

09 December 2016

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

Resource Consent Number: RM165418
Contact: Victoria Bell
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www.nelson.govt.nz

Dear Thomas

RM165418: 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: RM165418

Pursuant to section 104A 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:

Discharge Permit to discharge water from the Groom Creek wetland into the Maitai River.

Note: This consent should be read in conjunction with RM165402 (Landuse) and RM165404 (Water 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 1627501.12, Y 5429313.24

DURATION OF CONSENT

This consent expires in 35 year 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 and the attached RM165418 Plans A to F.

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

2. 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 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 Air Quality Plan/Nelson Resource Management Plan expressly provides otherwise.
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 in the past from the location of the new proposed wetland. It is presumed by the applicant that this occurred 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, along with the Dun Mountain Cycle trail. There is an existing foot/cycle bridge crossing Groom Creek to be retained. There is a low voltage powerline that runs through the site and is to 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 to 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, forebay area 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 offline, within the 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: Floodpath Overlay

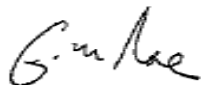
Rules: FWr.20 Point source discharge to freshwater bodies

Status: Controlled

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) At the proposed discharge point, and after reasonable mixing the proposed freshwater discharge will meet at least a Class B rating, as is the case now. It is however anticipated that once water passes through the wetland, this quality will improve.
 - (b) Water will discharge through an existing formed channel into the Maitai-Mahitahi. It is not proposed that any works will occur to form this channel.
 - (c) Prior to discharging water will pass through the constructed wetland, with is proposed to reduce fine sediment and nitrates in the water, prior to it entering the Maitai-Mahitahi River.
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 into account 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

