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# RESOURCE CONSENT CRC230469

*Under Section 104 of the Resource Management Act 1991*

## The Canterbury Regional Council (known as Environment Canterbury)

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GRANTS TO:	Kaikoura District Council
A DISCHARGE PERMIT (S15):	To discharge sediment laden stormwater into land and the Coastal Marine Area.
COMMENCEMENT DATE:	06 Mar 2023
DATE CONSENT NUMBER ISSUED:	06 Mar 2023
EXPIRY DATE:	06 Mar 2033
LOCATION:	Wakatu Quay - Avoca Street Esplanade, Kaikōura

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### ***SUBJECT TO THE FOLLOWING CONDITIONS:***

#### **Limits**

- 1 The activity shall be limited to the discharge of sediment laden stormwater from exposed areas during excavation to remove existing hardstand and buildings, scraping the site, constructing building foundations, footpaths, and carparks, installing services, and undertaking landscaping associated with the development of a commercial, retail, and hospitality hub within the site at Lots 1, 2 & 3 DP5303, Kaikoura and within the Coastal Marine Area as shown on the attached Plan CRC230469, which forms part of this resource consent.
- 2 Sediment laden stormwater shall be discharged:
  - a. In accordance with the erosion and sediment control plan required by Condition (7) of this resource consent; and
  - b. To the Coastal Marine Area adjacent to Lots 1, 2 & 3 DP5303, Kaikoura, or to land within the site via infiltration.
- 3 The discharge shall not at any time:
  - a. Have a concentration of Total Suspended Solids (TSS) exceeding 100 milligrams per litre; and
  - b. Result in Coastal Marine Area in:
    - i. the production of any oil or grease films;
    - ii. the production of any floatable or suspended materials; and
    - iii. the production any sludge or emulsion deposited on the bed.

### **Prior to Commencement of Works**

- 4 Prior to the commencement of the activities described in Condition (1), all personnel working on the site shall be made aware of and have access to:
  - a. The contents of this resource consent document and all associated erosion and sediment control plans and other discharge treatment methodologies; and
  - b. Resource Consents CRC230470, CRC230471, CRC230472 and all associated documents.
  
- 5 All erosion and sediment control measures detailed in the ESCP required by Condition (7) of this resource consent must be installed prior to the commencement of any earthworks or stripping of vegetation and topsoil occurring on the site.
  
- 6 At least 10 working days prior to the commencement of works on site, the consent holder must request a pre-construction site meeting with the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via [ECInfo@ECan.govt.nz](mailto:ECInfo@ECan.govt.nz)), and all relevant parties, including the primary contractor. At a minimum, the following shall be covered at the meeting:
  - a. Scheduling and staging of the works;
  - b. Responsibilities of all relevant parties, including confirmation that the persons implementing the ESCP on the site are suitably trained and/or experienced;
  - c. Contact details for all relevant parties;
  - d. Expectations regarding communication between all relevant parties;
  - e. Procedures for implementing any amendments;
  - f. Site inspection; and
  - g. Confirmation that all relevant parties have copies of the contents of this resource consent document and all associated erosion and sediment control plans and any other discharge treatment methodologies employed.

### **Erosion and Sediment Control**

- 7 The discharges authorised under Condition (1) must occur in accordance with an ESCP. The ESCP must:
  - a. Detail best practicable sediment control measures that will be implemented to ensure compliance with the conditions of this resource consent.
  - b. Be prepared by a suitably qualified person with experience in erosion and sediment control in accordance with:
    - i. Canterbury Regional Council's "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT), which can be accessed under <http://esccanterbury.co.nz/>; or
    - ii. An equivalent industry guideline. If an alternative guideline is used, the ESCP must provide details of the relevant alternative methods used and an explanation of why they are more appropriate than the ESCT.

- c. Be signed by an engineer or suitably qualified person with experience in erosion and sediment control, confirming that the erosion and sediment control measures for the site are appropriately sized and located in accordance with the ESCT or alternative guideline.

8 The ESCP shall:

- a. Include a map showing the location of all works;
- b. Detailed plans showing the location of sediment control measures, on-site catchment boundaries, and sources of runoff;
- c. Detail how best practicable measures are taken to minimise discharges of construction-phase stormwater run-off beyond the boundaries of the site;
- d. Include a confirmation that the erosion and sediment control devices have been sized appropriately in accordance with the ESCT;
- e. Include drawings and specifications of designated sediment control measures, if these are not designed and installed in accordance with the ESCT;
- f. Include a programme of works, including a proposed timeframe for each stage of the works and the earthworks methodology;
- g. Detail the management of any stockpiled material;
- h. Detail inspection and maintenance of the sediment control measures;
- i. Detail sampling procedures and protocols;
- j. Define the discharge points where stormwater is discharged to the Coastal Marine Area;
- k. Detail the methodology for stabilising the site if works are abandoned; and
- l. Detail the methodology for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed.

9

- a. The ESCP must be submitted to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, at least ten working days prior to works commencing, for certification that it complies with the conditions of this resource consent.
- b. The works shall not commence until certification has been received from the Canterbury Regional Council that the ESCP is consistent with the ESCT or equivalent industry guideline as per the requirements under Condition (7)(b)(ii), and the conditions of this resource consent.
- c. Notwithstanding Condition (9)(a), if the ESCP has not been reviewed and/or certified within ten working days of the Regional Leader – Compliance Monitoring receiving the ESCP, the works may commence.

10 The ESCP may be amended at any time. Any amendments shall be:

- a. Only for the purpose of improving the efficacy of the erosion and sediment control measures and shall not result in reduced discharge quality; and

- b. For the purpose of applying best practicable measures to mitigate sediment transport off-site;
- c. Consistent with the conditions of this resource consent; and
- d. Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader Compliance Monitoring, prior to any amendment being implemented.

11 Erosion and sediment control measures must be inspected at least once per day, as well as following any rainfall event that results in more than five millimetres of rainfall at the site. Any accumulated sediment shall be removed, and repairs made as necessary, to ensure effective functioning of measures and devices. Records of any inspections shall be kept and provided to the Canterbury Regional Council on request.

12 If the consent holder abandons work on-site, adequate preventative and remedial measures must be taken to control sediment discharged from exposed or unconsolidated surfaces. These measures must be maintained for so long as necessary to prevent sediment discharges from the earth worked areas.

### **Sampling and Monitoring**

- 13
- a. During works and when a discharge of construction-phase stormwater is occurring, the discharge point into the Coastal Marine Area shall be visually assessed for:
    - i. any sheen of oil or grease or discoloration on the surface of the Coastal Marine Area;
    - ii. any floatable or suspended materials; and
    - iii. any sludge or emulsion deposited beneath the surface of the Coastal Marine Area.
  - b. Observations shall be photographed and recorded at least once per day; and
  - c. Records of visual assessments including photographs shall be kept and provided to Canterbury Regional Council on request.

14 If the visual assessment and observations undertaken in accordance with Condition (13) indicate a decrease in water quality at the point of discharge to the Coastal Marine Area, the discharge shall cease and water quality monitoring shall be undertaken to ensure compliance with Condition (3) in accordance with either:

- a. Conditions (15) and (16); or
- b. A method provided for under Condition (17).

- 15
- a. Prior to the discharge of sediment-laden stormwater in accordance with Condition (2) of this resource consent, a set of calibrated samples shall be made up in clear bottles containing the following concentrations of TSS:
    - i. 50 milligrams per litre;
    - ii. 100 milligrams per litre;
    - iii. 150 milligrams per litre;
  - b. The calibrated samples shall be:

- i. prepared using a representative sample of sediment-laden water collected from the outlet to the Coastal Marine Area; or
  - ii. calibrated in a suitable laboratory to the unique combination of soil types and discharge quality likely expected at the site.
- c. The set of calibrated samples shall be held on site.

**Advice Note:** *When shaken, the calibrated samples will provide a benchmark to enable visual comparison with the discharge samples required to be taken under Conditions (16) against the TSS limit set under Condition (3)(a).*

- 16 Representative samples of sediment-laden stormwater shall be:
- a. Taken by a suitably qualified person and in accordance with best practicable sampling methodology;
  - b. Collected once the discharge to Coastal Marine Area has commenced and continue on hourly thereafter until cessation of the rainfall event (if the discharges continues); and
  - c. Visually compared to the calibrated samples prepared in accordance with Condition (15).
- 17 A water quality meter or any other recognised measuring device to measure concentration of TSS or turbidity may be used to determine the concentration of TSS in the discharge, provided the water quality sampling is undertaken by a suitably qualified person with water quality sampling experience and the water quality meter or recognized measuring device is:
- a. Used in accordance with the manufacturer manual specific to the device used;
  - b. Calibrated to the unique combination of soil types and environmental conditions found on the site; and
  - c. Used in general accordance with the Erosion and Sediment Control Toolbox for Canterbury (2017).
- 18 If it becomes apparent at any stage during water quality monitoring detailed in Conditions (16) and/or (17) that a TSS concentration of 100 milligrams per litre in the discharge will not, or is unlikely to be achieved, or if the visual assessment and observations undertaken in accordance with Condition (13) indicate a sheen of oil or grease or discoloration, or any sludge or emulsion below the water surface, then:
- a. The discharge shall cease immediately;
  - b. The discharge shall only recommence once amendments have been made to the treatment process such that:
    - i. a TSS concentration of 100 milligrams per litre in the treated discharge is achieved; and
    - ii. the source of the sheen of oil or grease, discoloration, or any sludge or emulsion below the water surface, has been removed.
- 19 a. Records of the monitoring undertaken under Conditions (13) to (18) shall be kept and provided to the Canterbury Regional Council on request.

- b. Advising any observed non-compliance with Condition (3)(b) to the Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring, with two working days, and advising of the actions taken and measures to be undertaken to prevent a recurrence.

### **Accidental Discovery of Contaminated Material**

- 20 In the event that any unexpected contaminated soil or material is uncovered by the works, an accidental discovery protocol shall be implemented, including but not limited to the following steps:
- a. Earthworks within ten metres of unexpected contaminants shall cease immediately;
  - b. All practicable steps shall be taken to prevent the contaminated material becoming entrained in stormwater. Immediate steps shall include, where practicable:
    - i. diverting any stormwater runoff from surrounding areas away from the contaminated material; and
    - ii. minimising the exposure of the contaminated material, including covering the contaminants with an impervious cover;
  - c. Notification of the Canterbury Regional Council, Attention: Contaminated Sites Manager, within 24 hours of the discovery;
  - d. Earthworks within ten metres of unexpected contaminants shall not recommence until a suitably qualified and experienced contaminated land practitioner (SQEP) confirms to Canterbury Regional Council, Attention: Regional Leader - Compliance Monitoring that continuing works does not represent a significant risk to the environment;
  - e. All records and documentation associated with the discovery shall be kept and copies shall be provided to the Canterbury Regional Council upon request.

### **Spills**

- 21
- a. All practicable measures shall be undertaken to prevent oil and fuel leaks from vehicles, vessels and machinery;
  - b. Refuelling of machinery and vehicles where practicable shall not occur within 20 metres of the Coastal Marine Area, and shall be supervised throughout the whole activity;
  - c. If bunkering (refuelling) is to occur over the Coastal Marine Area, the vessel shall maintain a spill kit capable of absorbing the quantity of fuel transferred. The consent holder shall provide notification to Canterbury Regional Council of any bunkering activity 12 hours prior to being undertaken for any quantity larger than 50 litres.

**Advice Note:** *The bunkering notification form can be found on the Environment Canterbury Website <https://www.ecan.govt.nz/do-it-online/harbourmasters-office/commercial-shipping/fuel-tanker-arrivals-notification/>*

- 22 All refuelling undertaken over the water shall operate under a Tier 1 Marine Oil Spill Contingency Plan in accordance with Marine Protection Rules, Part 130B.

- 23
- a. All refuelling equipment shall have shut-off valves;
  - b. The storage of fuel and other hazardous substances shall not occur within 20 metres of the Coastal Marine Area, and shall be stored securely;
  - c. All vehicles and works areas shall have a spill kit capable of absorbing the quantity of fuel stored and other hazardous substances that may leak or be spilt; and
  - d. Spill containment equipment shall be immediately available and kept on site at all times.
- 24
- The consent holder shall immediately inform the Regional On-Scene Commander - Marine Oil Spills of a leak or spill of a hazardous substance into the coastal marine area. Within 24 hours of the spill the consent holder shall provide the Consent Authority Manager with the following information:
- a. The date, time, location and estimated volume of the spill;
  - b. The cause of the spill;
  - c. The type of contaminant(s) spilled;
  - d. Observations of any spilt material once it enters the marine environment;
  - e. Clean up procedures undertaken;
  - f. Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
  - g. An assessment of the potential ecological effects of the spill; and
  - h. Measures to be undertaken to prevent a recurrence.

### **Upon Completion of Works**

- 25
- a. Within two weeks of the completion of each stage of works authorised by this resource consent: All disturbed areas must be stabilised and/or revegetated;
  - b. Any visible debris, litter, sediment and hydrocarbons shall be removed from all sediment control measures and disposed at a suitable facility; and
  - c. Erosion and sediment control measures shall be removed.
- 26
- Upon completion of works and the removal of erosion and sediment control measures, any visible sediment accumulated on impervious surfaces within or immediately adjacent to the works site shall be removed to minimise the risk of sediment becoming entrained in stormwater. All sediment removed shall be disposed of at a suitable facility.

### **Administration**

- 27
- The Canterbury Regional Council may annually, on the last working day of May or November, serve notice of its intention to review the conditions of this resource consent for the purposes of:
- a. Dealing with adverse effect on the environment which may arise from the exercise of this resource consent, and which is not appropriate to deal with at a later stage;
- or

- b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

28 If this resource consent is not exercised before 31 March 2028, it shall lapse in accordance with Section 125 of the Resource Management Act 1991.

***Advice Note:*** *'Exercised' is defined as implementing any requirements to operate this resource consent and undertaking the activity as described in these conditions and/or application documents.*

**Issued at Christchurch on 6 March 2023**

Canterbury Regional Council





Area of works  
(Lots 1, 2 & 3  
DP5303 and within  
the Coastal Marine  
Area)