

22 December 2021

Resource Consent Numbers: SH195013V2
and RM215306

Contact: Rosalind Squire
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Bayview Nelson Limited
C/- Landmark Lile Ltd
PO Box 343
Nelson 7040

Tēnā koe Bayview Nelson Limited

Resource consents granted

Please find attached your resource consents, granted pursuant to Section 113(4) of the Resource Management Act 1991 ("the Act").

Please ensure you read the conditions of your consents carefully before you commence your activity. Some conditions may require you to carry out specific actions before you start. You may also need to obtain other permits or building consents before commencing your activity.

Once the final processing costs are determined an invoice will be sent out or you will be contacted if there is a refund of any fees.

If you have any questions regarding any aspect of your consents or their conditions, please don't hesitate to contact me.

Ngā mihi nui



Rosalind Squire
Consultant Planner

DECISION TO CHANGE AND CANCEL CONSENT CONDITIONS

Resource Consent number SH195013V2 is granted to:

Bayview Nelson Limited

The activity:

Change of conditions 1, 17, 29, 31, 38 and 50, cancel condition 30 of Resource Consent SH195013 (as varied by SH195013V1) and include new conditions 51 – 54, for bulk earthworks to reflect changes in earthworks design and amended plans.

Location details:

Address of property: 576 Atawhai Drive, Nelson

Legal description: Lot 1 DP 551852

Record of title: 956279

Location co-ordinates: 1626705.33E 5434099.12N (NZ Transverse Mercator)

Lapse and Expiry date:

This consent will lapse on 22 December 2022 unless you have given effect to it before then.

This consent will expire on 22 June 2023.

CONDITIONS

Condition 1 is changed from:

1. The activity shall be carried out generally in accordance with the application lodged with the Council on 06 September 2019 except as varied by the application lodged with Council on 17 September 2020 with specific regard to the Geotechnical Feasibility Assessment dated August 2019, the Dust, erosion, and sediment control considerations – Bayview SHA, Nelson Revision 2, the further information received 22 October 2019, 20 December 2019, 3 February 2020, 21 February 2020, 4 March 2020, 11 March 2020, 18 March 2020, 21 April 2020, 23 April 2020, 29 April 2020, 11 May 2020 and the attached SH195013 approved plans A to I for stages 3 to 13 of SH195006, the attached SH195013V1 approved plan for Stages 1 and 2 of RM205239 and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

To:

1. The activity shall be carried out in general accordance with the application lodged with the Council on 06 September 2019 except:
 - a) As varied by the application lodged with Council on 17 September 2020 with specific regard to the Geotechnical Feasibility Assessment dated August 2019, the Dust, Erosion, and Sediment Control Considerations – Bayview SHA, Nelson Revision 2, the further information received 22 October 2019, 20 December 2019, 3 February

2020, 21 February 2020, 4 March 2020, 11 March 2020, 18 March 2020, 21 April 2020, 23 April 2020, 29 April 2020, 11 May 2020 and the attached SH195013 approved plans A to I for stages 3 to 13 of SH195006, the attached SH195013V1 approved plan for Stages 1 and 2 of RM205239; and

- b) As varied by the application lodged with Council on 17 September 2021 with specific regard to the Bayview Subdivision - Peninsula Earthworks Geotechnical Assessment Report dated 19 November 2021 and the Dust, Erosion, and Sediment Control Considerations - Peninsula earthworks, Bayview, Nelson dated 14 September 2021, the further information received on 19 October 2021, 20 October 2021, 24 November 2021 and the attached SH195013V2 approved plans A to D for stages 6 and 7A to I for stages 3 to 13 of SH195006, the attached SH195013V1 approved plan for Stages 1 and 2 of RM205239 and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

Condition 17 is changed from:

17. The Earthworks shall include construction of ground stabilisation works as highlighted in the following geotechnical assessments from Tonkin and Taylor Limited:

- Geotechnical Feasibility Assessment dated August 2019 and using but not limited to the mitigation measures detailed in section 3.3.2.
- Geotechnical Assessment Addendum Report – Rev 1 (Job Ref: 870057.0061.v2, October 2020).
- Response to Section 92 request for further information (Job Ref: 870057.0061, 2 November 2020)
- The design, construction monitoring and certification of earthworks shall be in general accordance with NZS 4404: 2010.

To:

17. The Earthworks shall include construction of ground stabilisation works as highlighted in the following geotechnical assessments from Tonkin and Taylor Limited:

- Geotechnical Feasibility Assessment dated August 2019 and using but not limited to the mitigation measures detailed in section 3.3.2;
- Geotechnical Assessment Addendum Report – Rev 1 (Job Ref: 870057.0061.v2, October 2020);
- Response to Section 92 request for further information (Job Ref: 870057.0061, 2 November 2020);
- The design, construction monitoring and certification of earthworks shall be in general accordance with NZS 4404: 2010; and
- Geotechnical Assessment Report dated November 2021 – Rev 2 (Job Number 870057.0061.v2).

Condition 29 is changed from:

29. Prior to any earthworks taking place under this consent, a detailed dust, erosion and sedimentation control plan (DESCP) shall be prepared by the Geo-professional or by the Contractor which shall be reviewed and approved by the Geo-professional. The DESCPC shall be in general accordance with the submitted the Dust, erosion, and sediment control considerations – Bayview SHA, Nelson Revision 2 received by Council 21 February 2020 with the exception that proposed sediment retention pond 19 shall be located entirely within the SHA. The DESCPC shall be included in the CEMP required by condition 3.

To:

29. Prior to any earthworks taking place under this consent, an updated detailed dust, erosion and sedimentation control plan (DESCPC) shall be prepared by the Geo-professional or by the Contractor which shall be reviewed and approved by the Geo-professional. The DESCPC shall be in general accordance with the Dust, Erosion, and Sediment Control Considerations Peninsula earthworks, Bayview, Nelson dated 14 September 2021 ~~the submitted the Dust, erosion, and sediment control considerations – Bayview SHA, Nelson Revision 2 received by Council 21 February 2020 with the exception that proposed sediment retention pond 19 shall be located entirely within the SHA.~~ The DESCPC shall be included in the CEMP required by condition 3.

Condition 30 is cancelled because it repeats existing condition 34

Condition 31 is changed from:

31. The DESCPC shall specifically address:
- a) How any staging of the earthworks shall minimise the extent of exposed soil at any given time;
 - b) The sediment and erosion control measures to be used to avoid sediment entering Councils reticulated stormwater system, the Coastal Marine Area or any other property shall be developed in accordance with the relative section of the *Auckland City Council guidance document GD05 – Erosion and sediment control guide for land disturbing activities in the Auckland Region (GD05)* or the *Nelson Tasman Erosion and Sediment Control Guidelines 2019*. The developed control measures shall include;
 - c) Details of any measures to control mud and detritus from vehicles onto the surrounding road network or adjoining land;
 - d) A description of the methods proposed for the disposal of material removed from the sedimentation ponds or impoundment areas if and where flocculent has been used;
 - e) Measures to prevent fugitive dust and windblown sediment from the proposed earthworks such as weather wind speed and direction monitoring, water carts with details on the methodology to determine when water shall be applied to ground surfaces. It also shall provide a description of a regular monitoring inspection schedule of properties on Ruffell Place, Ledger Road, Arthur Vista Place and Frenchay Drive for visible indications of dust to have been generated from the earthworks area. This monitoring shall be recorded and made available to Council's Monitoring Officer upon request;

- f) The contingency measures that shall be utilized in advance of a large storm event to prevent and minimise offsite effects as provided in the email Bayview DESCOP contingency measures received by Council 11 March 2020. The contingency measures shall detail methods of monitoring weather forecasts, and the action plan to have the measures installed with sufficient time prior to the large storm event.

To:

31. The DESCOP shall specifically address:

- a) How ~~the~~ any staging of the earthworks shall minimise the extent of exposed soil at any given time;
- b) The sediment and erosion control measures to be used to avoid sediment entering Councils reticulated stormwater system, the Coastal Marine Area or any other property that shall be developed in accordance with the relevant section of the *Auckland City Council guidance document GD05 – Erosion and sediment control guide for land disturbing activities in the Auckland Region (GD05)* or the *Nelson Tasman Erosion and Sediment Control Guidelines 2019*. The developed control measures shall include;
 - Details of any measures to control mud and detritus from vehicles onto the surrounding road network or adjoining land;
 - A description of the methods proposed for the disposal of material removed from the Sediment control ponds or impoundment areas if and where flocculent has been used;
 - Measures to prevent fugitive dust and windblown sediment from the proposed earthworks such as weather wind speed and direction monitoring, water carts with details on the methodology to determine when water shall be applied to ground surfaces. It also shall provide a description of a regular monitoring inspection schedule of properties on Ruffell Place, Ledger Road, Arthur Vista Place and Frenchay Drive for visible indications of dust to have been generated from the earthworks area. This monitoring shall be recorded and made available to Council’s Monitoring Officer upon request;
 - The contingency measures that shall be utilized in advance of a large storm event to prevent and minimise offsite effects as provided in the email Bayview DESCOP contingency measures received by Council 11 March 2020. The contingency measures shall detail methods of monitoring weather forecasts, and the action plan to have the measures installed with sufficient time prior to the large storm event; and
- c) Discharge from Sediment control ponds utilised as part of erosion and sediment control measures should be directed in such a way as to avoid erosion and instability.

Note: *The Contractor should consider this requirement during earthworks and may consider using bunding to control stormwater from discharging above steeply sloping ground.*

Condition 38 is changed from:

38. The Consent Holder shall clean out the Sediment control ponds and the areas behind the earth bund before the volume of accumulated sediment reaches 20% of the total sediment retention volume.

To:

38. The Consent Holder shall clean out the Sediment control ponds and the areas behind the earth bund before the volume of accumulated sediment reaches 20% of the total sediment ~~retention~~ control pond volume.

Condition 50 is changed from:

50. Within one month following the completion of each stage of the earthworks, the Consent Holder shall forward to the Council's Monitoring Officer documentation from the Geo-professional that confirms the earthworks stage authorised by this consent, including drainage and the inspection and supervision schedule has been satisfactorily completed and confirmation is provided of the stability of bulk earthworks for each stage. The documentation shall include:

- a) An "as built" plan showing the layout of the earthworks:
- b) The location of all fill material, details of the volumes of fill placed and the status of that fill.

To:

50. Within one month following the completion of each stage of the earthworks, the Consent Holder shall forward to the Council's Monitoring Officer documentation from the Geo-professional that confirms the earthworks stage authorised by this consent, including drainage and the inspection and supervision schedule has been satisfactorily completed and confirmation is provided of the stability of bulk earthworks for each stage. The documentation shall include:

- a) An "as built" plan showing the layout of the earthworks:
- b) The location of all fill material, details of the volumes of fill placed and the status of that fill;
- c) Details of stormwater control to demonstrate that the requirements and outcomes of Conditions 26 and 27 have been satisfied; and
- d) A Statement of Professional opinion that the resultant risk of instability arising from the earthworks is Low.

New conditions 51 – 54 added

51. The earthworks and respreading of topsoil shall be undertaken in a manner that provides a smooth transition with the immediate surrounding contours and mimics the natural form of the eastern and western flanks of the spur as close as practicable to ensure the landform integrity is retained.

52. Prior to 1 March 2022 a Landscape Planting Plan (LPP) for the areas that are subject to the earthworks authorised by this consent shall be prepared by an appropriately qualified Landscape Architect and shall be submitted to the Council's Compliance Officer for certification by the Manager Consents and Compliance.

The purpose of the LPP is to ensure the initial stabilisation of slopes and to outline the mitigation required to achieve the objectives of the Canopy Master Plan approved by SH195006. The Plan shall be prepared in accordance with best practice and shall address all matters relevant to achieve its purpose, including but not limited to the following:

- a) Consideration of the mitigation required by SH195013V1;
- b) Consideration of the mitigation and amenity planting outlined in the Canopy Master Plan approved by SH195006;
- c) The planting to achieve initial stabilisation of slopes and the staging and timing of mitigation and amenity planting (and the requirements and timing of any future updates/amendments to the plan required as a consequence of the future subdivision) to achieve the long-term objectives of the Canopy Master Plan approved by SH195006;
- d) the species, size and density of plantings in each area; and
- e) the maintenance and replanting schedule and duration.

Note: The Manager Consents and Compliance will either certify, or refuse to certify, the LPP within 5 working days of receipt. Should the Manager refuse to certify the LPP, then the Manager will provide a letter outlining why certification is refused based on the parameters contained in this condition. If the Manager does not provide a letter that certifies or refuses to certify the LPP, the LPP shall be deemed to be certified. Provided that the information requirements are addressed by the LPP, certification will not be withheld.

Note: SH195006 included the implementation of a landscape amenity and mitigation Master Plan. It is anticipated that a new or amended landscape amenity and mitigation plan will be required in association with any application for the future subdivision of the site. Condition 52 requires the preparation of a plan to address the mitigation required for the bulk earthworks authorised by this consent and condition 52 c) enables the plan to include staging and future amendment to accommodate changes needed by virtue of any additional or alternative amenity and mitigation planting required to mitigate the adverse effects of any the future subdivision.

- 53. Should the Manager Consents and Compliance refuse to certify the LPP, the Consent Holder shall submit a revised LPP to the Manager Consents and Compliance for certification. The certification process shall follow the same procedure and requirements as outlined in conditions 3 & 4.
- 54. The Landscaping Plan certified in accordance with Condition 53 shall be implemented in accordance with the staging and timing in the Plan, with the first stage being undertaken within the next planting season following completion of the earthworks. The plan shall use best horticultural practice.

A full updated copy of the resource consent conditions is attached to this decision as
APPENDIX A

APPENDIX A

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with the Council on 06 September 2019 except:
 - a) As varied by the application lodged with Council on 17 September 2020 with specific regard to the Geotechnical Feasibility Assessment dated August 2019, the Dust, Erosion, and Sediment Control Considerations – Bayview SHA, Nelson Revision 2, the further information received 22 October 2019, 20 December 2019, 3 February 2020, 21 February 2020, 4 March 2020, 11 March 2020, 18 March 2020, 21 April 2020, 23 April 2020, 29 April 2020, 11 May 2020 and the attached SH195013 approved plans A to I for stages 3 to 13 of SH195006, the attached SH195013V1 approved plan for Stages 1 and 2 of RM205239; and
 - b) As varied by the application lodged with Council on 17 September 2021 with specific regard to the Bayview Subdivision - Peninsula Earthworks Geotechnical Assessment Report dated 19 November 2021 and the Dust, Erosion, and Sediment Control Considerations - Peninsula earthworks, Bayview, Nelson dated 14 September 2021, the further information received on 19 October 2021, 20 October 2021, 24 November 2021 and the attached SH195013V2 approved plans A to D for stages 6 and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The Consent Holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number SH195013V2.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$150 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

Note: The Consent Holder is advised that the Council applies annual environmental monitoring charges to resource consent holders to contribute to environmental monitoring and science costs. The costs for this consent will be \$150 annually from 1 July 2019 until the consent expires or works are completed. For further information please contact Council's Environmental Programmes Adviser.

Construction & Environmental Management Plan (CEMP)

3. No less than 5 working days prior to the commencement of any site development works, the Consent Holder shall provide a CEMP which includes the DESC required by condition 29 to Council's Monitoring Officer for the certification of the Manager Consents and Compliance. The purpose of the CEMP is to ensure construction effects including noise, dust and sediment control, and vehicle traffic are effectively managed. The CEMP

shall address all matters relevant to achieve its purpose, including but not limited to the following matters:

- a) measures to manage construction vehicle traffic and parking;
- b) details of on-site access, turning and manoeuvring for heavy vehicles;
- c) the location and content of any construction signage;
- d) description of the works, laydown areas, anticipated equipment and processes;
- e) anticipated duration of earthworks in a stage;
- f) methodology for the timing and staging of site earthworks including details of stormwater control diversion drains design, design and supporting figures (such as slope angles and catchment size and length for all Sediment control ponds to be constructed that clearly shows that the provisions of Section F1.1 of GD05 'Erosion and sediment control guides for land disturbing activities in the Auckland Region' ('GD05') are being adhered to;
- g) The requirements of conditions 29 & 30.
- h) Procedure for reporting any incidents resulting from a significant rainfall event to the Council's Monitoring Officer;

Note: For the purposes of this criterion, a significant rainfall event is 60 mm or more over a 24-hour period or 20mm/hr over the catchment as measured at Founders Park rainfall recording site.

- i) maintenance of local drainage paths from adjoining properties;
- j) procedures for the management of construction stormwater;
- k) Details of how the performance of control measures shall be measured and responded to on-site, including;
- l) processes to be adopted in the event of any control measures failing;
- m) timeframes and reporting responsibilities for notifying the Council in writing of all incidences where trigger points are exceeded or control measures failed, and the remedial measures taken;
- n) Methodology to minimise adverse vibration and noise effects (such as appropriate mufflers or digital reverse beepers) on adjacent residential properties including how the requirements of conditions 45 to 47 shall be complied with and how the earthworks timing in the immediate proximity to residential boundaries may be able to be avoided towards the beginning and end of a working day, where applicable;
- o) protocols to be adopted for the discovery of any unrecorded archaeological site;
- p) Details relating to the Storage of fuel and/or lubricants and any handling procedures along with contingency plans (including use of spill kits);
- q) contact details for site manager;
- r) complaints procedures and register; and
- s) Procedures for the monitoring, audit and review of the CEMP.

Note: For the purpose of this condition, suitably qualified experts shall mean the contractor, the supervising geotechnical professional and the suitably experienced flocculation professional.

Note: The Manager Consents and Compliance will either certify, or refuse to certify, the CEMP within 5 working days of receipt. If the Manager Consents and Compliance

refuses to certify the CEMP, then the Manager will provide a letter outlining why certification is refused based on the parameters contained in this condition. If the Manager does not provide a letter the CEMP shall be deemed to be certified. Provided that the information requirements are addressed by the CEMP, certification will not be withheld.

4. Should the Manager Consents and Compliance refuse to certify the CEMP, the Consent Holder shall submit a revised CEMP to the Manager Consents and Compliance for certification. The certification process shall follow the same procedure and requirements as outlined in conditions 3 & 4. No construction or earthworks activities shall commence on the site prior to the CEMP being certified.
5. No less than 2 days prior to the commencement of any site development for any stage, the Consent Holder or an agent working on their behalf, the Geo-professional¹, the Contractor, the Landscape Architect, any other experienced professional considered necessary by the Consent Holder, and Council's Monitoring Officer shall attend a pre-construction meeting onsite to discuss the matters within the certified CEMP to ensure compliance with the conditions of this consent.

Note: *The Consent Holder shall be responsible for facilitating the pre-construction meeting of all above mentioned participants.*

6. All construction works on the site shall be carried out in general accordance with the certified CEMP.
7. The CEMP may be amended at any time by the Consent Holder. Any amendments to the CEMP shall be submitted by the Consent Holder to the Monitoring Officer for the certification of the Manager Consents and Compliance. If the amended CEMP is certified, then it becomes the certified plan for the purposes of condition 2. Any amendments to the CEMP shall be:
 - a) for the purposes of improving the measures outlined in the CEMP for achieving the CEMP purpose (see condition 2);
 - b) consistent with the conditions of this resource consent; and
 - c) prepared by a suitably qualified expert or experts.

Note: *For the purposes of this condition, risk assessment certification shall mean confirmation from the geotechnical engineer that the requirements of the Australian Geomechanics Society Publication "Practice Note Guidelines for Landslide Risk Management 2007" have been met.*

Earthworks – Design & Methodology

8. At no time during the works, including backfilling and drainage, shall the earthworks encroach onto any other property other than land subject to this consent (Council owned land).
9. Further site investigations by a chartered professional engineer experienced in geotechnical engineering or an experienced Engineering Geologist (the Geo-professional) shall occur prior to construction of any permanent stormwater detention ponds and slope stabilization works to confirm ground conditions are consistent with design assumptions during the final detailed design stage. Any inconsistencies shall be

¹ Defined in condition 9.

recorded and provided to Council's Monitoring Officer in writing within 3 days of the record being taken along with the recommendations of the Geo-professional to be undertaken by the contractor. The Contractor shall adhere to the Geo-professional's recommendations.

10. The Earthworks subject to this application shall be completed in stages in accordance with the CEMP. At the completion of each stage the area within the defined stage boundaries shall be stabilised with topsoil and sown with grass, mulched, or metalled over prior to earthworks commencing in the next stage unless provided for in the certified CEMP.

Note: *The mulching or metalling over of any bare ground surface meets the definition of stabilised. It does not have the same meaning of permanently stabilised as noted in condition 31.*

11. No earthworks resulting in cut or fill faces shall be undertaken in any location which has not been addressed by the erosion and sediment control measures (adopted pursuant to condition 29 and in the certified CEMP) if rain is forecast in the period before measures can be implemented to secure the ground from the effects of overland flows.
12. Notwithstanding the requirements of conditions 3 and 29, should the Consent Holder cease, abandon work on site, stop the works for a period longer than 14 consecutive days, or be required to allow time gaps in accordance with the proposed timeline, it shall first take adequate preventive and / or remedial measures to prevent sediment discharges, and shall ensure that any commenced earthworks are permanently stabilised by either planting, seeding, mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation. These measures shall be maintained thereafter until the site soils have been reinstated to an erosion-free state.

Note: *The Consent Holder is advised to seek the advice of the Geo-professional on the appropriate method to be used to permanently stabilise the site.*

13. Prior to the pre-construction meeting for a stage that involves the construction of a permanent stormwater detention pond, the Consent Holder shall submit detailed engineering designs by (the Geo-professional) certified by the Landscape Architect as being consistent with the Canopy Master Plan for the respective stormwater detention pond(s) to Council's Monitoring Officer for the approval of Group Manager Infrastructure.
14. The design and construction of all permanent stormwater detention ponds shall be carried out in accordance with New Zealand Society for Large Dams (NZSOLD) Dam Safety guidelines.
15. Prior to the pre-construction meeting pursuant to condition 5 commencing, the Consent Holder shall provide to Council's Monitoring Officer a letter of engagement confirming the Geo-professional's availability to undertake the geotechnical supervision, reviews and inspections of the proposed cuts and foundations during the implementation of this consent.
16. Earthworks, including stormwater diversion drains (clean and dirty), all Sediment control ponds, earth bunds and stabilisation measures (such as planting, mulching and topsoiling etc) shall be designed, implemented and inspected during construction under

the supervision of the Geo-professional or chartered professional engineer with experience in earthworks ('the engineer').

17. The Earthworks shall include construction of ground stabilisation works as highlighted in the following geotechnical assessments from Tonkin and Taylor Limited:
- Geotechnical Feasibility Assessment dated August 2019 and using but not limited to the mitigation measures detailed in section 3.3.2;
 - Geotechnical Assessment Addendum Report – Rev 1 (Job Ref: 870057.0061.v2, October 2020);
 - Response to Section 92 request for further information (Job Ref: 870057.0061, 2 November 2020);
 - The design, construction monitoring and certification of earthworks shall be in general accordance with NZS 4404: 2010; and
 - Geotechnical Assessment Report dated November 2021 – Rev 2 (Job Number 870057.0061.v2).
18. No earthworks shall commence without the prior agreement of the Geo-professional.
19. Earthworks shall be monitored and assessed on site by the geo-professional taking into account material strength and any observed seepages, to confirm the ground and groundwater conditions are consistent with design assumptions. Any significant inconsistencies in the opinion of the Geo-professional shall be recorded and provided to Council's Monitoring Officer in writing within 3 days of the record being taken along with the recommendations of the Geo-professional to be undertaken by the Contractor. The Contractor shall adhere to the recommendations of the Geo-professional.
20. All temporary and permanent cut slopes shall be visually inspected and assessed by the Geo-professional during excavation to confirm the prevailing ground conditions are consistent with those anticipated. The results of the inspections and assessments shall be included in the risk assessment required by condition 23.
21. The earthworks subject to this application may be completed in stages in accordance with the CEMP subject to condition 3. Each stage of earthworks shall be progressively stabilised with topsoil and sown with grass, or mulched, or otherwise covered to prevent erosion of the soil surface. The areas of recent stabilisation shall have clean water earth bunds or diversion channels constructed upslope to divert stormwater away from the steep slopes and bare surfaces.
22. If at any stage in the implementation of this consent earthworks reveal adverse ground conditions, such as the presence of soft and/or water saturated ground, or layers of plastic clay; or evidence of slope movement is observed, all works shall be ceased immediately and the services of a geotechnical professional shall be obtained. Subsequent works shall follow the recommendations made by the Geo-professional.
23. All earthworks and stabilisation measures (including controlled filling, excavations, and planting) shall be designed to ensure the ongoing risk of slope instability is low or very low (as determined by the Geo-professional). The risk assessment shall be in accordance with Nelson City Council Risk Criteria July 2016 (adopted by Nelson City Council 10 August 2017).

Note: For the purposes of this condition, risk assessment certification shall mean confirmation from the Geo-professional that the requirements of "Nelson City Councils Risk Assessment Criteria" have been met.

24. The slope stability assessment referred to in condition 23 shall include details of any maintenance works required, including for drainage and stability planting, to ensure that the ongoing function of stabilisation measures are not compromised. Any recommendations made in the slope stability assessment shall be adhered to by the Contractor undertaking the earthworks.
25. All fill shall be certified in accordance with NZS4431:1989 *Earthfill for Residential Development* or to another standard considered acceptable by the Geo-professional if the fill is not for residential development.

Earthworks - Drainage

26. The earthworks shall be graded and/or appropriate drainage put in place to prevent ponding and to divert water away from slope risk areas.
27. The earthworks shall not detrimentally alter surface drainage of the site or of neighbouring properties.
28. All drainage pipes shall have at least one sufficient inspection point to allow future inspection and monitoring.

Earthworks - Erosion and Sedimentation

29. Prior to any earthworks taking place under this consent, an updated detailed dust, erosion and sedimentation control plan (DESCP) shall be prepared by the Geo-professional or by the Contractor which shall be reviewed and approved by the Geo-professional. The DESCP shall be in general accordance with the Dust, Erosion, and Sediment Control Considerations Peninsula earthworks, Bayview, Nelson dated 14 September 2021. The DESCP shall be included in the CEMP required by condition 3.
30. Cancelled by SH195013V2.
31. The DESCP shall specifically address:
- a) How any staging of the earthworks shall minimise the extent of exposed soil at any given time;
 - b) The sediment and erosion control measures to be used to avoid sediment entering Councils reticulated stormwater system, the Coastal Marine Area or any other property that shall be developed in accordance with the relevant section of the *Auckland City Council guidance document GD05 – Erosion and sediment control guide for land disturbing activities in the Auckland Region (GD05)* or the *Nelson Tasman Erosion and Sediment Control Guidelines 2019*. The developed control measures shall include;
 - Details of any measures to control mud and detritus from vehicles onto the surrounding road network or adjoining land;
 - A description of the methods proposed for the disposal of material removed from the Sediment control ponds or impoundment areas if and where flocculent has been used;

- Measures to prevent fugitive dust and windblown sediment from the proposed earthworks such as weather wind speed and direction monitoring, water carts with details on the methodology to determine when water shall be applied to ground surfaces. It also shall provide a description of a regular monitoring inspection schedule of properties on Ruffell Place, Ledger Road, Arthur Vista Place and Frenchay Drive for visible indications of dust to have been generated from the earthworks area. This monitoring shall be recorded and made available to Council's Monitoring Officer upon request;
 - The contingency measures that shall be utilized in advance of a large storm event to prevent and minimise offsite effects as provided in the email Bayview DESCOP contingency measures received by Council 11 March 2020. The contingency measures shall detail methods of monitoring weather forecasts, and the action plan to have the measures installed with sufficient time prior to the large storm event; and
- c) Discharge from Sediment control ponds utilised as part of erosion and sediment control measures should be directed in such a way as to avoid erosion and instability.

Note: *The Contractor should consider this requirement during earthworks and may consider using bunding to control stormwater from discharging above steeply sloping ground.*

32. The control measures contained in the DESCOP shall be implemented prior to earthworks commencing and shall be maintained until such time that the site has been permanently stabilised. If areas of sloping land sown with perennial grass does not show signs of grass striking, the Consent Holder shall either hydroseed or take any other measures necessary to ensure permanent stabilisation occurs within 2 months of the earthworks stage completion.

Note: *For the purposes of this condition the definition of permanently stabilised shall mean once an 80% vegetative or other cover has been established over the entire exposed area.*

33. Clean water diversion drains shall be constructed to convey a Q20 ARI peak flood flow plus 300mm freeboard prior to any earthworks being undertaken in an earthworks stage. The design of the clean water diversion bunds/drains shall be in accordance with GD05 Figure 16 Section E2.1.1. Any clean water drains that have a longitudinal profile greater than 2% shall be lined with a geotextile fabric to prevent scouring of the surface. Outlets for all clean water diversion drains shall have an energy dissipating structure (e.g. rip rap, sandbags or other non-erodible structures.)

34. Dirty water diversion drains shall be constructed to convey a Q20 ARI peak flood flow plus 300mm freeboard prior to any earthworks being undertaken in an earthworks stage. The design of the dirty water diversion bunds shall be in accordance with GD05 Figure 18 Section E2.2.1. All dirty water drains shall lead to a sediment retention control device.

35. Notwithstanding the conditions on this consent, all Sediment control ponds for catchments of less than 200m in length or that have less than or equal to a 18% slope angle, a minimum 2% volume of the contributing catchment shall be incorporated into the sediment retention pond design and construction. Where a contributing catchment is greater than 200m in length or has a slope angle greater than 18%, the sediment

retention pond shall be designed and constructed with a volume to 3% of the contributing catchment.

36. All Sediment Control Ponds shall have a forebay, a primary spillway designed and constructed for a Q20 ARI rainfall event and an emergency spillway designed and constructed for a Q100 ARI rainfall event. All outlets including decanting outlets shall be protected from scouring potential.
37. All Sediment Control Ponds and impoundment areas behind the decanting earth bund shall have a dead storage capacity of 30% of the Sediment Pond Volume.
38. The Consent Holder shall clean out the Sediment control ponds and the areas behind the earth bund before the volume of accumulated sediment reaches 20% of the total sediment retention control pond volume.
39. Where flocculent is used in Sediment control ponds or water impoundment areas of the decanting earth bund, daily monitoring of dose rates and pH levels shall be undertaken and the results be made available to Council's Monitoring Officers if requested. The pH levels of the pond discharge shall not be outside of the range of 5.5 to 8.5.
40. The Consent Holder shall provide all weather access to the Sediment control ponds and decanting earth bunds to allow the removal of accumulated sediment.
41. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the earthworks authorised by this consent that, in the opinion of Council's Monitoring Officer, is considered to be unreasonable. In the event that an unreasonable deposition does occur it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater system or any receiving water courses.
42. All spoil that is removed from site shall be taken offsite in a manner that minimises dust effects from the transportation method.
43. All machinery on the work site shall be refuelled at least 20 metres away from any open watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs.
44. The Consent Holder shall, on completion of the earthworks and as soon as climatic conditions allow, permanently stabilise the site by planting, seeding, mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation and to enhance slope stability.

Earthworks DESCP Monitoring

45. The Geo-professional or the contractor shall undertake fortnightly inspections of the erosion and sedimentation control measures unless a rainfall event greater than 25mm over a 24-hour period or greater than 10mm per hour at no less than 14-hour interval period occurs at which time an inspection shall occur during and after the above-mentioned rainfall events. If any erosion and sediment control measures are

compromised or malfunctioning all earthworks shall cease until the Geo-professional or the engineer confirms it is rectified to efficient operating condition.

Earthworks Noise

46. The Consent Holder shall comply with the following hours for earthworks construction including warm up and cool down of machinery:
- a) Earthworks or activities related to the earthworks subject to this consent shall only take place within the hours from 7:00am to 6pm Monday to Friday and Saturdays 8am to 4pm. No earthworks or associated works shall occur outside these times or on Sundays or public holidays.
 - b) No warmup of machinery (including diggers, plant dump trucks and vibrating compactors shall occur prior to 7am on weekdays and 8am on Saturdays.
 - c) Earthwork construction noise shall comply with maximum noise limits specified in the Construction Noise Standards (NZS 6803:1999).
 - d) Exceptions to the above-mentioned hours are permitted for emergency remedial works or in relation to general safety issues on the site or adjoining sites relative to the proposed earthworks and or sediment control measures installations, including repair after heavy rainfall.
47. For the duration of the earthworks, the Consent Holder shall ensure that a person is available to respond to any reasonable requests and/or complaints made by the public and that a phone number at which that person can be contacted will be advised to the Nelson City Council's Monitoring Officer prior to any earthworks commencing.
48. For compliance with Condition 47, the Consent Holder shall ensure that a sign, measuring 1m², is placed in prominent positions on the boundaries of the site. The sign is to contain 24-hour contact details of persons who shall be available to respond to any reasonable requests and/or complaints made and shall be maintained throughout the construction period. A register of all such complaints shall be maintained on site and shall be available for inspection during normal office hours.

Earthworks - After Construction

49. A Geotechnical Maintenance Schedule (GMS) or similar shall be supplied by the Geo-professional at the completion of the works to clearly identify the scope and timing of any ongoing monitoring required. The Consent Holder shall adhere to the requirements in the GMS.
50. Within one month following the completion of each stage of the earthworks, the Consent Holder shall forward to the Council's Monitoring Officer documentation from the Geo-professional that confirms the earthworks stage authorised by this consent, including drainage and the inspection and supervision schedule has been satisfactorily completed and confirmation is provided of the stability of bulk earthworks for each stage. The documentation shall include:
- a) An "as built" plan showing the layout of the earthworks:
 - b) The location of all fill material, details of the volumes of fill placed and the status of that fill;
 - c) Details of stormwater control to demonstrate that the requirements and outcomes of Conditions 26 and 27 have been satisfied; and

- d) A Statement of Professional opinion that the resultant risk of instability arising from the earthworks is Low.

Landscaping

51. The earthworks and resspreading of topsoil shall be undertaken in a manner that provides a smooth transition with the immediate surrounding contours and mimics the natural form of the eastern and western flanks of the spur as close as practicable to ensure the landform integrity is retained.

52. Prior to 1 March 2022 a Landscape Planting Plan (LPP) shall be prepared by an appropriately qualified Landscape Architect for the areas that are subject to the earthworks authorised by this consent and shall be submitted to the Council's Compliance Officer for certification by the Manager Consents and Compliance.

The purpose of the LPP is to ensure the initial stabilisation of slopes and to outline the mitigation required to achieve the objectives of the Canopy Master Plan approved by SH195006. The Plan shall be prepared in accordance with best practice and shall address all matters relevant to achieve its purpose, including but not limited to the following:

- a) Consideration of the mitigation required by SH195013V1;
- b) Consideration of the mitigation and amenity planting outlined in the Canopy Master Plan approved by SH195006;
- c) The planting to achieve initial stabilisation of slopes and the staging and timing of mitigation and amenity planting (and the requirements and timing of any future updates/amendments to the plan required as a consequence of the future subdivision) to achieve the long-term objectives of the Canopy Master Plan approved by SH195006;
- d) the species, size and density of plantings in each area; and
- e) the maintenance and replanting schedule and duration.

Note: *The Manager Consents and Compliance will either certify, or refuse to certify, the LPP within 5 working days of receipt. Should the Manager refuse to certify the LPP, then the Manager will provide a letter outlining why certification is refused based on the parameters contained in this condition. If the Manager does not provide a letter that certifies or refuses to certify the LPP, the LPP shall be deemed to be certified. Provided that the information requirements are addressed by the LPP, certification will not be withheld.*

Note: *SH195006 included the implementation of a landscape amenity and mitigation Master Plan. It is anticipated that a new or amended landscape amenity and mitigation plan will be required in association with any application for the future subdivision of the site. Condition 51 requires the preparation of a plan to address the mitigation required for the bulk earthworks authorised by this consent and condition 52 c) enables the plan to include staging and future amendment to accommodate changes needed by virtue of any additional or alternative amenity and mitigation planting required to mitigate the adverse effects of any future subdivision.*

53. Should the Manager Consents and Compliance refuse to certify the LPP, the Consent Holder shall submit a revised LPP to the Manager Consents and Compliance for certification. The certification process shall follow the same procedure and requirements as outlined in conditions 3 & 4.

54. The Landscaping Plan certified in accordance with Condition 52 shall be implemented in accordance with the staging and timing in the Plan, with the first stage being undertaken within the next planting season following completion of the earthworks. The plan shall use best horticultural practice.

Māori Archaeological Sites

55. In the event of Māori 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 notify the iwi of Te Tau Ihu and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320) and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: *The discovery of any pre-1900 archaeological site (Māori or non-Māori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to Heritage New Zealand Pouhere Taonga for an authority to damage, destroy or modify the site.*

If the site is of Māori origin, the Site Manager or Consent Holder shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken and shall ensure all statutory requirements under legislation are met (including Heritage New Zealand Pouhere Taonga Act 2014, and Protected Objects Act 1975). It is not Council's role to decide which iwi groups are considered to be mana whenua.

Ngapua Place Public Safety

56. The consent holder shall construct temporary fencing or similar around the proposed construction works in Ngapua Reserve to prevent the public from entering the construction area. This fencing shall remain in place until the earthworks in Ngapua Reserve has been completed, and all erosion and sediment control measures have been removed and the Parks and Facilities Asset Manager is satisfied that it is safe for the public to access.

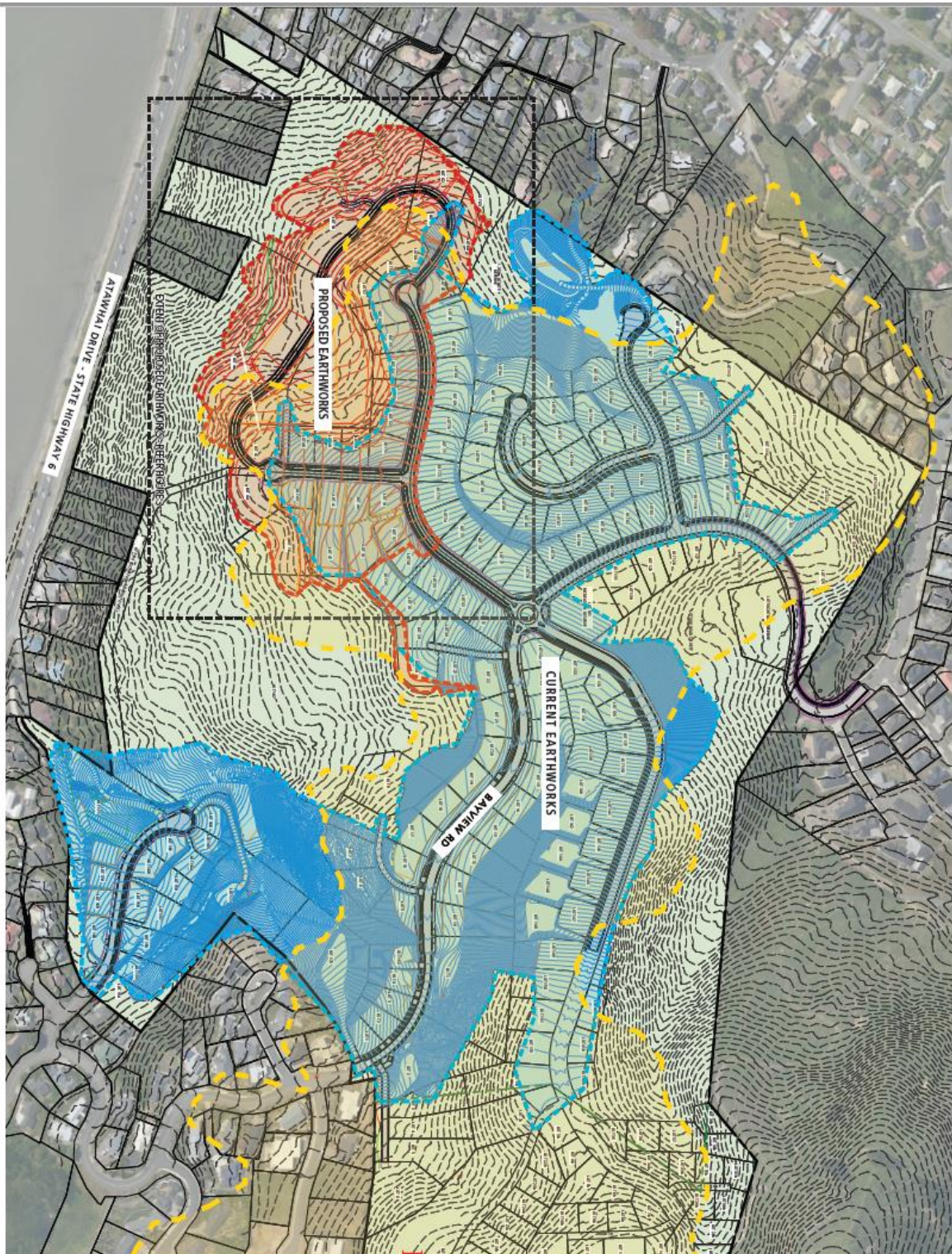
Review

57. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:

- a) To modify existing conditions of consent relating to the effects of the activity on the environment;
- b) To require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect upon the environment, arising from the generated effects of the activity; and
- c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Sections 108 of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
4. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent "attach to the land", and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
6. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
7. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.



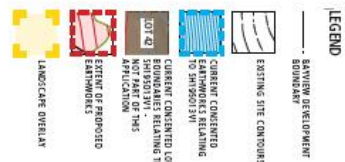
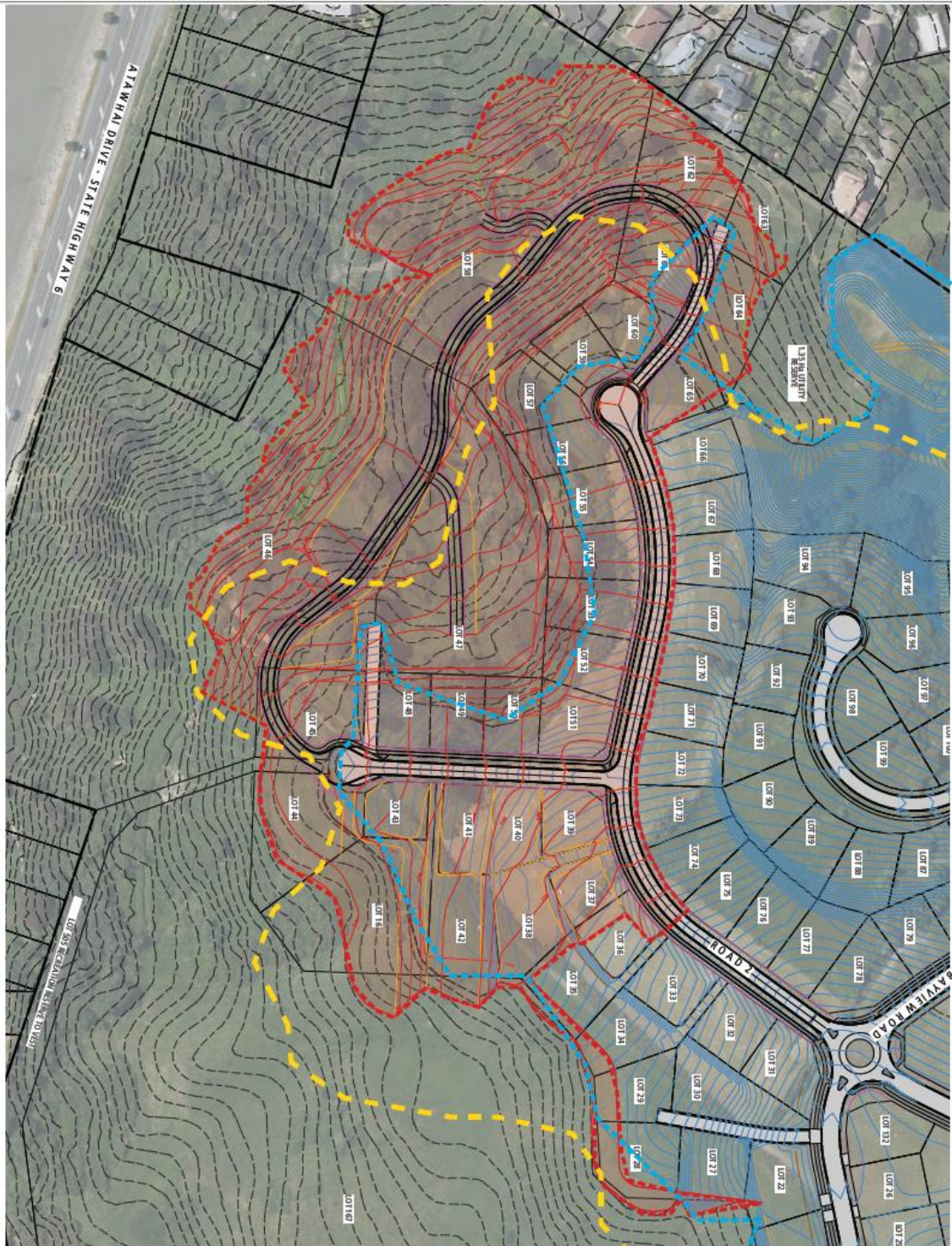
Recvd 17 Sept 21

- LEGEND**
- BAYVIEW DEVELOPMENT
- EXISTING SITE CONTOUR
- CURRENT CONSENTED EARTHWORKS RELATING TO SH9501/30/1
- CURRENT CONSENTED EARTHWORKS RELATING TO SH9501/30/1
- EXISTING APPROVED EARTHWORKS
- LANDSCAPE OVERLAY

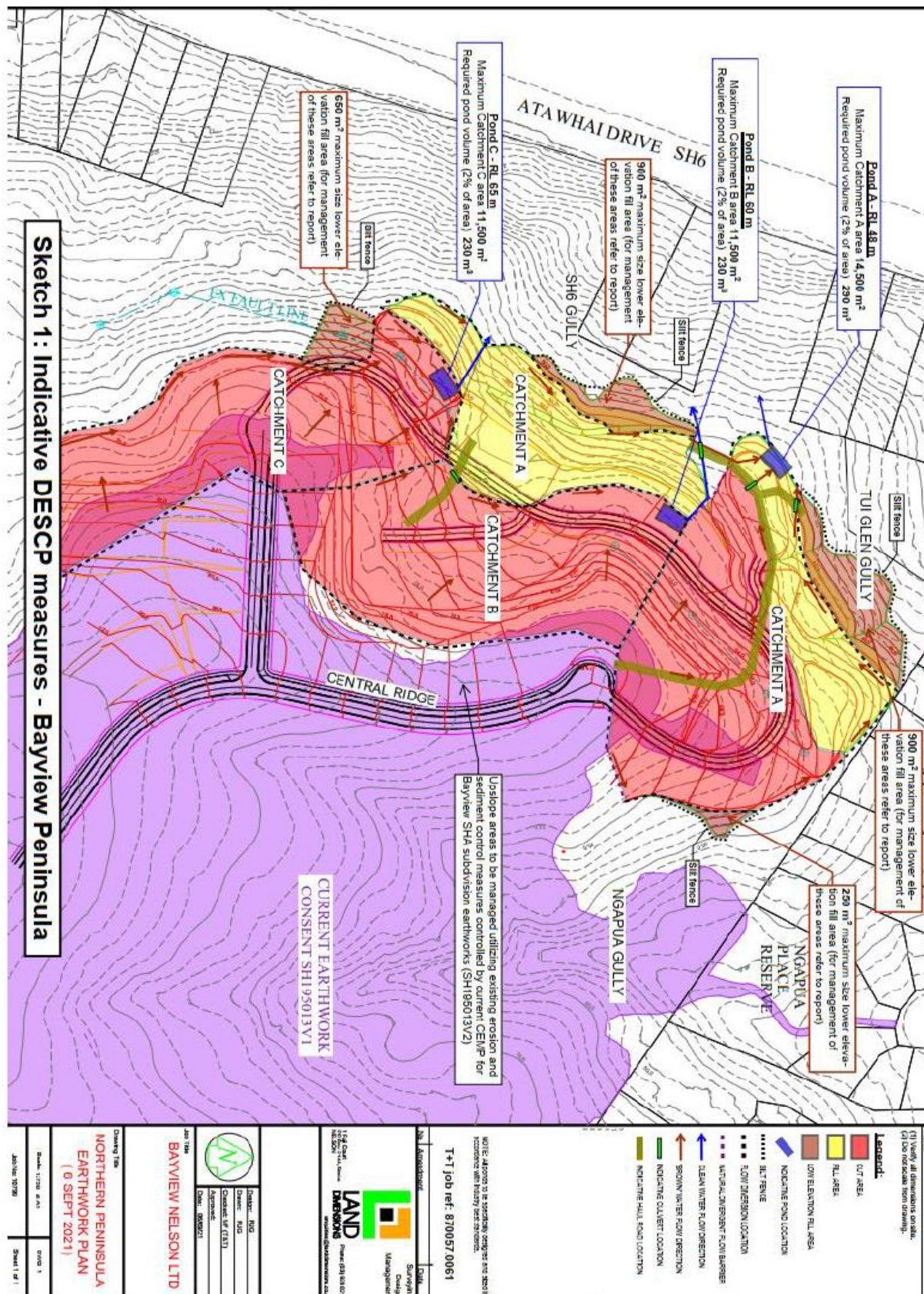
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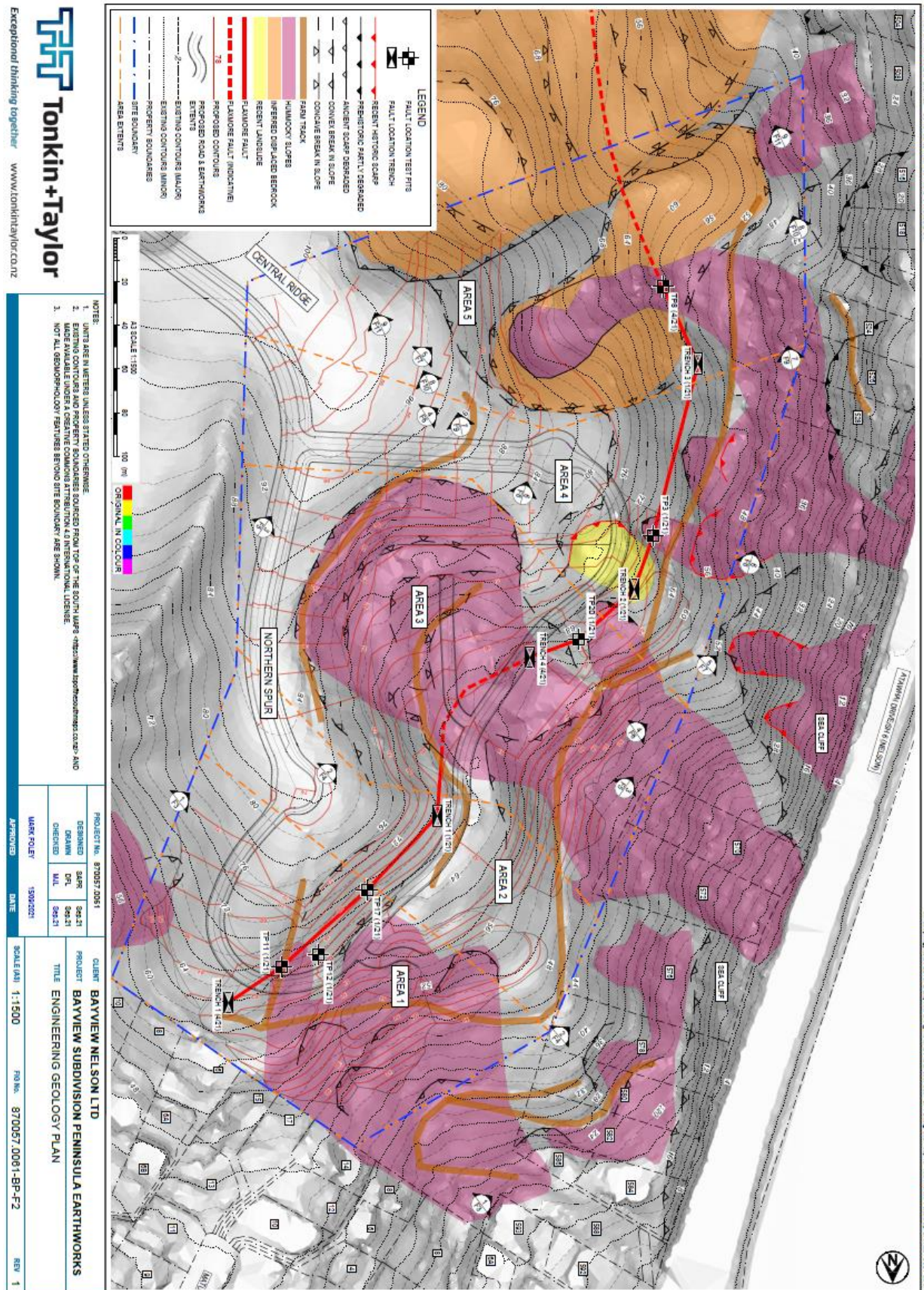
PROPOSED EARTHWORKS PLAN WITH AERIAL FIGURE 3

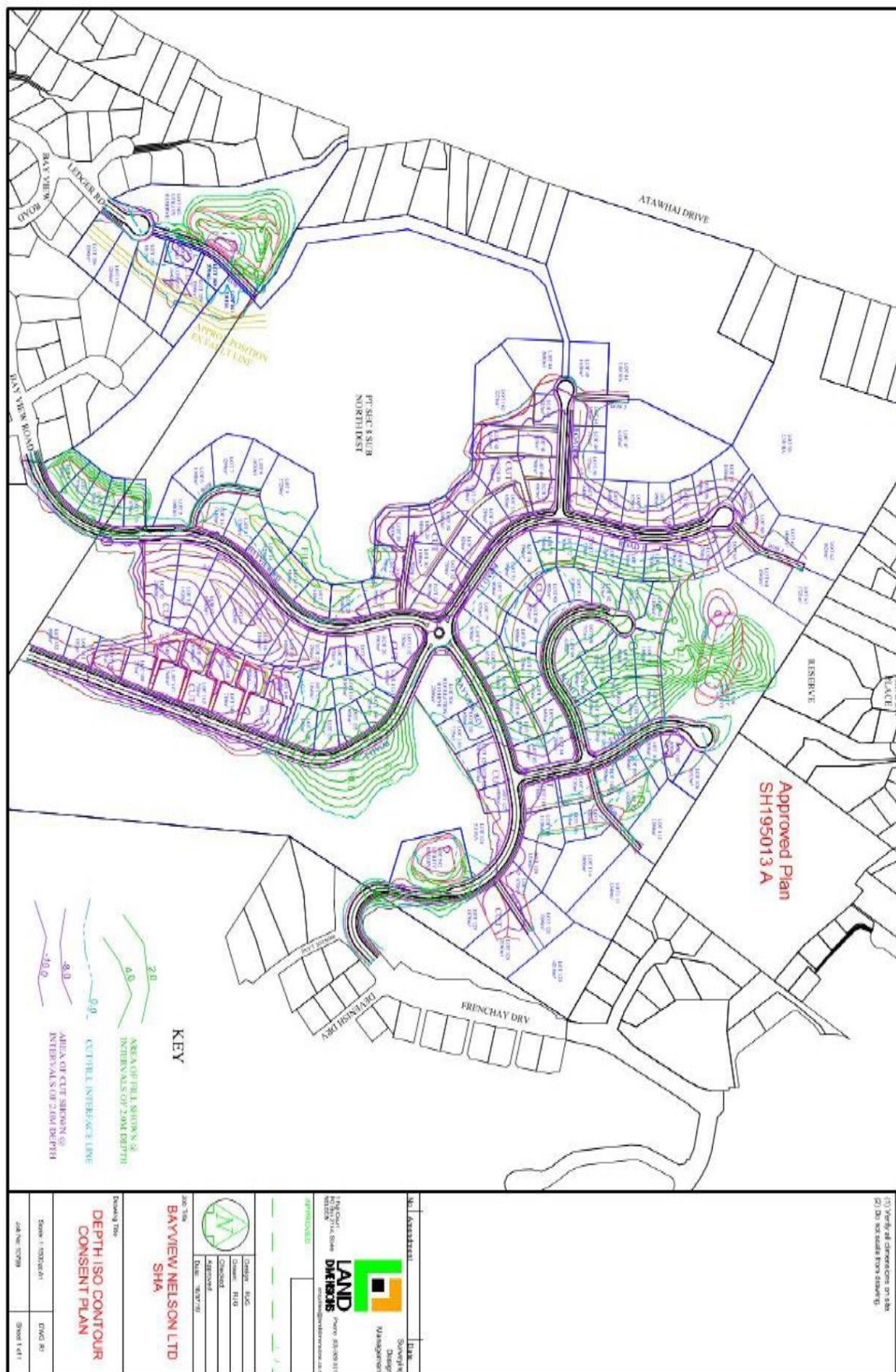
BAYVIEW PENINSULA SUBDIVISION, ATAHUAI, NELSON
PROJECT 2163 | SEPTEMBER 2021 | 3



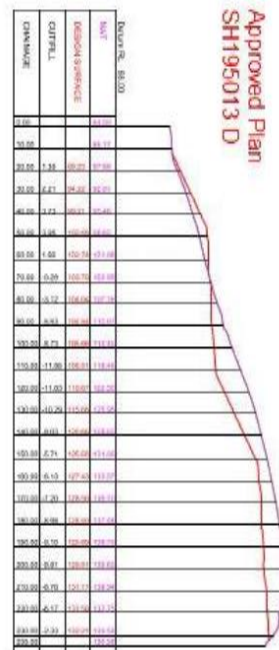
Recvd 17 Sept 21







Approved Plan SH195013 D



SECTION 5
SCALE HZ = 1 : 1000
VT = 1 : 200



SECTION 6
SCALE HZ = 1 : 1000
VT = 1 : 1000



SECTION 7
SCALE HZ = 1 : 1000
VT = 1 : 1000

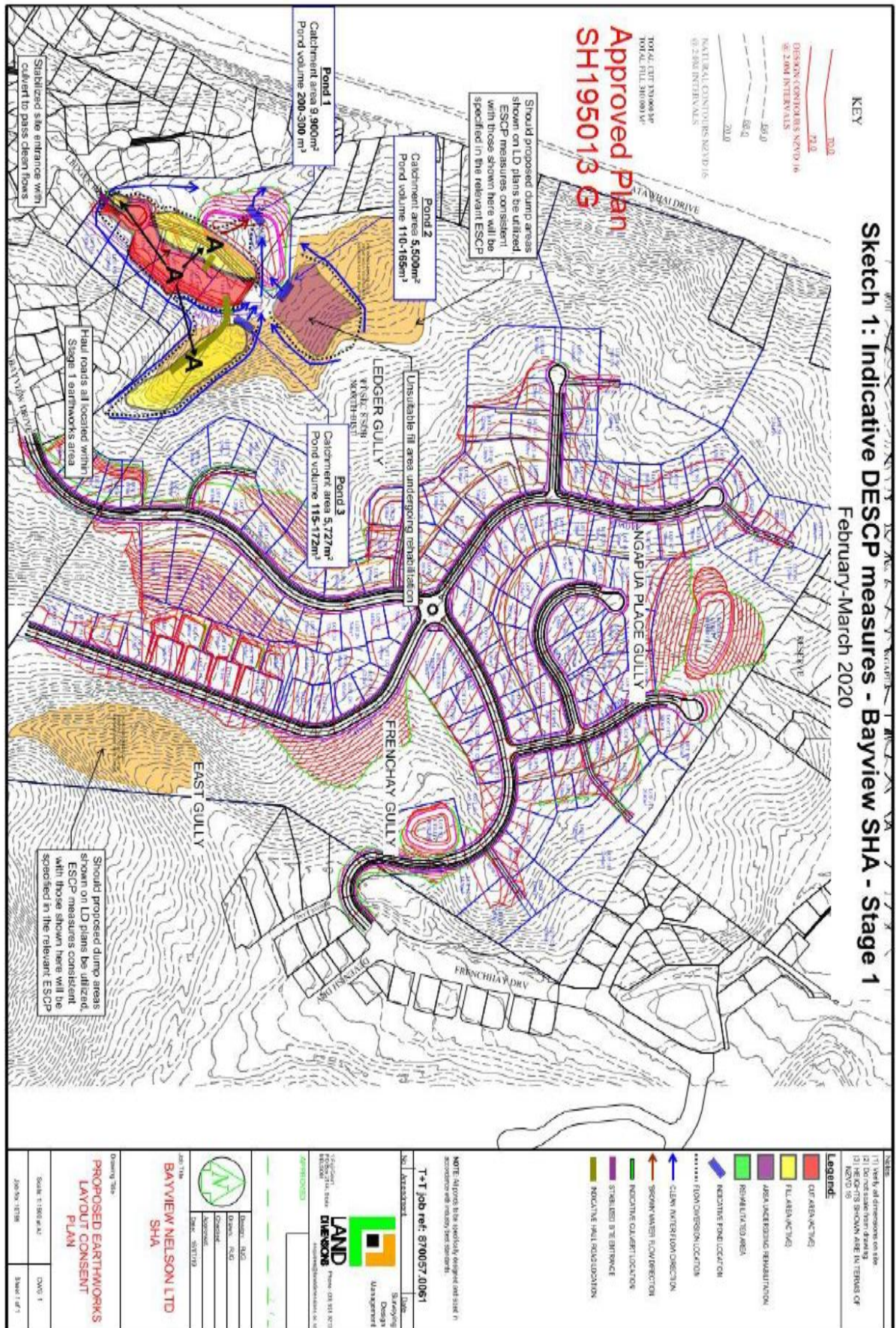
Notes:
(1) All elevations are in NZDL
(2) All elevations are in NZDL
(3) ELEVATIONS SHOWN ARE IN TERMS OF
NZDL '98



Client Name	Bayview Nelson Ltd
Project Name	SH195013
Drawn By	CHS
Checked By	CHS
Approved By	CHS
Date	2017/12/13

BAYVIEW NELSON LTD
SH195013
NATURAL
PROPOSED DESIGN
CROSS-SECTION
PLAN

Drawn By	CHS
Checked By	CHS
Approved By	CHS
Date	2017/12/13



RESOURCE CONSENT DECISION

Resource Consent number RM215306 is granted to:

Bayview Nelson Limited

The activity:

To undertake bulk earthworks within the Bayview Nelson property in conjunction with the earthworks consented as a part of SH195013V1

Location details:

Address of property: 576 Atawhai Drive SH6, Nelson

Legal description: Lot 4 DP 551852

Record of title: 956280

Location co-ordinates: 1626705.33E 5434099.12N (NZ Transverse Mercator)

Lapse and Expiry date:

This consent will lapse on 22 December 2022 unless you have given effect to it before then.

This consent will expire on 22 June 2023.

CONDITIONS

1. The activity shall be carried out in general accordance with the application lodged with the Council on 17 September 2021 with specific regard to the Bayview Subdivision - Peninsula Earthworks Geotechnical Assessment Report dated 19 November 2021 and the Dust, Erosion, and Sediment Control Considerations - Peninsula earthworks, Bayview, Nelson dated 14 September 2021, the further information received on 19 October 2021, 20 October 2021, 24 November 2021 and the attached RM215306 approved plans A to D and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The Consent Holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number RM215306.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$162 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

Note: The Consent Holder is advised that the Council applies annual environmental monitoring charges to resource consent holders to contribute to environmental monitoring and science costs. The costs for this consent will be \$150 annually from 1 July 2021 until the consent expires or works are completed. For further information please contact Council's Environmental Programmes Adviser.

Construction & Environmental Management Plan (CEMP)

3. No less than 5 working days prior to the commencement of any site development works, the Consent Holder shall provide a CEMP which includes the DESC required by condition 27 to Council's Monitoring Officer for the certification of the Manager Consents and Compliance. The purpose of the CEMP is to ensure construction effects including noise, dust and sediment control, and vehicle traffic are effectively managed. The CEMP shall address all matters relevant to achieve its purpose, including but not limited to the following matters:

- a) measures to manage construction vehicle traffic and parking;
- b) details of on-site access, turning and manoeuvring for heavy vehicles;
- c) the location and content of any construction signage;
- d) description of the works, laydown areas, anticipated equipment and processes;
- e) methodology for the timing and staging of site earthworks including details of stormwater control diversion drains design, design and supporting figures (such as slope angles and catchment size and length for all Sediment control ponds to be constructed that clearly shows that the provisions of Section F1.1 of GD05 'Erosion and sediment control guides for land disturbing activities in the Auckland Region' ('GD05') are being adhered to;
- f) The requirements of conditions 27 & 28;
- g) Procedure for reporting any incidents resulting from a significant rainfall event to the Council's Monitoring Officer;

Note: For the purposes of this criterion, a significant rainfall event is 60 mm or more over a 24-hour period or 20mm/hr over the catchment as measured at Founders Park rainfall recording site.

- h) maintenance of local drainage paths from adjoining properties;
- i) procedures for the management of construction stormwater;
- j) Details of how the performance of control measures shall be measured and responded to on-site, including;
- k) processes to be adopted in the event of any control measures failing; and
- l) timeframes and reporting responsibilities for notifying the Council in writing of all incidences where trigger points are exceeded or control measures failed, and the remedial measures taken;
- m) Methodology to minimise adverse vibration and noise effects (such as appropriate mufflers or digital reverse beepers) on adjacent residential properties including how the requirements of conditions 43 to 45 shall be complied with and how the earthworks timing in the immediate proximity to residential boundaries may be able to be avoided towards the beginning and end of a working day, where applicable;
- n) protocols to be adopted for the discovery of any unrecorded archaeological site;
- o) Details relating to the Storage of fuel and/or lubricants and any handling procedures along with contingency plans (including use of spill kits);
- p) contact details for site manager;
- q) complaints procedures and register; and
- r) Procedures for the monitoring, audit and review of the CEMP.

Note: For the purpose of this condition, suitably qualified experts shall mean the contractor, the supervising geotechnical professional and the suitably experienced flocculation professional.

Note: The Manager Consents and Compliance will either certify, or refuse to certify, the CEMP within 5 working days of receipt. If the Manager Consents and Compliance refuses to certify the CEMP, then the Manager will provide a letter outlining why certification is refused based on the parameters contained in this condition. If the Manager does not provide a letter the CEMP shall be deemed to be certified. Provided that the information requirements are addressed by the CEMP, certification will not be withheld.

4. Should the Manager Consents and Compliance refuse to certify the CEMP, the Consent Holder shall submit a revised CEMP to the Manager Consents and Compliance for certification. The certification process shall follow the same procedure and requirements as outlined in conditions 3 & 4. No construction or earthworks activities shall commence on the site prior to the CEMP being certified.
5. No less than 2 days prior to the commencement of site development authorised by this consent, the Consent Holder or an agent working on their behalf, the Geo-professional², the Contractor, the Landscape Architect, any other experienced professional considered necessary by the Consent Holder, and Council's Monitoring Officer shall attend a pre-construction meeting onsite to discuss the matters within the certified CEMP to ensure compliance with the conditions of this consent.

Note: The Consent Holder shall be responsible for facilitating the pre-construction meeting of all above mentioned participants

6. All construction works on the site shall be carried out in general accordance with the certified CEMP.
7. The CEMP may be amended at any time by the Consent Holder. Any amendments to the CEMP shall be submitted by the Consent Holder to the Monitoring Officer for the certification of the Manager Consents and Compliance. If the amended CEMP is certified, then it becomes the certified plan for the purposes of condition 3. Any amendments to the CEMP shall be:
 - a) for the purposes of improving the measures outlined in the CEMP for achieving the CEMP purpose (see condition 3);
 - b) consistent with the conditions of this resource consent; and
 - c) prepared by a suitably qualified expert or experts.

Note: For the purposes of this condition, risk assessment certification shall mean confirmation from the geotechnical engineer that the requirements of the Australian Geomechanics Society Publication "Practice Note Guidelines for Landslide Risk Management 2007" have been met.

² Defined in condition 9.

Earthworks – Design & Methodology

8. At no time during the works, including backfilling and drainage, shall the earthworks encroach onto any other property other than land subject to this consent. The earthworks design shall be amended prior to construction to ensure that fill batter angles do not exceed a 1V:2H slope, and no earthworks involving raising the ground level above existing level shall occur within 1 metre of a boundary with any adjoining residential property.
9. Further site investigations by a chartered professional engineer experienced in geotechnical engineering or an experienced Engineering Geologist (the Geo-professional) shall occur prior to slope stabilization works to confirm ground conditions are consistent with design assumptions during the final detailed design stage. Any inconsistencies shall be recorded and provided to Council's Monitoring Officer in writing within 3 days of the record being taken along with the recommendations of the Geo-professional to be undertaken by the contractor. The Contractor shall adhere to the Geo-professional's recommendations.

10. The Earthworks subject to this application shall be completed in accordance with the CEMP. At completion the area shall be stabilised with topsoil and sown with grass, mulched, or metalled over unless provided for in the certified CEMP.

Note: *The mulching or metalling over of any bare ground surface meets the definition of stabilised. It does not have the same meaning of permanently stabilised as noted in condition 29.*

11. No earthworks resulting in cut or fill faces shall be undertaken in any location which has not been addressed by the erosion and sediment control measures (adopted pursuant to condition 27 and in the certified CEMP) if rain is forecast in the period before measures can be implemented to secure the ground from the effects of overland flows.
12. Notwithstanding the requirements of conditions 3 and 27, should the Consent Holder cease, abandon work on site, stop the works for a period longer than 14 consecutive days, or be required to allow time gaps in accordance with the proposed timeline, it shall first take adequate preventive and / or remedial measures to prevent sediment discharges, and shall ensure that any commenced earthworks are permanently stabilised by either planting, seeding, mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation. These measures shall be maintained thereafter until the site soils have been reinstated to an erosion-free state.

Note: *The Consent Holder is advised to seek the advice of the Geo-professional on the appropriate method to be used to permanently stabilise the site.*

13. Prior to the pre-construction meeting pursuant to condition 5 commencing, the Consent Holder shall provide to Council's Monitoring Officer a letter of engagement confirming the Geo-professional's availability to undertake the geotechnical supervision, reviews and inspections of the proposed cuts and foundations during the implementation of this consent.
14. Earthworks, including stormwater diversion drains (clean and dirty), all Sediment control ponds, earth bunds and stabilisation measures (such as planting, mulching and topsoiling etc) shall be designed, implemented and inspected during construction under

the supervision of the Geo-professional or chartered professional engineer with experience in earthworks ('the engineer').

15. The Earthworks shall include construction of ground stabilisation works as highlighted in the following geotechnical assessments from Tonkin and Taylor Limited:
- Geotechnical Feasibility Assessment dated August 2019 and using but not limited to the mitigation measures detailed in section 3.3.2;
 - Geotechnical Assessment Addendum Report – Rev 1 (Job Ref: 870057.0061.v2, October 2020);
 - Response to Section 92 request for further information (Job Ref: 870057.0061, 2 November 2020);
 - The design, construction monitoring and certification of earthworks shall be in general accordance with NZS 4404: 2010; and
 - Geotechnical Assessment Report dated November 2021 – Rev 2 (Job Number 870057.0061.v2).
16. No earthworks shall commence without the prior agreement of the Geo-professional.
17. Earthworks shall be monitored and assessed on site by the geo-professional taking into account material strength and any observed seepages, to confirm the ground and groundwater conditions are consistent with design assumptions. Any significant inconsistencies in the opinion of the Geo-professional shall be recorded and provided to Council's Monitoring Officer in writing within 3 days of the record being taken along with the recommendations of the Geo-professional to be undertaken by the Contractor. The Contractor shall adhere to the recommendations of the Geo-professional.
18. All temporary and permanent cut slopes shall be visually inspected and assessed by the Geo-professional during excavation to confirm the prevailing ground conditions are consistent with those anticipated. The results of the inspections and assessments shall be included in the risk assessment required by condition 21.
19. The earthworks shall be progressively stabilised with topsoil and sown with grass, or mulched, or otherwise covered to prevent erosion of the soil surface. The areas of stabilisation shall have clean water earth bunds or diversion channels constructed upslope to divert stormwater away from the steep slopes and bare surfaces.
20. If at any stage in the implementation of this consent earthworks reveal adverse ground conditions, such as the presence of soft and/or water saturated ground, or layers of plastic clay; or evidence of slope movement is observed, all works shall be ceased immediately and the services of a geotechnical professional shall be obtained. Subsequent works shall follow the recommendations made by the Geo-professional.
21. All earthworks and stabilisation measures (including controlled filling, excavations, and planting) shall be designed to ensure the ongoing risk of slope instability is low or very low (as determined by the Geo-professional). The risk assessment shall be in accordance with Nelson City Council Risk Criteria July 2016 (adopted by Nelson City Council 10 August 2017).

Note: For the purposes of this condition, risk assessment certification shall mean confirmation from the Geo-professional that the requirements of "Nelson City Councils Risk Assessment Criteria" have been met.

22. The slope stability assessment referred to in condition 21 shall include details of any maintenance works required, including for drainage and stability planting, to ensure that the ongoing function of stabilisation measures are not compromised. Any recommendations made in the slope stability assessment shall be adhered to by the Contractor undertaking the earthworks.
23. All fill shall be certified in accordance with NZS4431:1989 *Earthfill for Residential Development* or to another standard considered acceptable by the Geo-professional if the fill is not for residential development.

Earthworks - Drainage

24. The earthworks shall be graded and/or appropriate drainage put in place to prevent ponding and to divert water away from slope risk areas.
25. The earthworks shall not detrimentally alter surface drainage of the site or of neighbouring properties.
26. All drainage pipes shall have at least one sufficient inspection point to allow future inspection and monitoring.

Earthworks - Erosion and Sedimentation

27. Prior to any earthworks taking place under this consent, a detailed dust, erosion and sedimentation control plan (DESCP) shall be prepared by the Geo-professional or by the Contractor which shall be reviewed and approved by the Geo-professional. The DESCP shall be in general accordance with the Dust, Erosion, and Sediment Control Considerations Peninsula earthworks, Bayview, Nelson dated 14 September 2021. The DESCP shall be included in the CEMP required by condition 3.
28. The DESCP shall specifically address:
- a) How any staging of the earthworks shall minimise the extent of exposed soil at any given time;
 - b) The sediment and erosion control measures to be used to avoid sediment entering Councils reticulated stormwater system, the Coastal Marine Area or any other property that shall be developed in accordance with the relevant section of the *Auckland City Council guidance document GD05 – Erosion and sediment control guide for land disturbing activities in the Auckland Region (GD05)* or the *Nelson Tasman Erosion and Sediment Control Guidelines 2019*. The developed control measures shall include;
 - Details of any measures to control mud and detritus from vehicles onto the surrounding road network or adjoining land;
 - A description of the methods proposed for the disposal of material removed from the Sediment control ponds or impoundment areas if and where flocculent has been used;
 - Measures to prevent fugitive dust and windblown sediment from the proposed earthworks such as weather wind speed and direction monitoring, water carts with details on the methodology to determine when water shall be applied to ground surfaces. It also shall provide a description of a regular monitoring inspection schedule of properties on Ruffell Place, Ledger Road, Arthur Vista Place and Frenchay Drive for visible indications of dust to have been generated

from the earthworks area. This monitoring shall be recorded and made available to Council's Monitoring Officer upon request;

- The contingency measures that shall be utilized in advance of a large storm event to prevent and minimise offsite effects as provided in the email Bayview DESCOP contingency measures received by Council 11 March 2020. The contingency measures shall detail methods of monitoring weather forecasts, and the action plan to have the measures installed with sufficient time prior to the large storm event; and
- c) Discharge from Sediment control ponds utilised as part of erosion and sediment control measures should be directed in such a way as to avoid erosion and instability.

Note: *The Contractor should consider this requirement during earthworks and may consider using bunding to control stormwater from discharging above steeply sloping ground.*

29. The control measures contained in the DESCOP shall be implemented prior to earthworks commencing and shall be maintained until such time that the site has been permanently stabilised. If areas of sloping land sown with perennial grass do not show signs of grass striking, the Consent Holder shall either hydroseed or take any other measures necessary to ensure permanent stabilisation occurs within 2 months.

Note: *For the purposes of this condition the definition of permanently stabilised shall mean once an 80% vegetative or other cover has been established over the entire exposed area.*

30. Clean water diversion drains shall be constructed to convey a Q20 ARI peak flood flow plus 300mm freeboard prior to any earthworks being undertaken. The design of the clean water diversion bunds/drains shall be in accordance with GD05 Figure 16 Section E2.1.1. Any clean water drains that have a longitudinal profile greater than 2% shall be lined with a geotextile fabric to prevent scouring of the surface. Outlets for all clean water diversion drains shall have an energy dissipating structure (e.g. rip rap, sandbags or other non-erodible structures.)

31. Dirty water diversion drains shall be constructed to convey a Q20 ARI peak flood flow plus 300mm freeboard prior to any earthworks being undertaken. The design of the dirty water diversion bunds shall be in accordance with GD05 Figure 18 Section E2.2.1. All dirty water drains shall lead to a sediment retention control device.

32. Notwithstanding the conditions on this consent, all sediment control ponds for catchments of less than 200m in length or that have less than or equal to a 18% slope angle, a minimum 2% volume of the contributing catchment shall be incorporated into the sediment retention pond design and construction. Where a contributing catchment is greater than 200m in length or has a slope angle greater than 18%, the sediment retention pond shall be designed and constructed with a volume to 3% of the contributing catchment.

33. All Sediment control ponds shall have a forebay, a primary spillway designed and constructed for a Q20 ARI rainfall event and an emergency spillway designed and constructed for a Q100 ARI rainfall event. All outlets including decanting outlets shall be protected from scouring potential.

34. All Sediment control ponds and impoundment areas behind the decanting earth bund shall have a dead storage capacity of 30% of the sediment control pond Volume.
35. The Consent Holder shall clean out the Sediment control ponds and the areas behind the earth bund before the volume of accumulated sediment reaches 20% of the total sediment pond volume.
36. Where flocculent is used in Sediment control ponds or water impoundment areas of the decanting earth bund, daily monitoring of dose rates and pH levels shall be undertaken and the results be made available to Council's Monitoring Officers if requested. The pH levels of the pond discharge shall not be outside of the range of 5.5 to 8.5.
37. The Consent Holder shall provide all weather access to the Sediment control ponds and decanting earth bunds to allow the removal of accumulated sediment.
38. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the earthworks authorised by this consent that, in the opinion of Council's Monitoring Officer, is considered to be unreasonable. In the event that an unreasonable deposition does occur it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater system or any receiving water courses.
39. All spoil that is removed from site shall be taken offsite in a manner that minimises dust effects from the transportation method.
40. All machinery on the work site shall be refuelled at least 20 metres away from any open watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs.
41. The Consent Holder shall, on completion of the earthworks and as soon as climatic conditions allow, permanently stabilise the site by planting, seeding, mulching or otherwise covering any exposed ground so as to minimise the risk of dust, erosion and sedimentation and to enhance slope stability.

Earthworks DESCP Monitoring

42. The Geo-professional or the contractor shall undertake fortnightly inspections of the erosion and sedimentation control measures unless a rainfall event greater than 25mm over a 24-hour period or greater than 10mm per hour at no less than 14-hour interval period occurs at which time an inspection shall occur during and after the above-mentioned rainfall events. If any erosion and sediment control measures are compromised or malfunctioning all earthworks shall cease until the Geo-professional or the engineer confirms it is rectified to efficient operating condition.

Earthworks Noise

43. The Consent Holder shall comply with the following hours for earthworks construction including warm up and cool down of machinery:
 - a) Earthworks or activities related to the earthworks subject to this consent shall only take place within the hours from 7:00am to 6pm Monday to Friday and Saturdays

8am to 4pm. No earthworks or associated works shall occur outside these times or on Sundays or public holidays;

- b) No warmup of machinery (including diggers, plant dump trucks and vibrating compactors shall occur prior to 7am on weekdays and 8am on Saturdays;
- c) Earthwork construction noise shall comply with maximum noise limits specified in the Construction Noise Standards (NZS 6803:1999); and
- d) Exceptions to the above-mentioned hours are permitted for emergency remedial works or in relation to general safety issues on the site or adjoining sites relative to the proposed earthworks and or sediment control measures installations, including repair after heavy rainfall.

44. For the duration of the earthworks, the Consent Holder shall ensure that a person is available to respond to any reasonable requests and/or complaints made by the public and that a phone number at which that person can be contacted will be advised to the Nelson City Council's Monitoring Officer prior to any earthworks commencing.

45. For compliance with Condition 44, the Consent Holder shall ensure that a sign, measuring 1m², is placed in prominent positions on the boundaries of the site. The sign is to contain 24-hour contact details of persons who shall be available to respond to any reasonable requests and/or complaints made and shall be maintained throughout the construction period. A register of all such complaints shall be maintained on site and shall be available for inspection during normal office hours.

Earthworks - After Construction

46. A Geotechnical Maintenance Schedule (GMS) or similar shall be supplied by the Geo-professional at the completion of the works to clearly identify the scope and timing of any ongoing monitoring required. The Consent Holder shall adhere to the requirements in the GMS.

47. Within one month following the completion of the earthworks, the Consent Holder shall forward to the Council's Monitoring Officer documentation from the Geo-professional that confirms the earthworks stage authorised by this consent, including drainage and the inspection and supervision schedule has been satisfactorily completed and confirmation is provided of the stability of bulk earthworks for each stage. The documentation shall include:

- a) An "as built" plan showing the layout of the earthworks;
- b) The location of all fill material, details of the volumes of fill placed and the status of that fill;
- c) Details of stormwater control to demonstrate that the requirements and outcomes of Conditions 24 and 25 have been satisfied; and
- d) A Statement of Professional opinion that the resultant risk of instability arising from the earthworks is Low.

48. Within one month following the completion of the as-builts for earthworks, the Consent Holder shall forward to the Council's Monitoring Officer documentation from the Geo-professional that confirms the earthworks authorised by this consent, including drainage and the inspection and supervision schedule have been satisfactorily completed and confirmation is provided of the stability of the bulk earthworks. The documentation shall include:

- a) An “as built” plan showing the layout of the earthworks:
- b) The location of all fill material, details of the volumes of fill placed and the status of that fill; and
- c) A Statement of Professional opinion that the resultant risk of instability arising from the earthworks is Low.

Landscaping

49. The earthworks and resspreading of topsoil shall be undertaken in a manner that provides a smooth transition with the immediate surrounding contours and mimics the natural form of the eastern and western flanks of the spur as close as practicable to ensure the landform integrity is retained.

50. Prior to 1 March 2022 a Landscape Planting Plan (LPP) shall be prepared by an appropriately qualified Landscape Architect for the areas that are subject to the earthworks authorised by this consent and shall be submitted to the Council’s Compliance Officer for certification by the Manager Consents and Compliance.

The purpose of the LPP is to ensure the initial stabilisation of slopes and to outline the mitigation required to achieve the objectives of the Canopy Master Plan approved by SH195006. The Plan shall be prepared in accordance with best practice and shall address all matters relevant to achieve its purpose, including but not limited to the following:

- a) Consideration of the mitigation required by SH195013V1;
- b) Consideration of the mitigation and amenity planting outlined in the Canopy Master Plan approved by SH195006;
- c) The planting to achieve initial stabilisation of slopes and the staging and timing of mitigation and amenity planting (and the requirements and timing of any future updates/amendments to the plan required as a consequence of the future subdivision) to achieve the long-term objectives of the Canopy Master Plan approved by SH195006;
- d) the species, size and density of plantings in each area; and
- e) the maintenance and replanting schedule and duration.

Note: The Manager Consents and Compliance will either certify, or refuse to certify, the LPP within 5 working days of receipt. Should the Manager refuse to certify the LPP, then the Manager will provide a letter outlining why certification is refused based on the parameters contained in this condition. If the Manager does not provide a letter that certifies or refuses to certify the LPP, the LPP shall be deemed to be certified. Provided that the information requirements are addressed by the LPP, certification will not be withheld.

Note: SH195006 included the implementation of a landscape amenity and mitigation Master Plan. It is anticipated that a new or amended landscape amenity and mitigation plan will be required in association with any application for the future subdivision of the site. Condition 50 requires the preparation of a plan to address the mitigation required for the bulk earthworks authorised by this consent and condition 50 c) enables the plan to include staging and future amendment to accommodate changes needed by virtue of any additional or alternative amenity and mitigation planting required to mitigate the adverse effects of any future subdivision.

51. Should the Manager Consents and Compliance refuse to certify the LPP, the Consent Holder shall submit a revised LPP to the Manager Consents and Compliance for certification. The certification process shall follow the same procedure and requirements as outlined in conditions 3 & 4.
52. The Landscaping Plan certified in accordance with Condition 50 shall be implemented in accordance with the staging and timing in the Plan, with the first stage being undertaken within the next planting season following completion of the earthworks. The plan shall use best horticultural practice.

Māori Archaeological Sites

53. In the event of Māori 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 notify the iwi of Te Tau Ihu and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320) and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Note: *The discovery of any pre-1900 archaeological site (Māori or non-Māori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to Heritage New Zealand Pouhere Taonga for an authority to damage, destroy or modify the site.*

If the site is of Māori origin, the Site Manager or Consent Holder shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken and shall ensure all statutory requirements under legislation are met (including Heritage New Zealand Pouhere Taonga Act 2014, and Protected Objects Act 1975). It is not Council's role to decide which iwi groups are considered to be mana whenua.

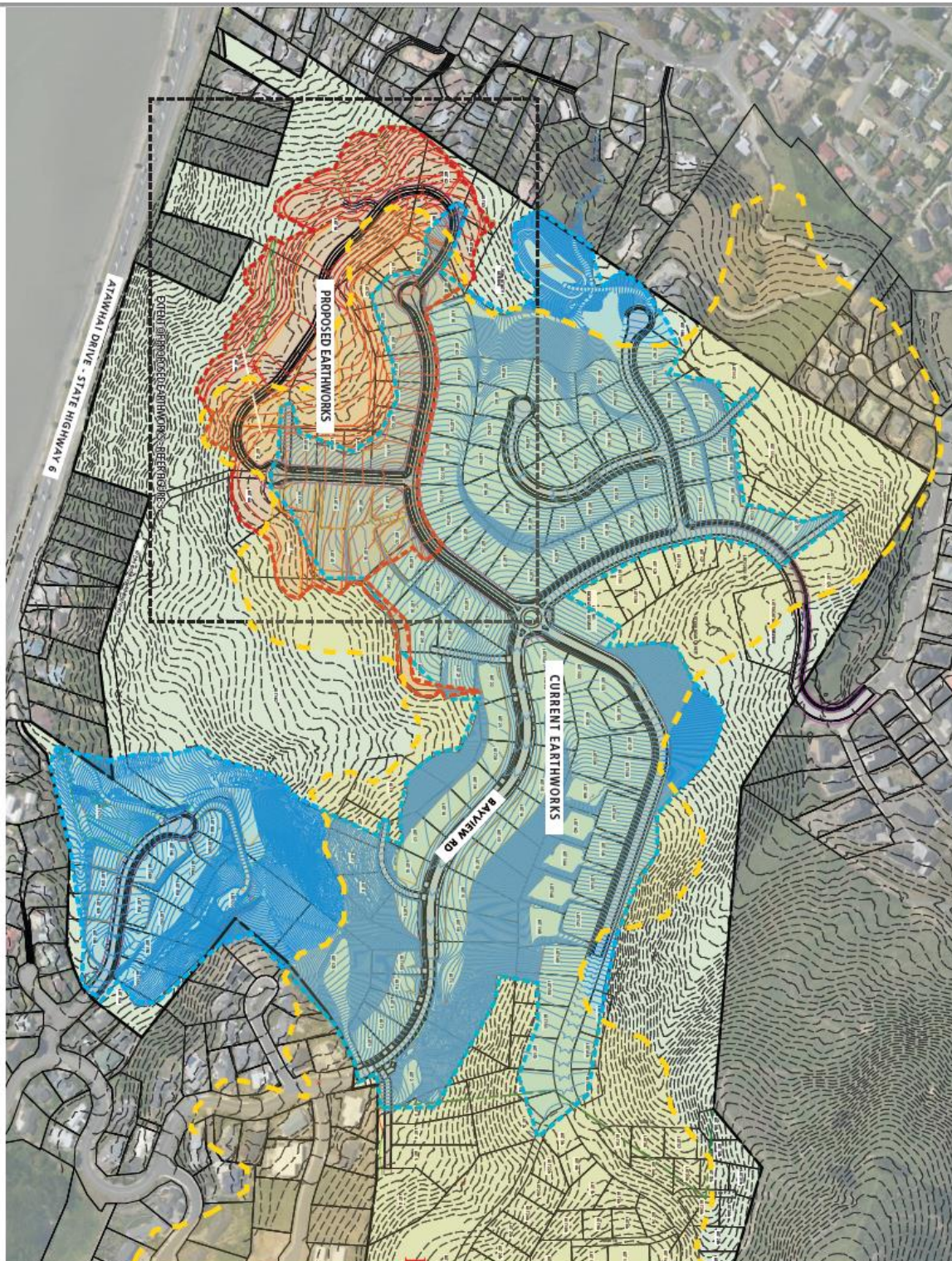
Review

54. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - b) To require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect upon the environment, arising from the generated effects of the activity.
 - c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Sections 108 of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.

3. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
4. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent “attach to the land”, and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
5. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
6. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
7. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.



Recvd 17 Sept 21

- LEGEND**
- BAYVIEW DEVELOPMENT
BOUNDARY
- EXISTING SITE CONTOURS
- CURRENT CONVEYED
EASEMENTS RELATING
TO SH150/201/1
- CURRENT CONVEYED
TO SH150/201/1
NOT PART OF THIS
APPLICATION
- EXTENT OF PROPOSED
EASEMENTS
- LANDSCAPE OVERLAY

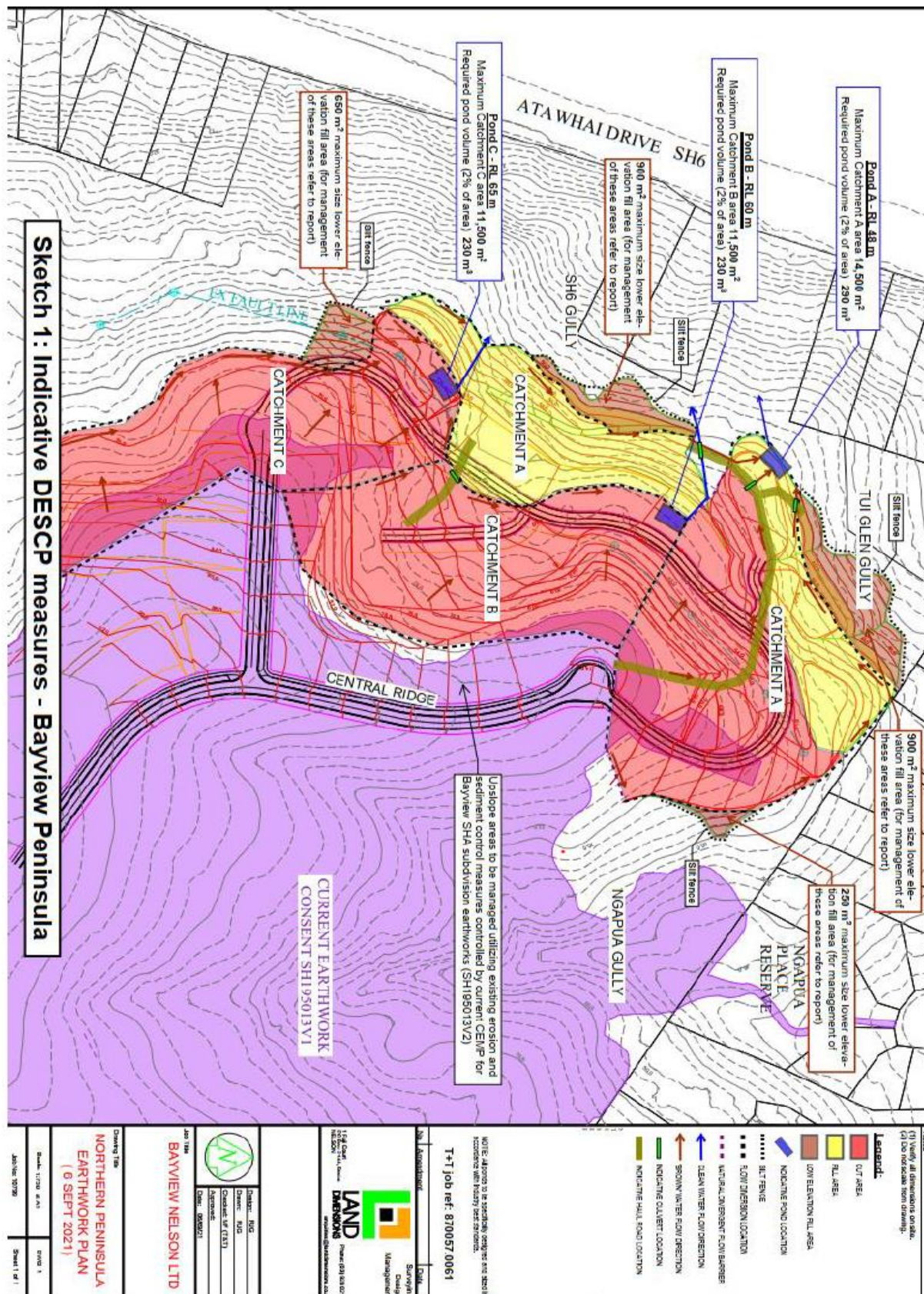


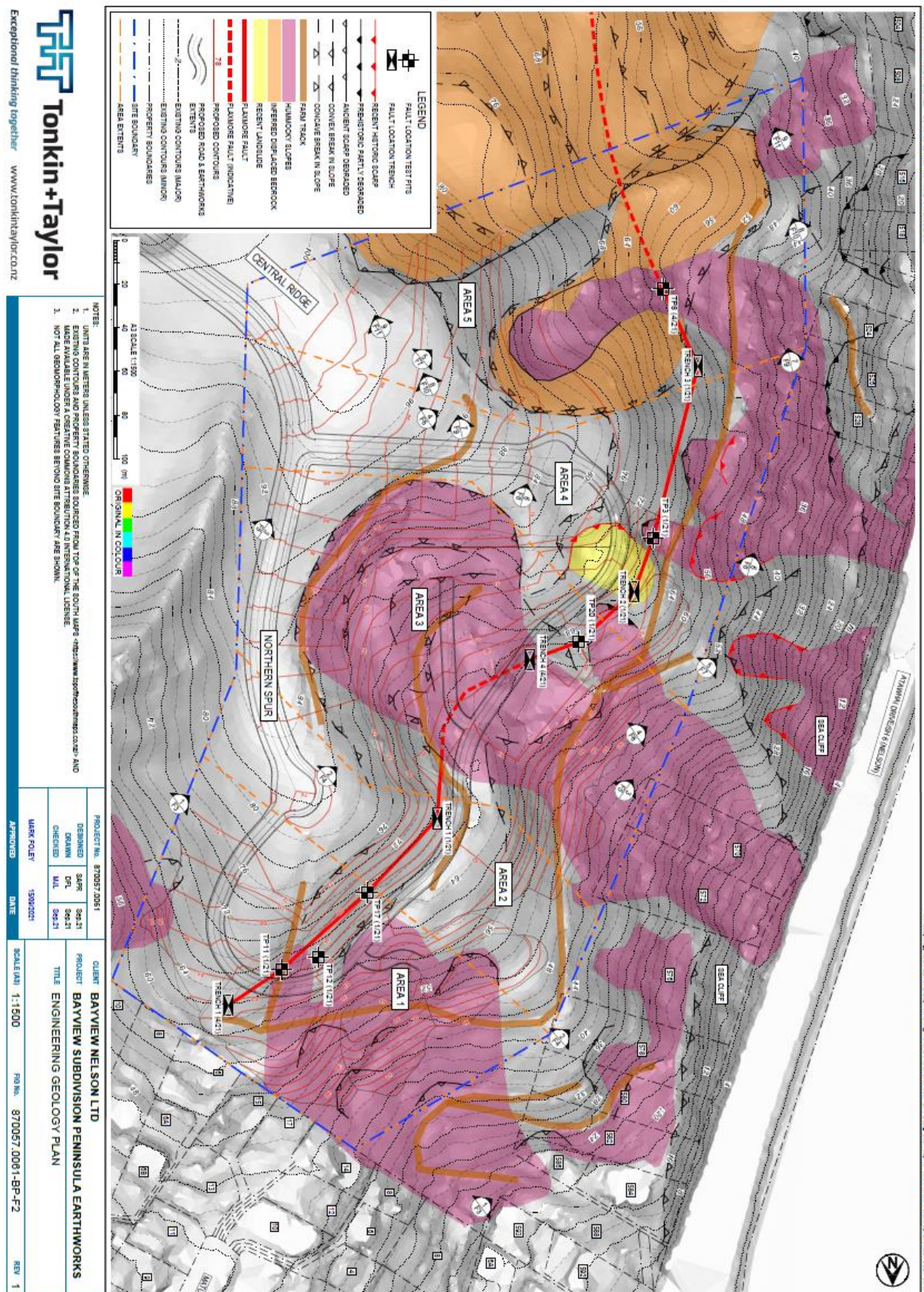
Recvd 17 Sept21

LEGEND

- | | |
|---|---|
|  | EXISTING SITE CONTOURS |
|  | CURRENT CONSENTED EQUIPMENT RELATING TO SH19501 YAVI |
|  | CURRENT CONSENTED LOT SH19501 YAVI RELATING TO PART OF THIS APPLICATION |
|  | EXISTING OR PROPOSED EASEMENTS |
|  | LANDSCAPE OVERLAY |







RESOURCE CONSENT COMBINED DECISION REPORT

Resource Consent numbers: RM215306 and SH195013V2

DESCRIPTION OF PROPOSAL

Bayview Nelson Limited (The Applicant) hold the following suite of consents under the Resource Management Act 1991 (RMA) and the Housing Accords and Special Housing Areas Act 2013 to develop residentially zoned land and a Special Housing Area (SHA) (SH195006V1) in Atawhai.

Subdivision

- SH195006V1: 173 Lot subdivision
- RM205239: 22 Lot subdivision (Ledger Road area)
- RM215064: 6 Lots (above Lighthouse View)

Earthworks

- RM195295 Earthworks (Ledger Rd remediation of uncontrolled fill)
- **SH195013V1 Bulk earthworks**
- RM205099: Borrow Area
- RM215064: Borrow Area 2

Land Use

- RM195297: Water tanks and earthworks
- RM205113: Dwellings unable to connect to reticulated wastewater
- RM215041: New Water tanks location

Coastal Permit

- RM205240: Disturb foreshore and install outfall structure

Discharge

- RM205112: Discharge of SW
- RM205067: Discharge of SW to an adjoining property (borrow area)
- RM215042: Discharge of SW to an adjoining property (borrow area)

The Applicant has applied for and a variation under 127 of the RMA to their existing consent (SH195013V1) to undertake bulk earthworks and a land use consent (RM215306) under section 88 of the RMA to undertake further bulk earthworks. This will prepare for the on-going roll-out of the residentially zoned land beyond the footprint of the SHA site and provide one set of consistent conditions across the existing and proposed areas of bulk earthworks. The changes to SH195013V1 reflect the changes in earthworks design and the amended plans and reports attached to the application.

Figure 3 shows the overall area of earthworks and subdivision authorised by SH195006V1 and SH195013V1 in blue and the extent of the proposed earthworks in red and Figure 4 shows a more detailed view of the bulk works covered by these applications. The boundaries of the residential lots authorised by SH195006V1 are shown overlaying both areas and the extent of the landscape overlay is shown by the yellow hatched line. The Engineering Geology Plan in Figure 5 shows the location of the Flaxmore Fault and other geologic features of the site.

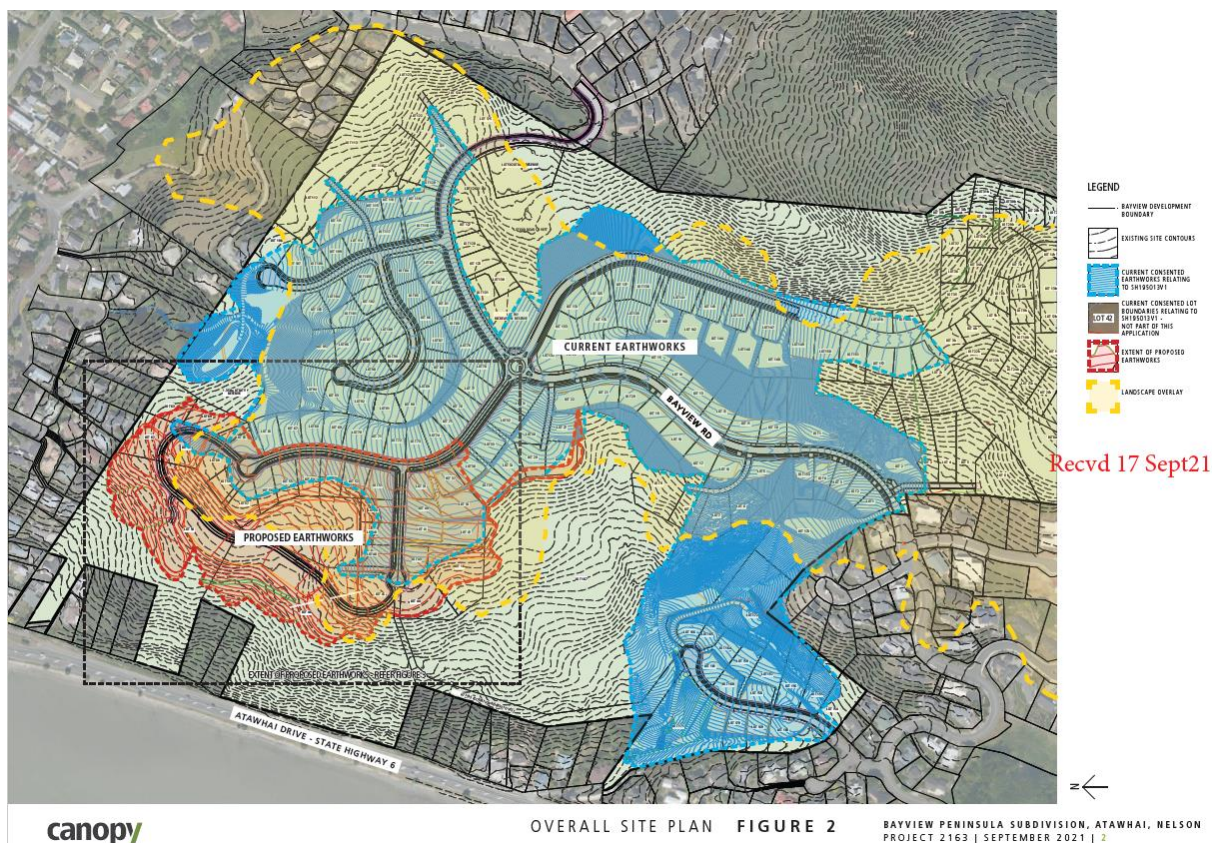


Figure 3 – Overall Proposed and Consented Earthworks, Consented Lot Layout and Location of the Landscape Overlay

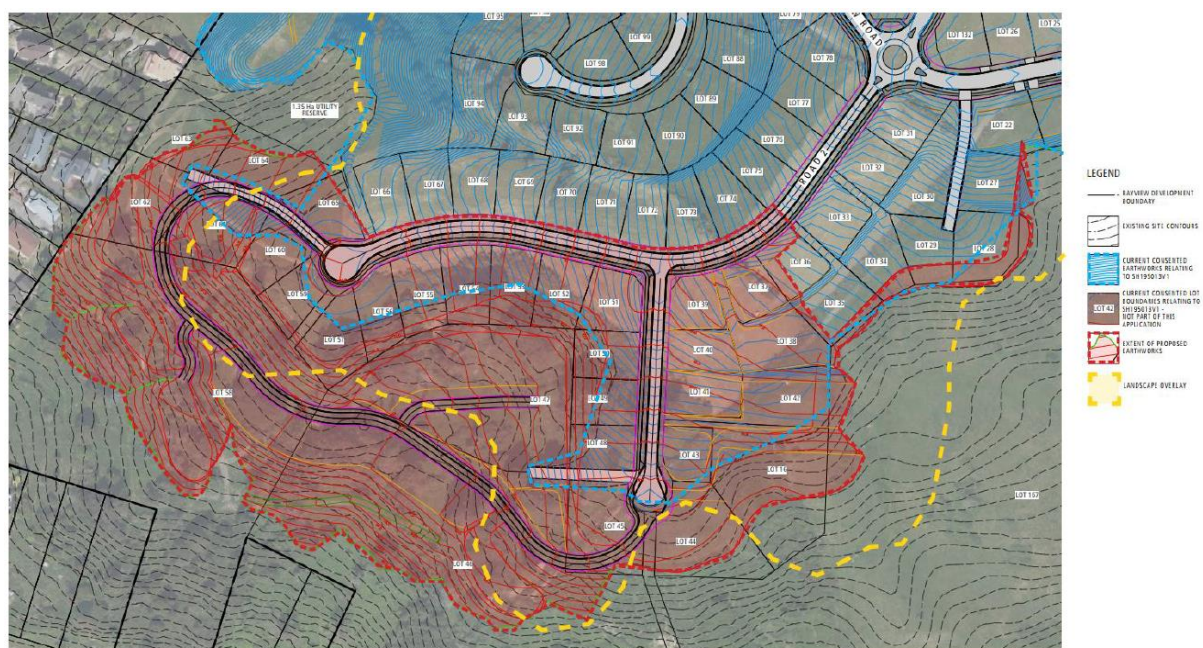


Figure 4 – Detail of Proposed and Consented Earthworks, Consented Lot Layout and Location of the Landscape Overlay

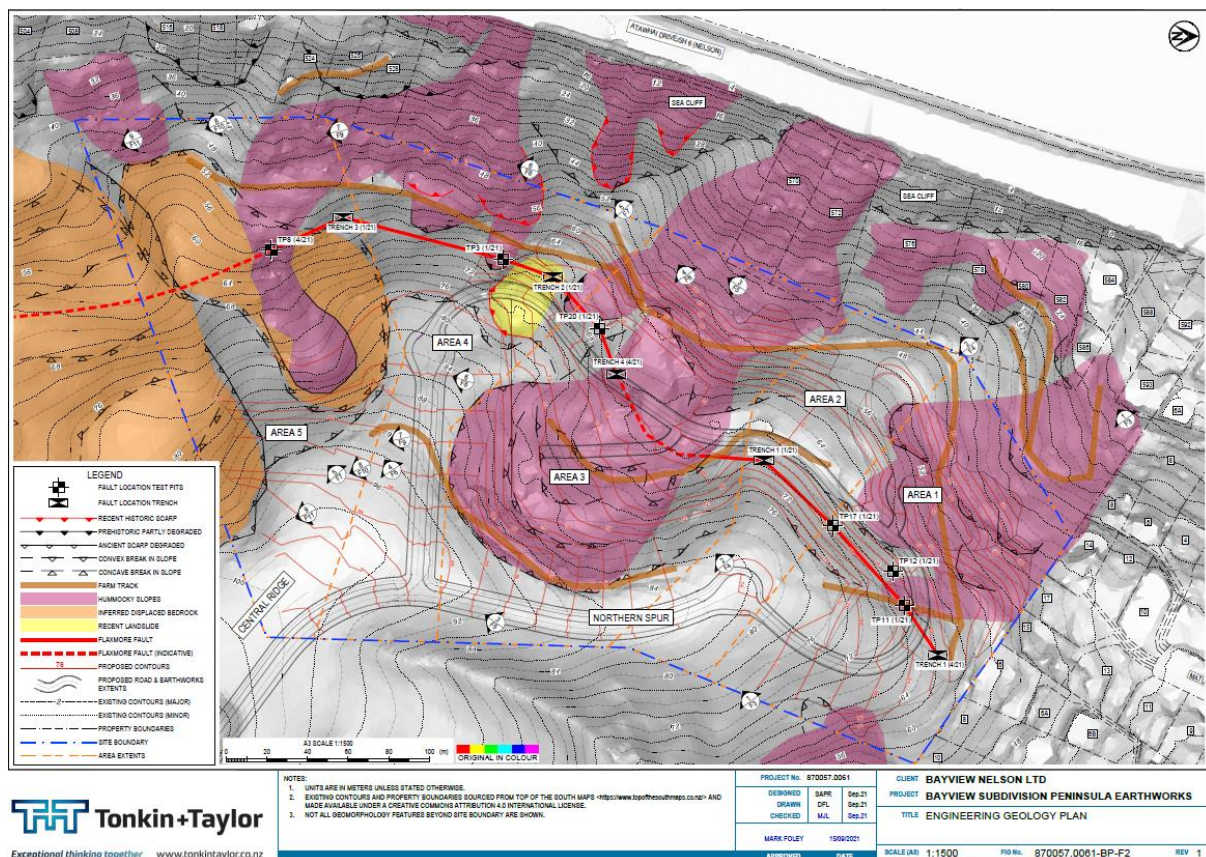


Figure 5 – Engineering Geology Plan Showing the Location of the Flaxmore Fault

The overall earthworks design is shown in Figure 6 and 7. The earthworks will improve the overall land stability and this will allow concepts for the design of a future subdivision to be progressed.

The geotechnical input into the earthworks design has sought to improve slope stability, including in the following ways:

- Identifying areas of past slope instability;
- Reducing loading upslope of areas of identified instability through removal of mass (cut);
- Buttressing of earthflows and landslide deposits present within gully areas with engineered fill;
- Specifying of stable permanent cut and fill batter angles; and
- Identifying mitigation options for earthworks to ensure completed earthworks are suitable for the proposed development.

The earthworks include:

- Provision for excavation and filling, a volume in the order of 29,000m³ of rock and soil;
- Placement of engineered fill up to 8m thick;
- Formation of permanent cuts up to 9m;
- Fill batter angles of up to 1 Vertical (V): 2 Horizontal (H); and
- Permanent cut batter angles of up to 1V: 2H.

The cut to fill ratio for the site will be neutral, the works involve 60,000m³ of cut and 29,000m³ of fill, with the balance of the fill being used within the wider approved subdivision/bulk earthworks area.

The site is characterised by moderately steep slopes, variable bedrock quality, locally perched groundwater, and weak sheared soil and that considerable care will be required during detailed design and earthworks construction to verify the ground conditions and the engineering geological model used in the preparation of the application. The application stresses that an observational approach will be required to verify assumptions and to modify design as required to ensure that the completed earthworks have a *Low* slope stability risk.

The application includes a number of recommendations to achieve a *Low* instability risk and concludes that provided the recommendations are followed, the site is suitable for the proposed earthworks. Figure 8 shows an indicative Dust, Erosion and Sediment Control Plan (DESCP), the detailed preparation of which has been included in the consents. An amended DESCP will be required for SH195013V2 and a new plan will be required for RM215306.

The application included a Landscape Assessment that recommended mitigation planting for slope stabilisation and landscape amenity and mitigation.

The bulk earthworks are proposed to be undertaken over a 4-5 month period in the drier months of 2022 in order to avoid the wet winter months and associated difficulties of managing stormwater over that period. The duration of consent sought is 18 months which includes a contingency period for the final reshaping.

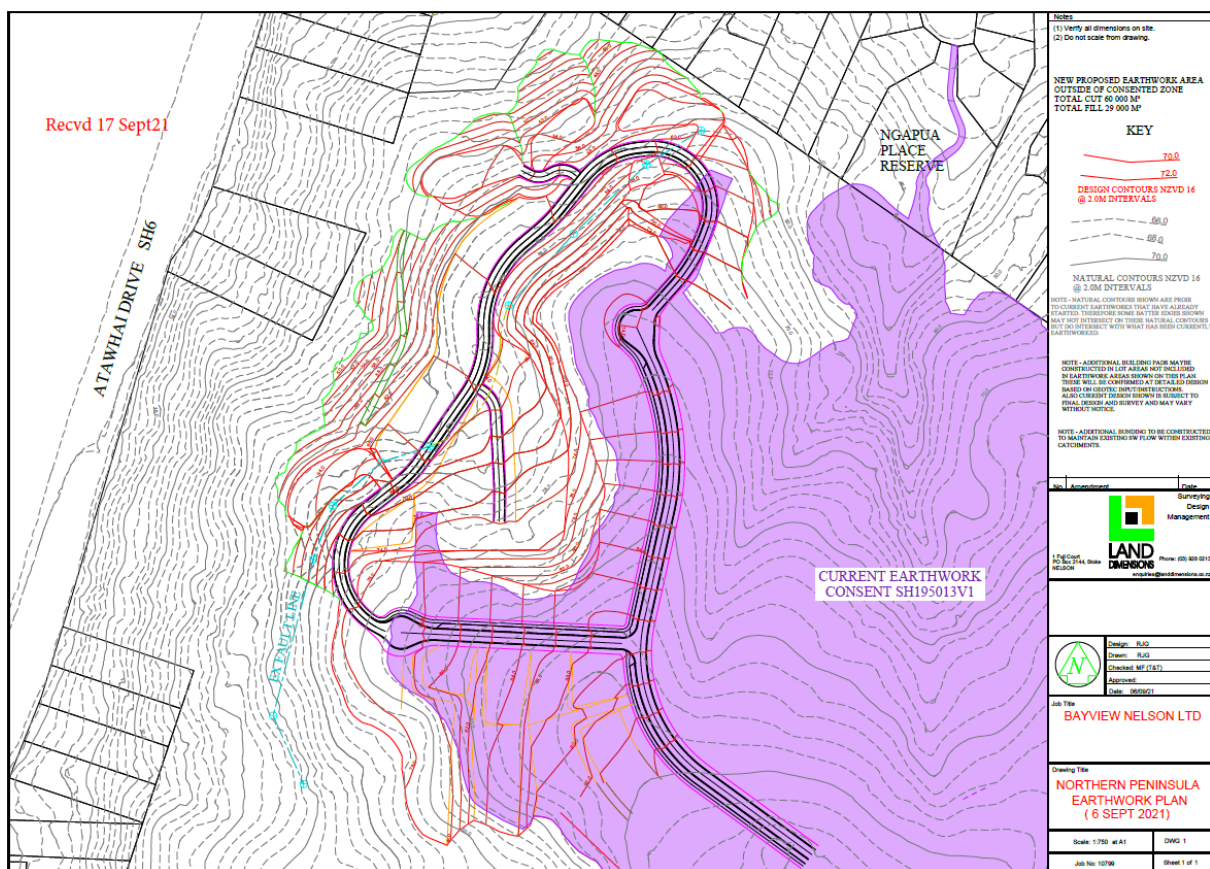


Figure 6 – Earthworks Plan

SH195013V2 and RM215306

Notice of Decision

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Figure 7 – Contour Plan

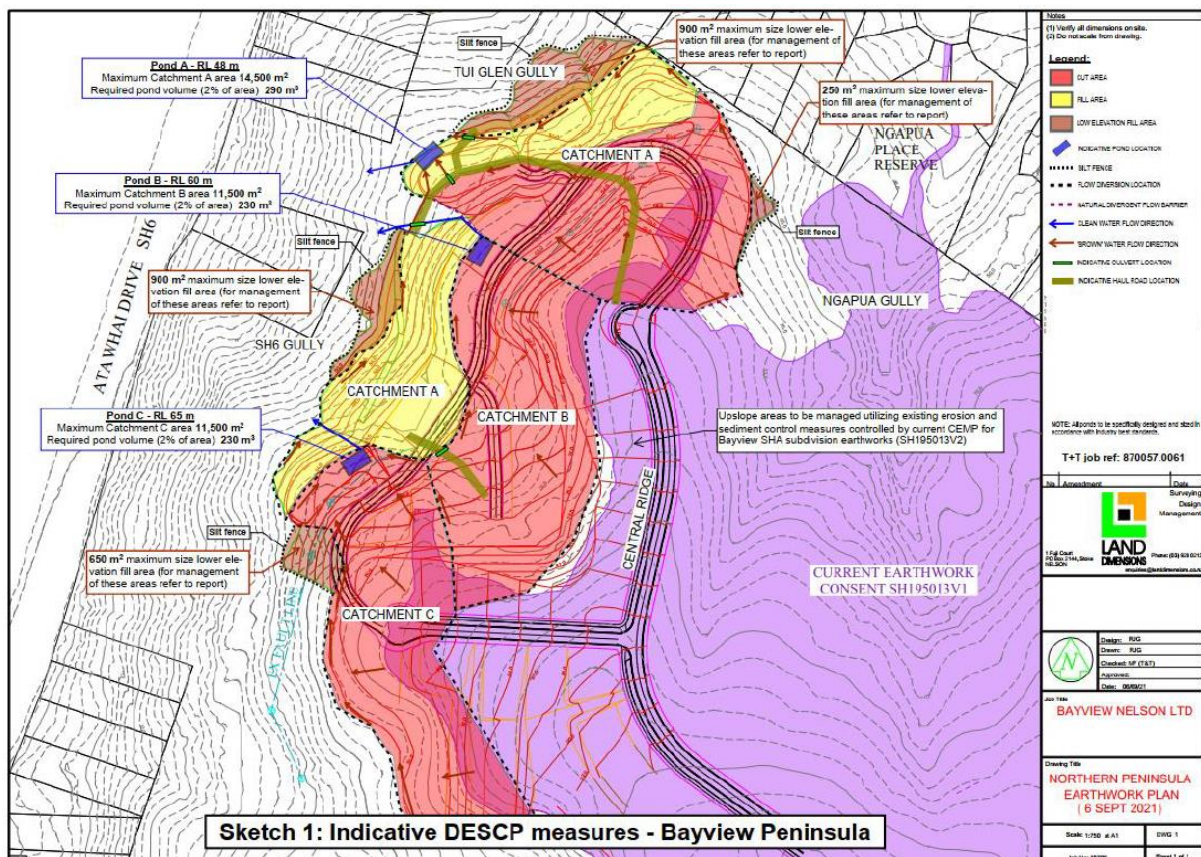


Figure 8 – Indicative Dust, Erosion and Sediment Control Plan

SITE DESCRIPTION

A site visit occurred on 1 October 2021.

The Site is located in the Atawhai Hills north of Nelson between the existing Bayview subdivision and Dodson Valley, and to the west and downslope of the Bayview Special Housing Area (SHA) subdivision currently under construction. It is accessed from the northern end of Bayview Road via a metalled access road that passes through the Bayview SHA. Site access will change from Bayview to Frenchay Road for construction traffic as the first two stages of the Bayview SHA are completed.

Figure 1 shows the location and form of the existing consented development. The earthworks approved as a part of SH195013 and V1 are well advanced and the applicant is planning the bulk earthworks in preparation for the next stage of development. The proposed bulk earthworks both refine and extend the existing consented earthworks.

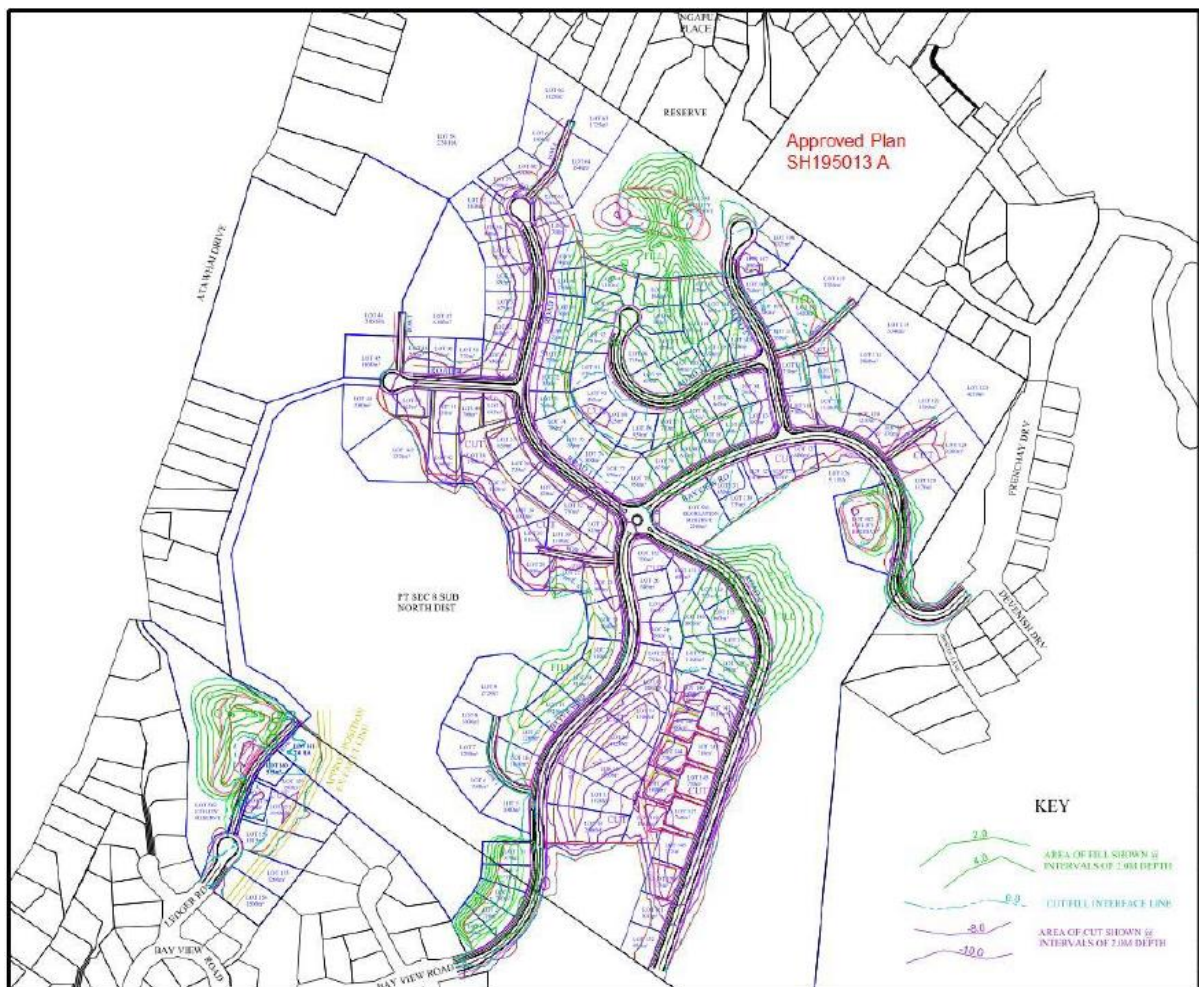


Figure 1 – Location of Consented Special Housing Area and Land Disturbance

PLAN RULES AFFECTED

According to the Nelson Resource Management Plan, the following apply to the subject property:

Zoning: Residential

Overlays: Services Overlay

Land Management Overlay

Landscape Overlay

Fault Hazard Overlay

Rules: RM215306 - REr.61.3 Earthworks - Restricted Discretionary Activity.

SH195013V2 – Section 127 of the Resource Management Act 1991 – Discretionary Activity.

Overall Status: Restricted Discretionary and Discretionary Activities

JURISDICTION

It is noted that SH195013 and SH195013V1 were processed under the Housing Accord and Special Housing Area Act 2013 (HASHAA). The HASHAA was repealed on 16 September 2021. The variation is therefore processed under section 127 of the Resource Management Act 1991 (RMA).

REASONS FOR THE DECISION

1. Council assessed the applications under section 104 B and C of the Resource Management Act 1991 (the Act) and determined that the adverse effects of the activity on the environment will be no more than minor and there are no persons adversely affected by this proposal.
2. The principal issues of Mana whenua values, coastal water quality, landscape effects, temporary construction effects and geotechnical effects have been sufficiently avoided, remedied or mitigated by the location, construction methodology and volunteered conditions of consent.

Mana whenua values

3. The effects of the subdivision and associated land disturbance activities on cultural values were considered during the processing of previous the suite of applications. The decision for the variation of SH195006V1 states that the original application provided a brief history of the area and recommendations from Ngati Kuia. It was noted that "*The potential cultural effects of this development include the loss of natural character of the coastal environment and the disturbance of unrecorded archaeological material..... The setback from the coastal environment reduces the likelihood of unearthing cultural material.*"
4. The comments are acknowledged. However, the site is zoned for residential development and the mitigation proposed, including the construction methodology and post-construction landscape planting will assist in minimising the effects of the development on the natural character of the coastal environment.
5. There are no cultural heritage sites known to be present on this site. However, any disturbance of unrecorded archaeological material is relevant. The applicant has

volunteered an accidental discovery protocol condition to ensure appropriate steps are taken if archaeological material is discovered during the bulk earthworks.

Coastal Water Quality

6. The activities will only occur within catchments that discharge to the Coastal Marine Area, therefore there will be no impact on freshwater environments. The applicant holds a coastal permit to discharge sediment laden water to the coastal marine area, no change to that existing consent has been sought.
7. The bulk earthworks are planned to be undertaken during the drier summer months during the summer of 2022. The volunteered conditions include the preparation of comprehensive dust, erosion and sediment control plan (DESCP) to be submitted to Council for approval prior to undertaking the works. The DESCP will comply with current industry best practise and take into consideration the recommendations of the Nelson Tasman Erosion and Sediment Control Guidelines July 2019 (NTESGC).
8. The implementation of the DESCP, which will include contingency emergency measures to be undertaken in a significant rain event, will reduce to the greatest extent practicable the risks associated with the discharge of sediment to the coastal marine area.

Landscape Effects

9. The application included an assessment of the effects of the bulk earthworks from Canopy Landscape Architects Ltd. The assessment notes that the site has been visited many times to assess different resource consent applications in association with residential development and the Special Housing Area. It also notes that the deeper cuts are generally through the existing SHA subdivision and that a large part of the bulk earthworks sit below the landscape overlay.
10. The site is on a low spur "the peninsula" of the Malvern Hills that sits between Tui Glen to the north and Brooklands to the south and the earthworks are located on north, northwest and southwest facing slopes reflecting the underlying topography on the flanks of a spur. The site sits relatively low within the landscape and different parts of the site are visible from the Boulder Bank, Port Nelson, State Highway 6 and Tui Glen. The site forms the backdrop to Atawhai, Tui Glen and Dodson Valley and is located below the rural zoned land that, along with Kaka Hills, forms a rural character to the ridges and hilltops in the area.
11. The main elements of the application that give rise to landscape and visual effects are the extent of change to the underlying landform and the requirement to shift mitigation planting that was associated with the consented SHA. The mitigation proposed to reduce the overall visual effects include retaining as much of the underlying landform as practicable, stockpiling topsoil in accordance with best practice and subsequent topsoiling and regrassing. The preparation and implementation of a landscape mitigation plan to stabilise steeper areas and reinstate landscape and amenity values will be consistent with those provided by the consented mitigation plan for the existing earthworks.
12. The cut and fill will result in a permanent localised area of change to the landform, but the change is consistent with a character associated with residential zoned land on a moderate to steep gradient and will enable future development that is sympathetic to the underlying landform. The visual effects of the proposal have been assessed as a

low-moderate effect for a short period of time (a matter of months while the grass and plants form a cover). Once regrassed, the change will integrate into the surrounding Malvern Hills and the overall effects of the change on the landscape and natural character will be low.

13. The reasons for coming to these conclusions include the distance of view and scale of receiving environment, the proposed mitigation including seeding and planting, maintaining some organic form to both the eastern and western flanks and an overall rounded crown of the spur.

Temporary Construction Related Effects

14. Subject to compliance with the conditions of consent the temporary construction related effects should be less than minor in the context. All excess fill material will be utilised on site so there will be no additional off-site traffic related effects from the proposed bulk earthworks.
15. The activity will comply with Construction Noise Standards (NZS 6803:1999) and the earthworks or activities related to the earthworks will only take place between 7:00am to 6pm Monday to Friday and 8am to 4pm Saturdays with no work outside these times or on Sundays or public holidays.
16. The consent includes a suite of conditions that will control the generation of dust, sediment and erosion arising from the works.

Geotechnical Effects

17. The application included a Geotechnical assessment from Tonkin and Taylor, this was independently reviewed by Cameron Lines from Baseline Geotechnical. Further information was sought and a response provided. The response included additional information for consideration and minor amendments to the volunteered conditions.
18. The updated assessment following peer review noted that the concept design for the proposed earthworks had been developed iteratively between the Land Dimensions (subdivision designer) and Tonkin and Taylor (Applicants Geotechnical Engineers) with due consideration to the geotechnical hazards that the Site is subject to - and the potential risk associated with the proposed excavations.
19. It noted that the site is characterised by moderately steep slopes, variable bedrock quality, locally perched groundwater and weak sheared soil and that considerable care will be required during detailed design and earthworks construction to verify the ground conditions and the engineering geological model presented in the assessment. It also noted that an observational approach will be required throughout construction to verify assumptions and to modify design as required to ensure that the completed earthworks have a Low slope stability risk.
20. The mitigation includes:
- Utilising excavations to flatten slope profiles and reduce natural slope surcharge;
 - Utilising fill placement to provide stabilising buttresses to slopes;
 - Sub-excavating weak subsurface soils and replacing with engineered fill designed in accordance with NZS 4431: 1989 in areas where cuts are not taken to competent bedrock;
 - Making provision for retaining walls where excavation and replacement of potentially unstable soils is not viable;

- Designing slopes to be stable without the need for ongoing drainage to ensure stability (as per NTLDM 2020);
- Utilising an observational approach during construction to verify design assumptions and to amend design as appropriate to ensure design objectives can be satisfied and risk levels remain acceptable; and
- Installing subsoil drains to intercept any areas of seepage, and to underlie areas of filling where replacement with engineered fill has the potential to alter the hydro-geological conditions.

21. The conditions of consent reflect the recommended mitigation. It is noted that the residential development of the land is likely but the actual lot layout is still being developed. As such, the assessment assumed the land will be revegetated in grass and/or other vegetative cover to stabilise the disturbed areas (which is reflected in the conditions of consent) and further risk assessment will be required to support any application for subdivision.

22. The review of the amended assessment by Cameron Lines considered the information provided in the initial assessment, the further information, the amended report and discussions with Tonkin and Taylor. It concluded that the proposed earthworks design can be developed with a low risk of being affected by geotechnical hazards and that environmental effects in relation to the geotechnical performance of the site are expected to be negligible. It noted that ongoing geotechnical input is essential in managing construction risk for large scale land development and that in their opinion the consent conditions provide for an acceptable level of geotechnical oversight during site development.

Nelson Resource Management Plan

23. The objectives and policies in the Nelson Regional Policy Statement (NRPS) inform and are reflected by, those in the Nelson Resource Management Plan (NRMP). The activity is considered to be consistent with the following District Wide objectives in the NRMP for the following reasons:

DO1 Tangata whenua

There are no Statutory Acknowledgement Areas and no cultural heritage sites known to be present on the site and no known archaeological sites. This was previously established by Amanda Young in the assessment provided for SH195006 and SH195013. The conditions of consent include an accidental discovery protocol.

DO2 Natural Hazards

Policies DO2.1.1 'health and safety, DO2.1.2 'property and environment' and DO2.1.3 'aggravation of hazard'.

Appropriate mitigation measures and remediation are included in the conditions of consent to reduce the risk of slope instability in accordance with the objectives and policies for hazard mitigation.

DO7 Coastal Environment

The site that is subject to the bulk earthworks is not within the coastal environment overlay defined by the NRMP. As a result, Policy 7.1.4 'Land use, development, and subdivision' has no direct relevance.

D09 Landscape

Particular regard has been given to the qualities of the area and the effect of the bulk earthworks on those values. The conditions of consent, including initial planting to stabilise slopes and ongoing planting, enable the works and future development to reflect the character of the landscape and the residential zoning of the site.

DO13 Soil Erosion and sedimentation

The Plan seeks to ensure the actual and potential adverse effects of soil erosion and sedimentation are appropriately managed at the time of earthworks. The conditions of consent include the preparation of a new and amended detailed dust, erosion and sediment control plan for the new and existing areas that are the subject of this consent. They also include detailed risk assessment, a construction management plan, oversight and certification by appropriately qualified geotechnical professionals.

DO14 Subdivision Development

The application notes that DO14 has some relevance as these provisions also address the retention of existing natural features (DO14.1.1) and natural character generally. These matters have been partly addressed by the existing consents and in the volunteered conditions of these consents.

New Zealand Coastal Policy Statement

24. The activity is consistent with the New Zealand Coastal Policy Statement which recognises that people and communities should be able to provide for their social, economic and cultural well-being through use and development in the coastal environment, recognising that protection of the values of the coastal environment does not preclude uses in appropriate places and forms.

Part 2 Resource Management Act 1991

25. Nelson City Council has considered the relevant principles outlined in sections 6, 7 and 8 of the Act and has determined that granting this application (subject to conditions) better achieves the sustainable management purpose of the Act (as set out in section 5) than refusing consent.
26. The subdivision represents an efficient and sustainable use of land. Any adverse effects on the environment have been appropriately mitigated. Overall, the proposal is considered to be consistent with Section 5 and therefore will achieve the purpose of the Act. The risks associated with land stability will be appropriately managed and mitigated. Overall, the proposal is consistent with the matters of consideration under Section 6. The proposal is consistent with Section 7 as the quality of the environment and amenity values will be maintained in accordance with the zoning of the site. It is considered that there are no inconsistencies with the Treaty of Waitangi principles as outlined in Section 8.

Signed



Date 22 December 2021

This resource consent is **granted** on 22 December 2021 pursuant to delegated authority from Nelson City Council by:



Adrian Ramage

Team Leader Resource Consents

Adrian Ramage
Resource Consents Unit
Nelson City Council
(Authorised Officer Pursuant to
Delegation)