



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Michael Durand – Co-ordinator Natural Resources Consents

REFERENCES: RM071254 and RM070255 – Earthworks and works in watercourses

SUBJECT: **ROBERT WESTENBROEK – REPORT EP08/07/14** - Report prepared for hearing of 21 July 2008

1. INTRODUCTION

Robert Westenbroek has lodged a number of resource consent applications relating to a subdivision, residential development, works in watercourses and associated wastewater and stormwater discharges in the Rural 3 Zone.

This short report discusses the resource consent applications made (i) to authorise earthworks associated with the construction of building platforms and other components of the proposed subdivision, and (ii) to authorise works in watercourses associated with the placement of culverts under accessways.

2. TRMP RULES

Earthworks

The land is zoned Land Disturbance Area 1, in which the relevant Permitted Activity rule for land recontouring is 18.6.2. The proposed activity does not meet rule 18.6.2(l) as there is more than one hectare of recontouring proposed, and to a depth of more than one metre, within a 12 month period. The activity therefore becomes Controlled with the relevant rule being 18.6.6.

Work in watercourses

Part IV of the TRMP (Rivers and Lakes) is currently inactive. Section 13 of the Resource Management Act lists restrictions on the use of the beds of rivers (including intermittent and modified streams) that include excavations and disturbance to the bed, disturbance or removal of any species in the bed, and the introduction of plant species, unless allowed by a rule in a relevant regional plan or a by a resource consent. In the absence of relevant rules in the TRMP the activity proposed by the applicant requires a resource consent. The applicant status is fully discretionary.

3. SUBMISSIONS

One submitter, the Royal Forest and Bird Protection Society (Nelson/Tasman Branch), raised issues in relation to earthworks. Their submission stated that “earthworks on the land within the catchment will cause soil to flow downhill during rainfall, silting the estuary and smothering bird’s food sources.

It should be noted that all of the proposed earthworks are to be undertaken using best practice methods for the control of sediment transport by run off. Furthermore, all of the proposed earthworks will be undertaken on slopes that lie upstream of the large irrigation dam to the north-east of the subject site. Although not designed for the purpose, it is anticipated that this large mass of water will act as an effective sedimentation pond and thus prevent any discharge of sediment downstream that has a more than minor effect.

3. ASSESSMENT

Earthworks

Few details of the proposed earthworks were provided by the applicant, though the plans provided were sufficient for staff to determine that the adverse environmental effects of the work will be no more than minor.

The potential effects of earthworks include damage to soil, accelerated soil loss, increased hazards risk, sediment contamination of water and deposition of debris in water course or wetlands, damage to habitats through deposition, erosion or inundation (including to future structures depending upon final ground levels), visual effects, and adverse effects on indigenous biodiversity or other intrinsic values. They may also be categorised as short term effects – being those associated with the activity of re-contouring the site and restoring the wetland ie dust, noise, tracking of material onto the local road, sedimentation and habitat destruction – and long term effects – being those associated with the land having been re-contoured.

The earthworks required for the development is essentially site re-contouring, relating largely to the redistribution of material. The purpose of that is principally to facilitate a change in land use, to residential. It is anticipated that earthworks can be achieved without needing to export or import fill. This will benefit the wider environment by internalising the effects of the earthworks as far as practicable and certainly in term of traffic movement off site.

Given the productive capacity of land in the application site, any effect of earthworks on soil and its future productive capabilities is considered no more than minor.

Consent conditions recommended here seek to further reinforce the minor effect of the proposed work. Consent conditions require the Consent Holder to submit, prior to the exercise of the consent, a sediment management plan that is consistent with the Auckland Regional Council publication TP90 (Erosion and Sediment Control: Guidelines for land disturbing activities). That document is regarded by Regional Councils as being the best manuell for sediment control, and compliance with its recommendations should ensure that the proposed works have an environmental effect that is less than minor.

Work in watercourses

The proposed works in watercourses are for the placement of culverts under accessways; these are not to be placed in streams per se, but rather in gullies that contain flowing water during and following rainstorm events. Stormwater intercepted and diverted by hard surfaces of accessways will also flow in to watertables and then through the proposed culverts. These culverts are very high in the catchment in

gulleys that are dry for the majority of the time; thus they are minor in nature and do not require specific design for fish passage.

5. RECOMMENDATION

Having considered the application in detail, and drawing on experience of Council staff current it is the writer's view that the adverse environmental effects of the proposed activity will be no more than minor and that resource consent for works in the watercourse and excavations should be granted subject to the following recommended conditions.

6. RECOMMENDED CONDITIONS

1. The works shall be carried out in general accordance with plans submitted in application for resource consents RM071254 and RM080255.
2. Notwithstanding Condition 1, the Consent Holder shall prepare a construction-phase sediment management plan (SMP) which identifies how sediment shall be controlled so that aquatic ecosystems are protected from the deposition of sediment. The SMP shall be consistent with the recommendations of the Auckland Regional Council publication TP90 (Erosion and Sediment Control: Guidelines for land disturbing activities) and also be in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (TRMP). The SMP shall provide details of matters including, but not limited to:
 - a) structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures;
 - b) a spill management plan that addresses responses to incidences of spills or discharges of substances at the site that may be hazardous to aquatic or wetland ecosystems;
 - c) a maintenance plan that describes the maintenance regime of the sediment control system(s);

All practicable measures shall be taken to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the construction period. Earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

3. A copy of the SMP required by Condition 2 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.
4. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
5. All bare areas shall be revegetated as soon as is practicable and no later than three months after the completion of the works to limit erosion and downhill movement of exposed material.

6. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
7. 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 January 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 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.
8. Pursuant to Section 125 of the Act this consent shall lapse five years after the date of this consent unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Advice Note:

The consent is given effect to once the on-site excavation first commences.

ADVICE NOTES

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.



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