



Matai River Flood Improvement Works: Area 1, Package 1

Assessment of Environmental Effects

Prepared for

Nelson City Council

Prepared by

Tonkin & Taylor Ltd

Date

October 2025

Job Number

1006675.5170 v1



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Document control

Title: Matai River Flood Improvement Works: Area 1, Package 1 [Assessment of Effects on the Environment]					
Date	Version	Description	Prepared by:	Reviewed by:	Authorised by:
23/09/2025	0.1	Draft for client review	S McMillan G Buckland	T Ensor	D Velluppillai
30/09/2025	0.2	Client comments	S McMillan G Buckland	T Ensor	D Velluppillai
03/10/2025	1	Final for issue	S McMillan G Buckland	T Ensor	D Velluppillai

Distribution:

Nelson City Council

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Glossary

Term	Definition
Annual Exceedance Probability (AEP)	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.
Consent Package 1	The first resource consent package, comprising Portions 1, 2 and 3 of the Project.
Design flood event	The proposed activities as part of this application have been designed to achieve flood protection against a 2050 RCP8.5M 1% AEP event.
Floodwall	A vertical barrier constructed to prevent floodwaters from overtopping
Freeboard	The vertical distance between the design flood level and the top of a flood protection structure. Safety margin typically included to account for modelling uncertainties and non-modelled natural phenomena like wave action and potential channel change during a flood event.
Level of Service (LoS)	The flood event magnitude that a structure is designed to withstand. The LoS selected for the project 1% 2050 RCP 8.5M.
Overtopping	When floodwaters exceed the crest height of a stopbank or floodwall.
Portions 1 – 5	Subsections of Area 1 along the Maitai River, each with distinct flood protection design elements.
RCP8.5M	A 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.
Scour	Erosion caused by fast-moving water, which can undermine flood protection structures.
Seepage	Water movement through or beneath a stopbank, which can affect stability.
Stopbank	An embankment built to prevent river flooding of adjacent land.
True left / true right	The left-hand or right-hand side of the river when looking downstream.
Largest modelled event	Flood modelling has taken into account effects up to a 2130 RCP8.5M 1% AEP event, which is considered to be a ‘largest modelled event’. This aligns with the approach taken in the Nelson Plan.

Executive Summary

This Assessment of Environmental Effects (AEE) has been prepared to accompany Nelson City Council's (NCC) application for resource consent to undertake flood improvement activities along the true left bank of the Maitai (Mahitahi) River¹, between Hanby Park and Nile Street East (Clouston Bridge). These works form part of a broader programme of flood resilience upgrades along the Maitai River partly funded through the Government's Regional Infrastructure Fund (RIF), and are located within Area 1, one of NCC's RIF project target areas.

A comprehensive process has been undertaken to identify the best option to reduce the frequency and magnitude of overtopping along this section of the Maitai River. A long list of potential options was developed and optimised based on several criteria including flood risk reduction, feasibility, cost, and potential environmental effects. The selected options comprise several flood improvement activities across five defined project portions within Area 1.

This application, referred to as 'Consent Package 1', involves raising the existing stopbank in Portion 1 and constructing a new floodwall in Portions 2 and 3. The requirements for resource consent are determined by the rules in the Nelson Resource Management Plan (NRMP). The proposal requires various consents including for activities undertaken within the Flood Path Overlay, activities adjoining the Riparian Overlay and activities within the root protection zone (RPZ) of a protected tree. Overall, resource consent is required as a non-complying activity under the Nelson Resource Management Plan (NRMP) due to works occurring within a scheduled neighbourhood park and city reserve.

The proposed structures have been designed to provide flood protection to adjacent residential properties against a 2050 RCP8.5M 1% Annual Exceedance Probability (AEP) river flood event (1 in 100 year). The project will also reduce flooding depths on residential properties in larger events up to a 2130 RCP8.5M 1% AEP event. These activities will improve flood resilience and lower the associated risk of property damage and loss for 52 residential properties resulting in significant positive social and economic effects.

The report and supporting technical assessments include a comprehensive analysis of the relevant environmental effects. Adverse effects on flood hazard risk, ecology, amenity, cultural values, and construction-related effects are assessed as no more than minor. Mitigation measures are recommended throughout the specialist reports and in the assessment of effects to ensure adverse effects are appropriately avoided, remedied or mitigated. This involves the preparation of management plans to manage construction-related and ecology effects. NCC has also proposed a suite of draft conditions to address the potential effects.

The works are consistent with Part 2 of the Resource Management Act 1991 and with the relevant objectives and policies of the applicable statutory documents.

The assessment under Section 95E of the RMA identifies two affected parties, being the residents located at 2 Hanby Park and 32 Mill Street, due to adverse effects on visual amenity which have been assessed as being no more than minor. Provided the written approvals of the identified affected parties are provided to the consenting authority, NCC seeks the application to be processed on a non-notified basis and granted subject to appropriate conditions.

NCC has consulted with Mana Whenua, interest groups, adjacent residents and the wider public on the proposal. Engagement with Mana Whenua has informed project design and the proposed conditions of consent, including adoption of recommendations from Ngāti Kuia's Cultural Impact

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.

Assessment. Engagement and consultation with affected residents and Mana Whenua will continue during the detailed design, consenting and construction phases of the project.

1 Introduction

1.1 Overview

Nelson City Council (NCC) proposes to undertake a series of flood improvement activities along the Maitai River, in response to the river overtopping during major flooding events.

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 AEE report is to support a resource consent application to authorise the proposed flood improvement activities along the Maitai River, located on the left riverbank between Hanby Park and Nile Street East.

1.2 Background to NCC's RIF flood protection projects

Large parts of Nelson's urban area are subject to a significant hazard risk due to river flooding. The Maitai (Mahitahi)² River has played a central role in Nelson's history of flooding, with numerous significant events recorded in recent time.

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.

NCC's RIF projects target areas most impacted by August 2022 floods. 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 relate to the Maitai River catchment:

- Area 1: flood resilience improvement activities on the banks of the Maitai River between Hanby Park and downstream of Clouston Bridge (to which this application partly relates; refer to Section 1.3 below);
- Area 3: stormwater upgrade between the Queen's Gardens and Maitai River (not part of this resource consent application);
- Cleveland Terrace stormwater upgrade: aims to reduce stormwater overflows and associated flooding of the Clouston Terrace area (not part of this resource consent application, currently being constructed); and
- Nile Street East stormwater diversion: re-route stormwater flows on the west side of Clouston Bridge to the west along Nile Street. This network currently discharges flows to the river near Clouston Bridge, and the diversion reduces risk of backflow flow from the river during flood events.

1.3 Area 1 flood improvements

The proposed flood improvement structures in Area 1 are being designed to reduce the frequency and magnitude of flooding of residential properties that occurs during extreme river

² 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.

flow events from Hanby Park to Clouston Terrace. An overview of the flood hazards in this area is provided in Section 2.4.

The level of service (flood protection) of the existing stopbank varies along its length, with some parts providing protection from 2-1% Annual Exceedance Probability (AEP) river flow (equivalent to 50-to-100-year Average Recurrence Interval, in the present day). To reduce the frequency and magnitude of overtopping in this section during flooding events, Nelson City Council (NCC) proposes to increase the carrying capacity of the river, creating floodways where there is space and raising stopbanks or building floodwalls in more constrained areas.

A comprehensive process has been undertaken to identify the best option. A long list of potential options was developed, with associated flood modelling, which included 'do nothing', realigning the existing stopbank, and constructing large floodways with road realignment and/ or property acquisition. The long list of options was optimised based on several criteria including flood risk reduction, feasibility, cost, and potential environmental effects. The selected options are to increase the carrying capacity of the river by creating floodways where there is space, and raising existing stopbanks or building floodwalls in more constrained areas.

Area 1 (to which this application partly relates) is divided into five project portions, as shown on Figure 1.1. These portions are summarised as follows:

- Portion 1: raising the existing stopbank on the true left of the Maitai River, adjacent to Hanby Park.
- Portions 2 and 3: new floodwall on the true left, between Mill Street and Nile Street East (Clouston Bridge).
- Portion 4: new floodwall and floodway on the true left of the Maitai River from upstream of the Clouston bridge to the end of Clouston Terrace.
- Portion 5: new floodwall upstream of Clouston Bridge, and a floodway downstream of the bridge, on the true right of the Maitai River.

A floodway was previously proposed to be constructed in Branford Park, on the true right side of the river, to give the river more space to flow, and therefore to reduce flood levels. However, hydraulic modelling demonstrated its limited flood benefit, and this floodway has been removed from Area 1.

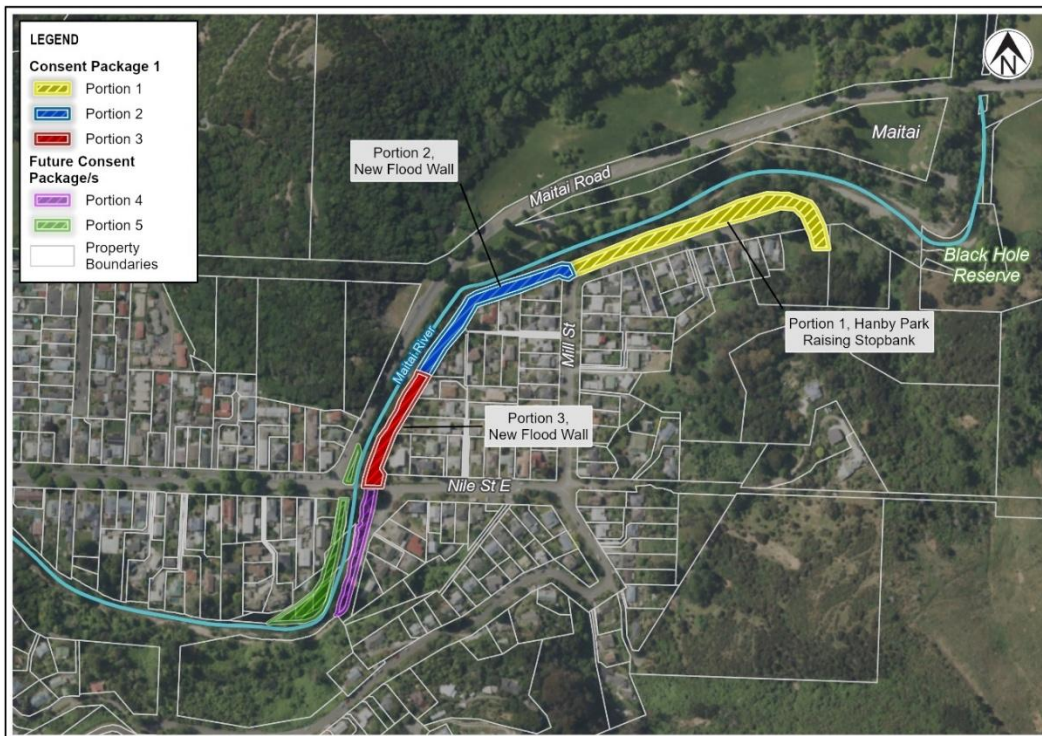


Figure 1.1: The location of Area 1 flood improvements, comprising Portions 1, 2 and 3 (this consent application), and Portions 4 and 5 (to be consented separately).

Due to the time limit associated with the project's RIF funding and seasonal restrictions for construction, NCC wishes to start construction in early 2026. The Area 1 flood improvements have therefore been divided into "packages" for the purpose of detailed design, construction and resource consent applications. This is the first resource consent package, referred to hereafter as "Consent Package 1", comprising Portions 1, 2 and 3. The design of Portions 4 and 5 is still being developed and the resource consent application will be lodged at a later date.

1.4 Overview of the application ("Consent Package 1")

As described in Section 1.3 above, the Area 1 flood improvement activities have been split into separate resource consent packages to ensure that construction will be complete in timeframe required by the Government's RIF funding. This application, Consent Package 1, is to undertake flood resilience activities spanning 600 m of existing stopbank on the true left bank of the Maitai River, from Hanby Park to Clouston Bridge. The proposal involves raising the stopbank in Portion 1 and constructing a new floodwall in Portions 2 and 3, designed to reduce the frequency and magnitude of floodwater overtopping that occurs during extreme flow events, thereby reducing flood risk to residential property.

These activities have been prioritised for construction starting in January 2026.

Modelling demonstrates that the proposed activities will prevent river overflows entirely along the true left bank between Hanby Park and north of Nile Street East up to the design flow event, protecting 52 properties from river flooding. The project will also reduce flooding depths on residential properties in larger events up to the largest modelled event. Refer to Sections 6.2 and 6.3 for more detail on the effects of the project on flooding.

1.5 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
Owner and Occupier of application site	Nelson City Council
Site address / map reference	Runs along the true left bank of the Maitai River between 28 Hanby Park (NZTM 1625565, 5430732) to 219 Nile Street East (NZTM 1625146, 5430495).
Site area	12,000 m ²
Record of Title reference	NL13A/472, NL1B/720, NL2D/351
Legal description	Lot 2 DP 19615, Lot 2 DP 5511, Lot 26 DP 4498, Part Section 370 City of Nelson (laydown area),
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 Record of Title in **Appendix B** and the resource consent drawings in **Appendix C**.

1.6 Summary of resource consents required

The resource consents sought to enable the proposal are assessed in Section 4 and listed below (categorised by the relevant zone). The following may not be an exhaustive list and if further consent matters are identified following lodgement of the application, these should also be considered as forming part of the application.

Overall, resource consent is required from NCC as a **non-complying activity**, due to proposed laydown and flood improvement activities in a scheduled neighbourhood park and city reserve.

Residential Zone rules:

- Rule REr.55.3 – The construction of a floodwall of greater than 6 m² within the road reserve (in Portion 2) as a **discretionary** activity.
- Rule REr.59.2 – Vegetation clearance within 5 m of the banks of a river (in all Portions) as a **controlled** activity.
- Rule REr.60.2 – Soil disturbance (in all Portions) as a **controlled** activity.
- Rule REr.61.3 – Earthworks in within 10 m of the banks of a river (in all Portions) as a **restricted discretionary** activity.
- Rule REr.71.3 - The construction of a floodwall and river bank disturbance adjacent to a Riparian Overlay (in all Portions) as a **discretionary** activity.

- REr.82.3 – Floodwall and stopbank upgrades within the Flood Path Overlay (in all Portions) as a **discretionary** activity.

Open Space and Recreation Zone rules:

- Rule OSr.20.3 – Stopbank upgrades within a scheduled neighbourhood park (in Portion 1) as a **non-complying** activity.
- Rule OSr.48.2 – Soil disturbance (in Portion 1) as a **controlled** activity.
- Rule OSr.49.2 – Earthworks which exceed a fill height of 1.2 m (in Portion 1) as a **controlled** activity.
- Rule OSr.56.3 – Construction of a stopbank and removal of indigenous vegetation within 10 m of the Maitai River (in Portion 1) as a **discretionary** activity.
- Rule OSr.57.3 – Earthworks within the Flood Path Overlay (in Portion 1) as a **discretionary** activity.
- Rule OSr.69.2 – Trimming of a Landscape Tree (in Portion 1) as a **controlled** activity.
- Rule OSr.70.3 – Stopbank upgrades (in Portion 1) within the root protection zone of Landscape Trees as a **discretionary** activity.

Freshwater rules:

- Rule FWr.1.2 – Disturbance of the bed of the Maitai River (in Portions 2 and 3) as a **controlled** activity.
Rule FWr.9.3 – Deposition of geotextile fabric for erosion control on the banks of the Maitai River (in Portions 2 and 3) as a **restricted discretionary** activity.

Applying a bundling approach, overall resource consent is required from Nelson City Council under the Nelson Resource Management Plan as a **non-complying activity**.

1.7 Consent duration and lapse

NCC requests that under section 123(b) the duration of the land use consents being sought is unlimited.

It is intended that construction will be completed prior to June 2027. A duration of five years is sought for the construction and installation works.

Pursuant to section 125 of the RMA, a standard lapse date of 5 years is sought.

2 Environmental setting

2.1 Site location and description

The proposed flood improvement activities are located along the existing stopbank on the true left margin of the Maitai River, between Hanby Park and Nile Street East ('the Site') (as shown in Figure 2.1 below). The Maitai River is the largest river in the Nelson Region, with a catchment of over 9,000 hectares. The river originates in the Bryant Ranges to the east of Nelson and flows through Nelson before draining into Nelson Haven/ Paruparuroa.

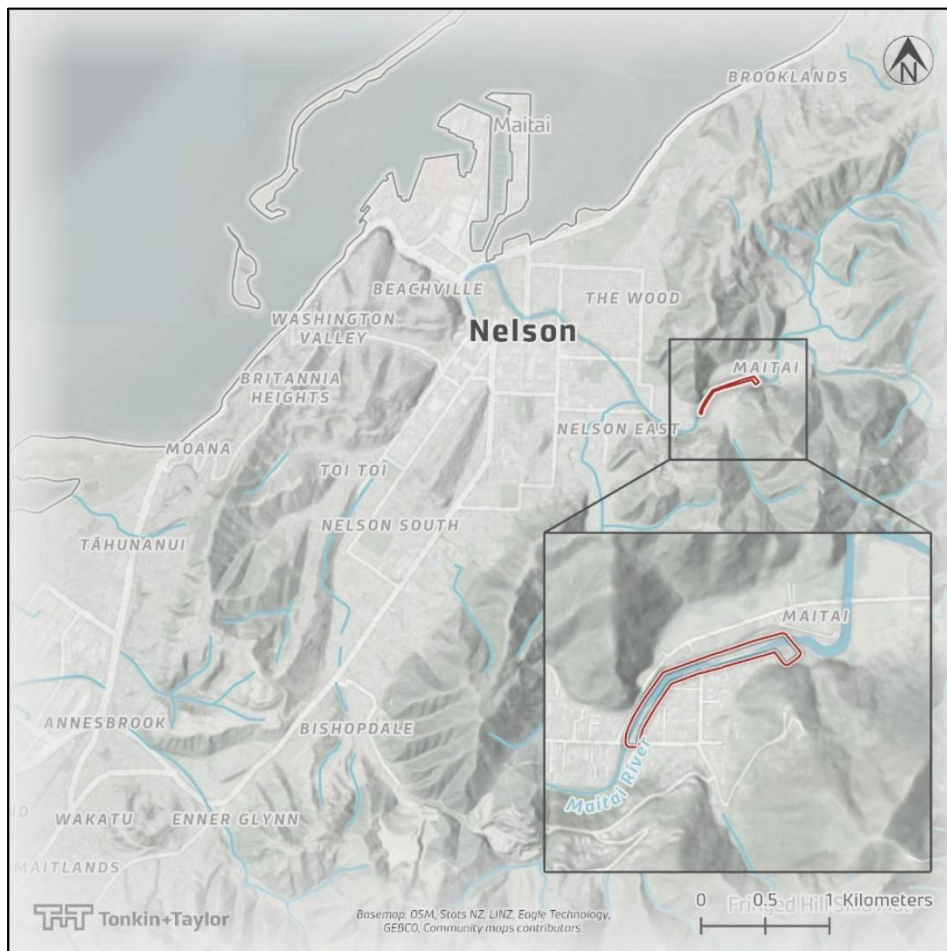


Figure 2.1 Site location plan

The Site is located within Maitai a residential area on the eastern edge of Nelson's city centre. There are several surrounding public reserve areas, including Branford Park to the north of the Site, and Hanby Park to the south-east. Public access to the general site area is via Mill Street, Hanby Park roadway and Nile Street East, off Maitai Valley Road.

The Site spans a 600 m area of Council-owned parkland and esplanade reserve. The Site is split into three 'Portions', as shown on Figure 2.2. The general site locations of each portion are as follows:

- Portion 1 - comprises the existing stopbank on the true left of the Maitai River, within the Hanby Park neighbourhood park.
- Portion 2 - extends from Mill Street to around the river bend (referred to as the Mill Street Bend).

- Portion 3 - continues from downstream of the Mill Street Bend to the bridge where Nile Street East crosses the Maitai River (referred to as Clouston Bridge).

A site description has been provided for each portion below.

2.1.1 Portion 1

Portion 1 comprises approximately 300 m of existing stopbank located, between the river and Hanby Park roadway. Hanby Park is a no-exit road that provides access to 15 residences and lies on the landward side of the existing stopbank. The Maitai River Walkway runs between the river and the stopbank.

Several exotic trees generally about 6 m in height are established on the existing stopbank. Taller exotic trees also line the road adjacent to the dwellings, and the river edge. At the upstream end of the stopbank (outside 26 Hanby Park), two mature London Plane trees are located within the existing stopbank footprint, one of which is protected under the Nelson Resource Management Plan (NRMP).

Dwellings on Hanby Park are single storey and face towards the park. The outlook from many properties is obscured to some degree by the existing grassed stopbank. As the stopbank generally reduces in height with distance downstream, some dwellings look over the stopbank to Branford Park (on the opposite side of the river) and Maitai Valley Road, although due to the flat topography none would have views to the river itself.

2.1.2 Portion 2 and 3

Portions 2 and 3 comprise approximately 200 m and 120 m, respectively, of existing stopbank located on the true left bank of the Maitai River. The Maitai River Walkway runs along the crest of the stopbank continuously in Portion 2 and partially in Portion 3, where it descends the slope to pass beneath Clouston Bridge. The pathway corridor is fairly constrained along much of this section, with private fences and planting on the stopbank crest (within Council-owned land). The stopbank slope on the riverside is vegetated with rank grass and native and exotic shrubs.

Residential properties are located immediately landward of both portions, with property boundaries situated at the toe or mid-slope of the stopbank. Dwellings are generally at a lower elevation than the stopbank crest. Several properties have access to the pathway via a gate.

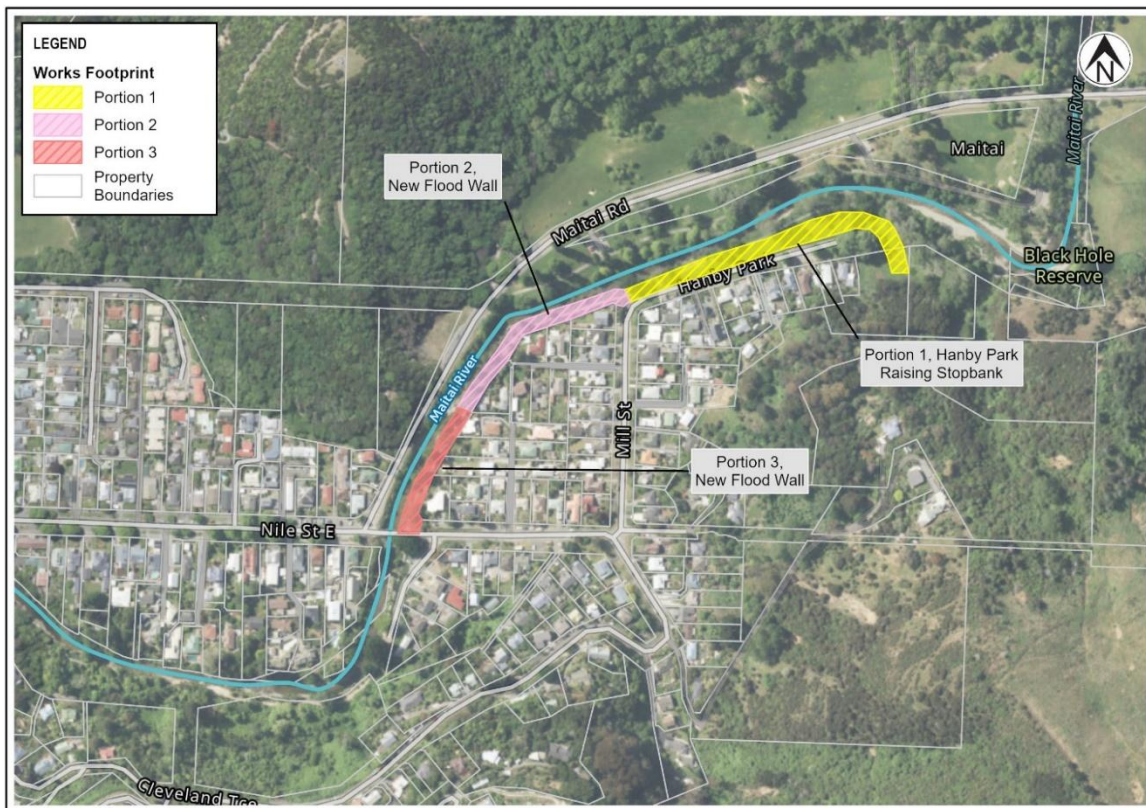


Figure 2.2: Site plan showing the project portions

2.2 Cultural values

The Maitai (Mahitahi) River³ and its tributaries are of cultural importance to iwi of Te Tau Ihu. The awa 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 awa, both for the matauranga (knowledge) and practice (tikanga) of kaitiakitanga in relation to these natural resources and associated ecosystems.

Past effects on the awa environment have impacted on the culture and values of iwi; these include matters such as loss of native forest cover, discharges, sedimentation, and introduction of pest species. Subsequent impacts include the diminishing of mauri, and the loss of access to and matauranga associated with places and species.

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.

In addition, Ngāti Kuia has prepared a Cultural Impact Assessment for the project (Appendix D). Ngāti Kuia's cultural values associated with the river valley are deeply rooted in whakapapa, tikanga, and mātauranga Māori, and they guide how Ngāti Kuia assess and respond to

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environmental change. For Ngāti Kuia, the awa is a living ancestor, holding spiritual essence that binds people to place through whakapapa.

As set out in Section 5.1 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 detailed design and construction.

2.3 Recreational values

Hanby Park is scheduled in the NRMP as a neighbourhood park. In the vicinity of the Site, the park is mown grass and the existing stopbank is a dominant feature. The exotic trees within the park and across the river at Branford Park are appreciated for their seasonal character.

The Maitai River Walkway is a popular recreational path, connecting central Nelson to the Maitai Valley. The section of the walkway through the Site is gravelled and for walkers only (no cyclists).

Within the project extent, there is no easy access to the river and no swimming holes. Girlies swimming hole is some 350 m downstream of the Site.

2.4 Flood hazards

Residential development adjacent to the Maitai River in this area has been impacted by river flooding many times in recorded history. The most recent events occurred in August 2022, May 2023, and April 2025. The August 2022 event caused widespread flood and landslip damage throughout the Nelson region. Sections of the stopbank at Hanby Park and in the vicinity of Mill Street (Portion 1 and 2) were overtopped during this event, as shown on Figure 2.3 below, and the river was close to overtopping the stopbank in other parts of the Site.

The existing stopbank within Portion 1 has varying crest levels which generally provide protection for a 1% AEP flood event (a 1-in-100-year flood). Downstream, in Portions 2 and 3, the existing stopbank provides protection for an approximately 2 – 1% AEP flood. Refer to the glossary in this report for further explanation of these AEP flood events.



Figure 2.3 Photo showing extent of flooding across the Site during August 2022 flood event (red line indicates the existing stopbank between Clouston Bridge (foreground) and Hanby Park).

Without intervention, there is an increased flood hazard risk for 52 properties along the true left bank between Hanby Park and Nile Street East as a result of climate change.

2.5 Geology and hydrogeology

A brief overview of the site's geology is included within the Preliminary Site Investigation (PSI) report provided as Appendix E. The report identifies that the Site is underlain by the Appleby Gravel Formation which comprises interbedded layers of well sorted (poorly graded) gravel with sand, silt and clay.

Based on observations during geotechnical investigations, groundwater is located greater than 3.5 m below ground level within the Site.

2.6 Maitai River hydrology

The Maitai River originates in the Bryant Ranges to the east of Nelson. The upper catchment is within lowland hill country. It has two branches that drain conservation land (south branch) and water supply protection land (north branch). The latter provides water for Nelson City via a storage reservoir on the northern branch and an intake weir on the southern branch.

Downstream of the reservoir the Maitai River flows westward as a single-thread channel towards Nelson City, draining into Nelson Haven/Paruparuroa approximately 3.2 km from the Site. The Site is approximately 950 m upstream of the tidal extent.

The Top of the South Maps⁴ indicate that there are approximately seven stormwater outfalls which discharge into the Maitai River across the Site, draining from residential properties, roads, and parkland.

2.7 Ecology

An Ecological Impact Assessment (EclA) (attached as Appendix F) has been prepared by Tonkin & Taylor Limited (T+T) to determine the freshwater and terrestrial ecological values within the application area and is summarised below.

2.7.1 Terrestrial ecology

Vegetation and habitats

Riparian vegetation along the true left bank of the river in Portion 1 and Portion 2 comprises mainly native harakeke intermixed by a rank exotic grass groundcover. This vegetation type provides habitat for native lizards. Large exotic trees are sparse in this location.

Planted vegetation located adjacent to the private/public property boundary in Portions 2 and 3 is predominantly small native trees and shrubs, with a subcanopy of harakeke, regenerating natives and exotics and weeds. This vegetation type provides suitable habitat for lizards and nesting habitat for native birds. Variable exotic garden vegetation is present on the true left bank of the river adjacent to the private/public property interface in Portion 3. This vegetation comprises mostly shrubs with rank grass below. Where densely vegetated, this vegetation provides suitable lizard habitat.

Grassed areas on the true left bank of the river in Portions 1 – 3 consist of rank exotic grasslands intermixed with harakeke and occasional exotic specimen tree. Areas of rank grass offer suitable habitat for native lizards with sporadic large exotic trees providing potential roosting habitat for kotare/kingfisher and ruru/morepork.

⁴ <https://www.topofthesouthmaps.co.nz/app/>

Stands of mature trees within Portion 1 consist of a European oak, sycamore maple, European ash and *Populus* sp. The trees provide limited roosting habitat for native birds. If cavities are present in the trees, this could provide suitable habitat for kotare/kingfisher and ruru/morepork.



Photograph 2.1: Looking to the north from the path showing native dominated garden vegetation on the true left of the Maitai River (Portion 2).



Photograph 2.2: Looking to the north from the path showing native dominated riparian vegetation on the true left of the Maitai River.



Photograph 2.3: Looking south, downstream towards Clouston bridge, showing exotic dominated rank grass with sporadic harakeke.



Photograph 2.4: Exotic specimen trees in Portion 1, Hanby Park.

Birds

There are desktop records of 52 native bird species within 5 km of the project site (including five observed on the site). Nine of these species have been recorded within 200 m of the site, all of which are classified as 'Not Threatened' species.

While nationally 'Threatened' or 'At Risk' bird species have been recorded at a distance greater than 200 m from the project site, several 'At Risk' shag species are likely to be present on site based on habitat suitability. Kāruhiruhi/pied shag and kawaupaka/little shag are common along the Maitai River and may utilise tall exotic trees such as poplars and English oak for perching and potentially nesting. They may also nest on rock outcrops or artificial structures near the river.

Lizards

The riparian margins of the Maitai River within the project footprint and an area of exposed rock with scree and sporadic rank grass in the proposed laydown/ stockpile area off Maitai Valley Road provide potential lizard habitat.

Two northern grass skink ('Not Threatened') were observed within the project footprint during a site visit. Based on a desktop assessment of native lizard records and assessed habitat, the EclA considers the northern grass skink as the only likely native lizard species present.

2.7.2 Freshwater ecology

Wetlands

No potential wetlands have been identified within 100 m of the project site. Accordingly, the regulations of the National Environmental Standards for Freshwater (NES Freshwater) are not considered relevant to the Site and proposed activities.

Freshwater habitat

The Maitai River within the 900 m project reach is predominantly run-riffle-pool habitat with gravel, cobble and boulder substrates. Small pockets of sand are present along the bank in places.

Riparian vegetation provides partial shading to the channel. Bank controls including large rip rap and gabion baskets have been installed along the reach, with previous data showing visible periphyton growth prolific in some areas.

The reach of the Maitai River adjacent the site is assessed in the EclA as having “high” current ecological value due to the range of habitat types within the river that sustains a diverse native fish community.

Freshwater fauna

Several species of native freshwater fish have been recorded in the Maitai River catchment within or upstream of the site. This includes four nationally ‘At Risk – Declining’ species: longfin eel, torrentfish, kōaro and īnanga; and one nationally ‘Threatened – Nationally Vulnerable’ species, lamprey.

The ecological value of freshwater fauna within the Maitai River at the Site is assessed in the EclA as “high” based on the presence of multiple native species that are classified as ‘At Risk – Declining’ or ‘Threatened – Nationally Vulnerable’.

There are no records of barriers to fish passage within the Site.

2.8 Archaeology and cultural heritage

The wider Maitai Valley is identified as holding historical, archaeological, and cultural significance. However, the Archaeological Report prepared by Amanda Young (Appendix G) notes that the project area is an environment that has been extensively modified through both natural processes and human intervention.

Based on a review of Archsite, there are no recorded archaeological sites present within the project area, and the nearest sites are over 500 m away. The project area does not contain any heritage places or archaeological sites scheduled within the NRMP and nearby scheduled archaeological sites MS57 and MS58 are not expected to be impacted by the proposed activities. The Archaeological Report notes that no archaeological material was found at the Site during a site inspection undertaken in April 2025.

There are also no buildings or structures listed on the New Zealand Heritage List within the Site. A landscape tree and local woodland (W21) within Hanby Park are scheduled under Appendix 2 of the NRMP.

Given the evidence of historical flood damage and repair on numerous occasions, the Archaeological Report considers it unlikely that any in-situ archaeological evidence has survived within the project area. As such, it is not considered necessary to seek an Archaeological Authority to Modify from Heritage New Zealand Pouhere Taonga (HNZPT) for the proposed activities, except for in the case of accidental discovery (Section 6.10 below).

2.9 Contaminated land

T+T has prepared a Preliminary Site Investigation (PSI) which is provided as Appendix E. The PSI concludes that no current or former HAIL activities have or are likely to have occurred on the Site and no signs of current or former contamination from adjacent historic Hazardous Activities and Industries List (HAIL) activities were identified.

climate change impacts on this area. NCC accepts that additional measures may be needed beyond 2050 to address flood hazard risk.

3.3 Stopbank raising

In Portion 1 at Hanby Park, the existing stopbank is proposed to be raised with compacted earth fill to protect against the design flood levels. The alignment is generally similar to the existing stopbank, with the exception of the eastern extent that will be realigned around a protected landscape tree. Approximately 60 m of the stopbank opposite 20 to 26 Hanby Park already meets the LoS and does not require raising.

In areas where the stopbank raising follows the alignment of the existing stopbank, this will be up to 1.1 m higher than existing ground levels. In the area where the stopbank will be realigned around the landscape tree to form the stopbank, this will be up to 1.8 m higher than existing ground levels of the flat field on the river side of the current stopbank. In order to maintain a stable and maintainable side slope, the stopbank will have a wider footprint than currently, and where space is constrained at the downstream end of Portion 1 a retaining wall is likely to be required on the riverside of the stopbank. The stopbank will have a gradient that will allow it to be mown for maintenance.

At the downstream end of Portion 1, there is insufficient space to increase the stopbank height and instead a floodwall is proposed on top of the existing stopbank opposite 4A and 2 Hanby Park and 32 Mill Street. On the road-side of the floodwall, the stopbank gradually tapers down in height, meeting the existing ground level near Mill Street. As part of detailed design, a walking path connection up the tapered part of the stopbank and over the wall will be explored.

Parts of the Maitai River Walkway may be repositioned if required, but it will remain on the river side of the stopbank. The existing path connection over the stopbank from Mill Street to the riverside path will be considered during detailed design but may need to be permanently removed or relocated to accommodate the flood improvements.

There is an existing low voltage power and a NCC-owned water lateral within the footprint of the upstream portion of the stopbank alignment. Pot-holing will be carried out to locate and avoid damage to these existing services. A typical cross section of the proposed Portion 1 stopbank raising is shown in the Figure 3.2 below and in Appendix C.

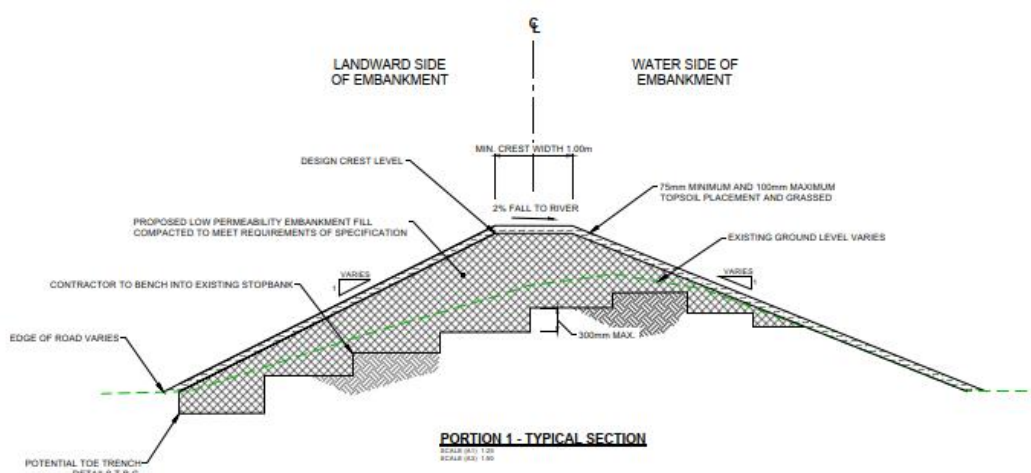


Figure 3.2: Typical cross section of raised stopbank in Portion 1.

3.4 Floodwalls

A new 360 m long floodwall is proposed in Portion 2 and Portion 3 (240 m in Portion 2 and 120 m in Portion 3). The floodwall will be located near or at the crest of the existing stopbank, within a narrow strip of land, between the river and existing residential properties extending from 4A Hanby Park to Nile Street East. Floodwall heights will vary along the alignment, ranging from 0.5 to 1.3 metres above ground in Portion 2 and up to 0.5 metres in Portion 3.

The proposed flood wall will comprise an embedded pole wall upstanding on the landward side of the stopbank crest. Placing the poles on the landward side of the stopbank will increase the resilience of the floodwall to potential future instability and scour damage on the river-side slope, as described in the Design Report (Appendix H). In Portion 2, the pole wall will be supported by a reinforced concrete slab to provide additional stability support. It is expected that the floodwall will be constructed of timber lagging, similar to that shown in Figure 3.3.

Detailed design will confirm pole embedment depths, materials, spacing, and lagging specifications.

Depending on the materials encountered during construction, it is possible that regrading of localised areas of the river-side slope of the Portion 2 and 3 stopbank may be undertaken to reduce the risk of shallow instability or slumping on the river side stopbank slope. These works will be located outside of the wetted river channel.



Figure 3.3: A photograph of a pole flood wall from another site in the Nelson region. This wall is similar in height to the proposed Portion 2 floodwall. (Source: Design Report, Appendix H)

3.5 Construction methodology

An overview of the expected construction methods and sequencing for each element of the works is set out below, noting that the details of this are subject to change. A detailed construction methodology will be prepared by the contractor.

3.5.1 Construction sequence

The construction sequence for each element of the proposed activities is set out below.

Site preparation and laydown/site compound

Enabling works will include establishing a site compound area, installation of erosion and sediment control works, temporary exclusion fencing where required, potholing to locate services and, where necessary, vegetation removal and removing the existing fences in Portions 2 and 3.

Laydown areas and a site compound may be established in the areas identified on Figure 3.4 below. The eastern-most site is expected to contain a site office and short-term (day-use) storage. Any hazardous substances such as fuel would be stored in a bunded area here. Potential disruption to the occupants of 26 Hanby Park will be reduced by erecting a temporary acoustic fence approximately 5 m from the site boundary, if needed. Day storage of materials is also likely on the existing stopbank in Hanby Park, as shown. The area located across the river along Maitai Valley Road will likely be used for long-term stockpiling of materials (bulk storage).



Figure 3.4: Likely construction laydown areas, shown in red

Stopbank construction (Portion 1)

- 1 Removal of vegetation and topsoil from the top of the stopbank. Topsoil will be stockpiled within one of the laydown areas for reuse.
- 2 New earth fill will be imported to site, placed and compacted on top of the stopbank to the finished design level. Selected fill will be geotechnically suitable and clean. It is planned that fill will be placed directly on the required area and will not be stockpiled. Silt fencing on the river side of the works will prevent spoil from contaminating the river and area beyond the works. Dust suppression will be carried out using a water cart if needed.
- 3 The fill material will be keyed in below the existing ground surface near the stopbank toe to ensure stability and reduce the potential for seepage through the stopbank.

- 4 Once the stopbank has been raised to the design level, it will be covered in topsoil and seeded with grass.
- 5 The Maitai River Walkway path will be reinstated along the river-side toe of the stopbank following construction.

Portion 1 earthworks will be staged to minimise the extent and duration of land disturbance, with progressive stabilisation (covered in topsoil and seeded with grass).

Floodwall construction (Portions 2 and 3)

- 1 Silt fencing on the river side of the works will prevent spoil from contaminating the river and area beyond the works. Clear the existing stopbank crest of fences, vegetation and topsoil to form a level working platform and access for machinery, approximately 3 m wide.
- 2 Where conditions allow, poles could be installed in holes augered with a hydraulic digger mounted auger. However, due to potential ground conditions at the site, unsupported pole holes may be prone to collapse. In such cases, pole holes may need to be supported, or the poles may need to be installed in a trench that will be dug out by an excavator.
- 3 Poles will be placed into the auger holes or trench, and the holes or trench backfilled with concrete. Lagging will be fixed across the poles to form a watertight barrier.
- 4 In Portion 2, the base slab will be cast in-situ around the upstanding poles, prior to lagging being installed across the poles. This slab will be formed using a combination of boxing and/or excavated below ground level to contain the wet concrete.
- 5 The Maitai River Walkway path will be reinstated along the crest of the stopbank following construction. Any removed fences may be reinstated or a privacy screen may be placed on top of the wall.
- 6 Reinstall topsoil, grass and/or planting and fences.

Based on observed groundwater levels, no dewatering of excavations is expected to be required.

As with Portion 1, earthworks will be staged to minimise the extent and duration of land disturbance, with progressive stabilisation (covered in topsoil and seeded with grass).

3.5.2 Timing and duration of works

The project is expected to take approximately five months to complete, and it is anticipated that Portion 1 will be constructed concurrently with Portions 2 and 3. Construction is anticipated to occur between January and May 2026, to reduce the likelihood of disruption of construction due to heavy rainfall and high river flows.

- Portion 1 of the works will have a construction period of approximately 1.5 months.
- Portion 2 and 3 of the works will have a construction period of approximately 4 months combined.

Construction work hours will be between 7.30 am and 6 pm Monday to Saturday.

3.5.3 Construction machinery

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

- 6-wheeler trucks
- Excavators (between 1 and 20 tonnes)
- Hydraulic auger mounted to an excavator
- Vibratory rollers (up to 12 tonnes)

- Concrete trucks and a concrete pump
- Tracked dumpers (up to 3 tonnes)

3.5.4 Construction access and vehicle movements

Construction traffic will travel along Mill Street and Hanby Park for works within Portions 1 and 2. Construction traffic will also travel along Maitai Valley Road to access the proposed Maitai Valley Road laydown shown in Section 3.5.1. Construction vehicles may utilise parking along Nile Street East.

Truck movements are anticipated to be on paved surfaces. If trucks travel off the pavement, debris will be managed by use of a wheel wash, gravel rumble zone or similar.

A Construction Management Plan will be developed by the contractor, which will address the management construction traffic and pedestrian and cyclist diversions.

3.6 Vegetation removal and management

The proposed activities will require the removal of vegetation and trees within and immediately adjacent to the footprint of the works, including exotic specimen trees in Hanby Park and native and exotic planting in Portions 2 and 3.

Remediation planting is proposed following construction works. Riparian revegetation is expected to comprise native eco-sourced species and will be undertaken in accordance with a Habitat Remediation Planting Plan that will be prepared in consultation with interested iwi. Replacement specimen trees will be established within Hanby Park, in agreement with NCC Parks.

No protected trees will be removed as part of the proposed activities. However, minor branch trimming and temporary works within the root protection zone of one landscape tree will be required in Portion 1. These will be undertaken in accordance with tree management protocols developed by the Project Arborist, which will form part of the contractor's Construction Management Plan.

Vegetation clearance will be kept to the minimum required to undertake the works. Where deemed practicable, and as agreed with NCC Parks, it may be possible to relocate some exotic trees within Hanby Park that would otherwise be removed. Works near to trees and vegetation to be retained will be clearly demarcated and protected from damage.

3.7 Earthworks and sediment control

For Portion 1, initial estimates indicate that the proposed earthworks will involve a total area of approximately 1,200 m². This comprises approximately 500 m³ of excavated material, and approximately 1,500 m³ of fill is expected to be imported. Where possible, excavated material will be reused on Site.

In Portion 2 and 3, construction of the floodwall is anticipated to involve 700 m² and 600 m² of earthworks respectively. Depending on the extent of trenching vs hole augering required to install the inground poles, the volume of excavated material is estimated as being up to 1,000 m³. This material would either be reused on site or taken away. In addition, as noted in Section 3.4, localised areas of the river-side slope of the Portion 2 and 3 stopbank may need to be regraded to improve slope stability. The need for this would be confirmed during construction.

The area and volume of earthworks remain subject to confirmation during the detailed design process. Additional earthworks may be required to import gravel to form lay down areas and access and for excavations of the river side of the stopbank slope, and to reinstate the shared

path. Soil is proposed to be stockpiled in the laydown areas identified above, or as identified in the Construction Management Plan.

All construction works, 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 Construction Management Plan will include a Erosion and Sediment Control Plan (ESCP), prepared in accordance with these documents. It is anticipated that the ESCP will include the following controls and measures:

- Install and maintain perimeter controls prior to land disturbance. This may include silt fencing, sediment socks, and/or haybales placed on the downhill side of the works.
- Stage works to minimise the extent and duration of land disturbance.
- Progressively stabilise and grass disturbed areas.

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 for wet weather, and/or rescheduling works to minimise the chance of uncontrolled erosion and sediment releases. Upon completion of the works, disturbed areas will be topsoiled and grassed, and areas of revegetation will be in accordance with the Habitat Remediation Planting Plan.

3.8 Ongoing monitoring

Following completion of the works, NCC will undertake regular monitoring of the stopbank, floodwall, and riverbanks as part of its river monitoring programme. This comprises annual inspections and inspections following flood events. Any damage will be repaired. 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 monitor and maintain new plantings to ensure they successfully establish, in accordance with the requirements of the proposed Habitat Remediation Planting Plan.

4 Resource consent requirements

4.1 Existing resource consents

NCC holds a number of existing global resource consents for flood protection and maintenance activities. This includes RM175025 V1 which allows 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. This resource consent is limited in scope and does not authorise the activities proposed, as the purpose of the works are for the 'improvement' rather than maintenance of flood capacity and do not involve the protection of existing infrastructure along the Maitai River.

4.2 Nelson Resource Management Plan

The NRMP is a combined District (land use) and Regional (coastal, land and freshwater) Plan and became Operative on 1 September 2004. It has recently been updated as a result of Plan Change 29 (PC29, housing and hazards). PC29 is subject to one appeal that is not relevant to this project, and its provisions are therefore treated as operative.

Section 4.2 provides a summary of the zoning and planning notations applicable to the Project, and figures showing the NRMP planning layers are contained in Appendix I.

4.3 Zoning and planning notations

The NRMP and planning notations that apply to the site or are otherwise relevant to the application are set out in Table 4.1 below. Land identified to be within the road reserve or river parcel will adopt the adjacent zoning⁶. The rules which apply are determined by the zoning of the site, any identified notations in the plan and the nature of the activities proposed.

Table 4.1: Zoning and planning notations

Zoning/planning limitation	Comment
Nelson Resource Management Plan (NRMP)	
Zoning	
Residential Zone	Underlying zoning of land along the true left bank of the Maitai River and extending to the centreline of the river (NRMP, Section AD11.6). This zoning applies to the majority of the activities proposed within Portions 1-3.
Open Space and Recreation Zone	Underlying zoning of land located near Hanby Park, at the eastern extent of Portion 1, and extending to the centreline of the river (NRMP, Section AD11.6). This zoning also applies to the laydown area off Maitai Valley Road.
Maitai River	Maitai River is identified as a freshwater body in Nelson under the NRMP and is classified as being a Class C water body in terms of water quality

⁶ Roads have the same zoning as the land that surrounds them. Where a road runs along the boundary between two zones, the zone boundary is the centre line of the road. Where a road runs beside the coast (for example Rocks Road), the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land zone. A bridge has the zoning of the river bed or other land beneath it (NRMP, AD11.6)

Land forming part of a water body, where not otherwise zoned, takes the zoning of the land that surrounds it. Where a water body occurs on the boundary between two zones, the zone boundary is the centre of the water body. Note: a river bed is normally wider than the channel where the water usually flows (NRMP AD11.7).

Zoning/planning limitation	Comment
	(moderately affected) within the subject area. Activities will be located within or adjacent to the Maitai River.
Overlays	
Riparian Overlay River	Appendix 6 applies a Riparian Overlay to the margins of the Maitai River. Table 6.1 lists its riparian values as: conservation (aquatic habitat and water quality) priority 1, access along river, recreation, and hazard mitigation flood capacity. Table 6.2 identifies the reach containing the project as having priority values for conservation, access and hazard mitigation. An esplanade requirement of 10 m is specified for the true left bank, and 5 m from the true right bank. The Riparian Overlay in the Residential Zone and Open Space and Recreation Zone is relevant to the project as the proposed activities are within the setback distances to Maitai River provided for in Table 6.2 of Appendix 6 (i.e., 10 m on the true left bank).
Flood Path Overlay	This overlay indicates areas where the land may be subject to occasional flooding within flood paths and overflow channels of rivers and streams. These areas have been differentiated because of the higher risks to safety and property associated with this type of hazard. This overlay applies to the majority of the area across Portions 1-3 within and adjacent to the Maitai River.
Floodway Overlay	This overlay identifies the river channel areas. This overlay applies to the strip of land between the Maitai River and residential properties within Portion 2 and 3.
Flood Hazard Overlay	The Flood Hazard Overlay identifies areas where flooding in the 1% AEP event at 2130 is up to 0.3 m deep and velocity is less than 2 m/s. This applies to a few limited areas within Portion 2 and 3.
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 applies to activities within Portion 2 and 3.
Local Woodland (W21)	This heritage overlay applies over an area of trees at the eastern end of Hanby Park within Portion 1. The protection of local trees is of lesser significance under the NRMP than heritage and landscape trees.
Landscape Trees	There is one Landscape Tree identified in Portion 1.
Scheduled Site – Hanby Park (NP30)	Hanby Park is scheduled as a neighbourhood park under the NRMP and is within the Open Space and Recreation Zone. The proposed activities for Portion 1 are partly located within the Hanby Park scheduled site. Schedule OSs.5 specifies that the following activities, and facilities and buildings associated with them, are permitted activities in Scheduled Site NP30: a. Playgrounds. b. Service buildings. c. Informal recreation. d. Galas, festivals, ceremonies and outdoor performances. e. Temporary structures for the purposes of military training.
Scheduled Site – Botanical Hill (CR1)	Botanical Hill is scheduled as city reserve under the NRMP and is within the Open Space and Recreation Zone. One of the laydown areas is proposed to be located within the scheduled site, with access to the area off Maitai Valley Road. Schedule OSs.3 specifies that the following activities and facilities and buildings associated with them, are permitted activities in Scheduled Site CR1: a. Service buildings (except on CR14 1903 Site Reserve) b. Aerials (except on CR14 1903 Site Reserve)

Zoning/planning limitation	Comment
	c. Informal recreation activities d. Play equipment (except on CR14 1903 Site Reserve) e. Any activity listed in any management plan approved for the land under the Reserves Act f. Festivals, ceremonies and outdoor performances g. Commercial activities are permitted on CR12 Wakefield Quay, and on CR11 Founders Park (Note: activities within Founders Park that have been subject to resource consents must comply with any conditions imposed) h. For the area covered by the Airport designation, the conditions of the designation will apply i. Temporary structures for the purposes of military training j. Navigational aids on Lot 2 DP19886.
Services Overlay	The services overlay applies to Portion 1 activities within the Hanby Park area. This overlay relates to the availability and capacity of services such as wastewater, water supply, stormwater drainage and roads.
Liquefaction Hazard Overlay	The Liquefaction Hazard Overlay indicates areas where liquefaction-induced ground damage is possible in a strong earthquake. This applies to the majority of the area across Portion 2 and 3. This overlay does not apply to stopbank activities in Portion 1 as these are located outside the overlay.

4.4 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 standards is provided in Section 4.5 below.

Table 4.2: Resource consent requirements

Proposed activity	Rule reference/ description	Comment
Residential Zone (applies to Portions 2 and 3, and all of Portion 1 excepting the eastern extent)		
Floodwall in Portion 2	Rule REr.55 Structures on the road reserve provides for structures on the road reserve as a permitted activity if: a. they are part of the road infrastructure (e.g. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway; or b. structures (including equipment shelters and bus shelters) do not exceed 6m² floor area and 3.5m high; and c. they do not obstruct the carriageway or footpaths.	The proposed floodwall in Portion 2 will extend into the road reserve near the corner of Mill Street and Hanby Park. The floodwall located within the road reserve is not part of the road infrastructure and will exceed 6m ² in floor area. Accordingly, this will require consent as a discretionary activity under Rule REr.55.3 .
Vegetation clearance in all Portions	Rule REr.59.2 Vegetation clearance provides for vegetation clearance within 5 m of the banks of a river as a controlled activity provided that:	Vegetation clearance is required within all portions to undertake the proposed activities. Vegetation present within the project footprint, comprises mainly native

Proposed activity	Rule reference/ description	Comment
	a. the vegetation to be cleared is not indigenous forest⁷, and b. no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: stabilised so that no earth moves off-site or presents a danger to life or property; and vegetated, paved, metalled or built over.	vegetation including harakeke, along with exotic grasslands The vegetation to be removed is not considered indigenous forest, and all controlled activity standards will be met. Therefore, a resource consent is required as a controlled activity.
Soil disturbance in all Portions	Rule REr.60.2 Soil disturbance provides for soil disturbance as a controlled activity provided that the relevant standards are complied with: a. the predominant slope does not exceed 35° from horizontal, and b. no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over, and d. all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces.	Soil disturbance will be required to undertake the proposed activities in all portions. The predominant slope⁸ where soil disturbance is proposed to occur within all Portions will not exceed 25° from horizontal, meeting standard (a). All standards will be met. Accordingly, resource consent will be required as a controlled activity under Rule REr.60.2.
Earthworks in all Portions	Rule REr.61.2 Earthworks provides for earthworks as a controlled activity provided the relevant standards are complied with: a. the maximum height or depth of filling or excavation does not exceed 4m, and b. the site is not in the Land Management Overlay, and	The proposed activities will require earthworks within all portions. Earthworks within all Portions will take place within 10 m of the banks of the Maitai River, not meeting standard (c). All other standards will be met. Accordingly, the proposed earthworks require resource consent as a

⁷ Indigenous forest is defined in the NRMP as: an area of naturally occurring woody vegetation that has a canopy predominantly formed by trees over 6 m high, and has more than 80% closure of the canopy, and comprises plant species indigenous to the District.

⁸ The NRMP defines predominant slope as the slope which is most common over the area. For the purpose of the soil disturbance rule in this Plan, the calculation of predominant slope should be applied to the slope area where the soil disturbance and any erosion control is to occur.

Proposed activity	Rule reference/ description	Comment
	c. earthworks do not take place within 10m of the banks of any river identified in Appendix 6 - Riparian and coastal margin overlays or within 20 m of the Coastal Marine Area, and d. no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and e. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over, and f. all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and g. Material used for the fill is cleanfill material. Earthworks that contravene a controlled standard other than (g) are restricted discretionary activities under Rule REr.61.3.	restricted discretionary activity under Rule REr.61.3 .
Activities adjoining the Riparian Overlay	REr.71.1 Riparian Overlay On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6, the following are not permitted within the distance set out in the Esplanade Requirements column: a. erection or extension of any structure⁹(excluding a fence); or b. adverse effect on indigenous vegetation; or c. disturbance to river banks. Activities that contravene a permitted condition are discretionary.	The proposed activities will involve the construction of a floodwall and disturbance to river banks on land adjoining a Riparian Overlay within the setback distances to Maitai River provided for in Table 6.2 of Appendix 6 (i.e., 10 m on the true left bank). The proposed activities require the removal of indigenous vegetation. Accordingly, resource consent is required as a discretionary activity under Rule REr.71.3.
Activities within the Flood Path Overlay	REr.82.3 Flood Path and Floodway <u>Activities and buildings that are not listed in REr.82.1 or otherwise</u> contravene a permitted condition are discretionary.	The proposed activities are not listed in REr.82.1. Accordingly, the floodwall and stopbank upgrades will require resource consent as a discretionary activity.
Open Space and Recreation Zone (applies to eastern extent of Portion 1 and laydown area off Maitai Valley Road)		

⁹ NRMP definition of “structure”: any building, equipment, device or other facility made by people and which is fixed to land, and includes:

- a. any raft.
- b. For the purposes of structures in the beds of rivers and lakes, “structures” includes dams and bank protection structures fixed to the bed.
- c. rainwater tanks and solar panels.

Proposed activity	Rule reference/ description	Comment
Stopbank works in Portion 1, Laydown area	Rule OSr.20.1 Permitted activities allows for activities listed in the Open Space and Recreation schedules (under OSs.5.i) to be undertaken as a permitted activity, provided that all other permitted conditions of the rule table are met. Activities that are not permitted in the schedule are non-complying under Rule OSr.20.3.	The proposed activities required for stopbank upgrades within Hanby Park and are not included in the list of activities permitted under Schedule OSs.5.i for activities within a scheduled neighbourhood park (NP30). The proposed activities associated with the proposed laydown area within Botanical Hill are not included in the list of activities permitted under Schedule OSs.3.i for activities within a scheduled city reserve (CR1). Resource consent is therefore required as a non-complying activity under Rule OSr.20.3.
Soil disturbance	Rule OSr.48.1 Soil disturbance provides for soil disturbance as a permitted activity provided that the relevant standards are complied with, including that the predominant slope does not exceed 25° from horizontal. Rule OSr.48.2 Soil Disturbance provides for soil disturbance as a controlled activity provided that the relevant standards are complied with: a. the predominant slope does not exceed 35° from horizontal; and b. no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats; and c. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over; and d. all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces.	The predominant slope where the soil disturbance is proposed for Portion 1 will exceed 25 but will not exceed 35° from horizontal. All other controlled activity standards can be met. Accordingly, resource consent is required as a controlled activity .
Earthworks	Rule OSr.49.2 Earthworks – provides for earthworks as a controlled activity provided that that relevant standards are complied with: a. the maximum height or depth of excavation or filling does not exceed 4 m; and b. the site is not in the Land Management Overlay; and	Earthworks are required to raise the existing stopbank in Portion 1. The proposed height of filling will exceed the permitted activity threshold of 1.2 m but will not exceed 4 m. All other controlled activity standards will be met.

Proposed activity	Rule reference/ description	Comment
	c. The earthworks do not take place within 10 m of the banks of any river d. No soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats. e. all bare soils are stabilised no later than 6 months and vegetated, paved, metalled or built over f. all formation surfaces with an inward cross fall are drained by a water table etc g. Material used for fill is cleanfill material	Accordingly, resource consent is required as a controlled activity .
Activities on land identified with riparian values	Rule OSr.56.1 Riparian Overlay – On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6, the following are not permitted within the distance set out in the Esplanade Requirements column: a. erection or extension of any structure (excluding a fence); or b. adverse effect on indigenous vegetation; or c. disturbance to river banks. Activities that contravene a permitted condition are discretionary.	The proposed activities within the open space and recreation zone will involve the erection of a stopbank and will result in the removal of some indigenous vegetation within the setback distances to Maitai River provided for in Table 6.2 of Appendix 6 (i.e., 10 m on the true left bank). Accordingly, resource consent is required as a discretionary activity.
Earthworks	Rule OSr.57.1 Flood Path overlays In any Flood Path Overlay or any Flood Path specified in the Flood Path Table, the following are not permitted activities: a. erection or extension of any building, or structure, except: i. underground network utility lines ii. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. The underside of a bridge superstructure); or b. earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	Earthworks are proposed to undertake stopbank works within Portion 1 in the Open Space and Recreation Zone. This is not a permitted activity within the Flood Path overlay. Accordingly, resource consent is required as a discretionary activity.
Branch trimming of a Landscape Tree for	Rule OSr.69.1 permits trimming of a Landscape Tree if: a. it is crown thinning¹⁰; and	Selected branches of the protected London Plane tree will likely need to be cut back to facilitate construction, and the trimming may exceed that

¹⁰ NRMP definition of “crown thinning”: in relation to trees, includes crown cleaning and means the selective removal of branches to increase light penetration and air movement through the crown where:

- a. no more than one-third of live foliage is to be removed; and
- b. after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree; and
- c. half of the foliage on laterals on the inner two-thirds of a branch is retained

Proposed activity	Rule reference/ description	Comment
construction access	b. the work is done in accordance with accepted arboricultural practice. OSr.69.2 Activities that contravene the permitted conditions are controlled.	defined as crown trimming. Consent is therefore sought as a controlled activity under Rule OSr.69.2.
Activities within the root protection zone of a landscape tree	Rule OSr.70.3 Heritage and Landscape Trees Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.	A portion of the proposed activities for the stopbank upgrades will be located within root protection zone of the landscape trees. Accordingly, resource consent will be required as a discretionary activity .
Freshwater		
Disturbance of the bed ¹¹ of the Maitai River	Rule FWr.1.1 permits the disturbance of river beds for particular purposes that do not include the reason for the proposal. Rule FWr.1.3 Discretionary 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, are discretionary.	The proposed flood protection activities will involve the disturbance of the Maitai River bed within Portion 2 and 3 where the bank of the river is proposed to be cut. These activities may be carried out within the trout spawning period (1 May to 30 September). Except for (i), the activities will meet the general conditions in rule FWr1.1. In particular we note: i) Any activities associated with bed disturbance will not after reasonable mixing give rise to any of the effects in the receiving water under (iii). ii) The proposed works will avoid the use of vehicles and machinery in the wetted bed. iii) Fish passage will be maintained during and after construction works. iv) Any riparian areas which are disturbed will be rehabilitated to the same state which existed prior to disturbance. v) Bed disturbance will not impede the legal right to access to and from the Maitai River. Accordingly, resource consent will be required as a discretionary activity .
Deposition of material in the bed/banks	Rule FWr.9.3 Deposition of material in the beds and on the banks of rivers and lakes, and in wetlands provides for the placement or deposition of rock and associated geotextile fabric or other suitable material for the purposes	The proposed activities within Portion 2 and 3 will involve a cut to the slope of the banks of the Maitai River in some areas on the river side of the proposed floodwall. Erosion control

¹¹ The bed of the river in the Nelson Resource Management Plan is defined as the space of land which the waters of the river cover at its fullest flow without overtopping its banks. This is assumed to include the riverside of the stopbank.

Proposed activity	Rule reference/ description	Comment
of the Maitai River	of erosion protection, flood control or river enhancement as a restricted discretionary activity if: i. the general conditions in rule FWr.1.1 are met, and i. rocks look similar to those naturally occurring in the area, and i. rocks are clean and free of contaminants including sediment, and v. wherever possible work is undertaken in such a way that habitats are maintained (in both the margin and river bed), and v. associated river bed disturbance is avoided where possible, and i. there is no increase in bed sediment downstream of any crossing or protection works, and i. there is no reduction in the ability of the river to accommodate flood flows, or in a lake or wetland to store flood volumes.	matting and rock armouring may be used in areas subject to the cut to stabilise the slope and soils and provide for scour protection. This would involve the deposition of geotextile fabric for the purposes of erosion control. All other restricted discretionary activity conditions can be met. Accordingly, resource consent is required as a restricted discretionary activity.

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

4.5 Permitted activities

The activities in Table 4.3 have been identified as permitted activities under the NRMP. An assessment against the relevant permitted activity standards is provided below.

Table 4.3: Permitted activities relevant to the proposed activity

Proposed activity	Rule/ regulation description	Comment on compliance
Residential Zone		
Fencing	Rule REr.31.1 Fences Fences¹² are permitted if c. On a boundary with a reserve, walkway or other publicly owned space: i. The maximum height of the fence does not exceed 1.2m within 1.5m of the boundary, or ii. For any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable¹³	Fencing along the stopbank will be removed to construct the floodwall in Portion 2 and 3. This fencing may be reinstated post construction. A privacy fence may also be placed on top of the floodwall. Any fencing proposed will meet the relevant conditions under c (i) or (ii) and e.

¹² NRMP definition of “fences” includes a hedge.

¹³ REr.31.5 Explanation: Visually permeable for [fences](#) means the ability to clearly see through from the street to the [front yard](#) of the [site](#), and is determined by a comparison of the solid portion of the [fence structure](#) against any gaps provided within the [structure](#), or between [fence structures](#).

Proposed activity	Rule/ regulation description	Comment on compliance
	e. where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.	Accordingly, the establishment of fences will be a permitted activity and will not require resource consent.
Parking and storage of heavy vehicles	Rule REr.39.1 Parking or storage of heavy vehicles. The parking or storage of heavy vehicles is a permitted activity provided that a maximum of 1 heavy vehicle parked or stored per site.	N/A: heavy vehicles are expected to be stored/ parked at the dedicated laydown sites, which are zoned Open Space and Recreation, and not on a residentially-zoned site.
Laydown areas	Rule REr.42.1 Outdoor Storage Goods and materials stored outside must not be readily visible from any road or public place or adjoining sites.	N/A: heavy vehicles are expected to be stored/ parked at the dedicated laydown sites, which are zoned Open Space and Recreation, and not on a residentially-zoned site.
Open Space and Recreation Zone		
Vegetation clearance	Rule OSr.47.1 Vegetation clearance provides for vegetation clearance as a permitted activity provided that relevant standards are complied with: a. it does not take place within 5m of the banks of any river identified in Appendix 6 - Riparian and coastal margin overlays, b. no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats; and c. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over; and d. after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity; and	Vegetation removal is required within Portion 1 to undertake the stopbank upgrades. Vegetation clearance will not take place within 5 m of the banks of the Maitai River within the Open Space and Recreation Zone. The vegetation to be removed is not considered indigenous forest. All other permitted activity standards will be met. Therefore, vegetation clearance within the Open Space and Recreation Zone is a permitted activity and resource consent will not be required.
Freshwater		
Planting along riverbed of the Maitai River	Rule FWr.3.1 Planting in river beds and margins, and in wetlands provides for the planting or replacement of indigenous and exotic plants, (excluding pest plants) as a permitted activity provided that relevant standards are complied with: i <i>Salix fragilis</i> (Crack Willow), <i>Salix cinera</i> (Grey Willow) and <i>Salix vimnalis</i> (Osier willow) is not planted within 5m of a waterbody, and	Remediation planting of riparian margins is proposed following construction activities. The proposed planting will occur so as to meet the permitted activity standards. Accordingly, planting in the bed and margins of the Maitai River is a permitted activity and resource consent is not required.

Proposed activity	Rule/ regulation description	Comment on compliance
	- ii there are no adverse effects on existing network utilities, and - iii no vegetation is established that is likely to give rise to debris entering the river or lake in a way that may result in: - diversion or damming, or - bed or bank erosion, or - adverse effects on ecosystems that are more than minor.	
Riverside slope regrading activities	Rule FWr.4 Maintenance, replacement, upgrade and removal of structures in the beds of rivers and lakes and their margins (excluding dams) a. Maintenance or replacement of any lawfully established structure (and associated deposition and armouring) on, under, over or in the bed of a river or lake, and b. removal, demolition, or decommissioning of a structure or any part of a structure on, under, over or in the bed, of a river or lake, and c. the upgrade of any network utility higher than 5m over or above the bed of a river or lake is permitted if: i. the general conditions in Rule FWr. 1.1 are met, and ii. the site is rehabilitated, and iii. any plantings are of native species, or exotic species suitable to the conditions, and iv. and rocks look similar to those naturally occurring in the area, and v. the work is undertaken in such a way that habitats are maintained in the beds and margins of rivers and lakes.	The proposed slope reduction works in Portion 2 and 3 may require the replacement, upgrade or removal of stormwater structures/outlets located in the bed of the Maitai River. All relevant permitted activity conditions will be met under FWr1.1: i) work will not be carried out in the bed between 1 April and 15 August (koaro and kokupu spawning period) unless ambient levels of sediment are returned within 48 hours of construction, or between 1 May to 30 September (trout spawning period); iii) Any activities associated with bed disturbance will not after reasonable mixing give rise to any of the effects in the receiving water under (iii). iv) The proposed activities will avoid the use of vehicles and machinery in the wetted bed. v) Fish passage will be maintained during and after construction works. vi) Any riparian areas which are disturbed will be rehabilitated to the same state which existed prior to disturbance. vii) Bed disturbance will not impede the legal right to access to and from the Maitai River. Accordingly, the replacement or removal of structures within the bed of the Maitai River is a permitted activity and resource consent is not required.
Nelson Air Quality Plan		

Proposed activity	Rule/ regulation description	Comment on compliance
Discharges of dust to air	Rule AQR.22 The following general conditions apply to all discharges of contaminants to air, including those allowed as permitted activities in the Rule Table, excluding those allowed by a resource consent unless the consent states otherwise¹: - The discharge must not result in any offensive or objectionable odour to the extent that it causes an adverse effect beyond the boundary of the site of the discharge, and - The discharge must not result in dispersal or deposition of particles, including smoke particles or dust, to the extent that it causes an offensive or objectionable effect beyond the boundary of the site of the discharge, and - The discharge must not significantly impair visibility beyond the boundary of the site of the discharge, and - The discharge must not cause any corrosion to any structure beyond the boundary of the site of the discharge, and - The discharge must not result in effects beyond the boundary of the site that are noxious or dangerous.	The proposed earthworks may result in the discharge of dust to air. Earthworks will be undertaken in accordance with an Erosion and Sediment Control Plan. Discharges will not result in an offensive or objectionable effect beyond the boundary of the site of the discharge. Accordingly, the discharge of dust to air is a permitted activity and resource consent is not required.

4.6 Other regulations

Section 104(1)(b)(ii) requires that regard be given to any relevant provisions of any other regulations. No other regulations are considered relevant to this application.

4.6.1 National environmental standards and regulations

The PSI included in Appendix E finds there is no potentially contaminated soil in the works area (refer to Section 2.9) , and the NES-Soil is therefore not relevant to the proposed activity.

The EcIA included in Appendix F finds there are no potential wetlands within 100 m of the project site (refer to Section 2.10.1), and the NES-Freshwater is therefore not relevant to the proposed activity.

There are no other National Environmental Standards or regulations considered relevant to this application.

4.7 Other consents and approvals required

4.7.1 Building consent

A building consent may be required for any proposed structures under the Building Act 2004. This will be obtained prior to construction.

4.7.2 Wildlife Act

As outlined in the EclA (Appendix F) and Section 6.6.3 of this report, lizard habitat has been identified within the Site. Native lizards are protected under the Wildlife Act 1953. As such, a Wildlife Act Authority (WAA) has been obtained (28th August 2025) from the Department of Conservation (DOC) to capture and relocate lizards in accordance with the project Lizard Management Plan (LMP).

4.7.3 Corridor access request

If the project requires works within the road corridor, the contractor engaged to undertake the work will submit a corridor access request.

5 Consultation

5.1 Mana Whenua

NCC introduced the project to Mana Whenua at NCC's quarterly Te Ohu Taiao hui on 15 April 2025, attended by Pou Taiao (environmental management representatives) from the following Te Taihū iwi:

- Ngāti Koata – Neil Dean
- Ngāti Tama – Dayveen Stephens
- Te Atiawa Trust – Kristie Paki Paki
- Ngāti Apa ki te Rā Tō – Jennifer Skilton
- Ngāti Toa – Jarom Hippolite
- Ngāti Kuia – Leona deRidder

Initial feedback received during the hui included:

- Ngāti Koata: a need to consider the wider context of catchment flood management, including the upstream and downstream effects of the project (refer to Section 6.3 for an assessment of flood effects);
- Ngāti Tama: supports protecting urban areas from flood hazards, while enabling the awa to flow a natural path where possible. Archaeological assessment required for areas of excavation (refer to the Archaeological Report in Appendix G);
- Te Atiawa Trust: identified the need for an archaeological assessment, and iwi monitors.
- Ngāti Apa ki te Rā Tō: also identified the need for an archaeological assessment, and iwi monitors.
- Ngāti Toa: queried whether riverbed gravel accumulation contributed to the August 2022 flooding in this area; NCC advised that it did not.
- Ngāti Kuia: raised concern about the effect engineered structures such as high concrete walls can have on the social fabric of river margins. In response, alternative designs for the floodwall downstream of Clouston Bridge are being explored (not part of this consent application).

Project details were uploaded to Te Parikaranga on 9 June 2025. This iwi engagement platform connects with all eight iwi¹⁴ in the Te Taihū region, allowing iwi leaders to indicate their interest and preferred level of consultation. To date, only Ngāti Tama and Ngāti Rārua responded using this platform.

On the basis of interest expressed at Te Ohu Taiao, and responses through Te Parikaranga, NCC reached out directly to Ngāti Koata, Ngāti Tama, Ngāti Kuia, and Ngāti Rārua (George Stafford).

An online hui with Ngāti Tama was held (2 July 2025). Ngāti Tama raised the following points:

- Replanting to use seeds endemic to the awa area, and Kūmānu nursery to be considered for plant supply.
- Involve Ngāti Tama in any opportunities for cultural representation in design, such as etching in concrete walls.

¹⁴ Ngāti Koata, Ngāti Tama, Ngāti Kuia, Ngāti Rārua, Rangitane o Wairau, Ngāti Toa, Te Ātiawa, Ngāti Apa ki te Rā Tō

- Ngāti Tama wishes to have iwi monitors during works.

Ngāti Tama advised it does not wish to be involved further in the resource consent process, except as noted above, and to be kept updated with any changes to the project. The Cultural Values Statement that Ngāti Tama prepared for the Maitahi Village fasttrack application was supplied, to help provide an understanding of Ngāti Tama's cultural values of the area.

Ngāti Rārua advised that no further engagement was necessary.

An onsite hui was held with Ngāti Koata and Ngāti Kuia (17 June 2025). Feedback from Ngāti Koata focussed on the importance of holistic whole-river management, replanting with native species, protection of fish spawning habitat, ensuring flood improvement activities do not exacerbate the flood hazard elsewhere, and improving access to the awa where possible including for future mahinga kai. Ngāti Koata confirmed no further engagement was required but asked to be kept up to date as the project progresses.

Ngāti Kuia confirmed interest in the project and have since prepared a Cultural Impact Assessment (Appendix D). This provides an overview of the values that the project area holds for Ngāti Kuia, and the potential effects of the project on these values. The CIA recommends a number of measures to address these effects, and NCC proposes to adopt those measures as conditions of consent (refer to Section X).

Updated project information was placed on Te Parikaranga on 12 September 2025. This included an updated project summary advising that the floodway previously proposed at Branford Park has been removed from the project, and that the project has been split into resource consent packages to ensure construction of "Consent Package 1" (the subject of this application) can be completed before winter of 2026. Updated drawings and project milestones were provided, as were the Maitai Flood Improvement Options Report, and the Archaeological Report that is attached to this report (Appendix G).

All iwi were emailed to ensure they were aware of the update on Te Parikaranga. No specific responses have been received to date.

A full copy of this resource consent application will be made available to iwi upon lodgement.

NCC will continue to engage with iwi as the project progresses, particularly regarding the following matters. The iwi that has expressed specific interest in each matter is noted.

- Source of imported fill: Ngāti Kuia.
- Opportunities to incorporate cultural design: Ngāti Tama, Ngāti Kuia.
- Design of planting and provision of plant stock: Ngāti Tama, Ngāti Koata, Ngāti Kuia.
- Iwi monitors: Ngāti Tama, Ngāti Apa ki te Rā Tō, Te Atiawa Trust, Ngāti Kuia.

5.2 Friends of the Maitai

Friends of the Maitai (FOM) were provided project information by email on 17 July 2025, including a link to the Shape Nelson page that has been kept up to date with project information as it has developed. FOM responded and did not raise any concerns with the project.

5.3 Adjacent residents

Adjacent residents and landowners were invited (via email and letter drop) to an in-person meeting on 24 June 2025. Presentations were made by Mayor Nick Smith and the NCC project team, and included opportunities for residents to ask questions and provide feedback on the project. The meeting was attended by residents from 16 properties.

This meeting was followed up with an email on 7 July with a link to the Shape Nelson project webpage¹⁵ that has been kept up to date information on the project, including drawings and updated timelines.

A further email was sent to residents on 21 August 2025 to provide an update on the project and advise that the previously proposed floodway for Branford Park would not be going ahead. This email outlined that NCC would be seeking support for the resource consent application and would be in contact directly with residents who will have construction next to their property.

Following confirmation of the package of works described in this application, NCC has been undertaking one-on-one consultation with residents and landowners adjacent to the proposed construction activities. This includes onsite meetings held on 17 September 2025 to discuss the detail of the proposed structures and construction work at individual properties. Consultation with residents is ongoing, including to obtain written approvals.

Residents have expressed a high level of general support for the project to date. Other specific matters raised by residents has included:

- The location of the pathway in relation to the Hanby Park stopbank, requesting it be reinstated on the riverside of the stopbank and not on its crest;
- Preference for exotic tree planting instead of natives (Hanby Park resident);
- Whether access from properties to the pathway can be provided through/ over the proposed floodwall (residents adjacent to Portions 2 and 3);
- Request for a specific tree to be retained for the shade it provides to the house;
- Requesting the floodwall be placed as far into Council land as is practicable to retain the residents' current enjoyment of the esplanade reserve for private use, and for the reinstated fence to maintain their privacy and security;
- Identified issues with the existing stormwater system draining to the Maitai River, including that sumps get blocked with fallen leaves, and well-operating outlet back-flow flaps are needed to ensure both river flood water and stormwater do not back-up.

5.4 Public consultation

The wider public has been made aware of the project by various means, commencing with a media release in August 2024.

NCC's primary means of distributing detailed project information to the wider public is via the 'Shape Nelson' website. This webpage has been kept up to date with project information including the timeline of the project and concept designs.

Information regarding the project was also circulated in the 'Our Nelson' newsletter on the 26 July 2025. The wider public has had the opportunity to submit feedback and questions in relation to the project via contact information provided on the Shape Nelson page. At the time of lodgement, no concerns have been raised specific to the project.

¹⁵ <https://shape.nelson.govt.nz/maitai-flood-mitigation>

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 NCC proposes to avoid, remedy or mitigate any potential adverse effects on the environment.

The application has a non-complying activity status due to the proposed stopbank and laydown area being within a scheduled neighbourhood park and city reserve. This assessment draws on information provided in the technical reports contained within the appendices and addresses the following effects:

- Positive effects
- Adverse flooding effects
- Riverbed stability effects
- Construction effects
- Terrestrial ecology effects
- Freshwater ecology effects
- Landscape, visual amenity and access effects
- Arboricultural effects
- Archaeological effects
- Cultural effects

6.2 Positive effects

The proposed activities will improve flood resilience and lower the associated risk of property damage and loss, and risks to human safety, therefore providing significant positive effects for the local community. Flood modelling demonstrates that the proposed structures will prevent river overflows along the true left bank of the Maitai River in the project area up to the design flood event, removing the river flood hazard risk for 52 residential properties under this flood level. In larger events, the project will reduce flooding depths, up to the largest modelled event, and decrease the duration of flooding. This is because lower flood depths and reduced extents within the residential area will allow flood water to drain more quickly.

The proposed remediation planting following construction is also anticipated to result in positive ecological effects for the area. Native eco-sourced planting will provide habitat for birds and lizards, shade for the river channel where practicable, and will replace some exotic riparian vegetation, enhancing overall biodiversity.

6.3 Adverse flooding effects

The proposed activities are designed to prevent river flooding effects associated with a 1% AEP flood event up to 2050 for the residential area located on the true left from Hanby Park to Nile Street East, and reduce flood effects in this area from a 1% AEP event up to 2130. This is in the order of a 0.4% AEP (1 in 250 year) river flood event in the present day.

Flood modelling undertaken by T+T has informed the concept design and supported the assessment of potential flood impacts of the proposed activities. This is set out in greater detail in the Design Report (Appendix H). This model has been calibrated using observed flood data from the August 2022 storm event. Consistent with Policy DO2.2.2 of the NRMP and standard industry practice for managing flood hazards, flood modelling for the project has been based on a 1% AEP event and has accounted for the likely effects of climate change up to 2130. The modelling is considered conservative and has adopted an RCP of 8.5, to account for the 'worst-case' high emission climate change scenario.

To reduce flood hazard risk to residential properties, Branford Park and a small portion of Hanby Park, both council owned parks, will be used for natural flood storage capacity. Flood modelling demonstrates that with a present day 1% AEP flood event, flood depths are predicted to increase by 0.25 to 0.5 m within the parks compared to baseline. For a design flood event, the activities are predicted to increase flood depths here by more than 0.5 m. The risks to human health and safety are considered low, as the park is not used for any occupation activities such as camping, and day visitors would be reasonably expected to vacate the area as flooding occurs. While modelling has shown an increase in flood depths for Council parkland, no residential properties are anticipated to experience an increase in flood depths as a result of the proposed activities for the design flood event. Under the largest modelled event, residential properties are still anticipated to experience a reduction in flood depths by 0.05 to 0.5 m, compared to the baseline.

The flood hazard risk posed by peak flood water depth and velocities out of the river channel was also assessed using the project specific model. Flood modelling demonstrates that the proposed structures will not result in an increased flood hazard risk to residential areas. The modelling indicates that any increases in flood hazard risk are limited to non-residential areas such as public parkland. Given the types of activities which occur with these non-residential areas, this will result in no more than minor adverse flooding effects.

In summary, under the modelled flood scenarios, the project will reduce the extent and depth of flooding within developed areas, with a limited increase in flood depth on public parkland. There is also a projected increase in the flood hazard risk within non-residential areas.

Based on the above, there will be no adverse flooding effects on residential properties and effects on public parkland will be overall no more than minor.

6.4 Effects on riverbed stability

The proposed activities, including stopbank raising and floodwall construction will result in changes to the stopbank form. This has the potential to result in effects on riverbed and bank stability through erosion or deposition. Flood modelling set out in the Design Report (Appendix H) indicates a localised increase in average in-channel river velocities upstream of Clouston Bridge within Portion 3 during a 1% AEP event. Average velocities within Portions 1 and 2 are not anticipated to increase as a result of the proposed activities.

Increased river velocity may elevate the risk of scour in localised areas and influence sediment transport and erosion dynamics. This risk is mitigated in places where rock armouring already exists along the left and right banks. 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.

Regrading works along the left bank of the Maitai River will be minimised as far as practicable, limiting the extent of modifications to the natural profile of the riverbank.

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

6.5 Construction effects

6.5.1 Erosion, sedimentation and dust effects

Constructing the stopbank and flood wall will involve undertaking earthworks in close proximity to a water body and localised regrading of the riverside slope of the stopbank. The proposed activities will not involve work within the wetted channel of the Maitai River. This work has the potential to cause erosion, sedimentation and dust effects which could impact water and air quality. To manage these effects, an Erosion and Sediment Control Plan (ESCP) will be prepared by the contractor in accordance with Nelson Tasman Land Development Manual and Nelson Tasman Erosion and Sediment Control Guidelines 2019. The ESCP will set out required sediment and erosion control measures for the duration of construction works.

The ESCP will identify a range of measures to avoid, remedy or mitigate the potential adverse erosion, sedimentation and dust-related effects. This may include:

- Install perimeter controls prior to land disturbance and maintain as required. This includes silt fencing, sediment socks, and/or haybales placed on the downhill side of the works.
- Stage works to minimise the extent and duration of land disturbance.
- Progressively stabilise and grass disturbed areas.
- Wheel wash or gravel rumble zone for removing debris from wheels, if required.

In addition, the stockpiling and storage of materials will be located largely outside of present day flood areas identified on NRMP Planning Maps to reduce potential for sedimentation if flooding occurs during construction works.

Provided the applicant implements the control measures described within an ESCP, it is considered that any adverse erosion, sedimentation or dust effects will be less than minor.

6.5.2 Construction noise and vibration

The NRMP does not contain specific standards for construction noise or vibrations within the residential or open space zones. However, noise and its management is a matter relevant to this resource consent application¹⁶ and the NCC Consents and Compliance Manager has advised that an assessment against the NZS 6803:1999 *Acoustics – Construction noise* standard (NZS 6803) is required. A Construction Noise and Vibration Assessment (Noise Assessment) prepared by T+T is included in Appendix J.

NZS 6803 specifies allowable noise limits depending on the duration of construction and the time/ day. Limits apply at 1 m from external façades of occupied buildings. The Noise Assessment has determined the expected sound pressure level (noise) generated from the noisiest machinery that may be used for the project, being excavators, compaction rollers and a concrete truck with pump, and calculated the setback required between the machinery and a building façade to achieve the allowable noise threshold of 75 dB.

The Noise Assessment finds that without any mitigation or management measures in place, construction noise is predicted to exceed the NZS6803 noise threshold of 75 dB at up to 14 receivers. With worst case assumptions, there are six potential receivers predicted to experience noise levels that exceed 80 dB LAeq during the construction period. At this level, residents could

¹⁶ For example, “control of noise” is a matter for discretion under Rule REr.61 (earthworks in the residential zone). Section 16 of the RMA sets out the duty to avoid unreasonable noise.

experience annoyance, stress and disruption to daily routines such as working from home, studying or resting.

To appropriately manage and mitigate the potential effects of construction noise, a Construction Noise Management Plan (CNMP) will be developed that adopts the measures recommended in Section 7 of the Noise Assessment. This follows a hierarchy of mitigation, including community engagement, scheduling works to avoid sensitive times, and implementing a best practicable option approach to avoid unreasonable noise.

The following specific noise mitigation is proposed to address effects at locations expected to experience the highest noise levels:

- In Portion 1, downsizing the vibratory roller to an 8-tonne within specified setbacks for compaction activities would ensure compliance with the noise standards for all but one receiver. Noise at 32 Mill Street may exceed the threshold by up to 2 dB, a difference that is unlikely to be perceivable.
- When parked at the interface of Portions 1 and 2, the concrete truck with pump will be positioned as far from receivers as practicable. If the specified setback cannot be achieved, noise barriers will be used to ensure compliance with the noise standards.
- In Portions 2 and 3, three dwellings are situated within a few metres from where excavators may be operating. A smaller excavator will be used within the specified setbacks where practicable (10-tonne assumed), however exceedances to the noise threshold are still expected. The contractor will work with the occupants to schedule the works time that reduces disruption and will position the excavator as far from the receivers as practicable.

We also note that the highest noise levels used in the Noise Assessment will not be constant throughout the works, they will generally only occur over a few hours, and then there will be a lull in the noise level as the next stage of works is set up or a decrease as works move away from the property.

Vibrations from construction works are expected to be within the limits of the applicable standard (DIN4150-3:2016) at all receivers.

With the proposed measures in place, the Noise Assessment finds that construction noise and vibration effects will be managed to an acceptable level, and we therefore conclude that the effects on the environment will be no more than minor.

Refer also to Section 8.2.2 for an assessment of affected persons under Section 95E of the RMA, which considers construction noise.

6.5.3 Construction traffic effects

The proposed construction works are anticipated to involve an estimated 15 trucks per day for Portion 1 and seven trucks per day in Portion 2 and 3. There will be construction traffic along Hanby Park and Mill Street to access the site and site compound area and along Maitai Valley Road to access a further laydown area. Construction vehicles may also utilise parking along Nile Street East.

The wider Maitai Valley area is subject to ongoing subdivision and residential development. This includes the recently consented Maitahi Village subdivision, which is a planned development of approximately 180 residential dwellings, a retirement village comprising 194 townhouses and 36 care facility units and associated infrastructure. It is understood that construction is planned to commence early 2026 and may therefore coincide with construction of this project. NCC's Capital Projects team is in contact with the developers to ensure the projects are coordinated.

The successful contractor will be responsible for development of a Construction Management Plan, which will address the management of construction traffic including Temporary Traffic Management (TTM) measures. This will include the diversion of pedestrians and cyclists around the site as required to maintain public safety.

Any material that is going to be taken off site will be transported in trucks. Where possible, this material will be loaded directly into trucks for offsite disposal. Loading of these trucks will be undertaken in a location where any potential runoff or spills can be controlled and contained. All truck movements are anticipated to occur on paved surfaces. Where required, a wheel wash or gravel rumble zone will be implemented to minimise tracking of material onto the surrounding footpaths and road.

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, will be less than minor.

6.6 Terrestrial ecology effects

6.6.1 Effects on vegetation

The proposed activities will involve removal of native- and exotic-dominated vegetation in Portions 2 and 3 from NCC-owned land. Exotic trees on the Portion 1 stopbanks will be removed to enable construction.

Following construction, remediation planting of the riparian margins is proposed and will involve the planting of largely native eco-sourced vegetation. Selected specimen trees will be planted within Hanby Park adjacent to the stopbank. No trees will be planted on the riverside of the stopbank as the roots can compromise its stability and integrity.

Remediation of the site is expected to result in a net gain in native biodiversity. Replanting will be undertaken in accordance with a Habitat Remediation Planting Plan prepared as part of an Ecological Management Plan (EMP).

Overall, the proposed vegetation removal is assessed as having no more than minor effects on terrestrial vegetation and associated habitats in the long term.

6.6.2 Effects on native birds

The proposed activities and associated vegetation clearance have the potential to result in adverse effects on native birds including temporary habitat loss and disturbance, injury or bird mortality. Habitat removal during the peak forest bird breeding season (September to January inclusive) can result in direct harm to nests, eggs and nestlings.

If the clearance or pruning of native or exotic specimen trees occurs within the peak breeding season of birds (September to January, inclusive), checks for native forest bird nests will be conducted in accordance with the project EMP. Following construction, site remediation will include planting trees that will be suitable for perching, roosting and nesting behaviour in the medium-long term. With these mitigation measures in place, the effect of the project on native birds is assessed as being less than minor.

6.6.3 Effects on lizards

Vegetation removal has the potential to result in temporary loss of lizard habitat, mostly comprising harakeke, exotic dominated vegetation, rank grass and rocky outcrops.

The following effects management measures are proposed:

- Minimisation of lizard habitat loss where possible.
- Lizard salvage prior to and during vegetation/habitat clearance, with relocation to a suitable site for northern grass skink (in accordance with the approved WAA and LMP).
- Habitat remediation within the project footprint including provision of lizard habitat (e.g. habitat features and plant species that support native lizards), in accordance with a Habitat Remediation Planting Plan.

With the implementation of the above measures, the likely overall level of effect has been identified as very low. This equates to a less than minor adverse effect on lizards.

6.7 Freshwater ecology effects

6.7.1 Sedimentation effects

If uncontrolled, sediment discharges from land disturbance and earthworks have the potential to adversely affect freshwater fauna. Sedimentation effects on water quality and instream fauna will be mitigated by managing earthworks in accordance with an Erosion and Sediment Control Plan (refer to Section 6.5.1).

The above measures are considered to result in adverse effects which are no more than minor.

6.7.2 Effects of riparian vegetation removal

The possible removal of riparian vegetation along localised parts of Portions 2 and 3 has the potential to adversely affect river water quality and biodiversity, for example by reducing contaminant filtration, soil stabilisation and shade.

Remediation planting is proposed for affected riparian margins following the completion of construction works. This will create well-vegetated riparian margins with species selected for their ecological function, enhancing biodiversity. As the planting matures, it will provide the same level of ecological benefit of filtering and bank stabilisation as exists currently, and channel shading may be enhanced as the planted shrubs mature.

With remediation planting, the project is assessed as having a less than minor adverse effect on stream function.

6.8 Landscape, visual amenity and access effects

The construction works may result in adverse visual and amenity effects for residents and park users due to the presence of machinery, laydown areas and construction activities. Construction is relatively short duration (total of around five months, across the full project length) and will be undertaken during the daytime on Monday-Saturday to reduce disruption. The laydown at the end of Hanby Park, where the site office is expected, has the potential to adversely affect the amenity of the adjacent residence at 26 Hanby Park due to the level of activity occurring here. This will be managed through the Construction Management Plan, for example by erecting an acoustic or visual barrier approximately 5 m from the site boundary. Construction-related visual and amenity effects are assessed to be less than minor.

Public access along Hanby Park and the Maitai River Walkway path will also be temporarily restricted during construction works. The path will be reinstated in a similar location following construction and there will be no long-term effects on access to the river. The exception is the possible removal of the existing path connection over the stopbank from Mill Street to the riverside path, and users would need to access the path via Hanby Park. Path user experience will be similar or improved as the replacement planting matures.

The project will result in a change to the visual appearance of the public area alongside the true left of the Maitai River. In Hanby Park (Portion 1), the existing stopbank will increase in height by a maximum of 1 m at the downstream end (opposite 4A Hanby Park) reducing to zero increase opposite 24 Hanby Park. This part of the park will continue to be occupied by a grassed stopbank, reducing the extent of visual change. Existing trees growing on the stopbank will be removed, with replacement exotic specimen trees planted nearby.

The works in Portions 2 and 3 require the removal of planting and relocation of fences from the landward side of Council's esplanade reserve. The proposed floodwall is similar or lower than a residential fence, with a maximum height of 1.3 m by 33 Mill Street, reducing to 0.4 m height around the Mill Street bend. It is expected to have timber-lagging, not dissimilar in appearance to a solid-panelled fence. Vegetation planted at the completion of works will largely restore the greened appearance of the walking track environment.

Localised regrading along the bank of the Maitai River (if required) will also result in changes to the visual appearance of the river. This part of the Maitai River is already modified by rock armouring and adjacent development, and over time these effects will reduce as the proposed remediation planting establishes.

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

Refer to Section 8.2.2 for an assessment of affected persons under Section 95E of the RMA, which considers visual and amenity effects.

6.9 Arboricultural effects

The eastern portion of the stopbank in Portion 1 will be aligned to reduce the extent of construction works within the root protection zone (RPZ) of two London Plane trees near Hanby Park, one of which is a protected landscape tree in the NRMP. However, there may be limited pruning required, and some minor land disturbance in the RPZ including vehicle tracking along the sealed surface between the two trees. These works will be minor in extent and will avoid the removal of landscape trees.

Tree works will be managed in accordance with a Construction Management Plan, which will set out a range of tree protection measures to avoid, remedy and mitigate potential adverse effects of works within the RPZ. These are likely to include:

- Monitoring of construction activity by a qualified and experienced arborist,
- Qualified arborist to provide a standover when excavating within the Root Protection Zone of the protected landscape tree.
- Limiting vehicle tracking within the RPZ to vehicles no heavier than a 13-tonne excavator.
- Placement of geogrid and gravel over the unsealed area between the two trees for root protection from vehicle tracking through the area.
- Fencing to exclude the parking and storage of materials within the RPZ of the trees.
- Pruning to be undertaken by qualified arborists under the direction of the project Arborist.
- Pot-holing activities will be carried out via hydro-excavation.

Given the implementation of tree protection measures, effects on protected trees will be less than minor.

6.10 Archaeological effects

As identified in Section 2 of this report, there are no recorded archaeological sites in close proximity to the works. Given the evidence of historical flood damage and repair on numerous occasions, the Archaeology Report considers it unlikely that any in-situ archaeological evidence has survived within the project area. While it is considered unlikely that anything of archaeological value will be identified during the proposed activities, Accidental Discovery Protocols (ADP) will be implemented. The proposed ADP has been provided by Ngāti Kuia (in its CIA, Appendix D), which reflects the requirements within the NRMP and includes the notification of relevant iwi and Heritage New Zealand Pouhere Taonga (HNZPT).

6.11 Cultural effects

As stated in Section 2, the Maitai River and its tributaries are of cultural significance to mana whenua based on traditional, cultural and spiritual associations. Specifically, the site is identified as being of interest to: Ngāti Kuia, Rangitane o Wairau, Ngāti Toa Rangatira, Ngāti Koata, Ngāti Rarua, Ngāti Tama ki Te Tau Ihu, Te Atiawa o Te Waka-a-Maui.

As outlined in Section 5.1 NCC is actively engaging with mana whenua to understand and address the potential effects of the project on Māori cultural values, recognising their role as kaitiaki for the area. The Iwi Management Plans prepared by Te Tau Ihu have also been considered (Section 7.6.1). Key focus areas include:

- Water quality, quantity and mauri;
- Habitat integrity;
- Provision for customary practices, including access;
- Management of Pakohe for future generations
- Risk of disturbing ancestral sites, kōiwi (human remains), and taonga tūturu (protected objects).

Ngāti Kuia has prepared a CIA (Appendix D), outlining effects of the proposed activities on their cultural values. Key concerns relate to the potential disturbance of unrecorded wāhi taonga, wāhi tīpuna and pakohe deposits, sedimentation, in river activities, vegetation clearance and effects on habitat and mahinga kai access, potential contamination from offsite fill material, and the integrity of the cultural landscape such as through visual intrusion. Ngāti Tama has also provided a statement of cultural values that was prepared for the Maitahi Village development.

Changes to the project design have been explored in response to matters raised during consultation:

- Opportunities for cultural art to be incorporated into the project will be explored with iwi as part of detailed design.
- The height and appearance of the floodwall has been modified to reduce its visual intrusion which achieving the required flood protection. It is expected it will have timber lagging rather than concrete and has a maximum height of 1.3 m, to be in keeping with this part of the river valley.
- Instream works are no longer proposed as part of this application (Consent Package 1), avoiding potential ecological effects such as fish mortality and instream habitat destruction.
- The wider project previously included a proposed floodway at Branford Park, and the provision of improved access to the awa was being explored. The project no longer offers any opportunities for access to the awa due to works being away from the river edge

(Portion 1) and the steep-side riverbanks (Portions 2 and 3). However, the removal of the floodway from the project will substantially reduce the need for vegetation clearance and related disturbance to the riverbanks of the Maitai River.

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

- Iwi will be invited to undertake cultural induction for all contractors, and Kaitiaki Taiao monitoring during land disturbance.
- Implementation of the accidental discovery protocols recommended by Ngāti Kuia.
- Minimise the area of land disturbance and vegetation clearance to the extent practicable. Implement best practice erosion and sediment control measures to maintain water quality and follow ecological management plans to protect terrestrial habitats and species.
- Mitigate adverse effects on ecology by adopting the recommendations of the EclA, including the suite of ecological management plans.
- Planting plans will be designed in consultation with iwi, and will include taonga species (e.g., harakeke, tī kōuka). Planting is expected to be done in the first planting season following works completion.
- Disruption to access up the river valley will be mitigated by the short construction duration (about 5 months), having pedestrian and cyclist diversions in place for public safety, and reinstating the walking path.
- Involve Ngāti Kuia in the selection of fill source.

As the subsequent portions of the wider project are developed (Portions 4 and 5), NCC will continue to work with mana whenua, including taking on any improvements learned from the current consent package of works.

Only mana whenua can provide a determination of the cultural effects of the proposal. However, based on feedback provided, the minimal impacts on water quality and associated values, and mitigation such as replanting native species within the site, it is anticipated that the proposed activity will have less than minor effects on mana whenua values.

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. These are:

- Any actual and potential effects on the environment of allowing the activity (refer Section 6 above).
- Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
- Any relevant provisions of:
 - a national environmental standard
 - other regulations
 - a national policy statement
 - a New Zealand coastal policy statement
 - a regional policy statement or proposed regional policy statement
 - a plan or proposed plan
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

These matters are addressed below. Relevant national environmental standards are addressed in Section 2 and other regulations are addressed in Section 4 of this report.

7.2 National policy statements

7.2.1 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) came into force on 3 September 2020 (amended October 2024). The NPS-FM provides local authorities with direction on how to manage freshwater resources under the RMA. The overarching objective of the NPS-FM 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 NPS-FM is considered relevant to this proposal which involves earthworks and vegetation clearance in proximity to the Maitai River. These works will not be undertaken within the wetted channel area of the river. The proposed activities will be undertaken in a manner that protects the health of freshwater, giving effect to Te Mana o te Wai. As described in Section 6 of the AEE, the implementation of measures set out in an EMP and ESCP will minimise any temporary sedimentation effects on freshwater values, consistent with Policy 7. Overall, the proposed activity will be consistent with the objective and policies of the NPS-FM.

7.2.2 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 proposed activities are considered to support the overarching objective of the NPS-IB and will not have any significant adverse effects on indigenous biodiversity. The activities will be managed in accordance with an EMP developed for the project to further minimise potential adverse effects on indigenous biodiversity values. Consistent with Policy 10, the project aims to improve flood resilience of residential properties located along the true left bank of the Maitai River, 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.

7.3 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

Theme	Objective/ policy reference	Comment
TW – Treaty of Waitangi		
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, including the preparation of a CIA by Ngāti Kuia which has been appended to this AEE (Appendix D). The project gives regard to the Iwi Management Plans (refer to Section 7.6.1).
DH – Development and Hazards		

Theme	Objective/ policy reference	Comment
DH2 Natural Hazards	Objectives DH2.2.1 – DH2.2.4 Policies DH2.3.1, DH2.3.5	The proposed activities have been designed to mitigate flood risk along the true left bank of the Maitai River and protect nearby residential properties for a 1% AEP event under the 2050 RCP8.5M climate scenario. The physical works involving improvements to the existing stopbank and new floodwalls were selected as the 'optimised' options for Portions 1 – 3. Alternative options for the area were assessed and screened including a do-nothing approach. Based on several criteria including flood risk reduction, feasibility, and effects on ecological values, the proposed activities were selected.
NA - Natural and Amenity Values		
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 Matai 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 of the AEE. The project is not an identified site of significant amenity value. The works have also sought to minimise effects on protected trees. While some works for Portion 1 will be located within the root protection zone of a landscape tree and some pruning will be required, no removal of heritage or landscape trees is proposed.
NA5 Management of riparian and coastal margins	Objectives NA5.2.1 – NA5.2.3 Policies NA5.3.1, NA5.3.10, NA5.3.11, NA5.3.13	The majority of the works are located along the existing stopbank area of the Maitai River, limiting the extent of vegetation removal and land disturbance required within riparian margins and in the bed of the Maitai River. Restrictions on public access along the riverside path will be temporary only, and the path will be reinstated as construction is completed.
NA6 Beds of rivers and lakes	Objective NA6.2.1 Policies NA6.3.1 – NA6.3.4	The project may involve works in the bed of the river, defined to include the riverbanks. The proposed activities will enhance the flood-carrying capacity of the river, reducing the flood risk of residential properties and enabling the river to naturally flood into Branford Park when at high flows. The proposed activities will be managed in accordance with a CMP and EMP to avoid, remedy and mitigate potential effects on the river and its margins.
WA - Water		

Theme	Objective/ policy reference	Comment
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. In-stream works will be avoided and riverbank disturbance minimised. Earthworks will be managed in accordance with an ESCP plan 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 proposed activities will not involve the disturbance of contaminated soils as described in Section 2. 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	Construction noise will be managed in accordance with the measures set out in the Noise Assessment (Appendix J), including use of the best practicable option to ensure that noise and vibration levels do not exceed a reasonable level. Close engagement with residents will continue throughout the works.

7.4 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. 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.	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 Kuia has prepared a CIA (Appendix D) and this been assessed in Section 6.11 of the AEE. Access to the Maitai River will be maintained following construction, and re-planting will include taonga species such as harakeke and ti kōuka. Iwi will be

Objective reference	Policy reference	Comment
	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.	invited to undertake cultural induction and monitoring during construction. An assessment against the relevant provisions of iwi management plans is contained in Section 7.6.1.
DO2 Natural Hazards		
Objective DO2.1 An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated.	Policy DO2.1.3 No activity should aggravate any known or potential natural hazard on its own site or any other site. Policy DO2.1.4 Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works.	The purpose of the proposed activities is to reduce river flooding effects on people, property and infrastructure. The design aims to achieve flood protection for the 1% AEP event under the 2050 RCP8.5M climate scenario. Under this scenario, flood modelling demonstrates that the proposed improvements will reduce flood hazard risk to residential areas while utilising the natural flood storage capacity of Branford Park, a council owned park. NCC's investigation of alternatives found no practicable natural defence option to addressing the flood hazard risk. The hard protection structures are located away from the wetted channel and will not exacerbate upstream or downstream flooding or erosion. The structures are designed to withstand reasonably foreseeable natural processes and the effects of climate change and will not have any significant adverse effects.
Objective DO2.2 Risks to Whakatū Nelson's people, property and infrastructure from natural hazards, including the effects of climate change, are recognised and managed and significant risk is avoided.	Policy DO2.2.6 Support the use of hard protection structures for flood mitigation purposes in preference to natural features and processes only where: 1. there is no practicable natural defence option that is appropriate having regard to the functional and/or operational need for Nationally and/or Regionally Significant Infrastructure to locate within Flood Areas; 2. the hard protection structure does not create or exacerbate flooding upstream or downstream, or otherwise increase flood hazards or erosion; 3. the hard protection structure is located, designed, built and maintained to withstand reasonably foreseeable natural processes and the effects of climate change; and 4. significant adverse effects, including on the natural character and processes of the river and coastal environment, are avoided or mitigated.	

Objective reference	Policy reference	Comment
	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.	
DO4 Heritage		
Objective DO4.1 Retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items.	Policy 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.	The Portion 1 stopbank has been designed to ensure the protected London Plane landscape tree can be retained, however trimming and temporary works within the root protection zone is required. Works will be carried out in accordance with a CMP that will set out tree protection measures to minimise and avoid as far as practicable adverse effects on the tree.
	Policy DO4.1.9 The protection of Local Trees or groups of Local Trees is desirable, and removal should proceed only after alternatives have been considered.	
	Policy DO4.1.11 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.	
DO5 Natural values		
Objective DO5.1 An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.		The project seeks to preserve natural values as much as is practicable and will enhance the natural values of the riparian margins in the medium to long term through revegetation with native species.
DO6 Riparian and coastal margins		

Objective reference	Policy reference	Comment
Objective DO6.1 Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.	Policy 6.1.2 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.	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 EMP and ESCP to minimise effects on natural character, water quality, and ecological values. 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, providing a net ecological gain in the medium to long term.
	Policy DO6.1.4 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.	
DO10 Land transport		
Objective DO10.1 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.	Policy DO10.1.4 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.	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 a Construction Traffic Management Plan that will be prepared by the contractor.
	Policy DO10.1.5 Every site should have an access that provides safe and efficient entry and exit for pedestrians, micromobility users and/or vehicles from the site to a road, without compromising the safety or efficiency of the road network, the safety of different types of road users or the streetscape values.	
	Policy DO10.1.6 Sites that provide on-site parking, or loading, shall provide for turning for vehicles, or have access to those facilities sufficient to avoid any adverse effects on the safe and efficient operation of the roading network as appropriate to the type, function and speed environment of the road being accessed. Any use of off-site facilities shall not compromise pedestrian, micromobility, cycle or vehicle safety, or the safe and efficient operation of the road network.	
	Policy DO10.1.7 A safe, pleasurable and convenient network for pedestrian, micromobility and bicycle traffic should be developed and maintained as an integral part of the land transport	

Objective reference	Policy reference	Comment
	system, and to encourage the use of transport modes other than private motor vehicles.	
DO13 Soil erosion and sedimentation		
Objective DO13.1 An environment where the adverse effects of accelerated soil erosion are avoided, remedied or mitigated.	Policy DO13.1.1 Land uses should not accelerate soil erosion beyond natural levels.	Earthworks 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.
	Policy DO13.1.2 The adverse effects of soil erosion, particularly sedimentation, should be avoided, remedied or mitigated.	
DO17 Activities in the beds of rivers and lakes, and in wetlands		
Objective DO17.1 Activities, works or structures within the beds of lakes and rivers and their margins, and in wetlands, are undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on freshwater bodies and their associated uses and values. Objective DO17.2 Activities, works or structures within the beds of lakes and rivers and their margins undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on lawfully established network utility operations.	Policy DO17.1.1 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:	The proposed activities will avoid works within the bed of the Maitai River as far as practicable. However, if localised regrading of the riverside slope is required, this will be located outside of the wetted channel and will be managed to minimise effects on freshwater habitats and stream values in accordance with the measures set out in an EMP and ESCP. Remediation planting is proposed post construction to restore riparian margins and associated values.
	Policy DO17.1.2 Protect the natural character of rivers, lakes and wetlands, and their margins, and wetlands, from inappropriate subdivision, use and development.	
	Policy DO17.1.3 Structures in river beds 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.	
	Policy DO17.1.4 The introduction of plants in the beds of rivers and lakes should be avoided except where such planting is necessary to control erosion.	
	Policy DO17.1.5 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.	
	Policy DO17.1.10 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.	
Chapter 7 Residential Zone		

Objective reference	Policy reference	Comment
	Policy RE2.1 Noise levels received at adjacent site boundaries should be consistent with a predominantly residential environment.	The applicant will adopt the best practicable option to ensure that construction noise and vibration levels are acceptable. Any exceedances to noise levels will be short term and similar to what could be expected from residential construction activity. The proposed activities will provide for community benefit and are considered necessary to reduce the effects of flooding on residential properties. The scale of the structures are compatible with residential character and amenity. The works have been designed to minimise potential vegetation and tree removal and protect specified landscape trees. Replanting will include specimen trees in Council land adjacent to residential areas and indigenous riparian planting (shrubs and groundcover) to enhance amenity values as it matures.
	Policy RE2.2 The pleasant qualities of residential areas should not be adversely affected by glare, light spill, dust, vibration, or odour.	
	Policy RE2.4 The location and design of buildings should not unduly compromise outlook and privacy of adjoining development, having regard to the character of the area and the reasonable expectations for development.	
	Policy RE2.5 The size and scale of buildings, structures, and activities should be compatible with the character and amenity of the residential areas.	
	Policy RE2.8 It is recognised that: a. certain non-residential activities need to locate in the Residential Zone; b. some existing non-residential activities may need to be explicitly provided for in the zone; and c. some non-residential activities may enhance the amenity and sense of community of residential areas.	
	Policy RE3.3 Trees and vegetation which contribute to the amenity values of the area should be retained where this is compatible with site development.	
	Policy RE3.4 Indigenous vegetation should be preserved if it contributes to the amenity values of the area, except for the minimum area reasonably necessary for the safe development and use of a site.	
Chapter 11 - Open Space and Recreation Zone		
Objective OS1 Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use	Policy OS1.1 The amenity provided by open space and recreation areas should be recognised and protected.	The proposed improvements to the existing stopbank have been designed to minimise the extent of works within Hanby Park and the open space and recreation zone. Within this zone, works will be limited to about 15 m of stopbank improvements and the short-
	Policy OS1.2 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.	

Objective reference	Policy reference	Comment
of open space and recreation land. Objective OS2 Retain the opportunity to provide for changing community needs and aspirations.	Policy OS1.3 Activities on open space and recreation zoned land should be compatible with the amenity values of surrounding zones.	term use of a small area as a laydown site. There will be no long-term restrictions on public use of Hanby Park or the surrounding area.

7.5 Other Resource Management Act 1991 considerations

7.5.1 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)¹⁷.

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 Plan provisions and Part 2 matters have been assessed through consideration of those provisions.

7.5.2 Non-complying activities – section 104D ‘gateway test’

Resource consent is required from NCC as a **non-complying activity**, due to proposed laydown and flood improvement activities in a scheduled neighbourhood park and city reserve (set out in Section 4.4). 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 7.5 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).

¹⁷ [2018] NZCA 316.

7.6 Other matters

7.6.1 Iwi management plans

A high-level assessment against the following iwi management plans is set out below.

- Environmental Management Plan 2018 (Ngāti Tama)
- 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)
- Pakohe Management Plan 2015 (Ngāti Kuia)
- Poipoia Te Ao Tūroa Ngāti Rārua Environmental Strategy 2021 (Ngāti Rārua)
- Te Tau Ihu Mahi Tuna (Eel Management Plan) 2000 (all Te Tau Ihu iwi)

The key matters from each plan of relevance to the proposed activities are considered in Table 7.5 below.

Table 7.3 Assessment of relevant policies and objectives in IMPs

Objective / Policy reference	Comment
Iwi Management Plan (Ngāti Koata)	
This IMP has been prepared to provide a means by which Ngati 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.	
Objective 9.5 (1) – (2) 1. Maintenance and enhancement of freshwater aquatic ecosystems and the management of the effects of activities on water quality in wetlands, lakes, rivers, groundwater and receiving coastal waters that enables: - Contact water recreation - Food gathering - Cultural integrity; and - Biological / ecological life supporting capacity 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.	The proposed activities are anticipated to have adverse effects upon freshwater aquatic ecosystems which are less than minor. The works will be undertaken in accordance with measures set out in an EMP and ESCP to minimise adverse effects on freshwater bodies. A temporary increase in suspended sediments is possible within the Maitai River as a result of the proposed protection works and disturbance to riverbanks. The adoption of appropriate management measures in accordance with the ESCP will minimise impacts as far as practicable.
Policy 9.6 (1), (4), (7) 1. Avoid the direct or indirect discharge of contaminants into freshwater where it will modify, damage, or destroy any significant ecological or spiritual value. 4. Promote and encourage land use practices and measures which avoid, remedy or mitigate adverse effects on water quality. 7. Ngāti Koata involvement in decision-making processes when developments affecting water resources are considered.	As described in Section 5, Ngāti Koata have been consulted on the proposed activities.
Ngā Taonga Tuku Iho Ki Whakatū Management Plan (Ngāti Rārua, Ngāti Toa Rangatira, Te Ātiawa, Ngāti Koata, Ngāti Tama)	

Objective / Policy reference	Comment
The IMP is a collective initiative, prepared for Ngati Rarua, Rangitira, Te Atiawa, Ngati Koata and Ngati 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).	
Fresh water realm Section 5.4.5 Key objectives: Water bodies are healthy and maintained to a sufficient level to: • Preserve the mauri (life force) of the water body; • Provide for tangata whenua cultural and spiritual values and customs and traditions; • Provide sustenance for present and future generations; and • Increase opportunities for tangata whenua to practice customs and traditions associated with the uri (decentants) of Tangaroa	The proposed activities are considered to be consistent with the provisions of the IMP. Adverse effects on freshwater and associated cultural values will be minimised as far as practicable and in accordance with an EMP.
Pakohe Management Plan (Ngāti Kuia)	
The IEMP 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 People moving on, in and around any known Pakohe sites will be aware of its wāhi tūpuna 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. 2 When a wāhi tūpuna 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	The project footprint lies outside of areas of known deposits of Pakohe. NCC proposes to adopt the accidental discovery protocols recommended in Ngāti Kuia's CIA (Appendix D). 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 works are considered consistent with the provisions of this IMP.
Environmental Management Plan (Ngāti Tama)	
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).	
Water quality 13.2.1 Aspirations The mauri and wairua of freshwater resources in the rohe is enhanced and protected • Ngāti Tama access to freshwater resources for cultural purposes; • riparian margins of water bodies are restored with indigenous vegetation, providing habitat and pathways for indigenous species.	The proposed activities have been designed to limit the extent of disturbance of riparian margins and will avoid in-stream works within the wetted channel. Following construction, native eco-sourced remediation planting is proposed to restore riparian margins and indigenous vegetation.
Poipoia Te Ao Tūroa Ngāti Rārua Environmental Strategy (Ngāti Rārua)	

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.	
7.2 Water quality, quantity and aquatic ecosystems Objective 7.2.1 Water quality, quantity and the functioning of aquatic ecosystems are protected, enhanced or restored. Policy 7.2.2 III. Support restoration of the riparian margins, to enhance water quality and provide habitat and pathways for indigenous species. IV. Support the recognition and protection of repo for their habitat and biodiversity values and cultural significance.	The proposed activities have been designed and located to protect the quality and functioning of aquatic ecosystems as far as practicable. The proposed activities are anticipated to have temporary and localised adverse effects upon water quality along the Maitai River which are no more than minor. Accordingly, the proposed activity is consistent with this policy. Following construction, native eco-sourced remediation planting is proposed to restore riparian margins and indigenous vegetation.
7.3 Discharges Objective 7.3.1 To protect the mana, mauri and wairua of wai from adverse effects of discharges. Policy 7.3.2 I. Oppose the discharge of contaminants to aquatic receiving environments.	A temporary and localised increase in suspended sediments is possible within the Maitai River as a result of the proposed protection works and potential disturbance to river banks. The adoption of appropriate measures in accordance with an ESCP will minimise impacts as far as practicable.
Te Tau Ihu Mahi Tuna (Eel Management Plan) 2000 (all Te Tau Ihu iwi)	
The purpose of this IMP is to provide for the sustainability of the eel fishery, which are considered taonga to tangata whenua. This document sets out environmental issues of concern in relation to the management of eel fisheries, including in relation to channelling and flood protection works and riparian planting which are considered to be of specific relevance to the proposed activities.	
8.3 Channelling and flood protection works Issue 2 Flood protection works can affect and disturb the natural processes of the waterways at all times, not just during times of flood.	The proposed flood protection structures will located outside of the banks of the Maitai River and will not affect the carrying capacity of the waterway or fish passage.
8.10 Riparian Planting and Vegetation Control Issue 1 Replanting of riparian vegetation after the removal of problem plants or in enhancement programs is often with exotic plant species not native species.	The proposed activities will involve the removal of vegetation within the project extent and along the banks of the Maitai River. These activities are assessed in detail in Section 6 above and are considered to have no more than minor effects on vegetation, birds and lizards. Riparian planting is proposed as part of proposed activities. Native eco-sourced species will be selected for riparian planting.

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 change will not affect any customary rights;
- The Maitai (Maitahi) River is subject to a statutory acknowledgement for 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. These iwi groups have been engaged in the project (details are provided in Section 5.1), and engagement is ongoing as part of the detailed design. No issues have been raised by these iwi groups to suggest they are an affected party.
- 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(3), a consent authority must not consider a person affected if they have provided written approval to the activity. As described in Section 5.3, NCC's resident consultation programme commenced with a meeting in June 2025, where a high level of general support was expressed for the project. Targeted one-on-one consultation with residents adjacent to the works in this consent application is underway and approvals are being sought through this process. An assessment of affected parties is provided in this section; however, the intention is for the written

approvals of affected parties to be provided to the consenting authority prior to the limited notification decision being made.

Section 95E(1) states that 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). Taking this into account, we make the following assessment with respect to the potential adverse effects of the project on nearby residents:

Temporary construction effects

The construction effects of the project are relatively short duration (total of around five months, across the full project length) and are generally similar to those that could be reasonably expected from construction in a residential environment (in terms of machinery, nature of activity, duration, etc). Construction activity will move along the river (as opposed to being in one fixed location), further limiting the intensity and duration of construction near each residential property. As addressed in Section 6.5.2, construction noise will be managed to be within the allowable levels at all but four properties. Construction vibration complies with the applicable standards at all properties.

The dwellings at 33 Mill Street, 23B Mill Street and 231B Nile Street East are situated within a few metres of the property boundary at the closest point, and excavation may occur up to the boundary. The Noise Assessment in Appendix J identifies that the noise from a 10-tonne excavator would exceed the allowable levels when it is operating within 5 m of a dwelling. When the excavator is within 5 m, the occupants of these three dwellings will experience construction noise in their homes at a level that would make conversation strained, or it may be intolerable to occupy rooms close to the activity. However, the duration of work this close to the dwellings would be limited, and NCC will engage with these residents to schedule this activity at a time that minimises disruption to them as much as is practicable. The contractor will undertake works in accordance with a CNVMP, which will set out additional measures such as positioning the excavator as far from the houses as possible while still enabling the works, and using a smaller size excavator if practicable. Based on this methodology and mitigation, the adverse construction noise effects on the residents at 33 Mill Street, 23B Mill Street and 231B Nile Street East will be less than minor and they are therefore not considered to be affected persons in relation to noise.

At 32 Mill Street, while noise may exceed the threshold by up to 2 dB at times, the Noise Assessment finds this difference is unlikely to be perceivable, and these residents are also not considered to be affected persons in relation to noise.

Long-term visual amenity and privacy effects

Some properties opposite Portion 1 and the upstream extend of Portion 2 (on Hanby Park) will experience an altered outlook as a result of the proposal to raise the stopbank height. In particular, the current view from nos. 4A, 8 and 10 Hanby Park and 32 Mill Street is over the stopbank to Branford Park.

The view from 4A, 8 and 10 Hanby Park may be obscured to some degree by raising the stopbank by between 0.5 and 1 m at these locations. The exotic trees that will be retained in Hanby Park and within Branford Park would still provide a good degree of visual amenity and natural character, and the predominant change is that the grassed stopbank would be introduced in the foreground. This change to visual amenity will result in a less than minor effect on these residents. The crest of the raised stopbank may be a few metres closer to dwellings than the existing crest, but given the distance of at least 18 m between nearest dwelling and expected crest, the stopbank is unlikely to have a dominance effect on residents.

Opposite 2 Hanby Park and 32 Mill Street, the raised stopbank transitions to a floodwall. On the road-side of the floodwall, the stopbank tapers down in height, meaning the apparent height of

wall (when viewed from these residential properties) increases. Together, the structures extend 0.9 – 1.1 m above the top of the existing stopbank height and will partially obscure existing views to Branford Park. While retained exotic trees and the grassed stopbank will still provide a good degree of visual amenity and natural character, the introduction of the floodwall will have some impact on the nature of these residents' potential outlook.

Adverse visual effects are partly mitigated by the wall's expected natural timber materials, its distance from the dwellings (at least 16 m), and the tapered stopbank in front of it (particularly opposite 2 Hanby Park). The front boundary of 2 Hanby Park has a solid 2m-high fence including driveway gate that screens the potential outlook. The views from 32 Mill Street are relatively unobstructed, and adverse visual amenity effects on this party are assessed as no more than minor. As the properties at 2 Hanby Park and 32 Mill Street are subject to cross-lease ownership, in accordance with Section 95E(1), the resident(s) at 32 Mill Street and 2 Hanby Park are therefore considered to be affected parties.

Other properties opposite Portion 1 (on Hanby Park) already have their outlook obscured either by the existing stopbank or by existing screening (fences or vegetation), and the visual amenity effects of the project on these residents are assessed as being nil or less than minor.

Many of the residential properties adjacent to Portions 2 and 3 currently enjoy the use of NCC's esplanade reserve, with fences and hedges or other planting on the landward side of the stopbank and within NCC-owned land. This private use of Council land is informal and not subject to legal instruments such as licences to occupy. To achieve the flood improvements of the project, and within the highly constrained space along this length, it is necessary for construction to occur up to the property boundary along much of the length of Portions 2 and 3. This requires the clearance of vegetation and fences from NCC's land. NCC will work with property owners to reinstate fences and/or planting within private property where requested, and plants will be established between the boundary and the wall on NCC land where practicable. It is expected that the proposed floodwall will be constructed of timber-lagging, which will have an appearance not dissimilar to a solid-panelled fence that is expected in a residential environment. The wall has a maximum height of 1.3 m (by 33 Mill Street) reducing to 0.3 m high, and no existing views will be obscured by it. For these reasons, the visual amenity and privacy effects of the project on residents adjacent to Portions 2 and 3 will be less than minor.

Some residents adjacent to Portions 2 and 3 currently enjoy direct access from their properties to the riverside path. It is not possible to install gates within the proposed floodwall as it would compromise its flood control purpose. Instead, it may be possible to replace access over the wall, such as by installing steps or a stile to make it easier to step over. Adverse effects relating to access to the public path are therefore considered to be less than minor.

Flooding effects

As described in Section 6.3, the project will improve the flood resilience of residential properties on the true left between Hanby Park and north of Nile Street East, by providing complete flood protection up to the design flood event. Under the largest modelled event, flooding depth in this area will be reduced by 0.05 to 0.5 m and there will be no increase in flood hazard risk. No private properties will experience worsened flooding as a result of the project under the modelled scenarios (i.e., up to 2130 1% AEP). There are therefore no persons adversely affected by flooding effects.

Other parties

In relation to parties other than those addressed above (residents, statutory acknowledgement iwi, and customary rights holders), effects on the following parties have been assessed and they are not considered to be affected by the activity:

- Friends of the Maitai: this group aims to protect and enhance the water quality, instream habitat and riparian planting of the Maitai River. The effects of the project on these aspects are assessed in Section 6 as being no more than minor, and Friends of the Maitai did not raise any concerns with the project during consultation (refer to Section 5.2). Friends of the Maitai is therefore not deemed an affected party.

8.2.3 Limited notification conclusion

Provided the written approvals of the identified affected parties are provided to the consenting authority prior to the notification decision being made, we consider that this proposal will meet the tests of the RMA to be processed without limited notification.

8.3 Section 95 conclusions

Following the steps set out in sections 95A and 95B, we consider that the application should be processed without public or limited notification.

9 Proposed key conditions of consent

Section 108AA sets out the requirements for conditions of resource consents as follows:

- (1) A consent authority must not include a condition in a resource consent for an activity unless—*
- (b) the applicant for the resource consent agrees to the condition; or*
 - (c) the condition is directly connected to 1 or more of the following:*
 - (i) an adverse effect of the activity on the environment;*
 - (ii) an applicable district or regional rule, or a national environmental standard;*
 - (iii) a wastewater environmental performance standard made under section 138 of the Water Services Act 2021;*
 - (iv) a stormwater environmental performance standard made under section 139A of the Water Services Act 2021; or*
 - (d) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.*

The following matters form the basis for a set of appropriate consent conditions, capturing the mitigation measures and management plans proposed in this application to address the potential adverse effects of the proposed activity on the environment.

- 1 The Project shall be undertaken in general accordance with the information provided by the Consent Holder in the application dated October 2025;
- 2 Where there is conflict between the documents listed in (1) above and these conditions, these conditions shall prevail;
- 3 The Consent Holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times, and presented to a Nelson City Council (NCC) officer on request;
- 4 The Consent Holder shall prepare a Construction Management Plan (CMP) that outlines:
 - a Key staff responsibilities and contact details, including emergency contact details;
 - b Construction methodologies and construction timeframes;
 - c Traffic management practices including Temporary Traffic Management (TTM) measures;
 - d Pedestrian and cyclist diversions, including signage and safety measures;
 - e Construction noise management measures that will achieve compliance with *NZS 6803:1999 Acoustics – Construction noise* as much as is practicable, or measures to minimise the effects of non-compliance;
 - f Controls to address erosion, sediment and dust effects shall be detailed in an Erosion and Sediment Control Plan (ESCP);
 - g Procedures and protective measures for trees to be retained, particularly for any pruning or activities within the Root Protection Zone of the protected landscape tree, as advised by a qualified and experienced project arborist;
 - h Procedures regarding environmental complaints;
 - i Compliance monitoring; and
 - j Corrective action.
- 5 The Consent Holder shall prepare an Ecological Management Plan (EMP) that includes an Avifauna Management Plan (AMP) and Lizard Management Plan (LMP) to ensure any adverse effects of construction on birds (avifauna) and lizards are minimised as far as is practicable.

- 6 The Consent Holder shall prepare a Habitat Remediation Planting Plan (HRPP) in consultation with Te Taihū Iwi (including Ngāti Tama, Ngāti Koata, and Ngāti Kuia). As far as is practicable, planted areas shall provide habitat for birds and lizards, enhance instream habitat, and include eco-sourced plant species of significance to tangata whenua.
- 7 The CMP, EMP and HRPP shall be submitted to Council's Monitoring Officer at least 10 working days prior to the commencement of works to which each plan relates;
- 8 The Consent Holder may make minor amendments to the management plans at any time. Minor amendments refers to any amendment where the adverse environmental effects arising from that amendment are equivalent or less than those that would arise in the absence of such an amendment;
- 9 Any material changes proposed to the management plans shall meet those requirements established in the respective condition of this consent, being Condition 4, 5 or 6. A material change refers to any amendment which remains in general accordance with Condition 1, but does not qualify as a minor amendment under Condition 8.
- 10 The Consent Holder shall invite kaitiaki taiao monitors to be appointed from Te Taihū Iwi (including Ngāti Tama, Ngāti Koata, Ngāti Kuia).
- 11 The Consent Holder shall ensure that its contractors and subcontractors participate in any cultural inductions provided by the kaitiaki taiao monitors appointed under Condition 10. A record of induction attendance shall be maintained and made available to Council and Te Taihū Iwi representatives upon request.
- 12 The Consent Holder shall invite kaitiaki taiao monitors appointed under Condition 10 to undertake cultural monitoring during all ground disturbance activities.
- 13 A qualified and experienced project arborist shall be appointed to advise on tree protection measures and to observe excavations within the Root Protection Zone of the protected landscape tree.
- 14 An Accidental Discovery Protocol shall be provided to all contractors, and the consent holder shall ensure that all persons working on the project are informed of this protocol prior to construction. This shall include the following steps:
 - a Work shall cease immediately at the site and within 20 metres around it.
 - b The contractor shall shut down all machinery, secure the area, and notify the Site Manager.
 - c The Site Manager shall notify Heritage New Zealand and the appropriate iwi groups (Te Taihū Iwi), and assist with any reasonable requests that these people may make.
 - d If human remains (kōiwi tangata) are uncovered, NZ Police must also be notified.
 - e No work shall resume until Heritage New Zealand gives written approval.
 - f Information about the find shall be provided to iwi upon request.
 - g Heritage New Zealand will determine if an archaeological authority is required.
- 15 All completed earthworks areas shall be grassed or otherwise stabilised as soon as is practicable. The Consent Holder shall monitor the grassed areas to ensure that full ground cover is achieved.
- 16 Revegetation shall occur in the first planting season following construction and plants shall be maintained for three years following planting.
- 17 The Consent Holder shall add the flood protection structures including all riverbanks within the Project extent to its river monitoring programme.

Advice note: This resource consent does not authorise work within the wetted channel. Any instream repair or protection works identified during the monitoring required by Condition 17 is

anticipated to be undertaken under NCC's global river maintenance consent RM175025 V1 or the required resource consent obtained.

10 Conclusion

This AEE report has been prepared on behalf of Nelson City Council (NCC) to accompany a resource consent application to undertake flood improvement activities on the true left bank of the Maitai River between Hanby Park and Nile Street East. The proposed activities are required to protect the adjacent residential area against a 1% AEP river flood event (1 in 100 year) and reduce the associated river flood hazard risk to these properties.

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

The key draft resource consent conditions proposed by NCC are included in Section 9.

The AEE report draws the following conclusions:

- The proposal will result in significant positive effects associated with improved flood protection, including reducing the risks of property damage and loss and risks to human safety.
- The proposal is consistent with Part 2 of the Resource Management Act 1991 and is assessed as being 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.
- Considering the nature of the proposed activities including measures proposed to manage potential effects, the assessment under Sections 95B and 95E of the RMA identifies one affected party, being the residents at 2 Hanby Park and 32 Mill Street. The applicant is seeking to obtain the written approval of this party.

Provided the written approvals of the identified affected parties are supplied to the consenting authority, 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.

11 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
Environmental and Engineering Consultants

Report prepared by:



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Planner

Report prepared by:



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3-Oct-25

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Appendix A Consent application forms

Appendix B Record of Title

Appendix C Drawings

Appendix D Cultural Impact Assessment

Appendix E Preliminary Site Investigation

Appendix F Ecological Impact Assessment

Appendix G Archaeology Report

Appendix H Design Report

Appendix I Planning Maps

Appendix J Noise Assessment

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