

## Draft Conditions - Panel Version – Dated 4 August 2025 (Clean)

B	Land Use (s9)	Earthworks and vegetation clearance
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**Resource Consent:** .....

**Grants to:** CCKV Maitai Dev Co Limited Partnership

**Commencement date:** .....

**Lapse Date:** 5 years after consent commencement date

**Expiry date:** No expiry

**Location:** 7 Ralphine Way, Maitai Valley, Nelson

### The activity:

Land use consent (Section 9 RMA) to undertake earthworks and vegetation clearance. This includes consent under the NES-FW for any earthworks or vegetation clearance within 10m of a natural inland wetland, and outside 10m but within 100m of a natural inland wetland (NES-FW) for the purposes of urban development and potential partial drainage of a wetland.

Note: To be read in conjunction with (.....)

*Subject to the following conditions:*

### General condition

1. The activity, of undertaking earthworks and vegetation clearance including within 10m of a natural urban wetland and 100m of a natural inland wetland, shall be carried out in accordance with the application for resource consent, including any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

### Specific Conditions of Consent

2. The works shall proceed in accordance with the Maitahi Development Nelson – Preliminary Earthworks Plans (Davis Ogilvie, Updated July 2025), including the plans identified an Appendix A and labelled:

-	Plan A	Dwg C001:	Overall Earthworks Plan
-	Plan B	Dwg C001:	Overall Earthworks Plan - Volumes
-	Plan C	Dwg C100:	Sheet 1
-	Plan D	Dwg C101:	Sheet 2
-	Plan E	Dwg C102:	Sheet 3
-	Plan F	Dwg C103:	Sheet 4
-	Plan G	Dwg C104:	Sheet 5
-	Plan H	Dwg C105:	Sheet 6
-	Plan I	Dwg C106:	Sheet 7
-	Plan J	Dwg C107:	Sheet 8
-	Plan K	Dwg C108:	Sheet 9
-	Plan L	Dwg C110:	Sheet 10
-	Plan M	Dwg C111:	Sheet 11
-	Plan N	Dwg C112:	Sheet 12
-	Plan O	Dwg C113:	Sheet 13

- Plan P      Dwg C114:      Sheet 14
- Plan Q      Dwg C115:      Sheet 15

3. The Consent Holder shall advise the Nelson City Council's (Council's) Monitoring Officer in writing, at least 15 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](mailto:regulatory@ncc.govt.nz) and advise the consent number .....
4. At least 5 working days before earthworks commencing on site, the Consent Holder shall hold a pre-construction meeting with the Council's Monitoring Officer, the relevant supervising experts, lead contractor(s), and iwi. At this pre-construction meeting, the Consent Holder shall provide an explanation as to the works programme, monitoring and reporting requirements.

#### Staging

5. The earthworks shall be carried out in stages in general accordance the Southern Skies Environmental Erosion and Sediment Control Assessment Report dated 31 January 2025 including the table below:

ESC Stage	Season	DO Earthworks Phase	Area (ha)	Approx. time	Notes
Stage 1A	1	1A	2.7	4 months	Early start / enabling works required. Staged stabilisation.
Stage 1B	1	1A	2.9a	4 months	Stage 1B expected to commence approximately ½ way through Stage 1A.
Stage 1C	1	1A, 1B, 1C	8.8	6 months	Stage 1C expected to commence approximately ½ way through Stage 1B. Stage 1A will be complete.
Unsuitable Borrow site	1		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site					Not expected that it will be required for Stage 1.
Stream diversion cut / construction	1		0.3	3 months	Staged offline construction of the new Kaka stream alignment.
Stage 2	2	4	1.88	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Unsuitable Borrow site	2		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	2		2.23	6 months	Staged and required for Stage 2.
Stage 3	2	2	4.5	6 months	Stage 2 and Stage 3 to be undertaken concurrently.
Stage 4	3	3A, 3B	6.8	7 months	Enabling works stage to complete Kaka 5A and 5B permanent stream. Initial bulk earthworks occurring at the same time. Remaining earthworks following completion of stream works. Some areas within the SRP catchments to remain untouched (no earthworks).
Unsuitable Borrow site	3		0.75	6 months	Staged and required for initial stripping of each area.
Valley Fill Site	3		1.5	13 months	Staged and required for Stage 3 and Stage 4.

### Māori Cultural Values

6. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Taihū Iwi representatives upon request.

7. During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (iwi monitor) is available to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
8. Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
- (a) the Consent Holder shall immediately:
    - i. Cease earthworks and mark off the affected area;
    - ii. Advise the Council Monitoring Officer of the discovery; and
    - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery;
  - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangitira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and
  - (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
9. The Consent Holder shall work in partnership with Ngāti Koata Trust and other relevant iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the ~~stream~~ monitoring methods.
10. The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months, and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the applicant shall resolve and remediate the issues with the appropriate iwi authority.
11. All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.

### Traffic Management Plan (TMP)

12. Prior to the commencement of any construction or earthworks activity on the site, the Consent Holder shall submit a Traffic Management Plan (TMP) to Council's Monitoring Officer for approval. The TMP shall be prepared by a suitably qualified and experienced practitioner (SQEP) and shall be in accordance with industry best practice for temporary traffic management, such as the Waka Kotahi Code of Practice for Temporary Traffic Management (CoPTTM), or any equivalent standard accepted by Council.

13. The purpose of the TMP is to ensure that construction traffic is managed in a way that maintains the safety and efficiency of the surrounding transport network, minimises disruption to road users, and protects the amenity of the surrounding environment.
14. The TMP shall include, but not be limited to, the following:
  - a) The location and design of vehicle access points and haul routes.
  - b) Anticipated construction traffic volumes and types of vehicles.
  - c) Hours of operation for construction traffic.
  - d) Measures to avoid, remedy or mitigate adverse effects on traffic safety and the efficiency of the road network, including signage, temporary traffic control, and parking restrictions if required.
  - e) Provision for safe pedestrian and cyclist access past the site.
  - f) Measures to prevent dust, debris, and mud being carried onto the public road network.
  - g) Access arrangements for emergency services and affected properties.
  - h) Procedures for ongoing review and amendment of the TMP as necessary.
  - i) Contact details for the site manager and the person responsible for traffic management.
15. All construction-related traffic shall be managed in accordance with the TMP for the duration of the works.

#### Site Specific Erosion and Sediment Control Plans (SSESCPs)

16. The SSESCPs shall be generated for each construction area as identified in Appendix C – Site Specific Erosion and Sediment Control Plans in the Southern Skies Environmental Erosion and Sediment Control Assessment Report. The areas that have identified requirements for SSESCPs are shown in the table below:

Reference number	Title	Revision	Date
ESCP-000-00	Erosion and Sediment Control Plan – Staging Index	A	15.06.24
SSESCP-001	Site Specific Erosion and Sediment Control Plan – Stage 1	A	20.05.24
SSESCP-002	Site Specific Erosion and Sediment Control Plan – Stage 2	A	23.05.24
SSESCP-003	Site Specific Erosion and Sediment Control Plan – Stage 3	A	17.06.24
SSESCP-004	Site Specific Erosion and Sediment Control Plan – Stage 4	A	09.07.24
SSESCP-SW-01	Site Specific Erosion and Sediment Control Plan – Kaka Stream Diversion	A	26.05.24

17. No less than 10 working days prior to the commencement of any site development works, in any of the areas covered by a SSESCP, the Consent Holder shall provide the SSESCP to Council's Monitoring Officer for approval certification that it meets the requirements of these consent conditions.
18. The objective of Each each SSESCP is to implement Policies RE.3 and RE6.5 and Schedule X.16. Each SSESCP shall be prepared using the following principles:
  - i) Emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures.

- ii) Sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas.
  - iii) Earthworks and construction water management measures will be confirmed in the SSES CPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions.
  - iv) Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is designed for both erosion control and dust minimisation.
  - v) Streamworks and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a “dry” environment by working off-line or diverting upstream flows.
  - vi) Comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management devices and the downstream environment.
19. Each SSES CP shall contain as a minimum, the following information:
- i) the specific construction activity to be undertaken;
  - ii) the area of earthworks, and/or the nature of the stream works at specific locations, and
  - iii) identification of the downstream receiving environment;
  - iv) the locations of all earthworks and/or stream works;
  - v) methods for managing construction water effects for specific activities;
  - vi) the duration of the earthworks and/or stream works;
  - vii) the time of the year that the stream works are to be undertaken, and where applicable,
  - viii) the measures to be implemented to respond to any heightened weather risks at that time;
  - ix) stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation;
  - x) chemical treatment (flocculation) at sediment retention ponds and decanting earth bunds; and
  - xi) the following details for dust management:
    - o Identification of potential dust sources on the site;
    - o Methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
    - o Monitoring procedures, including daily site inspections and weather condition assessments;
    - o Response procedures for dust complaints or exceedances;
    - o Identification of a site representative responsible for implementing the DMP.
20. Any of the SSES CPs may be amended at any time by the Consent Holder, however any amendments shall be submitted to Council’s Monitoring Officer for ~~approval~~certification. If the amended SSES CP is ~~approved~~certified, then it becomes the certified plan. Any amendments to a SSES CP shall be:

- a. For the purposes of improving the measures outlined in the SSESCPs for achieving the CEMP purpose;
- b. Consistent with the conditions of this resource consent; and
- c. Prepared by a SQEP.

#### **Iwi Engagement and Reporting - SSESCP**

- 21. Prior to certification, the Consent Holder shall provide any SSESCP to Te Taihū Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The purpose of this provision is to support iwi review, promote cultural and environmental oversight, and allow for any feedback on the SSESCP content before implementation.
- 22. The Consent Holder shall maintain a record of all correspondence, including the dates the relevant SSESCP was provided, any feedback received, and recommended actions included within the SSESCP
- 23. The Consent Holder shall maintain a record of all correspondence, including the dates the SSESCPs were provided and any feedback received.
- 24. In addition, the Consent Holder shall establish and maintain regular communication with Te Taihū Iwi Pou Taiao for the duration of works.
- 25. Project updates shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
- 26. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
- 27. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

#### **Dust Management – General Requirements**

- 28. The Consent Holder must undertake all earthworks in a manner that avoids, as far as practicable, the generation of visible dust beyond the boundary of the site. No visible dust must be discharged beyond the boundary that causes an offensive or objectionable effect.
- 29. The Consent Holder shall implement all dust control measures specified in the certified SSESCP throughout the duration of the earthworks.
- 30. The Consent Holder shall proactively monitor weather forecasts and implement additional dust suppression measures on days where dry and/or windy conditions are forecast, including:
  - a. Increasing the frequency or intensity of water application;
  - b. Temporarily suspending earthworks where effective dust suppression cannot be achieved.
- 31. The Consent Holder shall ensure that any exposed earth surfaces that are not actively worked for more than 14 consecutive days are stabilised by means such as hydroseeding, mulching, or geotextiles to prevent dust emissions.
- 32. The Consent Holder must maintain a complaints register for dust-related issues. The register must include:
  - a. The nature, date, and time of the complaint;
  - b. Weather conditions at the time of the complaint;
  - c. Actions taken in response.
  - d. This register must be made available to Council's Monitoring Officer upon request.

#### **Erosion and Sediment Control Monitoring Plan**

33. All earthworks on site shall be supervised and monitored by SQEPs in accordance with the Erosion and Sediment Control Monitoring Plan (ESCMP) provided in Appendix B of the Southern Skies Environmental Erosion and Sediment Control Assessment Report.

#### **Monitoring of Erosion and Sediment Control Measures**

34. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to the following:
- i. Time and date of the incident
  - ii. Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has imposed on the receiving environment.
  - iii. Any measures taken to prevent further effects.

#### **Stormwater Control and Sediment Retention Ponds**

35. Sediment retention ponds shall be approved by a suitably qualified and experienced Geo-Professional in accordance with the ESCP and in accordance with either GD05 Auckland Erosion and Sediment Control Guide for Land Disturbance Activities or the Nelson Tasman Erosion and Sediment Control Guidelines 2019 otherwise referred to as 'best practice'.

#### **Chemical Treatment Management Plan (CTMP)**

36. All chemical treatment and dosing of earthworked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the Chemical Treatment Management Plan provided in Appendix A – Chemical Treatment Management Plan in the Southern Skies Environmental Erosion and Sediment Control Assessment Report.

#### **Construction Noise and Vibration Management Plan (CNVMP)**

37. Prior to any earthworks commencing on site, The Consent Holder shall prepare a Construction Noise and Vibration Management Plan (CNVMP). This Plan shall be forwarded no later than 10 working days prior to works commencing to Council's Monitoring Officer for approval. The CNVMP shall be prepared in accordance with the Styles Group Construction and Noise Vibration Assessment – Maitahi Village dated 11 June 2025. The objective of the CNVMP is to set out the methods and procedures that will be used to ensure compliance with the hours of work and noise and vibration controls in these conditions.
38. The CNVMP shall provide as a minimum, the following details:
- a) The relevant conditions setting out limits on noise levels, vibration levels and hours of work
  - b) The programme of works and consented hours of construction work.
  - c) Identification of surrounding noise sensitive receivers.

- d) A specific section that sets out the noise mitigation measures that must be observed for construction works that are within 100m of the property boundary of any Ralphine Way Receivers. This section should set out the specific limits and mitigation measures that the constructor will need to observe to ensure compliance with the consented noise limits. This includes procedures to ensure compliance with the requirement to ensure that heavy construction vehicles do not access the Site, via Ralphine Way, or queue to enter the site via Ralphine Way, outside of the hours of 0730 to 1800 Monday to Saturday.
- e) Procedures for ensuring that the Consent Holder provides receivers on Ralphine Way with ongoing and regular updates throughout the various stages of construction work so that receivers have advanced notice of the approximate dates and duration of the busiest and noisiest construction activities on site that may affect receivers on Ralphine Way.
- f) Written communication with occupants of all dwellings on Ralphine Way of the works in writing at least ten (10) days prior to the commencement of activities on site. The written advice shall set out:
  - (i) a brief overview of the construction works
  - (ii) the working hours and expected duration
  - (iii) all mitigation measures to be implemented
  - (iv) the procedure for recording concerns/complaints regarding noise.

39. The CNVMP shall address the requirements of Annex E of NZS 6803:1999 Acoustics – Construction Noise and the AAAC Guideline for interpreting and applying NZS 6803:1999 as a minimum. The CNVMP and any amendments must be prepared by a suitably qualified acoustics consultant (e.g., MASNZ). Amendments that include changes to the construction methodology must be tracked and any revised CNVMP shall be submitted to Council's Monitoring Officer for approval.

40. All construction works on the site shall be carried out in accordance with the CNVMP and a copy of the CNVMP must be kept on site during construction hours.

41. All construction works on the site shall be designed and conducted by a suitably qualified and experienced professional to ensure that the construction vibration does not exceed 5mm/s PPV when measured within 500mm of ground level on the foundation or structure of any building on another site. Vibration shall be measured and assessed in accordance with the German Standard DIN 4150-3:2016 Structural vibration – Effects of vibration on structures.

42. Construction noise levels generated from the Site shall comply with the following limits, when measured and assessed 1m from the façade of any occupied dwelling or building on any other site in accordance with NZS 6803:1999: Acoustics – Construction Noise:

Time Period	Maximum noise levels	
	$L_{Aeq}(15min)$	$L_{AFmax}$
07:00am to 07:30am, Monday to Saturday	55 dB	75 dB
07:30am to 6:00pm, Monday to Saturday	70 dB	85 dB
At all other times and on Public Holidays	45 dB	75 dB

43. Construction hours

- i. The permitted days and hours of construction work are:

- i) Monday to Friday 07:00 to 18:00



- ii) Saturday 08:00 to 13:00 for construction work within 100m of any occupied dwelling on Ralphine Way.
    - iii) Saturday 07:00 to 17:00 for construction work more than 100m from any occupied dwelling on Ralphine Way
  - ii. Heavy vehicle movements using the Ralphine Way access are limited to between 07:30 and 18:00 Monday to Friday and 08:00 and 17:00 on Saturdays
  - iii. No construction work is permitted on Sundays or Public Holidays.
44. The CNVMP may authorise some work to take place at other times where the CNVMP demonstrates that those works will comply with the construction noise limits in ~~condition 42~~ (for example, light vehicle movements, works well separated from any receivers, site meetings, electrical fitout, painting etc).

#### Ecological Restoration Plan

45. Prior to the commencement of any vegetation clearance or earthworks within the Project Area, the Consent Holder shall prepare and submit an Ecological Restoration Plan (ERP) for approval by the Council's Monitoring Officer. The ERP must be prepared by a Suitably Qualified and Experienced Ecologist and must cover all terrestrial, riparian, stream, and wetland restoration and enhancement areas within the Project Area, including the 120 ha Kākā Hill restoration site.
46. The ERP must:
- a) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
  - b) State clear restoration and enhancement objectives for all areas, including those within the Project Area and the 120 ha Kākā Hill site. Objectives must include:
    - Achieving no net-loss of indigenous biodiversity values;
    - Enhancing biodiversity, ecological connectivity, and habitat condition across terrestrial, riparian, wetland, and stream ecosystems;
    - Re-establishing self-sustaining, resilient native ecosystems representative of the Bryant Ecological District;
    - Avoiding any reduction in the population size or occupancy of Threatened or At Risk (declining) species that use adjacent Significant Natural Areas, avoiding, remedying, or mitigating any other adverse effects on adjacent Significant Natural Areas (SNAs) and avoiding adverse effects on any Threatened or At Risk indigenous species that may use the restoration areas.
  - c) Include the following component management plans:
    - A Stream Restoration Plan (SRP) ~~prepared in accordance with Condition 49;~~
    - A Wetland Restoration Plan (WRP) ~~prepared in accordance with Condition 51;~~
    - A Lizard Management Plan (LMP) ~~prepared in accordance with Condition 53.~~
  - d) Identify how the objectives required by condition 46b will be achieved, including by ~~Defining~~ measurable performance standards for each habitat type, including:
    - Minimum 80% native vegetation survival at Year 3;
    - Canopy closure or vegetative cover thresholds appropriate to habitat type;

Advice Note: The SRP includes performance standards specific to the realignment and restoration of Kākā Hill Tributary.

- e) Provide spatial planting plans for all restoration and enhancement areas, including:

**Commented [SG1]:** Amended for consistency with NPSIB Policy 3.10

- Plant species lists tailored to each ecological zone;
  - Eco-sourcing requirements;
  - Planting densities and layout;
  - Habitat zonation appropriate to the Bryant Ecological District.
- f) Set out implementation milestones and schedules, including indicative timing and sequencing of planting and site works.
- g) Identify site preparation and maintenance methods, including:
- Weed control and invasive species management;
  - Pest animal control measures;
- h) Require that the removal of native woody vegetation be undertaken outside the peak bird breeding season (August to February inclusive), unless a Suitably Qualified and Experienced Ecologist confirms in writing to Council's Monitoring Officer that no active nests are present in the area to be cleared.
- i) Include a monitoring and reporting programme for each restoration component, specifying:
- Frequency and duration of monitoring;
  - Success indicators linked to performance standards;
  - Adaptive management triggers and corrective actions.
- j) Describe mechanisms for long-term protection and management, including:
- Legal protection (e.g. covenants, consent notices);
  - Ongoing maintenance responsibilities;
- k) Ensure all planting follows appropriate guidance for the Bryant Ecological District (e.g., Courtney et al. 2003).
47. All aspects of restoration and enhancement must be implemented and maintained in accordance with the approved ERP.

#### **Stream Restoration Plan**

48. As part of the), the Consent Holder must prepare and submit a Stream Restoration Plan (SRP) for approval by the Council's Monitoring Officer prior to the commencement of any stream realignment works, or associated construction that may impact freshwater ecological values. The SRP must:
- a) Be prepared by a Suitably Qualified and Experienced Freshwater Ecologist and be peer-reviewed by an independent SQEP with relevant ecological and restoration expertise.
- b) State objectives for the realignment and restoration of Kākā Stream and affected tributaries (KHT1–KHT4), including:
- Achieving functional aquatic ecosystems that support indigenous fish and macroinvertebrate communities;
  - Enhancing ecological connectivity and stream–riparian interactions;
  - Restoring natural geomorphic processes, and stream habitat diversity.
- c) Establish current baseline conditions for reaches KHT1–KHT4. This must include:
- Channel morphology (including cross-sectional profiles, substrate composition, and longitudinal profiles);
  - Stream Ecological Valuation (SEV) assessment; and
  - Characterisation of hydrological regime (e.g., baseflow and permanence).
  - Baseline data will inform performance standards and monitoring triggers.

- d) Include detailed landscape plans by SQEP that integrate best practice stream design principles and demonstrates alignment with the restoration objectives outlines in clause (b).
  - e) Confirm, using the ~~Stream Ecological Valuation~~ (SEV) method, that the proposed restoration works will result in adequate SEV uplift and appropriate Environmental Compensation Ratios (ECRs) for offsetting stream loss, based on final design. This assessment must be consistent with the approach set out in the Stream Mitigation Assessment (SMA; Robertson Environmental, dated 10 July 2025) and demonstrate that ECRs meet or exceed those calculated in the SMA, or otherwise demonstrate that no net loss in stream ecological value will occur.
  - f) Identify and map the spatial extent of all stream restoration works, and demonstrate that the total offset area is sufficient to meet the ECR required based on final impact and restoration SEV scores.
  - g) Define measurable performance standards, including but not limited to:
    - Minimum SEV uplift targets of  $\geq 0.1$  SEV units compared to baseline;
    - Minimum 80% riparian vegetation survival.
    - Performance standards must be met within five years of completion of physical restoration works, unless otherwise agreed with the Council's Monitoring Officer based on monitoring evidence and SQEP advice.
  - h) Specify monitoring protocols and frequency, using the pre-construction survey as a baseline. Monitoring must occur annually for 5 years post-restoration or until all performance standards have been met, whichever is later, and include:
    - Repeat SEV assessments;
    - Macroinvertebrate and fish surveys;
    - Riparian vegetation surveys.
  - i) Define adaptive management triggers and responses. If monitoring indicates failure to meet any performance standard, the SRP must outline:
    - Diagnostic steps (e.g. site inspections, root cause analysis, further sampling);
    - Remedial actions (e.g. infill planting, channel re-grading, fish passage remediation);
    - Timelines for remedial actions and subsequent monitoring to confirm effectiveness.
  - j) Include a Fish Salvage and Relocation Plan (FSRP), prepared by a Suitably Qualified and Experienced Freshwater Ecologist, specifying:
    - Methods for fish capture and relocation during stream works;
    - Timing of works to avoid sensitive fish migration or spawning periods;
    - Holding and release protocols, including suitable release sites; and
    - Documentation and reporting requirements.
  - k) Include reporting mechanisms, such as an annual SRP compliance and monitoring summary report to the Council's Monitoring Officer, demonstrating progress toward objectives, outcomes, and any adaptive actions taken.
49. All stream restoration works must be implemented and maintained in accordance with the approved SRP.

#### **Wetland Restoration Plan (WRP)**

50. As part of the ERP, the Consent Holder must prepare and submit a Wetland Restoration Plan (WRP) for approval by the Council's Monitoring Officer prior to the commencement of any earthworks or

construction activities within 20m of Wetland 1 or Wetland 2. The WRP must be prepared by a SQEP Ecologist and must:

- a) Be prepared by a Suitably Qualified and Experienced Ecologist and be peer reviewed by an independent SQEP with relevant ecological and wetland restoration expertise.
  - b) State restoration objectives for each wetland area, including:
    - Achieving no net loss in wetland extent or ecological value;
    - Restoring or maintaining wetland hydrological function and indigenous plant dominance;
    - Enhancing wetland habitat diversity and resilience to edge effects.
  - c) Specify hydrological management measures (if any) to protect or reinstate natural wetland water regimes, including stormwater input design (if applicable), flow attenuation, and groundwater interactions.
  - e) Define a minimum 10 m vegetated buffer around each wetland, or greater where practicable, and include spatial planting plans showing:
    - Plant species lists, eco-sourcing requirements, densities, and zonation;
    - Planting layout tailored to wetland type and buffer function;
  - f) Identify site preparation and maintenance measures, including:
    - Weed and pest animal control;
    - Browsing and trampling prevention (e.g. fencing if required).
  - g) Define measurable performance standards, including but not limited to:
    - Indigenous wetland vegetation cover  $\geq$  80% within 5 years;
    - Hydrological function restored or maintained, with no net reduction in wetland extent;
    - Buffer vegetation  $\geq$  80% survival by Year 3.
  - h) Specify a monitoring and reporting programme, including:
    - Baseline data collection pre-restoration;
    - Annual monitoring for 5 years post-restoration;
    - Parameters including vegetation cover and composition, hydrology (surface and/or groundwater), and weed/pest presence;
    - Adaptive management triggers and required remedial actions if performance standards are not met.
51. All wetland restoration and enhancement works must be implemented and maintained in accordance with the approved WRP.

#### **Lizard Management Plan**

52. As part of the ERP, the Consent Holder must submit a Lizard Management Plan (LMP) for certification by the Council's Monitoring Officer. The LMP must be prepared by a Suitably Qualified and Experienced Herpetologist and must:
- a) Identify all areas of potential indigenous lizard habitat within the Project Area, including rock piles, sunny shrublands, and woody debris;
  - b) Specify pre-clearance survey methods, including timing, search effort, and detection techniques appropriate to the species likely to be present;
  - c) Detail capture, handling, containment and translocation procedures, including relevant welfare and biosecurity measures;

- d) Define release site criteria, any required habitat enhancement, and measures to ensure long-term suitability and protection;
- e) Include post-translocation monitoring protocols (frequency, success indicators, adaptive management); and
- f) Include a communication procedure to report to Council's Monitoring Officer, including any GIS data, the results of any species captured and relocated.
- g) Outline contingency measures and a Protocol, requiring all works to cease immediately in the event a Threatened or At-Risk–Declining lizard species is encountered. The find must be reported to the Council's Monitoring Officer and the Department of Conservation, and management measures must be developed by a Suitably Qualified and Experienced Herpetologist in consultation with DOC before works recommence.

53. All lizard management actions must be undertaken in accordance with the certified LMP.

#### Wetland 1 - Hydrological Assessment

54. Prior to the commencement of any vegetation clearance or earthworks within 100 m of Wetland 1, the Consent Holder must submit to Council's Monitoring Officer a Hydrological Assessment prepared by a Suitably Qualified and Experienced Hydrologist **that:**

- (a) Assesses whether the proposed activity results, or is likely to result, in the complete or partial drainage of all or part of Wetland 1; and
- (b) confirms either that drainage is unlikely, or sets out the mitigation required to maintain the wetland's existing hydrological regime.

55. If the Hydrological Assessment concludes the works will, or are likely to, drain all or part of Wetland 1, or otherwise adversely alter its hydrological regime, the Consent Holder must, before earthworks begin, implement the mitigation set out in the assessment (e.g. temporary bunds, cut-off drains, soakage or attenuation devices, staged earthworks) so as to maintain the wetland's existing hydrological regime.

56. A Chartered Professional Engineer or Suitably Qualified and Experienced Ecologist must supply to Council's Monitoring Officer, before earthworks start, confirmation that:

- (a) drainage risk is unlikely or
- (b) all mitigation specified under **clause 2** has been put in place to maintain the wetland's existing hydrological regime.

**Commented [SG2]:** This condition is unlawful. Whether the activities will result in complete or partial drainage and whether the mitigation is appropriate/adequate are matters that should be determined as part of this application for approvals, not deferred to a discretionary assessment by a SQEP after consent has been granted.

**Commented [SG3]:** Unclear what clause 2 is referring to. Should this be condition 55?

#### Ecology

57. Prior to any works commencing, the Consent Holder shall provide to the Council's Monitoring Officer a letter of engagement confirming the SQEP Ecologist's availability to undertake the site briefing, best practice advice, supervision, reviews and inspections of the proposed works during the implementation of this consent.

58. Prior to any earthworks commencing, the Consent Holder shall ensure the SQEP Ecologist briefs any contractors undertaking the works, including any methods that must be employed by the contractors to minimise potential adverse effects on ecological values at the commencement of works in accordance with best practice and the ERP.

59. Notwithstanding any other condition of this consent, the Consent Holder shall not, in the opinion of the Council's Monitoring Officer, cause any of the following effects in Kākā Stream (or any other watercourse):

- a. The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- b. After reasonable mixing, any conspicuous change in colour or visual clarity that is not typical of ambient background levels at that time; or
- c. Any emission of objectionable odour.
- e-d. Any significant adverse effects on aquatic life.

- 60. All machinery used on the site shall be refuelled at least 20 metres away from any 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 and undertake all necessary remedial actions immediately.
- 61. Machinery and equipment shall not be cleaned within 10 metres of the bank of any open watercourse.
- 62. All reasonable endeavours shall be taken by the applicant to ensure machinery shall be free of plants and plant seeds prior to entering the construction area.

#### Stream Construction Methodology

- 63. The new Kākā Stream channel shall be constructed in stages and offline from the existing stream alignment to avoid in-stream works. The new channel shall be fully constructed and stabilised prior to diverting flows from the existing stream into the new alignment. The project ecologist shall also certify that the construction meets stream design and ecological objectives required by Condition 38(a) and (c) prior to any diversion to the new alignment commences.

#### Decommissioning of Old Channel

- 64. Within 10 working days of diverting flows into the new Kākā Stream channel, the Consent Holder shall decommission the existing stream channel and incorporate it into the general earthworks area, in accordance with the approved Stage 1 SSESCP.

#### Earthworks and Vegetation Clearance – Pre Construction

- 65. Prior to any earthworks commencing, the Consent Holder shall provide to the Council's Monitoring Officer a letter of engagement confirming the suitably qualified and experienced Geo-professional's availability to undertake the geotechnical supervision, reviews and inspections of the proposed cuts and foundations during the implementation of this consent.
- 66. Prior to earthworks commencing, detailed designs of the earthworks shall be provided to Council's Monitoring Officer for review and approval. The detailed plans shall show the location of any proposed retaining structures, bunds, catch fences or similar devices and indicate the required fill levels for Lot 1000 to avoid future flooding effects under the 2130 RCP8.5M 1% AEP Maitai/Mahitahi River flood level scenario.

*Note: This condition is to ensure structures such as retaining walls, or geotechnical mitigations such as the diversion bund are reviewed by Council engineering team prior to these works being undertaken to ensure the location and alignments are consistent with the intent of the conditions of the subdivision consent.*

#### Earthworks – During construction

**Commented [SG4]:** Condition 59 only partly reflects s 107 RMA.

67. All earthworks shall be undertaken in accordance with the Tonkin and Taylor Geotechnical Assessment dated 5 February 2025 including the Plan titled Geotechnical Hazard Mitigation Recommendations (Page 70).
68. Any excavation or retaining walls greater than 1.2 metres in height, or supporting surcharge loads shall be specifically designed by a suitability qualified and experienced Geo-professional experienced in hillslope design.
69. The investigation and design of fills in excess of 1.0 m high or any fill on ground sloping at more than 3H:1V shall be carried out or reviewed by a suitability qualified and experienced Geo-professional experienced in hillslope design. The effect of filling on global stability shall be assessed.
70. All earthworks and associated drainage shall be designed, implemented and inspected during construction under the supervision of a suitably qualified and experienced Geo-professional.  
**Note:** *The Consent Holder is responsible for ensuring inspections are undertaken by the geo-professional. Inspections undertaken by the supervising engineer, the contractor or the Council's Building Inspector do not fulfil the inspection and supervision requirements of this condition.*
71. All fill shall be certified in accordance with NZS4431:2022 *Earthfill for Lightweight Structures* unless the Geo-professional otherwise deems unnecessary.
72. All practical measures shall be taken by the Consent Holder to prevent any sediment, erosion, or dust effects beyond the boundaries of the site.
73. At no time during the works, including backfilling and drainage, shall the earthworks encroach onto any other property.
74. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath outside of the site resulting from the earthworks authorised by this consent that, in the opinion of the Council's Monitoring Officer, is considered to result in nuisance effects. In the event that deposition causing nuisance effects 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.
75. 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 discharge, 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.
76. In the event that earthworks are to be suspended for a period of three months or more (e.g., due to staging), a suitably qualified and experienced geo-professional shall submit a report to the Council's Monitoring Officer that confirms that there is a low ongoing geotechnical risk associated with the earthworks while suspended, and the site has been appropriately stabilised to prevent erosion and instability until earthworks recommence.
77. No earthworks resulting in exposed ground or cut or fill faces shall be undertaken in any location if rain is forecast in the period before erosion and sediment control measures can be implemented to secure the ground from the effects of overland flows pursuant to the certified SSESC.
78. 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 in that area shall be ceased immediately and the services of a suitably qualified and experienced Geo-professional shall be obtained. Subsequent works shall follow the recommendations made by the Geo-professional.
79. Earthworks and ground shaping shall be constructed to prevent ponding and provide a positive gradient away from foundational elements.

80. If the ground conditions differ from the design assumptions, the design engineer shall seek advice from a suitably qualified and experienced Geo-professional, and shall follow any recommendations made by the Geo-professional (providing the recommendations do not conflict with any other conditions of this consent).
81. Sediment settlement ponds shall be specifically investigated, designed and inspected during construction by or under the direction of a chartered professional engineer practising in civil or geotechnical engineering. The engineering design shall be reviewed by a suitably qualified and experienced Geo-professional who shall also confirm to the supervising engineer that the ground conditions are suitable for the settlement pond proposed.

#### **Earthworks – Post Construction**

82. 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.
83. Within one month following the completion of all earthworks for each stage:
- a. the Consent Holder shall submit to Council's Monitoring Officer, a completion report from a suitably qualified and experienced Geo-Professional that provides a professional opinion that there is a low ongoing geotechnical risk associated with the completed works. This report shall also provide confirmation that the site has been appropriately stabilised.
  - b. the Consent Holder shall submit to Council's Monitoring Officer, a completion report from a suitably qualified and experienced ecologist, stormwater engineer and land contamination professionals ~~the~~ that confirms the earthworks authorised by this consent, have been satisfactorily completed to meet all relevant conditions and compliance obligations of this consent.
84. Once the Geo-Professional has confirmed that the site, or part thereof, has been stabilised, the associated erosion and sediment control measures shall be removed and any sediment within the controls shall be disposed of in a manner that prevents the sediment from discharging into a watercourse prior to the control being removed.

#### **Review**

85. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review the conditions of this and related consents 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 reduce, remediate or remove 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. Where a condition requires notification to, or review/approval by, Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (DESCPs), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (CTMPs).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Monitoring Officer.

2. The Consent Holder is advised that under the Wildlife Act 1953, all indigenous lizard species (including skinks and geckos) are classified as protected. Any activities that may result in the disturbance, injury, killing, or capture of lizards are an offence under the Wildlife Act unless authorised by the Department of Conservation (DOC). This resource consent does not constitute approval under the Wildlife Act. Where there is potential for indigenous lizards to be present within the area of works, it is the Consent Holder's responsibility to:
  - Undertake appropriate surveys or assessments by a suitably qualified ecologist prior to the commencement of works;
  - Seek any necessary authorisations or permits from DOC if protected species may be impacted;
  - Implement appropriate avoidance, mitigation, or relocation measures where required.
3. Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available in house) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.