

09 December 2016

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Nelson City Council  
C/- Landmark Life Ltd  
PO Box 343  
Nelson 7040

Resource Consent Number: RM165402  
Contact: Victoria Bell  
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Email: [victoria.bell@ncc.govt.nz](mailto:victoria.bell@ncc.govt.nz)  
[www.nelson.govt.nz](http://www.nelson.govt.nz)

Dear Thomas

**RM165402: 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 \$250.00 (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.

An invoice will be posted out within the next working week (if not included with the decision letter).

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



Victoria Bell  
**Planner**

## RESOURCE CONSENT DECISION

### Resource Consent number: RM165402

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

Nelson City Council

### The activity to which this decision relates:

Land use consent to undertake earthworks, vegetation removal and general disturbance of Groom Creek to undertake realignment of Groom Creek to divert water through a constructed wetland complex.

Note: This consent should be read in conjunction with RM165404 (Water permit) & RM165418 (Discharge permit).

### Location details:

Address of property:	336 Maitai Valley Road, Nelson
Legal description:	Lot 1 DP 10588
Certificate of title:	NL5D/970

## CONDITIONS

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

1. The activity shall be carried out in general accordance with the application lodged with Council on 8 November 2016, the attached RM165402 Plans A to F, the Construction Specification Report prepared by Morphem Environmental Ltd (Nov 2016) 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 3 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please advise the consent number, RM165402.

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

**Note:** A monitoring charge of \$100 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.

3. Once commenced, the earthworks authorised by this consent shall be completed within 2 years.

**Advice Note:** *While two years is given for the proposed earthworks to be completed, the earthworks themselves are not expected to take a total of more than six months, however are to be staged as required.*

4. Prior to any earthworks taking place under this consent, a dust, erosion and sedimentation control plan shall be prepared by the contractor in conjunction with an engineer and provided to the Council's Monitoring Officer. This plan shall be in general accordance with the Land Development Manual 2010 and the methods described in the Morpurn Environmental Limited Construction Specifications supplied with the application. This plan should include emergency measures in the event of heavy rain. The plan shall be implemented prior to each stage of earthworks commencing and shall be maintained throughout the duration of the earthworks.
5. Any consequential amendments to the dust, erosion and sedimentation control plan supplied with this application shall be forwarded to Council's Monitoring Officer.

**Advice Note:** *Should the amendment to the plan require a change of consent conditions then all works must cease on-site and the Consent Holder shall apply to the Council for a change of conditions prior to works recommencing.*

6. Works shall be limited to the hours of 0700 and 1800 Monday to Saturday.
7. No earthworks resulting in exposed ground shall be undertaken if heavy rain is forecast in the period before measures, required by condition 4, can be implemented to secure the ground from the effects of overland flows.
8. The consent holder shall advise Te Runanga o Ngati Kuia Trust and Tiakina Te Taiao, at least five working days prior to construction works taking place at each site, thus providing the opportunity for an iwi monitor to be present while construction works are being carried out. All reasonable costs associated with the iwi monitor shall be met by the consent holder.
9. If any archaeological and/or cultural artefacts or remains are found work in the immediate vicinity of the find shall cease, Te Runanga o Ngati Kuia Trust, Tiakina Te Taiao the Council's Monitoring Officer and Heritage New Zealand shall be immediately informed. Works shall only recommence once any required authorisation is provided by Heritage New Zealand pursuant to its powers granted under the Heritage New Zealand Pouhere Taonga Act 2014.
10. Pakohe (argillite) shall not be used as armouring material. Any pakohe found shall be set aside and Te Runanga o Ngati Kuia Trust and Tiakina Te Taiao contacted in order to allow the pakohe to be collected.
11. Where possible, during vegetation removal, existing Kanuka vegetation shall be preserved and protected where it is not located within the basin of the proposed wetland.
12. Machinery shall be inspected for fuel leaks, oil leaks and mechanical integrity before and during the construction phase.
13. Machinery shall be free of plants and plant seeds prior to entering the construction area.
14. 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. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer.

15. The working areas shall be rehabilitated following the completion of the works. Any exposed river banks resulting from the works shall be re-grassed or planted in vegetation cover that minimises erosion and enhances instream habitat. Plant species shall primarily consist of indigenous species where practical. All exposed ground is to be planted in stages as required over the 2 year work period following the completion of the works.
16. 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 mitigate 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. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
2. 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.
3. 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.
4. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

#### **SITE DESCRIPTION**

The application site is located along the true left-bank of the Maitai-Mahitahi River. Groom Creek, a tributary of the Maitai-Mahitahi River, is a permanently flowing stream. This stream appears to have been previously realigned, from the location of the new proposed wetland, possibly as part of the forestry operation to the north of the site. The majority of the catchment for Groom Creek is in private ownership, with forestry being the predominantly activity in this area.

The site is relatively flat, and contains access to the forestry block to the north of the site, and to the Dun Mountain Cycle trail. An existing foot/cycle bridge crossing Groom Creek will be retained. A low voltage powerline that runs through the site will be unaffected by the proposed works.

The site is covered in a mix of trees, scrubs and grasses, the majority of which appear to be exotic. The site is zoned Rural and is located in the Flood Path Overlay.

## **DESCRIPTION OF PROPOSAL**

The applicant seeks consent for the realignment of approximately 120m of Groom Creek, in the Maitai-Mahitahi River Catchment, through a constructed wetland to a new discharge point approximately 270m downstream from the current confluence. The purpose of these works is to enhance the quality of water discharge to the Maitai-Mahitahi River by reducing fine sediment and nitrates.

The proposed works include the construction of an offline wetland, diversion forebay area (the area in which the water will divert to the new alignment) and culvert, involving earthworks and vegetation clearance and realignment of Groom Creek through this area. Water from the wetland will discharge at a new point into the Maitai-Mahitahi River. Once this realignment has occurred, the construction of a weir will take place within the now dry bed of the previous Groom Creek channel. This weir will accommodate high-flows, to prevent a surge of water through the constructed wetland, which could affect the functioning of this area.

## **PLAN RULES AFFECTED**

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

Zoning: Rural

Overlays: Flood Path Overlay

Rules: RUr.25 – Vegetation Clearance (controlled), RUr.27 Earthworks (restricted discretionary), FWr.1 – Disturbance of River Bed (discretionary)

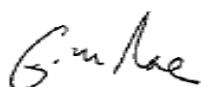
Overall Status: Discretionary

## **REASONS FOR THE DECISION**

1. I consider 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 for the following reasons:
  - (a) While the existing character of the area may be affected to some degree, it is noted that some of the natural character has already been lost due to the creek having been realigned some time ago. It is considered that the natural character of the creek will be enhanced by realigning the water through its original course.
  - (b) The purpose of the wetland is to improve the overall water quality of streams entering the Maitai-Mahitahi.
  - (c) Extensive native planting is proposed to mitigate effects, by improving the long term stability of banks, reducing sedimentation and improving the natural character.
  - (d) While fish passage will be lost for up to one week during construction, given the current drop at the end of Groom Creek as it enters the Maitai/Mahitahi, fish passage will be improved in the long run as gradient of the proposed discharge point of the wetland is shallow.

- (e) Iwi have been involved in the application and have provided a Cultural Effects Assessment (CEA). There are no identified archeological sites in the area and the applicant proposes an accidental discovery protocol. As such it is not anticipated that the taonga in the waterbody is to be adversely affected.
  - (f) The clearance of pest species to establish the diversion forebay will be undertaken so as to not dam or divert the creek.
  - (g) The bare soils exposed by the activities will be vegetated or stabilised as part of the project work to establish the wetland.
  - (h) The proposed works will have erosion and sediment control plan as a control to ensure that the clarity or colour of the creek is not conspicuous after reasonable mixing.
  - (i) No indigenous forest is proposed to be affected. Where possible the area will be replanted with native panting.
  - (j) Dependent to the weather it is expected that earthworks will be complete within 6 months and will be staged as required.
  - (k) The applicant has provided detailed method for sediment and erosion control as part of the Construction Specifications provided with the application. The proposed earthworks are well setback form boundaries.
  - (l) The construction of the wetland will be undertaken offline, prior to realignment, reducing the possibility of these works causing sedimentation. A bund will be utilised to realign the water to avoid the works area during construction of the weir. It is not anticipated that the proposed works will exacerbate the potential for loading in the area.
  - (m) Stability will be mitigated by using biodegradable erosion matting on all batters around the weir, while plants are establishing. Any stockpiling is proposed to be managed in a way and away from the works area as to not create a barrier.
  - (n) All works are proposed during daylight hours. Access to the existing walkways onsite is to be marinated during construction.
2. The activity is considered to be consistent with the relevant objectives and policies contained in the Nelson Resource Management Plan and the Nelson Regional Policy Statement.
  3. I have taken account of the relevant principles outlined in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in section 5.

This resource consent is **granted** on 9 December 2016 under delegated authority from Nelson City Council by:



Gary Rae  
**Independent Commissioner**



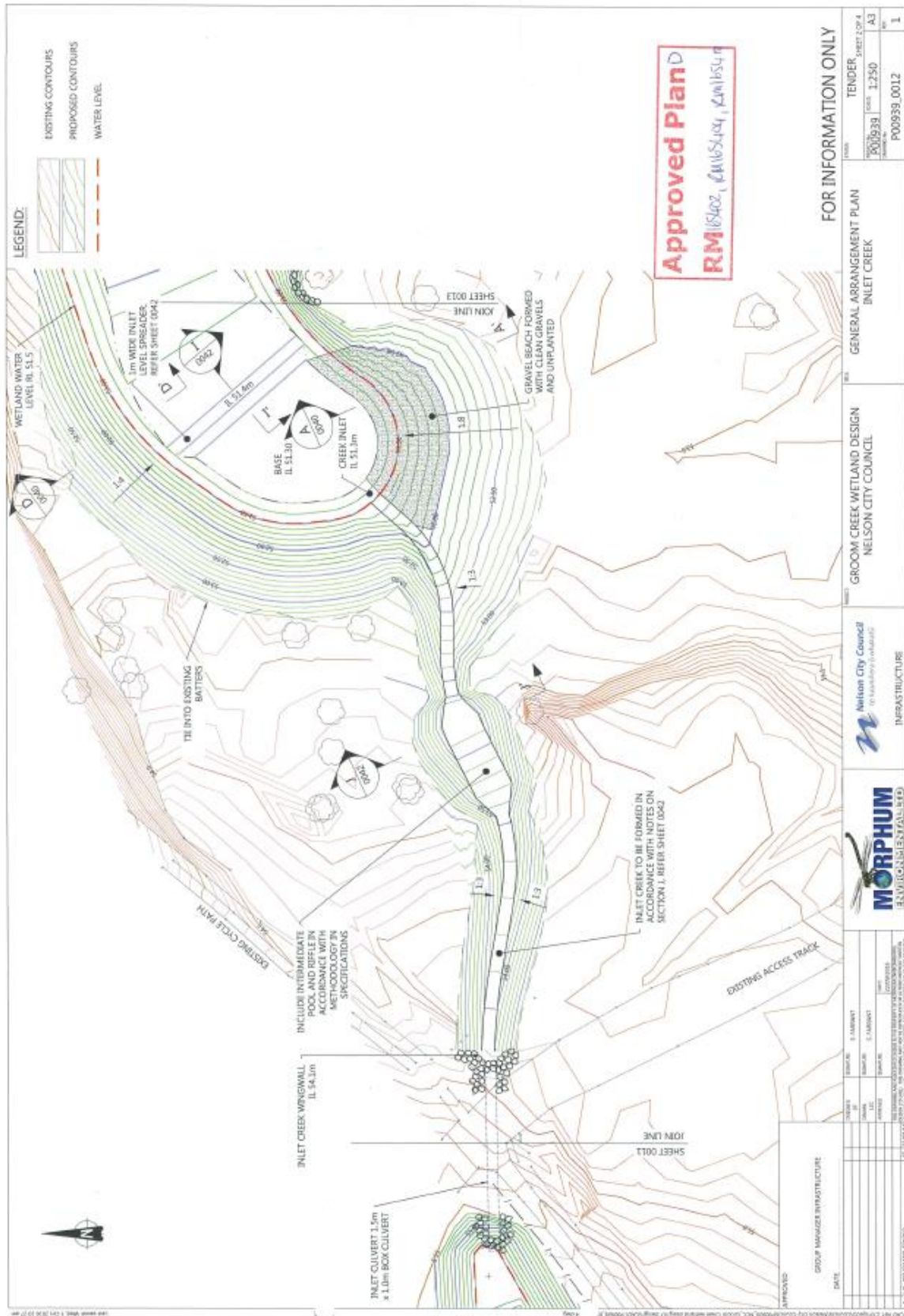






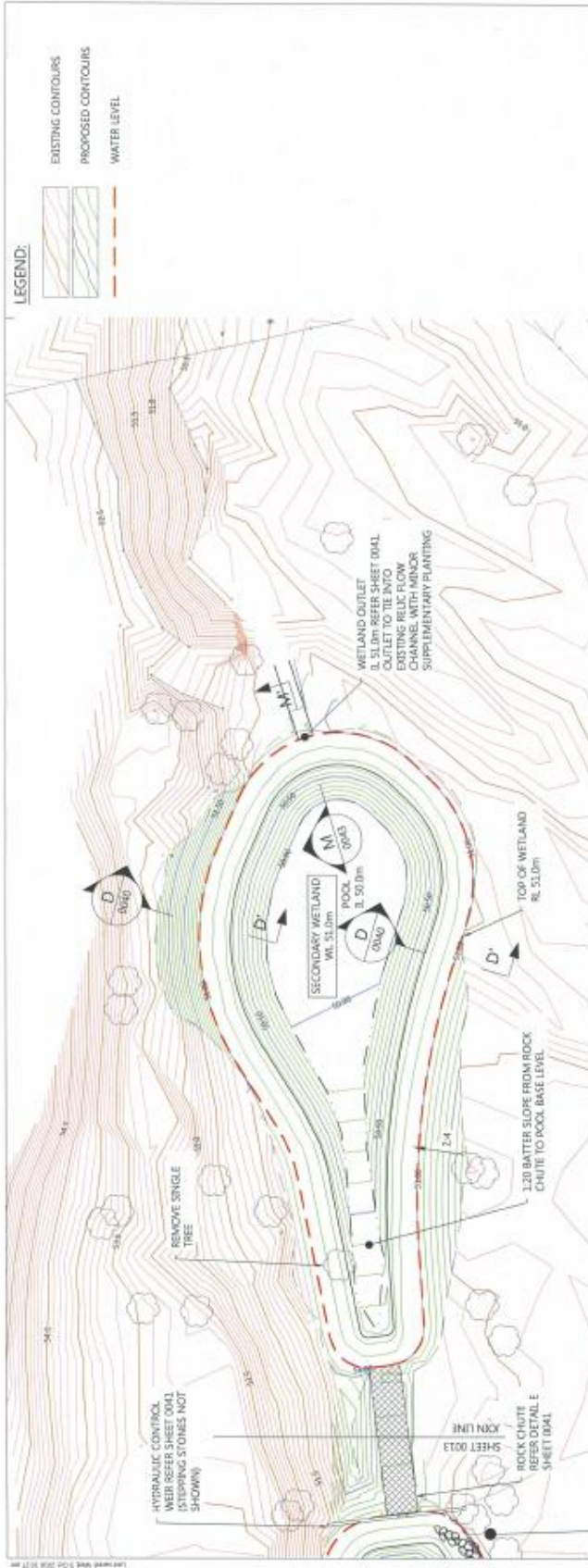












**Approved Plan F**  
RM165402, RM165404, RM165405

<b>APPROVED:</b> GROUP MANAGER INFRASTRUCTURE DATE:		<b>FOR INFORMATION ONLY</b> GENERAL ARRANGEMENT PLAN SECONDARY WETLAND AND OUTLET GROOM CREEK WETLAND DESIGN NELSON CITY COUNCIL INFRASTRUCTURE MORPHUM ENVIRONMENTAL LTD Nelson City Council Infrastructure and Public Works TENDER RM165402, RM165404, RM165405 L250 A3 1	
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