

EARTHWORKS CONDITIONS – RM240065

General

- 1 The Consent Holder shall ensure that all works are carried out in general accordance with the information submitted in support of application RM240065, including:
 - (a) the Geotechnical Assessment of Proposed Subdivision prepared by Swanney Geotechnical and Civil Engineering dated 13 June 2022;
 - (b) the Planning Report prepared by Land Dimensions dated 4 October 2022; and
 - (c) the attached RM240065 Plan A.

In the event that there is any conflict between these documents and any condition(s) of this consent, the conditions shall prevail.

Advice Note:

RM220846 is specific for the earthworks on a contaminated portion of this site. Where there is a conflict between RM240065 and RM220846, the conditions of RM220846 shall prevail.

Prior to Work

- 2 Prior to undertaking the works authorised by this resource consent(s), the Consent Holder shall appoint a representative(s) who shall be the Council's principal contact person(s) in regard to matters relating to these resource consents.
- 3 The Consent Holder shall inform the Council's Team Leader - Compliance & Investigation, in writing, of the name and contact details of the following persons:
 - (a) the Consent Holder Representative required under Condition 2; and
 - (b) the Principal Contractor (if not the Consent Holder Representative).

Should the person(s) change during the term of this resource consent, the Consent Holder shall provide the new name and contact details, in writing, to the Council's Team Leader - Compliance & Investigation within one working day.

- 4 The Consent Holder shall, at least 10 working days prior to the commencement of works, notify the Council's Team Leader - Compliance & Investigation in writing, of the date that the works are intended to commence. 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.
 - 5 The Consent Holder shall, at least 10 working days prior to the commencement of works, prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Team Leader - Compliance & Investigation for certification. No works shall be undertaken until the ESCP has been certified by Council's Team Leader - Compliance & Investigation.
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Advice Note:

Certification of the ESCP is in the nature of certifying that adoption of the ESCP will result in compliance with the conditions of this consent.

- 6 The following shall apply in respect of Condition 5:
 - (a) the Consent Holder may commence the activities in accordance with the submitted plans 15 working days after their submission, unless the Council advises the Consent Holder in writing that it refuses to certify them on the grounds that it fails to meet the requirements of the condition and gives reasons for its decision; and
 - (b) should the Council refuse to certify the plan(s), the Consent Holder shall submit a revised plan to the Council for certification. Clause (a) shall apply for any resubmitted plan.
 - 7 The ESCP required by Condition 5 shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent is achieved. The ESCP shall include as a minimum:
 - (a) an aerial image of the site detailing, as a minimum, the location of:
 - (i) property boundaries;
 - (ii) surface waterbodies;
 - (iii) roads;
 - (b) Procedures to minimise the risk of soil loss and the creation of dust including:
 - (i) during soil removal;
 - (ii) during transport;
 - (iii) during soil storage; and
 - (iv) during vegetation establishment.
 - (v) all erosion, sediment and dust control measures; and
 - (vi) stormwater management measures and the direction of stormwater flows.
 - (c) detailed drawings and specifications of all designated erosion and sediment control structures;
 - (d) construction timetable for the erosion and sediment control works, bulk earthworks, restabilisation of exposed ground, and planting;
 - (e) maintenance, monitoring and reporting procedures;
 - (f) rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures; and
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- (g) hydrocarbon spill response and contingency measures.

Any changes to the Erosion and Sediment Control Plan shall be confirmed in writing by the Consent Holder and authorised by the Council's Team Leader - Compliance & Investigation and shall not be implemented until notified of the authorisation.

- 8 Prior to undertaking work authorised by this consent, the Consent Holder shall ensure that all personnel working on site are made aware of, and have access to the following:

- (a) the contents of this resource consent; and
- (b) the ESCP as required by Condition 5.

- 9 If flocculation is proposed to be used, then the Erosion and Sediment Control Plan required by Condition 5 shall also include a Chemical Treatment Management Plan providing:

- (a) details of flocculant(s) to be used, the calculation of dosing rates and application methods;
- (b) procedures for the storage of flocculation chemical(s) on-site;
- (c) a flocculation chemical spill contingency plan;
- (d) identification of contingency actions required in response to monitoring results;
- (e) methods and responsibilities for monitoring and maintenance of the system, including the maintenance of records;
- (f) details of how the system will be actively managed including a template sheet for recording after each rainfall event the following:
 - (i) flocculant usage;
 - (ii) pond forebay and main bay clarity;
 - (iii) pond pH (if Polyaluminium Chloride is used as a flocculant);
 - (iv) templates for audits; and
 - (v) identification of a suitably qualified person to operate and maintain the flocculation system; and
- (g) details of how the ponds in which flocculants were used will be decommissioned.

No flocculation shall commence until the amendment to the Erosion and Sediment Control Plan for that area is approved by Council's Team Leader - Compliance & Investigation.

- 10 The Consent Holder shall invite an iwi monitor to supervise all earthworks. The Consent Holder shall advise Ngāti Rārua, Ngāti Tama and the iwi monitor of the
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commencement date and likely duration of the earthworks at least 10 working days before the commencement of works.

Where the above invitation and notification is given and an iwi monitor is unable to be present for any reason, the Consent Holder may commence works.

Advice Note 1:

Ārewa Limited manage iwi monitors on behalf of Ngāti Rārua – phone: 03 265 5565; email: elevate@arewa.nz

Advice Note 2:

The discovery of any pre-1900 archaeological site (Māori or non-Māori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to Heritage New Zealand for an authority to damage, destroy or modify the site.

- 11 In the event of any archaeological artefacts (e.g., shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) being uncovered, the Consent Holder shall:
- (a) cease the works immediately, as required by the Heritage New Zealand Pouhere Taonga Act 2014;
 - (b) consult with the Heritage New Zealand's Central Regional Office (email infocentral@heritage.org.nz, PO Box 2629, Wellington 6140, phone + 64 4 494 8320), and
 - (c) shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals to damage, destroy or modify such sites have been obtained.

During Work

- 12 Work authorised by this consent shall only occur between the following hours:
- (a) 7.30 am to 6.00 pm Monday to Saturday;
 - (b) no work shall occur on Sundays or Public Holidays.

Advice Note:

The restriction on hours of works shall not apply to low noise-generating activities, such as site set-up or staff meetings, which may occur outside of these hours provided they are generally inaudible off-site. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics - Construction noise.

- 13 All activities shall be carried out so as to comply with NZS6803:1999 Acoustics - Construction Noise standards. If necessary for the purposes of determining compliance, noise shall be measured and assessed in accordance with this standard.
- 14 All erosion, sediment, and dust control measures shall be installed prior to the commencement of any disturbance or discharge to land, and shall be maintained until all disturbed areas are stabilised and/or revegetated.
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- 15 The Consent Holder shall adopt the best practical means to prevent the movement of disturbed soil or vegetation into surface water. These measures may include, but are not restricted to:
- (a) working during periods of fine weather when the likelihood of erosion and sedimentation will be less;
 - (b) stormwater run-off controls around the area of disturbance, such as filter fences, cut-offs, culverts, and water tables to prevent scour, gullyng or other erosion;
 - (c) providing undisturbed buffers between the land disturbance and any water body along with filter fences or other means of intercepting stormwater run-off;
 - (d) sediment traps adequate to contain and treat sediment-laden run-off water;
 - (e) any other measures appropriate to the nature and scale of the land disturbance.
- 16 The Consent Holder shall ensure that any discharge associated with the works does not cause any of the following in receiving waters:
- (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the contamination of freshwater to the extent that it is not suitable for farm animals to drink; or
 - (e) adverse effects on aquatic life that are more than minor.
- 17 The earthworks and resultant land contour shall not cause any slope failure, damage, erosion or slumping on any adjoining land or property.
- 18 If during the works fill or excavated soil needs to be temporarily stockpiled on-site, then the Consent Holder shall ensure stockpiles are:
- (a) kept tidy and with a stable slope; and
 - (b) stored in a manner that minimises any potential discharge of material into the surrounding environment.
- 19 The Consent Holder's operations shall not give rise to any discharge of contaminants (e.g., dust), at or beyond the site boundary, which is noxious, dangerous, offensive or objectionable. Dust control measures shall be available and used on site, in accordance with the certified ESCP, to ensure compliance with this condition.

Hazardous Substances

- 20 There shall be no storage of fuel or lubricants, refuelling, or lubrication of vehicles and machinery in the bed or within 20 metres of the margins of any water body.
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- 21 The Consent Holder shall maintain a spill kit on site at all times to contain and/or absorb any spilled hazardous substance and/or any other measures necessary to prevent any spills of hazardous substances entering land or water.
- 22 In the event of a spill of hazardous substances on the site greater than 20 litres, the Consent Holder or their agents shall record the details, and provide to Council's Team Leader - Compliance & Investigation within 24 hours of the spill:
- (a) the date, time and volume of the spill;
 - (b) the substance spilt;
 - (c) measures taken to contain and absorb the spilt substance; and
 - (d) the cause of the spill, and the measures taken since to prevent a repeat of the incident.

Rehabilitation

- 23 All exposed ground shall be stabilised as soon as practicable following the completion of the works and a vegetative cover established no later than the next growing season following the completion of works in order to avoid soil erosion.

Advice Note:

Compliance with this condition is considered to be when an 80% vegetative cover has been established in accordance with the Nelson Tasman Erosion and Sediment Control Guidelines 2019 or any subsequent version.

Administration

- 24 Pursuant to section 128 of the Resource Management Act the Council may review any or all of the conditions of the consents for all or any of the following purposes:
- (a) dealing with any adverse effect on the environment which may arise from the exercise of the consents that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; or
 - (b) to deal with any unforeseen adverse noise issue that might arise as a result of the implementation of these consents; or
 - (c) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment resulting from the land disturbance; or
 - (d) to comply with national environmental standards made under section 43 of the Resource Management Act 1991.

Duration

- 25 This consent shall expire 24 months after the commencement of the work approved under this consent.
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- 26 Pursuant to section 125 of the Act this consent shall lapse 5 years after the date this consent is granted unless either the consent is given effect to, or the Council has granted an extension pursuant to section 125(1A)(b) of the Act.

GENERAL ADVICE NOTES

- 1 Where any condition of this consent requires the notification of works or submission of plans to the Team Leader - Compliance & Investigation, please email these to landuse@tasman.govt.nz.
 - 2 The Consent Holder shall meet the requirements of Council with respect to all Building Bylaws, Regulations and Acts.
 - 3 All necessary signage and safety measures should be implemented during the works.
 - 4 Access by the Council's officers or its agents to the property is reserved pursuant to section 332 of the Resource Management Act 1991.
 - 5 Pursuant to section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.
 - 6 This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
 - (b) be allowed by the Resource Management Act; or
 - (c) be authorised by a separate resource consent.
 - 7 Guidelines to assist with the Erosion and Sediment Control Plan can be found at: <https://www.tasman.govt.nz/my-region/environment/environmental-management/land/soil-and-land/land-disturbance-and-sediment-control/>
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