

Response ID ANON-URZ4-5FKM-8

Submitted to Fast-track approval applications
Submitted on 2024-05-03 18:02:37

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
CCKV Maitai Dev Co LP

2 Contact person

Contact person name:
Andrew Spittal

3 What is your job title

Job title:
Director/Project Manager

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

s 9(2)(a)
s 9(2)(a)
s 9(2)(a)

7 Is your address for service different from your postal address?

Yes

Organisation:
Tavendale & Partners

Contact person:
Alexandra Isherwood

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Partner

Please enter your service address:

s 9(2)(a)
s 9(2)(a)
s 9(2)(a)

Section 1: Project location

Site address or location

Add the address or describe the location:

7 Ralphine Way, Maitai Valley, Nelson

43.7 ha within Record of Title NL11A/1012 and 103 ha within Record of Title 1039028 (part)

The site is located only 2.5km from the centre of Nelson's central business area.

File upload:

Location plan graphics timeline.pdf was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

RTs - Maitahi Bayview.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

CCKV Maitai Dev Co LP

Bayview Nelson Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The Applicant (CCKV Maitai Dev Co LP) are the registered owners of RoT NL11A/1012.

In January 2022 CCKV Maitai Dev Co LP settled a further land purchase of approximately 103ha from RoT 1039028 owned by Bayview Nelson Limited, subject to subdivision. Title will be issued once subdivision consent is approved and survey works have been completed. Meanwhile a caveat has been registered on RoT 1039028, in favour of CCKV Maitai Dev Co LP.

The site has road frontage at 7 Ralphine Way, Nelson.

Section 2: Project details

What is the project name?

Please write your answer here:

Maitahi Village

What is the project summary?

Please write your answer here:

A community development including residential, retirement and commercial activities:

- 180 new residential allotments generally between 300m² and 1,100 m², of which 50 have been earmarked for Iwi led housing (Ngāti Koata).
- A planned commercial centre including cornerstone Koata House.
- A comprehensive care retirement village containing approximately 194 townhouses plus 36 in-care facility units, a clubhouse and a pavilion. (delivered in partnership with a publicly listed lifestyle village operator).
- Approximately 114 hectares of land known to local iwi as Kākā Hill, will be gifted to Ngāti Koata.

What are the project details?

Please write your answer here:

The purpose of the Maitahi Village development is to deliver additional housing stock to the Nelson area close to the CBD that serves a wide range of residential needs and contributes positively to the Nelson Whakatū community and environment.

The Applicant intends to achieve a number of objectives:

- Create a well-functioning urban environment that enables the people and community to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- Enable a variety of homes that meet the needs, in terms of type, price, and location, of different households. I.e. First homes, Second homes, Homes for

Iwi, Homes for young, Homes for families, Homes for elderly

- Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
- Enable Iwi to express their cultural traditions and norms.
- Leave the land better than we found it, for example by delivering improved freshwater and biodiversity and supporting reductions in greenhouse gas emissions.
- Ensure resilience to the current and future effects of climate change.
- Deliver recreational space for public enjoyment, social gathering, playgrounds.
- Enable public edible garden opportunities (vegetable and fruit)

The project involves the following activities:

- Site preparation – eg. Earthworks, Cut and Fill, Erosion and sediment controls.
- Stormwater Infrastructure including Water Sensitive solutions.
- Stream enhancement.
- Culverts and Bridges.
- Water and Wastewater Servicing Infrastructure, Internal and external.
- Roding and Transport Connections / Shared Paths, Internal and External.
- Reserves creation.
- Neighbourhood park construction, including with playground and edible gardens.
- Landscape & biodiversity planting.
- Vertical build by lifestyle village partner.
- Vertical build by Ngāti Koata partner.
- Gifting of approximately 114 ha Rural zoned land (Kākā Hill) to Ngāti Koata

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Considerable time and testing has been completed to inform the planned project staging.

Primary Project Staging comprises 2 stages enabling a lifestyle village, 8 stages enabling residential development, and a final stage gifting land to Ngāti Koata.

Earthworks

- 2024 / 2025 – Reserve, Stage 1 Lifestyle Village, Stage 3, Partial Stages 4 & 5
- 2025 / 2026 – Stage 2 Lifestyle Village, Remainder Stages 4 & 5 & Stage 10
- 2026 / 2027 – Stages 6 and 7
- 2027 / 2028 - Stages 8 and 9

Civil Construction

- 2024 / 2025 – External Infrastructure Connections
- 2025 – Stages 1 & 3
- 2026 – Stages 1, 2 & 5
- 2027 – Stages 2 & 4
- 2028 – Stage 6
- 2029 – Stage 7
- 2030 – Stage 8
- 2031 – Stage 9
- 2032 – Stage 10

Residential Lot Delivery / Lifestyle Village Villa Delivery

- 2026 – Stage 3, 7 Residential Lots, Stage 1, 5 Village Villas
- 2027 – Stage 3, 30 Residential Lots, Stage 1, 10 Village Villas
- 2028 – Stage 5, 20 Residential Lots, Stage 1, 18 Village Villas
- 2029 – Stage 4, 10 Residential Lots, 1 Commercial Lot (Koata House), Stage 1 30 Village Villas.
- 2030 – Stage 6, 32 Residential Lots, Stage 1, 29 Village Villas and Clubhouse
- 2031 – Stage 7, 14 Residential Lots, Stage 1, 25 Village Villas, Care Facility
- 2032 – Stage 8, 24 Residential Lots, Stage 1, 11 Village Villas, Stage 2, 15 Village Villas and Pavillion.
- 2033 – Stage 9, 19 Residential Lots, Stage 2, 25 Village Villas.
- 2034 – Stage 10, Neighbourhood Reserve, 24 Residential Lots, Stage 2, 26 Village Villas, Stage 11 Land Parcel to Ngāti Koata

Note: Within Stages 1 and 2 being the larger Lifestyle Village allotments there are 10 sub-stages that relate specifically to this project build.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991 – consents required under the Nelson Resource Management Plan

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Nelson City Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

The Applicant has already made the following applications for approvals:

- Private Plan Change 28 to re-zone the site from Rural & Rural-Higher Density zoning to mixed Residential , Higher Density Small Holdings (though note this HDSH zoning no longer being sought by the Applicant), Open Space Recreation; Suburban Commercial – in progress (Environment Court appeal)
- Covid-19 Fast-Track – declined April 2023
- Archaeological Authority 22024/332 – approved February 2024

Private Plan Change 28 (in progress)

- Application submitted to Nelson City Council in April 2021
- PPC28 approved and adopted by Nelson City Council in September 2022
- Appeal filed by Save the Maitai Inc (ENV-2002-CHC-65)
- Save the Maitai has since significantly narrowed its scope of its appeal on 24 February 2023, with now only one expert witness named, being under the topic of Erosion and Sediment Control
- Appeal heard by Environment Court February 2024; decision expected in the next few months
- Resource consents will still need to be applied for

Fast Track Covid-19 (declined)

- Application submitted to MfE in February 2023
- Declined in April 2023. Minister for the Environment cited that "It would be more appropriate for the project to go through the standard consenting process under the Resource Management Act 1991 as the site is part of an area subject to a rezoning proposal currently before the Environment Court. This is neither a criticism nor endorsement of the project."
- In spite of the above reasoning, the Applicant is now over a year further into using the traditional RMA process, having spent in excess of \$4.5 million and still do not have the requisite resource consents to deliver much needed housing to the Nelson area.
- Recent media reports from Nelson City Council indicate the Council does not have sufficient staff capacity to deal with consent volumes
<https://www.stuff.co.nz/nz-news/350212298/temp-staff-bill-more-three-times-budget>

Archaeological Authority 2024/332 (granted)

- Application to remove old former shearing shed and other structures from 11A/1012 submitted in January 2024
- Approved February 2024
- Works not yet undertaken; awaiting resource consents for the project

Resource Consent to Erect two signs RM215161 (granted)

- Erection of two signs which exceed height, size and lettering requirements of the Nelson Resource Management Plan
- Application lodged June 2021
- Decision and Consent Received Aug 21

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

In January 2022 CCKV Maitai Dev Co LP settled a further land purchase of approximately 103ha from RoT 1039028 owned by Bayview Nelson Limited, subject to subdivision. Title will be issued once subdivision consent is approved and survey works have been completed. Meanwhile a caveat has been registered on RoT 1039028, in favour of CCKV Maitai Dev Co LP.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Detailed design – completion Aug 2024

- Suite of Resource Consent Reports in final draft
- Draft Design Completed
- August 2024 - Detail Design due for Completion

Procurement - Completed

- Designers, Engineers, Consultants, Geotech, Surveyors engaged and underway.
- Earthworks contractor early engagement and programming completed.
- Civil Contractor early engagement and programming completed
- Lifestyle village is under conditional contract.
- Iwi housing is being project managed by Ngāti Koata.

Funding – Credit Lines in Place

- To date fully funded, with credit lines in place.
- Land Purchase, Plan Change 28, Resource Consent Prep, Design Work all Applicant funded (no borrowings).
- Significant conditional pre-sale to Lifestyle Village including with advanced funding provisions.
- External Infrastructure funding proposed in Nelson City Council 2024 – 2034 Long Term Plan.

Site works commencement – October 2024

- Earthworks Commencement October 2024
- External Infrastructure Commencement August 2024
- Site Civil Construction Commencement Jan 2025
- Lifestyle Villa Build Commencement June 2025

Completion 2026 – 2034

- 2026 – Stage 3, 7 Residential Lots, Stage 1, 5 Village Villas
- 2027 – Stage 3, 30 Residential Lots, Stage 1, 10 Village Villas
- 2028 – Stage 5, 20 Residential Lots, Stage 1, 18 Village Villas
- 2029 – Stage 4, 10 Residential Lots, 1 Commercial Lot, Stage 1, 30 Village Villas.
- 2030 – Stage 6, 32 Residential Lots, Stage 1, 29 Village Villas and Clubhouse
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- 2033 – Stage 9, 19 Residential Lots, Stage 2, 25 Village Villas.
- 2034 – Stage 10, Neighbourhood Reserve, 24 Residential Lots, Stage 2, 26 Village Villas, Stage 11 Land Parcel to Ngāti Koata
- Overall project completion April 2034

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

- Nelson City Council
- Tasman District Council
- Te Tau Ihu Iwi
- Save the Maitai Inc and Friends of the Maitai
- Waka Kotahi
- Others (detailed below)

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Relevant local authorities:

- The Nelson City Council and Tasman District Council prepared a joint (regional) Future Development Strategy in 2019 and then updated the FDS in October 2022. The subject site is included as an important part of the Strategy to provide for greenfield development, alongside intensification, as required to meet its obligations under the NPS-UD.
 - This project has also gained support from the NCC in its application to the Infrastructure Acceleration Fund.
 - Nelson City Council has actively collaborated with the applicant since 2019 to understand infrastructure servicing so as to support the inclusion of projects in their Long Term Plan. The same projects are now included in the draft LTP 2023-2033.
 - The Nelson City Council adopted (Sept 2022) the Commissioner Panel's recommendation, in full, and approved PPC28.
 - Nelson City Council supported both an application to the Crown Infrastructure Partners Shovel Ready for this project. They also supported the project for the Infrastructure Acceleration Fund had the applicant opted to progress with this.
- In summary, NCC (and TDC) are strongly in support of this project given the significant benefits that would arise.

Iwi of Te Tau Ihu:

Positive engagement with Iwi of Te Tau Ihu was established as part of the Private Plan Change 28 (PPC28). This engagement is detailed in the Iwi Engagement Summary (December 2020), submitted with the Plan Change Request, and fully addressed within the Commissioners Decision (dated 9 September 2022, PC28).

In December 2022, following the receipt of the Council's Decision to approve PPC28, CCKV engaged a CIA consultant who initiated contact with Te Tau Ihu Iwi, providing an update on the proposed development of the Maitahi Village and the next steps. Ongoing correspondence through January and February 2023 between the consultant and respective Poutaiao from Iwi groups has focused on strengthening relationships and understanding how respective Iwi would like to engage in informing the project outcomes through a CIA/CEA process in a way that works for each Iwi. The discussions, correspondence, and hui include – but are not limited to – identifying how the applicant can work responsively with respective Iwi to share relevant information on the proposal to inform reports on cultural effects and associations proactively and in good time.

This consultant process with Iwi demonstrates the applicant's ongoing commitment to ensure the Maitahi Village Development recognises and provides for cultural values and mātauranga Māori, being formally part of the PPC28 provisions (Policy RE6.2). This consultation process is also a fundamental part of the process of preparing a Cultural Impact Assessment that will be submitted with the resource consent application, as volunteered by CCKV from the outset and will be required by Rule X.11 of Schedule X.

As demonstrated within PPC28, the applicant (with Ngāti Koata as a major shareholder) is fully committed to ensuring maori cultural values are fully considered and addressed within the Maitahi Village subdivision and development. Iwi consultation has continued throughout both the plan change process and now actively within the further assessment and design process leading up to a resource consent application. A Cultural Impact Assessment will be prepared and submitted with this resource consent application for Maitahi Village. Given this process and commitment, the actual and potential adverse effects on cultural values are considered to be positive rather than adverse.

The Maitahi Village is a significant opportunity that will positively benefit the wider community socially and culturally. The project will provide housing for all demographic with first homes, next homes, last homes, care living. The project seeks to help Ngāti Koata who are seeking to provide housing for tangata whenua.

There will be opportunity for Ngāti Koata to create their own 1000m2 cultural commercial centre containing facilities which will benefit Ngāti Koata, other Iwi and the wider community. This centre is significant for Ngāti Koata as it will be located with connection to Kākā Hill and their greater landholding within the Nelson region, providing an important link for them with the land.

The Project will help Ngāti Koata have the right and opportunity to connect with its ancestral land.

CCKV has a signed Heads of Agreement to gift Kākā Hill to Ngāti Koata who will work in collaboration with Ngāti Kuia (who identified the site as being of cultural significance) to ensure the cultural value and importance of this site will be protected. This is a transformative and healing event and provides Ngāti Koata opportunity to implement their aspirations for this important natural feature.

Save the Maitai Inc & Friends of the Maitai

“STM” is a not-for-profit organisation set up to oppose PPC 28. STM sought that PPC28 be refused, and in the alternative sought that if PPC 28 wasn’t declined, residential development be limited to the Bayview side of the site along with a higher level of environmental management. “FOM” is a community organisation that has had various formations and reformations since 1977, taking action when there have been issues facing the Maitai River. The current group reformed in 2014 when it worked together with Nelson City Council to share ideas for revegetating the Maitai riverbank. FOM sought that PPC28 be refused, or only be approved subject to certain changes being made.

While not consultation in the traditional sense, experts for STM and FOM participated in Expert Conferencing, along with experts for the Applicant and for the Council, in the lead up to the PPC28 Council Hearing. STM and FOM joined the following topics:

- STM : planning, traffic, flooding and stormwater, and landscape/visual amenity/natural character.
- FOM : ecology

Not uncommon with expert conferencing, agreement was not reached on all matters discussed at the above expert conferences, however a number of alterations were made to the project throughout the PPC28 hearing process (including after conferencing). Amongst other changes, the following changes were agreed to by the Applicant and approved by the Hearing Commissioners in their recommending report:

- removing all “Higher Density Small Holdings” zoning;
- an overall reduction in Residential zoning and a resulting increase in Rural zoning;
- consolidating the two Commercial zones originally proposed into a single area, and a reduction in zone area;
- refining the alignment of the sub-collector road;
- adding two secondary roads – one being a potential connection with Walters Bluff and the second being a road connection into Kākā Valley.
- refining the Open Space and Recreation zone, including removing it from along the northeast boundary on Kākā Hill;
- identifying the eastern spur of ‘Botanical Hill’ above Walters Bluff as a primary ridgeline;
- adding ‘Green Overlay Areas’ that align with underlying geotechnically constrained land;
- some amendments to future walkway alignments and the addition of a mid-slope pedestrian/cycle connection between the Sir Stanley Whitehead track and Bayview; and
- requiring all esplanade reserves to be at least 40m in width

Waka Kotahi:

Waka Kotahi participated fully in the PPC28 process – it lodged a neutral submission and participated in two expert conferences on the traffic/transport topic. NZTA later withdrew their request to be heard prior to the PPC28 Commissioner hearing. Waka Kotahi is not a s274 part to the Environment Court appeal.

Other:

Additionally due to the preceding Plan Change 28 Process the Project has been subject to extensive Consultation with responses from many sectors including –

DOC and Forest and Bird who were supportive

Fire Service, Ministry of Education who provided helpful suggestions

Other sectors of the community.

All of this consultation has refined the Project and is reflected in the ready to lodge Resource Consent documentation.

Upload file here:

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not applicable - None required.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The following Statutory Acknowledgement Areas:

Ngāti Kuia Te Tau Ihu Statutory Acknowledgement Area
Ngāti Koata Te Tau Ihu Statutory Acknowledgement Area
Ngāti Rārua Te Tau Ihu Statutory Acknowledgement Area
Te Atiawa Te Tau Ihu Statutory Acknowledgement Area
Ngāti Toa Te Tau Ihu Statutory Acknowledgement Area
Rangitāne o Wairau Te Tau Ihu Statutory Acknowledgement Area
Ngāti Tama Te Tau Ihu Statutory Acknowledgement Area

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

Yes

If yes, what are they?:

Ngāti Kuia believe there is wāhi tapu on Kākā Hill. As a result, no development is proposed to occur on Kākā Hill, and the Applicant will gift the area to Ngāti Koata who will work in collaboration with Ngāti Kuia to ensure the cultural value and importance of this site will be protected.

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

• Cultural Values

The provisions of PPC28 upon which the Maitahi Village has been designed requires that the development recognises and provides for cultural values and mātauranga Māori.

As demonstrated within PPC28, the applicant (with Ngāti Koata as a major shareholder) is fully committed to ensuring maori cultural values are fully considered and addressed within the Maitahi Village subdivision and development. Iwi consultation has continued throughout both the plan change process and now actively within the further assessment and design process leading up to a resource consent application. A Cultural Impact Assessment will be prepared and submitted with this resource consent application for Maitahi Village. Given this process and commitment, the actual and potential adverse effects on cultural values are considered to be positive rather than adverse.

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There will be opportunity for Ngāti Koata to create their own 1000m2 cultural commercial centre containing facilities which will benefit Ngāti Koata, other

Iwi and the wider community. This centre is significant for Ngāti Koata as it will be located with connection to Kākā Hill and their greater landholding within the Nelson region, providing an important link for them with the land.

The Project will help Ngāti Koata the right and opportunity to connect with its ancestral land.

CCKV has a signed Heads of Agreement to gift Kākā Hill to Ngāti Koata. This is a transformative and healing event and provides Ngāti Koata opportunity to implement their aspirations for this important natural feature.

Social wellbeing will be catered for with large areas of open space, reserves, a commercial centre, and also by lifestyle village facilities containing community centre, games room, swimming pool, bowling green, café, library, living well centre, hobby room, vegetable gardens, shared gardens.

There will be good connections with adjacent recreational reserves.

• Servicing Infrastructure

The Maitahi Village will be developed with full infrastructure services (water and wastewater) and be developed with stormwater infrastructure that has followed water sensitive design.

• Transport

The site is already well connected to the local transport network. As a part of the infrastructure planning, the localised transport constraints have been identified with NCC and will be upgraded as a part of the development.

PPC28 saw a high level of agreement between the transport experts, with the area of disagreement between from the appellants transport expert in relation to the effects of vehicle emissions. The Panel however considered the support reductions in greenhouse gas emissions given its location close to Nelson CBH as well as the provisions for active modes of transport.

In terms of the wider transport effects, the Panel concluded that the impacts are appropriately managed through PPC28, coupled with the NRMP and NTLDLM.

• Landscape

The Village has been comprehensively designed in response to this landscape. The site is visually contained and offers significant opportunities for enhancement of natural landscape values.

The Maitahi Village will follow the pattern and density of development robustly tested within the PPC28 process. Schedule is supported by a Structure Plan that was prepared in response to the full spectrum of features, such as topography, landscape and natural values. The applicant has also fully embraced the comprehensive set of best practice design principles that form a part of the Schedule X. This includes the incorporation of natural character and ecological values into the creation of the Blue-Green corridor (Policy RE3.9), and creating a sense of place that is responsive to, and respectful of, natural character and landscape values (Objective RE6). There are a number of methods, such as new assessment criteria, that ensure those outcomes are achieved.

Two expert urban design professionals (Mr Nicholson and Mr McIndoe) were involved with PPC28, with the following agreement being reached in the Joint Witness Statement leading up the formal hearing process:

Graeme McIndoe and Hugh Nicholson agree that the planning framework is suitably robust and comprehensive and will both enable and require good urban design outcomes. (JWS Urban Design (1) – 5 May 2022)

There were no further significant areas of contention between the urban design experts and so the Panel confirmed that the PPC28 provide an appropriate urban design response to this site.

• Recreation

The master planning process has not only resulted in the identification of valuable recreational linkages but also the creation of new neighbourhood reserve areas that will be created.

Two expert urban design professionals were involved with PPC28, with the following agreement being reached in the Joint Witness Statement leading up the formal hearing process:

- There are significant public amenity benefits in opening up the Kākā Valley;
- Locating well-designed residential neighbourhoods in close proximity with extensive and green open spaces and pathways provide public health benefits;
- The extent and green character of the public reserves in the Maitai Valley are not changed by PPC 28; and
- PPC 28 will increase the extent of publicly available green area and recreational facilities, which are available to existing and potential new residents.

The Commissioner Panel agreed with these experts.

The Maitahi Village project represents the first phase of benefits summarised above. This project will not have any adverse effects on Open Space and Recreation Values.

• Biodiversity

The site offers significant opportunities for restoration and enhances of degraded biodiversity values. This is a significant positive outcome from this project, for both freshwater and terrestrial ecology. Iwi input and ownership of the development has assisted in the long term benefits proposed.

• Water quality, stormwater, WSD and ESCP

PPC28 also proposed changes to the Nelson resource Management Plan whereby Schedule X incorporated and gives effect to the objectives of the National Policy Statement for Freshwater Management (NPS-FM). The approved set of provisions therefore require that freshwater quality and freshwater and terrestrial ecology and biodiversity is improved (Objective RE6). The provisions also require integrated stormwater management, erosion and sediment control and flood mitigation using a range of listed methods (Policy RE6.3). Policy RE6.5 also recalls that development does not accelerate soil erosion or mobilisation, to the use of a number of listed methods.

The key methods identified to achieve these outcomes include:

- new assessment criteria attached to the relevant rules within Schedule X (refer to the PPC28 Commissioner Decision, uploaded later in this application); and
- the provision of a stormwater management plan demonstrating the application of the matters contained in policy RE 6.3 within the subdivision and design process, including a comprehensive list of matters that must be addressed within the stormwater management; and

- the provision of a report from a suitably qualified and experienced expert demonstrating that the water sensitive design provisions contained in policy RE 6.3 have also been applied in the subdivision and integrated development design.

In combination, these requirements which have been an integral part of PPC 28 from the outset, will ensure that the actual and potential effects under this heading will be appropriately managed with the objective of improving freshwater values and biodiversity more generally.

- Heritage and Archaeological Values

There are no protected heritage buildings on this site. The applicant holds an archaeological authority 2024/332 to remove the former shearing shed and other structures that have the potential to be pre-1900.

- Social and Economic Effects

Significant positive economic effects will arise through the investment of \$297 Million construction and development expenditure. Identified social and economic benefits include housing choice, housing price, infrastructure efficiency, greater spending retention, and support for Nelson City Centre.

Likewise, the social benefits to the creation of this well-functioning urban environment are confirmed in the decision of PPC28.

An Economics report prepared by Property Economics dated 2021 for PC28 (Maitahi/Bayview) suggested the injection into the Nelson Regional economy is estimated at \$24.5m per annum (in 2019 dollars) (refer attachment).

Nelson Central Business is in need of economic injection. There has been much recent media publicising this

<https://www.stuff.co.nz/business/350220594/summit-revitalise-nelson-city-hits-economic-rock-bottom>. This project is well situated to house people who's nearest shopping centre and employment opportunities will be Nelson Central Business.

- Construction Effects

As with any project of this scale there will be some short term construction effects that will be managed in accordance with best practice Erosion and Sediment Control

- Noise

The Maitahi Village is essentially a residential subdivision and development and so is expected to generate characteristically low levels of noise without any significant adverse effects on the environment.

- Geotechnical Risk

Through the PPC28 process the geotechnical risks were thoroughly assessed and will be mitigated in the engineering design process.

The matter of land suitability for development was properly assessed within PPC28. The two expert's in this field involved for the applicant and the Consent Authority agreed that:

"... the PPC 28 area includes land that is potentially suitable for residential land development in accordance with the Structure Plan, associated zoning and plan provisions – but it also includes some areas which have potential constraints for residential development.

We accept, and it is 'standard practice', that more detailed geotechnical assessments will be required (Fourth Schedule of the RMA, the NRMP, and to satisfy Section 106 of the RMA) as part of future resource consent applications". (Paragraphs 515-516, PPC28 Hearing Commissioner Decision, uploaded in Section 6).

The proposed Maitahi Village follows the approved Structure Plan. A comprehensive geotechnical assessment will be provided with the resource consent application. There can be no significant adverse effects arising in this regard.

- Flooding Hazards

The flooding risks on the area of the land adjoining the Maitai River are mitigated through the setback and design of the building platform for the lower part of the Village.

Upload file:

PE Economic Impact Assessment.pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

- New Zealand Coastal Policy Statement

The subject site is not within the coastal environment, being located within the Maitai Catchment. The NZCPS is not therefore a relevant consideration.

- National Policy Statement for Freshwater Management (Amended December 2022)

As set out above, PPC28 contained a range of integrated provisions that seek to provide for residential development of this site following a Structure plan that involves the improvement and enhancement of freshwater values while achieving the principles of Te Mana O Te Wai. The tools adopted to ensure cultural values are recognised and provided for are a significant part of this also.

Provided within the Location Plan attachment of this application (uploaded in Section 1) is a graphical representation of the proposed green-blue corridor within which the realigned Kākā Stream would be located as a part of this comprehensive and fully integrated development. This component of the Maitahi Village work in tandem with the NES-F addressed below, in that this part of the proposal will be assessed as a discretionary activity pursuant to regulation 57 of the NES-F and Policy 3.23 of the NPS-FM.

- Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (Amended 2022)

Resource consent is required for the realignment of the lower, highly modified, section of Kākā Stream. As noted above under the NPS-FM, this will be assessed against Policy 3.23(3) in terms of the loss of river extent and values, and achievement of the objectives of the NPS.

- National Policy Statement on Urban Development 2020 (Updated May 2022)

The following general assessment of the NPS-UD gains support from the assessment of PPC28 (see paragraphs 164-208 of the PPC28 Decision uploaded in this Section 6). Given the topics addressed in the relevant provisions of the NPS-UD, the assessment provided under Part VII and Part IX of this application are also referenced.

The Maitahi Village project involves the creation of a well-functioning urban environment that will serve to provide for social, economic and cultural well-being, now and into the future, and therefore achieving Objective 1 of the NPS-UD.

The fundamental opportunities provided by the site, combined with the best practice principles of design adopted by the applicant, will see the Maitahi Village project contribute significantly to the creation of a well-functioning urban environment, thereby achieving Policy 1.

With approximately 415 residential units (noting that some lots i.e. superlots will provide more than 1 residential unit) proposed as a part of the Maitahi Village, to serve a range of needs, this project is considered to contribute significantly to housing supply and therefore improve housing affordability (Objective 2, NPS-UD). The economic experts involved in PPC28 also addressed these outcomes favourably as they promoted competitiveness across the housing markets (see para 252).

Objective 3 of the NPS-UD requires that regional policy statements and district plans enable more people to live in areas that is in or near a centre zone, or can be served by public transport, or in areas with high demand for housing. The Maitahi Village site is 2.7km from Nelson City Centre and can be served by public transport. This area of Nelson City is also under high demand for housing.

Objective 4 and Policy 6 addresses the topic of amenity values, and that urban areas change over time in response to diverse and changing needs. The Maitahi Village proposes to provide housing to meet a range of needs in a manner that is response to, and respective of, the area's landscape, visual and natural character values.

Objective 5 and Policy 9 addresses the Treaty of Waitangi (Te Tiriti o Waitangi). PPC28 and the Maitahi Village appropriately recognises and provides for Whakātū Tangata whenua values, as required by the NPS-UD and section 8 of the RM Act 1991.

Objective 6 requires that local authority decisions on urban development are integrated with infrastructure planning and funding decisions, are strategic, and responsive, particular when proposals would add significant development capacity.

One of primary methods identified and required by the NPS-UD to achieve its objectives is for Council's to prepare, update, and implement a Future Development Strategy (FDS). Given the combined communities of interest and geographic relationship, Nelson City Council and Tasman District Council prepared and adopted:

- NTFDS 2019; and
- NTFDS 2022.

The subject 'Kākā Valley' site was included in the FDS 2019 as contributing approximately 614 households and so being a part of the community strategy to provide for urban growth between 2028 and 2038.

In August 2022 Nelson City Council and Tasman District Council adopted the updated FDS 2022. The community was consulted over this draft FDS in March-April 2022. Section 8 of the FDS 2022 again acknowledges the important role (and 35% contribution) played by suitable greenfield sites, alongside the strategy for intensification.

In summary, Maitahi Village and the site on which it is located is ideally suited to achieve the relevant objectives and policies of the NPS-UD, and has formed an integral part of the Nelson Tasman Future Development Strategy since 2019.

- National Policy Statement for Highly Productive Land

A very small portion (8.6ha) of the site has been assessed as LUC3 however, the land is not Highly Productive Land for the purposes of the transitional protection in 3.5 of the NPS-HPL because:

- the nearest equivalent zone under the National Planning Standards of Rural Zone - Higher Density Small Holdings Area is not the General Rural or Rural Production but Rural Lifestyle. Therefore, Area 1 is disqualified from being HPL under clause 3.5(7)(a)(i); and
- the site meets both legs of the definition of land identified for future urban development and hence is disqualified from being HPL under clause 3.5(7)(b)(i).

- NPS for Indigenous Biodiversity

As set out under the Adverse Effects subheading, this project will lead to positive outcomes with respect to indigenous biodiversity.

- National Environmental Standards for Assessment and Managing Contaminants in Soil to Protect Human Health 2011 (NES-C)

The application site contains a historical sheep dip used for the purpose of livestock treatment. Anecdotal evidence also suggests there may have been some horticulture (hop farming).

Resource consent is therefore required under NES-C for:

- Disturbance (Regulation 9(1), Controlled Activity);
- Change of Land Use (Regulation 9(3), Controlled Activity) and
- Subdivision (Regulation 9(3), Controlled Activity).

- NPS on Electricity Generation

Not applicable.

- NPS for Renewable Electricity Generation

Note applicable.

File upload:

PPC28 - Hearing_Panel_Recommendation_Report_9_Sept_2022.pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

There are significant benefits through the use of the fast-track process, compared to a standard RMA process.

Based on the track record for the standard process consenting pathway to date for the Plan Change where a comprehensive application was lodged has so far taken over 3 years since lodgement and in excess of **s 9(2)** of investment. While a Plan Change decision is imminent this first step of the project is still not complete, let alone the process of applying for resource consents. The process as per the law has been diligently followed.

The appeal by the opposition group (STM) was on the whole plan change but had a very narrow scope. The only expert witness they are involving relates to Erosion and Sediment.

While it is assumed that the private plan change will reach a conclusion in the next few months, with resource consent intended to be lodged soon thereafter (whether under the Fast-Track process or RMA). Given the local authority resourcing constraints and the opposition faced through the private plan change process, it is anticipated that any standard resource consent application has a reasonable likelihood of notification, and as a result a strong prospect of opposition appeals to the Environment Court. As a result it is anticipated that use of the Fast-track process could save in the order of two years. This in turn results in significant benefits through the earlier enablement of construction activities.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The Maitahi Village is a ready residential housing and community project that has been thoroughly tested through a rigorous Private Plan Change process (PPC28). The PPC28 evidence and planning drafting have investigated the anticipated effects of the project and the methods to avoid, mitigate or remediate same, and that work and documentation provides a solid foundation for an Expert Panel to consider whether to grant approval, and (if yes) upon what conditions.

The applicant commenced discussions with the Nelson City Council regarding development of the site in 2019. Five years later and after having spent approximately **s 9(2)(b)** to date, the applicant has yet to receive or even been in a position to apply for resource consent. It is inevitable that these unnecessary costs will ultimately get passed down to end purchasers and it is these extensive and unreasonable delays which have contributed not only to the housing shortage in New Zealand but also to the cost of land and builds in one of New Zealand's most unaffordable regions.

It is anticipated that a favourable outcome from the Environment Court will be forthcoming in the next few months. From the Court transcripts we note the judge's comment, "I signal that in view of the testing of evidence the Court's preliminary view subject to closing submissions is that the weight of evidence strongly favours rezoning of the site in accordance with the latest proposed structure plan." However, with due respect, it is not expected that Nelson City Council is properly equipped to manage the processing of consents for a project of this scale in an effective and timely manner. Recent media reports from Nelson City Council indicate the Council does not have sufficient staff capacity to deal with consent volumes:

<https://www.stuff.co.nz/nz-news/350212298/temp-staff-bill-more-three-times-budget>

The concern with applying to Nelson City Council even after the Environment Court outcome is that it could still be subject notification and significant delays. By way of further example of delays experienced in Nelson City Council, Statistics New Zealand shows that the Nelson Region over the last three years is the fourth lowest for new dwellings consented per 1000 residents (trailing only Gisborne, Marlborough and the West Coast) which we can only expect will correlate to lower figures for titles issuing for the region.

Housing affordability is a key issue for Nelson and Tasman with the Government's measure of housing affordability showing that Nelson's share of first home buyer households spending more than 30% of their income on housing costs was 80%. This is partly due to lower than national average household incomes, which are 13% below the national average, with Nelson and Tasman being the second lowest in New Zealand. In November 2020, the Massey University Home Affordability Index showed Tasman as the second least affordable region in the country with Nelson placed third, behind Auckland.

Acceptance to fast track will enable this project to be processed in a more timely and cost-effective manner which in turn will enable titles to issue quickly and without excessive costs. This will go some way to addressing the housing shortage in the region and New Zealand generally.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

The project site has been identified as a future development area in the following local government strategies:

- Nelson City Council Future Development Strategy 2019
- Nelson City Council Future Development Strategy 2022
- Nelson City Council Future Development Strategy Implementation Plan 2023
- Nelson City Council Annual Plan 2023 - 2024
- Nelson City Council Long Term Plan 2024 - 2034

The subject 'Kākā Valley' site was included in the FDS 2019 as contributing approximately 614 households and so being a part of the community strategy to provide for urban growth between 2028 and 2038.

In August 2022 Nelson City Council and Tasman District Council adopted the updated FDS 2022-2052. The community was consulted over this draft FDS in March-April 2022. Section 8 of the FDS 2022 again acknowledges the important role (and 35% contribution) played by suitable greenfield sites, alongside the strategy for intensification. This site was identified as an Urban Nelson / Tasman Greenfield Growth Area (see N-106) in the FDS2022, recognising its close proximity to Nelson City Centre and ability to provide for a new community at the north-eastern edge of the city. The site was one of, if not the highest ranked greenfield areas when assessed by the Multi Criteria Analysis Scoring.

In summary, the subject site is identified with the current NTFDS 2022 and the former NTFDS 2019 as being important for its contribution toward providing for adding housing supply in a greenfield setting.

Nelson City Council FDS Implementation Plan 2023:
The Maitahi project is identified for 2024 - 2034

Nelson City Council Annual Plan 2023:

Council has set aside \$606,000 for preliminary three waters upgrades and improved transport connections for the Maitahi Bayview Development. "This money will only be spent if the Environment Court allows the development to proceed," says Mayor Nick. "If the development does get the go-ahead, Council needs to have this funding in place to move forward with the work. To not have it in place would be an unreasonable delay."
<https://our.nelson.govt.nz/media-releases-2/annual-plan-adopted-as-council-seeks-to-cushion-impact-of-cost-of-living-crisis/>

Nelson City Council Long-Term Plan 2024 – 2034

Proposed funding totalling \$15,942,354.00 with allocation commencing 2024 and spread through to 2032

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The Maitahi Village project will deliver regionally significant infrastructure in terms of the RMA definition, as discussed below.

- o Water supply pipe and reservoir infrastructure is a component of a greater Nelson City Council plan to meet wider city needs of growth and resilience.
- o Required downstream wastewater pipe infrastructure will see upgrades to existing aged and at capacity infrastructure. This will provide opportunity for growth and resilience.
- o Transport infrastructure includes new shared commuter path along a portion of Maitai Valley Road. This includes two new shared path bridges to cross the Maitai River. This will benefit other users in the wider valley area as well as the project site.
- o Retaining trunk electricity corridors
- o Extend the telecommunications network

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

Increase the supply of housing:

Yes – The Maitahi Village in fact seeks to add the supply of approximately 415 residential units to meet a range of needs, including for aged care, freehold sections, and to iwi and community housing providers. The project housing supply assists in meeting Nelson City Council HBA and Future Development Strategy objectives. The subject site is identified with the current NTFDS 2022 and the former NTFDS 2019 as being important for its contribution toward providing for adding housing supply in a greenfield setting.

Address housing needs:

Yes – The project will deliver housing for Iwi, Retiree's, Open market. The need for Iwi housing was clearly expressed during the PC28 hearing process. Retiree need will be met by the Lifestyle Village. Some housing will be available to the open market

Contribute to a well-functioning urban environment:

Yes –

- A variety of homes in terms of type, price, location, Iwi.
- Good accessibility to people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. Project includes stream reserve, recreation reserve, neighbourhood park, community vegetable gardens, fruit trees, native and exotic plantings, wetlands, shared paths, recreational tracks, transport connections to wider recreation, city. Commercial area,
- Gifting of approximately 114Ha vegetated land parcel to Ngāti Koata.
- Support competitive operation of land and development markets
- Reduction in greenhouse gas emissions due to project proximity to central business district, schools, healthcare, recreation, supermarkets. These are within 2.5km commuter distance and can be easily accessed without car / fossil fuel reliance. Further Nelson City Council indicate a future public transport service.
- Resilient to likely current and future effects of climate change. Project is located away from the coast. Comprehensive attention has been paid to flood modelling to ensure on and off site mitigation

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

This project will deliver significant economic benefits to the region particularly in light of the present economic downturn which is particularly felt in the civil works and construction industry. A project of this size and scale would have a significant impact for the Nelson Region. (Refer to the Economic Report uploaded in Section 5)

The Applicant obtained an economic impact report that concludes:

- The total economic impact on business activity within Nelson as a result of the subject CCKV development over an 8-year period is estimated to be just over \$308 million (NPV).
- The project will contribute would contribute 470 FTEs during the peak development and operation year within Nelson, with a total of 2,300 FTE years over the 8-year development period.
- The direct impact on the Construction and Construction Services sectors associated with direct employment measure approximately 1,223 FTE years over the 8-year construction period. Direct economic injection from construction and development phases equate to around \$306m.

This will provide significant employment opportunities for those displaced from work by covid 19, opportunities for apprentices and opportunities for Iwi.

There will also be ongoing permanent employment of 55 FTE's to support the ongoing running of the lifestyle village.

While facilitation of additional housing provision is likely to have a national economic impact/benefit, the majority of impacts/benefits are likely to be retained within the Nelson Region.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

N/A – The Maitahi Village project is a residential and community development

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

N/A – The Maitahi Village project is a residential and community development

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Within PPC 28 the Commissioner Panel concluded that the current Nelson Air Quality Plan and Nelson Regional Policy Statement provisions are sufficient for addressing discharges to air resulting from any development provided for within the site. Furthermore, in respect to emissions from transport the Panel considered this was a separate issue but also recognised the site's proximity to the city centre and its multimodal connections. This close proximity meant "there will potentially be less vehicle use and may otherwise be anticipated from a greenfield development further away" (paragraph 914, PPC28 Hearing Commissioner Decision, uploaded in Section 6).

The applicants are committed to the imposition of a set of land covenants on the creation of each residential section that will prohibit the installation of solid fuel burners.

Lifestyle village provider target for net zero emissions by FY30. 2021 Carbon Disclosure CDP B- rating (independently audited).

- The Applicant's chosen Lifestyle village provider's target is to move to 100% renewable electricity by 2025. The proposed lifestyle village density has advantages over traditional lower density development in reducing greenhouse gas emissions. The Project will enhance these benefits by increasing the expected density of units on the site compared to that of traditional residential units.
- A lifestyle village specifically, is inherently a lower generator of vehicle movements from residents, minimising resultant emissions.
- Opportunity for employees of the lifestyle village to live within the overall Maitahi Village, facilitating reducing car reliance by providing walk to work opportunities.
- Additionally, there are a range of amenities provided on-site that reduce the need for residents to travel. Where residents do wish to travel, the site's positioning in close proximity to Nelson City.
- In terms of the village's day-to-day operations, the publicly listed lifestyle village operator (partnering with the Applicant) has goals in place to reduce carbon emissions in target areas, as set out below:
 - o energy, where key initiatives include;
 - emission friendly designs with the care building being Homestar 6 compliant;
 - seeking carbon neutral electricity suppliers;
 - pool covers to keep heat in the heated pools;
 - buildings to be compliant with latest building code energy saving requirements;
 - incorporation of passive solar control to building facades;

- co-locating of high energy output areas such as commercial kitchens.
- high efficiency laundry and white appliances; and
- provision of energy saving lighting controlling systems to communal areas.
- o travel; and
- Zoom video-conferencing facilities;
- improved travel planning;
- ride sharing;
- village vehicles to be EV/ hybrid;
- provision of EV chargers within the village; and
- encourage bike/ e-bike usage for residents and staff.
- o fertilisers.
- selecting environment-friendly fertilisers for garden maintenance.
- communal vegetable gardens for residents and village kitchen.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The project site has a flood overlay, however the project has been designed to mitigate flooding.

The project site is well situated to support managed retreat.

Will the project address significant environmental issues?

No

Please explain your answer here:

No significant adverse effects anticipated. All other adverse effects will be dealt with as set out in the "Adverse Effects" Section 5.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Refer prior discussion regarding the project's identification in local Future Development Strategies

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

Yes to Natural Hazards

No to Climate Change as the site is not near the coast

Regarding natural hazards the project site has flood overlay, however has been designed to mitigate this natural hazard.

It is our understanding that many areas of Nelson are subject to natural hazard risk, however as we have collaborated with the hazard experts we understand that this project site has comparative lesser risk exposure than many other parts of the region.

There has been significant flood modelling to understand the project can be constructed and provide flood resilience onsite and at the same time having minimal offsite flood effect.

Importantly, this site is not at risk from the effects of sea level rise, being located well away from the coastal marine area.

There are no active faults mapped within the PPC 28 area. (Note this area includes the subject project).

Liquefaction and lateral spreading could be a risk in the valley floor, however we understand this can be feasibly geotechnically resolved.

The geotechnical expert has not found evidence of significant recent slope instability in the areas proposed to be zoned for residential development.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The Applicant has had one instance of enforcement action taken against it, arising from earthworks undertaken by contractors to form access tracks for geotechnical investigations at this site.

Summarised as follows:

- 27 & 28 June, earthworks undertaken by contractors. Earthworks later found to have breached the 1.2m permitted depth – out of the two tracks constructed, one was found to have exceeded by 200mm and the other by 50mm. These breaches were committed by the contractors without the Applicant's approval
- 12 July 2023, Formal Warning for earthworks contravening the RMA 1991.
- 12 July 2023, Abatement Notice requiring Applicant to apply for retrospective resource consent for the unauthorised earthworks undertaken.
- 10 August 2023, Application made for Retrospective Resource Consent.
- 11 September 2023, Resource Consent granted
- 13 December 2023, Inspection completed by NCC Compliance

The applicant has extensive experience in large scale residential development with stakeholders having previously undertaken developments such as The Fields and The Meadows in Richmond, Tasman. Designated as a SHA in August 2017 and since then over 430 titles have been issued with a further 217 Lifestyle Retirement Village units making the Meadows one of, if not the largest development in Tasman. The developments were undertaken with real professionalism and speed. The real impact that this has on addressing the housing shortage is seen in the corresponding number of building consents issued in relation to this development with over 300 building consents having been issued. If this application is approved, this applicant will achieve similar results in terms of speed of completion and execution of a well-thought-out master planned development.

The design team of planners, engineers, surveyors, ecologists, landscape architects, and urban designers are well-established professional experts with capacity and track record both locally and South Island wide to ensure the project will be completed to a high standard and within the proposed timeframes.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Johanna King

Important notes