

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Monday, 9 November 2009  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Dr M Johnston (Chair), Crs J L Edgar and S J Borlase

**IN ATTENDANCE:** Principal Resource Consents Advisor (J Butler), Consent Planner, Coastal (R Squire), Executive Assistant (V M Gribble)

## **APPLICATION No RM090441, RM090401, RM090440 - NEW ZEALAND TRANSPORT AGENCY**

The applications seek to undertake the following activities to provide additional width for the State Highway at three side road intersections at Mariri:

<b>Restricted Coastal Activity RM090441</b>	To reclaim foreshore or seabed for 100 metres or more in any direction.
<b>Coastal Permit RM090401</b>	To occupy and disturb the coastal marine area in association with the placement and contouring of fill and the extension of the existing culverts under the State Highway
<b>Land Use Consent RM090440</b>	To undertake land disturbance activities in association with the construction of a road.

A lapse date of 10 years is sought for all consents.

A duration of 35 years is sought for the coastal permit authorising the occupation of the coastal marine area by the culvert extensions.

The location being three sites adjoining State Highway 60 (SH60) at Mariri, being the SH60/Weka Road Intersection, the SH60/Eden Road intersection and the SH60/Moana Road intersection. Being legally described as Foreshore and Seabed vested in the Crown under the Foreshore & Seabed Act 2004.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

**Report, Decision and Recommendation to the Minister of Conservation in relation to an application for a Restricted Coastal Activity and decisions on applications for a coastal permit and land use consent.**

**Meeting held in the Tasman Room, Richmond on Monday, 9 November 2009**

A Commissioner Panel (“the Panel”) for the Tasman District Council (“the Council”) was convened to hear the application lodged by the New Zealand Transport Agency (“the Applicant”) to reclaim foreshore or seabed for 100 metres or more in any direction, to disturb the Coastal Marine Area and to undertake land disturbance activities in association with construction of a road. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM090441 (reclamation), RM090401 (disturbance of CMA) and RM090440 (formation and use of public road on reclaimed land and for disturbance of land).

**HEARING PANEL** Dr M Johnston, Chair and nominee of Minister of Conservation  
Cr J Edgar  
Cr S Borlase

**APPLICANT:** Mr M Weir (Applicant)  
Mr M Lord (Opus International Consultants Ltd)  
Mr A Ferguson (Opus International Consultants Ltd)  
Mr R Sneddon (Cawthron Institute)

**CONSENT AUTHORITY:** **Tasman District Council**  
Mr T James (Resource Scientist, Environmental)  
Ms R Squire (Consent Planner, Coastal)

**SUBMITTERS:** Ms A Sheridan (Tiakina te Taiao)  
Mr M Stephens (Tiakina te Taiao)  
Ms H Campbell (Nelson Tasman Branch of the Royal Forest and Bird Protection Society Inc and Friends of Nelson Haven and Tasman Bay Inc)

**IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser) – Assisting the Panel  
Ms V Gribble (Secretary)

## 1. SUMMARY

The Panel has recommended that the Minister of Conservation **GRANT**, subject to conditions, a resource consent to reclaim sections of the Moutere Inlet adjoining State Highway 60. The Panel has also **GRANTED** resource consents subject to conditions to disturb and occupy the Coastal Marine Area (CMA) and disturb land.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The New Zealand Transport Agency (NZTA) applied to the Council to undertake road widening works to improve safety for road users along the Mariri causeway at three sites being in the vicinity of Weka Road, Eden Road, and Moana Road adjacent to the western edge of the Moutere Inlet (Figure 1). Each site is classified by the applicant as a project that will be funded out of NZTA Minor Safety Works category which has a maximum of \$250,000 per project.

The works involve reclamation of foreshore and seabed of the Moutere Inlet on the outer or coastal side of the causeway at all three sites and an area of estuary on the inland side of the causeway at Weka Road. The activity involves the following at each site:

- the establishment of a silt fence on the seaward side of the work area;
- scraping back the outer surface of the existing causeway embankment to a depth of approximately 150 mm;
- utilising the stripped surface layer to form a bund between the fill area and the silt fence;
- extending the existing culverts at each site so that they extend beyond the new outer face of the causeway;
- importing and compacting clean fill to form a suitable base for the increased highway width;
- forming the fill to create a 5:1 batter slope beside the carriageway, altering to a 2:1 slope on the outer face of the causeway;
- installing sub-base, base-course and 2-coat chip seal to a distance of approximately 6.5 metres from the existing white edge line, i.e. creating approximately 3 metres of additional seal width on the seaward side of the intersection over a distance of 200 metres plus additional width for a further 40 metres to create the required tapers;
- re-spread the bund material on the outer face of the causeway;
- grassing disturbed areas; and
- re-instatement of the line-marking and white edge marker posts.

The works are subject to funding availability but are anticipated to commence on site towards the end of 2010. The applicant seeks a lapse date of 10 years to allow for delays in funding approval. A duration of 35 years is sought for the coastal permit to occupy the coastal marine area by the culvert extension.

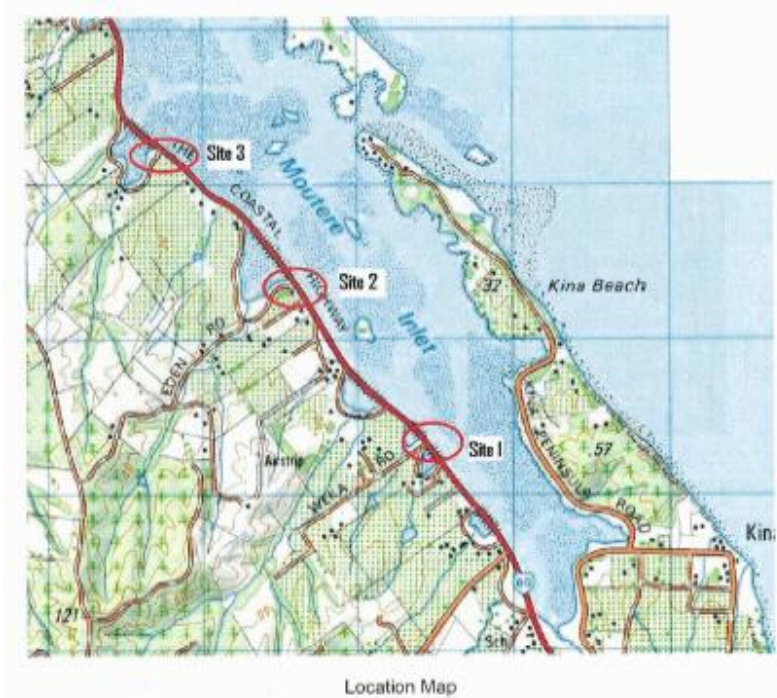
State Highway 60 Causeway, Moutere Inlet adjoining the following three intersections:

Weka Road 2513426E 6003354N (NZMG)

Eden Road 2512595E 6004369N

Moana Road 2511725E 6005245N

Legal Description – Legal Road and Foreshore and Seabed vested under the Foreshore and Seabed Act 2004



**Figure 1: Location of Proposed Works**

The Mariri causeway was constructed in the 1950-1960s to replace the winding route which still exists today as a series of loop roads. The road provides a strategic transport link between Richmond/Nelson and Motueka/Golden Bay. However, the intersections linking the loop roads to the highway network do not meet contemporary intersection design standards. These applications seek consent to widen the road by approximately 3 metres over a distance of approximately 200 metres (including the provision of a taper for a distance of approximately 20 metres at either end of the seal widening). This will provide room for vehicles to pass on the left side of a right turning vehicle that is slowing or stationary beside the centre line and for vehicles to pull to the left side of the carriageway and await an opportunity to safely turn into the side road. Widening on the landward side to the east of Weka Road is also proposed. This involves a strip of estuary which was cut off from the main body of the Moutere Inlet when the causeway was formed. The proposal is shown in more detail in Figures 2, 3 and 4.

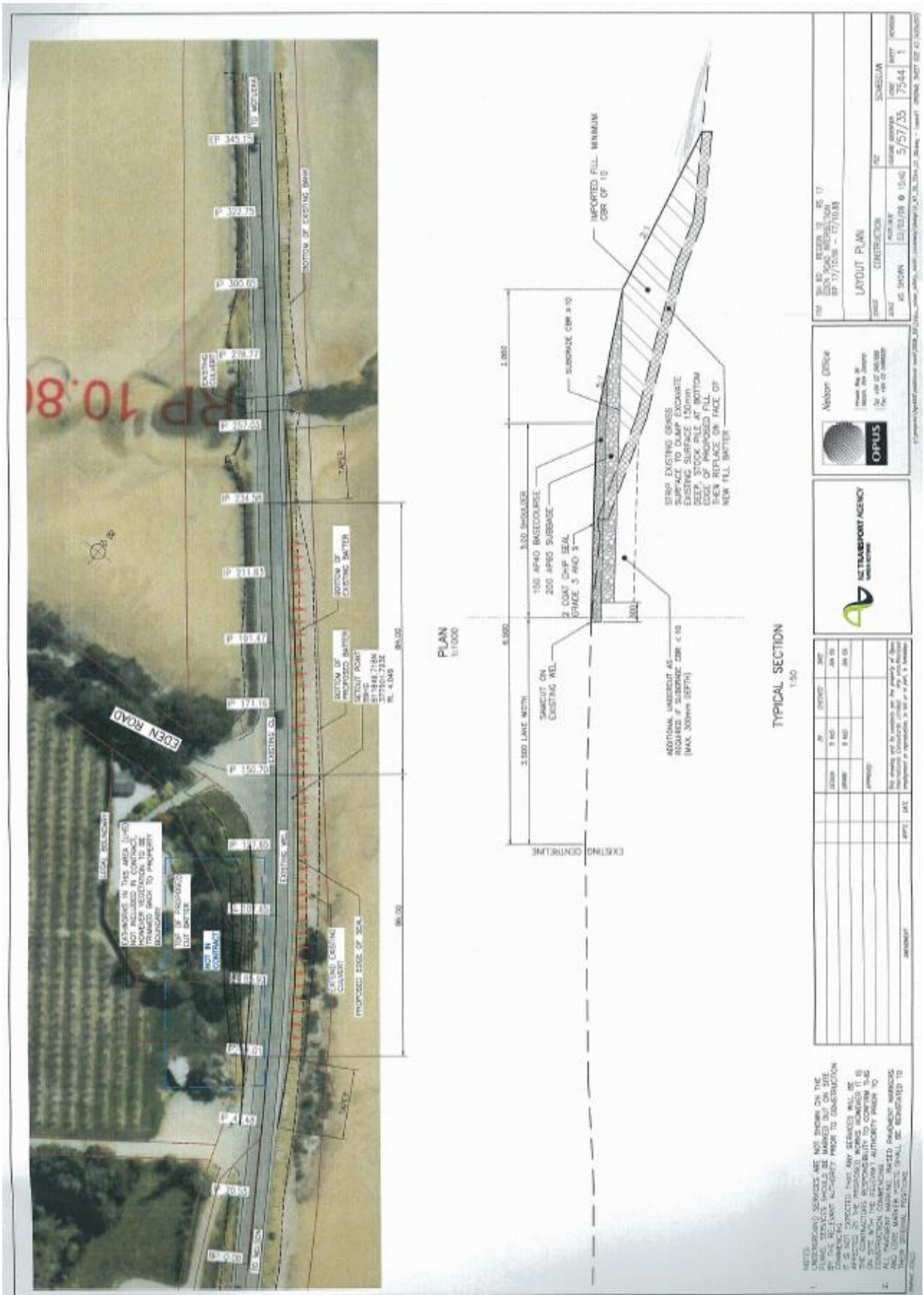


Figure 2: Proposed Works at Eden Road Intersection

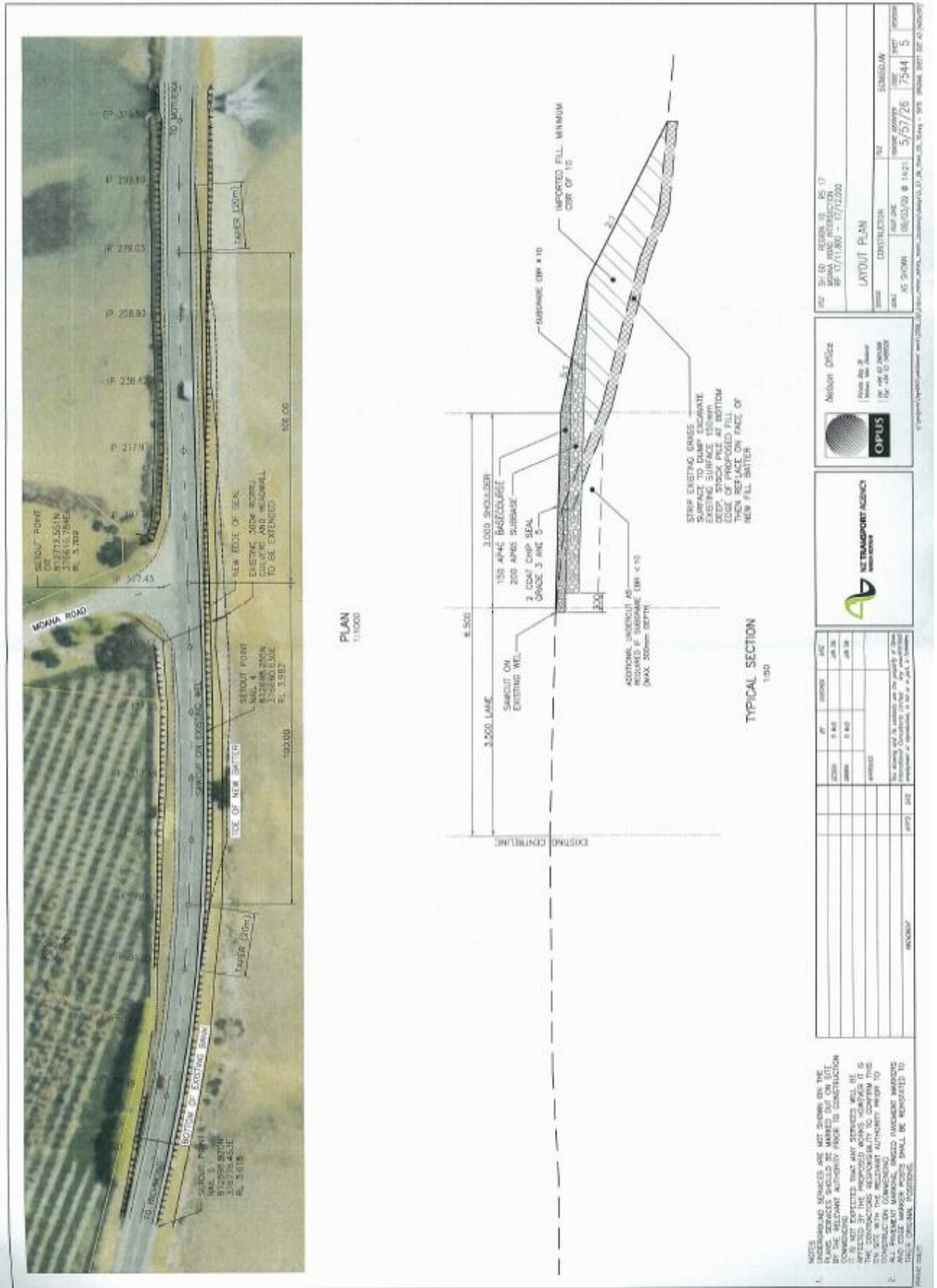


Figure 3: Proposed Works at Moana Road Intersection



### 3. **TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED**

According to the TRMP the following apply to the subject land:

Zoning: Open Space Zone and Rural 1 Zone  
Area(s): Land Disturbance Area 1 and Road Area

**Restricted Coastal Activity RM090441** – To undertake an activity reclaiming foreshore or seabed which extends 100 or more metres in any direction is a Discretionary Activity and a Restricted Coastal Activity pursuant to Rule 25.3.2.

The Minister of Conservation has determined that certain activities undertaken in the CMA may have significant or irreversible effects. There are circumstances where these activities are deemed to be restricted coastal activities (RCAs). RCAs must be heard by a Panel comprising representatives of the Council and a member representing the Minister. The Panel does not have the authority to grant the restricted coastal activity application, as it was lodged and publicly notified prior to the Resource Management (Simplifying and Streamlining) Amendment Act 2009. The panel makes a recommendation to the Minister of Conservation. The Minister holds the authority to grant or decline consent with unlimited discretion.

**Coastal Permit RM090401** - To occupy and disturb the CMA in association with the placement and contouring of fill and the extension of the existing culverts under the State Highway is a Discretionary Activity pursuant to Section 12 and 77C of the Act.

**Land Use Consent RM090400** – To form and use a public road on the reclaimed land and to undertake land disturbance activities in association with the construction or reconstruction of any road and within 200 metres of the CMA in a location that is visible from the CMA, exceeds 1,000 square metres in area and in a location adjoining an area with nationally important natural ecosystem values is a Discretionary Activity under Rule 18.5.2.5.

### 4. **NOTIFICATION AND SUBMISSIONS RECEIVED**

The applications were notified on 1 August 2009 pursuant to Section 93 of the Act. A total of 10 submissions were received. The following is a summary of the written submissions received and the main issues raised:

#### 4.1 **Submissions in Support**

##### **Richard Easton**

Richard Easton agreed with the proposed intersection upgrades, but would like to be kept informed of any developments with respect to closing any loop roads.

#### 4.2 **Submissions in Opposition**

##### **Geoffrey Rowling**

Mr Rowling submitted that the applications fail to fully deal with safety at the intersection by not providing for a merging lane for traffic turning left from Moana Road



towards Motueka. He submitted that due to the presence of double yellow lines traffic is unable to pass, particularly heavy vehicles.

He requested that a merging lane for traffic turning left from Moana be created and that access be provided to the road reserve on the seaward side of Moana Road.

### **Russell Saunders-Loder**

Mr Saunders-Loder submitted that the land disturbance activities shown on the application plans will adversely affect the discharge of household waste and sewerage from his property. He requested that the Council hold the NZTA fully financially responsible for any replacement of any systems for the next 20 years.

### **Tiakina te Taiao**

Tiakina te Taiao submitted that archaeological evidence in the form of middens, stone working sites and ovens suggest that the inner Moutere Inlet and other areas were occupied on a recurrent basis. They submitted that the Moutere Inlet, like most estuaries, would have been an important mahinga kai (food gathering place) for Maori. Other non-food resources such as harakeke (flax) and other plants for weaving and rongoa (medicinal use) would also have been harvested in the vicinity. They also submitted that white heron (kotuku) frequent the area and that they believe they only visit if good conditions prevail and that continued works in and around the estuary edge with associated disturbance and loss of habitat is a reason that they may not return.

They submitted that the works could unearth previously unknown archaeological sites and that if this occurs all works must stop and Tiakina and Historic Places Trust (HPT) must be contacted immediately should a site or suspected site be uncovered.

When the original causeway was constructed the productivity, habitat and ecological value of the estuary was significantly reduced. Despite this the inlet is still considered an estuary of national importance.

Tiakina's opposition was on the grounds that the adverse effects of the proposed activity on the Moutere Inlet's values have not been adequately avoided, remedied or mitigated. They submitted that the following mitigation measures are needed:

- that an independent ecologist be appointed to oversee the works and the ecologist's advice and instructions be strictly adhered to by all NZTA staff and contractors;
- all best practice steps be taken to minimise the adverse effects of the works on the estuary, in accordance with the ecologist's instructions and set out clearly in a sedimentation control plan;
- the estuary edge is reinstated and enhanced to a better condition than it is now; and
- an advice note is included on the consent and coastal permit which advises of the possibility of accidental discovery of Maori archaeological material during the earthworks.

## **Wakatu Incorporation**

Wakatu Incorporation opposed the applications in their present form. While they generally support the proposed upgrading to the three intersections, it is submitted that the applicant should also be upgrading to the same standard all other SH60 intersections between, and including, Robinson Road to the north and Harley Road to the south which all present a potential vehicle conflict point.

The Incorporation requested that the Council refuse the consents in their current form. However, they may support amended applications for the appropriate upgrading of all intersections within SH60 between and including, Robinson Road and Harley Road.

## **Neutral Submissions**

### **Director-General of Conservation**

The submission from the Director-General of Conservation was neutral with respect to the proposal, but requested that particular regard be given to specific matters when determining the applications.

The submission noted that the works will be located within the Moutere Inlet which is included in Schedule 25.1F of the TRMP as having nationally important natural ecosystem values. It noted that the applications are to make relatively small changes to the Mariri causeway, but that the causeway has had some adverse effects upon the natural values of the Moutere Inlet, in particular by reducing tidal flows to a number of estuary embayments. Increasing the capacity of the existing culverts at Eden and Weka Roads would help mitigate these effects and help restore or rehabilitate the natural character of the coastal environment in accordance with New Zealand Coastal Policy Statement (NZCPS) Policy 1.1.5.

The submission noted that the Council should have particular regard to Part 2 of the Act, relevant policies in the NZCPS, the Regional Policy Statement (RPS) and the TRMP.

### **Friends of Nelson Haven and Tasman Bay**

The Friends of Nelson Haven and Tasman Bay submitted that inadequate information was provided on the actual and potential natural and intrinsic values of the sites where the works are proposed. The submission stated that it is likely that the reconstructed (and existing) culverts will inhibit native fish passage and that the capacity of the culverts to accommodate potential climate change needs to be assessed.

The Friends submitted that while they agree that the original amenity value was fundamentally altered when the causeway was built, it considers that more can be done by the NZTA to mitigate the current works and to improve the area's amenity and natural character values.

The Friends requested that conditions be imposed to ensure that fish passage is not inhibited by new and existing culverts and that sediment does not access the inlet or the embayment causing smothering and suffocation of shellfish, fish and other marine organisms.

The Friends also requested mitigation measures involving planting on the estuarine edges and intertidal area adjacent to the estuary and the embayments for habitat and slope stability reasons as well as the areas that are proposed for reseeded with grass. They requested that this be undertaken in accordance with a planting plan prepared by an appropriately qualified ecologist. They also submitted that the NZTA should be required to provide financial assistance to support local predator/weed control.

### **New Zealand Historic Places Trust**

The New Zealand Historic Places Trust (HPT) submission noted that there is a recorded archaeological site (N27/170) located on Eden Road in the vicinity of the proposed works. The submission noted that if works are to affect this site, or have the potential to encounter archaeological material then an archaeological authority from the NZHPT will be required.

The submission also noted another site along the coastal highway located at the intersection of Moana Road (N27/172) which was subject to an archaeological authority for road works in January 2009.

### **Nelson/Tasman Branch of the Royal Forest and Bird Protection Society**

The Nelson/Tasman Branch of the Royal Forest and Bird Protection Society submitted that the causeway is a man-made structure that has altered tidal circulation, isolated a number of small embayments, replaced the shrub zone of the coastal edge, and destroyed the existing salt marsh vegetation. They submitted that the AEE provided with the applications is not sufficiently robust to be able to fully assess the actual or potential effects of the proposals on the environment.

The submission noted that the Inlet is an important feeding ground for waders with roost sites on sand banks and that important bird species likely to be present from time to time include: white heron, royal spoonbills and banded rail and probably both spotless and marsh crake. Other native birds are likely to include pukeko, other heron species, shags, pied stilts and variable oyster catcher. It also listed lizard species identified in the Moutere area.

The submission noted concern with the reclamations undertaken by the NZTA in association with the Ruby Bay Bypass and it believes that it behoves the Agency (and the Council) to take a greater interest in the actual and potential impacts of the road works on sensitive areas such as estuaries and to ensure that resource consent applications are prepared accordingly.

The Society was unclear whether the proposed adaptations to culverts will provide for adequate capacity for the increased storm events that are likely to occur as a consequence of climate change. They also want conditions of consent to ensure that all culverts do not restrict fish passage in any way.

The submission requested that a full ecological assessment of the environment in and around these sites be undertaken prior to a hearing. It requested that this include recommendations on mitigation measures such as planting of appropriate vegetation, (rushes, estuary tussock etc) in the embayment corners, small low-growing shrubs (coastal ribbonwood and other coastal vegetation) on the estuary edges to provide both bank stability and potential nesting sites for birds and habitat for invertebrates.

The submission stated that that the proposed “window” for revegetation of 21 months is excessive.

The Society submitted that other mitigation measures could include support and funding for community groups to manage predator animal control on the estuary margins and on-going pest weed control.

### **Gillian Pollock**

This submission stated that the building of the causeway devastated the entire southern coastline of the estuary for both indigenous plants and animals. It noted that a number of birds including white-faced heron, variable oyster catcher and pied stilt rest along the shoreline beneath the roadway at high tide and that the occasional banded rail still use the isolated inland loops of the Moutere Inlet.

The submission stated that the widening of the three intersections provides an opportunity for considerable remediation of these areas of shoreline. It stated that it would be more beneficial to plant suitable native estuarine plants on disturbed areas and around culverts in preference to grass as this would provide a more natural and attractive edge to the estuary. The submission also stated that a more gradual batter slope would better provide for the establishment of a natural plant sequence.

## **5. EVIDENCE HEARD**

We heard evidence from the applicant, expert witnesses, submitters, and the Council’s reporting officer. The following is a summary of the evidence heard at the hearing.

### **5.1 Applicant’s Evidence**

#### **Mr M Weir (applicant)**

Mr Weir introduced the application and explained that as there is a funding cap of \$250,000 for each project any costs greater than this will mean that it will not be able to proceed unless it qualifies for capital funding.

Mr Weir stated that the NZTA had engaged Mr Ross Sneddon of the Cawthron Institute to investigate ecological matters. He reiterated Mr Sneddon’s conclusion about the lack of adverse effects on the estuary.

Mr Weir considered that the restoration and mitigation sought in Ms Squire’s report went beyond what was required to address the effects of this activity.

#### **Mr A Ferguson (Opus International Consultants Ltd)**

Mr Ferguson outlined the background issues with road safety along the causeways. He said that some improvements have been implemented and more are planned. He said that currently the law allows cars to stop either in the centre when turning right or on the left hand berm. The proposed widening will allow cars to pass on the outside of a stationary car safely.

Mr Ferguson said that it is relevant that once the new Ruby Bay Bypass is completed, road users will experience a drop in road service standard when they encounter the causeway on route to Motueka.

### **Mr M Lord (Opus International Consultants Ltd)**

Mr Lord discussed the various submissions and focussed on the proposed mitigation suggested by submitters and Ms Squire, viz. the restoration of habitat and planting of intertidal areas. Mr Lord pointed out that the edge of the causeway is not the natural edge of the estuary and therefore planting cannot be considered to be restoration of previous vegetation.

Mr Lord considered the only loss of habitat to be a narrow strip of mudflat. The batters on the side of the extensions would not be suitable growing mediums as they are compacted and will contain little topsoil. He considered that vegetation is also not appropriate as the gradual slope required would necessitate an increased footprint and adverse effects and also may cause risks through encouraging wildlife next to the high speed road or reduce driver visibility.

Mr Lord did not consider that fish passage or culvert capacity was an issue and did not consider that conditions to enhance these would be appropriate.

### **Mr R Sneddon**

Mr Sneddon said revegetation was not being considered out beyond the batters. The causeway represents a hard boundary to hydrodynamic processes and that caution must be used when trying to reinstate a soft boundary alongside such an unnatural boundary because of the increased effects of erosion. He said that the best outcome would be to increase the flushing of the embayments behind the road. He said that the placement of material to form new habitat will enlarge the footprint of works with no guarantee that it is going to succeed in the long term.

Achieving greater flushing of the embayments would be incredibly difficult to do. In terms of this application it would go beyond mitigation and could be seen as mitigating the effects arising from the construction of the causeway in the 1960s.

## **5.2 Submitters Evidence**

### **Ms A Sheridan and Mr M Stephens (Tiakina Te Taiao)**

Ms Sheridan emphasised the importance of the estuary and stated that there are many known archaeological sites nearby. The estuary is also used by other wildlife taonga. She emphasised that significant damage has been done to the productivity of the estuary by the original road works.

Ms Sheridan considered that Section 6, and particularly Section 6(e), is relevant in this case.

With regard to the Ruby Bay Bypass Ms Sheridan stated that there have been many negative effects and publicity arising from this work. She stated that the NZTA have an environmental plan which says that they have “a strong commitment to achieving quality community and environmental outcomes”.

Ms Sheridan outlined concerns with some of the proposed conditions, and also stated that they seek that an ecologist be employed to oversee the works, that an Estuarine Edge Restoration Plan be prepared and an erosion and sedimentation plan be written. Overall, Tiakina sees the works for which consent is sought as being linked with the other roading projects in the area and that the effects are cumulative. She sees all the small effects on the estuary as being “death by a thousand cuts” as no mitigation is being required for each of the small impacts.

**Ms H Campbell (Nelson Tasman Branch of the Royal Forest and Bird Protection Society Inc and Friends of Nelson Haven and Tasman Bay Inc)**

Ms Campbell stated that the ecologist’s report does not address the birds that could be affected by this proposal and focuses on the macroinvertebrates and vegetation and potential fish species.

Ms Campbell referred to Section 6(a) of the Act which makes preservation of the natural character of the coastal environment and its margins a matter of national importance. She also referred to policy 1.1.5 of the New Zealand Coastal Policy Statement.

Ms Campbell supported the proposed Conditions 11 and 12 as long as the ecologist has a proven track record and is given control over the scale of the restoration and enhancement.

### **5.3 Council’s Reporting Officer’s Report and Evidence**

**Mr T James (Resource Scientist, Environmental)**

Mr James further described and illustrated the planting sought by Council staff. He sought the creation of a low-gradient restored area for the estuarine salt marsh vegetation, particularly shrub and rushland. He stated that some species will not return naturally, e.g. estuary tussock, sea rush, and they would need to be planted. Restoration would need a cobbly matrix and perhaps some anchoring of rushes. He said that there are techniques available and that the vegetation will protect the batter. Peninsular areas are desirable rather than a strip all the way through they would provide more extensive bird habitat and create core area for the species. Slope is important, the maximum slope being 1:20. An estuary restoration guide has been produced as result of a workshop and it is on the Council’s website, which helps in drawing up estuary restoration plans. He said 50% saltmarsh was lost with construction of the original causeway.

Mr James said Moutere clays would be suitable to put over top of a geotextile layer and gravel. The fines get eroded from the top 100 millimetres first, but would be present below that. A veneer of gravels would then protect the substrate. Canterbury has a lot of experience with restoration in areas such as this. He said that the wind-derived wave action is not great and erosion rates are manageable.

**Ms R Squire (Consent Planner, Coastal)**

Ms Squire said that tall vegetation was not envisaged, nor vegetation on the rock bund. Ms Squire said that if some establishment was not satisfactory then maybe replanting or re-securing or assessing alternative options would need to happen if plants are being disturbed.

## 5.4 Applicant's Right of Reply

Mr Weir said that the scope of each of the three projects is minor safety improvements involving shaping and contouring of material to form a localised extension of the causeway. Reclamation into the estuary to undertake large areas of planting is not a minor matter and may have major environmental impacts. No proper assessment has been done and it may not work. Mr Weir reiterated that Mr Sneddon had stated that impacts are minor and he has doubts about what Council staff have proposed. He did not believe that what has been proposed is an appropriate or reasonable condition to impose on the NZTA. This is an application that involves a cap in terms of funding, up to \$250,000 per project. Mr Weir also said that the Council cannot impose a condition which would require, as part of mitigation, the applicant to obtain an additional consent, which is what is likely to be required by a condition to fill and plant.

Mr Lord stated that the planting requirement is confusing this proposal with ecological restoration of former foreshore of the estuary. In terms of mitigating effects of these projects NZTA is looking at replacing an artificial rock shoreline with an artificial rock shoreline, with no opportunities to make it more attractive. To create anything that replicated the original foreshore would require filling in a lot of the estuary.

## 6. PROCEDURAL MATTERS

Following the public part of the hearing, we asked Mr Butler to approach some staff members at the Department of Conservation to discuss some of the matters that we considered relevant (the Department had not appeared at the hearing). In particular, he was asked to seek comments on the likely success of coastal vegetation enhancement and also the Department's perspective on the implications of the proposal to place Moutere clays into the estuary to provide a suitable substrate. The Department's staff comments on these matters are discussed where relevant below.

## 7. PRINCIPAL ISSUES AND MAIN FINDINGS OF FACT

The principal issues that were in contention and our findings of fact are:

- a) **To what extent will the proposed works cause adverse effects on the Moutere Inlet? To what extent are considerations of the Ruby Bay Bypass works and other future works on the Mariri causeways relevant in considering this application?**

The proposed widening of the state highway will only remove a relatively small area of fairly low-value estuary surface. We accept the evidence of Mr Sneddon that the effects of the proposal on the estuary directly are small. However, the fact remains that the applicant is proposing to increase the size of the causeways and that this will compound the impact on the estuary arising from the construction of the existing road. The mitigation of these effects is complicated and is discussed further below.

We do consider that there is some merit to Ms Sheridan's concerns about cumulative effects resulting from the proposal as well as the effects of the Ruby Bay Bypass and other future road improvements that are almost certain to be pursued on this section of highway. This, however, needs to be balanced by the need for improving safety on a section of road that has a significant record of

crashes. While “death by a thousand cuts” may overstate the case, we agree and consider there is merit to the assertion that individual small proposals that do not warrant significant mitigation may add up to significant adverse effects on the estuary.

**b) What is an appropriate level of mitigation given the scale of the works proposed?**

We are aware of the provisions of both the TRMP and the NZCPS which seek, not only avoidance, remedying or mitigation of effects, but also enhancement of the coastal environment where possible. It is appropriate that some environmental enhancement be undertaken as part of this proposal, not least to address the risk of the unmitigated cumulative impacts caused by incremental road widening or upgrade projects.

Department of Conservation staff advised that there certainly is a need for enhancement of marginal estuarine vegetation around the Moutere Inlet shoreline, particularly stands of coastal ribbonwood. However, there remains a disjunction between the scale of the impacts and the works necessary to achieve a meaningful stand of vegetation.

**c) What are the legal implications and risks of implementing the mitigation works proposed by Ms Squire and Mr James?**

Department of Conservation staff advised that establishing a stand of vegetation marginal to the causeway would require a significant amount of filling to achieve a substrate level that is precise and is higher than mean high water springs and possibly higher than the highest astronomical tide. This, as well as the need for a very gradual gradient back into the estuary would mean that a large area of filling would be required (even if the total volume would not be that great). They advised that they would expect that resource consents for any such works be obtained, rather than the works being authorised as consequential works to the current applications. The panel is of the opinion that any such work is likely to require a separate resource consent.

There are also risks associated with the work. There is a risk that the reclaimed area may grow gorse and other weeds and the maintenance requirements would become extensive. The maintenance requirements may go beyond what can reasonably be required from the applicant to offset the effects of the proposal.

Overall, while we feel that some enhancement of marginal vegetation is warranted, there are practical constraints that make such a requirement unworkable at the proposed work sites. Principally, imposing such a requirement would probably trigger the requirement for another consent which may well be a restricted coastal activity. Such a process would be needed as there would almost certainly be significant public interest, and possibly concern, in any works to reclaim parts of the estuary. There would also need to be contingency plans for maintenance, sediment control etc. Another possibility is a “declamation” whereby previously reclaimed land is lowered and returned to marginal vegetation. Both reclamation and declamation for the purposes of establishing marginal vegetation are warranted and desirable but we feel that a hearing and subsequent deliberations is not the appropriate forum for settling



how and where such work is to be done. Therefore we consider that it is more appropriate that a financial contribution be made in lieu of doing the enhancement work. Such a contribution can be held by the Council and can be used for enhancement work around the estuary shoreline. It may also be appropriate, should other such proposals be made for similar works to upgrade other intersections on the causeway, that similar contributions are taken and added to the sum required by this decision and recommendation so that a more substantial estuary enhancement project could be undertaken on behalf of the NZTA.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

In considering this application, we have had regard to the matters outlined in Section 104 of the Act. In particular, we have had regard to the relevant provisions of the following planning documents:

- a) the New Zealand Coastal Policy Statement;
- b) Tasman Regional Policy Statement (TRPS); and
- c) the Tasman Resource Management Plan (TRMP).

### **8.2 Part 2 Matters**

In considering this application, we have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

### **8.3 Esplanade Reserve or Esplanade Strip**

Section 105(2) of the Act requires that we consider whether an esplanade reserve or esplanade strip would be appropriate around the proposed reclamations. In this case the reclamations are for the purposes of widening an existing legal road on a causeway built for road purposes. The road use provides for public access along the shoreline, and access is also available along the foreshore at times at low tide. The proposed reclamations will not substantially change the situation. No one has proposed or advocated that esplanade reserves or strips be created. The panel considers that they are not required.

## **9. DECISION AND RECOMMENDATION**

Pursuant to Section 117 of the Act, we recommend that the Minister of Conservation **GRANT** the consent referenced RM090441, subject to the attached conditions.

Pursuant to Section 104B of the Act, we **GRANT** consents referenced RM090401 and RM090440, subject to the attached conditions.

## **10. REASONS FOR THE DECISION AND RECOMMENDATION**

### **Effects on the Environment**

There are two main areas of effect resulting from the applicant's proposal. Firstly, we accept the evidence of Mr Sneddon that the direct impact of the reclamations through

habitat loss will be minor. Generally, the habitat that will be lost is mudflat, and the mudflat is the most widespread habitat in this estuary. There are, however, some areas of vegetation that will also be lost. Overall, however, the direct effect on the estuary is minor.

Secondly, we feel that there is no doubt that the construction of the existing causeway in the 1950s to 1960s did considerable damage to the productivity and diversity of the estuary through the removal of coastal vegetation, the alteration of tidal flows and the introduction of vehicles and human influences into a rather fragile environment. Clearly, significant benefits have also resulted from the causeways in terms of transportation efficiency. Obviously, the applicant is not responsible for the original construction of the causeway and should not and can not be held to account for the negative aspects of its impact on the environment, but the reality is that the applicant is adding to this structure. Therefore, there is a small but incremental reduction in coastal amenity as the road is widened.

We have not lost sight of the considerable road safety benefits that will result but still consider that the applicant should provide some form of mitigation for the earthworks, habitat loss and increasing dominance of the causeways.

### **Objectives and Policies of the NZCPS and the TRMP**

We agree with Ms Squire's assessment of the relevant provisions of the NZCPS and the TRMP. The former clearly states the importance of protection of the coastal margins and the importance that such environments have for Maori. The latter also seeks to not only protect and maintain but also, where relevant, enhance coastal margins and the CMA.

### **Other Matters**

We have considered precedent to be another relevant matter in this case. It is well known that there are hazards associated with this section of road and there will be ongoing improvements to the safety of the road which are likely to require other similar consents to be sought. Indeed, the applicant stated that Robinson Road will be looked at with a view to more major safety improvements. It is relevant to acknowledge that small isolated applications, over time, can cause cumulative effects. Cumulatively, significant changes and effects can occur. Therefore, should no form of mitigation be required as a result of these works we see that an undesirable precedent may be set.

### **Purpose and Principles of the Act**

We consider the following matters of national importance to be relevant:

- S.6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
- S.6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

- S.6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

We also consider the following other matters to be relevant:

- S.7(a) kaitiakitanga:
- S.7(c) the maintenance and enhancement of amenity values:
- S.7(d) intrinsic values of ecosystems:
- S.7(f) maintenance and enhancement of the quality of the environment:
- S.7(g) any finite characteristics of natural and physical resources:
- S.7(i) the effects of climate change:

The submission made by representatives of Tiakina te Taiao with regard to the taonga that exist and live within the estuary is relevant as is their statutory role as kaitiaki of such environments. Maori clearly have a relationship that is relevant under Section 6(e). Further, the need for mitigation of effects is relevant when amenity values and the intrinsic value of ecosystems is taken into account.

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that, subject to some form of appropriate mitigation, the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

## 11. COMMENTARY ON CONDITIONS OF CONSENT

As discussed above we consider that it is appropriate that some form of mitigation is carried out. In Ms Squire's report and in the hearing the idea of the building up of an area of the estuary and the planting with marginal salt-marsh plant communities was considered. We were told that restorations and enhancement of such vegetation types have been successfully done elsewhere in the country and that they serve a valuable function in increasing habitat and providing information on estuary restoration techniques.

While there are certain merits to this there are also significant problems and pitfalls that made the proposal unworkable. For example, public consultation would be necessary, effects of depositing material in the estuary would need to be addressed, ecological advice would need to be sought and maintenance responsibilities would need to be established. Therefore we consider it far more appropriate that a financial contribution be made to the Council with appropriate guidelines for its use.

Section 108(2) and (10) allows us to set such a condition as long as the condition is imposed in accordance with the purposes specified in the TRMP (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and the level of contribution is determined in the manner described in the TRMP.

Section 25.6 of the TRMP deals with the financial contribution requirements for activities in the CMA. Section 25.6.2 sets out the purposes for which a contribution may be made and includes:

- a) to avoid, remedy, or mitigate any identified adverse effect on the environment from the activity that is the subject of the consent;
- b) to attain any positive effect on the environment to offset any adverse effect;

- c) [not relevant]; and
- d) to attain the objectives and policies of the [TRMP].

Section 25.6.3 states that “the maximum amount of any financial contribution is the amount of money or land required to attain the above purposes to the extent specified in the coastal permit”. The “Principal Reasons for the Rules” in Section 25.6.30 go on to say that financial contributions are a means of overcoming or off-setting adverse effects. The reasons state that it is not possible to provide a basis for calculating the maximum exposure to financial contributions for activities in the CMA. Section 25.6.30 essentially says that the magnitude of a contribution must be worked out on a case-by-case basis up to the level required to offset the adverse effects.

Therefore, we have taken the proposed restoration of some marginal vegetation, as discussed in the hearing, as a starting point for deriving an appropriate financial contribution. In our initial deliberations we considered that filling a single area of approximately 100% of the area that is being taken up by the reclamations and planting with appropriate vegetation would be appropriate mitigation. (Alternatively, a declamation of the same area in a location where previous reclamation of the estuary has taken place would also be a viable alternative; the costings are likely to be much the same.) Therefore, we consider that deriving a financial contribution from a calculation of the cost of doing this work is a robust and defensible method for calculating a quantum.

With the help of relevant independent Council staff from the Community Services department who are experienced in such work we have calculated the approximate cost of undertaking this work. The information they provided to us was purely objective and factual and did not influence our decision or reasoning in any way. The costs were calculated as follows:

Area of reclamation or declamation:

$$\begin{aligned}
 \text{Weka Road:} & \quad \text{Lanes: } 300\text{m} \times 3\text{m} = 900 \text{ m}^2 \\
 & \quad \text{Tapers: } ((20\text{m} \times 3\text{m})/2) \times 2 = 60 \text{ m}^2 \\
 \text{Eden Road} & \quad \text{Lanes: } (84\text{m} + 86\text{m}) \times 3\text{m} = 510 \text{ m}^2 \\
 & \quad \text{Tapers: } 60 \text{ m}^2 \\
 \text{Moana Road:} & \quad \text{Lanes: } (90\text{m} + 90\text{m}) \times 3\text{m} = 540 \text{ m}^2 \\
 & \quad \text{Tapers: } 60 \text{ m}^2 \\
 \\
 & = 2130 \text{ m}^2 \approx \mathbf{2000 \text{ m}^2}
 \end{aligned}$$

Cost of reclamation or declamation and salt-marsh enhancement:

<b>Estuarine Revegetation costs per 1000 m<sup>2</sup></b> (Assuming correctly prepared shoreline gradients)				
<b>Activity</b>	<b>Time hrs/No.</b>	<b>Rate</b>	<b>Cost</b>	<b>Comments</b>
Prepare Site	8	\$ 35.00	\$ 280.00	Spray weeds/remove rubbish/rake over
Purchase plants	1000	\$ 1.80	\$ 1,800.00	Grown by specialist nursery
Plant in correct sequence	50	\$ 35.00	\$ 1,750.00	Collect plants/setout/plant/fertiliser/tree guards
Fertiliser	1000	\$ 0.10	\$ 100.00	All Plants
Tree guards	400	\$ 0.80	\$ 320.00	Only on plants above MHWS
Maintenance year 1	3	\$ 280.00	\$ 840.00	Sept/Dec/Mar
Maintenance year 2	3	\$ 280.00	\$ 840.00	Sept/Dec/Mar
Maintenance year 3	3	\$ 280.00	\$ 840.00	Sept/Dec/Mar
<b>Total</b>			\$ 6,770.00	per 1000 m <sup>2</sup>
			<b>\$ 13,540.00</b>	<b>per 2000 m<sup>2</sup></b>
			\$ 6.77	per m <sup>2</sup>
<b>Prepare 2000 m2 area for planting</b>				<b>Reclamation or Declamation</b>
Prepare site	1000 m <sup>3</sup>	\$ 17.80	<b>\$ 17,800.00</b>	Place or cut to average depth of 0.5 metres. Cartage for supply or dump within 5 km radius.

This gives a final cost for undertaking this work of approximately **\$30,000**. We consider this to be a reasonable financial contribution to go towards enhancement work in the estuary.

## 12. LAPSING OF CONSENTS

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

A period of 10 years was requested by the applicant and we consider this to be appropriate.

## 13. EXPIRY OF CONSENTS

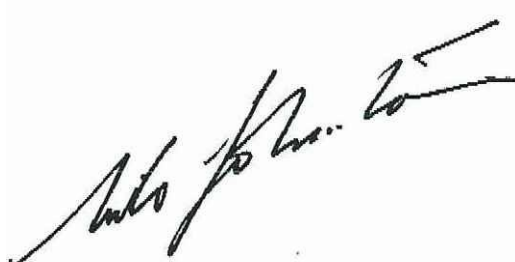
It is recommended that, pursuant to Section 123(a) the Minister of Conservation grant the consent for reclamation for an unlimited duration.

RM090401 has an expiry date which is three years from the time that the consent is given effect to. A term of 35 years was sought by the applicant, however we consider that once the work has been done any occupation of the CMA will be covered by the

reclamation consent that, we recommend, should have an unlimited term. Therefore the term of the consent need only reflect the time required to undertake the works. While we heard no evidence on this we consider it appropriate that all works be completed within three years from when they are started which makes allowance for possible delays or setbacks.

RM090440 is a land use consent that authorises both the use of the reclaimed land as a road and also the disturbance of land that is required for the construction of the causeway extensions. Therefore, the term of the consent is unlimited but the duration of earthworks is restricted to three years to mirror the term of RM090401.

Issued this 18<sup>th</sup> day of December 2009

A handwritten signature in black ink, appearing to read 'Mike Johnston', written in a cursive style.

Dr Mike Johnston  
**Chair of Commissioner Panel**



## RESOURCE CONSENT

### RESOURCE CONSENT NUMBERS AND ACTIVITIES AUTHORISED

- RM090441 Reclamation of the coastal marine area.
- RM090440 To disturb and occupy the coastal marine area.
- RM090401 Undertake land disturbance in the Coastal Environment Area.

Pursuant to Section 119 of the Resource Management Act 1991 (“the Act”), the Minister of Conservation hereby grants resource consent RM090441 to the New Zealand Transport Agency (hereinafter referred to as “the Consent Holder”).

Pursuant to Section 104B of the Act, the Tasman District Council (“the Council”) hereby grants resource consent for RM090440 and RM090401 to the New Zealand Transport Agency (hereinafter referred to as “the Consent Holder”).

**New Zealand Transport Agency**  
(hereinafter referred to as “the Consent Holder”)

### LOCATION DETAILS:

Address of property:	State Highway 60		
Legal description:	Legal Road		
Easting and Northing:	Weka Road:	2513426	N6003354 (NZMG)
	Eden Road	2512595	N6004369
	Moana Road	2511725	N6005245

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

### CONDITIONS

#### Conditions applying to all consents (RM090441, RM090401, RM090400)

1. The Consent Holder shall ensure that the activities are undertaken in accordance with the applications submitted by Opus International Consultants Ltd on behalf of the New Zealand Land Transport Agency and with Plans A, B and C attached, dated 27 October 2009, and referenced 5/57/35, 33 and 26. Notwithstanding this, if there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.
2. The Consent Holder shall ensure that any contractors undertaking the works are made aware of the conditions of these resource consents and shall ensure compliance with all conditions.

3. A copy of this resource consent shall be available to contractors undertaking the works at all times that physical works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
4. The Consent Holder shall inform Council's Co-ordinator Compliance Monitoring at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.

**Advice Note:**

The contact details provided in the condition above are correct at the time this consent is granted. The position or contact details may change over time and the Consent Holder should direct their contact to the most appropriate person as advised by the Council's staff.

5. The Consent Holder shall appoint a representative prior to the exercise of this resource consent, who shall be the Council's principal contact person in regard to matters relating to the works. At least two days prior to the works authorised by this consent, the Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring of the representative's name and how they can be contacted within the works period.
6. The Consent Holder shall not exceed the recommended upper noise limits as described in the New Zealand Construction Noise Standard NZS 6803:1999 Acoustics – Construction Noise.
7. The work shall be specifically investigated, designed and inspected during construction by or under the direction of a chartered professional engineer practising in civil engineering and experienced in road construction in an estuarine environment ("site engineer").
8. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents for any of the following purposes:
  - a) to deal with any adverse effect on the environment which may arise from the exercise of these consents, and which it is appropriate to deal with at a later stage;
  - b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
  - c) to reassess the financial contribution quantum to be paid as required by Condition 11 in the event that the works differ or the adverse environmental effects are greater than was described in the consent holder's AEE or in the evidence presented in the hearing.
  - d) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and
  - e) to change the compliance standards imposed by conditions of these consents to standards which are consistent with any relevant regional plan, district plan,



National Environmental Standard, National Policy Statement or Act of Parliament.

### **Special conditions for RM090441 (Restricted Coastal Activity)**

9. This consent shall lapse ten years after the date that the consent commences unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

**Advice Note:**

For the avoidance of doubt, the date that the consent commences is the date when any appeals have been settled and the consent holder is legally authorised to go ahead with the work. The date that the consent is given effect to is when substantial work first begins on site.

10. In accordance with Section 123(a) of the Act the reclamation authorised by RM090441 shall have an unlimited term.
11. The Consent Holder shall prepare and implement a traffic management plan for the duration of the construction period in order to minimise any adverse effects of the activity on road users. This plan shall be submitted to the Council's Environment & Planning Manager prior to construction commencing on the site and shall be made available for public inspection at the Richmond office of the Tasman District Council.
12. Prior to beginning any works on site, the Consent Holder shall pay a sum of \$30,000 to the Council as cash in lieu of undertaking appropriate mitigation works.

**Advice Note:**

The money shall be kept by the Council (Community Services Manager) and used for vegetation or environmental enhancement work around the shoreline of the Moutere Inlet. If the money has not been used for this purpose after 10 years from the date that that it is provided to the Council, then the Consent Holder is entitled to request its return.

13. The reclamation shall have a maximum batter slope of 5H:1V immediately adjacent to the carriageway and a maximum batter slope of 2H:1V on the upper outer face of the causeway and shall be constructed in a manner that provides a smooth, tightly interlocking face.
14. Any rock material used in the reclamation revetment shall be of a similar colour and composition to that used in the existing causeway. Material used to construct the batter face shall be laid on a graded and shaped foreshore face of competent, compacted material over which is laid a geotextile cloth fabric of suitable grading or a bedding layer of rock so that the underlying material is prevented from being washed out by wave action. The toe of the revetment (including fabric placement if used or bedding rock) shall be embedded at least 300mm below the estuary bed, so as to be below the depth of potential wave action scour. The fabric and/or bedding rock shall extend to and terminate at or above the general level of the land immediately behind the reclamation, and in such a manner as to prevent washout of sand material behind/beneath the fabric or bedding layer. The geotextile fabric or bedding rock shall be appropriately placed and/or anchored to ground to prevent material being lost from beneath or behind the fabric through wave action or seawater inundation. If

geotextile fabric is used the overlying revetment material shall be placed in such a manner so as to prevent puncturing or tearing of the fabric.

15. The base for the reclamation and batter slope shall be constructed using suitably graded and competent fill material, so as to provide a sound base on which to construct the reclamation. Such preparatory works as may be necessary, including removal of unsuitable marine sediments or other material, shall be undertaken, and the fill material placed and compacted, so that it is structurally sound.
16. The Consent Holder shall ensure that all fill and other material used in the construction of the reclamation and the rock batter are sufficiently clean prior to placement so as to not leach contaminants into the coastal marine area.
17. The reclamations shall tie into the existing causeway batter slopes in such a manner so as to result in a smooth and continuous transition that minimises end effect erosion and visual discontinuity.
18. Construction of the outer bund of the work sites shall occur at such stages of the tide so as to not occur within, or be impacted or affected by, the ebb and flow of seawater.
19. Any areas of the estuary bed below mean high water springs that have been subject to any vehicle or equipment passage or excavation shall be restored as close as practical to its original state and as soon as practicable following completion of the reclamations but no later than 3 months following completion of each reclamation project.
20. No contaminants (except site-generated sediment) shall be discharged or released to land or water of the estuary during the works. In the event of a spillage, immediate measures shall be undertaken as required to effectively prevent and remove the spillage that may contaminate the coastal environment, and to remediate the affected area as necessary.
21. All vehicle or machinery refuelling, servicing or repairs shall be undertaken at least 30 metres inland from MHWS or if this is not practical the Consent Holder shall submit a spill management plan to Council for approval. Any emergency or minor equipment servicing or repair shall be undertaken in a manner which avoids contamination of the seabed or coastal water. In the event of any contaminant discharge, immediate measures shall be taken to contain the source of contamination and to avoid, remedy or mitigate any effects from the spillage on the coastal environment.
22. No contaminants (including but not limited to hydrocarbon fuels, lubricants, or hydraulic fluids) shall be stored on-site unless provided with secondary containment and stored away from the coastal marine area. The refuelling or minor maintenance of machinery shall be undertaken in such a manner that should contaminant spillage occur, that it is able to be contained and prevented from entering surface water or groundwater.
23. Construction works associated with the activities shall not take place between the hours of 1800 and 0700. No works shall be undertaken between the Monday prior to Christmas to the second Sunday after New Years Day. Work may be undertaken on Saturday mornings between 0700 and 1200 subject to approval of the on site Engineer.

### **Special conditions for RM090401 (coastal permit) and RM090400 (land use consent)**

24. These consents shall lapse ten years after the date that the consent commences unless the consent is either:
  - a) given effect to; or
  - b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
25. Resource consent RM090401 shall expire three years after the consent is given effect to.
26. Resource consent RM090440 has no expiry date but all earthworks done under the consent shall be completed three years after the consent is given effect to.

**Advice Note:**

For the avoidance of doubt, the date that the consent commences is the date when any appeals have been settled and the consent holder is legally authorised to go ahead with the work. The date that the consent is given effect to is when substantial work first begins on site.

27. All culvert extensions shall be designed so that they do not further restrict fish passage or the capacity of the existing culverts.
28. Only clean fill material shall be used within the reclamation. To the greatest extent practicable the fill material shall be free of any weed seeds. The Consent Holder shall ensure that weed seeds are minimised by carefully selecting and controlling the access of weed seeds to the source of the clean fill material.

**Advice Note:**

For the purposes of this condition, "clean" shall only include soil and subsoil. Concrete or other demolition-type material shall not be used.

29. The Consent Holder shall, at least 20 days prior to the intended commencement date of activities authorised by this consent, submit an Erosion and Sediment Control Plan to the Council's Co-ordinator Compliance Monitoring. Information provided (as relevant) shall include:
  - a) details of all principles, procedures and practices that will be implemented for erosion and sediment control to minimise the potential for sediment discharge from the site;
  - b) the design criteria and dimensions of typical erosion and sediment control structures;
  - c) construction timetable for the erosion and sediment control works and any bulk earthworks involved;
  - d) timetable and nature of progressive site rehabilitation and revegetation proposed;
  - e) maintenance, monitoring and reporting procedures; and

- f) 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.

**Advice Note:**

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

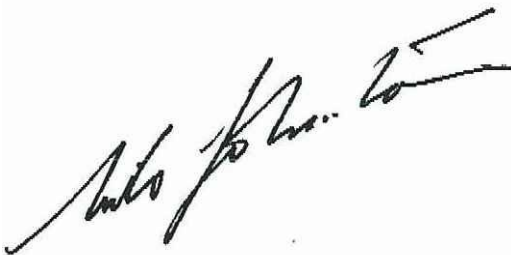
- 30. All practical measures shall be taken to limit the generation of dust so that it does not become a nuisance to the public or adjacent land occupiers. Dust control measures that may be adopted include limiting vehicle speeds along access roads, spraying water to dampen down vehicle routes and the excavation site, or other measures as may be approved or required by the Council's Co-ordinator Compliance Monitoring.
- 31. The Consent Holder shall ensure that the site is left in a finished and tidy condition following the completion of the works. The site shall be free of debris or surplus construction materials.

**ADVICE NOTES**

- 1. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, one and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to consult with Tiakina te Taiao (PO Box 1666, Nelson or phone (03) 546 7842) and contact the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173, Wellington (04) 801 5088, fax (04) 802 5180) if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), and authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage.
- 2. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and will attract a monitoring fee for which the Consent Holder will be invoiced annually. Should the monitoring costs exceed the annual charge, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
- 3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
- 5. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- 6. 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:

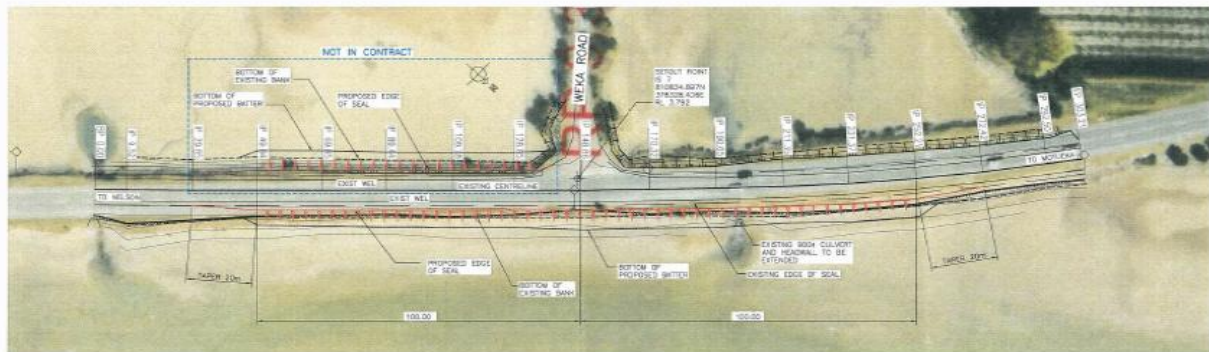
- a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Issued this 18<sup>th</sup> day of December 2009

A handwritten signature in black ink, appearing to read "Mike Johnston", written in a cursive style.

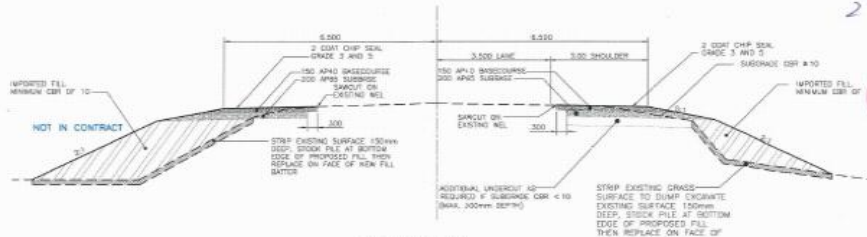
Dr Mike Johnston  
**Chair of Commissioner Panel**

Plan A



PLAN 1:1000

Plan A  
27 October 2009



TYPICAL SECTION 1:50

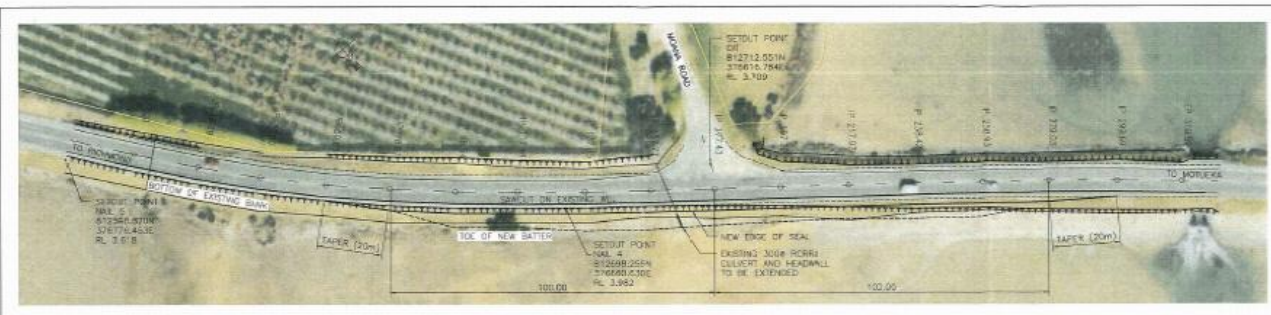
FASMAN DISTRICT  
ISSUED PURSUANT TO  
DELEGATED AUTHORITY  
ON BEHALF OF  
COUNCIL

NOTES  
1. UNDERGROUND SERVICES ARE NOT SHOWN ON THE PLANS. SERVICES SHOULD BE MARKED OUT ON SITE BY THE RELEVANT AUTHORITY PRIOR TO CONSTRUCTION COMMENCING.  
2. IT IS NOT EXPECTED THAT ANY SERVICES WILL BE AFFECTED BY THE PROPOSED WORKS. HOWEVER IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM THIS ON SITE WITH THE RELEVANT AUTHORITY PRIOR TO CONSTRUCTION COMMENCING.  
3. ALL PAVEMENT MARKING, INSETTED PAVEMENT MARKERS AND EDGE MARKER POSTS SHALL BE DEMONSTRATED TO THEIR ORIGINAL POSITIONS.

NO	REV	BY	CHKD	DATE
1	0	SM	SM	27 OCT 09
2	1	SM	SM	27 OCT 09
3	2	SM	SM	27 OCT 09

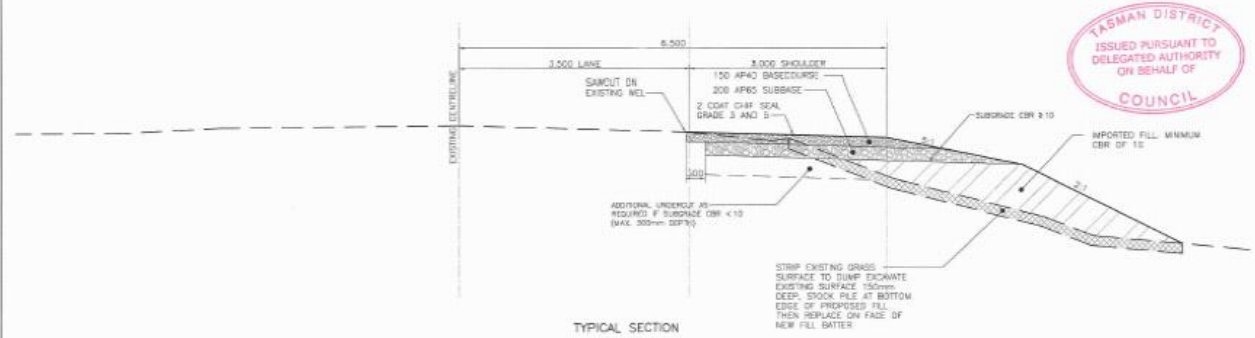
		REF: SH 60 - RECORD 10 80 17 WELLS ROAD INTERSECTION RP 17/1850 - 17/1200
	Project No. 08 Wells Rd Inter 1st and 2nd stages 1st of 2 stages	LAYOUT PLAN DATE: 5/5/09 CONSTRUCTION: 5/5/09 @ 09:00 ISSUE: 5/5/33 DRAWN: 7544 CHECKED: 1 APPROVED:

Plan B



PLAN 1:1000

Plan B  
27 October 2009



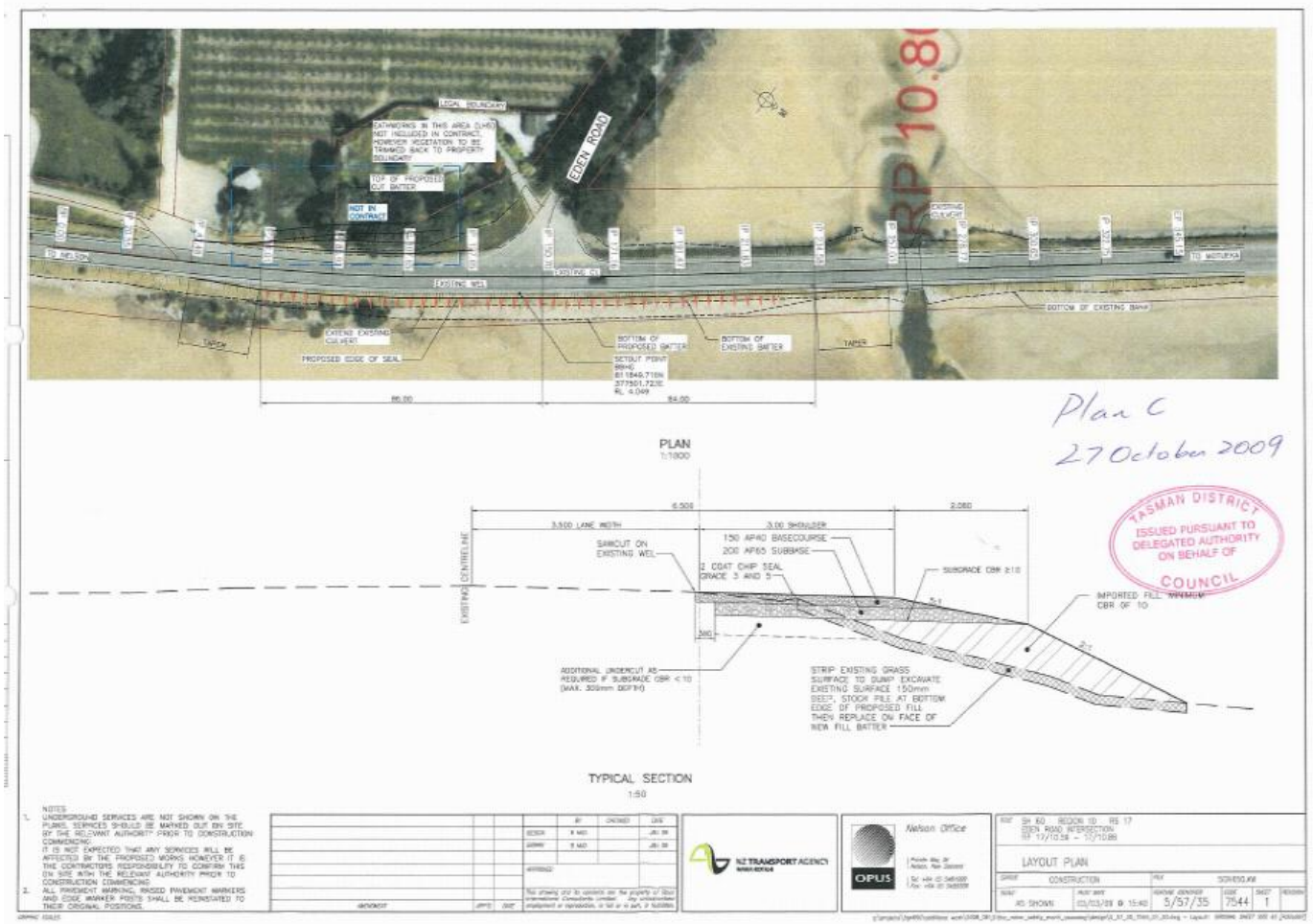
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		REF: SH 60 - RECORD 10 80 17 WELLS ROAD INTERSECTION RP 17/1850 - 17/1200
	Project No. 08 Wells Rd Inter 1st and 2nd stages 1st of 2 stages	LAYOUT PLAN DATE: 5/5/09 CONSTRUCTION: 5/5/09 @ 14:00 ISSUE: 5/5/26 DRAWN: 7544 CHECKED: 3 APPROVED:



Date Confirmed:

Chair: