

Appendix 12: TDC NESCS land use consent 102.2025.147.1

**DECISION OF TIMARU DISTRICT COUNCIL
LAND USE CONSENT – 102.2025.147.1**

Acting under the delegated authority from Timaru District Council, I have considered the subject application and have decided, pursuant to sections 104, 104C, and 108 of the Resource Management Act 1991, that consent be GRANTED subject to the attached conditions:

Applicant:	Canterbury Regional Council
Application Description:	Global land use consent under the NES-CS to disturb contaminated soils ancillary to the Seadown Stopbank and Channel Realignment
Application Status:	RESTRICTED DISCRETIONARY
Property Address:	101, 116, 124 & 135 Aorangi Road, 144 Meadows Road, and 68-72, and 86 Sheffield Street
Legal Descriptions (from north to south):	Section 5 Meadows SETT, Section 17 Meadows SETT, Lot 2 DP 419868, Lot 1 DP 419868, Pt Section 6 Meadows SETT, Lot 2DP 548518, Lot 3 DP 397304, Lot 4 DP 365071, and Lot 2 DP 403105
Operative District Plan Zone:	Industrial H Zone and Rural 3 Zone
Proposed District Plan Zone:	General Industrial Zone and General Rural Zone
Date of Decision:	10 April 2026



AARON HAKKAART
PLANNING MANAGER

REASONS FOR THE DECISION PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

The recommendation contained within the attached Officer's Section 42A Report has been adopted as the reasons for decision under Section 113 of the Resource Management Act 1991.

SCHEDULE OF CONDITIONS

Pursuant to section 108 of the Resource Management Act 1991 this resource consent is subject to the following conditions:

General

1. The development and ancillary works shall be undertaken in general accordance with the application and the certified Site Management Plan (SMP) required by Condition 6, except for the amendments required by the following conditions for consent.

Works Commencement Notice

2. The Consent Holder shall give the Timaru District Council no less than five (5) working days' written notice prior to the start of the earthwork stage. The notice shall include:
 - a. A plan showing the location(s) of the works being undertaken; and,
 - b. Proposed start and finish dates; and,
 - c. The name and contact details of the engaged SQEP; and
 - d. The version/date of the certified SMP to be used.
3. The Consent Holder shall provide a site contact for contaminated land matters and complaints. Contact details shall be included in the Commencement Notice and kept current for the duration of the works.
4. The Consent Holder shall engage a SQEP to oversee the works, including supplemental sampling, reuse decisions, responses to unexpected discoveries, and validation.

Supplemental Characterisation

5. Where the works intersect HAIL areas not directly characterised by the DSI, supplemental sampling prior to or during excavation shall be undertaken under SQEP direction to confirm contaminant status and inform reuse/disposal decisions.

Site Management Plan (SMP)

6. No works shall commence until an SMP has been certified in writing by Timaru District Council (or delegate) as achieving the purpose of these conditions and reflecting current good practice for contaminated land management.
7. The SMP submitted for certification under Condition 6 shall:
 - a. Include supplemental sampling requirements for:
 - i. Un-characterised HAIL segments intersected by the Works; and
 - ii. Any soil proposed for reuse (bunds/stop banks/landscaping).
 - b. Specify reuse criteria and decision logic; soils exceeding NES-CS SCS for commercial/industrial human health shall not be reused unless encapsulated in accordance with Condition 11; and,
 - c. Require classification and disposal only to facilities with appropriate waste acceptance criteria (not cleanfill), with manifests and weighbridge receipts retained in accordance with Condition 17; and,
 - d. Set out dust suppression, stockpile management (including barrier underlay and covering), and erosion/sediment controls commensurate with the works.
 - e. Include an unexpected discovery procedure consistent with Conditions 18 and 19; and,
 - f. specify Site Validation Report (SVR) content and timelines consistent with Condition 20.

8. Minor amendments to the certified SMP that improve environmental outcomes or address site-specific conditions may be implemented with SQEP sign-off and written approval from Timaru District Council prior to reliance. A tracked-changes version and brief memo shall be provided when seeking approval.

Soil Reuse

9. Soil from areas described in condition 5 that are proposed for reuse shall be sampled and analysed under SQEP direction at a density of not less than one (1) sample per 25 m³, or at an alternative density justified by the SQEP and approved by Council, using an analytical suite appropriate to the contaminants of concern.
10. Soil that meets NES-CS SCS commercial/industrial human health and any applicable environmental criteria (including regional criteria where relevant) may be reused. Soil that exceeds such criteria shall be either:
 - a. encapsulated in accordance with Condition 11 or,
 - b. disposed off-site in accordance with Condition 17.

Encapsulation and Capping (On-site Management)

11. Where condition 10(1) applies, it shall be placed within a closed cell or bund structure that includes:
 - a. A base barrier/marker layer (e.g., geotextile or geosynthetic); and,
 - b. Side containment using geotextile or engineered bund flanks; and,
 - c. A minimum 300 mm clean soil cap, or an alternative thickness justified by the SQEP and approved by the Council; and
 - d. A warning layer immediately beneath the clean cap, where practicable.
12. Encapsulation locations shall be recorded with surveyed coordinates, included in the SVR (Condition 20), and protected against erosion and vehicle trafficking that could compromise integrity.
13. Capped areas shall be stabilised promptly (e.g., hydroseed, turf, hardstand) to prevent windblown dust and sediment mobilisation.

Erosion & Sediment Controls

14. Dust shall be actively suppressed (e.g., water carts/misting). Works shall cease during periods of high wind when suppression is ineffective.
15. Stockpiles of impacted soil (in excess of ANZG DGV sediment criteria) shall:
 - a. be formed on a barrier underlay; and,
 - b. be kept damp or covered; and,
 - c. be bunded to prevent run-on and run-off; and
 - d. be kept to the shortest practicable duration prior to reuse, encapsulation, or disposal.
16. Erosion and sediment controls appropriate to the works (e.g., diversion bunds, silt fencing, decanting devices) shall be installed, inspected, and maintained to prevent off-site transport of sediment-bound contaminants. Controls shall remain in place until surfaces are stabilised.

Transport, Disposal, and Tracking

17. The Consent Holder shall retain waste manifests and weighbridge receipts for all off-site soil movements and provide copies to the Timaru District Council within two (2) months of completing each stage of works and include them in the SVR.

Unexpected Discovery Protocol

18. If contamination is identified or suspected that was not anticipated by the DSI/SMP (including but not limited to staining, odours, asbestos-containing material, buried waste, or oily sheen), the Consent Holder shall:
 - a. Cease the relevant activity immediately in the affected area; and,
 - b. Isolate and secure the area; and,
 - c. notify the SQEP and the Council as soon as practicable; and
 - d. implement interim controls as directed by the SQEP.
19. The SQEP shall assess the discovery and provide written advice on required management, additional sampling, and any SMP amendments. Works shall not recommence in the affected area until measures are in place to the satisfaction of the SQEP, and any SMP amendment is approved in accordance with Condition 8.

Validation and Reporting

20. Within two (2) months of completing the earthworks stage of works, the Consent Holder shall submit an SVR prepared and signed by the SQEP that includes, as applicable:
 - a. a description of the works for the applicable stage; and,
 - b. plans showing excavation areas, stockpile locations, and encapsulation locations; and,
 - c. chain-of-custody records, laboratory certificates, and a summary of supplemental sampling results; and,
 - d. reuse/encapsulation decisions and the criteria applied; and,
 - e. waste classification, manifests, and weighbridge receipts for off-site disposal; and,
 - f. a statement on compliance with the certified SMP and these conditions, and any recommendations for ongoing controls.

ADVICE NOTES

Other Consents May Be Required

This resource consent authorises the land use or subdivision applied for only. The consent does not give the consent holder the right to:

- use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legally established.
- conduct any activity that requires resource consent from the Canterbury Regional Council (Environment Canterbury). You are advised to contact Environment Canterbury to ascertain if consent is required for the proposed development.
- Authorise building or utility services construction work that requires separate consent/approval.

Commencement

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

Right of Objection

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under Section 357A of the Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

Under section 357A(1)(f) or (g) of the Act you may request that the objection be considered by a hearings commissioner(s), who is/are not a member of the Timaru District Council.

Subsequent Right of Appeal to the Environment Court

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

Appeal Direct to the Environment Court

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

However, there is no right of appeal under this section against the whole or any part of a decision of a consent authority to the extent that the decision relates to 1 or more of the following, but no other, activities:

- a. a boundary activity, unless the boundary activity is a non-complying activity;
- b. a subdivision, unless the subdivision is a non-complying activity;
- c. a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.

A person who made a submission on the application or review of consent conditions may appeal only in respect of a matter raised in the person's submission (excluding any part of the submission that is struck out under section 41D).

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the Environment Court (PO Box 2069, Christchurch

8013) within 15 working days' notice of the decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made a submission in relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

Minor Correction of Resource Consents

Section 133A of the Act provides that the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 20 working days of the grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council.

Change or Cancellation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. Should all the conditions of consent be complied with, a single monitoring visit will occur and therefore no further monitoring charges will be incurred. However, should conditions of consent not be met, further monitoring will be required which will generate additional costs as outlined above. Please note that some consents will require periodic or on-going monitoring and therefore despite compliance, monitoring will occur and costs will be charged for that monitoring.

Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.