

M	Land Use (s9)	Remediation of contaminated land
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Resource Consent:

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement date:

Lapse Date: 2 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (Section 9 RMA) associated with the soil disturbance, changing the of use of land, and subdivision of land which is within a HAIL site under the NES-CS.

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

Subject to the following conditions:

General conditions

- 1 The activity, **of undertaking soil disturbance and remediation of contaminated land** 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.

Specific Conditions of Consent

- 2 The development shall proceed in accordance with Envirolink's 2025 Remediation Action Plan (**RAP**) v4, **or any subsequent certified version.**
- 3 Prior to undertaking the works authorised by this resource consent(s), the Consent Holder shall appoint a representative(s) who shall be the **Nelson City Council's** (Council's) principal contact person(s) in regard to matters relating to these resource consents.
- 4 The Consent Holder shall advise the Council's Monitoring Officer in writing, at least 5 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 and advise the consent number
- 5 The Consent Holder shall arrange for a site meeting between the Consent Holder's principal contractor and the Council's assigned monitoring officer, which shall be held on site prior to any works commencing. No works shall commence until the Council's assigned monitoring officer has completed the site meeting.
- 6 The Consent Holder shall ensure that copies of these resource consent conditions and ~~Remediation Action Plan~~ (**RAP**) are provided to the contractors carrying out the works and any persons undertaking any ground disturbance works at the site.
- 7 An ~~Accidental Discovery~~ Protocol for **unexpected** ~~C~~-contamination, **should it be encountered,** shall be prepared by **a suitably qualified and experienced practitioner** (SQEP) and submitted to the Monitoring Officer, for information at least 5 days prior to earthworks commencing on site, unless an alternative timeframe is agreed by the Monitoring Officer.

Iwi Engagement and Reporting

- 8 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 full 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.

- 9 The Consent Holder shall provide the Remedial Action Plan (RAP) 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 plan content before implementation.
- 10 The Consent Holder shall maintain a record of correspondence, including the dates the plans were provided and any feedback received. In addition, the Consent Holder shall establish and maintain regular communication with Te Taihū Iwi Pou Taiao for the duration of works.
- 11 **During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (iwi monitor) is available, at the Consent Holder's expense, 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.**
- 12 In the event that soil testing is undertaken to assess contamination (including, but not limited to, HAIL-listed activities), the results of such testing shall be provided to all Te Taihū Iwi Trusts, including Ngāti Koata, within 10 working days of the results being received by the Consent Holder.
- 13 Project updates shall be provided by the contractor in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns. All such correspondence shall be copied to the Nelson City Council Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request.
- 14 **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 the Council's**

Monitoring Officer that appropriate action has been undertaken in relation to the discovery.

- 15 **All iwi engagement, monitoring, and remediation works shall be carried out at the Consent Holder's expense.**

Remediation Works

- 16 **An additional soil and groundwater investigation, as outlined in the draft plan contained within Appendix F of the RAP v.4, will be undertaken by a suitably qualified and experienced professional (SQEP) prior to remediation works commencing.**
- 17 **An Investigation, Sampling and Analysis Plan will be submitted to the Council's Monitoring Officer for approval in advance of these prior to remediation works commencing. as detailed in Appendix F of RAP v4. The findings, Any subsequent updates or amendments to the RAP, will be submitted to Councils' Monitoring Officer for approval review prior to remediation works commencing.**
- 18 The RAP shall be implemented, and the Consent Holder shall ensure it is adhered to by all contractors and workers on the site for the duration of the soil disturbance.
- 19 The RAP may be amended by the ~~suitably qualified and experienced profession (SQEP)~~ at any time to manage any changes to the methodology and ensure best practice. **Any amendment of the soil remedial criteria and/or soil disposal criteria shall be submitted to Council's Monitoring Officer for approval and, if deemed necessary by Council, certification by suitably qualified and experienced practitioner (SQEP) at the Consent Holder's expense.**
- 20 The Consent Holder shall ensure that a copy of the **most up to date and certified** RAP, is provided to the contractors carrying out the works and that a copy is held on site at all times during the soil disturbance works.
- 21 Any specific Erosion and sediment management controls addressed in the RAP shall be implemented to ensure the proposed stockpile(s) on site does not create a potential exposure pathway via the stormwater network or entering neighbouring sites.

Site Validation Report

- 22 On completion of contaminated soil remedial works a Site Validation Report (SVR) shall be prepared. The SVR shall be prepared by a SQEP in accordance with Ministry for the Environment Contaminated Land Guidelines No. 1:

Reporting on Contaminated Sites in New Zealand, Revised 2021 and, at the minimum include:

- (a) a summary of contaminated soil earthworks undertaken at the site;
- (b) evidence of appropriate disposal of surplus contaminated soils including details on the encapsulated cell;
- (c) results of soil validation sampling undertaken with comparison to remedial targets set in Table 5 of the RAP;
- (d) results of ground and surface water sampling undertaken during and after remedial works, and
- (e) identification of areas of residual contamination (if any) that exceed the remedial targets set in Table 5 of the RAP.

The SVR shall be submitted to **Council's Monitoring Officer**, the Compliance Officer at Nelson City Council for review ~~approval~~ and **certification by SQEP at the Consent Holders expense** approval following the completion of works, and prior to diversion of water into the newly aligned Kākā Stream tributary.

Kākā Stream Diversion - During Work and Site Management

- 23 ~~The Kākā Stream shall not be diverted through, or adjoining, the area identified as contaminated land until the site has been remediated in accordance with the RAP and the **certified SVR Site Validation Report** confirms that remedial monitoring has reported decreased concentrations of contaminants of concern in groundwater (as compared to pre-remediation concentrations to levels set out and required in the most recent version of the RAP.), thus indicating that risk to the stream has been mitigated.~~

Ongoing Site Post Remediation Management Plan - Kākā Stream Realignment

- 24 ~~An Ongoing Site **Post Remediation** Management Plan (**PRMP-Stream**) shall be prepared by a SQEP following the completion of the remedial works. This will outline the monitoring and ongoing management requirements for the realigned Kākā Stream, and any residual contamination at the site (excluding the encapsulation cell, which is dealt with separately **under Consent**). The ~~Ongoing Site Management Plan (PRMP-Stream)~~ shall be submitted to Council for review and approval.~~

- a. The following monitoring will be undertaken as part of the **PRMP-Stream**.
- (i) Surface water sampling of the realigned Kākā Stream in at least four locations, upgradient, adjacent to the source area, 20 m downgradient and 50 m downgradient of the (former) source area.
 - (ii) **Surface water sampling of the Maitai River, in at least one location, immediately downstream of the confluence with Kākā Stream (i.e. Dennes Hole).**
 - (iii) Water samples will be analysed for dieldrin and **dissolved** arsenic.
 - (iv) Water monitoring ~~should~~ **is to** occur ~~quarterly~~ **monthly** for ~~at least a minimum of two years post certification of the SVR--remediation~~ **then quarterly for a minimum of three years, or until agreed otherwise by the Council's Monitoring Officer**
 - (v) If concentrations **of dieldrin or dissolved arsenic are** above the ANZG thresholds for freshwater ecosystems (**i.e. 95% species protection for dissolved arsenic and absolute value for dieldrin**) 95%) are detected in the stream in the adjacent and the two downgradient sample locations (but not in the upgradient location), a second monitoring round shall be completed **at all sites** within two weeks of the initial sampling.
 - (vi) If both sets of results show exceedances of the above **ANZG** thresholds in the adjacent and two downgradient sample locations (but not the upgradient location) the Consent Holder shall submit and implement a Contingency Remedial Action Plan **as described in the RAP. Otherwise, monitoring shall continue to occur monthly as required in the above conditions.**
 - (vii) **The Contingency Remedial Action Plan shall be submitted to Council's Monitoring Officer for approval at the same time as it is implemented. Any further amendments requested by the Council Monitoring Officer shall be incorporated into the Contingency Remedial Action Plan and implemented accordingly, unless the Consent Holder disagrees with the requested amendments. In the event of a**

disagreement, the matter shall be reviewed by a SQEP agreed upon by both parties. The SQEP shall determine whether the requested amendments are necessary to achieve the environmental outcomes intended by the consent i.e. as per Condition 24 (a)(v) . The SQEP's determination shall be final, and any amendments required shall be incorporated into the Contingency Remedial Action Plan and implemented without delay.

~~(viii) Where exceedances are only reported in two or fewer of the adjacent or downgradient sample locations then a RAP is not required, and monitoring will continue to occur quarterly.~~

(ix) In addition to the monitoring required by the above conditions, wet-weather monitoring for dieldrin and dissolved arsenic shall be undertaken at all sites of any rainfall event exceeding 50 mm in a 24-hour period. This monitoring shall occur on a minimum quarterly basis for the first two years following certification of the SVR. Where no rainfall events occur that meet this threshold within a given quarter, monitoring for that quarter shall not be required.

- b. The Consent Holder shall forward the results of the monitoring to Council's **Monitoring Officer** ~~Team Leader Environmental Compliance~~ within 5 days of receiving them.

Off-site Soil Disposal

- 25 Any contaminated material removed from the site shall be disposed of as follows:
- a. **Soil with dieldrin <50 mg/kg shall be disposed of** at a facility authorised to receive such material or shall be placed in an encapsulated cell on the balance land. ~~or~~
 - b. **Soil with dieldrin >50 mg/kg shall** ~~may~~ be temporarily stored until such time it can be received by a facility authorised to receive such material.
- 26 Records shall be made available to Council's **Monitoring Officer** on request detailing the disposal or storage location and volume of material.
- 27 All contaminated soil removed off site shall be transported by truck and securely covered while in transit.

Highly Contaminated Soil Management (Dieldrin >50 mg/kg)

- 28 All soils containing dieldrin above 50 mg/kg shall be securely stored in sealed containers on an impervious surface in a bunded area at least 25m from any water body.
- a. A Hazardous Waste Management Plan for these soils shall be submitted to the Council for certification prior to site works commencing.
 - b. **Stored material shall be stored on site for a maximum of 5 years unless agreed otherwise by Council's Monitoring Officer**
 - c. The Consent Holder shall provide written confirmation of the final disposal route and regulatory compliance with the HSNO Act and EPA requirements before materials are **removed from the site.**

Review Condition

- 29 For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review ~~this consent's~~ **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 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.
- (d) To comply with national environmental standards made under section 43 of the Resource Management Act 1991.

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. This is not a discharge permit. In the event of any unanticipated dust, contamination, erosion or sediment effects occurring beyond the identified areas of the contaminated site, all earthworks must cease until the breach has been remedied to the satisfaction of the Council's Monitoring Officer.
3. **Council Officers, at their discretion and at the Consent Holders expense, may seek (where not available inhouse) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.**
4. **Advice note: Rainfall will be recorded on site at the existing on-site weather station located near the southern extent of the Kākā Stream.**
5. **This consent does not provide for re-diverting the stream including additional associated earthworks if the Consent Holder chooses to realign the stream to avoid the contaminated area or move it to a location where the ANZG guideline values of Condition 22 can be confirmed.**