

08 November 2024

Tasman District Council  
Community Infrastructure  
Private Bag 4  
Richmond 7050

c/- WSP

Dear Susi Solly

**Decision on Non-Notified Resource Consent Application No. RM240328 – discharge permit to discharge water containing chlorine to upper Borck Creek; and RM240329 – land use consent for the installation of a new outfall structure in upper Borck Creek.**

Your application for resource consent has been granted. A copy of the Council's decision is attached. Please carefully read the conditions that have been attached to the consent and feel free to contact me if you have any questions about your consent or its conditions. My contact details are listed at the top of this letter.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a paid deposit ([please see our latest schedule of fees and charges on our website under Resource Management S357](#)), and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your application has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly about the final costs of processing your application.

Under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then.

Ngā mihi



Saskia Wilson  
Senior Consent Planner – Natural Resources



## RESOURCE CONSENT DECISION

**Resource consent number:** RM240328 and RM240329

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

***Tasman District Council***

(hereinafter referred to as “the Consent Holder”)

**Activity authorised by this consent:**

- RM240328: Discharge consent from reservoir integrity testing/commissioning of reservoir.  
Incidental discharges during installation of the outfall structure.  
Discharges during reservoir maintenance and from overflow (emergency) events
- RM240329: Land use consent for the installation of a new outfall/discharge structure in upper Borck Creek that is greater than 2m<sup>2</sup> in area.

**Location details:**

Address of property: 520 Hill Street South, Hope  
Legal description: Sec 1 SO 533003  
Record of title: 915673  
Valuation number: 1943017404  
Location co-ordinates: Easting: 1614400 Northing: 5421134 (NZTM)

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

**CONDITIONS**

- 1 The activity authorised by these consents shall be carried out in general accordance with:
  - (a) Notice of requirement for a designation of land and resource consent application;
  - (b) Appendix C – Conditions – for the resource consent;
  - (c) Appendix E – Ecological Impact Assessment;
  - (d) RM240328 Plan A and RM240328 – Plan B

In the event that there is any conflict between these documents and any condition(s) of these consents, the conditions shall prevail.

- 2 A copy of this resource consent and plans required by Condition 6 below shall be available to contractors undertaking the works and shall be produced without unreasonable delay upon request by the Council.

## Prior to Works

- 3 Prior to undertaking the works authorised by this resource consent(s), the Consent Holder shall appoint a representative(s) who shall be the Council's principal contact person(s) in regard to matters relating to these resource consents.
- 4 The Consent Holder shall inform the Council's Team Leader – Compliance & Investigation, in writing, of the name and contact details of the following persons:
  - (a) the Consent Holder Representative required under Condition 3;
  - (b) the Principal Contractor (if not the Consent Holder Representative).

Should the person(s) change during the term of this resource consent, the Consent Holder shall provide the new name and contact details, in writing, to the Council's Team Leader – Compliance & Investigation within one working day.

- 5 The Consent Holder shall, at least 10 working days prior to the commencement of works, notify the Council's Team Leader – Compliance & Investigation in writing, of the date that the works are intended to commence.
- 6 The Consent Holder shall provide an Erosion and Sediment Control Plan (ESCP) to Council's Team Leader – Compliance & Investigation for certification at least 15 working days prior to the works commencing. This plan shall be in general accordance with the Nelson Tasman Erosion and Sediment Control Guidelines 2019.
- 7 The Consent Holder shall undertake all works in accordance with the approved ESCP. No works shall commence until the Consent Holder has received written notification that the final ESCP is to the satisfaction of Tasman District Council. If no response is given from the Council within 10 workings days of the applicant submitting the ESCP to the Council for certification, then the ESCP shall be considered certified.
- 8 The control measures outlined in the certified ESCP (referred to in Condition 6) shall be implemented prior to earthworks commencing on site and maintained until such time that the site has been permanently stabilised. The Erosion and Sediment Control measures shall be checked daily by the Consent Holder (or their agent), to ensure they are functioning as intended. Should any of the control measures be found not to be functioning as intended, all earthworks shall immediately cease until the necessary repairs or modifications have been made.

### **Advice Note:**

*For the purposes of this condition, 'permanently stabilised' shall mean revegetating (including being sown with grass), or otherwise covering any exposed ground so as to reduce the risk of dust, erosion and sedimentation.*

## Discharges

- 9 The activities authorised under this resource consent shall be limited to:
  - (a) the discharge of water from reservoir integrity testing and commissioning of the water reservoir;
  - (b) the incidental discharge of water during installation of the outfall structure;
  - (c) the discharge of water containing no more than 3µg/L of chlorine during reservoir maintenance; and
  - (d) the discharge of water from overflow (emergency) events.

- 10 The maximum rate of discharge shall not exceed 40 litres per second to prevent the scour and erosion of Upper Borck Creek.

**Advice Note:**

*This condition relates to discharges from the commissioning of the reservoir and during maintenance only. In the unlikely event of an emergency overflow, the maximum rate of discharge may be exceeded. Condition 12 requires the activity will not result in scouring and erosion at any flow.*

- 11 Prior to the discharge of water from the water reservoir to Upper Borck Creek, the Consent Holder shall use sodium thiosulphate (or a similar product) to reduce the chlorine content to a level of no more than 3µg/L.'

**Advice Note:**

*This condition only applies to the activities described under Condition 9(a), (b) and (c).*

- 12 The discharge from the water reservoir shall only occur via an outfall with scour and erosion protection including an energy dissipation apron to prevent erosion and scour in Upper Borck Creek. The discharge shall not result in scouring and erosion.
- 13 The Consent Holder shall ensure that planned discharges from the water reservoir do not occur during heavy rainfall events.
- 14 The discharge shall not cause or contribute to any damage caused by flooding on any adjacent property.
- 15 The discharge shall not contribute to or cause any of the following:
- (a) the production of any conspicuous oil or grease films, scums or foams, or conspicuous floatable or suspended material
  - (b) any emission of objectionable odour; and/or
  - (c) any adverse effect on aquatic life.
- 16 All stormwater and sediment control structures associated with the discharge shall be maintained in effective operational order at all times.
- 17 If an emergency overflow occurs, the Consent Holder shall:
- (a) Notify Council's Team Leader – Compliance & Investigation as soon as practical that an emergency overflow has occurred with the following information:
    - i. Quantity of water discharged;
    - ii. Level of chlorine in the water that was discharged;
  - (b) prepare a report to be provided to Council's Team Leader – Compliance & Investigation with two weeks of the emergency overflow occurring including:
    - i. when the emergency overflow occurred;
    - ii. steps taken by the Consent Holder to prevent another emergency overflow;
    - iii. any improvements required to the water reservoir and associated infrastructure.

**Outfall Structure**

- 18 The activities authorised under this resource consent shall be limited to:

- (a) The construction and installation of an overflow pipe and scour line allowing a discharge to upper Borck Creek;
  - (b) The construction and installation of the outfall structure adjacent to upper Borck Creek; and
  - (c) The earthworks and disturbance required to undertake the above.
- 19 As far as is practicable, works should not be carried out during periods of wet weather. All soil and erosion control measures shall be checked for integrity prior to any forecasted heavy rain.
- 20 The disturbance and deposition of soil in the riparian margins of Upper Borck Creek shall be limited to that reasonably necessary to undertake the works authorised by these consents.
- 21 All machinery entering or working in the bed and margins of Upper Borck Creek shall be cleaned prior to arrival and upon departure of site to remove weeds or seeds that may establish in the riverbed or margins or may enter the aquatic environment.
- 22 All disturbed riparian areas shall be stabilised and/or revegetated as soon as practicable following the completion of active works in the riparian margin, unless weather or seasonal conditions are likely to prevent successful germination.
- 23 No soil, vegetation or construction materials shall enter flowing water or result in the contamination or degradation of the terrestrial or aquatic environment within Upper Borck Creek.
- 24 The Consent Holder shall ensure that fish passage is maintained through Upper Borck Creek.

## **Cultural**

- 25 The Consent Holder shall engage the services of a joint representative of Te Rūnanga o Toa Rangatira and Te Ātiawa to be present during any earthworks. The Consent Holder shall contact Te Rūnanga o Toa Rangatira and Te Ātiawa at least 10 working days prior to commencing any earthworks and advise it of the commencement date of the earthworks.

At the time of consent, the iwi contact can be found on [www.tkm.govt.nz](http://www.tkm.govt.nz) and the contact details for the Iwi Monitor from Ārewa Ltd in Nelson can be found on [www.arewa.nz](http://www.arewa.nz); phone 03 265 5565.

- 26 In the event of Māori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with Heritage New Zealand's Central Regional Office, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approvals to damage, destroy or modify such sites have been obtained.

### **Advice Notes:**

*At the time this consent was granted the contact for Heritage New Zealand Pouhere Taonga Central Office is Phone + 64 4 494 8320, Email: [infocentral@heritage.org.nz](mailto:infocentral@heritage.org.nz).*

*The discovery of any pre-1900 archaeological site (Māori or non-Māori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to the Heritage New Zealand Pouhere Taonga for an authority to damage, destroy or modify the site.*

## **Hazardous Substances**

- 27 There shall be no storage of fuel or lubricants, refuelling, or lubrication of vehicles and machinery in the bed or within 20 metres of the margins of any watercourses or tributaries.
- 28 The Consent Holder shall maintain spill kits on site at all times to contain and/or absorb any spilled hazardous substance and/or any other measures necessary to prevent any spills of hazardous substances entering land or water.
- 29 In the event of a spill of hazardous substances on the site greater than 20 litres, the Consent Holder or their agents shall record the details, and provide to Council's Team Leader – Compliance & Investigation within 24 hours of the spill.
- (a) the date, time and volume of the spill;
  - (b) the substance spilt;
  - (c) measures taken to contain and absorb the spilt substance; and
  - (d) the cause of the spill, and the measures taken since to prevent a repeat of the incident

## **Noise**

- 30 The hours of operation during construction shall be 6am to 6pm Monday to Saturday. The restriction on hours of works shall not apply to low noise generating activities, such as pump operation, site set up or staff meetings, which may occur outside of these hours provided they are generally inaudible off site.
- 31 All activities shall be carried out to comply with NZS6803:1999 Acoustics Construction Noise standards. For compliance purposes, noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 and NZS6802:2008.

## **Review of Consent Conditions**

- 32 The Council may, during the month of November each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purpose:
- (a) to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;
  - (b) to require the Consent Holder to adopt the best practicable option to remove, remediate or reduce any adverse effect on the environment;
  - (c) to allow, in the event of concerns about the quality or quantity of water discharged, the imposition of compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
  - (d) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.

## **Lapse and Expiry**

- 33 Pursuant to Section 125 of the Act this consent shall lapse 5 years after the date that titles are issued unless either the consent is given effect to, or the Council has granted an extension pursuant to section 125(1)(b) of the Act.
- 34 These resource consents shall expire 35 years after the date they are granted.

## ADVICE NOTE(S)

- 1 Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
- 2 The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
- 3 Access by the Council or its officers or agents to the property is reserved pursuant to section 332 of the Resource Management Act.
- 4 All reporting required by this consent should be made in the first instance to the Council's Team Leader - Compliance & Investigation.
- 5 These resource consents only authorise the activity described above. Any matters or activities not referred to in these consents or covered by the conditions must either:
  - (a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - (b) be allowed by the Resource Management Act; or
  - (c) be authorised by a separate resource consent; or
  - (d) be authorised by a Trade waste permit.
- 6 Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

## REASONS FOR THE DECISION

### Background to Proposed Activity

Tasman District Council (the applicant) is a requiring authority pursuant to section 166 of the Resource Management Act 1991 (RMA) and have submitted a Notice of Requirement (NOR) for a designation for "Water Supply Purpose" at 520 Hill Street South, Hope. The application for the NOR and associated assessments have been assessed in a separate report (RM240327). The objective of the proposal is to provide a reticulated wastewater supply to existing and developing residential zones around Richmond.

### RM240328 – Discharge consent (s15, RMA)

The applicant has applied for a discharge consent for the following:

- (a) Discharge from the reservoir during commissioning.
- (b) Discharge for maintenance purposes.
- (c) Overflow from the reservoir in the event of system failure.

The proposed discharges will be into upper Borck Creek which is a narrow (1-2 metre wide) waterway with a clay-based streambed. The maximum proposed rate of discharge is 40 L/s, this discharge would last up to 19 hours while the tank is drained during commissioning. The applicant has stated that sodium thiosulphate (or a similar product) will be used to reduce the chlorine content to 3µg/L prior to discharge.

During ongoing operations, the reservoir may require internal maintenance.



The internal surface of the reservoir will be mechanically cleaned through water blasting, the water and debris from this part of the process will be removed by truck to an authorised disposal point and as such, does not form part of this proposal.

The applicant has applied for a five-year duration for the first two discharges and a 35-year duration for the overflow from the reservoir in the event of system failure.

**RM240329 – Land use consent (s13, RMA)**

The applicant has sought resource consent to install a proposed overflow pipe/scour line from the proposed reservoir to upper Borck Creek, and an associated outfall structure (Figure 1).



Figure 1 - Conceptual piped stormwater outfall option(L) and conceptual channelled stormwater outfall option (R).

There is the potential that the scour pipe will be shortened, and a natural swale will be provided which would aid with the energy dissipation, filtering and infiltration of the discharged water prior to discharging into Borck Creek. A swale option would require additional rock riprap and geofabric due to discharge velocity. Details of the scour line and route will be developed during the detailed design phase.

The overflow will be used during reservoir commissioning and emergency situations. The applicant has indicated that any consenting requirements for the piped network will be addressed separately and as such, do not form part of this proposal.

**Site Description**

The site of the proposed reservoir is 520 Hill Street South, Hope. The site is located within the Richmond South Development Area, Land Disturbance Area 1 and Rural 1 Zone.

Upper Borck Creek runs through the application site and will be subject to discharges from the proposed reservoir. The creek is narrow with a clay-based streambed.

**Tasman Resource Management Plan (TRMP) Area and Rules Affected**

According to the TRMP the following apply to the application site:

- Area(s): Richmond South Development Area, Land Disturbance Area 1
- Zone(s): Rural 1

The proposed discharge of contaminant (sediment) to water during installed of the outfall structure cannot meet condition (b) of the Permitted Activity Rule 36.2.3.1 of the TRMP as there may be temporary changes to the visual clarity of Upper Borck Creek. Therefore, the proposal is deemed to be a **Discretionary Activity** under Rule 36.2.3.1.

The proposed discharge of the water from the water reservoir during testing/commissioning, maintenance and emergency overflow cannot meet conditions (b), (c) and (e) of Rule 36.2.2.8 for the following reasons:

- (a) Condition (b) of Rule 36.2.2.8 as there may be more than 0.5 g/m<sup>3</sup> of free or residual chlorine during emergency events;
- (b) Condition (c) of Rule 36.2.2.8 as there are likely to be contaminants other than heat in the discharge from the maintenance and commissioning of the reservoir; and
- (c) Condition (e) of Rule 36.2.2.8 as the discharge rate will be greater than 5 L/s during commissioning and the discharge rate may exceed 40 L/s during an emergency overflow event.

As such the proposed discharge is classified as a **Discretionary Activity** under Rule 36.2.3.1 of the TRMP.

The proposed construction of the scour line including the outfall structure and apron does not comply with condition (c) of the Permitted Activity Rule 28.1.3.1 of the TRMP and is therefore deemed to be a **Discretionary Activity** under Rule 28.1.8.1 of the TRMP. However, I note that the general conditions of Rule 28.1.2.1 can be met.

### **Principal Issues (Actual and Potential Effects on the Environment)**

The principal issue(s) associated with the proposed resource consents involve the actual and potential effects on the environment. For this application these were:

- (a) Effects on downstream flooding
- (b) Effects of scour and erosion
- (c) Effects on water quality and freshwater values
- (d) Effects of construction of the outfall
- (e) Effects on cultural values

I consider that the consent can be granted for the following reasons:

- (a) Effects on downstream flooding

The applicant is seeking to discharge water containing chlorine from a proposed water reservoir to Upper Borck Creek via an outfall and associated swale. The outfall pipe and swale will be used during reservoir commissioning and emergency situations (i.e., process malfunctions at the water treatment plant).

The applicant is proposing to discharge water from the disinfection process to Upper Borck Creek at a rate not exceeding 40 litres per second (L/s). The applicant has stated that planned discharges from the water reservoir shall not take place during heavy rainfall events to ensure that Upper Borck Creeks ability to cope with extra flow is not exceeded.

The applicant has also confirmed that the culvert downstream of the proposed discharge is sized appropriately to receive the 40 litres per second as well as base flow in Upper Borck Creek. Additionally, Councils Development Engineering team have commented on this proposal stating that the proposed discharges with a maximum flow rate of 40 litres per second can be adequately accommodated by the network.

The applicant is proposing to discharge water from the water tightness test via a temporary connection to the sewer. I note that this is not part of this resource consent but will require a temporary trade waste discharge approval from Councils

Community Infrastructure Team. The applicant has been made aware of this process and it is included as an advice note on RM240328.

Based on the above, I consider that the potential effects on downstream flooding can be adequately mitigated.

(b) Effects of scour and erosion

There is the potential that the proposed discharge may cause scour and erosion in Upper Borck Creek due to the velocity at which water is discharged.

The proposed outfall with the potential for a shortened scour pipe and 'natural' swale will ensure that the proposed discharge does not cause erosion during any discharge events. The applicant is proposing to install riprap at the pipe outlet which will mitigate potential scour effects and erosion effects. In addition, geotextile fabrics will be used where necessary to avoid scour and erosion of the creek bed at the discharge point.

The application states that the rate of discharge will be managed by an engineered energy dissipation structure and erosion and scour protection aprons.

Based on the above, I consider that the potential effects of scour and erosion can be adequately mitigated.

(c) Effects on water quality and freshwater values

*RM240328 (discharge consent)*

There is the potential that the proposed discharge may affect water quality and freshwater values due to residual chlorine.

Chlorine will be added to the water reservoir to raise the chlorine level to 20 mg/L during the disinfection process. Prior to discharge to Upper Borck Creek, sodium thiosulphate will be used to reduce the chlorine content to an approved level (3µg/L). The proposed discharge of water from the reservoir during the disinfection will contain chlorine at a level of 3µg/L. This level has been set in the ANZECC guidelines as the 95% level of protection value for slight to moderately disturbed systems. This is based on safety factor on the effects and is much lower than the concentration of chlorine set in Permitted Activity Rule 36.2.2.8(b) of the TRMP of 0.5 grams per cubic metre.

I note that the Council's ecologist has raised concerns with the proposed chlorine discharge as an accidental chlorine release can lead to a substantial fish kill and has recommended a condition to prevent a discharge to the creek using a holding tank and a grassy swale constructed to contain a spill. The applicant has stated that the pump control system will limit reservoir filling to operational levels preventing an overflow to Borck Creek. In the event of an emergency overflow, any water would be directed to Borck Creek via a vegetated and erosion protected swale prior to entering the stream channel. The applicant provided the following response regarding the ability for the system to absorb an emergency event:

*"It is reasonable to expect that in the event of an unplanned overflow due to a system failure, a manual valve closure would be made within 20 minutes of an event.*

*In the event of an unplanned stoppage, the water level has to rise up from its normal operating level (which fluctuates) to the reservoir Max Water Setpoint.*

*In addition to this, there is a further 760mm of vertical storage (acting as retention) up to the overflow level (in the highly unlikely event of no draw-off).*

*This storage volume equates to approximately 290m<sup>3</sup> providing 30mins of retention volume at full flow.*

*As detailed in Section 3.3.4 of the NOR, opportunities to shorten the scour pipe and*

*provide opportunity for a natural swale will be explored during detailed design and this would enhance de-chlorination.”*

The applicant has proposed the installation and maintenance of sediment and erosion controls in line with the Nelson Tasman Erosion and Sediment Control Guidelines 2019 which will effectively minimise sediment discharges to the creek.

Based on the above, I consider that the potential effects on water quality and freshwater values of Upper Borck Creek as a result of the proposed discharges can be adequately mitigated.

*RM240329 (land use consent)*

The applicant is looking at two main options for the proposed outfall and associated scour pipe to Upper Borck Creek. The two options are as follows:

- Reservoir overflow, scour line and associated outfall; or
- Reservoir overflow with a shortened scour line, a natural swale and associated outfall.

I note that both options include rock riprap protection at the outfall to reduce the potential for sediment discharge to the creek.

If the proposed scour pipe is shortened, there would be the possibility to add a 'natural' swale which would aid energy dissipation, filtering and infiltration of the discharged water prior to discharging into Upper Borck Creek. The swale option would require additional rock rip rap and geofabric to prevent scour due to the grade of the channel and the velocity of the water.

I note that the outfall structure will be placed in a location which will not affect fish passage, water quality or aquatic habitats.

I consider that the mitigation proposed by the applicant and adopted as part of the conditions will ensure that the effects on water quality and freshwater values can be mitigated.

(d) Effects of construction of the outfall

During the construction of the outfall, the applicant will have a Erosion and Sediment Control Plan in place to minimise the potential effects of the construction works on upper Borck Creek and the surrounding area. The construction of the outfall will be temporary.

The applicant has proposed mitigation during the construction phase of the outfall to reduce the potential discharge of sediment including sediment fences, control of run-off and prompt seeding with grass and planting to reduce exposure of soil.

I consider that the mitigation proposed by the applicant and adopted as part of the conditions will ensure that the effects of the construction of the outfall can be mitigated.

(e) Effects on cultural values

The applicant has undertaken consultation with Te Tau Ihu iwi, the feedback received was predominantly related to the impact of discharges and the disturbance on the creek. The consultation with iwi can be summarised as follows:

- Iwi are interested in the management of the commissioning related discharges to Upper Borck Creek.
- Iwi would like to have the opportunity to monitor earthworks and be involved with mitigation actions in the stream along with the freshwater ecologist.
- Iwi would like to work with Council on a wider catchment restoration plan.

The applicant has undertaken the following in response to the consultation:

- Has commissioned an ecological report on the stream, and this has been shared with iwi.
- Intends to invite iwi monitors to oversee earthworks within original ground
- Will upgrade this section of creek to improve ecology and health as part of a parallel/ related project (not part of this resource consent).

The applicant notes that discharges to the creek will be managed to control levels of chlorine and velocity to reduce potential damage to the creek bed or banks.

I note that there are no statutory acknowledgment areas within the vicinity of the works, however Upper Borck Creek eventually flows into the Te Tau Ihu Coastal Marine Statutory Acknowledgement Area.

### **Relevant Statutory Provisions**

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

- (a) National Policy Statement for Freshwater Management 2020 (NPS-FM);
- (b) New Zealand Coastal Policy Statement 2010 (NZCPS);
- (c) Tasman Regional Policy Statement (TRPS);
- (d) Tasman Resource Management Plan (TRMP);

The National Policy Statement for Freshwater Management (NPS-FM) came into force on 3 September 2020 and was amended on 8 December 2022. Objective 1 and policies 1, 2, 9 and 15 of the NPS-FM are relevant to this proposal. As detailed above, the mitigation proposed by the applicant will minimise the potential adverse effects on upper Borck Creek. Consultation with Te Tau Ihu iwi has been undertaken throughout the process and an ecological impact assessment was commissioned which has been shared with iwi as requested. The project has been designed in a way that helps achieve the future upgrade improvements planned for the creek as part of a parallel project. Based on the above, I consider that the proposal is generally consistent with the NPS-FM.

The New Zealand Coastal Policy Statement 2010 (NZCPS) contains Policy 23 which relates to the discharge of contaminants to water in the coastal environment. Given the low likelihood of an emergency discharge to Borck Creek, as well as the reduction in chlorine levels of the discharge during commissioning I consider that the proposal is generally consistent with Policy 23 of the NZCPS.

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 12, 27, and 33 of the TRMP.

### **Matters Relevant to Certain Applications (s105(1))**

In addition to the matters in Section 104(1) of the Act, Section 105(1) also requires decision makers to have regard to the following matters for applications that would contravene Section 15 or Section 15B of the Act:

- (a) *The nature of the discharge and the sensitivity of the receiving environment to adverse effects;*
- (b) *The applicant's reasons for the proposed choice; and*
- (c) *Any possible alternative methods of discharge including discharge into any other receiving environment.*

I have had regard to the above matters and note that the adverse effects of the proposed discharge are minor. The applicant's reasons for the proposed choice are:

- (a) Discharges associated with these consents relate to that from the reservoir itself including commissioning, maintenance and possible overflows.

- (b) There are no viable alternatives to the proposed discharge as the Council's piped stormwater network does not run past this site.

### **Restrictions on Grant of Certain Discharge Permits (Section 107)**

Under Section 107(1) of the Act, a consent authority shall not grant a resource consent for the discharge of a contaminant into water, or onto or into land, if after reasonable mixing the discharge is likely to give rise in the receiving waters to:

- (c) *the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:*
- (d) *any conspicuous change in the colour or visual clarity:*
- (e) *any emission of objectionable odour:*
- (f) *the rendering of fresh water unsuitable for consumption by farm animals:*
- (g) *any significant adverse effects on aquatic life.*

I consider that the discharge will not give rise to any of the effects specified in Section 107(1), and therefore consent may be granted.

### **Part II Matters**

I have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

### **Notification and Affected Parties**

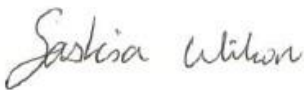
The adverse environmental effects of the activity are considered to be no more than minor. The application required public notification as per the applicant's request. Following closure of the submission period, no submissions were received. Council's Principal Planner Resource Consents determined that no hearing was required and that a decision on the application can be made under delegated authority.

### **Duration of the Consent**

The applicant has applied for a five-year duration for the construction-phase discharges and a 35-year duration for the overflow from the reservoir in the event of system failure.

### **Decision**

These consents are granted on 08 November 2024 under delegated authority from the Tasman District Council by:

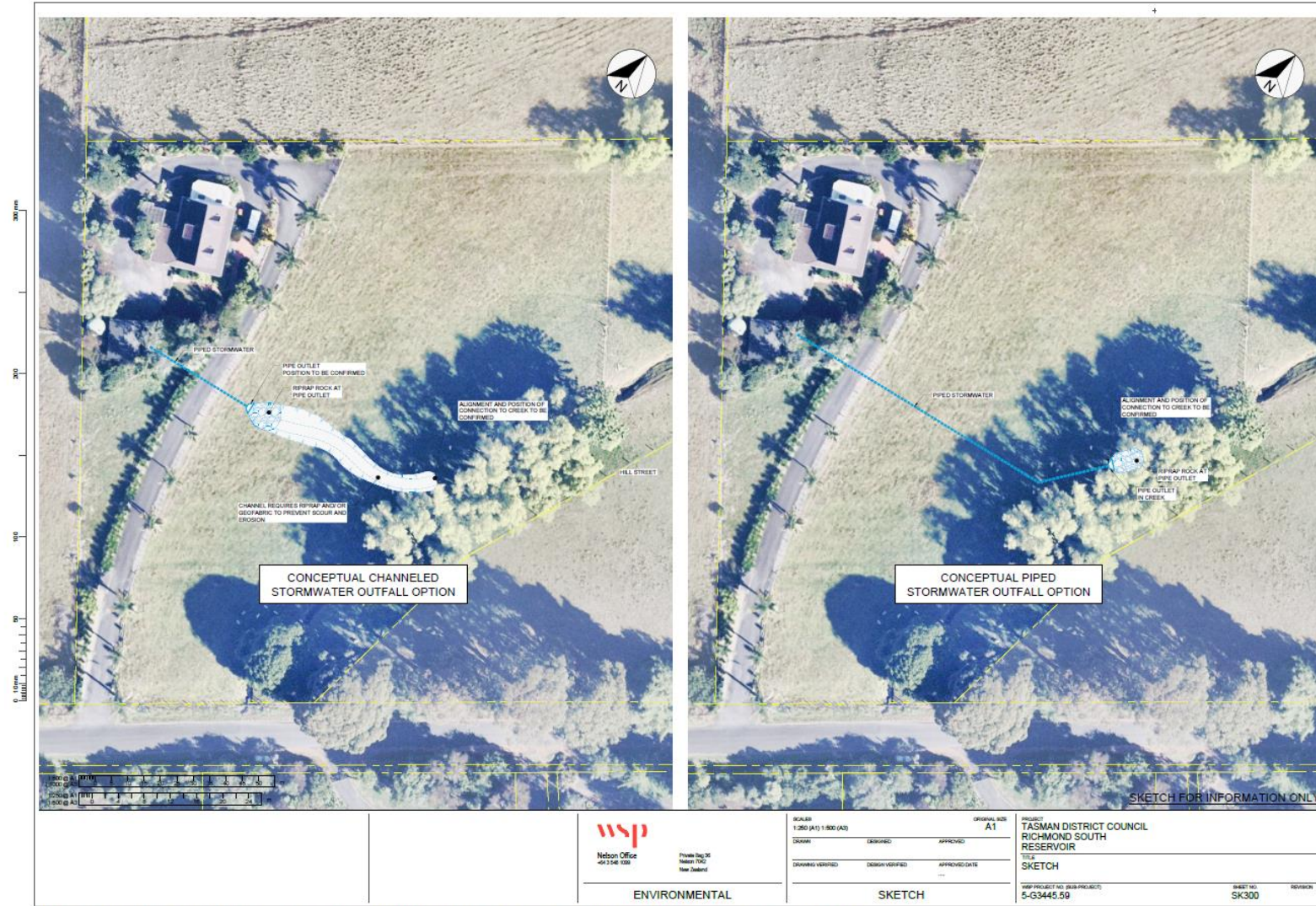


Saskia Wilson  
Senior Consent Planner – Natural Resources





Plan A – RM240328





Plan B – RM240328

