

## STAFF REPORT

**TO:** Environment & Planning Subcommittee  
**Commissioner Hearing**

**FROM:** Rosalind Squire, Consent Planner, Coastal

**REFERENCE:** RM090441 - Restricted Coastal Activity (Reclamation)  
RM090401 - Coastal Permit (Occupation and Disturbance)  
RM090400 - Coastal Permit (Disturbance)

**SUBJECT:** **NEW ZEALAND TRANSPORT AGENCY - REPORT EP09/11/03 -**  
Report prepared for hearing of 9 November 2009

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### 1. INTRODUCTION

Land Transport New Zealand (LTNZ) has applied to the Tasman District Council to undertake road widening works to improve safety for road users along the Mariri Causeway in the vicinity of Weka Road, Eden Road, and Moana Road along the western edge of the Moutere Estuary – See Figure 1.

The works involve reclamation of foreshore and seabed on the 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 protrude 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 2009. 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.

## 1.2 Location

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

Weka Road 2513426 N6003354 (NZMG)

Eden Road 2512595 N6004369

Moana Road 2511725 N6005245

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 and LTNZ considers that they pose a risk to highway users. They contend that the risk to users has increased as traffic volumes and speeds have increased and that improvements are required to reduce the level of risk experienced by highway users. The causeway has been identified as a National Safety Co-ordination (NSC) site. These sites have a history of fatal and serious crashes and are targeted for improvement via a combination of engineering, education and enforcement interventions.

The applications which are the subject of this report are seeking 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 – See Figure 2, 3 and 4.

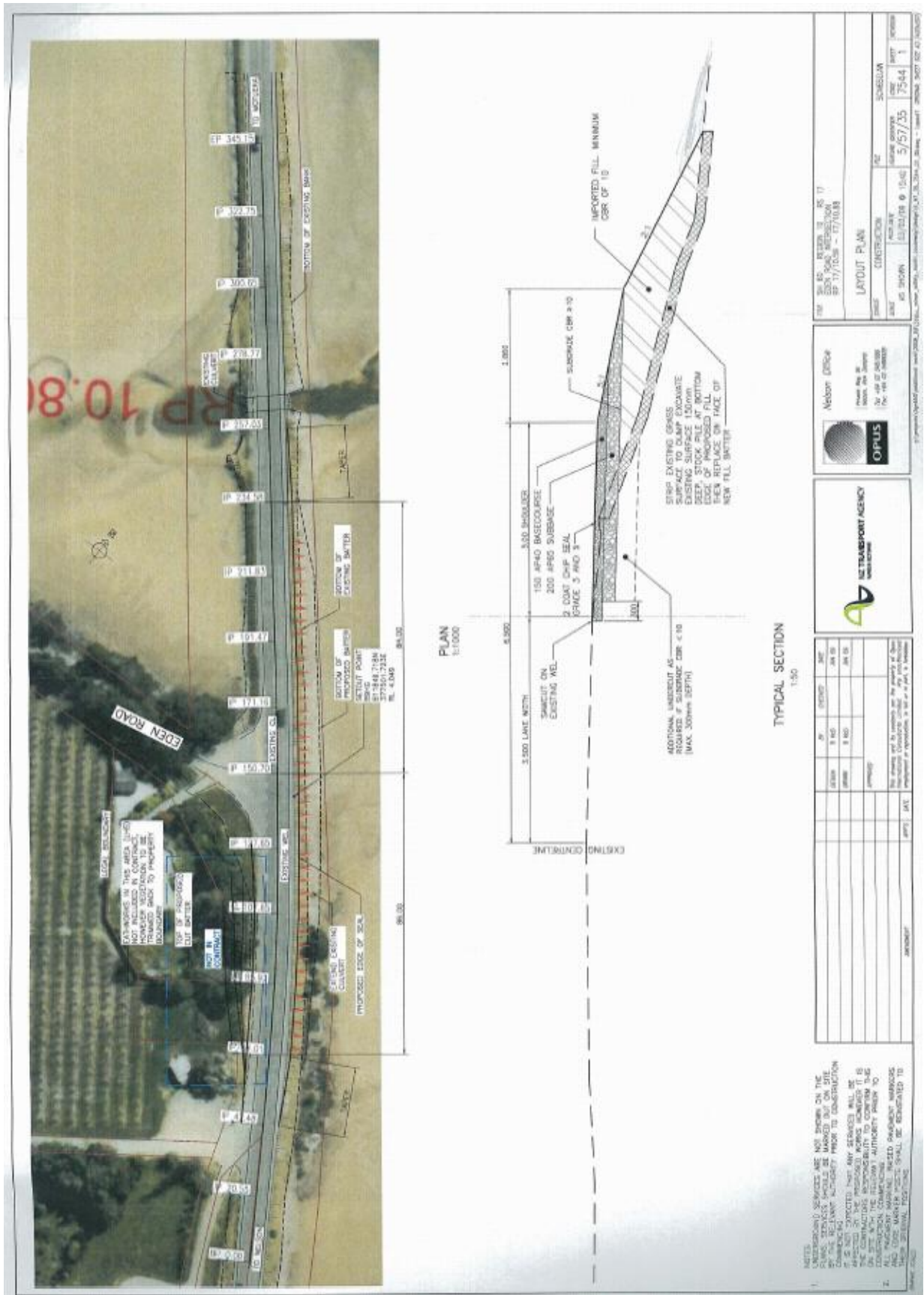


Figure 2: Proposed Works at Eden Road Intersection



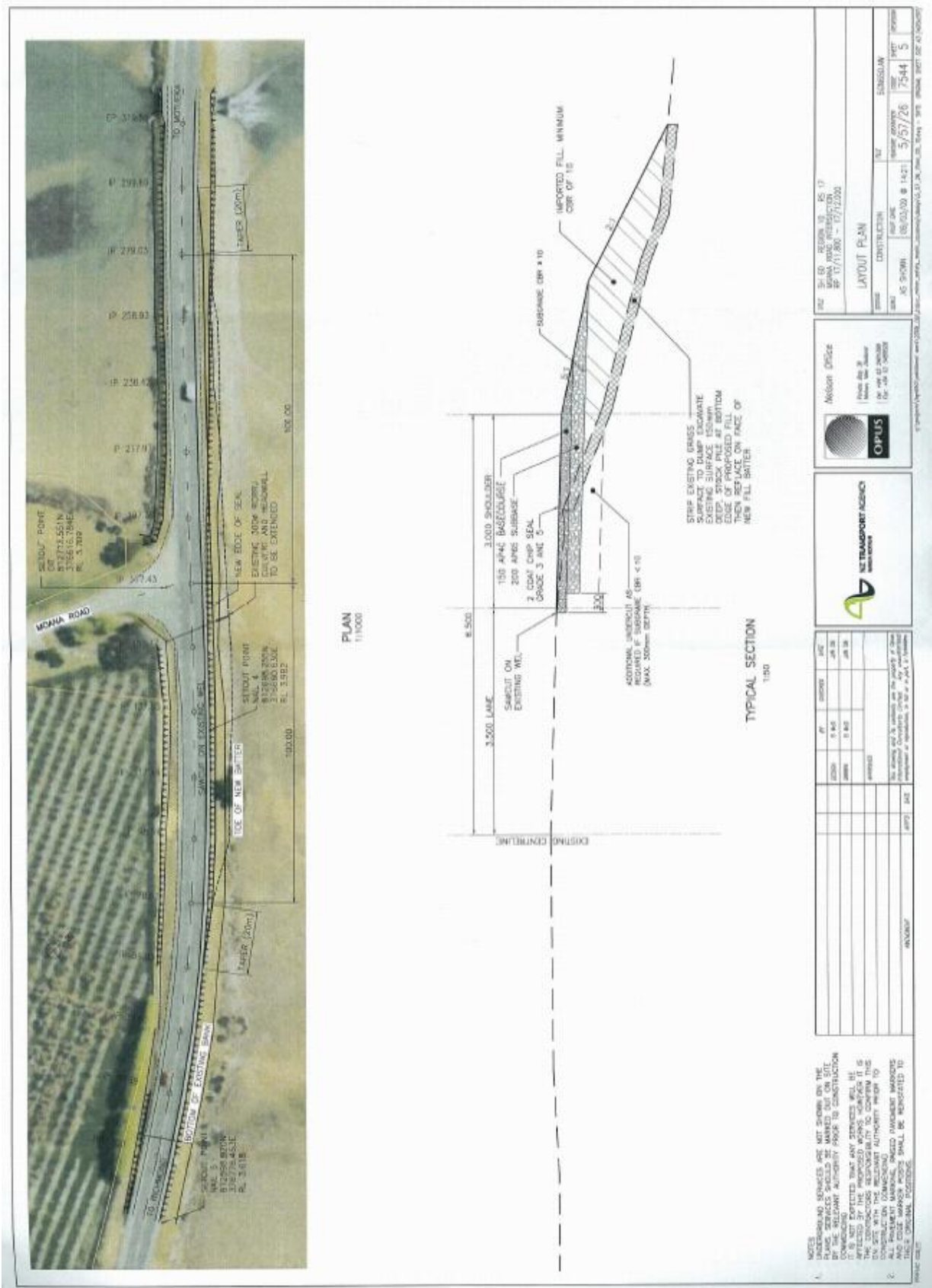


Figure 3: Proposed Works at Moana Road Intersection

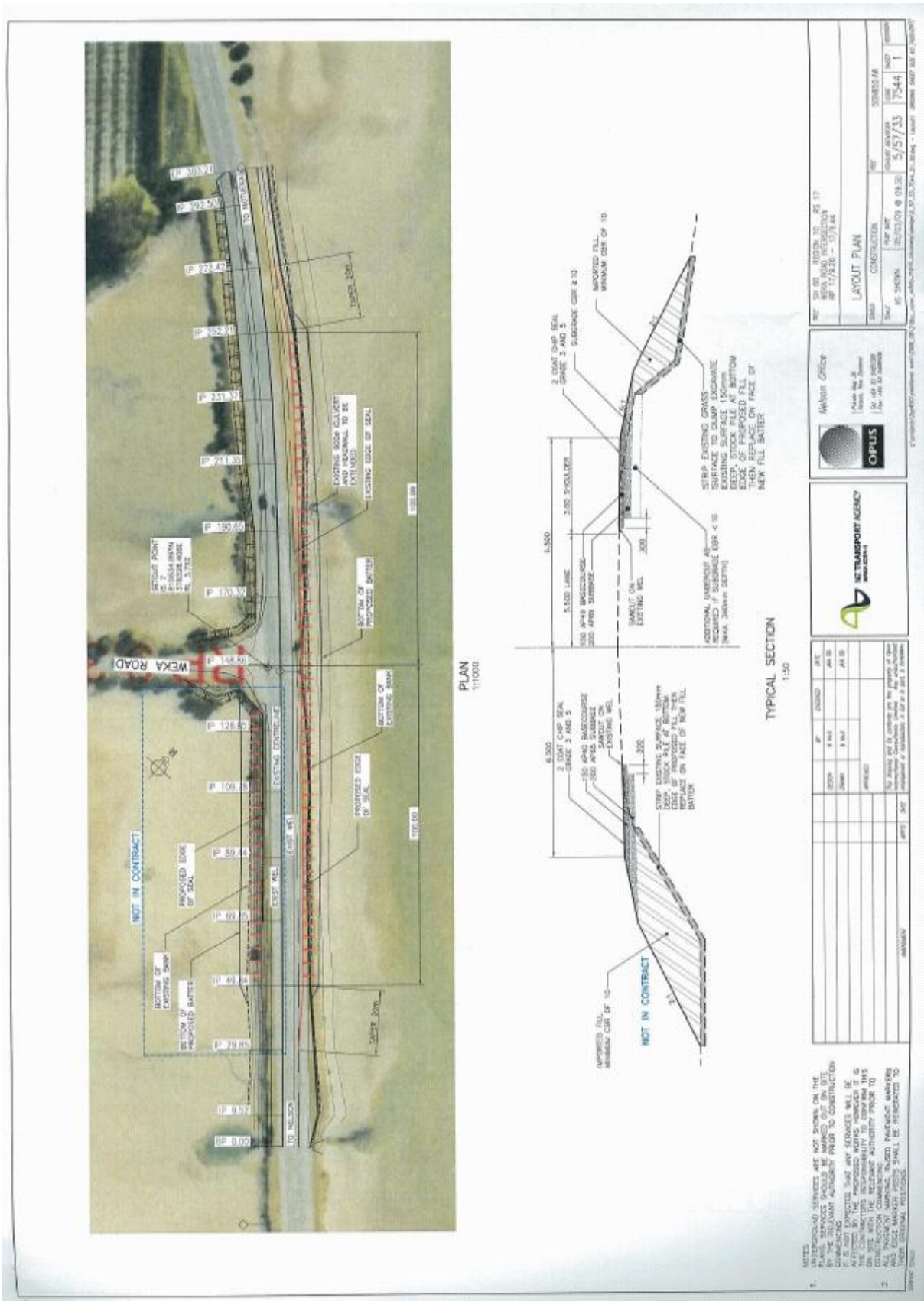


Figure 4: Proposed Works at Weka Road Intersection

### 1.3 Tasman Resource Management Plan

Coastal Marine Area	Schedule 25 1F Area with Nationally Important Natural Ecosystem Values
Land Zone	Open Space Zone and Rural 1
Area	Land Disturbance Area 1 Road Area

### 1.4 Applications

**Restricted Coastal Activity RM090441** – To undertake an activity reclaiming foreshore or seabed which extends 100 or more metres in any direction – Discretionary Activity/Restricted Coastal Activity – Rule 25.3.2

The Minister of Conservation has determined that certain activities undertaken in the coastal marine area may have significant or irreversible effects. There are circumstances where these activities are deemed to be restricted coastal activities (RCA's). Applications deemed to be RCAs are heard by a committee comprising representatives of the Tasman District Council and a member representing the Minister of Conservation. The committee does not have the authority to grant the restricted coastal activity application, as it was lodged prior to the Resource Management (Simplifying and Streamlining) Amendment Act 2009, only make a recommendation to the Minister of Conservation. The Minister holds the authority to grant consent.

Section 117 of the Resource Management Act 1991 (RMA) details the process required to be followed when considering applications for RCA's and refers to a regional coastal plan (regional coastal plans are defined in Section 2 of the RMA as being an operative plan). Therefore the operative Transitional Regional Coastal Plan should be used for the identification of activities that are RCAs (See Appendix 1). The proposed reclamations are greater than 50 metres in length and therefore fall to be considered as a RCA.

The discretion is unlimited.

**Coastal Permit RM090401** - 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 – Discretionary Activity pursuant to Section 12 and 77C of the Resource Management Act 1991.

The discretion is unlimited.

**Land Use Consent (Land Disturbance) RM090400** – 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 1,000m<sup>2</sup> in area and in a location adjoining an area with nationally important natural ecosystem values – Discretionary under Rule 18.5.2.5

Council's discretion is limited to the following matters:

- (1) *The extent, timing, and duration of bare ground.*
- (2) *The location, timing of construction, design and density of earthworks including roads, tracks or landings.*
- (3) *The re-establishment of vegetation cover.*
- (4) *The disposal and stabilisation of waste material or fill.*
- (5) *Loss of or damage to soil.*
- (6) *Damage to riparian vegetation or soil.*
- (7) *Damage to animal or plant communities or habitats in water bodies or coastal water.*
- (8) *Effects of the activity on river or stream flows.*
- (9) *Sedimentation effects on subsurface streams or caves in karst.*
- (10) *The potential for slope instability.*
- (11) *The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.*
- (12) *Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.*
- (13) *Damage to any natural habitat or feature.*
- (14) *The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).*
- (15) *Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).*
- (16) – (26) NA

*Additional Matters for Destruction or Removal of Indigenous Vegetation*

- (27) *The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.*
- (28) *The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.*
- (29) *The contribution of the indigenous vegetation to the protection of other natural values.*
- (30) *The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.*

***Additional Matters for Earthworks within 200 metres of the Coastal Marine Area***

- (31) ***Effects on the landscape character, natural character and amenity value of the locality, having regard to:***
  - (a) ***natural features and distinctive natural landforms;***
  - (b) ***landscape and seascape values;***
  - (c) ***significant natural values;***
  - (d) ***the nature of any existing development.***

## **2. SUBMISSIONS**

The applications were publicly notified on 1 August 2009 with submissions closing on 28 August 2009. Ten submissions were made to the applications, three oppose, three support, two are neutral and two do not specify either way but request that conditions be imposed.

### **2.1 Submissions in Support**

#### **Richard Easton**

Richard Easton agrees with the proposed intersection upgrades, but would like to be kept informed of any developments with respect to closing any loop roads. He has requested that any major loop roads that are to be closed at one end be sealed from last access to the main highway in order to mitigate the adverse effects of increased traffic.



**Note:** *The applications under consideration are for the reclamation and disturbance of the coastal marine area and land disturbance activities in association with intersection improvements. Any closure of the loop road would be processed by the local authority under the Local Government Act 1974. This is a separate process which involves public notification.*

Mr Easton does not wish to be heard in support of his submission.

## 2.2 Submissions in Opposition

### Geoffrey Rowling

Mr Rowling submits that the applications fails 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 submits that due to the presence of double yellow lines traffic is unable to pass especially heavy vehicles.

He requests 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.

Mr Rowling wishes to be heard in support of his submission.

**Note:** *This submission is outside the matters which can fair and reasonably be considered to be related to the activities being authorised by the consents. However, the writer has contacted LTNZ with respect to this issue and their response is that there is insufficient traffic volume to trigger the need for an acceleration lane.*

### Russell Saunders-Loder

Mr Saunders-Loder submits that the land disturbance activities shown on the application plans will adversely affect the discharge of household waste and sewerage from his property. He requests that the Tasman District Council hold LTNZ fully financially responsible for any replacement of any systems for the next 20 year.

**Note:** *LTNZ has written to the submitter to clarify that the work that he is concerned about is separate from the applications under consideration and that after a meeting with the landowner they have considered other options and have decided to modify the design of the proposed sight bench to avoid any impact on the submitter's property.*

Mr Saunders-Loder wishes to be heard in support of his submission.

### Tiakina te Taiao

Tiakina te Taiao submit 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 also submit 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 submit 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 submit that the works could unearth previously unknown archaeological sites and that if this occurs all works must stop and Tiakina and HPT must be contacted immediately should a site or suspected site be uncovered.

They also submit that 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 is 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 submit that the following mitigation measures are needed:

- that an independent ecologist be appointed to oversee the project and their advice and instructions 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 was previously; and
- an advice note is included on the consent and coastal permit which advisers of the possibility of accidental discovery of Maori archaeological material during the earthworks.

Tiakina te Taiao wish to be heard in support of their submission.

**Note:** *LTNZ has since commissioned an ecologist from the Cawthron Institute to undertake an assessment of the estuarine habitats and communities potentially affected by the proposed works. This has been forwarded to this and other submitters who have expressed concern with regard to the adequacy of assessment of effects on the ecology of the sites submitted with the applications.*

### **Wakatu Incorporation**

Wakatu Incorporation opposes the applications in its 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 requests that 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.

Wakatu Incorporation wishes to be heard in support of their submission.

**Note:** *This submission is considered to be outside the matters which can fair and reasonably be considered to be related to the activities being authorised by the consents.*

## Neutral Submissions

### Director-General of Conservation

The submission from the Director-General of Conservation is neutral with respect to the proposal, but requests that particular regard be given to specific matters when determining the applications. The submission notes the RCA status of part of the activity and the process required to be followed.

The submission notes that the works will be located within the Moutere Inlet which is included in Schedule 25.1F of the Tasman Resource Management Plan (TRMP) as having nationally important natural ecosystem values. It notes that the applications area 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 estuary, in particular by reducing tidal flows to a number of estuary embayments. They submit that 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 notes that Council should have particular regard to Part 2 of the Resource Management Act 1991, relevant policies in the NZCPS, the Regional Policy Statement (RPS) and the TRMP.

The submission acknowledges that the Mariri causeway is a historic structure and that State Highway 60 is a regionally important transport route. It states that on the basis of the information provided with the applications, and provided the activities are undertaken in accordance with the applications it is accepted that the proposal is not contrary to the purpose of the Act. It notes that Council is still required to address the effects of the proposed works during and after construction, in accordance with the purpose of the Act.

The Director-General of Conservation does not wish to be heard in support of his submission but is available to expand upon or answer questions in relation to the matters raised in his submission.

**Note:** *The power to impose conditions on a planning consent is not unlimited. To be valid at law, a condition must:*

- (i) Be for a resource management purpose, not for an ulterior one;*
- (ii) Fairly and reasonably relate to the development authorised by the consent to which the condition is attached; and*
- (iii) Not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties, could not have approved it.*

*In Sampson v Waikato RC EnvC A178/02, the Environment Court noted that to impose a condition, requiring the applicant to take measures beyond what is required to mitigate effects caused by an activity, would be unreasonable.*

It is considered that in this instance the widening of the culvert to accommodate climate change would be unreasonable as this would be requiring measures beyond what is required to mitigate the effects caused by the reclamation.

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

The Friends of Nelson Haven and Tasman Bay submit that inadequate information was provided on the actual and potential natural and intrinsic values of the sites where the works are proposed. The submission states 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.

They submit that while they agree that the original amenity value was fundamentally altered when the causeway was built, they consider that more can be done by LTNZ to mitigate the current works and to improve the area's amenity and natural character values.

They request 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.

They also request 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 reseeding with grass. They request that this be undertaken in accordance with a planting plan prepared by an appropriately qualified ecologist. They also submit that LTNZ should be required to provide financial assistance to support local predator/weed control.

The Friends of Nelson Haven and Tasman Bay wish to be heard in support of their submission.

**Note:** *Whilst the applicant can volunteer to provide financial assistance to support predator/weed control, it is not a matter which related to the development authorised by the consents.*

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

The Historic Places Trust (HPT) submission notes that there is a recorded archaeological site N27/170 located on Eden Road in the vicinity of the proposed works. The submission notes 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.

**Note:** *An archaeologists report was sought by the applicant for the then proposed road widening near the intersection of Eden Road and the highway, this is attached in Appendix 2.*

The submission also notes 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.



**Note:** *The midden was recently removed by an archaeologist with assistance from an iwi monitor under authority granted by the HPT. The Authority was granted to enable highway safety improvements to proceed on the landward side of the intersection.*

The Trust believes that it is possible that unrecorded sites may be encountered during the works as the area is considered to be high in archaeological potential. They recommend that an archaeological assessment be undertaken to identify the effects of the proposal on the sites including the site referenced as N27/172 at the intersection of Eden Road (It is assumed that the submission incorrectly referred to Moana Road).

They request that if consent is granted an advice note be placed on the consent decision to ensure that the applicant is aware of their responsibilities under the Historic Places Act 1993 if any archaeological material is encountered during earthworks.

The NZHPT does not specify if they wish to be heard in support of their submission.

## **2.3 Submissions which do not specify if they support or oppose the applications**

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

The Nelson/Tasman Branch of the Royal Forest and Bird Protection Society submit 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 submit that 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 notes 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. They also list lizard species identified in the Moutere area.

The submission notes the Societies concern with the reclamations undertaken by LTNZ in association with the Ruby Bay Bypass and they believe 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 is 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 condition of consent to ensure that all culverts do not restrict fish passage in any way.

The submission requests that a full ecological assessment of the environment in and around these sites be undertaken prior to a hearing. They request 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.

They also believe that the proposed “window” for revegetation of 21 months is excessive.

They submit 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.

The Society wishes to be heard in support of their submission.

### **Gillian Pollock**

This submission states that the building of the causeway devastated the entire southern coastline of the estuary for both indigenous plants and animals. It notes 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 states that the widening of the three intersections provides an opportunity for considerable remediation of these areas of shoreline. It states 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 states that a more gradual batter slope would better provide for the establishment of a natural plant sequence.

Ms Pollock would like to be heard in support of her submission.

## **3. STATUTORY CONSIDERATIONS**

### **3.1 Section 104 Resource Management Act 1991**

When considering the applications for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:

- a) any actual and potential effects on the environment of allowing the activity; and
- b) any relevant provisions of:
  - i) a National Policy Statement;
  - ii) a New Zealand coastal policy statement (NZCPS);
  - iii) a Regional Policy Statement (RPS);
  - iv) a Plan or Proposed Plan; and
- c) any other matter the consent authority considers relevant and reasonably necessary to determine the applications.

When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

### 3.2 Part II Resource Management Act 1991 (RMA)

Part II of the RMA outlines the Act's purpose and principles. The purpose is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining their potential to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil, and ecosystems and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In achieving the purpose of the Act, all persons exercising functions and powers under it **shall recognise and provide** for amongst other matters the following matters of national importance:

- The preservation of the natural character of the coastal environment (including the CMA), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- The protection of historic heritage from inappropriate subdivision, use and development.

In achieving the purpose of the Act, all persons exercising functions and powers under it **shall have particular regard to amongst other matters the following:**

- Kaitakitanga;
- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Intrinsic values of ecosystems;
- Maintenance and enhancement of the quality of the environment;
- Any finite characteristics of natural and physical resources; and
- The effects of climate change.

In achieving the purpose of this Act, all persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi.

The relevant principles outlined in Sections 6, 7 and 8 of the Act have been reviewed and it is considered that subject to the recommended conditions of consent the granting the application for the restricted coastal activity and the resource consents for coastal disturbance and occupation and land disturbance will achieve the purpose of the Act in Section 5.

It is considered that, subject to the recommended conditions of consent, the proposed activity will consistent with the purpose and principles of the Resource Management Act 1991. Although the existing causeway has effects on the hydrodynamics of the estuary, the ecology of the estuary margins and on its natural character it is considered that the proposed works will not exacerbate those existing effects to more than a minor degree. The one culvert extension which flushes the embayment to the north of Weka Road will not further restrict tidal flushing. Although the reclamations will alienate coastal marine area, in the context of the estuary the area involved is not significant and the recommended conditions of consent will partly mitigate the reclamation of the land in the coastal marine area. Subject to the recommended conditions regarding estuarine edge enhancement the visual amenity and natural character of the area will be enhanced to a degree.

It is acknowledged that the highway is a regionally important transport route and that road safety improvements are required to reduce the existing hazards which are recognised at the three intersections. There are no alternative locations where the desired road safety outcomes can be achieved.

Sections 6 and 7 of the Act require the recognition and provision of matters of national importance and other matters.

The Moutere estuary is identified in the Tasman Resource Management Plan as an area with nationally important natural ecosystem values. The estuary is identified as being notable for the presence of white heron and royal spoonbill, banded rail are now restricted to the head of the estuary and marsh crake have been observed in the inlet.

The Moutere Estuary shoreline lies within the Kina Coastal District Character Area in the Tasman District Coast Landscape Character Assessment which was commissioned by Council and undertaken by Boffa Miskell. The report identifies this area as being sensitive to change particularly in terms of the delicate balance that currently exists between its landscape values, its coastal environment values and existing rural character values. The report notes that there is relatively little land retained for conservation purposes and that well managed conservation land has high landscape values.

With respect to the matters of national importance it is recognised that the natural character of the coastal environment is already compromised by the existing causeway. There will be an increase in the width of the causeway in the vicinity of the three intersections which will not result in a significant difference in the appearance of the environment once the work is complete. The recommended conditions of consent require the revegetation of the reclamation margins, this will enhance the natural character of the estuary margin and of the causeway.



The concerns of iwi and hapu in relation to waahi tapu and taonga that may be affected by the applications have been acknowledged and conditions of consent recommended.

### **3.3 Assessment of the Actual and Potential Effects on the Environment**

The principal issues associated with the proposed activity involve the actual and potential effects on the environment. For these applications these were identified as being:

- a) disturbance during construction;
- b) effects on coastal ecology and water quality;
- c) effects on natural character, landscape and land use;

#### **Disturbance during Construction**

Users of the State Highway and immediately adjoining landowners will be subject to noise, possibly some dust and visual effects from both the construction of the reclamation and road surface and the associated truck movements delivering fill material. The effects on the users of the highway will be addressed by a traffic management plan and traffic control measures.

The effects of the activity on nearby residences will vary depending on the distance of the dwellings from the proposed works. The nearest residences to the sites are 95 metres (Weka Road), 45 metres (Eden Road) and 210 metres (Moana Road). The duration of the works is expected to be approximately 20 weeks. The hours of operation will be between 7.00 am and 6.00 pm Monday to Friday. The activity will be undertaken so that construction noise standards can be met. No works will be carried out between the Monday prior to Christmas to the second Sunday after New Years day. Any work on Saturday mornings will be limited to between 7.00 am and 12 Noon and is only able to be undertaken with the approval of the on-site Engineer. Disruption to nearby residences will occur during the construction phase but is not expected to be significant (subject to the recommended conditions of consent) and in the context of the noise generated on a daily basis by state highway use.

Sediment control measures during the construction period will minimise the potential for sediment to enter the estuary. Measures proposed include creating an earth bund at the seaward extent of the work areas and the installation of sediment fencing. The applications note that works can be suspended during periods of wet weather, if heavy rainfall is forecast, or if strong onshore winds and high tides coincide and threaten the work area. Recommended conditions of consent require the implementation of an erosion and sediment control plan.

Disturbance caused by vehicle movements will be confined to the area on the estuary side of the earth bund which will be created to define the extent of the work area and provide protection of the work site from tidal influence.

## Effects on Coastal Ecology and Water Quality

Although the site of the proposed works is within an area that has been previously disturbed and modified by the construction of the causeway, the Moutere Inlet is identified as a site with nationally important natural ecosystem values.

The assessment of the estuarine habitats and communities potentially affected by the activity commissioned in response to submissions did not identify any species or communities of special scientific or conservation interest within the areas to be reclaimed. It notes that species assemblages were typical of the substrates and tidal zonation of the sites and did not indicate a high level of disturbance. The report notes that the small amount of high-shore habitat which will be lost beneath the proposed works exhibits little biological diversity and its loss will not result in observable effects to the functioning of ecosystems or hydrodynamic processes in the wider estuarine environment. I generally agree with these observations and consider that the loss of estuarine habitat in this location on the wider habitat and area of the estuary will not be significant. The applications note that the outer slopes of the causeway above the tidal zone are covered in grass and area mown on a regular basis as part of the highway maintenance programme. It states that the establishment of native vegetation along the edge of the causeway is not desirable as the presence of vegetation may attract wildlife to the roadside environment where they are at risk from passing vehicles and that dense closely mown grass provides good protection against erosion and provides safety benefits in terms of unobstructed sight lines for highway users.

While staff appreciate the safety concerns expressed by LTNZ it is considered that some estuarine edge enhancement will mitigate the effects of the reclamation and restore small areas of estuarine edge habitats lost during the construction of the reclamation and the original causeway. It is recommended that an estuarine edge restoration plan be prepared by an appropriately qualified ecologist prior to the works being undertaken and implemented on completion of the works. This may not require restoration along the entire reclamation margin, but in patches where the depth of the surrounding estuary would facilitate revegetation. Any vegetation used would naturally have a low profile which would not compromise visibility for road users, but would provide habitat for estuarine wildlife. There are no habitual crossing places for birds including Pukeko in the vicinity of the site so it is unlikely that estuarine edge rehabilitation would result in more birds crossing the highway. Some estuarine edge restoration would also partly mitigate the adverse visual effects of the causeway on the natural amenity of the estuarine margins and on the landscape when viewed from further afield. It will also provide some natural buffering of the causeway batter from the wave chop which can be generated across the estuary in northerly and easterly conditions.

The creation of an earth bund at the seaward extent of the work area and the installation of sediment fencing will minimise indirect effects on species from sediment deposition during the construction period. Any disturbance beyond the site is anticipated to be negligible, particularly as these areas are exposed to periodic elevations in natural suspended sediment levels in the estuary.

The applications involve the extension of two smaller culverts at the Eden and Moana Road sites and an existing larger culvert at Weka Road (See Figure 5 below). The culverts will be extended so that they will protrude beyond the new outer face of the causeway.



Figure 5: Weka Road Culvert

Staff generally agree with the assessment of the effects of the reclamation and culvert extensions on fish passage. Each of the three culverts, and more particularly the culvert which provides for the flushing of the embayment to the north of the Weka Road intersection currently provide and will continue to provide for the passage of fish.

A number of submitters have raised an issue with the capacity of the existing culverts. The general thrust of the submissions is that the construction of the causeway and subsequent reduction in tidal flushing has adversely affected the ecosystems within the embayments. They submit that increasing the capacity of the existing culverts would help mitigate past reductions in tidal flows and help restore or rehabilitate the natural character of the coastal environment. While it is acknowledged that a reduction in tidal flushing would have occurred as a consequence of the construction of the causeway, the proposed works will not increase this adverse effect. As such it is not considered fair or reasonable to impose a condition requiring the resizing of the existing culvert beneath the state highway to the north of the Weka Road intersection. The culvert extensions will be required to be designed so that there is no reduction in the level of tidal flushing.

## Effects on Natural Character, Landscape and Land Use

The applications state that the reinstated shoreline over the three 240 metre estuary frontage sections and one 110 metre landward section will be structurally and visually similar to the existing shoreline. This is accepted, however, although the existing causeway is functional it has very low natural character values. The reclamation provides an opportunity to enhance the existing environment and the natural character of parts of the causeway margin. The restoration of estuarine margin vegetation around parts of the reclamation margins will enhance the natural character and landscape values.

Section 105(2) of the RMA 1991 requires that if an application is for a reclamation the Consent Authority must consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under Section 108 on the resource consent. In this case the works are being undertaken within existing road reserve. It is not considered appropriate to require the vesting of an esplanade reserve or the creation of an esplanade strip.

### 3.4 New Zealand Coastal Policy Statement (Operative)

The New Zealand Coastal Policy Statement provides national guidance to consent authorities in the management of the coastal environment.

The general policy direction of the New Zealand Coastal Policy Statement seeks:

- a) To set national priorities for the preservation of the natural character of the coastal environment.
- b) To protect characteristics of the coastal environment of special value to the tangata whenua, in accordance with tikanga Maori.
- c) That adverse effects of use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the fullest extent practicable.

Policy 1.1.2 states that the preservation of the natural character of the coastal environment and protection of significant indigenous vegetation and significant habitats of indigenous fauna is a national priority and that this can be achieved by:

- (a) *avoiding any actual or potential adverse effects of activities on the following areas or habitats:*
  - (i) *areas and habitats important to the continued survival of any indigenous species; and*
  - (ii) *areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types.*
- (b) *avoiding or remedying any actual or potential adverse effects of activities on the following areas:*
  - (i) *outstanding or rare indigenous community types within an ecological region or ecological district;*
  - (ii) *habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and*



(iii) *areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;*

(c) *states that it is a national priority to protect ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetland, mangroves and dunes and their margins.*

The Moutere estuary is considered to have nationally significant natural ecosystem values, the preservation of those values is considered to be a national priority as is the avoidance and mitigation of any adverse effects of the activities on the estuary.

*Policy 1.1.3 states that it is a national priority to protect landscapes, seascapes, landforms, characteristics of significance to Maori and significant places or areas of historic or cultural significance.*

The immediate site of the works is not identified in the Plan as having any of these features. However, both iwi and the New Zealand Historic Places Trust have identified that the works could unearth previously unknown archaeological sites and that if this occurs all works must stop and Tiakina and the Trust must be contacted immediately should a site or suspected site be uncovered.

*Policy 1.1.4 states that it is a national priority to preserve the natural character of the coastal environment to protect the integrity, functioning and resilience of the coastal environment in terms of several features, including the dynamic processes and features arising from the natural movements of sediments, water and air, and the intrinsic values of the ecosystem.*

The natural character of the area has already been extensively modified by the construction of the causeway and as a result retains little of its original natural character. However, the recommended conditions of consent require some estuarine edge restoration which will enhance the natural character of the site and enhance the functioning and resilience of the immediate environment.

*Policy 3.2.2 states that the adverse effects of use or development in the coastal environment should as far as practicable be avoided, and where complete avoidance is not practical, effects should be mitigated or remedied.*

It is acknowledged that the reclamations are necessary in order to improve traffic safety in the immediate vicinity of the three intersections and that there are no practical alternative locations to achieve the road safety objectives. The proposed works will be undertaken in a manner which will avoid significant adverse effects on the coastal environment and will mitigate their effects by providing for estuarine edge revegetation. The works are considered to be the best practicable option in medium term in this location.

*Section 3.5 contains a requirement to maintain and enhance public access to and along the coastal marine area.*

The need for the works is driven by traffic safety improvements, facilitating public access adjoining a busy, high speed state highway where there is limited space available is not seen as appropriate or a high priority in these particular locations.

*Policy 4.1.4 seeks that provision is made to ensure that material used to create or form a reclamation in the coastal marine area does not include contaminants, which are likely to have, or have, the potential to adversely affect the coastal marine area.*

The recommended conditions of consent will require that the material used to create the reclamation will be free of contaminants.

### **3.5 Tasman Regional Policy Statement**

The general objectives in the Regional Policy Statement include the need to maintain the biological diversity and healthy functioning of coastal and marine ecosystems, to protect and enhance significant natural, heritage and cultural values of resources and to recognise and protect significant traditional interest of the tangata whenua in relation the coast.

The objectives specific to the coastal environment include the following:

Objective 9.3 - A coastal marine area in which adverse effects from activities, including structures, physical modification, or occupation are avoided, remedied or mitigated;

Objective 9.5 - Preservation of the natural character of the coastal environment, including the functioning of natural processes;

The accompanying reasons state that the coastal environment is an area with significant natural values and that its natural character needs to be protected or enhanced along all parts of the District's coastline, both for its intrinsic values and its visual, aesthetic and cultural appreciation by the public.

Policy 9.3 states that the Council will provide for activities in the coastal marine area, while avoiding, remedying or mitigating their adverse effects on:

- (i) the natural character of the coastal environment, including natural processes, outstanding natural features and landscapes, and significant habitats of indigenous species;
- (ii) the amenity values of the locality, including heritage values;
- (iii) public access and multiple use, including any degree of occupation (exclusion) sought;
- (iv) the natural qualities of coastal water;
- (v) Maori culture, traditions and taonga;
- (vi) existing and potential uses of the locality;
- (vii) environments or facilities beyond the site, including transport facilities;

and whether these effects can be avoided, remedied or mitigated.

### **3.6 Tasman Resource Management Plan**

Subject to the recommended conditions of consent the activity is considered to be consistent with the relevant objectives and policies contained in Chapter 8 (Margins of Rivers, Lakes, Wetlands and the Coast), Chapter 12 (Land Disturbance Effects), and Chapter 21 (Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values).

#### **Margins of the Coast**

Objective 8.2.2 requires the maintenance and enhancement of the natural character of the margins of the coast, and the protection of that character from adverse effects of the subdivision, use,

development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.

**Policy 8.2.3.1 seeks to maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of the coast and its margin.**

Policy 8.2.3.2 seeks to control the destruction or removal of indigenous vegetation on the margins the coast.

**Policy 8.2.3.17 seeks to pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities.**

Policy 8.2.3.18 seeks to avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise.

Policy 8.2.3.19 seeks to avoid, remedy or mitigate adverse effects of vehicle access on foreshore, beaches and estuary margins.

Policy 8.2.3.21 seeks to protect historic and cultural sites in riparian margins and the coastal environment.

## **Land Disturbance Effects**

Objective 12.1.1 aims to avoid, remedy, or mitigate the adverse effects of land disturbance, including:

- (a) - (b) n/a
- (c) sediment contamination of water and deposition of debris into the coast;
- (e) adverse visual effects;
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.

## **Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values**

*Objective 21.1.0 seeks to preserve the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.*

**Policy 21.1.1 seeks to avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:**

- (a) Physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance.**
- (b) Disturbance of plants, animals, or their habitats.
- (c) Structures, including impediments to natural coastal processes.
- (d) The use of vessels or vehicles.
- (e) Stock grazing or trampling on coastal margins.
- (f) The discharge of any contaminant or waste.

**Policy 21.1.3 aims to restrict the placement of structures in or along the coastal marine area to those for which a coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.**

*Objective 21.2.0 aims to avoid, remedy or mitigate adverse effects on marine habitats and ecosystems caused by the disturbance of the foreshore and seabed with a priority for avoidance in those areas having nationally or internationally important natural ecosystem values.*

*Policy 21.2.3 aims to avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:*

- (a) natural character;*
- (b) natural coastal processes and patterns;*
- (c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;*
- (d) public access to coastal marine space;*
- (e) visual amenity and landscapes or seascapes;*
- (f) navigational safety;*
- (g) historic and cultural values.*

*Policy 21.2.4 aims to require that utility structures or facilities in the coastal marine area are proposed only after a comparative evaluation is undertaken of the effects of alternative sites or routes for such utilities, including on land not in the coastal marine area.*

*Policy 21.2.11 aims to allow the use of the foreshore where there are no adverse effects on:*

- (a) public access and safety;*
- (b) amenity values;*
- (c) plants, animals or habitats;*
- (d) natural features and processes;*
- (e) existing authorised structures.*

*Policy 21.2.17 aims to promote measures to re-establish natural coastal conditions or processes.*

*Policy 21.2.20 is to regard reclamation as generally inappropriate, and ensure that any reclamation:*

- (a) is for a purpose that functionally must be located on the coast and in the coastal marine area;*
- (b) is of the minimum practical extent for the proposed purpose and adequate management of any adverse effects arising from that purpose, and for any area needed for public access;*
- (c) avoids locating in areas with nationally or internationally important natural ecosystem value, unless there is no feasible alternative location for the activity for which reclamation is sought.*

***Policy 21.2.25 aims to encourage the re-establishment of species indigenous to the coastal marine area.***

The proposed activity is not considered to be contrary to the thrust of the objectives and policies in the Plan. While it is acknowledged that a solid structure would not naturally be found in this coastal environment. The purpose of the works are to improve the existing traffic safety environment, there are no practical alternative locations to achieve the desired outcome (refer Policy 21.2.20(a)). The works are in response to a community need to improve traffic safety. The natural character of the western margin of the estuary has been compromised by the existing structure, the proposed widening will have no more than a very minor effect on the natural character of the estuary. Nonetheless, the objectives and policies in the Plan (particularly policies 8.2.3.1, 8.2.3.17, 21.1.3 and 21.2.25) seek to pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities. They also aim to encourage the re-establishment of species indigenous to the coastal marine area. The recommended conditions of consent with respect to estuarine edge enhancement will be consistent with these policies.

The adverse effects generated by the land disturbance activities will be short term and will be undertaken in a manner which will minimise disturbance to estuarine ecosystems and nearby residents.

## **4. SUMMARY AND RECOMMENDATION**

### **4.1 Recommendation**

That pursuant to Section 104 and 118 of the Resource Management Act 1991 the Commissioners recommend to the Minister of Conservation the grant of consent RM090441. Pursuant to section 123 (a) it is recommended that the consent to reclaim the coastal marine area be unlimited.

It is also recommended that pursuant to section 104B of the RMA the commissioners grant the applications for coastal permit RM090401 to disturb and occupy the coastal marine area for a period of 35 years and RM090400 to undertake land disturbance activities for a period of 10 years.

### **4.2 Conditions**

If the Minister decides to grant consent, the following conditions are recommended:

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

1. Pursuant to Section 125(1) of the Act the resource consents shall lapse in ten years unless they are given effect to before then.
2. The Consent Holder shall ensure that the activities are undertaken in general 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.
3. 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 (Carl Cheeseman, (03) 543 8436) at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.
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, at least one week prior to commencing any works, contact Tiakina te Taiao Limited, PO Box 13, Nelson (ph (03) 546 7842), and advise them of the commencement date of the earthworks. In the event of archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust (c/- Mr Steve Bagley, Department of Conservation, Private Bag 5, Nelson (ph (03) 546 9335)), 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: 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 contact the New Zealand Historic Places Trust 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.

7. 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.
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 assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and
  - (d) to change the compliance standards imposed by conditions of these consents to standards which are consistent with any relevant regional plan, district plan or Act of Parliament.

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

9. In accordance with Section 123 (a) of the Resource Management Act 1991 the reclamation authorised by RM090441 shall have an unlimited term.



10. 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.
11. Prior to the works commencing on site the Consent Holder shall commission an appropriately qualified ecologist approved by Council to prepare an estuarine edge restoration plan.
12. The Restoration Plan shall be submitted to the Council at least two months prior to work commencing on the site.

The Plan shall include the following information:

- (i) details of areas and measures proposed to restore estuarine margin habitat (It is anticipated that an area in the order of twice the total area of the three reclamations will be the minimum area subject to restoration;
- (ii) a planting implementation and maintenance programme;
- (iii) details of the plant sizes at maturity and plant species used;

All planting shall be undertaken within the first growing season after the disturbance and reinstatement in association with the reclamations has occurred (following settling of the bedding material) and shall be maintained for a period of two years.

Advice Notes: The plan may not require restoration along the entire reclamation margins, but in patches where the depth of the surrounding estuary would facilitate revegetation. The aim of the restoration plan shall be to achieve the best environmental outcome for estuary habitats not necessarily to revegetate the entire margin of the reclamation. It may be that elevated areas beyond the margin of the reclamation may achieve more significant environmental outcomes for restoration than the planting of the reclamation batter.

The vegetation used in the restoration of the estuarine margin shall have a low profile which will not compromise visibility for road users, but will provide suitable habitat for estuarine wildlife. The Plan shall identify the development of the plantings and timeframes for undertaking the works. Planting heights relative to MHWS is critical for the successful establishment of certain species. There is a natural sequence of plants from the most to least salt tolerant: glasswort to sea rush to estuary needle tussock to coastal ribbonwood. Of these only glasswort will establish easily without intervention. Other species such as oi oi may not thrive on the coastal margin of the causeway due to limited freshwater inputs. Direct transfer of existing plants existing in the path of development is the preferred establishment method, particularly for rushes. Ordering of plants needs to be undertaken as soon as practicable due to the length of time required to propagate seedlings.

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. Where the estuarine edge restoration plan identifies potential for

revegetation at the interface between the reclamation batter and the estuary the lower batter slope of the reclamation shall have a maximum gradient of 20H:1V. A mix of fines and gravel shall be placed over the lower batter to provide for the successful establishment of estuarine plants.

14. Any rock material used in the reclamation revetment shall be of a similar colour 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 are not identified in the restoration plan and 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.
20. No contaminants (except site-generated sediment) shall be discharged or released to land or water of the estuary during the works. In the unlikely 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 unlikely 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 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)**

24. The consent to occupy and disturb the coastal marine area shall expire 35 years following the grant of consent.
25. The three culvert extensions shall be designed so that they do not further restrict fish passage or the capacity of the existing culverts.

**Special conditions for RM090400 (Land Use Consent - 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 1,000m<sup>2</sup> in area and in a location adjoining an area with nationally important natural ecosystem values)**

26. Only clean fill material free of weed seeds shall be used within the reclamation.

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.

27. 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.

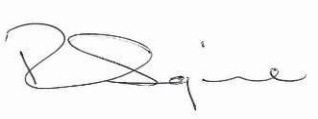
*Advice Note: In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.*

- 28. 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 Councils Co-ordinator Compliance Monitoring.
- 29. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.

## **ADVICE NOTES**

- 1. 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.
- 2. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 3. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
- 4. Any matters not referred to in these applications for resource consents or otherwise covered in the consent conditions must comply with the Tasman Resource Management Plan or the Resource Management Act 1991.
- 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:

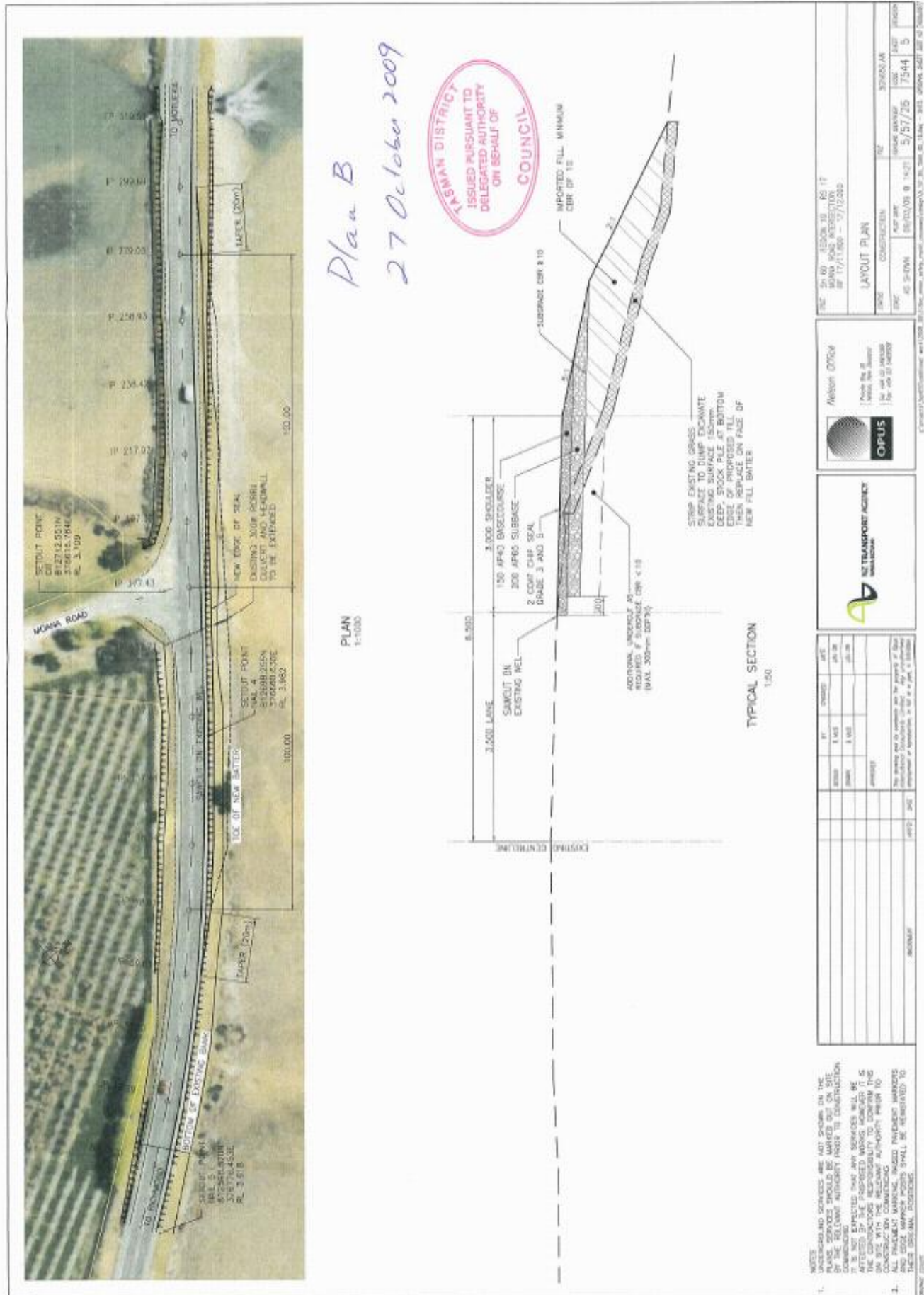
- (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - (b) be allowed by the Resource Management Act; or
  - (c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will 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.

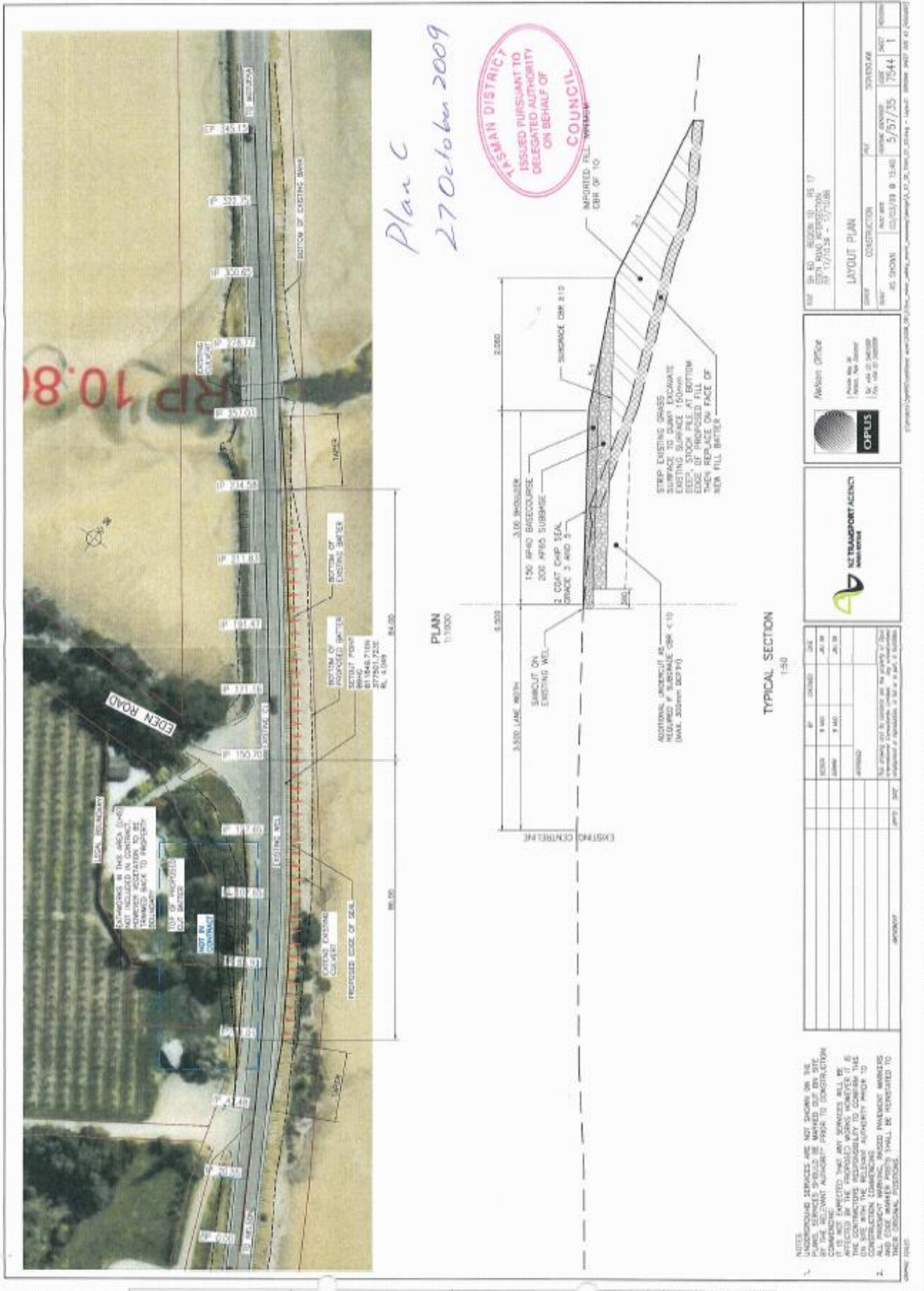


Rosalind Squire  
**Consent Planner, Coastal**











Office of the  
Minister of Conservation

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*RCA's (until coastal plan become operative).*

**DIRECTION UNDER SECTION 372(1)  
OF THE RESOURCE MANAGEMENT ACT**

Pursuant to Section 372(1) of the Resource Management Act 1991, I, DENIS WILLIAM ANSON MARSHALL, MINISTER OF CONSERVATION, HEREBY ISSUE a direction to the Nelson-Marlborough Regional Council as follows:

1. That the activities specified in the schedule hereto are restricted coastal activities for the purposes of the Resource Management Act 1991 whether or not a regional coastal plan is deemed to be operative in the Nelson-Marlborough Region under Section 370 of the said Act.
2. That changes be made to the regional coastal plan for the Nelson-Marlborough Region deemed operative under section 370 of the said Act, identifying in that plan that the activities specified in the schedule hereto are restricted coastal activities.
3. That any application for a permission or for a coastal permit for any activity set out in the schedule hereto shall be dealt with as an application for a restricted coastal activity and considered according to the provisions of Sections 117 - 119 of the said Act.

Dated at Wellington this *13<sup>th</sup>* day of *October* 1991

Minister of Conservation

<u>Activity</u>	<u>RCA Criterion</u>	<u>Effect</u>
D. Structures for transmission, transportation, storage or containment of materials	Structures which carry, store or contain any oil or oil products in quantities greater than 50,000 litres (for clarification this criterion includes oil-wells.)	Accidental release of oil in substantial quantities would result in significant contamination of the CMA with consequent significant adverse effects on marine living resources and requiring Crown funding of clean-up.
Section 12(1(c)) Disturb (Excavate, Drill, Tunnel etc)	i) volumes > 50,000m <sup>3</sup> or ii) area > 1Ha or iii) linear > 1000m in any 12 month period.	Disturbance of the foreshore or seabed at this scale seriously jeopardises Crown proprietary interest in land or marine living resources and has significant adverse effects on these resources.
Section 12(1(d)) Depositing substances	Dumping of dredged material in quantities greater than 50,000m <sup>3</sup> in any 12 month period.	Dredge dumpings of this scale significantly adversely affect the dump site for very long times. Contaminants contained in the dumpings often irreversibly concentrate in food chains.
Section 12(1(f)) Introducing exotic plant species	Plant species new to NZ or new to the area of New Zealand for which the proposal relates.	The introduction of exotic species may irreversibly modify the balance of indigenous species and result in significant adverse effects on them. Introduction of new plant species may seriously jeopardise the Crown's interest in marine living resources.

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## SCHEDULE

### 1. Activities With Significant Or Irreversible Adverse Effects

<u>Activity</u>	<u>RCA Criterion</u>	<u>Effect</u>
Section 12(1(a)) Reclamations	1000m <sup>2</sup> or 50m linear in any direction (or incremental reclamations for the same project which in sum exceed these dimensions).	Reclamations irreversibly destroy foreshore or seabed and make the resulting dry land more available for alienation.
Section 12(1(b)) Structures: A. which impound areas of the coastal marine area.	Impound an area of 4 Ha or more.	Impoundments alter the tidal ebb and flow and result in significant adverse effects on the enclosed area of foreshore or seabed, particularly siltation. In effect impoundment results in reclamation.
B. Solid (or effectively solid) structures placed along shore	200m or more in length (including incremental structures adding up to 200m contiguous)	Seawalls and similar structures reflect and amplify wave action, often leading to significant erosion of foreshore elsewhere. This is irreversible destruction of Crown estate or private lands.
C. Solid (or effectively solid) structures placed obliquely or perpendicular to the shoreline.	100 m or more in length	This type of structure significantly alters current and sediment over a radius of twice the structure length. The result may be significant or irreversible adverse effects on foreshore.

<u>Activity</u>	<u>Criterion</u>	<u>Effect</u>
<p>Section 12(2) A. Occupation of Coastal Marine Area</p>	<p>1. Exclude or effectively exclude public access to areas over 10 Ha. 2. Restrict public access to areas over 50 Ha.</p>	<p>Exclusive or restrictive occupation of foreshore or seabed at these scales has significant adverse effects on public access.</p>
<p>Section 12(2) B. Removal of sand and shingle</p>	<p>i) volumes &gt; 50,000m<sup>3</sup> or ii) area &gt; 1Ha or iii) linear &gt; 1000m in any 12 month period.</p>	<p>Removal of sand or shingle at this scale is likely to have significant or irreversible adverse effects on the CMA.</p>
<p>Section 15 Discharges</p>	<p>1. Sewage or products of sewage treatment discharged directly to the sea without passage through soil or wetland</p>	<p>Discharge of sewage or sewage products directly to the sea without contact with land is contrary to the principles of the Treaty of Waitangi and has a significant adverse effect on Maori. The contaminants also have a significant adverse effect on health and safety of the general public.</p>

## **5. DIRECTION OF MINISTER OF CONSERVATION:**

### **RESTRICTED COASTAL ACTIVITIES**

#### **Original Purpose and Intent**

This direction was given to the Nelson-Marlborough Regional Council following the commencement of the Resource Management Act, to provide for government control of decisions on certain resource use activities in the coast, called restricted coastal activities, where those activities are considered by the Minister of Conservation to have significant or irreversible adverse effects on the coastal marine area.

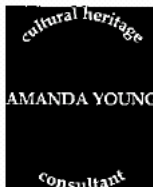
#### **History of Establishment**

The direction was issued to the Council by letter dated 1 October 1991.

#### **Effect of the Act**

The Act provides for the direction to apply to the transitional regional coastal plan for the purpose of identifying in the plan what activities are restricted coastal activities. To this extent, the direction can be considered to be a provision of the transitional plan. The direction ceases to have effect upon the date that a proposed regional coastal plan is notified in accordance with the Act.





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13 May 2009

Matthew Lord  
Opus International Consultants  
[c/-Matt.Lord@opus.co.nz](mailto:c/-Matt.Lord@opus.co.nz)

Dear Matt

**Eden Road: Intersection Improvements**

As requested, yesterday I inspected the site of proposed improvements to the Eden Road / SH60 intersection, Mariri / Tasman. NZTA wish to cut back the batter along SH60 over an area of 60 m and 6 m wide. This is to improve the sight lines at this intersection.

There is one recorded archaeological site near to the proposed work, N27/170 midden. This was initially recorded in 1995 as shell and dark soil visible in two patches along Eden Road. The midden was seen in the road batter on the inland side of the road. I re-recorded the site in 2003 as midden exposed intermittently in the road cutting over at least 10 m. The layer was 10 cm deep. The midden was on the southern side of Eden Road about 200 m from the intersection with SH60. N27/170 was found yesterday and is similar to what was seen in 2003.

N27/170 is located about 200 m away from the proposed work and will not be affected by the earthworks. The nature of the site, location and topography in this area is such that it is clear it will not extend into the area of proposed earthworks.

I inspected the site of the proposed work to the intersection. The batter that will be cut back is bare clay with some plants hanging over it. Visibility was good. There is a house and garden above the road. There is no visible archaeological evidence and it is unlikely that the work will affect any subsurface remains. It is my opinion that the work will not affect archaeological material; and that the project does not need a further archaeological assessment or archaeological monitoring.

Yours sincerely

Amanda Young

Site Information

NZAA Metric Site Number

N27-170

<b>NZMS 260 Map</b> Number: N27 Name: Moutere Edition: 2000		<b>Site</b> Type: MIDDEN Maori Name: Other Name:	
Grid Reference - Old Easting: 2511200 Grid Reference - New Easting: Grid Reference - GPS Easting: 2512461		Old Northing: 6006300 New Northing: GPS Northing: 6004322	
Land Owner: Address:		Council Name: Tasman District Council TDC Status: Active Date of Last Record: 1991 Date of Visit: 13/02/2003	
GPS Accuracy +/-m: 8			
<b>Aids to relocation</b> On southern side of Eden Rd, c. 200 meters from Coastal Highway. Midden exposed intermittently in road cutting over at least 10 metres, 10 cm deep.			
<b>Current site condition</b> Cut by road, eroding.			
<b>Current land use</b>			
<b>Threats</b> Erosion, road widening.			
<b>Iwi/Hapu</b> Contact Te Awhina Marae, Motueka for guidance.			
<b>Updated by</b> A Young Address: 17a Tui Glen Rd, Atawhai, Nelson		File District: Nelson File Date:	
<b>Photos</b> <input checked="" type="checkbox"/>		<b>Maps/ drawings</b> <input type="checkbox"/>	
<b>Recommendations</b>			
<b>Additional Information</b> Midden contents: predominantly pipi, mudsnail, cockle, gastropod.			
<b>Upgrade Project notes</b>			

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION <b>SITE RECORD FORM (METRIC)</b>		NZAA METRIC SITE NUMBER <b>N27/170</b> DATE VISITED <b>8/7/91</b> SITE TYPE <b>Midden</b> SITE NAME: MAORI OTHER	
Metric map number <b>N27</b> Metric map name <b>Moutere</b> Metric map edition <b>1st ed. 1987</b>			
Grid Reference	Easting	Northing	
	<b>125</b>	<b>044</b>	
1. Aids to relocation of site (attach a sketch map) On southern side of Eden Rd, ca. 200m from Coast Highway. Main culvert on inlet adjacent to the north bears 1.5°.			
2. State of site and possible future damage In roadside cutting.			
3. Description of site (Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here) Shell visible in low roadside cutting over 4m, as isolated scattered shells - pipi and mudsnail about equal. Ca. 40m further along road, still on "southern" side, a midden layer is visible in side of ditch. Pipi/cockle 80:20 in a layer up to 10cm thick, extending 5m beneath group of willows (?), and black layer extending a further 6m. Culvert can just be seen from opposite side of road at 357. Pipi is large - 50-70mm.			
4. Owner <b>Tasman District Council</b> Address		Tenant/Manager Address	
5. Nature of information (hearsay, brief or extended visit, etc.) <b>Brief visit</b> Photographs (reference numbers, and where they are held) - Aerial photographs (reference numbers, and clarity of site)			
6. Reported by <b>D. F. B. &amp; R. Nichol</b> Address <b>24 Hampden St. Picton</b>		Filekeeper Date <b>[Signature] 6.6.95</b>	
7. New Zealand Historic Places Trust (for office use)			
<input type="checkbox"/>	Type of site	<input type="checkbox"/>	Present condition and future danger of destruction
<input type="checkbox"/>	Local environment today	<input type="checkbox"/>	Local body
<input type="checkbox"/>	Land classification		