



RESOURCE CONSENTS

Resource consent numbers

RM200814, RM190876, RM190877, RM190878, RM190879, RM190880, and RM190881

Under section 104B of the Resource Management Act 1991 (the Act), the Tasman District Council (the Council) hereby grants resource consent to:

Tasman District Council

(the consent holder)

Activities authorised by these consents

RM190876	Land use consent to undertake works and disturb the bed of a watercourse for the construction of culverts and erosion protection structures (rock armouring)
RM190877	Land use consent to construct timber flood protection structures and disturb land in proximity to the banks of watercourses
RM190878	Water permit to dam and divert flood waters
RM190879	Discharge permit to discharge water contaminated with sediment onto land and into water during construction works;
RM190881	Land use consent to construct an earth bund in the Coastal Environment Area; and
RM190880	Water permit to take divert and/or use water from dewatering activities during construction.

Location details

Two local watercourses known as Ellis creek and Bartlett creek and adjacent land

Address	Legal description
82 Richmond Road	Lot 1 DP 494605 , RT 724177
59B Selwyn Street	Lot 1 DP 59341, RT 241771
59C Selwyn Street	Lot 1 DP 20483, RT NL13C/720
85 Selwyn Street	Lot 19 DP 9603, RT NL13C/1379

89 Selwyn Street	Lot 17 DP 9603 RT NL4C/1377
97 Boyle Street	Section 132 Square 11, RT NL1A/771
Abel Tasman Drive	Part Section 8A Survey Office Plan 7960 RT NL10B/1189
23 Lansdowne Street	Lot 1 DP 11360 RT NL6D/254
Abel Tasman Drive & Lansdowne Street	Legal Road

Under sections 108 and 108AA of the Act, this resource consent is issued subject to the following conditions:

CONDITIONS

General conditions that apply to all activities

1. All works authorised by these consents shall be undertaken in general accordance with the application document entitled 'Pōhara Drainage Improvements, Resource consent application and assessment of effects on the environment' dated July 2019. If there are any inconsistencies with the application and any conditions of these resource consents, the conditions of consent shall prevail.

Review of conditions

2. Under section 128 of the Resource Management Act 1991, the consent authority may serve notice on the consent holder of its intention to review the conditions of these consents six monthly during either the month of October or May for any of the following purposes:
 - (a) to deal with any adverse effect on the environment that may arise from the exercise of these consents, and which is appropriate to deal with at a later stage - for example, if in the future the flood mitigation works are found under normal rainfall and run-off events to exacerbate flooding and ponding on upstream property; and / or
 - (b) to require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment; and / or
 - (c) to re-assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and / or

- (d) to change the compliance standards imposed by conditions of these consents to standards that are consistent with any relevant regional plan, district plan, or Act.

Consent duration and expiry

- 3. Construction consents shall have a term of 10 years. All other consents shall have a term of 35 years.

Supervision and notification of works programme

- 4. The consent holder shall appoint a representative prior to the exercise of these resource consents, who shall be the Council's principal contact person in regard to matters relating to these resource consents.
- 5. All works shall be supervised by a suitably qualified and experienced engineer.
- 6. For each stage of the proposed works the consent holder shall notify the Council's Team Leader - Monitoring & Enforcement for monitoring purposes at each of the following stages:
 - (a) at least three working days prior to commencement of works onsite;
 - (b) upon placement of all sediment control measures;
 - (c) at least 24 hours prior to decommissioning of the sediment control measures.
- 7. As part of the notice required for condition 6 the consent holder shall inform the Council's Team Leader - Monitoring & Enforcement the name and contact details, within the works period, of the following persons:
 - (a) the consent holder's representative required under condition 4;
 - (b) the supervisor required under condition 5 (if not the consent holder representative); and
 - (c) the earthworks contractor (if not the consent holder representative).

Should any person change during the term of these resource consents, the consent holder shall immediately inform the Team Leader and shall also give written notice to the Team Leader of the new person's name and how they can be contacted as soon as practicable.

Construction management

- 8. All works shall be planned and scheduled to take into account the following:
 - (a) suitable weather and river flow conditions;

- (b) spawning and fish migration seasons as set out in condition 44, and locations of indigenous fish;
 - (c) nesting season and location of indigenous birds;
 - (d) the need to minimise the duration and frequency of the works;
 - (e) the need to minimise the discharge of sediment into water;
 - (f) access requirements to the site;
 - (g) safety; and
 - (h) impacts of traffic, dust, and noise.
9. For each stage of works the consent holder shall, prior to the intended commencement date of activities authorised by this consent, submit a Construction Environment Management Plan (CEMP) to the Council's Team Leader - Monitoring & Enforcement for certification (one plan may cover multiple stages). Information provided shall include:
- (a) Details of all principles, procedures and practices that will be implemented for erosion, sediment and dust control to minimise the potential for sediment discharge from the site;
 - (b) The design criteria and dimensions of erosion and sediment control structures;
 - (c) A detailed site plan showing the location and timing of all erosion and sediment control structures to be implemented, including controls to remain in place until each stage is fully stabilised;
 - (d) Construction timetable for the erosion and sediment control works and any bulk earthworks involved;
 - (e) Timetable and nature of progressive site rehabilitation and revegetation proposed;
 - (f) Maintenance, monitoring and reporting procedures;
 - (g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
 - (h) A Construction Traffic Management Plan (CTMP) prepared by a suitably qualified and experienced Traffic Engineer for certification that it meets the following objectives and performance standards;

- (i) To ensure that traffic generated during earthworks is effectively managed so that increases in traffic volume are safely accommodated within the existing road network;
- (j) That roads open to the public are managed in accordance with the Code of Practice for Temporary Traffic Management;
- (k) That the best practicable option is used to manage traffic on roads not open to the public; and
- (l) A detailed Construction Noise Management Plan (CNMP). The Construction Noise Management Plan must describe methods by which noise associated with construction will comply in all aspects with the controls set out in NZS 6803:1999 and how all persons undertaking day-to-day activity management will adopt best practice at all times to ensure that emission of noise from the site does not exceed a reasonable level in accordance with section 16 of the Act.

The Council's Team Leader – Monitoring & Enforcement will certify that the CEMP, if in their opinion, activities undertaken in accordance with it will reasonably achieve the following outcomes:

- i. the discharge of sediment into any watercourse and/or coastal waters, any adjacent property is minimised as far as practicable;
 - ii. the passage of vehicles through any watercourse and/or coastal waters is minimised as far as practicable;
 - iii. the risk and effects of adverse weather have been considered and provided for to minimise the discharge of sediment and contaminants;
 - iv. contingency and reporting protocols are established;
 - v. site stabilisation and decommissioning are appropriately addressed; and
 - vi. the construction site management conditions identified in conditions 15 to 61 below are provided for.
10. Notwithstanding the matters specified in condition 9 for inclusion within the overall Construction Environment Management Plan, the following outcomes shall be specified in the relevant plans required by condition 9:
- (a) Hours of operation for construction shall be between 7.00 am - 6.00 pm Monday to Saturday. No work shall be carried out on Sundays or public holidays.

Advice note

These hours relate to the earth-moving or earthworks activities, including the movement of heavy vehicles and machinery, subject of this consent. They do not apply to activities such as weed control or planting undertaken as part of standard property maintenance or enhancement.

- (b) Unless not practicable, any relocation of soil or earth from one part of the site to another shall be undertaken within the site and not utilising public roads. Where public roads are to be used the reasons for this shall be stated in the Plan.
 - (c) Dust suppression measures, such as the use of water carts, shall be available and utilised on the site and site access roads at any time that dust may be discharged from the site (hot and / or windy conditions).
 - (d) Key earthworks should be carried out during fine weather periods when there is less potential for sediment run-off to occur.
11. Information on the qualifications and experience of the supervisor shall be submitted to Council's Team Leader - Monitoring & Enforcement and works authorised by the Construction Environment Management Plan shall not start until the Council determines whether the nominated persons have met the qualification and experience requirements.
 12. If Council's Team Leader - Monitoring & Enforcement does not respond in writing, within 10 working days of receipt of the submitted information regarding the qualifications and experience of the supervisor, then they shall be deemed to have the required qualifications and experience.
 13. The consent holder shall ensure that all works shall be completed in general accordance with the Construction Environment Management Plan. Any changes to the Construction Environment Management Plan shall be confirmed in writing by the consent holder and authorised by the Council's Team Leader - Monitoring & Enforcement and shall not be implemented until notified of the authorisation.
 14. A copy of the Council certified versions of all the plans required by these consents shall be available on-site at all times and the consent holder shall ensure all personnel are made aware of each plan's contents where the plan relates to activities that those personnel are responsible for.

Construction site management

15. All erosion and sediment controls shall be installed for as long as there is a potential for sediment movement away from the works area and all such control

structures shall be regularly inspected and maintained to ensure they achieve their intended performance standards at all times.

16. All erosion and sediment control measures shall be inspected after any significant rainfall event and any problems shall be rectified within 24 hours if required.
17. The consent holder shall stop construction in heavy rain when the activity shows sedimentation that is more than minor in the view of the Council's Compliance Officer.
18. If during the works excavated soil needs to be temporarily stockpiled on-site, then the consent holder shall ensure stockpiles are:
 - (a) managed in a manner protective of on-site workers, the public and off-site migration pathways (such as stormwater drains); and
 - (b) kept tidy and with a stable slope.
19. The consent holder shall ensure that surface water (i.e., stormwater runoff) shall be diverted away from excavations and soil stockpiles.
20. All practical measures shall be taken to ensure that any dust created by earthworks operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of the Council's Team Leader - Monitoring & Enforcement, become objectionable or offensive to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.

Construction noise

21. All construction noise from activities authorised by these consents shall meet the requirements of New Zealand Standard NZS6803:1999 (Acoustics-Construction Noise). The consent holder shall adopt the best practicable option to ensure the emission of noise does not exceed a reasonable level.

Water quality

22. All exposed ground shall be reinstated within three months of completion of the works so that erosion/movement of soil is limited as much as is practical. This shall include supplemental planting of appropriate vegetation that enhances the stability and minimises surface erosion. Planting shall be carried out as soon as seasonally practicable.
23. Excavated material disposed of on-site shall be appropriately compacted and planted so as to minimise the discharge of sediment with stormwater runoff.

24. Discharges of dewatering water shall occur onto land rather than directly into water where practicable.
25. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that there is no residual potential for contamination of land and surface water. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the consent holder shall immediately inform the Council's Team Leader - Monitoring & Enforcement.
26. There shall be no storage of fuel or lubricants, refuelling, or lubrication of vehicles and machinery in the bed or within 20 metres of the margins of the watercourse.
27. The consent holder shall maintain spill kits on site at all times to contain and / or absorb any spilled hazardous substance and/or any other measures necessary to prevent any spills of hazardous substances entering land or water.
28. In the event of a spill of hazardous substances on the site, the consent holder or their agents shall record the details, and provide to the Council's Team Leader - Monitoring & Enforcement within 24 hours of the spill:
 - (a) the date, time and volume of the spill;
 - (b) the substance spilt;
 - (c) measures taken to contain and absorb the spilt substance; and
 - (d) the cause of the spill, and the measures taken since to prevent a repeat of the incident.
29. The consent holder shall ensure that after reasonable mixing, any contaminant or water discharged shall not result in any of the following effects in the receiving water:
 - (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour; or
 - (d) any significant adverse effects on aquatic life.
30. The consent holder shall ensure that:
 - (a) Any land clearance is limited to the smallest area practicable to enable the authorised works to be undertaken;

- (b) The duration of land clearance activities is minimised to the shortest period within which to undertake the authorised works;
 - (c) Where necessary, worked areas shall be contained with bunds to minimise sediment runoff into water;
 - (d) Exposed soil is seeded or re-vegetated, as appropriate, as soon as reasonably practicable following vegetation removal, and maintained / reseeded to achieve at least 60 % strike within eight months of work being completed; and
 - (e) Damage to any non-target riparian vegetation is minimised.
31. 31 Work shall be planned and undertaken in a manner that minimises works in flowing or coastal water, whenever and wherever practicable. Where this is not practicable, work shall be undertaken within the minimum time required in the flowing channel of the watercourse or coastal water and with the minimum necessary disturbance.
32. If vehicles and machinery need to enter and pass across a watercourse or the coastal marine area they shall do so by the shortest practicable route.
33. Any existing available access tracks to the watercourses or coastal marine area should be used where practicable.
34. Where practicable, water shall be diverted around the work area so that the works are undertaken outside flowing water. Any work that needs to be undertaken within flowing water or the coastal marine area shall, where practicable, be bunded off from flowing water or coastal marine area to minimise sediment discharge into water.

Advice note

It is accepted the works would not be in the flowing water once bunded off. However, the initial works to bund of the area will need to be in the flowing water and there are potential risks with the removal of the bunding.

35. To prevent the spread of *Didymo* or any other aquatic pest, the consent holder shall ensure that activities authorised by these consents are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures.

Advice note

The most current version of these procedures is available from the Biosecurity New Zealand website <http://www.biosecurity.govt.nz>.

36. At the completion of any works authorised by these consents, all excess construction materials shall be removed from the site.

37. The consent holder shall take all practicable steps to avoid the transportation and potential introduction of any pest species.
38. All machinery shall be cleaned of weed and silts before leaving the works site to minimise the risk of spreading any pest plant species.
39. The consent holder shall ensure that excavated or disturbed soil does not slump into or get eroded into the bed of any watercourses or the coastal marine area.
40. The consent holder shall ensure that once works are completed:
 - (a) the disturbed area shall be contoured to a natural bed form, consistent with the adjacent reach;
 - (b) all plant, equipment, chemicals, fencing, signage, debris, rubbish and any other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the works commencing; and
 - (c) the works do not cause any additional erosion, scouring, land instability or property damage. If any of these do occur, the consent holder shall take all actions that are reasonably necessary to remedy any damage.
41. The consent holder shall ensure that any contractors undertaking works authorised by these consents are provided with a copy of the resource consents and conditions, and shall ensure compliance with all conditions.
42. In the event of accidental discovery of archaeological items or koiwi (human remains), all work within 50 metres of the discovery shall immediately cease, and the relevant iwi and Heritage New Zealand shall be contacted. Work shall not recommence in the area of the discovery until Heritage New Zealand has confirmed that the Heritage New Zealand Pouhere Taonga Act 2014 does not apply, an archaeological authority has been granted, and in the case of Māori archaeological sites evidence of consultation and agreement with relevant iwi have been provided to Council.
43. No less than one week prior to any land disturbance taking place under this consent, iwi representatives shall be contacted with details of the works and given the opportunity to request an iwi monitor.
44. Instream works shall only be undertaken between October and May inclusive to minimise adverse effects on diadromous migratory fish.
45. Fish species including kōura and kākahi will be captured and relocated out of the area of any stream disturbance.

46. Works along Abel Tasman Drive shall not occur during the peak summer period between 16 December – 14 February.
47. Work to replace or upgrade the Boyle Street culverts shall occur so as to result in no net loss of salt marsh.
48. There shall be no net loss of aquatic habitat for at risk or threatened species.
49. Where there is potential for īnanga spawning habitat to exist within a stream channel, the extent of īnanga spawning habitat shall be confirmed by a suitably qualified and experienced person prior to any work commencing.
50. No work shall occur within confirmed īnanga spawning habitat between March to June (inclusive).
51. Any confirmed īnanga spawning habitat that is disturbed or removed (outside of the times specified in condition 50) will be restored once work within the spawning habitat is completed and before the next spawning season.
52. Sediment discharges should be minimised two days either side of the spring tides from January to May, to avoid sediment deposits during peak īnanga spawning.
53. Before undertaking any disturbance of īnanga spawning habitat, the consent holder shall prepare a Habitat Restoration Plan setting out the methods and actions to be utilised to achieve no net loss of aquatic habitat for at risk or threatened species. This plan must be submitted this to the Council’s Team Leader - Monitoring & Enforcement for certification that the methods and actions will achieve the following objectives:
 - (a) That restoration of any freshwater habitats affected by the proposal should be self-sustaining and not impact on the adjoining existing watercourses;
 - (b) Self-sustaining habitat restoration means that it functions without features or characteristics that rely on ongoing maintenance or that impose a financial or other burden on the proponent, government or the community; and
 - (c) Ecological values within the habitat affected by the proposal are managed, protected and enhanced.
54. Fish passage both upstream and downstream shall be maintained following the completion of any instream work.

Wetlands

Note

The wetland conditions contain actions that rely on access to land owned by parties other than Tasman District Council

55. There shall be no net loss of natural wetland extent as a result of the project.
56. Before commencing the consented works, the consent holder shall prepare a Wetland Management Plan setting out methods to be utilised achieve no net loss of natural wetland extent. This plan must be submitted to the Council's Team Leader - Monitoring & Enforcement for certification that it includes the following:
- (a) A process to determine and record existence and extent of natural wetlands within the project area prior to construction;
 - (b) Details of a wetland adaptive management programme consisting of:
 - i. A programme to monitor the extent of any natural wetlands identified through requirement (a)- above, that may be affected by the construction of the flood protection works;
 - ii. A programme to monitor groundwater levels at 82 Richmond Road and at a representative site to the north of Abel Tasman Drive to help understand whether the earth bund is influencing water levels on the site and therefore understand the relative contribution of groundwater and surface water to any natural wetlands on the site;
 - iii. Details of any mechanisms to supply water to 82 Richmond Road from Bartlett Creek if groundwater and natural wetland extent monitoring shows that natural wetland extent is declining as a result of the earth bund; and
 - iv. Details of any other mitigation the consent holder deems necessary to achieve no net loss of natural wetlands.
 - (c) Details of how the consent holder will report on the outcomes of the adaptive management programme and compliance with condition 55.
57. If the Council's Team Leader - Monitoring & Enforcement does not respond in writing that the plan required under conditions 53 and 56 is certified or otherwise within 15 working days of receipt of the plan, then the consent holder may commence the disturbance of inanga spawning habitat or construction of the bund.

Visual impacts

58. In areas which are highly visible to the public, including from roads, reserves, watercourses and coastal access points and from private dwellings, all materials used on site shall be chosen and constructed so that they integrate with surrounding landscape and shall be to a high standard of finish and be able to withstand public usage.

59. The works shall wherever practicable retain a natural diversity of substrate (boulders, cobbles, woody debris and gravels), a natural channel cross section, fish cover, a natural meander pattern and bed level variation.
60. Disturbance of residual pools (pools that permanently contain water once river flows have ceased) should be avoided. There shall be no removal of water from residual pools in the river by infilling, draining or other means.

Restricted activities

61. No lawful take of water shall be unreasonably affected as a result of any work authorised by these consents.

Complaint register

62. The consent holder shall maintain a complaints register detailing the content of all complaints received and of actions taken where necessary to remedy any issue. Copies or details of the complaint register shall be made available to the Council on request. All complaints shall be forwarded to the Council within one working day and details of the remedial action undertaken within 20 working days.
63. Concrete rubble or similar demolition material shall not be used in the construction.
64. Where practicable a vegetative filter strip shall be maintained between the works area and the watercourses or coastal marine area.
65. The extent of the works shall be the minimum necessary to create a suitable access.

Temporary crossings (including temporary culverts)

66. Temporary crossings and culverts shall be designed by suitably qualified or experienced engineers and shall be removed as soon as practicable on completion of the works.
67. All temporary crossings shall be designed so that water is able to flow over them during higher flows without eroding the structure.

GENERAL ADVICE NOTES

Council regulations

1. This is not a building consent and the consent holder shall meet the requirements of the Council with regard to all building and health bylaws, regulations and Acts.

Other Tasman Resource Management Plan provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.

Consent holder

3. This consent is granted to the abovementioned consent holder but section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “consent holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.

Interests registered on property title

4. The consent holder should note that this resource consent does not override any registered interest on the property title.

Plan A RM200814

PLEASE INSERT TWO CAD AND MOUSE PLANS – ONE SHOWING THE SPACE IDENTIFICATION AND CLADDING AND INSULATION AND THE OTHER SHOWING THE DISTANCES TO SITE BOUNDARIES

Plan B RM200814 – tree on road boundary photo

PLEASE INSERT

Plan C RM200814 NZTA Diagram C

PLEASE INSERT

