**Comments Received and Responses from the Applicant**

Maitahi Village [FTA-2502-1009]

11 July 2025

The comments received from the invited parties have been tabulated. A separate table has been created for each.

The applicant's responses to the comments are located on the right-hand side of each table. Given the commonality between the comments received, the response provided (and information referenced) has unavoidably also become repetitive.

**Table 1:** Chris Taylor [redacted]

| | Comment | Applicant Response |
|---|---|---|
| 1 | Contamination of the Maitai River from development activities and long-term runoff from the sub-division is a big concern of mine. | **Contamination**<br><br>This project includes remediation of existing contaminated soils from a historic sheep dipping operation located on the valley floor, along with the creation of a new and enhanced riparian corridor. Concerns about contaminated land are raised in more detail by other commenters and proportionally detailed responses are provided.<br><br>In short, contaminated soil underlying development activities will be removed until testing confirms any residual concentrations of contaminants meet relevant and appropriate guideline values or that risk to the environment is negligible. More detail about relevant and appropriate contaminant concentrations is provided in response to other comments. Most particularly, those of Friends of the Maitai, Forest and Bird and Save the Maitai Inc.<br><br>**Long term runoff**<br><br>The proposed stormwater management system exceeds the standards required by the Nelson Tasman Land Development Manual 2020, which applies to all other development in Nelson City.<br><br>The Maitahi Village project has been designed to accord with the water sensitive design provisions that it volunteered as a part of Schedule X (PPC28).<br><br>A water sensitive design (WSD) approach has been adopted, which targets runoff from impervious surfaces to avoid negatively impacting the health of receiving freshwater environments including Kākā Stream and Maitai River.<br><br>The aim of WSD is to mimic the natural hydrological response of the catchment and remove any contaminants from runoff before discharging to receiving waterways. The proposed stormwater management strategy for the Maitahi Village Development will achieve a high level of environmental protection and meet the requirements of PC28 through three key stormwater management techniques: |

| | | |
|---|---|---|
| | | 1. Capture and reuse of roof runoff at lot scale. This will be achieved through rainwater reuse tanks plumbed for internal non potable reuse (toilet flushing) to replicate natural interception and evapotranspiration for medium density dwellings in the western and central catchments.<br><br>2. Treatment of runoff from all road and hardstand (driveways) and untreated roofs (where rainwater reuse is not adopted) before discharge to the receiving environment. Treatment will be provided through a mix of biological, chemical and physical processes in constructed stormwater treatment wetlands and isolated proprietary devices where necessary.<br><br>3. Discharge of treated flows from wetlands to areas of constructed ephemeral channels and soakage wetlands to buffer the stream from hydrological changes and support groundwater recharge.<br><br>The change from agricultural to urban landuse, in combination with proposed improved vegetation of the wider catchment, is expected to reduce sediment run-off and contaminants that are typically associated with agriculture. Stormwater runoff and contaminants that are associated with the proposed urban landuse will be treated, using a combination of water sensitive design elements in accordance with the requirements of Schedule X. The combination of the proposed stormwater treatment for the urban areas and wider vegetation improvements in the catchment are expected to improve downstream water quality and manage contaminants and hydrologic changes to a high standard. |
| 2 | However, my major concern is the reliance on the One-Way Gibbs Bridge to handle the expected traffic. My daughter was hit by a driver while cycling to her rowing practice a few years ago just after crossing the bridge. She sustained traumatic injuries in the accident, and the driver never stopped to render assistance.<br>This real-life example of the dangers of the existing inadequate bridge infrastructure should provide a warning and serve to help prevent a tragic accident in the future (the bridge has to be double-laned and bicycle friendly). I for the life of me cannot see how the project was approved without this as part of the scope. | The One-Way Gibbs Bridge is one of the transport constraints identified in Rule X.9 of Schedule X (NRMP).<br><br>On 14 March 2025 the Council granted resource consents RM245337-RM245340 to the applicant through a separate consenting process to resolve those constraints identified in the rule, which include the construction of a dedicated shared pathway bridge alongside the one-way Gibbs Bridge, as well as a shared pathway bridge alongside Jickells Bridge. Upgrading the bridge to be double-laned was not identified as a required “construction” or “improvement” under X.9 of Schedule X of the NRMP.<br><br>The upgrades were consented on the basis they will provide a safe off-road path for pedestrians and cyclists from the site to Nile Street East. |

| | | |
|---|---|---|
| | | The shared pathway (and bridges) will be completed under the granted consents prior to Stage 1 of the Maitahi Village subdivision gaining Title. |
| 3 | In addition to the risk to life and limb of the existing bridge design, the anticipated increase in traffic will make the bottleneck all but impassable at peak times. The anticipated ten-fold increase in logging traffic over the next few years is another example of the road management disaster that awaits inaction on upgrading the bridge infrastructure. THE GIBBS BRIDGE HAS TO BE REBUILT TO HANDLE SAFELY THE EXPECTED INCREASE IN TRAFFIC (Sub-Division Development (years of it), Commuter, Logging, Cycling, Pedestrian, Tourist, etc.) | **Volumes**<br><br>The general capacity of a one lane bridge is around 1,900 vehicles per hour or some 8,000 vehicles per day. The Gibbs Bridge is relatively short and future traffic flows will have a tidal commuter flow as a result of people going to work in the morning and returning in the evening. This is likely to allow for more vehicle movements.<br><br>The traffic report for the Maitahi subdivision, including the Arvida retirement village and community hub had a total daily traffic flow of less than 2,000 vehicles per day, with different activities having different peak flows. For example, peak flows for the subdivision will be around the morning and evening whereas the retirement will be more in the middle of the day.<br><br>Importantly, the peak flows from the subdivision are expected to be around 110 vehicles per hour. This along with the peak flows already moving along Maitai Valley Road will be well below the operating capacity of the one lane bridge of 1,900 vehicles per hour.<br><br>It should be noted that an assessment of the vehicle delays and capacity of Gibbs Bridge were provided in the further information response to the Council dated 30 August 2021 (page 15 and 16).<br><br>The conclusion of the assessment is that as more vehicles use the one lane bridge there will be more inconvenience in terms of the likelihood of needing to wait for opposing traffic. The level of inconvenience was considered to be minor and not unusual for one lane bridges.<br><br>An assessment of the increased flows using Gibbs Bridge was also undertaken as part of the hearing process for PC28. This analysis assumed a higher traffic flow than what is anticipated for the Maitahi subdivision. The PC28 calculation included traffic coming from Bay View and was conservatively assessed as 3,750 vehicles per day. The total delay per day is 195 minutes. This is an average delay of three seconds per vehicle. In practice not all vehicles will be |

| | | |
|---|---|---|
| | | delayed, but when a vehicle must wait for opposing traffic it will be more than three seconds.<br><br>With regard to logging trucks, the potential increase on top of the existing and future flows will still be well below the operating capacity of the one lane bridge. Maitai Valley Road and connecting to Nile Street East already have large vehicles using this road.<br><br>**Safety**<br><br>From a safety perspective, this is not expected to change as the bridge is well sign posted with one lane bridge signs and priority controls. There is excellent visibility across and to the approaches to the bridge.<br><br>In this situation, the one lane bridge also operates as a traffic calming measure for the Maitai Valley Route. More traffic will increase the number of vehicle interactions and will raise driver expectations that they might have to give way to an opposing vehicle. This changes the driver's behavior and reduces the approach speeds as a result of drivers needing to slow down and give way more often.<br><br>Cyclists and pedestrians will have a separate shared bridge and path.<br><br>In relation to the logging trucks, the changes with a separated shared path will improve the safety of vulnerable road users. Heavy vehicles will continue to be able to safely and efficiently travel along this route. This has been discussed with NCC and there is agreement that the route can be for these heavy vehicles. |
| 4 | I am in support of the extension of any services further up the Maitai Valley Rd that the Kaka Valley development may allow. In particular the provision of town water and sewage together with fiber internet could be installed cost effectively during the development phase. | Included in the resource consent approved in March 2025 (RM245337-RM245340) are the extension of reticulated water and wastewater from Nile Street to the site at 7 Ralphine Way. These services are expected to also become available to the residents of Ralphine Way, as well as other landowners between Ralphine Way and Nile Street.<br><br>It is planned to extend the Chorus fibre from Nile Street to the project site. A neighbour wanting to connect would need to apply to Chorus. |

| | | |
|---|---|---|
| 5 | I have been in favor of the development since day 1, as long as it is done correctly. | As set out above, because the Maitahi Village project is to be appropriately serviced, it will benefit the large number of existing recreational users of Maitai Valley.<br><br>The project has also been designed to fulfil the objective and policies of all relevant planning instruments, including particularly the provisions incorporated into the NRMP by PPC28. In doing so, it is considered the Proposal is appropriate for existing and new residents as well as the natural environment. |
| 6 | Right now, the only major gap in the scope for me is the lack of any upgrade to the Gibbs Bridge infrastructure (for this issue, lives are actually at risk). | See the Applicant's response in 2 above addressing traffic safety.<br><br>Furthermore, the posted speed limit is 50 km/h with the operating speed close to 60 km/h due to the current road environment and low traffic flows. Due to these factors the required safe stopping distance (**SSD**) is 73 metres based on a reaction time of 2.0 seconds and the higher operating speed.<br><br>The available sight lines are more than 100 metres for vehicles approaching Gibbs bridge, which allows opposing traffic to stop before a collision occurs. Traffic calming measures including the raised threshold across Maitai Valley at Ralphine Way, changes to road markings along with the increased traffic will reduce the operating speeds approaching the bridge to around 40 km/h. The required SSD for this future environment is 40 metres. The bridge will be safer than it is now and the likelihood of crashes occurring would be very rare. |

**Table 2:** Roland Dallas [redacted]

| | Comment | Applicant Response |
|---|---|---|
| 1 | Our Whats App group in the street & I are in agreement that Ralphine Way is too steep to have a cycle path up our street & it would be better located on the track above Dennie's Hole. | There is a short section on Ralphine Way that has a moderate grade of around 110 metres in length that will make it a little more difficult for non-powered cycles, but not so difficult to deter cyclists due to the short nature of the moderate grade. E bikes will have no problems with the grade.<br><br>The walk time to the centre of the development to Trafalgar Street is around 3.2 kilometres via Ralphine Way and 2.7 kilometres via Dennes Hole. This is a difference of only 500 metres. While the route may appear more accessible based on length, the path taken via Dennes Hole needs to follow existing paths, obstructions and the bluff around Dennes Holes. Based on usual walking and cycle speeds the difference in the travel times when comparing the two options, the consented shared path will take around six extra minutes for walking, and one minute and 20 seconds for cycling.<br><br>The shared bridges crossing the Maitai River were primarily selected to accommodate services for the development. These bridges have been made wider to accommodate a shared path for a high-level of service for pedestrians and cyclists. Various designs were considered for the cycle and walking connection from the development to Nile Street East including around Dennes Hole. However, due to the swimming hole and floodplain potentially resulting in adverse impacts with construction, amenity, and accessibility, the Council preferred the shared path along Maitai Valley Road.<br><br>The existing walkway connection alongside Dennes Hole has also been shown on the landscape masterplan, and individuals can decide which route is taken. The route via Dennes Hole will be available for use but is likely to be less desirable for commuter cyclists due to its formation, the marginal difference in travel time that is offered between the two routes and the potential risk of future flooding events. |
| 2 | We would also be in favour of realigning Kaka Stream away from the former sheep dipping site to prevent contamination of waterways. | The realignment of Kākā Stream and remediation of contaminated land is discussed at length in response to other comments. |
| 3 | I am also dubious that the one way Gibbs bridge will be adequate to handle the traffic flow once development commences. | The general capacity of a one lane bridge is around 1,900 vehicles per hour or some 8,000 vehicles per day. The Gibbs Bridge is relatively short and future traffic flows will have a tidal commuter flow as a result of people going to work |

| | | |
|---|---|---|
| | | in the morning and returning in the evening. This is likely to allow for more vehicle movements.<br><br>The traffic report for the Maitahi subdivision, including the Arvida retirement village and community hub had a total daily traffic flow of less than 2,000 vehicles per day, with different activities having different peak flows. For example, peak flows for the subdivision will be around the morning and evening whereas the retirement will be more in the middle of the day.<br><br>Importantly, the peak flows from the subdivision are expected to be around 110 vehicles per hour. This along with the peak flows already moving along Maitai Valley Road will be well below the operating capacity of the one lane bridge of 1,900 vehicles per hour.<br><br>It should be noted that an assessment of the vehicle delays and capacity of Gibbs Bridge were provided in the further information response to the Council dated 30 August 2021 (page 15 and 16).<br><br>The conclusion of the assessment is that as more vehicles use the one lane bridge there will be more inconvenience in terms of the likelihood of needing to wait for opposing traffic. The level of inconvenience was considered to be minor and not unusual for one lane bridges.<br><br>An assessment of the increased flows using Gibbs Bridge was also undertaken as part of the hearing process for PC28. This analysis assumed a higher traffic flow than what is anticipated for the Maitahi subdivision. The PC28 calculation included traffic coming from Bay View and was conservatively assessed as 3,750 vehicles per day. The total delay per day is 195 minutes. This is an average delay of three seconds per vehicle. In practice not all vehicles will be delayed, but when a vehicle must wait for opposing traffic it will be more than three seconds.<br><br>With regard to logging trucks, the potential increase on top of the existing and future flows will still be well below the operating capacity of the one lane bridge. Maitai Valley Road and connecting to Nile Street East already have large vehicles using this road. |

| | | |
|---|---|---|
| 4 | At a recent meeting at Maitai Golf Club , Ngati Koata & the tenant Forestry Company warned local residents that the volume of logging trucks on the Maitai Valley Road would increase TEN FOLD in 2028. | Maitai Valley Road has been used by logging trucks in the past without issues. The increase in traffic resulting from the development will not make the route less safe. The combination of the other activities in the Maitai Valley, including logging along with the development, was considered as part of the road assessment. The activities can be accommodated on the adjacent road network. Any future cumulative effects are likely to be less than minor, but cannot be accurately assessed at this stage given it is not clear how many logging trucks will use Maitai Valley Road in 2028 (ie. the level of logging truck movements may not be realized and any suggested effects are therefore too remote consider). |
| 5 | I have been in favour of the subdivision since its inception as I am keen to go onto the town water supply. | Included in the resource consent approved in March 2025 (RM245337-RM245340) are the extension of reticulated water and wastewater from Nile Street to the site at 7 Ralphine Way. These services are expected to also become available to the residents of Ralphine Way, as well as other landowners between Ralphine Way and Nile Street. |

**Table 3:** Friends of the Maitai

| | Comment | Applicant Response |
|---|---|---|
| 1 | Our current concern centres on the change to the original plans, which would see Kaka Stream re-routed through an environmentally hazardous area adjacent to a former sheep dip and current woolshed. The developer has recognized the potential hazard of contaminated soil and proposed plans to remediate the situation. We remain concerned about potential downstream impacts on the Maitai River and Nelson Haven. | The proposed stream is located 10 m southeast of the contamination source. Initially (when undertaking the DSI) the stream was proposed to trend through the contamination source. The location was changed by the Applicant following feedback from contaminated land experts.<br><br>The "contamination source" is shown on Figure 7 in the RAP. It is a relatively small area within the area that is proposed to be excavated/remediated.<br><br>Elevated concentrations of dieldrin have been reported in shallow soil in the location of the proposed stream, several orders of magnitude lower than at the source, but still elevated above the remedial ecological criteria for soil (as set in Table 5 of the RAP).<br><br>Concentrations reported in groundwater, halfway between the source and the proposed stream (BH03) are also an order of magnitude lower than those detected at the source.<br><br>Soil source removal is proposed across the contamination source area, as well as the proposed esplanade reserve, including the proposed stream alignment.<br><br>Soil source removal will address the risk to groundwater and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br><br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets[1] have been met) and the risk to the stream is negligible.<br><br>Following realignment, ongoing monitoring of the stream and groundwater will occur to ensure the risk to the environment remains negligible. |

[1] Refer to Table 5 in the RAP, page 16.

| | | |
|---|---|---|
| 2 | We are pleased to see the panel's request for further information focusing on this issue, and we look forward to reading the response from the applicant. | Noted. The Applicant has put considerable effort into its responses to all comments, including those expressing concern about contaminated soil. |
| 3 | We have read the EnvironLink Remedial Action Plan (RAP). The RAP identifies the toxic chemicals (mainly dieldrin and arsenic) contaminating the site. Soil testing shows the high concentration and extent of the contamination. | Correct. |
| 4 | Shallow groundwater in the vicinity of the sheep dip had concentrations of heavy metals and dieldrin exceeding Nelson City Council ecological standards. Downslope movement of dieldrin was detected 25m below the site. As a result, EnviroLink recommended further testing of groundwater around the site. We agree with this recommendation. | Correct. |
| 5 | Our main concerns about the challenges of remediation are: | |
| 6 | The two main toxins, arsenic and dieldrin, behave differently in the environment. Arsenic is soluble in water and can travel significant distances. Dieldrin binds with soil and sediment particles and is less mobile. Dieldrin is highly toxic to aquatic life and is also bio-accumulative. As most New Zealand standards are aimed at protecting human health, concentrations allowed for humans are higher than those safe for aquatic life. | The chemistry of the two elements is complex. The mobility of arsenic depends on which valence state and chemical species of arsenic is present, soil pH, redox conditions and adsorption characteristics. Dieldrin is typically poorly soluble in water.<br><br>As detailed in Table 5 of the RAP v4. The most conservative soil criteria (standards) selected are those protective of aquatic ecology. The ecological criteria for dieldrin are much lower than those to protect human health (due to its persistence and toxicity in the environment). The results confirm that dieldrin binds to soil, as concentrations decrease with depth and distance to the source. Concentrations of total organic carbon in topsoil are high (6-8%) facilitating this.<br><br>For arsenic, the criteria protective of aquatic ecology are similar to those that are protective of human health. |
| 7 | There is no mention of a monitoring regime testing water and sediment in the Maitai River immediately downstream of the confluence with Kaka Stream. We believe it is necessary to know the background levels of contaminants (if any) before work begins, in order to establish whether or not there has been any contamination in the river post development. Once work commences, it will be necessary to take regular water and sediment samples from the Maitai River to detect any changes. | We don't believe it necessary to monitor the Maitai River as given the properties of dieldrin, it will be isolated to the source area and immediate surrounds. Water quality monitoring is proposed for the Kākā Stream. See Consent Condition 15 (Set M, V2).<br><br>Soil source removal will address the risk to groundwater and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the realigned Kākā Stream. |

| | | |
|---|---|---|
| | | Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) and the risk to the stream is negligible. See Consent Condition 19 (Set M, V2). |
| 8 | Because Dieldrin binds to soil and sediment particles, it is important to sample the river when it is discoloured during rainfall events (i.e. turbidity greater than 50 NTU) to establish if dieldrin has been mobilised. During heavy rainfall events, there could be overflow of water and sediment from Kaka Stream and the settling ponds (downstream of the sheep dip site). This material could migrate to the Maitai River. | See above.<br>The dieldrin is primarily bound to organics in the soil in the source area. Concentrations reduce with depth and distance to the source. The contaminated soil will be removed, thus there will be mass reduction of the contaminant.<br><br>The design of the esplanade and river will ensure ground / stream stability and minimal surface run off. There is a hill / mound proposed to be located between the source area and the proposed stream.<br><br>The remedial works monitoring protocol detailed above and in the RAP will confirm this prior to diverting water into the constructed stream.<br><br>Given the above it is not anticipated, that following remediation, there will be dieldrin bound to soil or sediment within the proposed stream. As such, sampling of the Maitai is not required. |
| 9 | The SQEP (Suitably Qualified and Experienced Practitioner) must be impartial and independent and reports produced by the SQEP should be available to the public. | Correct. As per the Ministry for Environment Users' Guide to the NESCS, SQEPs are required to be independent, apply good professional practice and report against contaminated land and industry guidelines.[2] The SQEPs on this project and required by conditions, do and will (respectively) meet the definition. |
| 10 | Downstream of the confluence of the Kaka Stream and the Maitai River, there are three popular swimming holes, numerous fish spawning areas, and a diverse plant and fish population. As a result, the public needs to be assured that no contamination is likely to occur and that any contamination will be detected, notified, and removed as soon as possible. | Soil remediation will address the risk to groundwater, the proposed stream and downstream receptors. This will be confirmed through a remedial works monitoring protocol during and following soil remediation works. The scope of this protocol will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) making the risk to the stream, and thus any downgradient receptors, negligible. |
| 11 | We thank you again for the opportunity to raise our concerns to ensure these challenges are addressed in a manner that provides Nelsonians with confidence that the Maitahi Village development will not adversely affect the | The applicant met with Mr Kennedy and Mr Grey from the Friends of the Maitai on 10 June 2025 to openly discuss the project and provide clarification to areas of interest to the Friends. |

[2] Refer to Section 2.1.1 ( pp. 16-17) – Users' Guide: National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (1 April 2012).

| | | |
|---|---|---|
| | Maitai River. Please contact us if you need any further information or clarification. | |

**Table 4:** Royal Forest and Bird Protection Society of New Zealand Inc

| | Comment | Applicant Response |
|---|---|---|
| 1 | **Introduction** | |
| 1.1 | Thank you for the opportunity to provide comments on the Fast-Track Approvals application for the Maitahi Village project at 7 Ralphine Way, Nelson. Forest & Bird is New Zealand's oldest and largest non-profit organisation dedicated to protecting and restoring Aotearoa New Zealand's unique indigenous biodiversity and natural habitats. In its advocacy for nature Forest & Bird has a significant interest in ensuring that large-scale developments such as this proceed in a manner that upholds the principles of sound environmental stewardship, the precautionary approach, and the avoidance of adverse effects, particularly on our irreplaceable natural heritage. | Noted.<br><br>The proposal is designed to meet all relevant environmental imperatives as expressed in RMA plans and policy documents. In doing this, the Project comfortably satisfies the ultimate purpose of the FTAA.<br><br>It is noted the relevant RMA documents and legal tests do not necessarily align with what Forest and Bird would like to see – for example, *application of a precautionary approach* and *the avoidance of adverse effects*. However, those are general statements and are best considered in the context of the more specific comments from Forest and Bird. These are addressed below. |
| 1.2 | We understand that expert consenting panels have the option to invite further persons to comment under s53(3) of the FTAA, and we appreciate the opportunity extended by this panel to Forest & Bird. | Noted. |
| 1.3 | We have also aimed to provide these comments ahead of the deadline for comments to provide opportunity for the applicant's consideration in updating consent conditions, which we understand they will be providing the expert consenting Panel by 2 July. | The Applicant is grateful for Forest and Bird's early provision of comments. |
| 1.4 | Having now considered the substantive application we are able to provide comment on sediment and erosion risks, contaminated land risks, the incorporation of nature-based solutions, and the overall robustness of proposed consent conditions, to assist the panel in its decision making. | Noted. |
| 2 | **Comments on Substantive application** | |
| 2.1 | Forest & Bird's comments are to assist the decision making by the panel and to support development of improved consent conditions to address adverse effects of concern. At present the proposal currently defers many details until after grant of consent, and the draft conditions lack specificity and rigor to manage the risks associated with this uncertainty. | The proposed conditions have now been updated and refined, including in response to comments received. Refer to Attachment 25(V2) A-M.<br><br>The Applicant intends that certainty as to environmental outcomes is assured through this approvals process. It is not proposing to leave fundamental assessments or risks for another day. As is common in the resource consenting process (for example), some details can appropriately be left to the post-consent phase without jeopardising certainty of environmental outcome. |
| 2.2 | Issues/Matters addressed:<br>a. Sediment | Noted and addressed in response to the specific comments below. |

| | | |
|---|---|---|
| | b. Contaminated land<br>c. Nature based solutions<br>d. Conditions | |
| 3 | **Erosion and Sediment Risks** | |
| 3.1 | The Maitahi Village project involves extensive earthworks, stated in the Erosion and Sediment Control Assessment Report (ESCAR) as approximately 67 hectares, with cut and fill volumes each exceeding 600,000 $m^3$ (Application, pg 35-36). These activities, including the realignment of the lower Kākā Stream and reclamation of a tributary, are proposed in a sensitive environment. The Kākā Stream flows through the site and into the Maitahi River at Dennes Hole, a popular recreational area, before the Maitahi River discharges into the Nelson Haven, an ecologically significant estuary already under pressure from sediment. The Kākā Stream catchment itself has existing erosion issues and has been significantly impacted by past flood events, such as in August 2022. | These matters have all been directly considered and addressed in the AEE and the ESCAR. No new issues are raised by this comment. This is a large earthworks project, but not unusually so. While the overall earthworks footprint is large, it is the area open/exposed to erosion at any one time that is the most relevant to the potential sediment related effects.<br><br>The scale of staging proposed works is comparable to other developments in Nelson, such as various stages of the Quail Rise, Solitaire and Stag Ridge developments, which range from 4ha to 15ha of open area at any one time.<br><br>As part of the earthworks, best practice erosion and sediment control (ESC) will be implemented to minimise the discharge of sediment to the receiving environment. The application is supported by the ESCAR, Draft Site-Specific (staged) ESC Plans, a Chemical Treatment Management Plan and an ESC Monitoring Plan.<br><br>As provided in Table 1 of the ESCAR, the assessments have been based on the indicative earthwork phases, the largest of which being approximately 19ha (Phase 1), and the remainder ranging from approximately 1ha to approximately 9ha. Within a given phase, sub-staging may also occur to further minimise the open area at any given time and therefore reducing the potential for sediment generation. It is noted, however, the assessment did not include any assumptions of substaging. Therefore if this does occur, it will only improve outcomes over what has already been assessed.<br><br>The objective of the proposed ESC approach, on which the ESCAR and SSESCPs are based, is to minimise sediment yields during construction such that off-site effects on water quality, habitat and amenity are minor and temporary i.e. limited to the duration and period immediately after rainfall. Those effects will coincide with elevated sediment loads within the Kākā Stream and Maitahi River.<br><br>The erosion issues within the Kākā Stream have also been acknowledged. The lower section of the Kākā Stream will be redirected by constructing a new |

| | | |
|---|---|---|
| | | naturalised stream channel offline before directing the flows to the new channel. Completing the relocation first (post contamination removals) will simplify the erosion and sediment control methodology for the balance of the earthworks in the lower catchment and further reduce of risk of sediment discharge to the stream. The new stream channel will reduce the sediment load when compared to that arising from the existing, eroding channel, as the new channel will be designed and constructed to be erosion resilient and will be stabilised before water is diverted into it.<br><br>The proposed best practice erosion and sediment control methods, including staging, are assessed as appropriately minimising sediment yield during the development phase of the project.<br><br>Post-development, it is predicted that the sediment load will be less than that currently generated from the existing land use. This benefit will be achieved progressively through staged development. So, on an overall basis, there will be an improvement in sediment-related water quality and that improvement will occur earlier than post-development. |
| 3.2 | Scale and Sensitivity of Receiving Environment:<br>The large scale of earthworks (67 ha) in a catchment known for existing erosion issues and draining to highly valued downstream environments (Dennes Hole, Maitai River, Nelson Haven) remain a significant concern. The assertion of "temporary and minor" effects needs to be critically evaluated in light of the receiving environment's sensitivity to fine sediment. | The 67ha reference used has come from the ESCAR (Attachment 7, Section 2.1, of the Substantive Application).<br><br>For clarification and with regard to physical earthworks, the total areas of cut and fill for each stage are shown on the “Maitahi Civils Set 1 – Earthworks" (Drawing C100) as having a combined area of 37.698ha.<br><br>As set out in 3.1 above, the potential effects have been recognised, critically evaluated and addressed in the application.<br><br>In the long-term developed scenario, the overall development, including the provision of SW treatment for urban areas and the proposed vegetation improvements to the wider catchment, is expected to reduce the existing “erosion issues” experienced in the catchment. This is through water sensitive urban design and the wider vegetation improvements, which manage sediment and reduce erosion risk compared to the existing agricultural landuse.<br><br>The section of the Kaka Hill Tributary within the Project Area is already degraded by fine sediment, with limited ecological value, and the Maitai River has high |

| | | |
|---|---|---|
| | | baseflow and strong flushing capacity. The predicted increase in sediment during construction is negligible relative to existing background inputs from the Kaka catchment – and even more so in the context of the wider Maitai catchment – and sediment loads are expected to fall below current levels post-construction. As such, the applicant does not consider the downstream environment to be particularly sensitive to fine sediment inputs from this project. |
| 3.3 | Uncertainty in Sediment Yield Predictions (USLE): | |
| a. | The SSE ESCAR (Erosion and Sediment Control, pg 29) acknowledges that USLE calculations to establish a baseline of sediment can significantly overestimate sediment yield in areas of hard rock geology like Nelson compared to the softer North American soils for which it was originally developed. It also notes a discrepancy between its USLE based estimate of existing sediment load from Kākā Stream and a much lower NIWA (2017) CSSI-based estimate (41.7 t/y). | Noted. |
| b. | While the ESCAR argues that the relative comparison between pre-construction and during-construction USLE estimates is what matters, relying on a potentially inflated baseline of sediment to calculate a percentage increase could underrepresent the actual volume and impact of discharged sediment if the true baseline is lower. The actual tonnage discharged is critical for the receiving environment (Erosion and Sediment Control, pg30). | The USLE provides an estimate of sediment yield based on the implementation of best practice ESCs.<br><br>While the baseline is potentially inflated by the assumptions required by the modelling, the outputs are also based on the same assumptions. Thus, allowing comparisons in the data.<br><br>Page 30 of the ESCAR notes that the predicted increase in sediment load for each earthwork area appears to be significant on a percentage basis, while being small on an actual tonnage basis. The discussion in the report does not rely on an inflated pre-development estimate. It also notes that the steeper upper catchment areas beyond the development footprint influence the catchment load more than the lower gradient areas of much of the earthworks footprint.<br><br>The percentage change is a valid indicator for the purposes of evaluating potential ecological effects, because the modelling applies consistent assumptions pre- and during construction. For example, the same rainfall intensity, soil type, slope, and ground cover factors were used in both scenarios within the USLE model. This means the percentage increase directly reflects the impact of earthworks alone, without confounding from other variables. Given that the absolute tonnage increase is still very small in the context of |

| | | |
|---|---|---|
| | | total catchment loads, the risk to ecological values remains low regardless of whether percentage or tonnage is considered. |
| c. | Given these uncertainties, the claim of only a 1.12% increase in sediment load during the worst-case earthworks phase needs careful independent scrutiny (Erosion and Sediment Control, pg30). | When compared with larger catchments, small relative areas over staged timeframes, percentage increases are generally not high, from a catchment perspective.<br><br>The percentage change is a valid indicator for the purposes of evaluating potential ecological effects, because the modelling applies consistent assumptions pre- and during construction. For example, the same rainfall intensity, soil type, slope, and ground cover factors were used in both scenarios within the USLE model. This means the percentage increase directly reflects the impact of earthworks alone, without confounding from other variables. Given that the absolute tonnage increase is still very small in the context of total catchment loads, the risk to ecological values remains low regardless of whether percentage or tonnage is considered |
| 3.4 | Effectiveness of ESC Measures | |
| a. | The project's Erosion and Sediment Control Assessment Report (ESCAR), refers to the controlled process of adding a chemical coagulant, in this case primarily Polyaluminium Chloride (PAC), to the sediment-laden (muddy) water running off the earthworks site.<br>The fine silt and clay particles in the site's soil are so small that they stay suspended in water for a very long time, making it cloudy or turbid. Left untreated, this fine sediment would flow through the settlement ponds and into the Kākā Stream. The chemical coagulant works like a magnet, causing these tiny particles to clump together into larger, heavier groups called 'flocs'. These heavier flocs can then settle to the bottom of the Sediment Retention Ponds (SRPs) much more quickly, resulting in clearer water being discharged. The plan proposes to use automated dosing systems that are activated by rainfall. A small roof tray captures rain, which then displaces a measured amount of the PAC chemical from a reservoir into the dirty water channels before they enter the SRPs. | This is an accurate summary of the function of chemical treatment of sediment retention ponds.<br><br>We note that the system using a catch tray, as mentioned, is a common option that might be used, but other automated systems might also be considered. |
| b. | The assumed 95% effectiveness for chemically treated SRPs is a critical parameter in predicting sediment discharge (Erosion and Sediment Control, pg28). While PAC has shown good results in bench tests (ESCAR, Appendix A - CART report), consistent field performance at this level across variable storm conditions, diverse soil types encountered during bulk earthworks, and over a multi-year construction period requires exemplary site management and | We agree with the comment that active site management and monitoring of the chemical dosing systems (including pH monitoring) should be undertaken throughout the duration of earthworks. Monitoring and maintenance requirements are detailed in the Chemical Treatment Management Plan.<br><br>The critical element is that dosing rates will be set within a neutral pH range. That ensures that the PAC will not result in a biotoxicity effect. In addition, |

| | | |
|---|---|---|
| | robust, adaptable chemical dosing. Without this you risk changing the pH downstream. | much of the chemical is bound to the sediment retained in the sediment retention pond. This further ensures environmental safety.<br><br>In response to monitoring, dose rates can and will be revised if necessary. |
| c. | The ESCMP performance targets (clarity >100mm, pH 5.5-8.5) are indicators, not direct measures of overall sediment capture efficiency across all particle sizes (Erosion and Sediment Control, pg86). Fine clays, which can be particularly damaging ecologically, are often the hardest to capture. Additional requirements are needed to ensure that fine clays are captured and not released into down stream environments. | It is agreed that best practice sediment control measures do still have residual sediment discharge i.e. none of them are 100% efficient in retaining all sediment. This is why the ESC methodology proposed will have such a significant focus of erosion control at source (e.g. minimising open areas), so as to minimise the amount of sediment that enters the sediment control devices.<br><br>It is not agreed that additional measures are necessary. The ESCAR has proposed all best practice measures that can be practicably adopted. Earthworks are necessary to achieve various types of development required by people and populations, including urban development. The best-practice erosion and sediment control methodology proposed in accordance with the NTESCG, including staging, chemical treatment and rigorous monitoring, is assessed as providing sufficient certainty that potential adverse sediment related effects will be acceptably minimised during the construction phases. These conclusions are based on extensive experience with significant earthworks projects throughout New Zealand, including in Nelson. That experience includes manual and automated monitoring of sediment retention ponds, which informs the assumed sediment retention pond efficiencies. |
| 3.5 | Chemical Treatment (Flocculation) | |
| a. | The use of PAC requires careful pH management to ensure discharges remain within the 5.5-8.5 range to avoid toxicity associated with aluminium mobilisation outside this range. The ChemTMP (ESCAR, Appendix A) and ESCMP (ESCAR, Appendix B) outline monitoring, but conditions must be efficient to manage this effectively and for the long duration of the project. | The applicant has volunteered consent conditions which include compliance with ChTMP and ongoing monitoring. See Condition 25 of Set B (V2). |
| b. | The ESCAR (ChemTMP, Appendix A) notes that initial bench testing was on three soil samples, with a fourth test on a combined sample from two tracks relevant to early stages. Ongoing testing as new areas and soil types are exposed is critical, as is the process for adjusting dose rates and verifying performance. | Additional soil sampling and bench testing will be completed throughout the duration of the earthworks to ensure the correct chemical and dose rate is being used. This is particularly important when the earthworks cut through different soil horizons. Dose rates for each stage will be specified in the corresponding Site-Specific Erosion and Sediment Control Plan. |

| | | |
|---|---|---|
| c. | Stream Works: The realignment of Kākā Stream and reclamation of KHT2 are significant interventions. While the methodology aims to work "in the dry", any failure or mishap during diversion or tie-in phases could result in substantial direct sediment discharge. The SSESCPs for these works (e.g., ESCP-SW-001 for Kākā Stream Diversion) must be exceptionally detailed and rigorously implemented. | The current lower section of Kākā Stream is highly modified and degraded through historical farming activities that extend back to the 1860s. As a part of PPC28, the original lower section of Kākā Stream was identified to be around the western side of the valley floor, which is why the Structure Planning process identified the new open space corridor in that location.<br><br>The proposed realignment is planned as a part of enhancing this environment, thereby achieving the objective and policies of Schedule X of the NRMP, with water sensitive design being a specific focus which exceeds the required standard of the NRMP.<br><br>The opportunity to form and stabilise the newly realigned section of Kākā Stream, in the dry, prior to diversion is a significant component of and opportunity to improve environmental outcomes. Combined with the comprehensive consent conditions proposed, the actual and potential adverse effects on the downstream water quality are considered to be avoided and mitigated.<br><br>It is agreed that an appropriately detailed methodology must be rigorously implemented. However, from an erosion and sediment perspective, the associated works are not considered to be a “significant intervention”. Constructing the new channel off-line significantly reduces the risk of an unacceptable sediment discharge to the receiving environment. The works area will be isolated and contained. A draft SSESCP for the streamworks has been provided which indicates the streamworks will be completed in small stages to minimise risk.<br><br>The new channel will be permanently stabilised (and signed off by an engineer) before flows are directed to it.<br><br>This methodology further reduces the risk of the overall earthworks required within the lower catchment. |
| 3.6. | Cumulative Sediment Load. While the project aims to minimise its sediment contribution, any increase adds to the existing sediment load from the Kākā Stream and the wider Maitai River catchment, impacting the Nelson Haven. The cumulative impact needs to be considered and reflected in any eventual consent conditions. | The potential for increased sediment loads effects will be managed during the various construction phases in accordance with the erosion and sediment control plan. |

| | | |
|---|---|---|
| | | It is anticipated that, post construction, cumulative sediment loads from the wider Kākā Stream catchment will decrease overtime compared to current sediment loads as a result of the land use changes from primarily agricultural land use (grassland) and scrub towards developed impervious areas (residential subdivision) and forests (reforestation areas). In addition, in the developed impervious areas, a comprehensive stormwater treatment train is proposed, with design elements directly targeting sediment, as well as other urban contaminants. As a result, sediment loading from the Kākā catchment, in which the development is entirely sited, is expected to decrease.<br><br>As the proposed development is located entirely within the Kākā catchment (which only represents approximately 2.5% of the wider Maitai Catchment), consideration of sediment loadings from the wider Maitai catchment outside the proposed development was not undertaken, but it is noted that ongoing sediment/contamination discharge from the Maitai catchment remains an issue.<br><br>It is considered that the sediment load for the overall Maitai catchment and the effects on the Nelson Haven, will have a minor decrease (given the relative size of Kākā catchment) as a result of the expected reduction in sediment load from the Kākā catchment. |
| 4 | **Contaminated Land Risks** | |
| 4.1 | It is not clear to us whether the Action Plan provided by the applicant is intended as a "management plan" for contaminated soils or whether those actions will be adequate to address the recommendations of the Ecological Recommendations for Contamination Management. | The Remediation Action Plan presents a methodology for the remediation of the site and includes management actions, monitoring and feedback loops.<br><br>The measures proposed have a direct link to the ecological recommendations, as discussed in various other responses to comments, including directly below. |
| 4.2 | For example, the Remediation Action Plan does not appear to have adopted the 99% level DGV for species protection to account for the bioaccumulating nature of toxicants.2 | Remedial criteria for soil have been set as per the recommendations in the Ecological Report as detailed in Table 5 of RAP v4 (p.g. 19).<br><br>While the selected ANZG sediment criteria are described in the guidelines as having "low reliability" due to limited supporting data, they are still considered suitable as conservative screening values. In this case, the most stringent of the available values (DGV) has been adopted to ensure a precautionary approach. |

| | | |
|---|---|---|
| | | Removal of the soil source of contamination is the dominant remedial methodology. The immediate vicinity of the former treatment infrastructure will be excavated to secure containment, to a full depth of 2m.<br><br>For construction purposes, the planned excavation will cover a considerably wider area than the known extent of the dip, removing at minimum the entirety of the topsoil. In the stream base and in the footprints of the stormwater basins, excavation will be deeper.<br><br>These two measures will ensure that the great majority of the dieldrin, which inherently binds strongly to this organic matter-rich topsoil, is removed. So will be much of the arsenic, our other contaminant of concern. There is a necessary degree of over-excavation that should considerably alleviate concerns about the delineation of the contamination to date.<br><br>Soil source removal will address the risk to groundwater, the risk from overland flow, and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. This requires soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br><br>If validation sampling fails to meet the remedial criteria, this will result in a further soil removal of up to 0.5 m depth and revalidation.<br><br>Any residual contamination that is able to migrate in groundwater as far as the proposed stream will initially pool within the disconnected stream bed, where it can be assessed and if unsuitable for discharge can be pumped through filters back into the source area.<br><br>Dieldrin bonds strongly to soil, therefore once the soil has been removed from the source area, the concentrations of dieldrin leaching from soil to groundwater will be significantly reduced. Concentrations of contaminants in groundwater will be lower than the low levels seen currently and will decrease further over time given the source removal.<br><br>Achieving soil remedial criteria will result in concentrations of dieldrin reducing from a maximum reported concentration of 620 mg/kg to 0.0028 mg/kg within the riparian margins. This is a reduction in concentration by up to five orders of |

| | | |
|---|---|---|
| | | magnitude. If we take the geomean of the dieldrin concentrations reported to date (2.38 mg/kg), the reduction would be three orders of magnitude.<br><br>Given the concentrations of dieldrin in water and soil are in equilibrium , concentrations of residual dieldrin in groundwater would be expected to reduce by a corresponding factor (i.e. a reduction in sold mass should result in a corresponding reduction in dissolved phase).<br><br>The most elevated concentration of dieldrin in water reported to date is 0.00106mg/l. If this concentration is reduced by three orders of magnitude, the reported concentration would be below the ANZG 99% protection value for freshwater (0.00001mg/l).<br><br>Given the above, specific groundwater remedial criteria is not considered necessary.<br><br>When the stream goes live, any trace residual contamination that is still coming through will mix with surface water from further up the catchment (i.e. dilution). This will mitigate any residual risk. The stream water will be monitored following diversion to confirm concentrations in water do not pose a risk to the ecology.<br><br>It is worth noting that arsenic concentrations reported in groundwater to date do not exceed the applicable ecological criteria (ANZG 2018 95% protection level). Therefore, groundwater monitoring will focus on dieldrin, which has been reported above the ANZG 2018 99% protection level. If concentrations above the ANZG thresholds for freshwater ecosystems (95%) are detected in the stream in the adjacent and the two downgradient sample locations (but not in the upgradient location), a second monitoring round shall be completed within two weeks of the initial sampling. |
| 4.3 | It is important that adequate information is provided on the extent of contaminated land requiring removal. If this is not available before grant of consent, then detailed conditions on what is required to determine this area are required. This should be supported by further information on how the spread of contamination during excavation, realignment of the stream, and remediation within that area will be managed. These measures must then be set out in conditions of consent. As far as possible conditions should include specific | The additional investigation scope is included in Appendix F of the RAP.<br><br>During remedial works, the site will be managed through the processes detailed in the RAP (section 8) and the erosion and sediment control plan. The RAP will be updated with additional controls to address issues such as the disposal of contaminated sediment (held by silt fences) and dewatering. |

| | | |
|---|---|---|
| | measures/actions to be undertaken by the applicant, which provides greater certainty than relying on a future management plan. We note that a number of recommendations and actions3 have already been identified in reports commissioned by the applicant, which could be written into conditions of consent to provide greater certainty in this respect. A "generally in accordance with" condition does not provide adequate certainty on the management of adverse effects sufficient to address identified adverse impacts. | Soil source removal will address the risk to groundwater, the risk from surface run off, and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br><br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) and there is no adverse effect to the stream. Refer to condition 19 in the volunteered remediation conditions.<br><br>The proposed consent conditions (V2) have removed all references to "Generally in". The conditions specify the environmental parameters that determine the effects outcome. This is not left to a management plan. |
| 4.4 | We remain concerned that the extent of highly contaminated area has not been determined. The effectiveness of removal in ensuring the remediated site safe for human and ecological health appears uncertain with consent conditions lacking detail on monitoring requirements and response. | The Applicant has done enough testing to determine the likely extent of contamination on-site. It has also enabled the Applicant to identify – with certainty – the "hotspot" (i.e. where concentrations of contaminants are most elevated) around the former sheep treatment infrastructure. The remedial methodology is to remove the contaminant mass in soil until concentrations of contaminants within the soil, are at or below the applicable remedial criteria as listed in Table 5 of the RAP. Residual contamination would only be left in situ where there is negligible risk to identified receptors. |
| 4.5 | On site Encapsulation Cell | |
| a. | The disposal locations have not been confirmed and there remains uncertainty as to what level of contaminated soils will be disposed of and where. The proposed location for the encapsulation cell is "approximately 40 m from Kākā Hill tributary at its closest point" (RAP, pg 15). The RAP also states the cell will be "at least 25 m from all watercourses" (RAP, pg 24). This proximity is a concern, and the buffer distance needs to be robustly justified and potentially increased. | The Application sets out a robust process for dealing with each level of contaminated material i.e. treatment disposal for dieldrin off site, encapsulation cell, York Valley disposal, reuse onsite. Refer to flow charts presented in Section E of the RAP.<br><br>Volumes are estimated at this stage, which is entirely adequate because that is not a limiting factor for any of the disposal options (i.e. there is room within each option for greater disposal volumes than estimated).<br>As detailed in the Remediation Action Plan the soil to be encapsulated will meet the Wasteminz Class 3 waste acceptance criteria for arsenic. For dieldrin the waste acceptance criteria will be the HSNO Act Basel Conventions threshold guidelines (low persistent organic pollutants (POPs) content |

| | | |
|---|---|---|
| | | threshold[3]. Class 3 WAC are not considered necessary for dieldrin due to its physical and chemical properties – it binds to soil and is insoluble in water.<br><br><u>Distance from watercourses</u><br><br>The cell will be at least 25 m from all watercourses, and will be designed in accordance with the controls required for surface hydrology as detailed in the Wasteminz technical guidelines for disposal to land.<br><br>Seepage controls such as under-drainage and subsoil trench drainage will be specified as part of earthworks design to control groundwater levels in this area and ensure they remain well below the base of the cell.<br><br>Subgrade inspection will be carried out following excavations for the liner to ensure filter compatibility with underlying ground, with provision for undercut and replacement should this be required.<br><br>To confirm the risk to the environment from the cell is negligible, the following monitoring is recommended and will be detailed in an Ongoing Site Management Plan (OSMP).<br>1. Observation well installed within the cell to confirm the absence of leachate generation (i.e. it should always be dry).<br>2. Water level monitoring well beyond the encapsulation cell, to confirm local groundwater levels remain >0.5m below the base of the cell. Groundwater downgradient of the encapsulation cell will be monitored following filling of the cell. |
| b. | The long-term integrity, monitoring, and management of the proposed on-site encapsulation cell are critical. While conceptually described with liners and cap, the detailed engineering design, final location confirmation, and specific performance standards are yet to be developed. HAIL Environmental rightly points out uncertainties regarding design constraints like stability and drainage. | A condition of consent has been volunteered which requires an ongoing monitoring and management plan (OSMP). Please refer to the above for additional detail.<br><br>Whilst some details may change as a result of final design (as is always the case) the encapsulation cell will be designed to wholly contain the contaminants and prevent any downstream migration of contamination from the cell. Requirements for inspections, and monitoring of groundwater and |

[3] Refer to Section 5.2 of the RAP page 16 – EPA (2023) Proposal to introduce Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2023.

| | | |
|---|---|---|
| | | leachate will be included in the Ongoing Site management Plan (OSMP) to be prepared by the appropriate SQEP.<br><br>Design constraints with respect to stability and drainage are well understood. The encapsulation cell will be constructed entirely within made ground (uncontaminated fill), allowing easy construction of controls with respect to containment of contaminants, drainage, and geotechnical stability. The cell will be capped with a heavy 1000 micron HDPE liner and a minimum thickness of 0.5 m low-permeability clean fill. The presence of these features is certain. All encapsulation materials shall be tested to confirm performance suitability prior to disposal of contaminated material ion the cell. Space is not an issue therefore it does not matter whether actual volumes exceed anticipated volumes by an order of magnitude. |
| c. | The responsibility for perpetual monitoring and maintenance of this cell needs to be unequivocally established and funded. Envirolink states this will be with the landowner/developer for an "agreed time", which is insufficient; it must be in perpetuity. | The landfill (including encapsulation cell) is located within proposed Lot 6000, with the consent conditions requiring that the consent holder prepare and implement an Ongoing Site Management Plan (OSMP) (Condition Set H, (V2), Conditon12). The Subdivision Consent also requires these obligations for Ongoing Site Management be formally identified in a Consent Notice (See Condition Set I (V2), conditions 25 and 42(r). |
| 4.6 | Management of Highly Contaminated Soils (Dieldrin >50 mg/kg): | |
| a. | The highest reported dieldrin concentration (620 mg/kg) significantly exceeds the proposed EPA 'low POP content' threshold of 50 mg/kg. HAIL Environmental notes this could trigger HSNO Act restrictions preventing its legal disposal in New Zealand currently. | Correct |
| b. | The applicant's proposal to store this highly contaminated soil (30–40m3) in sealed shipping containers on-site pending treatability trial results or offshore disposal is a temporary measure for a persistent and hazardous waste. There needs to be a clear, consented, and funded final disposal pathway for this material. | The final storage / disposal location is yet to be confirmed. The material will be wholly isolated and contained, ensuring there is no environmental effect.<br>A condition of consent has been volunteered which states:<br>*All soils containing dieldrin above 50mg/kg shall be securely stored in sealed containers on an impervious surface in a bunded area at least 25m from any water body.*<br>*i. A Hazardous Waste Management Plan for these soils shall be submitted to the Council for certification prior to site works commencing.*<br>*ii. The Consent Holder shall provide written confirmation of the final disposal route and regulatory compliance with the HSNO Act and EPA requirements before materials are removed from the site.* |

| | | |
|---|---|---|
| | | A result received in the last week is that a bench trial has shown MCD is effective at destroying dieldrin in soils from this dip. This may present an NZ strategy for dieldrin treatment. |
| c. | HAIL Environmental also raised concerns about the lack of specific handling controls and labelling instructions for these hazardous soils, given dieldrin's dermal toxicity. Envirolink's response points to a future task-specific H&S plan, which should be a mandatory and reviewable part of the consent. | The RAP, section 8.5 states that contractors working within the contaminated zone will need long sleeve coveralls, gloves and a dust mask in addition to their usual PPE.<br><br>A project specific H&S plan will be compiled prior to the commencement of works and issued to the contractor. |
| 4.7 | Groundwater Contamination | |
| a. | The RAP (Version 3) has omitted groundwater remedial criteria, stating the methodology is not yet defined and source removal is likely sufficient. However, HAIL Environmental notes that arsenic and dieldrin are strongly bound to soils and will continue to leach into groundwater for a very long time, even after source removal. | HAIL Environmental's memo states that removing or treating groundwater will have little effect.<br><br>Soil source removal will address the risk to groundwater and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br>Dieldrin bonds strongly to soil, therefore once the soil has been removed from the source area, the concentrations of dieldrin leaching from soil to groundwater will be significantly reduced.<br><br>Achieving soil remedial criteria will result in concentrations of dieldrin reducing from a maximum reported concentration of 620 mg/kg to 0.0028 mg/kg within the riparian margins. This is a reduction in concentration by up to five orders of magnitude. If we take the geomean of the dieldrin concentrations reported to date (2.38 mg/kg), the reduction would be three orders of magnitude.<br>Given the concentrations of dieldrin in water and soil are in equilibrium, concentrations of residual dieldrin in groundwater would be expected to reduce by a corresponding factor (i.e. a reduction in solid mass should result in a corresponding reduction in dissolved phase).<br><br>The most elevated concentration of dieldrin in water reported to date is 0.00106mg/l. If this concentration is reduced by three orders of magnitude, the |

| | | |
|---|---|---|
| | | reported concentration would be below the ANZG 99% protection value for freshwater (0.00001mg/l).<br><br>Given the above, specific groundwater remedial criteria is not considered necessary.<br>Achieving the dieldrin soil remedial criteria selected will require significant mass reduction, as such there will be significantly less mass to partition into water, which will give rise to a significant decrease in concentrations in groundwater. In addition, the above does not consider dilution and attenuation, which would give rise to a further decrease in groundwater concentrations.<br><br>It is worth noting that arsenic concentrations reported in groundwater to date do not exceed the applicable ecological criteria (ANZG 2018 95% protection level). Therefore, groundwater monitoring will focus on dieldrin (but for completeness will also test for arsenic), which has been reported above the ANZG 2018 99% protection level. If concentrations above the ANZG thresholds for freshwater ecosystems (95%) are detected in the stream in the adjacent and the two downgradient sample locations (but not in the upgradient location), a second monitoring round shall be completed within two weeks of the initial sampling. |
| b. | The reliance on natural attenuation post-excavation needs a robust, scientifically defensible basis and a clear contingency plan if monitoring shows ongoing unacceptable discharge to surface water. The "initial estimate" of low dilution potential (1.67 times ANZECC WQG) from Robertson Environmental is a concern if significant leaching continues. | The remedial strategy can be summarised as: soil removal until contaminant concentrations meet appropriate remedial criteria, to a maximum depth of 0.5m beyond design cut levels (with the exception of the dieldrin source aera). The stream will only be diverted once monitoring confirms that concentrations of dieldrin and arsenic in groundwater have decreased – or are no higher than – pre-remediation concentrations.<br><br>Following diversion, the realigned stream will be monitored as part of the Ongoing Site Management Plan to confirm the concentrations of arsenic and dieldrin meet the ANZG 95% freshwater guideline values. If concentrations above the ANZG thresholds for freshwater ecosystems (95%) are detected in the stream in the adjacent and the two downgradient sample locations (but not in the upgradient location), a second monitoring round shall be completed within two weeks of the initial sampling. |
| c. | The potential role of the old stream channel beneath the woolshed as a preferential pathway for contaminant migration needs investigation, as | The old stream is not beneath the woolshed, but based on anecdotal information it is along the base of the hill, behind the woolshed. |

| | | |
|---|---|---|
| | recommended by HAIL and acknowledged by Envirolink for further investigation. | The former alignment could be acting as a preferential pathway, but because groundwater proceeding in that direction will take a much longer path to the stream, attenuation is likely to be great - especially for the relatively immobile dieldrin. This scenario would be occurring already. In addition, it will still be the case that the bulk of the contamination will be removed regardless.<br>This will be investigated as part of the additional scope listed in Appendix F of the RAP. |
| 4.8 | Reuse of Soils | |
| a. | The RAP proposes reusing some remediated soil (meeting ecological criteria but potentially above background) in recreational reserves or an "upstream excess soil area". The precise standards for this reuse and the management of the "excess soil area" need to be clearly defined and conditioned to prevent unintended environmental effects or human health risks. | Excavation and re-use of low-level contaminated soil will occur in the broader development, where the concentrations of contaminants in soil meet the relevant land use risk levels (e.g. recreational standards, or high density residential standards). The precise standards are set out in the RAP tables 5 and 6. Soil will only be re-used where it meets the applicable standards and poses minimal risk to human health or the environment. |
| b. | Clarity on defining and applying "local background concentrations" for the Maitai/Kākā Valley area is needed for decisions on soil reuse and validation. | The natural ground assessment is to confirm that soils within the wider project area are naturally elevated in characteristic ultramafic elements, albeit at concentrations posing no risk to human health.<br><br>Background concentrations are relevant to waste management i.e. determining how excess material will be managed and disposed of.<br><br>It is not necessary to have this information at this stage. That said, the soil sample results listed in the DSI that were collected from the paddocks in the south of the site do provide some indication of background concentrations. Further soil sampling will be undertaken as part of the additional investigation to define the local background concentrations.<br><br>Once local background concentrations are established, this will ensure soils with these 'background concentrations' are not to be considered contaminated and thus ensure there can be no constraint on soil reuse within the project site now or in the future. |
| 5 | **Incorporation of Nature Based Solutions** | |

| | | |
|---|---|---|
| 5.1 | Forest & Bird strongly advocates for the use of nature-based solutions ('NBS') in land development to protect and enhance biodiversity, improve water quality, and build resilience. The Maitahi Village proposal incorporates several elements described as NBS and water sensitive design ('WSD'), which we acknowledge as positive in intent. The success of these features hinges on their detailed design, robust implementation, long-term management, and demonstrable ecological outcomes. | The importance of appropriate design, implementation and long-term management of the proposed WSD elements is acknowledged by the applicant. Designs will be developed in accordance with the NTLDM in combination with national design guidelines and best practice.<br><br>The proposed stormwater management devices will require reactive and proactive maintenance. Design of all wetlands and soakage basins will ensure all devices have suitable vehicle access to the forebays for intermittent sediment removal. Monitoring the wetland for blockages after storms and ensuring invasive plant species do not overwhelm the wetlands or outlets will also be important for operation.<br><br>A detailed maintenance plan with maps and clear explanations of requirements for each feature will be prepared and provided prior to construction, this document can be used to inform contractor engagement for maintenance works after establishment and vesting.<br>Arvida will need to enter a maintenance contract for upkeep of any onsite proprietary storm filter devices confirmed during detailed design and ensure that residents and contractors are aware of the connection with downstream wetland systems and the need to protect these and Kākā Stream from unintended discharges.<br><br>The upkeep of reuse tanks will be the responsibility of the property owner, but a consent notice should be written to ensure this responsibility is properly administered.<br><br>As noted in the Stormwater assessment report and water sensitive design reports, the site-wide stormwater management has been designed following a comprehensive and integrated management approach (NRMP RE6.3), and following water sensitive design principles (NRMP RE6.3(d)). These nature-based solutions include mitigation of changes in hydrology, contaminants and changes in physical characteristics of the water to mimic the natural condition of the Kākā stream.<br><br>The importance of appropriate design, implementation and long-term management of the proposed WSD elements is acknowledged by the applicant. |

| | | |
|---|---|---|
| | | Detailed Design & Implentation<br>Further NCC approvals will be required at detailed design and engineering plan approval to review the design and confirm outcomes.<br>Supervision of the installation of the WSD will be undertaken and certified by qualified SW engineer.<br><br>Long-term management<br>The proposed stormwater management devices will require reactive and proactive maintenance. Design of all wetlands and soakage basins will ensure all devices have suitable vehicle access to the forebays for intermittent sediment removal. Monitoring the wetland for blockages after storms and ensuring invasive plant species do not overwhelm the wetlands or outlets will also be important for operation.<br><br>A detailed maintenance plan with maps and clear explanations of requirements for each feature will be prepared and provided to NCC for acceptance prior to construction, as NCC will ultimately vest these stormwater features. This document can be used to inform contractor engagement for maintenance works after establishment and vesting.<br><br>Arvida will need to enter a maintenance contract for upkeep of any onsite proprietary storm filter devices confirmed during detailed design and ensure that residents and contractors are aware of the connection with downstream wetland systems and the need to protect these and Kākā Stream from unintended discharges. See Condition Set I (V2), Condition 42(u).<br><br>The upkeep of reuse tanks will be the responsibility of the property owner, and a consent notice is proposed to ensure this responsibility is properly administered. See Condition Set I (V2), Condition 42(d).<br><br>Demonstrable ecological outcomes<br>A separate ecology monitoring plan for the Kākā realignment to track offset stream restoration and stormwater treatment train success which will include SEV assessments, macroinvertebrate and fish (eDNA) surveys and riparian vegetation surveys. Monitoring will occur annually for 5 years post-restoration. See Condition Set B (V2), Condition 37(g). |
| 5.2 | Authenticity and Efficacy of Kākā Stream "Restoration": | |

| | | |
|---|---|---|
| a. | While the design intent for the realigned Kākā Stream includes positive habitat features, creating a truly self-sustaining, ecologically functional stream from a highly modified baseline is a significant challenge. The success will depend on meticulous implementation of "natural channel design principles" and robust, long-term adaptive management outlined in the SRP/ERP. | The applicant acknowledges the challenges associated with establishing a self-sustaining stream channel in a modified environment. However, the realignment of Kākā Stream presents a rare opportunity to restore a permanently flowing stream reach in a catchment where the current alignment is predominantly intermittent.<br><br>The Project Geotechnical Assessment (Appendix E - Kākā Lower Reach Groundwater Assessment and Kākā Stream Realignment), confirms the presence of shallow groundwater inputs sufficient to sustain perennial baseflow in the proposed realignment. This is a critical factor enabling the re-establishment of permanent aquatic habitat capable of supporting indigenous fish and macroinvertebrate communities year-round.<br><br>Design elements are informed by natural channel design principles and tailored to the site's hydrological and geomorphic context, as described in the Stream Mitigation Assessment (Section 4.2, pp. 5-7).<br><br>Importantly, the long-term success of the restored stream will be secured through the Stream Restoration Plan (SRP) (Conditions 34, 35 and 37, Condition Set B (V2)) which must:<br><br>Establish pre-construction ecological baseline conditions (b);<br><br>Define stream restoration objectives and measurable ecological performance standards that reflect improvements in habitat quality, aquatic biodiversity, and hydrological function (a and e);<br><br>Include a five-year monitoring programme (f); and<br><br>Set out adaptive management responses where performance standards are not met (g). |
| b. | The claimed "Net Gain" in stream habitat relies on ECR calculations and the quality of the created/enhanced habitat effectively offsetting the loss of KHT2 and the disturbance to KHT1, KHT3, and KHT4. The ECR ratios used (1.5:1 permanent, 1.2:1 intermittent) must be rigorously justified as adequate for the specific values being lost and the uncertainties in restoration success. It is necessary to see the detailed SEV assessments and the resulting ECR | The Stream Mitigation Assessment (SMA; RobEnv, June 2025) includes detailed Stream Ecological Valuation (SEV) and Environmental Compensation Ratio (ECR) calculations (Sections 3–5, Attachment A), demonstrating that stream loss is offset at or above the required ECRs, based on concept design. Refer Attachment 3.2 to the Substantive Application (submitted 11 July 2025). |

| | | |
|---|---|---|
| | calculations before making a final decision on the consent. This will allow for proper scrutiny of the "Net Gain" claim and ensure any conditions set are based on complete information. However that detail does not appear to be available in the application information. | Final confirmation of SEV uplift and offset adequacy will be provided through the Stream Restoration Plan (SRP; Conditions 34, 35 and 37, Condition Set B (V2)), specifically clauses (c) and (d), which require SEV-based ECR verification and a mapped offset extent. Clause (e) further reinforces these outcomes by requiring measurable performance standards—including a minimum 0.1 SEV uplift and 80% riparian vegetation survival—to be met within five years of restoration. |
| 5.3 | Performance of Stormwater Treatment Train: | |
| a. | The WSD approach (rain tanks, treatment wetlands, soakage areas) is commendable in principle. However, the long-term effectiveness of these systems in protecting Kākā Stream and the Maitai River from urban contaminants (heavy metals, hydrocarbons, nutrients, temperature changes) and altered flow regimes depends on appropriate sizing, construction quality, and, crucially, ongoing diligent maintenance. | The importance of appropriate design, implementation and long-term management of the proposed WSD elements is acknowledged by the applicant.<br><br><u>Appropriate sizing</u><br>Stormwater sizing will be undertaken as per the NTLDM. Stormwater treatment sizing will be undertaken to achieve the first flush treatment requirements outlined in NRMP RE6.3(f) i.e. *First flush is to be based on treating 80-85% of mean annual volume or stormwater resulting from 3-month ARI Rainfall events (25mm rainfall depth or 10mm/hr rainfall intensity).*<br><br><u>Construction quality</u><br>Supervision of the installation of the WSD will be undertaken and certified off by a qualified SW engineer.<br><br>As outlined in the volunteered consent conditions it is proposed that Prior to works commencing on site, the Consent Holder shall submit a Design and Construction Methodology (DCM) from the Contractor which will be reviewed and approved by the Geoprofessional to Nelson City Council's ('Council') Monitoring Officer.<br><br><u>Ongoing diligent maintenance</u><br>The proposed stormwater management devices will require reactive and proactive maintenance. Design of all wetlands and soakage basins will ensure all devices have suitable vehicle access to the forebays for intermittent sediment removal. Monitoring the wetland for blockages after storms and ensuring invasive plant species do not overwhelm the wetlands or outlets will also be important for operation. |

| | | |
|---|---|---|
| | | A detailed maintenance plan with maps and clear explanations of requirements for each feature will be prepared and provided to NCC for acceptance prior to construction, as NCC will ultimately vest these stormwater features. This document can be used to inform contractor engagement for maintenance works after establishment and vesting. |
| b. | The Morphum WSD Report notes the western sub-catchment wetland is "slightly undersized" and that part of Arvida B "will not meet the full requirements of Clause E of Schedule X 6.3" for hydrological mitigation, relying instead on proprietary filters and investigating soakage later. It is not clear why the applicant is not addressing this issue by increasing the wetland to at least 4% of the contributing impervious catchment as recommended to ensure stormwater capacity[4] and to provide increased ecological benefits. | Further optimisation will be undertaken during detailed design to ensure the various WSD components within the treatment train (rain tanks, wetlands, soakage basins and proprietary treatment devices) all work together to achieve the required hydraulic and treatment requirements as outlined in Schedule X.<br><br>The ultimate sizing of these devices is reliant on the distribution of impervious areas within the different treatment catchments. Design assumptions in the Morphum WSD report, including the 4% wetland sizing, are preliminary and will have to be confirmed through detailed design and once actual development areas and the associated impervious areas have been resolved. This will then inform detailed design and treatment train sizing.<br><br>All stormwater treatment systems will be sized to the hydrology (NRMP RE6.3(e)) and first flush treatment requirements outlined in NRMP RE6.3(f). |
| 5.4 | Security and Timeline of Large-Scale Revegetation: | |
| a. | The proposed 120 ha of native forest restoration is a cornerstone of the project's hydrological mitigation and potential biodiversity enhancement. The commitment to legal protection (covenants) is vital. | This is a key element to the integrated catchment approach to managing flooding as per the Schedule X requirements. Managing flooding through land use improvements follows water sensitive design principles.<br><br>However, a scenario was assessed inclusive of the full Kākā catchment development (including Bayview areas), but no vegetation improvements in the upper catchment (i.e. assuming instantaneous and full urban development), this showed a small potential flow increase is 0.2 $m^3/s$. However, this minor increase in flow was shown not to result in any increase in downstream flooding in the Maitai River (increases in modelled flood depth are less than 0.05 m, which is within the tolerance of model error). This is due the location of the proposed development in the lower portion of the catchment, which results in differing timings of the peak flows from the developed and undeveloped portions of the site. This misalignment of peak flows helps mitigate the increased runoff from the increased impervious surfaces within the catchment. |

| | | |
|---|---|---|
| | | Other long term scenarios with partial or full vegetation improvements showed either a matching or reduction in peak flows in the post-developed scenarios compared to the pre-development.<br><br>From the perspective of biodiversity enhancement, the applicant agrees that the native forest restoration is important for strengthening ecological connectivity, buffering Significant Natural Areas (SNAs), and supporting native flora and fauna over the long term.<br><br>Regarding SNAs, the EcIA (Section 3.1.4, page 35) confirms that "...No SNAs are located directly within the Project Area; however, SNA 166 is situated within some 500 meters to the east of the Project Area on the top of Kākā Hill. This SNA is valued for its indigenous vegetation, hosting TAR species such as kānuka (Kunzea ericoides) and matagouri (Discaria toumatou)..." |
| b. | The T+T SWAR acknowledges a 10-12 year timeframe for this vegetation to mature and provide its full hydrological benefits. This means that in the interim, if the development outpaces vegetation establishment, the Kākā Stream could be subject to increased peak flows (Scenario 1, Table 6.4 of T+T SWAR, showing a 0.2m3/s increase in the 1% and 10% AEP events for present-day rainfall with full development but 0% vegetation establishment). While the SWAR considers this increase to have negligible off-site flood effects, potential instream erosion and ecological impacts during this interim period must be carefully considered<br><br>and mitigated, and this must be included in conditions of consent. | Proposed vegetation improvement is one of the key elements to the integrated catchment approach to managing flooding as per the Schedule X requirements, alongside the relative timing of the developed and undeveloped portions of the catchment. Managing flooding through land use improvements follows water sensitive design principles.<br><br>The potential for instream erosion and ecological impacts is primarily associated with the frequent small to moderate rainfall events. The effects of increased runoff from these events on streambank erosion from impervious surfaces, will be managed through a combination of retention (reuse of rainwater on site), extended detention volumes (treatment wetlands) and infiltration (soakage basins). These measures are specifically designed to mimic pre-development hydrology and reduce the frequency and intensity of runoff entering the Kākā Stream.<br><br>In terms of the potential staging, while the rain tanks will come online as the lots are developed, the treatment wetlands and soakage basins will be constructed in the initial subdivision stages. Therefore, the treatment of the impervious surfaces and mitigation of small and frequent events on streambank erosion, through extended detention and infiltration, will be mitigated from the early development stages. |

| | | |
|---|---|---|
| | | In addition to the above, the overall runoff from the wider catchment, including flows that have the ability to erode streambanks, will be reduced over time as vegetation matures. |
| 5.5 | Wetland Hydrology and Buffers | |
| a. | The commitment to a Wetland Hydrology Assessment for Wetland 1 is critical. This assessment must occur before final design of adjacent earthworks, and its recommendations must be binding to prevent adverse hydrological changes. | The applicant agrees. Accordingly, a Wetland Hydrology Assessment will be undertaken for Wetland 1 prior to final design of adjacent earthworks, with implementation of its recommendations secured via the (Wetland 1 - Hydrological Assessment). Refer to Condition 43, Set B (V2). |
| b. | The adequacy of riparian buffers for all wetlands and streams (EcIA suggests minimum 10m where practicable for streams; Morphum WSD Report mentions Schedule X requires a minimum 10m riparian buffer between treatment devices and the stream) must be ensured to protect their ecological and functional integrity. | It is confirmed that the proposed constructed wetlands all generally achieve the 10m buffer (as per NRMP RE6.3 (M)) from the realigned Kaka Stream low flow channel. Final placement of these devices and Kaka realignment will be undertaken during detailed design.<br><br>The main purpose of the buffer between the stream and constructed wetlands is to ensure that these remain hydraulicly disconnected (off-line) so that flood flows from the wider catchment will effectively bypass the wetland without damaging the ecological values and biological processes within the wetlands. Flood modelling and Kaka channel design have shown that flood flows do not enter the treatment wetlands.<br><br>In addition to supporting hydraulic separation, these 10m riparian buffers also contribute to protecting the ecological and functional integrity of the wetlands by reducing fine sediment and contaminant inputs, maintaining edge habitat structure, and promoting shading and microclimate stability. These outcomes are consistent with the intent of Schedule X and are supporting by the proposed planting specifications required under the Ecological Restoration Plan condition. |
| c. | True "Net Gain": The REL EcIA anticipates "significant Net Gain outcomes for local ecology in the medium to long term". Achieving genuine, measurable net gain requires more than just re-planting; it involves creating resilient, self-sustaining ecosystems with appropriate species composition, structure, and ecological processes. This needs to be embedded in the ERP with clear, science-based performance indicators and long-term monitoring. | The Applicant agrees with the submitter that achieving a genuine net gain in biodiversity requires more than replanting. This is reflected in the Ecological Restoration Plan (ERP) (Condition 34). See Set B (V2).<br><br>Condition 35 (Set B(V2)) ensures that:<br><br>Clear ecological objectives are set (clause a), including ecosystem resilience, biodiversity enhancement, and ecological process restoration; |

| | | |
|---|---|---|
| | | Measurable, performance standards are defined (clause b), such as survival rates, canopy closure, and habitat-specific targets;<br><br>Site-specific planting plans and eco-sourcing are required (clause d), appropriate to the Bryant Ecological District;<br><br>A structured monitoring and adaptive management framework is established (clause h), with defined indicators and triggers for remedial action;<br><br>Legal protection and long-term management mechanisms are secured (clause i), ensuring enduring ecological outcomes.<br><br>These measures give effect to the "significant Net Gain" outcomes anticipated in the Project EcIA and ensure ecological success is measurable, enforceable, and resilient over time. |
| 6 | **Conditions of Consent** | |
| 6.1 | These comments are based conditions provided by the applicant in Attachment 25 of the substantive application. We understand that the applicant intends to provide a completed set of proposed conditions to the panel by 2 July 2025. | Version 2 (V2) of the proposed conditions are provided with the applicant's response (11 July 2025). |
| 6.2 | The current conditions of the application includes multiple sets of draft conditions for different activities and stages of the development. This structure has resulted in repetition of conditions on the same matters but often with differences in detail of what is required. For simplicity and to ensure that unintended differences are not missed, it would be helpful to include "General Conditions" which apply across all consents sought. It may also be helpful to identify separately conditions which apply to construction phase from those which would only apply post construction phase. | There are multiple sets (A-M) as a consequence of the range of resource consents being required.<br><br>During the process of reviewing and improving the consent conditions, particular care has been given to remove the unintended differences to ensure the multiple sets align. |
| | **Management plan conditions** | |
| 6.3 | It is important that if a management plan is to be provided through a condition of consent, that a draft management plan with sufficient detail to rely on is provided before grant of consent. Additionally, the consent conditions themselves must include outcomes that must be achieved, in sufficient detail so as to be clear and enforceable. The conditions must also include the purpose of the management plans – which must link to the measurable and clear outcomes set out in the conditions. The conditions must ensure that the requirements will be sufficient to address identified adverse impacts and provide confidence for decision making prior to the grant of consent. | The process of reviewing the conditions also involved a review of all of the referenced management plans in V1 of the consent conditions (Attachment 25 of the Substantive Application). The references to management plans in V2 of the consent conditions are now consistent, with the purpose of those management plans clearly stated, along with the obligations as to timing and review also clearly specified. |

| | | |
|---|---|---|
| 6.4 | The conditions regarding certification of management plans must state that works cannot commence until certification is received. For example, the certification provisions which would allow the applicant to undertake activities without a certified management plan are contrary to the findings of the Environment Court.[5] | Addressed above. |
| 6.5 | The certification approach for the CEMP[6] appears to align with Court's findings. However, there is no one clear certification approach in the applicant's conditions. The Erosion and Sediment Control Plan (ESCP) conditions[7] are conflicting, with one stating that works cannot commence until certification, and another stating that works may be undertaken prior to certification. Further uncertainty is created by wording in preceding conditions which refer to approval by a Geo-professional and submission of the ESCP to council without any certification requirements (condition 6, H Land Use (s9) Landfill consent). Condition 9 for the Contaminated Land Management Plan (under M NES-CS Remediation of contaminated land consent) as drafted requires approval of the Councils' Monitoring Officer, rather than taking a certification approach. | The conditions (V2) have been improved and updated in response to this comment. |
| 6.6 | The management plan conditions generally lack clear objectives or outcomes in their purpose, making it difficult to ascertain on what basis the management plan would be certified and the condition(s) enforced. | The references to management plans in V2 of the consent conditions are now consistent, with the purpose of those management plans clearly stated, along with the obligations as to timing and review also clearly specified. |
| 6.7 | The relationship between the ESCP and the Contaminated Land Management Plan is not clear. For example, it is not clear whether or how the ESCP would deal with exaction and sediment in and around the contaminated land area on the site. | The conditions of Set M for the Remediation of the contaminated land, including the RAP(now V4) have now been updated to ensure the remediation works also mange ESCP. |
| | **Uncertainty in conditions** | |
| 6.8 | There is subjective or uncertain terminology used in conditions, such that the outcomes of complying with those conditions could be quite different depending on interpretation. For example: | The conditions (V2) have been improved and updated in response to this comment. |
| a. | Condition 38 (B. Land use (s9) Earthworks and Vegetation Clearance), relies on the "opinion of the monitoring officer". This wording could inappropriately imply an approval after the grant of consent. The wording of the condition should be certain on what is required of the consent holder and clear so that enforcement on this condition could be undertaken. In addition, to be effective as a consent condition the "zone of reasonable mixing" needs to be determined prior to grant of consent. | The conditions (V2) have been improved and updated in response to this comment. |
| b. | Condition 41 (B. Land use (s9) Earthworks and Vegetation Clearance), refers to "all reasonable endeavours" and "construction area" but it is not clear what this could entail or to what area. It may be more helpful for the condition to require | The conditions (V2) have been improved and updated in response to this comment. |

| | | |
|---|---|---|
| | that during construction all vehicles and machinery will be free of pest plants and plant seeds before entering the site. The methods to achieve this condition can then be included in the CEMP. | |
| c. | Condition 11 (H Land use (s9) Landfill) uses the words "appropriately protect" which is open to interpretation, this creates further uncertainty on whether mitigation will be adequate or able to provide appropriate protection. It is also unclear whether the condition is intended to respond to construction and/or operational effects of the landfill. | The conditions (V2) have been improved and updated in response to this comment. |
| d. | Condition 11 (H Land use (s9) Landfill) refers to "those effects not already provided for under conditions". Without qualifying what those effects are it is unclear how this condition would be implemented by the applicant. | The conditions (V2) have been improved and updated in response to this comment. |
| e. | Condition 29 (B. Land use (s9) Earthworks and Vegetation Clearance), includes direction to "minimise adverse effects on aquatic life at the commencement of works" which then relies on review of a report to identify methods and to interpret what is considered "minimise" in this context. This condition lacks precision creates uncertainty and would likely lead to the condition being unworkable or enforceable. | The conditions (V2) have been improved and updated in response to this comment. |
| 6.9 | Using these subjective or qualifying terms results in uncertain conditions when there are no standards, limits, thresholds or other outcomes specified for the assessment of environmental or other matter which the condition addresses. The context for identification and assessment of these matters must be included in the condition where a subjective term is used. Ideally however, more certain terms need to be used in the condition to begin with. | The conditions (V2) have been improved and updated in response to this comment. |
| 6.10 | In some cases, matters to be set out assessed and determined in the future should be able to be identified now and set out as specific conditions of consent. For example: | The conditions (V2) have been improved and updated in response to this comment. |
| a. | The scope of acceptable contamination and limits or methodology to be applied, should monitoring identify any residual contaminated land/water. It is not currently clear under draft condition 11 (M NES-CS Remediation of contaminated land) what monitoring would be undertaken or for how long monitoring should continue, in order to identify any residual confirmation. We also question whether Soil Contaminant Standards (SCS) for industrial land use are appropriate to land use on the site or adequate for identifying potential adverse effects on ecological values as recognised in the Appendix 3.2 Ecological Recommendations for Contamination Management. | The conditions (V2) have been improved and updated in response to this comment. |
| b. | It is not clear why the DNA testing of streams necessary to determine native species has not already occurred. Undertaking this prior to grant of consent would enable clearer conditions with respect to potential downstream impacts. | The conditions (V2) have been improved and updated in response to this comment. |

| | | |
|---|---|---|
| | This would provide greater certainty to decision making than relying on a future determination on measures to ensure that species are "appropriately protected" as would be the case under draft Ecological testing conditions 10 and 11 (H Land Use (s9) Landfill) | |
| | **Ecological conditions** | |
| 6.11 | Specific ecological conditions appear spread across a number (but not all of the consents sought). This includes: | There remains some necessary repetition between the condition Sets given the range of different consents required, and the interrelationship between the activities proposed. |
| a. | Ecology conditions 28 to 41 (B Land Use (s9) Earthworks and vegetation clearance). | |
| b. | Ecological testing conditions 10 to 15 (H Land Use (s9) Landfill). | |
| c. | Ecology conditions 22 to 35 (J Land Use (s13) Disturbance and deposition of material in the bed of Kākā Stream and its tributaries, including reclamation). | |
| d. | Ecology conditions 3 to 10 (K Water Permit (s14) Dam and divert water for construction purposes). | |
| 6.12 | While the ecological condition for B Land use (s9) and J Land use (s13) consents appear the same, a number of those which relate to streams and fresh water are not included with the ecological conditions for K Water permit (s14). The ecological testing conditions for H Land use (s9) Landfill, do not appear to include conditions for ongoing ecological testing of the landfill. Some further comment on specific conditions is included above with respect to uncertainty of conditions. | The conditions have been updated to include pre-works eDNA testing (c), potential mitigation for significant species (d), trigger-based sediment response actions (d), and clarified reference to erosion control guidance (d).<br><br>The Landfill conditions (Set H(V2)) have been amended to allow for potential long-term ecological monitoring if initial eDNA testing identifies significant species (b). |
| 6.13 | The ecology conditions rely heavily on ecological advice which would only be received after the grant of consent. For example; | Each of the referenced items—(a), (b), and (c)—is addressed through clearly defined conditions and management plans, which require Council approval and are grounded in pre-consent baseline information and best practice methodologies.<br><br><u>(a) Fish salvage and transfer (referenced in condition 31):</u><br>The proposed Stream Restoration Plan (SRP) includes a requirement for a Fish Salvage and Relocation Plan (SRP clause i) to be prepared by a Suitably Qualified and Experienced Freshwater Ecologist. This plan will set out species-specific salvage methods, seasonal timing considerations, and relocation protocols based on known species presence as identified in the baseline surveys (SRP clause b). These requirements ensure fish handling is not ad hoc but is instead based on established data and approved methodology, with Council oversight via the SRP approval process. |
| a. | condition 31 leaves the assessment of native fish and determination of whether captured and transferred should occur to an ecologist post grant of consent; | |
| b. | condition 29 suggests that the applicant's Ecologist will set out methods that must be employed by contractors; and | |
| c. | condition 36 is for fish passage reinstatement and rehabilitation of working areas and stream bed to the satisfaction of the Ecologist. | |

| | | |
|---|---|---|
| | | (b) Ecologist-specified construction methods (condition 29):<br>The Ecological Restoration Plan (ERP) requires detailed implementation and maintenance specifications (ERP clauses f and h), including adaptive management triggers. This means that while the Ecologist prepares site-specific implementation guidance, the ERP must be approved by Council before works begin, and must adhere to measurable performance standards (ERP clause b). This ensures ecological direction provided post-consent is subject to regulatory review and aligns with restoration objectives.<br><br>(c) Fish passage reinstatement and streambed rehabilitation (condition 36):<br>Fish passage and bed rehabilitation are governed by the SRP, which requires restoration objectives (SRP clause a), performance standards (SRP clause e), and monitoring (SRP clause f) to ensure outcomes are achieved. Council approval of the SRP prior to works (introductory paragraph) ensures the Ecologist's role is not discretionary but operates within a framework of accountable standards and Council-reviewed deliverables. |
| 6.14 | There should be sufficient information in the application on ecological values, such as native fish, and the effects of the proposal to assess whether effects management achieves desired outcomes prior to grant of consent. These conditions would be improved by setting out what the applicant is required to do/achieve, and where there may be more than one method to achieve those requirements, consider providing for methods to achieve those conditions in a management plan. | The Applicant agrees that ecological values and effects must be clearly understood at consent stage, and that consent conditions should define what outcomes must be achieved.<br><br>The EcIA (RobEnv, Feb 2025) documents ecological values, including fish, macroinvertebrates, habitat, and riparian condition (Sections 3–4), and assesses effects accordingly (Section 5).<br><br>The proposed conditions define clear ecological outcomes. For example:<br><br>SRP clause (e) requires ≥0.1 SEV uplift and 80% riparian vegetation survival;<br><br>SRP clause (f) mandates 5-year monitoring and links to baseline data;<br><br>ERP clause (b) sets native vegetation survival and canopy cover thresholds.<br><br>Where flexibility is needed (e.g. fish salvage, planting methods), methods are set out in management plans prepared by a Suitably Qualified and Experienced Ecologist and approved by Council prior to works (SRP and ERP clauses (a)–(c)). This ensures best-practice implementation while maintaining enforceable ecological outcomes. |

| | | |
|---|---|---|
| 6.15 | In some cases, the conditions imply that the ecologist is responsible for implementing conditions. For example, condition 35 where the Ecologist is to ensure sediment controls, coffer dams and temporary fish passage is functioning properly. While it is helpful to understand that applicant will have an ecologist undertaking this function for them, our understanding is that consent conditions must be solely between the consent holder and the consent authority. Again, these conditions would be improved by setting out what the applicant is required to do/achieve and including details on methodology to achieve them within a management plan. | Refer to response 6.13 |
| 6.16 | We note that the applicant's 2024 Ecological Impact Assessment[8] has recommended an Ecological Management Plan as well as a number of specific measures to address adverse effects. The 2025 Ecological Impact Assessment[9] includes recommendations for a number of management plans as well as specific measures to avoid, remedy or mitigate adverse effects. The conditions would be greatly improved by including conditions to achieve these mitigation measures, restoration initiatives, and implementation and monitoring recommendations. For example: | The Applicant acknowledges the importance of translating EcIA recommendations into enforceable consent conditions. The proposed conditions, including the Stream Restoration Plan (SRP) and Ecological Restoration Plan (ERP), directly respond to and implement the measures recommended in the EcIA. Each of the referenced items—(a) to (e)—is addressed through clearly defined conditions and management plans:<br><br><u>(a) Timing of Works – Fish Spawning and Migration:</u><br>Timing restrictions are captured in the SRP Fish Salvage and Relocation Plan clause (i), which requires methods to manage fish passage and avoid sensitive periods, to be confirmed based on pre-construction fish surveys. This ensures ecologically valid and site-specific protection of native fish values while allowing for practical implementation.<br><br><u>(b) Bird Breeding Season – Vegetation Clearance:</u><br>Condition ERP clause (g) requires native woody vegetation clearance to occur outside the bird breeding season (August to February), unless a SQEP ecologist confirms the absence of active nests.<br><br><u>(c) Pest Management:</u><br>ERP clause (f) requires specification of pest animal control measures as part of site maintenance and preparation, consistent with net biodiversity gain objectives.<br><br><u>(d) Local Eco-sourcing and Habitat Connectivity:</u><br>ERP clause (d) requires eco-sourced species and planting layouts appropriate to the Bryant Ecological District, ensuring local adaptation and ecological connectivity. |
| a | On the timing of works, the report recommends avoiding sensitive seasons for native fish, such as spawning and migration periods. However, the wording of draft condition 30 is uncertain, with an exception to "no works" based on a future determination of the ecologist, but is not guided by principles or methodology of a certified management plan. It is also uncertain as to the area where the works could be restricted as the wording only applies within spawning areas, which are not identified as part of the condition. Nor does condition 30 appear to address migration periods as recommended by the AEE. | |
| b | There do not appear to be any conditions requiring removal of native woody trees and large shrubs should be carried out outside of the peak bird breeding season (August to February inclusive). | |
| c | There do not appear to be any pest management conditions. | |
| d | There are no conditions requiring locally sources plants for riparian restoration or conditions to support habitat connectivity. | |
| e | There do not appear to be any implementation and monitoring conditions of the nature recommended in the AEE. | |

| | | |
|---|---|---|
| | | (e) Implementation and Monitoring:<br>ERP clause (h) and SRP clause (f) require clear monitoring programmes, performance standards, adaptive management triggers, and timelines. These reflect the implementation and monitoring recommendations set out in the EcIA (Sections 5.3 and 6).<br><br>In summary, the proposed conditions (V2) give effect to the full suite of recommended mitigation, restoration, and monitoring measures in a structured and enforceable way. |
| | **Improving conditions** | |
| 6.17 | The following matters should be considered: | |
| a | Structure and terminology used in conditions should be clear for both the consent holder and council/authority responsible for administering the consent, as well as to anyone else reading the consent, as to what is to be expected | The conditions (V2) have been improved and updated in response to this comment. |
| b | Clarifying ecological conditions that apply prior or during construction from those which apply to the operational phase phase/post construction. | The conditions (V2) have been improved and updated in response to this comment. |
| c | Whether there should be conditions post construction to ensure any future land disturbance, for example associated with maintenance of the ecological corridor area, is managed appropriately, for example to avoid any disturbance or spread of contaminated soils within or near the contaminated land site remediation and disposal sites. | The conditions (V2) have been improved and updated in response to this comment. |
| d | Conditions to manage unnecessary lighting or light spill (i.e. not required for safety reasons) within the ecological corridor, so as to protect habitat values. | The conditions (V2) have been improved and updated in response to this comment. |
| e | Attaching/referencing a clear plan showing any areas (including setbacks) that are to be protected from vegetation removal or excavation to relevant consent conditions. | The conditions (V2) have been improved and updated in response to this comment. |
| f | Mandate the appointment of suitably qualified and independent experts (e.g., CPESC for sediment control, SQEP for contaminated land, restoration ecologist for NBS) for critical design review, monitoring, auditing, and certification roles. These experts should report concurrently to the consent holder and Nelson City Council, with reports made publicly accessible. | The conditions (V2) have been improved and updated in response to this comment. |
| 6.18 | The Environment Court Practice Note 2023 also includes guidance on condition drafting, of particular relevance to the matters raise above, this includes that: | Noted and agreed. |

| | | |
|---|---|---|
| a | Conditions should be drafted to apply specifically to the elements or aspects of an activity which require resource consent and should not simply list all documents presented with an application for resource consent. | Noted and agreed. |
| b | Performance standards must be set out in the conditions of consent and not be left to be determined later. | Noted and agreed. |
| c | Conditions must not purport to delegate arbitral or judicial functions to officers of or consultants to a consent authority. | Noted and agreed. |
| d | Conditions which require expert certification or oversight of an activity must include clear parameters and specified standards. | Noted and agreed. |
| 7 | **Conclusion** | |
| 7.1 | The Maitahi Village proposal is a large and complex development with the potential for significant environmental effects, both adverse (particularly during construction and in relation to contaminated land) and potentially positive (if ecological restoration and nature-based solutions are successfully and genuinely implemented to achieve net gain). Forest & Bird's primary concern is to ensure the effects of this project are managed in accordance with robust environmental scrutiny and outcomes. | The Maitahi Village development poses the potential for both adverse and positive effects – that is not remarkable for a development proposal of this kind. However, after mitigation is taken into account, the Applicant does not accept there is a potential for "significant" adverse effects. There is certainty of significant positive effects, however – most particularly cultural, social and ecological.<br><br>The Applicant has sought expert advice from a wide range of disciplines throughout the preceding Private Plan Change 28 process and this consent application. That advice includes numerous recommendations which the Applicant has translated into consent conditions.<br><br>The Applicant has put considerable resource into responding to the comments of Forest and Bird – particularly in the areas of contaminated land, ecology, water quantity and quality, and conditions of consent.<br><br>The Applicant is confident in the outcome of ecological restoration efforts and nature-based solutions – including the water sensitive design (WSD) approach.<br><br>The aim of WSD is to mimic the natural hydrological response of the catchment and remove urban contaminants from runoff from the developed impervious surfaces before discharging to receive waterways.<br><br>The proposed stormwater management strategy for the Maitahi Village Development will achieve a high level of environmental protection and meet the requirements of PC28 through three key stormwater management techniques: |

| | | |
|---|---|---|
| | | 1. Capture and reuse of roof runoff at lot scale. This will be achieved through rainwater reuse tanks plumbed for internal non potable reuse (toilet flushing) to replicate natural interception and evapotranspiration for medium density dwellings in the western and central catchments.<br>2. Treatment of runoff from all road and hardstand (driveways) and untreated roofs (where rainwater reuse is not adopted) before discharge to receiving environment. Treatment will be provided through a mix of biological, chemical and physical processes in constructed stormwater treatment wetlands and isolated proprietary devices where necessary.<br>3. Discharge of treated flows from wetlands to areas of constructed ephemeral channels and soakage wetlands to buffer the stream from hydrological changes and support groundwater recharge.<br><br>A separate ecology monitoring plan for the Kākā realignment to track offset stream restoration and stormwater treatment train success which will include SEV assessments, macroinvertebrate and fish (eDNA) surveys and riparian vegetation surveys. Monitoring will occur annually for 5 years post-restoration. |
| 7.2 | The applicant has identified many of the key risks and proposed a range of mitigation and enhancement measures. The detailed reports for erosion and sediment control, contaminated land remediation, and the incorporation of water-sensitive design and ecological restoration principles represent a significant undertaking. | Noted. |
| 7.3 | However, the effectiveness of these measures and the realisation of claimed environmental benefits, will require some further investigations to inform decisions. The peer review of the Remediation Action Plan (Attachment 8.2) has highlighted significant uncertainties that must be addressed. Similarly, the success of ambitious ecological restoration and stormwater management initiatives requires more than good intentions; it demands scientifically sound plans, adequate resourcing, and binding commitments to long-term performance. | The Applicant does not accept that the ecological restoration or stormwater management proposals are “ambitious”.<br><br>In both areas the Applicant has sought and accepted expert input from technical experts with considerable experience in their fields of expertise.<br><br>The Applicant has also taken care to ensure projected environmental outcomes are required by consent conditions. This can provide the Panel with confidence as to the end result and ultimate impact of the development.<br><br>The uncertainties identified in the review from HAIL Environmental Limited have been subsequently addressed through a collaborative approach to responding to comments and updating the RAP accordingly. The outcome from this further work is documented in the updated RAP (V4) (Attachment 8.1(V2)) which is attached to the Covering Memo from CCKV dated 11 July 2025. |

| | | |
|---|---|---|
| 7.4 | We urge the Expert Consenting Panel to apply a precautionary approach when considering potential effects of contaminated land on ecological values and human health. The volunteered consent conditions provide a starting point, but as highlighted throughout these comments, there are numerous areas where conditions need to be improved to ensure that the development effectively avoids, remedies, or mitigates adverse effects and delivers positive outcomes for Nelson's environment and community. This is essential to the requirement to take into account the purpose and principles in Part 2 of the Resource Management Act 1991, relevant provisions of National Policy Statements and plans, and the expectations of the New Zealand public for the protection and enhancement of our natural and physical resources. | The FTAA does not overtly require nor support the application of a "precautionary approach" generally. However, RMA considerations are relevant to informing the Panel's ultimate decision and the definition of 'effect' in s3(f) RMA points to taking a precautionary approach where required (*NZ Forest Research Institute Ltd v Bay of Plenty Regional Council [2013] NZEnvC 298*).<br><br>In any event, the Applicant has taken a highly conservative approach to addressing the contaminated land issue. This is detailed in its responses to numerous comments on the subject.<br><br>The ecological guideline values that will guide the remedial effort for contaminated land are discussed in the RAP and also in responses to other comments querying their utilisation. In those responses, the Applicant explains why the particular guideline values have been used and the degree of conservatism in them. Particularly relevant responses are found against other comments made by Forest and Bird as well as Save the Maitai Inc.<br><br>The draft consent conditions have been revised in line with the responses.<br><br>With respect to the final sentence of this comment, whilst the statutory test for this consent application is not the same as that under the RMA, the proposal has been guided by and conforms to the bespoke Objective and Policies decided upon through the PPC28 hearing. In this way, it meets the statutory and policy imperatives referenced by this comment. |

**Table 5:** Office of the Minister of Arts, Culture and Heritage

| | Comment | Applicant Response |
|---|---|---|
| 1 | I understand that the purpose of the Maitahi Village development is to deliver additional housing stock to the Nelson area close to the CBD, which intends to serve a wide range of residential needs and contribute to the Nelson Whakatū community and environment. | Agreed. |
| 2 | The Ministry for Culture and Heritage has not identified any actual impacts on the wider Arts, Culture and Heritage portfolio. However, they have consulted with Heritage New Zealand Pouhere Taonga on the application and in particular archaeological authority 2024/332, which has already been granted for the project. | Agreed.<br>A copy of the approved archaeological authority 2024-332 is provided within Attachment 20 of the Substantive Application. |
| 3 | I was advised that the archaeological authority 2024/332 does not encompass the entire proposed development area. Furthermore, the accompanying archaeological assessment notes that this archaeological authority application focuses solely on historic sites associated with European settlement and does not include any potential archaeological sites linked to Māori occupation and use of the area. It was anticipated that this would be addressed through a second authority application following engagement with iwi. | Archaeological authority 2024/332 includes the land surrounding the historic shearing shed, including that area that involving the remediation of the contaminated soil. The comment from the Minister as to the relevant area of the Authority is therefore correct.<br>An archaeological authority for the total project area has not therefore been sought or obtained as there are no known Māori occupation sites within the area proposed for the physical construction of the Maitahi Village. As set out within the Archaeological Assessment (25 November 2022) provided with the Application for Authority Application (2024-332):<br>*The assessment is to accompany an archaeological authority application under the Heritage New Zealand Pouhere Taonga Act 2014. The property was part of the Maitai Run, a large farm owned by the Richardson family from ca.1850s through to 1969. There was European settlement and use of the area from 1842. Within the area of proposed development is pre-1900 physical evidence of domestic activity and farming operations which will be affected by the proposed works. An archaeological authority is required before the archaeological evidence can be modified or destroyed.*<br><br>*The application is only for historic archaeological sites relating to European settlement, the Maitai Run and the Richardson family. It does not include any potential archaeological sites associated with Māori occupation and use of the area. It is anticipated that this aspect of the archaeological evidence* ***will be considered*** *by a second archaeological authority application once further consultation with iwi has occurred. (Emphasis added)*<br>The potential for Māori archaeological values being discovered cannot be ruled out despite there being no such sites known or identified in the development |

| | | |
|---|---|---|
| | | area, and the applicant has volunteered iwi monitoring during the activity of earthworks in recognition of this potentiality. Obtaining a second Authority, although not mandatory, would therefore be prudent. The applicant will proceed to make that application. |
| 4 | As a result, I recommend further archaeological assessment be undertaken to ensure coverage across the full project area and for Heritage New Zealand Pouhere Taonga to be consulted as and when required. | The Archaeological Assessment undertaken for and submitted with Plan Change 28 also included an assessment of Māori occupation in the wider area, which included consideration of all information available, and that provided by iwi as to the presence of a site on the top of Kākā Hill. The applicant will however ensure iwi are consulted prior to seeking this additional Authority. |

**Table 6:** Emma Morris

| | Comment | Applicant Response |
|---|---|---|
| 1 | I have serious objections to this project been fast tacked. | Noted. |
| 2 | I am on the boundary of the development and according to plans a walkway and stairs will be next to my property. There is no fence apart from some wire fencing along the boundary. I have not been approached regarding this, as for privacy and security reasons I would expect a standard six foot fence along the boundary line. At the moment it shows in the proposed map a line of trees. | No new fencing is currently planned along that shared boundary. |
| 3 | Also noting that the area of the proposed walkway is flooded a few times a year this also runs through to my property. Are they raising the ground in the flood plain? | The NCC Maitahi/Mahitahi River flood model (DHI Mike model MaiBkYk_202103_v089) was used to assess the combined effects of both the changes in flow from the developed Kākā catchment and the proposed filling within the lower Kākā Valley for a variety of scenarios (2130 SSP5-8.5M 1% AEP and Present Day 12-hour and 6-hour scenarios).<br><br>This model was updated with the future landform (Version 250121), provided by Davis Ogilvie, which was developed iteratively to ensure that the offsite flood effects are not exacerbated as a result of the fill.<br><br>This modelling has shown that all increases in flood depths caused by the development are local and contained within the CCKV property boundary and off-site effects are negligible (Increases in modelled flood depth are less than 0.05m, which is within the tolerance of model error).<br><br>Based on this assessment it is considered that proposed land use changes and filling in the Kākā Catchment does not increase any flood depths in the Maitahi/Mahitahi River beyond the CCKV boundary. |
| 4 | I also have issues with the proposed cycle bridge wondering if not a bridge up river of Dennes hole with a path beside the cricket ground, would offer a safer and more sustainable option. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 5 | The fact that keeping the one way bridge with the hugely increased proposed traffic, not to mention how long we could be under road works for. The traffic leaving the valley with current setup of access to upper Nile and mill street also presents a problem with an immense increase in traffic. Would there be traffic lights installed? | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project.<br><br>The intersection of Nile Street East and Maitai Road will be upgraded and the preferred design (to be confirmed) are traffic signals to address the sight line concerns across the one lane bridge. |

<table>
<tr><td></td><td></td><td></td></tr>
<tr><td>6</td><td>The environmental impacts of the proposed moving of the creek.</td><td></td></tr>
<tr><td>7</td><td>Absolute finalizing of plans regarding all these issues.</td><td>The plans to construct the shared bridges and shared path have been finalised and consented. This also includes road marking changes to encourage lower operating speeds along Maitai Valley Road and Maitai Road.<br><br>The upgrade to the intersection of Nile Street East and Maitai Road will be carried out as part of this subdivision and development process and implemented before s224 for Stage 1.</td></tr>
<tr><td>8</td><td>I think time is needed for proper plans to be put in place offering safer routes and traffic congestion and flow.</td><td><u>Safety</u><br><br>The development will provide shared paths for vulnerable road users making the route along Maitai Valley Road through to Nile Street East much safer than the current environment. This includes two dedicated pedestrian cycle bridges and a shared path which have already been consented. The road changes (road markings and thresholds) will assist in lowering the operating speed along Maitai Valley Road and Maitai Road making it safer for all road users.<br><br><u>Traffic Congestion/Flow</u><br><br>Maitai Valley Road, Maitai Road and Nile Street East have no capacity constraints or congestion issues. The route currently operates at a Level of Service (LoS) A.<br><br>The following table translates the classic Highway Capacity Manual LoS criteria into vehicles per kilometre (veh/km).<br><br>
<table>
<tr><th>LOS Grade</th><th>Description</th><th>Flow (veh/hr/lane)</th><th>Density (veh/km)</th></tr>
<tr><td>A</td><td>Free flow, minimal interaction</td><td>Under 700</td><td>Under 7.5</td></tr>
<tr><td>B</td><td>Reasonably free flow</td><td>700 – 1,100</td><td>7.5 – 12.4</td></tr>
<tr><td>C</td><td>Stable flow, limited manoeuvrability</td><td>1,100 – 1,550</td><td>12.4 – 18.6</td></tr>
<tr><td>D</td><td>Approaching unstable flow</td><td>1,550 – 1,850</td><td>18.6 – 26.1</td></tr>
<tr><td>E</td><td>Unstable Flow, operating at capacity</td><td>1,850 – 2,000</td><td>26.1 – 41.6</td></tr>
</table></td></tr>
</table>

| | | | | | |
|---|---|---|---|---|---|
| | | **F** | Breakdown conditions, sop and go traffic. | Unstable | Over 41.5 |

**LoS A–C** are generally acceptable for most roads, while **LoS D–F** indicate congestion and reduced driver comfort.

Transport Planners aim for LoS C or better, but peak-hour traffic in urban environments often dips into D or E.

Following the completion of the Project the Maitai Valley route will continue to operate at a LoS of A. The expected peak flows from the completed development along with Maitai Valley Road are less than 500 vehicles per hour. The traffic flows will be under 700 vehicles per lane per hour as shown as LoS A in table above.

The upgrade to the intersections of Ralphine Way/Maitai Valley Road is part of the granted consent under RM245337-340). The Nile Street East/Maitai Road intersection will be completed before Stage 1 is occupied. This will address any safety or capacity issues.

Maitai Valley Road will have a raised threshold upstream of the Ralphine Way intersection which will provide traffic calming at this intersection which is included in the consented granted by the Council (RM245337-340). The sightlines will be increased as part of this upgrade. This intersection will be safer than it is currently. The intersection will be controlled by give way signs and will be the same standard as an urban tee intersection. The available Safe Intersection Sight Distances (SISD) will comply with Austroads and the NTLDM.

Nile Street East intersection will be upgraded to improve safety, which may include traffic signals. The treatment will address the sight lines at the intersection looking across the one-lane bridge. Traffic modelling of the intersection with traffic signals shows the junction will have a LoS of B and will be completed before the first home is occupied. This is a good level of service for a sub collector road. The intersection post completion does not have any congestion issues.

Combined with the works consented within (RM245337-340) and those proposed as a part of this Maitahi Village application, it is considered that the

| | | |
|---|---|---|
| | | transport network will be appropriately upgraded to cater for the safety of existing and future users of the local roading network. |
| 9 | It is to be noted that the Maitai is a much loved currently peaceful recreational area, fast tracking these plans without proper plans and consideration could lead to this area losing its much loved atmosphere and integrity. | For the reasons set out above, the applicant disagrees with this comment.<br>The site has also been rezoned for urban development, in accordance with the Maitahi Bayview Structure Plan. Arguments about whether it should change from Rural to Urban were thoroughly canvassed during the PPC28 process. This is not the appropriate forum to have that debate again. |

**Table 7:** Tony Haddon and Gretchen Holland [redacted]

| | Comment | Applicant Response |
|---|---|---|
| 1 | **The shared pathway and services:** As planned the shared pathway is going the long way round to the CBD. This and Ralphine Way "hill" will not encourage cyclists and walkers. The pathway should go round the west of Dennes Hole. There is existing legal road (and formed path) from Maitai Valley Rd to the Maitahi Village area via the true right of the Maitai River. If the pathway stays on the true right of the Maitai River there would be no need for the two new bridges. | See the Applicant's response in Table 2, point 1, on the appropriateness of the selected shared pathway.<br><br>Furthermore, the Applicant notes the Shared Pathway alignment, and associated upgrades, are consented (RM245337-340) and all potential effects of the proposed bridges were considered at that time that Council granted consent.<br>This comment also expresses the opposite to that stated by Mr Haddon as a part of PPC28:<br>"*Permit no landform modifications of the river bank at Dennes Hole*"<br>(Submission 367 – Save the Maitai (with Tony Haddon as Contact Person), Pg26)<br>And also:<br>*" Below is a photograph of Dennes Hole. Heavy engineering work in solid rock will be required to lay pipelines alongside the river here. Valley residents will not allow this to happen".* ( Submission S318 - Tony Haddon, Pg 7) |
| 1.1 | As planned, the services are unnecessarily long. | The Shared Pathway alignment, associated upgrades, and all potential environmental effects were considered as part of the Council's decision to grant consent (RM245337-340) for the works to proceed. The Applicant has not applied for variations to the consents, meaning the consents cannot be revised as part of the FTAA process. |
| 1.2 | We were aware consent for this pathway had been applied for and assumed that it had been referred to Fast track as part of the whole, but have read that NCC have approved the application…mistakenly in our opinion. The pathway and services are an integral part of the development and should have been referred for consideration as such. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 1.3 | We ask that the Panel review the planned shared pathway with a view to varying the consent to allow for construction of a better route. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 2 | **Nile Street sewer:** The Nile Street sewer should be upgraded before any extra connections from Maitahi Village are added. The Nile Street sewer main is at capacity. During rain events it overflows into the Maitai River. Housing intensification has already commenced in Nile Street. Developing this new subdivision now is putting the cart before the horse and engineering measures taken to cope with this simply means more infrastructure to be passed onto NCC for maintenance in perpetuity. | Nelson City Council have identified current constraints in the existing reticulated sewer system, and have identified and budgeted for upgrades in the Long Term Plan. |

| | | |
|---|---|---|
| 2.1 | Infrastructure that would not be needed if the Nile Street sewer was upgraded before subdivision. | Existing constraints have been identified in the existing reticulated wastewater system at peak wet weather flows, with upgrades provided for in the Long Term Plan. These upgrades are necessary regardless of the Maitahi Village Project. |
| 3 | **Historical sheep dip:** The extent of contamination should be established and appropriate measures taken to deal with any risk, regardless if the Kaka stream is to be re-routed. | The extent of contamination within and around the sheep dip have been clearly established, and appropriate measures are proposed to remediate that area and any potential adverse effects. The Kākā Stream will not be diverted until remediation in accordance with the RAP has been confirmed. See Condition 19 (Set M, V2). |
| 4 | **Equipping houses with rainwater tanks for non- potable use:**<br>Stormwater report Tonkin & Taylor :*5.7 Hydrological Mitigation• • Provide rainwater capture and reuse for internal and external non potable demands (toilets and cold laundry) for all roof areas except where multi-unit developments prohibit*.<br><br>Such a combined system would be difficult to implement without significant additional cost per house. No system would be maintenance free in the medium term, and would be easy to disconnect by flicking a switch or shutting a valve thereby negating the planned benefit. It's an impractical and ultimately unenforceable idea to minimise the size of detention ponds. | A water sensitive design (WSD) approach has been adopted, which targets runoff from impervious surfaces to avoid negatively impacting the health of receiving freshwater environments. One of the ways this is achieved is through the provision of hydrological mitigation of impervious areas to mimic undeveloped land use.<br>It is important to understand the difference between retention (what is proposed through the reuse of rainwater) for hydrological mitigation which replicates the lower runoff volumes and losses to infiltration/evaporation that occur in undeveloped areas, from detention (which holds and releases the increased runoff volume from the impervious areas over a prolonged period to mitigate effects). To protect Kākā stream from changes in runoff from frequent small to moderate rainfall events, retention through either rainwater reuse or soakage is preferable from a WSD principles perspective and is what is proposed.<br><br>As part of PPC28 the Applicant volunteered best practice water sensitive stormwater design. Rainwater tanks for some of the proposed allotments is a part of that best practice.<br><br>Rainwater tanks are proposed due to their relatively easy to understand maintenance requirements, when compared to alternatives such as house-hold scale soakage systems. They also provide a wide range of other benefits in addition to the primary hydrological benefits. The upkeep of reuse tanks will be the responsibility of the property owner, but a consent notice should be written to ensure this responsibility is properly administered.<br><br>See Condition 42(d) (Set I, V2). |
| 5 | The last 300 metres of Maitai Valley Rd leading to Nile St East is very narrow. A significant length is constrained by river bank on one side and rock bluff on the | This section of Maitai Road is narrow and the proposed design has considered the appropriate separations from road edges and opposing traffic. |

| | | |
|---|---|---|
| | other. This section already feels very narrow when a log truck is coming the other way. The plan to make the carriageway even narrower is not acceptable. | The design has carefully considered the needs of all road users in consultation with the Council as part of RM245337-340. There is a steep riverbank on one side of the road with a steep rocky bluff on the opposite side of the road. It is not possible to widen the road in this location without creating other adverse effects within the river or adjacent bluff. The proposed design provides an off-road shared path and sufficient width for two vehicles to pass. The Council granted consent for these works on the basis they were deemed to be less than minor. |
| 5.1 | The slip remediation work needs to be carried out before any increase in Maitai traffic, i.e. subdivision construction traffic. With appropriate design the remediation could allow for a full 3 metre pathway without the need to narrow the carriageway. The concrete barriers take up about 900mm. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 5.2 | This is another example of putting the cart before the horse. | This comment is not accepted. The works consented within (RM245337-340) will ensure the transport network is upgraded in advance of the development, and so is entirely opposite to the approach stated in this comment. |
| 5.3 | NCC need to attend to the remedial retaining work to the slip face so the "temporary" concrete falling debris protection barriers can be removed. This work could be designed to remove the need to narrow the carriageway. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 6 | **Ralphine Way through-road to Walter's Bluff/Bayview Rd:** The Traffic Report states there will be no connecting road. Such a connection is a condition of Environment Court approval of Plan Change 28. The applicants are well aware of this and appropriate arrangements should be made with the adjoining landowner who was a party to PPC28. What has happened to the concept of 'resilience' that seemed to be so important at the beginning? | Rules X.2 and X.3 provide for CHD and subdivision as a *restricted discretionary activity* if:<br><br>*"b. The required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational"*.<br><br>The applicants progress made to remove those constraints is addressed directly in the Substantive Application (Section 3.2, p33). Gaining consent for the shared pathway, bridges, and servicing is a significant part of that, however those works are not operational and so the activity status becomes discretionary (see Attachment 24 of the Substantive Application). The applicant has however committed to complete those works prior to s224 (title) being sought for Stage 1 of the subdivision. This demonstrates that proposed development has been coordinated with transport infrastructure upgrades, and will be full serviced, thereby aligning this Project with the overarching Objective RE6: |

| | | |
|---|---|---|
| | | **Objective**<br>**RE6 Maitahi/Mahitahi Bayview Area (Schedule X)**<br>The Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community including:<br>a new mixed density residential neighbourhood amongst areas dedicated to public open space and revegetated rural land; and<br>a sense of place that is responsive to, and respectful of, natural character, landscape and Whakatū Tangata Whenua values; and<br>development that is fully serviced with three waters infrastructure, and coordinated with transport infrastructure upgrades;<br>improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity; and<br>an environment where the adverse effects of accelerated soil erosion are avoided, remedied, or mitigated. (emphasis added)<br><br>Irrespective of whether the Maitahi Village Project complies with clause (b) as a restricted discretionary activity, Schedule X has a 'Special Information Requirement' in X.14 requiring an Integrated Transport Assessment. X.14 requires that:<br><br>" .. *This ITA shall set out how the relevant matters in Policy RE6.1 have been achieved".*<br><br>Policy RE6.1 states:<br><br>***Policy RE6.1*** *Maitahi/Mahitahi* ***Bayview Area***<br>*Provide for subdivision and development which is consistent with the Maitahi/Mahitahi Bayview Structure Plan in Schedule X and where it is demonstrated that:*<br>*It will contribute to a well-functioning urban environment;*<br><br>*It accommodates a range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community;*<br>*It achieves high quality urban design outcomes;*<br>*Any comprehensive housing development is consistent with the requirements of Appendix 22;* |

| | | |
|---|---|---|
| | | *It is consistent with the requirements of Appendix 9 (where appropriate) and Appendix 14;*<br>*The recreational opportunities to meet the needs of current and future residents are implemented and available to the wider community, including the creation of the identified reserves and walkway linkages;*<br>*The multi-modal transport connections in the Structure Plan, in the form of roads, cycleways and pedestrian linkages, are implemented;*<br>*The urban environment is safe from flooding risks and is resilient from the effects of climate change; and*<br>*The adverse effects of accelerated soil erosion are avoided, remedied, or mitigated*. (emphasis added)<br><br>The Integrated Transport Assessment is provided within Attachment 6 of the Substantive Application.<br><br>The ITA sets out the multi-modal connections proposed. It also concludes:<br><br>*Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area. Any effects are no more than minor.* (ITA, Section 13, Conclusion, p68, Attachment 6 to SA)<br><br>Having multi-modal transport connections has many benefits, all being part of creating a well-functioning urban environment.<br><br>The proposed roading connection to Ralphine Way also provides an efficient link to the City. Road 1 follows the alignment of the Indicative Road shown on the Structure Plan, and has been designed to enable this to be extended in future when the adjacent land is developed. In conjunction with the subdivision and development that is extending from Bayview Road, this road will eventually link, including to Walters Bluff. Importantly, if the ITA identifies significant effects on the transport network in future applications for resource consent, then the link would then become an important factor before consent can be granted. That is not the conclusion from the applicants ITA. Progressive extension of indicative roads as a part for subdivision and development has been standard practice in Nelson, being consistent with the wider planning framework. |

| | | |
|---|---|---|
| 7 | **The concept:** We are disappointed with the whole concept. Nelson's last undeveloped valley is to be ruined because of government housing one-size-fits-all policy approach and NCC's wish to "keep up with Tasman" in the growth stakes. Richmond does not have the topographical constraint that Nelson city does and exponential housing growth in Richmond / Tasman is inevitable. | The fate of this valley does not rest on this consent application – a change from rural to urban was sanctioned when PPC28 was decided. This is not the forum to re-litigate that decision.<br>Schedule X and the Maitahi Bayview Structure Plan involves an urban zoning pattern that enables a range of housing densities/typologies. The Maitahi Village clearly shows that one size does not fit all. |
| 8 | **For the record:** We, at number 2 [redacted] do not wish to connect to any services or have any street lighting. | Whether or not the submitter is required to connect to the new water and wastewater infrastructure is outside of the scope of this application. |

**Table 8:** Nelson City Council

| | Comment | Applicant Response |
|---|---|---|
| 1 | The Council's review of the substantive application has not identified any material matters of contention. | |
| 2 | The proposal is considered to align and be consistent with the relevant rules, objectives and policies as set out in the Nelson Resource Management Plan (NRMP), including the provisions of Schedule X. This Schedule is now deemed operative and is a result of the recently completed Plan Change 28. | Agreed. |
| 3 | Council considers that any adverse environmental effects that may arise from the proposal can be suitably avoided, remedied or mitigated subject to conditions of consent, should the Panel approve the application. | Agreed. |
| 4 | Council has been working with the applicant on a combined draft set of consent conditions. These draft conditions will include matters to be addressed at the detailed design stage of the proposal. Panel minute 4 requires this set of draft conditions to be with the Panel by 2 July 2025. Council and the applicant are continuing to work towards this date. | Agreed, subject also now the time extension. |
| 5 | While acknowledging the Expert Panel will determine the application under the purpose and provisions of the Fast-track Approvals Act 2024 (FTAA), Council planners have also considered the proposal through a Resource Management Act 1991 (RMA) lens. A full statutory assessment has not been undertaken, rather an exercise undertaken for completeness to better understand the scale and nature of potential effects and how these might measure up under a conventional RMA framework. As the RMA forms the basis of Council's day-to-day planning practice, this approach helped ground our technical input without creating a separate or parallel assessment process. On this basis, Council Planners consider the proposal aligns with the purpose and principles of the RMA. | Noted. |
| | **Background** | |
| 6 | The substantive application by CCKV Maitai Dev Co LP was lodged on 19 February 2025 and deemed complete by the Environmental Protection Authority (EPA) on 12 March 2025. The EPA determined that the application complied with section 46(2) of the Fast-track Approvals Act 2024. | Agreed. |
| 7 | The proposed development area is the result of Nelson City Council's Plan Change 28, which rezoned the site to enable residential development. Plan | This comment has been discussed with NCC. PPC28 was privately promoted by the applicant, with the recommendation formally adopted by the Independent Hearing Panel and then subsequently approved by the |

| | | |
|---|---|---|
| | Change 28 followed a statutory plan change process and established the planning framework that now applies to the site. | Environment Court. The comment however confirms that the rezoning brought about by PPC28 is now operative. |
| 8 | Detailed background on the plan change, including its context and outcomes, is provided in the application documents lodged as part of the substantive application. | Agreed. |
| 9 | On 20 February 2025, the applicant held a project briefing for Nelson City Council staff, attended by representatives from a range of departments (approximately 20 staff). Not all attendees were directly involved in the subsequent review. The larger attendance was intended to account for potential staff absences and ensure broad early visibility of the project across relevant functions. As the scope and technical complexity of the application became clearer, additional Council staff and departments were identified to assist with review of the substantive application and supporting documentation. | Agreed |
| 10 | Following the briefing, Council staff were invited to visit the offices of Landmark Lile Ltd (the applicant's planning consultants) to view hard-copy plan sets and application documents. These A3 plans were joined and displayed on the walls to support spatial understanding of the proposal, which spans multiple pages. | Agreed. |
| 11 | At this early stage, Council's Resource Consents Team advised that the formal feedback process under the Fast-track Approvals Act 2024 had not yet commenced and that the information provided was to be treated as privileged. Staff were also made aware that the proposal is a joint venture with Ngāti Koata and were encouraged to remain mindful of this context when engaging in any culturally sensitive matters. | Agreed. |
| 12 | Council understood this phase as akin to a pre-application engagement. Staff were encouraged to begin preparing preliminary draft feedback to identify areas requiring clarification and to help frame future conversations with the applicant. This approach provided an early opportunity to begin shaping potential consent conditions and assessing implementation challenges and condition monitoring requirements in a collaborative and efficient manner. | Agreed. |
| 13 | Council Planning staff coordinated internal review processes and established a framework for tracking feedback and working with the applicant to iteratively develop draft conditions of consent. | Noted. |
| | **Council workshops** | |

| | | |
|---|---|---|
| 13.1 | The first internal workshop with Council's reviewing staff was held on 11 March 2025. The purpose of this session was to familiarise staff with the Fast-track Approvals Act 2024 (FTAA), clarify Council's role under the Act, and establish expectations for technical review. | Noted. |
| 13.2 | Staff were taken through the Purpose of the FTAA as well as the mechanics of the decision making processes as set out in the Act. | Noted. |
| 13.3 | It was emphasised that Council is not the decision-maker in this process but is instead providing technical comment under section 53(2) of the FTAA to assist the Expert Panel in its deliberations. A clear distinction was made between providing technical comment and undertaking a statutory assessment for decision-making purposes, as would be required under the Resource Management Act 1991 (RMA). | Agreed. |
| 13.4 | It was deemed important to distinguish between providing comment on a proposal and the undertaking an assessment for the purpose of making a decision. In this context, it was explained to staff that Nelson City Council's role is limited to providing comment under section 53(2) of the Fast-track Approvals Act 2024. | Agreed. |
| 13.5 | This involves offering technical input, identifying potential effects, and suggesting draft conditions where appropriate, to assist the Expert Panel in its consideration of the application. | Agreed. |
| 13.6 | Council staff were asked to confine their input to providing technical comment within their respective areas of expertise, in accordance with the advisory nature of Council's role under section 53(2) of the Fast-track Approvals Act 2024. | Agreed. |
| 13.7 | This approach ensured that feedback remained focused on identifying potential effects, risks, and implementation considerations relevant to each discipline, such as, infrastructure capacity, transport, ecology, etc rather than undertaking a comprehensive evaluative assessment of the application. | Agreed. |
| 13.8 | Staff were asked not made judgments on the overall merits of the proposal or its acceptability under relevant statutory planning frameworks, as that responsibility rests with the Expert Panel. Rather, any evaluation undertaken by Council staff has been framed to inform and support the Panel's decision-making, without expressing a view on whether the application should ultimately be granted or declined. | Agreed. |

| | | |
|---|---|---|
| 13.9 | Following the initial briefing, a series of internal workshops were held by Council to receive technical input from staff reviewing the substantive application. These sessions provided an opportunity for staff across relevant disciplines to raise questions, identify issues, propose draft conditions, and provide comments within their respective areas of expertise. | Noted. |
| 13.10 | Council officers coordinated the collation and documentation of this feedback, which was then shared with the applicant to support ongoing engagement. Where required, targeted discussions were arranged between Council staff and members of the applicant's project team to work through specific technical matters, clarify details, and ensure an accurate understanding of the proposal across all relevant workstreams. | Agreed. |
| 13.11 | Council provided its initial feedback to the applicant on 3 April 2025. This feedback was issued in draft form and was intended as a starting point for further discussions between Council staff and the applicant's project team. | Agreed. |
| 14 | The purpose of this feedback was to help identify information gaps, clarify technical matters, and guide the refinement of responses and draft conditions. The document was not finalised or intended for external circulation, but rather served as a working tool between Council and the applicant to assist with the collation of information and the tracking of progress across various workstreams. This draft feedback has since been refined through ongoing engagement and now forms the basis of Council's comments to the Expert Panel. | Agreed. |
| | **Table of Feedback** | |
| 14.1 | The refined feedback has been structured in table format to present Council's comments clearly and transparently. The table is divided into two main sections: the first relates to matters that are more akin to "further information" requests, where clarification or additional detail was needed to fully understand the proposal; the second section addresses "detailed design" matters that can be appropriately managed through consent conditions that council deem necessary to include. | Noted. |
| 14.2 | Each section is organised by technical discipline (e.g. transport, infrastructure, ecology, planning), with each row setting out Council's comment or question, the applicant's response, and any associated actions or recommended conditions. This structure provides a traceable record of the issues raised, how they have been responded to, and what further steps (if any) are required. | Noted. |

| | | |
|---|---|---|
| 14.3 | This table has been treated as a working document and is still being utilised presently to assist with tracking the draft set of recommended conditions to follow. | Agreed. |
| 14.4 | The content of these workshops and the technical issues raised through that process were captured in Attachment A – Maitahi Village – Table of Feedback, dated 17 June 2025. This table also reflects the draft feedback initially provided to the applicant on 3 April 2025 and has been refined over time through ongoing engagement. It was provided to the Expert Panel in response to Minute 5, received on 3 June 2025. | Agreed. |
| 14.5 | The table can be found here: https://www.fasttrack.govt.nz/projects/maitahivillage/reports-and-advice. | Noted. |
| 14.6 | While the table forms part of Council's feedback on the substantive application, it has not yet been updated to include links to draft conditions. Council is currently working with the applicant to finalise an agreed version (V2) of the draft condition set, which is scheduled for submission on 2 July 2025. Rather than submitting an interim update linking to an incomplete or evolving condition set, it was considered more appropriate to provide the version agreed with the applicant as part of their response on that date. | Agreed, subject also now to the time extension. |
| 15 | Council acknowledges that it previously indicated the table may be updated to include links to relevant draft consent conditions as part of its comment on the substantive application due on 25 June 2025. However, given the ongoing refinement of the condition set in collaboration with the applicant, it was considered more practical to wait and provide the agreed version (V2) as part of the applicant's submission on 2 July 2025. This approach was taken to ensure consistency and to avoid circulating interim or incomplete material. | Agreed, subject also now to the time extension. |
| 15.1 | Council and the applicant are continuing to engage constructively to refine the draft conditions of consent. | Agreed. |
| | **Key Issues** | |
| 15.2 | Council agrees with the applicant in its identification of the Key Issues that need to be considered and addressed for the proposal.<br>They key issues identified are:<br>• Māori Cultural Values<br>• Ecological Values<br>• Landscape, Visual Amenity and Natural Character<br>• Natural Hazards and Geotechnical | Agreed. |

| | | |
|---|---|---|
| | • Infrastructure and Servicing<br>• Stormwater Management<br>• Water Quality<br>• Earthworks<br>• Land Contamination and Remediation<br>• Transportation Effects<br>• Heritage Values<br>• Open Space and Recreation Values<br>• Urban Design<br>• Residential Amenity<br>• Air Quality | |
| 15.3 | Council agrees that the applicant has appropriately identified and addressed the key issues associated with the proposal. Based on a review of the relevant technical reports and supporting assessments, Council considers that the applicant has adequately responded to the potential effects across the key areas. | Agreed. |
| 15.4 | There are no fundamental disagreements between Council and the applicant regarding the nature of these issues or the general approach to their mitigation and management. Overall, Council agrees with the conclusions reached in the applicant's technical reports and the way in which these matters have been addressed within the application. | Agreed. |
| 15.5 | Council's own review of these key matters has been undertaken across the relevant areas of technical expertise and is documented in the table of feedback (Attachment A – Maitahi Village – Table of Feedback, dated 17 June 2025)(Link above). | Agreed. |
| 15.6 | This table captures Council's assessment of each issue, alongside specific technical queries, the applicant's responses, and any resulting actions or recommended consent conditions. | Agreed. |
| 15.7 | Overall, Council agrees with the conclusions reached in the applicant's technical reports and the approach taken to address these issues within the application. | Agreed. |
| 16 | Council considers that the key issues identified in the application can be appropriately managed and mitigated through the imposition of robust conditions of consent. These include condition requirements for specific works to be undertaken in accordance with best practice, and for those works to be | Agreed. |

| | | |
|---|---|---|
| | designed, implemented, and supervised by suitably qualified and experienced professionals. This approach is consistent with standard consenting practice for complex developments and reflects the scale and nature of the proposal. | |
| 16.1 | To support this, Council is actively collaborating with the applicant to refine a draft set of conditions that are clear, enforceable, and proportionate to the effects identified. This process is focused on ensuring that the conditions provide appropriate certainty for implementation and compliance monitoring, and that they are sufficiently detailed to give effect to the technical recommendations made in the applicant's reports as well as by Council Officers. | Agreed. In particular, this approach has carefully considered the comments from Royal Forest & Bird and the Department of Conservation. |
| | **Consistency with the Nelson Resource Management Plan and Schedule X** | |
| 16.2 | Council considers that the proposal is consistent with the planning framework established under Schedule X of the Nelson Resource Management Plan (NRMP), which became operative through Plan Change 28 (PC28). | Agreed. |
| 16.3 | The application has been prepared with direct reference to the objectives, policies, and structure plan introduced through PC28, which collectively provide the statutory context for the urban development of this site. | Agreed. |
| 16.4 | Council acknowledges that the applicant has made a concerted effort to align the proposal not only with the specific rules of the NRMP but also with the overarching policy intent of Schedule X, particularly in relation to integrated development, infrastructure provision, transport connectivity, protection of environmental values, and delivery of high-quality residential environments. | Agreed. |
| 16.5 | In reviewing the application, Council has found that the proposed development responds positively to key matters of Schedule X, including:<br><br>• X.1, X.2, and X.3: Enabling comprehensive residential development that supports well-functioning urban environments, including higher-density housing and subdivision, aligned with good urban design and the Structure Plan.<br><br>• X.3 and X.9: Promoting the delivery of infrastructure and integrated transport solutions through identified upgrades such as intersection improvements, new cycle/pedestrian connections, and the provision of a link road, in line with the Services Overlay. | Agreed.<br><br>Rule X.2 of Schedule X specifically provides for Comprehensive Housing Development on the land located within the Residential - Higher Density Area. That opportunity has been taken up by Arvida, being a significant component to this Project.<br><br>Rule X.3 of Schedule X also provides for residential subdivision following the layout and densities enabled by this rule and with reference to the Structure Plan as the spatial tool providing direction as to the layout.<br><br>Rules X.2 and X.3 provide for CHD and subdivision as a *restricted discretionary activity* if: |

| | | |
|---|---|---|
| | • X.4 and X.5: Managing development within the Backdrop and Skyline Areas to protect visual amenity and landscape character through design controls, planting requirements, and location-sensitive building regulation.<br><br>• X.6: Prohibiting buildings within the Kākā Hill Skyline and Backdrop areas, and within identified Significant Natural Areas, to safeguard key landscape and ecological values.<br><br>• X.7: Requiring esplanade reserves along the Maitahi River and Kākā Stream to support ecological restoration and recreational connectivity, including the use of an approved indigenous planting palette.<br><br>• X.8: Providing for the controlled demolition of heritage structures (the shearing shed and chimney), with requirements for salvage, recording, and heritage management.<br><br>• X.10: Controlling earthworks and indigenous vegetation clearance, particularly within the Residential Green Overlay, to avoid or minimise adverse effects on natural values and align with relevant policies.<br><br>• X.11–X.16: Requiring comprehensive technical and environmental assessments to accompany development proposals, including:<br>o X.11: Cultural Impact Assessment and iwi engagement,<br>o X.12: Water Sensitive Design report,<br>o X.13: Stormwater Management Plan,<br>o X.14: Integrated Transport Assessment,<br>o X.15: Ecological Impact Assessment and Environmental Management Plan, and<br>o X.16: Erosion and Sediment Control Plan.<br>https://nelson.isoplan.co.nz/operative/rules/0/165/0/0/0/140 | *"b. The required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational"*.<br><br>The applicants progress made to remove those constraints is addressed directly in the Substantive Application (Section 3.2, p33). Gaining consent for the shared pathway, bridges, and servicing is a significant part of that, however those works are not operational and so the activity status becomes discretionary (see Attachment 24 of the Substantive Application). The applicant has however committed to complete those works prior to s224 (title) being sought for Stage 1 of the subdivision. This demonstrates that proposed development has been coordinated with transport infrastructure upgrades, and will be full serviced, thereby aligning this Project with the overarching Objective RE6:<br><br>**Objective**<br>**RE6 Maitahi/Mahitahi Bayview Area (Schedule X)**<br>The Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community including:<br>a new mixed density residential neighbourhood amongst areas dedicated to public open space and revegetated rural land; and<br>a sense of place that is responsive to, and respectful of, natural character, landscape and Whakatū Tangata Whenua values; and<br>development that is fully serviced with three waters infrastructure, and coordinated with transport infrastructure upgrades;<br>improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity; and<br>an environment where the adverse effects of accelerated soil erosion are avoided, remedied, or mitigated. (emphasis added)<br><br>Irrespective of whether the Maitahi Village Project complies with clause (b) as a restricted discretionary activity, Schedule X has a 'Special Information |

| | | |
|---|---|---|
| | | Requirement' in X.14 requiring an Integrated Transport Assessment. X.14 requires that:<br><br>" .. *This ITA shall set out how the relevant matters in Policy RE6.1 have been achieved".*<br><br>Policy RE6.1 states:<br><br>***Policy RE6.1*** *Maitahi/Mahitahi* ***Bayview Area***<br>*Provide for subdivision and development which is consistent with the Maitahi/Mahitahi Bayview Structure Plan in Schedule X and where it is demonstrated that:*<br>*It will contribute to a well-functioning urban environment;*<br><br>*It accommodates a range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community;*<br>*It achieves high quality urban design outcomes;*<br>*Any comprehensive housing development is consistent with the requirements of Appendix 22;*<br>*It is consistent with the requirements of Appendix 9 (where appropriate) and Appendix 14;*<br>*The recreational opportunities to meet the needs of current and future residents are implemented and available to the wider community, including the creation of the identified reserves and walkway linkages;*<br>*The multi-modal transport connections in the Structure Plan, in the form of roads, cycleways and pedestrian linkages, are implemented;*<br>*The urban environment is safe from flooding risks and is resilient from the effects of climate change; and*<br>*The adverse effects of accelerated soil erosion are avoided, remedied, or mitigated.* (emphasis added)<br><br>The Integrated Transport Assessment is provided within Attachment 6 of the Substantive Application.<br><br>The ITA sets out the multi-modal connections proposed. It also concludes: |

| | | |
|---|---|---|
| | | *Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area. Any effects are no more than minor.* (ITA, Section 13, Conclusion, p68, Attachment 6 to SA)<br><br>Having multi-modal transport connections has many benefits, all being part of creating a well-functioning urban environment.<br><br>The proposed roading connection to Ralphine Way also provides an efficient link to the City. Road 1 follows the alignment of the Indicative Road shown on the Structure Plan, and has been designed to enable this to be extended in future when the adjacent land is developed. In conjunction with the subdivision and development that is extending from Bayview Road, this road will eventually link, including to Walters Bluff. Importantly, if the ITA identifies significant effects on the transport network in future applications for resource consent, then the link would then become an important factor before consent can be granted. That is not the conclusion from the applicants ITA. Progressive extension of indicative roads as a part for subdivision and development has been standard practice in Nelson, being consistent with the wider planning framework.<br><br>X.4 and X.5. The Maitahi Village does not involve any development with the Backdrop of Skyline areas, being bespoke landscape controls shown on the Structure Plan.<br><br>X.6. No buildings are proposed within the Kaka Hill Skyline or Backdrop Areas.<br><br>X.7. The proposed esplanade reserve complies with the 40m minimum required in X.7.<br><br>X.8 The applicants proposes to ensure the heritage values are appropriately recorded and will salvage the relevant component's for reuse (in the Arvida village). |

| | | |
|---|---|---|
| | | X.9. The Transport Constraints are addressed above, and in the ITA (required by X.14).<br><br>X.10. Appropriate consideration has been given to the ESCP, as well as the effects within the Residential Green Overlay.<br><br>X.11-16. The information provided in support of the Substantive Application satisfies each of these Special Information Requirements. |
| 16.6 | Council considers the proposal to be materially consistent with Schedule X of the Nelson Resource Management Plan (NRMP), operative through Plan Change 28 (PC28). The applicant has worked conscientiously to ensure alignment not only with the regulatory standards but also with the broader objectives, policies, and structure plan integral to Schedule X. The provisions of Schedule X seek to ensure development in the Kākā Valley and Bayview area achieves high-quality environmental, landscape, and urban outcomes. Council considers that the application achieves this. | Agreed. |
| 16.7 | Council has reviewed the applicant's Assessment of Environmental Effects (AEE), as well as the assessment of the relevant rules, objectives, and policies contained in sections 4 to 7 of the Application for Resource Consent – Maitahi Village prepared by Landmark Lile Ltd. | Noted. |
| 16.8 | Council agrees with the overall conclusions of these assessments for the purposes of its own feedback. The assessments are considered comprehensive and appropriately address the relevant statutory and planning matters, including the applicable provisions of the Nelson Resource Management Plan (NRMP), as amended by Plan Change 28 and Schedule X. | Agreed. |
| 16.9 | The proposal also responds to the matters relating to integrated design and multidisciplinary approaches to address the key issues. | Agreed. |
| 16.10 | Key items addressed include the delivery of integrated infrastructure, transport connectivity, enhancing ecological and freshwater values, and achieving high-quality urban and residential outcomes. | Agreed. |
| 16.11 | Specifically, the proposal demonstrates consistency with objectives and policies Schedule X provisions, including: | Agreed. |
| 16.12 | Objective RE6 (Maitahi Bayview Area) and Policy RE6.2 (Whakatū Tangata Whenua Values) Through comprehensive iwi engagement and incorporation of | Agreed. |

| | | |
|---|---|---|
| | Māori cultural values, residential development is shaping to complement and enrich the site's heritage and cultural significance. https://nelson.isoplan.co.nz/operative/rules/0/72/0/0/0/140 | |
| 16.13 | Policy RE6.3 (Integrated Management): The development integrates ecological and freshwater best practice principles—including open space buffers and restoration around the Maitai River and Kākā Stream—to protect ecological and stormwater values. | Agreed. |
| 16.14 | Transportation and Infrastructure Policies: As recognised in the Integrated Transport Assessment and the structure plan, the proposal provides planned transport connections and servicing that support a well functioning urban environment. | Agreed |
| 16.15 | The proposed development is also considered consistent with Policy RE6.5 of Schedule X, which seeks to ensure that subdivision, development, and earthworks within the Maitahi/Bayview area are undertaken in a manner that avoids or minimises erosion and sedimentation effects, and protects the mauri, health, and well-being of local waterbodies and associated ecosystems. The applicant has demonstrated a clear understanding of the policy's intent and has provided a comprehensive erosion and sediment control strategy as part of the technical documentation supporting the application. | Agreed. |
| 16.16 | Earthworks have been designed to minimise the area of exposed land at any one time, and staging plans are proposed to reduce sediment risk in line with best-practice principles. The works will be supervised by Southern Skies Ltd, a specialist consultancy with expertise in erosion and sediment control management. Their involvement ensures that all measures are designed, implemented, and monitored in accordance with the policy's expectations and industry best practice. | Agreed, as set out with the Erosion and Sediment Control Assessment Report (Attachment 7 of the Substantive Application). |
| 16.17 | To support consistency with Policy RE6.5, a condition of consent will need to require the development and implementation of a detailed Earthworks and Erosion and Sediment Control Plan, to be reviewed by Council prior to works commencing. This plan will set out the adaptive management framework, including monitoring protocols and contingency measures, ensuring that adverse effects are promptly addressed if they arise. Additional conditions will also require that earthworks be supervised by suitably qualified professionals throughout the duration of the activity. | Noted and agree that the Site-Specific ESCPs will need to be confirmed and will be provided to the NCC for certification prior to works starting on site. |

| | | |
|---|---|---|
| 16.18 | Taken together, the proposed erosion and sediment management approach, the qualifications of the supervising experts, and the suite of draft conditions being developed in collaboration with the applicant provide confidence that the earthworks component of the proposal will be appropriately managed. Council is satisfied that the proposal aligns with the intent and requirements of Policy RE6.5 and that effects associated with sedimentation and erosion can be appropriately avoided, minimised, or mitigated. | Agreed. |
| 16.19 | These alignments ensure that the development gives effect to the planning framework embedded in Schedule X. Council is satisfied that the proposal responds effectively to the fundamental objectives and policies (RE6, RE6.1, 6.2, 6.3 6.4 and 6.5), supporting integrated, well designed, and environmentally sensitive urban growth as intended by PC28 and Schedule X. | Agreed. |
| 17 | Overall, Council is satisfied that the development is consistent with the planning framework developed through PC28 and Schedule X, and that it gives effect to the intended outcomes for this zone. | Agreed. |
| | **Consistency with the Nelson Resource Management Act 1991** | |
| 17.1 | The proposal, as managed under Schedule X and the associated Maitahi/Mahitahi Bayview Structure Plan, is considered to align with and not be contrary to Part 2 of the Resource Management Act 1991. | Agreed. |
| 17.2 | In terms of section 5, which sets out the purpose of the Act—sustainable management of natural and physical resources—the proposal enables the use and development of land to meet the reasonably foreseeable needs of future generations through the provision of new housing supply, transport connections, and infrastructure. | Agreed. |
| 17.3 | At the same time, it includes a comprehensive framework to safeguard the life-supporting capacity of air, water, soil, and ecosystems, and to avoid, remedy or mitigate adverse effects on the environment. Examples include controls on stormwater management (X.13), ecological restoration requirements (X.7, X.15), and sensitive building controls within landscape overlays (X.4–X.6). | Agreed. |
| 17.4 | Under section 6, the proposal appropriately recognises and provides for matters of national importance, including the protection of outstanding natural features and landscapes (s6(b)), the relationship of Māori with ancestral lands and water (s6(e)), and the protection of significant indigenous vegetation and habitats (s6(c)). | Agreed. |
| 17.5 | Restricting development on Kākā Hill's Skyline and Backdrop Areas, alongside | Agreed. |

| | | |
|---|---|---|
| | requirements for Ecological Impact Assessments and Cultural Impact Assessments (X.11 and X.15), demonstrates a deliberate and effective response to these statutory obligations. | |
| 17.6 | The development also reflects the requirements of section 7, particularly by promoting the efficient use and development of natural and physical resources (s7(b)), maintaining and enhancing amenity values (s7(c)), and protecting the intrinsic values of ecosystems (s7(d)). Schedule X provides a structured and integrated planning approach that balances development intensity with spatial and ecological sensitivities—for example, differentiating between density areas, identifying revegetation overlays, and requiring native planting and erosion control through X.4, X.5 and X.16. | Agreed. |
| 17.7 | With respect to section 8, the principles of the Treaty of Waitangi are given effect through provisions requiring engagement with iwi and the preparation of Cultural Impact Assessments for all significant activities (X.11). These provisions ensure that the perspectives and values of iwi are incorporated into the assessment and consenting processes. | Agreed. Consent conditions have also been added into V2 to ensure the associated outcomes are delivered. |
| 18 | Council staff have reviewed the applicant's Part 2 assessment and agree with its conclusions. The proposal as a whole gives effect to the purpose and principles of the RMA, particularly in light of the strategic planning framework embedded in Schedule X, and the detailed methods for integrating urban growth with environmental protection, cultural values, and sustainable environmental management. | Agreed. |
| | **Conclusions** | |
| 18.1 | Nelson City Council has undertaken a detailed review of the Maitahi Village Fast-track application and associated technical documentation. The proposal demonstrates a clear and deliberate alignment with the planning framework established through Schedule X of the Nelson Resource Management Plan (NRMP), operative via Plan Change 28. | Agreed. |
| 18.2 | In particular, the application responds comprehensively to the relevant objectives, policies, and structure plan provisions that govern urban development within the Maitahi/Mahitahi Bayview area. Council acknowledges that the proposal addresses all key issues identified through Schedule X and incorporates mechanisms to manage potential effects through robust conditions of consent and expert-led implementation. | Agreed, in particular now with Version 2 (V2) of the consent conditions. |

| | | |
|---|---|---|
| | In addition to this Schedule X framework, Council has reviewed the proposal against the purpose and principles of the Resource Management Act 1991 (sections 5 to 8). | |
| 18.3 | Council agrees with the applicant's assessment that the proposal promotes the sustainable management of natural and physical resources, appropriately protects areas of landscape and ecological sensitivity, provides for the relationship of iwi with ancestral lands and water, and supports the integrated delivery of urban infrastructure. | Agreed. |
| 18.4 | The proposal has been developed in a manner that gives effect to Treaty principles, enhances environmental outcomes, and achieves high-quality urban design consistent with the outcomes anticipated by both the NRMP and the National Policy Statement on Urban Development. | Agreed. |
| 18.5 | Council is satisfied that the application has been prepared to a high standard, and that— subject to the finalisation and implementation of appropriate consent conditions—the proposal is consistent with the expectations of Schedule X of the NRMP and the purpose and principles of the Resource Management Act 1991. | Agreed. |
| 19 | Council agrees with the technical conclusions reached by the applicant and confirms there are no outstanding matters of disagreement or concern. The identified key issues that Council provided feedback on is summarised in Attachment A – Maitahi Village – Table of Feedback, dated 17 June 2025 which was provided as in response to the Panel's Minute 5. Council remains available to assist the Expert Panel further as required. | Noted. |

**Table 9:** Lynley Jane Marshall [redacted]

| | Comment | Applicant Response |
|---|---|---|
| 1 | We are concerned that Fast Tracking the Maitahi Village Subdivision may overlook some serious concerns our family and the community share. | The concern is acknowledged but the Applicant notes the very recent PPC28 process also, which tested the appropriateness of this area for development and put planning provisions in place to ensure the surrounding environment (including its people) would be appropriately cared for. The Applicant proposed to develop in accordance with those provisions.<br>The Substantive Application is supported by a comprehensive set of supporting technical reports and plans that ensure a very thorough and detailed assessment can be undertaken. This information also satisfies the special information requirements of Schedule X, being a higher standard of information required for subdivision and development than that required elsewhere in Nelson. |
| 2 | The Maitai Valley is Nelson's last undeveloped valley. It is an important recreation area and recreation corridor close to the city centre, that leads up into the mountains. It is used for recreation daily, year-round by users of all ages and for a wide variety of recreational activities. | The recreational values of the Maitai Valley were comprehensively identified and considered as a part of PPC28. The Maitahi Bayview Structure Plans also includes the creation of new recreational areas and networks which will add to the existing recreational opportunities for the wider public and future residents to enjoy. |
| 3 | The application to subdivide Kaka Valley , located in the Maitai Valley has been opposed by thousands of people who wish to protect the valley from housing intensification for recreation and environmental reasons. | This is incorrect. This is the first application to subdivide the site to create the Maitahi Village, beyond that which saw Ralphine Way created from land contained within the Maitai Farms Limited landholding.<br><br>The fundamental question of whether this land should be available for urban purposes was debated during the PPC28 process. PPC28 was approved by the NCC and subsequently by the Environment Court. The subject site is now zoned for urban development in accordance with Schedule X. |
| 4 | Urbanisation in Kaka Valley will negatively impact the extremely popular adjacent recreational areas of the lower Maitai Valley. | PPC28 was approved by the NCC and subsequently by the Environment Court. The subject site is now zoned for urban development in accordance with Schedule X. |
| 5 | Upon turning off Nile Street and driving into the Maitai Valley, one feels transported miles from the city, which is an important recreational escape for many Nelsonian' s. | PPC28 was approved by the NCC and subsequently by the Environment Court. The subject site is now zoned for urban development in accordance with Schedule X. |
| 6 | The development will damage this recreational retreat from the central city. | The effects on recreational values were comprehensively considered as a part of the PPC28 process. See Attachment 22 to the Substantive Application (Section 14.2.3, pages 184-194)). As with many of the above comments, this is not the forum to revisit whether the site should be rezoned for urban purposes. |
| | **Flooding** | |

| | | |
|---|---|---|
| 7 | Living at [redacted] for the past 22 years, our family have walked, mountain biked and ridden our horses weekly over Kaka Valley, the "farm next door" being the site for this development. | This site has been in private ownership since the 1860s. It is not public land. The Maitahi Village will however again provide for public enjoyment of this site with the creation of new reserves and walkway linkages. |
| 8 | The hillsides and valley floor of Kaka Valley where this development is proposed to be sited is one big soak pit and the slopes are sodden over the winter months. The valley floor is a flood plain for the Maitai River to spill out onto when in flood. It provides capacity for flood water, slows the flood waters down and has flood debris deposited upon it. | Borehole testing on the eastern hillslope confirmed that the soils and underlying rock have low permeability, making them unsuitable for soakage. This aligns with your experience of the slopes being saturated during winter. in contrast, the lower Kākā Valley floor—composed of alluvial silt, sand, and gravel—was found to have good permeability in some areas.<br><br>The Applicant's expert team has recognised that not all areas are suitable for infiltration, particularly the sodden slopes. Their stormwater strategy is designed to avoid relying on soakage in those areas, instead using engineered solutions to manage runoff safely and sustainably.<br><br>As outlined in the Stormwater Assessment Report (Attachment 5.1), anecdotal evidence, historic aerial photographs and flood modelling results indicate that both present-day and future events are expected to cause general flooding across the rural/semi-rural sections of the Maitahi/Mahitahi River upstream of Nelson, including in the flood plain at the Kākā Stream confluence.<br><br>Site specific flood modelling has shown that the changes in landuse and landform (i.e. including the filling of the floodplain) from the development does not result in any increase in flood depths in the Maitahi/Mahitahi River beyond the CCKV boundary. |
| 9 | There are multiple springs (even one that pops up in the middle of Ralphine Way) when it rains. | Groundwater levels, and appropriate interception of groundwater including seepage/springs has been considered and potential mitigation options are discussed in Section 6 of the Geotechnical Assessment Report submitted with the application (Attachment 6). |
| 10 | The slopes are prone to slipping, especially when disturbed by earthworks. Development will worsen the impact of flooding off site:<br><br>While engineering solutions may retain the slopes and channel the water, this proposed development in heavy rain events will send a highly increased volume of water straight into the Maitai River to worsen the flooding impact on neighbouring properties and hugely increase the volume, speed & sediment downstream. | <u>Stormwater/Flooding</u><br>The expected increases in runoff rates through development stages have been assessed in detail in the applicant's effects assessment. The assessment demonstrated that the proposed mitigation measures are sufficient for mitigating this risk by reducing post-development flow rates and velocities to pre-development levels, across the range of design events. In addition, flood modelling has indicated that the changes in landuse and landform (i.e. including the filling of the floodplain) from the development does not result in any increase in flood depths in the Maitahi/Mahitahi River beyond the CCKV boundary. |

| | | |
|---|---|---|
| | | It is anticipated that, post construction, cumulative sediment loads from the wider Kākā Stream catchment will decrease overtime compared to current sediment loads, as a result of the landuse changes from primarily agricultural land use (grassland) and brush, towards developed impervious areas (residential subdivision) and revegetation. In addition, in the developed impervious areas, a comprehensive stormwater treatment train is proposed, with design elements (sediment forebays) directly targeting coarser particulate contaminants. As a result, sediment loadings from the Kākā catchment, in which the development is entirely sited, are expected to decrease.<br><br><u>Geotechnical</u><br>The levels of existing slope instability hazard on this site are typical of those found on many Nelson/ Tasman hillslopes. Existing geotechnical risk including slope instability risk is discussed in Section 5 of the Geotechnical assessment report submitted with the application.<br><br>Subdivision design has considered geotechnical risk, and our assessment of the pre and post development geotechnical risk and potential mitigation is presented in Section 6 of the Geotechnical Assessment Report (Attachment 4) submitted with the application.<br><br>Slope instability hazards will be mitigated as part of subdivision development. |
| | **Flooding & Roading** | |
| 11 | Access to Kaka Valley is cut off in flood events:<br>Flooding occurs at the corner of Maitai Valley Road & Ralphine Way.<br>Flooding occurs in Branford Park, spilling across Maitai Valley Road. | Flooding effects have been comprehensively assessed both as part of the PPC28 process and also specifically in relation to this application for resource consent.<br><br>The flooding described by the submitter, which is outside the proposed development boundary, is acknowledged and aligns with NCC's flood modelling in the Kākā / Maitahi River floodplain.<br><br>This flooding is not worsened by the proposed development.<br><br>(Refer to Attachment 5.1 Maitahi Village Stormwater Assessment Report, Section 6, pages 25-45). |

| | | |
|---|---|---|
| 12 | Flooding in these areas closes the access to Kaka Valley, especially on the Ralphine Way intersection area. | See above. |
| 13 | It may not be wise to be building intensively in a valley where flooding (predicted to worsen with climate change) can isolate the area. | See above. |
| 14 | Roading is cut off during flooding, therefore the developers and council are knowingly putting residents in harm's way by building in an area that gets cut off from supplies & medical services in heavy rain events. | The NCC owned and operated Maitai valley road which links the development site to Nile St is acknowledged to be within an area prone to flooding. This flooding is not worsened by the proposed development.<br><br>In terms of flooding within the development, the following mitigation options are to be adopted to ensure roading and properties are developed in a safe manner.<br>• All building platforms to be located outside of and set above the 2130 RCP8.5M 1% AEP Maitahi/Mahitahi flood level, with allowance for freeboard as required by the NTLDM.<br>• Infrastructure to be located outside the 2130 RCP8.5M 1% AEP Maitahi/Mahitahi Flood level, unless designed to be flood resilient.<br><br>For events greater than a 10% AEP storm event and up to a 1% AEP storm event, secondary flows will be conveyed along road corridors into existing overland flow paths. Ideally flow paths will be located within public areas (roads and parks) and not private properties |
| 15 | In August 2022 Ralphine Way was cut off for over 4 days. When traffic was allowed back it was restricted by road blocks. Furthermore, it took several years of on & off work before the slip at the entrance to the Maitai Valley was repaired and the road reinstated to two lanes again. | Regarding August 2022,<br>https://static.geonet.org.nz/info/reports/landslide/SR2022-58.pdf<br>States of emergency were declared for the:<br>• West Coast region on 16 August 2022<br>• Nelson Tasman region on 17 August 2022, and<br>• Marlborough region on 19 August 2022.<br><br>1.2 Nelson Tasman Event Details "the cumulative rainfalls [72 hour duration] at individual rain gauges had a ARI's >250 years [according to NIWA HIRDS estimates], indicating that the rainfall was rare and severe."<br><br>"On 17 August 2022, NEMA reported that approximately 289 properties in the Nelson region had been evacuated. This increased to 570 properties on 21 August 2022. Many of these evacuations were due to damage from land instability."<br>"Many of the region's roads were closed due to landslides and flooding, including State Highways (SH) 6 and 63. For several days, the only route |
| 16 | This highlighted how vulnerable the Maitai Valley access is to flooding and slip events. | |

| | | |
|---|---|---|
| | | between Nelson and Blenheim was via Lewis Pass (SH7), which added approximately seven hours to the travel time."<br><br>While a roadblock was in place preventing public access, the applicant's recollection is although restricted at times the property owner, occupant and grazier were generally able to access 7 Ralphine Way as necessary.<br><br>Geotechnical risk associated with flooding/slips are not worsened by the proposed development, as summarized in the Geotechnical Assessment Report submitted with the application.<br><br>This slip discussed by the commenter is located outside of the development site on the NCC owned and operated Maitai Valley Road. The flood and slope stability risks to Maitai Valley Road are not worsened by the subdivision development. |
| | **Traffic Flow & Safety / Roading** | The following comments do not acknowledge the consented improvements (RM245337-340), nor the improvements to the transport network proposed as a part of the Maitahi Village project that will benefit the wider community. |
| 17 | There will be years of traffic management from the supply of services such as sewerage , water and telecommunications into the valley (which is non existent now) and then the construction traffic for the land development, roading infrastructure and buildings. All blocking and slowing access into the Maitai Valley, Maitai Valley Road and Ralphine Way for current residents and recreation users. | This work has already been consented (RM245337-340)<br><br>Work will be undertaken in accordance with approved Temporary Traffic Management Plans. |
| 18 | This will be over a decade and possibly up to 40 years of disruption and noise depending on speed of development. There will be significant impact also on the residents of Nelson East such as Nile Street. | This comment is incorrect. Refer to project timeline in the Substantive Application. (Attachment 23. Maitahi Village Project – anticipated staging timeline).<br><br>Nelson City Council has plans to upgrade existing services in Nelson East and Nile Street independent of this application. |
| 19 | Once the development is completed , there will be increased traffic from the daily commuters to and from the new housing. | There will be increased traffic using Maitai Valley Road as a part of this development. The Integrated Transportation Assessment (Attachment 6, p69) concludes:<br><br>*The off-site effects that need to be managed are contained within Schedule X of the NRMP. These improvements form part of a separate consent that was* |

| | | |
|---|---|---|
| | | *lodged in December 2024 apart from the proposed traffic signals at the intersection of Nile Street East and Maitai Road. The analysis of the performance of the proposed traffic signals shows that while there is a slight reduction in the Level of Service, the intersection still operates well within the capacity of an urban intersection. The proposed signals significantly improve the safety of the intersection.*<br><br>*Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area. Any effects are no more than minor.* |
| 20 | This development will create Queues of Traffic :<br><br>At the Nile Street , Maitai Valley intersection.<br>At the Gibbs one Lane Bridge.<br>And at corner of Maitai Valley & Ralphine Way | The Nile Street East intersection modelling shows that the Level of Service (LoS) is B overall with some approaches having a LoS of C. This is well within the accepted operational capacity of an urban intersection.<br><br>The Gibbs Bridge will have some reductions in the LoS as a result of increased flows, but will still operate at a good LoS as noted in table 6, response 8 above.<br><br>The Ralphine Road/Maitai Valley Road intersection will be upgraded with improved sight lines and measures to control approach speeds. The intersection is a tee junction with Ralphine Way being controlled by give way signs. The peak flows through the intersection following the development will be below 500 vehicles per hour at peak times. The intersection's LoS following completion of the development is expected to be LoS A based on the table above. |
| 21 | **All three of these locations are hazardous to traffic now**, before the proposed development begins. The sight lines on all three of these locations pose traffic safety issues. | The sight lines at the intersection of Nile Street East and Maitai Road were identified as substandard in the existing environment and needed to be addressed regardless of this application. The Council were considering changes to the intersection before the development was proposed. Early in the feasibility work for the land use change (PC28) improvements were proposed to address the sight line deficiencies. The works to improve this intersection, being part of this Maitahi Village Project, will be completed as a part of Stage 1 of the subdivision. |

| | | |
|---|---|---|
| | | As noted above, the Safe Stopping Distance (SSD) at Gibbs Bridge easily meets the best practice guidelines in Austroads and also meets the standard of the NTLDM.<br><br>The consented upgrades at Ralphine Way/Maitai Valley Road will include sight line improvements, a raised threshold and road marking changes which will address any safety issues. |
| 22 | There is poor visibility turning out of Maitai Valley Road onto Nile Street . This is a seriously difficult intersection to navigate currently and can not be left in its current state. | The comment relating to sight lines has been discussed and addressed directly above. |
| 23 | The last 300m of Maitai Valley Road leading to Nile Street is very narrow. A section of this is narrowly constrained by the River Bank on one side and the Rock Bluff on the other. This section is currently very narrow when passing logging trucks and the developers propose to make the carriageway even narrower. There are long term "temporary" concrete protection barriers in place to catch falling debris. Remedial work to the rock face done prior to the development could remove the need to reduce the carriage way. It could prevent future slips that will block the road or reduce it to one lane again as it was for up to two years after the flooding in 2022. | This section of Maitai Road is narrow and the proposed design has considered the appropriate separations from road edges and opposing traffic.<br><br>The design has carefully considered the needs of all road users in consultation with the Council as part of RM245337-340. There is a steep riverbank on one side of the road with a steep rocky bluff on the opposite side of the road. It is not possible to widen the road in this location without creating other adverse effects within the river or adjacent bluff. The proposed design provides an off-road shared path and sufficient width for two vehicles to pass. The Council granted consent for these works on the basis they were deemed to be less than minor. |
| 24 | Traffic will back up while waiting to cross Gibbs Bridge (one lane bridge). Gibbs Bridge has had several cars crash into it during the time we have been living here and often traffic must hit the brakes and back up to avoid traffic coming in the opposite direction. | The One-Way Gibbs Bridge is one of the transport constraints identified in Rule X.9 of Schedule X (NRMP).<br><br>On 14 March 2025 the Council granted resource consents RM245337-RM245340 to the applicant through a separate consenting process to resolve those constraints identified in the rule, which include the construction of a dedicated shared pathway bridge alongside the one-way Gibbs Bridge, as well as a shared pathway bridge alongside Jickells Bridge. Upgrading the bridge to be double-laned was not identified as a required "construction" or "improvement" under X.9 of Schedule X of the NRMP.<br><br>The upgrades were consented on the basis they will provide a safe off-road path for pedestrians and cyclists from the site to Nile Street East. |

| | | |
|---|---|---|
| | | The shared pathway (and bridges) will be completed under the granted consents prior to Stage 1 of the Maitahi Village subdivision gaining Title.<br><br>**Volumes**<br><br>The general capacity of a one lane bridge is around 1,900 vehicles per hour or some 8,000 vehicles per day. The Gibbs Bridge is relatively short and future traffic flows will have a tidal commuter flow as a result of people going to work in the morning and returning in the evening. This is likely to allow for more vehicle movements.<br><br>The traffic report for the Maitahi subdivision, including the Arvida retirement village and community hub had a total daily traffic flow of less than 2,000 vehicles per day, with different activities having different peak flows. For example, peak flows for the subdivision will be around the morning and evening whereas the retirement will be more in the middle of the day.<br><br>Importantly, the peak flows from the subdivision are expected to be around 110 vehicles per hour. This along with the peak flows already moving along Maitai Valley Road will be well below the operating capacity of the one lane bridge of 1,900 vehicles per hour.<br><br>It should be noted that an assessment of the vehicle delays and capacity of Gibbs Bridge were provided in the further information response to the Council dated 30 August 2021 (page 15 and 16).<br><br>The conclusion of the assessment is that as more vehicles use the one lane bridge there will be more inconvenience in terms of the likelihood of needing to wait for opposing traffic. The level of inconvenience was considered to be minor and not unusual for one lane bridges.<br><br>An assessment of the increased flows using Gibbs Bridge was also undertaken as part of the hearing process for PC28. This analysis assumed a higher traffic flow than what is anticipated for the Maitahi subdivision. The PC28 calculation included traffic coming from Bay View and was conservatively assessed as 3,750 vehicles per day. The total delay per day is 195 minutes. This is an average delay of three seconds per vehicle. In practice not all vehicles will be |

| | | |
|---|---|---|
| | | delayed, but when a vehicle must wait for opposing traffic it will be more than three seconds.<br><br>With regard to logging trucks, the potential increase on top of the existing and future flows will still be well below the operating capacity of the one lane bridge. Maitai Valley Road and connecting to Nile Street East already have large vehicles using this road.<br><br>**Safety**<br><br>From a safety perspective, this is not expected to change as the bridge is well sign posted with one lane bridge signs and priority controls. There is excellent visibility across and to the approaches to the bridge.<br><br>In this situation, the one lane bridge also operates as a traffic calming measure for the Maitai Valley Route. More traffic will increase the number of vehicle interactions and will raise driver expectations that they might have to give way to an opposing vehicle. This changes the driver's behavior and reduces the approach speeds as a result of drivers needing to slow down and give way more often.<br><br>Cyclists and pedestrians will have a separate shared bridge and path.<br><br>In relation to the logging trucks, the changes with a separated shared path will improve the safety of vulnerable road users. Heavy vehicles will continue to be able to safely and efficiently travel along this route. This has been discussed with NCC and there is agreement that the route can be for these heavy vehicles. |
| 25 | The bridge alignment makes it difficult to see vehicles coming from the other direction unless you position your vehicle into the middle of the road.<br>Gibbs Bridge may need to be widened into a double lane to prevent congestion and accidents. | This comment has been addressed in 23 and 24 above. |
| 26 | The approach onto and the bridge will not be safe for cyclists with increased traffic. | The shared path granted under resource consents RM245337-RM245340 will provide a separate and safe, off-road route for pedestrians and cyclists who will no longer need to use the existing bridge. |

| | | |
|---|---|---|
| 27 | Ralphine Way / Maitai Valley Road could become a black spot for crashes as cars coming down Maitai Valley Road may collide with vehicles exiting Ralphine Way. It has frost on this intersection in winter and leading up to the one lane Gibbs Bridge. | Intersection improvements are proposed at Ralphine Way/Maitai Valley Road as consented under RM245337-RM245340 that will enable all road users to use the intersection safely.<br>The management of frost and ice is covered under the Council maintenance contracts as standard practice across the country. |
| 28 | There will be increased traffic flowing down Nile Street which is already narrow and hard to navigate, especially when passing larger vehicles and trucks. | Nile Street East currently provides sufficient road width for two large vehicles to pass safely and will be the case once the Project is complete. The road is functioning well below its practical operating capacity with its current LoS being A (free flow).<br><br>The Applicant also notes there have only been three reported crashes on Nile Street East since 2015. One crash (minor injury) involved a vehicle leaving a driveway hitting a moped. Both drivers were intoxicated. Another crash (minor injury) involved a motorcycle rider colliding with a parked car. The rider was intoxicated. The remaining crash (non-injury) involved two cars reversing out of a driveway and both cars hitting a vehicle parked on the opposite side of the road. The causes were unknown.<br><br>None of the crashes have been related to road width and it suggests that there are no issues for opposing traffic to safely negotiate Nile Street East. There have been three reported crashes in 10 years, which is considered to be a very low rate of crashes. |
| 29 | In peak use in the recreational areas of the lower Maitai Valley , there is a shortage of parking.<br>Parking needs to remain on the side of the road for recreation users in the lower Maitai Valley using Brandford Park and the Maitai Cricket Ground and the three popular swimming holes. Across the road from us Waahi Taakaro Reserve /Sunday Hole has traffic parking on Maitai Valley Road & Ralphine Way in summer as the carpark becomes full. | The changes along Maitai Valley Road and Maitai Road were considered as part of RM245337-340. The effects of the changes were considered by the Council, and consent was granted as the effects were found to be no more than minor.<br><br>The Applicant does not have the ability to regulate parking in these areas. Instead, the Council will be required to manage parking as part of its normal day-to-day requirements in these areas. |
| 30 | Often traffic is parked on both sides of Maitai Valley Road alongside the Maitai Cricket Ground used by children's sports teams for football and cricket . This narrows the road and traffic needs to move carefully through this area. | The Applicant notes it is the responsibility of drivers to proceed carefully due to the presence of parked cars and other activities.<br><br>Furthermore, the Applicant does not have the ability to regulate parking along the formed road alongside the Maitai Cricket Ground. Instead, the Council is required to manage parking in this area, as part of its normal day-to-day requirements. |

| | **Construction Noise & Dust** | |
|---|---|---|
| 31 | We are concerned about noise from the development, this is particularly relevant for us living in Ralphine Way, close to the development and with our house situated close to the road. | The applicant has volunteered conditions that will control the timing and level of construction noise, including the requirement for all construction work to be undertaken in accordance with a Construction Noise and Vibration Management Plan (**CNVMP**). The volunteered conditions are consistent with those attached to numerous other similar projects, which require the applicant to prepare and submit the CNVMP prior to construction. The CNVMP will prescribe the noise mitigation measures that will be adopted to ensure compliance with the construction noise standards at all receivers on Ralphine Way.<br><br>Relevantly, conditions 32 and 32 will require reduced hours of construction work for works within 100m of any occupied dwelling on Ralphine Way. The conditions are designed to ensure that the Ralphine Way receivers are provided with respite from works that may generate high construction noise levels in early mornings and at night, on Saturdays, with no works occurring on Sundays/Public Holidays. The volunteered conditions require:<br><br>1. Heavy vehicle movements using the Ralphine Way access to be limited to between 7:30am and 6:00pm Monday to Friday and 5:00pm on Saturdays;<br>Construction works between Monday and Friday to be undertaken between the hours of 7:00am and 6:00pm, provided that construction work between 7:00am and 7:30am is carefully managed to comply with a noise limit of 55 dB $L_{Aeq}$ (which is 15 dB lower than the noise limit applying between 7:30am and 6:00pm);<br>2. Construction works on Saturdays that are within 100m of any occupied dwelling on Ralphine Way to be undertaken between 8:00am and 1:00pm.<br>3. No works to be undertaken on Sunday and Public Holidays.<br><br>The proposed noise limits are based on, but more restrictive than, the long-term construction noise limits recommended in NZS6803:1999. These noise limits are routinely adopted throughout New Zealand to manage noise effects from construction works near to noise sensitive receivers that extend for several years. |

| | | |
|---|---|---|
| | | It is considered that the proposed working ours strike a reasonable balance between providing receivers with respite during high amenity periods (i.e. evenings, nighttime, early mornings, Saturday afternoons, Sundays and Public Holidays), while ensuring that reduced working hours do not result in the construction phase being further prolonged. |
| 32 | Noise generated by earthworks vehicles, roading and other infrastructure construction, building, and all the associated vehicles travelling through residential areas on their way to the subdivision, could go on, according to the subdividers' promotional video on Stuff, for up to 40 years. | The 40-year refence relates to both the Maitahi and Bayview Projects under Plan Change 28. Specifically, it relates to the time required for trees and vegetation to reach maturity, not the total time for construction to be completed. The development timeframe is set out within Attachment 23 of the Substantive Application.<br><br>As outlined above in 31, mitigation measures will be adopted to ensure compliance with the construction noise standards during the total period. |
| 33 | While this will be stressful on us it is also impacting on the entire Nelson community who come to the adjacent area for several different types of recreation, from cricket, to picnics, swimming, running, dog-walking, frisbee golf, bush-walking, bike riding, jogging or just sitting in the sunshine. | The applicant understands and accepts that there will be additional traffic generated as a part of construction, as well as once this new community is established. The applicant has also proposed to manage all activity in accordance with best practice and reasonable parameters. |
| 34 | As neighbours to the development we also have concerns over the dust from the development drifting in the air and dirt off the truck wheels onto Ralphine Way & Maitai Valley Road. | Dust mitigation measures will be employed during the earthworks phase to prevent off-site dust migration. Section 4.3.9 of the ESCAR provides details regarding the management of dust, which includes (but is not limited to), weather and dust monitoring, limiting the amount of exposed/bare soil and time of which it is exposed for and restricting vehicle speed. A water cart will be made available to dampen surfaces and prevent dust from migrating beyond the site boundary.<br><br>Measures will also be used to prevent the tracking of silt onto the public roads. This includes aggregate haul roads, washing of wheels, rumble strips or a combination of these.<br><br>By adopting these mitigation measures, the environmental effect from dust are assessed as being no more than minor. See Consent Set B (V2), Conditions 14-23. |
| | **Reserve areas** | |
| 35 | A reserve area is shown on what is currently the flood plain for the Maitai River. This area will be subject to future flood damage. The Chanel of The Maitai River is moving its course and aiming directly into this proposed Reserve Area which currently is a flood plain for the river. The River is eating into the front of this area | This matter has been addressed in the information provided by NCC dated 17 June 2025, and now available on the Fast Track website. |

| | | |
|---|---|---|
| | with the previous farmer moving his fencing back five times as each flood took more of their paddocks away. | As outlined in Section 5.8.4 of the Stormwater management plan, it is acknowledged that the Maitai river has migrated to the north into the proposed reserve areas over the last 80 years. This may have been impacted by changes in landuse within the river corridor, but is a natural river process.<br><br>The proposed separation from the current riverbank to the proposed fill for the Arvida village is approximately 85m, with the separation to the constructed wetland being 45m. Therefore, there is significant offset within the river corridor to allow for the natural river process of the Maitai River to occur without impacting proposed infrastructure.<br><br>If these offsets to infrastructure reduce over time, then there is expected to be sufficient time and space to allow for early intervention via armouring if required. |
| 36 | The neighbouring property at [redacted] has Riparian rights down to the water. Their property title now extends well into the Maitai River, due to flooding eroding the river bank. | Noted. |
| 37 | The lay out of the proposed Reserve Area and paths must be done in such a way to deter users from thinking they can walk through this area alongside the river, as it is private property. | Noted. |
| 38 | Due to the difficulties posed by the one lane Gibbs Bridge for cyclists ; Can the Council and developers considered constructing a Shared Path around the Back of Dennes Hole. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project.<br><br>The consented shared bridges across the Maitai River will remove the difficulties for pedestrians and cyclists and make it safer and more convenient than the existing environment.<br><br>The existing walkway connection alongside Dennes Hole has however also been shown on the landscape masterplan (Attachment 16.2(A). Landscape Design Report, p18). It will be up to individuals to decide which route is taken.<br><br>This provides a less formal path connecting through Dennes Hole if pedestrians and cyclists choose to use it. This pathway will be more suitable for pedestrians as cyclists will find the new paths down Ralphine Way and across the bridges more convenient and easier to use. |

| | | |
|---|---|---|
| 39 | There is already a legal road from Maitai Valley Road to Maitahi Title.<br>A shared walk & cycle path from the subdivision around the back of Dennes Hole to the City would feel like a natural "short cut"and promote use.<br>This may be the better option financially, safety wise and ergonomically.<br>There could be a path way along the side of the hill above the flood level, creating an access path for when Ralphine Way intersection is closed due to flooding. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project.<br><br>The existing walkway connection alongside Dennes Hole has however also been shown on the landscape masterplan (Attachment 16.2(A). Landscape Design Report, p18). It will be up to individuals to decide which route is taken. |
| 40 | The alternative is a shared walk , cyclepath that has to cross alongside the Gibbs One Lane Bridge and then proceed up Ralphine Way which is a steep gradient.<br>A shared path around the back of Dennes Hole will bypass the two bridges and the Maitai Cricket Ground where there can be traffic congestion with parking on the road sides. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. The changes proposed at the Ralphine Way and Maitai Valley Road (also consented within RM245337-340) will make this intersection safe and convenient to use. |
| 41 | It will also bypass the Ralphine Way / Maitai Valley intersection. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| | **Soil Contamination & Waterways** | |
| 42 | The Maitahi subdivision developers propose to use the fast-track application process to permit the realignment of Kaka Stream through a HAIL site (historical sheep dip, run off area and woolshed), severely contaminated with high levels of dieldrin, arsenic, heavy metals and other toxic chemicals. This realignment would redirect overland and groundwater flows directly through and downstream of the remediated contaminated area. In addition material from the HAIL site may be redistributed elsewhere on site. Both these activities may lead to long term environmental pollution. | The presence of contaminated land on-site has been acknowledged by the Applicant and subject to extensive consideration and scrutiny.<br><br>Excavation and re-use of low-level contaminated soil will only occur in the broader development where the soil meets appropriate land use standards. The precise standards are set out in the RAP tables 5 and 6.<br><br>Soil source removal is proposed across the source area, and the proposed esplanade reserve, including the area of the proposed stream alignment. Soil source removal will address the risk to groundwater and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) and the risk to the stream is negligible. |
| 43 | The previous land owners allowed dumping of hard fill onto the area of paddocks to the south of the woolshed & sheep & cattle yards. Testing of the | |

| | | |
|---|---|---|
| | surface soils in this area may give a false reading to any contamination by chemicals as it is imported fill from offsite. | Noted. The field investigation did not note any hard fill in these areas. Topsoil was noted at surface (organic, sandy gravelly silt). |
| 44 | Has the area of contamination has been properly established ? | The area of contamination has been investigated and established. For the sake of clarity, the additional investigation is not to ascertain how contamination ought to be dealt with; all contaminated soil is to be removed to the standards specified in the RAP[4]. The additional information is to provide further information on the volumes of soil requiring remediation, and enable the installation of water monitoring bores[5]. |
| 45 | Soil dug out from this area should not be used elsewhere if it is contaminated. Kaka Stream should not be realigned to flow throw a HAIL Site and then onwards into The Maitai River where families swim & play and out into The Haven & Tasman Bay. | Soil will only be re-used where it meets the associated land use risk levels.<br><br>A reliable and robust method of contaminant removal is proposed, reflecting a cautionary approach which is appropriate to the proposed realignment of Kākā Stream. |
| 46 | Airborne Dust from this soil is a health concern for us as neighbours. | Management measures are detailed in Section 8 of the RAP. Dampening down will occur if conditions require. All trucks will also be covered.<br><br>There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks / construction activity. |
| | **Healthy Homes/ Air Pollution** | |
| 47 | Misty fog can sit in Kaka Valley in winter mornings. | Accepted. |
| 48 | Urbanisation in this area needs to be mindful of air pollution from fires for both the residents in the new houses in Kaka Valley and any air pollution from their dwellings flowing on the Maitai Breeze at night down the valley into the Nelson East Airshed. | Refer to response in #49 . Urbanisation has already been endorsed through the PPC28 process. |
| 49 | We are pleased to see the Developers will be addressing this in a Land Covenant, clean air policy. | See Consent Condition 42(a) (Set I, V2), which states:<br>A) *The discharge to air from any small-scale solid fuel burning appliance (including any small scale ultra-low emission or pellet burning appliance) installed within a building shall not be permitted.* |
| 50 | Kaka Valley is very cold, shaded and damp in winter months. It is an environment where greater artificial heating will be required as homes face little warmth from the sun in winter in this valley. | This comment is not consistent with the expert evidence presented as a part of PPC28. Refer to the Recommendation from the Independent Hearing Panel (Attachment 19, pages 495 and 496). |
| 51 | Thank you for the opportunity to submit | Noted. |

[4] Table 5 on page 16 of the RAP v4.

[5] To enable trends in water quality to be established and confirm there is no degradation to water quality.

| | | |
|---|---|---|
| | I hope you will bear these facts in mind when you make your decision about whether or not to fast track the PC28, and only proceed to fast track it, if you believe the concerns outlined above will be properly addressed through the Fast Tract process. | |

**Table 10:** Director-General of Conservation

| | Comment | Applicant Response |
|---|---|---|
| 1 | CCKV Maitahi Dev Co Limited Partnership ("the Applicant") has applied for a resource consent approval under the Fast-track Approvals Act 2024 ("the Act"). The Maitahi Village application is to develop approximately 180 residential dwellings (50 to be Ngāti Koata iwi-led housing), a commercial centre, and a retirement village (approximately 194 townhouses, 36 in-care facility units, a clubhouse and a pavilion) at 7 Ralphine Way, Nelson ("the Project"). | Agreed. |
| 2 | The Director-General of Conservation ("the DG") submitted on Private Plan Change 28-Maitahi Bayview to the Nelson Resource Management Plan which sought rezoning of the land to which the current application relates. The submission focused on protecting indigenous biodiversity values present on site while enabling housing. The DG did not further submit on the Private Plan Change or attend the hearing. | The applicant appreciated the support DOC provided to PPC28. In particular, the DOC submission to PPC28 stated:<br><br>*2. The Director-General of Conservation ('the Director-General') supports those parts of Private Plan Change 28 that relate to the identification and protection of significant indigenous biodiversity; restoration and enhancement of indigenous biodiversity; and maintaining and enhancing freshwater values.*<br><br>*3. The Director-General recognises the need for new housing development in Nelson and is not opposed to urban development in the Kaka Valley area. The focus of this submission is how to ensure that the most appropriate provisions are in place to protect, restore, and enhance areas of indigenous biodiversity including significant natural areas and freshwater habitats.*<br><br>*4. The Director-General appreciates the intention of Plan Change 28 to make changes to the zoning overlay that is sympathetic to the identified areas of indigenous biodiversity within the Valley and to avoid and or minimise the effects of development within high value areas, while providing opportunities for enhancing these existing values, creating corridors for both biodiversity linkages and public access and enjoyment of more natural areas.* (DOC submission to PPC28, dated 8 December 2021) |
| 3 | The proposal is not on, or near, public conservation land. | Agreed |
| 4 | The Department of Conservation ("the Department") has not been engaged by, or been in discussions with, the Applicant for the Fast-track approval. | Agreed. |
| | **Department of Conservation advice** | |

| | | |
|---|---|---|
| 5 | Overall, the DG has some concerns about the adequacy of the information provided on freshwater values and the need for other statutory approvals which have not been sought.T he Applicant's Assessment of Environmental Effects and Ecological Impact Assessment uses the Environmental Institute of Australia and New Zealand (EIANZ) Ecological Impact Assessment 2018 guidelines to assess what the impacts are, and whether the effects management proposed will lessen the residual impacts on the environment. The EIANZ guidelines are not endorsed by the Department of Conservation, the Ministry for the Environment, or the New Zealand Ecological Society. The DG does not consider that the conclusions on the residual impacts are accurate due to insufficient information. | The Applicant acknowledges the DG's comments and provides the following response:<br><br><u>Freshwater Information Adequacy:</u><br>The Applicant considers that sufficient information on freshwater ecological values has been provided to support a robust assessment of effects. The Ecological Impact Assessment (Rob Env, February 2025) and Stream Mitigation Assessment (Rob Env, June 2025) include detailed field survey data, SEV assessments, and ecological significance evaluations in accordance with accepted good practice, including reference to NPS-FM 2020, NES-F, and relevant regional plan provisions.<br><br><u>Use of EIANZ EcIA Guidelines:</u><br>While the EIANZ (2018) guidelines are not formally endorsed by the Department of Conservation, the Ministry for the Environment, or the New Zealand Ecological Society, they are a widely accepted and standardised methodology for ecological effects assessment in New Zealand. These guidelines have been consistently applied across comparable statutory processes, including fast-track consents—such as the Drury Centre Precinct (Kāinga Ora) application under the COVID-19 Recovery (Fast-track Consenting) Act 2020.<br><br><u>Residual Effects and Effects Management:</u><br>The conclusion that residual effects are minor or that a net gain will result is supported by quantitative SEV and ECR analyses (SMA Sections 3–5), coupled with enforceable conditions requiring ecological restoration, performance monitoring, and adaptive management. Specifically:<br><br>• SRP clauses (c)–(e) require confirmation of adequate SEV uplift and performance standards.<br><br>• ERP clauses (a), (b), and (h) ensure implementation, monitoring, and long-term success of restoration activities.<br><br>• All stream losses are subject to offsetting in accordance with the effects management hierarchy as defined in Policy 3.21 of the NPS-FM.<br><br><u>Statutory Approvals:</u> |

| | | |
|---|---|---|
| | | Any requirements under other statutory frameworks (e.g. NES-F Regulation 57 for stream reclamation) have been acknowledged in the Project AEE and will be addressed through conditions and final design approvals, consistent with the effects management hierarchy.<br><br>In summary, the conclusions of the EcIA are based on a thorough technical assessment using recognised methodologies and supported by enforceable conditions to ensure ecological outcomes are achieved. |
| 6 | The Applicant has not applied for a wildlife approval or a complex freshwater fisheries approval as part of their Fast-track application. The DG considers both approvals are required for the project.<br>A wildlife approval to capture, handle and relocate lizards; and a freshwater fisheries approval associated with work to divert the Kākā Stream will need to be applied for outside of the Fast-track process. | The Applicant acknowledges the DG's comments and provides the following response:<br><br>In relation to the complex freshwater fisheries approval comment, see the Applicant's responses in 18, 19 and 20 directly below.<br><br>If a Wildlife Act approval is required in the future, the Applicant will seek this at the appropriate juncture separate to the FTAA process.<br><br><u>Freshwater Information Adequacy:</u><br>The Applicant considers that sufficient information on freshwater ecological values has been provided to support a robust assessment of effects. The Ecological Impact Assessment (Rob Env, February 2025) and Stream Mitigation Assessment (Rob Env, June 2025) include detailed field survey data, SEV assessments, and ecological significance evaluations in accordance with accepted good practice, including reference to NPS-FM 2020, NES-F, and relevant regional plan provisions.<br><br><u>Use of EIANZ EcIA Guidelines:</u><br>While the EIANZ (2018) guidelines are not formally endorsed by the Department of Conservation, the Ministry for the Environment, or the New Zealand Ecological Society, they are a widely accepted and standardised methodology for ecological effects assessment in New Zealand. These guidelines have been consistently applied across comparable statutory processes, including fast-track consents—such as the Drury Centre Precinct (Kāinga Ora) application under the COVID-19 Recovery (Fast-track Consenting) Act 2020.<br><br><u>Residual Effects and Effects Management:</u><br>The conclusion that residual effects are minor or that a net gain will result is supported by quantitative SEV and ECR analyses (SMA Sections 3–5), coupled |

| | | |
|---|---|---|
| | | with enforceable conditions requiring ecological restoration, performance monitoring, and adaptive management. Specifically:<br><br>• SRP clauses (c)–(e) require confirmation of adequate SEV uplift and performance standards.<br><br>• ERP clauses (a), (b), and (h) ensure implementation, monitoring, and long-term success of restoration activities.<br><br>• All stream losses are subject to offsetting in accordance with the effects management hierarchy as defined in Policy 3.21 of the NPS-FM.<br><br><u>Statutory Approvals:</u><br>Any requirements under other statutory frameworks (e.g. NES-F Regulation 57 for stream reclamation) have been acknowledged in the Project AEE and will be addressed through conditions and final design approvals, consistent with the effects management hierarchy.<br><br>In summary, the conclusions of the EcIA are based on a thorough technical assessment using recognised methodologies and supported by enforceable conditions to ensure ecological outcomes are achieved. |
| 7 | The DG's remaining concerns can be resolved by tightening the proposed conditions. The Ecological Impact Assessment makes recommendations to avoid, mitigate and remedy adverse effects on the environment that are not properly implemented in the volunteered conditions. The DG's concerns can be resolved through new conditions to ensure there are clear outcomes and objectives required to be achieved through reliance on management plans. | Changes and improvements have been made to the proposed conditions, with those set out within Version 2 (V2).<br><br>The Applicant agrees that clear ecological outcomes and measurable implementation requirements are essential. The updated conditions have been strengthened to align directly with the recommendations in the Ecological Impact Assessment (RobEnv, February 2025), ensuring that measures to avoid, remedy, or mitigate ecological effects are appropriately embedded in enforceable mechanisms.<br><br>Specifically in terms of Conditions Set B (V2):<br><br>• Condition 34 (Ecological Restoration Plan) now requires explicit ecological objectives, performance standards, monitoring, and adaptive management for all terrestrial, riparian, stream, and wetland restoration areas, including the 120 ha Kākā Hill site. |

| | | |
|---|---|---|
| | | • Condition 37 (Stream Restoration Plan) requires detailed SEV-based confirmation of offset adequacy, alongside five-year performance standards and triggers for remedial action. A Fish Salvage and Relocation Plan is also required.<br><br>• Condition 39 (Wetland Restoration Plan) and Condition V (Lizard Management Plan) further address wetland hydrology and sensitive terrestrial fauna, respectively.<br><br>Each plan is required to be prepared by a Suitably Qualified and Experienced Ecologist and must be approved by the Council prior to implementation. |
| | **Assessment** | |
| | **Freshwater values** | |
| 8 | The DG disagrees with the conclusions drawn from the application of the EIANZ guidelines to the Project due to the lack of baseline information. | The applicant strongly disagrees with the assertion that the freshwater assessment lacks sufficient baseline information or misapplies the EIANZ Guidelines (2018). The lodged EcIA presents a methodologically sound and precautionary assessment based on detailed field surveys and aligned with national best practice.<br><br>Freshwater ecological values were assessed using site-specific data collected during field surveys undertaken in November 2023 and March 2024. Figure 2.1 (page 13) maps the survey locations, confirming that all relevant stream reaches (KHT1–KHT4 and the Kākā Stream mainstem) were assessed. These surveys encompassed geomorphology, water quality, macroinvertebrate and fish communities.<br><br>Section 3.1.2.2 (pages 23–32) describes channel form, habitat structure and physical condition. Geomorphic and water quality data are summarised in Tables 3.2 and 3.3 (pages 26–27). Rapid Habitat Quality Assessments were undertaken for each reach, with results presented in Table 3.4 (page 28). Macroinvertebrate community structure was evaluated using MCI-sb and QMCI-sb indices (Tables 3.5 and 3.6, pages 29), demonstrating degraded conditions dominated by tolerant taxa (e.g. Oligochaeta, Chironomidae). Fish communities were assessed through electrofishing surveys (Table 3.7, page 30), confirming the presence of Anguilla australis, Galaxias maculatus, Gobiomorphus cotidianus and G. huttoni, all common native species with no threatened status. These data are summarised in terms of reach specific ecological values in Section 3.1.2.2 and Table 3.8 (page 32). |
| 9 | The information used to inform the freshwater assessment is varied in recency. Some information used is dated despite more recent information being easily accessible, and which would provide greater certainty about what values are present. For the bridge location, there was no freshwater fauna survey. Instead, evaluations of water quality and in-stream fine sediment, Rapid Habitat Assessment, and habitat availability for invertebrates and fish were used. | |
| 10 | There is no information provided on the densities, biomass, or population structures which makes it difficult to evaluate the locations' representativeness, diversity and pattern, and ecological context. Community composition was only undertaken at the village site. Due to the lack of surveys undertaken on these values, there is insufficient information to correctly use the EIANZ guidelines. | |
| 11 | There is further no clear conclusion from the final assessment on the freshwater values, instead ranging the level of effects from "Low to High". There are insufficient baseline survey results to understand the values present and what action is needed to address the effects and, for any residual effects, to achieve a net-gain or maintenance in indigenous biodiversity. The lack of baseline information means that the mitigation proposed could be insufficient or incorrect for the values present. | |
| 12 | Without further information, there needs to be a precautionary approach applied to the Project and its resource consent conditions. While the DG does not endorse the EIANZ guidelines, assessment of the application against the EIANZ guidelines for consistency is that the level of effects would be 'High'. | |

| | | |
|---|---|---|
| | However, the DG acknowledges that with further baseline information from pre-construction surveys and then appropriate responses, the level of effects could achieve a Net gain in indigenous biodiversity values within the Project. | The assessment of ecological effects was undertaken in accordance with the EIANZ Guidelines (2018), with values and magnitude of effects assigned explicitly in Table 5.1 (page 48). The highest level of residual effect assigned was "Moderate" (realignment of KHT1 and reclamation of KHT2), while other reaches were assessed as "Very Low" due to poor existing condition and limited extent of impact. Several reaches, including the realigned sections of KHT1, KHT3, and KHT4, are expected to achieve a net gain in ecological value following restoration. These conclusions are restated and supported by the impact management framework set out in Section 6.1 (pages 54–59), which outlines residual effects management approach, offsetting provisions, and management plan requires to ensure the anticipated Net Gain outcomes.<br><br>The Applicant acknowledges the DG's concerns but maintains that the freshwater ecological assessment presented in the EcIA (Rob Env, February 2025) is robust, precautionary, and consistent with best practice, including the EIANZ (2018) Guidelines.<br><br><u>Baseline Data and Assessment Methodology</u>:<br>Field surveys conducted in November 2023 and March 2024 covered all relevant stream reaches (KHT1–KHT4 and the Kākā Stream mainstem), including assessments of water quality, channel morphology, habitat quality (RHA), macroinvertebrates (MCI-sb, QMCI-sb), and native fish (electrofishing). These are detailed in Section 3.1.2.2 and Tables 3.2–3.8 of the EcIA.<br><br><u>No Culvert at Bridge Location:</u><br>Clarification is provided in the T+T Geotechnical Assessment and RFI Response (Item 16, 13 June): no culvert is proposed at the Kākā Stream bridge, so no fish passage assessment was required at this location.<br><br><u>Residual Effects and Net Gain Assessment:</u><br>Section 5 of the EcIA uses the EIANZ framework to assign effects magnitude and ecological value. These are summarised in Table 5.1. The SMA (Rob Env, June 2025) applies the Stream Ecological Valuation (SEV) and Environmental Compensation Ratio (ECR) framework to quantify offset adequacy. SEV and ECR results (SMA Sections 3–5, Attachment A) confirm that anticipated losses are offset with ecological uplift, supporting the net gain conclusion. |

| | | |
|---|---|---|
| | | Conditions and Adaptive Management:<br>Consent Conditions 35 (ERP) and 37 (SRP) secure pre-construction survey, measurable performance standards, and monitoring-based adaptive management. Clause (c) of the SRP condition requires confirmation of SEV uplift and ECR adequacy based on final design, while Clause (e) requires that performance standards be met within five years unless otherwise agreed.<br><br>Appropriate Use of EIANZ Guidelines:<br>Refer response to DG comment 5. |
| | **Wildlife Approval** | |
| 13 | The Applicant has not applied for a wildlife approval under the Act. However, the Ecological Impact Assessment notes that there are seven different herpetofauna species present or potentially present on site. All seven species are absolutely protected under the Wildlife Act1953. | The Applicant confirms it will apply for these approvals as required.<br><br>The ERP (Condition X) includes requirement for a Lizard Management Plan prepared by a Suitably Qualified and Experienced Herpetologist, which must:<br><br>i. Identify potential habitat and areas requiring pre-clearance surveys;<br><br>ii. Set out survey timing, search and capture methods;<br><br>iii. Define procedures for lizard handling, temporary containment, and translocation;<br><br>iv. Specify release sites and any required habitat enhancement;<br><br>v. Detail post-relocation monitoring and reporting requirements; and<br><br>vi. Include measures to avoid or minimise incidental harm to lizards during site clearance. |
| 14 | The Applicant has stated that to avoid, remedy and mitigate adverse effects on lizards, they will implement 'lizard management'. The statement is vague; however, it is assumed that it will include handling, capturing and relocating lizards throughout construction. | |
| 15 | It is an offence under the Wildlife Act 1953 to handle, capture, relocate, injure, or kill protected species without lawful authority. The Applicant will need to apply for an authority outside of the Fast-track process. | |
| 16 | The Wildlife Act authority will need to be supported by a Lizard Management Plan prepared by a suitably qualified ecologist and will need to identify an appropriate site for relocation of salvaged lizards. Any surveys, salvage and translocation of lizards will need to occur between October and April. Accordingly, if the Applicant intends starting work on the ground later this year, it will need to apply for a Wildlife Act authority as soon as possible. | |
| | **Complex freshwater fisheries approval** | |
| 17 | The Applicant has not applied for a complex freshwater fisheries approval. | Correct. |
| 18 | The Panel asked the Applicant in Minute 5 why a complex freshwater fisheries approval was not applied for. We understand the Applicant's response was that it does not need a complex freshwater fisheries approval. The DG disagrees with the Applicant. | This is not correct. The Panel's query was in regard to a Standard Freshwater Fisheries Activity.<br><br>As part of the Applicant's response, the Applicant confirmed its position the Project does not involve a Complex Freshwater Fisheries Activity. The Applicant is happy to speak to DOC directly on this point. |
| 19 | A complex freshwater fisheries activity is defined under the Act to be: | Noted. |

| | | |
|---|---|---|
| | ***complex freshwater fisheries activity*** *means an activity that includes construction of any of the following:*<br>*(a) a culvert or ford that permanently blocks fish passage:*<br>*(b) a permanent dam or diversion structure:*<br>*(c) works—*<br>*i. that require disturbance to a water body, including diversions, in-stream operations, and removal of gravel, that persists for more than 3 months; or*<br>*ii. that are within 500 m of the coast and occur during the whitebaiting season; or*<br>*iii. that are in an area known to be used for trout, salmon, or native fish spawning and occur during the spawning season; or*<br>*iv. that require repeated disturbance to a water body and are temporary works for which there is a period of 6 months or less between each period of work* | |
| 20 | The proposed landscape maps show that the applicant seeks to permanently realign Kākā Stream from its current course. The DG's assessment is that permanent stream diversion is a complex freshwater fisheries activity because diversion of the stream will require construction of a permanent dam or diversion structure (clause (b) of the definition)to stop the stream following its current course. For the purposes of determining whether the activity is a complex or simple freshwater activity, it is not relevant that the diversion will realign the stream to its former channel. However, it is acknowledged that the effects of realignment to restore the stream to its former channel may be relevant to the overall assessment of the effects of the proposal. | The Applicant maintains a complex freshwater fisheries approval is not required for the Proposal, because:<br><br>(a) the re-alignment of Kaka Stream will not involve any culvert or ford that might permanently block fish passage; and<br><br>(b) the re-alignment does not involve a "permanent dam or diversion structure".<br><br>The FTAA states that *Diversion Structure, and Dam* have the same meaning as given in regulation 2(1) of the Freshwater Fisheries Regulations 1983 (**FFR-1983**). These activities are defined under the FFR-1983, as follows (emphasis added in **bold**):<br><br>*"diversion structure" means "any **structure** designed to divert or abstract natural water from its natural channel or bed whether permanent or temporary".*<br><br>***"**dam**"** means "any **structure** designed to confine, direct, or control water, whether permanent or temporary; and includes weirs".* |

| | | |
|---|---|---|
| | | *"Structure"* is not separately defined under the FFR-1983, however, it is specifically defined under the RMA, as follows (emphasis in **bold**):<br><br>***...**any building, equipment, device, or other facility **made by people** and **which is fixed to land**; and includes any raft*<br><br>The Proposal involves the natural re-alignment of Kaka Stream. To complete the re-alignment, it is not proposed that a structure (ie. a building, equipment, device, or other facility made by people) be fixed either within, or in close proximity to Kaka Stream. The Applicant's position is therefore that neither a "dam" or "diversion structure" is proposed under the Project.<br><br>Additionally, regulation 43 of the FFR-1983, which usually applies to obtaining equivalent approval for a complex freshwater fisheries activity, states (emphasis in bold):<br><br>*The Director-General may require that a **dam** or **diversion structure** proposed to be built include a **fish facility**, except if the dam or diversion structure is subject to a water right issued before 1 January 1984 under the Water and Soil Conservation Act 1967.*<br><br>Fish Facility is defined as (emphasis in **bold**):<br><br>*...any **structure** or **device**, including any fish pass or fish screen inserted in or by any water course or lake, to stop, permit, or control the passage of fish through, around, or past any **dam** or other **structure impeding the natural movement of fish upstream or downstream***<br><br>Where a dam or relevant structure is proposed, the FFR-1983's primary focus turns to whether a "fish facility is required" to manage the passage of fish. Again, the Project includes the natural re-alignment of Kaka Stream. The Applicant is not proposing a "dam" or "diversion and/or other structure" that will impede the natural movement of fish species either up or down, Kaka Stream. The Director- |

| | | |
|---|---|---|
| | | General's consideration of whether a fish facility should be installed manage the passage of fish around a proposed dam or structure is not required under this Project. |
| | **Resource consent conditions** | |
| 21 | The Panel is required, under the Act, to provide draft conditions and invite comments on them before they grant an approval. To assist the Panel, the DG has provided preliminary comments on the Applicant's proposed resource consent conditions that, if addressed, it considers will help ensure that the adverse effects on the environment are avoided, remedied, minimised, offset, or compensated. | The Applicant agrees that ecological mitigation must be secured through enforceable, outcome-focused management plans. These are now explicitly required by conditions and must be approved by Council prior to relevant works commencing.<br><br>The Ecological Restoration Plan (ERP) (Condition 34) serves as the overarching management framework and explicitly requires preparation and integration of the following component plans:<br><br>• Stream Restoration Plan (SRP) – Condition 37 (includes the Fish Salvage and Relocation Plan);<br><br>• Wetland Restoration Plan (WRP) – Condition 39;<br><br>• Lizard Management Plan (LMP) – Condition 41.<br><br>Each of these plans contains clearly defined ecological objectives, measurable performance standards (e.g. SEV uplift, vegetation survival), implementation milestones, monitoring requirements, and adaptive management responses. This ensures that the conditions are effects-based, enforceable, and directed towards achieving long-term ecological outcomes.<br><br>The LMP (Condition 41) includes pre-clearance surveys, active translocation, and an Accidental Discovery Protocol for Threatened or At-Risk–Declining species.<br><br>Pre-construction ecological surveys are also required under the ERP and SRP to establish baseline conditions and inform performance standards.<br><br>Together, these conditions operationalise the mitigation hierarchy and secure the net gain outcomes identified in the Ecological Impact Assessment. |
| 22 | The DG reserves the right to provide further comments on the proposed conditions when the Panel sends out invitations. | |
| 23 | There are several management plans proposed in the volunteered conditions with different levels of scrutiny required. It is proposed that some management plans must be certified by the council before the Applicant can commence works while there is no such requirement for others. Independent, regulatory checks of the management plans are necessary to ensure they will achieve the outcomes intended and accord with the objectives of the consent and conditions before work commences. It is recommended that a certification process by council for all management plans is included. | |
| 24 | There is a disjunct between the Ecological Impact Assessment and what the Applicant has volunteered as proposed resource consent conditions. The Ecological Impact Assessment states that to avoid, remedy, and mitigate adverse effects on indigenous biodiversity values, there would be several management plans developed. The management plans identified include a Stream Restoration Plan, a Lizard Management Plan, a Fish Salvage and Relocation Plan, Ecological Restoration Plan,[1] and a Wetland Restoration Plan.[2] | |
| 25 | These plans are lightly referenced in the volunteered conditions. | |
| a | There is a singular reference to an "LMP" in the land use consent for subdivision (Maitahi Village subdivision and development)in relation to ongoing management and maintenance on any lots via consent notice to give effect to the LMP. It is not clear whether this refers to a Landscape Management Planora Lizard Management Plan. The Ecological Report mentions that a Lizard Management Plan is needed but does not provide details. Without proper conditions, there is no guarantee that a Lizard Management Plan, for the purposes of a resource consent under the RMA, will be created and adhered to. | |

| | | |
|---|---|---|
| b | There is a reference to fish salvage and relocation, but no reference to a specific management plan. | |
| c | There is no reference to a Stream Restoration Plan, an Ecological Restoration Plan, or a Wetland Restoration Plan. | |
| 26 | Without the relevant management plans being appropriately referenced in the conditions, there is no mechanism to require the plans and their implementation and, accordingly, no assurance that adverse effects of the Project will be appropriately addressed. | |
| 27 | To ensure that adverse effects on the environment are properly managed, especially with the lack of baseline data, there should be conditions that specify the outcomes or objectives required to be achieved through management plans, and conditions that require the plans to be developed, certified and implemented; as well as specify the matters that should be addressed in each plan. Conditions requiring management plans should: | |
| a | Contain clear and effects-based objectives and performance standards, to ensure that environmental outcomes are understood from the outset, and that the management plans will lead to actions 'on the ground' to achieve those outcomes; | |
| b | Have ongoing effect, and require ongoing implementation during the life of the consent; | |
| c | Set intervention thresholds to allow review and intervention if objectives or performance standards are not being met; | |
| d | Require on going monitoring and reporting; | |
| e | Provide for adaptive management where appropriate; and | |
| f | Be enforceable. | |
| 28 | The conditions relating to a Lizard Management Plan should include a requirement for an accidental discovery protocol in case Threatened or At-Risk–Declining species are discovered within the Project area. | |
| 29 | Adding conditions relating to the four mentioned management plans above means that the council can adequately monitor the consents issued. The Applicant is reliant on the management plans to ensure there are less than minor residual adverse effects on the environment post-construction. Without appropriate conditions to ensure management plans are effective and complied with, including monitoring requirements, it would be significantly more difficult for council to understand the activities that have taken place to achieve the standards the Applicant has proposed will be achieved in the Project's Ecological Impact Assessment | |

| | | |
|---|---|---|
| 30 | The amendments proposed to conditions will further allow for pre-construction monitoring to provide baseline information that is missing from the application to inform what additional actions are needed to adequately address the adverse effects on the environment. The amendments therefore are not more onerous than necessary. | |
| | **Conclusion** | |
| 31 | The DG has concerns about the lack of information on freshwater values present on the site. The use of the EIANZ assessment is inappropriate due to the insufficient baseline information provided by the Applicant. The lack of information makes it difficult to ascertain whether the mitigation provided by the Applicant is sufficient and thus a precautionary approach should be applied to the application as a whole. | Addressed above. |
| 32 | Understanding the impacts on freshwater values on site would require the Applicant to undertake further surveys prior to any works being undertaken. The surveys should inform the management plans and mitigation required to manage adverse effects on the environment. If the surveys are appropriately addressed by additional mitigation and enforceable management plans, then the DG considers that a Net gain in indigenous biodiversity values could be achieved. | Addressed above. |
| 33 | The DG notes that the gap between the conditions and the recommendations in the Ecological Impact Assessment will need to be bridged. This could be achieved by the introduction of the certification process for the management plans, along with specific conditions outlining the requirements needed for the Stream Restoration Plan, the Lizard Management Plan, the Fish Salvage and Relocation Plan, Wetland Restoration Plan, and the Ecological Restoration Plan. | These matters have been addressed above, and in V2 of the proposed consent conditions. |
| 34 | The Applicant will need to apply for a Wildlife Act approval and a complex freshwater fisheries approval outside of the Fast-track process. | If a Wildlife Act approval is required, the Applicant will seek this at the appropriate juncture separate to the FTAA process.<br><br>It refers to its response in 18, 19 and 20 which address the assertion a complex Freshwater Fisheries Approval is required. |

**Table 11:** Bayview Nelson Limited

| | Comment | Applicant Response |
|---|---|---|
| 1 | Under section 3.3 it states, "All relevant easements and interests will be transferred as part of this Stage 0 process."<br>We have discussed this with you, and you have also provided an email from Russell Benge of Davis Ogilvie to support your response. It was agreed that all easements and rights would be correctly transferred when the draft title plan and memorandum of easements is prepared, that Bayview would have full opportunity to review and make any changes needed, and that any easements which following the boundary adjustment would no longer have any use would be surrendered by CCKV. | Stage 0 of the subdivision consent relates solely to a boundary adjustment between the current landholdings of Bayview and CCKV. This adjustment is determined by a Sale and Purchase Agreement entered into by both parties, which sets out the agreed terms and details of the boundary changes. The boundaries shown on the scheme plan are consistent with the provisions of that agreement.<br><br>Upon completion of the draft legal title plan, CCKV will provide a copy to Bayview for review and approval. Additionally, all legal documentation relating to the transfer of easements and land rights will be prepared by CCKV and submitted to Bayview for approval prior to execution.<br><br>Bayview will have full opportunity to review and request any amendments at both of these key stages in the process. This approach ensures that the final titles created through Stage 0 of the subdivision are consistent with, and give effect to, the provisions of the Sale and Purchase Agreement. |
| 2 | Please confirm that the draft title plan which is yet to be prepared will continue to remain on the basis that the boundary adjustment would follow geographic features and further assessment as to the final boundaries needs to be undertaken in order to certify that this as per the S&P agreement, and this will be part of the opportunity for Bayview to review the draft title plan. | Stage 0 of the subdivision consent relates solely to a boundary adjustment between the current landholdings of Bayview and CCKV. This adjustment is determined by a Sale and Purchase Agreement entered into by both parties, which sets out the agreed terms and details of the boundary changes. The boundaries shown on the scheme plan are consistent with the provisions of that agreement.<br><br>Upon completion of the draft legal title plan, CCKV will provide a copy to Bayview for review and approval. Additionally, all legal documentation relating to the transfer of easements and land rights will be prepared by CCKV and submitted to Bayview for approval prior to execution.<br><br>Bayview will have full opportunity to review and request any amendments at both of these key stages in the process. This approach ensures that the final titles created through Stage 0 of the subdivision are consistent with, and give effect to, the provisions of the Sale and Purchase Agreement. |
| | **Maitahi Civil Set 2 - Drainage** | |

| | | |
|---|---|---|
| 3 | Sheet C204, Rev P3 along road 1 shows a 300dia UPVC SW line. You have advised us that the final sizing of the SW pipes within the road will occur during detailed engineering drawing preparation and for council approval,<br>and that any approved plans will ensure that Bayview or the future connecting road does not have any capacity constraints due to pipework within CCKV development. | The stormwater system within the CCKV roading network (specifically in relation to Road 1 as raised in the Bayview submission) has been designed to collect and convey untreated runoff from impervious surfaces within the CCKV development area. Stormwater is directed via kerb and channel and piped infrastructure to a treatment wetland located adjacent to Kākā Stream. This wetland will treat stormwater generated from the CCKV development only, prior to its discharge to the Kākā Stream. It is not intended to accommodate or treat flows from the Bayview development area. This is described in Section 5.2.3, Figure 5.4, page 22 of the Tonkin + Taylor Maitahi Village Stormwater Assessment Report (Attachment 5.1 to the Substantive Application).<br><br>The stormwater pipework shown within Road 1 has been preliminarily sized to convey untreated stormwater from CCKV impervious surfaces to the Stormwater Management Area, where treatment will occur prior to discharge into Kākā Stream. Final pipe sizing will be confirmed during the detailed design stage.<br><br>Stormwater from the Bayview development which drains to the Kākā catchment will need to be treated within the Bayview site. Once treated, it will be conveyed via the open swale network (Including within the CCKV development) which discharged directly to Kākā Stream. This stormwater does not require attenuation. The catchment areas within Bayview that contribute to this swale network are identified in Section 5.2.2, Figure 5.3, pages 18 and 19 of the Tonkin + Taylor Maitahi Village Stormwater Assessment Report (Attachment 5.1 to the Substantive Application).<br><br>Stormwater from Bayview areas outside the Kākā catchment (i.e. Walters Bluff/Brooklands catchment or Minor Maitahi/Mahitahi catchments, as shown in Figure 2.1, page 5 of the Tonkin + Taylor Stormwater Management Plan (Attachment 5.3 of the Substantive Application) will need to be managed and discharged within the bounds of those catchments not redirected towards the Kākā catchment. |
| 4 | We discussed the 150uPVC WW line and subsequent infrastructure. It was again confirmed that capacity for Bayview had been accounted for (Neil said | The wastewater network within the CCKV development has been designed to accommodate flows from up to 200 residential lots within the Bayview development. Wastewater from all lots, both within CCKV and Bayview, will be |

| | | |
|---|---|---|
| | 150-200lots) and their development would not inhibit Bayview's ability to convey wastewater in any way in the future. | conveyed via new reticulation through the project site, then along Ralphine Way and Maitahi Valley Road, ultimately discharging into the existing Nelson City Council (NCC) wastewater network at Nile Street East.<br><br>The estimate of 200 lots from the Bayview site is a conservative figure, informed by the anticipated housing densities within the areas zoned for residential development, which enables gravity-fed drainage to the westernmost point of Road 1. The applicant confirms that this has been discussed with Bayview.<br><br>Final pipe sizing will be confirmed during the detailed design stage, in accordance with Condition 10(A)(xvi) of the subdivision consent (Set I (V2)). |
| 5 | We sought confirmation over the sizing of the open swales for which the kaka catchment within Bayview land will drain into. It has been assured to us that these have been sized correctly and that this development will not inhibit Bayview's ability to drain stormwater post development. An email from Wouter was provided in which he stated "The matching of post development with pre-development is done for the entire Kaka stream catchment as a whole. So, the post development flows are the same as pre development at the bottom of the catchment before discharging into the Maitai rive[r]." | The final design and capacity of the stormwater swales will be confirmed during the detailed design phase and documented within the required engineering design report. This process will ensure the swales are appropriately sized to manage anticipated flows, including those conveyed from the developed Bayview catchment.<br><br>This requirement is addressed through Condition 9 of the subdivision consent. See Set I (V2)<br><br>As outlined in Section 6.2.4, pages 29 to 37 of the Tonkin + Taylor Maitahi Village Stormwater Assessment Report (Attachment 5.1 to the Substantive Application), the modelling of post development flows from the Kākā catchment, included new impervious surfacing from the proposed CCKV development, and impervious surfaces from the Bayview portion of the catchment (based on the masterplan prepared as a part of PPC28).<br><br>The comparison of post-development and pre-development peak flows has shown that in long-term scenarios post development flows do not exceed pre-development for the Kākā catchment prior to discharging into the Maitai River, therefore no attenuation is required.<br><br>Stormwater from Bayview areas outside the Kākā catchment (i.e. Walters Bluff/Brooklands catchment or Minor Maitahi/Mahitahi catchments, as shown in Figure 2.1, page 5 of the Tonkin + Taylor Stormwater Management Plan |

| | | |
|---|---|---|
| | | (Attachment 5.3 of the Substantive Application) will need to be managed and discharged within the bounds of those catchments not redirected towards the Kākā catchment. |
| | **Civil drawings general** | |
| 6 | We asked why the services were not shown to be taken all the way to the boundary. Neil agreed that the plans should have shown that and that the approved engineering plans will take the services right to the boundary to ensure no issue with future connection from Bayview. | Condition 10(g)(vi) of the subdivision consent (Set I, V2) requires that all network utilities be extended to the boundary of Lot 7000 in Road 1. This requirement will be met as part of the detailed design process and will be demonstrated in the engineering plans submitted for Council approval.<br><br>In the unlikely event that utility extension to the boundary is not feasible due to unforeseen constraints, the subdivision design ensures that Road 1 extends as legal road to the boundary of Lot 7000. This guarantees that Bayview will retain access to all necessary services via the Nelson City Council legal road corridor upon completion of Stage 7. |
| | **Maitahi Civil Set 4 - Roading** | |
| 7 | We asked for confirmation that Road 1 has been designed to the correct classification to account for the future connection of this road terminating at the round-a-bout at Bay View Road. It was confirmed as a sub-collector all in accordance with PC28. | Section 8.2, Table 3 (pages 21–22) of the Traffic Concepts Integrated Transportation Assessment (Attachment 6 to the Substantive Application) confirms that the design of Road 1 complies with the requirements of a sub-collector road as required by Schedule X. |
| 8 | We asked for confirm that the termination of road 1 at boundary and future reserve has been located to meet the plans of both parties and this location maximises the use for both parties and will not restrict Bayview in any way in the future road connection alignment. | The alignment of Road 1 has been specifically designed to enable the indicative road corridor shown in the Nelson Resource Management Plan (NRMP) Schedule X, Figure 1 – Structure Plan. Preliminary design work has been undertaken for the extension of Road 1 through the Bayview land to the ridgeline, to ensure that Bayview can continue the formation of Road 1 in a manner consistent with the CCKV development.<br><br>This includes maintaining a maximum road gradient for Road 1 of 1 in 8 and providing for the continuation of the shared path connection, thereby supporting integrated and accessible transport links between the two developments. |

| | | |
|---|---|---|
| 9 | We asked for confirmation that future bus routes from Bayview through into future Road 1 have been accounted for in the design and will not inhibit future bus routes. It was confirmed no issue for bus routes. | Section 11.3, Table 7 and Section 4.4.5 (page 37) of the *Traffic Concepts Integrated Transportation Assessment* (Attachment 6 to the Substantive Application) confirm that the proposed transport network is consistent with the relevant standards of the Nelson Resource Management Plan (NRMP).<br><br>Road 1 has been designed to accommodate a 12-metre bus, consistent with public transport requirements. The key design focus is the roundabout at the intersection of Road 1 and Road 3, which has been identified as a critical location to ensure safe and uninhibited bus movement through the network.<br><br>This detailed design process will be undertaken in accordance with Condition 10(a)(iii) of the subdivision consent (Set I, V2) , which ensures that the final design supports the intended transport function, including public transport accessibility. |
| | **General** | |
| 10 | We asked what is purpose of Lot 6000?<br>It was explained that Lot 6000 is the balance block of residential land which is not anticipated to be developed in this consent, it does contain future reserve links within it. Lot 5000 is the balance block of the rural zoned land. | Lot 6000 has been created to encompass land zoned for both Residential and Open Space Recreation, as identified in Schedule X, Figure 1 of the Nelson Resource Management Plan (NRMP). This land is not included for development as part of the current subdivision application. Future subdivision and development of this lot will need to be the subject to a separate application, at which time the provisions relating to the Open Space Recreation Zone and other relevant elements of the Structure Plan will be addressed and assessed.<br><br>Lot 5000 is created as part of Stage 11 of the subdivision consent and will be transferred to Ngāti Koata to support their role as kaitiaki (guardians) of the remaining rural land. |
| 11 | We ask for confirmation that there would be no spite strips formed between CCKV and Bayview Land as part of this or any future development. It was assured there would not be. | The development has been carefully planned to ensure integration between the CCKV and Bayview landholdings, consistent with the intent of the Nelson Resource Management Plan (NRMP) Schedule X, Figure 1 – Structure Plan. CCKV has worked collaboratively with Bayview to support the progression of Plan Change 28 in a cohesive manner that promotes a well-balanced and integrated residential community. |

| | | |
|---|---|---|
| | | A key principle of this coordinated approach is to avoid the use of access-restricting mechanisms such as private 'spite' or 'link' strips that could limit access to services, roading, or reserves. This commitment is reflected in the submitted scheme plan and is secured through compliance with Condition 10(g)(i) of the subdivision consent (Set I, V2). |
| 12 | We asked for confirmation that the proposed NCC Council road and esplanade reserves are aligned with connections to the stormwater and sewer network to ensure that future connection will not be inhibited by private ownership. | The alignment of proposed roads and reserves to vest have been carefully planned to encompass all relevant Council infrastructure. In instances where it is not feasible to locate infrastructure within public land, appropriate easements in gross will be established over private land to ensure continued access and protection of these assets.<br><br>Compliance with these requirements is secured through Condition 10(G)(vi) of the subdivision consent (Set I, V2). |
| 13 | We ask for confirmation that the Kaka Tributary will be designated reserve and available to receive stormwater flows (as may be consented) and that the future Lot 6000 will have the Kaka Tributary as being within a reserve. | The Maitahi Village development will vest the Kākā Tributary as esplanade Reserve to Nelson City Council in accordance with Nelson Resource Management Plan (NRMP) Schedule X, Figure 1 – Structure Plan and the Open Space Recreational Zone.<br><br>Future subdivision and development of Lot 6000 will be a separate application, at which time the provisions requiring the vesting of the Kākā Tributary esplanade Reserve (Schedule X) will be addressed and consented to by Nelson City Council. |
| 14 | We ask that NCC confirm that any credits will be made available to Bayview for vesting reserve adjoining the Kaka Tributary as local purpose reserve, noting that the plans show it being vested on both sides. | All reserves within the CCKV development, excluding the centrally located neighbourhood park (Lot 505), are to be vested in Nelson City Council (NCC) with no development contribution credits being sought.<br><br>A partial credit may be sought for the neighbourhood park (Lot 505), subject to it meeting the relevant criteria set out in Chapter 10 – Parks and Reserves of the Nelson Tasman Land Development Manual (NTLDM). The value of the reserve will be assessed in accordance with the provisions of the NTLDM, and any applicable credits will be applied at the time development contributions are paid for each respective stage of the development. |

| | | |
|---|---|---|
| 15 | We ask that CCKV and NCC confirm that should there be any reduced reserve on Maitahi side of the Kaka stream within Lot 6000 it will not be compensated for by increasing reserve width on the Bayview side. | Future subdivision and development of Lot 6000 will be subject to a separate application, at which time the provisions relating to Schedule X and other relevant elements of the Structure Plan will be addressed, and assessed by Nelson City Council. |
| 16 | We ask for confirmation that this application and consent will be designed so as to compliment known or potential development of the adjoining Bayview land including the provision of services and roading to the boundary and the vesting of the same as may be necessary to ensure uninterrupted access to such services, including for construction purposes. | The development has been carefully designed to ensure full integration with the adjoining Bayview site, in alignment with the intent of the Nelson Resource Management Plan (NRMP) Schedule X, Figure 1 – Structure Plan. CCKV has worked collaboratively with Bayview to support the adoption and implementation of Schedule X in a cohesive and coordinated manner, with the aim of creating a well-balanced and integrated residential community across both landholdings.<br><br>Several key design features have been incorporated to ensure this integration, including:<br>• **Primary Transport Link:** The formation of a main road connection between the CCKV and Bayview sites enables efficient vehicle, public transport, and active mode connectivity. This includes provision for a future bus route and a shared pathway to support cycling and walking.<br>• **Connected Open Space Network:** Reserve corridors provide continuous public access along the Kākā Stream, linking the esplanade and open space recreation zones identified in the Structure Plan and ensuring landscape and ecological connectivity between the two developments.<br>• **Integrated Infrastructure Services:** The development provides for shared servicing of key infrastructure including water supply, wastewater, power, and telecommunications, enabling efficient and resilient servicing of both sites with built-in redundancy.<br>• **Stormwater conveyancing:** The development allows for the overland conveyance of stormwater from the Bayview catchment through the open swale network and onwards to the Kākā Stream.<br>• **Neighbourhood Park Accessibility:** A centrally located neighbourhood park provides open space and recreation opportunities for both the CCKV and Bayview communities. |

| | | |
|---|---|---|
| | | These elements collectively ensure that the CCKV and Bayview developments are not only functionally integrated but also aligned with the urban design and infrastructure objectives set out in Schedule X. |
| 17 | On the provision that the above items are met, then Bayview Nelson Limited supports this application | The applicant appreciates the support received from Bayview Nelson Limited. |

**Table 12:** Gary Scott and Catherine Harper [redacted]

| | Comment | Applicant Response |
|---|---|---|
| 1 | We are Gary Scott and Catherine Harper long time residents of [redacted] who are going to be massively impacted by this huge development. We are a retired couple who live a sedentary life and don't go out much. I am also disabled after two brain tumour surgeries, which has restricted my mobility to the extent that I can no longer walk down our driveway. The peace and quiet of our small holding is going to be shattered by 6-7 years of noise, construction activity, tradies vehicles from 7am to 7pm daily and traffic volumes after completion will be a constant hum. | The concerns are acknowledged. However, this land is zoned for urban development. Changes to the environment are inevitable. Refer to 5, 7, and 15 below responding to noise concerns. |
| | **Point 1. Standard freshwater fisheries activity paragraph (c)(i) (iv) works that require active disturbance to a water body, plus repeated disturbance of a water body.** | |
| 2 | I believe there will be massive disturbance over several months, or years, during the excavation and creation of building sites, the realignment of Kaka Stream and the building up of the flood plain in the initial stages. The run off and sediment will be impacting the Maitai River on a daily basis. Does the application have penalty clauses and recovery cost imposition for the developers? I doubt any insurance company would be happy to insure such an event. | The project will be staged to minimise the amount of exposed area. Once an area of earthworks is competed it will be progressively stabilised (for example with topsoil and grassed).<br><br>Sediment from the project will not impact the Maitai River on a daily basis. While there will be a residual discharge of sediment from the sediment control measures, this would only be during rain events.<br><br>The matter of insurance cover is not a relevant matter. |
| 3 | I therefore believe they should apply to seek approval for the above activity and want to ensure that there are penalty clauses for any breaches. | As per 2 above. |
| | **Point 2. NES FW (Natural wetland standards)** | |
| 4 | The whole of the southern area, which is where all of the Kianga Ora houses are to be built, is a natural wetland and definitely a flood zone. I have photos and video of flooding over the past few years that gives an indication of how detrimental this will be to ensuring everyone will be provided houses that are safe, warm and dry. Once again I am sure no insurance company will want to insure properties that will be impacted twice a year by a flood event. I understand this flood zone is to be built up by three meters and compacted. This will only divert the water directly into the Maitai River and exacerbate the downstream events. Just like the council did when they released the dam at the height of the 2022 floods. Nile Street residents watched as a tidal wave came down the river and entered their properties. | <u>Stormwater/Flooding</u><br><br>Comprehensive flood modelling has been undertaken of the proposed filling of the lower portion of the Kākā Valley. This has shown that flood waters will not enter areas proposed for development and that all increases in flood depths caused by the development are local and contained within the CCKV boundary and off-site effects are negligible (Increases in modelled flood depth are less than 0.05 m, which is within the tolerance of model error).<br><br>All new developments within the site will meet current engineering standards for freeboard above future flood levels. No new buildings will be placed within |

| | | |
|---|---|---|
| | | the floodplain and the effects of the proposed earthworks have been assessed to prevent any offsite effects in terms of displaced or diverted flood flows.<br><br>The applicant does not agree with the reference to Kianga Ora housing. Arvida proposes to develop a retirement village within proposed Lots 1000 and 1001. The risks from natural hazards (including flooding) have been compressively considered both within PPC28 and again as a part of this application.<br><br>The proposed partial filling of the flood plain to create this subdivision is planned to ensure the finish ground level is elevated above the assessed flooding risks. Refer to Attachment 5.1 Maitahi Village Stormwater Assessment Report, Section 6, pages 25-45.<br><br><u>Geotechnical</u><br><br>We note that slope instability risk will be mitigated as part of subdivision development works. Residual geotechnical risk post mitigation is shown on T+T Figure 1012397.1000-GT-F60 in Appendix A of the Geotechnical assessment report.<br><br>Shallow slope instability is present on the Western slopes of the subdivision, and is discussed in Sections 5.2.3.5 and 5.2.3.6 of the Geotechnical assessment report submitted with the application. Mitigation options for the shallow instability are set out in Section 6.1.2 of the Geotechnical assessment report. Specific geotechnical development requirements during construction are discussed in Sections 6.2.5 and 6.2.6 of the Geotechnical assessment report.<br><br>Based on the assessment of geotechnical risks undertaken to prepare the geotechnical report, and with provision for resource consent conditions to be set that require geotechnical hazards to be mitigated through design and construction works we consider that there will not be a significant risk of geotechnical hazards arising from or affecting the subdivision.<br><br><u>Ecological</u><br><br>The area proposed for residential development has been assessed in detail through site-specific flood modelling and ecological investigations. The |

| | | |
|---|---|---|
| | | southern area is not classified as a natural inland wetland (EcIA, Section 3.1.3), and the nearest confirmed wetland (Wetland 1) will be protected (Wetland 1 – Hydrological Assessment condition), restored and enhanced. The certified ERP condition (Condition Set B (V2), C34) requires Council-approved management plans for wetlands (WRP) subject to standalone conditions detailing required content, implementation, monitoring, and adaptive management. |
| 5 | The impact of thousands of tons of soil being trucked in will also be detrimental to our lifestyle and indeed the Maitai Valley as a whole. We can't imagine what the impact of raising the flood plain by three meters will have on us, as the dust and noise we experienced last year, when 10 trucks doing 10 trips each per day, supplying gravel to form a 'farm track' was horrendous, and the empty trucks rattling back for another load nearly drove us mad. A hundred trips a day tore up the road, and the street sweeper had to be employed daily as well. Our house and windows were shrouded with dust | Refer to point 31 in Table 9 above. Also, noise effects associated with trucks during the construction phase will be localised to the Ralphine Way receivers when trucks are entering and existing the Site via Ralphine Way.<br><br>The Construction Noise and Vibration Assessment prepared by Styles Group Acoustics & Vibration Consultants (the **CNV Assessment**) confirms that the staging of construction works and large scale of the site will result in the Ralphine Way receivers being exposed mostly to relatively low and / or intermittent construction noise effects, as the majority of the work is well-separated from receivers (i.e. more than 100m from the closest dwelling on Ralphine Way).<br><br>The CNV Assessment specifically identifies that the construction noise and vibration effects received at [redacted] will require careful management in order to comply with the proposed construction noise limits. The proposed construction noise limits are based on the recommended noise limits prescribed by NZS6803:1999 Acoustics – Construction Noise (**NZ6803**) to manage the effects of long-term construction projects on noise sensitive receivers.<br><br>The volunteered conditions of consent will require the applicant to prepare and submit a Construction Noise and Vibration Management Plan (**CNVMP**) prior to construction. The CNVMP will prescribe the noise mitigation measures that will be adopted to ensure compliance with the construction noise standards at all receivers (including 14 Ralphine Way).<br><br>The proposed construction noise limits in Condition 31(that are based on the recommended noise limits in NZS6803) will enable construction activity between the hours of 7:00am and 6:00pm between Monday to Saturday. The lower noise limit of 55dB $L_{Aeq}$ and 75 dB $L_{AFMax}$ applying between 7:00-7:30am will enable construction work where it is more than 100m from any occupied |

| | | |
|---|---|---|
| | | dwelling on Ralphine Way. Condition 31 contains additional restrictions relating to the permitted days, hours and nature of construction work and Condition 27 requires the CNVMP to specifically identify the specific construction works that can be undertaken outside of the regular hours of construction work (i.e. low noise generating activities that are well separated from receivers).<br><br>Any construction work undertaken outside of the regular proposed hours must comply with much lower noise limits of 45 dB $L_{Aeq}$ and 75 dB $L_{AFMax}$ when measured and assessed 1m from the façade of any occupied dwelling. These lower noise limits are designed to protect noise sensitive receivers from potential sleep disturbance effects and to provide a good level of amenity and respite. The requirement to comply with the more restrictive noise limits will preclude the applicant from undertaking any high noise generating activity near to Ralphine Way outside the hours of 7:30am to 6:00pm, Monday to Friday and 8:00am to 1:00pm on a Saturday. The CNMVP will prescribe the specific noise mitigation measures that that the constructor will need to observe to ensure compliance with the consented noise limits when construction work is within 100m of the Ralphine Way receivers.<br><br>The CNVMP will also require the applicant to provide the occupants of [redacted] with advanced notice of the timing and duration of construction works, the mitigation measures that will be implemented, and the procedure for recording any complaints or concerns relating to noise. The engagement required by the CNVMP will ensure that the receivers are provided with advanced notice of the timing and duration of construction works, enabling them to plan around any potential disruption.<br><br>The preliminary stages of construction may involve up to six heavy vehicle movements daily (three inbound and three outbound) along Ralphine Way as heavy machinery is brought to the site on low loaders. Section 5.12 of the AEE confirms that the heavy machinery required to undertake the earthworks will largely remain on site to undertake the bulk earthworks.<br><br>The cut to fill works will be predominantly within the site, however gravel and engineered fill required for road construction and backfilling of trenched infrastructure will be imported into the site. The peak volumes of heavy vehicles required to import gravel/ engineered fill is generally not expected to exceed 12 daily movements (six inbound and six outbound movements). |

| | | |
|---|---|---|
| | | Styles Group consider that the noise generated from heavy vehicle movements will be reasonable based on the level of daily movements and proposed working hours for construction activity. To minimise potential noise effects, The CNVMP will include prescriptive requirements to preclude any heavy vehicles queuing or idling on Ralphine Way before construction works commence on each day, and to ensure that heavy vehicles do not access the site via Ralphine Way before 7:30am.<br><br>No complaints were received during the construction of the farm track. The street sweeper was engaged as a proactive measure, rather than a reaction from sediment being tracking onto the road.<br><br>Dust mitigation measures will be employed during the earthworks. Section 4.3.9 of the Erosion Sediment Control Assessment Report (ESCAR) provides details regarding dust management, which includes (but is not limited to), weather and dust monitoring, limiting the amount of exposed/bare soil and time of which it is exposed for and restricting vehicle speed. A water cart will be made available to dampen surfaces and prevent dust from migrating beyond the site boundary.<br><br>Measures will also be implemented to prevent the tracking of silt onto the public roads. This may include aggregate haul roads, washing of wheels, rumble strips or a combination of these.<br><br>By adopting these mitigation measures, the environmental effect from dust will be no more than minor. |
| 6 | We have now fitted double glazing to mitigate the noise of any future construction activities, but it still means we have to live behind closed doors and windows. The earthworks will definitely be within 100m of the wetland and not just be limited to Kaka Stream. This activity will impact the river as in point 1, and also permanently change the ecology of the wetland that absorbed the water and captured the silt deposits during severe rain. There is a small gully alongside our house that becomes a raging stream that runs for days afterwards. Where is that going to be diverted to since the flood plain, which I term a swamp, will be built on and therefore unavailable to soak up the water and contain the sediment? | All local overland flowpaths have been considered and provided for in the proposed subdivision layout, using swales and open channels that meet the NTLDM.<br><br>It is anticipated that, post construction, cumulative sediment loads from the undeveloped portions of the Kākā Stream catchment will decrease overtime compared to current sediment loads as a result of the land use improvements from primarily agricultural land use (grassland) and brush towards native bush. In addition, for the developed portion of the site, a comprehensive stormwater treatment train is proposed, with design elements (sediment forebays) directly targeting coarser particulate contaminants. |

| | | |
|---|---|---|
| | | For noise concerns, refer to the response directly above in 5, which also applies more generally to potential noise effects resulting from all construction activities associated with the development. In particular, the potential noise effects on the receiving environment resulting from all proposed construction activities being undertaken in accordance with the volunteered conditions are assessed as being reasonable. |
| | **Point 3. Construction activities and noise** | |
| 7 | As mentioned in point 2 the trucks delivering gravel for a farm track was bad enough but the whole valley acts as an amphitheatre and conversations can be heard from the shearing shed to the north and the cricket pitch to the west. Sound travels in this valley and I believe it is even heard up at Cleveland Terrace. The sounds of construction, the constant beeping of several excavators, especially when the truck reverses up our street at 4.00am to deliver one, will be intolerable for us. We have never been approached for our input as to the effects of the acoustic nature of the construction which is disappointing. What time constraints will be placed on the developers? Start and finish times would be important for us as we are retired and mostly at home. | The proposed construction noise limits (that are based on the recommended noise limits in NZS6803:1999) are designed to enable the main construction activities between the hours of 7:30am and 6:00pm between Monday to Saturday, when a construction noise limit of 70 dB $L_{Aeq}$ and 85 dB $L_{AFMax}$ applies.<br><br>The proposed construction noise limits in Condition 31 (that are based on the recommended noise limits in NZ6803) will enable construction activity between the hours of 7:00am ad 6:00pm Monday to Saturday.<br>The lower noise limits of 55 dB $L_{Aeq}$ and 75 $L_{AFMax}$ applying between 7:00-7:30am will enable some light construction work to occur provided the CNVMP demonstrates it will comply with the lower limit.<br><br>Any construction work undertaken outside of these hours must comply with a lower noise limit of 45 dB $L_{Aeq}$ and 75 dB $L_{AFMax}$ when measured and assessed 1m from the façade of any occupied dwelling. These noise limits are designed to protect noise sensitive receivers from potential sleep disturbance effects and to provide a good level of amenity and respite. The requirement to comply with the more restrictive noise limits will preclude the applicant from undertaking high noise generating activity near to Ralphine Way outside the hours of 7:30am to 6:00pm, Monday to Friday and 8:00am to 1:00pm on a Saturday. The CNMVP will prescribe the specific noise mitigation measures that that the constructor will need to observe to ensure compliance with the consented noise limits when construction work is within 100m of the Ralphine Way receivers.<br><br>The applicant has proposed condition 32 (See Set I (V2)) that will preclude any noisy construction work occurring within 100m of the Ralphine Way receivers from 1pm on Saturdays, with no construction work on Sundays or Public Holidays. |

| | | |
|---|---|---|
| | | Refer to the response directly above in 5. The Applicant further notes that Condition 32 will preclude heavy vehicles from entering the site via Ralphine Way before 7:30am – this includes any queuing on Ralphine Way. |
| | **Point 4. Roading – timing and staging of off-site works** | |
| 8 | Improvement works at the intersection of Ralphine Way and Maitai Valley Road. I fail to understand why the developers want a shared cycle path and walkway down the eastern side of Ralphine Way. For one it impacts five ( 5) driveways as opposed to two on the western side. And two, it would be almost impossible for someone on a normal bike to cycle back up Ralphine way without zig-zagging up the road. When I was fit that's what I had to do. It just doesn't make sense. Has anyone attempted to cycle up there yet to ascertain that it is feasible? I suspect the gradient is not compliant with regulations and wish to object to this path in its entirety and revert to the earlier suggested route around the back of Dennes hole. A much more scenic and safe route so the developers won't have to pay for two bridges, as the path won't cross the river at all and no pedestrian crossing will be needed at the bottom of Ralphine Way. There was a suggestion one of the reasons this was rejected was that this option would impact on the privacy of swimmers in the river, but what about the existing path around the other side of Black hole, Sunday hole and Girlies hole? Why wasn't privacy a consideration in those places? Besides it would only be seasonal so the rest of the year the objection regarding privacy is mute. | The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project.<br><br>The shared path consented under RM245337-340 is to be located on the eastern side of Ralphine Way as there is a wide berm that provides the necessary width for the off-road path. There are also some engineering challenges on the western side of the road at the intersection making it less suitable for a shared path.<br>The matter around the alternative route around Dennes Hole has been considered and addressed above.<br><br>There is a very short section (approximately 110 metres) of Ralphine Way that is steeper than current guidance around grades. It may be difficult for some cyclists without an e-bike. This is an isolated short section (110 metres long) of an off-road shared facility that is 3.2 kilometres long which connects the development and Ralphine Way to the city. It is also worth noting that there are roads in Nelson that are much steeper grades with on-road cycle lanes which cyclists use, such as The Ridgeway with marked cycle lanes on the road. It is not uncommon to have cycle facilities on steeper grades for short sections, especially when bearing in mind the topography of Nelson. |
| 9 | I realise that the services need to get to the subdivision somehow but why does it have to come up Ralphine Way when it entails crossing the river twice? Following the bike path around Dennes hole would be less disruptive and less expensive and the resulting track would then form the bike path. Then it would be a council expense to build the bridges if they want them, not the developers. | The matter relating to the Dennes Hole path is considered and addressed in Table 2, response 1 above.<br><br>The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 10 | As far as I'm aware only one resident wants to connect to the services, none of the rest of us want water or sewerage access, we are happy with the systems we have now. | Whether or not the submitter is required to connect to the new water and wastewater infrastructure is outside of the scope of this application. |
| 11 | This intersection is also prone to flooding and we have been trapped in our house for up to 5 days on occasion. The last time this intersection was flooded was in April this year. | As outlined in the Stormwater assessment report - anecdotal evidence, historic aerial photographs and flood modelling results indicate that both present-day and future events cause general flooding across the rural/semi-rural sections of |

| | | |
|---|---|---|
| | | the Maitahi/Mahitahi River upstream of Nelson, including in the flood plain at the Kākā Stream confluence.<br><br>Site specific flood modelling has shown that the changes in landuse and landform (i.e. including the filling of the floodplain) from the development does not result in any increase in flood depths in the Maitahi/Mahitahi River beyond the CCKV boundary.<br><br>The Shared Pathway alignment, and associated upgrades, has been consented (RM245337-340) and that consent is not within scope of this Project. |
| 12 | Should this option be a fait accompli then consideration should be given to make Gibbs bridge two lanes with a cycling and walking path incorporated as the sight lines for giving way are very dangerous at the moment, and the queuing of traffic will frustrate drivers as traffic volumes increase. Building a separate cycle bridge could potentially restrict the construction of a two lane bridge to replace Gibbs bridge in the future. | This comment is considered above and addressed in Table 1, responses 2 and 3.<br><br>The Shared Pathway including the construction of the separate cycle bridges and associated upgrades, have been consented (RM245337-340) and cannot be re-considered as part of the Project. |
| 13 | The other issue is that our driveway, which is sloped and concreted, will become part of the shared path and reconstructing it may mean that the access to our drive will be made steeper because the 5 meter berm will have to be at the same level as the road. This would mean our motorhome, which bottoms out now, would not be able to access our property. What guarantees can you give that this will not happen?<br>We do not want street lights in Ralphine Way either, nor do we want the street name changed, just in case the developers were thinking of doing this. | No changes are proposed for the crossing points over driveways as part of this Project, but if any are needed in the future, they will be required to comply with standards under the Nelson Tasman Land Development Manual 2020 (**NTLDM**). Those standards are contained in Section 4.10 of the NTLDM. The standards are designed to ensure that no vehicle scrapping will occur.<br><br>Streetlighting requirements will be determined by Nelson City Council and the Land Development Manual 2020.<br><br>Street Name – Noted. |
| | **Point 8: Geotechnical mitigations** | |
| 14 | Due to the gradients on the western side of the valley, several slips appear after every rain event. I have aerial photos of all of the slips that have occurred since most of the vegetation was removed from the farm. I certainly wouldn't want to build there.<br>I believe insurance companies need to be informed of this. | Slope instability risk will be mitigated to levels required for residential development as part of subdivision development works. Residual geotechnical risk post mitigation is shown on T+T Figure 1012397.1000-GT-F60 in Appendix A of the Geotechnical assessment report.<br><br>Shallow slope instability is present on the Western slopes of the subdivision, and is discussed in Sections 5.2.3.5 and 5.2.3.6 of the Geotechnical assessment report submitted with the application. Mitigation options for the shallow instability are set out in Section 6.1.2 of the Geotechnical assessment report. Specific geotechnical development requirements during construction |

| | | |
|---|---|---|
| | | are discussed in Sections 6.2.5 and 6.2.6 of the Geotechnical assessment report.<br><br>Based on the assessment of geotechnical risks undertaken to prepare the geotechnical report, and with provision for resource consent conditions to be set that require geotechnical hazards to be mitigated through design and construction works we consider that there will not be a significant risk of geotechnical hazards arising from or affecting the subdivision. |
| 15 | The earthworks required to form building platforms and resource consents for engineering work for constructing a stable site for each house need to be tabled in their application.<br><br>The steepness of some of the roads will mean more traffic noise due to the lower gears required to negotiate them - another consideration in this amphitheatre of reverberated sound affecting the environment. | There are a number of geotechnical consent conditions controlling the detailed investigation, design and construction of both bulk earthworks and building site earthworks. These conditions are listed in Section 7.1 of the Geotechnical assessment report.<br><br>Traffic noise effects associated with the construction phase will be localized to the Ralphine Way receivers when construction vehicles are entering and exiting the Site via Ralphine Way. Traffic noise from vehicles on public roads is not controlled by the Nelson Resource Management Plan. The noise effects from vehicles moving within the Site is expected to be low at existing receivers due to the large separation distances. |
| 16 | In this regard, can you confirm the road over to Bayview will be completed before construction starts? I have heard that it is not going ahead now. This would be a dangerous situation as there will only be one way in and out. The proposed rest home will have sick patients that require an ambulance most weeks and if the intersection has flooded no one can get in or out. Sometimes for days. Another exit would mitigate this. | The Integrated Transport Assessment is provided within Attachment 6 of the Substantive Application.<br><br>The ITA sets out the multi-modal connections proposed. It also concludes:<br><br>*Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area. Any effects are no more than minor.* (ITA, Section 13, Conclusion, p68, Attachment 6 to SA)<br><br>Having multi-modal transport connections has many benefits, all being part of creating a well-functioning urban environment.<br><br>The proposed roading connection to Ralphine Way also provides an efficient link to the City. Road 1 follows the alignment of the Indicative Road shown on the Structure Plan, and has been designed to enable this to be extended in future when the adjacent land is developed. In conjunction with the subdivision and development that is extending from Bayview Road, this road will eventually link, including to Walters Bluff. Importantly, if the ITA identifies significant |

| | | |
|---|---|---|
| | | effects on the transport network in future applications for resource consent, then the link would then become an important factor before consent can be granted. That is not the conclusion from the applicants ITA. Progressive extension of indicative roads as a part for subdivision and development has been standard practice in Nelson, being consistent with the wider planning framework.<br><br>Furthermore, the retirement village will have its own on-site medical care including a purpose-built care facility. Ambulances are not expected to be coming to the retirement village most weeks and in emergency situations, helicopters can be used if there are floods.<br><br>Maitai Valley Road which links the development site to Nile St is acknowledged to be within an area prone to flooding. This flooding is not worsened by the proposed development. |
| | **Point 12: Air quality/dust** | |
| 17 | Our experience with the trucks bringing in gravel last year worries us as the dust and noise was horrendous. Even the birds disappeared for two weeks. We have Robins, Tui, Native pidgeon, Quail, Wax-eyes, Native Owl, Bellbird, Fantail, Swallows, Pukeko, and Weka, all contributing to our fantastic rural environment so close to town, which we want to preserve. | The gravel brought to site in 2024 was used to form the new farm track. No resource consent was required.<br><br>The proposed management of construction noise and vibration is set out within consent conditions 26-33 of Set B (V2).<br><br>Dust mitigation measures are volunteered during the earthworks phase to prevent dust migration resulting from trucks. Section 4.3.9 of the ESCAR provides details regarding the management of dust, which includes (but is not limited to), weather and dust monitoring, limiting the amount of exposed/bare soil and time of which it is exposed for and restricting vehicle speed. A water cart will be made available to dampen surfaces and prevent dust from migrating beyond the site boundary.<br><br>Measures will also be used to prevent the tracking of silt onto the public roads. This includes aggregate haul roads, washing of wheels, rumble strips or a combination of these.<br><br>The above-mentioned mitigation measures are set out in the ESCAR and are also required in consent conditions 17-23 of Set B (V2). |
| 18 | We would appreciate a water cart to be on site at all times to mitigate any dust distribution, and to make the road as smooth as possible so the empty trucks | The Applicant does not consider it necessary to keep the water cart operating on site at all times. Instead, a water cart will be made available as required to |

| | | |
|---|---|---|
| | don't rattle so much, with a speed limit imposed. Perhaps the developers could pay for a house and window clean at some stage? | dampen surfaces and prevent dust from migrating beyond the site boundary. By adopting this mitigation measure (along with others outlined in response 17 directly above), the environmental effect arising from dust on neighbouring sites are assessed as being no more than minor. |
| | **Point 16: Soil contamination** | |
| 19 | An independent review of the contaminated land management plan should be mandatory and an ongoing monitoring plan put in place to ensure no contaminants enter the Maitai River. The costly but effective decontamination of the Mapua fertilizer site should be an indication of the level of work that needs to be performed for Kaka Valley. The realignment of Kaka stream will involve the old sheep dip and associated chemicals therefore it is necessary to monitor the effects of doing this with the associated resource consents. | The Remediation Action Plan and Site Management Plan have been prepared by independent expert advisors and peer reviewed by another independent expert. They have also been reviewed by Council expert(s) and Mr Simon Hunt (on behalf of Save the Maitai Inc). The Applicant understands a further review will now be undertaken by independent experts advising the Panel. The topic of land contamination is and will continue to be, well scrutinised by technical experts.<br><br>Soil source removal will address the risk to groundwater and thus the proposed stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the creek.<br><br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) and the risk to the stream is negligible. |
| 20 | In conclusion, l believe the first application under plan change 28 has been significantly changed to the extent it is unrecognizable. It was accepted on condition of certain aspects of the subdivision which are no longer evident or additional construction has been included that are outside plan change 28 conditions that were considered by the panel of commissioners. For example the design changes include the addition of a rest home, the building of a marae, the relocation of the shared path, access to SH6 via Bayview and the number of dwellings. | The Maitahi Village has been designed to be consistent with the Maitahi Bayview Structure Plan within Schedule X.<br><br>With regard to the Arvida retirement village, comprehensive housing developments have already been anticipated and provided for via Rule X.2 of Schedule X. All other retirement villages in Nelson has gained resource consent as a CHD.<br><br>Schedule X has also provided for Suburban Commercial land as a part of the Maitahi Bayview Structure Plan.<br><br>The proposed walkway/pathway linkages are also entirely consistent with the indicated walkways shown in the Maitahi Bayview Structure Plan. |

| | | |
|---|---|---|
| | | The Maitahi Village also proposed to development the first section of sub-collector road, in accordance with the indicate road shown on the Maitahi Bayview Structure Plan. See response to Table 8, Item16.5.<br><br>The proposed Maitahi Village subdivision is also in accordance with the enabled density within Schedule X.<br><br>This comment is therefore entirely incorrect. |
| 21 | I also question the need for such a large subdivision when all over the city and environs there is construction going on. The Bishopdale subdivision has not been completed, two developments in Nile Street and many more apartments that need to be finished and sold before starting on ruining the Maitai, or there will be a glut of unsold houses and no one makes any money, except the council get more rates. Was a study done to ascertain the need for another Care home for example? | The Maitaihi Village involves the implementation of part of the Nelson Tasman Future Development Strategy 2022. |
| 22 | We have been forced into this stressful situation and have been trying to sell our house, but have yet to find a suitable property with all of the attributes of this idyllic spot. Private, quiet, dark skies, rural views, bird life and proximity to town. | This land has been rezoned recently after proceeding through the PPC28 process, which included a fully public process, and was approved by both the NCC and the Environment Court. |

**Table 13:** Save the Maitai Inc

| | Comment | Applicant Response |
|---|---|---|
| 1 | Save the Maitai Inc ("STM") is a group of Nelson residents and those from further afield who cherish the Maitai River and its surroundings. The recreational opportunities, rural amenity and peaceful nature of this area, being secluded from yet close to the urban environment, are highly valued. The large public recreation reserves within the Maitai Valley provide equitable access for locals and visitors alike, to enjoy walking, running, mountain biking, picnicking, river swimming, sports, community activities and social & family events. The Maitai is Nelson city's last easily accessible rural river valley that remains free from urbanisation. Children can get there by bicycle, making it a unique asset for Nelson. | The zoning of the site is now operative with the zoning matters set out with Schedule X Structure Plan. The choice between status quo or change, was made during the PPC28 process. The PPC28 process was open to the public. People had their say and were heard. The decision was to change the zoning. This decision was made having full regard to submissions in opposition, including from Save the Maitai Inc. Refer to the Recommendations of the Independent Hearings Panel (Attachment 19 to the Substantive Application) for confirmation of the process summarised above. |
| 2 | STM formed when Private Plan Change 28 ("PPC28") was first initiated. PPC28 rezoned Kākā Valley from predominantly rural to predominantly residential zones. STM participated in PPC28 and appealed to the Environment Court. Due to funding constraints, its technical evidence for the appeal was focussed on stormwater quality and quantity-related provisions, and erosion and sedimentation risks to the Maitai River. STM also produced lay evidence regarding loss of amenity. Significant changes to PPC28 stormwater provisions were agreed through expert conferencing, meaning it was no longer necessary for STM's stormwater witness to participate in the hearing, which focussed on erosion and sediment. The Court made further changes to PPC28 in response to STM's appeal, and many of those provisions are critical for the Panel's assessment of this substantive application. | Prior to PPC28, of the 287-hectares, the total area zoned for *Rural – Lower Density Small Holdings* subdivision was 44-hectares while the balance (243-hectares) was within the *Rural Zone*.<br><br>PPC28 as approved by the Environment Court, and now being the subject of Schedule X, includes:<br><br>- 131-hectares of Rural land;<br>- 38-hectares of Open Space and Recreation Land;<br>- 16.2-hectares of Residential – Higher Density land<br>- 21.3-hectares of Residential – Standard Density land<br>- 38.77-hectares of Residential Lower Density land<br>- 32-hectares of Residential Lower Density (Backdrop Area) land<br>- 1500m2 of Suburban Commercial land<br><br>Of the 107 hectares zoned residential, 21-hectares within that Zone is located within the Revegetation Overlay.<br><br>Mr Nicholson (Urban Designer) for the applicant summarised the above changes in zoning and land use in his rebuttal evidence (July 2022), being in response to the STM submissions on PPC28:<br><br>*In my opinion the Indicate Masterplan, provides a clearer picture of the overall vision for the proposed Maitahi Development. In particular the extent to which the proposed areas of urban development are enclosed and framed by the intensive green spaces on Kākā Hill, Botanical Hill and the Malvern Hills,* |

| | | |
|---|---|---|
| | | *and the graduation of densities from comprehensive development on the valley floor to a more conventional suburban densities on the low slopes and lower density housing set in a revegetated landscape on the ridgelines.*<br><br>The comment from STM that PPC28 changed the zoning of the Kākā Valley to a "predominantly residential" zone is therefore an overstatement. Nonetheless, the reality is PPC28 was approved and now provides for residential subdivision and development. The effects associated with the fundamental change in zoning pattern are not relevant to this consenting process.<br><br>Both the PPC28 Decision and the Decision from the Environment Court are provided as attachments to the Substantive Application. These decisions set out the factual background. |
| 3 | STM was not aware through the PPC28 process of the severely contaminated HAIL site or that the developer proposed to re-route Kākā Stream through that site. There was also no mention in the PPC 28 process of the proposal for a retirement village to take up a large part of the site. | The PPC28 Request (dated 24 August 2021) as notified included a comprehensive description of the site, including the presence of the HAIL site (sheep dip):<br><br>*The historical farming activities, which included a large sheep farm and the growing of hops on the valley floor, are also described in the historical and archaeological assessment provided within* ***Attachment C2****. Given this history of farming it is not surprising that there is a known HAIL site beside the shearing shed that relates to a former sheep dip. That area will need to be the subject of a detailed site investigation prior to subdivision, and prior to a change in land use or earthworks as per the rule triggers under the NES:CS.* (Section 3.3, p27).<br><br>Section 6.18 'Land Contamination' of PPC28 Request again addressed the need for resource consent be obtained, and went on to state:<br><br>*The Structure Plan locates the former shearing shed and surrounding land within the Open Space corridor which will eventually include the relocated Kākā Stream. The land is not proposed to be zoned residential and so not proposed to be used in future for residential purposes where risks to human health would arise.*<br><br>*In summary, the applicant is aware of the HAIL site and is fully aware of the requirements of the NES:CS. The applicants have experience dealing with these issues in land development projects.* (Section 6.18, p81)<br><br>This matter was also the subject of the s42A (RMA 1991) report and also acknowledged in the Joint Witness Statement form the planning experts. |

| | | |
|---|---|---|
| | | It is difficult to understand how STM could not have been aware of the presence of the sheep dip and its location within the Open Space corridor. In any event, the key point is that these matters were openly addressed during the PPC28 process.<br><br>PPC28 also includes the provision for land zoned for Residential-Higher Density Area purposes, as well as a Rule X.2 (Schedule X) that provides specifically for comprehensive housing development. The STM comment that a retirement village was not anticipated is therefore incorrect. |
| 4 | This Comment addresses the following topics:<br>a. Legal analysis of requirements for the Panel's decision.<br>b. Regional benefit.<br>c. Amenity, open space and recreation values.<br>d. Flooding / stormwater flow management.<br>e. Stormwater quality.<br>f. Erosion and sediment.<br>g. Terrestrial ecology.<br>h. Kākā Stream.<br>i. Wetlands.<br>j. Contaminated site.<br>k. Noise.<br>l. Greenhouse gas emissions.<br>m. Policy RE6.1 – Structure Plan.<br>n. Community opposition.<br>o. Relief / conclusion. | Noted. |
| | Comment<br>Legal analysis of key provisions relevant to the Panel's decision under the Act<br>Assessing regional benefit | The Applicant provided a set of legal submission dated 6 June 2025. The Applicant's response to the legal aspects of STM's comments should be considered in conjunction with those submissions. The Applicant has endeavoured to cross-reference where appropriate, but time has not always allowed for a check of appropriate cross-referencing to be made.<br><br>The Applicant observes that although its submissions were available to the commenter well before comments closed, assertions and propositions are made without necessarily challenging specific paragraphs or passages from the legal submissions. Perhaps with the exception of arguments about whether you need to made a finding on whether the project proposes "significant regional benefits", it is not always clear whether and where legal disagreement exists between Save the Maitai Inc and the Applicant's legal submissions. |

| | | |
|---|---|---|
| 5 | An Expert Consenting Panel considering a substantive application under the Act must determine:<br>a. Whether the project it is considering has regional or national benefits.<br>b. Assuming the project has some regional or national benefits, the scale of those benefits.<br>c. Whether the project's regional or national benefits are "significant". | The Applicant traversed the subject of regionally significant benefits and whether the Panel needs to enquire into this, at paragraphs [14] to [21] of its legal submissions.<br><br>The Applicant submits the project would not be in Schedule 2 if it did not offer significant regional benefits. That is the whole point of the FTAA. The costs and expectations of the FTAA process are high. The FTAA process includes the listing or referral process, as well as the substantive decision process. It would be perverse if an application got all the way to a substantive decision, only for a panel to decide the purpose of the FTAA is not engaged. If a project is wrongly listed or referred, that no doubt could be the subject of Judicial Review challenge; thereby allaying any concerns of projects that are not truly regionally or nationally significant, benefitting from the FTAA.<br><br>The FTAA indicates a presumption of benefits to the requisite degree. Paragraph [19] of the Applicant's legal submissions point to some of the statutory indicators supporting this proposition. In addition, the wording of sections such as 81(4) and 85(3) further support the submission.<br><br>Alternatively, the Applicant's position remains that the decision to list the Project is powerful evidence of its regional significance, especially when couples with the benefits attested to it in the Application materials and further expanded on by the responses to comments. Key benefits include the provision of housing, generation of economic activity, realisation of ecological benefits and improvement in water quality. |
| 6 | It is necessary to determine whether the project's regional or national benefits are "significant" in order to properly apply the relevant decision-making criteria. The purpose of the Act is to facilitate projects with "significant" regional or national benefits, and that purpose must be given the greatest weight when considering a consent application and conditions.[1] If a project is considered to have regional or national benefits that are less than "significant", then this weighting will have no impact for the project as the purpose of the Act is just as well met by not facilitating the project. | The FTAA provides no indication such an assessment is required nor any assistance as to how a panel might go about deciding this. This tells against the argument made in the comment.<br><br>As noted above, it is submitted that it would be a perverse outcome for an application to surmount the hurdle of being listed or referred and then follow the exhaustive and exhausting path to a substantive decision, only to reach the end and have a decision that the project does not engage the purpose of the FTAA.<br><br>An outcome like this would not only be perverse, but also inefficient – which is particularly antagonistic in the context of an Act driven by efficiency. For example, the Fast-track Approvals Bill expressly stated that the act is designed to provide a |

| | | |
|---|---|---|
| | | more "efficient and certain pathway for projects".[6] The requirement for the FTAA process to be as efficient and effective as possible, is expressed in both sections 10 and 20 of the FTAA.<br><br>Specifically, section 10 FTAA requires the Panel, to:<br><br>*"take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised."*<br><br>If the commenter's submission is accepted, this will create the duplication in efforts, as both the applicant and the Panel will need to devote considerable resource and time on an issue that has already been thoroughly evaluated and determined as part of the "listing" process. Such an approach would conflict with the requirements under s 10 FTAA. |
| 7 | If the Panel considers that a project has significant regional or national benefits, it must consider the scale of those benefits. This is relevant:<br>a. Because when it takes the purpose of the Act into account, under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.[2]<br>b. When the Panel comes to consider whether it should decline an approval on the basis that 1 or more adverse impacts of the approval are out of proportion to the project's regional or national benefits.[3] | The Applicant accepts the FTAA requires an assessment of the extent of benefit, so it may undertake the weighing exercise required by section 85(3).<br><br>For completeness, in respect of item (b) of the comment, the Panel must decide whether any adverse impacts are sufficiently significant to be out of proportion to the project's benefits. These are important words and were omitted from the comment. They also support the proposition that significant benefits have already been established by the time a project falls for consideration under the substantive FTAA process. |
| 8 | The applicant says that "the Government had to be (and was) satisfied the Maitahi Village Project could deliver significant regional benefits" and that this is "highly persuasive evidence that the Project offers significant regional benefits".4 It therefore submits that the Panel does not need to enquire into whether significant regional benefits will accrue but only the magnitude of those significant regional benefits.[5] | Correct. |
| 9 | STM disagrees that the Panel must effectively assume that a Project's national or regional benefits are "significant", and disagrees with the applicant's submissions that the Panel's assessment of the Maitahi Village Project's benefits is informed or constrained by the fact it is listed in Schedule 2 of the Act, or by the process that led to it being so listed.[6][7] A Minister's or Government's opinion on a matter that a statute directs an independent decision-making body to assess is not evidence. | The comment cites no authority for the position that the decision to list does not constitute evidence of significant regional benefits. The comment makes an assertion, but with nothing substantiating it.<br>S 43 FTAA sets out the requirements for substantive applications, part of which is to explain how the project is consistent with the purpose of the Act. The fact this project has been listed within the Act is evidence that this projects benefits have already been determined to be consistent with the FTAA's purpose. |

[6] A copy of the Fast-Track Approvals Bill can be here, refer to the introduction section, line 5.

| | | |
|---|---|---|
| 10 | It was open to Parliament to specify in the Act that projects listed in Schedule 2 are deemed to have significant national or regional benefit. Alternatively, Parliament could have directed Panels to consider "the extent of the project's significant regional or national benefits". Parliament did not take either of those routes. Rather, the Act directs Panels to "consider the extent of the project's regional or national benefits".[8] This constitutes an express direction to Panels to reach their own determination as to the extent of benefits, which necessarily may be significant or less than significant. | Section 81 details what a panel must take into account in making a decision. Section 81(4) requires a panel to enquire into the extent of benefits but not whether there are any and not whether they qualify for the descriptor "significant".<br><br>The Applicant says this supports its position, rather than undermines it (as contended for by the comment).<br><br>It was equally open to Parliament to direct a panel – under section 81 – to consider whether a project offered significant benefits.<br><br>It is respectfully submitted this comment does not advance matters either way. |
| 11 | The Act does not define "significant". The non-exclusive list of matters that a Minister may consider when deciding whether a project would have significant regional or national benefits for the purpose of their referral decisions includes sector-focussed considerations (e.g. "will support primary industries"[9]) and outcome-focussed considerations (e.g. "will deliver significant economic benefits"[10]). Given the scheme and purpose of the Act, even the sector-focussed considerations in s 22 must logically have a threshold of significance applied to them: even one new dwelling would "increase the supply of housing"[11] but one new dwelling would not have significant regional or national benefits. The plain meaning of significant is "very important".[12] Applying that plain meaning, the Panel should consider whether the project will have "very important" benefits at the regional or national scale. | If the Panel decides to enquire into whether the project offers significant benefits, it is submitted there is ample evidence of this. Conversely, the commenter provides no evidence to the contrary.<br><br>The Applicant traversed the subject of regionally significant benefits and whether the Panel needs to enquire into this, at paragraphs [14] to [21] of its legal submissions.<br><br>The Applicant submits the project would not be in Schedule 2 if it did not offer significant regional benefits. That is the whole point of the FTAA. The costs and expectations of the FTAA process are high. The FTAA process includes the listing or referral process, as well as the substantive decision process. It would be perverse if an application got all the way to a substantive decision, only for a panel to decide the purpose of the FTAA is not engaged. If a project is wrongly listed or referred, that no doubt could be the subject of Judicial Review challenge; thereby allaying any concerns of projects that are not truly regionally or nationally significant, benefitting from the FTAA.<br><br>The FTAA indicates a presumption of benefits to the requisite degree. Paragraph [19] of the Applicant's legal submissions point to some of the statutory indicators supporting this proposition. In addition, the wording of sections such as 81(4) and 85(3) further support the submission.<br><br>Alternatively, the Applicant's position remains that the decision to list the Project is powerful evidence of its regional significance, especially when couples with the benefits attested to it in the Application materials and further expanded on by the responses to comments. Key benefits include the provision of housing, |

| | | |
|---|---|---|
| | | generation of economic activity, realisation of ecological benefits and improvement in water quality. |
| 12 | In terms of regional benefit, that requires some consideration of the nature, scale, needs and vulnerabilities of the region, in order to determine when a benefit such as a positive economic impact or supply of housing is sufficiently impactful to be "very important". Considerations such as proportion of regional GDP (where the benefit can be quantified in economic terms) or contribution in proportional terms to meeting demand for a resource may assist in determining whether a benefit is regionally significant. | The applicant agrees that the term significant should be considered in light of the economic environment in which it occurs. For example, the development of 300 homes in Auckland would not have the same economic significance as that in West Coast Region. Additionally, the value to specific sectors, both of the economy and community are very important to consider. Likewise, when considering the potential market impact of additional housing on the market there are a number of factors that contribute to its significance including:<br><br>• A motivated developer<br>• The overall affordability of housing within a region<br>• The economic composition of the community (proportion of households that can't afford housing)<br>• The flexibility of existing capacity<br><br>The amount of residentially zoned land is not a complete answer.<br><br>Both the quantified and qualified variables need to be considered in light of these factors and others. For example, in the context of the GDP identified in the report generated from this proposed project, the $340m represents a significant contribution to the Nelson Region in the context that over the last 3 years (to March 2025) the regional economy grew $196m. |
| 13 | Where a project has dis-benefits, these should be taken into account in determining whether a project has a regionally significant benefit overall. | The FTAA requires the Panel may form a view on both benefits and adverse impacts. They are then to be weighed against each other in order to make a final decision. It would be double-counting to discount benefits but taking account of dis-benefits and then weight them against adverse impacts (which logically will also include dis-benefits). The FTAA does not direct that dis-benefits can be considered by the Panel to discount/downgrade the overall benefits of a Project. |
| | *Weighing relevant considerations* | |
| 14 | Clause 17(1) of Schedule 5 requires that a hierarchy of considerations is applied when considering an application for resource consents under the Act. | The Applicant agrees to the extent discussed at paragraph 13 of its 6 June legal submissions. |
| 15 | The hierarchy in cl 17(1) is similar to s 34 of the Housing Accords and Special Housing Areas Act 2013 ("HASHAA"), which required a decision-maker considering an application for a resource consent and submissions on the application to have regard to listed matters "giving weight to them (greater to lesser)" in the order listed. As in this Act, the first matter listed was the purpose of the Act. | The two items of legislation have some similarities and some differences. The Applicant maintains its submission at paragraph 8 of its legal submissions:<br><br>*Whilst the FTAA is sometimes described as "another" iteration of fast-track consenting, it is fundamentally different from anything that has gone before. It shares features of previous fast-track regimes - such as time-* |

| | | |
|---|---|---|
| | | *bound decision making and limited appeal rights, but there are two key features of the FTAA that set it apart from all previous regimes and are poised to be hugely influential on the fate of the Application:*<br>*8.1 The FTAA's purpose; and*<br>*8.2 The statutory test for when an application may be declined.*<br><br>The matters to be considered and the hierarchy to be applied under s34 HASHAA is different to that which is to applied by the Panel under clause 17(1) of schedule 5 of the FTAA. Paragraph 50 of the Applicant's legal submissions noted:<br><br>*The requirement to "take into account" the purpose and above stated provisions of the FTAA requires the Panel to consider the matter which is relevant, weigh it up with other relevant factors, and give it weight as considered appropriate by the Panel in the circumstance. The importance of each matter will vary depending on the factual context of each application, the nature of the environment and the extent and nature of existing interests. It is a "lesser" requirement than "have regard to".* (footnote omitted)<br><br>The HASHAA required decision makers to "have regard to" the listed matters.<br><br>Importantly, the purpose of the HASHAA and the range of consent applications that might find their way to the process under the HASHAA, was different. Whilst some guidance might be provided by case law emanating from HASHAA, it cannot be seen as determinative or even persuasive without careful consideration of the precise point decided under the HASHAA and the precise point raised for consideration under the FTAA. |
| 16 | Section 34 HASHAA was addressed in Enterprise Miramar Peninsula Inc v Wellington City Council.[13] The Court set out the hierarchy of matters in s 34, and said:<br>*[41] The plain words indicate, therefore, that greatest weight is to be placed on the purpose of HASHAA, namely enhancing affordable housing supply in certain districts.* ***That said, other considerations have been deliberately included. Decision-makers must be careful not to rely solely on the purpose of HASHAA at the expense of due consideration of the matters listed in (b)—(e).*** (emphasis added) | The Applicant agrees to an extent, but notes the FTAA establishes a regime that means the Panel can only consider declining consent *if* the *adverse impacts* are *sufficiently significant* to be *out of proportion* to the benefits. This is the legal test for decision-making. To inform that, the Panel is required to have regard to a number of matters, including those set out in Clause 17(1) of Schedule 5.<br><br>To the extent the *Enterprise Miramar* decision is being relied on to confirm the Panel must consider matters other than just the purpose of the FTAA, the Applicant accepts that – paragraphs 9, 13 and 24 of the Applicant's legal submissions are examples of the Applicant's acceptance of the proposition: |

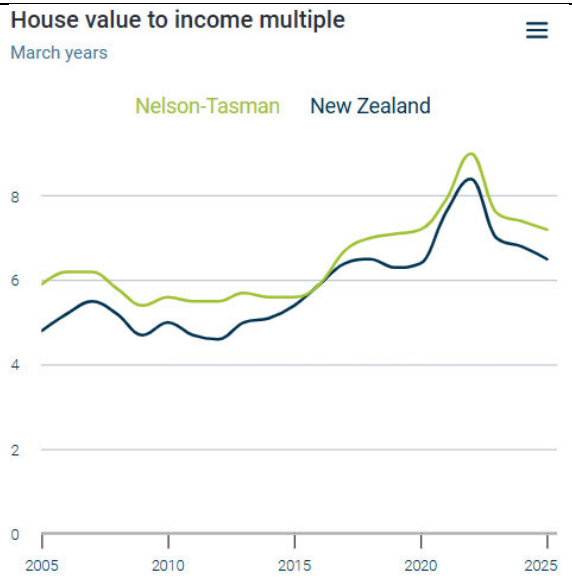
| | | |
|---|---|---|
| | | *[9] Under the FTAA the relevance of district, regional, and national planning instruments - such as those under the RMA - is material but not determinative…*<br><br>*[13] … However, the panel must still consider environmental impacts and may decline applications where adverse impacts (not limited to "effects") are disproportionate to the benefits.*<br><br>*[24] … While a FTAA panel may consider planning instruments to the extent they are relevant, those instruments do not form part of the legal test for decision making, nor is there any equivalent to Part 2 of the RMA.* |
| 17 | The Court found that the decision-maker was required to assess the matters listed in subs (1)(b)—(e) (i.e. the matters other than the Act's purpose) uninfluenced by the purpose of HASHAA, before standing back and conducting an overall balancing:<br>*[53] …The matters listed in subs (1)(b)—(e) cannot properly be weighed alongside the purpose of HASHAA under subs (1)(a) if that purpose has first been used to effectively neutralise the matters listed in subs (1)(b)—(e).* | The Applicant is not suggesting an approach contrary to the one discussed by the Court in *Enterprise Miramar*. The Applicant's submissions to this effect are predominantly contained within paragraphs 51 to 74 of its legal submissions. |
| 18 | As a result, environment effects "may be outweighed by the purpose of enhancing affordable housing supply, or they may not."14 This indicates that a statutory requirement to give an Act's purpose the most weight does not mean that it will always outweigh other considerations (in which case there would be no point in listing those other considerations). The same must be correct in relation to this Act. That interpretation is supported by s 85(3) of the Act, which is addressed below. | The fact a FTAA application can be declined because of adverse impacts makes it clear the purpose of the FTAA will not mean that it always outweighs other considerations. The Applicant has not sought to argue otherwise. |
| 19 | As with this Act, the HASHAA decision-maker was required to consider Part 2 RMA. The decision-maker's "cursory analysis" of Part 2 matters in Enterprise Miramar was an example of the decision-maker having allowed the purpose of HASHAA to neutralise or minimise the other matters that arose for consideration, and as a result those matters were not given due consideration and weight. Rather than merely treating the purpose of HASHAA as the most important and influential matter to be weighed, the decisionmaker used the purpose of HASHAA to eliminate or greatly reduce its consideration and weighing of the others 34(1) factors, and that was a "significant error of law".[15] | The Applicant's legal submissions say:<br><br>*[56] An assessment of the Proposal against sections 5, 6 and 7 of the RMA is set out at Section 7.0 of the Substantive Application. In summary, the Applicant submits the Proposal:*<br>*56.1 represents sustainable management of natural and physical resources and will therefore achieve the purpose of the RMA;*<br>*56.2 appropriately recognises and provides for relevant matters of national importance (section 6); and*<br>*56.3 has particular regard to relevant section 7 considerations.*<br>And: |

| | | |
|---|---|---|
| | | *[74] In summary then, despite the substantial differences between the two items of legislation, RMA considerations are of relevance to decision making under the FTAA. The weight to be given to relevant RMA instruments and their influence on the final decision will differ from the standard RMA process though, principally because of:*<br>*[74.1] The FTAA's purpose – being to facilitate projects with significant regional or national benefits;*<br>*[74.2] The exclusion of section 104D from consideration and determinative impact;*<br>*[74.3] The FTAA allows the grant of approval for an activity even if grant would be precluded under the RMA;46*<br>*[74.4] The test for decline is a relatively "black and white" weighing of adverse impacts against project benefits; and*<br>*[74.5] Even if adverse impacts are out of proportion to project benefits, a panel still retains discretion to grant approval and the purpose of the FTAA will be highly relevant to the exercise of that discretion*.<br><br>The Applicant does not consider these submissions challenge the point being made by the commenter. |
| 20 | Accordingly, the correct approach under cl 17 is to carefully consider each of the listed matters on their own terms, before moving to the weighing exercise. In that exercise, environmental effects or other impacts may be outweighed by the Act's purpose, or they may not. | The commenter had the benefit of the Applicant's legal submissions when preparing its comments. Those submissions included argument about how Clause 17 should be applied and how a decision under the FTAA should be made. The commenter has not identified any paragraphs or propositions in the legal submissions that it disagrees with – either on the basis of *Enterprise Miramar* or for any other reason. |
| | *Section 85* | |
| 21 | Section 85 specifies when approvals must and may be declined. In summary, section 85(3) enables consent to be declined if the Panel forms the view that there are one or more adverse impacts in relation to the approval sought, and those are sufficiently significant to be out of proportion to the project's benefits. "Impacts" is not limited to adverse effects, and includes any matter properly considered by the Panel that weighs against granting the approval,[16] but is not met solely on the basis that an impact is inconsistent with the RMA or a planning document.[17] | The Applicant's legal submissions cover this at paragraphs [28]-[35]. The commenter does not appear to disagree with the Applicant's legal submissions on this point. |
| 22 | STM submits that this means that the threshold for decline is not met where a project is inconsistent with an objective or policy in a planning instrument. | "Could" is correct. It is for the Panel to determine. |

| | | |
|---|---|---|
| | However, it could be met where a project has one or more adverse effects and is inconsistent with a planning instrument. | |
| | **Regional benefit** | |
| 23 | The applicant's evidence as to the project's regional benefits is sparse, vague, and significantly overstated. | The applicant disagrees with this comment from STM. The reasons for disagreement are particularised in the responses to specific criticisms, below.<br><br>An Economic Impact Assessment report was part of the Application. It was authored by expert economists from the firm, Property Economics Ltd. That report has been updated to consider a nine-year construction period.<br><br>In addition, a number of the "comments" made attest to the range of benefits this project offers – including comments from the Minister for Seniors, the Minister for the South Island, the Associate Minister for Transport, Nelson City Council and Ngāti Koata Trust (regarding the benefit of removing the soil contaminant source). |
| 24 | The main economic benefit assessed in the applicant's Economic Impact Assessment is the economic contribution from employment (mostly construction). While construction jobs benefit the region, it is doubtful that they reach the threshold of a significant regional benefit. | At no point has the Property Economics report identified the 'main' economic benefit being employment. Additionally, as identified above, it is not doubtful at all that the generation of 2,700 job years to a region that experienced an employment fall in the March 2025 quarter is significant. The term 'doubtful' offers no evidence as to why 2,700 job years are not regionally significant. This is in relation to a total construction sector of some 6,000 jobs.<br>The economic benefits of this proposal go far beyond this however, with positive economic impacts through, improving housing market and land use efficiencies, catalytic impacts on development in the Region (residential consents fell 2.8% last year), as well as improving overall affordability. |
| 25 | The Economic Impact Assessment assumes construction will occur over a 7 year period. However, with construction extending over a longer period, the economic impact (benefit) is reduced.[18] The assessment does not take into account development and construction jobs that will be provided via future stages in existing subdivisions such as Golden Elm Rise in Toi Toi, Marsden Park, Marsden Homestead and Montebello in Stoke. | The EIA has been updated for a 9-year period. This change resulted in an impact on GDP from $354m to $342m and a reduction in approximately 37 employee years 2,700. This does not change the outcome of the report at all, and the project remains economically significant.<br><br>The EIA prepared is specific to the proposed project. The potential for residential and non-residential development elsewhere does not dilute or alter these benefits. |
| 26 | The Economic Impact Assessment says that "there are likely to be non-economic effects, such as environmental. While these effects may result in | The approach adopted in the Property Economics report is orthodox, best practice and far from "astonishing". The exclusion of these impacts has been |

| | | |
|---|---|---|
| | economic impacts for the most part they have not been addressed here".[19] The economic dis-benefits of the project, in particular relating to the change in the nature of the Maitai Valley and the cost of maintaining a contaminated landfill in perpetuity, have not been assessed in economic terms, but are likely to be significantly negative. It is astonishing that these economic impacts are not addressed in a report purporting to address economic effects. | addressed in the report and avoids the risk of double counting when non-monetary impacts are identified and assessed by other experts.<br><br>With respect to the encapsulation of contaminated fill, it is understood that, while small, the costs of maintaining the landfill are private costs and not relevant in this assessment.<br><br>More generally, the "costs" or dis-benefits *relating to the change in the nature of the Maitai Valley* were debated and considered in the PPC28 process. They are not relevant here. There are no planning provisions requiring subdivision and development of this site to preserve a rural amenity. The development proposed is aligned with the planning framework established by PPC28. That framework anticipates and accommodates *change in the nature of the Maitai Valley*. |
| 27 | One of the main benefits claimed is increased land/dwelling supply. The description of this benefit is vague, and not framed in the context of the Nelson market:<br>*The proposed land area has the ability to supply the market with an additional 374 dwellings increasing capacity within a single -planned area. This provides not only the ability for the area to improve its responsiveness to growth demands but itself facilitate further growth within the area with an increase in overall competitiveness.* | The quoted text is market commentary, regarding the expanding of the housing supply. Nelson Region, as with the rest of NZ, has seen a substantial increase in house prices. Unlike the rest of NZ, which has seen a 2.1% decrease in house prices to March 2025, Nelson has continued to rise (1%).<br><br>https://rep.infometrics.co.nz/nelson-city/income-and-housing/house-values<br><br>In terms of the potential impact of the proposed 374 dwellings, the region has seen a 10-year residential consent average of 165, meaning this extent of development, even within an extended timeframe has the potential to have a material impact on the market. |
| 28 | However, STM understands that existing plan enabled capacity exceeds demand. | The identification of plan-enabled capacity is largely irrelevant with regard to the housing market. As identified by the NPS-UD the market response is based on, at the very least, feasible capacity.<br><br>Plan enabled capacity represents a theoretical capacity number based on planning provisions. An example of the difference is identified in the Council HBA with estimated long-term urban plan enabled capacity (with PC29) at over 42,000 dwellings and the feasible dwellings (identified as commercially feasible given a wide range of factors including construction/ development costs and sales values) at 2,030. |
| 29 | The Nelson Tasman Housing and Business Capacity Assessments 2024 (the most recent assessment available at the date of this comment) considered | While signalling issues with the Nelson HBA (e.g. the vast amount of Greenfield capacity that is 'assumed to be feasible' (Housing Capacity Assessment to |

| | | |
|---|---|---|
| | demand and capacity for housing and business land over a 30 year period. The assessment demonstrated sufficient housing capacity in the short term (1-3 years) and long term (11-30 years). While demand exceeded supply in the medium term (4-10 years), this insufficiency is a result of constrained funding to provide infrastructure on time. Between 2014 and 2021, the Assessment report indicated that housing supply in Nelson and Tasman did not generally keep up with the increasing demand for housing. However, in recent years the number of new dwellings has theoretically exceeded household growth at a regional level.[20] The predictions in this Assessment report have now been found to be "significantly over-estimated" as discussed below in relation to PC29. On that basis there can be no question that existing supply is sufficient for current and future demand. | support the Nelson Tasman Housing and Business Development Capacity Assessment', 2024 Page 39), as identified above, there is more to the economic benefits for this proposal than simple sufficiency. Important variables include:<br><br>● Motivation of the developer<br>● Potential market failures<br>● Inaccurate estimations of the market<br>● and most importantly the impact of greater capacity and supply on the overall housing market.<br><br>The provision of additional housing capacity, from an economic perspective, should be weighed against its potential costs and benefits. In the case of the proposal this will result in additional economic benefits to the community. |
| 30 | Affordability is improving in Nelson without the addition of any major subdivisions increasing supply. There was a steep rise in house prices in Nelson and Tasman between 2016 and 2022, but since then, house prices have reduced. [21] The latest Massey University Home Affordability Report dated December 2024 shows home affordability in Nelson has improved 19.7% over the prior 12 months. The same report shows Nelson is the 6th most affordable region in the country out of 16 regions. It also shows Nelson was the 4th least affordable region in November 2018. So relative to the rest of New Zealand, home affordability in Nelson has improved significantly without the addition of any major subdivisions increasing supply. | The effect of both incomes and general house prices over the extended period have improved affordability. Although this has improved, housing affordability in Nelson continues to be lower than nationally.<br>https://rep.infometrics.co.nz/nelson-tasman/income-and-housing/housing-affordability |

| | | |
|---|---|---|
| | |  <br>While factors such as interest rate rises and the tightening of the national economy has resulted in a fall in prices, Nelson (and the country) continues to be unaffordable for a large part of the community. |
| 31 | This subdivision will be expensive for ratepayers and purchasers. NCC has allocated $27 million towards infrastructure for this project. STM considers that allocating such a large figure to provision of infrastructure for a development that is not needed is unfair to the community. If this results in rates increases, this will have a negative impact on overall housing affordability in Nelson | While most residential development requires infrastructure investment it is the relative cost (in comparison to other areas that is most relevant.<br><br>There is no evidence to suggest rates will rise due to this development. In fact, the efficient location of this proposal has a higher likelihood of decreasing the overall marginal costs of infrastructure.<br><br>It is unclear where the $27M comes from and exactly what it relates to. |
| 32 | The Panel enquired as to the relationship between PPC28 and PC29. The applicant's response was, essentially, that:<br>a. The Nelson Tasman Future Development Strategy ("FDS") prioritises intensification as well as making provision for greenfield development.<br>b. PC29 was NCC's attempt to complement PPC28 by providing for intensification of existing residential zones among other measures, but the | Noted. |

| | | |
|---|---|---|
| | Hearing Panel determined that significant parts of PC29 could not be approved.<br>c. As Council's intensification approach has failed, "in the context of the NPS-UD requirements and the dire housing supply situation in Nelson … the PC29 decision has elevated the criticality of the Maitahi Village Proposal." | |
| 33 | STM fundamentally disagrees with that analysis. While it is correct to say that the PC29 Hearing Panel decided that PC29 did not give effect to the Nelson Regional Policy Statement ("RPS") and therefore could not be approved, it went on to make important findings about the population projections underpinning the FDS and PC29. | As identified above the response of the panel was to the sufficiency of the PC29 and the HBA. Increasing density in some areas comes at a cost that the panel considered too high. There is little doubt, however, that restricting appropriate development comes at a cost to the community in the form of higher housing costs, reduced choice and lower land use efficiencies. The proposed development does not fit into the same category as simple intensification but represents an economically efficient location for residential provision. |
| 34 | The Hearing Panel observed that the FDS proposes to meet residential growth in Nelson through intensification (about 78 per cent) and greenfield expansion (22 per cent) but "It is important to note that this is long term and based on a high growth scenario for Nelson and Tasman, rather than the medium growth scenario assumed for the Housing and Business Capacity Assessments".22 The FDS, including the strategic accessibility analysis that informed it, was a key document informing the zoning proposed in the notified version of PC29.23 Multiple submission points on PC29 requested a reassessment of the underlying population and residential demand projections used. Submitters expressed the view that the population projections were over-stated and therefore resulted in more widespread upzoning than was necessary. 24 There was a consensus that the population growth projections were 'ambitious' or even 'aggressive'; the difference being that the Council's experts considered that demand projections contained in the Nelson Housing and Business Assessment 2024 provided a sound basis for PC29, while submitters did not. | As above.<br><br>Zoning land for residential development does not, in itself, produce a benefit unless someone acts on that zoning and seeks resource consent. That is what the Applicant is doing in this situation. This brings with it benefits that are regardless of theoretical, plan-enabled capacity. |
| 35 | The Hearing Panel found that the Council projections and PC29 response provided "significantly more [plan enabled capacity] and [commercial feasibility capacity] than required to meet demand"[25] and that PC29 "significantly over-estimated the demand for new dwellings".26 The Hearing Panel recommended provisions enabling intensification in the City Centre and City Fringe, thus providing for increased dwellings but not the "over-estimated" number contemplated by PC29. | As above. |
| 36 | There is no evidence of a "dire housing supply situation" in Nelson. Rather than elevating the criticality of this project, the PC29 decision has underscored that the FDS has significantly over-estimated the future demand | Although affordability in Nelson has improved, due primarily to an economic downturn and rising interest rates, these exogenous factors will change potentially reversing the housing effects. Additionally, the fall in house prices has |

| | | |
|---|---|---|
| | for housing, indicating that this project is not needed to meet Nelson demand or implement the NPSUD. | resulted in a reduction in the feasibility of existing housing capacity. Rising construction costs have contributed further to this, reducing the extent of new housing product in the market. This effect places even greater pressure of economies to provide a highly competitive land market that is able to adjust land prices downward to offset these changes. The proposal is an important contributor to this competitive land market. |
| 37 | Moving to the Arvida component of the project, there is no evidence of a lack of<br>retirement village accommodation in Nelson. The applicant's Economic Impact Assessment does not assess the provision of retirement accommodation (except generically as part of the overall dwellings contributed by this project). There are a large number of retirement villages in Nelson. There is nothing before the Panel to support the proposition that providing additional retirement villas is a significant regional benefit. The same lack of analysis is true for the Care Centre, café and other nonresidential components. | Economically, it is inappropriate to break down the project into smaller components, doing this undermines the importance and 'significance' of the development as a whole.<br><br>Arvida has also responded that:<br><br>*WEBSTER Research were engaged by Arvida in October 2021 to provide an overview of the primary demographic and economic factors within the Nelson and Richmond market (report attached). As no new Retirement Villages have commenced in the area covered in the report since the report was published the findings of the report hold true.*<br><br>*One of the focus items for the report was to highlight the need for further Retirement Village products in the area and the key highlights from the Webster report associated with this aspect are as below:*<br><br>• *The population aged 70+ years within the Nelson, Tasman, and Marlborough Regions is forecast to increase from 24,060 in June 2020 to 48,210 in 2048, a growth of 24,150 residents, a 100 per cent growth. Of this 24,150-resident growth, 33 per cent is forecast to occur within Nelson, 42 per cent in Tasman and 25 per cent in Marlborough.*<br>• *Net Latent Demand (NLD) model forecasts for 2021 to 2043 for independent retirement village units confirms a requirement within the primary study area of 977 unit or 44 retirement village units per annum. An additional 748 units or 34 retirement village units per annum are required in the secondary study area.*<br>• *The NLD for model forecasts for 2021 to 2043 for care units confirms a requirement within the primary study area of 1,612 units or 73 care units per annum. An additional 704 units or 32 care units per annum are required in the secondary study area.*<br><br>*Based on this research there is a very real need for additional Retirement Villages in the area. It is also noted that there is limited development* |

| | | |
|---|---|---|
| | | *opportunity in Nelson to accommodate a Retirement Village and the Maitahi Valley could be the only opportunity for the foreseeable future. The benefits of locating a Retirement Village in the Maitahi Valley are therefore 'significant'.*<br><br>*The café and other components are required to service the residents within the Retirement Village and their guests / visitors.* |
| 38 | When those matters are considered, it is clearly open to the Panel to find that the Project's regional benefits do not demonstrably reach the threshold of "significant". | It remains the opinion of Property Economics that the proposal is economically significant to the region. This is both in terms of the overall quantum of effects and in relation to the existing regional housing market. |
| 39 | STM appreciates the aspirations of Ngāti Koata that form part of this project. However, those components could stand alone. It is the remainder of this very substantial project that is of concern to STM. | Again, the disaggregation of the proposed development has the potential to impact upon its regional significance. However, the identification of this aspect of the development illustrates the point that while affordability in Nelson may have proportionally improved (while still remaining unaffordable) there are aspects of the economy and community that benefit greatly from an effective competitive land market.<br><br>The Maitahi Village is a fully integrated Project. The components that benefit Ngāti Koata cannot be separated and would not be advanced without the wider village proposal. In particular, Objective RE6, Policy RE6.2 and Policy RE6.3 involves the achievement of cultural outcomes that this Project seeks to achieve through the restoration and enhancement through realigning the lower section of Kaka Stream. Those outcomes have full support from iwi, as set out in Attachments to the Substantive Application. |
| | **Amenity, open space and recreation values** | |
| 40 | The effects of the Maitahi Village Project on the amenity of the Maitai Valley and its treasured spaces for residents and the many recreational users is one of STM's most pressing concerns. | Noted. |
| 41 | The RMA definition of amenity values is:<br><br>*means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.* | Noted. |
| 42 | RPS Objective NA1.2 is preservation or enhancement of amenity and conservation values. The PC29 Hearing Panel quoted this objective and said:[27] | NA1.2 was also carefully considered by the Independent Hearing Panel as a part of PPC28. This included comprehensive consideration of the PPC28 Structure |

| | | |
|---|---|---|
| | *It is clear to us that the operative RPS placed and places significant importance on amenity values; its objective being to preserve or enhance them. We accept this is a 'high bar'.* | Plan (and the integrated package of provisions) on the landscape and amenity values, with expert evidence and expert conferencing a part of that formal process.<br><br>A copy of the IHP Decision is provided as Attachment 19 of the Substantive Application. Refer to Section 4.15 (pp76-100). |
| 43 | The applicant claims that the extent and green character of the public reserves in the Maitai Valley are not changed by the Maitahi Village project and that it will not have any adverse effects on open space and recreation values. STM strongly disagrees with those statements. The visual, noise, air quality and traffic effects of the Maitahi Village subdivision would in no way preserve or enhance the amenity of the lower Maitai Valley. On the contrary, amenity would be irreversibly damaged. | The comment does not disclose what aspect of the proposal threatens the amenity of the Valley. This makes it difficult to engage with in response. To the extent it is talking about the fact the nature of the Valley will change because of the planned residential development, that is an inevitable consequence of the PPC28 zoning now being operative.<br><br>The majority of the landscape / amenity related matters raised by STM (#43, 45, 46, 47 and 48) appear to not take into consideration the operative underlying Zoning and the development that this now enables. The proposed development's actual and potential adverse landscape and visual effects have been assessed in the Landscape Assessment Reports that accompany this Fast-track Application.<br><br>The assessment reports conclude that the proposed Maitahi Village Project will be generally consistent with the Maitahi Bayview Structure Plan and policy provisions. The proposal slightly misaligns with the NRMP, due to the main road not being entirely situated withing the Indicative Road alignment, due to the detailed earthworks and roading design occurring since PPC28. However, as assessed in the Landscape Assessment Reports, the overall development is in accordance with what is anticipated by the Maitahi Bayview Structure Plan, including the enhancement of Kākā Stream. |

| | | |
|---|---|---|
| 44 | The length of time that earthworks and other construction effects will continue is unclear (the Landscape Assessment estimates 18 months, the Timeline estimates 49 months[28]). The analysis of amenity effects is flawed because it has substantially underestimated the duration of earthworks and associated noise, dust, heavy machinery and mechanical breaking up or blasting of large rocks.[29] | The landscape assessments incorrectly referenced the earthwork's timeframes when describing the proposal. There was no further reference to this timeframe in the body of the assessment, because the length of time these earthworks will occur for (18 or 49 months) are anticipated to occur, as per the underlying zoning to enable the development. So are all other construction activities.<br><br>Additionally, the potential degree of adverse effects resulting from earthworks will be controlled by conditions of consent and the volunteered EMP. RMM are satisfied that any potential adverse landscape and visual amenity effects resulting from the earthworks, including a longer construction timeframe than originally considered will be appropriately managed and mitigated This also includes earthworks planned across seven stages, so at no point will the entire site be under construction.<br><br><u>Noise</u><br><br>The CNV Assessment recommends noise limits that are based on the construction noise limits prescribed by NZS6803 for the reasonable protection of noise sensitive receivers from long term construction projects (more than 20 weeks duration). The volunteered conditions of consent will require construction noise to be managed to comply with the proposed noise limits. The key requirements are outlined in Table 12, point 5 above.<br><br>Styles Group have liaised with the Project Team to determine whether the proposal includes any mechanical breaking up or rock blasting. The Project Team have confirmed that some rocks in Gully 11 (upslope of Pylon Track) may require fracturing or removing to prevent them rolling in a seismic event, and this may require excavators or a chemical fracturing process. Styles Group consider that the process is significantly different to traditional blasting and that the noise and vibration effects are likely to be very infrequent, (probably only several events required), will easily comply with the relevant noise limits and will likely be unnoticeable at any existing receiver given the significant separation distances. Styles Group consider that no specific conditions are necessary to manage the effects of the rock fracture or removal.<br><br><u>Dust</u> |

| | | |
|---|---|---|
| | | Dust mitigation measures will be employed during the earthworks. Section 4.3.9 of the Erosion Sediment Control Assessment Report (**ESCAR**) provides details regarding dust management, which includes (but is not limited to), weather and dust monitoring, limiting the amount of exposed/bare soil and time of which it is exposed for and restricting vehicle speed. A water cart will be made available to dampen surfaces and prevent dust from migrating beyond the site boundary.<br><br>Measures will also be implemented to prevent the tracking of silt onto the public roads. This may include aggregate haul roads, washing of wheels, rumble strips or a combination of these.<br><br>By adopting these mitigation measures, the environmental effect from dust will be no more than minor. |
| 45 | RPS Policy NA2 specifically identifies loss of landscape values from urban intensification as a key issue. The provisions in NA2 relating to landscape are specific and directive. Landscape values are to be protected. Development which detracts from landscape and amenity values afforded by gateways between urban and rural areas and different landscape units is to be avoided. The Kākā Valley, and this point along Maitai Valley Road, is such a gateway. The general rural landscape values of the proposed site and the specific landscape values of parts of the wider area are also not protected by the proposal, in particular through development (earthworks, vegetation clearance and buildings) in backdrop and skyline areas. The Project is not consistent with the outcomes directed by the RPS. | This matter has been responded to in 43 above. It is important to highlight that these concerns were assessed in the original Landscape Effects Assessment, RFI Response, and the Expert Landscape Evidence for PPC28, with the PPC28 zoning now being operative.<br><br>Regarding this, the Executive Summary of the Commissioner Decision Para 11 and 14, agreed with the applicant's expert evidence summarizing the effects as follow:<br><br>*We accept if PPC 28 is approved and developed, it would result in a significant change to the current environment…*<br><br>*The PPC 28 land within Kākā Valley will enhance the landscape values of Kākā Stream and maintain those associated with the Maitahi/Mahitahi River. The landscape values of Kākā Hill will be maintained and enhanced by retaining its Rural zoning, through future revegetation and the stringent rules relating to any development. The Open Space Recreation Zone and the Residential Zone - Lower Density (Backdrop) Area on Botanical Hill will maintain the landscape values of Botanical Hill. In relation to the Malvern Hills, native vegetation will be enhanced and the associative values increased.*<br><br>It is a legal requirement for PPC28 to have "given effect to" the RPS. This was documented in the decision from the Independent Hearings Panel. The proposal accords with PPC28 and therefore also "gives effect to" the RPS. |

| | | |
|---|---|---|
| 46 | Nelson Resource Management Plan (NRMP) objective DO15.1.3-rural greenbelt is that adverse effects on existing rural character and amenity values should be avoided, remedied or mitigated in the Maitai Valley. This is also not achieved. | This matter has been partly responded to above in 43, and that this concern was assessed in the original Landscape Effects Assessment, RFI Response and in the applicant's expert evidence for PPC28, that approved the underlying zoning.<br><br>Regarding this, the Independent Hearing Panel's decision (paragraph 466) agreed with the applicants expert evidence stating that "*the zoning within Kākā Valley, the lower slopes of Kākā Hill and along Botanical Hill and Malvern Hills are appropriate in a landscape/visual amenity context and will allow Nelson to grow in a logical manner and form consistent with current urban development and as anticipated by the Future Development Strategy.*" |
| 47 | With respect to the existing built environment (e.g. in Ralphine Way), NRPM Objective: DO14.2 - amenity values is:<br><br>*The amenity values of the built environment shall be maintained or enhanced through the subdivision and development processes.* | This matter has been partly responded to above in 43, and that this concern was assessed in the original Landscape Effects Assessment, RFI Response and my Evidence for Plan Change 28, that approved the underlying zoning.<br><br>Regarding this, the Independent Hearing Panel's decision (paragraph 467) agreed with my evidence stating that "*We accept that development of the PPC 28 site would inevitably result in a loss of some of its current rural character, and consequently some loss of rural outlook for those people residing adjacent to it, and for those viewing the site from adjacent roads and public places. However, it is our view, that provided the landscape values are maintained or enhanced, this change, in itself, is not adverse.*" |
| 48 | The construction (traffic and noise) impacts on nearby residents and the longer-term nature of the permanent change in their surroundings do not maintain the amenity values of the built environment | This matter has been partly responded to in 43 above, with the Independent Hearing Panel's decision (paragraph 934) stating that, "*We accept that if the plan change is approved, and the area is developed as provided for in PPC 28, there will be construction and effects arising from that. Those effects will be addressed in terms of the existing NRMP provisions, and those relevant in PPC 28.*"<br><br>The plan change process enabled the permanent change in the noise environment from rural to urban, delivering the urban environment anticipated by the plan change requires a range of construction effects including noise and vibration. These potential noise effects arising from the development are a predictable outcome of the plan change enabling a higher density of development.<br>The construction noise and change in environment arising from the urban rezoning were scrutinised as part of the plan change decision.<br><br>Paragraph 881 of the Hearing Panel's Recommendation for PPC28 records: |

| | | |
|---|---|---|
| | | "*We are satisfied that any noise effects generated from enabling this land to be urbanised will not be significant in the context of an urban environment. On this basis we are satisfied that sections 7(c) and (f) of the RMA requiring that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment have been appropriately addressed",*<br><br>The applicant has volunteered conditions that will control the timing and level of construction noise, including the requirement for construction work to be undertaken in accordance with a Construction Noise and Vibration Management Plan (CNVMP).<br><br>The CNVMP will prescribe the noise mitigation measures that will be adopted to ensure compliance with the proposed construction noise limits. The volunteered conditions are designed to ensure that the level and timing of construction noise will be reasonable for all receivers.<br><br>The level of construction noise experienced by receivers will depend on the location of construction activity within the Site and nature of construction work being undertaken. Many stages of the construction phase will involve works in areas that are well separated from receivers. Styles Group expect that construction activities with potential to generate high (but compliant) construction noise levels will be limited to works on the site that are within 100m of any occupied dwelling on Ralphine Way. |
| | **Flooding / stormwater flow management** | |
| 49 | The applicant says that although the site has a flood overlay, the project has been designed to mitigate flooding and the site is well situated to support managed retreat. | The proposed development has been shown through comprehensive stormwater modelling to successfully mitigate flooding effects that could occur as a result of the changes in landuse within the catchment. This is shown through:<br>• Catchment-specific flood modelling shows that stormwater controls and vegetation improvements effectively manage runoff, keeping long-term peak flows at or below pre-development levels. This modelling also shows that overland flowpaths are managed in a way that ensures flood waters are contained within dedicated flow paths.<br>• Downstream modelling confirms that all increases in flood depths caused by the development are local and contained within the CCKV boundary and off-site effects, both downstream and upstream of the development, are negligible (Increases in modelled flood depth are less than 0.05 m, which is within the tolerance of model error). The |

| | | |
|---|---|---|
| | | development does not increase flood risk in the Maitai River catchment, even during major storm events. |
| 50 | STM disagrees. Floods in August 2022 closed Maitai Valley Road at the entrance to Ralphine Way which leads to Kākā Valley. (See photos of flooded road below). Until any connecting road is built through to Bayview/Walters Bluff, the Project site will be cut off during flood events.<br>[Figures] | Flood modelling and observations are that the road experiences flooding from Maitai River overflows during large flow events. The Project will not exacerbate this existing situation. |
| 51 | The Project will contribute to a massive increase in the extent of impervious surfaces (45.6 ha over the full PPC28 area or 16% of the total PPC28 area, compared to an expected predevelopment impervious area of less than 1%). The Project itself involves 28.8 ha of new impervious area (11% of the catchment).[30] | We confirm that the values stated reflect the anticipated development coverage.<br><br>Noting that the 45.6 ha over the full PPC28 area includes areas outside the Kākā catchment. The modelled increase in impervious areas within the Kākā catchment aligns with the 28.8-hectares stated. This 28.8-hectares includes all assumed development in the Kākā catchment, including Bayview areas. The specific increase in impervious areas associated with this development is approximately 22.6 hectares. |
| 52 | This roughly equates to an area larger than the total area of the Nelson CBD, stretching from the Maitai River to the Church Steps, and Rutherford St to Collingwood St:<br>[Figure] | The modelled increase in impervious areas within the Kākā catchment is 28.8-hectares, this includes all assumed development in the Kākā catchment, including Bayview areas. The specific increase in impervious areas associated with this development is approx. 22.6-hectares. |
| 53 | The applicant assesses this land use change as resulting in a "minor" increase in post development peak flows of 0.2 m3 /s (+1.2% increase) compared to the present day scenario. STM has concerns about the accuracy of that assessment given the magnitude of the change in imperviousness. | Three post-development scenarios for the Kākā catchment have been analysed<br>• Scenario 1: Full urban development (including Bayview areas) with no vegetation improvements – present day;<br>• Scenario 2: Full urban development (including Bayview areas) with some vegetation improvements in the upper catchment (some of which is outside the development area) – 2130 rainfall;<br>• Scenario 3: Full urban development (including Bayview areas) with full 120ha of vegetation improvements in the upper catchment (some of which is outside the development area) – 2130 rainfall<br><br>In Scenario 1 there was a minor increase in peak flows of 200 l/s during a 1% AEP present-day rainfall event. This scenario conservatively assumes no vegetation improvements in the upper catchment and assuming instantaneous and full urban development. This scenario is considered very conservative, as it doesn't reflect the potential staging of development. This minor flow increase was shown to result in no discernible increase in flood depths or extents downstream |

| | | |
|---|---|---|
| | | In both Scenario 2 and Scenario 3 post-development flows either match or are below predevelopment peak flows. These results demonstrate that the proposed development, when paired with an integrated catchment approach including vegetation improvements, can effectively mitigate or reduce flood risks over time.<br><br>The assessed matching of predevelopment flows in the long term scenarios, and the minor increase in the conservative short-term scenario occur due the location of the proposed development in the lower portion of the catchment, which results in differing timings of the peak flows from the developed and undeveloped portions of the site, alongside the proposed vegetation improvements. The change in landuse and misalignment of peak flows effectively mitigate the increased runoff from the proposed impervious surfaces within the catchment |
| 54 | Even a small increase in peak flows will increase flooding in downstream areas such as Hanby Park, Mill Street, Nile Street, Clouston Terrace, Tory Street and Pitt Street.<br>[Figures] | Flood modelling has demonstrated that the 0.2 $m^3/s$ increase from the Kākā catchment, is in the context of the present-day peak 1% flood flow of approx. 365 $m^3/s$ and future (2130) 1% AEP peak flow of 460 $m^3/s$ design (RCP8.5).<br><br>Therefore, this minor increase is expected to have a less than minor effect on flooding in offsite property, including the downstream areas referred to by the submitter. Flood modelling and difference plots showed that there was no discernible increase in flood depths or extents downstream.<br><br>We note that NCC are currently progressing with investigations, consenting and design for increased flood protection in the Hanby Park area, as a separate project. |
| 55 | Regarding attenuation of peak flows, the Stormwater Assessment says: [31]<br><br>*Attenuation of peak flows is not considered necessary and has not been proposed. Note this approach does not meet specific requirements of the NTLDM to provide attenuation in the present day scenario; however, the proposed approach meets the performance outcomes of the NTLDM. In the long term scenario where vegetation improvements have been partially or fully established, the NTLDM requirement is fully met.* | The proposed approach of mitigating increases in flow from impervious surfaces by revegetating areas of the catchment in native vegetation is effective in the long-term scenarios and meets the requirements of NTLDM.<br>However, this approach is shown to result in a minor increase in peak flows in a conservative short-term, present-day scenario. This scenario conservatively assumes full impervious landuse establishment within the catchment, with no upper catchment vegetation improvements.<br><br>This scenario is very conservative due to the likely staged nature of the development meaning that it is expected that impervious areas will increase gradually alongside vegetation improvements. This minor increase, while not meeting the requirements of the NTLDM in the short-term, does not cause any discernible increase in flood depths or extents downstream. |

| | | |
|---|---|---|
| 56 | This is not consistent with the requirements of NRPM Schedule X.13 Stormwater Management Plan, which says the SMP must include proposed mitigation measures to address stormwater "In particular, how changes to the magnitude, duration and timing of peak flows during the range of design events will be managed so as to avoid or mitigate potential adverse effects such as increased flood risk or stream scour".[32] Significant changes to Schedule X.13 were agreed through conferencing of expert witnesses during the PPC28 process, including the addition of that peak flow management requirement. | The proposed stormwater management DOES include measures to address stormwater effects such as magnitude, duration and timing of peak flows. It mitigates the effect of additional runoff potential through offset vegetation increases, rather than through traditional detention ponds.<br><br>Flood modelling of all scenarios, even the conservative scenario resulting in a minor increase in peak flows, results in no discernible increase in flood depths or extents downstream.<br><br>The potential for instream erosion and scour is primarily associated with increased runoff velocities from developed impervious surfaces. This runoff will be managed through a combination of retention (reuse of rainwater on site), extended detention volumes (treatment wetlands) and infiltration (soakage basins). These measures are specifically designed to mimic pre-development hydrology and reduce the frequency and intensity of runoff entering the Kākā Stream. |
| 57 | Although the AEE says that the applicant's approach to manage stormwater runoff "is comprehensively described in section 4 of the Stormwater Assessment Report", the Stormwater Assessment Report does not address the Arvida retirement village, as it says that development is "outside the scope of this report".[33] It is unclear where stormwater management for the Arvida development is addressed. | The stormwater system for the Arvida retirement village is described in Section 5 of the Arvida Maitahi Servicing Report.<br><br>As outlined in the SWAP Section 6.4.2, stormwater quantity modelling was undertaken for the entire Kaka catchment, comparing the predeveloped peak flows with the proposed post-developed peak flows. This post-developed scenario including proposed impervious surfacing from Bayview, Arvida and wider CCKV areas.<br><br>Stormwater treatment for the Arvida areas is directed, as per the catchments outlined in Fig. 2 & 3 of Arvida Maitahi Servicing Report, to stormwater treatment devices as detailed in Maitahi Village Water Sensitive Design Report. |
| | **Stormwater quality**<br>Schedule X.13 | |
| 58 | Schedule X.13 states that the content of the SMP must include:<br><br>*a. Breakdown of sub-catchments including landcover (roads, roofs, hardstand, gardens, open space etc) and associated imperviousness;*<br>*b. Mapping of existing waterways, natural wetlands and overland flow paths;* | Noted. |

| | | |
|---|---|---|
| | *c. Mapping of predevelopment infiltration capacities to be adopted in design;*<br>*d. Assumptions for sizing of rainwater tanks (contributing roof areas, people per dwelling and non-potable demands);*<br>*e. Assumptions for the design of all stormwater treatment devices (size relative to*<br>*contributing catchments, hydraulic function, design attributes, contaminant reduction) including allowance for climate change;*<br>*f. Summary of sub-catchment water quality treatment and hydrological mitigation strategy including areas draining to reuse tanks, soakage, consolidated raingardens or wetlands;*<br>*g. Summary of pre and post development hydrology including estimates of losses*<br>*(evapotranspiration/reuse), infiltration and surface runoff reported as mean annual*<br>*volumes, with assessment of impacts on baseflow and stream channel erosion;*<br>*h. Summary of the existing flood hazard affecting the application area, and the potential adverse effects of the development on flood hazard affecting downstream and offsite properties. This should also include any proposed mitigation measures to address these potential effects, and how any mitigation measures are expected to perform. In particular, how changes to the magnitude, duration and timing of peak flows during the range of design events will be managed so as to avoid or mitigate potential adverse effects such as increased flood risk or stream scour;*<br>*i. Summary of pre and post development water quality including estimates of nutrients, metals and sediments reported as mean annual loads. Include comparison with 'do nothing' approach to show proportion of contaminants reduced through proposed water sensitive design measures; and*<br>*j. Mapping of post developed treatment/soakage locations, waterway enhancements, overland flow paths and flood attenuation devices.* | |
| 59 | The only "Stormwater Management Plan" produced with the application documents dates back to 2022, before Schedule X.13 was changed by the Environment Court. The Maitahi Village Stormwater Assessment Report states that it (the Assessment Report): [34] | As part of the PPC28 application, a stormwater management plan (SMP), titled Stormwater Management Plan, Private Plan Change 28, August 2022, 10112397.1000v3 was produced to provide a framework for how stormwater will be managed across the whole PPC28 area. The purpose of the SMP is to provide guidance to developers and Nelson City Council (NCC) on the proposed |

| | | |
|---|---|---|
| | *… sets out, in more detail than the SMP, how stormwater is proposed to be managed specifically within the Maitahi Village portion of the Schedule X area in accordance with Schedule X.13 and other relevant design guidelines. This report, alongside the other Stormwater reports, address the specific items listed in Schedule X.13"* | integrated stormwater management approach for future development within this area. |
| 60 | STM has not been able to identify where the applicant addresses all of the Schedule X.13 matters. For example, neither the Stormwater Management Plan nor the Stormwater Assessment report contain the "summary of pre- and post- development water quality that includes estimates of nutrients, metals and sediments reported as mean annual loads and includes comparison with a 'do nothing' approach to show the proportion of contaminants reduced" required by clause (i). This is important to manage longer term post-development (not construction-related) stormwater quality. | Refer to the following location where the information in Schedule X.13 is provided:<br>a. Subcatchments and landuses are described in Section 6.2.4.2 of the Stormwater assessment report<br>b. Mapping of existing waterways, natural wetlands and overland flow paths is included in the Stormwater assessment report in Figures 3.1 & 3.2<br>c. Initial hydraulic conductivity (permeability) testing was undertaken in September 2023 in four boreholes. Location and results are provided in the Geotechnical report<br>d. Refer to Section 2.1 of the WSD report for on lot reuse tank sizing information<br>e. Assumptions for the sizing of stormwater treatment devices are found in the WSD report<br>f. The summary of the stormwater treatment catchments is found in section 5.2.3 of the Stormwater assessment report<br>g. Will be undertaken at detailed design stage. Individual WSD components have been sized to meet the hydrological objectives<br>h. Summarised in Section 6.2.4 and 6.4 of the Stormwater assessment report<br>i. This will be undertaken at detailed design stage. Individual WSD components have been sized to meet sizing requirements and treatment objectives<br>j. Mapping of the key SW elements, including developed treatment locations, waterway enhancements, overland flow paths and flood attenuation devices is included in Figure A1 of the Stormwater assessment report |
| 61 | While STM does not intend to comprehensively address the volunteered conditions provided with the application on the basis that it understands a revised version is going to be presented at some point, it notes that apart from referencing connections to Council reticulated stormwater, the volunteered conditions[35] appear to only address management of construction | With regard to the comment that the volunteered conditions only reference construction stormwater, this needs to be considered in the context of the subdivision being designed in accordance with best practice water sensitive design. Consent notices will be imposed on the new lots to ensure the future owners abide by those volunteered obligations, such as with the reuse tanks, |

| | | |
|---|---|---|
| | stormwater.36 There are various "general accordance" conditions which refer to the Stormwater Assessment Report (which is deficient as set out above) and no references to the Stormwater Management Plan. | proprietary stormwater treatment (Arvida area B), and exclusion of roofing material in building construction.<br><br>Once constructed in accordance with the consent conditions, the stormwater infrastructure will be vested in the Nelson City Council.<br><br>The "general accordance" words have been removed from V2 of the consent conditions. |
| | Erosion and sediment | |
| 62 | Contaminant discharges from urban activities, including sedimentation, and sediment disposal to sensitive receiving environments including water bodies and the coast, are identified as a resource management issue for the region.37 Within Nelson's urban areas, subdivision developments and building construction are the key activities of concern in terms of sediment generation.[38] | The discharge of sediment will be managed as far as practicably possible during the earthworks phase. The design, construction and management of the ESC measures will be in accordance with the Nelson Tasman ESC Guidelines.<br><br><u>Urban run-off after construction is completed</u><br>The Maitahi Village project has been designed to accord with the water sensitive design provisions that it volunteered as a part of Schedule X (PPC28).<br><br>A water sensitive design (WSD) approach has been adopted, which targets runoff from impervious surfaces to avoid negatively impacting the health of receiving freshwater environments including Kākā Stream and Maitai River.<br><br>The aim of WSD is to mimic the natural hydrological response of the catchment and remove urban contaminants from runoff before discharging to receiving waterways. The proposed stormwater management strategy for the Maitahi Village Development will achieve a high level of environmental protection and meet the requirements of Schedule X through three key stormwater management techniques:<br><br>1. Capture and reuse of roof runoff at lot scale. This will be achieved through rainwater reuse tanks plumbed for internal non potable reuse (toilet flushing) to replicate natural interception and evapotranspiration for medium density dwellings in the western and central catchments.<br>2. Treatment of runoff from all road and hardstand (driveways) and untreated roofs (where rainwater reuse is not adopted) before discharge to receiving environment. Treatment will be provided through a mix of biological, chemical and physical processes in constructed stormwater treatment wetlands and isolated proprietary devices where necessary. |

| | | |
|---|---|---|
| | | 3. Discharge of treated flows from wetlands to areas of constructed ephemeral channels and soakage wetlands to buffer the stream from hydrological changes and support groundwater recharge. |
| 63 | The PPC 28 site in particular has many challenges for erosion and sediment control, associated with clay soils, steep contour in some locations and the sensitive receiving environments.39 | We agree that the site poses some challenges in terms of the clay soils, steep slopes as well as discharging to a sensitive receiving environment. None of these challenges are unique to this development, though. The ESCAR and Site-Specific ESCPs have been developed with these challenges in mind.<br><br>At Policy RE6.i of Schedule X – The Plan Change and the Nelson Tasman Future Development Strategy identified the Maitahi/Mahitahi Bayview Area as being suitable for accommodating future development as an expansion of Nelson's urban area to provide for population growth and meet consequential housing demand.<br><br>In its decision on erosion and sediment control considerations regarding PC28, the Environment Court found (at [3]):<br><br>• The PPC28 site is relatively low risk from an erosion and sediment control perspective; and<br>• There remains erosion and sediment risk associated with development on the site, but the magnitude of this risk is small and it is appropriate to manage that risk by way of plan provisions.<br><br>And at [89], the Court made the following finding:<br><br>*(b) … the PPC28 site is significantly geologically different from many other areas in New Zealand. Clay content is one of the main drivers of sediment risk. Clay makes up a relatively small proportion of the PPC28 soil. We accept the applicant's evidence that the PPC28 site is relatively low risk from an erosion and sediment control perspective.*<br><br>While clay soils tend to remain in suspension for a long time, the addition of chemical treatment (as described in the Chemical Treatment Management Plan) speeds up the settlement process and significantly improves the performance of the proposed sediment control measures. |

| | | |
|---|---|---|
| | | The earthworks will be staged and the steeper slopes within the earthworks extent will be carefully managed to reduce the amount of time they are exposed for. |
| 64 | A report prepared for the Council found that threatened fish species present in the Maitai river lower mainstem include Longfin eel, Torrentfish, Koaro, Inanga, Lamprey, Bluegill bully and Redfin Bully.[40] The report said:[41]<br><br>*The distribution of native freshwater fish within the region is largely associated with their life history requirements since many of the native fish are diadromous i.e. they require access to and from the sea as part of their life cycle. Certain diadromous species (e.g. shortfin eel, common smelt, giant kokopu, banded kokopu, inanga, and giant bully) are generally found close to the coast and/or in the lower reaches of larger rivers. Other diadromous species (e.g. longfin eel, koaro, and to a lesser extent torrentfish, redfin bully, black flounder and lamprey), known as strong migrants, have been found in the headwaters of the Maitai.* | Noted. |
| 65 | It found that the greatest threats to freshwater fish include sedimentation, and river work.[42] It identified the Maitai River "mainstem from sea to Maitai dam" as a site of significance for Threatened fish.[43] | Noted. |
| 66 | Erosion and sediment controls must be very robust in order to protect the health of the Maitai River, and the coastal receiving environment. STM is concerned that the levels of sedimentation during construction, as well as urban run-off after construction is completed, will be at levels detrimental to river health. The three popular and highly valued swimming holes downstream of the subdivision, being Dennes Hole, Black Hole and Girlies Hole, will also be adversely affected. | The Application acknowledges the sensitivity of the downstream receiving environment, including the highly valued swimming holes.<br>All ESC measures will be designed, constructed and maintained in accordance with the Nelson Tasman ESC guidelines. The appropriate ESC measures will be used on site during the earthworks phase to minimise the discharge of sediment to the receiving environment, in accordance with the requirements of the planning framework. |
| 67 | The AEE says that "the Kākā valley catchment is not within the coastal environment, and so the NZCPS 2010 is not relevant to this Project." That is not correct. The project will discharge sediment and urban development-related contaminants such as metals to the river, and the coastal environment is the ultimate receiving environment for those contaminants. Effects of a proposed activity in one part of the environment may impact on another, and the NZCPS will be relevant to land-based activities that may affect the coast.[44] That will be the case even where a regional policy document has substantially incorporated the relevant provisions of other planning instruments.[45] | <u>Ongoing sediment loading</u><br>It is anticipated that, post construction, cumulative sediment loads from the wider Kākā Stream catchment will decrease overtime compared to current sediment loads, as a result of the land use changes from primarily agricultural land use (grassland) and scrub towards developed impervious areas (residential subdivision), and forest (reforestation areas). In addition, in the developed impervious areas, a comprehensive stormwater treatment train is proposed, with design elements directly targeting sediments, as well as other urban contaminants. As a result, sediment loading from the Kākā catchment, in which the development is entirely sited, is expected to decrease. |

| | | |
|---|---|---|
| | | It is noted that the proposed development occupies only a small portion of the overall Kākā catchment, which only represents approx. 2.5% of the wider Maitai Catchment. As such the vast majority of sediment entering the receiving environment is from the wider Maitai catchment, which includes high sediment landuses such as productive forestry. |
| 68 | Nelson Haven is a shallow intertidal-type estuary with high ecological and human use values. Notwithstanding historical reclamation and modification, the estuary still supports a variety of important intertidal and subtidal habitats (e.g. saltmarsh, seagrass/macroalgal beds, unvegetated mud/sand flats) and inhabitant biological communities (e.g. macroinvertebrates, fish and birds). The overall ecological vulnerability of Nelson Haven has been assessed as 'moderate-high' with the main pressure being elevated fine sediment (grain size <63 um - mud) from catchment runoff.[46] | See consolidated response below. |
| 69 | The Environment Court considering PPC28 accepted the importance of ensuring cumulative effects of earthworks were appropriately managed. It addressed this through (among other things) the requirement for an Ecological Impact Assessment addressing the whole PPC28 site:<br><br>*[38] The application must include an Ecological Impact Assessment ("EIA") identifying and describing the significance and value of freshwater and terrestrial habitat and features, and the potential effects on ecology from the proposed activities (including earthworks). The EIA is to cover the whole of the PPC28 site. The EIA is to describe methods to achieve the outcomes in policy RE6.4, the first such report to address "all of the land and freshwater environment" contained within the structure plan and account for effects downstream (including in the Maitahi and Nelson Haven) (X.15)* | See consolidated response below. |
| 70 | The importance of addressing the whole site was to ensure that incremental development of the PPC28 structure plan area would not be considered in isolation, risking inappropriate cumulative sediment inputs to downstream receiving environments. That requirement is reflected in X.15:<br><br>*Each Ecological Impact Assessment submitted for subdivision and development or earthworks must address all of the land and freshwater environment contained within Schedule X and account for potential effects on downstream receiving environments (Maitahi/Mahitahi River and Nelson Haven). Each Ecological Impact Assessment must also* | See consolidated response below. |

| | | |
|---|---|---|
| | *address any specific matters that are related to the given stage or activity relevant to each application for resource consent* | |
| 71 | The applicant's Ecological Impact Assessment does not comply with X.15 as it is limited to the Project footprint. The analysis of effects on Nelson Haven is extremely limited. | See consolidated response below. |
| 62-71 | *See points 62 – 71 above* | The Applicant disagrees with the suggestion that sedimentation from the project poses a significant risk to the Maitai River, its swimming holes, or the Nelson Haven estuary. These concerns are expressly addressed in the lodged EcIA and in the Erosion and Sediment Control Assessment Report (ESCARP) prepared by Southern Skies.<br><br>The ESCARP confirms that even under conservative assumptions and in the absence of erosion and sediment controls, predicted increases in sediment yield are minor. Stage 4 (worst-case) is estimated to generate only 2.573 tonnes/year above baseline, or a 1.12% increase in sediment input to the Kākā Stream catchment. These figures represent a highly conservative, pre-mitigation scenario. With the application of staged earthworks, best-practice ESC measures in accordance with the NTESCG, and ongoing compliance monitoring, actual sediment loads are expected to be substantially lower. The sediment control design is therefore considered robust and appropriate to protect downstream water quality and aquatic habitat values.<br><br>The EcIA (Section 5.2, page 47) states that the overall residual sedimentation effect from construction will be "adequately mitigated and will not lead to adverse ecological effects. This includes the potential effects on the downstream receiving environment (Maitai River and Nelson Haven)," and this conclusion is supported by detailed catchment modelling and site-specific ESC design. The operational and cumulative effects of the Project are also assessed as Low and not expected to result in adverse ecological impacts (Sections 5.3 and 7, pages 53 and 64).<br><br>Claims that the EcIA fails to meet the requirements of Schedule X.15 are not accepted. While the current EcIA focuses on the Project Acrea, it explicitly evaluates potential cumulative and downstream effects arising from development within the wider PPC28 area – consistent with the intent of X.15 to manage staging risks. This includes assessment of sediment generation and |

| | | |
|---|---|---|
| | | potential transport to the Maitai/Maitahi River and Nelson Haven, integrating catchment-scale modelling and sediment management measures designed for the full PPC28 envelope.<br><br>Freshwater ecological values were assessed using site-specific field data *section 3.1.2.2), including water quality (Table 3.3), habitat structure (Table 3.4), macroinvertebrate communities (Table 3.5-3.6), and fish (Table 3.7). Effects are evaluated using standard EIANZ methodology (Section 5), with mitigation outlined in Section 6 – including an integrated erosion and sediment control framework designed to operate at a structure plan scale.<br><br>The Applicant acknowledges that Schedule X.15 requires each future stage of development to prepare an EcIA that again addresses the full Schedule X area. This staged approach is consistent with the Court's intent to ensure cumulative effects are assessed comprehensively over time, not in isolation. This current EcIA forms the first of those assessments and has been structured accordingly. |
| | **Terrestrial ecology** | |
| 72 | STM recognises that the development involves some planting and other environmental benefits, but considers that the impacts on birds and other terrestrial ecological features of the significant construction works and land use change to urban development have not been adequately addressed. | The Applicant acknowledges STM's concerns and agrees that restoration measures must ensure robust ecological outcomes for both on-site and adjacent values. Condition 34 (Ecological Restoration Plan) of Set B (V2) directly addresses this by requiring restoration and enhancement objectives that explicitly include "achieving no-net-loss of indigenous biodiversity values" and "re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District" (Clause a)).<br><br>Potential effects on birds and SNAs are addressed through multiple mechanisms. Vegetation clearance restrictions outside the bird nesting season are required (Clause g)), and ongoing pest and weed management is mandated (Clause f)).<br><br>While construction noise and cat disturbance are noted, REL understand that these fall primarily within the remit of the construction and subdivision consent management frameworks (e.g. conditions on domestic cat ownership or construction noise mitigation), but the ERP provides for adaptive management if residual adverse effects are observed. |
| | *Birds within the site* | |
| 73 | Bird identification has been minimal, with the applicant having used a non-standard method of bird identification euphemistically called a "roaming bird survey" (i.e. a walk around). Council has identified a range of species that are likely to be present but which have not been identified. The applicant proposes to address species presence and risk assessment through an ecological management plan ("EMP") but no draft has been provided nor are there conditions setting out the standards to be achieved for birds. Mitigation measures also seem to be at the very high-level, conceptual stage. Seasonal impacts are to be "addressed through the EMP."[47] | |
| 74 | STM considers the analysis of avifauna values and measures to mitigate effects are inadequate, that conditions are lacking and that a draft management plan should have been provided. | |
| | *Significant Natural Areas adjacent to the site* | |
| 75 | The proposal is adjacent to SNAs 166, 79 and 78, which support sensitive native species such as New Zealand Robin[48]. Council asked how increased human disturbance or cat (stray, feral, companion) predation would be | |

| | | |
|---|---|---|
| | avoided, remedied or mitigated. The applicant's response was that the volunteered EMP would address this. This has been accepted by Council.[49] | |
| 76 | The application materials do not include a draft EMP and there is no recommendation for such a plan in the Ecological Impact Assessment (which does not address effects on adjacent SNAs and is limited to recommending that the project "avoid direct effects to the habitat immediately outside of the Project Area".[50]) | |
| 77 | The National Policy Statement on Indigenous Biodiversity ("NPSIB") contains policies that are relevant to effects of subdivision, use and development "that is in, or affects" an SNA. Certain effects must be avoided, including "a reduction in the population size or occupancy of a Threatened or At Risk (declining) species that uses an SNA for any part of their life cycle".[51] Other effects must be managed by applying the effects management hierarchy.[52] | |
| 78 | Effects of human and cat disturbance as a result of subdivision is an effect within the scope of the RMA.[53] It is not feasible for increased human and cat disturbance on sensitive species to be managed through an EMP. No conditions identifying the standards to be achieved by that management plan. No analysis has been provided to demonstrate that the subdivision will avoid a reduction in population size or occupancy of New Zealand Robin and other Threatened/At Risk species. It is surprising that the Council was willing to accept that a non-existent management plan could address this issue. | |
| 79 | Construction noise effects on fauna in adjacent SNAs have not been addressed. | |
| | **Kākā Stream** | |
| 80 | Kākā Stream is an important tributary of the Maitai River. It flows into the Maitai River at Dennes Hole, a much-used swimming spot.<br>[Figures] | The lower portion of the Kākā Stream is a degraded watercourse, with the confluence located at Dennes Hole. This degraded quality is recognised in the operative Schedule X provisions (i.e. Policy 6.4). |
| 81 | The health of Kākā Stream affects the health of the Maitai, the ecosystems that rely on it and the people who swim in it. Contamination risks are addressed below. | As above. |
| 82 | The AEE seeks consent to reclaim a significant length of Kākā Stream. Appendix 24[54] specifies that the reclamation of the bed of the Kākā Stream requires consent as a discretionary activity under Regulation 57 of the Resource Management (National Environmental Standard for Freshwater) Regulations 2020. Regulation 57(2) is:<br>*(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—* | The Maitahi Village Project includes the realignment (and reclamation) of the lower section of Kākā Stream as a part of enhancing ecological, cultural and recreational values. Consent is sought for the activity as set out in the Substantive Application. |

| | | |
|---|---|---|
| | *(a) satisfied itself that there is a functional need for the reclamation of the river bed in that location; and*<br>*(b) applied the effects management hierarchy.* | |
| 83 | STM has not seen any analysis of these requirements, particularly functional need. | See response 86 below. |
| 84 | "Functional need" means:<br><br>*… the need for a proposal or activity to traverse, locate or operate in a particular environment because that activity can only occur in that environment* | Agreed. |
| 85 | The definition has been considered in various authorities. In Poutama Kaitiaki Charitable Trust v Taranaki Regional Council[55] which concerned a new state highway i.e. linear infrastructure "which is required to join with two existing and fixed points on the highway", the High Court upheld the Environment Court's finding that the project:<br><br>*[58] … can only occur in "in the relevant environment, namely the lower Mangapepeke Valley. This is a context and fact specific inquiry, in which the Environment Court considered the comparatively short distance the project traverses, the nature of linear infrastructure, the environment it is proposed to traverse, as well as the alternatives considered by Waka Kotahi* | As far as the Applicant is aware, authority on this point is scant. The *Poutama Kaitiaki* decision involved a large roading project spanning a considerable area. It was factually very distinct from the circumstances here, making it hard to apply the facts. |
| 86 | The applicant has not demonstrated that the activity can only occur in this environment such that there is a functional need for the reclamation of the river bed in this location. STM does not believe that there is a functional need to reclaim Kākā Stream, rather the applicant wants to reclaim the stream so it can fit more built development into the site. | The Structure Planning process identified that the lower section of Kākā Stream is highly modified and degraded, and that its realignment back to the western side of the valley floor side would provide the most restorative gain and in terms of achieving the relevant provisions of the NPS-FM, including Te Mana o te Wai:<br><br>*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.* (NPS-FM)<br><br>Comment 39 from STM supports the cultural components of this Project. That |

| | | |
|---|---|---|
| | | support, and the response provided by the applicant, is also relevant to this response.<br><br>The stream reclamation is integral to achieving the ecological benefits of the proposal; its realignment is not driven by residential yields. The proposal can only occur in this environment, because that is where the planning framework relates.<br><br>In any event proof of "functional need" as set out in the NES-F is not strictly required under the FTAA. RMA planning instruments do not control the outcome of a FTAA application like they would for a similar application made under the RMA – of key, see paragraphs 25.3 and 64 of the Applicant's legal submissions. |
| | **Wetlands** | |
| 87 | The applicant has not determined whether earthworks close to Natural Inland Wetland 1 require consent as a non-complying activity. They proposed to defer this to be addressed through conditions.[56] This is not a valid approach: whether to grant consent to this activity or not is a matter for the Panel, not something that can be addressed by an ecologist down the track. | A Wetland Hydrology Assessment will be undertaken for Wetland 1 prior to final design of adjacent earthworks, with implementation of its recommendations secured via the (Wetland 1 - Hydrological Assessment). Refer to Condition 43, Set B (V2). |
| | **Contaminated Site** | |
| 88 | Council advises that it has not reviewed the Site Contamination and Remediation Reports because it does not have internal contaminated land specialists. This is of significant concern to STM, particularly given the issues raised by HAIL Environmental. STM has engaged expert consultancy EHS Support to review the applicant's information. The report by EHS Support is attached. Its findings are adopted by STM, and are generally not repeated in this document. | The RAP has been updated (v4) to address some of the matters identified in EHS Support's review.<br><br>Comments on EHS Support's report and made separately. |
| 89 | Given Council's lack of expertise in this area, the importance of this issue and the shortcomings in Envirolink's approach (as demonstrated by the issues raised by HAIL Environmental), should the approval be granted, any future matters that need to be signed off by a Suitably Qualified and Experienced Practitioner should require a dual sign-off / peer review approach. | All reports are to be written by a qualified SQEP, and reviewed by an independent SQEP. |
| | The HAIL site and the RAP | |
| 90 | STM is concerned that there is no clear justification for taking the high risk option of routing a stream through site that is contaminated by high levels of arsenic and dieldrin, particularly as:<br>a. Contaminated material will remain after "remediation".<br>b. The stream flows through the contaminated site and from there into Dennes Hole. | a. Contaminated soil will only remain if there is no appreciable risk to human health or ecology. The contaminant mass in the source areas will be removed.<br>b. Soil source removal will address the risk to groundwater, the proposed stream and all downstream watercourses. This will be confirmed through a remedial works monitoring protocol during and following soil remediation. The scope of which will include soil validation sampling, physical survey, groundwater |

| | | |
|---|---|---|
| | | sampling and seepage water sampling within the proposed stream once constructed.<br><br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed to the extent needed (i.e. remedial targets have been met) and there is to be no adverse effect on the proposed stream.<br><br>The final design of the stream channel and riparian margin through the remediation extent will be carried out to ensure that the stream channel cannot down-cut into underlying natural ground and erode remaining natural ground, and that the riparian margin is resistant to channelised erosion. This will include lining of the stream flow channel to prevent erosion, lining of riparian margins with erosion resistant geotextile linings and vegetation. This will also include the design of a lower velocity section of stream channel through the area to be remediated, and provision for local excavation and replacement of soils with 'clean' fill derived from elsewhere within the Site. |
| 91 | There are significant data gaps in the DSI and RAP meaning that the extent of contamination is not properly established, as discussed by STM. This should be<br>established now, not after consent has been granted. There is insufficient information on which the Panel can be satisfied as to the level of risk/effect, or that the remediation approach is acceptable. | The additional investigation scope is included in Appendix F of the RAP. For the sake of clarity, the additional investigation is not to ascertain how contamination needs to be dealt with; all contaminated soil is to be removed to the standards specified in the RAP[7].<br>The additional investigation is to provide further information on the volumes of soil requiring remediation and enable the installation of water monitoring bores[8]. This makes no difference to the potential adverse effects of what is proposed.<br><br>The RAP sets out a robust process for dealing with each level of contaminated material i.e. treatment disposal for dieldrin off site, encapsulation cell, York Valley disposal, reuse onsite. It is the exact volumes for each option that will be determined. The fill area containing the encapsulation cell is in the order of 45,000 – 50,000 $m^3$, and the anticipated disposal volumes are 300 – 500 $m^3$, therefore the 'space' available for these options (specifically the encapsulation cell) is more than adequate for variations above anticipated levels.<br><br>During remedial works, the site will be managed through the processes detailed in the RAP (Section 8) and the erosion and sediment control plan. The RAP will be |

[7] Table 5 on page 16 of the RAP v3.

[8] To enable trends in water quality to be established and confirm there is no degradation to water quality.

| | | |
|---|---|---|
| | | updated with additional controls to address issues such as the disposal of contaminated sediment (held by silt fences) and dewatering.<br><br>Soil source removal (contaminant mass reduction) will address the risk to the environment, including groundwater and the realigned stream. This will be confirmed through a remedial works monitoring protocol during and following soil remediation, the scope of which will include soil validation sampling, physical survey, groundwater sampling and seepage water sampling within the proposed stream prior to it 'coming online'.<br><br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) and there is to be no adverse effect on the proposed stream. Refer to condition 19 (kaka stream diversion) of the land contamination volunteered conditions). |
| | Soil reuse onsite | |
| 92 | The application materials are vague regarding the parameters for soil reuse. STM is not confident that human health and the environment will be protected. | Excavation and re-use of low-level contaminated soil will occur in the broader development, where the soil meets the land use risk levels. The precise standards are set out in the RAP (Tables 5 and 6). |
| | The landfill / encapsulation cell | |
| 93 | Creating a landfill / encapsulation cell within the Kākā Valley site is outside the scope of the approvals that a substantive application can properly seek through this process. | For clarity, the Applicant notes the landfill/encapsulation cell are one and the same thing.<br><br>The landfill/encapsulation cell will be located on-site. It is not outside of the scope of the approvals sought, because:<br>a) resource consent is required as a restricted discretionary activity under the NES-CF to disturb contaminated soils, subdivide and change the use of land. Under regulation 10(3)(d) of the NES-CF, decision-makers reserve control over various matters including, relevantly, the proposed remediation or *management methods* which will address the risk posed by contaminants to human health, and the adequacy of a site management plan.<br><br>b) The construction of the encapsulation cell is an action/management method proposed under the Remediation Action Plan (**RAP**), to be implemented under volunteered |

| | | |
|---|---|---|
| | | Condition Set H. The RAP is designed to ensure any potential adverse effects resulting from disturbing contaminated soils and/or changing the land use are mitigation to appropriate thresholds.<br><br>In summary, the construction of an encapsulation cell can be lawfully approved under the NES-CF regulations as a "management method" to address the risk posed by contains to human health.<br><br>Should the Panel disagree, the soil that would otherwise go in the encapsulation cell could be disposed of off-site. This would entail more cost (handling, transport, disposal and greenhouse gas emissions from transport) and therefore negatively impact the efficiency of the project as compared to having an encapsulation cell on site. This outcome would not accord with the spirit or intent of the FTAA, which is a powerful indication against the "scope" argument advanced by the commenter. |
| 94 | There was no reference to a land fill in the listing application. The Project listed in the Act is:<br>*Develop approximately 180 residential dwellings (50 to be Ngāti Koata iwi-led housing), a commercial centre, and a retirement village (approximately 194 townhouses, 36 in-care facility units, a clubhouse, and a pavilion)* | The encapsulation cell is appropriately characterised as an ancillary activity. It is a soil disposal area just like the wider area within which it sits, which will host other soil generated during development activities. The encapsulation cell is not stand-alone nor a significant component of the listed project. It is not surprising that it is not specified in the project listed because it is simply a component part of the project – it is not the project itself.<br><br>The original listing application outlined that approvals would be sought under the NES-CF to disturb soil, and to subdivide and change the land use of the site. |
| 95 | An authorised person may lodge a substantive application for consent for a "project" which for a listed project means "(a) the project as described in Schedule 2" and "(b) includes any activity that is involved in, or that supports and is subsidiary to, a project referred to in paragraph (a)". Logically there must be limits on the extent to which an activity "is involved in", "supports" or "is subsidiary to" a listed project. For example, the project's roads will require bitumen, but a bitumen plant would not reasonably come within the scope of (b). STM considers that (b) must be limited to activities that could reasonably have been foreseen from the listing application, which was for a project that is residential and (in small part) commercial. A contaminated landfill is an industrial activity which would in no way be contemplated as part of those activities. It is an entirely separate activity, subject to its own rules in the | It is submitted the encapsulation cell is properly an activity that supports the Maitahi Village project. It is not a project in and of itself and does not need to be specifically listed.<br><br>The Applicant accepts that (b) will have its limits but submits the encapsulation cell is easily within those. It is no less a part of the project that the clean filling area and the commenter does not challenge the ability for surplus, clean soil to be placed on-site. The only difference is a liner and a cap.<br><br>The only soil to be placed in the encapsulation cell is that generated from activities on site. |

| | | |
|---|---|---|
| | NRMP and also subject to the requirements (including levies) of the Waste Minimisation Act 2008. It is not within the scope of clause (b) of the definition of "project". | The relevant definitions in the plan (NRMP) are as follows:<br><br>**Industrial activity** means the processing, manufacturing, fabricating, packing or storage of goods and other ancillary activities, and for the purposes of this plan, includes servicing and repair activities.<br><br>**Landfill** means a waste disposal site used for the controlled deposit of solid materials onto or into land.<br><br>This does not support the assertion that the encapsulation cell is an Industrial Activity. |
| 96 | The proposed landfill location and design have not been properly investigated. The location is unclear due to the scale of the plan showing it. Its distance from sensitive features like waterbodies is unclear, as is the depth to groundwater and its vulnerability to climate change/land movement. A standalone application for a landfill of this nature would require significantly more information and analysis. The fact that the landfill has been tacked on to the subdivision application should not justify a lower level of information and analysis. | The proposed site for the encapsulation cell is located on the southern flank of the upper reaches of Kaka Valley, to the north of Gully 9 (as referred to in our Geotechnical Assessment Report). Based on our investigations, it is anticipated that disposal volumes for the encapsulation cell are in the order of 500 $m^3$ of contaminated soil. As stated in the Geotechnical Assessment Report a fill area has been set aside for the construction of a geo-membrane lined containment cell of approximately 12 m x 20 m. However, the area of fill within which the encapsulation cell will sit is very large (in the order of 45,000 – 50,000 $m^3$ volume and 5 to 10 m thick) and as such the cell can be designed to accept far greater disposal quantities than currently anticipated – even by an order of magnitude higher, if required.<br><br>The proposed site for the cell has been located away from upslope gully areas to the south that may be subject to instability to and is a minimum of 40 m from Kaka Stream to the north. The proposed cell is to be located entirely within an area of engineered fill, where any surplus fill will also be placed (but without the need for the same containment measures, because it is not contaminated).<br><br>Details and specifications of the cell, including groundwater controls are provided in the Envirolink RAP. The final geometry and design details of the cell will be confirmed during construction, dependent on volumes of soil encountered during site remediation. As noted earlier, if soil volumes are greater than anticipated that does not pose a problem. |

| | | |
|---|---|---|
| | | Site selection for the encapsulation cell has been made using a risk-based approach to achieve a Low risk of being affected by natural hazards (such as slope instability of the site and upslope area, seismic risk, erosion, and flood hazards relating to Kaka Stream). Test pit investigations have been carried out in the area of the proposed cell, and are shown in our Geotechnical Assessment Report. Cross-section 8 (Figure 1012937.1000-GT-F22) from our Geotechnical Assessment Report is located to the south of the proposed cell, and generally shows the existing ground anticipated at the proposed cell location. Groundwater levels within natural ground have been considered and seepage controls including under-drainage and subsoil trench drainage have been specified to control groundwater levels within the fill and ensure they remain well below the base of the cell.<br><br>A condition of consent has been volunteered which requires an ongoing site management plan (OSMP) that will provide ongoing monitoring requirements. Controls and ongoing monitoring requirements will be set out in the OSMP covering all contaminated material retained on site. The OSMP will also cover actions to be taken in various scenarios including in the event the material is disturbed. The OSMP will include monitoring of groundwater including an observation well installed within the cell to confirm the absence of leachate generation (i.e. it should always be dry), and beyond the encapsulation cell, to confirm local groundwater levels remain >0.5m below the base of the cell. |
| 97 | The landfill / encapsulation cell is to remain on land held in private ownership57 but the proposed owner is not specified and STM is concerned that this may be an entity (e.g. a company) that cannot be held responsible in perpetuity for the landfill site and any environmental damage or other liability resulting from it. The applicant says that the landowner will be responsible, and those responsibilities will be clearly defined by the consent conditions and a consent notice.[58] The consent conditions do not address this. | It is confirmed that the encapsulation within proposed lot 6000 is to remain in private ownership. This is to become a separate title within stage 11.<br><br>A consent notice is volunteered within V2 of the consent conditions setting out the ongoing obligations for the landfill area, including encapsulation cell. Refer to condition 42(r) of Set I (V2), along with the landfill consent conditions Set H (V2) |
| 98 | Council's Team Leader Integrated Catchments has requested conditions of consent preventing the Kākā Stream Diversion along the proposed alignment until the HAIL site has been appropriately remediated and certified as such by suitably qualified and experienced land contamination professional.[59] This is a critical issue and not a matter that should be left to a certification process. | This has been incorporated into the updated version of the RAP.<br><br>Stream realignment will not occur until remedial monitoring confirms that the contaminated soils have been removed (i.e. remedial targets have been met) and there is to be no adverse effect on the proposed stream. Refer to condition 19 (Kaka stream diversion) of the land contamination volunteered conditions). |

| | | |
|---|---|---|
| | | It is proper for this to be a matter for certification. No discretion needs to be exercised. |
| 99 | The Panel asked whether the response to the review of the RAP (Attachment 8.3) has been reviewed by HAIL Environmental and, if so, whether HAIL Environmental are in agreement with the proposed approach. The applicant says that "HAIL Environmental is in agreement with this approach."[60] That is not evidence: a statement from HAIL Environmental should be provided. It is noted that HAIL Environmental only reviewed the RAP and not the supporting RSI. As identified in the EHS Support report, this is a flaw because HAIL Environmental's conclusions may well have differed if they had also reviewed the supporting documents. | The uncertainties identified in the review from HAIL Environmental Limited have been subsequently addressed through a collaborative approach to responding to comments and updating the RAP accordingly. The outcome from this further work is documented in the updated RAP (V4) (Attachment 8.1(V2)) which is attached to the Covering Memo from CCKV dated 11 July 2025. |
| | **Noise**<br>Construction noise | |
| 100 | The application does not contain a construction noise assessment and says only that the activities will comply with NZS 6803:1999. The assessment provided in response to a request for information[61] includes an assessment which identifies that "careful management of works" will be required to ensure compliance with NZS6803:1999 at the Ralphine Way receivers. A management plan is proposed. | The Applicant agrees. |
| 101 | Construction noise limits in NZS6803:1999 are high. The long-term limits apply to construction noise of 20 weeks duration or more. It is questionable whether they anticipate and are appropriate for construction noise that extends for several years or decades. While there will be some staging of activities during this time, heavy construction vehicles will pass close by these properties for the entire duration of the Project's earthworks and construction. | The long-term construction noise limits recommended in NZS6803:1999 are routinely adopted throughout New Zealand to manage noise effects from construction works near to noise sensitive receivers that extend for several years. The volunteered conditions set some lower limits than recommended in NZS6803:1999, including limits on works at night, Saturday afternoons, Sundays and Public Holidays that are 'stricter' than NZS6803:1999.<br><br>Styles Group's CNV Assessment confirms that the staging of construction works and large scale of the site will result in the Ralphine Way receivers being exposed to relatively low and / or intermittent construction noise effects for work in areas of the site that are well separated from receivers (i.e. more than 100m from the closest dwelling on Ralphine Way). The CNVMP will prescribe the noise mitigation measures that will be adopted to ensure compliance with the construction noise standards at all receivers, when construction work is within 100m of any occupied dwelling on Ralphine Way.<br><br>*Heavy construction vehicles* |

| | | |
|---|---|---|
| | | The preliminary stages of construction may involve up to approximately six heavy vehicle movements daily (three inbound and three outbound ) along Ralphine Way as heavy machinery is brought to the site on low loaders. Section 5.12 of the AEE confirms that the heavy machinery required to undertake the earthworks will largely remain on site to undertake the bulk earthworks.<br><br>The cut to fill works will be predominantly within the site, however gravel and engineered fill required for road construction and backfilling of trenched infrastructure will be imported into the site. The peak volumes of heavy vehicles required to import gravel/ engineered fill is generally not expected to exceed 12 daily movements (six inbound and six outbound movements).<br><br>Styles Group consider that the noise generated from heavy vehicle movements will be reasonable based on the level of daily movements and proposed working hours for construction activity. To minimise potential noise effects, Styles Group have recommended that the CNVMP includes prescriptive requirements to preclude any heavy vehicles queuing or idling on Ralphine Way 7:30am, and to ensure that heavy vehicles do not access the site via Ralphine Way before 7:30am .<br><br>Styles Group have also recommended a condition requiring reduced hours of construction work for works after 1pm on Saturday that are within 100m of any occupied dwelling on Ralphine Way. This recommendation is designed to ensure that the Ralphine Way receivers are provided with respite from works that may generate higher construction noise levels (60-70dB $L_{Aeq}$) from 1pm on Saturday, with no works occurring on Sundays/ Public Holidays. |
| 102 | In any event, STM does not agree that noise and vibration effects are reasonable simply because they are within the maximum specified in NZS 6803:1999, particularly given the length of time (potentially decades) that construction noise will be experienced, and conditions authorising construction between 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm on Saturdays. This is an intolerable situation for nearby residents as well as the many people who use the area for recreation in a currently peaceful setting. More consideration should be given to the effects of construction noise in this currently peaceful semi-rural environment, not simply compliance with standards, particularly | The plan change process enabled the permanent change in noise from environment from rural to urban. Delivering the urban environment authorised by the plan change requires a range of construction effects including noise and vibration, and subsequent noise effects from increased traffic movements. These effects are a predictable outcome of the plan change enabling a higher density of development. Paragraph 881 of the Hearing Panel's Recommendation for PPC28 records:<br><br>*"We are satisfied that any noise effects generated from enabling this land to be urbanised will not be significant in the context of an urban environment. On this basis we are satisfied that sections 7(c) and (f) of the RMA requiring that particular* |

| | | |
|---|---|---|
| | given the RPS and NRMP direction on protection of amenity as discussed above. Some areas may well be unsuitable for development because they cannot be developed in a way that protects amenity. | *regard be had to the maintenance and enhancement of amenity values and the quality of the environment have been appropriately addressed.*<br><br>*In this regard we reiterate Policy 6 of the NPS-UD, which says that RMA planning documents may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people; and that this of itself is not an adverse effect."*<br><br>*[https://environment.govt.nz/assets/what-government-is-doing/Fast-track-approved/Maitahi-Village/356.05-PPC28-Hearing_Panel_Recommendation_Report_9_Sept_2022.pdf*<br><br>The proposed construction noise limits are based on the recommended noise limits in NZS6803:1999. These limits are designed to manage the effects of long term construction noise on both rural and residential receivers. The nature of the works and large scale of the application site means that the higher construction noise levels (up to 70dB $L_{Aeq}$) at Ralphine Way receivers will be intermittent and at a low level for long periods of time.<br><br>Styles Group have also recommended a condition requiring reduced hours of construction work for works on Saturday that are within 100m of any occupied dwelling on Ralphine Way. This recommendation is designed to ensure that the Ralphine Way receivers are provided with respite on Saturday afternoon (from 1pm), with no construction work occurring on Sundays and Public Holidays. |
| | *Post-development noise* | |
| 103 | Regarding post-development noise, the applicant says:<br>*The Maitahi Village is essentially a residential subdivision and development and so is expected to generate characteristically low levels of noise without any significant adverse effects on the environment.* | The construction, development and occupation of the Site will change the existing noise environment. However, the plan change has enabled this permanent change in noise from environment from rural to urban. Delivering the urban environment anticipated by the plan change requires a range of construction effects including noise and vibration, and will give rise to subsequent operational noise effects mainly from increased traffic movements. These effects are a predictable outcome of the plan change enabling a higher density of development. The post-development noise effects from activities associated with the Residential zoning are expected to be consistent with the typical character, level and duration of noise associated with residential activity. The Nelson Resource Management plan anticipates and provides for noise associated with residential activity in a Residential Zone. The character, level, |
| 104 | This has not been substantiated, and STM does not agree. People currently visit the Maitai Valley for multiple different recreational activities in a peaceful rural setting. After a subdivision is installed, urban noise - lawnmowers, leaf blowers, cars, motorbikes, delivery vehicles and in later years home maintenance such as water blasters, sanding, and hammering will all add detrimental noise to the existing recreational areas especially bush tracks on Olive Hill, the Maitai cricket ground and walkway, and Sunday Hole and Dennes Hole, two popular adjacent swimming spots. All these areas will no | |

| | | |
|---|---|---|
| | longer be a set within a quiet peaceful rural landscape, but beside a noisy urban subdivision, so there will definitely be permanent significant adverse noise impacts on the environment. | duration or timing noise levels are not expected to be conflict with residential activity in the adjacent Rural Zone. |
| 105 | Given the applicant has now added a retirement village into the mix, STM anticipates an increase in ambulance call outs with associated sirens up and down the valley and Nile street, large noisy trucks bringing provisions such as foodstuffs, laundry and other maintenance needs in and out of the area, creating a more distinctly urban aspect to the previously highly-valued rural setting of the adjacent recreation areas. None of those effects have been assessed. | The noise effects from non-residential activity will readily comply with the permitted Rural Zone noise levels based on the ample separation distances involved. The applicant has volunteered a condition that will require operational noise effects associated with non-residential activities within the retirement village to comply with noise limits that are more stringent than the permitted noise levels for the Rural Zone. These noise limits will provide a good degree of protection for adjacent receivers in the Rural Zone. |
| 106 | There has been no assessment of effects of traffic noise on residents and other users. The comments regarding lack of analysis and failure to protect amenity are also relevant to post-development noise. | Styles Group (for the applicant) has responded that noise associated with emergency services would be very intermittent. They also note that the Nelson Resource Management Plan's definition of "noise" exempts the sound of warning devices used by emergency services or in an emergency situation. Further, it is Styles Groups experience that emergency sirens are generally only used where traffic is busy or at intersections etc. Their experience is that it is unlikely that ambulances would sound their sirens continuously on rural roads.<br><br>The effects of vehicle noise on roads and the noise from 'urbanisation' generally have not been assessed by Styles Group as these effects are anticipated (or provided for) by the Residential zoning. Styles Group consider that the assessment of the noise from urbanization was at the Plan Change stage. Styles Group consider that the resource consent application is consistent with and will comply with standard noise limits for Residential Zones.<br><br>Paragraph 881 of the Hearing Panel's Recommendation for PPC28 records:<br><br>*"We are satisfied that any noise effects generated from enabling this land to be urbanised will not be significant in the context of an urban environment. On this basis we are satisfied that sections 7(c) and (f) of the RMA requiring that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment have been appropriately addressed.*<br><br>*In this regard we reiterate Policy 6 of the NPS-UD, which says that RMA planning documents may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people; and that this of itself is not an adverse effect."* |

| | | |
|---|---|---|
| | | *[https://environment.govt.nz/assets/what-government-is-doing/Fast-track-approved/Maitahi-Village/356.05-PPC28-Hearing_Panel_Recommendation_Report_9_Sept_2022.pdf]* |
| | **Greenhouse gas emissions** | |
| 107 | STM does not agree that this project will support reductions in greenhouse gas emissions in terms of Policy 1 NPSUD. | The close proximity of this site to Nelson City is relevant to the consideration of those vehicle emissions generated from providing for urban growth in more locations from employment opportunities. As set out under 108 below, the provisions of a shared pathway linkage to Nile Street East will also support alternative transport modes (i.e. cyclists) that do not generate emissions. |
| 108 | The applicant claims that the Maitahi Village site is 2.7km from Nelson City Centre and can be served by public transport. That stated distance is misleading. It is 3.5km from Ralphine Way to Hardy Street (the centre of the CBD) and around 7km from the Bayview end of the site to Hardy Street.[62] | The subject site is ~2.7km from the nelson Cathedral, at the top of the City Centre. This is a 3.5 minute drive. The physical distance and driving time will be longer if a different measuring point is used. This close proximity, and the opportunity the use alternative transport modes, were agreed in PPC28 as being relevant to achieving a well-functioning urban environment (under the NPS-UD). |
| 109 | The site is not currently served by public transport, and the applicant has not demonstrated that buses can access the overly steep gradients proposed for some streets. | The Council have accepted that the proposed design will accommodate future public transport, and the Maitahi development is well located to make use of walking and cycling via the shared pathway consented under RM245337-340.<br><br>The roads within the subdivision are not overly steep and are traversable by buses. As part of the expert caucusing for the PC 28 hearing it was agreed by the traffic experts that while the grades were more than 1 in 15, this did not create an impediment for future public transport. Public transport routes already exist in Nelson that are steeper than 1 in 15 and other parts of New Zealand including Wellington. |
| 110 | Furthermore, public transport in Nelson struggles to get uptake, no doubt in part due to hilly routes where people find it too difficult or unappealing to walk up or down a gradient from the bus stop to their house. There is no reason to suggest this subdivision would be any different. The distance and steep roading gradients within the subdivision will also negatively affect the uptake of active transport. Thus, as in the rest of Nelson, most people will rely on private motor vehicles to get to and from their house to work, school, or recreation. Building houses where people need to rely on cars contributes to climate change. | This main road for development and the design of the subdivision with its cul de sacs linking to a spine road provides an excellent opportunity for residents to be relatively close to a bus stop. The grades are relatively flat along the side roads to the main road. The cul de sacs off the main road are well within the guidelines for 400 metre walk lengths.<br><br>The applicant does not agree that the lack of uptake of public transport is no doubt in part to the hilly terrain. There are many other reasons why public transport is not well used, including service timetable, ticket prices and |

| | | |
|---|---|---|
| | | convenience. The Maitahi development is also close enough to the city and does not have to deal with congestion issues that other bus routes have to negotiate.<br><br>More importantly it is also well within walking and cycling modes for future residents.<br><br>These factors along with NCC parking management plan to better control the on-street commuter parking and off-street parking areas will encourage different transport options to the car (including public transport, walking and cycling as options provided by the consented shared path). |
| | **Policy RE6.1 – Structure Plan** | |
| 111 | Policy RE6.1 Maitahi / Mahitahi Bayview Area is to "provide for subdivision and development which is consistent with the Maitahi / Mahitahi Bayview Structure Plan in Schedule X" and where it is demonstrated that certain matters are achieved. | Noted. |
| 112 | The project is not consistent with the Structure Plan. | The applicant disagrees with this comment and has addressed the specifics in the responses that follow. |
| 113 | A retirement village that includes "192 residential units, a care facility containing 36 beds, and the full range of communal facilities such as a Residents Clubhouse and Pavilions"[63] that will occupy 9.6 hectares64 is now proposed for the Residential Zone – Higher Density Area. There was no discussion of a retirement village in the PPC28 process. The applicant says that a village development like that proposed by Arvida is considered a Comprehensive Housing Development. | PPC28 sought to provide for comprehensive housing within the proposed *Residential - Higher Density Area* from the outset. This included Rule X.2, being the bespoke rule providing for CHD, along with support from the policy framework. As a plan change request, PPC28 gave particular consideration to the relevant to the provisions, but did not consider a specific development proposal. |
| 114 | Comprehensive Housing Development is defined as:<br>*means three or more residential units, designed and planned in an integrated manner, where all required resource and subdivision consents are submitted together, along with sketch plans of the proposed development. The land on which the proposed residential units are to be sited must form a separate, contiguous area.* | Agreed. This is the definition of a CHD, which is exactly what Arvida is proposing. In addition however, it is also relevant to acknowledge the definition of '*residential unit*' and also '*residential activity*' in the NRMP, as that includes:<br>***Residential Unit***<br>*means a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.* (emphasis added)<br><br>***Residential activity:***<br>*means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities.* |

| | | |
|---|---|---|
| | | *For the purpose of this definition, residential activity (irrespective of the length of stay) shall include:*<br>*a. accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident as described above; or*<br>*b. emergency and refuge accommodation; or*<br>c. *accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not places where residents are subject to detention.* (emphasis added)<br><br>As set out in response to the following related comments from STM, these definitions are also fundamentally important to the interpretation and administration of Schedule X and also the provisions for CHD elsewhere in Nelson. |
| 115 | A Pavilion, Clubhouse, Care Centre and café are not residential units. They have different effects to residential units (e.g. traffic including parking demand, noise, open space requirements), none of which are addressed through this application. | As set out above, the provision of a pavilion, clubhouse and care centre within the Arvida Village are all legitimate parts of the definition of residential activity, and are also anticipated as a part of residential units.<br><br>The cafe activity is also one that are normal with residential retirement villages, both within Nelson and also within New Zealand. The cafe becomes a non-residential activity when there are retail sales. Retail sales will predominantly be to residents and visitors to the village. This land use consent has been sought.<br><br>Traffic movements have been included in the assessments and the parking demand will be met on the site. The facilities on the site are designed for the residents and visitors.<br><br>The assessment of the effects of the development relates to peak periods in the morning and evening. This is when, and, if any effects occur, they will be most noticed. The movements associated with the retirement village occur outside these times and their effects are less than minor as there are fewer vehicles on the network. There are visitor car parks provided on the site along with additional spaces for most villas. The parking demand can be accommodated on the site.<br><br>In terms of noise from the Arvida activities, these facilities are for village residents to socialise, recreate and exercise, along with aged care facilities. Styles Group (for the applicant) has reviewed the separation distances between the non- |

residential Arvida facilities and adjacent (existing) notional boundaries and consider that the noise generated from the facilities will be very low as observed from beyond the Site based on the large separation distances involved and the potential noise sources.

The NRMP does not include any noise limits to control the noise levels generated from non-residential activity in a Residential Zone (i.e the Arvida site) and received at the notional boundary of any dwelling in a Rural Zone (i.e. the receivers on Ralphine Way).

The Applicant volunteers a condition to ensure that noise levels from the non-residential activity within the retirement village are compatible with the level of amenity that is anticipated and provided for in the Rural Zone. The recommended noise limits are 2 dB more stringent than the noise levels prescribed by RUr.47 for noise generated and received in a Rural Zone (when the NRMP noise limits are converted to $L_{Aeq}$ noise limits).

The applicant has incorporated the following condition into Set A (V2) (as recommended by Styles Group) to be attached to all lots within the Arvida development that may contain non-residential activity:

*x) Cumulative noise levels from the operation of non-Residential Activity within the retirement village shall comply with the following noise limits when measured and assessed in accordance with NZS6801:2008 Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise at the notional boundary of any dwelling in a Rural Zone:*

| ***Timeframe*** | ***Noise rating level*** |
|---|---|
| *Monday to Sunday 6am – 10pm* | *50 dB $L_{Aeq}$* |
| *All other times* | *40 dB $L_{Aeq}$*<br>*75 dB $L_{AFmax}$* |

*Advice note: Non-residential activity means any activity that is not defined as Residential Activity by the Nelson Resource Management Plan.*

| | | |
|---|---|---|
| 116 | A care centre is more properly described as a community activity.65 A café (which in this case is proposed to be available not only to residents but also visitors) falls within the definition of a 'commercial activity'. Both a care centre and a café are 'non residential activities'. | The applicant disagrees with this comment. Accommodation for the residents that are the subject of care, are provided for within the definition of 'residential activity'.<br><br>The NRMP defines **Community Activity** as:<br><br>*as it relates to the Ngawhatu Residential Area (Schedule E), means the use of land and buildings for the primary purpose of public health, welfare care, education, cultural and spiritual wellbeing, but excludes recreational activities.*<br><br>*Community activities may include land and buildings used for churches, halls, libraries, community centres, health centres, schools (including preschools), and emergency service facilities (including fire, police and ambulance stations).*<br><br>The first part of the above definition does not apply as it relates to Schedule E. The second part of the definition does not capture residential care as stated by STM.<br><br>The cafe activity was addressed previously. |
| 117 | The NRMP specifically provides for home occupations as a permitted activity. Non residential activities beyond home occupations are generally a discretionary activity in the residential zone (REr20.3). These activities involve considerations that are different to those for residential activities, but which are not assessed in this application. | Home occupations are not considered to be relevant to this Project. As already noted, the cafe activity was addressed previously as a non-residential activity. |
| 118 | Objective RE6 and Policy RE6.1 relating to Maitahi/Mahitahu Bayview Area are focused on providing for housing, with the explanation in RE6.i being that private Plan Change 28 and the Nelson Tasman Future Development Strategy have identified the Maitahi/Mahitahi Bayview Area as being suitable for accommodating future development as an expansion of Nelson's urban area to provide for population growth and meet consequential housing demand. A retirement village with associated nonresidential facilities departs from what is envisaged by those provisions. | This has been addressed in 112-115 of this table above. |
| 119 | The applicant has told NCC that "for the retirement village villages established in The Wood, each contain community / common buildings, and care facilities, as a part of their villages, none of which have obtained separate resource consents as non-residential activities."[66] STM does not know whether that is correct, but even if it is, that does not mean that such an approach is correct. STM is aware of a recent Tasman retirement village that | STM are attempting here to compare this application, which is a part of Schedule X of the Nelson Resource Management Plan, with rules in Tasman, regulated by the Tasman Resource Management Plan. This comparison is considered to be totally inappropriate. The Tasman Resource Management Plan has no relevance whatsoever as it has been developed by a different Council as bears little remembrance to the NRMP. |

| | | |
|---|---|---|
| | was described in the consent decision as involving "a combination of a care facility (community activity) and residential development (compact density development)".[67] | |
| 120 | The applicant's information regarding the extent of inconsistency is itself inconsistent. The AEE says in relation to the Maitahi village subdivision that small portions of four properties extend into the Open Space Recreational Zone and two properties extend into the Neighbourhood Reserve and ten lots (Lots 109 - 118) within the Lower Density Area are partly or entirely located within the Residential Green Overlay. The Landscape report[68] says that part of three residential properties are located within the Open Space Recreation Zone, part of two residential properties are located within the Neighbourhood Reserve, a pump station is located along the southern side of the Neighbourhood Reserve, and the water reservoir is located within the Rural Zone and Residential Green Overlay on Kākā Hill. The applicant's later response to Council[69] also accepts that Koata House is not located on the commercially zoned land but on the residential zoning (Lot 1003). | The zoning irregularities are most clearly shown in Attachment 16.2A (p20) of the Substantive Application, and set out within Attachment 24(v2) 'Assessment of Activity Status' (updated and provided within the Covering Memo form the applicant on 11 July 2025.<br><br>For proposed lots 100, 101 and 180, this irregularity is caused by proposed Road 1 alignment (now as a part of a subdivision concept design), not exactly matching the "indicative road" alignment identified as a part of the Structure Planning process. Hence, a detailed earthwork plan to form Road 1 had not been prepared as a part of PPC28, nor was that considered necessary at the time of the PPC28. The net result is that the subdivision plan now has a zoning anomaly for lots 100, 101 and 180. Land use consent has been sought to formalise that irregularity and consent notice also volunteered to clearly set out that the residential zone applies to those lots.<br><br>A similar irregularity has been created with proposed Lot 140. The same approach, explained above, has been used to formalise the residential use and development that allotment.<br><br>STM has also commented on those parts of Lots 109-118 that are within the *Residential Green Overlay*. As the name of the overlay clearly signals, that land is zoned for development with the area of land within the Overlay to be revegetated as a part of this Project.<br><br>The wastewater pump station is also located on land zoned for Open Space and Residential purposes. That consent has been sought from the outset. This is not an unusual outcome, with many of the pump stations location of the same zoned land, and indeed also on residential land.<br><br>Finally, with the bulk earthworks plan not being prepared as a part of the Structure planning process, proposed Lot 1003 (Koata House) does not align with the shape and size of the Suburban Commercial zoned land. This is also why land use consent has been sought for part of that site extending into the residential zone, with a consent notice also covering the long-term use and development of this site. |

| | | |
|---|---|---|
| | | The above irregularities need to be considered in the context of the scale of this Project, which is considered to closely align with the Structure Plan with only a small number of irregularities caused predominantly due to structure planning not being prepared with the benefit of detailed design.<br><br>The small number of irregularities has also been addressed in the Feedback Table that Nelson City Council submitted to the Panel on 17 June 2025 (Items 11.28 and 11.29, pages 39-40). |
| 121 | The Structure Plan "also provides for road, cycle and pedestrian linkages which will benefit the areas within and outside of the Maitahi Bayview Area".70 However, the applicant does not propose to provide a linkage to Walters Bluff, with the Integrated Transport Assessment now saying "*The connection of Ralphine Way to the construction of a new road to Bayview or Walters Bluff will not be provided*".[71] This means all traffic from the subdivision will be funnelled down Maitai Valley Road and not directly over the ridge towards Atawhai. This appears to be another departure from the Structure Plan. | This matter was addressed in Table 8, 16.5 as follows:<br><br>Rules X.2 and X.3 provide for CHD and subdivision as a *restricted discretionary activity* if:<br><br>*"b. The required transport upgrades set out in X.9 Services Overlay – Transport Constraints and Required Upgrades of Schedule X have been completed and are operational".*<br><br>The applicants progress made to remove those constraints is addressed directly in the Substantive Application (Section 3.2, p33). Gaining consent for the shared pathway, bridges, and servicing is a significant part of that, however those works are not operational and so the activity status becomes discretionary (see Attachment 24 of the Substantive Application). The applicant has however committed to complete those works prior to s224 (title) being sought for Stage 1 of the subdivision. This demonstrates that proposed development has been coordinated with transport infrastructure upgrades, and will be full serviced, thereby aligning this Project with the overarching Objective RE6:<br><br>**Objective**<br>**RE6 Maitahi/Mahitahi Bayview Area (Schedule X)**<br>The Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental well-being of the Nelson Whakatū community including:<br>a new mixed density residential neighbourhood amongst areas dedicated to public open space and revegetated rural land; and<br>a sense of place that is responsive to, and respectful of, natural character, landscape and Whakatū Tangata Whenua values; and |

| | | |
|---|---|---|
| | | development that is fully serviced with three waters infrastructure, and coordinated with transport infrastructure upgrades;<br>improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity; and<br>an environment where the adverse effects of accelerated soil erosion are avoided, remedied, or mitigated. (emphasis added)<br><br>Irrespective of whether the Maitahi Village Project complies with clause (b) as a restricted discretionary activity, Schedule X has a 'Special Information Requirement' in X.14 requiring an Integrated Transport Assessment. X.14 requires that:<br><br>" .. *This ITA shall set out how the relevant matters in Policy RE6.1 have been achieved"*.<br><br>Policy RE6.1 states:<br><br>***Policy RE6.1*** *Maitahi/Mahitahi* ***Bayview Area***<br>*Provide for subdivision and development which is consistent with the Maitahi/Mahitahi Bayview Structure Plan in Schedule X and where it is demonstrated that:*<br>*It will contribute to a well-functioning urban environment;*<br><br>*It accommodates a range of housing densities and forms to meet the diverse needs of Whakatū Nelson's community;*<br>*It achieves high quality urban design outcomes;*<br>*Any comprehensive housing development is consistent with the requirements of Appendix 22;*<br>*It is consistent with the requirements of Appendix 9 (where appropriate) and Appendix 14;*<br>*The recreational opportunities to meet the needs of current and future residents are implemented and available to the wider community, including the creation of the identified reserves and walkway linkages;*<br>*The multi-modal transport connections in the Structure Plan, in the form of roads, cycleways and pedestrian linkages, are implemented;*<br>*The urban environment is safe from flooding risks and is resilient from the effects of climate change; and* |

| | | |
|---|---|---|
| | | *The adverse effects of accelerated soil erosion are avoided, remedied, or mitigated*. (emphasis added)<br><br>The Integrated Transport Assessment is provided within Attachment 6 of the Substantive Application.<br><br>The ITA sets out the multi-modal connections proposed. It also concludes:<br><br>*Overall, the analysis and assessment of the adjacent road network shows that it will support the future traffic from the proposed subdivision area. Any effects are no more than minor.* (ITA, Section 13, Conclusion, p68, Attachment 6 to SA)<br><br>Having multi-modal transport connections has many benefits, all being part of creating a well-functioning urban environment.<br><br>The proposed roading connection to Ralphine Way also provides an efficient link to the City. Road 1 follows the alignment of the Indicative Road shown on the Structure Plan, and has been designed to enable this to be extended in future when the adjacent land is developed. In conjunction with the subdivision and development that is extending from Bayview Road, this road will eventually link, including to Walters Bluff. Importantly, if the ITA identifies significant effects on the transport network in future applications for resource consent, then the link would then become an important factor before consent can be granted. That is not the conclusion from the applicants ITA. Progressive extension of indicative roads as a part for subdivision and development has been standard practice in Nelson, being consistent with the wider planning framework. |
| 122 | Objective RE6 is that the Maitahi/Mahitahi Bayview Area (Schedule X) contributes positively to the social, economic, cultural and environmental wellbeing of the Nelson Whakatu community including (amongst other matters) 'development that is coordinated with transport infrastructure upgrades'. One of the reasons for this objective is that 'The Structure Plan also provides for road, cycle and pedestrian linkages which will benefit the areas within and outside of the Maitahi Bayview Area.' | The subdivision will provide new roads, the construction of a road connection to the boundary of the adjacent land and provide a new shared path from the development to the city that is safe and off-road. These new shared paths provide an important improvement to the current services available for residents and visitors within the Maitai Valley. The changes facilitate the ability to provide coordinated transport upgrades as the development of PC28 is completed. |
| 123 | Policy 6.1 is to provide for subdivision and development which is consistent with the Maitahi/Mahitahi Bayview Structure Plan in Schedule X and where it is demonstrated that clauses (a) – (i) are met. Clause (g) of this policy is that the multi-modal transport connections in the Structure Plan, in the form of roads, | The subdivision will provide cycleway and pedestrian connections along with a road connection to the adjacent land. The internal design of the subdivision will provide public transport should the Council provide the service. The internal grades are not an impediment to the provision of public transport as noted by |

| | | |
|---|---|---|
| | cycleways and pedestrian linkages, are implemented. Also relevant is clause (a) which is that it will contribute to a well-functioning urban environment. | traffic experts in conferencing for PC28. It should be noted that the existing Bay View Road is steeper than the roads proposed within the Maitahi subdivision and the Council has accepted that it can be used by buses. |
| 124 | The explanation and reasons to this policy as set out in RE6.1i are as follows:<br><br>Subdivision and development within the Maitahi/Mahitahi Bayview area consistent with the Schedule and Structure Plan will ensure that the area is developed in a manner which provides for a diversity of housing choice to meet the needs of Nelson. The provisions of Schedule X are designed to ensure development occurs in a manner that achieves best practice urban design, maintains landscape values and protects, restores and enhances indigenous terrestrial and freshwater values. **The Structure Plan provides public amenity through provision of road, cycleway and pedestrian linkages and reserves all of which are designed to integrate development into the surrounding environment**... (emphasis added) | This matter has been discussed and addressed above. |
| 125 | Therefore Policy 6.1 is an enabling policy but only where development is consistent with the Structure Plan and all of the clauses are met. In this case the connections in the Structure Plan are not implemented and so this Policy is not met. | This matter has been discussed and addressed above. |
| 126 | In approving PPC28, the Environment Court recorded a pertinent passage from the developers' traffic evidence:<br><br>*[127] Mr Clark ... provided expert evidence on traffic matters including network constraints. His evidence was that the Walters Bluff Connection would provide an important link to the hill sections of PPC28 and reduce traffic flows into Bayview and Maitai Valley Road*. | The continuation of the link road to Walters Bluff will be the responsibility of a different landowner, not the Applicant under this Project. While the Walters Bluff connection will provide an "important link" when it is constructed, itis not critical to the development of the Maitahi subdivision as it is unlikely to be used by residents due to its length and grade. The trip analysis for PC28 showed that this link was more important for the new homes that would be constructed on the Bay View land, as it provided a short route to the city rather than using either Maitai Valley Road, or the future link to Bay View Road. |
| 127 | The traffic effects of a large subdivision in Kākā Valley that relies exclusively on Maitai Valley Road were not anticipated when the site was rezoned, and are likely to be significantly worse. | The applicant does not agree with the comment.<br><br>The traffic analysis for PC28 noted that traffic associated with the land known as Maitahi would exclusively use Maitai Valley Road. Any connection to the Bay View land would increase the number of vehicles that would use the Maitai Valley Road. The analysis of PC28 had more traffic using Maitai Valley Road with the connection constructed and concluded that potential environmental effects were less than minor. In summary, the Maitahi subdivision is assessed as having less effect with the others connections to Walters Bluff and/or Bayview not being completed under this Project. |

| | | |
|---|---|---|
| | **Community Opposition** | |
| 128 | Urbanisation of Kākā Valley has been strongly opposed by the community from the outset:[72]<br>a. Ninety percent of respondents strongly opposed urbanisation in the Maitai Valley in the Nelson City Council's 2006 Nelson Urban Growth Strategy consultation. As a result, Nelson City Council took a stance to "Not provide for any future residential zoning in this (Maitai) area" because "submissions on the Maitai were very strongly opposed to any residential zoning, based on loss of open space, conflicts with recreation values, and the effects of more traffic and noise".<br>b. Thirteen thousand people petitioned Nelson City Council to protect the existing rural zoning in 2020 after Nelsonians were shocked when the proposal for a private plan change was announced in the media. The level of concern was reflected in the rapid collection of signatories. This is probably the largest petition ever presented to Nelson City Council, representing very strong community desire to protect the rural nature of the Maitai Valley.<br>c. Consultation on the Future Development Strategy 2019 was flawed due to the failure to refer to "Maitai Valley" and use of the little known name Kākā Valley, resulting in very few submissions on that document. By the point that the 2022 FDS was consulted on, this site had been "locked in".<br>d. At the 2021 RMA Hearing, 628 submitters strongly opposed PC28. In comparison, the RMA hearing for a similar-sized subdivision in the less recreationally popular Marsden location attracted only 19 submitters. | Provided within Attachment 19 to the Substantive Application is a copy of the Recommendations from the Independent Hear Panel (dated) which was adopted by the Nelson City Council. This Decision comprehensively describes the submissions both in support and opposition to PPC28.<br><br>PPC28 was approved by both the Nelson City Council and then subsequently by the Environment Court. The site has now been rezoned with subdivision and development being required to be in accordance with Schedule X of the NRMP.<br><br>Urban development of his land in accordance with Schedule X is now enabled. The applicant considers that these comments from STM seek an outcome that is outside of the scope of this project / application. |
| 129 | Despite the outcome of PPC28, a large number of people in Nelson continue to oppose urbanisation of this important area of the Maitai. The application does not note the strength of opposition. | Whether this area should be urbanised is not a matter that should concern the Panel on this application. How it should be urbanised, is and the Application is presented on that basis – supported by numerous expert assessments and reports. |
| | **Relief/conclusion** | |
| 130 | The landfill / encapsulation site is outside the scope of the listed project and no approval may be given for it. | This contention is addressed above. The cell is a component part of the project and ancillary to it. The FTAA lists projects – not every activity that forms a part of them. |
| 131 | The project's regional benefit does not reach the threshold of a "significant" benefit. | The assessment of economic effects has been revised with the updated assessment '*1(V2) Fast Track Economic Impact Assessment*' by Property Economics Limited dated June 2025. The revised assessment confirms:<br><br>*Our EIA estimates that the proposed development would have significant and positive economic impacts on the Nelson regional economy and represents a significant opportunity for the region to protect, sustain and grow jobs and income* |

| | | |
|---|---|---|
| | | *while also providing additional competitive residential opportunities. This essentially leverages off the locational attributes that the region provides for the development, which allows retention of a greater level of activity throughout the construction and operation of the facilities.* (Section 6, p12) |
| 132 | The project will have significant adverse effects:<br>a. On amenity and open space values for those who live or recreate in the Maitai<br>Valley.<br>b. Of construction noise on Ralphine Way residents and others who use Maitai Valley for recreation. | The timing and level of noise from construction work will be controlled by conditions of consent and managed by a CNVMP. The applicant has volunteered a condition that will preclude any noisy construction work occurring on between Monday to Friday between the hours of 7>30am and 6:00p, Sundays or Public Holidays, and will preclude construction works between 8:00am and 1:00pm on Saturdays that are within 100m of any occupied dwelling on Ralphine Way.<br><br>The volunteered conditions are designed to provide receivers with a respite from construction noise at times when amenity expectations are greatest. This includes Saturday afternoons, Sundays and Public Holidays. |
| 133 | Many other potential effects are too uncertain or poorly assessed for the Panel to be able to form a clear conclusion on their magnitude:<br>a. Effects on amenity values from earthworks and construction.<br>b. The risk of new residents being cut off by flooding.<br>c. Stormwater (flow) management for the Arvida development.<br>d. Post-development stormwater quality.<br>e. Cumulative effects of sediment discharges.<br>f. Effects on birds and their habitats, both within the site and in adjacent SNAs.<br>g. Contaminated land effects. | The applicant does not agree that the potential effects are uncertain or have been poorly assessed. The Maitahi Village application is supported by a high standard of information and comprehensive assessments. The preceding Plan Change was also supported by a depth of information and was only very recently processed, meaning the information and findings from that process have currency in the environmental and social context for this application. |
| 134 | The application has failed to address important "threshold" provisions in planning instruments such as the requirement to establish a functional need for reclamation of a riverbed. The project is inconsistent with relevant and directive provisions of the NPSIB, NES Freshwater, RPS and NRMP, including NRPM provisions inserted by PPC28. Elements of the Project are inconsistent with the Schedule X Structure Plan. | This comment is a summary of those already addressed above. The applicant disagrees that this Project is inconsistent with the directive provisions contained in the listed planning instruments.<br><br>In any event proof of "functional need" as set out in the NES-F is not strictly required under the FTAA. RMA planning instruments do not control the outcome of a FTAA application like they would for a similar application made under the RMA – of key, see paragraphs 25.3 and 64 of the Applicant's legal submissions. |
| 135 | For those reasons, it is appropriate to decline the approvals under s 85(3). | The commenter's numerous concerns about adverse impacts have been addressed by the Applicant's responses or are not relevant to your considerations (i.e. where they raise concerns that arise from the rezoning exercise which has been and gone). |

| | | |
|---|---|---|
| | | The legal threshold for decline is whether *adverse impacts* are *sufficiently significant* to be *out of proportion* to the Projects regional or national benefits either before, or after taking into account:<br><br>(i) any conditions that the panel may set in relation to those adverse impacts; and<br>(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.<br><br>The conditions proposed are substantive and comprehensive; ensuring that environmental parameters are prescribed and, therefore, anticipated outcomes are ensured. After mitigation and taking into account the planning framework for development of this land, it is submitted there are no adverse impacts of significance or even importance. |
| 136 | If the Panel does not consider that it is appropriate to decline the project in its entirety, STM considers that the Panel should decline approvals for:<br>a. The reclamation of Kākā Stream, its relocation to the contaminated site, and the containment facility/landfill.<br>b. The retirement village, in particular components for which no assessment has been provided (Pavilion, Club house, care centre, café).<br>c. Elements that are inconsistent with the Structure plan, including encroachment of housing into green overlays. | The applicant does not agree with these comments as.<br><br>a. This application proposes to remediate the existing highly contaminated site which will benefit the receiving environment;<br>b. The STM comments over the Arvida village are erroneous;<br>c. The zoning anomalies relate to the Structure planning not having been undertaken with a detailed subdivision and development plan being prepared. The Residential Green Overlay allies to the Residential zoned land also development of those lots is anticipated by Schedule X, with the require revegetation forming part of the development of those allotments |
| 137 | If the project is approved, conditions should be more specific and enforceable as to the outcomes/standards to be achieved, including by:<br>a. Limiting construction noise to weekdays between 8 am and 4 pm and specifying an appropriate noise limit to protect amenity values.<br>b. Requiring that any future contamination-related matters that need to be signed off by a Suitably Qualified and Experienced Practitioner require a dual sign-off / peer review approach. | The Applicant is volunteering a condition requiring reduced hours of construction work for works on Saturday that are within 100m of any occupied dwelling on Ralphine Way. This recommendation is designed to ensure that the Ralphine Way receivers are provided with respite from works that may generate high construction noise levels on a Saturday, with no works occurring on Sundays/ Public Holidays. The volunteered conditions will require:<br><br>1. Construction works between Monday and Friday to be undertaken between the hours of 7:30am and 06:00pm (with lower noise limits |

| | | |
|---|---|---|
| | c. Setting out specific requirements that the project must achieve for all impacts. STM intends to address this in its response to draft conditions, but notes the conditions are particularly deficient in relation to:<br>i. Effects of noise, and human and animal disturbance on SNAs.<br>ii. Protecting Dennes Hole.<br>iii. Protecting the water quality and aquatic ecology of the Maitai River and all downstream swimming holes.<br>iv. Post-development stormwater quality.<br>v. Peak flow stormwater attenuation.<br>vi. The commercial/community elements of the Arvida development. | applying between 7:00-7:30am and a restriction on heavy vehicles entering the site via Ralphine Way before 7:30am)<br>2. Construction works on Saturdays that are within 100m of any occupied dwelling on Ralphine Way to be undertaken between 8:00am and 1:00pm.<br>3. No works to be undertaken on Sunday and Public Holidays<br><br>The applicant consider that the proposed working hours strike a reasonable balance between providing receivers with respite during high amenity periods (i.e. evenings, nighttime, early mornings, Saturday afternoons, Sundays and Public Holidays), while ensuring that reduced working hours do not result in the construction phase being further prolonged. It considers that the conditions are consistent with those attached to numerous other similar projects.<br><br>The proposed noise limits are based on the long-term construction noise limits recommended in NZS6803:1999. These noise limits are routinely adopted throughout New Zealand to manage noise effects from construction works near to noise sensitive receivers that extend for several years.<br><br>The applicant also notes that the construction noise limits in NZS6803:1999 are designed to manage effects on people and not designed to manage effects on animals. Any noise effects on fauna should be assessed by an ecologist. |
| 138 | STM has not provided a copy of all documents referred to in this Comment. All documents can be provided if requested by the Panel. | Noted. |

**Table 14:** Minister of Māori Development

| | Comment | Applicant Response |
|---|---|---|
| 1 | I support the application subject to any comments received from the relevant Māori groups identified in both the section 18 report developed by the Ministry for the Environment, and at Attachment three of the Expert Panel's Minute. | Noted. |
| 2 | I also encourage the Expert Panel to receive comment from both Ngāti Apa ki te Rā Tō Post Settlement Trust and Wakatū Incorporation and have regard to the relevant statutory acknowledgements of the seven PSGEs. | The applicant acknowledges and supports the Minister's emphasis on ensuring robust engagement with all relevant Māori groups. The applicant confirms that it has undertaken extensive and sustained engagement with all eight Te Tauihu iwi post-settlement governance entities (PSGEs), including Ngāti Apa ki te Rā Tō, over a five-year period (2020–2025) in relation to both Private Plan Change 28 (PPC28) and the Maitahi Village FT project. These processes are set out within Attachments 2.1-2.3 to the Substantive Application.<br><br>This includes:<br>• Direct engagement with all eight PSGEs: Ngāti Koata, Ngāti Rārua, Ngāti Apa ki te Rā Tō, Ngāti Toa Rangatira, Rangitāne o Wairau, Ngāti Tama ki Te Waipounamu, Te Ātiawa o te Waka-ā-Māui, and Ngāti Kuia<br>• Recognition that four of these iwi (Ngāti Rārua, Ngāti Koata, Te Ātiawa, Ngāti Tama) are represented collectively by Wakatū Incorporation in commercial matters.<br>• Te Tau Ihu Statutory Acknowledgements (2014) were actively referenced and integrated throughout the planning and engagement process, and specific regard has been given to those with interests in the Maitahi Awa and surrounding rohe.<br>• Engagement processes included:<br>  ○ Ongoing correspondence, hui, site visits, and information-sharing with Pou Taiao representatives of the eight iwi of Te Tauihu.<br>  ○ Development of Cultural Impact Assessments (CIAs), Cultural Values Statements, Cultural Design Frameworks, and evaluation/integration of Iwi Environmental Management Plans.<br>  ○ Formal submissions and feedback incorporated into Hearing Panel and Environment Court decisions. |

| | | |
|---|---|---|
| | | The applicant considers that the Minister's expectation of engagement with both Ngāti Apa ki te Rā Tō and Wakatū Incorporation has been met, and the statutory obligations under the Fast-track Approvals Act and RMA have been meaningfully addressed throughout the project.<br><br>The proposed consent conditions (V2) also require that iwi continue to be kept informed during the construction process and also ensure that cultural values and Mātauranga Māori are recognised and provided for. |

**Table 15:** Ngāti Koata Trust

| | Comment | Applicant Response |
|---|---|---|
| 1 | The Ngāti Koata Trust is the post-settlement governance entity for the iwi of Ngāti Koata. The iwi has been involved in this application and previous resource consent and plan change matters associated with the proposal for an extended period. Most of the matters which have been raised by the Ngāti Koata Trust have been addressed by the applicant. | The applicant confirms Ngāti Koata has been closely involved throughout the Plan Change 28 process and in the preparation of this application for resource consent under the Fast-track Approval Act 2024. |
| 2 | One residual matter of concern still exists. | Noted. |
| 3 | Envirolink has determined that soils in the vicinity of the former sheep dip are contaminated with historic pesticides: arsenic, reported at up to 810 mg/kg, and the organochlorine compound dieldrin, reported at up to 620 mg/kg. Dieldrin is a scheduled persistent organic pesticide under the Stockholm and Basel Conventions and under New Zealand's hazardous substances regulatory framework. These concentrations are well above national Soil Contaminant Standards for high density residential use, which are 45 mg/kg for both arsenic and dieldrin. In fact, the highest dieldrin result could trigger restrictions made by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act, which would mean that it could not legally be disposed of within New Zealand at this time. | Correct. |
| 4 | Leaving it as is can not be a responsible option. Accordingly, the Ngāti Koata Trust seeks that, as part of this application, the applicant ensures that the soil contamination is addressed, preferably by its removal, remediation and appropriate disposal of any HAIL site contamination. This would achieve an environmental benefit considerably better than the status quo. | The Remediation Action Plan (RAP) has been updated by Envirolink (now V4, see Attachment 8.1(V2) provided with the Covering Memo from the applicant, 11 July 2025), with input from other techncial experts, which details a remedial methodology that will address the risks posed to human health and the environment from the historical sheep dipping activities. The proposed consent conditions (Set M(V2)) require that the consent holder adhere to the RAP.<br><br>The applicant agrees that remediation of the site (as proposed) represents a positive environmental outcome. |

**Table 16:** Minister for the South Island

| | Comment | Applicant Response |
|---|---|---|
| 1 | Thank you for your e-mail of 29 May 2025 and for the opportunity to comment on CCKV Maitai Dev Co Limited Partnership's (CCKV) application with the Environmental Protection Authority under the Fast-track Approvals Act 2024 (the Act). | Noted |
| 2 | I understand that CCKV has lodged an application for the Maitahi Village project which proposes to develop a commercial centre, a retirement village in Nelson, and 180 residential dwellings (which includes 50 iwi-led homes by Ngāti Koata) | Correct. |
| 3 | I am providing these comments in my capacity as the Minister for the South Island, under section 53(2)(j) of the Act. When looking at the application, I have considered whether the project will:<br>• contribute to economic growth in the South Island, regionally, and thereby nationally<br>• enable key infrastructure to meet regional needs. | Noted. |
| 4 | I consider that both construction and operation of the proposed project are likely to deliver economic benefits to their Nelson Region. The Property Economics 'CCKV Nelson Development Impact Assessment (February 2025)' report estimates a total contribution of over $356 million to the Nelson Region's economy over the seven-year development period. Additionally, the project is expected to generate approximately 2,737 direct and indirect full-time equivalent (FTE) jobs, with a peak of 660 FTE in Nelson during their busiest year. In my view, this constitutes a substantial economic contribution to the Nelson region and to the broader South Island. | The assessment of economic effects has been revised with the updated assessment '*1(V2) Fast Track Economic Impact Assessment*' by Property Economics Limited dated June 2025. The revised assessment confirms:<br><br>*Our EIA estimates that the proposed development would have significant and positive economic impacts on the Nelson regional economy and represents a significant opportunity for the region to protect, sustain and grow jobs and income while also providing additional competitive residential opportunities. This essentially leverages off the locational attributes that the region provides for the development, which allows retention of a greater level of activity throughout the construction and operation of the facilities.* (Section 6, p12) |
| 5 | Any comment on the impact of housing should come from the Minister of Housing, Hon Chis Bishop, as this falls within his portfolios responsibility. However, I note from a South island perspective, an increase in housing capacity could have positive effects for addressing housing demand in the Nelson Region | Noted and agreed. |
| 6 | I support the panels continued consideration of this application. | The applicant appreciates this support. |

**Table 17:** Minister for Seniors

| | Comment | Applicant Response |
|---|---|---|
| 1 | I am supportive of projects that increase the supply of housing, particularly housing options appropriate for older New Zealanders and which improve the quality of aged residential care facilities. | The applicant appreciates this support. |
| 2 | As regards the proposed Arvida retirement village, it will be important to be include a timeframe for when new residents can expect to enjoy amenities and to minimise any delay in providing the amenities building which is integral to the development. The staging plan provided does not provide any indication as to when the Village Care Facility will be completed. | Arvida plans to build the Club House between 2029-2031 and building the Care Facility between 2031-2033. |
| 3 | The development is located 3.5km from central Nelson and there is no public transport available. Arvida may wish to consider providing a service vehicle for people unable to drive. | Arvida will have a village bus, which will provide transport services to village residences, including trip to Nelson CBD.<br><br>Council have required the design of the development to include future public transport initially for the Maitahi subdivision and a future link to Bay View Road.<br><br>The Applicant cannot commit a third party (such as Avida) to a consent condition requiring the provision of such transport services. However, the applicant notes that Arvida as part of its normal operation and services to its residents have their own transport services, which is largely necessitated by market demand. The Applicant therefore anticipates that the provision of this type of transport service will be made by Avida in the future for its residents. |
| 4 | There is range of section sizes proposed within the subdivision, some of which may be attractive to older people wishing to downsize, that prefer not to live in a retirement village. The provision of playgrounds, reserves and perhaps the cultural centre are opportunities for social and intergenerational interaction for the community which is especially important for older people. Therefore, accessibility and age friendly seating provision is encouraged. The seating pictured in the landscape design report is not considered age friendly as lacks backs and arms. The developer may consider linkages between the retirement village and the subdivision and the reserves and walking and cycling network with Nelson, where practical. | The Applicant (and its consultants) will work with Council to design and construct the playgrounds and reserves so the desired outcomes are achieved. There is a proposed condition stating that the reserve spaces and playground will be designed in conjunction with Council. Therefore, through the detailed design phase, design elements like age appropriate / friendly seating will be included.<br><br>Linkages between the retirement village, the subdivision and neighbourhood are provided for and are shown on the 'Maitahi Landscape Master Plan' and on the 'Maitahi Arvida Landscape Master Plan' (See Attachment 16). As well as a series of linked accessible pathways, there are at least four proposed |

| | | |
|---|---|---|
| | | connections shown between the Arvida village and the public reserves. (See Attachment 14). |
| 5 | I note the availability of an Age Friendly Urban Places resource, available here. The Panel and the developer may like to consider this guidance as planning and development of the project continues. | The design of the Neighbourhood Reserve is not a part of this Project. Nelson City Council has asked that the development of that Reserve be considered separately.<br><br>Appropriate consideration has been given to this resource in the design of the Arvida Village.<br><br>More broadly, the applicants design team is familiar with this resource and will again consider this resource / guidance, with Council's input, during the detailed design phase of the other reserves to be developed. |

**Table 18:** Associate Minister of Transport

| | Comment | Applicant Response |
|---|---|---|
| 1 | Thank you for the invitation to comment on CCKV Maitahi Dev Co Limited Partnership's Fast-track Approval Act 2024 (FTAA) substantive application, the Maitahi Village [FTAA-2502-1009]. This letter is in response to your invitation for me to comment in my capacity as Associate Minister of Transport. | Noted. |
| 2 | The application is for a community development including residential, retirement and commercial activities. My view is that this will support the Government's priorities for housing, infrastructure and economic growth. I would like to take this opportunity to mote my support for the progress of Maitahi Village through the FTAA process. It presents a significant opportunity to unlock development and economic growth, to benefit the portfolios for which I have Ministerial responsibility and New Zealand overall. | The applicant agrees with this statement and appreciates this support. |

**Table 19:** Megan Lewis and Timothy Williams

| | Comment | Applicant Response |
|---|---|---|
| 1 | We appreciate the opportunity to provide input into the fast-track decision making process. | Noted. |
| 2 | The development will significantly shape the future of our community and change the valley beyond recognition. | The proposed subdivision and development of land with Schedule X, including the subject site in accordance with the Maitahi/Bayview Structure Plan, will change the character of this site. The nature of the changes were comprehensively considered within the expert evidence considered as a part of PPC28.<br><br>The structure planning process, critically assessed and also modified as a part of the PPC28 process, was approved to enable an appropriate form of development. This development also includes the proposed enhancement of riparian values, and wider biodiversity values. These changes are also relevant to any wider consideration of changes to the character of this site. |
| 3 | We are supportive of the elements of the proposed development that deliver for tangata whenua. | Noted. |
| 4 | However, we wish to highlight a few critical considerations that should be addressed before proceeding: | Addressed below. |
| 5 | Broadly, we are not convinced that the plans, as they are, will deliver high standards of ecological protection or help enable genuinely affordable quality housing - in the way that it is currently described. | The applicant does not agree with these comments. |
| 6 | We also fail to see how the large number and type of private sections (stage 3 onward) will help meet the kind of need that Nelson has. We'd like to see up-to-date projections. | A range of housing and section typologies are proposed as a part of the Maitahi Village subdivision and development. |
| 7 | More specifically, the transportation plans fall short for the scale proposed. We strongly urge approval only on the basis of the following being incorporated and delivered early: | Addressed below. |
| 8 | • A shared path connecting via Dennes Hole (in addition to Ralphine Way path improvements and services). This would provide a more direct and safer connection for pedestrians and cyclists, compared with the current proposed (much longer, steep) route via Ralphine Way, vastly improving accessibility and encouraging more active transport.<br>• A connecting road to BayView / Atawhai which is essential to ensuring community resilience, providing alternative access in emergencies and reducing pressure on existing local roads.<br>• Confirm introduction of a public transport (bus) route from the city centre | The walk time to the centre of the development to Trafalgar Street is around 3.2 kilometres via Ralphine Way and 2.7 kilometres via Dennes Hole. This is a difference of only 500 metres. While the route may appear more accessible based on length, the path taken via Dennes Hole needs to follow existing paths, obstructions and the bluff around Dennes Holes. Based on usual walking and cycle speeds the difference in the travel times when comparing the two options, the consented shared path will take around six extra minutes for walking, and one minute and 20 seconds for cycling. |

| | | |
|---|---|---|
| | | The shared bridges crossing the Maitai River were primarily selected to accommodate services for the development. These bridges have been made wider to accommodate a shared path for a high-level of service for pedestrians and cyclists. Various designs were considered for the cycle and walking connection from the development to Nile Street East including around Dennes Hole. However, due to the swimming hole and floodplain potentially resulting in adverse impacts with construction, amenity, and accessibility, the Council preferred the shared path along Maitai Valley Road.<br><br>The existing walkway connection alongside Dennes Hole has also been shown on the landscape masterplan, and individuals can decide which route is taken. The route via Dennes Hole will be available for use but is likely to be less desirable for commuter cyclists due to its formation, the marginal difference in travel time that is offered between the two routes and the potential risk of future flooding events.<br><br>Rule X.9 of Schedule X NRMP does not require the connection to be made as part of this Project. The NRMP includes planning maps that identify indicative roads that must be progressively developed as a part of subdivision and development. This includes an indicative road between Ralphine Way and Bayview Road. This Project proposes to develop the first part of this indicative road (Road 1) from Ralphine Way, thereby providing safe and efficient vehicle access to the site. It will be the responsibility of Bayview to progressively complete the link when it develops its land in the future.<br><br>The development has been designed to provide for future public transport for the Maitahi development. When the link is completed to the Bayview land a service connecting through to Bay View Road can be provided. |
| 8.1 | These additional connections would increase interest, and provide functionality to the development that currently appears lacking. | The development provides a range of improvements that include an off-road shared path for vulnerable road users, upgrades to key intersections, the provision for public transport and connections to future land development on the Bay View land. All of these measures will provide integrated development once completed. |
| | Ralphine Way neighbours engagement requests: | |
| 8.2 | 1. As a group, we would like to request a timeline for when communications will be issued to us about the project's progression. Specifically, we would | These matters will be covered within the volunteered Construction Noise and Vibration Management Plan. (See Conditions Set B, V2, C26). |

| | | |
|---|---|---|
| | appreciate knowing what level of detail we can expect in those comms -such as work timings, likely disruption levels, and how far in advance we will be notified. | |
| 8.3 | 2. We would also like to request a walkabout of the site & street, at the start of each phase and major piece of work. This would be with a rep from Maitahi and someone from each contractor involved, as well as a council rep if relevant. Please communicate with Megan Lewis to arrange these with us. | These matters will be covered within the volunteered Construction Noise and Vibration Management Plan. (See Conditions Set B, V2, C26). |
| | Thank you for considering this submission. We look forward to the responses. | |

**Table 20:** Peter Olorenshaw and Julie Jones [redacted]

| | Comment | Applicant Response |
|---|---|---|
| 1 | We were one of the few local residents in favour of this development under the proviso that motor vehicles not come into the Maitai Valley but that it be made very convenient to walk and bike into the city. This would have minimised the effects of the development being there on the recreational values of Branford Park and would have meant no motor vehicle traffic impact on the valley and Nile Street. The motor vehicle traffic impact could of instead have been spread over multiple roads into Atawahi so no one road had too much traffic and by making cars go the long way around would have encourage active transport. This however was not done, worse than that the proposed active transport infrastructure provisions into the valley will deter people from doing anything but drive. | The Applicant disagrees the proposed transport infrastructure will deter people from other active modes of transport such as cycling and walking.<br><br>The site is very close to central Nelson and within easy cycling and walking distance, meaning it will be very convenient to walk and bike into the city. The Council are implementing changes to the parking supply in Nelson to discourage the use of vehicles. This will further encourage the use of public transport, walking and cycling via the shared pathway consent under RM245337-340.<br><br>In summary, the off-road shared pathway will encourage walking and cycling with walk times estimate to Trafalgar Street being around 35 minutes. Cycling times would be around 10 minutes to Trafalgar Street. Cycling is likely to be quicker than using a car by the time the driver has driven the route and found a car park and then walked to work.<br><br>The existing walkway connection via Dennes Hole will be available for use but is likely to be less desirable for commuter cyclists due to its formation, and the marginal difference in travel time that is offered between the two routes. The subdivision is located so that all the vehicular traffic will likely use Maitai Valley Road for access, with future connections through the Bay View land to Atawhai being less desirable by motorists due to increased travel time and grades. |
| 2 | They needlessly involve biking away from your intended direction, up and over a hill and two crossing of the Maitai Valley road river twice only to get back on onto the same side of the road and river that you could have been on with the direct route around the back of Dennes Hole. Regardless of the Ralphine Way route being in the plan change, a variation must be made to it to allow the direct walking and biking route into Branford Park. | The walk time to the centre of the development to Trafalgar Street is around 3.2 kilometres via Ralphine Way and 2.7 kilometres via Dennes Hole. This is a difference of only 500 metres. While the route may appear more accessible based on length, the path taken via Dennes Hole needs to follow existing paths, obstructions and the bluff around Dennes Holes. Based on usual walking and cycle speeds the difference in the travel times when comparing the two options, the consented shared path will take around six extra minutes for walking, and one minute and 20 seconds for cycling. |

| | | |
|---|---|---|
| | | The shared bridges crossing the Maitai River were primarily selected to accommodate services for the development. These bridges have been made wider to accommodate a shared path for a high-level of service for pedestrians and cyclists. Various designs were considered for the cycle and walking connection from the development to Nile Street East including around Dennes Hole. However, due to the swimming hole and floodplain potentially resulting in adverse impacts with construction, amenity, and accessibility, the Council preferred the shared path along Maitai Valley Road.<br><br>The existing walkway connection alongside Dennes Hole has also been shown on the landscape masterplan, and individuals can decide which route is taken. The route via Dennes Hole will be available for use but is likely to be less desirable for commuter cyclists due to its formation, the marginal difference in travel time that is offered between the two routes and the potential risk of future flooding events.<br><br>Furthermore, the Applicant disagrees a variation is required to accommodate a direct walking and biking route into Branford Park. It considers the consented shared pathway to be more than sufficient to accommodate the walking/cycling needs of residents and visitors to the development. |
| 3 | The through road connecting the to Atawhai must be part of this development right from the beginning even if that requires access through neighbouring Bayview Holdings land. | Rule X.9 of Schedule X NRMP does not require the connection to be made as part of this Project. The NRPM includes planning maps that identify indicative roads that must be progressively developed as part of the subdivision and development. This includes an indicative road between Ralphine Way and Bayview Road. This Project proposes to develop the first part of this indicative road (Road 1) from Ralphine Way, thereby providing safe and efficient vehicle access to the site. It will be the responsibility of Bayview to progress formation of this roading link when it develops its land in the future. |
| 4 | Our understanding is that this was part of the environment court approval of Plan Change 28 and should be adhered to. | As above. |
| 5 | We are concerned about realigning the Kaka stream through the sheep dip runnoff areas and more especially the proposed pond that appears to be on top of the sheep dip area. | As per responses to numerous comments on this topic, the potential effects of disturbing this land and realigning the Stream have been thoroughly considered. It is proposed to remove all contaminated soil underlying and |

| | | |
|---|---|---|
| | | near to the realigned Stream, until prescribed (and very low) contaminant concentrations are reached. The Stream will not travel down its new alignment until this has been achieved and certified. |
| 6 | We do not wish to be connected to any of the services that the development will bring in and do not want traffic lights on our street. | Whether or not the submitter is required to connect to the new water and wastewater infrastructure is outside of the scope of this application.<br><br>The matter of street lighting on Ralphine Way is not part of this Maitahi Village application for resource consent. Aside from the proposed upgraded intersection at Nile Street East, all other off site infrastructure upgrades are separate processes. |
| 7 | And we can find no reference to the development being cat and dog free, this is something we would like. | The volunteered Ecological Restoration Plan (Set B, V2) includes the consideration of pest animal control measures. The applicant is however unwilling to impose an unmanageable compliance burden through either consent notices or land covenant's that will not be enforced. |
| | **Body of Submission** | |
| 8 | **2. 1 Directness of Cycle Routes** is one of the core principles of encouraging active transport (eg https://eucg.eu/2020/05/29/how-to-develop-cycling-infrastructureslearning-from-the-dutch-example/). Peter has been the convenor of Nelson Transport Strategy Group (Nelsust) Inc. since 2008 and has extensively researched sustainable transport in general and encouraging active transport in particular. The proposed route for cycling is the opposite of the principle of directness in taking people away from the intended destination of commuting to town, up and over a hill and involves crossing the hazardous to cyclists Maitai Valley road twice and the river twice before getting back to the same side of the road and river as you could have been on with the direct route<br>around the back of Dennes Hole. Peter measured it on top of the South Maps and its ½ a km longer and involves climbing up from 17 m to 33 m. And at best alongside or on what will become busy roads of Ralphine Way and the Maitai Valley Road. In comparison, it could be fabulous biking around Dennes hole and through Branford park to to get directly to the proposed shared path at the beginning of the Maitai Valley Road, away from motor vehicles altogether for the most part and on a much shorter route. The Pink on the map is proposed, the red where it could, should and must go.<br>[map] | The site is very close to central Nelson and within easy cycling and walking distance, meaning it will be very convenient to walk and bike into the city<br><br>In summary, the off-road shared pathway will encourage walking and cycling with walk times estimate to Trafalgar Street being around 35 minutes. Cycling times would be around 10 minutes to Trafalgar Street.<br><br>The difference in cycle time is around 80 seconds from the consented shared path and Dennes Hole route. The difference is immaterial and would not discourage cyclists. The short moderate grade on Ralphine Way is also not significant to discourage a cyclist.<br><br>The shared path is off the road and can be used safely and efficiently. The crossing points over Maitai Valley Road and Maitai Road are raised thresholds and provide an accepted treatment for vulnerable road users to cross the road safely.<br><br>The existing walkway connection via Dennes Hole will be available for use but is likely to be less desirable for commuter cyclists due to its formation, and the marginal difference in travel time that is offered between the two routes. |

| | | |
|---|---|---|
| | | The existing walkway connection alongside Dennes Hole has however also been shown on the landscape masterplan (reference). It will be up to individuals to decide which route is taken. |
| 9 | Below is the route proposed by the developers showing the two needless road and river crossings:<br>[map] | The applicant disagrees with the comment. |
| 10 | **2.2 Pleasantness of Cycle routes** is imperative. It is not pleasant to have to cross busy roads with poor visibility and cycle alongside logging trucks and other motor vehicles. It is far better far more attractive to be well away from their smell, their noise and their intimidation by being in a separate path wafting through a parklike setting. We can't expect more than a hardcore few to take on crossing the Maitai Road twice needlessly and mix it up the most intimidating road vehicles the open wheeled logging trucks. If we want to encourage people to cycle and not clog the road up with their cars then its got to be safe, pleasant and convenient. | This comment has been addressed in this table at point 2 above.<br><br>The Applicant also notes the shared pathway along Ralphine Way, Maitai Valley Road and Maitai Road was considered by the Council through a separate process and consent was granted. The design of the cycle path has been also subject to a Road Safety Audit with only minor changes recommended.<br><br>The crossing points will be located where there are good sight lines, and the raised threshold will reduce the speed of vehicles using this route. |
| 11 | **2.3 Ralphine Way is an Unbikable Gradient** on a normal commuter bike. We are most often biking to and from town and on our no bike commuter bikes, the gradient is simple too steep. Zig zagging back and forward across the road makes it almost doable on a no assisted bike but that is not a great safety outcome. We urge reviewers of this application to come to Ralphine way and try and bike up it and see how you go. It is simply an unworkable gradient for biking. | There is a short section on Ralphine Way that has a moderate grade of around 110 metres in length that will make it a little more difficult for non-powered cycles, but not so difficult to deter cyclists due to the short nature of the moderate grade. E bikes will have no problems with the grade. |
| 12 | **2.4 People will vote with their feet or their pedals** and bike around the back of Dennes Hole anyway. Using the existing track there would not be a great outcome as a fall into the river is a distinct possibility with the unimproved track. | The appropriateness of an alternative route around Dennes Hole is addressed in directly above.<br><br>The Applicant also notes the existing walkway connection alongside Dennes Hole has also been shown on the landscape masterplan (Attachment 16.2(A). Landscape Design Report, p18). It will be up to individuals to decide which route is taken. |
| 13 | **2.5 Biking up Maitai Valley Road** past the bridge near Ralphine Way is not pleasant – the route in narrow and winding with poor visibility it is scary for cycling. The cycle bridge across the river here is not necessary or useful as most people | This is addressed in this table at point 2 above. |

| | | |
|---|---|---|
| | biking up the valley will turn off before Gibbs bridge and use the new cycleway alongside the river around the back of Sunday Hole to travel further up the valley | Furthermore, the Applicant notes the shared pathway and associated upgrades, are consented (RM245337-340). The merits of granting consent (including whether the cycle bridge is necessary) cannot be reconsidered under this Project. |
| 14 | **2.6 Other Holes** have biking around the back of them: Dennes Hole is one a 3 holes in the vacinity of the development. Both of the other other two holes, Black hole and Sunday hole have well established, well used cycle trails around the backs of them that are not to the detriment of people using the swimming hole. | The reasoning for selecting the shared pathway as consented (RM245337-340) is addressed in point 2 above.<br><br>The Applicant also notes there will be a less formal path connecting through Dennes Hole if pedestrians and cyclists choose to use it. However, it will be more suitable for pedestrians as cyclists will find the new shared pathway down Ralphine Way and across the bridges more convenient and easier to use.<br>Given the available options to cyclists and pedestrians under the Project, the Applicant disagrees with the commenter that further provision/connection around Black hole or Sunday hole is necessary and/or required. |
| 15 | **2.7 The Track Around Dennes Hole already exists** it is narrow and rocky but it is there already, it just needs to be lowered and widened. This will involve some rock hammering but this is nothing compared to the cost of building the two new concrete bridges. | The appropriateness of an alternative route around Dennes Hole is addressed in point 2 above. |
| 16 | **2.8 Biking Over Jickells Bridge** (the two lane one) is not scary - there are good sight lines there and footpaths on either side than can be biked on. The section of road between the two bridges is likewise open and wide for cycling and there is the option of the completely off-road cycle trail between the two bridges going under each of them to keep you completely away from the road traffic. Neither the separate cycle bridge at Jickells or the shared path along the road is necessary. As mentioned elsewhere a shared path on one side of the road might be part of the Nelson Tasman Land development manual but is actually a poor choice for people on bikes as it necessitates crossing the road for half of the people. Cycle paths adjacent to footpaths that are provided on both sides of the road are preferred and can be much narrower than normally though desirable<br>as they are unidirectional and people can use the adjacent cycle or footpath for overtaking if there is no one on the adjacent path. | The consented shared pathway are necessary to provide a safe and effective connection from the development to the city. The design provides a high-quality link with passive surveillance offered by passing traffic and other users. A wide shared path provides a safer and higher amenity than narrower paths. The wider path provides for two-way cycle and pedestrian flows and aligns with industry accepted practice.<br><br>Furthermore, the shared pathway , and associated upgrades, has been consented (RM245337-340) and that consent is not within scope to be varied under this Project. |

| | | |
|---|---|---|
| 17 | **2.9 Building Two New Bridges a Waste of Resources** not to mention developers money. Nelson has declared a climate emergency it should not approve investments with a high carbon cost and negative impacts on low emissions transport options. Unlike the direct route that is simple low carbon impact track building to and around Dennes Hole, the proposals include two new high embodied carbon concrete bridges. Concrete is responsible for some 8% of global climate emissions without factoring in the reinforcing steel which is also very high in embodied carbon emissions. Significant carbon emissions are completely avoidable with the direct route around Dennes hole.<br>[diagram] | The appropriateness of an alternative route around Dennes Hole is addressed in point 2 above.<br><br>Furthermore, the shared pathway, and associated upgrades, is consented (RM245337-340) and that consent is not within scope to be re-considered (including any potential climate change related effect resulting from constructing the shared pathway), as part of this Project. |
| 18 | **2.10 New Bridge would Jeopardise ever building 2 lane Bridge** If a new shared path bridge was built alongside the old one lane bridge near the bottom of Ralphine Way, it would be right in the way of building a new 2 lane bridge that is really needed. We shouldn't be building short term infrastructure that will need to be demolished to make way for a 2 lane bridge that is what is really required and needs to be built sooner or later. | The Shared Pathway including construction of the new shared path bridge, and associated upgrades, is consented (RM245337-340) and is not within scope of this Project to be re-considered. |
| 19 | **2.11 Traffic Report in Error** over Sight Lines at one way bridge Perhaps the Traffic report was unduly influenced by those paying his bills, but the sightlines for the one way Gibbs bridge at the bottom of Ralphine Way are terrible. You have to come out across the centreline before you can see if anyone is coming further up the road. Of course with a 2 lane bridge this doesn't matter. PTPO for photo<br>[photo]<br>This is a photo heading into town at the one lane Gibbs bridge at the bottom of Ralphine Way. You can't see if there are any vehicles coming until you are almost right on the bridge. | The available sight lines are more than 100 metres for vehicles approaching Gibbs Bridge, which allows opposing traffic to stop before a collision occurs. Traffic calming measures including the raised threshold across Maitai Valley at Ralphine Way, changes to road markings along with the increased traffic will reduce the operating speeds approaching the bridge to around 40 km/h. The required SSD for this future environment is 40 metres. The bridge will be safer than it is now and the likelihood of crashes occurring would be very rare.<br><br>The Applicant further notes that the sight lines meet best practice in regard to safe stopping distances (**SSD**) set out in Austroads and the Council's standard NTLDM. |
| 20 | **2.12 Solution Proposed to the Mayor** Peter talked to mayor Nick Smith about this very matter on 7/6/25 and a solution was put forward whereby the developers use the money already allocated for the two new bridges and put that with money from Nelson City Council and build a new 2 lane bridge to replace Gibbs bridge. This is a much better long term result for the city as well as locals. The new bridge would be better to have 2m wide shared paths on each side rather than one one one side that necessitates crossing the road at some point. | The One-Way Gibbs Bridge is one of the transport constraints identified in Rule X.9 of Schedule X (NRMP).<br><br>On 14 March 2025 the Council granted resource consents RM245337-RM245340 to the applicant through a separate consenting process to resolve those constraints identified in the rule, which include the construction of a dedicated shared pathway bridge alongside the one-way Gibbs Bridge, as well as a shared pathway bridge alongside Jickells Bridge. Upgrading the bridge to |

| | | |
|---|---|---|
| | | be double-laned was not identified as a required "construction" or "improvement" under X.9 of Schedule X of the NRMP.<br><br>The upgrades were consented on the basis they will provide a safe off-road path for pedestrians and cyclists from the site to Nile Street East.<br><br>The shared pathway (and bridges) will be completed under the granted consents prior to Stage 1 of the Maitahi Village subdivision gaining Title.<br><br>**Volumes**<br><br>The general capacity of a one lane bridge is around 1,900 vehicles per hour or some 8,000 vehicles per day. The Gibbs Bridge is relatively short and future traffic flows will have a tidal commuter flow as a result of people going to work in the morning and returning in the evening. This is likely to allow for more vehicle movements.<br><br>The traffic report for the Maitahi subdivision, including the Arvida retirement village and community hub had a total daily traffic flow of less than 2,000 vehicles per day, with different activities having different peak flows. For example, peak flows for the subdivision will be around the morning and evening whereas the retirement will be more in the middle of the day.<br><br>Importantly, the peak flows from the subdivision are expected to be around 110 vehicles per hour. This along with the peak flows already moving along Maitai Valley Road will be well below the operating capacity of the one lane bridge of 1,900 vehicles per hour.<br><br>It should be noted that an assessment of the vehicle delays and capacity of Gibbs Bridge were provided in the further information response to the Council dated 30 August 2021 (page 15 and 16).<br><br>The conclusion of the assessment is that as more vehicles use the one lane bridge there will be more inconvenience in terms of the likelihood of needing |

| | | |
|---|---|---|
| | | to wait for opposing traffic. The level of inconvenience was considered to be minor and not unusual for one lane bridges.<br><br>An assessment of the increased flows using Gibbs Bridge was also undertaken as part of the hearing process for PC28. This analysis assumed a higher traffic flow than what is anticipated for the Maitahi subdivision. The PC28 calculation included traffic coming from Bay View and was conservatively assessed as 3,750 vehicles per day. The total delay per day is 195 minutes. This is an average delay of three seconds per vehicle. In practice not all vehicles will be delayed, but when a vehicle must wait for opposing traffic it will be more than three seconds.<br><br>With regard to logging trucks, the potential increase on top of the existing and future flows will still be well below the operating capacity of the one lane bridge. Maitai Valley Road and connecting to Nile Street East already have large vehicles using this road.<br><br>**Safety**<br><br>From a safety perspective, this is not expected to change as the bridge is well sign posted with one lane bridge signs and priority controls. There is excellent visibility across and to the approaches to the bridge.<br><br>In this situation, the one lane bridge also operates as a traffic calming measure for the Maitai Valley Route. More traffic will increase the number of vehicle interactions and will raise driver expectations that they might have to give way to an opposing vehicle. This changes the driver's behavior and reduces the approach speeds as a result of drivers needing to slow down and give way more often.<br><br>Cyclists and pedestrians will have a separate shared bridge and path.<br><br>In relation to the logging trucks, the changes with a separated shared path will improve the safety of vulnerable road users. Heavy vehicles will continue to be able to safely and efficiently travel along this route. This has been |

| | | |
|---|---|---|
| | | discussed with NCC and there is agreement that the route can be for these heavy vehicles. |
| 21 | **2.13 Road Linkages to Atawhai**: rather than all this traffic impinging on one road, one community in Atawahi, it should be shared into multiple streets so no one street or area is affected to much. Suggested street connections are: Walters Bluff, Garin Heights, Paremata Street, Sea Watch Way, Bay View Road and Dodson Valley. It is our understanding that a through road connection to Atawahai was a condition of the Environment Court ruling on the plan change 28. The developer should be held to this. | Rule X.9 of Schedule X NRMP does not require the connection to be made as part of this Project. The NRMP includes planning maps that identify indicative roads that must be progressively developed as a part of subdivision and development. This includes an indicative road between Ralphine Way and Bayview Road. This Project proposes to develop the first part of this indicative road (Road 1) from Ralphine Way, thereby providing safe and efficient vehicle access to the site. It will be the responsibility of Bayview Nelson to progressively extend the link when it develops its land in the future.<br><br>The proposed roading connection to Ralphine Way provides an efficient link to the City. Road 1 follows the alignment of the Indicative Road shown on the Structure Plan, and has been designed to enable this to be extended in future when the adjacent land is developed. In conjunction with the subdivision and development that is extending from Bayview Road, this road will eventually link, including to Walters Bluff. Importantly, if the Integrated Transport Assessment (provided within Attachment 6 of the Substantive Application) identifies significant effects on the transport network in future applications for resource consent, then the link would then become an important factor before consent can be granted. That is not the conclusion from the applicants ITA. Progressive extension of indicative roads as a part for subdivision and development has been standard practice in Nelson, being consistent with the wider planning framework. |
| 22 | **2.14 Making Cars go "the long way round"** should be a central tenet of the city councils push for mode shift away from motor vehicles.<br>It is important to grasp that until we make active (and public) transport THE most attractive option for most people most of the time, the numbers using active transport will never be great. The best cities in Holland don't have 54% of people using a bike for normal commuting because they are hair shirt wearing green masochists. They don't have those rates not because they have great weather - it is often windy and wet and not nearly as sunny as Nelson. They don't have those rates because dutch are in love with bicycles - the old sit up and beg bikes they use with mudguards flapping half off tell another story. The Dutch have these high | As noted above, the difference between the consented shared path and Dennes Hole route is around 80 sections for a cyclist. This is not a deterrent for cyclists.<br><br>The Council are putting measures in place to discourage commuting to Nelson including public transport services, active transport modes and parking controls. These measures will make cycling more attractive than the use of a private car. |

| | | |
|---|---|---|
| | cycling rates because biking has been made the most attractive option for most of their trips. And that is what we need to do here. We still ask for the motor vehicle access to not be into the valley, not along Nile Street, but rather into multiple streets in Atawhai. We ask for a locked gate for motor vehicles at Ralphine Way so FENZ and Ambulances can access it directly but others can't. The direct route will be by bike around the back of Dennes hole. | The NRMP includes planning maps that identify indicative roads that must be progressively developed as part of a subdivision and development. This includes an indicative road between Ralphine Way and Bay View Road, along with a connection to Walters Bluff. This Project proposes to develop the first part of this indicative road (Road 1) from Ralphine Way, thereby providing a safe and efficient vehicle access to the site. |
| 23 | **2.15 Cat and Dog Free** - Although a number of Ralphine Way residents have cats and dogs, we would very much like to see the place cat and dog free so the birdlife can flourish and people don't get intimidated or even barked at. We and other Ralphine Way residents have already spent a lot of time trapping predators so birdlife, lizards and geckos can flourish and do not want to see our good work undone by introduced predators like cats and dogs | The volunteered Ecological Restoration Plan (Set B, V2) includes the consideration of pest animal control measures. The applicant is however unwilling to impose an unmanageable compliance burden through either consent notices or land covenant's that will not be enforced. |
| 24 | **2.16 Request to Be Updated Weekly** as to what sort of traffic movements and noise levels are likely in the coming week as the development proceeds. We ask for our neighbour Meg to be the contact for this. | Volunteered CNVMP (i.e. Set B, V2, C26 & C27) will require all receivers within 100m of construction works to be provided with advanced written notice of the construction works, the timing and duration of construction work, the proposed mitigation measures to be implemented to manage noise effects and the procedures for complaints/ concerns relating to noise.<br><br>Styles Group have recommended that the CNVMP condition ensures that the Ralphine Way receivers are provided with ongoing and regular updates as construction works/ staqes evolve. The engagement required by the CNVMP will ensure that the receivers are provided with advanced notice of the timing and duration of noisy construction works, enabling them to plan around any potential disruption. |