



AGENDA

Ordinary meeting of the

Works and Infrastructure Committee

Thursday 26 November 2015

Commencing at 9.00am

Council Chamber

Civic House

110 Trafalgar Street, Nelson

Membership: Councillor Eric Davy (Chairperson), Her Worship the Mayor Rachel Reese, Councillors Ian Barker, Luke Acland, Ruth Copeland, Matt Lawrey (Deputy Chairperson), Gaile Noonan and Tim Skinner

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Orders:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the room for discussion and voting on any of these items.

26 November 2015

Page No.

1. Apologies

Nil

2. Confirmation of Order of Business**3. Interests**

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum**5. Confirmation of Minutes**

5.1 22 October 2015

8 - 14

Document number M1543

Recommendation

THAT the minutes of the meeting of the Works and Infrastructure Committee, held on 22 October 2015, be confirmed as a true and correct record.

Note: Please note that as the only business transacted in public excluded was to confirm the minutes and receive the status report, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

6. Status Report - Works and Infrastructure Committee - 26 November 2015 **15 - 18**

Document number R5161

Recommendation

THAT the Status Report Works and Infrastructure Committee 26 November 2015 (R5161) and its attachment (A1150321) be received.

7. Chairperson's Report

TRANSPORT AND ROADING

8. Roding Maintenance Contract Collaboration - Nelson City Council and Tasman District Council **19 - 23**

Document number R4186

Recommendation

THAT the report Roding Maintenance Contract Collaboration - Nelson City Council and Tasman District Council (R4186) be received;

AND THAT a single tender for the Nelson and Tasman Urban areas is approved in principle;

AND THAT approval is granted for officers to work with Tasman District Council officers to prepare a business case for collaboration on an urban roading maintenance contract;

AND THAT the business case be reported back to the Works and Infrastructure Committee noting any benefits or disadvantages.

9. Licences for Street Stalls and Outdoor Dining - review of basis of rentals **24 - 29**

Document number R4696

Recommendation

THAT the report Licences for Street Stalls and Outdoor Dining - review of basis of rentals (R4696) and its attachment (A1462369) be received;

AND THAT the current licence fees for street stalls be reduced by 30%;

AND THAT footpath dining and car park dining licence fees remain at the current levels, with the methodology for charging unchanged.

10. Intersection Safety Improvements - Main Road Stoke/Elms Street

This item will be distributed separately

11. Active Travel and Path-based Recreation Programme of Work

This item will be distributed separately

WATER, WASTEWATER, STORMWATER

12. Maitai and Roding Water Abstraction Resource Consent

30 - 86

Document number R4857

Recommendation

THAT the report Maitai and Roding Water Abstraction Resource Consent (R4857) and its attachments (A1332911, A1438784, A1438811) be received;

AND THAT new resource consent applications for the city water supply (as detailed in R4857) be lodged by 31 May 2016 on the same basis as existing consents.

13. Approval to Refer Award of Tenders to Council

87 - 89

Document number R4923

Recommendation

THAT the report Approval to Refer Award of Tenders to Council (R4923) be received;

THAT the approval of award of tender for Hampden St East Little-Go Stream Stormwater Upgrade including Water and Wastewater Renewals be referred to Council;

AND THAT the approval of award of tender for for Maitai Pipeline Upgrade (WTP - Westbrook) be referred to Council.

PUBLIC EXCLUDED BUSINESS

14. Exclusion of the Public

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Public Excluded Status Report - Works and Infrastructure Committee - 25 November 2015	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b)(i) To protect information where the making available of the information would disclose a trade secret
2	Saxton Creek Upgrade Tender Approval Report	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Earthquake Prone Buildings #6	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b)(ii) To protect information where the making available of the

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
		information for which good reason exists under section 7	information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

15. Re-admittance of the public

Recommendation

THAT the public be re-admitted to the meeting.

Note:

- Lunch will be provided at 12.30pm.

Minutes of a meeting of the Works and Infrastructure Committee

**Held in the Wakapuaka Hall, 460 State Highway 6, Main Road,
Wakapuaka, Nelson**

On Thursday 22 October 2015, commencing at 9.02am

Present: Councillor E Davy (Chairperson), Councillors I Barker, L Acland, R Copeland, M Lawrey (Deputy Chairperson) and T Skinner

In Attendance: Group Manager Infrastructure (A Louverdis), and Administration Adviser (G Brown)

Apologies: Her Worship the Mayor R Reese and Councillor G Noonan

1. Apologies

Resolved WI/2015/001

***THAT apologies be received and accepted from
Her Worship the Mayor R Reese and Councillor G
Noonan.***

Lawrey/Skinner

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

The Chairperson advised that there would be a public forum.

4.1 Pip Murdoch spoke about traffic concerns at Lud Valley Road.

She advised the Committee that trucks used the road frequently and many road users were driving to speeds of up to 100kph.

Ms Murdoch said she sought improvements to the road width, implementation of speed restrictions and sealing of the remainder of the road.

In response to questions, Ms Murdoch said many of the residents had the same concerns. She added that the length of the unsealed road was less than 1km and that four residents were situated along this area.

5. Confirmation of Minutes

5.1 10 September 2015

Document number M1457, agenda pages 7 - 14 refer.

Resolved WI/2015/030

THAT the minutes of the meeting of the Works and Infrastructure Committee, held on 10 September 2015, be confirmed as a true and correct record.

Davy/Copeland

Carried

6. Status Report - Works and Infrastructure Committee - 22 October 2015

Document number R5009, agenda pages 15 - 19 refer.

Group Manager Infrastructure, Alec Louverdis, presented the report.

Mr Louverdis answered questions on the status report items.

Resolved WI/2015/031

THAT the Status Report Works and Infrastructure Committee 22 October 2015 (R5009) and its attachment (A1150321) be received.

Lawrey/Barker

Carried

7. Chairperson's Report

There was no Chairperson's Report.

TRANSPORT AND ROADING

8. Transportation Asset Management Plan 2015-2025

Document number R4863, agenda pages 20 - 25 refer.

Senior Asset Engineer – Transport and Roading, Rhys Palmer, presented the report.

Group Manager Infrastructure, Alec Louverdis, highlighted that the Transportation Asset Management Plan 2015-2025 was a living document and would continue to be updated.

In response to a question, Mr Palmer advised that the New Zealand Transport Agency (NZTA) continued to invest in transport infrastructure in Nelson at the standard funding rate, which equated to approximately \$350,000.

In response to a further question, Mr Palmer explained that for the same ratepayer investment as in previous years there would now be a wider bus route coverage for the Nelson bus service due to an increase in subsidy from NZTA.

Resolved WI/2015/032

THAT the report Transportation Asset Management Plan 2015-2025 (R4863) and its attachments (A1427524, A1156705 and A1435841) be received.

Barker/Skinner

Carried

Recommendation to Council WI/2015/033

THAT the Transportation Asset Management Plan 2015-2025 (A1156705), amended to reflect the Long Term Plan 2015-25, be adopted.

Barker/Skinner

Carried

WATER, WASTEWATER, STORMWATER

9. Greenmeadows Stormwater Easement Consent

Document number R4822, agenda pages 26 - 29 refer.

Team Leader Engineer, Mel Large, presented the report.

In response to a question, Ms Large, clarified that the easement was outside the footprint for the Stoke Community and Sports Facility development.

Resolved WI/2015/034

THAT the report Greenmeadows Stormwater Easement Consent (R4822) and its attachment (A1436622) be received.

Lawrey/Barker

Carried

Recommendation to Council WI/2015/035

THAT Council grant the Nelson City Council an easement pursuant to Section 48(1) of the Reserves Act 1977 under delegated authority from the Minister of Conservation, over Part Section 50 District of Suburban South defined on DP4585, as described in report (R4822).

Lawrey/Barker

Carried

SOLID WASTE

10. Solid Waste Asset Management Plan 2015-2025

Document number R4295, agenda pages 30 - 132 refer.

Senior Asset Engineer – Solid Waste, Johan Thiart, presented the report.

Resolved WI/2015/036

THAT the report Solid Waste Asset Management Plan 2015-2025 (R4295) and its attachments (A1428173 and A1428146) be received.

Lawrey/Copeland

Carried

Recommendation to Council WI/2015/037

THAT the Solid Waste Asset Management Plan 2015-2025 (A1428146), amended to reflect the Long Term Plan 2015-25, be adopted.

Lawrey/Copeland

Carried

Attendance: The meeting adjourned for morning tea from 9.30am until 9.46am.

11. Exclusion of the Public

Resolved WI/2015/038

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Davy/Acland

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Works and Infrastructure Committee Meeting Minutes - Public Excluded - 10 September 2015	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person. • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities. • Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Section 7(2)(j) To prevent the disclosure or use of official information for improper gain or improper advantage.
2	Status Report - Works and Infrastructure Committee - 22	Section 48(1)(a) The public conduct of this matter would be	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(b)(i) To protect information

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	October 2015	likely to result in disclosure of information for which good reason exists under section 7	where the making available of the information would disclose a trade secret

The meeting went into public excluded session at 9.47am and resumed in public session at 9.55am.

As the only business transacted in public excluded was to confirm the minutes and receive the status report, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

12. Confirmation of Minutes

12.1 10 September 2015

Document number M1458, agenda pages 3 - 6 refer.

Resolved WI/2015/039

THAT the minutes of part of the meeting of the Works and Infrastructure Committee, held with the public excluded on 10 September 2015, be confirmed as a true and correct record.

Barker/Skinner

Carried

13. Status Report - Works and Infrastructure Committee - 22 October 2015

Document number R5010, agenda pages 7 - 8 refer.

Resolved WI/2015/040

THAT the public excluded Status Report Works and Infrastructure Committee 22 October 2015 (R5010) and its attachment (A1150333) be received.

Acland/Lawrey

Carried

12. Re-admittance of the Public

Resolved WI/2015/041

THAT the public be re-admitted to the meeting.

Davy/Acland

Carried

There being no further business the meeting ended at 9.55am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

**Status Report - Works and Infrastructure Committee -
26 November 2015**

1. Purpose of Report

- 1.1 To provide an update on the status of actions requested and pending.

2. Recommendation

THAT the Status Report Works and Infrastructure Committee 26 November 2015 (R5161) and its attachment (A1150321) be received.

Gayle Brown
Administration Adviser

Attachments

Attachment 1: A1150321 - Status Report - Works and Infrastructure
Committee - November 2015

Outstanding Actions

Status Report - Works and Infrastructure Committee – 26 November 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
05 May 2015	Beatson Road Trial Closure - Investigation Results	<p><u>THAT</u> the report Beatson Road Trial Closure - Investigation Results (R4112) and its attachment (A1343631) be received;</p> <p><u>AND THAT</u> a regulatory sign with appropriate wording be installed to prohibit non residential through traffic exiting from the Waimea/Whakatu/Beatson roundabout into Beatson Road between 7am-9am Monday to Friday;</p> <p><u>AND THAT</u> a letter be sent to the New Zealand Police urging them to enforce this.</p>	Rhys Palmer	<p>The sewer upgrade in Beatson Road is now complete and the road sealed. Signage installed.</p> <p>Complete</p>
05 May 2015	Licences for Street Stalls and Outdoor Dining	<p><u>THAT</u> the report Licences for Street Stalls and Outdoor Dining (R4132) and its attachment (A1341408) be received;</p> <p><u>AND THAT</u> an extension of the current street stall and outdoor dining licences for six years be offered to licensees from 1 July 2015 to 30 June 2021;</p> <p><u>AND THAT</u> the policy on Licenses for Street Stalls and Outdoor Dining, including the moratorium on public parking spaces, be reviewed by this Committee;</p> <p><u>AND THAT</u> a formal review of the rents for both street stall occupations and outdoor dining be undertaken.</p>	Alec Louverdis	<p>A formal review of rentals for both street stalls and outdoor dining is part of the 26 November 2015 agenda.</p> <p>A review of the Policy of Licenses for footpath dining and outdoor dining will come back to the Committee in 2016.</p> <p>Ongoing</p>
26 March 2015	Bridge Street Upgrade - Alma Street and Fiddle Lane	<p><u>THAT</u> the report Bridge Street Upgrade – Alma Street and Fiddle Lane (A1321138) and its attachments (A1323529, A1257824, A1323532) be received;</p>	Shane Davies	<p>Painting by NCC of facades of 2 buildings on Bridge Street is expected to be completed by the end of November 2015.</p> <p>Fiddle Lane - Verbal approval has been received from building owners to erect the</p>

Status Report - Works and Infrastructure Committee – 26 November 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		<p><u>AND THAT</u> approval is given to proceed with the upgrade of Fiddle Lane as per attachment 3 (A1323532) to enhance the aesthetic appearance of the lane.</p> <p><u>AND THAT</u> further discussions be held with building owners about enhancing street frontages on Bridge Street.</p>		<p>awnings and lights over Fiddle Lane by attaching cables to their facades. The legal conditions are still to be finalised by each parties solicitors. Before this work can commence the owner of the western building needs to undertake some maintenance on the wall. As soon as this maintenance work is completed the cables will be installed. Awnings will follow.</p> <p>Ongoing</p>
30 July 2015	Earthquake Prone Buildings #5	<p><u>THAT</u> the report Earthquake Prone Buildings #5 (R4128) and its attachments (A1252682, A573853, A573921) be received;</p> <p><u>AND THAT</u> approval be granted to undertake detailed earthquake assessments on Montgomery Superloo, Nelson Haven Sports Complex and the Tahuna Campground – Function Centre, funded from provision provided in the 2015/16 budget, on the basis <i>that these are of the next highest priority</i>;</p> <p><u>AND THAT</u> approval be granted to undertake design and cost estimate for the remedial work to Isel House Chimneys funded from provision provided in the 2015/16 budget;</p> <p><u>AND THAT</u> further assessment considering economical and community factors be completed on the following buildings below 34%NBS to enable the Committee to make informed decision and that this is brought back to a future Works and Infrastructure Committee and/or Commercial Sub-Committee;</p>	Alec Louverdis	<p>Report update # 6 (part of this committee) updates the committee on progress since report # 5.</p> <p>A detailed earthquake assessment has been completed for the Montgomery Superloo and is underway for both the Nelson Haven Sports complex and Tahuna campground function centre.</p> <p>Work on the design and costings for remedial works to the Isel House chimneys are underway.</p> <p>Work on the economical/community factors on the Refinery, Plant and Food and Woodturners buildings are yet to commence.</p> <p>Ongoing</p>

Outstanding Actions

Status Report - Works and Infrastructure Committee – 26 November 2015

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
		<ul style="list-style-type: none">Refinery buildingPlant and Food buildingWood Turners Building		

Roading Maintenance Contract Collaboration - Nelson City Council and Tasman District Council

1. Purpose of Report

- 1.1 To obtain approval for officers to collaborate with Tasman District Council (TDC) to investigate a joint contract with respect to the urban network as it relates to the NZ Transport Agency (NZTA) subsidised roading maintenance contract.

2. Delegations

- 2.1 This is a matter for the Works and Infrastructure Committee as it has powers to decide on all functions, powers and duties relating to the operation and maintenance of the transportation activity/network.

3. Recommendation

THAT the report *Roading Maintenance Contract Collaboration - Nelson City Council and Tasman District Council (R4186)* be received;

AND THAT a single tender for the Nelson and Tasman Urban areas is approved in principle;

AND THAT approval is granted for officers to work with Tasman District Council officers to prepare a business case for collaboration on an urban roading maintenance contract;

AND THAT the business case be reported back to the Works and Infrastructure Committee noting any benefits or disadvantages.

4. Background

- 4.1 NZTA set up the "Road Maintenance Task Force"(Task Force) in 2012 to report on opportunities for increasing the effectiveness of road maintenance expenditure. One of the key outcomes coming out of the Task Force report was that "In order to lift efficiency and increase value for money, the most promising opportunity is for RCAs (road controlling

authorities) to strongly collaborate and where appropriate jointly manage, plan, and deliver maintenance, operations and renewal works.”

- 4.2 Accordingly NZTA and Local Government New Zealand formed the Road Efficiency Group (REG) to promote collaboration amongst RCAs. REG encourages better collaboration between road controlling authorities with a number of aims:

- Reducing costs by saving money in the right areas;
- Prioritising investment on the roads that need it most;
- Encouraging best practice;
- Providing a more integrated, collective way of maintaining and operating state highways and local roads in the regions.

- 4.3 There is already a significant amount of cooperation between Nelson City Council (NCC), TDC, Marlborough District Council (MDC) and NZTA on transportation related activities.

- 4.4 TDC has recently included their Golden Bay rural roading network in a Network Outcomes Contract (NOC) with NZTA. This NOC includes the State Highway network through Nelson and Tasman.

- 4.5 If a collaborative roading maintenance contract was developed for the NCC and TDC urban network TDC would separately procure a roading maintenance contract for its remaining rural roading network.

- 4.6 Discussions with NCC/TDC/NZTA at an officer level have been positive for combining the urban areas of the NCC and TDC into a maintenance contract on the overriding criteria that the outcomes show deliverables in favour of each council – ie any single contract has to show demonstrable benefits to each of the councils’ ratepayers.

- 4.7 Consequently the current council roading maintenance contract was extended to 30 June 2017. This expiry date, which coincides with the TDC contract expiry, provides an excellent opportunity to investigate more formal collaborative opportunities that could provide cost and operational efficiencies.

- 4.8 NZTA approved the extension of Council’s current maintenance contract on the basis NCC and TDC are collaborating and achieving the principals set by the REG.

5. Discussion

- 5.1 The intention of this report is to obtain approval to develop a business case to determine benefits, with TDC, for a collaborative roading maintenance contract for the Committees consideration. The report does not recommend procuring a collaborative contract at this stage.

- 5.2 A number of informal discussions have occurred between NCC and TDC officers to consider opportunities to work together to gain efficiencies with road maintenance service delivery. These discussions have concluded that both networks are of a sufficient size that mutually beneficial economies of scale may be realised for the urban network including road marking, street sweeping and general maintenance.
- 5.3 Benefits from collaboration may include:
- Opportunities to explore new ways of working, driven by financial imperatives;
 - Development of consistent levels of service standards, in line with the One Network Road Classification and customer outcomes;
 - Regional efficiencies;
 - Financial savings derived from increased buying power under a new combined contract. This could result from economies of scale and reduced procurement expenses;
 - Financial savings derived from contractor efficiencies – optimisation of resources due to reduced duplication of equipment, staff, depots and management.
- 5.4 Section 17A of the Local Government Act (LGA) encourages council to seek greater effectiveness and efficiencies in service delivery through exploring a set number of options for the governance, funding, and delivery of 'infrastructure, services, and regulatory functions'. This part of the LGA encourages council to explore opportunities and identify where there may be benefits in changing the way we deliver services. Preparation of a business case for collaboration on an urban roading maintenance contract will take in to consideration the requirements of Section 17A of the LGA.

6. Options

- 6.1 Option 1: NCC works with TDC to prepare a business case for collaboration on an urban roading maintenance contract.
- 6.2 There will be a financial cost associated with this option but it is not considered to be significant. Officers will work to prepare this business case by 30 June 2016. The majority of the work is expected to be completed with in-house resources although some external assistance may be required from consultants. LGNZ's Centre of Excellence (Equip) Road Transport Unit can provide support for the development of the business case.
- 6.3 Option 2: NCC does not investigate further any possible collaboration with TDC for procurement of a roading maintenance contract.

7. Alignment with relevant Council policy

- 7.1 The Transport Asset Management Plan and Long Term Plan 2015-25 have no reference to collaboration with TDC on an urban roading maintenance contract.
- 7.2 This decision is not inconsistent with any other previous Council decisions with regards to this proposal.

8. Assessment of Significance against the Council's Significance and Engagement Policy

- 8.1 This is not a significant decision in terms of the Council Significance and Engagement Policy.

9. Consultation

- 9.1 No formal consultation has occurred with regards to the proposal in this report. If the recommendations included in this report are approved by Council then formal consultation with TDC and NZTA will be carried out by NCC officers as part of the process of preparing a business case.
- 9.2 Informal discussions between NCC and TDC officers have occurred to date.

10. Inclusion of Māori in the decision making process

- 10.1 No specific consultation with Maori has been undertaken.

11. Conclusion

- 11.1 Both respective NCC and TDC roading maintenance contracts have been extended to 30 June 2017 and new maintenance contracts will need to be procured prior so they can commence from 1 July 2017.
- 11.2 This report is recommending formally investigating the possibility of a collaborative urban roading maintenance contract with TDC and preparing a business case.
- 11.3 This report does not suggest proceeding with any collaborative procurement process at this stage as that will be considered through a separate report to Council in 2016 supported by the proposed business case.
- 11.4 Approval to work with TDC to formally consider collaboration on a roading maintenance contract is consistent with NZTA and LGNZ expectations regardless of the outcome from the business case process.
- 11.5 Preparation of a business case will take into consideration Section 17A of the Local Government Act.

- 11.6 TDC officers are taking a similar report to their Council seeking approval in principle to collaborate with NCC.

Peter Anderson
Manager Operations

Attachments

Nil

Licences for Street Stalls and Outdoor Dining - review of basis of rentals

1. Purpose of Report

- 1.1 To approve a suite of licence fees for street stalls and outdoor dining.

2. Delegations

- 2.1 The Works and Infrastructure Committee is responsible for the provision, operation and maintenance of roads (including footpaths).

3. Recommendation

THAT the report Licences for Street Stalls and Outdoor Dining - review of basis of rentals (R4696) and its attachment (A1462369) be received;

AND THAT the current licence fees for street stalls be reduced by 30%;

AND THAT footpath dining and car park dining licence fees remain at the current levels, with the methodology for charging unchanged.

4. Background

- 4.1 In May 2015 the Works and Infrastructure Committee resolved that:
- an extension of the current street stall and outdoor dining licences for six years be offered to licensees from 1 July 2015 to 30 June 2021;
 - the policy on Licenses for Street Stalls and Outdoor Dining, including the moratorium on public parking spaces, be reviewed by the Works and Infrastructure Committee;
 - a formal review of the rents for both street stall occupations and outdoor dining be undertaken;

- 4.2 This report deals predominantly with the licence fees charged. The Policy around outdoor dining and the occupation of footpaths and street stalls generally will be reviewed next year. A report will come back to the Works and Infrastructure Committee regarding that.
- 4.3 All existing licence holders were offered new licenses for six years from 1 July 2015. It was agreed that should the basis of rentals change, provision would be made so that they would see the benefit of this as from 1 January 2016.
- 4.4 There are currently 11 street stall positions allocated, 31 footpath occupation licences and 14 car park occupation licences.
- 4.5 Officers are regularly approached by street stall holders regarding the level of fee's charged for Street Stalls.
- 4.6 In May 2014 a collective of eight street stall holders wrote to the Mayor asking for a 25% reduction in licence fee or for the monthly fee to remain the same but only to be charged for the time the street stall was occupied (6 or 12 month options). The signatories to this collective listed some of the additional services they provided free of charge to the city as well as adding vibrancy.
- 4.7 One submission to the draft Long Term Plan 2015 – 2025 was received regarding street stall licence fees. The submitter requested that Council consider halving existing licence fees.
- 4.8 The six month option put forward was considered but is not currently recommended for the following reasons:
- The licence fee is determined on an annual basis and averaged out to a monthly rate. By making these licences for only six months it would not be reflected in an automatic halving of the fee.
 - Administration time would be greatly increased.
 - This option may mean that we would have a number of empty spaces.
 - Licencee's do not at the moment have to operate for more than six months.
 - This matter would be best considered as part of the policy review for the use of outdoor dining and trading.

5. Discussion

Level of licence fees

- 5.1 Officers have now investigated the fees charged for Footpath Dining, Carpark Dining and Street Stalls. The recommendation contained in this report reflects those investigations.

- 5.2 The fee charged for footpath dining and carpark dining appears reasonable however the current fee charged for Street Stall licences is much higher and difficult to justify. Fees for Street Stalls have increased by an average 36% over the last ten years.
- 5.3 There have been no recent formal approaches from licence holders regarding fees for footpath dining or carpark spaces.
- 5.4 Licence fee valuations were last comprehensively considered in a report by a registered valuer in 2009 before the majority of the current licences were granted. Annual increases to licence fees are linked to the Consumer Price Index.
- 5.5 Outdoor footpath dining fees are based on the area occupied with a discount applied of between 30 and 50% prime retail rental.
- 5.6 For consistency with the footpath dining fee a reduction of 30% is recommended to the current fees charged for Street Stall occupations. This takes into account the review of comparative fee levels and feedback from street stall licence holders as well as the community benefit that is obtained by having a vibrant city streetscape.

6. Options

Licence fee levels, current licences

- 6.1 Footpath dining rentals are based on a percentage of prime retail rentals with a discount applied. No change is recommended.
- 6.2 The car park dining space fees are consistent with the spirit of the existing policy and no change is recommended.
- 6.3 At present there is a significant differential between street stall licence fee levels and outdoor footpath dining and car park dining fee levels.
- 6.4 There is an argument for reducing the licence fees for street stalls to reflect comparative fees for all outdoor dining licences, stall holder concerns and the public benefit they bring by attracting people into the city.
- 6.5 Options for establishing licence fees for current street stall holders effective from 1 January 2016 include:
 - Current rentals with annual increase by CPI (status quo)
 - Percentage of current licence fees for street stalls in line with discount applied to footpath dining.
 - Percentage bare land value of adjoining site.
 - Standard fee per street stall per year.

- 6.6 Assuming some licence fee relief for street stall holders is justified, the option recommended is a percentage discount of 30% on current fee levels. Current fees reflect the location of sites so this would be the simplest approach. It would also address the restrictions contained in the existing terms and conditions of the licence and also indicate a value that Council places on the part street stalls play in the CBD.
- 6.7 The financial impact of this decision would result in a decrease in revenue from these stalls from \$53,985 pa to \$37,789 pa.
- 6.8 This decision will be reflected in the much wider policy around outdoor dining and Street stalls which will be completed next year.

7. Alignment with relevant Council policy

- 7.1 Several Council policies refer to the vibrancy that street stalls and outdoor dining contribute to Nelson. If licence fees and other provisions in the licences prove to be commercially onerous to licence holders then this feature of Nelson may be lost.
- 7.2 Nelson 2060

Goal 7: Our economy thrives and contributes to a vibrant and sustainable Nelson.
- 7.3 Heart of Nelson Strategy 2009 (Central City Strategy)

Vision: The central city will be a vibrant, attractive place in which people can live, work and play, and in which businesses operate... City Centre streets will be alive and bustling with pedestrians, outdoor cafes, activity and entertainment.

8. Assessment of Significance against the Council's Significance and Engagement Policy

- 8.1 These are not significant decisions because they concern the temporary licensing of land rather sale.

9. Consultation

- 9.1 No formal consultation on the basis of reviewing the fees charged to licence holders has yet been undertaken. However, officers have had informal discussions with some street stall holders about the current level of fees and their effect on viability.

10. Inclusion of Māori in the decision making process

- 10.1 No consultation with Māori has been undertaken.

11. Conclusion

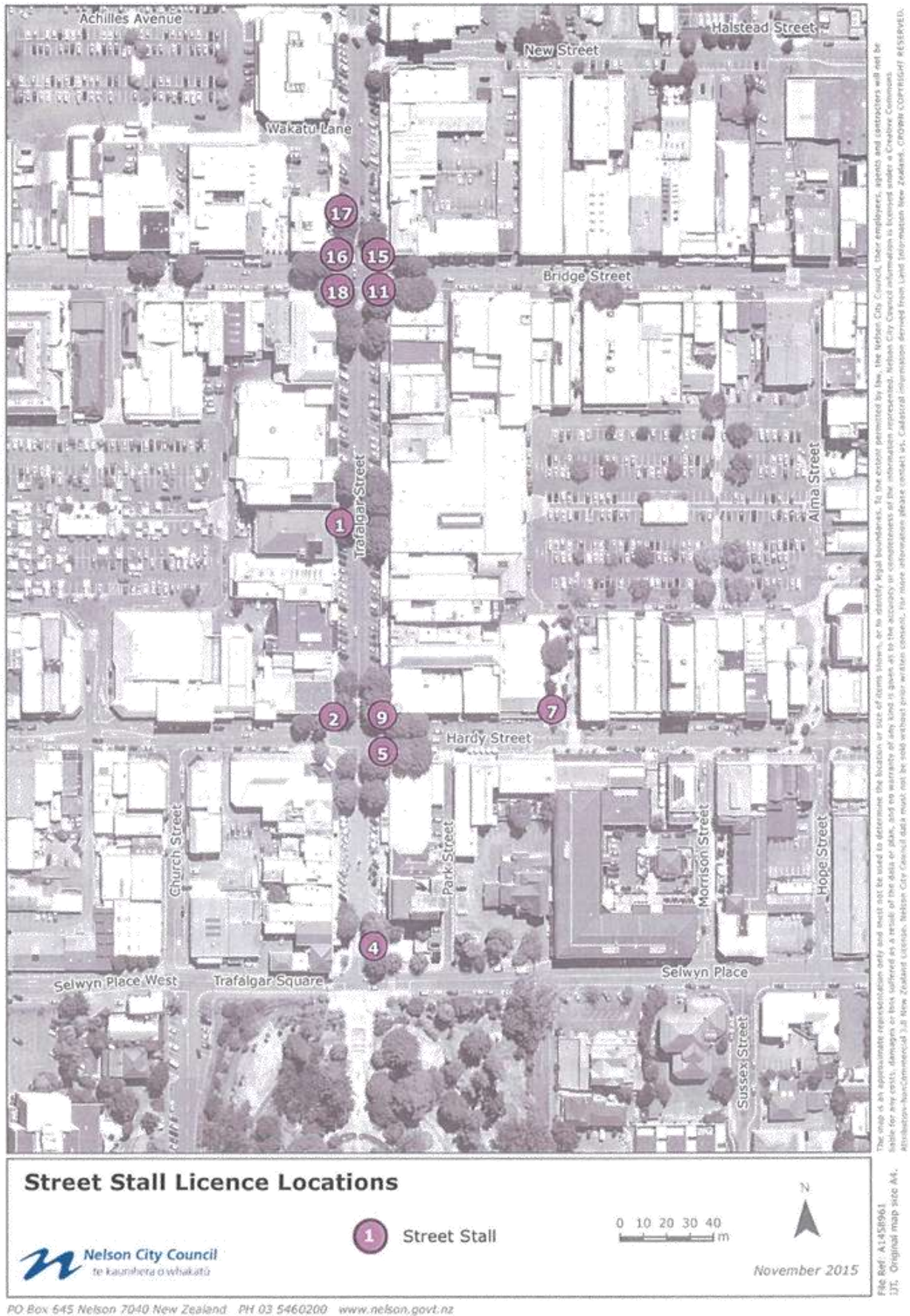
- 11.1 The existing policy around Footpath Dining, Car Park Dining and Street Stalls is being reviewed in 2016.

- 11.2 In terms of the current licence fee levels, officers recommend that footpath and car park dining fees remain the same but that a percentage discount of 30% is applied to current street stall licence fees. This takes into account the review of comparative fee levels and feedback from street stall licence holders as well as the community benefit that is obtained by having a vibrant city streetscape.

Michael Homan
Property and Facilities Asset Manager

Attachments

Attachment 1: Street Stall Locations A1462369



Maitai and Roding Water Abstraction Resource Consent

1. Purpose of Report

- 1.1 To update the committee on the work to date for the new resource consents for the water supply from the Maitai and Roding Rivers and confirm the terms of the application.

2. Delegations

- 2.1 The Works and Infrastructure Committee has the area of responsibility for the provision, operation and maintenance of water, and the power to decide on all functions, powers and duties relating to the areas of responsibility conferred on Council by relevant legislation.

3. Recommendation

THAT the report Maitai and Roding Water Abstraction Resource Consent (R4857) and its attachments (A1332911, A1438784, A1438811) be received;

AND THAT new resource consent applications for the city water supply (as detailed in R4857) be lodged by 31 May 2016 on the same basis as existing consents.

4. Background

- 4.1 Council holds resource consents for the city water supply. These consents, granted over a number of years from 1996 through to 2002, allow Council to abstract water from the Maitai and Roding rivers and maintain the structures that support the activity (including dams, all associated equipment and pipework). Current consent conditions for each of the sources are appended.
- 4.2 The consents for the Maitai River expire 1 February 2017 and those for the Roding River 1 October 2017.
- 4.3 Council can continue to operate the water supply under the conditions of these consents while the new consents are being processed, as long as the new applications are lodged at least six months in advance of the

expiry of the existing consents. Council Officers anticipate that new applications will be lodged by the end of May 2016, well in advance of the 31 July 2016 deadline.

- 4.4 Council approved the engagement of Cawthron Institute, at the meeting of 14 March 2013, to provide fresh water expertise for the consent process. Since that date a significant amount of work has been undertaken to improve our understanding of the impacts of the water abstraction on both rivers.
- 4.5 Planning, engineering and legal advisers have also been engaged and are at an early stage of bringing together all information that will be required to support the resource consent process.

5. Discussion

Water Abstraction General

- 5.1 Nelson City Council draws water from three sources, the dam on the North Branch of the Maitai River, direct from the South Branch of the Maitai River and direct from the Roding River. The three sources allow flexibility in the choice of water source when bad weather or headworks maintenance operations remove one source temporarily.
- 5.2 The water from both the South Branch of the Maitai River and the Roding River contains less organic material, which allows the plant to use less chemical in the treatment process and extend the life of the membranes. As a result the water treatment plant prefers to use water from both these sources.
- 5.3 The water demand for the city over the summer months of November – March varies between 18,000 – 30,000 m³ per day and the winter months of April – October varies between 15,000 – 22,000 m³ per day. The city only abstracts the volume that is required to meet the demand from the city.
- 5.4 Over the course of a year the two Maitai River sources make up approximately 60% of the water abstracted by the city (20% from the dam and 40% from the South Branch) and the Roding River source makes up approximately 40%.
- 5.5 The operation of the water supply from the Maitai River requires minimum flows to be maintained in the river and any water taken from the South Branch to be matched by an equal volume returned to the river via a backfeed pipeline from the dam.
- 5.6 Council holds consents for the following abstraction rates:
 - i) Roding River - Up to 254l/s. Conditions of consent require minimum flows to be left in the river of 100l/s or the flow of the river, whichever is less.

ii) Maitai South Branch - Up to 300l/s. Conditions of consent require seasonally adjusted minimum flows to be left in the river below the dam of 175l/s-300l/s (augmented by the backfeed from the dam).

iii) Maitai North Branch (Maitai Dam) - The full flow. Conditions of consent require seasonally adjusted minimum flows to be left in the river below the dam of 175l/s-300l/s (augmented by the backfeed from the dam).

- 5.7 Current resource consents allow the treatment plant to exercise flexibility and draw water from the most appropriate source for the city on a day-to-day basis.

Maitai River

- 5.8 There are currently consents for 6 separate activities that allow Council to install and / or use structures in the North and South Branches of the Maitai River (dam, intake weir and mixing box) and abstract the full flow of the North Branch and up to 300litres per second (25,920m³per day) from the South Branch. There are also specific conditions regarding residual flow in the river that must be met, either from the South Branch or through the dam.

Roding River

- 5.9 For the Roding River, Council has consent for 16 separate activities that make up the operation of the water supply. The activities range from the operation and maintenance of the dam through to water abstraction and the use of the emergency chlorinator.

Issues

- 5.10 In recent years the impacts of the water supply abstractions have been closely monitored by both the Nelson and Tasman District communities.
- 5.11 In relation to the Roding River, approaches have been made to Council to reduce or cease the take over the summer months in order to support the activities of irrigators on the Waimea Plains and maintain minimum environmental flows. These issues are connected with the investigations by the Tasman District community into alternative water sources for the area.
- 5.12 In order to support the Tasman District Council during the dry February – March 2015 period Nelson City ceased water abstraction from the Roding River to allow a greater residual flow to the Waimea Plains. The water treatment plant is currently providing advice about the likely cost and impact on the plant of leaving a greater residual flow in the Roding River for a longer period over the summer of 2015/16. Additionally Tasman District Council is entitled to 909m³/day or 1/15 of the allowable take from the Roding River as part of the original central government funding arrangement.

- 5.13 Improving the health of the Maitai River is a current priority of Council. The health of the river is heavily influenced by the quality and quantity of the water in the river and the impact that the city has on the immediate environs. The quantity of water is impacted by the abstraction and the quality of the water adjacent the dam is directly impacted by where in the dam the backfeed water is taken from.
- 5.14 Over the past 12 months Council has developed a range of initiatives to improve the health of the Maitai River through Project Mahitahi. Some of these initiatives link with the operation of the water supply and the operation of the Maitai Dam in particular:
- i) Improving fish passage between the river and the dam lake.
 - ii) Investigate the possibility of using a greater quantity of raw water from the dam for the city water supply.
 - iii) Investigate the possibility of releasing a greater volume of water to the river to augment low flows.
 - iv) Review the operation of the dam to release better quality water to the river from the backfeed.
- 5.15 Given the high level of public interest in both rivers Council can expect a number of submissions to the resource consent with a likely outcome of consent conditions that look to address the quantity and quality of the water that remains in the rivers below the abstraction points.
- 5.16 One possibility is a condition that requires Council to source more raw water from the Maitai Dam. Although Council currently sources some raw water from the dam it does not use this source for extended periods because of the impact this will have on the operational costs of running the treatment plant (a greater reliance on water from the dam requires more chemical use and regular cleaning of the membranes). This is also expected to reduce the service life of the membranes as a result of the additional handling and cleaning.
- 5.17 A recent report commissioned to support the consent applications has looked closely at possible impacts of using the Maitai Dam to consistently supply raw water to the treatment plant at rates of between 10,000 – 50,000 m³/day.
- 5.18 In order to reliably achieve these levels the report author considered that improvements to the treatment plant would be required. These would ensure we could remove high levels of organic material on an ongoing basis without the risk of premature membrane failure. There would also be a need to increase operational and capital budgets, for the supply of additional chemicals and the more regular renewal of membranes, respectively.
- 5.19 The report noted the absence of information on the impacts of extended use of dam water on the current membrane arrangement and recommended that Council consider trials as part of any further

investigations. Advice is currently being sought from the operators of the treatment plant regarding the cost and practicability of undertaking a three month test this summer.

- 5.20 Resource consent for activities in both the Maitai and Roding Rivers will be applied for at the same time.

6. Options

- 6.1 Resource Consent is required in order for Council to continue to supply water to the community from the Maitai and Roding Rivers. Raw water from both rivers is critical to the operation of the city water supply.
- 6.2 Council officers recommend Council seeks new resource consents on the same basis as existing consents while further investigation of management options for the Maitai Dam are pursued over the next 12 months.

7. Funding

- 7.1 To date Council has spent approximately \$178,500 developing the technical reports to support the resource consent. An additional \$1.2M has been identified in the Long Term Plan 2015-25 over the next three years to complete the process.

8. Alignment with relevant Council policy

- 8.1 Council is the major supplier of water to the Nelson community. Seeking new resource consents allows Council to continue in this role and give effect to the Long Term Plan 2015-25.
- 8.2 The city water supply supports Council in meeting its obligations under sections 10(1)(b) and 130 of the Local Government Act 2002.

9. Assessment of Significance against the Council's Significance and Engagement Policy

- 9.1 This is not a significant decision in terms of the Council's Significance and Engagement Policy
- 9.2 The resource consent process is expected to be publicly notified and will allow the opportunity for wider community engagement.

10. Consultation

- 10.1 The requirement for new resource consents has been signalled to the community through the Long Term Plan 2015-25.

11. Inclusion of Māori in the decision making process

- 11.1 Council is currently developing a cultural health index of both rivers with iwi. Ongoing consultation with iwi will be required as part of the resource consent process.

12. Conclusion

- 12.1 Council is required to obtain new resource consents for abstraction of water and the placement of structures associated with the Nelson water supply.
- 12.2 Raw water from both rivers is critical to the operation of the city water supply.
- 12.3 Council officers recommend that new consents be sought on the same basis as the existing consents by 31 May 2016.

Phil Ruffell

Senior Asset Engineer - Utilities

Attachments

- Attachment 1: A1332911 - Maitai River North Branch Consent Conditions
- Attachment 2: A1438784 - Maitai River South Branch Consent Conditions
- Attachment 3: A1438811 - Roding River Consent Conditions

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application by **NELSON CITY COUNCIL** for various Resource Consents in respect of the Maitai Water Supply Scheme.

BACKGROUND

1. Nelson City Council (the Council) has made application for the following resource consents:
 - a) A *water permit* to dam and divert the North Branch of the Maitai River and a *land use consent* to place structures, namely the dam and ancillary structures, on the bed of the North Branch, pursuant to Sections 14(1)(and 13(1) of the RMA respectively.
 - b) A *water permit* to take surface water, being the full flow of the Maitai River, subject to maintenance of specified minimum flows at the junction of the North and South Branches (*"the forks"*) below the dam, pursuant to Section 14(1) of the RMA.
 - c) A *discharge permit* to discharge scour water, mixing box overflow water and compensation water from the North Branch Reservoir into the North Branch below the dam at a maximum rate of 1500 l/sec, pursuant to Section 15(1) of the RMA.
 - d) A *discharge permit* to discharge water from the Reservoir overflow spillways into the South Branch of the Maitai River, pursuant to Section 15(1) of the RMA.

These consents are in reality replacement consents for those which presently authorise operation of the Maitai Water Supply Scheme.

2. The Maitai Water Supply Scheme consists of the Maitai dam, an intake tower in the reservoir, service tunnel, control building, a main spillway and an auxiliary spillway, a South Branch river intake, screen house, a back feed pipeline from the reservoir to the south branch, control valves, mixing box, logic controller and chlorinator. The scheme enables the abstraction of water from the North Branch reservoir, run of the river intake on the South Branch, or both.
3. The Maitai dam was constructed during the period 1984-1986 pursuant to four (4) water rights issued in 1982 under the Water & Soil Conservation Act 1967 (now repealed). I note that the four consents were each issued on the 20th July 1982 for a term of twenty (20) years and accordingly are due to expire on 20th July 2002. It is the impending termination of these consents which has given rise to these present applications.
4. An additional consent authorising the abstraction of water from the South Branch of the Maitai river for water supply and to discharge reservoir water back into the South Branch at the same point as compensation flow was issued under number RC960396 in 1997. That consent remains current and is due to expire on 1st February 2017. The application for the four consents subject to my consideration has been made on the basis that those four consents ought also expire on 1st February 2017 so that in future all consent renewals relating to the Maitai Water Supply Scheme can be considered together. That is obviously a very sensible proposal.
5. The application was made on behalf of the Council by Montgomery Watson Harza. The application is a comprehensive document containing detailed information as to the current operation of the Maitai Scheme and incorporating a series of appendices which contain:

- Copies of the original water rights showing proposed amendments to their conditions.
 - Copies of other consents issued to authorise establishment and variation of the scheme.
 - Water demand projections for Nelson City.
 - Miscellaneous flow records for the Maitai River.
 - Cawthron Institute biological monitoring results.
6. The application was publicly notified by the Council and in the event four (4) submissions were received. Two submissions, from Department of Conservation and Nelson Marlborough Fish and Game opposed the application. A submission from Ngati Awa Manawhenua (Central and Southern) Trust supported the application and Ngati Awa did not seek to be heard in support of the submission. A fourth submission from Te Atiawa Manawhenua ki Te Tau Ihu Trust raised issues of kaitiakitanga and considered three specific issues arising out of that concept in relation to the Maitai proposal. Te Atiawa did not indicate that it wished to be heard in support of its submission and accordingly pursuant to Section 101(3)(b) RMA Council was not obliged to advise Te Atiawa as to the hearing date in respect of the application.
7. The report in respect of the application prepared by Mr Briggs provided information as to meetings and correspondence between the Council, DOC and Fish and Game. As a consequence of that process both DOC and Fish and Game withdrew the right to be heard in support of their submissions. They do however remain parties to the application. The withdrawal of both DOC and Fish and Game was on the basis that conditions be imposed on the application. Those draft conditions were volunteered by the Council as part of the application process and have been considered by me in detail.
8. There is one issue of particular concern arising out of the

"107 Restriction on Grant of Certain Discharge Permits

- 39

to the colour or clarity of the South Branch below the discharge point. That issue was raised at the time of hearing of consent RC960396. The Council commissioned Cawthron Institute to undertake investigation of the effects of the discharge (Stark & Hayes 1997) and that report was considered by Commissioner Fowler prior to issue of consent RC960396. At that time the Commissioner concluded that exceptional circumstances existed which enabled issue of the consent notwithstanding its effects. In considering these applications I took the view that I was obliged to readdress the issue of Section 107 and could not simply rely upon the finding of the earlier Commissioner. I accordingly requested that Council forward a copy of the Stark & Hayes report to me and I have taken the opportunity of reading that report. Having done so I accept the conclusions and recommendations of that report and in particular the final paragraph which provides:

"We consider that under Section 107(2)(a) of the RMA, there are exceptional circumstances to allow the granting of a consent permitting a conspicuous change to colour and clarity in the Maitai River. These include the fact that influence of reservoir water on the colour and clarity of the river downstream is a direct consequence of the decision to permit the dam to be built in the first place. Furthermore, the discharge is of natural substances, does not appear to have significant adverse consequences for freshwater life, and any slight negative impacts of reduced water clarity are more than compensated for by the increased flows provided via the backfeed"

I accordingly determine that exceptional circumstances exist which allow the relevant water permits to be granted pursuant to the provisions of Section 107(2)(a) RMA.

10. In considering the applications I have of course taken into account the fact that the Maitai Water Supply Scheme has been in operation for some twenty (20) years and that all of the various

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structures are in place. I have compared the new proposed conditions with the conditions imposed on the original consents. I note that the conditions vary in a number of respects. On examination it is apparent that some of the conditions imposed on the original consents (eg the right to cancel the consent) would be ultra vires under the Resource Management Act regime, some of the conditions were clearly applicable to the initial establishment and construction phase of the Scheme and some have been amended to reflect experience over the years in operating the Scheme. I have considered the conditions of consent proposed by the Council and I have determined that the conditions as proposed are appropriate except only (in each instance) the review condition which Council has proposed which does not appear to comply with the requirements identified by both the Environment Court and the High Court in:

*NZ Rail Ltd v Marlborough District Council [1974]
NZRMA70 (page 91).*

The High Court confirmed the Environment Court's finding that it was not possible to have an "open ended" review condition whereby consent holders can in effect be subject to the daily possibility of review and that what was required was specificity of review timing.

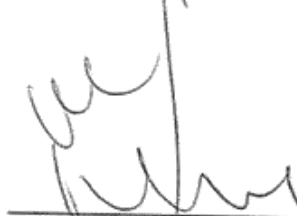
In all other respects I am satisfied that the proposed conditions of consent are appropriate.

11. Having considered the application, the various reports filed with it and subsequently I have determined that it is appropriate to grant the consents sought upon the terms and conditions and for the reasons hereinafter set out. Additionally I have incorporated a review condition in each of consent numbers RM025151/3 and RM025151/4 where review conditions were not proposed by Council. Again, it is apparent from a consideration of the "New Zealand Rail" case that where any proposal contains multiple consents it is appropriate that specific review conditions are

7
incorporated into each of the various consents.

DATED this 19th day of July

2002



BP Dwyer
Commissioner

Ex-Water Right No: 82 0490

CONSENT NO: RM025151/1

Pursuant to Sections 13(1) and 14(1) of the Resource Management Act 1991, this consent is hereby **granted** by the Nelson City Council to:

NAME OF GRANTEE: Nelson City Council

ADDRESS: PO Box 645, Nelson

(1)LOCATION: North Branch of the Maitai River at or about NZMG 2541038-5990278

LEGAL DESCRIPTION OF LAND WHERE RIGHT IS TO BE EXERCISED:
Section 62 of Square 18, Block II, Mangatapu SD, Maitai River, CT 1A/267.

PURPOSE FOR WHICH RESOURCE CONSENT IS GRANTED:

To place, a dam and ancillary structures in the bed of the North Branch of the Maitai River and to dam and divert the full flow of the North Branch for urban water supply purposes. The maximum height of the dam above the bed of the river is to be 39 metres, being 166 metres above mean sea level.

EXPIRY DATE: This consent will expire on 01 February 2017.

SUBJECT TO THE FOLLOWING CONDITIONS:

Maintain and Supply Records

1. The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, and make available for viewing by other groups or individuals.

Access for Consent Authority

2. The consent is granted, subject to the consent authority or its servants or agents being permitted access at all reasonable times for the purposes of carrying out inspections, taking measurements and collecting samples.

Maintenance of Structures

3. The consent holder shall ensure that the structural integrity and safety of the dam and associated ancillary structures (including spillways, pipelines, inlet and outlet structures) is monitored and maintained in

strict accordance with the original design and maintenance specifications.

Safety Inspections and Independent Safety Reviews

4. The consent holder shall engage the dam designers to undertake an annual inspection, and an independent engineer or firm of engineers to undertake a five yearly review, of the safety of the dam and ancillary structures. Copies of the inspection and review reports are to be forwarded to the consent authority.

Maximum Storage Level

5. The maximum retained storage level of the reservoir shall be 162 metres above mean sea level.

Eel Management

6. Subject to obtaining any necessary permit or authorization to do so, the consent holder shall in each year following the commencement of this consent carry out a relocation from the lower reaches of the Maitai River to the dam reservoir of up to 200 eels of differing sizes. Before carrying out the relocation the consent holder shall consult with the Department of Conservation and Cawthron Institute in respect of the timing, duration and method of the relocation. This condition shall not apply if the Department of Conservation advises the consent holder that it is not to apply for any particular year or years.
7. The consent holder shall pay for the scientific advice from the Cawthron Institute that the Department of Conservation may seek as part of its ongoing eel monitoring programme in the Maitai dam and tributary watercourses, for the duration of this consent.

Environmental Enhancement

8. Subject to obtaining any necessary permit or authorization to do so, the consent holder shall carry out an environmental enhancement programme along the Matia river below the dam. The programme shall be agreed upon by the consent holder and the Department of Conservation, in consultation with Fish and Game New Zealand, and shall be provided to the Divisional Manager Planning and Consents, Nelson City Council ("the Manager"). If the consent holder and the Department of Conservation are unable to agree upon the programme, the programme shall be determined by the Manager after consultation with the consent holder, the Department of Conservation and Fish and

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Game New Zealand. The programme shall make provision for (but need not be restricted to) the planting of native species along banks and rock protection and bank enhancement.

9. The consent holder shall expend a sum of not less than \$30,000.00 over the duration of this consent (but for the avoidance of doubt is not obliged to expend any more than \$30,000.00) in giving effect to the enhancement programme referred in Condition 8 above.
10. The agreed programme referred to in Condition 8 above shall be provided to the Manager within 6 months of the commencement of this consent. If the consent holder and the Department of Conservation are unable to agree, the Manager shall determine the programme within 9 months of the commencement of this consent,
11. The consent holder shall commence the programme in the year commencing 1 July 2003.

Review of Conditions

12. The consent authority may review any conditions of this resource consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, during the months of March and September in each year for the duration of this consent, for the purpose of ensuring that the said conditions are appropriate having regard to:
 - (a) any adverse effect on the environment arising out of the exercise of this consent; or
 - (b) putting into effect an annual review of the effectiveness of the eel management programme and its monitoring, including such matters as the extent of releases, and the enhancement of the eel populations; or

- (c) carrying out a review of the riparian enhancement programme and the success of the planting such review to be carried out in conjunction with both DOC and Fish and Game New Zealand.

CONSENT NO: RM025151/2

Pursuant to Section 14(1) of the Resource Management Act 1991, this consent is hereby **granted** by the Nelson City Council to:

NAME OF GRANTEE: Nelson City Council

ADDRESS: PO Box 645, Nelson

LOCATION: North Branch of the Maitai River at or about NZMG 2541086-5990216

LEGAL DESCRIPTION OF LAND WHERE RIGHT IS TO BE EXERCISED:
Pt Section 49 of Square 18, Block II, Mangatapu SD, Maitai River, CT 69/207.

PURPOSE FOR WHICH RESOURCE CONSENT IS GRANTED:

To take up to the full flow of the North Branch of the Maitai River for both storage in the North Branch Reservoir and for direct supply for urban use.

EXPIRY DATE: This consent will expire on 01 February 2017.

SUBJECT TO THE FOLLOWING CONDITIONS:**Maintenance of Monitoring Equipment and Records**

- 1 The consent holder shall maintain suitably calibrated equipment and sufficient records to monitor compliance with the permit conditions. An annual summary report assessing compliance with consent conditions shall be provided to the consent authority. Copies of the records and summary reports shall be made available for viewing by any other interested party on request.

Access for Council Staff and Agents

- 2 The consent authority, its staff or agents, shall be permitted access at all reasonable times for the purpose of carrying out inspections, taking measurements and collecting samples.

Review of Conditions

- 3 The consent authority may review any of the conditions of this resource consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, during the months of March and September in each year for the duration of this consent for the purpose of ensuring that the said conditions are appropriate having regard to:
 - Any adverse effect on the environment arising from the exercise of

this consent; or

- Any new information or results of monitoring which suggest an adverse effect on the environment has occurred or is likely to occur;

Minimum Flow Requirements

4. The following minimum flows shall be maintained in the river immediately below the forks:-

4.1 From 1 May to 31 October [Winter]

The flow in the South Branch shall be measured at the existing water level recording station and:

- 4.1.1 when the South Branch **instantaneous** flow exceeds 140 l/sec, the minimum **instantaneous** flow at the forks shall be 300 l/sec;
- 4.1.2 when the South Branch **instantaneous** flow is less than or equal to 140 l/sec, the minimum **instantaneous** flow at the forks shall be 225 l/sec. This minimum flow shall remain effective until the South Branch flow exceeds 140 l/sec **and** the water level in the Maitai Reservoir exceeds the level shown in Figure 1 attached.
- 4.1.3 When the South Branch **instantaneous** flow is less than or equal to 130 l/sec, the minimum **instantaneous** flow at the forks shall be 190 l/sec. This minimum flow shall only remain effective until the South Branch flow exceeds 130 l/sec.

4.2 From 1 November to 30 April [Summer] 175 litres per second

Determination of South Branch Instantaneous Flow and Backfeed Adjustment

5. South Branch instantaneous flow determinations [see condition 4.1] shall be undertaken daily at 9am or thereabouts. Back flows from the Reservoir to the South Branch is to be adjusted at the same time, to ensure that the minimum flow regimes stipulated in Condition 4 of this consent are met and that Condition 6 of RC 960396 is met in full. Adjustments to the backflow may be made during the day subject to continued compliance with the minimum flow requirements.

Installation and Maintenance of Flow Recorders

6. The consent holder shall be responsible for the installation and maintenance of structures and equipment required to measure and record both the rates of withdrawal direct to the City supply and the rates of discharge to the river other than discharges from the spillway and the release of scour water. The recorded information shall be

made available to the consent authority.

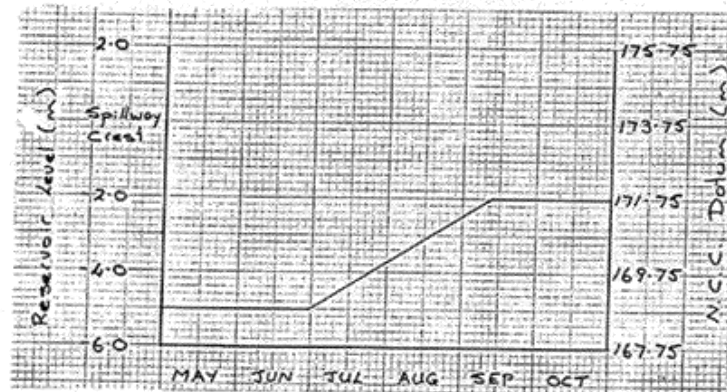
Release of Surplus Water during Summer

7. The consent holder shall ensure that, over the period 01 January – 30 May, surplus water [as identified by the label B on the attached graph] is released at a steady rate from the reservoir, whenever the flow at the forks drops below 300 l/sec and the lake level is above the acceptable draw down line.

Winter Conservation Measures

8. During any period that the minimum river flow is reduced in accordance with Clause 4.1.2(1) and 4.1.3(2), the consent holder shall apply hosing restrictions and generate publicity to encourage water conservation in accordance with the NCC Water Conservation Strategy.

Figure 1



Ex-Water Right No: 820510

CONSENT NO: RM025151/3

Pursuant to Section 15(1) of the Resource Management Act 1991, this consent is hereby **granted** by the Nelson City Council to:

NAME OF GRANTEE: Nelson City Council

ADDRESS: PO Box 645, Nelson

POINT OF DISCHARGE: North Branch of the Maitai River, below the dam, at or about NZMG 2540997-5990368

LEGAL DESCRIPTION OF LAND WHERE RIGHT IS TO BE EXERCISED: Section 60 of Square 18, Block II, Mangatapu SD, Maitai River, CT 1A/267.

PURPOSE FOR WHICH RESOURCE CONSENT IS GRANTED:
Discharge of scour water, compensation water or mixing box overflow water at a maximum rate of 1500 litres per second from the North Branch reservoir.

EXPIRY DATE: This consent will expire on 01 February 2017.

SUBJECT TO THE FOLLOWING CONDITIONS:

Access for Council Staff or Agents

1. The consent authority, its staff or agents shall be permitted access at all reasonable times for the purpose of carrying out inspections, taking measurements, and collecting samples.

Notification of Scouring Events

2. The consent holder shall notify the consent authority prior to the release of any scour water, and the consent authority shall determine the minimum downstream river flow at which the release may occur and the maximum duration. Other than in emergencies, the discharge of scour water shall only occur when the river is in fresh and naturally discoloured, and at times when there will be no detrimental effect on fish spawning processes.

Responsibility for Cost of Remedial Works

3. If, in the opinion of the consent authority, the discharge causes unacceptable erosion or deposition in the river channel, the consent holder shall be responsible for the cost of remedial works.
4. All compensation water discharged under this consent shall be taken from the supply pipeline.

5. If requested by the consent authority, the consent holder shall be responsible for the installation of a measuring device to clearly show the rate of compensation discharge below the dam.

Review of Conditions

6. The consent authority may review any conditions of this resource consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, during the months of March and September in each year for the duration of this consent, for the purpose of ensuring that the said conditions are appropriate having regard to any adverse effect on the environment arising out of the exercise of this consent.

CONSENT NO: RM025151/4

Pursuant to Section 15(1) of the Resource Management Act 1991, this consent is hereby **granted** to the Nelson City Council to:

NAME OF GRANTEE: Nelson City Council

ADDRESS: PO Box 645, Nelson

POINT OF DISCHARGE: South Branch of the Maitai River, at or about NZMG 2540830-5990314

LEGAL DESCRIPTION OF LAND WHERE RIGHT IS TO BE EXERCISED:
Section 62 of Square 18, Block II, Mangatapu SD, Maitai River, CT 1A/267.

PURPOSE FOR WHICH RESOURCE CONSENT IS GRANTED:
Discharge of water into the South Branch of the Maitai River via the overflow spillways from the North Branch reservoir.

EXPIRY DATE: This consent will expire on 01 February 2017.

SUBJECT TO THE FOLLOWING CONDITIONS:

Access for Council Staff or Agents

1. The consent authority, its staff or agents shall be permitted access at all reasonable times for the purpose of carrying out inspections, taking measurements, and collecting samples.
2. If, in the opinion of the consent authority, the discharge causes unacceptable erosion or deposition in the river channel, the consent holder shall be responsible for the cost of remedial works.

Review of Conditions

3. The consent authority may review any conditions of this resource consent by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, during the months of March and September in each year for the duration of this consent, for the purpose of ensuring that the said conditions are appropriate having regard to any adverse effect on the environment arising out of

the exercise of this consent.

REASONS FOR DECISION AND CONDITIONS

Reasons for Decision

1. The existing operation of the dam, its water takes and discharges has been efficient and effective over the lifetime of the existing consents, without significant adverse effects on the quality of the water and the natural ecosystems of the Maitai river and its tributaries.
2. The conditions imposed on the existing consents were created for the initial operation of the dam and its processes. Some of these are no longer appropriate, and can readily be modified to meet changing circumstances.
3. The monitoring programmes that have been carried out for water quality, water flows and for impacts on the ecosystems have indicated that adverse effects have been minimal. Several conditions have been modified to take these results into account.
4. An opportunity has been provided for reviewing the monitoring programmes. A review clause included will enable a flexible approach to be taken with respect to establishing the effectiveness of the programme and the extent and nature of the monitoring.
5. Nevertheless, there have been some concerns expressed by both DOC and Fish and Game NZ that the effects of the dam on water quality and the habitats is more than minor, and efforts should be made to enhance the fish density in the upper reaches. There are potential adverse effects from the modification of the natural stream regime and water flows that resulted from the construction and operation of the dam and its associated structures.
6. It is considered appropriate to support some additional riparian enhancement initiatives, over and above what are already being (and are to be) implemented by the Council in the medium to long term future. This is to be given effect to by a riparian margin enhancement

programme, which will be undertaken as agreed by the parties. This will include measures such as native specie planting, bank and rock wall replacement and enhancement.

7. The fund proposed for this purpose should be expended in the most cost effective manner as part of an enhancement programme mutually agreed by both the Department and the consent holder, with additional input from the Fish and Game Council and the Council's Parks and Community Assets Department.
8. Nevertheless, the presence of the dam and its associated structures has created a manmade restriction for easy passage for the native fish species, including eels, which will be enhanced by the regular transportation of the eels through this management programme.
9. The objective is to improve the eel density and habitats in the Maitai river, and to enhance the eel populations. Such a programme will provide an opportunity to study the effectiveness of such a management technique, with scientific benefits to the Department.
10. Similarly, concerns were expressed by iwi that more acknowledgement needs to be made of the mauri of the river, and of the kaitianga of the manuwhenua of the iwi of Whakatu. This decision and the conditions imposed recognise the important role of iwi in the kaitiakitanga of the Maitai, and acknowledge the positive contribution that iwi has made to its management. Council wishes to maintain and extend the partnership inherent in the principle of kaitiakitanga in the development of the fisheries and riparian enhancement programmes, with iwi through the mechanism of the Iwi Resource Management Advisory Komiti.

960396
Ref: Maitai River Maitai Dam
Sheryl Ellis
When calling (03) 546 0206
Please ask for: SE:kg



NELSON CITY COUNCIL



27 March 1997

Nelson City Council
PO Box 645
NELSON

P.O. BOX 645 NELSON
NEW ZEALAND
PHONE (03) 546 0200
FAX (03) 546 0239

Dear Sir/Madam

**Notice of Decision - Resource Consent Application : 960396
Section 88 of the Resource Management Act 1991**

Applicant: Nelson City Council
Site: Maitai River Maitai Dam
Discretionary Activity: Water Permit
Discretionary Activity: Discharge Permit

Your application for resource consent for:

1. a water permit to allow for the abstraction of water at a rate of up to 300 litres/sec from the Maitai South Branch; and
2. a discharge permit to allow for the discharge of water from the North Branch dam at a maximum rate of 400 litres/sec into the Maitai South Branch;

was considered by Commissioner Fowler at a hearing on 13 March 1997.

Consent was granted by Commissioner Fowler on 24 March 1997 and his decision and the conditions of consent are attached.

Your status as applicant for this resource consent provides you with certain rights with regard to the Council's decision.

For your general guidance, Sections 120, 127 and 357 of the Resource Management Act 1991 provide rights with respect to:

**1) Objection to certain decisions and requirements of consent authorities.
(Section 357)**

If your consent was not publicly notified, or was notified and no submissions were received or any submissions received were withdrawn, you have the right to object to all or part of this decision. An objection must be lodged with the Council within 15 working days of your receipt (or receipt by the person who filed the application on your behalf) of the Council's formal decision. Reconsideration of the decision will require further assessment of costs incurred in accordance with Council processing charges.

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2) **Application for change or cancellation of consent conditions. (Section 127)**

An application to change or cancel a consent condition can be made to the Council at any time. Such an application is treated in a similar manner to a resource consent application incurring normal Council processing charges. If the consent condition(s) you wish to have deleted or changed resulted from a resource consent application that was publicly notified, you should first obtain written consent from all those persons who made a submission on this application.

3) **Right of Appeal. (Section 120)**

This requires that a "Notice of Appeal" be lodged with the Registrar of the Environment Court and with the Council within 15 working days of your receipt (or receipt by the person who filed the application on your behalf) of the Council's formal decision.

The address of the Environment Court is PO Box 5027, Lambton Quay, Wellington. An appeal must be lodged on Form 7 prescribed by the Resource Management Forms Regulations 1991 and must be accompanied by a filing fee of \$55 (GST inclusive) as specified in those Regulations under Part VI, Section 28(3).

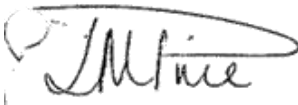

If you are intending to exercise your legal rights regarding the Council's decision and you are in any doubt as to how to proceed, it is strongly recommended that you consult your Agent/Lawyer.

Where conditions of consent which require monitoring have been imposed a monitoring charge has been included in your invoice. This charge covers one visit to monitor compliance with consent conditions. Where additional monitoring visits are required to determine that conditions have been met these will be charged at the rate of \$45 (exclusive of GST) for each additional visit.

If you have any enquiries please contact Sheryl Ellis on (03) 546 0206.

An invoice will be issued when all outstanding accounts have been received.

Yours faithfully


 **S S Ellis**
Consents Officer

Consent provided by Fowler
24/03/97

Nelson City Council - hearing before a Commissioner on application by Nelson City Council for resource consents: water permit and discharge permit (renewal): Maitai River

Preliminary

1. This is an application by the Nelson City Council as applicant for resource consents for:
 - a water permit to allow for the abstraction from the Maitai south branch for urban water supply services at a rate of up to 300 l/sec.
Point of take: NZMS 260 027 409 894.
 - a discharge permit to allow for the discharge of 'compensation' water from the Maitai north branch reservoir to the Maitai south branch immediately below the abstraction point at a maximum rate of 400 l/sec.
Point of discharge: immediately downstream of the abovementioned abstraction point.
 - renewal of conditions 9-15 of water right 820540 relating to minimum water flows below the Maitai Dam.
Point of take: NZMS 1 520 714267.

The proposal

2. The applications are essentially in the nature of renewals. The water permit application is a renewal of water right 820520 and the discharge permit is a renewal of water right 831560. The application seeks to have conditions 9-15 of water right 820540 amended so that the temporary variation granted in 1992 remains in place until monitoring can be carried out.
3. All consents sought were for a period of 20 years.

The hearing

4. The hearing took place at Nelson on 13 March 1997.
5. Mr Beckett, counsel for the applicant, tabled opening submissions and written evidence by Messrs Stark (Freshwater Biologist) and Dougherty (Council's Services Engineer).

6. Also in attendance were Mr Armstrong (a consultant retained by the Council in its regulatory capacity and the author of the Officers' Report) and Mr Ballagh (Resource Consent Officer for the Council in its regulatory capacity).
7. One submitter, Mr Jack Brown, appeared and also tabled written evidence.
8. The hearing first addressed the draft suggested conditions in respect of remaining differences between the applicant and Mr Armstrong's recommendations. Those differences were resolved or rendered negligible.
9. The hearing then turned to address Mr Brown's concerns. He gave broad ranging evidence based on a lifetime of angling experience. His thesis was the decline of the Maitai as an angling resource for trout fishermen over some 50 or 60 years and in the context of an overall decline of the angling resource in the rivers of the region.
10. The applicant responded to that through, initially, Mr Beckett who emphasised that Mr Brown's observations were largely anecdotal and that even he, Mr Brown, had acknowledged that 'people have got to live before they can fish for trout'. Then Mr Stark observed that a comparison of surveys from electric fishing in 1952, 1982 and 1983, and then more recently since 1989 show no significant change and therefore since the abstracting commenced in 1963, he tended to the view that the decline in the angling resource (which he acknowledged) was unlikely to be linked to the water abstraction.
11. Mr Dougherty explained some aspects of the flushing regime and, in particular, the consequences of the way the cone discharge valve worked which in those conditions seems only to trigger further complaints about the presence of a dirty slug in the flow. He also observed that when the minimum flow levels were fixed it was in an attempt to mimic the natural flow pattern of the south branch.
12. Mr Armstrong then observed that he had some sympathy for what Mr Brown was saying and indicated that he was not surprised to hear anecdotal evidence of the decline of some river fisheries. He considered, however, that that was attributable to a combination of factors. He expressed some caution about accepting the conclusions drawn from the electric fishing results and acknowledged that there could certainly be a link between abstraction from a river and an angling resource decline. However, he stressed that there is a subtle mix of factors in the nationwide decline in the angling resource and that it would be difficult to identify a specific

minimum flow regime that would provide a consequential improvement in the Maitai fishery.

The applicable planning law

13. The statutory position can be dealt with quite shortly. Sections 104, 107 and 108 of the Resource Management Act 1991 apply to the consideration of these resource consents. The gauntlet of criteria that that creates is well known.
14. Perhaps the more acute legal planning issues arise under s107. The framework of subsection (1) proscribes certain discharges if their effects display the characteristics set out in that subsection 'after reasonable mixing'. Then subsection (2) goes on to provide a further exit from the prohibition where there are 'exceptional circumstances'.
15. As for the planning instruments and regimes to be taken into account under the above provisions of the Act on this application, there are a number of general statements in the Regional Policy Statement that have some relevance. The proposed Nelson Resource Management Plan notified on 25 October 1996 does not deal with water management issues, the intention being to deal with these specifically by way of separate plans at some future date.

Reasoning

16. The critical issues on the evidence relate to the existing turbidity levels of the south branch discharge and their effect on the fisheries' habitat values, the altered flow regime of the Maitai River and whether it is adversely affecting the downstream fishery, whether the south branch discharge alters the downstream temperature regime in a way that adversely affects that fishery and whether the discharge gives rise to a 'conspicuous' change in the colour or visual clarity of the river.
17. It seems plain on the evidence that the most significant effect of the discharge is the visual one - ie. when the reservoir backfeed water goes into the south branch of the Maitai. Undoubtedly this results in a 'conspicuous' change within the meaning of s107(1).
18. However, given that that visual change attenuates downstream quite rapidly and given that this discharge is from an existing facility that is not an issue in this application and is necessary to ensure the effective operation of the water supply scheme, it would seem that there are exceptional circumstances within the meaning of s107(2). However, even if that were not so, on the basis of the conventional


approach to 'reasonable mixing', this Commissioner is by no means persuaded that the application would have been caught by s107(1) proscriptions in any event.

19. Whatever the correct position on whether and to what extent the abstraction for water supply has had a direct impact on the trout fishery, one thing is for certain and that is that the relationship between the depletion/recovery of that resource and a change in abstraction regimes is a complex one and there are many other factors that bear and would bear on that depletion/recovery that likewise lie outside this application.

Decision

20. On the basis of the above conclusions, the application of the statutory principles compels the grant of the resource consents listed in paragraph 1 above, but subject to the conditions set out in the annexure.
21. The expiry date is to be 1 February 2017.

DATED this 24th day of March 1997.



 R J B Fowler
 Hearings Commissioner

Annexure: Conditions for resource consent no. 960396

1. Records to be kept

- 1.1 The applicant shall maintain suitably calibrated equipment and sufficient records to monitor compliance with the permit conditions. An annual summary report assessing compliance with consent conditions shall be provided to the Director of Resource Management. Copies of the records and summary reports shall be provided to any other interested party on request.

2. Access for Council staff and agents

- 2.1 The Director of Resource Management, his staff and agents, shall be permitted access at all reasonable times for the purpose of carrying out inspections, measurements and the taking of samples.

3. Review of conditions

- 3.1 The consent authority may review any of the conditions of this resource consent by giving notice of its intention to do so pursuant to s128 of the Resource Management Act, for the purpose of ensuring that the said conditions are appropriate having regard to:

- (a) any adverse effect on the environment arising from the exercise of this consent; or
- (b) any new information or results of monitoring which suggest an adverse effect on the environment is likely to occur; or
- (c) the need to achieve a coordinated approach with the renewal of other consents relating to the operation of the Maitai Water Supply Scheme and its effects on the environment.

- 3.2 The review under condition 3.1 may be initiated annually at any time within the period 1 June to 1 September for the duration of this consent.

4. Fish passage

Any structures used for the purposes of this permit shall be operated and maintained or modified if necessary in such a manner that will facilitate the passage of fish.

5. **Ecological monitoring**

5.1 Monitoring of the effects of the abstraction and discharge on the ecology of the south branch of the Maitai River shall be carried out at the site identified as site B in the Cawthron Institute Report of 12 January 1990 on an annual basis. The monitoring programme shall be approved by the Director of Resource Management.

5.2 An annual report summarising the monitoring results shall be provided to the Director of Resource Management. Copies of the report shall be provided to any other interested parties on request.

6. **Abstraction condition**

Water shall be released from the reservoir into the south branch immediately downstream of the intake weir at the same time as water is being abstracted pursuant to this consent and at a rate not less than the abstraction rate.

7. **Discharge conditions**

All discharges from the north branch reservoir shall be carried out in such a manner that the water in the south branch measured at the same site identified in condition 5 meet the criteria as shown in conditions 8 to 12 below.

8. **Water temperature**

- (a) When the water temperature prevailing immediately above the intake is between 8°C and 18°C inclusive, the discharge shall not change the temperature of the river water by more than 3°C.
- (b) When the water temperature prevailing immediately above the intake is greater than 18°C, the discharge shall not reduce the temperature of the river water below 15°C.
- (c) When the water temperature prevailing immediately above the intake is less than 8°C, the discharge shall not increase the temperature of the river water above 11°C.
- (d) When conditions (b) or (c) are in force, the discharge shall only be turned on or off at a progressively even rate over a minimum period of 2 hours.

- (e) At no time shall the discharge increase the temperature of the river water above 20°C or reduce it below 6°C.

9. **Dissolved oxygen**

The concentration of dissolved oxygen in the river shall be not less than 6gm/m³.

10. **Turbidity**

The turbidity of the river water shall not be increased by more than 10 nephelometric turbidity units except in extreme cases when the reservoir is highly turbid in which case the cleanest water available shall be discharged. In such an event, prior approval shall be obtained from the Director of Resource Management who may request additional monitoring and shall not unreasonably withhold such approval.

11. **Iron concentration**

The iron concentration of the river shall not exceed 1.0gm/m³.

12. **Manganese concentration**

The manganese concentration of the river water shall not exceed 1.0gm/m³



CONDITIONS OF CONSENT

975374/1 Application No 1 – Water Permit - Dam water in the Roding River by means of an existing concrete weir

Description of the location to which this application relates is:

Location: Roding River at or about NZMS 260 0 27:323834.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581.

Site/location in respect of which this permit is granted is:

Roding River intake weir for Nelson City water supply

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually.

975374/2 Application No 2 – Water Permit – Take water from the Roding River and pass it over the Roding weir and through the weir's sluices

Location: Roding River at or about NZMS 260 0 27:323834.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581.

Site/location in respect of which this permit is granted is:

Roding River intake weir for Nelson City water supply

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest.

Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually.

D) Fish Passage

To maintain, at all times, a wetted zone down the downstream face of the Roding weir so as to facilitate the migration of eels and other native fish.

- E)** If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Section 128 to 132 of the Resource Management Act 1991.

975374/3 Application No 3 – Land Use Consent – To use, reconstruct, or maintain the Roding weir structure and intake building and screens in, on, over or under the bed of the Roding River for the purpose of maintaining the water supply

Location: Roding River at or about NZMS 260 0 27:323834.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581.

Site/location in respect of which this permit is granted is:

Roding River intake weir for Nelson City water supply

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

D) Fish Passage

The holder of the consent shall modify the existing weir to facilitate access over it by eels and other native fish.

975374/4 Application No 4 – Water Permit – To take water from the Roding River at the site of the existing weir and pipe it to Nelson City and Richmond for public water supply

Location: Roding River at or about NZMS 260 0 27:323834.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581.

Site/location in respect of which this permit is granted is:

Roding River intake weir for Nelson City water supply

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

D) Conditions concerning the effect of water abstraction

1) To take up to 254 litres per second of water from the Roding River and divert it into a pipeline and use it to supply Nelson City and Richmond, subject to the following restrictions:

- a) i) From 1 October 2001 the consent holder shall at all times restrict its take of water to leave a residual flow of 51 litres per second in the river opposite the caretaker's house or the natural flow of the river if this is less than 51 litres per second.
- ii) From 1 July 2003 the consent holder shall at all times restrict its take of water to leave a residual flow of 75 litres per second in the river opposite the caretaker's house or the natural flow of the river if this is less than 75 litres per second.
- iii) From 1 July 2008 the consent holder shall at all times restrict its take of water to leave a residual flow of 100 litres per second in the river opposite the caretaker's house or the natural flow of the river if this is less than 100 litres per second.
- b) In the event that the Tasman District Council agrees to cease taking water from the Roding Supply for a minimum period of six months, the residual flow shall be increased by 10.5 litres per second over the period that the Tasman District Council take has ceased.
- c) When the natural flow in the Roding River is 196 l/s or less for two consecutive days at the skid site (Map Reference NZMS O 27:327828) the consent holder shall:
 - i) put sprinkler restrictions in place which at a minimum require that odd numbered properties can only use sprinklers on odd numbered days and even numbered properties can only use sprinklers on even numbered days.
 - ii) Reduce flushing of water mains;

- d) When the natural flow in the Roding River is 160 l/s or less for two consecutive days (Map Reference NZMS O 27:327828) the consent holder at a minimum shall put a sprinkler ban in place except for high value areas used extensively by the public including bowling greens, golf course greens, cricket pitches and public gardens;
 - e) When the natural flow in the Roding River is 140 l/s or less for two consecutive days (Map Reference O 27:327828) the consent holder at a minimum shall put hosing restrictions in place designed to reduce non-essential use of water including car washing and residential hosing;
2. The consent holder shall install a water gauging station downstream of the weir and above the Hackett confluence. This station is to be operated for the duration of the consent.
- If requested by Tasman District Council the consent holder shall transmit at its own cost, real time data on river water levels at the caretaker's house to the Tasman District Council base station at Richmond. It shall permit Tasman District Council to transmit, at Tasman District Council's cost, data on river water levels which are provided by the consent holder's monitoring station at the skid site.
- 3. The consent holder shall establish a programme, carried out by a competent independent body, to monitor the ecological effects of the water abstraction, during periods of low flows in the Roding River and shall provide the Consent Authority with yearly reports. *
 - 4. The consent holder shall continuously monitor water temperature in the Roding River, upstream of and as close as practicable to its confluence with the Hackett Stream.
 - 5. The flow records (both upstream and below the weir), any water abstraction records, also the ecological and temperature monitoring records shall be made available to a representative of Aniseed Valley residents and ratepayers and the Waimea East Irrigation Company and to anyone who requests them.
 - 6. If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.
 - 7. The consent holder shall maintain a permanent flow meter with an inaccuracy of no more than 5% to record the volume of water abstracted on an instantaneous and daily basis.

975374/5 Application No 5 – Land Use Consent – To use, reconstruct, or maintain the pipeline from the intake building to the chlorinator in, on, under or over the bed of the Roding River and Long Gully Stream

Location: Roding River at or about NZMS 260 0 27:323834.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581 and in Part Sec. 6, Block VIII, Waimea Survey District, Gaz 1944 p1297.

Site/location in respect of which this permit is granted is:
Immediately downstream of the Roding River intake weir for Nelson City water supply

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest.
Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

975374/6 Application No 6 – Discharge Permit – Discharge water and water containing sediment and other contaminants from the ponding area behind the Roding weir, over the Roding weir and through sluices and by-pass valves into the Roding River and from the intake screen-washing into the Roding River immediately below the weir and from time to time over through and from a temporary bund near the weir.

Location: Roding River at or about NZMS 260 0 27:323834.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581.

Site/location in respect of which this permit is granted is:

The length of the Roding River between 100 metres upstream of the diversion tunnel entrance above the intake weir for Nelson City's water supply and 200 metres downstream of weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Non-Cancellation condition

If, at any time, the consent holder does not exercise this consent for a continuous period of two years, the consent shall not be cancelled under Section 126 of the Resource Management Act 1991.

C) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

D) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

E) Conditions relating to the discharge

Within 24 hours of the completion of the work for which the temporary bund is constructed, any bales lining the bund shall be removed and the bund breached sufficiently to allow the full flow of the river to discharge downstream.

F) If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.

G) Fresh barley or oat straw bales shall be used to line the temporary bunds.

975374/7 Application No 7 – Water Permit – To take water and water containing sediment and divert it via a sluice gate into the diversion tunnel upstream of the existing Roding weir.

Location: Roding River at or about NZMS 260 0 27:322832.

Legal Description: Water Supply Reserve in Sec. 12, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581

Site/location in respect of which this permit is granted is
Inlet gate to the existing diversion tunnel approximately 250 metres upstream of the Roding weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Non-Cancellation condition

If, at any time, the consent holder does not exercise this consent for a continuous period of two years, the consent shall not be cancelled under Section 126 of the Resource Management Act 1991.

C) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

D) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

975374/8 Application No 8 – Land Use Consent – To use, reconstruct or maintain the sluice gate at the intake end of the diversion tunnel and at the outlet structure of the diversion tunnel in, on, over or under the Roding River, to keep the tunnel in working order.

Location: Roding River at or about NZMS 260 0 27:322832.

Legal Description: Water Supply Reserve in Sec. 12, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581

Site/location in respect of which this permit is granted is:

Inlet gate to the existing diversion tunnel approximately 250 metres upstream of the Roding weir; also outlet gate approximately 200 metres downstream of the weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

975374/9 Application No 9 – Discharge Permit – To discharge water and water containing sediment and other contaminants from the diversion tunnel into the Roding River downstream of the existing weir for the purpose of carrying out maintenance of the weir structure or to divert gravel downstream of the weir or to draw the water level in the pond behind the weir down in order to facilitate excavation of sediment from it.

Location: Roding River at or about NZMS 260 0 27:322833.

Legal Description: Water Supply Reserve in Sec. 12, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581

Site/location in respect of which this permit is granted is:

The outlet of the existing diversion tunnel on the true left bank of the Roding River, downstream of the Roding weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Non-Cancellation condition

If, at any time, the consent holder does not exercise this consent for a continuous period of two years, the consent shall not be cancelled under Section 126 of the Resource Management Act 1991.

C) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

D) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

E) Conditions relating to the discharge

When the holder of this consent is exercising it for the purpose of diverting gravel through the diversion tunnel the following conditions shall apply:

- a) The discharge of water containing sediment and other contaminants from the diversion tunnel shall commence after flood peaks when the flow in the Roding River exceeds 3 cumecs at Skid Site (Map Ref. O 27:327:828);
- b) The discharge of water containing sediment and other contaminants may continue until the upstream flow in the Roding River at Skid Site (Map Ref. O:27:327-828) decreases to 3 cumecs.

- F) If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.

975374/10 Application No 10– Land Use Consent – Disturb, and excavate material from the bed of the Roding River, and deposit excavated material on the bed of the Roding River including for the purpose of moving gravel and other sediments downstream of the weir through the diversion tunnel and to facilitate use, reconstruction of maintenance of the weir structures, other structures and associated access tracks.

Location: Roding River at or about NZMS 260 0 27:322833.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581

Site/location in respect of which this permit is granted is:

The length of the Roding River bed between 100 metres upstream of the diversion tunnel entrance above the intake weir for Nelson City's water supply and 200 metres downstream of weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Non-Cancellation condition

If, at any time, the consent holder does not exercise this consent for a continuous period of two years, the consent shall not be cancelled under Section 126 of the Resource Management Act 1991.

C) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

D) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

E) Conditions relating to the disturbance of the bed of the river

- 1) Before undertaking any further physical disturbance at the site, when exercising this consent, the consent holder shall arrange an investigation of the likelihood of finding any archaeological sites in the area of river bed and river bank to be disturbed.
- 2) Before any excavation occurs in the ponding area behind the weir the consent holder shall:
 - (a) open the diversion tunnel; and
 - (b) construct a bund across the full width of the Roding River at least 50 metres downstream of the weir to trap and settle sediment discharged over the weir and through the sluice gates. This bund shall be constructed with clean materials and shall be large enough to contain all the sluiced water. Seepage through the bund wall is permitted.
- 3) Should any fish become stranded during or as a result of the work in the river bed, the consent holder shall take steps to ensure their survival, to its best endeavour.
- 4) Any excavated material that is predominantly a sand gravel mixture shall be deposited on dry river bed downstream of the weir. Any excavated material that is predominantly a silt sand mixture may be removed off the site.

- F) If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent,

there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.

975374/11 Application No 11- Land Use Consent – From time to time use, erect, reconstruct, place, alter, extend, remove or demolish a temporary bund in the Roding River for the purpose of trapping and settling sediment in the river during the excavation of the bed of the ponding area immediately upstream of the weir and for the purpose of facilitating the use, reconstruction or maintenance of the diversion tunnel.

Location: Roding River at or about NZMS 260 0 27:322833.

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581

Site/location in respect of which this permit is granted is:

The length of the Roding River bed between 100 metres upstream of the diversion tunnel entrance above the intake weir for Nelson City's water supply and 200 metres downstream of weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Non-Cancellation condition

If, at any time, the consent holder does not exercise this consent for a continuous period of two years, the consent shall not be cancelled under Section 126 of the Resource Management Act 1991.

C) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

D) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the

consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

Conditions relating to the disturbance of the bed of the river

- 1) The bund shall be constructed with clean materials.
 - 2) Should any fish become stranded during or as a result of the work in the river bed, the consent holder shall take steps to ensure their survival, to its best endeavour.
- E) If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.
- F) Fresh barley or oat straw bales shall be used to line the temporary bunds.

975374/12 Application No 12- Water Permit – From time to time dam water in the Roding River by means of a temporary bund for the purpose trapping and settling sediment in the river during the disturbing, excavating and depositing of excavated material on the bed of the ponding area immediately upstream of the weir and for the purpose of facilitating the use, reconstruction or maintenance of the diversion tunnel or gate.

Location: Roding River at or about NZMS 260 0 27:323834

Legal Description: Water Supply Reserve in Sec. 12 and Sec. 20, Block VIII, Waimea Survey District, (SO 10176), vested in Nelson City Council by Gaz. 1961 p1581

Site/location in respect of which this permit is granted is:

The length of the Roding River bed between 100 metres upstream of the diversion tunnel entrance above the intake weir for Nelson City's water supply and 200 metres downstream of weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Non-Cancellation condition

If, at any time, the consent holder does not exercise this consent for a continuous period of two years, the consent shall not be cancelled under Section 126 of the Resource Management Act 1991.

C) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

D) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

E) Condition relating to the temporary bund

Should any fish become stranded during or as a result of the bund, the consent holder shall take steps to ensure their survival, to its best endeavour.

F) If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.

G) Fresh barley or oat straw bales shall be used to line the temporary bunds.

975374/13 Application No 13- Water Permit – Take, divert and use up to 30 m³/day of water from Long Gully for the purpose of operating a chlorination dosing plant at the Roding River water supply intake and to backwash and clean filter screens, at the water intake beside the existing weir.

Location: Roding River at or about NZMS 260 0 27:323835

Legal Description: Sec. 9, Block VIII, Waimea Survey District, vested in Nelson City Council under Section 3 of the Reserves and other Lands Disposal Act 1941.

Site/location in respect of which this permit is granted is:

Long Gully Stream, immediately downstream of the Roding weir; also the screen washing at the intake shed adjacent to the existing weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

D) Condition relating to residual flow

The consent holder shall ensure that at all times there is a residual flow remaining in Long Gully Stream.

Original Condition E deleted.

Original condition F renumbered to make new Condition E below

- E)** If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.

975374/14 Application No 14– Land Use consent – To use, reconstruct, or maintain the pipeline from the intake structure and pipeline in, on, under or over the bed of the Roding River and Long Gully Stream to the chlorinator.

Location: Roding River at or about NZMS 260 0 27:323835

Legal Description: Sec. 9, Block VIII, Waimea Survey District, vested in Nelson City Council under Section 3 of the Reserves and other Lands Disposal Act 1941.

Site/location in respect of which this permit is granted is:
Long Gully Stream, immediately downstream of the Roding weir.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually

975374/15 Application No 15– Land Use consent – To erect and place monitoring equipment in or over the bed of the Roding River for the purpose of measuring water level, water temperature and any other variable in the river .

Location: Roding River at or about NZMS 260 0 27:317832

Legal Description: Water Supply Reserve, Section 22, Block VIII Waimea Survey District, Gaz 1961 p1581 or Waterworks Reserve, Part Sections 5 and 6 Block VIII Waimea Survey District, Gaz 1944, p962

Site/location in respect of which this permit is granted is:
In the bed of the Roding River, near the NCC Waterworks Reserve caretaker's house.

Duration of Consent – Expiring on 1 October 2017

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

- i) The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this information to the consent authority, the Tasman District Council and other groups or individuals.
- ii) Water level and river flow records shall be collected to current national and international standards.

C) Condition allowing for application for change or cancellation of condition

The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually.

975374/16 Application No 16– Land Use consent – To use and to reconstruct and alter/maintain two concrete fords and their associated vehicle access in, on, under or over the bed of the Roding River

Location: Roding River at or about NZMS 260 0 27:317832 and 322834

Legal Description: Water Supply Reserve, Section 22, Block VIII Waimea Survey District, Gaz 1961 p1581 or Waterworks Reserve, Part Sections 5 and 6 Block VIII Waimea Survey District, Gaz 1944, p962

Site/location in respect of which this permit is granted is:

At and in the vicinity of concrete fords and their associated vehicle access in the bed and on the banks of the Roding River, near the NCC Waterworks Reserve caretaker's house, and near the chlorinator building.

Commencement Date and Duration

Commencing at the date of the surrender of the water and discharge permits arising by virtue of the Nelson Waterworks Extension Act 1935 and Section 386(1)(c)(ii) of the Resource Management Act 1991 or from 1 October 2001 whichever is the soonest. Expiring on 1 October 2017.

A) Access for Consent Authority

The consent is granted subject to the consent authority being permitted access at all reasonable times for the purposes of carrying out inspections taking measurements and collecting samples.

B) Records

The consent holder shall keep such records as may reasonably be required by the consent authority and shall, if so requested by the consent authority, supply this

information to the consent authority, the Tasman District Council and other groups or individuals.

- C) **Condition allowing for application for change or cancellation of condition**
The consent holder may apply to the Council for a change or cancellation of any of the conditions of this consent (other than any conditions as to the duration of the consent), by giving notice of its intention to do so pursuant to Section 127(1) of the Resource Management Act five years from the date of grant of the consent and thereafter annually
- D) If in the opinion of the consent authority after five years from the commencement date of this consent, but in any event no later than 1 October 2003, and thereafter within two months of the anniversary of the commencement date of this consent, there is a need to review any condition of this consent to deal with any significant adverse effect on the ecology or character of the river, and which is demonstrated by monitoring, then the consent authority may review the conditions of this consent in accordance with Sections 128 to 132 of the Resource Management Act 1991.

Approval to Refer Award of Tenders to Council

1. Purpose of Report

- 1.1 To refer award of tender for the Hampden St East Little – Go Stream Stormwater Upgrade including Water and Wastewater Renewals and Maitai Pipeline Upgrade (WTP - Westbrook) construction works to Council.

2. Delegations

- 2.1 Approval of tenders relating to infrastructure projects is a matter for the Works and Infrastructure Committee. However, Committees may refer this responsibility to Council.

3. Recommendation

THAT the report Approval to Refer Award of Tenders to Council (R4923) be received;

THAT the approval of award of tender for Hampden St East Little-Go Stream Stormwater Upgrade including Water and Wastewater Renewals be referred to Council;

AND THAT the approval of award of tender for Maitai Pipeline Upgrade (WTP - Westbrook) be referred to Council.

4. Background

- 4.1 The value of construction works for both the Hampden St East Little-Go Stream Stormwater Upgrade including Water and Wastewater Renewals and Maitai Pipeline Upgrade (WTP - Westbrook) is over \$1,000,000 and the award of these contracts require approval by the Works and Infrastructure Committee to comply with the organisational Procurement Policy. Tender evaluations are not yet complete for these projects and so cannot be presented for approval at the 26 November 2015 meeting of the Works and Infrastructure Committee.

- 4.2 Tender evaluations will be completed for both projects by 4 December 2015. Approval of award of tender would therefore be scheduled for the next Works and Infrastructure Committee meeting, likely to be held in February 2016.

5. Discussion

- 5.1 Seeking approval at the February 2016 Works and Infrastructure Committee means that construction works will not be able to begin until late March/Early April 2016.
- 5.2 Referring approval to a Council meeting in December 2015 will allow Contractors to procure materials which have a long lead time and enable construction works to begin early in the new year. This will increase the likelihood of this year's planned works being completed as scheduled, and reducing the amount of budget carry over into 2016-17.

6. Options

- 6.1 Option 1 – Delay awarding the contracts until the next Works and Infrastructure Committee meeting, likely to be at some point in February 2016. The construction works would then likely only commence in April 2016.
- 6.1.1 For Maitai Pipeline Upgrade, a six week lead time for delivery of pipes, which cannot be ordered until the award of tender is also critical to the project.
- 6.2 Option 2 - Refer authority for approving the award of tender to Council for a resolution at the meeting to be held on 17 December 2015. Construction materials can be procured and the physical construction works start early in the new year.

7. Alignment with relevant Council policy

- 7.1 This matter is not in contradiction to any Council policy or strategic document.

8. Assessment of Significance against the Council's Significance and Engagement Policy

- 8.1 This matter is not significant in terms of Council's Significance and Engagement Policy.

9. Consultation

- 9.1 The public have not been consulted on this matter.

10. Inclusion of Māori in the decision making process

- 10.1 Maori have not been consulted on this matter.

11. Conclusion

- 11.1 The projects discussed in this report are approved through the Long Term Plan 2015-25 and underway.
- 11.2 Referring approval of award of tender to the 17 December 2015 Council meeting will avoid delays to the start of construction and maximise capital spend this financial year.

David Light
Team Leader Engineer

Attachments

Nil