

30 September 2020

Nelson City Council
Civic House
110 Trafalgar Street
Nelson, 7040

FAO Jane Hilson

Dear Jane,

Further Information Request: Resource Consent RM205196

In response to your request for further information letter dated 7 August 2020 please accept this letter as a formal reply to each matter raised.

Scope of Activities

1. *Please provide further clarification of what is meant by “road repairs and maintenance”, particularly as the types of activities on page 15 of the application ‘are not limited to’ those listed. Is it essentially the upkeep and replacement of the road pavement and road structure base, or it is intended to allow for infrastructure maintenance, repair or replacement (ie service trenching and installation) within the road corridor? The NRMP definition of “maintenance” is of little help as it relates only to soil disturbance and vegetation clearance to maintain the road in good operational order. The definition of “road” under the LGA also relates to that area for use of the public and things such as culverts, drains and fords “belonging thereto”.*

For the purposes of this application ‘road repair and maintenance’ is intended only to refer to work which is required to ensure the existing road network meets the requirements of cl 10(1) & (2) of the Local Government Act which requires that local infrastructure is maintained to a ‘good quality’ level. ‘Road repair and maintenance’ refers only to the upkeep and maintenance of the road pavement and road structure base. However, this work can be grouped into three categories each of which will involve specific work tasks:

- Resurfacing
- Line marking (where not undertaken as part of resurfacing)
- Road sweeping

It may, therefore, be useful for the purposes of this consent to have a definition of what is meant by resurfacing for the purposes of this consent:

*For the purposes of this consent any reference to **resurfacing** includes pavement dig-outs, milling, excavation, saw cutting, paving, compacting, spreading of material, re-sealing and line marking of the new road surface.*

The works undertaken overnight may also include other activities which would not breach noise levels such as sign maintenance, installation of traffic control / safety devices, however, these activities may be carried out as a permitted activity.

It is not intended that capital or improvement projects such as installation of water mains etc. are undertaken as part of this consent. The focus of this consent is on the breach of noise levels which is associated with repairing and maintaining the road pavement and base to ensure it remains in good operational order where it is more practical to undertake that work overnight.

You will note that the amended conditions have been grouped into general conditions to apply to all categories of work and conditions which relate to each specific category of work. We believe this is a clearer means of identifying the mitigation measures and controls around each category of work.

2. *The application is for breach in noise limits only. Please confirm that any works requiring other resource consents such as under the Freshwater or earthworks rules in the NRMP (including “excavation” within the types of activities listed as being undertaken as part of night time road works), or specifically excluded from the definition of “maintenance” in the NRMP, will be addressed separately should these arise as a requirement of the proposed maintenance works.*

This application seeks consent only to authorize a breach of noise levels associated with the work identified within the application and further clarified by point 1 above.

Should any work associated with the road repair and maintenance work breach any other NRMP rules, such as earthworks or freshwater rules, a separate individual resource consent would be required for that work. At detailed planning stage for each proposed work an assessment of the specific details of the proposal will be undertaken and any non-compliances identified and if necessary, resource consent sought for that individual proposal.

It should be noted that Council benefits from resource consent RM175025 which authorises ‘disturbance of rivers, including culverts and bridge maintenance works, deposition of material, vegetation removal, and gravel extraction throughout the Nelson Region for the purposes of maintenance and repair works.’ Should any work to a culvert or bridge be required then this may be authorized under RM175025.

3. *In relation to public notification of planned works, the application states that “emergency work may be undertaken at short notice where there is risk to life or property” (pg 21 of the application). Does emergency works constitute one of the 20 occasions per calendar year to which this global resource consent will relate, and to what extent will this need to go through the Noise Risk Assessment (NRA) process?*

It is not proposed that emergency works would constitute one of the 20 occasions per year when the works would be authorized by this consent.

The provisions of Section 330 of the RMA would apply to any emergency work and whilst the Council would aim to notify residents if possible, the ability to co-ordinate and undertake this notification may depend on the urgency of the work and the particular circumstances of the work.

Volunteered Consent Conditions

4. *In relation to the Volunteered Consent Conditions in 3.6 of the application, please clarify the following:*

(a) It would appear that these are not intended to apply to line marking and road sweeping activities which form part of the application. If not, should there be a separate set of conditions for these activities? Please provide these to complement the volunteered conditions for road repairs and maintenance.

Road sweeping

The volunteered conditions of consent under section 3.6 of the application were not intended to apply to road sweeping which may be undertaken on more than 20 occasions per year. The amended conditions of consent make this clearer.

Road sweeping follows a work schedule based on the Nelson City Council Road Maintenance and Renewals Contract which includes frequency of sweeping requirements for particular streets / areas. Suction sweeping requirements are assessed based on an “audit and clean” methodology for determining which streets require sweeping. The Maintenance and Renewals Contract sets out the pattern and frequency of road sweeping although this is subject to change if approved by Council Engineers or if additional sweeping is required due to a particular event or during autumn when leaf clearance is required.

The Road Maintenance and Renewals Contract requires contractors to keep a record of all inspections and sweeping undertaken which includes dates, percentage of streets swept, percentage of streets not requiring sweeping and any other issues.

Road sweeping will occur on Sundays but only on public holidays if required for a specific reason i.e. blocked sump, accident clean up. The details of these reasons will be recorded in the diary as noted above. The Noise Risk Assessment (NRA) has been updated to reflect this.

Road sweeping will not be undertaken prior to 5am or later than 10pm on any one day.

In relation to the NRA for road sweeping it is neither efficient nor practical to complete an NRA for every occurrence of road sweeping given the frequency with which this activity occurs. Therefore, it is proposed to complete a single NRA for programmed sweeping (defined within Appendix B) which is then reviewed annually. The review will take account of the records and audits kept by Contractors and details of any complaints received and will be provided, along with any updated NRA to Council’s Monitoring staff for approval.

It should be noted that although road sweeping may occur more than once in each location over the course of the year the sweeping has a much shorter duration and the volunteered times for this activity will assist with mitigating the effects.

Residents will be notified of the sweeping programme via Council's website with media reminders released through a combination of social media and 'Our Nelson' publications three times a year – likely December, April (Autumn) and August (Spring).

Line Marking

Line marking which is part of the re-surfacing works (i.e. line marking of the new finished road seal) is to be included one of the 20 activities per year as allowed for under volunteered condition 4.

However, line marking which is undertaken to refresh existing road markings on roads which have not been subject to resurfacing are not to be included within the 20 occasion limit volunteered by condition 6 of the amended conditions attached.

Where line marking is undertaken outside of road resurfacing Council will still go through the process of assessing the appropriateness of this work being undertaken overnight and the details of the work will be included in the annual schedule required under volunteered condition 1. The Noise Risk Assessment (NRA) will be utilised to ensure effects and mitigation measures are considered. However, rather than complete an NRA for every street where line marking is proposed it is likely to be more efficient and appropriate to complete an NRA for the annual line marking programme. This is also reflected in the volunteered conditions attached

(b) As unplanned night time works for maintenance and repairs, how do these conditions relate to emergency works?

Emergency works can be undertaken under Section 330 of the RMA and as the provisions of section 9 do not apply to those works emergency works are not included within this application and therefore not covered by the volunteered conditions.

There is, however, a difference between works which can be carried out under s330 of the RMA as a true emergency and works which might not have been accounted for in the annual schedule. For example, a road condition might deteriorate rapidly due to weather events or other unforeseen events and require a more immediate repair but is not classified as an emergency under s330 of the RMA.

Volunteered condition 2 is designed to account for those works which are not included within the annual schedule but identified at short notice as being works to be carried out overnight. The other volunteered conditions would apply to those works.

(c) Why is Condition 4 limited to "re-surfacing" only?

Condition 4 referred only to re-surfacing because that activity generates the greatest amount of noise. As noted under point 1 re-surfacing includes pavement dig-outs, milling, excavation, saw cutting, paving, compacting, spreading of material and re-sealing.

As you will note the amended conditions provide more clarity around this matter with the advice note for point 1 clearly defining what is meant by resurfacing and a separate set of conditions which relate specifically to resurfacing work.

As noted under (a) consent is sought to allow road sweeping to be undertaken from 5am and due to the number of roads around the district and frequency with which road sweeping occurs it is not practical to limit this activity to 20 per calendar year.

Noise Levels and Mitigation of Effects

5-16 Please refer to the attached additional information from Acoustic Engineering Services (AES).

General

17. *Please provide an amended assessment of environmental effects to address any matters that may arise out of the preparation of the further information you provide to the Council.*

This information is required to ensure that should any matter arise out of the further information that is provided, then the effects on the environment must be addressed as part of the application for resource consent.

It is not considered that the assessment of environmental effects requires amending based on the responses to the matters raised within this letter.

However, a set of amended volunteered conditions is attached and is to supersede section 3.6 of the application. These conditions take account of the further information responses provided within this letter and the additional information from AES.

If you have any queries about any matter relating to this further information please do not hesitate to get in touch.

Yours sincerely,



Victoria Woodbridge
Landmark Lile Limited
Resource Management Consultancy