under the associated subheading below.

The NRMP is a combined regional and district plan. It therefore also contains provisions in relation to the coastal marine area, soil erosion and sedimentation, discharges, natural hazards, and freshwater environments.

The NRMP is in 4 volumes. Volume 1 contains the administrative chapters, including the '*Meaning of Words*' (Chapter 2), '*Administration*' (Chapter 3), '*Resource Management Issues*' (Chapter 4), '*District Wide Objectives and policies*' (Chapter 5) and '*Financial Contributions*' (Chapter 6).

Volume 2 contains the *Zone Rules*, Volume 3 contains the *Appendices*, and Volume 4 contains the *Planning Maps*. Volume 4 is now managed electronically, via the Council's website that uses Isoplan.

### Relevant Scope

The scope of this assessment of the relevant provisions of the NRMP has been determined through the identification of the relevant zones and overlays from Volume 4 undertaken in Section 4.1 above, along with the relevant resource management issues and potential effects arising from the compliance assessment undertaken in section 4.2 (Table 1).

The relevant provisions are considered to predominantly be located within:

- Chapter 5 (district wide objectives and policies)
- Chapter 7 (residential zone)
- Chapter 11 (open space and recreation zone)
- Chapter 28 (freshwater)

While part of the proposed shared pathway is located within the Rural Zone above Gibbs Bridge), it is considered that Chapter 12 has little direct relevance to the assessment of this proposal.

### Chapter 5 district wide objectives and policies

Of the twenty (20) resource management topics addressed within Chapter 5, the following are considered to have the most relevance to the assessment of this application:

- DO1 Tangata whenua
- DO2 Natural hazards
- DO5 Natural values



- DO6 Riparian and coastal margins
- DO10 Land Transport
- DO13A Urban design
- DO17 Activities in the beds of river and lakes, and in wetlands
- DO18 Freshwater abstraction and instream flows
- DO19 Discharges to freshwater quality
- DO20 Freshwater management

#### Tangata Whenua (DO1)

The relevant objective and policies of DO1 are provided below.

##### ***objective DO1.1 Maori and resources***

*Management of natural and physical resources that recognises the needs of Maori communities and enables them to provide for their social, economic, and cultural well being and their health and safety. (Chapter 5, p2)*

##### ***policy DO1.1.1 relationship with ancestral resources***

*Natural and physical resources should be managed in a way that recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (Chapter 5, p2)*

##### ***policy DO1.1.2 treaty principles and kaitiakitanga***

*Management of natural and physical resources that takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga. (Chapter 5, p2)*

##### ***policy DO1.1.3 management by tangata whenua***

*Tangata whenua should have opportunities to manage their ancestral land and resources in a sustainable manner. (Chapter 5, p3)*

##### ***policy DO1.1.4 traditional resources***

*Access should be provided to traditional resources within public reserves, water bodies, and coastal water, consistent with preserving natural values. (Chapter 5, p3)*

##### ***policy DO1.1.5 cultural activities***

*Opportunities should be given to maintain Maori cultural values within the District by enabling the Maori community to establish (in appropriate zones) a range of housing types, and educational, health, and community activities. (Chapter 5, p4)*

##### ***policy DO1.1.6 water management***

*Make policy decisions on water management having regard to the provisions of resource management plans such as eel management and iwi environmental management plans that promote the sustainable use of water and associated resources. (Chapter 5, p4)*

Along with the objective, policies DO1.1.1, DO1.1.2 and DO1.1.3 are considered to have direct relevance to this application. In order to achieve this objective through these policies it is important that Iwi are able to be involved in resource management planning, not only at a decision-making level but also alongside applicants to ensure cultural values are properly considered and provided for. Regular conversations and feedback from hui are identified as methods to achieve these

outcomes. It is through these processes of consultation and hui that this application has been prepared. The applicant has long demonstrated its commitment to involve iwi in its development processes.

#### Natural hazards (DO2)

The relevant 'Natural hazard' objective and policies are as follows:

##### **objective DO2.1 natural hazards**

*An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated. (Chapter 5, p5)*

##### **policy DO2.1.1 health and safety**

*Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger human health and safety. (Chapter 5, p5)*

##### **policy DO2.1.2 property and environment**

*Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated. (Chapter 5, p5)*

##### **policy DO2.1.3 aggravation of hazard**

*No activity should aggravate any known or potential natural hazard on its own site or any other site. (Chapter 5, p6)*

##### **policy DO2.1.4 flood mitigation**

*Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works. (Chapter 5, p6)*

The overall approach taken in the policies is set out in the explanation to Objective DO2.1 as follows:

***DO2.1.ii*** *The policies under this objective aim to ensure that activities **do not occur in such a way that there is a potential for loss of life and damage to property** through natural hazards when such occurrences could be avoided or mitigated through management of the activity.* (p5, Chapter 5, emphasis added)

In recognition of the above directions, this application has been prepared only after the flooding effects of the proposed new shared pathway bridges were assessed as less than minor. Importantly, the proposed bridges have been designed above the height of the existing bridges. No loss of life or damage to property will arise from this proposal, and therefore this proposal is consistent with these provisions.

#### Natural values (DO5)

The introduction to DO5 provides helpful context to the objectives and policies in this part of the Plan:

*DO5.i Nelson contains a wide range of significant natural features vital to the character and diversity of the District. As well as regionally significant features such as remnant areas of indigenous forest and wetland, there are features of national and international significance including the Nelson mineral belt, Nelson Boulder Bank, and extensive coastal inlets and estuaries. (See Issues in Chapter 4, particularly RI5 - landscape, seascape and open space values and RI6 – natural features.) (Chapter 5, p19)*

Objective DO5.1 is as follows:

**objective DO5.1 natural values**

*An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting. (Chapter 5, p19)*

The explanation/reasons provided in support of this objective also set the local scene:

**DO5.1.ii** *In the Nelson City area, indigenous communities with priority for protection are:*

- *Alluvial forest*
- *Coastal sand dune, spit and boulder communities*
- *Coastal forest and shrub land*
- *Estuarine communities*
- *Ultramafic communities*
- *Freshwater wetlands and riparian forest (Chapter 5, p19)*

The four listed policies then seek:

**policy DO5.1.1 areas with high natural values**

*Some areas with high natural values are identified in this Plan, and will be managed in such a way as to protect and enhance those values. Other areas that have high natural values will be identified in accordance with the criteria in Table DO5.1, and managed in such a way that protects and enhances those values. (Chapter 5, p19)*

**policy DO5.1.2 linkages and corridors**

*Promotion of linkages and corridors between areas of natural vegetation. (Chapter 5, p20)*

**policy DO5.1.3**

*Active participation of landowners is seen as vital to the protection and enhancement of significant natural areas. Council will work with landowners, recognise their stewardship and current management practices, and will favour the use of non regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives. (Chapter 5, p20B)*

**policy DO5.1.4**

*Plan provisions related to protection and enhancement of significant natural areas will be reviewed and a plan change notified not later than 5 years from those provisions becoming operative. (Chapter 5, p21)*

On the basis of the carefully planned construction activity and the long term net positive effects planned, this proposal is considered to be consistent with these provisions.

Riparian and coastal margins (DO6)

Riparian margins are identified in DO6 as being of considerable significance for a wide range of reasons. This is encapsulated in Objective DO6.1:

**objective DO6.1 riparian and coastal margins**

*Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced. (Chapter 5, p24)*

**policy DO6.1.1 priority margins**

*Priority riparian and coastal margins should be identified, and acquired at the time of subdivision, development, or through negotiation. (Chapter 5, p24)*



**policy DO6.1.2 activities in margins**

*The values associated with riparian and coastal margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies. (Chapter 5, p26)*

The primary method of achieving this objective and policy DO6.1.1 is the use of showing priority margins on the Planning Maps and listing those in Appendix 6 of the NRMP. The Maitai River is identified as having important riparian values and those values have been carefully assessed and addressed in this proposal.

Land Transport (DO10)

Land Transport Objective DO10.1 and the associated policies are relevant to this assessment. In terms of the objective, the Plan seeks to achieve:

**DO10.1 land transport system**

*A land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable. (Chapter 5, p38)*

**policy DO10.1.1 environmental effects of vehicles**

*The environmental effects of vehicles should be avoided or mitigated by promoting more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise the number and length of vehicle trips and encourage the use of transport modes other than private motor vehicle. (Chapter 5, p39)*

**policy DO10.1.2 road network**

*The road network should be maintained and developed to accommodate a range of road types to support a range of functions and streetscape characteristics. (Chapter 5, p39)*

**policy DO10.1.4 traffic effects of activities**

*Activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network and encourage a shift to more sustainable forms of transport. (Chapter 5, p41)*

**policy DO10.1.7 pedestrian and bicycle traffic**

*A safe, pleasurable and convenient network for pedestrian and bicycle traffic should be developed and maintained as an integral part of the land transport system. (Chapter 5, p42)*

These provisions also have a close relationship with policy DO14.3.1 “roading”, (relevant to the Services Overlay) and also policy DO13A.2 “improving connections” of the Plan, addressed under the relevant objectives below.

The following explanatory paragraph highlights the relevance of these land transport issues to the assessment of this PPCR:

*Land use planning, particularly the creation of new roads, walkways and cycleways through subdivision and development, and the location of nodes of activity through zoning and associated rules, have potential to influence the sustainability of the land transport system. The Council encourages the co-location of activities through land use planning which can encourage a shift from vehicle dependence to the increased use of cycling, walking and passenger transport. (Chapter 5, p39, emphasis added)*

This approach is also consistent with the following method alongside policy DO10.1.1:

**DO10.1.1.iv** *Provide in the Plan for urban consolidation, by zoning and regulating the development of new greenfields subdivisions, and allowing a higher density of dwelling units in areas within walking distance of shopping areas and transport nodes, including The Wood and the Stoke Centre.*

The proposed shared pathway and infrastructure servicing extensions to 7 Ralphine Way now form a part of the anticipated works as a part of the current planning framework. These works are proposed here to achieve these objectives and policies of the NRMP.

Subdivision and development (DO14)

Objective DO14.3 and the associated policies that follow, are important parts of the planning framework that are equally important to understanding the use of the Services Overlay, Structure Plan, and indicative roading tools within the NRMP.

**objective DO14.3 services**

*The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots within the developments and the development potential of other land in the Services Overlay. (Chapter 5, p69)*

**policy DO14.3.1 roading**

*Subdivision and development should provide for:*

- a) *The integration of subdivision roads with the existing and future road network in an efficient manner, which reflects the function of the road and the safe and well-integrated management of vehicles, cyclists, and pedestrians, and*
- b) *Safe and efficient access to all lots created by subdivision and to all developments, and*
- c) *Roading connections as shown on Structure Plans and/or as described in Schedules in the NRMP, and*
- d) *Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and*
- e) *Public to private space relationships and roading design that represents a high quality urban streetscape, and*
- f) *The road network requirements to support the access and connectivity of future developments on other land in the Services Overlay.*
- g) *The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder and vested in Council as part of the development. Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant). (Chapter 5, p70)*

These provisions clearly show the role played by the Services Overlay and Structure Plans in the planning framework to ensure the likely effects on the transport network, and the needs of future residents, are appropriately addressed at the time of subdivision.

**policy DO14.3.2 drainage, water and utilities**

*Subdivision and development should provide for:*

- a) *Water supplies of sufficient capacity and of suitable standard for the anticipated land uses on each lot or development, including fire fighting requirements, and*
- b) *The disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of any land, and*

- c) *The treatment and disposal of wastewater in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment, and*
- d) *Connections from all new lots or buildings to a reticulated water supply, stormwater disposal system, and wastewater treatment and disposal system, where such systems are available, and*
- e) *Supply of electricity, including street lighting, and telecommunication facilities for the anticipated land uses, using a method of supply appropriate to the amenity values of the area, and health and safety, and*
- f) *Any necessary additional infrastructure for water supply, stormwater disposal or wastewater treatment and disposal or power and telecommunications, and*
- g) *Provision of sufficient land and infrastructure with capacity to support the servicing requirements of future development on land in the vicinity that is in the Services Overlay.*
- h) *New or upgraded infrastructure required in accordance with a) to f) above shall be funded and constructed by the consent holder, as part of the development. Provision of land or pipe capacity under g) above shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*
- i) *All wastewater, water and stormwater infrastructure specified in Section 3 of the NCC Land Development Manual 2010 to become public shall be vested in Council.*

*The costs of additional new or upgraded infrastructure shall be paid for by the developer, or as part of the development. (Chapter 5, p72)*

The proposed shared pathway and infrastructure servicing extensions to 7 Ralphine Way now form a part of the anticipated works as a part of the current planning framework. These works are proposed here to achieve these objectives and policies of the NRMP.

The last four sections of Chapter 5 address the following district wide resource management issues:

- DO17 Activities in the beds of rivers and lakes, and in wetlands
- DO18 Freshwater abstraction and instream flows
- DO19 Discharges to freshwater and freshwater quality
- DO20 Freshwater management

It is within these sections that the special restrictions over the use of river beds, and freshwater are comprehensively addressed and linked to the Freshwater Plan provisions in Appendix 28 of the NRMP. The relevant rules have been identified in section 4.2 of this application.

The most relevant provisions from DO17-DO20 are provided below:

***Objective DO17.1      Effects of activities and structures in the beds and margins of rivers and lakes on the natural environment***

*Activities, works or structures within the beds of lakes and rivers and their margins, and in wetlands, are undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on freshwater bodies and their associated uses and values.*

***Policy DO17.1.1      Disturbance of river and lake beds, excluding extraction of aggregate***

*Activities which disturb the bed of a river or lake, or a wetland, including vehicles and vehicle crossings, should be avoided, unless the disturbance is necessary:*



- a. *for the maintenance of lawfully established structures or network utility operations, or*
- b. *for the restoration or enhancement of any in-stream or out-of-stream values, or*
- c. *where no practicable alternative vehicle crossing is available, and adverse effects can be mitigated.*

**Policy DO17.1.6 structures in and under the beds of rivers and lakes, and wetlands**

*Structures in, on or under the beds of rivers and lakes, or in wetlands, should only be constructed where adverse effects can be avoided, remedied or mitigated.*

**Policy DO17.1.10 deposition of material in the beds and on the banks of rivers and lakes**

*The deposition of material in the beds and banks of rivers and lakes, or in wetlands, should be avoided unless the material is necessary to protect the bed, banks or any structure from erosion, or where it is necessary for the repair, maintenance or construction of structures, in which case any adverse effects from depositing the material should be avoided or mitigated.*

**Objective DO17.2 Effects of activities and structures in the beds of rivers and lakes on infrastructure**

*Activities, works or structures within the beds of lakes and rivers and their margins undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on lawfully established network utility operations.*

The above relevant provisions within DO17 set out those activities that can have an impact on freshwater values and takes an effects-based approach in determining their appropriateness. The works proposed have been designed to minimise the temporary adverse effects and incorporated mitigation measures to ensure those effects are less than minor. Because of that best practice approach, this application is considered to be consistent with these provisions.

**Objective DO18.4 diversion of water**

*The natural functioning of ecosystems is not disrupted by the diversion of surface water.*

**Policy DO18.4.1 diversion of water**

*Require any water that is diverted from a surface water body to be returned as near as possible to the source from which it is taken, and in the same state or better than when it was diverted.*

Part of this proposed works will be to temporarily divert water away from the work area to allow the natural functions of the river ecosystem to continue. That diversion activity will be undertaken with the supervision of an appropriately qualified and experienced ecologist. This proposal is therefore considered to be generally consistent with these provisions.

**Objective DO19.1 highest practicable water quality**

*All surface water bodies contain the highest practicable water quality.*

**Policy DO19.1.7 effect of land use activities on surface water bodies**

*To control land use activities which have potential to adversely affect surface water quality and to encourage land use activities that minimise and filter contaminants entering water bodies.*

While there provisions relate directly to discharge form land use activities, the discharges associated with the activities proposed are construction related, and so short term in duration. These short-term discharges (of sediment) are common a s apart of construction activity and will be appropriately managed through the seasonal timing of the works and implementation of an Erosion and Sediment

Control Plan. The less than minor adverse effects associated with these short term activity are considered to be generally consistent the these relevant provisions from DO19.

**Objective DO20.1    integrated water management**

*A management approach that integrates the expertise of relevant statutory authorities and manawhenua iwi and other stakeholders in the community, and recognises the responsibilities they have for the protection and use of freshwater resources.*

A fully integrated approach has bene taken in the preparation of this application, which is evident from the iwi Engagement Summary provided in **Attachment G** and the multi-disciplinary approach set out within **Attachments B-F**.

Chapter 7 Residential Zone

With Schedule X now being a formal part of the NRMP, and given this proposal involves addressing/removing some of the transport constraints listed within X.9, it is appropriate to also acknowledge those provisions are with the Residential Zone (Chapter 7) of the NRMP.

The works proposed are a part of addressing transport constraints identified through the PC28 process. Rules X.2 and X.3 also provides for comprehensive housing and residential subdivision as a restricted discretionary activity if he required transport upgrades set out in X.9 “*have been completed and are operational*”. Undertaking these works in advance of development in accordance with the new zoning / provisions within Schedule X is therefore openly expected by the rules, and was in fact strongly sought by submitters. This proposal delivers on those community expectations, with significant benefits to the wider community.

Objective RE6 is a critical part of Schedule X in that is seeks to achieve. The infrastructure servicing and transport upgrades are states as a key part of achieving that objective.

This proposal is considered to be entirely consistent with the relevant objectives and policies of the NRMP related to Schedule X and the Services Overlay.

Chapter 11 Open Space and Recreation

The Open Space and Recreation Zone contains all of those open space areas that are of high value to the community, with most being vested and managed as reserve. Given the wide range of different reserves, serving local needs through to large regional events, Chapter 11 also uses the scheduling tool to help manage the effects from those different activities.

**Objective OS1    present uses**

*Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of open space and recreation land.*

**Policy OS1.1    recognise amenity provided**

*The amenity provided by open space and recreation areas should be recognised and protected.*

**Policy OS1.2    enable identified uses**

*Present uses of open space and recreation land should continue where there is benefit to the community, and where any adverse effects of those uses are minimised.*

The formation of the shared pathway within eh road reserve is considered to provide a significant positive safety benefit to all of the existing and future uses of the open space and recreation and

within the Maitai Valley. This is considered to enhance and health and well-being of the community, as set out in Objective OS1.

The construction of the water main and gravity sewer through part of the reserve will only have short term effects. Once that corridor is remediated, there will be no impact of the amenity and users of that space.

## 7.0 Overall Assessment and Part 2 of the RMA

Section 6 sets out the following matters of national importance, none of which have relevance to this site or proposal:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

Section 7 sets out other matters for consideration:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *Kaitiakitanga*
- (aa) *the ethic of stewardship*
- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

With regard to section 7(b), this application is considered to represent the efficient use of development of this commercial land resource.



Section 7(c) and 7(f) are also considered to have some relevance. It is considered that this proposal, will maintain and enhance the amenity values of this site and quality of the environment.

There are no inconsistencies with the Treaty of Waitangi principles as outlined in Section 8.

Section 5 sets out the purpose of the Act. Overall it is considered that this application represents the sustainable management of natural and physical resources of this site.