STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Michael Durand - Co-Ordinator Natural Resources Consents

REFERENCES: RM070419, RM070420 and RM070423 – Discharge, Diversion and Damming of Stormwater

SUBJECT: **RUBY BAY DEVELOPMENTS LIMITED - REPORT EP07/10/04 -** Report prepared for Hearing commencing 9 October 2007

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1. DESCRIPTION OF THE PROPOSED ACTIVITY

Ruby Bay Developments Limited has lodged a number of resource consent applications relating to a subdivision, residential development, community activity, earthworks, works in watercourses and associated wastewater and stormwater discharges in the Rural 3 zone.

The following report assesses applications **RM070419, RM070420 and RM070423** relating to the diversion, damming and discharge of stormwater at the development. This report should be read in conjunction with other staff reports discussing earthworks associated with the construction of dams and culverts that form parts of the stormwater system at the proposed subdivision.

Should consent be granted the Consent Holder will, at this stage, be the applicant Ruby Bay Developments Limited, but in the future it is envisaged that the resource consent will need to be transferred to the proposed resident's association.

1.1 Discharge Permit (Application RM070419)

To discharge collected stormwater from buildings, roads, and other hardstand areas to land and surface waterbodies from the subdivision application described above (Application RM070416). The stormwater flows will be treated and attenuated through the use of stormwater detention ponds, bush protection and/or regeneration and on-site measures for each new building.

1.2 Water Permit (Application RM070420)

To divert stormwater in conjunction with the discharge permit RM070419 outlined above.

1.3 Water Permit (Application RM070423)

To dam water where the catchment area exceeds 20 hectares for the attenuation of stormwater associated with the subdivision (Application RM070416).

1.4 Site Location and Description

The 147.003 hectare property is located between Dicker Road and Awa Awa Road, Tasman (see location maps in Appendix 2). The site is approximately three kilometres west of Ruby Bay and four kilometres northwest of Mapua.

The application area has a range of slopes of an undulating to rolling nature. Few areas have slopes over 15 degrees. The "easy contour" land with average slopes ranging from 5 to 9 degrees covers 49% of the area and over 63% of the proposed residential sites are situated on the "easy contour" land. Less than 37% of the proposed residential sites are on the broken contour range consisting of slopes with pockets of easier contour areas separated by steeper ridges and gullies. The subject area also includes moderate to steep areas of slopes between 10 to 20 degrees where the larger rural lots are proposed.

The application site contains three main ridgelines with a number of minor lateral ridgelines running up to the major ridgelines. A main gully runs up through the middle of the site and contains a regionally significant wetland. The vegetation for the majority of the site is currently rolling pasture and remnant pines from its past forestry use. Surrounding land uses include forestry, olive groves, pasture, apple orchards and lifestyle blocks.

1.5 Legal Description

Lots 1 and 7 DP 20366, Lot 13 DP 1706 and proposed Lots 1 and 2 of subdivision consent RM010679 (Certificates of Title NL13C/309, NL65/63, NL13C/305, Pt NL67/162 and Pt NL67/163). RM010679 amalgamates land owned by Carter Holt Harvey with properties east of Dicker Road that will be severed by the construction of the Ruby Bay by-pass.

2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN (PTRMP) ZONING, AREAS AND RULES AFFECTED

The application site is zoned Rural 3 and is within the Wastewater Management Area and Land Disturbance Area 1. Awa Awa Road is classified as an Access Place and Dicker Road is an Access Road.

General Authorisation 10 of the Transitional Regional Plan (TRP) authorised the discharge of stormwater subject to a number of performance criteria. However that general authorisation only continued in force until 31 December 2000. Therefore all control of the status of this activity falls to the Proposed Tasman Resource Management Plan (Proposed TRMP).

The Proposed TRMP permits the diversion, damming and discharge of stormwater on Rural 1 and Rural 2 land subject to specific criteria (Rule 36.4.2). However, at the time that the current application was lodged it had not been updated to reflect the Rural 3 status. Therefore stormwater diversions and discharges on Rural 3 land are not authorised by the rule and are therefore considered to be controlled under Rule 36.4.3A.

The damming of water is a permitted activity (Rule 31.2.) if the catchment contributing to the dam is less than 20 hectares in area. One catchment within the area proposed to be subdividedis greater than 20 hectares and a resource consent is needed to dam this catchment.

3. CONSULTATION, APPROVALS AND SUBMISSIONS

3.1 Consultation

The application stated that consultation occurred with immediately adjacent neighbours to the site and the following organisations:

Name	Reasons
Tasman District Council	Pre-application discussions with numerous staff
Transit NZ	By-pass issues
Department of Conservation	Wetland issues
QEII National Trust	Wetland issues
NZ Archaeological Association	Archaeological sites
Tangata whenua	Cultural impacts

3.2 Submissions

3.2.1 Summary of Submissions Regarding Stormwater:

Submitter	Reasons	Comment
P and B Groenewegen	Proposes the use of collected stormwater for irrigation	The proposed development is unserviced with a reticulated water supply. Collection of stormwater from roofs will be necessary, and this tanked water could conceivably be used for irrigation purposes as well.
S Padrutt	Suggests stormwater may overflow onto roads	The stormwater diversion structures, dams and discharge paths are designed to attenuate flows over roads.
L M Toole	Argues that there will be increased pressure on the wetland to cope with the additional stormwater runoff, and that there may be adverse effects on other properties downstream.	The stormwater attenuation system proposed by the applicant is designed for the capture and detention of stormwater; their modelling suggests that the outfow from the wetland will be no greater as a result of the proposed development than is currently the case. The detention ponds will intercept and hold stormwater, negating any adverse effect on the wetland.
Department of Conservation	Supports the protection and enhancement of aquatic, riparian and wetland habitats and stormwater management features.	
Royal Forest and Bird Protection Society – Nelson/Tasman Branch	Would like central facilities for car/boat washing so oils/detergents/didymo can be filtered out before passing into the stormwater system.	Council's Environmental Information staff suggested that contamination of the wetland and other water features with didymo is unlikely because there is to be no direct piping from dwellings to the detention ponds. Vegetation (swales, sheetflow etc.) is effective at capturing other contaminants such as oils and detergents.

Submitter	Reasons	Comment
Nelson Marlborough District Health Board	The collection of stormwater in ponds and dwellings close to the wetland has the potential for nuisance insect problems.	Agreed. However, wetlands and ponds also have positive amenity values aside from their function of stormwater attenuation and flood protection. The submitter did not suggest a minimum set-back between the proposed ponds and dwellings to negate this potential nuisance effect. Pond locations largely are resistricted given the catchment topography.
C Hughes and A Munro	Is concerned about stormwater effects on downstream properties.	Modelling suggests that stormwater during 5, 20 and 50 year events flows will be no greater as a result of the development.
D Mitchell	Stormwater problems in Tasman may be exacerbated.	Modelling suggests that stormwater during 5, 20 and 50 year events flows will be no greater as a result of the development.

4. PRINCIPAL ISSUES

The principal issue associated with the applications is:

a) Will the development result in adverse effects on watercourses and adjacent land associated with stormwater run-off?

5. STATUTORY PROVISIONS

The application is a Controlled activity in the Rural 3 Zone. The Council must consider the application pursuant to Section 104 of the Resource Management Act 1991.

The matters for the Council to address in Section 104 are:

- Part II matters;
- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

5.1 Resource Management Act Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

Section 5 sets out the **purpose** of the Act which is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

- *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Sections 6, 7 and 8 set out the **principles** of the Act:

Section 6 of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. The matters relevant to this application are:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.

- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

Section 7 of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act. Relevant matters to this application are:

- 7(d) intrinsic values of ecosystems
- 7(f) maintenance and enhancement of the quality of the environment, and
- 7(g) any finite characteristics of natural and physical resources

Section 8 of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I understand that the applicant has consulted with iwi. I do not anticipate that there are any relevant issues for this application in respect of Section 8.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. *The critical issue of this consent is whether the proposal represents sustainable use of the rural land resource, whereby servicing and cumulative adverse effects are no more than minor.*

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

5.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land, water and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

5.3 Tasman Resource Management Plan

The most relevant Objectives and Policies to this application are contained in:

- Chapters 30 and 33

This chapter articulates Council's key objectives:

The most relevant Rules which follow from these imperatives are contained in Chapters 31 and 36.

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

6. ASSESSMENT

Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

6.1 Actual and Potential Environmental Effects

6.1.1 Proposal Summary

The development of rural catchments with houses, roads and other impermeable surfaces inevitably alters their drainage characteristics. Typically, such developments cause an increase in both the volume and peak flow rate of stormwater discharges that occur out of the catchment during and following rainstorm events. Unattenuated stormwater discharges from such catchments can cause flooding and damage to the environment and property downstream, and thus there is an expectation within the TRMP's policies and objectives that such impacts are avoided, remedied or mitigated wherever possible.

Measures to avoid, remedy and mitigate any adverse effects of stormwater flows were discussed in the report prepared by Cato Bolam Consultants and submitted with the applications for resource consent.

In the present case, the applicant proposes stormwater diversion, detention (damming) and discharge structures that will control post-development runoff in such a way that it is no greater (in both peak flow rate and volume) than is presently the case. This is proposed to be achieved through the use of stormwater detention and diversion structures both on-site (i.e on each residential allotment) and servicing each catchment (i.e. ponds/dams constructed in existing gullies). The overall aim of the stormwater system is to temporarily capture and hold the 'extra' stormwater that will be diverted and discharged as a result of runoff from the impermeable surfaces (primarily roads and roofs) that are proposed to be built. Examples of these structures are outlined below.

Diversion structures	**Detention structures**	**Discharge structures**
Roofs	On-site 25,000 litre water tanks	Pond sheetflow outlets through pond and riparian margins (when pond discharges to wetland)
Driveways and other hard surfaces	Seven constructed ponds	
Roads, kerb and channel		
On-site dispersal trenches		
Existing gullies		
Swales		

Stormwater flows from each of the proposed dwellings is intended to occur as follows:

Roof interception (diversion) is collected in a 25,000 litre holding tank, the overflow from which will flow via a pipe to the dispersal trench. Driveway interception is also diverted directly to the trench. This the initially subsurface piped flow is diffused in the trench to create an over-land sheetflow, which will then flow downslope to a gulley or swale through pasture or bush. Each gulley or swale leads to one of the seven constructed ponds, which feed the existing wetland and / or streams in the three larger catchments of the proposed subdivision. The ponds detain stormwater, effectively decreasing the rate of runoff from the subdivision catchments to properties downstream.

The applicant's consultant admits that the configuration of the best stormwater attenuation option on each allotment should be developed at building consent stage, when more details are available on landuse on the each of the proposed allotments. However, their modelling of stormwater flows uses an average impermeable surface area of 980 m^2 per allotment.

Runoff from roads and accessways is proposed to be directed to swales (or where necessary, reticulation) to the constructed ponds.

The applicant's consultants use an HEC-HMS model to calculate pre- and post-development stormwater flows from the subject area during rainstorm events of 5 year, 20 year and 50 year return periods. The modelling results are presented on page 7 of their report. In all cases, it is shown that the proposed stormwater structures are able to maintain stormwater flows (in cubic metres per second) at pre-development levels. In other words, the modelling suggests that any adverse effect of stormwater discharges in the subject catchments is not exacerbated by the proposed subdivision and change in landuse.

6.1.2 Stormwater Diversion, Damming and Discharge Assessment

Stormwater Attenuation Assessment

The large cumulative buffering capacity of the proposed stormwater system provides a very good level of protection against increased stormwater runoff volumes occurring as a result of the development. The applicant's modelling results suggest that the effect of the proposed development on peak flows is neutral, even for low-frequency, high-intensity rainstorm events that occur at return periods of 50 years on average. The assessment undertaken by the Council staff of the model assumptions and design did not suggest that significant errors were made. Indeed, the applicant's stormwater report is assessed as being robust and its conclusions are felt to be justified.

Runoff Quality Assessment

The applicant's report did not discuss in detail the effects of the proposed development on the quality of stormwater discharged from the subject site. Expected contaminants in runoff include suspended solids, increased biochemical oxygen demand (BOD_5), pathogens, metals, hydrocarbons, toxic trace organics, nutrients and litter. However, some regard was given to other changes that may occur as a result of development including increased temperature of streams and in the wetland, that may occur when water is held in detention ponds.

The sequence of detention systems is expected to provide suitable treatment of the stormwater. Most of the loading of the metals and hydrocarbons is adsorbed to the suspended solid fraction and will therefore be removed through settlement in ponds and entrapment in wetland percolation.

Wetlands are also very effective at removing a wide range of nutrients and other contaminants without detriment to the wetland itself. Therefore utilisation of the wetland is considered an effective and appropriate method of treating the runoff.

The stormwater detention ponds are proposed to be planted heavily and surrounded with plantings that provide significant shade to the waterbody. This is to mitigate the heating effect of the sun on water within detention ponds that may lead to adverse effects on downstream ecology. The proposed plantings are expected to reduce this effect significantly.

Overall, it is considered that the stormwater discharges resulting from the proposed development will not adversely affect water quality to no more than a minor degree.

Other Adverse Effects

One submitter raised the issue of the nuisance effects brought about by insects and possibly other wildlife inhabiting the proposed ponds. This issue was not addressed by the applicant. Whilst it is accepted that this is a potential adverse effect of the proposed development, it is also considered that detention ponds may also add amenity value to the development and increase the biodiversity of the area. These are positive effects that may offset any adverse effect caused by insects.

6.1.4 Summary of Assessment of Effects

In summary, potential adverse effects on the environment, in terms of the diversion, damming and discharge of stormwater at the proposed subdivision, are in my opinion minor and the proposal is generally consistent with the objectives and policies in the Tasman Resource Management Plan.

6.2 Relevant Objectives and Policies of the PTRMP

The following Policies and Objectives have been considered relevant for this proposal:

Objectives and Policies
Objectives and policies related to stormwater diversion, damming and discharge 30.1.0 Objective 1. The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to: (a) preserve their life-supporting capacity (the mauri of the water); (b) protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values including eel, trout and salmon habitat, and recreational and wildlife values; and (c) maintain their ability to assimilate contaminants. 2. The maintenance, restoration and enhancement where possible, of the quality and extent of wetlands in the District. 30.1.17 Policies To avoid, remedy or mitigate the adverse effects of water damming either by itself or cumulatively with other dams, including adverse effects on: (a) the flow regime or water levels in rivers, lakes and wetlands; (b) passage of fish and eels; (c) other water users; (d) aquatic ecosystems and riparian habitat; (e) water quality; (f) groundwater recharge; and (g) adverse effects of dam failure on (a) to (f) above. 33.3.0 Objective Stormwater discharges that avoid, remedy or mitigate the actual and potential adverse environmental effects of downstream stormwater inundation, erosion, water contamination, and on aquatic ecosystems. Policies 33.3.1 To require all owners, particularly the Council as stormwater asset manager, of all or part of any stormwater network to avoid, remedy, or mitigate adverse effects of stormwater discharges. 33.3.2 To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges. 33.3.3 To manage the adverse effects of stormwater flow, including primary and secondary flow management, and the potential for flooding and inundation. 33.3.4 To avoid, remedy or mitigate the potential for erosion and sedimentation arising from stormwater run off.

Objectives and Policies
33.3.5 To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination. 33.3.6 To maintain or enhance stormwater infiltration to enhance groundwater recharge. 33.3.7 To require all owners of all or part of any stormwater drainage network to avoid, remedy, or mitigate the adverse effects of stormwater discharges. 33.3.8 To encourage an integrated whole-catchment approach to the management and discharge of stormwater. 33.3.9 To require the use of low impact design in the management of stormwater discharges in any new development where practicable. 33.3.10 To encourage the restoration and rehabilitation of stormwater drainage networks where natural drainage networks have been significantly modified. 33.3.11 To take into account the long-term management of stormwater drainage in consideration of land development, including subdivision and land-use changes.

7. SUMMARY

7.1 Principal Issues

The principal issue of whether the proposed subdivision can be adequately serviced in terms of stormwater attenuation (diversion, damming and discharge) so the effects on the environment will be no more than minor

7.2 Statutory Provisions

The application is a Controlled activity under the provisions of Chapters 31 and 36 of the TRMP at the time the application was lodged.

- **Part II matters** -
- **Objectives and Policies of the Proposed Tasman Resource Management Plan** -
- **Actual and Potential Environmental Effects –**
- **Other Matters –**

7.3 Overall Conclusion

Overall the writer's assessment is that the actual adverse effects on the environment are minor and the proposal is generally consistent with the objectives and policies, and matters of discretion in the Tasman Resource Management Plan.

8. RECOMMENDATION

The recommendation to grant or decline these applications for the diversion, damming and discharge of stormwater is dependent upon the Committee's decision whether or not to grant the subdivision consent.

Having considered the application in detail, having visited the site, and drawing on the Council's staff experiences of stormwater issues, it is the writer's view that the adverse environmental effects of the proposed activity will be no more than minor, and that there is no reason why resource consent for the diversion, damming and discharge of stormwater should not be granted subject to the following recommended conditions.

9. RECOMMENDED CONDITIONS

9.1 Diversion and Discharge of Stormwater (RM070419 and RM070420)

1. The discharge of stormwater shall be carried out in accordance with the details contained in the Stormwater Neutrality Report prepared by Cato Bolam Consultants and submitted with resource consent applications RM070419, RM070420 and RM070423.

   Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

2. Engineering specification plans shall be provided to the Manager, Engineering and approved prior to the commencement of works on the proposed development. The specifications shall be in general accordance with the requirements of Condition 1.

3. The Consent Holder shall submit to the Council's Coordinator Compliance Monitoring a Stormwater Management Plan (SMP) before any land excavation or construction works begin. The SMP shall, as a minimum, include:

   a) Design plans for the components of the stormwater system.

   b) A construction-phase sediment management plan which identifies how sediment shall be controlled so that the wetlands and other downstream aquatic ecosystems are protected from the deposition of sediment in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (TRMP). This plan should include structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures.

   c) A spill management plan that addresses responses to incidences of spills or discharges of substances into the stormwater system that may be hazardous to aquatic or wetland ecosystems.

   d) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection, pest fish monitoring and pest fish eradication.

   The stormwater system shall be managed in accordance with the SMP.

4. A certificate signed by the person responsible for designing the stormwater management system or a similarly qualified or experienced person shall be submitted to the Council annually for he duration of the construction phase on the subdivided site. This shall certify that the system components present are constructed and installed in accordance with the details of the application and the conditions of this consent.

5. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year each year, and for any of the following purposes:

   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 or reduce any adverse effect on the environment;

   c) to allow, in the event of concerns about the quality or quantity of stormwater 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.

6. This consent shall expire 35 years from the date of issue.

ADVICE NOTE(S)

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

2. The Consent Holder's attention is drawn to permitted rule 36.2.4 which permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the Consent Holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained.

3. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

4. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

5. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.

6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.

9.2 Damming of Water (RM070423)

1. There shall be no take of water from the dammed water at a rate or volume that causes a more than minor adverse effect on pond ecology or habitat values. Any takes from the dams that may be permitted by the Proposed TRMP shall include screened pump intakes to avoid the entrainment of fish or eels.

2. As far as is possible without adversely affecting the effective operation of the dammed water, the Consent Holder shall plant shading vegetation in and around the ponds.

3. The Consent Holder shall ensure that any infestations of pest fish are eradicated as soon as is practicable, using methods that have been approved in writing by the Council's Biosecurity Officer. This action shall be limited to the target pest and the eradication shall not lead to any adverse effect on ecology and habitats that is more than minor.

4. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of April each year each year, and for any of the following purposes:

    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 or reduce any adverse effect on the environment;

    c) to allow, in the event of concerns about the quality of the dam water, 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.

5. This consent shall expire 35 years from the date of issue.

ADVICE NOTE(S)

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.

2. No water permit to take water from the dammed water has been applied for and therefore any takes of water must be in accordance with the permitted rules of the Proposed TRMP or else a resource consent must be obtained.

3. The Consent Holder's attention is drawn to permitted rule 36.2.4 which permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the Consent Holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained.

4. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

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Michael Durand
Co-Ordinator Natural Resources Consents