
RESOURCE CONSENT CRC230471

Under Section 104 of the Resource Management Act 1991

The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO:	Kaikoura District Council
A COASTAL PERMIT (S12):	To reconstruct and repair a structure on the foreshore and seabed, to erect and place a structure on the foreshore and seabed, to disturb the foreshore and seabed, to deposit material on the foreshore and seabed, and to occupy the Coastal Marine Area.
COMMENCEMENT DATE:	06 Mar 2023
DATE CONSENT NUMBER ISSUED:	06 Mar 2023
EXPIRY DATE:	06 Mar 2058
LOCATION:	Wakatu Quay - Avoca Street Esplanade, Kaikōura

SUBJECT TO THE FOLLOWING CONDITIONS:

Limits

- 1 The activity shall be limited to:
 - a. The reconstruction, and repair of a structure on the foreshore and seabed; and
 - b. The erection and placement of a structure on the foreshore and seabed;
 - c. The disturbance of the foreshore and seabed;
 - d. The deposition of material on the foreshore and seabed; and
 - e. The occupation of the Coastal Marine Area

associated with a commercial, retail, and hospitality hub at Lots 1, 2 & 3 DP5303, Kaikoura as shown on the attached Plan CRC230471, which forms part of this resource consent.

- 2 The activities carried out in accordance with Conditions (1)(a), 1(b), 1(c), and 1(d) shall cease 10 years from the exercising of this consent.

Prior to the Commencement of Works

- 3 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;
 - b. Resource Consents CRC230469, CRC230470, CRC230472 and all associated documents, including the Erosion and Sediment Control Plan (ESCP) required under CRC230469.

- 4 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), 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 required under CRC230469 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.
- 5 At least 10 days prior to the start of construction, the consent holder shall erect a sign at the site explaining the nature of the work, time frames expected for the completion of the works and a contact name and telephone number.

Construction and Environment Management Plan

- 6 The Consent Holder shall prepare a Construction Environmental Management Plan (CEMP) which clearly sets out the measures to be undertaken to comply with the conditions of this consent. The CEMP shall be submitted to the Canterbury Regional Council: Attention: Regional Leader Monitoring and Compliance at least ten working days prior to construction works commencing and shall be adhered to by the Consent Holder. The CEMP shall include but not be limited to:
- a. A map showing the location of all works;
 - b. Procedures for managing contaminants used on site;
 - c. Waste management measures;
 - d. A programme of works including an indicative timeframe;
 - e. Specific measures to avoid adverse effects, including:
 - i. The management of any spills;
 - ii. The management of construction-phase stormwater discharge;
 - f. Site notices to inform the public of the works and direct people safely to alternative routes; and
 - g. Procedures for Accidental Discovery Protocol.
- 7 The CEMP may be amended at any time. Any amendments shall be:

- a. Only for the purpose of improving the efficacy of the proposed works;
- b. Consistent with the conditions of this resource consent; and
- c. Submitted in writing to the Canterbury Regional Council: Attention: Regional Leader
- d. Monitoring and Compliance prior to any amendment being implemented.

During Works

8 If the construction activities create any underwater obstruction, a clear marker (such as a buoy) shall be positioned as a warning for any marine movements.

9 To prevent the spread of pest species, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with Biosecurity New Zealand's hygiene procedures and that machinery shall be free of plants and plant seeds prior to use.

Advice Note: You can access the most current version of these procedures from the Biosecurity New Zealand website <http://www.biosecurity.govt.nz>.

10 Works authorised in Condition (1) shall cease when moderate rainfall is forecast to occur. For the purpose of this consent, moderate rainfall means a rain event that exceed an intensity of 5 millimetres per hour or greater than 20 millimetres depth in a 24-hour period.

11 Construction works shall be undertaken in accordance with the recommendations provided in "The development of Wakatu Quay, Kaikoura Archaeological Assessment of Effects" prepared by Dr Angel Trendafilov of Angel's Archaeology, dated May 2022.

12 There shall be no discharge of concrete washdown to the Coastal Marine Area or to land where it may enter the Coastal Marine Area.

13 There shall be no construction related machinery or plant located on the seabed or foreshore at times when construction work is not occurring on the seabed or foreshore.

14 All practicable measures shall be undertaken to minimise the presence of vehicles and machinery on the seabed or foreshore.

Accidental Discovery of Contaminants

15 In the event that any unexpected contaminated soil or material is uncovered by the works, an accidental discovery protocol must be implemented, including but not limited to the following steps:

- a. Earthworks within ten metres of the encountered contaminants must cease immediately;
- b. All practicable steps must be taken to prevent the contaminated material becoming entrained in stormwater. Immediate steps must 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 and Regional Leader – Compliance Monitoring, within 24 hours of the discovery;

- d. Earthworks within ten metres of encountered contaminants must 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 must be provided to the Canterbury Regional Council upon request.

16 Any material removed from the site during the works that is potentially or confirmed as contaminated, must be disposed of at a facility authorised to receive such material.

Accidental Discovery of Archaeological Material

17 In the event of any discovery of archaeological material the consent holder must immediately:

- a. Cease earthmoving operations in the affected area and mark off the affected area; and
- b. Advise the Canterbury Regional Council of the disturbance; and
- c. Advise Heritage New Zealand Pouhere Taonga (HNZPT) of the disturbance.

Advice Note: *Affected area means the whole or any part of any site known or reasonably suspected to be an archaeological site, and which could be disturbed or otherwise impacted by any works.*

Advice Note: *This condition may be in addition to any agreements that are in place between the consent holder and the Papatipu Runanga. (Cultural Site Accidental Discovery Protocol).*

Advice Note: *Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. For sites solely of Maori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metals, etc. may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period. It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 provides for substantial penalties for unauthorised damage or destruction.*

- 18 a. If accidentally discovered material is suspected to be Koiwi Tangata (human bones), taonga (treasured artefacts) or a Maori archaeological site:
 - i. The consent holder must immediately advise the office of the Kaitiaki Runanga (office contact information can be obtained from the Canterbury Regional Council) of the discovery; and
 - ii. The nature of the material must be confirmed by a qualified archaeologist appointed by the Kaitiaki Runanga and HNZPT.

- b. If the archaeological material is determined to be Koiwi Tangata (human bones) by a qualified archaeologist, the consent holder must:
 - i. Immediately advise the New Zealand Police of the disturbance;
 - ii. Consult with the Kaitiaki Runanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation; and
 - iii. Treat the area with utmost discretion and respect and manage the koiwi in accordance with both statutory obligations under the HNZPT Act 2014 and tikanga, as guided by the Kaitiaki Runanga.
- c. Works in the site area must not recommence until authorised by the Kaitiaki Runanga, HNZPT (and the NZ Police in the case of koiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.

19 If accidentally discovered material is not suspected or confirmed to be Koiwi Tangata (human bones), taonga (treasured artefacts) or a Maori archaeological site, work may recommence once Heritage New Zealand Pouhere Taonga Trust advises the consent holder that work can recommence.

Spills

- 20
 - 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/>

21 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.

- 22
 - 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.

- 23 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.

Contaminated Material/Soil Stockpiling

- 24 Stockpiling of contaminated material or soils must be avoided where possible. In the event that temporary stockpiling of suspected contaminated or contaminated material is required, then the contaminated material stockpiles must be managed as below:
- a. Stockpiled contaminated material or soils must be kept separate from uncontaminated excavated soils stockpiles and any virgin aggregate or other material also stockpiled on-site; and
 - b. Stockpiled contaminated material must be placed on polythene sheeting or similar impervious material to prevent contamination of underlying material; and
 - c. Stockpiled contaminated material must include a perimeter bund or berm installed to prevent runoff leaving the area and stormwater from other areas entering the stockpile area; and
 - d. Stockpiled material shall be covered or dampened during dry and windy conditions so as to prevent wind erosion; and
 - e. If any rainfall is forecasted that has the potential to cause runoff from the stockpiles, or if the stockpiles are left overnight, over the weekend or over public holidays, the stockpiled material must be covered with plastic sheeting or a suitable material such as clean topsoil, or otherwise stabilised, to prevent stormwater runoff coming into contact with contaminated material.

Advice Note: *For the purpose of this condition, temporary stockpiling means material being stockpiled for no longer than the overall construction period or the stage of construction if construction occurs in stages, whichever of is the shorter period, and only for as long as reasonably necessary. The overall requirement to avoid, where possible, the stockpiling of contaminated material or soils prevails.*

Following the Completion of Works

- 25 Erosion and sediment control measures shall not be decommissioned until any flowable materials have been stabilised/cured or removed from the site. Decommissioning the measures shall be undertaken in the following order:
- a. Any visible debris, litter, sediment and hydrocarbons shall be removed from all sediment control measures and disposed at a suitable facility; and
 - b. Erosion and sediment control measures shall be removed.
- 26 The consent holder shall remove all spoil and other waste material from the site on completion of works.
- 27 All structures erected, extended, or placed in or on the foreshore or seabed during the exercise of the consent shall be positioned to ensure that they do not cause erosion or exacerbate flooding.
- 28 All structures erected, extended, or placed in or on the foreshore or seabed during the exercise of the consent shall be maintained to a standard where they will continue to function as designed for the duration of the consent.
- 29 The consent holder shall complete visual inspection of the structural integrity of all structures erected, extended or placed in or on the foreshore or seabed during the exercise of this consent at the following minimum frequency:
- a. At least once every five years after completion of the structure; and
 - b. Within one month of any extreme coastal storm event, defined as 1:100 year storm event or greater.
- 30 The results of the visual inspections carried out in accordance with Condition (29), and any proposed maintenance, including proposed timeframes, identified as a result of the inspection, are to be advised to Canterbury Regional Council, Attention: Regional Leader – Compliance Monitoring (via ECInfo@ECan.govt.nz) within 20 working days of the completion of the inspection.

Administration

- 31 The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
- a. Dealing with any adverse effect on the environment that may arise from the exercise of the consent or
 - b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- 32 If this 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 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)