

1 Permitted activity standards assessment

The requirements for resource consent for the project are determined by the rules in the Nelson Resource Management Plan. The rules which apply are determined by the zoning of the site, any identified notations in the plan and the nature of the activities proposed. The activities in Table 1.1 have been identified as permitted activities under the NRMP. An assessment against the relevant permitted activity standards is provided below.

Table 1.1: Permitted activities relevant to the proposed activity

Proposed activity	Rule/ regulation description	Comment on compliance
Inner City – Fringe Zone		
Underground stormwater pipeline	ICr.51 Network utility - Above ground and underground utilities permits any underground network utility with the exception of high-pressure gas line exceeding a gauge pressure of 2000 kilopascal.	The proposed underground pipes extend through the portion of the Site that is zoned Inner City – Fringe zone. The proposal does not include a high-pressure gas line and is therefore a permitted activity.
Network utilities within flood areas ¹ (High Flood Hazard overlay)	Rule ICr.59D Flood Areas except Flood Paths or Floodways – Network Utility provides for network utilities as a permitted activity provided that it is: [...] <i>b. an underground network utility; or</i> [...]	This rule applies to network utilities located within the High Flood Hazard overlay within the Inner City zone. As the proposed pipes are underground network utilities, the activity is permitted and a resource consent is not required.
Flood mitigation and protection works within flood areas (High Flood Hazard overlay)	Rule ICr.59F Flood Areas except Flood Paths or Floodways – Flood mitigation and protection works provides for the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works undertaken by a network utility operator as a permitted activity. There are no permitted activity conditions.	This rule applies to the High Flood Hazard overlay within the Inner City zone. As the proposed flood mitigation activities are undertaken by a network utility operator (NCC), the activity is permitted and a resource consent is not required.

¹ **Flood Areas** under the NRMP: means areas identified on the planning maps (under the layer group 'NRMP Hazards'), or otherwise in Appendix 30, where flood hazard rules apply and include: Flood Hazard Overlay, High Flood Hazard Overlay, Floodway, Flood Path Overlay, Flood Paths specified in the Flood Path Table (Appendix 30), Inundation Overlay, Flood Overlay.

Proposed activity	Rule/ regulation description	Comment on compliance
Open Space and Recreation Zone		
Underground stormwater pipeline within the Open Space Recreational Zone	Rule OSr.43 Network utility - Above ground and underground utilities provides for any underground network utility as a permitted activity with the exception of high-pressure gas line exceeding a gauge pressure of 2000 kilopascal.	The proposed underground pipes extend through the portion of the Site that is zoned Open Space zone. The proposal does not include a high-pressure gas line and is therefore a permitted activity.
Vegetation clearance within the Open Space Recreational Zone	OSr.47 Vegetation clearance is provided for as a permitted activity subject to compliance with notable conditions, including [...] <i>d. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</i> <i>i. stabilised so that no earth moves off-site or presents a danger to life or property; and</i> <i>ii. vegetated, paved, metalled or built over; and</i> [...] <i>f. There is no clearance of indigenous forest and</i> <i>g. there is no clearance of vegetation within a Biodiversity Corridor [...]</i>	The proposed vegetation removal within the Open Space Recreation zone involves the removal of a limited area of predominantly exotic riparian vegetation, along with minor grass and vegetation clearance at the outlet location. No clearance of indigenous forest is proposed. The project site is not located within a Biodiversity Corridor, and no vegetation within such areas will be affected. All vegetation clearance will be minimised to that necessary to undertake the works. Any areas of exposed soil will be stabilised as soon as practicable and no later than six months following disturbance. These areas will be reinstated through replanting with like-for-like or native equivalent species, or otherwise appropriately stabilised. Therefore, a consent is not required.
Soil disturbance within the Open Space Recreational Zone	Rule OSr.48 Soil disturbance provides for the disturbance as a permitted activity if: <i>a. either: the predominant slope does not exceed 25° from horizontal;</i> [...] <i>b. soil disturbance does not take place within 5m of the banks of any river identified in Appendix 6</i> [...] <i>c. no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats; and</i> <i>d. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</i> <i>i. stabilised so that no earth moves off-site or presents a danger to life or property; and</i>	Soil disturbance within the Open Space Zone will be required however the predominant slope does not exceed 25° from horizontal. In addition, as described in Section 3 the construction methodology avoids disturbance in proximity to the rivers listed in the NRMP Appendix 6, will avoid placing soil etc where it may enter rivers, and will involve stabilising any excavations as discussed earlier. This methodology allows the other notable conditions in this rule to be met. Therefore, a consent is not required.

Proposed activity	Rule/ regulation description	Comment on compliance
	<i>ii. vegetated, paved, metalled or built over; and [...]</i> <i>g. trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable; and</i> <i>h. soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</i>	
Earthworks in an Inundation Overlay	Rule OSr.58 Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation provides for temporary earthworks for the laying of underground network utility lines where the profile of the land is not permanently altered, as a permitted activity.	Earthworks are required for the installation of <i>utility service lines</i> but the profile of the land will not be permanently altered. On this basis the activity is permitted, and a consent is not required.
Freshwater		
Compliance with general conditions	Rule FWr.1.1 General conditions <i>i. the activity:</i> <i>- shall not affect sediment levels or vegetation in all lower tidal reaches of waterbodies during the main spawning period of īnanga (15 March to 31 May), and</i> <i>- shall not be carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of koaro and kokopu species spawning habitat, unless ambient levels of sediment are returned within 48 hours of construction commencing within the waterbody, and</i> <i>- shall not be carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoa, Wakapuaka, Lud and Teal rivers and Poorman Stream, and</i> <i>ii. there shall be no storage, mixing or refuelling of fuel, oil, paints, agrichemicals or other similar substances within the bed or within 5m of the banks of any flowing river, or any wetland, and</i> <i>iii. any activity associated with bed disturbance shall not, after reasonable mixing, give rise to any of the following effects in the receiving waters:</i>	The proposed works will comply with the relevant general conditions of Rule FWr.1.1, particularly: - Construction commences in January 2027, where stage 1 (river edge to Riverside) is anticipated to be undertaken for 2-3 weeks. Therefore, works within the Maitai River are anticipated to occur outside of the 15 March to 30 September window (e.g., the īnanga (<i>Galaxias maculatus</i>) and trout (<i>Salmo</i> sp.) fish spawning period), compliant with FWr.1.1 (i)). - Any hazardous substances will be stored at a location agreed between the contractor and NCC at least 5m from the Maitai Riverbanks (compliant with FWr.1.1 (ii)). - It is not anticipated that the activities will result in the effects identified in FWr.1.1 (iii) after reasonable mixing nor will vehicles and machinery to be utilised in the wetted bed, (compliant with FWr.1.1 (iii) and (iv)). - Fish passage will be maintained at all times (compliant with FWr.1.1 (v)).

Proposed activity	Rule/ regulation description	Comment on compliance
	- the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or - any conspicuous change of colour or visual clarity, or - any emission of objectionable odour, or - any significant adverse effects on aquatic life, and iv. the use of vehicles and machinery in the wetted bed shall be avoided where possible, and v. fish passage shall be maintained, both during construction and afterwards, and vi. any riparian areas which are disturbed are rehabilitated to the same state or better than that which existed prior to the disturbance, except for the direct approaches to the crossing, and vii. the bed disturbance activity shall not impede legal right to foot access to and along the waterbody, where it exists, unless public notice has been given in accordance with a health and safety plan.	
Removal of the existing outlet structure along on the true right of the Maitai River	Rule FWr.7.1 Removal of obsolete structures in the beds of rivers and lakes provides for the removal of instream obsolete structures as a permitted activity if the general conditions for bed disturbance in rule FWr.1.1 are met.	The applicant proposes to remove an existing outlet structure along the Maitai River which is permitted provided the conditions of Rule FWr.1.1 are complied with. As mentioned above, the activities along the Maitai River will occur in accordance with Rule FWr.1.1 therefore no consent is required.
Deposition of material in the bed/banks of the Maitai River	Rule FWr.9 Deposition of material in the beds and on the banks of rivers and lakes, and in wetlands provides for the deposition of rock/ or associated material within the bed or on the banks of a river as a permitted activity provided the following conditions are met: i. the general conditions in rule FWr.1.1 are met, and ii. any rocks used look similar to those naturally occurring in the area, and iii. the rocks are clean and free of contaminants including sediment, and iv. whenever possible work is undertaken in such a way that habitats are maintained (in both the margin and riverbed), and v. there is no increase in bed sediment downstream of any crossing or protection works, and	Placement of rock/ or associated material is required within the bed or on the banks of the Maitai River for the purposes of erosion and scour protection. Conditions (i) to (iv) will be met. Compliance with (v) will be achieved by implementing the proposed erosion and sediment controls and restatement occurs. The extent of the proposed rock lining along the Maitai Riverbank will be less than 30 lineal metres and limited to the outlet locations per the design drawings. Therefore, the activity is compliant with Rule FWr.9.

Proposed activity	Rule/ regulation description	Comment on compliance
	<i>vi. no more than 30 lineal metres per 100m stretch of waterway is rock lined.</i> Otherwise, consent is required as a discretionary activity.	
Temporary diversion of water in the Maitai River to create a dry working area	Rule FWr.13 Temporary diversion of surface water provides for temporary diversion of water during works carried out in a stream as a permitted activity provided the following conditions are met: <i>i. the quality of the diverted water returned to the water body is at least as high as the water when it was abstracted, and</i> <i>ii. the flow, and fish passage, is maintained at all times, and</i> <i>iii. the diversion does not continue for more than one month, and</i> <i>iv. the length of the diversion is no longer than 50m, and</i> <i>v. the diversion:</i> <i>- does not affect sediment levels or vegetation in the lower tidal reaches of water bodies during the main spawning period of inanga (15 March to 31 May), and</i> <i>- is not carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of kokaro and kokopu species spawning habitat, and</i> <i>- is not carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoa, Lud, Teal rivers and Poorman Stream.</i> Otherwise, consent is required as a discretionary activity.	The implementation of the CMP and erosion and sediment controls such as working in the dry will maintain water quality. The work will be staged so as to avoid key spawning periods and the use of a coffer dam or similar to create a dry working area will minimise the length of the diversion and maintain fish passage. Therefore, the activity will comply with Rule FWr.13 (iii) to (v).
Dewatering during construction	Rule FWr.14(d) Provides for <i>the take of groundwater for dewatering a site during construction or earthworks</i> as a permitted activity subject to a number of conditions. <i>i. the take does not lower groundwater to more than 8m below the ground level of the site, and</i> <i>ii. the take does not create a significant risk of subsidence.</i>	Proposed excavations at a maximum depth of 3.5 m may encounter groundwater. Dewatering of the trench may be required; however, the expected volumes are small and do not have a significant risk of subsidence. This achieves compliance with Rule FWr.14 (i) and (ii).
Discharges to Council's stormwater network	FWr.25 General discharges to land where it may enter water [...]	The proposal includes temporary treated dewatering discharges to the NCC stormwater network during construction. The proposal is anticipated to comply with the relevant conditions

Proposed activity	Rule/ regulation description	Comment on compliance
	<i>g. Discharges into the Council's stormwater infrastructure are permitted if they comply with:</i> <i>i. the conditions in the NCC Stormwater Bylaw 2006, and</i> <i>ii. section 9.3 of the NCC Land Development Manual 2010, and</i> <i>iii. all other stormwater management requirements in the Plan.</i>	of the NCC Stormwater Bylaw 2006, subject to the implementation of the measures set out in the site specific CSMP. These controls are anticipated to comply with the requirements of section 9.3 of the NCC Land Development Manual 2010. As such, discharges to Council's stormwater infrastructure are a permitted activity and a resource consent is not required.