

MINUTES

TITLE: Tasman District Council / Nelson City Council
Commissioner Hearing - Nelson Regional Sewerage
Business Unit

DATE: Monday, 26 July 2010 and Tuesday, 27 July 2010

TIME: 10.30 am

VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Dr M Johnston (Chair), Mr G Rae and Mr R de Hamel

IN ATTENDANCE: S Wilkes (Consultant Planner), J Butler (Principal Resource
Consent Advisor), Executive Assistant (V M Gribble),
Administration Officer (J A Proctor)

**1. NELSON REGIONAL SEWERAGE BUSINESS UNIT - APPLICATION No.
RM090563, RM090885, RM090887, RM095331, RM095332, RM095333,
RM095334, RM095335**

The applications seek the following coastal permits:

Tasman District Council

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| RM090563 | To disturb the foreshore and bed of the Waimea Estuary over a distance of more than 1000 metres to lay a new sewer pipeline (Restricted Coastal Activity). |
| RM090885 | To occupy the coastal marine area with a sewer pipeline. |
| RM090887 | To undertake maintenance and repair work on the joints and fittings of the existing sewer pipeline. |

Nelson City Council

- | | |
|-----------------|--|
| RM095331 | Construction of pipelines under the bed of the Waimea Inlet (Restricted Coastal Activity). |
| RM095332 | Maintenance of pipelines under the bed of the Waimea Inlet. |
| RM095333 | Maintenance on joints and fittings of existing estuary pipeline and ongoing maintenance of the pipeline. |
| RM095334 | Disturbance of foreshore and bed of estuary. |
| RM095335 | Land Use consent for earthworks on Saxton Island within the coastal environment overlay. |

Consent is sought for the maximum duration of 35 years.

Note: The route of the proposed pipeline across Waimea Inlet lies partly within Tasman District and partly within Nelson City.

The location of the application site is across Waimea Inlet between Monaco Peninsula and Bells Island, being legally described as Foreshore and Seabed vested in the Crown.

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

2. NELSON REGIONAL SEWERAGE BUSINESS UNIT - APPLICATION No. RM090563, RM090885, RM090887, RM095331, RM095332, RM095333, RM095334, RM095335

THAT pursuant to Section 104B of the Resource Management Act, the Commissioners GRANTS consent to Nelson Regional Sewerage Business Unit as detailed in the following report and decision.

CARRIED



TASMAN DISTRICT COUNCIL



NELSON CITY COUNCIL

Report and Decision of the Nelson City and Tasman District councils through a Panel of Independent Commissioners

**Meeting held in the Tasman District Offices, Richmond on Monday, 26 and Tuesday, 27 July 2010
Hearing closed on 24 August 2010**

A Hearings Panel ("the Panel") of independent commissioners appointed by the Minister of Conservation, the Tasman District Council ("the TDC") and the Nelson City Council ("the NCC") was convened to hear the applications lodged by the **Nelson Regional Sewerage Business Unit** ("the Applicant" or "the NRSBU"), to construct a pipeline under the bed of the Waimea Inlet, to maintain the existing pipeline under the Inlet and for earthworks on Saxton Island. The applications, made in accordance with the Resource Management Act 1991 ("the Act"), were lodged with the Council and referenced as:

Tasman District Council

- RM090563** Coastal permit for the disturbance of the foreshore and bed of an estuary over a distance of more than 1,000 metres. (restricted coastal activity).
- RM090885** Coastal permit to disturb and occupy the foreshore and seabed for the purposes of constructing the duplicate wastewater pipeline and return pipe.
- RM090887** Coastal permit to undertake maintenance and repair work on the joints and fittings of the existing estuary pipeline and to maintain the duplicate wastewater pipeline and return pipe.

Nelson City Council

- RM095331** Coastal permit for the construction of two pipelines (duplicate wastewater pipeline and return pipe) under the bed of the Waimea Inlet. (restricted coastal activity).
- RM095332** Coastal permit for ongoing maintenance of the pipelines under the bed of the Waimea Inlet and to undertake maintenance works on the joints and fittings of the existing estuary pipeline.
- RM095333** Coastal permit for the deposition of material within the estuary.
- RM095334** Coastal permit for the disturbance of the foreshore and bed of an estuary over a distance of more than 1,000 metres. (restricted coastal activity).
- RM095335** Land Use consent for earthworks on Saxton Island within the coastal environment overlay.

COMMISSIONERS: Dr Mike Johnston, Chairperson
Mr Richard de Hamel
Mr Gary Rae

APPLICANT: Ms Shoshona Goodall (Counsel)
Mr Mike Schruer (Applicant)
Mr Derek Railton (Project Engineer)
Mr Tom Carter (Landscape Architect)
Mr Paul Barter (Cawthron Institute)
Mr Tom Kroos (Ornithologist)
Mr Graham Millar (Planning Consultant)

CONSENT AUTHORITIES: **Tasman District and Nelson City Councils**
Steve Wilkes (Consultant Planner)

SUBMITTERS: Mr Stephen Wynne-Jones (Department of Conservation)
Ms Helen Campbell (Nelson Tasman Branch of the Royal Forest and Bird Protection Society of New Zealand Inc.)
Tiakina Te Taiao
Mr Alasdair McDonald (Nelson Airport Limited)
Mr David Melville (Ornithological Society of New Zealand)

IN ATTENDANCE: Mr Jeremy Butler (Principal Resource Consents Adviser) -
Assisting the Commissioner Panel
Ms Julie Proctor (Committee Secretary)

1. SUMMARY

The Panel of Commissioners has **GRANTED** the resource consents sought, subject to conditions.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The NRSBU is a joint body of the Tasman District and Nelson City Councils and was instigated to look after the Councils' interests in the Regional Sewerage Scheme. It was set up as a business unit in October 2000 and previously operated as the Nelson Regional Sewerage Authority. A Memorandum of Understanding was signed by the two Mayors and CEOs in December 2000 and governs the operation of the NRSBU.

The application seeks resource consents to provide for the construction and installation of a duplicate wastewater pipeline (the pipeline) across the Waimea Inlet from Monaco to the wastewater treatment plant at Bells Island.

The proposed pipeline will follow the route of the existing pipeline across the estuary and will extend from the end of the Monaco Peninsula across the channel to the eastern end of Saxton Island. From there it will run along the northern side of Saxton Island, across a second estuary channel and connect to the existing wastewater treatment station at Bells Island.

The pipeline will be either 800 or 900 millimetre outside diameter high density polyethylene (HDPE) of some 2.4 kilometres in length. The pipeline will be located between 5 and 20 metres to the south of the existing pipeline. Such separation distance is proposed to avoid any risk of damage to the existing pipe during the construction works. The pipeline will be buried with at least 1 metre cover.

The majority of the proposed pipeline route is within the coastal marine area, with the following exceptions where works will be required above MHWS:

- At the western end of the Monaco Peninsula where the pipeline connects to the sewerage network near the Point Road and Martin Road junction;
- At the south-eastern end of Bells Island where the pipeline connects to the wastewater treatment plant; and
- Two short sections near the existing air valves on Saxton Island.

A second pipeline is to be laid within the same trench to return treated effluent from the Bells Island Treatment Plant for the purposes of on-piping to the Nelson Golf Course for irrigation use. This second pipe will be of either 180 or 250 mm HDPE and will be located approximately 300 mm to the north of the new wastewater pipeline.

It is proposed that the pipeline be laid using an open trenching method which will involve excavators either floating on barges or driving on timber platforms excavating an open trench into which the pipelines would be laid. As required, temporary sheet piling would be installed to prevent trench collapse and to minimise both the width of the trench and any sedimentation effects.

Once the installation and commissioning of the pipeline is completed, inspection of the existing pipeline is proposed together with undertaking of localised repairs and maintenance works of joints and fittings.

We are told that at least four of the existing joints require repair works. At these sites it is proposed to undertake minor excavation works to expose the joints and provide for their repair and maintenance works. Sheet piling and / or sinking of a cassion (large cylinder) to contain the surrounding ground and prevent slumping may be required.

We were informed that at some later date a HDPE liner may be installed in the existing pipe. This would further reduce the need for maintenance.

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

The relevant zoning and planning maps are detailed below in Table 1.

Table 1: Relevant Zoning and Planning Maps

Nelson Resource Management Plan	
Zoning	<p>Saxton Island</p> <ul style="list-style-type: none"> • Rural Zone • Riparian overlay • Coastal Environment overlay • Archaeological Site MS23 <p>Waimea Inlet</p> <ul style="list-style-type: none"> • Marine Area of Significant Conservation Value (ASCV) • Management for Fisheries, Fish Spawning, Aquatic Ecosystems and Aesthetic Purposes (FEA) <p>Monaco Peninsula</p> <ul style="list-style-type: none"> • Coastal Environment overlay • Inundation overlay • Riparian overlay • FEA and Contact Recreation overlay
Planning Maps	26; 54; A1.1; A1.2; A1.3

Tasman Resource Management Plan	
Zoning	Bells Island <ul style="list-style-type: none"> • Industrial • Coastal Environment Area • Archaeological Site TDC 16014 Waimea Inlet <ul style="list-style-type: none"> • Schedule 25.1F Area with nationally important natural ecosystem value • Schedule 18.1C Significant Natural Area
Planning Maps	55 and 57

The summary in Table 2 relates to the proposed activities.

Table 2: Summary of Resource Consent Requirements and Relevant Rules

Consent Authority	Consent Requirement	Status
Nelson City Council	A coastal permit for the construction of two pipelines (duplicate wastewater pipeline and return pipe) under the bed of the Waimea Inlet.	Discretionary activity (Rule CMr.27.3 NRMP)
Nelson City Council	A coastal permit for ongoing maintenance of the pipelines under the bed of the Waimea Inlet and to undertake maintenance works on the joints and fittings of the existing estuary pipeline.	Discretionary activity (Rule CMr.24.3 NRMP)
Nelson City Council	A coastal permit for the deposition of material within the estuary.	Non-complying activity (Rule CMr.38.3 NRMP)
Nelson City Council	A coastal permit for the disturbance of the foreshore and bed of an estuary over a distance of more than 1,000 metres.	Non-complying activity and Restricted Coastal Activity (Rule CMr.37.3 NRMP)
Nelson City Council	A land use consent for earthworks on Saxton Island within the coastal environment overlay.	Controlled activity (Rule RUr.53.2)
Tasman District Council	A coastal permit for the disturbance of the foreshore and bed of an estuary over a distance of more than 1,000 metres.	Restricted Coastal Activity (Schedule 1 TRCP)
Tasman District	A coastal permit to disturb and	Non-complying

Consent Authority	Consent Requirement	Status
Council	occupy the foreshore and seabed for the purposes of constructing the duplicate wastewater pipeline and return pipe.	activity (Rule 25.2.4A TRMP and Section 12 RMA)
Tasman District Council	A coastal permit to undertake maintenance and repair work on the joints and fittings of the existing estuary pipeline and to maintain the duplicate wastewater pipeline and return pipe.	Controlled activity (Rule 25.1.6 TRMP)

Overall the proposal is a restricted coastal activity and a non-complying activity.

4. NOTIFICATION AND SUBMISSIONS RECEIVED

The applications were publicly notified on 16 January 2010, submissions closed on 12 February 2010. Submissions were received from the parties stated in Table 3.

Table 3: Submitters

Submitter	Regulatory Authority	Support/ Oppose
P McLeod	Nelson City Council	Unstated
DS Brathwaite	Nelson City Council	Support
Tiakina Te Taiao	Nelson City Council & Tasman District Council	Neutral
Director General of Conservation	Nelson City Council & Tasman District Council	Neutral
Forest & Bird	Nelson City Council & Tasman District Council	Unstated
Nelson/Golden Bay Branch Ornithological Society	Nelson City Council & Tasman District Council	Unstated
Nelson Airport Ltd	Nelson City Council & Tasman District Council	Unstated
Nikki Johnson	Nelson City Council	Unstated

A full summary of the content of the submissions is provided in the Section 42A staff report provided by Mr Wilkes for the Consent Authorities.

5. EVIDENCE HEARD

We heard evidence from the applicant, expert witnesses, submitters, and the councils' consultant reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Ms Shoshona Goodall (Counsel)

Ms Goodall introduced the application and confirmed some amendments:

- That Bells Island will be the main construction and storage area for the project;
- That there will no longer be any activities on Rabbit Island, and activities on the foreshore at Monaco will be significantly reduced;
- No works will take place at night;
- Mole ploughing and directional drilling have been ruled out and consent is only sought using the open trenching technique;
- Road closures are only proposed for two to three nights; and
- There will be no storage of materials on Saxton Island.

Ms Goodall also outlined the work that has been undertaken since notification of the application to address the effects raised by the councils and submitters.

With regard to the suggested use of management plans, Ms Goodall expressed her preference for this approach rather than the use of rigid conditions, and noted that the Environment Court also endorsed the use of management plans in situations like this. She considered that they are effective as they can be amended appropriately as circumstances change.

Mr Mike Schruer (Applicant)

Mr Schruer overviewed the NRSBU and the sewerage treatment system. He said that the network has been upgraded in stages and that the only part of the pipeline still at risk is the section between Monaco and Bells Island across the Waimea Inlet. He said that the pipeline was assessed as an extreme risk in 2007.

He stated that he supports the mitigation measures proposed by the witnesses appearing for the NRSBU.

Commissioner Rae asked Mr Schruer about repair of the joints in the existing pipeline. Mr Schruer said that the applicant has a contingency plan which allows excavation around a joint and helicopter delivery of concrete to seal a breach. Over time they will seek to replace what he expected to be highly corroded joints. Mr Schruer said they do not want to excavate around joints now as it carries a risk of failure of the joints.

Mr Derek Railton (Project Engineer)

Mr Railton described the pipeline project and stated that the new line will include an 800 mm duplicate wastewater pipeline and a 250mm return pipeline for treated wastewater to be irrigated to areas such as the Nelson golf course. The pipes will be approximately 20 metres from the existing pipeline and an average of 2 metres deep (minimum 1 metre).

Using the open trenching method he said that particular attention will be paid to separating the upper 300 mm of excavated material for later replacement back into the top layer of the trench. He also described the area of disturbance as being approximately 20 metres in width, as narrow as possible through areas of ecological value (sponge garden, worm mounds and eel grass beds), and as wide as 10 to 15 metres either side of the trench in other areas.

Mr Railton described trial estuary excavations and suggested that the disturbance after refilling of the holes was minimal. He said that some follow up works would be needed after settlement of the sediments.

Mr Railton described how the pipe-strings (segments of pipe welded into relatively long pipe sections) would be dropped into the trench and anchored with concrete counter weights. Imported bedding material will likely be used around the pipe. He anticipated that there will be a surplus of sediment which will need to be moved away.

Mr Tom Carter (Landscape Architect)

Mr Carter said that the temporary effects include disturbance to the Bells Island coastline vegetation and the needle tussock on Saxton Island. He said the changes to the surface of the estuary as a result of the excavations will be long-term but not necessarily permanent. Mr Carter outlined some enhancement planting measures which he said go beyond mitigation of the proposed works, but the applicant has nevertheless volunteered these measures.

Mr Carter said that it is important that the access points on Bells Island are restored and enhanced through the implementation of his draft Landscape Restoration Plan.

Mr Paul Barter (Cawthron Institute)

Mr Barter concluded that the mix of intertidal epifauna and sediment infauna identified within the vicinity of the proposed pipeline route indicated healthy and productive communities in a dynamic, well-flushed environment. He said that the general intertidal and subtidal communities were typical of Waimea Inlet habitats, with the exception of the sabellarid worm mounds, eelgrass beds and sponge gardens.

These specific communities are more vulnerable to damage and Mr Barter supported specific restrictions to guide construction amongst these communities to minimise disturbance and maximise recolonisation. For example, he sought that the top layer of eelgrass roots and surface sediments should be returned to the top of the trench.

Mr Barter said that it is expected that the construction of the pipeline will result in direct impacts on these communities but that with appropriate construction procedures the disturbance will be minimised and restricted to a 20-30 metre wide corridor. He expected most effects to be short-lived. He also said that the areas of intertidal and subtidal habitat displaced by the proposal will be relatively small compared to the amount of similar habitat in the estuary.

With regard to fish spawning areas, Mr Barter said that there is a paucity of fish survey information available. Mr Barter said that the exposed surface of the intertidal area is largely unsuitable for fish eggs as no protection is available.

Mr Tom Kroos (Ornithologist)

Mr Kroos stated that in his opinion the proposal will have a no more than minor effect on both shell bank roosting birds at high tide and Waimea estuary birds in general.

Mr Kroos said that this conclusion was because Rabbit Island provided an alternative secure high tide roost site. He said that the proposed Construction Exclusion and Restriction Zones (CEZ and CRZ respectively) will separate construction activities from the shell bank. Any construction activities within the CRZ during the nesting season will require the presence of an ornithologist to identify and mitigate any effects.

Mr Kroos suggested a condition to require that no helicopter shall enter the CRZ within three hours of high tide during the period of 15 September and 15 May, except where required in the event of an emergency.

Finally, Mr Kroos said that birds feeding on the estuary will not be affected as the feeding area available is so extensive.

Mr Graham Millar (Planning Consultant)

Mr Millar summarised the application and the planning framework. He concluded by supporting the application.

Mr Millar then provided comments on the reporting officer's recommended conditions. He expressed concern over the limited timeframe given in the conditions for the work to be undertaken. He also outlined additional consent conditions recommended in evidence.

5.2 Submitters' Evidence

Mr Stephen Wynne-Jones (on behalf of The Director-General of Conservation)

Mr Wynne-Jones provided an update on the efforts to eradicate the invasive succulent weed *Wilsonia backhausei*. He supported efforts to avoid spread of the weed as a result of this proposal.

Mr Wynne-Jones also considered that DOC's concerns about bird disturbance would be adequately dealt with by the proposed conditions.

Mr Wynne-Jones acknowledged the need for a new pipeline and requested that conditions be imposed to ensure that any work carried out was done with due care and attention. He requested that the restoration management plan be developed in consultation with DOC.

Ms Helen Campbell (Nelson Tasman Branch of the Royal Forest and Bird Protection Society of New Zealand Inc.)

Ms Campbell said that Forest and Bird reluctantly agrees to the necessity of the pipeline but cautioned that it is not a long-term solution.

Ms Campbell said that there was concern about bird disturbance but that Forest and Bird would support any evidence given by the Ornithological Society.

She sought that foreign material be excluded from any fill material. She also sought full compliance with the request from DOC with regard to containment and eradication of *Wilsonia backhousei*. Under the New Zealand Coastal Policy Statement she considered restoration or enhancement as appropriate. In particular she sought plantings of appropriate species for the creation of habitat on Bells Island, as well as trapping of animal pests.

Ms Campbell stated that activities should be restricted to access points E1 and E4 (identified on plan submitted by Mr Tom Carter) and that barge movements were confined to high tide routes.

Tiakina Te Taiao

Mr Barney Thomas spoke and introduced Mr Briggs and Ms Stafford.

Mr Thomas spoke of the precedent set at Tapu Bay and that Iwi had compromised its position due to the failing pipeline which was a huge concern to all. He confirmed that it was Iwi's preference that the estuary did not have any pipelines in it and would rather that they traversed the land. Mr Thomas spoke of his ancestors gathering food from the estuary and of his reluctance to do so now due to the sewerage pipe. He looked forward to a day when there was no pipeline in the estuary.

Mr Briggs confirmed that Tiakina has always opposed the concept of human waste crossing the estuary but has reluctantly accepted that this is the only realistic method at the current time.

Overall, Tiakina was accepting of the conditions proposed and many concerns have been suitably addressed.

However, Tiakina sought that the condition requiring an iwi monitor to be present be a compulsory requirement. While they understood that it could be considered to be *ultra vires*, it is a very common practice that has worked well as a standard requirement in both Nelson City and Tasman District. Mr Briggs said it is not sufficient to "invite" an iwi monitor or archaeologist to be present. He said there are protocols in place to avoid frustration of the exercise of the consent.

Mr Alasdair McDonald (Nelson Airport Limited)

Mr McDonald outlined the concern around bird disturbance for the airport. Mr McDonald stated that Nelson Airport Limited were agreeable to the bird monitoring condition tabled during the hearing.

Mr McDonald requested that as part of the construction management plan that the airport be advised of work due to be undertaken at night. This information could then be relayed to pilots via a "Note to all Airmen" (NOTAM).

Mr David Melville (Ornithological Society of New Zealand)

Mr Melville described the use of the shellbank by birds as being a roost site when the tide is in. At other times they are in the estuary feeding. Mr Melville said that the shell bank is used up to three hours either side of high tide and the area should be avoided during those times.

Mr Melville said that he is particularly concerned about helicopter use and that he was not aware of helicopters being mentioned in the initial application.

Mr Melville provided input to the suggested bird monitoring condition that was suggested by the applicant.

Commissioner de Hamel asked if Mr Melville was of the view that the best way to view birds was from inside a vehicle. Mr Melville agreed that it was.

Mr Melville stated that it would be of benefit if the applicant provided a timeline of when work would be undertaken. Mr Melville accepted that contractors would require access to the site and would encourage them to use the southern entry points.

5.3 Council's Consultant Reporting Officer's Report and Evidence

Mr Steve Wilkes

Mr Wilkes stated that having heard all the evidence he maintained his recommendation to grant consents. However, he requested time to provide a revised set of consent conditions, taking account of the evidence and discussions that had taken place during the hearing. The hearing was subsequently adjourned.

5.4 Applicant's Right of Reply

The applicant largely restricted its reply to comprehensively addressing the revised conditions drafted by Mr Wilkes during the adjournment to the hearing.

Of note was the reluctance of the applicant to be limited to a 20 metre wide disturbance corridor over the whole length of the corridor as the original application stated that the corridor width would be approximately 20 metres.

The applicant accepted that it is a workable option to have a requirement for an iwi monitor to be present during earthworks.

In addressing Mr Melville's concerns about helicopter usage, Ms Goodall said that a helicopter is required to transport concrete block anchors for the pipeline installation where transportation by barge is not possible due to water depth. She said that helicopter use is a permitted activity and should not be restricted as it will constrain the progress of the works.

6. PROCEDURAL MATTERS

During the presentation of evidence by the parties, particularly the applicant during the first part of the hearing, a large number of measures or restrictions were offered. It was clear from the nature of the measures or restrictions that they should be imposed as conditions in the event that consent is granted. Therefore, at the end of the presentation of evidence (but before the applicant gave its reply) we requested

that a consolidated set of conditions be compiled by Mr Wilkes and distributed to all parties. We then ruled that submitters would have a short period to comment on the updated consolidated conditions before the applicant would be required to provide its reply.

7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

a) Are the proposed pipeline works reasonably necessary?

We are satisfied that the proposed new pipeline is reasonably necessary to avoid the risk of a sewage spill in the Waimea Inlet and to add more capacity to the pipeline route. However, we have not lost sight of the comments of some submitters, particularly Tiakina Te Taiao, who did not want the NRSBU to ignore the fact that further capacity will be needed at some time in the future and that other options not involving pipelines across the inlet should be looked at.

Indeed, no submitters at the hearing called for the decline of the consents and so we are comfortable with granting the consents if suitable conditions can be arrived at.

b) To what extent will the proposed works cause adverse effects on the natural character and landscape qualities of the Waimea Inlet?

We accept Mr Carter's evidence in this regard. We agree that any adverse landscape effects will be temporary and the applicant has agreed to a number of conditions which will mitigate the impact of the works on the landscape value of the Waimea Inlet including restoration of damaged or removed vegetation on both Bells and Saxton Islands, as well as replacement of surface sediments to, as far as practicable, return the estuary to its current state.

Limiting the extent of the construction corridor, controlling weed spread and taking care around the vulnerable ecosystem types (worm mounds, eel grass and sponge gardens) are also important components which will be adequately controlled.

c) To what extent will the works cause adverse sedimentation effects in the Waimea Inlet?

It is inevitable that sedimentation in the estuary will occur. This is unfortunate but we understand that the high level of flushing described by Mr Barter will minimise the impact of this sedimentation. We are satisfied that all reasonable and appropriate steps have either been proposed by the applicant or are included as conditions of consent.

We accept that the relatively rough tidal conditions evident in the trial excavations video presented by the applicant are not typical of the Inlet and that much of the time sediment mobilisation will be less than what was observed.

d) To what extent will the proposed works have adverse effects on the foreshore in the vicinity of Monaco, Saxton Island and Bells Island?

From a biological and ecological point of view the only expert evidence we have is from Mr Barter. We therefore accept his evidence; however it was clear that he puts considerable value on the three identified ecosystem units: sabellarid worm mounds, sponge gardens and eelgrass beds. It appears that these are the intertidal and subtidal communities that must be focussed on in terms of mitigating adverse effects as far as practicable.

We are satisfied that, if the work is done carefully and appropriate conditions are put in place to ensure that the restoration of the estuary surface is as careful as is practicable, the productivity and integrity of these ecosystems will naturally re-establish.

e) To what extent will the proposed works have adverse effects on bird roosting, bird feeding and the energy expenditure of, particularly, the arctic migrant bird species present in the Waimea Inlet?

This issue is both the most contentious, and the most difficult to have certainty about the success or failure of precautions in protecting birds from adverse effects. Mr Melville provided us with a very knowledgeable, thorough and well-informed presentation. His major concern certainly appears to be the use of helicopters, and we have some sympathy with that.

It is clear from the evidence presented that the greatest risk time is 2.5 to 3 hours either side of high tide, as this is when birds are roosting on the shell bank. The rest of the time the birds are dispersed across the estuary and if they are disturbed by the works then they will just move further away. Seasonally, the greatest risk appears to be soon after the arctic migrants arrive from the northern hemisphere and just before they leave at the end of the summer season.

We do not see the potential effects on the birds as reason to decline the consents; and this has not been sought by the submitters. But we do have some concerns that warrant restrictions on the exercise of the consents to attempt to minimise as far as practicable the adverse effects on birds. What is problematic is the large amount of uncertainty about what effects the work may have on the birds. People and vehicles on the estuary along the route of the pipeline may not actually disturb the birds on the shell bank. It is likely that helicopters will be more disruptive and cause greater stress to the birds. Hence our sympathy for Mr Melville's concerns in this regard.

Overall, despite the lack of certain knowledge on the likely adverse effects on birds, we are satisfied that, with the appropriate conditions, the works can proceed with only a minimal level of disturbance occurring. Further, conditions are put in place to monitor the level of disturbance occurring and to respond if necessary.

f) **To what extent will the proposed works cause the relocation of birds to the Nelson Airport, thereby increasing the risk of bird strike of aircraft?**

This issue closely relates to the issue of bird disturbance discussed above. Logically, if birds are not disturbed from the shell bank by the works then there should not be a problem with birds relocating to the airport to roost as feared by Mr McDonald.

As per our findings in (e) above, we are satisfied that the disturbance of birds from the works has been adequately addressed and the risk of bird strike occurring as a result of the works is minimal.

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) New Zealand Coastal Policy Statement (NZCPS);
- b) Nelson Regional Policy Statement (NRPS);
- c) Tasman Regional Policy Statement (TRPS);
- d) Nelson Resource Management Plan (NRMP); and
- e) 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.

9. DECISION

Pursuant to Section 104B of the Act, we **GRANT** consents, subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

From the outset it is important to note that this application was publicly notified, a relatively small number of submissions were received and no party who made a submission was calling for the consents to be declined. Therefore, we consider there to be a high level of support in the community (albeit reluctant support in some cases). We have therefore focussed our efforts on compiling a good set of conditions.

The adverse effects, such that they are, have been balanced against the effects of not granting consent. Good decision making practice requires that we have regard to effects that have a low probability of occurring but which would have highly adverse environmental effects. We consider a potential failure of the existing pipeline to fall into this category.

The effects on the environment are discussed above as part of our main findings and, overall, we are satisfied that the effects on the environment are likely to be minor. Where the effects are uncertain, particularly with the effects on birds, we are satisfied that suitable conditions can be imposed which will suitably mitigate the potential effects to a minor level.

Objectives and Policies of the NRMP

Chapter 13 of the NRMP is of principal relevance. Discussion of the objectives and policies in the application and Mr Wilkes' report is comprehensive and, pursuant to Section 113(3), we adopt Section 9.5 of the application and Section 7.2 of Mr Wilkes' report.

We agree that the proposal, taking into account the conditions that have been imposed, will not be inconsistent with the objectives and policies stated therein.

Objectives and Policies of the TRMP

We accept and, pursuant to Section 113(3), adopt Section 7.1 of Mr Wilkes' report that discusses and assesses the objectives and policies of the TRMP. For the avoidance of doubt we also agree with and adopt his final paragraph in that section that refers to the need for enhancement.

In addition Chapter 21 is relevant and we do not think it was adequately referenced. Objective 21.1.0 seeks the preservation of the natural character of the CMA, particularly its margins, including the maintenance of all values that contribute to natural character and its protection from adverse effects.

Policy 21.1.1 seeks to avoid, remedy or mitigate adverse effects on the natural character of the CMA from physical modification, disturbance of plants, animals or habitats, and the discharge of any contaminant or waste.

Policy 21.1.4 seeks to avoid remedy or mitigate damage to foreshore, seabed and coastal marine animals and plants, caused by people and vehicles.

Objective 21.2.0 seeks the avoidance, remedying, or mitigation of adverse effects on marine habitats and ecosystems caused by access by vehicles and people, the introduction of species non-indigenous to the District, and disturbance of the foreshore.

Finally, Objective 21.3.0 and Policy 21.3.1 seek the maintenance of the natural character and landscape of the coastal marine area, and to allow structures or physical modifications where the effect on natural components of the landscape and seascape is limited in extent and consistent with the existing degree of modification.

We are satisfied that the application and the conditions imposed will mean that these policies and the objective are not compromised.

New Zealand Coastal Policy Statement

In its application the applicant presented a thorough assessment of the proposal against the NZCPS. Pursuant to Section 113(3), we adopt that assessment in principle but we find that the conditions that we have imposed are necessary to

achieve the outcomes sought by the NZCPS. As stated above we agree that restoration, as sought by Policy 1.1.5, is not appropriate in this case.

Purpose and Principles of the Act

Mr Wilkes' provided a very fulsome list of the Section 6 and 7 matters that he saw as relevant. We have been more selective and consider the following matters to be particularly 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(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- S.6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- S.6(g) the protection of recognised customary activities.

We find that there are no areas of significant indigenous vegetation and that public access will not be affected (except at times during construction).

We have also had regard to the following other matters:

- S.7(a) kaitiakitanga:
- S.7(aa) the ethic of stewardship:
- 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:

We are particularly aware and conscious of the perspective that Tiakina Te Taiao brought to the hearing. We are mindful that local iwi value the inlet greatly and have historically used it for many customary activities. The fact that they did not oppose the application is significant.


Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that 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

We had some concerns over the lack of control over vehicle movements at the Bells Island end of the pipeline. Mr Carter told us that he could still see the disturbed seabed from the installation of the existing pipeline and we observed a large amount of disturbance immediately offshore at Bells Island. We are keen to stop this disturbed appearance from spreading further around Bells Island and therefore we have placed controls on the use of accessways off the Island. While it may be inconvenient, we consider it appropriate that vehicles use the internal part of the island wherever possible to minimise disturbance on the more sensitive parts of the foreshore.

The bird monitoring conditions might be considered imprecise, but this is an inevitable result of the lack of certainty about the effects that the proposal may have on birds, and also on our not wanting to overly constrain the applicant in the event that the works have little effect on the birds. These conditions therefore rely on cooperation and diligence between the applicant, the appointed ornithologist and Council officers.

Issued this 16th day of September 2010

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

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Nelson City Council and the Tasman District Council hereby grant resource consents to:

Nelson Regional Sewerage Business Unit
(hereinafter referred to as “the Consent Holder”)

CONSENT NUMBERS AND ACTIVITIES AUTHORISED BY THESE CONSENTS:

Tasman District Council

- RM090563** Coastal permit for the disturbance of the foreshore and bed of an estuary over a distance of more than 1,000 metres. (restricted coastal activity).
- RM090885** Coastal permit to disturb and occupy the foreshore and seabed for the purposes of constructing the duplicate wastewater pipeline and return pipe.
- RM090887** Coastal permit to undertake maintenance and repair work on the joints and fittings of the existing estuary pipeline and to maintain the duplicate wastewater pipeline and return pipe.

Nelson City Council

- RM095331** Coastal permit for the construction of two pipelines (duplicate wastewater pipeline and return pipe) under the bed of the Waimea Inlet. (restricted coastal activity).
- RM095332** Coastal permit for ongoing maintenance of the pipelines under the bed of the Waimea Inlet and to undertake maintenance works on the joints and fittings of the existing estuary pipeline.
- RM095333** Coastal permit for the deposition of material within the estuary.
- RM095334** Coastal permit for the disturbance of the foreshore and bed of an estuary over a distance of more than 1,000 metres. (restricted coastal activity).
- RM095335** Land Use consent for earthworks on Saxton Island within the coastal environment overlay.

LOCATION DETAILS:

Address of property: seabed
Legal description: seabed and Island No 6 Saxtons Waimea East District
Easting and Northing: 2527143E 5988816N to 2525034E 5989918N

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

CONDITIONS

Conditions applying to all consents

General

1. The Consent Holder shall ensure that the activities are undertaken in general accordance with:
 - the “Resource Consent Application and Assessment of Environmental Effects To Install a Duplicate Wastewater Pipeline across the Waimea Inlet between Monaco and Bells Island” (dated November 2009; ref. 700000-rpt251109 AEE);
 - two further information document(s) (dated 21 and 25 May 2010) submitted by CPG on behalf of the consent holder;
 - the CPG drawings labelled C01 Rev 5 (dated 11 August 2010) and C02 - C06 Rev 1 dated 25 November 2009; and
 - the Tasman Carter Ltd Plans labelled Annexure D Sheets 1 and 2 dated 21 July 2010 (attached)

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 these resource consents shall be available to contractors undertaking the works at all times that physical works authorised by the consents are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Nelson City Council or Tasman District Council.
4. The Consent Holder shall inform both the Nelson City Council’s Monitoring Officer and the Tasman District 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.

The Consent Holder shall also inform the Tasman District Council’s Co-ordinator Compliance Monitoring at least five working days prior to the bird survey required by Condition 12 commencing, and at least five working days prior to the triggering of bird monitoring under Condition 11.

5. The Consent Holder shall appoint a representative prior to the exercise of this resource consent, who shall be the principal contact person for both Nelson City Council and Tasman District Council in regard to matters relating to the works. At least two days prior to the works authorised by this consent commencing, the Consent Holder shall inform both the Tasman District Council's Co-ordinator Compliance Monitoring and the Nelson City Council's Monitoring Officer of the representative's name and how they can be contacted during the works period.
6. 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 drainage construction ("site engineer").

Work Area Restrictions

7. No construction activity or vehicle movements associated with works authorised by these consents shall take place north of the Construction Exclusion Zone line as identified on Plan C01 Rev 5, except where required in the event of an emergency.

For clarity "no construction activity" includes maintenance works on both the existing older pipeline and the new pipelines.

8. No helicopter activity associated with the project shall occur north of the Construction Exclusion Zone line as identified on Plan C01 Rev 5, except where required in the event of an emergency.
9. No helicopter shall enter the Area identified on Plan C01 Rev 5 as the Construction Restriction Zone within three hours of high tide during the period of 15 September and 15 May, except where required in the event of an emergency.
10. Helicopters shall not go north of the black dashed lines indicating each section of the pipeline as shown on Plan C01 Rev 5, except where required in the event of an emergency.

When transiting between Bells Island and pipe sections CO4, CO5 and CO6 all helicopters shall fly to the south of the southern black dashed lines indicating pipe sections CO2 and CO3 on Plan C01 Rev 5. Therefore, helicopters are only permitted within the area of pipe sections CO2 and CO3 when actually working on those sections.

Bird Monitoring

11. The effects of construction activities on birds utilising the Bells Island shell bank roosting site shall be monitored by an ornithologist when construction activities are occurring:
 - a. within the Construction Restriction Zone (as identified on Plan C01 Rev 5); and
 - b. between 15 September and 15 April; and
 - c. within three hours either side of high tide.

If monitoring identifies that adverse effects are occurring, the ornithologist will work with the contractor to implement measures to mitigate those effects.

If the ornithologist is of the opinion that it is likely that birds are going to re-locate to the Nelson Airport area, then the ornithologist shall immediately contact the airport authorities and inform them of the potential increase in bird numbers.

If the ornithologist is of the opinion that adverse effects on birds from a particular type of construction activity are not occurring then the monitoring requirement may be suspended for that activity at the ornithologist's discretion. If such a suspension of monitoring occurs the Consent Holder shall notify the Tasman District Council's Co-ordinator Compliance Monitoring immediately.

In the event that there is a disagreement between the ornithologist and the contractor as to whether a "stop work" should apply, the final decision shall rest with the Tasman District Council's Co-ordinator Compliance Monitoring.

Advice Note:

"Adverse effects" means effects resulting from construction activities causing obvious and repeated flying by flocks of birds. Adverse effects may also mean effects resulting from construction activities resulting in the displacement of birds from the Bells Island Shell Bank, Rabbit Island or other bird gathering or roosting sites in the vicinity of the pipeline.

For clarity "construction activity" includes maintenance works on both the existing older pipeline and the new pipeline. This condition shall not apply in the case of an emergency.

12. A single survey of bird populations on the Bells Island Shell Bank, including roosting birds, shall be undertaken within one week prior to excavation or construction work on the estuary bed being undertaken. This survey shall include the period three hours either side of high tide.

Advice Note:

The purpose of the survey is to provide baseline data for monitoring purposes during the project; enable comparison with bird counts being undertaken by Nelson Airport staff; and to assist in assessing any potential change to bird movements as a result of construction activities.

Construction Management Plan

13. The Consent Holder shall, at least 20 days prior to the intended commencement date of the activities authorised by these consents submit to the Tasman District Council's Co-ordinator Compliance monitoring and the Nelson City Council's Monitoring Officer for technical approval a Construction Management Plan outlining the order of construction activities and all practices and procedures to be adopted in order that compliance with the conditions of this consent can be achieved and the effects of construction activities are minimised to the greatest extent practicable. The Construction Management Plan shall be prepared in consultation with the Motueka Area Manager, Department of Conservation, Motueka. This plan shall include, but shall not necessarily be limited to:
 - a. The type of construction method to be adopted.
 - b. The key locations and extent of the areas required for activities associated with construction works.

- c. A construction programme including timetable, sequence of events and duration.
- d. The mitigation measures to be adopted, including but not limited to; sediment control, dust, noise, glare, the avoidance as far as practicable of adverse effects on bird breeding and roosting sites.
- e. The specific measures to be adopted to avoid, remedy or mitigate adverse effects as far as practicable on the intertidal area and riparian vegetation of Saxton Island and in particular the plot of *Lepidium banksii* (coastal peppercress) located on the northern side of the island and the sponge areas identified on and near the pipeline route.
- f. The measures proposed to be taken to minimise damage to the eelgrass beds, sabellarid worm mounds and the sponge areas when operating vessels and vehicles.
- g. Measures to break any compacted layers of substrate, including harrowing and/or raking as required by Condition 25.
- h. The specific measures to be taken (as advised by an ornithologist appointed by the Consent Holder in consultation with the Nelson Airport Authority and the Ornithological Society of New Zealand) to avoid, remedy or mitigate adverse effects on avifauna and on the operation of Nelson Airport, including but not limited to within the Construction Restriction Zone.
- i. Details of all necessary permissions required under other legislation (such as but not limited to the Historic Places Act 1993, Reserves Act 1977, Maritime Safety Authority permits and notices to mariners etc) that have been obtained in relation to the works.
- j. Details concerning the storage and use of hazardous chemicals (including fuels and oils) stored or used within the Coastal Marine Area, Construction Areas or at other temporary sites of work and provisions for refuelling and maintenance to be carried out, outside the Coastal Marine Area to the extent practicable.
- k. A Spill Contingency Plan identifying the particular measures for spill prevention, containment and contingency for fuels, lubricants and hydraulic fluids associates with machinery operation, refuelling and servicing.
- l. A Maintenance Plan of the construction site showing how it is to be kept in a clean and tidy state and addressing the recovery and removal of debris.
- m. Emergency procedures.
- n. Contact details of a company representative acting as a Community Liaison Officer.
- o. Procedures and notifications to be issued when work is to proceed at night.
- p. A Construction Noise Management Plan outlining the construction and management practices and procedures to be adopted in order that compliance with the conditions of these consents can be achieved and the effects of emission of noise from construction activities are minimised to the greatest extent practicable.

- q. A Traffic Management Plan produced in accordance with the Code of Practice for Temporary Traffic Management which identifies how traffic, including car parking, will be managed throughout the construction period. The plan shall include details of how construction materials will be transported to and from the construction areas throughout the estuary together with the protocols proposed for closing sections of roads and the parking of construction vehicles.
- r. Procedures and methods to ensure that Conditions 39 and 40 are complied with and there is little or no transit between Bells Island accessways by personnel.
- s. A Restoration Plan outlining the methods and procedures to be undertaken to reinstate and rehabilitate all construction areas (including re-vegetation where appropriate) to a stable condition similar to that existing prior to the commencement of the works

The Construction Management Plan will be given technical approval by the councils' monitoring staff if in the reasonable opinion of those staff the Plan will meet the following objectives:

- i. The amount of sediment suspended and transported by tidal flows and waves is minimised as far as practicable;
- ii. Glare and dust and noise emissions are minimised as far as practicable in the vicinity of Saxton Island and Monaco;
- iii. Bird breeding and roosting sites are avoided;
- iv. Adverse effects on birds, particularly arctic migrant and/or rare birds, are avoided as far as practicable;
- v. Plots of *Lepidium banksii* (coastal peppercress) are not disturbed or damaged in any way.
- vi. Particular measures are put in place to minimise damage to the eelgrass beds, sabellarid worm mounds and sponge areas such that the construction corridor width is minimised and there is no damage to these ecosystems outside of the construction corridor.
- vii. The recolonisation of the disturbance corridor is accelerated as far as practicable;
- viii. The disturbance of the bed of the estuary is kept to the smallest possible area;
- ix. To avoid as far as practicable damage to the eelgrass beds, sponge beds or worm mounds from the bottom of barges or any other vessels used in the works;
- x. Following construction, the surface of the estuary is restored to as close as practically possible to the surface as it exists prior to the commencement of the work.
- xi. There are no spills of hydrocarbons or other substances into the coastal marine area;

- xii. The use of helicopters in the vicinity of Bells Island is minimised as far as is practicable;
- xii. Disturbance to estuarine birds is minimised as far as practicable;
- xiv. Appropriate measures are taken when it becomes apparent that disturbance of estuarine birds is occurring;
- xv. The movement of birds to Nelson Airport is minimised as far as practicable;
- xvi. Nelson Airport is advised of any work that is to occur at night that may result in the disturbance or relocation of birds;
- xvii. The chance of a discharge of sewage from the existing pipeline to the estuary is minimised to the lowest possible extent. All necessary measures are put in place to avoid this occurrence and to contain and mitigate the effects of any discharge should it occur;
- xvii. Movements of large vehicles at the Monaco end of the pipeline are minimised;
- xix. The surface of the foreshore around Bells Island, and particularly between the accessways is not disturbed or marked with vehicle tracks to the greatest practicable extent ;
- xx. Bells Island is adequately restored (in the opinion of the Council's Coordinator Compliance Monitoring) following completion of the works.

Weed Management Plan

14. The Consent Holder shall submit a Weed Management Plan to the Tasman District Council's Co-ordinator Compliance Monitoring and the Nelson City Council's Monitoring Officer for technical approval prior to the commencement of works. The Weed Management Plan shall be prepared by a suitably qualified and experienced person in consultation with the Motueka Area Manager, Department of Conservation, Motueka. The Consent Holder shall ensure that all works at all times are carried out in accordance with the Weed Management Plan.

The Weed Management Plan shall provide details of the procedures to be implemented before, during and post construction to avoid the introduction and spread of any unwanted or risk species (including but not limited to the *Wilsonia backhausei*) in the Waimea Inlet during the construction phase. The Weed Management Plan shall include details regarding the cleaning and inspection of all equipment and machinery prior to entering and leaving the Waimea Inlet.

The Weed Management Plan will be approved by the Councils' monitoring staff if in the reasonable opinion of those staff the Plan will meet the following objectives:

- a. The spread of *Wilsonia backhausei* as a result of the activities authorised by these consents is avoided, or else minimised to the greatest possible extent; and
- b. No other weeds that may become established in the estuary or on adjacent land are introduced as a result of these works.

Advice Note:

The requirement in this condition of consent to consult with the Motueka Area Manager, Department of Conservation, Motueka does not accord any requirement of the applicant to obtain the approval of the Department of Conservation.

15. A monitoring programme shall be prepared as part of the Weed Management Plan. The monitoring programme shall include a timetable for three on-site inspections whereby the Consent Holder shall meet with and obtain a report from the person who prepared the Weed Management Plan to certify that the procedures set out in the Plan have been complied. The three inspections shall occur as follows:
 - a. An initial site inspection with construction staff to ensure staff are aware of the requirements of the Weed Management Plan and the actions required to implement the Plan;
 - b. A second site inspection prior to the start of trenching and pipe laying within the area affected by *Wilsonia backhausei* to certify that all measures specified in the Weed Management Plan to avoid the spread of any unwanted or risk species are in place prior to the start of trenching and pipe laying;
 - c. A final site inspection following completion of construction and prior to any equipment and machinery leaving the site.

A copy of each report certifying compliance with the procedures set out in the Weed Management Plan shall be provided to the Tasman District Council's Co-ordinator Compliance Monitoring and the Nelson City Council Monitoring Officer with a copy provided to the Motueka Area Manager, Department of Conservation, Motueka.

16. Upon receipt of each report certifying compliance with the procedures set out in the Weed Management Plan, the Nelson City Council and/or the Tasman District Council may, in consultation with the Consent Holder and pursuant to Section 108 and 128 of the Act, review the Weed Management Plan for the purpose of ensuring the terms are adequate to prevent the introduction and spread of unwanted or risk species during the construction phase.

Changes to Management Plans

17. The Consent Holder may, at any time, submit to the Nelson City Council and Tasman District Council, an amended Construction Management Plan, Construction Noise Management Plan, Traffic Management Plan, Weed Management Plan or Restoration Plan provided it is for the purpose of reducing or minimising an adverse environmental effect, that the Plan will still meet the environmental outcomes specified in the conditions of this consent, that the change(s) will not cause there to be any breach of the other conditions of these consents, and that the change(s) are given technical approval by the Tasman District Council's Co-ordinator Compliance Monitoring and the Nelson City Council's Monitoring Officer. Any amended Construction Management Plan shall be prepared in consultation with the Motueka Area Manager, Department of Conservation, Motueka.

Estuary Disturbance and Reinstatement

18. All machinery and vehicles operating as part of the works authorised by these consents shall only operate within a 15 metre wide construction zone on either side of the pipeline. For clarity the total width of this construction zone shall not exceed

30 metres in width. This shall not apply to vehicles accessing the construction corridor from access point E2. (Note that access to the corridor from access points E1 and E4 are controlled by Conditions 39 and 40).

In areas where sabellarid worm mounds, sponge gardens or eel grass is present the total width of the construction zone shall not exceed 21 metres in width.

19. Notwithstanding Condition 18, all practical steps shall be taken to minimise damage to the eelgrass beds, sabellarid worm mounds and the sponge areas.
20. The soffit of all pipes shall be laid at a depth no less than 1.0 metre below the seabed with the exception of the air valve structures.
21. The top 300 to 400 millimetres of excavated trench material shall be stockpiled or stored separately from other material to enable it to be re-placed following the installation of the pipeline as the top / final layer of trench fill, and so that it as closely as possible resembles the original surface.
22. All imported fill shall be free of any biological or chemical contaminant or potential contaminant.
23. All works shall be undertaken in accordance with the Construction Management Plan prepared in accordance with Condition 13 of these consents to minimise sediment suspension and transport arising from the works.
24. 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 as soon as practicable following completion of the works (but no later than 12 months following completion of the project).
25. If compaction of the estuary surface as a result of vehicular movements or barge resting is such that the re-establishment of sabellarid worms, sponges or eel grass is compromised in the opinion of an appropriately qualified marine ecologist or biologist, then the consent holder shall harrow and/or rake the surface of the relevant areas to break up the compacted layer and allow re-establishment to occur.

The consent holder shall keep written records of the approach made to the ecologist/biologist and his or her recommendations on this matter and the work undertaken. These records shall be provided to the councils upon request.

26. Prior to any excavation or disturbance in the areas of the sabellarid worm mounds, the worm mounds shall be moved by excavator with the minimum of disturbance to an immediately adjacent location. Following the completion of the works the worm mounds shall be moved back and re-established as far as practicable on the disturbed pipeline corridor.
27. When undertaking works in the vicinity of the eastern and western ends of Saxton Island adjacent to the air valve locations, a photographic record shall be made of each area to enable monitoring of the restoration outcomes. *Austrostipa stipoides* (needle tussock) plants that are located within the pegged construction corridor and are likely to be affected by construction shall be replaced with plant material either divided from existing plants or as a contingency propagated from locally sourced existing needle tussock plants. The top 300 to 400 millimetres of excavated trench material shall be stock piled or stored separately from other material to enable it to be

re-placed following the installation of the pipeline as the top / final layer of trench fill. The needle tussocks shall be replanted and maintained for a period of two years.

Advice note

The only part of the construction corridor that is required to be pegged is that area at the western end of the Island.

28. 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.

Spills and Contaminants

29. When undertaking maintenance works on the existing sewer pipeline the Consent Holder shall ensure that there is no spillage of material and fluids contained within the pipeline at any time.
30. Prior to any works affecting the existing pipeline, including connections to that pipeline or maintenance works, the consent holder shall have in place a contingency management plan addressing unintended spills. Any equipment or other measures specified in this management plan are to be installed or on site prior to the start of those works affecting the existing pipeline.
31. All vehicle or machinery refuelling, servicing, repairs, washing and cleaning (with the exception of those associated directly with marine vessels) 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.
32. 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.
33. All practicable measures shall be undertaken to minimise adverse effects on property amenity values, wildlife, vegetation and ecological values. This shall include but not be limited to spillage or discharge of hazardous substances into the coastal marine area.

Notification of Works

34. At least two weeks prior to works commencing the Consent Holder shall notify in writing Nelson Airport Limited; Motueka Area Manager, Department of Conservation, Motueka; the Monaco Residents Association; and each household on the Monaco Peninsula of their intention to begin work, the notice shall include an approximate start and finish date. Access to residential properties from Point Road, Monaco shall be maintained as far as is practicable at all times during layout, earthworks, installation and construction.

35. The Consent Holder shall notify the Director of Maritime Safety as defined in the Maritime Transport Act ("the Director"); and Land Information New Zealand as the National Hydrographic Authority for New Zealand ("LINZ"), and both the NCC and TDC Harbourmasters, of the location of the construction works and estuary pipeline, including providing all required map references.

Iwi Monitor

36. The Consent Holder shall engage the services of a representative of Tiakina Te Taiao Limited to be present during any earthworks carried out on the foreshore of Saxton Island and Bells Island and when works are undertaken within 20 metres of the following archaeological sites:
- a. N27/136;
 - b. N27/141;
 - c. N27/181; and
 - d. N27/160

The Consent Holder shall contact Tiakina Te Taiao Limited, PO Box 1666, Nelson (phone (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks.

Advice Note:

For the purposes of this condition the term "foreshore" is not as defined in the Resource Management Act 1991 and only extends from MHWS to a distance of 50 metres.

37. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

Bells Island Construction Site

38. The construction site at Bells Island shall be formed and managed in accordance with the Tasman Carter Ltd Plan labelled Annexure D Sheet 1, entitled "Bells Island Construction Site" and dated 21 July 2010 (attached).
39. Construction Accessways E2 and E3 shall be the primary access routes for the works onto the foreshore and seabed. These shall be used wherever practicable to avoid disturbance to other parts of the estuary.
40. Construction Accessways E1 and E4 shall only be used for loading and unloading barges and there shall be no beach or foreshore transit between these accessways, or between these accessways and the pipeline corridor except on very exceptional

occasions where it may be unavoidable. Where beach or foreshore transit from E1 or E4 to the pipeline corridor is avoidable then transit shall only be on the shingle beach and not on the mudflat.

Advice Note

The purpose of this condition is to avoid as far as is possibly practicable the beach and foreshore of Bells Island being disturbed and becoming part of the construction area. The condition requires that, unless unavoidable, all transit between the accessways, and between the accessways and the pipeline corridor be via the construction zone and not via the beach.

For the avoidance of doubt there is no consent for the discharge of any roading or surfacing materials between the accessways. Nor is there any consent or authorisation for earthworks between the accessways to form a track or road.

41. Following completion of the works at Bells Island the Landscape Restoration Plan contained in the Tasman Carter Ltd Plan labelled Annexure D Sheet 2, entitled "Bells Island Construction site Landscape Remediation" and dated 21 July 2010 (attached) shall be implemented to provide for the restoration and enhancement of natural values in the area. The plantings shall be undertaken within one growing year following completion of the works and maintained for a period of two years.

Review

42. Pursuant to Section 128 of the Act, either Council may review the conditions of these consents at anytime before or during the works, and during the month of September following the completion of the works, 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 assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
 - d. to adjust the conditions that relate to bird disturbance and monitoring depending on the time of year that the works are undertaken, and effects on birds that may be observed, and any methods or practices used by the contractor; 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 RM090563 (TDC) and RM095334 (NCC)

43. These consents shall lapse ten years after the date that the consents commence unless the consents are either:
 - a. given effect to; or
 - b. the relevant 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 commence the work. The date that the consent is given effect to is when substantial work first begins on site.

44. These consents shall expire 10 years after the date the consents are given effect to.

Special conditions for RM090885 and RM090887 (TDC); and RM095333, RM095332 and RM095331 (NCC)

45. These consents shall lapse ten years after the date that the consents commence unless the consents are either:

- a. given effect to; or
- b. the relevant 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.

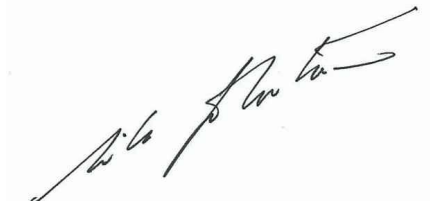
46. These consents shall expire 35 years after the date the consents are given effect to.

GENERAL ADVICE NOTES:

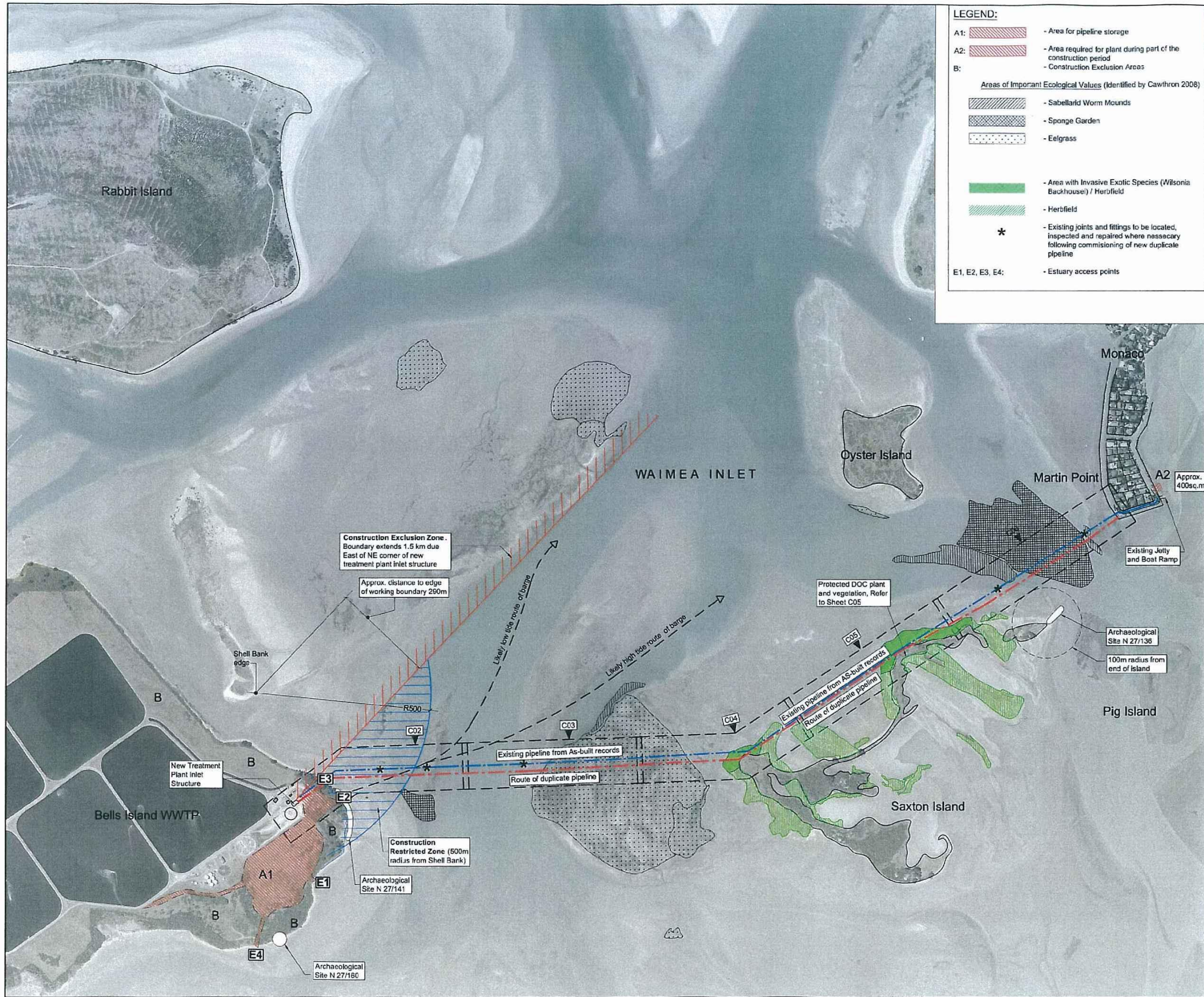
47. Monitoring of these resource consents will be undertaken by the Councils as provided for by Section 35 of the Act and will attract monitoring fees for which the Consent Holder will be invoiced annually. Should the monitoring costs exceed the annual charge, the Councils reserve the right to recover 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.
48. Access by the Councils or their officers or agents to the property is reserved pursuant to Section 332 of the Act.
49. All reporting required by these consents should be made in the first instance to the Nelson City Council's Monitoring Officer and the Tasman District Council's Co-ordinator Compliance Monitoring.
50. The Consent Holder shall meet the requirements of the Councils with regard to all Building and Health Bylaws, Regulations and Acts.
51. These resource consents only authorise the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either:
- a. comply with all the criteria of a relevant permitted activity rule in the Nelson Resource Management Plan (NRMP) and Tasman Resource Management Plan (TRMP);
 - b. be allowed by the Act; or
 - c. be authorised by a separate resource consent.

52. Plans attached to these consents are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans and copies of the Council standards and documents referred to in the consents are available for viewing at the Nelson City Council and the Richmond office of the Tasman District Council.
53. 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.
54. The Councils draw your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Nelson City Council, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the councils and the New Zealand Historic Places Trust.

Issued this 16th day of September 2010



Dr Mike Johnston
Chair of Commissioner Panel



LEGEND:

- A1: [Red hatched box] - Area for pipeline storage
- A2: [Red hatched box] - Area required for plant during part of the construction period
- B: [Red dashed line] - Construction Exclusion Areas

Areas of Important Ecological Values (Identified by Cawthron 2008)

- [Diagonal hatched box] - Sabellariid Worm Mounds
- [Cross-hatched box] - Sponge Garden
- [Dotted box] - Eelgrass

- [Green box] - Area with Invasive Exotic Species (Wilsonia Backhousei) / Herdfield
- [Green hatched box] - Herdfield

- * - Existing joints and fittings to be located, inspected and repaired where necessary following commissioning of new duplicate pipeline

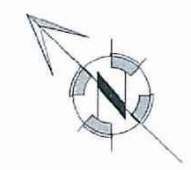
E1, E2, E3, E4: - Estuary access points

NOTES:

Topographical and other physical features shown are based on surveys performed by Nikkel Surveyors in October and November 2009 and from NRSU (Nelson Regional Sewerage Authority) As-built drawings November 1980. While care has been taken to ensure that the information shown on the plan is accurate, all services should be located on site prior to any excavation or maintenance work being undertaken in accordance with the infrastructure owner's requirements.

Horizontal Datum:
NZGD49
Nelson Local Circuit

Vertical Datum:
In terms of Nelson City Council Datum



5	CONST. EXCL. ZONE EXTENDED	ERW	11/08/10
4	ECOLOGICAL AREAS AMENDED	JIP	21/07/10
3	ECOLOGICAL AREAS AMENDED	FJC	04/06/10
2	AMENDMENTS AS NOTED	ERW	26/04/10
1	ISSUED FOR CONSENT	EJC	25/11/09
Revision	By	Date	
Surveyed	Nikkel Surveyors		Nov/09
Designed	D.E. Raitton		Oct/09
Drawn	E.J. Cowie		Dec/09
Reviewed	T. Chen		Dec/09
Approved	D.E. Raitton		Dec/09

Verify all dimensions on site before commencing work. Refer to figured dimensions. Refer all discrepancies to the drawing office.

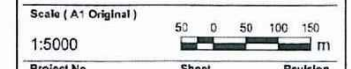
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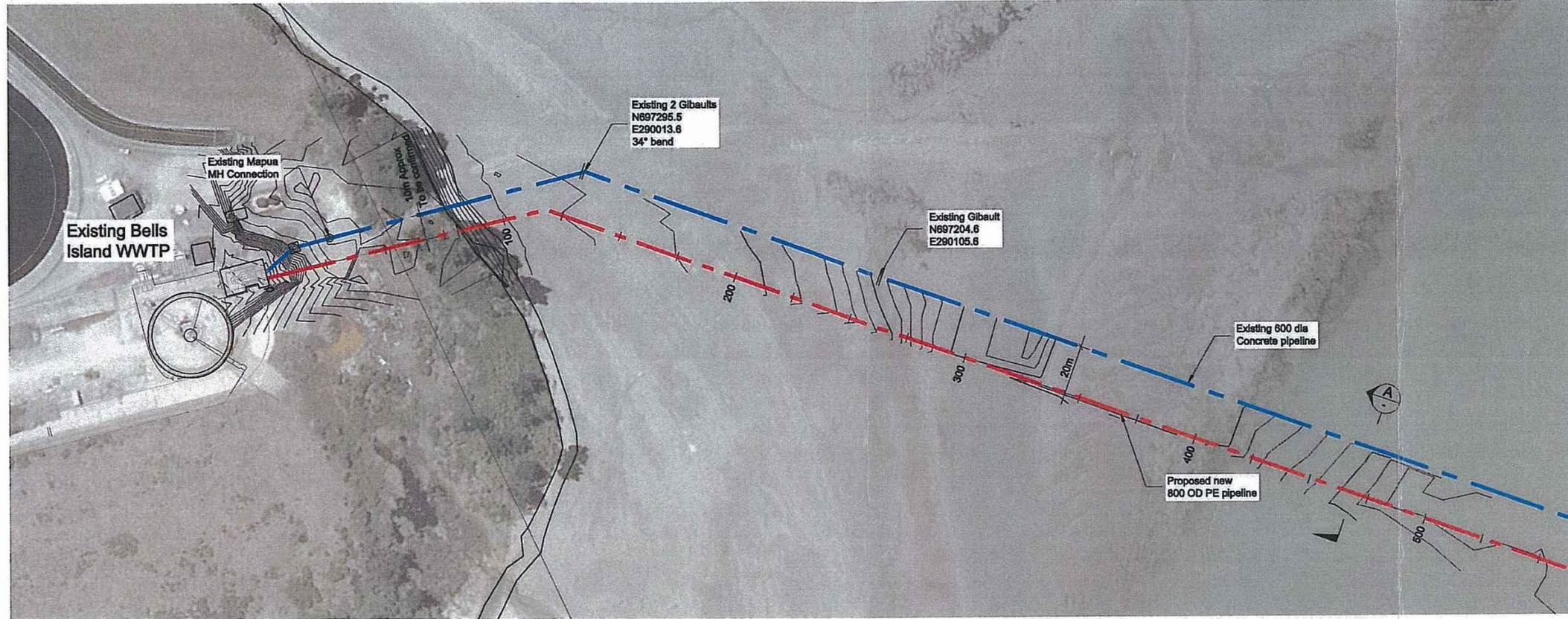
Client
**NELSON REGIONAL
SEWERAGE BUSINESS UNIT**

Project Title
**NRSBU REGIONAL PIPELINE
STAGE 1 UPGRADE**

Sheet Title
**MONACO TO BELLS ISLAND
DUPLICATE PIPELINE ROUTE -
ENVIRONMENTAL MANAGEMENT
PLAN**



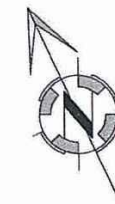
Project No	Sheet	Revision
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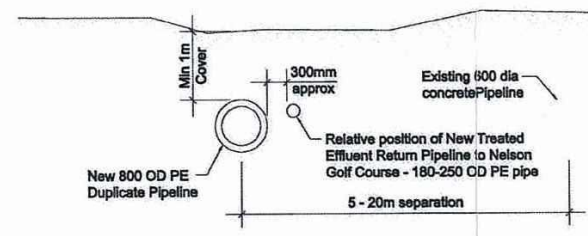
Horizontal Datum:
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Vertical Datum:
 In terms of Nelson City Council Datum

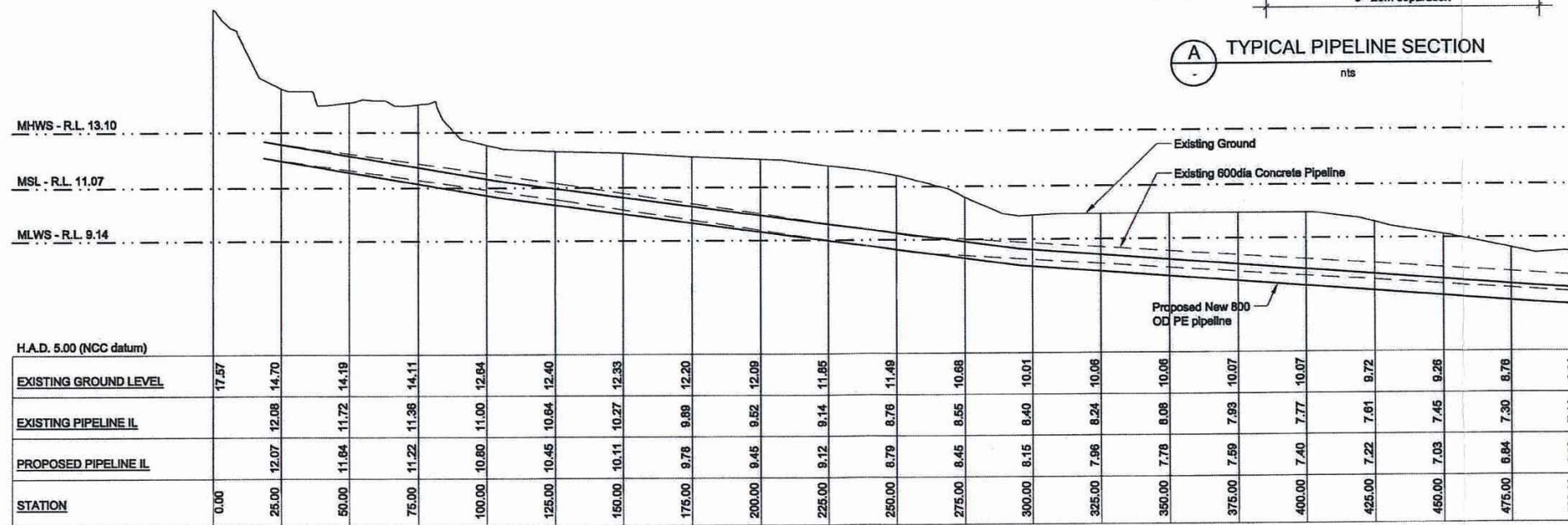


DUPLICATE PIPELINE ROUTE

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A TYPICAL PIPELINE SECTION
 nts



DUPLICATE PIPELINE LONGSECTION

1:1000 (h) 1:100 (v) at A1
 1:2000 (h) 1:200 (v) at A3

Revision	By	Date
1 ISSUED FOR CONSENT	EJC	25/11/09
Surveyed	Nikkel Surveyors	Nov'09
Designed	D.E. Ralton	Oct'09
Drawn	E.J. Cowie	Nov'09
Reviewed	T. DePelsmaeker	Nov'09
Approved	D.E. Ralton	Nov'09

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Client
NELSON REGIONAL SEWERAGE BUSINESS UNIT

Project Title
NRSBU REGIONAL SEWERAGE RETICULATION SCHEME UPGRADE PROPOSED MONACO TO BELLS ISLAND PIPELINE DUPLICATION

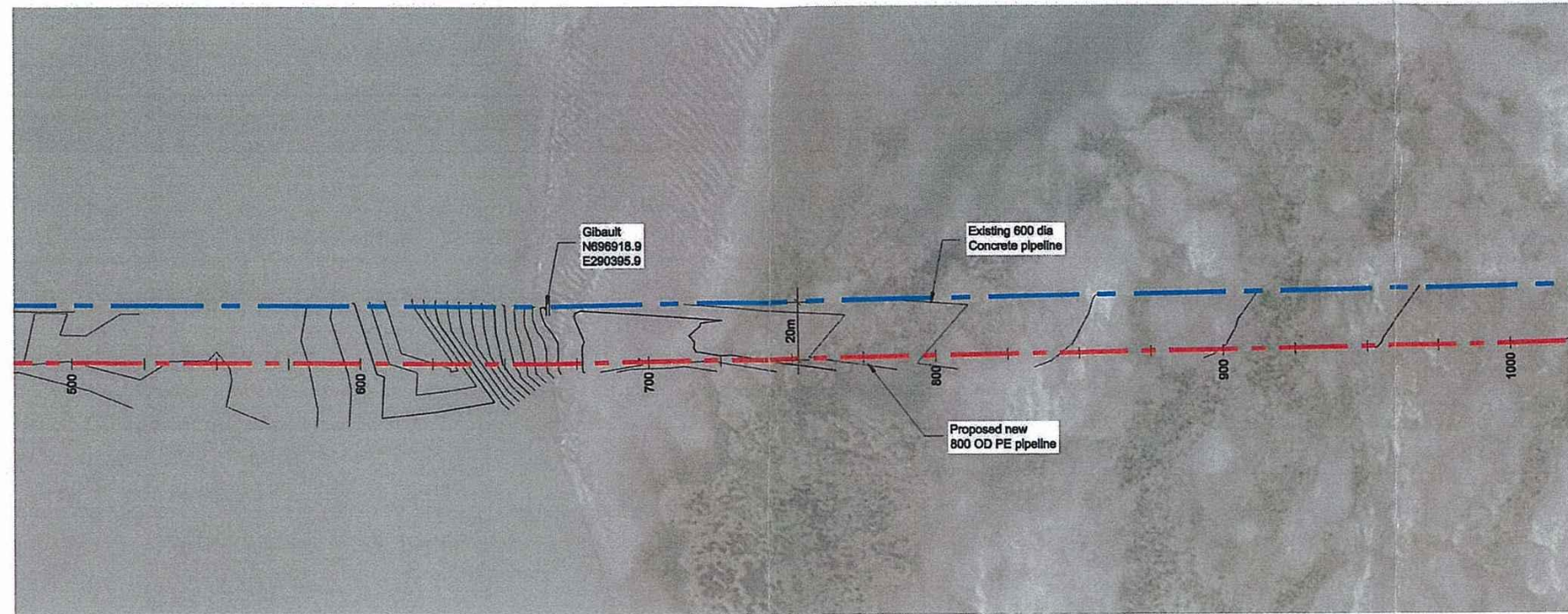
Sheet Title
PIPELINE ROUTE PLAN AND LONGSECTION

Scale (A1 Original) 0 m

As Shown

Project No	Sheet	Revision
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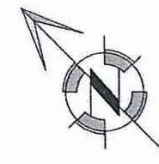
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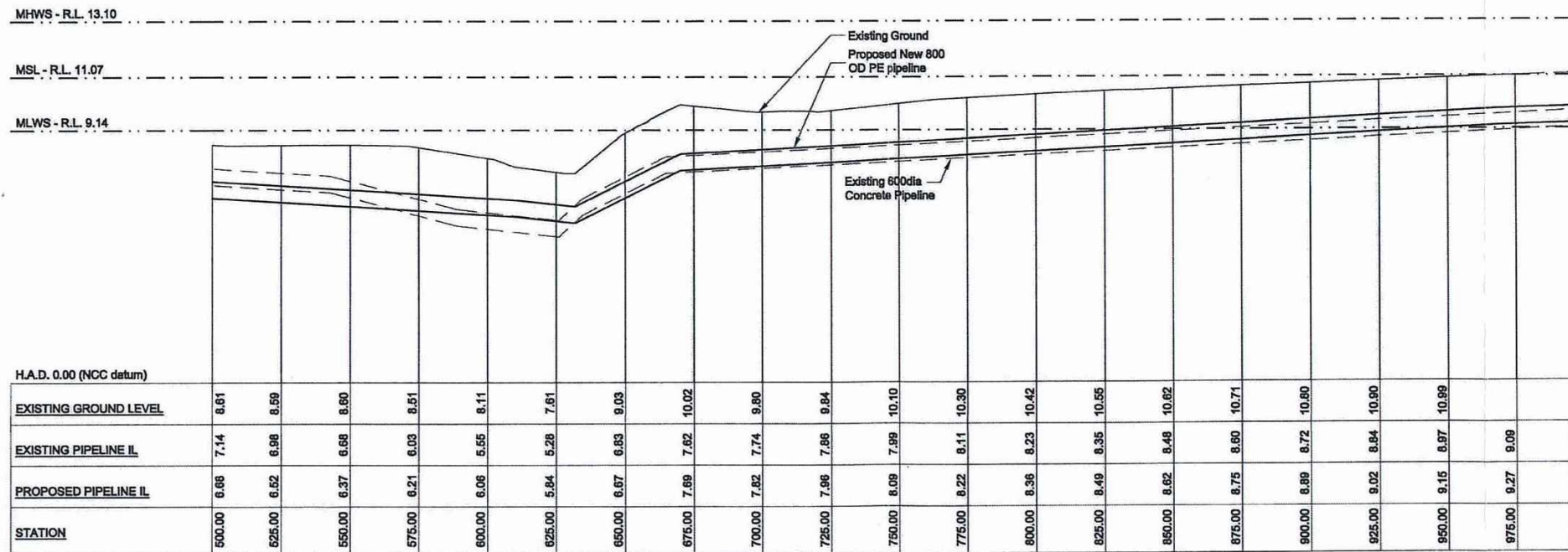
Horizontal Datum:
 NZGD49
 Nelson Local Circuit

Vertical Datum:
 In terms of Nelson City Council Datum



DUPLICATE PIPELINE ROUTE

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DUPLICATE PIPELINE LONGSECTION

1:1000 (h) 1:100 (v) at A1
 1:2000 (h) 1:200 (v) at A3

Revision	By	Date
1 ISSUED FOR CONSENT	EJC	25/11/09
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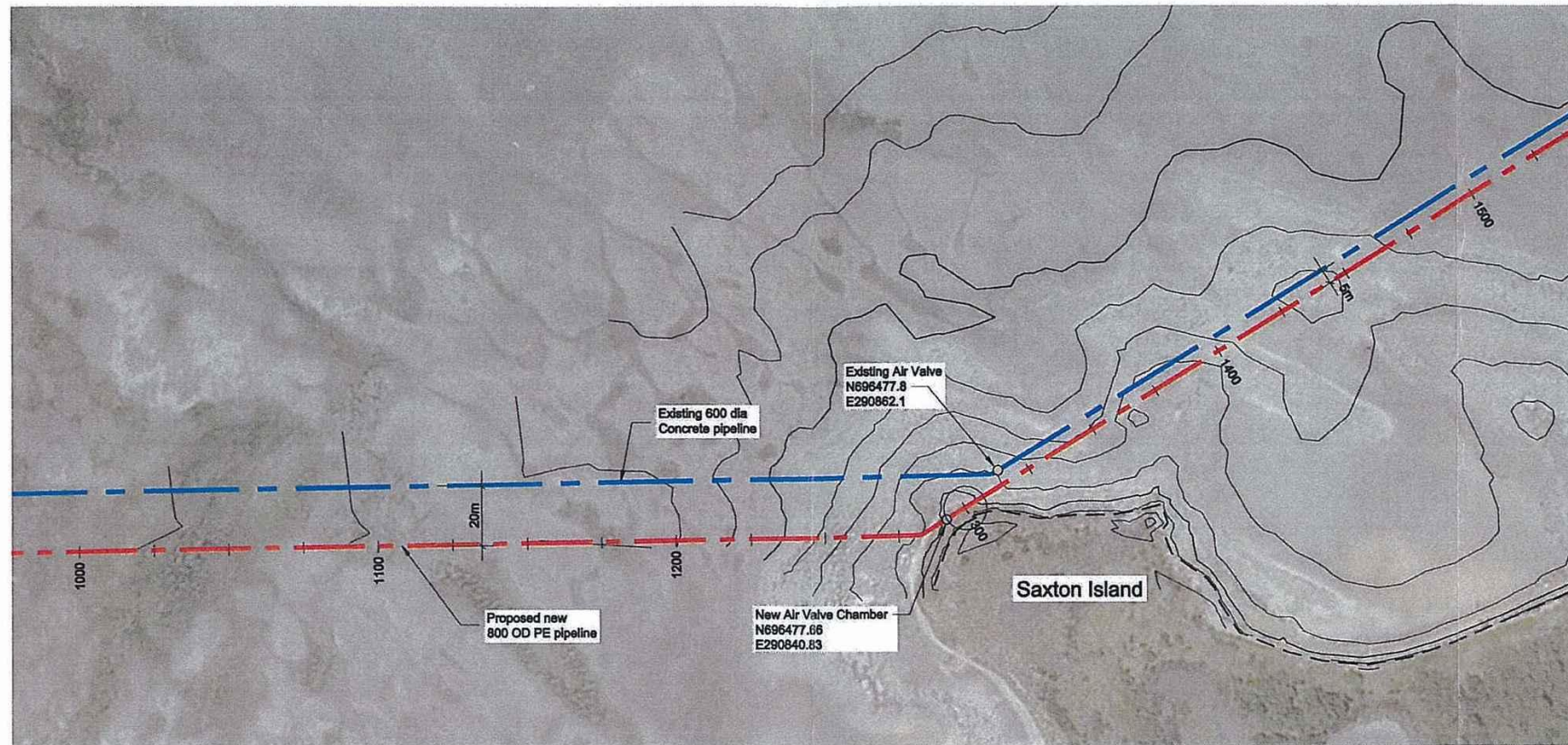


Client
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Project Title
 NRSBU REGIONAL SEWERAGE
 RETICULATION SCHEME UPGRADE
 PROPOSED MONACO TO BELLS ISLAND
 PIPELINE DUPLICATION

Sheet Title
 PIPELINE ROUTE
 PLAN AND LONGSECTION

Scale (A1 Original)	### 0 ### ### ##
As Shown	### m
Project No	Sheet Revision
700000	C03 1



NOTES:

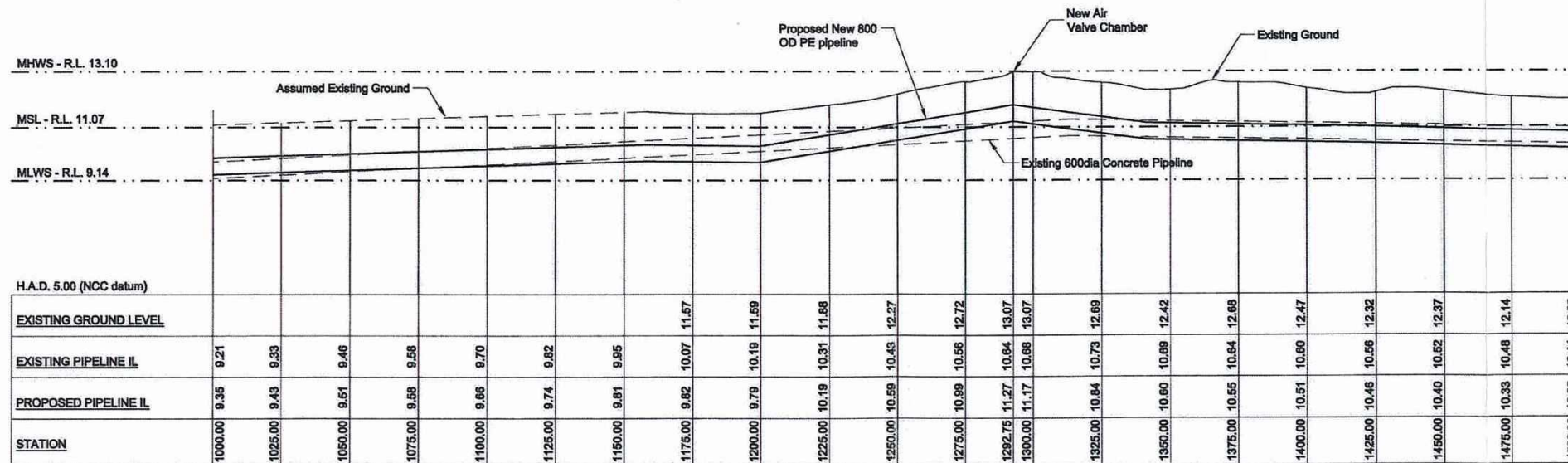
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DUPLICATE PIPELINE ROUTE

1:1000 at A1
1:2000 at A3



DUPLICATE PIPELINE LONGSECTION

1:1000 (h) 1:100 (v) at A1
1:2000 (h) 1:200 (v) at A3

Revision	By	Date
1	ISSUED FOR CONSENT	EJC 25/11/09
Surveys	Nikkel Surveyors	Nov'09
Designed	D.E. Raitton	Oct'09
Drawn	E.J.Cowie	Nov'09
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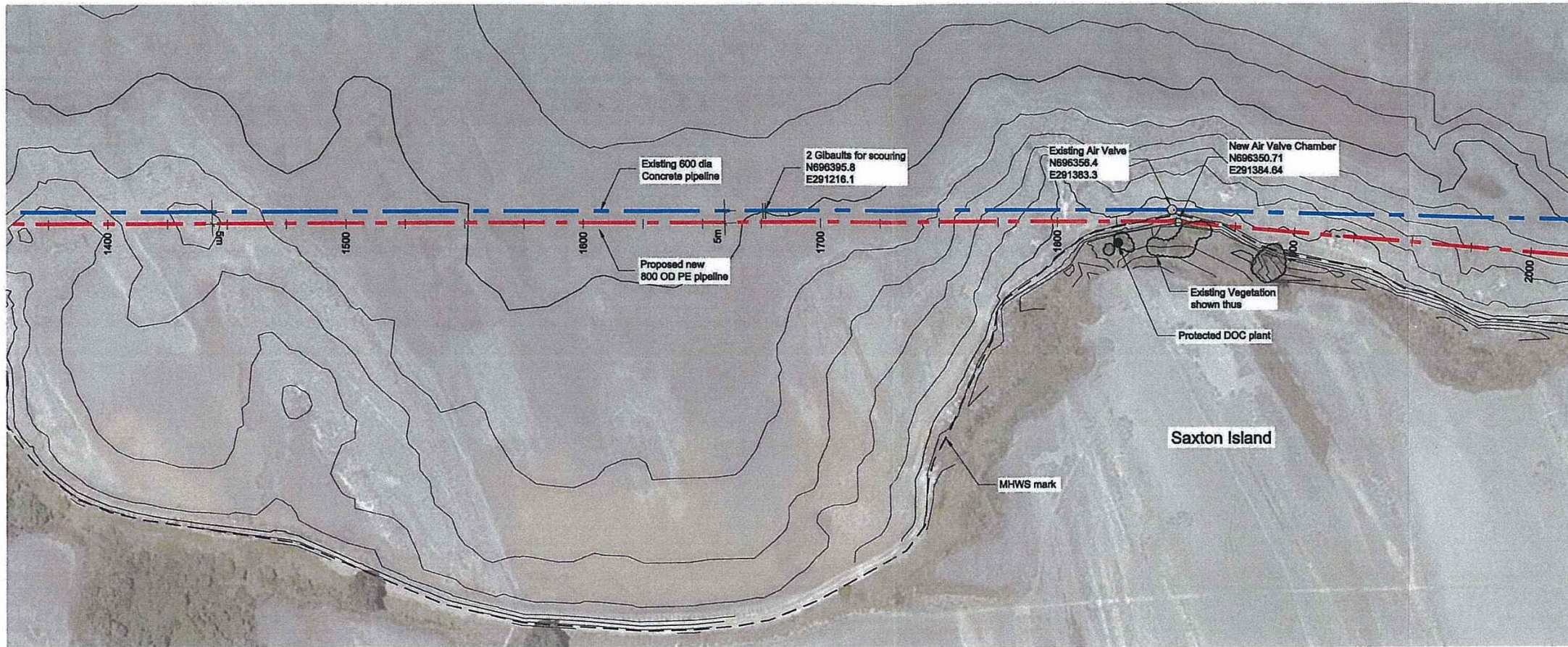
Project Title
**NRSBU REGIONAL SEWERAGE
RETICULATION SCHEME UPGRADE
PROPOSED MONACO TO BELLS ISLAND
PIPELINE DUPLICATION**

Sheet Title
**PIPELINE ROUTE
PLAN AND LONGSECTION**

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As Shown ## 0 ## ### #### m

Project No	Sheet	Revision
700000	C04	1



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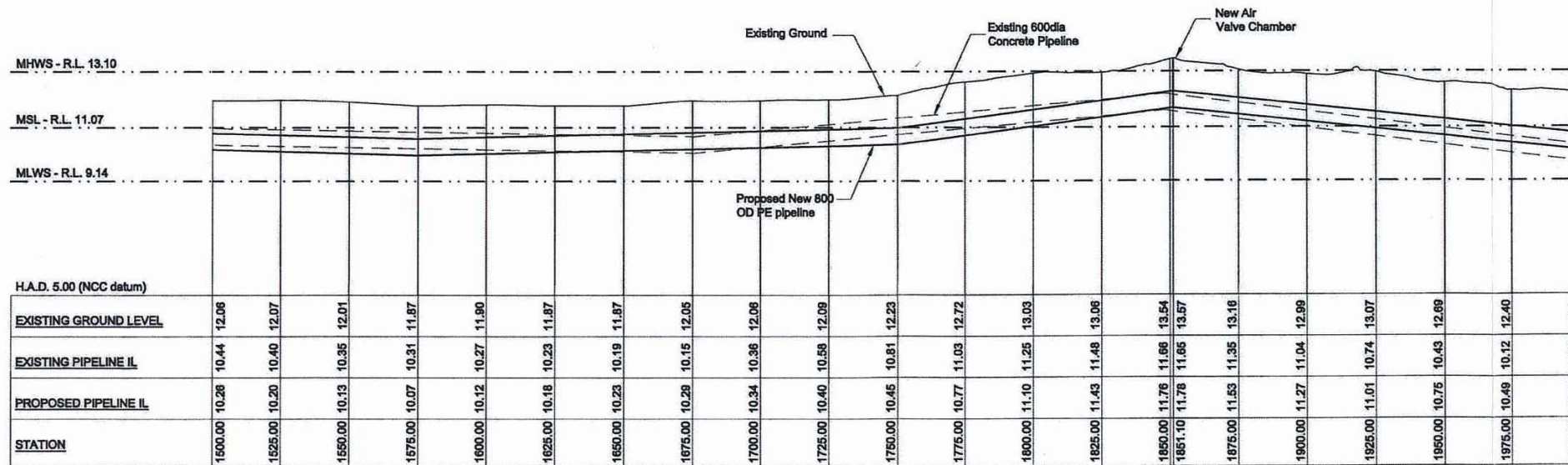
Horizontal Datum:
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 Nelson Local Circuit

Vertical Datum:
 In terms of Nelson City Council Datum



DUPLICATE PIPELINE ROUTE

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 1:2000 at A3



DUPLICATE PIPELINE LONGSECTION

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Revision	By	Date
1	EJC	25/11/09
ISSUED FOR CONSENT		
Surveyed	Nikkel Surveyors	Nov'09
Designed	D.E. Ralton	Oct'09
Drawn	E.J. Cowie	Nov'09
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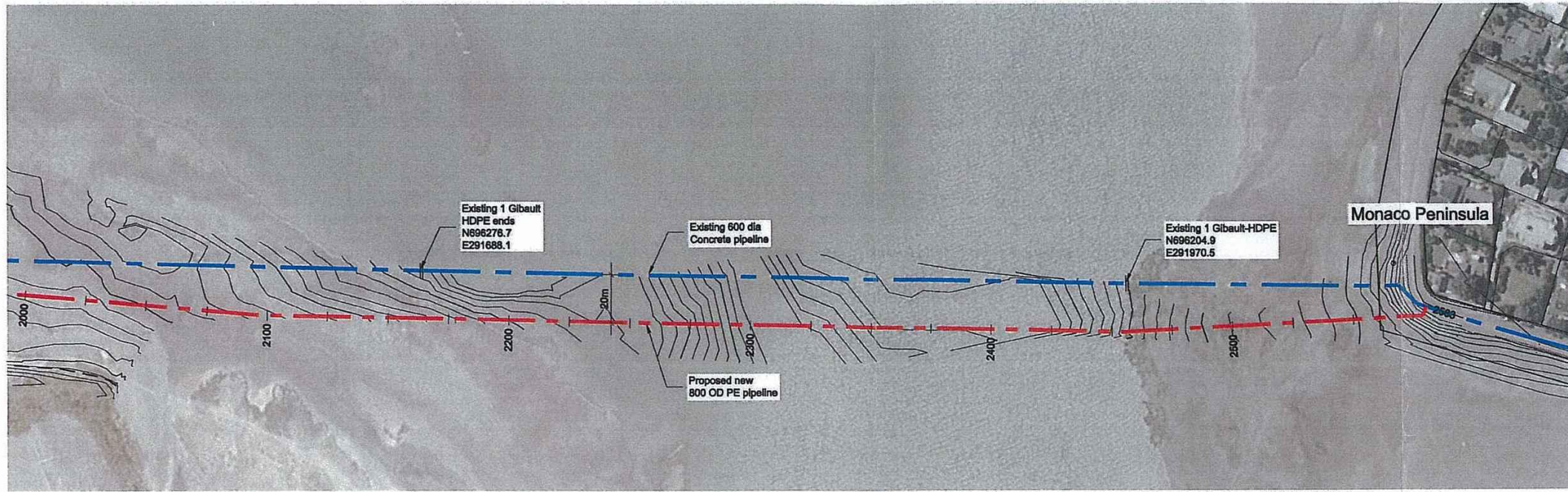
Client
 NELSON REGIONAL
 SEWERAGE BUSINESS UNIT

Project Title
 NRSBU REGIONAL SEWERAGE
 RETICULATION SCHEME UPGRADE
 PROPOSED MONACO TO BELLS ISLAND
 PIPELINE DUPLICATION

Sheet Title
 PIPELINE ROUTE
 PLAN AND LONGSECTION

Scale (A1 Original)
 As Shown

Project No	Sheet	Revision
700000	C05	1



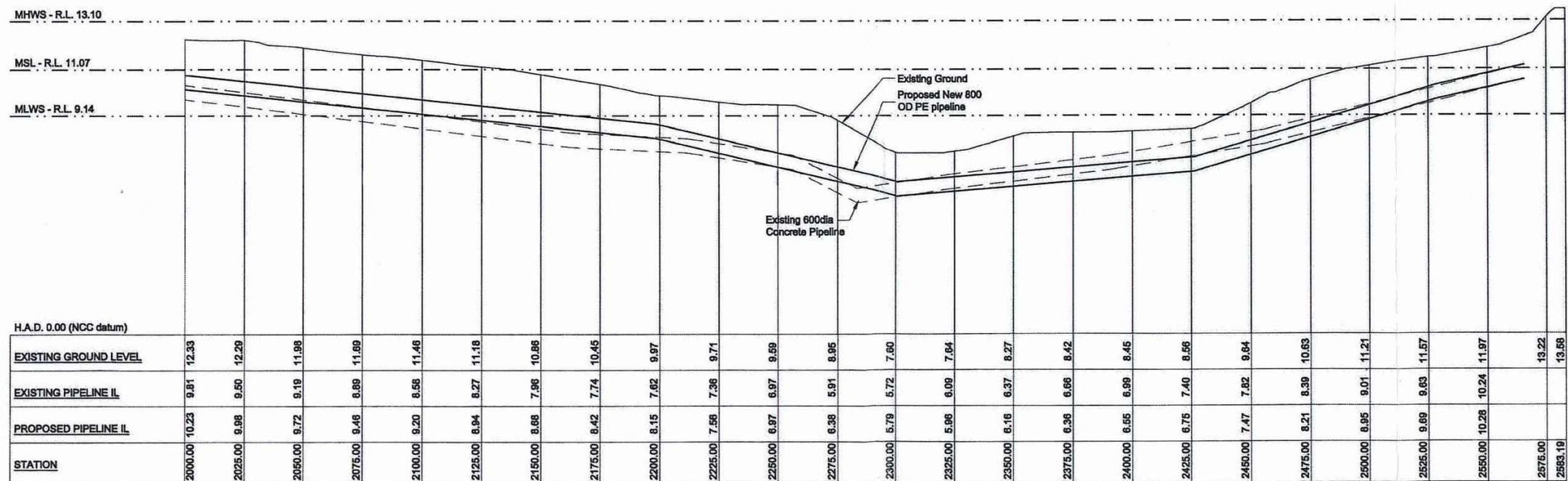
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 Nelson Local Circuit

Vertical Datum:
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DUPLICATE PIPELINE ROUTE

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 1:2000 at A3



DUPLICATE PIPELINE LONGSECTION

1:1000 (h) 1:100 (v) at A1
 1:2000 (h) 1:200 (v) at A3

1 ISSUED FOR CONSENT	EJC	25/11/09
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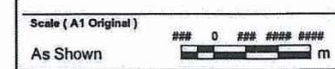
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Project Title
**NRSBU REGIONAL SEWERAGE
 RETICULATION SCHEME UPGRADE
 PROPOSED MONACO TO BELLS ISLAND
 PIPELINE DUPLICATION**

Sheet Title
**PIPELINE ROUTE
 PLAN AND LONGSECTION**



Project No	Sheet	Revision
700000	C06	1

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LANDSCAPE ARCHITECTS
tasman Carter
LIMITED

Annexure D

NRSBU Monaco to Bells Island Duplicate Pipeline
21 July 2010
NTS
Sheet Title: Bells Island Construction Site **Sheet 1**



LANDSCAPE ARCHITECTS
tasman Carter

Annexure D

NRSBU Monaco to Bells Island Duplicate Pipeline
 21 July 2010
 NTS
 Sheet Title: **Bells Island Construction Site Landscape Remediation Sheet 2**

Date Confirmed:

Chair: