

2 February 2018

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Nelson City Council  
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Resource Consent Number: RM175439,  
RM175440, RM175441, RM185003,  
RM185004, RM185005, RM185013,  
RM185014 & RM185015  
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Dear Nelson City Council

**REQUEST FOR FURTHER INFORMATION - RESOURCE CONSENTS RM175439,  
RM175440, RM175441, RM185003, RM185004, RM185005, RM185013,  
RM185014 & RM185015.**

Thank you for your resource consent applications for a land use consent, water permit and discharge permit in relation to Stage 3 of the Saxton Creek stormwater upgrade at Saxton Creek, Nelson.

Pursuant to section 92(1) of the Resource Management Act 1991 (the 'Act'), the following information is requested so that I can better understand the nature of the activity proposed, the effects of the activity on the environment and the way in which any adverse effects of the activity may be mitigated:

1. In section 3.4 on page 22 of Annexure A the application states that the construction activity will take account of construction noise standards NZS 6803:1999. Can you please confirm whether or not the proposed activities will comply with REr.43 and RUr.47 (Noise) in the Nelson Resource Management Plan? If not a Land Use consent to exceed the permitted noise standards in the Rural and Residential Zone is required.
2. In section 3.4 on page 22 of Annexure A the application states that there will be a significant number of traffic movements to and from the site. Can you please provide an estimate of likely the number of movements from each access point on any given day and the number of days that that activity will occur for?
3. How will the noted meandering channel (Appendix 1 design plans) be designed and formed within the new channel profile?
4. How will the 300mm minimum depth be implemented and maintained within the low flow channel (Plans in Appendix 1 and Appendix 2 of the CGW report show a 200mm minimum depth in cross sections)?
5. Please provide information on proposed reinstatement of pool habitat (quantity and quality) within the stream bed.
6. How many woody or novacoil refuges will be provided along the length of the stream?
7. How will flow through these refuges be maintained during dry periods?

8. What is the net stream length that will be lost from channel realignment?
9. How will fish passage and ecological values be provided for between the Stage 3 and Stage 2 works once the Waimeha detention pond is removed? Confirmation is also required that the Waimeha detention dam mentioned in the CGW report is the instream 'gravel trap' near the Riding for the Disabled entrance. Currently this 'gravel trap' does not provide adequate fish passage into upstream habitat.
10. How will natural form and character (e.g. channel meander and pool/riffle complexes) be implemented and maintained, particularly in the straightened and shifted channel realignment?
11. Please provide consideration of the loss of hyporheic habitat and measures to mitigate this loss i.e. reinstatement of gravels within the bed of the channel and depth/length of gravel bed reinstated.
12. What planting could be undertaken and maintained (i.e. reinstated after 5% AEP flows) within the low flow channel to maintain ecological habitat and better provide shade and allochthonous inputs of woody debris and terrestrial food items?
13. How will the Manning's roughness coefficients change if planting is closer to the low flow channel?
14. What are the implications of changing the channel planting on the flood capacity of the design channel and the already authorised works upstream and downstream of the application area?
15. Will streamside planting effectively shade the low flow meandering channel within the trapezoidal 5% AEP channel design?
16. How long will it take for the proposed mature tree plantings to establish and provide effective shading and if they will provide effective shade how will shade, temperature and habitat values be provided until the proposed plantings have matured?
17. How will afternoon shading to the stream be provided in the long term?
18. What are the plans to restore wetland habitat, as recommended in the Cultural Effects Assessment?
19. Please provide details of the method of Rapid Habitat Assessment and the data underlying the assessment scores pre and post application.
20. Please provide details (or volunteered consent conditions) detailing how erosion and sediment controls will be implemented by the contractor during works, to minimise sediment discharge to the stream and ultimately the Waimeha Inlet.
21. Please provide an assessment of the cumulative effects on indigenous fish and ecosystem health of these applications in conjunction with the Stage 1 and 2 works on the Saxton Creek catchment and the increasing impervious cover from residential land use.
22. Please provide more detail on the available spawning habitat pre and post application for the indigenous fish species found in Saxton Creek, including any relevant spawning period or migration exclusions in consent conditions.

23. Please provide more detail on the effects of the applications on the freshwater values identified for the Saxton Creek through the freshwater and iwi working group draft Nelson Plan development and how the proposed activities will be consistent with NCC non-regulatory programmes and biodiversity strategies for improvement of stream health.

### **Legislative requirements**

Section 92A(1) of the Act requires you to respond to the Council by Tuesday 27 February 2018 (being 15 working days from the date of this request) by either:

- (a) Providing the information; or
- (b) Agreeing in writing to provide the information within a reasonable timeframe to be agreed with the Council; or
- (c) Refusing in writing to provide the information.

The processing of this application will be put on hold until you respond to the Council. The time taken by you to provide the further information, or to respond to this request, is excluded from the calculation of working days for processing your consent.

If you do not respond to the Council in writing as per (a) and (b) above, or if you refuse to provide the information by Tuesday 29 March (being one calendar month following 27 February 2018), the Council must:

- (a) Publicly notify the application pursuant to Section 95C of the Act if the Council has not already decided whether to give public or limited notification of the application;

And

- (b) Must consider the application under Section 104 of the Act. Under Section 104(6), the Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether any requests made of the applicant for further information or reports have resulted in further information or any reports being available (Section 104(7)).

Notification of the application will involve an additional charge of \$7,000, which must be paid before the application is notified. This is in addition to the initial payment made when the application was lodged.

My contact details are on the top of this letter. Please contact me at if you would like to discuss any matters relating to this request.

Yours faithfully



Rosalind Squire  
**Consultant Planner**