

02 December 2020

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Bayview Nelson Limited  
C/-Mark  
Landmark Lile Ltd  
PO Box 343  
Nelson 7040

Resource Consent Number: RM205332  
Contact: Vince Matschke  
DD: 03 546 0287  
Email: vince.matschke@ncc.govt.nz  
[www.nelson.govt.nz](http://www.nelson.govt.nz)

Dear Mark

### **RM205332: DECISION ON NON-NOTIFIED RESOURCE CONSENT**

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent.

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. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a fixed fee of \$320.00 (GST inclusive), within 15 working days of receiving this letter.

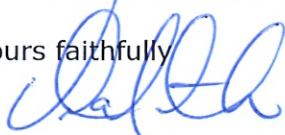
In addition Section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the 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.

**You may commence your activity immediately unless you lodge an objection or appeal to this decision. However, it is important that you check the conditions of your consent carefully as some of them may require you to carry out specific actions before you may commence your activity. In some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.**

Please note that under Section 125 of the Act, your consent will lapse in **five years** unless you have given effect to it before then. 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.

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully



Vince Matschke  
**Planner**

## RESOURCE CONSENT CONDITIONS OF DECISION

**Resource Consent number: RM205332**

Pursuant to section 104B of the Resource Management Act 1991 ("the Act"), the Nelson City Council ("the Council") hereby **grants** resource consent to:

Bayview Nelson Limited

### The activity to which this decision relates:

To discharge water from a sediment retention ponds that may contain contaminants from bulk earthworks associated with the Bayview Special Housing Area into the Coastal Marine Area as well as temporary discharges of sediment or Poly Aluminium Chloride as a result of failures of erosion and sedimentation control measures.

*These conditions of consent must be read in conjunction with the combined decision report for RM205043 & RM205332.*

### Location details:

Address of property:	Bay View Road, Nelson
Legal description:	Pt Sec 8 Suburban North District 1174, Lot 34 DP 441653, Lot 31 DP 487620, Lot 43 DP 9961
Certificate of title:	164567, 550238, 703598, NL5B/982
Location co-ordinates:	1626341.382E 5433826.93N (NZ Transverse Mercator)

### Discharge to Land & Water

Primary Type (Both)	Point Source Y/N (Both)	Receiving Water Classification	Contaminants
SW related to bulk earthworks	Both	FW	Sediment and Poly Aluminium Chloride (PAC)

### CONDITIONS

Pursuant to Section 108 and 108AA of the Act, this consent is issued under section 104 of the Act subject to the following conditions:

#### Expiry of Consent

1. This discharge permit expires on 02 December 2030 (10 years) or at the completion of all earthworks consents that form a part of the associated Bay View Development.

#### Application of Permit

2. This discharge permit shall only cover discharges from bulk earthworks associated with the Bayview Special Housing Area including new earthworks areas only if:
  - a) The bulk earthworks are consented under the Resource Management Act; and



- b) Are contained within the same catchment as that of the earthworks consented in SH195013 or associated consents that give effect or connect to the subdivision SH195006; and
- c) The consented earthworks have a certified Construction and Environmental Management Plan (CEMP) by the Manager Consent and Compliance that includes a detailed Dust, Erosion and Sediment Control Plan (DESCP).

## General

- 3. The temporary stormwater discharges from bulk earthworks associated with the Bayview Special Housing Area that may contain sediment and poly aluminium chloride (PAC) may occur as indicated in the application lodged with the Council on 26 February 2020 and further information received on 30 April 2020, 6 August 2020, 9 November 2020, 20 November 2020, and the 24 November 2020.
- 4. The Consent Holder shall take all practicable measures to limit the discharge of sediment and PAC with stormwater run-off to water and onto neighbouring properties that are not owned by Council.
- 5. Stormwater shall be conveyed over the respective catchments in a controlled manner in accordance with the certified Dust, Erosion and Sedimentation Control Plan within the certified CEMP unless emergency contingency measures are required to prevent sediment from entering water.
- 6. The quality of treated stormwater discharge from the outlet of the sediment retention ponds authorised by consents subject to condition 2 of this consent shall not exceed a sediment water clarity limit or trigger values of that established under the certified CEMP.
- 7. In the event of a contaminant being released from the site and entering any watercourse, due to any of the following:
  - a. Failure of any erosion and sediment control measures; and/or
  - b. Any other incident which either directly or indirectly causes or is likely to cause adverse effects on any stream;the Consent Holder shall take measures to stop the discharge as soon as practicable, contain the contaminant, and notify the Council's Monitoring Officer of the discharge and actions taken.

## Sampling

- 8. Periodic sampling during and after a *significant rain event* shall be undertaken at the discharge point from the sediment retention ponds in accordance with the certified CEMP.

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

## Monitoring

9. During and following rainfall events exceeding 30mm or more over a 24 hour period or 10mm per hour over the catchments as measured at Founders Park rainfall recording site, the Consent Holder shall undertake visual inspections at the stormwater outlets to the Coastal Marine Area and Oldham Creek downslope of any open earthworks site to ensure that no uncontrolled discharges of contaminated stormwater are occurring. Observations at these locations shall be recorded on the inspection checklist required under the certified CEMP.

**Advice Note:** For the purpose of this condition, the discharge from a sediment pond outlet is not considered an uncontrolled discharge.

10. If a visual assessment and/or observation in accordance with Condition 9 indicates discolouring, odour, sheen, oil or grease is present within the discharge, the cause of the discolouration, odour, sheen, oil or grease shall be identified. In the event the source of the discharge is from earthworks subject to condition 2, the Consent Holder shall:
- Undertake the requirements of Condition 7
  - Implement improved water diversions or sediment and erosion control measures upstream of the discharge point to allow remediation of the source of the discolouration, odour, sheen, oil or grease; and
  - Monitor the improved control measure to ensure the modifications are effective.
11. 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:
- To modify existing conditions of consent relating to the effects of the activity on the environment.
  - 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 any adverse effect upon the environment, arising from the generated effects of the activity.
  - 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

- This is not a building consent, and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
- This resource consent authorises only the activity described above. Any matters or activities not referred to in this consent or covered by the conditions above must either:
  - comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
  - be allowed by the Resource Management Act 1991; or



(c) be authorised by a separate resource consent.

3. This discharge permit is granted to the above mentioned Consent Holder, and relates to a particular location. Section 137 of the Act states that the Consent Holder may apply to the Council to transfer the whole or part of the Consent Holder's interest in the permit to any owner or occupier of the site in respect of which the permit is granted; or a local authority; but not to another site unless the consent or a rule in the Nelson Resource Management Plan expressly provides otherwise.
4. Consent is granted to the abovementioned 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 the new 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.

#### PLAN RULES AFFECTED

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

Zoning: Residential Zone & Coastal Marine Area

Overlays: Land Management, Landscape, Services, Fault Hazard Overlays

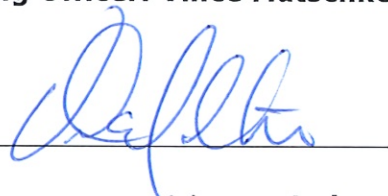
Rules: FWr.25 General discharges to land where it may enter water - Discretionary Activity;

Overall Status: Discretionary Activity under the Operative Nelson Resource Management Plan 2004

**Reporting Officer: Vince Matschke**

Position: Planner

Signed



Date

02/12/2020

This resource consent is **granted** on 02 December 2020 under 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)**