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greater WELLINGTON
REGIONAL COUNCIL

File No: N/06/23/05
10 July 2007

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Mr Leigh Halstead
Chief Executive
Kapiti Coast District Council
175 Rimu Road
Private Bag 601
Faraparaumu

Dear Mr Halstead

Chrystalls Extended Stopbank Notice of Requirement - Decision of Requiring Authority

I hereby advise, in accordance with Section 172 of the Resource Management Act 1991, that the Wellington Regional Council accepts in whole the recommendation of the Kapiti Coast District Council dated 2 July 2007 that the above Notice of Requirement is confirmed with conditions.

Yours sincerely



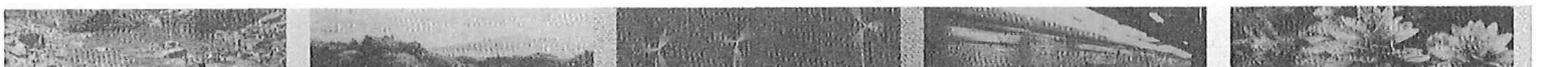
Geoff Dick
Divisional Manager, Catchment Management
(authorised to sign on behalf of the Wellington Regional Council)

Copy: Mr Colin Bridges
Principal Planner - Landuse
Kapiti Coast District Council

Natasha Hoogeveen
Resource Advisor
Environmental Regulation, GW

WGN_DOCS-#433529-V1

Water, air, earth and energy: elements in Greater Wellington's logo that combine to create and sustain life. Greater Wellington promotes Quality for Life by ensuring our environment is protected while meeting the economic, cultural and social needs of the community.



- 13.1.2 The proposal is to extend the existing Chrystalls Bend stopbank and to undertake other associated works to provide the Otaki Township and surrounding land with flood protection to the 1 in 100 year return period level.
- 13.1.3 The preferred stopbank option is the landward alignment as it provides the best fit in terms of cost; security of flood protection measures; planning and landowner approvals; environmental effects; construction and maintenance; and lwi, cultural and community aspirations.
- 13.1.4 Certain aspects of the works may have effects that are more than minor. However, these effects will be mainly temporary and localised in nature and can be sufficiently mitigated by adoption of appropriate practices. Adverse impacts on the subject site and its surrounds are outweighed by the positive benefit to the Otaki Township and native ecosystems
- 13.1.5 The proposed mitigation measures and work practices are appropriate and reflect current best practice methodology.
- 13.1.6 Conditions can be used to ensure that the appropriate mitigation measures and work practices are adopted.
- 13.1.7 The proposed designation and project is consistent with the purpose and principles of Part II of the Resource Management Act 1991. There is necessity for the project which will provide long-term benefits to the Otaki Community in terms of an increased level of flood protection.
- 13.1.8 The proposed work is part of a planned set of structural, non-structural and river management works that were agreed to in 1998 by Greater Wellington Regional Council, Kapiti Coast District Council and the community, contained in the Otaki Floodplain Management Plan (OFMP).
- 13.1.9 The proposed designation is a wholly appropriate method of providing Greater Wellington Regional Council with the ability to construct and maintain the stopbank and associated works without the need to frequently obtain resource consents from the Kapiti Coast District Council.

13.2 Recommendations

- 13.2.1 On the basis of the conclusions in this report, it is **recommended that the Notice of Requirement be confirmed subject to the inclusion of the following conditions and advice notes.**

Conditions

1. The activities shall be carried out as described in the application lodged with the Kapiti Coast District Council on 20 February 2007 except where modified by conditions.
2. Except for contingency works, the hours of work shall be as follows:
 - (i) All works conducted on week days (Monday to Friday) shall commence after 7.00am, and cease by 7.00 pm. Where the works involve machinery operating in flowing water, these works shall cease by 4.00pm unless they can be completed by 5.30pm the same day. This exception does not apply to the working hours for Saturdays, Sundays or public holidays.

(ii) All works conducted on a Saturday shall commence after 7.00am, and cease by 3.00pm. No work in the flowing water of the active channel shall be conducted on Saturdays.

(iii) No works shall be conducted on Sundays or public holidays.

3. Further to Condition 2 of this Notice of Requirement, the need for contingency works shall be agreed to by the Kapiti Coast District Council and Environmental Regulation, Greater Wellington Regional Council, prior to any such works commencing.
4. The works shall remain the responsibility of Flood Protection, Greater Wellington Regional Council and shall be maintained to the satisfaction of the Kapiti Coast District Council for the duration of the consent.
5. All works outside the bed of the Otaki River including tidy up on completion of the works, shall be to the satisfaction of the Kapiti Coast District Council.
6. Except for contingency and emergency works as provided for under Conditions 2 and 3 of this Notice of Requirement, Flood Protection, Greater Wellington Regional Council shall notify the following parties of its intentions at least five working days prior to commencing any works:
 - Local iwi (Ngati Raukawa and Nga hapu o Otaki);
 - Telstra Clear;
 - Any other utility service provider whose infrastructure and/or property may be affected by the works;
 - All adjacent property owners and/or requiring authorities whose properties may be affected by the works;
 - Mr Ian Clayton-Bray of 61 Te Roto Road, Otaki;
 - Kapiti Coast District Council; and
 - Environmental Regulation, Greater Wellington Regional Council
7. (i) Flood Protection, Greater Wellington Regional Council shall ensure that all works are undertaken in a manner that do not interfere in any way with the fibre optic cables running through the existing area designated for Railway Purposes by New Zealand Railways Corporation without the expressed written consent of Telstra Clear.

(ii) Flood Protection, Greater Wellington Regional Council shall ensure that all works are undertaken in a manner that do not interfere in any way with the properties which adjoin the area designated for Flood Protection Purposes by Greater Wellington Regional Council unless the express written approval of these parties has been obtained stating otherwise.
8. Flood Protection, Greater Wellington Regional Council shall ensure that works do not impede any utility providers' access to their property or infrastructure.

NB: This consent does not affect the rights of Telstra Clear under its easement in the rail corridor within the designation.
9. Any damage to existing boundary fences and trees caused by Flood Protection, Greater Wellington Regional Council shall be reinstated as far as is practicable at the expense of Flood Protection, Greater Wellington Regional Council.
10. In the event of finding any isolated archaeological sites, artefacts, koiwi or skeletal remains, Flood Protection, Greater Wellington Regional Council shall:
 - (i) Cease operations; and
 - (ii) Inform local iwi (Ngati Raukawa and Nga hapu o Otaki); and

(iii) Inform the New Zealand Historic Places Trust (NZHPT); and

(iv) Inform the New Zealand Police if deemed necessary; and

(v) Take appropriate action, after discussion with the NZHPT and iwi to remedy damage and/or restore the site.

NB: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from the NZHPT is required if the site is to be modified in any way.

11. (i) Visible dust emissions from excavation activities shall be kept to a minimum. For the avoidance of doubt, mitigation measures shall include the use of water carts and/or hosing facilities where appropriate.

(ii) The use of Kapiti Coast District Council's potable water supply shall not be used for dust control purposes.

12. (i) All machinery and fuel/oil storage tanks shall be well maintained at all times and shall not leak fuel, oil or other chemical substances into the river.

(ii) In the event of any leakage or spill, the source shall be immediately isolated and removed from the river bed and river margins area.

13. Upon Greater Wellington Regional Council securing ownership or lease of the underlying land, and a plan change imposing "River Corridor" zoning has been implemented, the designation shall be removed in its entirety.

Advice Notes

- I. Please note that the provisions of the Kapiti Coast District Plan relating to noise, dust, vibration and light spill will apply to all works permitted by this Notice of Requirement unless specifically provided for by the above conditions.
- II. It is the responsibility of Flood Protection, Greater Wellington Regional Council to comply with any conditions imposed on this Notice of Requirement prior to and during (as applicable) its implementation.
- III. A building consent must still be issued prior to any building work covered by the Building Act 2004 being undertaken. Flood Protection, Greater Wellington Regional Council is also required to obtain a building consent before carrying out any alterations to existing services within the designated area.
- IV. A separate application for building consent is required if any earth retaining structure is intended as part of this work which will be higher than 1.5 metres.
- V. All costs arising from any of the above conditions are the responsibility of Flood Protection, Greater Wellington Regional Council.
- VI. Flood Protection, Greater Wellington Regional Council should not encroach onto adjacent land owned by others without first having gained their written consent.
- VII. Flood Protection, Greater Wellington shall ensure that it or its agents have Contractors' All Risk Insurance and Public Liability Insurance.
- VIII. Please remain aware that the designation is located on the boundary between Mr Ian Clayton-Bray's property at 61 Te Roto Road, Otaki and land owned by Greater Wellington Regional

Council and Land Information New Zealand. The designation does not apply to the land owned by Mr Ian Clayton-Bray at 61 Te Roto Road, Otaki.

- IX. Please note that construction of the stopbank on land adjoining the property of Mr Ian Clayton-Bray at 61 Te Roto Road, Otaki must be carried out entirely within land owned by Greater Wellington Regional Council or Land Information New Zealand on the southern side of the existing post and wire barbwire boundary fence unless prior arrangement has been made under the provisions of Condition 7(iii) of this Notice of Requirement recommendation Report.
- X. Please note that the designation does not authorise Greater Wellington Regional Council to affect fences and trees along the boundary of Mr Ian Clayton-Bray's property at 61 Te Roto Road, Otaki and that the provisions of Condition 9 of this Notice of Requirement Recommendation Report will apply should any damage occur.
- XI. Please note that as provided for under Condition 1 of this Notice of Requirement Recommendation Report, the stopbank will be constructed approximately 5 metres away from the existing post and wire fence between the property of Mr Ian Clayton-Bray at 61 Te Roto Road, Otaki and land owned by Greater Wellington Regional Council; and that along the remaining boundary of the afore mentioned land, the stopbank will be constructed 3 metres away.
- XII. Please be aware that relative to existing contours, runoff from the stopbank onto adjoining properties will be less than what is currently experienced during rainfall and flood events.
- XIII. Greater Wellington Regional Council is advised to keep owners of adjoining land informed as to the progress and status of the works above and beyond that required under Condition 6 of this Notice of Requirement Recommendation Report.

RECOMMENDATION PROPOSED BY:



Colin Bridges, Principal Planner-Land Use-Kapiti Coast District Council

Date: 02-07-07

REPORT PEER REVIEWED AND RECOMMENDATION ADOPTED UNDER DELEGATED AUTHORITY BY:



Andrew Guerin, Manager-Sustainable Development-Kapiti Coast District Council

Date: 4/7/07