

Our Reference: 999859517-23468

Consent No. RM24.615.01

LAND USE CONSENT

Pursuant to Section 104C of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Otago Regional Council

Address: 70 Stafford Street, Central Dunedin, Dunedin

To alter the bed of Silver Stream for the purpose of improving flood capacity

For a term expiring 5 December 2029

Location of consent activity: As shown in **Appendix 1**.

Legal description of consent location:

Legal description
Lot 1 DP 11036
Lots 2 and 3 DP 26908
Lot 6 DP 474952
Lot 65 DP 24179
Part Section 4, 5, 6, 7, 8, 9, 10, and 11 Block VI East Taieri SD
Section 13 Block VIII East Taieri SD
Part Lot 19 DP 1846
Lot 1 DP 5017
Lot 3 DP 11002
Section 108 Irregular Block East Taieri Survey District
Part Section 35, 36, 79, 80, and 84 River Sections East Taieri Survey District

Map Reference:

Location	Coordinates (NZTM 2000)
Upstream point	E1395528 N4917945
Downstream point	E1388149 N4914578

Conditions

Specific

1. The activity must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM24.615.01, including:
 - a) Application form, and assessment of environmental effects prepared by Beca Limited dated 11 October 2024, and

- b) Response to a request for information prepared by Beca Limited dated 25 November 2024.

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. All works must be undertaken from the dry bed or banks of Silver Stream.
3. This consent does not authorise any of the following:
 - The modification or removal of any structure in, on or over the bed of Silver Stream,
 - Placement of any structure, including temporary structures,
 - Any discharge to Silver Stream associated with works,
 - The damming, diversion or take of water from or within Silver Stream.

Performance Monitoring

4. Prior to the exercise of this consent, the Consent Holder must prepare an Erosion and Sediment Control Plan (ESCP). The objectives of the ESCP are:
 - (a) To avoid uncontrolled release of sediment to Silver Stream, and
 - (b) To minimise the loss of sediment to Silver Stream as a result of works within the dry bed and riparian margins.

The ESCP must be prepared by a suitably qualified individual and contain sufficient detail to address the following matters:

1. Specific erosion and sediment control works (locations, dimensions, capacity etc);
2. Roles, responsibilities and contact details;
3. Supporting calculations and design drawings;
4. Catchment boundaries and contour information;
5. Details of construction methods;
6. Timing and duration of construction and operation of control works;
7. Details relating to the management of exposed areas; and
8. Monitoring and maintenance requirements.

The ESCP must be submitted to the Consent Authority for certification.

5. The Consent Holder must adhere to the certified ESCP as prepared in accordance with Condition 4.
6. (a) Prior to the commencement of the works the Consent Holder must:
 - (i) notify the Consent Authority in writing of the commencement date of the works, no less than ten (10) working days prior to the commencement of works; and
 - (ii) provide to the Consent Authority representative photographs of the area where work is to be undertaken no less than 10 working days prior to the

commencement of works. Photographs must be in colour and no smaller than 200 x 150 millimetres in size and be in JPEG form.

- (b) Upon completion of the works authorised by this consent, the Consent Holder must:
- (i) notify the Consent Authority in writing of the completion of the works, no more than ten (10) working days following the completion of works.
 - (i) provide representative photographs of the area where work is to be undertaken no less than ten (10) working days following the completion of works. Photographs must be in colour and no smaller than 200 x 150 millimetres in size and be in JPEG form.

General

7. The Consent Holder must take all reasonable steps to minimise the removal of indigenous vegetation within the riparian margins, including the following measures:
- (a) Only removing vegetation from the bed and banks of the river where it is necessary, and
 - (b) Stabilising and revegetating any disturbed and exposed land within the dry bed and along the riparian margin within twenty (20) working days of the completion of works.
8. In undertaking any works in accordance with this consent, the Consent Holder must ensure that:
- (a) All machinery must operate from land or the dry bed of the river;
 - (b) Fuel storage tanks and machinery working and stored in the construction area must be maintained at all times to prevent leakage of oil and other contaminants into the watercourse. No refuelling of machinery may occur within the watercourse.
9. The Consent Holder must take all reasonable precautions to minimise the spread of pest plants and aquatic weeds, including but not limited to:
- (a) Waterblast all machinery to remove any visible dirt and/or vegetation prior to being brought on-site to reduce the potential for pest species being introduced to the bed of the watercourse. Machinery and equipment that has worked in watercourses must, prior to entering the site, also be cleaned with suitable chemicals or agents to kill didymo;
 - (b) Avoid working in areas where aquatic weeds such as *Lagarosiphon major* are known to be present (for information, contact the Consent Authority's Biosecurity Team); and

- (c) Removing all parts of pest plant species that reproduce vegetatively (such as crack willow) to avoid their re-establishment. This includes branches, roots and soil containing any parts of the plant;
 - (d) Remove any vegetation caught on the machinery at the completion of works; and
 - (e) Prior to leaving the site, water blast all machinery following the completion of works to reduce the potential for pest species being spread from the bed of the watercourse.
10. In the event that an unidentified archaeological site is located during works, the following will apply:
- (a) Work must cease immediately at that place and within 20 metres around the site.
 - (b) All machinery must be shut down, the area must be secured, and the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Consent Authority must be notified.
 - (c) If the site is of Māori origin, the Consent Holder must also notify the appropriate iwi groups or kaitiaki representative (Aukaha and Te Ao Marama Incorporated) of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975).
 - d) If human remains (kōiwi tangata) are uncovered the Consent Holder must advise the Heritage New Zealand Pouhere Taonga Regional Archaeologist, NZ Police, the Consent Authority and the appropriate iwi groups or kaitiaki representative and the above process under (c) will apply. Remains are not to be disturbed or moved until such time as iwi and Heritage New Zealand Pouhere Taonga have responded.
 - e) Works affecting the archaeological site and any human remains (kōiwi tangata) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Further assessment by an archaeologist may be required.
 - (d) Where iwi so request, any information recorded as the result of the find such as a description of location and content, must be provided for their records.

Review

11. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review

the conditions of this consent during the period of three months either side of the date of granting of this consent each year, or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, for the purpose of:

- (a) Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;
- (b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement;
- (c) Reviewing the frequency of monitoring or reporting required under this consent;
- (d) Requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of these consents; and
- (e) Addressing any adverse effect identified via the submission of records required by this consent.

Notes to Consent Holder

1. *Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand (see Section 6). For pre-contact Māori sites this evidence may be in the form of Taonga (artefacts) such as toki (adzes) or flake tools as well as bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Pre-1900 buildings are also considered archaeological sites. Burials/kōiwi tangata may be found from any historic period. Archaeological sites are legally protected under Sections 42(1) & (2) of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an Authority from Heritage New Zealand Pouhere Taonga irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act or Building Act.*
2. *Activities listed in Condition 3 may otherwise be undertaken in accordance with permitted activity rules of the Regional Plan Water for Otago, any relevant National Environmental Standard and/or a separate resource consent.*
3. *This consent does not authorise access to the land where works are proposed. Access to the land where the works are proposed must be arranged with the landowner/s.*
4. *Where information is required to be provided to the Consent Authority in condition/s 4 and 6 this is provided in writing to compliance@orc.govt.nz, and the email heading is to reference RM24.615.01 and the condition/s the information relates to.*

Issued at Dunedin this 13th day of December 2024



Allan Cubitt

Independent Decision Maker for the Otago Regional Council



Appendix 1 – Location of works

