

09 December 2016

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

Resource Consent Number: RM165404
Contact: Victoria Bell
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Email: victoria.bell@ncc.govt.nz
www.nelson.govt.nz

Dear Thomas

RM165404: 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: RM165404

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:

Water permit for the construction of an instream dam and realignment of Groom Creek to divert water through a constructed wetland complex.

Note: this consent should be read in conjunction with RM165402 (Landuse) and RM165418 (Discharge permit).

Location details:

Address of property: 336 Maitai Valley Road, Nelson

Legal description: Lot 1 DP 10588

Certificate of title: NL5D/970

Location co-ordinates: X 1627268.76, Y 5429242.07

DURATION

This consent expires in 35 years on 9 December 2051.

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 RM165404 Plans A to F 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, RM165404.

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

3. The consent holder shall engage an expert freshwater ecologist ('the ecologist') who shall be on site during the realignment of Groom Creek to provide advice to the consent holder and the persons undertaking the works on methods that must be employed to minimise adverse effects on aquatic life, and to oversee any fish salvage, and when any dewatering, instream construction and realignment works are undertaken.

Advice Note: *For avoidance of doubt the ecologist is not expected to be onsite while earthworks for the construction of the wetland are being undertaken.*

4. Works shall be carried out under the supervision of a qualified engineer experienced in civil engineering and experienced in river control works ('the engineer'), adopting best practice as advised by the ecologist.
5. Prior to works commencing at each site the consent holder shall forward a letter of engagement from the engineer to the Council's monitoring officer confirming availability to undertake the supervision, reviews and inspections required during the implementation of this consent. The engineer shall prepare a construction management plan for the works which shall be forwarded to the Councils Monitoring Officer for certification. The consent holder shall not commence works until certification has been provided and shall then ensure that the certified construction management plan is adhered to by the contractor undertaking the works.
6. Following the commencement of the realignment of Groom Creek, fish passage between Groom Creek and the Maitai/Mahitahi River shall be reinstated within 2 weeks. The ecologist shall monitor for the presence of migrating fish and shall make provision to bypass the construction sites where necessary.

Note: depending on the method of construction of the weir, fish passage is expected to be reinstated within 1 day to 1 week.

7. 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. It is important to determine whether or not the proposed work requires an authority prior to physical works commencing; if in doubt the applicant is advised to contact Heritage New Zealand Pouhere Taonga (Central Regional Office, Wellington). The HNZPTA 2014 contains penalties for unauthorised site damage.
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.

This water permit is granted to the above mentioned Consent Holder, and relates to a particular location. Section 136 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 to another person on another site, or to another site if both sites are in the same catchment, aquifer, or geothermal field, and the transfer has been approved by the consent authority.

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

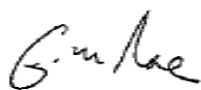
Rules: FWr.6 Instream Dams, FWr.10 Realignment and piping of beds of rivers.

Status: Discretionary

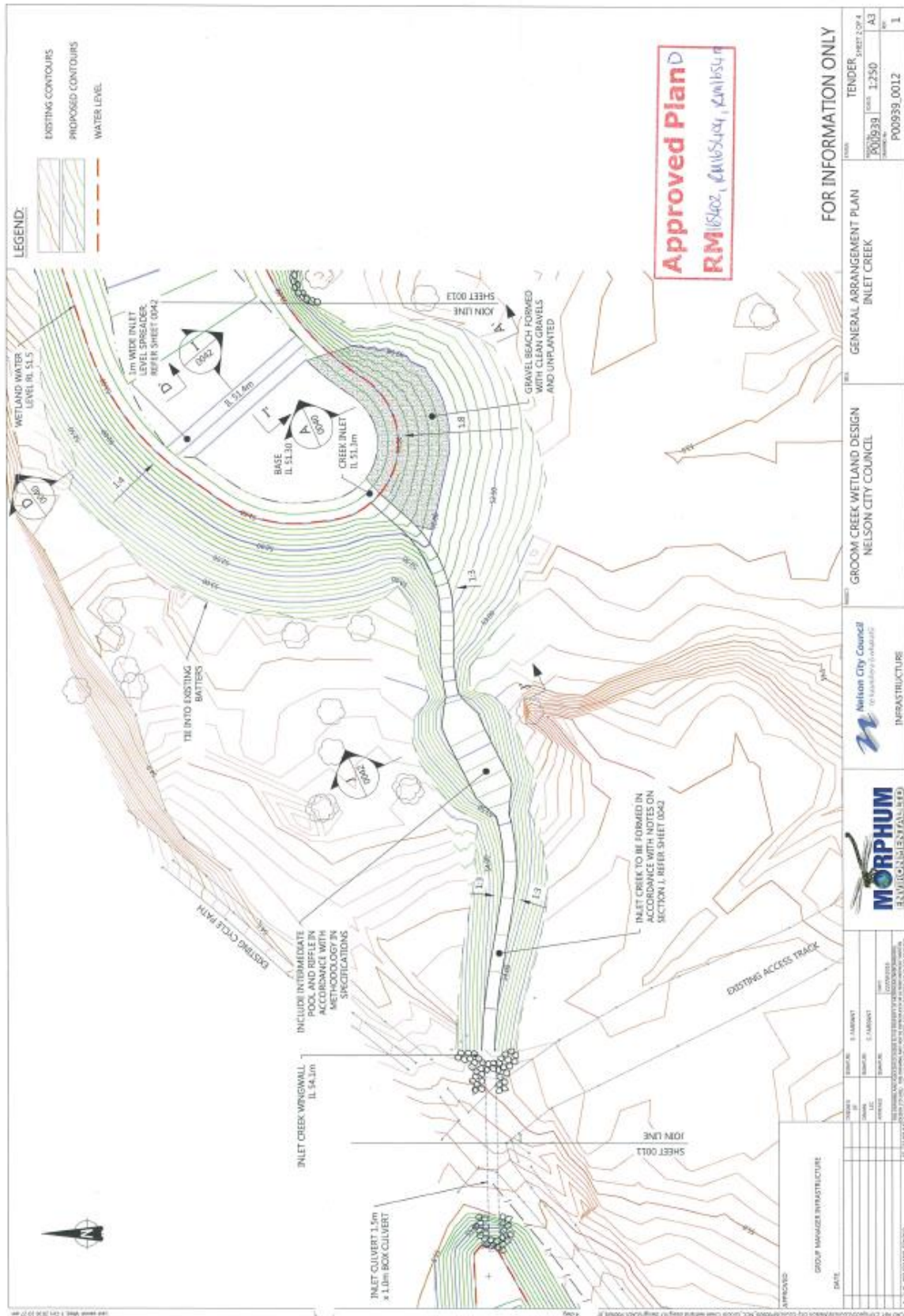
REASONS FOR THE DECISION

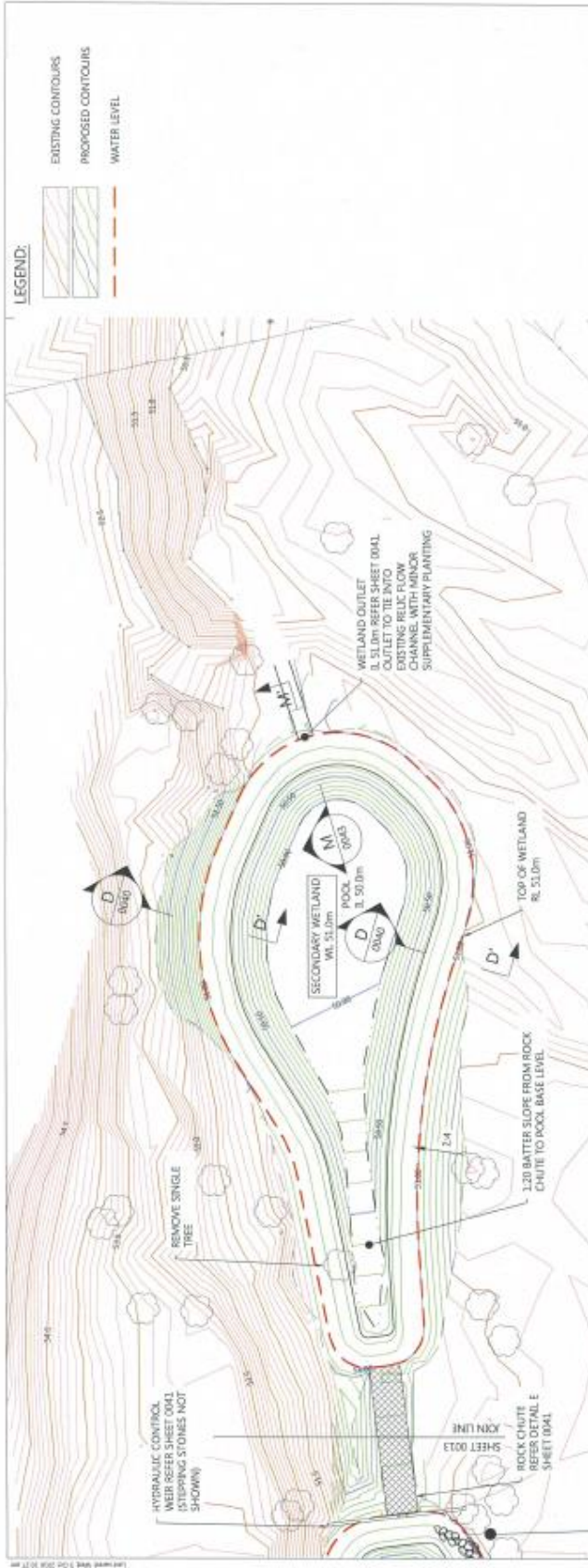
1. I consider that the adverse effects of the activity on the environment will be no more than minor and there are no persons adversely affected by this proposal for the following reasons:
 - (a) A fence will restrict access to the weir, both during construction and as a permanent fence post construction. It is considered that safety is not compromised as part of this proposal.
 - (b) The structure is approximately 7m wide to manage peak flows, with alluvial gravel to be incorporated into the design to 'naturalise' the structure.
 - (c) As the weir is to be utilised to both realign Groom Creek, as well as convey peak flows, the flow regime of the area will change. However it is expected it will overall have benefits for the surrounding area, including water quality improvements.
 - (d) While there will be a short term loss if aquatic habitats due to the construction of the weir, it is anticipated there is anticipated to be an overall net gain of ecological values in the area arising from the new wetland, given the increase in diversity, extent and quality of habitat types.
 - (e) The works to construct the weir will cause disturbance to the existing bed of Groom creek, however the applicant has proposed extensive sediment and erosion control methods as part of the projects Contraction Specification, and ultimately mitigating potential effects.
 - (f) Upstream migration for species known to be present (bullies/galaxiids/eels) does not occur between approximately April and September. It is proposed works will take place between March and November to align with this migration.
 - (g) Given the purpose of the wetland, and the proposed extensive use of native planting it is considered that the water quality and values in the area will be enhanced. While it is anticipated that there will be small scale initial sedimentary discharge, after reasonable mixing, it is not anticipated that water quality will be compromised. While the existing character of the area is to be lost as a result, this is not considered overly natural given that the creek was realigned some time ago and the use of planting will remedy potential effects.
2. The activity is considered to be consistent with the relevant objectives and policies contained in the Nelson Resource Management Plan, the Nelson Regional Policy Statement and the NPS for Freshwater Management.
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
RM165404, RM165404, RM165404

APPROVED: GROUP MANAGER INFRASTRUCTURE DATE:		FOR INFORMATION ONLY GENERAL ARRANGEMENT PLAN SECONDARY WETLAND AND OUTLET TENDER: RM165404, RM165404, RM165404 L250 RM165404_0014 1	
MORPHUM ENVIRONMENTAL LTD		Nelson City Council Infrastructure	
GROOM CREEK WETLAND DESIGN NELSON CITY COUNCIL		TENDER: RM165404, RM165404, RM165404 L250 RM165404_0014 1	