



Maitai Flood Improvement - Queen's Garden Stormwater Upgrade

Assessment of Effects on the Environment

Prepared for
Nelson City Council

Prepared by
Tonkin & Taylor Ltd

Date
July 2026

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Table of contents

1	Introduction	1
1.1	Introduction and overview	1
1.2	Background	1
1.3	Area 3 flood improvements	2
1.4	Applicant and property details	3
1.5	Summary of resource consents required	4
1.6	Duration and lapse	4
2	Environmental setting	5
2.1	General description	5
2.1.1	Project location	5
2.1.2	Site and surrounding land uses	5
2.1.3	Queen's Gardens	6
2.1.4	Property ownership of the Site	6
2.2	Existing flood risk	6
2.3	Existing infrastructure	7
2.4	Contamination land	8
2.5	Geology and hydrology	9
2.6	Cultural values	9
2.6.1	Mahitahi or Maitahi River	10
2.6.2	Te Aratuna	10
2.7	Archaeology	10
2.8	Ecological values	11
3	Description of proposed activity	12
3.1	Overview	12
3.2	Stormwater pipeline and alignment	13
3.3	Outlet along the Maitai River	13
3.4	Water supply pipe	14
3.5	Construction methodology	14
3.5.1	Timing, duration and sequencing of works	14
3.5.2	Site preparation and laydown	14
3.5.3	Construction staging and access	15
3.5.4	Soil disturbance	15
3.5.5	Vegetation removal and management	17
3.5.6	Construction machinery	17
3.6	Erosion and sediment control	17
3.7	Ongoing monitoring	18
4	Resource consent requirements	19
4.1	Existing resource consents held by NCC	19
4.2	Nelson Resource Management Plan	19
4.2.1	Zoning and planning notations	19
4.2.2	Resource consent requirements	21
4.3	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	24
4.4	Other regulations	24
4.5	Other consents and approvals required	25
4.5.1	Corridor access request	25
4.5.2	Heritage New Zealand Pouhere Taonga Act	25

5	Consultation	26
5.1	Mana whenua engagement	26
5.1.1	Engagement undertaken	26
5.2	Tenths Land and Wakatū Incorporation	27
5.3	Nelson City Council departments	27
5.4	Heritage New Zealand Pouhere Taonga	27
5.5	Adjacent landowners and tenants	28
6	Assessment of effects on the environment	29
6.1	Introduction	29
6.2	Positive effects	29
6.3	Flooding effects	30
6.4	Construction effects	30
6.4.1	Erosion, sedimentation and dust effects	30
6.4.2	Construction traffic, access and parking effects	31
6.5	Construction noise and vibration effects	31
6.6	Ecological effects	33
6.6.1	Temporary ecological effects	34
6.6.2	Ongoing ecological effects	35
6.7	Effects of the discharge on riverbed stability	35
6.8	Effects from contaminated soils disturbance	36
6.9	Landscape and visual amenity effects	37
6.10	Archaeological effects	37
6.11	Cultural effects	37
6.12	Summary of proposed mitigation	38
7	Statutory assessment	39
7.1	Consideration of applications	39
7.2	National policy statements	39
7.2.1	National Policy Statement for Freshwater Management 2020	39
7.2.2	National Policy Statement for Infrastructure 2025	39
7.2.3	National Policy Statement for Indigenous Biodiversity	41
7.2.4	National Policy Statement for Natural Hazards	41
7.3	National environmental standards	41
7.3.1	National Environmental Standards for Assessing and Managing Contaminants in Soil to Project Human Health	41
7.4	Regional policy statement	42
7.5	Nelson Resource Management Plan	43
7.6	Other matters	50
7.6.1	Heritage New Zealand Pouhere Taonga Act 2014	50
7.6.2	Iwi management plans	50
7.7	Other Resource Management Act 1991 considerations	53
7.7.1	Non-complying activities – section 104D ‘gateway test’	53
7.8	Part 2 of the RMA	53
8	Notification assessment	55
8.1	Public notification	55
8.2	Limited notification	55
8.2.1	Section 95B: four-step process	55
8.2.2	Section 95E: assessment of affected persons	55
8.3	Sections 95A and 95B conclusions	56
9	Conclusion	57
10	Applicability	58

Appendix A	Consent application forms
Appendix B	Record of Title
Appendix C	Consent Drawings
Appendix D	Detailed Site Investigation
Appendix E	Cultural Impact Assessment
Appendix F	Archaeological Report
Appendix G	Ecological Impact Assessment
Appendix H	Contamination Site Management Plan
Appendix I	NRMP Planning Maps
Appendix J	Standards Assessment
Appendix K	Consultation records

Glossary

Term	Definition
AEP	Annual Exceedance Probability is the probability of a flood of a certain size occurring in any given year. Unless stated otherwise, the flood events are for the present day (i.e., with no allowance for future climate-related changes). Examples: • A 2% AEP refers to an Annual Exceedance Probability event, meaning a natural hazard of a given size, such as a flood, has a 2% chance of occurring (or being exceeded) in any given year. This is sometimes called a “1-in-50 year flood”. • A 1% AEP event has a 1 in 100 chance of occurring annually. This is equivalent to a 1-in-100-year event, indicating that such an event is expected to occur, on average, once every 100 years.
ADP	Accidental Discovery Protocols
CMP	Construction Management Plan
CSMP	Contamination Site Management Plan
CNVMP	Construction Noise and Vibration Management Plan
dB	Decibel is a logarithmic unit used to measure sound levels. Higher dB values indicate louder noise levels.
Discernible vibration	Vibration that can be detected or perceived by people.
Design flood event	The proposed activities as part of this application have been designed to achieve flood protection against the 2090 1% AEP storm event (equivalent to a 1-in-100-year event) under the Representative Concentration Pathway 8.5 (RCP8.5M) climate change scenario, incorporating a 10% blockage allowance.
EMP	Ecological Management Plan
ESCP	Erosion and Sediment Control Plan
LOS	Level of Service is the flood event magnitude that a structure is designed to withstand. The LOS selected for the project 1% 2050 RCP 8.5M.
LAeq	The equivalent continuous A-weighted sound level measured over a specified period. It represents the average noise energy over time and is commonly used for assessing construction noise.
RCP8.5M	Refers to a Representative Concentration Pathway (RCP) climate change scenario, representing high greenhouse gas emissions with medium sensitivity assumptions. This affects the project in terms of anticipated future increases in peak flows for a given AEP. For example, the 2090 RCP8.5M 1% AEP scenario models a 1% AEP flood event under climate conditions projected for the year 2090 assuming RCP8.5M emissions.
TTM	Temporary Traffic Management
PAH	Polycyclic Aromatic Hydrocarbons
PPV	Peak Particle Velocity - A measure of vibration intensity expressed in millimetres per second (mm/s).
Scour	Erosion caused by fast-moving water, which can undermine flood protection structures.
True left / true right	The left-hand or right-hand side of the river when looking downstream.
ZOI	Zone of influence - refers to any waterbodies (including their riparian zones) and fauna which reside or utilise these waterbodies.

1 Introduction

1.1 Introduction and overview

Nelson City Council (NCC) proposes to upgrade an undersized stormwater pipe extending from the Queen's Gardens Pond to the Maitai River as part of a series of flood improvement activities along the Maitai River (Mahitahi¹). For consistency, we refer to it as the Maitai River throughout this AEE.

This Assessment of Effects on the Environment (AEE) report has been prepared in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991 (RMA) on behalf of NCC (the applicant). Its purpose is to support a resource consent application to authorise the replacement of the undersized stormwater pipe with a new pipe linking Queen's Gardens Pond to the Maitai River.

1.2 Background

Large parts of Nelson's urban area are subject to a significant natural hazard risk due to river flooding. The Maitai River has played a central role in Nelson's history of flooding, with numerous significant events recorded in recent time.

During the August 2022 and May 2023 rain events, high water levels in the Maitai River impacted the discharge capacity of the outlet from the existing stormwater retention pond in Queen's Gardens. This resulted in backflows into the pond during the event and localised flooding of Bridge Street properties and the Suter Art Gallery (Te Aratoi o Whakatū) basement (See **Photographs 1.1** below).

The Suter Art Gallery is one of the oldest galleries in continuous use in New Zealand, originally opening in 1899. The basement is crucial for the building's operations and storage, housing essential building services and archival materials. During the flooding events in 2022, the Suter basement and movie theatre was affected by contaminated water, leading to the temporary closure of the gallery, café, and educational art classes.

NCC has received funding as part of the government's Regional Infrastructure Fund (RIF) to improve the flooding resilience along the Maitai River. The RIF is the government's commitment to investing in and improving New Zealand's regional infrastructure, helping to boost the New Zealand economy, increase regional prosperity, and create jobs. As part of the RIF requirements, NCC must complete its RIF projects by 30 June 2027.

The RIF projects target areas mostly impacted by the August 2022 floods and NCC proposes to undertake a series of flood improvement activities along the Maitai River, to address river overtopping during major flooding events.

In accordance with the direction set in Nelson's Long-Term Plan 2024–2034 (LTP), the focus is to *build back better* to improve resilience to future flood events. Four RIF projects are associated with the Maitai River catchment², and this resource consent specifically comprises stormwater infrastructure upgrades connecting the Queen's Gardens Pond to the Maitai River, in an area referred to as Area 3.

¹ While the river is commonly known as the Maitai, this is probably a corruption of its original name of Mahitahi or Maitahi (source: <https://www.theprow.org.nz/maori/the-mahitahi-maitai-or-maitahi-river/>). This report adopts the common river name of Maitai.

² Four projects known as Area 1, Area 3, Cleveland Terrace stormwater upgrade and Nile Street East stormwater diversion.



Photograph 1.1: Flooding at the Queen's Gardens on the left and on Bridge Street properties during the August 2022 storm event. Source: Toby Kay, NCC.

1.3 Area 3 flood improvements

This project is part of a wider programme to address flooding caused by heavy rainfall events.

The flood improvement activities along the Maitai River have been grouped into five 'Flood Option Areas', with areas further divided into 'Portions' (**Figure 1.1**). The area pertinent to this consent application is located within Area 3, Queen's Gardens to Maitai River.

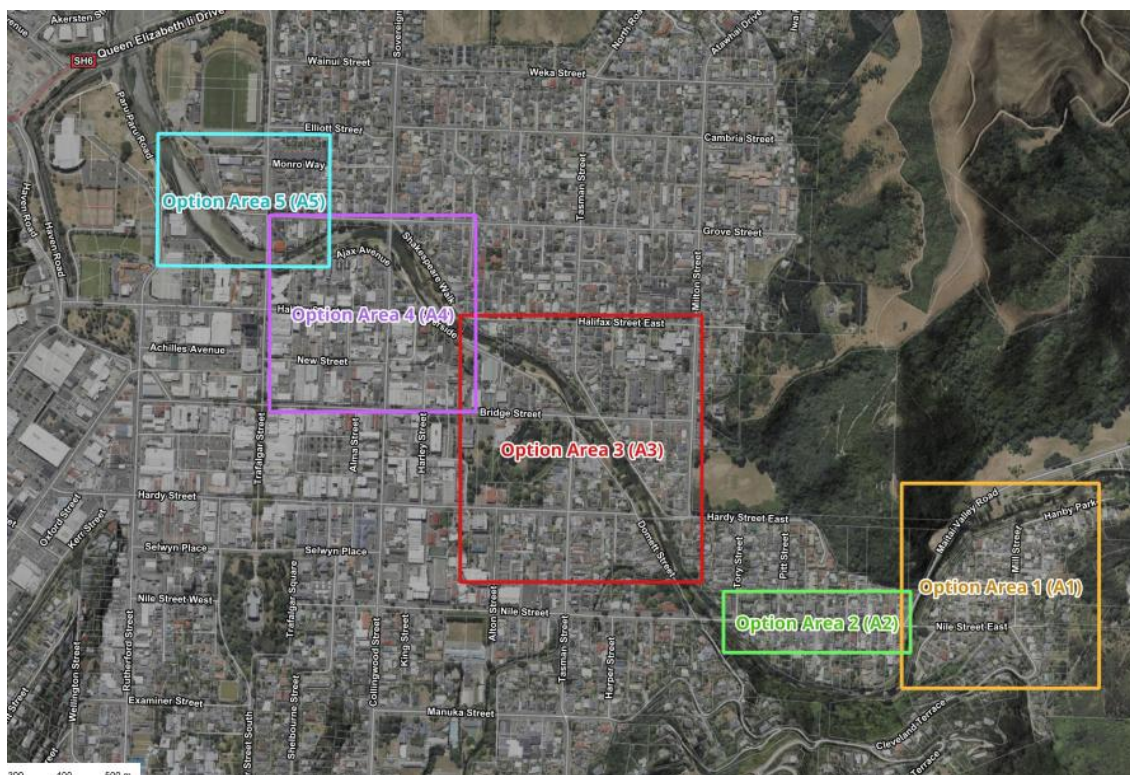


Figure 1.1: Maitai River flood options areas.

NCC has explored various options for stormwater upgrades, with the aim of reducing flooding in this area caused by outlet capacity issues and backflow from the river in extreme rainfall events, which has contributed to localised flooding at Bridge Street properties and the Suter Art Gallery.

Based on the findings of an Options Assessment Report³, NCC identified a preferred option (Option 1A), which comprises a pipe of nominal diameter 1,050 mm from Queen's Gardens, extending north into Bridge Street, traversing several private properties, before continuing under Ngaire Place, under Riverside and discharging into the Maitai River.

Option 1A is identified as the preferred option because it provides improved constructability and lower delivery risk. This is mainly because of the shallower trench depth required as alternative alignments had very deep excavations (up to 5 m deep). The selected option also reduced the need for trench support near bridge foundations, and a shorter overall pipe length reducing construction cost, time and disruption.

To align with the RIF schedule requirements, the project is expected to take place from January to June 2027.

1.4 Applicant and property details

Table 1.1 below sets out the details of the applicant and application site.

Table 1.1: Applicant and property details

Applicant	Nelson City Council
Site address / Owner of application site	210 Bridge Street, Nelson (Queen's Garden): NCC Bridge Street: NCC Ngaire Place: NCC 205 Bridge Street, Nelson: Halifax Holdings Limited (easement agreement is being arranged) 207 Bridge Street, Nelson: C & F Developments Limited (required for construction access/ laydown)
Site address	Queen's Garden – 210 Bridge Street, Nelson 205 Bridge Street, Nelson 207 Bridge Street, Nelson
Legal Description	Part Reserve M City of Nelson Part Section 184 City of Nelson Lot 3 DP 17899 Lot 2 DP 17899
Record of Title	NL12A/432 NL12A/431
Council / Plans	Nelson City Council: Nelson Resource Management Plan
Address for service during consent processing	Attention: Sara McMillan Phone: 03 545 6232 Email: smcmillan@tonkintaylor.co.nz
Address for service during consent implementation and invoicing	Attention: Wale Ilori Phone: 03 545 8835 Email: Wale.Ilori@ncc.govt.nz

We attach copies of the Application Forms in **Appendix A**, the relevant Records of Title in **Appendix B**, and the Design Drawings in Consent Drawings **Appendix C**.

³ Maitai River flood protection works – Queen's Gardens pipeline options report. Prepared by T+T. Job No. 1006675.5171 v1, 28 July 2025.

1.5 Summary of resource consents required

Resource consent is required from NCC (as consenting authority) under the Nelson Resource Management Plan (NRMP) for the upgrading of the undersized stormwater pipe linking the Queen's Gardens Pond to the Maitai River (described in further detail in Section 4).

Overall resource consent is required from NCC as a **non-complying** activity.

1.6 Duration and lapse

Pursuant to sections 123 and 125 of the RMA, a lapse date and consent duration of 5 years is sought.

It is intended that construction will be completed by June 2027. This timeframe is intended to align with the broader programme of flood protection activities, ensuring consistency in delivery and minimising disruption.

2 Environmental setting

2.1 General description

2.1.1 Project location

The proposed upgrade to the undersized stormwater pipe within the project area is located in central Nelson (**Figure 2.1**). The alignment originates from Queen's Garden Pond and extends north towards Bridge Street, through public and private land (including a private property at 205 Bridge Street and Ngaire Place) before discharging into the Maitai River opposite the Riverside Pool (herein referred to as 'the Site').

2.1.2 Site and surrounding land uses

The Site encompasses a diverse range of land uses. At the southern end of the Site, the Queen's Garden is zoned Open Space Recreation. North of Bridge Street, land uses include commercial properties (zoned Inner City – Fringe) to the east and west and, then residential properties (zoned as Residential) on the eastern side of Ngaire Place and Open Space Recreation zoned properties on the western side of Ngaire Place.

The area is generally flat, with ground elevations ranging from 4 to 6 metres above sea level.



Figure 2.1: Site location plan and extent. Source: T+T, 2026.

2.1.3 Queen's Gardens

The Queen's Gardens (also known as Te Aratuna/ Ara Tuna, this AEE report adopts 'Te Aratuna'), is located east of Nelson's City centre, at 210 Bridge Street with access from Bridge, Hardy and Tasman Streets. The Site is situated to the east of the Suter Art Gallery and is approximately 1.8 hectares in size. The Gardens opened in 1892 and were developed around a detached residual bend of the Maitai River, formally known as the Eel Pond Reserve, and referred to in this AEE as the Queen's Gardens Pond.

The area holds cultural significance and is regarded as a taonga, as it was an important mahinga kai, particularly for tuna (eel) harvesting (refer to Section 2.6 for further details). The Gardens today retain many elements of its Victorian-era character including gates, memorials and planting arrangements.

Queen's Gardens is a Category 2 Historic Place on the New Zealand List and is home to individual local, landscape and heritage trees (refer to Section 2.7).

2.1.4 Property ownership of the Site

Bridge Street, classified as a collector road in the NRMP, serves as an east-west corridor through the city centre, accommodating pedestrians, cyclists and drivers. Riverside (road) adjacent to the riverbank, and Ngaire Place, a cul-de-sac branching off Riverside, are both classified as local roads. Both the Queen's Gardens and road reserves are owned and administered by NCC.

The proposed pipe alignment passes through the commercial private property at 205 Bridge Street, which is owned by Halifax Holdings Limited and the 207 Bridge Street driveway, owned by C & F Developments Limited.

2.2 Existing flood risk

Under the existing scenario, NCC hydraulic modelling shows that the overland flow path through Queen's Gardens contributes to flooding of adjacent private properties and land on the northern side of Bridge Street during significant storm events (Figure 2.2). This was validated by the August 2022 flood level survey (points shown in red) and images taken during the flood event (Photograph 1.1). Flooding experienced during the August 2022 event largely resulted from backflow through the existing stormwater infrastructure discharging near the Aratuna Normanby Bridge at Bridge Street. The August 2022 flood survey indicates that flood levels in this section of the Maitai River were close to those associated with a 2% AEP⁴ (1-in-50-year event) flood event. Existing NCC modelling also indicates that backflow from the Maitai River into Queen's Gardens can occur during smaller events, including a 10% AEP (1-in-10-year event) flood event.

⁴ Annual Exceedance Probability

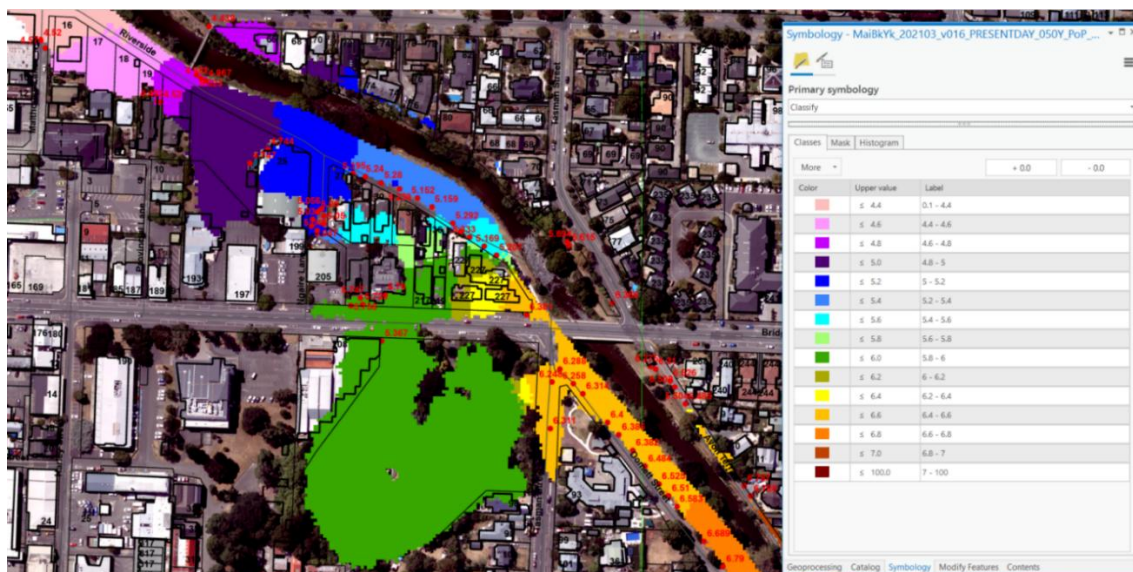


Figure 2.2: Existing NCC modelling results for the 2% AEP (1-in-50-year flood event), provided by Toby Kay.

2.3 Existing infrastructure

The pond is currently supplied by two existing water takes: the Alton Street intake via the Brook Stream and the Te Aratuna bore.

Discharge from the pond is via two outlets, one to the Bridge Street stormwater network, and a second one direct to the Maitai River (**Figure 2.3**). Of relevance to this project is the outlet located on the north-western corner of the Gardens, which consists of a 200 mm concrete diameter pipe that connects to a 300 mm diameter pipe that flows east along Bridge Street. This pipe network has insufficient capacity and, during large storm events when the water level in the Maitai River is elevated, localised flooding is known to occur.

The existing underground services along Bridge Street include water and wastewater infrastructure and non-Council owned network utilities including fibre, telecom, and power.



Figure 2.3: Existing drainage infrastructure site map

2.4 Contamination land

A detailed description of soil and groundwater contamination is provided in the Detailed Site Investigation (DSI) Report (**Appendix D**), prepared by Tonkin & Taylor Ltd (T+T) and dated 7 July 2026.

In summary, the investigation confirmed that in certain locations, both soil and groundwater within the alignment area are affected by contamination, and that earthworks are likely to intersect contaminated material.

An intrusive investigation was conducted in July 2025 by a suitably qualified and experienced practitioner (SQEP). A site history review was also undertaken, indicating the area has been developed since at least the 1940s. The alignment area has been largely paved since the 1970s, with evidence of historical fuel storage and modifications to the riverbank and surrounding land. The DSI found that:

- A former service station at 205 Bridge Street⁵ contained three underground storage tanks used for petrol and diesel. These tanks were reportedly removed, and NCC records note “minimal contamination of ground” at the time of decommissioning.
- Alterations to the true left bank of the Maitai River may have involved localised filling.

⁵ HAIL A17

- Previous investigation by Envirolink Ltd identified elevated concentrations of PAHs⁶ and heavy metals exceeding the Soil Contaminant Standards for industrial/commercial land use and landfill contaminant standards in certain locations.

The investigation confirmed contamination in soil and groundwater is present in parts of the site:

- Soil: all metals are below the Soil Contaminant Standards for commercial/ industrial land use. Elevated concentrations of contaminants (coal tar exceeding PAH criteria) for commercial/industrial land use are present in some locations (refer DSI for locations and exceedances).
- Groundwater: elevated concentrations of heavy metal contaminants (total concentrations) were identified, which may constrain discharge to stormwater systems or directly to the Maitai River without appropriate management.

Additional HAIL areas are recorded nearby; however, based on their distance from the site and the hydraulic gradient, they are not considered likely to have affected soil or groundwater beneath the site.

2.5 Geology and hydrology

The site is predominantly underlain by alluvial sediments belonging to the Appleby Gravel Formation, which date from the late Quaternary to Holocene period. No active faults are mapped nearby, the closest is the West Flaxmore Fault Zone which lies approximately 200 m east of the site.

Historical evidence suggests that the Maitai River has altered its course over time, influencing ground conditions near 205 Bridge Street. Subsurface investigations recorded reclaimed ground in this area, comprising a mixture of gravel, ash, clinker, and assorted historic debris, such as ceramics, glass fragments, and organic waste. Along Ngaire Place, earlier works also identified burnt material and fill deposits. Across the remainder of the alignment, near-surface soils generally consist of sandy silts to silty gravels.

For this project, the Queens Gardens Pond and Maitai River represent the primary surface water features, positioned at the southern and northern ends of the proposed alignment respectively. Local groundwater was measured at depths between 2.85 and 3.46 m below ground level, with an anticipated flow northward towards the Maitai River.

2.6 Cultural values

Following engagement with mana whenua (refer to Section 5 for further detail), Ngāti Koata, Ngāti Tama ki Te Waipounamu, and Ngāti Toa Rangatira prepared a Cultural Impact Assessment (CIA) for the project (**Appendix E**). The CIA describes Te Aratuna and its hydrological connections as part of a wider interconnected freshwater system within Whakatū and Te Taihū o Te Waka-a-Māui⁷, and sets out iwi values, interests, and responsibilities in relation to the proposal, grounded in mātauranga Māori, iwi planning instruments, statutory acknowledgements, and Te Tiriti o Waitangi obligations

The following subsections summarise the CIA's iwi-led assessment, including iwi associations and values connected to the Maitai / Mahitahi River and Te Aratuna.

⁶ Polycyclic Aromatic Hydrocarbons

⁷ Top of the South Island

2.6.1 Mahitahi or Maitahi River

The Mahitahi or Maitahi (Maitai River) and its tributaries, originally known as Mahitahi or Maitahi, are of cultural importance to iwi of Te Tau Ihu. The CIA outlines that Ngāti Kuia, Rangitane o Wairau, Ngāti Koata, Ngāti Rārua, Ngāti Toa Rangitira, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Maui hold statutory acknowledgements of their particular cultural, spiritual, historical, and traditional association with the Maitai River and its tributaries.

The Maitai River and its waters, catchments and receiving coastal waters are viewed as a taonga and source of life and identity for mana whenua. Its natural resources have traditionally and are currently utilised for customary practices, including mahinga kai (fishing and the gathering of kai), rongoā (medicinal/healing) and tohi (rituals). Mana whenua has responsibilities as kaitiaki over the Maitai River, both for the matauranga (knowledge) and tikanga (practice) of kaitiakitanga in relation to these natural resources and associated ecosystems.

Ngāti Kuia, Rangitane o Wairau, Ngāti Koata, Ngāti Rārua, Ngāti Toa Rangitira, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Maui received Statutory Acknowledgements of their particular cultural, spiritual, historical, and traditional association with the Maitai River and its tributaries.

As set out in Section 5, engagement with mana whenua has been undertaken to understand and address values associated with the Maitai River with respect to the project. Engagement will continue through tender design and construction.

2.6.2 Te Aratuna

The Te Aratuna (Queen's Gardens) is described by iwi as a taonga and a cultural landscape of enduring significance to Ngāti Koata, Ngāti Tama ki Te Waipounamu, and Ngāti Toa Rangitira.

Historically, Te Aratuna was a remnant of the Maitai River bend that was swampy in nature. As part of the original survey by the New Zealand Company, the area was set aside as a reserve. The reserve received water from Brook Stream to the south, and this same source of water is used today. During Queen Victoria's 50th Jubilee in 1887, the reserve was converted into a public garden and was first opened in 1892.

This area was an eel breeding ground and food source for the Māori and is considered as part of the wider network of interconnected freshwater systems with cultural and ecological links to the Maitai catchment.

Iwi consider the current condition of Te Aratuna reflects the cumulative effects of colonial land alienation, hydrological modification, and its long-standing use as stormwater infrastructure, but note that this degradation does not diminish its value.

2.7 Archaeology

The archaeological description below is retrieved from the Archaeological Report prepared by Amanda Young, dated 25 February 2025, and contained within **Appendix F**.

Queen's Gardens is a Category 2⁸ entry in the New Zealand Heritage List. Queen's Gardens is also listed in Appendix 2 of the NRMP. Individual local, landscape and heritage trees in Queen's Gardens, along Bridge Street in front of Albion Square, and at 199 Bridge Street are also listed in Appendix 2.

⁸ Category 2 historic places are considered to have historical or cultural significance or value and have met the threshold for entry on the List.

There are no other recorded, scheduled or listed historic places or archaeological sites along the proposed stormwater pipe alignment. Nearby historic places include recorded archaeological sites relating to the colonial era, at Albion Square Heritage Area, and historic buildings and structures being the Suter Art Gallery and Queen's Gardens Gates / Pitt Memorial Gates. None of these places will be affected by the proposed activities.

If any archaeological evidence is encountered it is most likely to be of low archaeological value, for example, pre-1900 road and pavement layers, possibly reclamation material and historic rubbish deposits. As discussed above, the Eel Pond in the Queen's Gardens, a remnant bend of the river, and the Maitai catchment have high cultural significance. However, it is unlikely that the activities will adversely affect physical evidence of the Māori use of the area.

2.8 Ecological values

*The ecological description below is based on the Ecological Impact Assessment (EclA) prepared by T+T, dated 29 January 2026, and contained within **Appendix G**.*

A desktop assessment has been undertaken to identify the ecological values within the zone of influence (ZOI) of the proposed works, including the Maitai River discharge location and the Queen's Gardens Pond.

The EclA identified high ecological value freshwater habitat and very high ecological value freshwater fauna within the lower reaches of the Maitai River, reflecting the presence of 'Threatened' and 'At Risk' species, including īnanga spawning areas. In contrast, the Queen's Gardens Pond provides low value freshwater habitat and moderate value freshwater fauna habitat, with shortfin eel being the only species historically recorded within the pond.

Riparian vegetation associated with the lower reaches of the river is of low ecological values due to its modified nature, while the pond margins are of moderate ecological value because of the presence of swamp maire (Threatened – Nationally Vulnerable).

Native and introduced bird species utilise both the Maitai River and Queen's Gardens, including several At Risk species.

Table 2.1 summarises the ecological values identified within the EclA.

Table 2.1: Summary of ecological values Identified in the EclA

Area	Freshwater Habitat	Terrestrial riparian vegetation	Freshwater fauna	Terrestrial fauna*
Maitai River	High	Low	Very high	very high to low
Queen's Garden Pond	Low	Moderate	Moderate	very high to low

*Native bird species known to inhabit or occasionally utilise the lower Maitai River and the Queen's Gardens.

3 Description of proposed activity

3.1 Overview

NCC proposes to undertake flood improvement activities in Nelson’s city centre, an area susceptible to flooding. The objective of the project is to reduce the risk of flooding of the Queen’s Gardens and surrounding Bridge Street properties.

The proposed activities involve upgrading the existing undersized stormwater pipe connecting the Queen’s Gardens Pond to the Maitai River. This will be achieved by installing a larger-diameter outlet pipe to increase discharge capacity from Queen’s Gardens Pond. The new outlet will be located approximately 200 m further downstream in the Maitai River, where tailwater levels are lower than at the existing outlet. This provides a reduction in vertical water head of approximately 1.2 m, reducing the likelihood of river backflow into the stormwater network and improving the pond’s ability to drain during periods of high river levels.

The general extent of work is shown in **Figure 2.1** below and detailed in the resource consent design drawings, included in Appendix C. While these drawings provide a clear representation of the proposal, minor design elements may be subject to change through the consenting process.

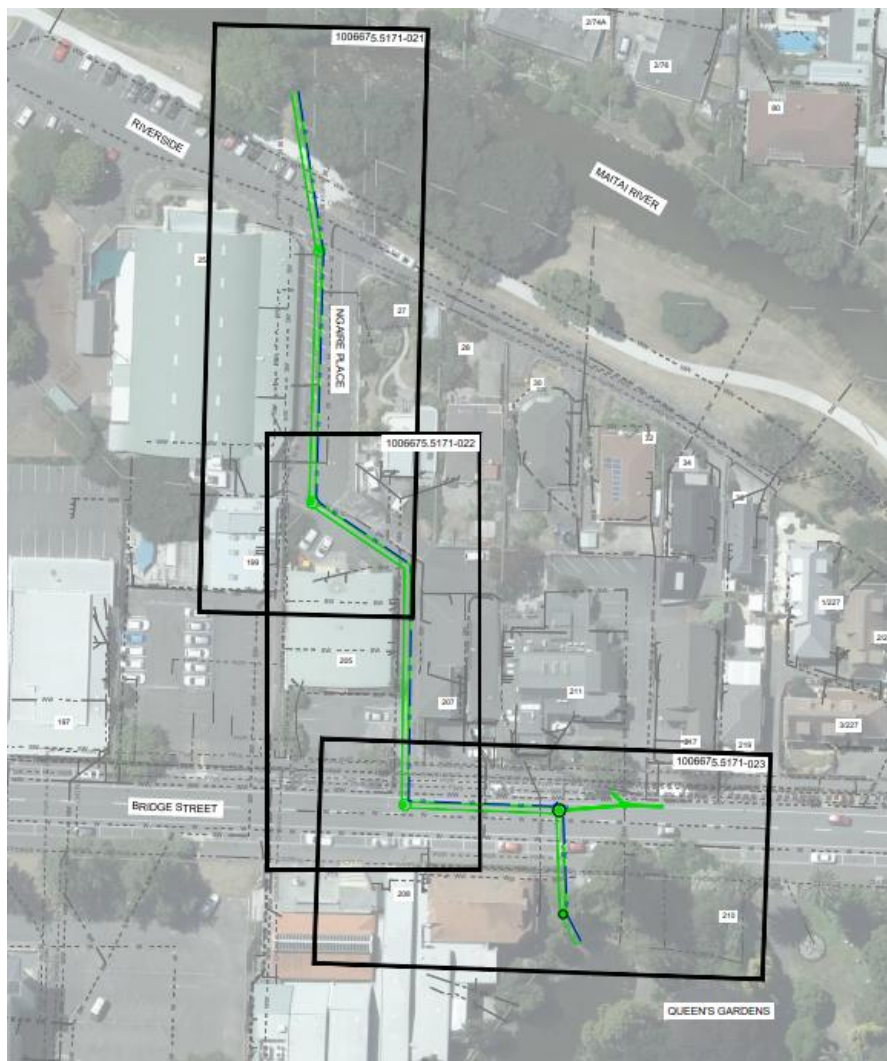


Figure 3.1: Proposed alignment (green) showing three sections (black outline). Source: Design Drawings (Appendix C), 2026.

3.2 Stormwater pipeline and alignment

The proposal involves the installation of a larger stormwater pipe (1,050 mm diameter) that connects the Queen's Gardens Pond to the Maitai River at Riverside. It is designed to accommodate flows associated with a 1% AEP storm event (equivalent to a 1-in-100-year event), as modelled to occur in 2090 under a conservative climate change scenario (Representative Concentration Pathway 8.5, or RCP8.5M), with a 10% blockage allowance.

The existing undersized stormwater pipe and inlet from the pond at this location will be retained. However, the flow from that existing pipe will be diverted west into the new large diameter pipe, and the existing pipe draining east along Bridge Street will be abandoned and capped. This will prevent backflows from the river into the pond from this pipe but will maintain the drainage and fish passage functions of the existing pond inlet and pipe.

As shown in Figure 3.1 and Appendix C, the proposed alignment for the new stormwater pipe commences from the north-western side of the Queen's Garden Pond, where a 1000 mm x 300 mm high inlet opening is proposed at the pond kerb and is to be connected to precast concrete duct. The pipe extends north towards Bridge Street.

From there, it is proposed to follow a western direction along Bridge Street for a distance of approximately 30 m. Continuing on, the alignment extends for approximately 43 m to the north through a private property at 205 Bridge Street and veers northwest as it crosses through the vehicle access of a private property at 207 Bridge Street for approximately 21 m. Finally, the pipe extends north along Ngaire Place for a length of approximately 76 m and under Riverside before discharging into the Maitai River, marking the end of the alignment.

The proposed pipe alignment is designed with a low-gradient section (approximately 0.4 – 0.6%), with steeper sections at the pond inlet (approximately 16%) and at the river outlet (approximately 4%). Additional fish passage measures have been considered during detailed design within the proposed pipe and at the inlet and outlet structures, such as roughened surfaces. The existing pond inlet and stormwater pipe has a lesser gradient and is being retained to provide an alternative route for fish.

3.3 Outlet along the Maitai River

Activities along the true left bank of the Maitai River are required to replace the existing stormwater outlet with an upsized outlet structure. This will be open with no flap gates. The existing stormwater outlet (located to the north of the Ngaire Place intersection; asset ID D611300) will be decommissioned and the riverbank reinstated by re-using the existing scour protection rocks/boulders where suitable, together with new rip rap and cleanfill backfill. The outlet replacement will also utilise similar rocks as adjacent outlets for scour protection that are free of contaminants. The extent of the proposed rock lining along the riverbank will be localised and limited to the outlet locations per the design drawings (Appendix C).

During the first stage of construction (refer to Section 3.5.1), a dry working area will be created within the river, which depending on river flow and tidal levels, may require a cofferdam to be constructed adjacent to the outlet locations. The resulting temporary diversion of river water (narrowing of the channel) is anticipated to be approximately 25 m in length and for a duration of less than two (2) weeks. The river flow and fish passage will be maintained at all times and works will be programmed to be outside of the fish spawning period between 15 March to 30 September.

The proposed outlet will not introduce a new stormwater discharge point to the Maitai River. Instead, it will replace the existing outlet at a nearby location and continue to convey stormwater that is already discharged to the river.

3.4 Water supply pipe

Separate to this project, NCC's Parks team plan to replenish the water in the Queen's Gardens Pond with water from the Maitai River. To minimise construction disruption and cost, NCC proposes to install a water supply pipe within the proposed alignment as part of this project. While this application includes the installation of the water supply pipe, the associated water take, and river intake and discharge infrastructure do not form part of this application.

3.5 Construction methodology

An overview of the anticipated construction methodology and sequencing for each stage of the project is set out in the subsections below, which are subject to change as a detailed construction methodology will be prepared by the appointed contractor.

The following comprises the anticipated and typical open trench construction methods to be undertaken for each stage:

- Existing pavement/surfaces will be sawcut (where required).
- Excavation will begin, with excavated material being either trucked off site or stored on-site for re-use.
- Trench shoring will be implemented where required to support the trench walls (specific shoring methods are subject to the contractor's methodology).
- When the target depth is reached, pipe bedding (gravel) is placed and compacted at the proposed gradient.
- Pipe lengths/manholes/sumps are then laid in the trench and then backfilled/buried.
- Excavation continues along the alignment to install additional pipe lengths, with installed pipes being backfilled.
- Once the trench is fully backfilled, temporary reinstatement may be used to seal the trench, followed by permanent reinstatement when all the work is completed.

3.5.1 Timing, duration and sequencing of works

The project is anticipated to take approximately five months (no more than 20 weeks) to complete. NCC intends to commence construction in the summer of 2026/ 2027 and completed approximately June 2027. Construction will not occur outside of 7:30 am to 6 pm, Monday to Saturday.

Construction will be carried out in stages. It is likely construction will commence at the riverbank and progress south to Queen's Gardens; however, the contractor may adopt a different methodology such as the use of two construction crews working simultaneously at different locations. Works within the Maitai River are to be undertaken in accordance with the general conditions of Rule FWR1.1 of the NRMP.

3.5.2 Site preparation and laydown

Enabling activities will include establishing a laydown area for each stage, installation of erosion and sediment control, temporary exclusion fencing where required, potholing to locate services and, where necessary, vegetation removal.

Laydown areas and a site compound may be established adjacent to the project alignment, location to be confirmed by the contractor and agreed with NCC. Any hazardous substances such as fuel would be stored at a location agreed between the contractor and NCC at least 5 m from the Maitai riverbanks.

3.5.3 Construction staging and access

The following section describes an example of construction sequencing, proposed set up and duration of each stage that may be adopted by the appointed contractor. The confirmed detail will be developed by the contractor within a Construction Management Plan (CMP), to reflect the contractor's construction methodology.

The following staging of construction assumes work commences at the river and progresses south to Queen's Gardens; however, the contractor may adopt a different methodology such as the use of two construction crews working simultaneously at different locations.

- 1 **River edge to Riverside:** Construction is anticipated for two to-three weeks and without disrupting Riverside (road), having minimal traffic impacts. The pedestrian walkway alongside the Maitai River will likely be affected and may need to be detoured. A laydown area for materials will be required, which will be confirmed by the contractor and documented in the CMP.
- 2 **Riverside (road):** For efficiency purposes, road closure is preferred. It is anticipated this section will take approximately one week with possible access reinstatement in the evenings. This will disrupt resident access to 28-36 Riverside, and parking will be provided nearby for the impacted properties during those periods. Pedestrian and cyclist access along the Riverside path will be maintained.
Partial use of Ngaire Place as a laydown area is likely, while maintaining at least single-lane access and egress for properties on Ngaire Place.
- 3 **Ngaire Place:** Pedestrian and vehicle access along Riverside will generally be maintained during the works, except for No. 27 Riverside, which will have restricted driveway access via Ngaire Place for approximately five to six weeks.
Parking on Ngaire Place and at 205 and 207 Bridge Street will be unavailable during this period, with alternative parking arranged nearby. Traffic effects are expected to be minimal due to Ngaire Place being a no-through road.
- 4 **205 and 207 Bridge Street:** The works in this section are anticipated to last up to six to eight weeks. The driveway access to 27 Riverside is likely to be maintained for the majority of this timeframe via Riverside but will be disrupted while the works are occurring directly in front of the driveway entrance.
Parking on the north side of 205 and 207 Bridge Street will be impacted. Pedestrian access will be maintained via Riverside and Bridge Street, though pedestrians will not be allowed to walk between Ngaire Place and Bridge Street through 205 Bridge Street while these works are occurring. However, a public walkway is available and will be open at all times adjacent to 205. Parking will be provided nearby for 27 Riverside and 205 and 207 Bridge Street when required.
- 5 **Bridge Street:** Construction in Bridge Street and Queen's Gardens is anticipated to last approximately six to eight weeks and will require a full or partial road closure at times. Pedestrian access will be detoured around the works area where required. Parking and a number of driveway accesses to Bridge Street commercial premises will be disrupted at times.

3.5.4 Soil disturbance

Excavation comprises trenching to a depth between approximately 1.5 and 3.5 m, with a trench width of approximately 2.4 m and an overall length of 220 m. Excavation volumes will be up to approximately 1,900 m³, with excavated material reused as backfill where possible between the pipe zone bedding and the carriageway subbase course material. All pipe bedding and embedment, as well as sub-base and basecourse material will be imported cleanfill. All bare soil

areas will be reinstated once the pipework is installed, and existing ground contours will remain unchanged.

Sheet piling may be required in short sections of the trench where excavation is immediately adjacent to existing building foundations, to provide temporary support to the trench walls. If required, sheet piles will be installed and later removed using an excavator-mounted system (e.g., vibratory driver and/or impact hammer). At this stage, sheet piling is anticipated to be limited and localised, predominantly in the vicinity of 205 Bridge Street. Temporary sheet piling may also be required to facilitate a dry working area at the riverbank.

3.5.4.1 Contaminated soil management

Contaminated fill material may be encountered during construction along the proposed alignment.

Samples of fill material collected from sections of the alignment reported concentrations above background levels. While some results exceeded the waste acceptance criteria for York Valley Landfill, these materials generally comply with the Eves Valley Landfill waste acceptance criteria. Based on the data available, contaminant concentrations are vertically and laterally variable and options for the segregation of excavated materials for alternative offsite disposal is proposed, which may reduce disposal costs. Table 8.1 of the DSI (**Appendix D**) summarises the soil profile, contaminant conditions and the potential disposal options.

Reuse of excavated soil for trench backfill may be preferred by the appointed contractor. This is considered suitable from a contamination perspective, provided it remains within the same or less sensitive land use and is capped. The proposed pavement reinstatement, comprising approximately 450 mm of granular pavement and a sealed surface, will provide an effective exposure barrier. In unsealed areas, including areas adjacent to the river, suitable clean cover material or other exposure controls would be required.

However, re-use of excavated material requires appropriate controls to protect staff, prevent public exposure and avoid impacts to groundwater and therefore should be in accordance with the proposed Contamination Site Management Plan (CSMP), provided in Appendix H.

The CSMP includes procedures for material segregation, visual and olfactory screening, stockpile management, validation sampling where required, and unexpected contamination protocols. Contaminated material should not be reused below expected groundwater level or where it may become saturated.

3.5.4.2 Dewatering

Proposed excavations at a maximum depth of 3.5 m may encounter contaminated groundwater along the alignment. Piezometers were installed along the proposed pipeline alignment, and groundwater levels have been manually measured monthly since 30 July 2025. Most groundwater level readings are below the depth of excavation, however there is a risk of higher groundwater following periods of wet weather that may necessitate dewatering.

Should dewatering be required, groundwater extracted from excavations may contain elevated concentrations of suspended sediment. As heavy metals are predominantly bound to suspended sediment within the groundwater, dewatering discharges may also contain elevated concentrations of sediment-associated contaminants.

The CSMP (**Appendix H**) provides management procedures for contaminated dewatering during construction works. In summary, this involves treatment of dewatering discharge through sediment settling tanks or filtration systems prior to discharge, controlled discharge rates and discharge either to the stormwater network or directly to the Maitai River at locations that allow

for reasonable mixing. The CSMP also requires visual monitoring of discharge quality for sediment, turbidity, sheen and odour, maintenance of a dewatering log, and weekly validation sampling to confirm compliance with the NRMP Class A water quality standards and relevant ANZECC⁹ trigger values following treatment.

3.5.5 Vegetation removal and management

Where necessary, the proposed activities may require vegetation removal within and immediately adjacent to the project footprint. This may include the removal of up to approximately 70 m² of predominantly exotic riparian and garden vegetation at the Maitai River and the Queen's Gardens. An unprotected *Acmena* tree within Queen's Gardens may require removal, and an arborist will be present to advise tree protection measures and confirm tree health during construction. No other trees are anticipated to be impacted.

Vegetation clearance will be kept to the minimum required to undertake the activities. Once construction is finished any removed vegetation will be restored via replanting of like for like or native equivalent species. Regeneration of the Maitai River riparian vegetation is anticipated to occur within the first planting season. Noting that replacement trees within Queen's Gardens may require up to five years to become established, depending on the species removed and replanted.

3.5.6 Construction machinery

The following mobile plant is anticipated to be utilised during construction:

- 6-wheeler trucks and trailers
- Excavators (between 1 and 20 tonnes)
- Loaders
- Vibratory rollers (up to 7 tonnes)
- Concrete agitator trucks and a concrete pump
- Dumper trucks (up to 3 tonnes)
- Sheet piling machinery (excavator and/or a vibration tool)
- Pavement surfacing equipment
- Dewatering pumps
- Plate compactors
- Trench rammer
- Various hand tools including concrete saw

3.6 Erosion and sediment control

All construction activities, including erosion and sediment control, will be carried out in accordance with the Nelson Tasman Land Development Manual and Nelson Tasman Erosion and Sediment Control Guidelines 2019. As a condition of consent, the contractor's CMP will include a site-specific Erosion and Sediment Control Plan (ESCP), prepared in accordance with these documents. These include stormwater inlet protection and sediment containment measures, to avoid sediment-laden runoff entering the stormwater network or directly discharging to the Maitai River.

The contractor will assess the long-term forecast, and if rain is predicted, appropriate measures will be taken. These may include moving or covering stockpiled materials, preparing work areas

⁹ Australian and New Zealand Environment and Conservation Council

for wet weather, and/or rescheduling works to minimise the chance of uncontrolled erosion and sediment releases. Upon completion, any disturbed areas will be reinstated or stabilised, and disturbed vegetated areas will be topsoiled and grassed.

During construction at the Maitai River, a dry area will be created to work within the riverbank, which will require a cofferdam to be constructed adjacent to the outlet locations. The cofferdam is likely to comprise either sandbags or sheet piles driven into the bed, with impounded water pumped out to create a dry working area.

3.7 Ongoing monitoring

Following completion of the works, NCC will undertake regular monitoring of the riverbanks as part of its river monitoring programme. This comprises annual inspections, and inspections following flood events. Any instream repair works such as placement of rock armour would be undertaken under NCC's global river maintenance consent (refer to Section 4.1). NCC will also monitor and maintain new plantings.

4 Resource consent requirements

4.1 Existing resource consents held by NCC

NCC holds a number of global resource consents for river maintenance and repair activities:

- **RM175025V1** authorises stream and river repairs and maintenance across the city, enabling NCC to undertake disturbance of rivers, including culvert and bridge maintenance works, deposition of material including rock armouring, vegetation removal and gravel extraction throughout the Nelson Region for the purpose of maintenance and repair work.
- **RM175033** authorises temporary coffer dams, temporary diversion of rivers and installation of fish enhancement structures throughout the region, associated with river maintenance and repair.

As this project is for the purposes of ‘improvement’ rather than ‘maintenance’ of flood capacity and is not for the protection of existing infrastructure along the Maitai River, the work is not authorised by RM175025V1 and RM175033.

NCC also holds a global consent for point source stormwater discharges (**RM075499V1**; expiring in 2044) that authorises point source stormwater discharges into freshwater from urban areas across Nelson. Stormwater discharges associated with the proposal are authorised under the existing consent. Accordingly, no further assessment of the nature of the discharge is required.

4.2 Nelson Resource Management Plan

The NRMP is a combined District (land use) and Regional (coastal, land and freshwater) Plan which became operative on 1 September 2004. Plan Change 29 (PC29, housing and hazards) became partly operative in October 2025 and is subject to one appeal that is not relevant to this project, and its provisions are therefore treated as operative.

4.2.1 Zoning and planning notations

The NRMP zoning and planning notations that apply to the site or are otherwise relevant to the application are set out in Table 4.1 below, and figures showing the NRMP planning layers are contained in **Appendix I**.

Table 4.1: Zoning and planning notations

Zoning/planning notation	Location
Zones	
Inner City – Fringe	This zone covers the commercial area of inner Nelson and is the underlying zone of land north of Bridge Street. The Inner City – Fringe zone applies to following commercial properties: 205 Bridge Street, 207 Bridge Street and properties to the east and west.
Open Space and Recreational	This Zone contains areas of open space which are of high value to the community primarily for open space and active recreation activities. The Open Space Recreational zone applies to the Queen’s Gardens and properties to the east (including the Suter Art Gallery).
Residential Zone	No activities will be undertaken within the Residential Zone. However, this zone applies to nearby properties located to the north and east of the proposed project area (north of Bridge Street) and therefore influences the noise limits and assessment criteria applicable to the proposed works.

Zoning/planning notation	Location
Overlays – Heritage	
Heritage Building, Object, Place	This overlay identifies buildings, places, and objects (either individually or collectively) which have notable historic, architectural, scientific, archaeological, spiritual, or other special values. This includes the gates of the Queen's Garden as described in the Archaeological Report (Appendix F).
Heritage and Landscape Trees	Generally, Heritage Trees are identified as the 'best and most significant in the district' and their protection and retention are considered essential. Heritage trees are spread across the Queen's Garden site and one along the berm, adjacent to the Queen's Garden.
Heritage and Landscape Woodland (W28 and W24)	This heritage overlay applies over the Queen's Gardens (W28) and the strip of land adjacent to the Maitai River (W24). The protection of local trees is of lesser significance under the NRMP than heritage and landscape trees.
Overlays – Hazards	
Floodway Overlay	This overlay identifies river channel areas which includes the Maitai River.
Inundation Overlay	The Inundation Overlay indicates areas which may be susceptible to localised stormwater flows, stormwater ponding, ponding of other floodwaters or tidal inundation. The overlay is based on historic observed data. The causes of localised ponding are highly site specific but generally relate to the presence of a low-lying area where stormwater accumulates or tidal backwater effects prevent drainage. This applies to Queen's Gardens, extending halfway to Bridge Street and also partially applies to Ngaire Place and therefore the overlay may have implications for the proposed earthworks (relevant rule addressed in Appendix J).
Liquefaction Overlay	The Liquefaction Hazard Overlay indicates areas where liquefaction-induced ground damage is possible in a strong earthquake. This overlay applies to the Site, with the exception of the Queen's Gardens.
High flood hazard overlay	The High Flood Hazard Overlay identifies areas where flooding in the 1% AEP event at 2130 is greater than or equal to 0.3 m deep and/or velocity is equal to or more than 2 m/s. This overlay applies to land adjacent to the Maitai River, including Ngaire Place, 207 Bridge Street and partially to Bridge Street and therefore the overlay may have implications for the proposed earthworks (relevant rule addressed in Appendix J).
Overlays – General Overlays	
Riparian Overlay River (See App6 and Zone Chapters)	According to Appendix 6, the stretch of the Maitai River from the Poleford Bridge to its headwaters holds the following values: conservation (aquatic habitat and water quality) Priority 1; access along river and recreation. An Esplanade reserve/strip is required between The Haven to Jickells Bridge is 10 m true left bank and 5 m true right bank of the river.
Scheduled sites	Schedules are also used in the Open Space and Recreation Zone to indicate permitted activities in different classes of land within that zone. The rules that apply to the activity and site are stated in the relevant schedule. The schedules are located after the rule table in the relevant zone. The relationship between the schedule and the rule table is set out within each schedule. This applies to the Queen's Garden (HP8).
Other planning notations	
Maitai River	Maitai River is identified as a Class D (degraded water quality) freshwater body in Nelson under Appendix 28.4 of the NRMP.

Zoning/planning notation	Location
Road Hierarchy - Collector	Different classifications of road require different design treatment appropriate to their function. Bridge Street is classified as a Collector Road and Ngaire Place as a Local Road.
Treaty Settlement	Maitai River (or Mahitahi River)/Maitai River and its tributaries applies to the Project site and is therefore applicable to both options.

4.2.2 Resource consent requirements

Table 4.2 describes the resource consents that are being sought to enable the project as described in this AEE. An assessment against the relevant permitted activity rules and standards is provided in **Appendix J**.

Table 4.2: Resource consent requirements under the NRMP

Activity	Rule	Comment and activity status
Freshwater rule (Appendix AP28.9 for freshwater rules)		
Disturbance of the riverbed	Rule FWr.1.3 provides for <i>activities that are not specified as permitted or controlled (including pipes and cables for network utilities), or which contravene the conditions for permitted or controlled activities, as a discretionary activity.</i>	The proposed outlet replacement involves disturbance of the riverbed associated with installation of a new stormwater outlet structure. This activity is not provided for under Rule FWr.1.1 which relates to vegetation and debris removal, restoration and enhancement works, cleaning of discharge outlets and energy dissipaters, and vehicle use in riverbeds. The activity is also not provided for under Rule FWr.1.2, which applies to disturbance undertaken for the purpose of maintaining peak flow capacity, land stability, or public safety. Accordingly, the activity is not provided for as a permitted activity and a consent is required as a discretionary activity in accordance with Rule FWr.1.3.
New outlet structure (upgrade)	FWr.4.2 The extension or upgrade of a utility service line or a utility structure on, under, in, or within 5m horizontally or vertically of the bed of a river or lake is controlled.	The proposed outlet (upgrade to the existing outlet) is within 5 m (both vertically and horizontally) of the bed of the Maitai River. Therefore, a consent is sought as a controlled activity under Rule FWr.4.2.
Inner City – Fringe Zone (Applies to the private property at 205 Bridge Street)		
Construction noise and vibration	Rule ICr.43 Noise received at sites in the Residential Zone provides for permitted noise levels: [...]	The highest noise and vibration levels during construction are expected from the sheet piling. A noise and vibration screening exercise (refer Section 6.5) has assessed the potential noise levels at nearby receivers produced by sheet piling in the Inner City – Fringe zone (levels are maximums, and do not take mitigation or management measures into account). This indicates construction noise at sites in the Residential Zone exceeds the limits in NZS 6803,

Activity	Rule	Comment and activity status
	<i>c) Parts a. and b. of this rule do not apply to construction activities, which, when assessed at, or within, any site within the Residential Zone, must comply with NZS 6803:1999 'Acoustics - Construction Noise'.</i> <i>Activities that contravene a permitted condition are non-complying under Rule ICr.43.3</i>	requiring consent as a non-complying activity under Rule ICr.43.
	Rule ICr.44.1 <i>No vibration created on a site may be discernible at any other site. Otherwise, considered a discretionary activity.</i>	Vibration from construction activity in the Inner City zone will be discernible at other sites. Therefore, a consent is required as a discretionary activity under Rule ICr.44.1.
Earthworks / trenching in the Inner City – Fringe Zone	Rule ICr.55 Earthworks provides for earthworks as a controlled activity subject to a number of conditions. Notable conditions include: <i>a. the maximum height or depth of filling or excavation does not exceed 4m; and</i> <i>b. the site is not in the Land Management Overlay; and</i> <i>c. earthworks do not take place within 10m of the banks of any river identified in Appendix 6 - Riparian and coastal margin overlays,</i> <i>d. no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats; and</i> <i>c. 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>d. [...]</i> <i>e. material used for fill is cleanfill material.</i> Otherwise, consent is required as a restricted discretionary activity.	Earthworks will be required for trenching (excavation) to install the proposed underground pipes and fill to reinstate the surface within the Inner City – Fringe zone, particularly at 205 Bridge Street and the northern half of Bridge Street from the roads centreline. The proposed excavation depth is approximately 3.5 m, the area is not subject to the Land Management Overlay and earthworks in the Inner City – Fringe zone area are more than 10 m away from the Maitai River, thus compliant with Rule ICr.55 (a) and (b). Compliance with the other conditions of Rule ICr.55 is also achieved as the trench will be backfilled as soon as practicable using clean fill material. Therefore, a resource consent is required as a controlled activity.
Earthworks/ trenching within flood areas ¹⁰ (High	Rule ICr.59E Flood Areas except Flood Paths or Floodways – Earthworks provides for earthworks as a permitted activity provided that the earthworks:	This rule applies to earthworks occurring within the High Flood Hazard overlay within the Inner-City zone. Excavation volumes in this location will exceed 3 m ³ , requiring

¹⁰ **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.

Activity	Rule	Comment and activity status
Flood Hazard overlay)	<i>a. are not more than 3 m³ in each calendar year of excavation or filling with cleanfill material per site; and</i> <i>b. has a maximum cumulative volume of filling and excavation of 25m³ per site, within any continuous period of 10 calendar years; or</i> <i>[...]</i> <i>e. trenching which on completion will have a finished contour that is equivalent to the original ground level at the commencement of the works.</i> Otherwise, consent is required as a restricted discretionary activity.	resource consent as a restricted discretionary activity.
Open Space Recreational Zone (Applies to Queen's Gardens and western half of Ngaire Place)		
Activities within the Open Space Recreational Zone	OSr.20 Permitted Activities provides for any activity that is permitted by the Open Space and Recreation schedules (OSs.1.i Permitted Activities) and complies with all other permitted conditions of this rule table as a permitted activity. <i>Any activity that is not a permitted activity in the schedule is a non-complying activity.</i>	The Queen's Gardens is scheduled as a horticultural park under the NRMP. The proposal is not part of the activities permitted under the relevant schedule. Therefore, the works required within the Queen's Gardens resource consent is required as a non-complying activity (not relevant to remainder of project area).
Earthworks within the Open Space Recreational Zone	Rule OSr.49 Earthworks provides for earthworks as a controlled activity provided notable conditions are met: <i>a. the maximum height or depth of filling or excavation does not exceed 4m; and</i> <i>b. the site is not in the Land Management Overlay; and</i> <i>c. earthworks do not take place within 10m of the banks of any river identified in Appendix 6 - Riparian and coastal margin overlays,</i> <i>d. no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats; and</i> <i>f. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</i> <i>iii. stabilised so that no earth moves off-site or presents a danger to life or property; and</i> <i>iv. vegetated, paved, metalled or built over; and</i> <i>g. [...]; and</i>	Earthworks are required for the installation of <i>utility service lines</i> within the Open Space Recreational Zone¹¹. Proposed approximate excavation depth is 3.5 m and area is not subject to Land Management Overlay; activities in the Open Space Recreational zone project footprint are more than 10 m away from the Maitai River, thus compliant with Rule OSr.49 (a) to (c). Compliance with the other conditions is also achieved as earthworks is limited to trenching and reinstatement as soon as practicable using cleanfill material, at a sufficient distance from the river. Therefore, a resource consent is required as a controlled activity.

¹¹ Earthworks within the Open Space Recreation Zone do not comply with the relevant permitted activity conditions under Rule OSr.49.1(b) and (c), as the proposed excavation depth exceeds 3 m and the works are not being undertaken for the purpose of maintenance.

Activity	Rule	Comment and activity status
	<i>h. material used for fill is cleanfill material.</i> Otherwise, consent is required as a restricted discretionary activity.	

Overall, a resource consent with a **non-complying** status is sought from NCC (as consent authority).

4.3 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The reasons for consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil) are set out in Table 4.3 below.

Table 4.3: Resource consents required under the NES Soil

Proposed activity	Regulation reference / description	Comment/Activity Status
Disturbing contaminated soil	Regulation 10 Restricted Discretionary Activities provide for disturbing soil as a restricted discretionary activity (if a requirement described in any of regulation 8(1) to (3) is not met) while the following requirements are met: a. a Detailed Site Investigation (DSI) exists; b. DSI states that the soil contamination exceeds the applicable standards in regulation 7; c. consent authority must have the report; d. conditions must be complied with.	As described in Section 2.4, fill material along parts of the proposed alignment is classified as HAIL Category I due to elevated PAH concentrations (exceeding applicable standards in regulation 7). Earthworks are planned to a depth between approximately 1.5 and 3.5 m, and the total soil disturbance is expected to exceed the permitted activity threshold. A DSI (Appendix D) and a CSMP (Appendix H) have been prepared and provided as part of this resource consent application for Council's use. Arising conditions relevant this matter will be complied with. Therefore, a resource consent is required as a restricted discretionary activity.

4.4 Other regulations

Section 104(1)(b)(ii) requires that regard be given to any relevant provisions of any other regulations. Consideration of relevant regulations is detailed in Section 7.3 of this report.

The National Environmental Standards for Freshwater (NES-F) is not considered relevant to the proposal. The stormwater pipe does not meet the definition of a 'culvert', as it does not comprise a pipe, box structure, or covered or arched channel with an inlet and outlet within, and connecting the water or bed of, the same river or connected area. No flap gate or apron is proposed.

4.5 Other consents and approvals required

4.5.1 Corridor access request

For activities undertaken within the road corridor, the contractor engaged to undertake the proposed activities will submit a corridor access request to the roading authority (NCC) prior to construction.

4.5.2 Heritage New Zealand Pouhere Taonga Act

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZ Act) makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without an Archaeological Authority issued by Heritage New Zealand. An archaeological site is defined in the HNZ Act as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods or any sites associated within human activity in or after 1900 where there is significant evidence relating to the historical and cultural heritage of New Zealand.

An Archaeological Report (**Appendix F**) has been prepared concluding that there is a low risk of encountering archaeological sites during the proposed remediation works and an accidental discovery protocol is appropriate.

5 Consultation

Evidence of the engagement undertaken for this project is provided in **Appendix K** and summarised below.

5.1 Mana whenua engagement

NCC has been proactive in keeping mana whenua informed throughout the consultation process for the wider Maitai River flood protection project.

On 15 April 2025, the wider project, NCC's Mahitahi (Maitai) River Flood Resilience Improvements Project was presented to the Te Ohu Taiao forum, which included the Queen's Gardens Stormwater Upgrade. The shared platform Te Parikaranga has been updated with project information as it has become available.

Ngāti Tama, Ngāti Toa and Te Ātiawa ki Te Tau Ihu identified an interest in the project through Te Parikaranga and subsequently jointly prepared a shared CIA to reflect the collective views of tangata whenua in relation to the proposal. A copy of the CIA is provided in **Appendix E**.

5.1.1 Engagement undertaken

Te Parikaranga Platform - early August 2025.

A summary of the Queen's Gardens project was uploaded to the Te Parikaranga platform in early August 2025 to inform iwi about the project scope, location, and proposed works.

Onsite hui Ngāti Tama and Ngāti Toa - 25 August 2025

Following the earlier hui, an onsite hui was held on 25 August 2025, with attendees: Ngāti Toa (Matt Hippolite), Ngāti Tama (Dayveen Stephens) and the project team. The discussion focused on cultural and environmental considerations related to the proposed drainage diversion works at Queen's Gardens, including iwi involvement, pond conditions, and design implications. Feedback is summarised below:

- Ngāti Tama wishes to prepare a CIA, has prior experience with CIAs for the Maitahi and strong understanding of cultural values. They are open to collaboration with other iwi. Requests included;
 - Cultural induction, karakia, and iwi monitoring.
 - Notification to HNZ regarding iwi involvement.
 - Clarification on planting plans at pond and river edges and an overview of pond inlet construction method (e.g., coffer dam).
- Ngāti Toa also wishes to be a party to the CIA. They highlighted the lack of cultural signage in Queen's Gardens; suggests opportunity for new signage; importance of fish passage for tuna between awa and pond.
- Interest from Ngāti Koata is likely.
- A list of other iwi with potential interest in the project was provided.
- Hui minutes were circulated to attendees and invitees. George Stafford (Ngāti Rarua) subsequently contacted the project team to discuss the proposal. No objections to the proposal were raised during that discussion.

Follow-up correspondence with iwi – 1 September 2025

An email was circulated to relevant iwi seeking their interest in being involved. Responses received to date includes:

- **Ngāti Koata:** Neil Deans confirmed interest in being jointly involved in the project.
- **Te Ātiawa o te Waka-a-Māui Trust:** Kristie Pakipaki advised that while the site is wāhi tapu for Te Ātiawa, they do not currently have capacity to participate in the CIA. They expressed support for Ngāti Tama and Ngāti Toa to lead discussions on potential cultural and environmental impacts and proposed mitigation measures.

Hui to discuss CIA - 15 April 2026

A hui was held with Ngāti Tama and Ngāti Toa to discuss CIA. Ngāti Koata was unable to attend but separately discussed the project with the Project Manager. The hui provided an opportunity to discuss cultural and environmental matters associated with the proposed works, including potential effects, mitigation measures, and ongoing iwi involvement.

Confirmation on progressing and proceeding with the project was provided via email from Ngāti Tama and Ngāti Koata. Ngāti Toa has advised that it cannot provide support for the project until its concerns have been addressed. Refer to the CIA (Appendix E) and minutes of the hui (Appendix K).

5.2 Tenth's Land and Wakatū Incorporation

Contact was made with Mike Ingram on 3 September 2025 (via phone and email) to confirm whether the project site falls within the Tenth's Land. A response received on 4 September 2025 confirmed that the proposed route does not affect any action under the Tenth's.

5.3 Nelson City Council departments

Input has been sought from the following NCC departments:

- **Operations and Assets:** included consideration of operational, maintenance and construction-related matters, such as the proposed manhole locations and river outlet alignment, and potential Health and Safety by Design operational and construction risks.
- **Parks:** discussed works in proximity to existing trees and the proposed tree removal, at Queen's Gardens and the riverbank, and design of the pond inlet and path. Discussed future initiatives to improve the health of the pond, including water replenishment.
- **Science and Environment:** discussions focussed on fish passage to/ from the pond.

5.4 Heritage New Zealand Pouhere Taonga

Advice was sought from Heritage New Zealand Pouhere Taonga (HNZPT) regarding the proposed activities within Queen's Gardens, which is listed as a Category 2 Historic Place on the New Zealand Heritage List/ Rārangī Kōrero. HNZPT advised that while the listing recognises the historic values of the Site, the role of HNZPT is to advocate for the places on the list, however listing on the Rārangī Kōrero is an identification tool.

HNZPT also advised that given the Gardens were established in the 1880s, any trenching or sub-surface works could potentially disturb archaeological material protected under the Heritage New Zealand Pouhere Taonga Act 2014.

Further communications dated 3 September 2025 confirms that findings of the archaeological assessment have been accepted on the basis that the Accidental Discovery Protocols (ADP) will be followed, and that an archaeological authority is not required for this project. No further involvement is required provided that no heritage features of the park are impacted. However, works are to stop and HNZPT are to be contacted in the event of any accidental archaeological discovery.

5.5 Adjacent landowners and tenants

The properties at 27 Riverside, 205 Bridge Street and 207 Bridge Street are particularly relevant due to works occurring within existing right-of-way easement areas,¹² and access to the properties may be temporarily disrupted while works are undertaken within the shared access area.

An easement over 205 Bridge Street is being arranged to provide NCC with ongoing rights to use and maintain the pipes.

NCC is consulting with nearby residents and businesses by letter drop/ email, door knocks, and meetings where requested. Letters introducing the project were sent to the owners and occupiers of the following neighbouring properties in February 2026:

- 25, 27, 28, 30, 32, 34, 36 Riverside
- 199, 205, 207, 208, 211 Bridge Street

These letters outlined the proposed stormwater improvements, anticipated construction timeframes and potential construction-related effects, including temporary disruption, noise and vibration. Most neighbours appreciate the need for the project, understand that adverse effects on them will be appropriately managed, and have not expressed opposition to the project going ahead.

A full copy of this resource consent application will be provided to neighbours at the time of lodgement, and their written approval will be requested.

Key consultation material is provided in **Appendix K**.

¹² 207 Bridge Street (NL12A/431) - Easement Certificate 361807.11; 205 Bridge Street (NL12A/432) - Easement Certificate 361807.10

6 Assessment of effects on the environment

6.1 Introduction

Section 104(1)(a) and Clause 2(3) of Schedule 4 of the RMA require an assessment of the activity's effects on the environment. The detail of this assessment should correspond with the scale and significance of the effects that the activity may have on the environment.

The assessment in the following sections identifies and assesses the types of effects that may arise from the proposed activity provided for under this application. This assessment also outlines the measures that the applicant proposes to avoid, remedy or mitigate any potential adverse effects on the environment.

The application is a non-complying activity overall, due to the construction noise and vibration exceedances and proposed activities being within a scheduled horticultural park. However, a number of the activities are controlled or discretionary activities. The relevant matters of control are identified in Section 4 and have informed the broader assessment of effects set out below.

This assessment draws on information provided in the technical reports contained within **Appendix D to Appendix H** and addresses the following effects:

- Positive effects
- Flooding effects
- Construction effects
- Construction noise and vibration effects
- Ecological effects
- Contamination effects
- Landscape and visual amenity effects
- Archaeological effects
- Cultural effects

6.2 Positive effects

The proposed stormwater network utility upgrade will improve the capacity and performance of the existing stormwater system, increasing flood resilience within the Queen's Gardens catchment and providing benefits to surrounding properties and the local community.

The upgrade is expected to reduce the frequency and severity of flooding during high rainfall and high river flow events, thereby reducing the risk of inundation, property damage, disruption to businesses and community facilities, and potential threats to public safety.

In particular, the project will improve flood protection for the Suter Art Gallery, by reducing the likelihood of floodwaters entering the Suter basement and affecting critical building services and storage areas, and public facilities. This will provide operational, heritage, and community benefits.

In addition, relocating the riverbank outlet further downstream, is expected to reduce the backflow of sediment-laden floodwaters from the Maitai River into the pond during flood events. This is anticipated to reduce sediment accumulation within the pond over time and improve overall pond water quality.

6.3 Flooding effects

The proposed activities between Queen's Gardens and the Maitai River are intended to improve the performance of the existing stormwater infrastructure and reduce flood risk in the lower Maitai catchment. As described in Section 2.2 of this AEE, existing NCC modelling indicates that backflow from the Maitai River into Queen's Gardens can occur during smaller flood events (such as a 10% AEP or 1 in 10 year). In larger flood events, existing NCC modelling also predicts that flows from the Maitai River could enter Queen's Gardens and overflow across Bridge Street toward Ngaire Place.

To address these existing flood hazards (as described in Section 3.2), NCC proposes to upsize the existing 300 mm stormwater pipe to a 1,050 mm diameter concrete pipe; and relocate the stormwater outlet at the riverbank further downstream, where river levels are approximately 1.2 m lower.

As noted in the Options Assessment Report¹³, the hydraulic benefits of upsizing the existing stormwater network and relocating the outlet further downstream were assessed using rational method calculations and HY-8 modelling to analyse a range of pipe diameters and tailwater depths (river level) scenarios. The modelling indicates that the proposed upgraded pipeline will improve stormwater conveyance during significant rainfall and river flood events, reducing the likelihood of stormwater surcharge, pond overtopping, and overflows from Queen's Gardens across Bridge Street.

The modelling also indicates that, during larger flood events (such as the 2% AEP event), some flooding risk may remain for nearby properties. However, the proposal is still anticipated to reduce the flood risk for such larger flood events (depending on the river/tailwater levels).

Then inlet structure at the pond has been designed to maintain the existing pond water level.

Overall, based on the hydraulic modelling, the proposal will reduce flood risk relative to the existing environment and is not anticipated to increase flood hazard elsewhere, any adverse flooding effects are considered less than minor

6.4 Construction effects

6.4.1 Erosion, sedimentation and dust effects

Installation of the proposed stormwater and water supply pipe (consented separately) will involve trench excavation along Bridge Street, Riverside and within Queen's Gardens.

The main potential for erosion and sediment discharge relates to the works adjacent to the Maitai River and Riverside, where exposed soils may be susceptible to runoff entering the river environment during rainfall events.

No significant dust generation is expected from the construction activities, including trench excavations and outlet works, as the scale of earthworks (limited in a trench) will be managed through standard construction practices. To manage potential sedimentation effects, an ESCP will be prepared by the appointed contractor in accordance with Nelson Tasman Land Development Manual and Nelson Tasman Erosion and Sediment Control Guidelines 2019, as part of the CMP. As outlined in Section 3.6, the ESCP will set out required sediment and erosion control measures to be implemented throughout construction to minimise uncontrolled erosion and sediment discharges to the receiving environment. Disturbed areas will be reinstated following completion

¹³ Maitai River flood protection works – Queen's Gardens pipeline options report. Prepared by T+T. Job No. 1006675.5171 v1, 28 July 2025.

of the works, including replacement of topsoil and re-establishment of vegetation where required.

All erosion and sediment control measures will be actively monitored and maintained throughout the construction period. Provided the applicant implements the control measures described within an ESCP, any adverse erosion, sedimentation or dust effects will be no more than minor.

6.4.2 Construction traffic, access and parking effects

Construction of the proposed stormwater upgrade will result in temporary adverse effects on traffic flow, access to private properties, available parking, and pedestrian/cyclist movements along Riverside, Ngaire Place and Bridge Street.

These effects will generally be localised and progressively staged as construction advances along the project alignment from the Maitai River towards Queen's Gardens.

Temporary traffic flow disruptions are anticipated along Riverside Road and Bridge Street, where partial or full road closures may be required during construction hours. Temporary disruption to residential driveway access and on-street parking will also occur, particularly at 27 Riverside Road and 205–207 Bridge Street. Temporary removal of on-street carparks will occur at Riverside, Ngaire Place and Bridge Street. Where access restrictions are required, alternative parking and property access arrangements will be provided where practicable, in consultation with affected residents and property owners.

While short sections of existing pedestrian and cycle paths may require temporary closure or relocation, access will be maintained throughout the construction period via temporary diversions around active work areas.

The appointed contractor will prepare and implement a CMP, including Temporary Traffic Management (TTM) measures, to manage construction vehicle movements and maintain safe operations of the surrounding transport network for vehicles, pedestrians and cyclists.

With the appropriate traffic management measures in place, any adverse effects of the project on the safety and efficiency of the road network, including pedestrian and cyclist safety, as well as access for local residents and businesses, will be less than minor.

6.5 Construction noise and vibration effects

The NRMP does not contain specific standards for construction noise or vibrations within the residential or open space zones. However, the NRMP requires construction noise from activities within the Inner-City zone to comply with NZS 6803:1999 Acoustics – Construction Noise when assessed at, or within, any site in the Residential Zone. The NRMP also requires that vibration from activities in the Inner-City zone is not 'discernible' at any other site. Resource consent is sought as these requirements cannot be met.

Temporary sheet piling is likely to be required in localised areas, adjacent to existing building foundations and near the Maitai Riverbank.

A noise and vibration screening exercise has been undertaken by T+T Acoustic Engineers, with the results presented in Table 6.1 below. Simple distance calculations have been used in conjunction with T+T's proprietary noise and vibration propagation prediction tool AcoustiPlot. This provides indicative noise levels at the nearest receivers, and indicative setback distances to achieve vibration levels of 2 mm/s PPV (typical amenity limit) and 5 mm/s PPV (DIN 4150-3:2006 limit for cosmetic building damage). The source levels for sheet piling are 88 dB LAeq at 10 m (noise) and 6 mm/s PPV at 10 m (vibration). The assessment was undertaken in accordance with NZS 6803:1999 for construction noise, and DIN 4150-3:2016 and BS 5228-2:2009 for vibration.

We note that the model does not include any screening from buildings or other structures, and locations that do not have direct line of sight to the sheet piling would typically be around 10 dB lower than the values shown. The values also do not account for any noise or vibration mitigation or management measures.

Table 6.1: Predicted maximum noise and vibration levels from sheet piling in the Inner City zone (with no mitigation)

Address	Highest noise level at external façade dB LAeq	Internal noise level – average construction (20 dB façade reduction) dB LAeq	Internal noise level – good construction (30 dB façade reduction) dB LAeq	Predicted highest vibration level, mm/s PPV
199 Bridge Street	84	64	54	3-5
205 Bridge Street	105	85	75	> 6*
207 Bridge Street	111	91	81	> 6*
211 Bridge Street	86	66	56	3-5
208 Bridge Street	85	65	55	3-5
25 Riverside	81	61	51	2-3
27 Riverside	87	67	57	4-5
28 Riverside	87	67	57	3-5
30 Riverside	85	65	55	3-5
32 Riverside	79	59	49	2-3
34 Riverside	76	56	46	2-3

* Will require building condition surveys.

The receivers are colour coded for their zone, i.e. blue is Inner City, green is Open Space and yellow is Residential.

Under NZS6803, the applicable daytime construction noise limit for residential and commercial receivers is 75 dB LAeq measured at 1 m from external façades of occupied buildings. The limit increases to 80 dB LAeq for short duration projects (less than 14 days).

The adopted vibration limits are:

- 5 mm/s PPV to avoid cosmetic damage of residential buildings.
- 20 mm/s PPV to avoid cosmetic damage of commercial buildings.

- 2 mm/s PPV to ensure a reasonable level of amenity for building occupants.
- 0.3 - 1 mm/s PPV to meet the NRMP “not discernible” rule threshold.

While it is not uncommon for large infrastructure projects to be undertaken in proximity to sensitive receivers, the assessment identifies that the proposed construction activities, particularly sheet piling, will generate noise and vibration levels at nearby receivers that require careful management. The proposed management measures will be detailed in a Construction Noise and Vibration Management Plan (CNVMP) that will be prepared by the contractor to reflect their selected construction methodology. It is anticipated that these measures will include:

- Undertaking pre-and-post-construction building condition surveys for properties within 13 m of sheet piling or large vibratory roller works.
- Implementing real-time vibration monitoring with alert triggers at receivers within 13 m of high-vibration activities.
- Undertaking community and stakeholder communication prior to high-noise and high-vibration activities.
- Adopting alternative construction methodologies to sheet piling where practicable (such as trench shields, pressed sheet piling, or directional drilling).
- Utilising smaller vibratory rollers or non-vibratory compaction methods in close proximity to buildings, where practicable.
- Installing noise screening where effective (where line of sight is blocked between the noise source and the receiver), such as adjacent to ground-floor windows of immediately adjoining properties.
- Limiting noisy activities to weekdays and standard daytime construction hours when residential occupiers are less likely to be home.
- Implementing general good site practice, including locating plant as far from sensitive receivers as practicable and minimising unnecessary site noise.

We note that construction including sheet piling activities will be intermittent, localised and will progressively move, rather than being continuous throughout the construction period. Engagement with neighbours is ongoing, NCC is aiming to require the contractor to schedule the works to avoid times of greatest sensitivity to noise and vibration exposure. The contractor will liaise closely with neighbours prior to and during high noise and vibration activities.

With the proposed measures in place, sheet piling may still result in minor or greater construction noise and vibration effects at some nearby properties for intermittent periods. Minor effects are assessed as occurring when:

- the highest predicted noise level at a building façade is 80 dB or more;
- the highest predicted vibration level exceeds 3 mm/s PPV (amenity effects); and/or
- the highest predicted vibration level exceeds 6 mm/s PPV (building cosmetic damage).

Refer to Section 8.2.2 for an assessment of affected persons under section 95E of the RMA.

6.6 Ecological effects

The assessment in this section of the AEE Report relies on the detailed assessment provided in the EcIA prepared by T+T, dated February 2026.

The EcIA broadly follows the methods outlined in the Ecological Impact Assessment Guidelines 2018 published by the Environment Institute of Australia and New Zealand (EIANZ).

6.6.1 Temporary ecological effects

The proposed construction of the stormwater pipe upgrades at the Site has the potential to result in temporary ecological effects associated with vegetation removal, disturbance to bird habitat, and instream works within the Maitai River.

Approximately 70 m² of predominantly exotic riparian and garden vegetation will be removed to facilitate installation of the proposed pipes. The design has considered the location of the proposed outlet along the riverbank to avoid tree loss and only allow for the removal of grass verge and a small area of mixed native sedges/ rank grass. Similarly, vegetation removal will be temporary, with disturbed areas reinstated and replanted with like-for-like or native equivalent species following construction.

Vegetation clearance also has the potential to affect nesting birds. Should tree removal be required, best practice avifauna management measures are recommended to be included in an Ecological Management Plan (EMP), to minimise adverse effects. Recommended measures include avoiding vegetation clearance during the peak bird breeding season (September to February) where practicable or undertaking nest surveys within 48 hours of clearance if works cannot be scheduled outside this period.

Instream activities within the Maitai River, including the establishment of a dry working area and associated dewatering activities, have the potential to affect native freshwater fauna. To avoid and mitigate these effects, fish salvage and relocation will be undertaken immediately prior to construction. The EMP should set out procedures for fish salvage and relocation, handling, storage and transport requirements and measures to avoid fish entrainment or impingement on dewatering pumps. Specific procedures for managing Threatened and At-Risk species will also be included.

With the implementation of these measures, the overall magnitude of effect on native freshwater fauna is assessed as less than minor.

6.6.1.1 Sedimentation

The uncontrolled discharge of sediment-laden water or other contaminants (e.g., concrete or fuel) during earthworks, combined with machinery tracking through waterbodies, has the potential to adversely affect aquatic habitat and water quality within the Maitai River and Queen's Garden Pond. In the absence of effective management, these discharges may adversely affect native freshwater fauna, aquatic flora, and overall ecosystem functioning.

To minimise the potential for sediment mobilisation and deposition, dewatering activities will be undertaken during drier conditions when practicable, and instream works will be undertaken within the dry working area during the standard earthworks season (October - April).

As outlined in Section 6.4.1, erosion and sediment control measures will be implemented to avoid sediment-laden runoff entering the stormwater network or directly discharging to the Maitai River. In addition, dewatering discharges will be treated through sediment settling tanks or filtration systems prior to discharge, with discharge rates controlled to less than 10% of the Maitai River flow to allow adequate dilution.

The EcIA concludes that, with the implementation of these measures, the works are unlikely to result in a discernible reduction in water quality or degradation of habitat within the Maitai River or Queen's Garden Pond during or following construction. Thus, the overall adverse effects will be less than minor.

6.6.1.2 Modification of Maitai River habitat

The effects of the establishment of a dry area (diversion of the river stream) on river habitat will be temporary. The short-term diversion will require less than one third of the width of the active channel and will be outside the fish spawning period. Therefore, no effects on fish migration or passage are anticipated.

When normal river flow returns, the natural movement of water will gradually restore the disturbed areas of the riverbed. The lower reaches of the Maitai River naturally collects boulders and gravel, meaning sediment builds up and shifts over time. Because the river rises and falls quickly during rain, flood events will move and redeposit rocks and sediment downstream. This natural process will help recreate the habitat in the affected area once construction is complete.

In addition to this, mitigation measures are proposed, including reprofiling of the riverbed to match the pre-impact gradient, relocating existing large boulders or cobble material during the diversion, and reinstating the flow characteristics of the river. Because of this, the actual or potential effects on the Maitai River habitat can be managed so as to less than minor.

6.6.2 Ongoing ecological effects

As detailed in the EclA and summarised in Section 2.7 of this AEE, the Maitai River is considered to have very high value ecological habitat. The project involves permanent modification to a small section of the Maitai Riverbank associated with installation of scour protection around the new outlet. To minimise any adverse effects, habitat reinstatement and riparian planting will be undertaken where practicable, and the modified area will be consistent with existing outlets in the lower tidal reaches of the river. The EclA concludes that these modifications result in negligible effects.

The project may slightly impair the passage of fish between the Queen's Gardens Pond and river compared to the existing situation, due to the increased pipe length and additional bends. However, the network is still expected to provide passage opportunities for species adapted to stormwater pipe networks, particularly shortfin eel, with no further mitigation considered necessary. The majority of the pipeline has a low gradient and may continue to provide some habitat features where water, sediment, and organic matter accumulate. The potential effects of the steeper inlet gradient at the proposed pond connection on fish passage will be mitigated by retaining the existing 200 mm inlet at the pond, which has a lower gradient and is assumed to be passable by fish. The EclA states that the project will have a low effect on fish passage and habitat.

Based on the EclA assessment and the implementation of the design refinements (outlined in Section 3.2) to the stormwater pipe, we consider the permanent ecological effects will be less than minor.

6.7 Effects of the discharge on riverbed stability

The proposed replacement of the existing outlet with an upsized outlet structure, has the potential to result in localised erosion, scour and geomorphic changes at the new discharge location and downstream environment.

The proposal involves the relocating the existing stormwater outlet further downstream and increasing the pipe diameter from 300 mm to 1,050 mm. As a result, there is potential for localised scour and erosion around the new outlet due to changes in discharge velocity and flow energy, particularly during high-flow events.

To avoid and mitigate potential scour effects, scour protection in the form of rock armouring will be installed around the outlet using clean rock similar to that used at adjacent outlets. The rock

armouring will be limited to the immediate outlet area. The existing Riverside outlet (to the north of the Ngaire Place intersection; asset ID D611300) will be decommissioned and the riverbed reinstated using suitable existing scour protection rock and cleanfill material.

NCC has a monitoring programme to inspect riverbanks for scour, which is undertaken on a regular annual basis, as well as following flood events. Should scour be identified that requires additional erosion protection, this will be undertaken under NCC's existing maintenance consent (refer Section 4.1) or a separate consent will be sought.

Taking into account the proposed mitigation, any adverse effects on riverbed stability resulting from the discharge are considered to be no more than minor.

6.8 Effects from contaminated soils disturbance

*This section relies on the DSI Report (**Appendix D**) prepared by T+T and dated 7 July 2026.*

The DSI has been prepared in general accordance with the requirements for a DSI referred to in the NES Soil and as outlined in the Ministry for the Environment (MfE) Contaminated Land Management Guidelines.

Without effective discharge controls, dewatering discharges could present a risk to the receiving environment (including the Maitai River). Since the groundwater has been consistently measured below the proposed excavation depth, any dewatering required would result in groundwater being drawn down to within measured normal levels.

To this effect, a site-specific Contaminated Soil Management Plan (CSMP), provided in **Appendix H**, has been prepared in general accordance with the soil disturbance related controls referred to in the NES Soil. The CSMP contains procedures for appropriate handling and management of soil where HAIL activities have been identified (205 Bridge Street) and along the Bridge Street roadway where coal tar has been reported to protect human health. This includes information and options to manage the health and safety for all persons (employees, contractor and sub-contractors), emergency and site management procedures, onsite reuse and disposal procedures as well as unexpected contamination discovery protocols. Key measures include:

- Use of appropriate personal protective equipment and contamination awareness training for construction personnel.
- Segregation and management of coal tar-affected materials.
- Erosion and sediment control measures to prevent contaminated runoff entering stormwater systems or the Maitai River.
- Treatment of dewatering discharges through sediment settling or filtration systems prior to discharge.
- Monitoring of dewatering discharges for sediment, turbidity, sheen and odour.
- Controls on the reuse, stockpiling and disposal of non-cleanfill materials. There are different options/ requirements for different materials likely to be excavated.
- Implementation of unexpected contamination discovery procedures should previously unidentified contamination be encountered.

With implementation of the CSMP, including appropriate groundwater and dewatering controls, adverse effects associated with contaminated soil disturbance, groundwater contamination, and the reuse or disposal of excavated material are expected to be less than minor.

6.9 Landscape and visual amenity effects

Construction works may result in temporary adverse visual and amenity effects for local users due to the presence of machinery, laydown areas and construction activities.

During the first stage of construction, the project will temporarily alter the visual appearance of the Maitai River while the outlet structure is upgraded. This change will be temporary as the new outlet structure will be visually consistent with the existing outlet and grassed and vegetated areas will be reinstated. The Maitai River path will be reinstated following completion of the works in this area.

Given the nature, scale, and temporary duration of the proposed activities, adverse landscape, visual amenity, and access effects are assessed as being no more than minor.

6.10 Archaeological effects

The assessment below is based on the Archaeological Assessment prepared by Amanda Young, dated February 2025, provided in **Appendix F**.

The Queen's Gardens is both listed under the New Zealand Heritage List (Category 2) and in Appendix 2 of the NRMP. The site contains heritage values associated with its historic development, landscape features, and identified heritage and landscape trees. There are no other recorded, scheduled or listed historic places or archaeological sites within the stormwater pipe alignment.

The Archaeological Assessment concluded that trenching is unlikely to encounter significant archaeological material due to extensive prior disturbance and reclamation of the former riverbed; any remains are likely to be limited to low-value deposits such as historic rubbish or reclamation fill.

However, the possibility of archaeological evidence being uncovered during site works can be appropriately managed by a robust ADP. Accordingly, ADP will be implemented and all contractors involved in earthworks and ground modification will be briefed as to the archaeological and cultural values of the area, how to recognise archaeological and cultural material and the steps to be taken if it is encountered. The proposed ADP reflects the requirements within the NRMP and includes the notification of relevant iwi and HNZPT.

With the implementation of these measures, the proposed works are considered to appropriately manage potential archaeological effects, if any, resulting in less than minor effects.

6.11 Cultural effects

As stated in Section 2.6, the Maitai / Mahitahi River and Te Aratuna are of high cultural significance to iwi of Te Tau Ihu, including Ngāti Koata, Ngāti Tama ki Te Waipounamu, and Ngāti Toa Rangatira. These waterways are recognised as taonga, forming part of a wider interconnected freshwater system that supports cultural identity, mahinga kai, and the exercise of kaitiakitanga.

Te Aratuna in particular is identified as a culturally significant landscape and former mahinga kai, with strong associations to tuna habitat and the wider Maitai catchment. While the site has undergone significant historical modification and is currently used as stormwater infrastructure, its cultural value remains high. As identified in the CIA (Appendix E), the current condition of Te Aratuna reflects cumulative and intergenerational effects, including land alienation, hydrological modification, and ongoing use as a stormwater receiving environment.

Engagement with mana whenua (refer Section 5) has informed the understanding of cultural values and potential effects associated with the proposed works.

As stated in Section 5.1, Ngāti Toa Rangatira has advised that it cannot provide support for the project until its concerns have been addressed. We understand their concerns are focussed on the broader cultural landscape and a desire for restoration of Te Aratuna and Queen's Gardens and relate to cumulative historic and current impacts and the separate delivery of NCC projects relating to freshwater. Ngāti Toa, Ngāti Koata and Ngāti Tama have identified a need for the enhancement of mauri, restoration of ecological and cultural values, improved iwi engagement, and integrated planning across NCC's Queen's Gardens projects/ initiatives. At the hui held on 15 April 2026, iwi representatives reiterated that while the proposed stormwater upgrade (this project) would not significantly worsen existing conditions, it does not deliver the wider restoration outcomes sought through the CIA. NCC acknowledged these concerns and confirmed that the stormwater upgrade forms one component of a wider programme of initiatives that NCC is considering. Ongoing engagement with Ngāti Koata, Ngāti Tama, and Ngāti Toa intends to address the longer-term restoration and cultural aspirations for Te Aratuna.

This project will adopt management and mitigation measures that aim to avoid, remedy and mitigate the potential adverse effects of the project on cultural values. These include:

- ongoing engagement with mana whenua through detailed design and construction;
- opportunities for iwi participation in cultural monitoring and site works (e.g., cultural inductions, karakia, and iwi monitoring);
- consideration of measures to maintain or improve fish passage;
- reinstatement and planting of disturbed areas using appropriate species; and
- ensuring that works do not preclude future restoration initiatives for Te Aratuna.

While the project does not fully align with iwi aspirations for restoration of Te Aratuna, it is considered that, with the implementation of the above measures and continued partnership with iwi, adverse cultural effects can be appropriately managed in the context of the existing modified environment.

Ongoing engagement will be important to address cumulative effects and support improved cultural and ecological outcomes over time.

6.12 Summary of proposed mitigation

In summary, to mitigate potential adverse effects on the environment identified in Section 6, the following management plans and protocols are proposed. These should form the basis for fair and reasonable consent conditions. We would appreciate the opportunity to comment on draft conditions prior to any consent being granted.

- **CMP:** Establishes acceptable construction methods, encompassing site hours, temporary traffic management, and communication procedures.
- **CSMP:** Details protocols for the safe handling and segregation of contaminated soils (including coal tar and HAIL sites), stockpile management, dewatering treatment, and unexpected contamination discovery.
- **CNVMP:** Specifies requirements to manage and mitigate noise and vibration during construction
- **ESCP:** Outlines procedures to minimise erosion, and sediment runoff into waterways.
- **EMP:** Drafted by a qualified ecologist to manage and mitigate ecological impacts throughout the duration of the works.
- **ADP:** Procedures to follow if archaeological material, human remains, or cultural artifacts (such as Pakohe) are unearthed during construction.

7 Statutory assessment

7.1 Consideration of applications

Section 104(1) of the RMA sets out the matters to which a consent authority must have regard to, subject to Part 2 of the RMA, when considering an application for resource consent. Any actual and potential effects on the environment of allowing the activity and any mitigation, offset or compensation measures are addressed in Section 6 above. Relevant national environmental standards are addressed in Section 7.2 and other regulations are addressed in Section 7.8 of this report.

The remaining section 104(1) matters, being the relevant policy and plan provisions and any other matters, are addressed below.

Section 104(2EA) enables a consent authority to have regard to non-compliance when considering a resource consent application, being abatement notices, enforcement orders, infringement notices or convictions under the RMA. Compliance records for NCC were retrieved for a previous resource consent application (RM255083, RM255269 and RM255270) and can be provided on request.

7.2 National policy statements

7.2.1 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPSFM) came into force on 3 September 2020 (amended December 2025). The NPSFM provides local authorities with direction on how to manage freshwater resources under the RMA. The overarching objective of the NPSFM is to ensure that natural and physical freshwater resources are managed in a way that prioritises the health and wellbeing of waterbodies and freshwater ecosystems, the health needs of people and the ability of people and communities to provide for their social, economic, and cultural wellbeing (now and in the future). This objective is supported by the relevant Policies 1, 2, 5, 7, and 15.

The NPSFM is considered relevant to this proposal which involves earthworks in proximity to the Maitai River. The proposed activities will be undertaken in a manner that protects the health of freshwater, giving effect to Te Mana o te Wai (Policy 1). NCC has been proactive in keeping mana whenua informed throughout the consultation process, consistent with Policy 2.

As described in Section 6 of the AEE, the implementation of measures set out in the ESCP of the CMP will minimise any temporary sedimentation effects on freshwater values, consistent with Policies 5 and 7.

Overall, the proposed activity will be consistent with the objective and policies of the NPSFM.

7.2.2 National Policy Statement for Infrastructure 2025

The National Policy Statement for Infrastructure (NPS-I) was notified in the New Zealand Gazette on 18 December 2025 and came into force on 15 January 2026. It sets out the objectives and policies for infrastructure under the RMA, which applies to all infrastructure activities (as defined by the Act) and additional infrastructure as defined in this NPS. The definition of “additional infrastructure” expressly includes “stormwater network”¹⁴. Therefore, the NPS-I is relevant to this application.

¹⁴ expressly includes infrastructure and processes that are used to drain stormwater in an urban area.

The overarching objective of the NPS-I is to ensure that the development, operation, maintenance, and upgrading of infrastructure (and activities that support it) are enabled and protected, recognising the essential role infrastructure plays in social, economic, and cultural wellbeing. Key policies that are relevant to this proposal include:

- **Policy 1** requires *decision-makers must ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for.* That these benefits include (but not limited to) reducing the risks from, and improving resilience to, natural hazards and climate change. This project is reflective of this policy, in that it improves resilience to the risks of natural hazards (flooding) on the Queen's Garden and nearby properties.
- **Policy 2** requires decision-makers *to recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.* In addition to **Policy 4** which *enables the efficient and timely operation and delivery of infrastructure activities. [...]* Decision makers must *enable the upgrading of infrastructure where this will: improve the resilience of infrastructure to the risks from natural hazards and effects of climate change; maintain or improve its level of infrastructure service, including to meet increasing demand; or improve environmental outcomes.*

The proposed upgrade is located within the existing stormwater network corridor between Queen's Gardens and the Maitai River, where the infrastructure is required to connect the pond outlet to the river outlet to achieve the flood resilience and stormwater management outcomes sought by the project. The outlet upgrade also needs to occur within the Maitai River margin to enable discharge to the receiving environment. The proposed upgrade both reduces the likelihood of river backflow into the stormwater network and improves the ability of the pond to drain during high river levels (flood events).

- **Policy 6** *decision-makers must recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities.* Please refer to the extent of engagement undertaken in Section 5 and the considerations considered in Section 6. NCC engaged proactively with mana whenua throughout the project (refer Section 5). A CIA (Appendix E) was prepared, which informs the cultural mitigation measures adopted, including ongoing engagement, cultural inductions, karakia, and iwi monitoring during construction. Iwi have confirmed no objection to the project.
- **Policy 7** requires decision-makers to: *(a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work; and (e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.*

The proposal has been designed to largely utilise existing disturbed corridors, road reserve, and the current stormwater alignment to minimise additional disturbance to Queen's Gardens, adjoining properties, and the Maitai River margins. Furthermore, the proposed route was specifically selected to discharge further downstream rather than at the Bridge Street bridge. This alignment achieves the necessary elevation drop at the discharge point, thereby reducing the risk of river water backflow into the Queen's Gardens pond.

Construction effects will be managed through measures including erosion and sediment controls, construction management procedures, traffic management, and reinstatement planting.

- **Policy 9** requires *decision makers to enable new infrastructure or major upgrades of existing infrastructure activities in all environments. Where infrastructure activities are proposed to locate in or are likely to have adverse effects on environments and values*

provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans.

The proposed upgrade constitutes a major upgrade of existing stormwater infrastructure and is therefore enabled by Policy 9. The works extend into the Maitai River margin and riverbed, an environment to which section 6(a) of the RMA is relevant, and accordingly this policy has been considered alongside the NPS-FM, and the NRMP provisions. The effects of the riverbed activities within the riverbed are considered to be minor and temporary in nature, limited to the construction period, and managed through the measures set out in the CNVMP and ESCP.

In summary, the project is consistent with the direction established through the NPS-I.

7.2.3 National Policy Statement for Indigenous Biodiversity

The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into force on 4 August 2023 (amended October 2024) and sets out policies and objectives to manage the protection, maintenance and restoration of indigenous biodiversity to give effect to the RMA 1991. The following section assesses the proposal against the objective and relevant policies contained within the NPS-IB.

The objective of the NPSIB is to maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity. The site is not located within a Significant Natural Area (SNA). Under clause 3.16(1) any significant adverse effects on indigenous biodiversity outside of an SNA must be managed using the effects management hierarchy. Clause 3.16(2) provides that all other adverse effects of any activities that may adversely affect indigenous biodiversity outside an SNA must be managed to give effect to the objective and policies of the NPS-IB.

The proposal has sought to avoid and minimise ecological effects through the design and methodology of the works as outlined in Section 3 of this report.

The EcIA concludes that permanent habitat modification associated with the outlet upgrade will be negligible, while effects on fish passage and freshwater habitat are expected to be low overall. The proposal may also provide some positive ecological outcomes through reducing sediment-laden floodwater backflow from the Maitai River into the Queen's Gardens pond during flood events.

Consistent with Policy 10, the project aims to improve flood resilience of nearby properties adjacent to the Queen's Gardens, thereby contributing to the community's wellbeing.

Overall, the proposed activities are considered to be consistent with the objective and policies of the NPS-IB.

7.2.4 National Policy Statement for Natural Hazards

The National Policy Statement for Natural Hazards 2025 does not apply to infrastructure (as defined in the RMA) and is therefore not applicable to this application.

7.3 National environmental standards

7.3.1 National Environmental Standards for Assessing and Managing Contaminants in Soil to Project Human Health

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Project Human Health (NES Soil) applies to specific activities on land where a HAIL activity has or is more likely than not to have occurred. Based on Section 2.4, this assessment has identified that

HAIL activities have occurred at a privately owned site intersected by the proposed alignment. Additionally, a coal tar assessment found that concentrations of PAH and heavy metals in the underlying fill were reported above NCC background levels along Ngaire Place and Bridge Street.

Exceedances of the permitted activity thresholds of Regulation 8(3) (i.e. no more than 25 m³ per 500 m² for disturbance; and 5 m³ per 500 m² of soil removed from the site per year) will require a resource consent pursuant to the NES Soil for the soil disturbance. To be considered a controlled activity pursuant to Regulation 9, the consent authority must receive a DSI which shows that the soil contaminant concentrations do not exceed the applicable standard for the land (described in Regulation 7).

An assessment against the matters is included in Section 6 of the AEE. A DSI (Appendix D) has been prepared which provides soil management protocols that will be implemented to ensure that all potential risks (to human health and the environment) will be appropriately managed. A CSMP has also been prepared in general accordance with the soil disturbance related controls referred to in the NES Soil.

7.4 Regional policy statement

The Nelson Regional Policy Statement (RPS), approved in 1997, provides direction for the resource management issues of the region. An assessment of the proposed activities against the key objectives and policies of the RPS is set out below.

Table 7.1: RPS objectives and policies assessment

Objective / Policy reference	Assessment
TW – Treaty of Waitangi (Chapter TW1 Tangata whenua interests)	
Objectives TW1.4.1, TW1.4.3, TW1.4.4 Policies TW1.5.1, TW1.5.2, TW1.5.5, TW1.5.11	NCC recognises the importance of the relationship between tāngata whenua and their ancestral lands, water and taonga. As outlined in Section 5, engagement has been undertaken with mana whenua to understand and address the potential effects of the proposed activities on Māori cultural values, and a CIA has been jointly prepared for Ngāti Tama, Ngāti Toa and Ngāti Koata. The project gives regard to the Iwi Management Plans (refer to Section 7.6.2).
DH – Development and Hazards (Chapter DH2 Natural Hazards)	
Objectives DH2.2.1 – DH2.2.4 Policies DH2.3.1, DH2.3.5	The proposed stormwater upgrades have been designed to reduce flooding in this area due to outlet capacity issues and backflow from the Maitai River during extreme events. The physical works involving upgrades to the network was selected as the preferred option for Area 3. Alternative options for the area were assessed and screened including a ‘do-nothing’ option. Based on the benefits and the disbenefits of the upgrade, the proposed activities were selected.
NA - Natural and Amenity Values (Chapter NA1 Amenity Values)	
Objective NA1.2.1 Policy NA1.3.5	The proposed activities have been designed to avoid and minimise effects on amenity and conservation values associated with the Maitai River and its margins as far as practicable, while enhancing resilience to future flood events. A more detailed description of effects on amenity is outlined in Section 6.9 of the AEE. The project is not an identified site of significant amenity value, and the proposed activities are not within proximity to protected or landscape trees.
NA - Natural and Amenity Values (NA5 Management of riparian and coastal margins)	

Objective / Policy reference	Assessment
Objectives NA5.2.1 and NA5.2.2 Policies NA5.3.1, NA5.3.10, NA5.3.11, NA5.3.13	The proposed stormwater upgrades involve the removal of an undersized existing outlet and the replacement with a new one along the riverbank where the top of the riparian margin meets the road reserve. Vegetation clearance will be kept to the minimum extent required to undertake the activities and within the crest of the slope. A dry area will be created to work within the riverbank for the proposed activities required to install the new outlet and other control measures will be in place to avoid erosion and sedimentation of the river. Additionally, construction in the river is for a short duration (less than 2 weeks) and for approximately 25 m in length.
WA – Water (WA1 Quality of natural waters)	
Objective WA1.2.1 Policies WA1.3.2, WA1.3.5, WA1.3.7	The water quality and instream habitats of the Maitai River will be maintained to protect its life supporting capacity. Riverbank disturbance will be limited to short sections around the outlet locations, with reinstatement using existing and clean fill materials to restore the bank profile and stability. Earthworks will be managed in accordance with an ESCP prepared in accordance with the Nelson Tasman Erosion and Sediment Control Guidelines. This will minimise potential effects of sedimentation on water quality.
SO – Soils (SO1 Sustainability of the soil resource)	
Objectives SO1.2.1, SO1.2.2, SO1.2.4 Policies SO1.3.2, SO1.3.5	The site has been assessed as potentially contaminated with coal tar and is above soil contamination standards as described in Section 2.4, to ensure appropriate management and mitigation measures are in place. Earthworks will be managed in accordance with an ESCP prepared in accordance with the Nelson Tasman Erosion and Sediment Control Guidelines to minimise potential adverse effects on water quality and water bodies.
DA - Discharges to Air (DA2 Noise)	
Objective DA2.2.1	This objective seeks to achieve an environment in which unreasonable noise is avoided, remedied or mitigated, although we note the issue and policies do not specifically relate to construction noise. Construction noise will be managed in accordance with the measures set out in Section 6.5, including use of the best practicable option, to ensure that noise and vibration levels are avoided, remedied or mitigated to the extent practicable. Close engagement with neighbours is underway and will continue throughout the duration of the project.

7.5 Nelson Resource Management Plan

An assessment of the proposed activity in relation to the key policy direction of the NRMP is set out below.

Table 7.2: NRMP objectives and policies assessment

Objective reference	Policy reference	Comment
DO1 Tangata whenua		
Objective DO1.1 Management of natural and physical resources that recognises the needs of Māori communities and enables them to provide for their social, economic, and cultural well-being and their health and safety.	Policy DO1.1.1 - Natural and physical resources should be managed in a way that recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.	As outlined in Section 5, NCC is actively engaging with mana whenua to understand the potential effects of the project on Māori cultural values, recognising their role as kaitiaki. Ngāti Koata, Ngāti Tama ki Te Waipounamu, and Ngāti Toa Rangatira has prepared a CIA (Appendix E) and this been assessed in Section 6.11 of the AEE. Access to the Maitai River will be maintained following construction, and replanting will include native riparian species consistent with the ecological and cultural values of the area. Iwi will be invited to undertake cultural induction and monitoring during construction. An assessment against the relevant provisions of iwi management plans is contained in Section 7.6.2. Overall, the proposal recognises and provides for the relationship of tangata whenua with the Maitai River and associated taonga, while enabling improved flood resilience and public safety outcomes.
	Policy DO1.1.2 - Management of natural and physical resources that takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga.	
	Policy DO1.1.4 - Access should be provided to traditional resources within public reserves, water bodies, and coastal water, consistent with preserving natural values.	
	Policy DO1.1.6 - Make policy decisions on water management having regard to the provisions of resource management plans such as eel management and iwi environmental management plans that promote the sustainable use of water and associated resources.	
DO2 Natural Hazards		
Objective DO2.2 Risks to Whakatū Nelson's people, property and infrastructure from natural hazards, including the effects of climate change, are	Policy DO2.1.3 - No activity should aggravate any known or potential natural hazard on its own site or any other site.	As outlined in Table 4.1, the site is identified within natural hazard overlay areas in the NRMP Planning Maps, including flood hazard and liquefaction overlays (Policy DO2.2.10). The purpose of the proposed activities is to reduce flooding effects on people, property and infrastructure within the Bridge Street area near the Queen’s Gardens, including the Suter Gallery. Accordingly, the proposal is consistent with Policies DO2.1.3, DO2.1.7, DO2.2.9 and DO2.2.10, as it will reduce rather
	Policy DO2.2.1 - Identify, as overlays in the Planning Maps (under layer group 'NRMP Hazards'), areas within the region that are susceptible to flooding, faults, liquefaction, and slope instability.	
	Policy DO2.1.4 - Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works.	

Objective reference	Policy reference	Comment
<i>recognised and managed and significant risk is avoided.</i>	Policy DO2.1.7 - Enable activities and development in the Flood hazard, Flood and Inundation overlays where the activity, including through mitigation, does not increase significant risks of adverse effects from flood hazards to people, property, infrastructure and the natural environment.	than exacerbate flood risk, and appropriately mitigate risks to people, property, infrastructure and the natural environment within an existing urban area subject to flood hazard overlays.
	Policy DO2.2.9 - Require subdivision, use and development in the Flood Hazard, Inundation and Flood overlays to avoid, remedy or mitigate risks of adverse effects resulting from flood hazards, by: 1. providing building platforms, vehicle access and infrastructure that are located to respond to the severity of the hazard and proposed use of the site; 2. implementing measures to maintain the function of the flood plain so ensuring that flood risks are not increased either on or off-site; and 3. ensuring flood hazard risks to other properties or activities would not be increased and the function of the floodplain would be maintained.	The proposal also supports Policy DO2.1.4 by maintaining access to riparian margins required for ongoing maintenance and flood mitigation works. Temporary restrictions during construction will be managed through appropriate traffic and access management measures, with public access reinstated following completion of the works.
	DO2.2.14 - Control subdivision, use and development within the Liquefaction Hazard Overlay to ensure that: 1. the proposed subdivision, use or development anticipated for the site is suitable; 2. the location, size, design and layout of the subdivision, use or development in relation to the liquefaction risk is appropriate; 3. the level of risk to people, property and infrastructure from the liquefaction hazard is acceptable; and 4. that site-specific geotechnical assessment and proposed mitigation measures identify and adequately address the level of risk from liquefaction hazard before subdivision, use or development takes place.	The proposal responds directly to the identified flood hazard constraints and has been informed by site-specific engineering and geotechnical investigations. The proposed upgrades and earthworks required can be appropriately constructed to address liquefaction risk and ensure an acceptable level of risk to people, property and infrastructure. Accordingly, the proposal is consistent with DO2.2.14.
DO4 Heritage		
Objective DO4.1 <i>Retention and enhancement of</i>	DO4.1.8 - The protection of Landscape Trees or groups of Landscape Trees is considered important, and removal should be avoided where this can reasonably be achieved.	In relation to Objective DO4.1, the proposal recognises the contribution that heritage trees and vegetation make to the character, heritage values and visual amenity of the Queen's

Objective reference	Policy reference	Comment
<i>heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items.</i>	DO4.1.9 - <i>The protection of Local Trees or groups of Local Trees is desirable, and removal should proceed only after alternatives have been considered.</i>	Gardens and surrounding area. Table 4.1 identifies the Landscape Trees, Local Trees and listed heritage trees are within the Queen’s Garden. An unprotected Acmena tree within Queen’s Gardens may require removal, and an arborist will be present to advise tree protection measures during construction (or advise that the tree requires removal). No other trees are anticipated to be impacted. This approach is consistent with Policies DO4.1.8 and DO4.1.9. The assessment of effects in Section 6, demonstrates that the design has sought to avoid tree removal where practicable and minimise effects on protected trees through careful alignment, construction methodology, and arboricultural management measures. This is consistent with Policy DO4.1.11. Temporary construction effects will be managed through tree protection measures, and disturbed areas will be reinstated and replanted following completion of the works to maintain the amenity and landscape character of the area.
	DO4.1.11 - <i>The heritage significance and integrity of any listed tree should not be unreasonably compromised by any work directly or indirectly affecting the tree, or any adjacent development, having regard to the category of protection afforded the tree, and the purpose of that protection.</i>	
DO5 Natural values		
Objective DO5.1 - <i>An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.</i>	N/A	The project seeks to preserve natural values as much as is practicable and may enhance the natural values of the riparian margins in the medium to long term through revegetation with native species.
DO6 Riparian margins		
Objective DO6.1 <i>Riparian and coastal margins where natural character, public</i>	DO6.1.2 - <i>The values associated with riparian and coastal margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies.</i>	The proposed activities will involve activities within the riparian margins of the Maitai River to improve flood resilience. Works will be undertaken in accordance with an ESCP to minimise effects on natural character, water quality, and ecological values.

Objective reference	Policy reference	Comment
<i>access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.</i>	DO6.1.4 - <i>The long-term natural functioning of riparian and coastal margins should not be adversely affected by activities. In particular, natural values of margins including water quality, the habitats of plants and animals, landscape, and amenity values, including potential enhancement opportunities should be recognised and protected.</i>	Effects on public access along the riparian margins of the Maitai River will be temporary and limited to the construction period. Riparian planting following completion of the works will mitigate the adverse effects of riparian vegetation removal and disturbance to riparian habitats.
DO10 Land transport		
DO10.1 - <i>A land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable.</i>	DO10.1.4 - <i>Activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network and encourage a shift to more sustainable forms of transport.</i>	Construction activity will result in increased traffic on the road network. The safety and efficiency of the road network, including for pedestrians and cyclists, will be ensured by adhering to the TMP-TTM that will be prepared by the contractor.
DO13 Soil erosion and sedimentation		
DO13.1 - <i>An environment where the adverse effects of accelerated soil erosion are avoided, remedied or mitigated.</i>	DO13.1.1 - <i>Land uses should not accelerate soil erosion beyond natural levels.</i>	As outlined in Section 3.6, the proposed earthworks across the project site will be managed in accordance with measures set an ESCP plan prepared in accordance with the Nelson Tasman Erosion and Sediment Control Guidelines to mitigate effects of sedimentation and soil erosion.
	DO13.1.2 - <i>The adverse effects of soil erosion, particularly sedimentation, should be avoided, remedied or mitigated.</i>	
DO17 Activities in the beds of rivers and lakes, and in wetlands		
DO17.1 - <i>Activities, works or structures within</i>	DO17.1.1 - <i>Activities which disturb the bed of a river or lake, or a wetland, including vehicles and vehicle crossings, should be avoided, unless the disturbance is necessary:</i>	The proposal requires a temporary working dry area within the bed of the Maitai River to enable safe construction of the flood mitigation works. As outlined in Section 6, riverbed disturbance

Objective reference	Policy reference	Comment
<i>the beds of lakes and rivers and their margins, and in wetlands, are undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on freshwater bodies and their associated uses and values.</i>	DO17.1.2 - <i>Protect the natural character of rivers, lakes and wetlands, and their margins, and wetlands, from inappropriate subdivision, use and development.</i>	has been minimised as far as practicable and is necessary to undertake the works (Policy DO17.1.1).
	DO17.1.3 - <i>Structures in riverbeds and their margins should be constructed to allow for flood flows from significant storm events without causing or exacerbating flood damage to natural and physical resources.</i>	Temporary construction effects will be managed through the implementation of an ESCP, ecological management measures, and reinstatement of disturbed areas following construction (Policy DO17.1.2).
	DO17.1.4 - <i>The introduction of plants in the beds of rivers and lakes should be avoided except where such planting is necessary to control erosion.</i>	The proposed outlet structure will maintain flood conveyance and will not exacerbate upstream or downstream flooding (Policy DO17.1.3).
	DO17.1.5 - <i>The introduction of plants in the margins of rivers should be encouraged except where such planting involves pest plants or plants which are likely to spread into the bed of a river.</i>	No planting is proposed within the active riverbed other than where required for erosion control and reinstatement (Policy DO17.1.4). Riparian planting is proposed along the river margins using appropriate native species, which will enhance ecological and amenity values while avoiding pest species (Policy DO17.1.5).
	DO17.1.10 - <i>The deposition of material in the beds and banks of rivers and lakes, or in wetlands, should be avoided unless the material is necessary to protect the bed, banks or any structure from erosion, or where it is necessary for the repair, maintenance or construction of structures, in which case any adverse effects from depositing the material should be avoided or mitigated.</i>	Limited deposition (scour protection) within the riverbank is required to construct and protect the proposed works from erosion. These effects will be managed through appropriate construction and rehabilitation measures, consistent with Policy DO17.1.10.
Chapter 11 - Open Space and Recreation Zone		
OS1 - <i>Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of</i>	OS1.1 - <i>The amenity provided by open space and recreation areas should be recognised and protected.</i>	The proposed works within Queen's Gardens are temporary in nature and are required to support the flood mitigation upgrades and improve resilience of the surrounding urban area. The proposal recognises the amenity and recreational values of Queen's Gardens, including its passive recreation, landscape and heritage values (Policy OS1.1).
	OS1.2 - <i>Present uses of open space and recreation land should continue where there is benefit to the community, and where any adverse effects of those uses are minimised.</i>	

Objective reference	Policy reference	Comment
<i>open space and recreation land.</i> OS2 - Retain the opportunity to provide for changing community needs and aspirations.	OS1.3 - Activities on open space and recreation zoned land should be compatible with the amenity values of surrounding zones.	Temporary construction effects on access, noise and visual amenity will be managed through appropriate construction management measures, and disturbed areas will be reinstated and replanted following completion of the works. The scale and duration of construction effects are temporary, and reinstatement planting and landscape restoration will ensure the long-term character and amenity values of Queen's Gardens are maintained (Policy OS1.3). The existing use of Queen's Gardens as public open space will continue and be improved following construction by way of reducing flooding events (Policy OS1.2).

7.6 Other matters

7.6.1 Heritage New Zealand Pouhere Taonga Act 2014

All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in so far that approval must be gained from Heritage New Zealand before an archaeological site can be modified, damaged or destroyed.

As discussed in Section 2.7, the proposed stormwater alignment is not within listed historic places, archaeological or other recorded sites.

The nearby Albion Square Heritage Area is recorded as an archaeological site and the Suter Art Gallery and Queen's Gardens Gates / Pitt Memorial Gates are identified under historic buildings and structures. However, none of the nearby historic places will be affected by the works.

An Archaeological Assessment (Appendix F) concluded that the risk of encountering significant archaeological material is low, given the extent of prior ground disturbance within the project area. HNZPT was consulted and confirmed that an archaeological authority is not required for the proposed works.

HNZPT confirmed that the findings of the archaeological assessment are accepted, that an archaeological authority is not required for this project, and that no further involvement is required provided that no heritage features are uncovered during works.

In the event that archaeological material is uncovered during construction, an Accidental Discovery Protocol (ADP) will be implemented in accordance with the Heritage New Zealand Pouhere Taonga Act 2014. All contractors involved in earthworks and ground modification will be briefed on the ADP prior to works commencing.

7.6.2 Iwi management plans

A high-level assessment against the following Iwi Management Plans (IMP) is set out below:

- Iwi Management Plan 2002 (Ngāti Koata).
- Ngā Taonga Tuku Iho Ki Whakatū Management Plan 2004 (Ngāti Rārua, Ngāti Toa Rangatira, Te Ātiawa, Ngāti Koata, Ngāti Tama).
- Te Rūnanga O Ngāti Kuia - Pakohe Management Plan 2015 (Ngāti Kuia).
- Environmental Management Plan 2018 (Ngāti Tama).
- Poipoia Te Ao Tūroa Ngāti Rārua Environmental Strategy 2021 (Ngāti Rārua).

The key matters from each plan of relevance to the proposed activities are considered in Table 7.3 below.

Table 7.3 Assessment of relevant policies and objectives in IMPs

Objective / Policy reference	Comment
Iwi Management Plan 2002 (Ngāti Koata)¹⁵	
This IMP has been prepared to provide a means by which Ngāti Koata are properly and fully considered in decision-making affecting their interests in Te Tau Ihu. Of particular relevance to the proposal is the management of te wai Māori (freshwater management), and effects upon freshwater ecosystems.	

¹⁵ Source: <https://www.tasman.govt.nz/my-region/iwi/iwi-management-plans>

Objective / Policy reference	Comment
Objective 9.5 (1) <i>2. That the natural functioning and life supporting capacity of ecosystems is not disrupted by discharges into, the taking, use, damming and diversion of fresh surface water or groundwater.</i> Policy 9.6 (4) and (7) <i>4. Promote and encourage land use practices and measures which avoid, remedy or mitigate adverse effects on water quality.</i> <i>7. Ngāti Koata involvement in decision-making processes when developments affecting water resources are considered.</i>	The proposed outlet upgrade will involve temporary measures within the river to create a dry working area, which will require the construction of a cofferdam adjacent to the outlet locations. The temporary diversion of river water is anticipated to be within the riverbed (narrowing of the active channel). All activities will take place outside the fish spawning period and river flow, and fish passage will be maintained at all times to ensure the natural functioning and life-supporting capacity of the river ecosystem is not disrupted. The Queen's Gardens Pond habitat (particularly shortfin eel (tuna)) are known to utilise the existing connection between the pond and the river. The upgrading of the pipe is expected to continue to provide passage opportunities for tuna and other species adapted to stormwater pipe networks. While the new pipe may slightly impair passage compared to the existing situation, design refinements to improve fish passage will be considered during detailed design where practicable. The works will be undertaken in accordance with measures set out in the CMP to minimise adverse effects on freshwater bodies. As described in Section 5. Ngāti Koata have been consulted on the proposed activities and have been involved in the preparing the CIA (Appendix E), including in relation to the importance of maintaining fish passage for tuna between the Maitai River and Te Aratuna.
Ngā Taonga Tuku Iho Ki Whakatū Management Plan (Ngāti Rārua, Ngāti Toa Rangitira, Te Ātiawa, Ngāti Koata, Ngāti Tama)¹⁶	
The IMP is a collective initiative, prepared for Ngāti Rārua, Rangitira, Te Ātiawa, Ngāti Koata and Ngāti Tama. The IMP lists a number of purposes for the management plan, with the most relevant to this application being to recognise tangata whenua values in the management of nga taonga tuku iho (the treasured resources) including Wai (water) and Awa (Rivers).	
Section 5.4.5 – the freshwater realm Key objectives - Water bodies are healthy and maintained to a sufficient level to: • <i>Preserve the mauri (life force) of the water body.</i> • <i>Provide for tangata whenua cultural and spiritual values and customs and traditions.</i> • <i>Provide sustenance for present and future generations; and</i> • <i>Increase opportunities for tangata whenua to practice customs and</i>	The proposed activities are considered to be consistent with the provisions of the IMP. As noted above, the proposed activities will be required due to the existing undersized stormwater infrastructure (unable to drain flooded pond water efficiently). The temporary construction will be undertaken during outside the fish spawning period and river flow, and fish passage, including between the Maitai River and the Queen's Gardens Pond, will be maintained at all times to ensure the natural functioning and life-supporting capacity of the river ecosystem is not disrupted. Adverse effects on freshwater during construction will be avoided as far as practicable and in accordance with a CMP.

¹⁶ Source:

<https://www.qualityplanning.org.nz/sites/default/files/Nga%20Taonga%20Tuku%20Iho%20Ki%20Whakatu%20Iwi%20Management%20Plan.pdf>

Objective / Policy reference	Comment
<i>traditions associated with the uri (descendants) of Tangaroa.</i>	be avoided as far as practicable and in accordance with a CMP.
Te Rūnanga O Ngāti Kuia - Pakohe Management Plan (Ngāti Kuia)¹⁷	
This plan focuses on the management of Pakohe (argillite, metosomatised mud stone) to maintain Ngāti Kuia's whakapapa and historical connections to Pakohe and to provide for its sustainable use forever. Of particular relevance to this project are policy provisions concerning Pakohe archaeological sites and works that have the potential to result in the damage or loss of Pakohe.	
Wāhi tupuna (Pakohe archaeological sites) Objective 7.2 1. <i>People moving on, in and around any known Pakohe sites will be aware of its wāhi tupuna status (and legal archaeological site constraints and resource management plan status) and its significance to Ngāti Kuia as kaitiaki and will act accordingly, within the law and with respect.</i> 2. <i>When a wāhi tupuna is accidentally discovered, during building, civil, mining, forestry works or the like, within Te Kupenga a Kuia, work will cease and Ngāti Kuia will be advised, immediately.</i>	The project footprint lies outside of areas of known deposits of Pakohe. NCC proposes to adopt the accidental discovery protocols. Ngāti Kuia will be notified of any accidental discovery of Pakohe during construction works. This will minimise the potential adverse effects on undetected deposits of Pakohe. As such, the activities are considered consistent with the provisions of this IMP.
Environmental Management Plan (Ngāti Tama)¹⁸	
The purpose of this IMP is to highlight Ngāti Tama aspirations for managing ancestral whenua, awa, wāhi tapu and wāhi taonga in the Ngāti Tama rohe (from Whangamoa in the east to Kahurangi in the west). In particular, water is considered a sacred treasure to (Ngāti Tama).	
Section 13.2 Water quality 13.2.1 Aspirations <i>The mauri and wairua of freshwater resources in the rohe is enhanced and protected</i> <i>Ngāti Tama access to freshwater resources for cultural purposes.</i> <i>riparian margins of water bodies are restored with indigenous vegetation, providing habitat and pathways for indigenous species.</i>	As stated above, the proposal adopts erosion and sediment control measures, ecological management measures, and reinstatement works to avoid or minimise adverse effects on water quality during construction. These measures will assist in protecting the mauri and wairua of the river and support the long-term health of the freshwater environment. Access to the Maitai River and Te Aratuna for cultural purposes will be maintained following completion of the works, and ongoing engagement with mana whenua throughout the project recognises the cultural significance of the river and Te Aratuna and the role of tangata whenua as kaitiaki. The proposal also includes riparian planting along disturbed river margins using indigenous species appropriate to the local environment.
Poipoia Te Ao Tūroa Ngāti Rārua Environmental Strategy (Ngāti Rārua)	

¹⁷ Source:

<https://www.nelson.govt.nz/repository/libraries/id:2r883m1me1cxbyryo0mp/hierarchy/1Your%20Council/A-Z%20Plans%2C%20Policies%2C%20Strategies/Iwi%20Management%20Plans/Ngati-Kuia-Pakohe-Management-Plan-final-081114-A1275104.pdf>

¹⁸ Source: https://ngatitama.nz/wp-content/uploads/2019/07/76518-Enviromental-Plan-Stage-3.2_FINALpress-1-updated-image-August-2018.pdf

Objective / Policy reference	Comment
This environmental strategy articulates Ngāti Rārua's values, priorities and aspirations for environmental management. The strategy provides objectives and policies to guide the management of Wai – Water with respect to Ngāti Rārua's values and interests, which is of particular relevance to the project.	
Section 7.2 Water quality, quantity and aquatic ecosystems Objective 7.2.1 - <i>Water quality, quantity and the functioning of aquatic ecosystems are protected, enhanced or restored.</i> Policy 7.2.2 - <i>III. Support restoration of the riparian margins, to enhance water quality and provide habitat and pathways for indigenous species.</i> Section 7.3 Discharges - Objective 7.3.1 - <i>To protect the mana, mauri and wairua of wai from adverse effects of discharges.</i> Policy 7.3.2 - <i>I. Oppose the discharge of contaminants to aquatic receiving environments.</i>	The proposed activities have been designed and located to protect the quality and functioning of aquatic ecosystems as far as practicable. Activities proposed are within the Maitai River and sedimentation during construction is a potential risk to the river. Implementing the ESCP will minimise impacts as far as practicable. The proposed pipe design is also expected to maintain fish passage between the Maitai River and the Queen's Gardens Pond for tuna and other species, with further refinements to be considered during detailed design where practicable. Following construction, disturbed areas will be reinstated. The project does not result in any new stormwater discharges to the river. Accordingly, the proposed activity is consistent with this policy.

7.7 Other Resource Management Act 1991 considerations

7.7.1 Non-complying activities – section 104D 'gateway test'

Section 104D sets out particular restrictions for non-complying activities and effectively establishes what is known as a 'gateway test' for non-complying activities. In order to proceed to consideration under section 104(1) the Proposal must meet at least one of the following gateway tests:

- (a) The adverse effects of the activity on the environment will be minor; or
- (b) The application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

Having regard to these tests, we note the following:

- Section 6 of this report assesses the potential adverse effects on the environment. This assessment concludes that the effects *will be no more than minor*.
- Section 7 of this report includes an assessment of the proposal against the objectives and policies of the relevant plans (in this case, the NRMP). This assessment concludes *that the proposal is not contrary to the objectives and policies of the relevant plans*.

The application therefore passes the gateway test of *section 104D(1)(a) and (b)* of the RMA and can proceed for consideration under section 104(1).

7.8 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 104(1) of the RMA requires that consideration of applications for resource consents be 'subject to Part 2'.

Traditionally, an analysis of an application against Part 2 of the RMA has been fundamental to the overall assessment of applications for resource consents, allowing for an 'overall broad

judgement' approach in the form of a fulsome Part 2 analysis. However, this traditional approach is no longer applicable following the Court of Appeal's decision in *R J Davidson Family Trust v Marlborough District Council* (Davidson)¹⁹.

Based on the direction established by the Court of Appeal, an assessment against Part 2 matters is considered to add little if anything to the overall evaluation. Rather, the focus of our assessment is on the relevant NRMP provisions and Part 2 matters have been assessed through consideration of those provisions.

¹⁹ [2018] NZCA 316.

8 Notification assessment

8.1 Public notification

Section 95A of the RMA is relevant when a consent authority is considering whether a consent application should be considered with or without public notification.

Section 95A identifies a four-step process. In relation to these steps, we note the following:

- The applicant does not request public notification of the application;
- There is no rule or national environmental standard that precludes or requires public notification of this application;
- An assessment of effects on the environment is provided in Section 6 of this AEE report. This assessment concludes that the adverse effects on the environment are *likely to be no more than minor*;
- The application is not for any of the activities identified in section 95A(5)(b) (i.e., a controlled activity or a boundary activity);
- No special circumstances are considered to exist in relation to the application.

Based on this assessment, we consider that this proposal meets the tests of the RMA to be processed without public notification.

8.2 Limited notification

8.2.1 Section 95B: four-step process

For applications that are not publicly notified, under section 95B the consent authority must determine whether to give limited notification of an application to any affected parties. Section 95B identifies a four-step process. In relation to these steps, we note the following:

- The application does not need to be notified to any parties under section 95B(4). The proposed activity will not affect any customary rights;
- The proposed activity is not on or adjacent to, or does not affect, land that is the subject of a statutory acknowledgement;
- There are no applicable rules or national environmental standards precluding limited notification;
- No special circumstances are considered to exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification.

8.2.2 Section 95E: assessment of affected persons

In terms of Section 95E(1), a consent authority must consider a person to be an affected person if the activity's adverse effects on the person are minor or more than minor (but not less than minor). Having regard to these requirements and the assessments made in Section 6, the occupants and/or owners of the properties listed in Table 8.1 are considered to be potentially affected by the proposal due to potential construction noise and vibration effects. As described in Section 6.5, minor effects are assessed as occurring when:

- The highest predicted noise level at a residential and commercial external building façade is 80 dB or more;
- The highest predicted vibration level exceeds 3 mm/s PPV (amenity effects); and/or

- The highest predicted vibration level exceeds 6 mm/s PPV (cosmetic damage to buildings).

Table 8.1: Potentially affected persons

Address	Owner	Occupier/Use
199 Bridge Street	NCC	Bridge Street Kindergarten (Nelson Tasman Kindergartens)
205 Bridge Street	Halifax Holdings Limited	Halifax Veterinary Centre
207 Bridge Street	C & F Developments Limited	Mindbridge Psychology, Oranga Tamariki
208 Bridge Street	Bishop Suter Art Gallery Trust Board	The Suter Art Gallery, Suter Café
211 Bridge Street	C & F Developments Limited	C+F Legal Limited
25 Riverside	NCC	Riverside Pool and Fitness Centre
27 Riverside	Glen Brian Aspin, Jeanette Cheryl Aspin	Owner-occupied, with Airbnb rooftop studio
28 Riverside	C & F Trustees 2006 Limited, Gaynor Elizabeth Black	Owner-occupied
30 Riverside	Joan Elizabeth Sears, Peter James Sears	Rented

Section 95E(3) states that a consent authority must not consider a person affected if they have provided written approval to the activity. As described in Section 5, NCC is consulting with neighbours and is seeking the written approval from the owners and occupiers of the above properties. Approvals will be provided to NCC (consenting authority) following lodgement of the application.

Provided these approvals are obtained, we consider that this proposal meets the tests of the RMA to be processed without limited notification. If the approval of an affected person is not received, section 95B requires that the application is notified to those persons.

8.3 Sections 95A and 95B conclusions

Following the steps set out in sections 95A, we consider that the application should be processed without public notification. In accordance with section 95B, the application should only be notified to those persons that are identified as affected persons if they have not provided their written approval.

9 Conclusion

This AEE report has been prepared on behalf of Nelson City Council (NCC) to accompany a resource consent application for flood improvement activities in Nelson's city centre, an area susceptible to flooding. The proposed stormwater upgrades are required to reduce flooding in this area due to outlet capacity issues and backflow from the river in extreme rainfall events.

The activities involve upgrading the existing undersized stormwater network (pond inlet, stormwater connection and river outlet) extending from the Queen's Gardens, across Bridge Street, private properties, Ngaire Place, Riverside before discharging into the Maitai River.

These activities require resource consent from NCC as a **non-complying** activity.

The key matters for resource consent conditions proposed by NCC are included in Section 6.12.

The AEE report draws the following conclusions:

- The proposal will result in positive effects associated with improved flood protection, including reducing the risks of property damage and loss.
- The proposal is consistent with Part 2 of the Resource Management Act 1991 and is consistent with the relevant objectives and policies of the applicable planning instruments.
- The identified potential and actual adverse effects on the environment will be appropriately avoided, remedied, or mitigated. Overall, the works are considered to have no more than minor adverse effects on the environment.
- The assessment under Section 95E of the RMA identifies persons that are considered to be affected by the proposal due to potential construction noise and/ or vibration effects. The applicant is requesting the written approval of these parties so the application can be processed without limited notification.

Provided the written approval of all affected persons is obtained, we consider that this resource consent application can be granted on a **non-notified** basis, subject to fair and reasonable conditions. We would appreciate the opportunity to comment on draft conditions prior to any consent being granted.

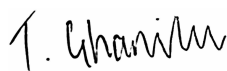
10 Applicability

This report has been prepared for the exclusive use of our client Nelson City Council, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that our client will submit this report as part of an application for resource consent and that Nelson City Council as the consenting authority will use this report for the purpose of assessing that application.

Tonkin & Taylor Ltd
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