

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Mike Mackiggan - Consent Planner Natural Resources

REFERENCES: RM080890 - Land Use Earthworks

SUBJECT: **CAMDEN PROPERTIES - REPORT EP09/07/17B** - Report prepared for hearing of July 2009

Camden Properties Ltd has lodged several resource consent applications relating to a comprehensive residential resort subdivision. This report discusses the resource consent application made to authorise land disturbance associated with the proposed earthworks required to facilitate the development.

The site is in the Coastal Environment Area, and it is primarily zoned Recreation, with a small portion of Open Space Zone. The site is in the Land Disturbance Area 1.

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The proposal has already been described in the Planners report on the Subdivision and Land Use consents (RM080097 and RM080880).

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

The land is zoned Recreation, is within the Coastal Environment Area, and is in the Land Disturbance Area 1.

The relevant Permitted Activity Rule is 18.5.2.1 but the proposed activity does not meet Permitted Activity Rule 18.5.2.1 condition (k) as the earthworks are: within 200 metres of the coastal marine area and involve more than 1000 square metres;

in a location that is visible from the coastal marine area; and,
in a location adjoining an area with nationally important natural ecosystem values (the Waimea Estuary).

The activity therefore becomes a Restricted Discretionary Activity (Land Disturbance) with the relevant rule being 18.5.2.5. The following is a list of the matters the Council has reserved control over in Rule 18.5.2.5, with those considered relevant (1, 2, 11, 12, and 31) highlighted in bold font:

“All Activities

- (1) The extent, timing, and duration of bare ground.**
- (2) The location, timing of construction, design and density of earthworks including roads, tracks or landings.**
- (3) *The re-establishment of vegetation cover.*
- (4) *The disposal and stabilisation of waste material or fill.*
- (5) *Loss of or damage to soil.*
- (6) *Damage to riparian vegetation or soil.*
- (7) *Damage to animal or plant communities or habitats in water bodies or coastal water.*
- (8) *Effects of the activity on river or stream flows.*
- (9) *Sedimentation effects on subsurface streams or caves in karst.*
- (10) *The potential for slope instability.*
- (11) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.**
- (12) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.**
- (13) *Damage to any natural habitat or feature.*
- (14) *The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).*
- (15) *Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).*

Additional Matters for Land Disturbance Associated with Quarrying

- (16) *The depth and area of excavation and effects on groundwater.*
- (17) *Restoration of the site, including ground levels and planting.*
- (18) *The machinery to be used and manner of excavation.*
- (19) *The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.*
- (20) *Types and quantities of introduced fill.*
- (21) *Measures to ensure both surface and subsurface drainage is at least as good as that prior to mining or recontouring.*
- (22) *Measures to avoid, remedy or mitigate compaction or damage to the soil resource.*
- (23) *Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.*
- (24) *Likely difficulty in avoiding adverse impact on the land’s actual and potential productivity and versatility.*

(25) *The potential for increased hazard at the site or on adjacent land.*

(26) *Measures to avoid or mitigate adverse effects on adjacent land uses, including limiting hours of operation and measures to control noise and dust.*

Additional Matters for Destruction or Removal of Indigenous Vegetation

(27) *The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.*

(28) *The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.*

(29) *The contribution of the indigenous vegetation to the protection of other natural values.*

(30) *The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.*

Additional Matters for Earthworks within 200 metres of the Coastal Marine Area

(31) Effects on the landscape character, natural character and amenity value of the locality, having regard to:

- (a) natural features and distinctive natural landforms;**
- (b) landscape and seascape values;**
- (c) significant natural values;**
- (d) the nature of any existing development.**

Whilst the earthworks component in isolation is a Restricted Discretionary Activity, the application overall is a **Non-Complying Activity** as a result of the proposed disturbance in the Coastal Area (RM080892).

3. SUBMISSIONS

Submitters raised no issues relating to the proposed earthworks at the site. The submissions received regarding the overall proposal are described in the Planners report on the Subdivision and Land Use consents (RM080097 and RM080880).

4. PRINCIPAL ISSUES

The principal issues associated with earthworks component of the application as *submitted* are as follows:

- a) The visual effects of the activity;
- b) Dust from earthworks;
- c) Noise;
- d) The potential for discovery of an archaeological site; and
- e) Location and timing of construction.

5. STATUTORY PROVISIONS

The application is a Non-Complying Activity. 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 2 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 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)).

As the activity is a Non-Complying Activity the Council must, if it is of the mind to grant the consent, also be satisfied under Section 104D that :

either the adverse effects of the activity on the environment will be minor; or ,

the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (these are effectively additional tests that must be checked before a consent is to be granted).

5.1 Resource Management Act Part 2 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 2 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:

- 6(a) 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.
- 6(b) 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(c) the maintenance and enhancement of amenity values
- 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
- 7(i) the effects of climate change

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 and have accepted an iwi monitor on site. 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 earthworks can be undertaken so the adverse effects of the earthworks 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 Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Plan will satisfy an assessment against Policy Statement principles.

5.3 Tasman Resource Management Plan (TRMP)

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

- Chapters 12 and 13

The most relevant Rules which follow from these imperatives are contained in Chapters 18.

Matters of control were stated in section 2 above

6. ASSESSMENT

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

6.1 Proposal Summary

The applicants advise “ *Given that this site is within the coastal zone, albeit on the western (sheltered) side of Best Island, full consideration has been given to the matter of minimum finished ground and floor levels. ...The site is largely flat but generally (sic) back to the west and also to the south. This has lead to the stormwater and wastewater designs The existing ground levels vary over the site from 2.5m to 4.25m. The site generally falls from the north east to the south west.*

The proposed development involves minimum finished concrete floor levels of 4.125m, being 2.185m above the mean high water spring level of 1.94 (Mean Sea Level / TDC Datum is 0.00). To achieve these levels the building platforms and site generally will need to be filled to varying degrees based on existing levels. The varied depth of the filling exercise is reflected in the Earthwork Plans provided within Annexure K of this application. The ISO Plan provided within Annexure K does not however reflect that filling will not be undertaken in the continuous nature shown on the ISO Plan. This is because the activity of filling is proposed only the extent necessary to achieve the minimum building ground levels and to ensure the site servicing functions appropriately. The fill will either be sourced from the Fulton Hogan quarry on Lower Queen Street or from one of the other private quarry sites on Best Island.

As much of the existing natural ground levels are proposed to be maintained as possible. It is for this reason that a minimum area of the natural ground level outside of the proposed building footprint would be altered as a part of this development. The natural undulations are considered to be characteristic of the site so are a part of the final landscape design... Minimum finished ground levels can therefore be applied to the area surrounding each building but not across the entire site.

As part of the consultation undertaken with local iwi (Tiakina Te Taiao Ltd) it was agreed that an iwi monitor would be engaged to be present during the activity of earthworks. This is volunteered as a part of this application.”

Annexure K of the Application contains a “Proposed Earthworks ISO Contour Plan” dated 13 November 2008 prepared by Staig and Smith.

Detailed engineering plans have not been provided at this stage and they will need to be provided before signoff.

Actual and Potential Environmental Effects

6.1.1 Earthworks Issues

The actual and potential effects of the application *as submitted* relating to how the works are undertaken and remedied are considered to be issues as follows :

- (a) The visual effects of the activity;
- (b) Dust from earthworks;
- (c) Noise;
- (d) The potential for discovery of an archaeological site; and
- (e) Location and timing of construction.

These issues are discussed in turn below. As a general statement these issues are all controllable through the use of good practice during the construction phase.

A further issue to be considered is :

- (f) Whether or not the earthworks proposed are sufficient to satisfy s106 of the RMA. This is addressed in the Planners' report on the Subdivision and Land Use consents (RM080097 and RM080880). There is a very real possibility that the site may need to be raised an additional 0.7m above the applicants proposed FGL of 3.9m to a FGL of 4.6m. This would necessitate a significantly different approach to the filling of this site, as the applicants description of the proposal (as described at 6.1 above) would be substantially modified.

6.1.2 The visual effects of the activity

The site will be elevated above the surrounding area and when the earthworks are undertaken the bare earth/gravel will result in a visual effect. The visual effect from the earthworks will be temporary in nature and the site will be developed/ built upon once the earthworks are completed.

Council's Consultant Landscape Architect Tom Carter has assessed the overall proposal as submitted and commented that in general agrees with the applicants assessment of the landscape and visual effects as supplied by Peter Rough Landscape Architects Ltd (PRLAL) and that the **effects of the application as submitted** (to raise the finished ground level to 3.9m) **would be minor**.

Mr Carter further comments that should the proposal require an increase in finished ground level of 0.7m the effects would be greater and would result in "localised rather than wider spread effects It is important that the current balance achieved by the development is maintained and is not reduced."

Mr Carter recommends that Mr Milne "should extend his current assessment to look at the effects of an increase in ground level. That assessment should include a fundamental review of the design (rather than a "retro fit") to ensure that an integrated solution is achievable.

As this report can only consider the visual effects of the application as submitted, it is considered that the visual effects of the earthworks to raise parts of the site to a FGL of 3.9m will be minor.

6.1.3 Dust from Earthworks

The earthworks proposed by the application are relatively limited and the construction effects are considered to be short-term. The finished ground level once compacted and prepared for building will most likely be built upon without further delay. Whilst there may be some dust generated by construction traffic, this is likely to be short-term, and can be mitigated by conditions attached to any consent approval. The effects of dust from the proposed earthworks are considered to be minor.

6.1.4 Noise from Earthworks

The Restricted Discretionary Activity Rule 18.5.2.5 does not specify noise as one of the matters of control. The proposal overall is a Non-Complying Activity and Council's consideration is not constrained accordingly. It is considered appropriate that the noise from the works will have to meet the permitted activity rule for works in the Recreation zone.

While noise is not a matter over which the Council has reserved control, the Restricted Discretionary Activity Rule 18.5.2.5 does allow for the control of the timing of the works and this is discussed below and these will effectively control noise generation.

The site is zoned Recreation and the Permitted Activity Rule 17.10.2.1 (l) specifies the following:

“Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Recreation Zone, Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services Zone, or at or within any site within a Residential Zone, does not exceed:

	Day	Night
L_{10}	55 dBA	40 dBA
L_{max}		70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;*
- (ii) forest and tree harvesting activities;*
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;*
- (iv) bird scarers and hail cannons.*

Note:

Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Night = all other times plus public holidays.

Noise must be measured and assessed in accordance with the provisions on NZS 6801:1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.”

It should be noted that the use of earthworks machinery is not included in matters (i) to (iv) that are permitted

There is also a duty under Section 16 of the RMA to avoid unreasonable noise.

“16. Duty to avoid unreasonable noise

(1) Every occupier of the land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or ... the coastal marine area, shall adopt the best practical option to ensure that the emissions from the land or the water does not exceed a reasonable level.”

The earthworks proposed by the application are relatively limited and the construction effects are considered to be short-term. Whilst there may be some noise generated by construction traffic, this is likely to be short-term, and can be mitigated by conditions attached to any consent approval. The effects of noise from the proposed earthworks are considered to be minor.

6.1.5 The potential for discovery of an archaeological site

As described above the applicant as *“agreed that an iwi monitor would be engaged to be present during the activity of earthworks. This is volunteered as a part of this application.”* An advice note can be attached to any consent issued to remind the applicants of their obligations under the Historic Places Act 1991 should the earthworks discover any archaeological finds during the works.

6.1.6 Location and Timing of Construction

No specific hours of work have been applied for. Given the nature of the local environment the standard construction hours to help control the off-site effects are proposed to be:

- 7.00 am - 6.00 pm Monday – Friday
- 8.00 am - 1.00 pm Saturday
- No work on Sunday or public holidays.
-

6.1.7 Summary of Assessment of Effects

In summary, potential adverse effects on the environment from the earthworks as *submitted* in terms of visual effects, construction effects and noise generation at the proposed site are, in my opinion acceptable if they are carried out as per the application. That is in accordance with a management plan for the control of the temporary effects. The potential risk to any archaeological findings are mitigated by the volunteered presence of any iwi monitor and an advice note reminding the applicant of their responsibilities under the Historic Places Act.

Having considered the application in detail, having visited the site, and drawing on the Council's staff experiences of earthworks, it is the writer's view that the adverse environmental effects of the proposed activity as *submitted* can be controlled to minimise them.

Should the volume of earthworks required be increased to meet the requirements of s106, it may be the case that the above summary will require revisiting.

6.2 Objective and Policies Assessment

The relevant objectives and policies from chapter 12 and 13 of the Tasman Resource Management Plan are listed below. Each chapter is followed with an assessment of the consistency of the activity with the following objectives and policies.

Chapter 12: Land Disturbance effects

12.1.2 Objective

The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:

- (a) damage to soil;*
- (b) acceleration of the loss of soil;*
- (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;*
- (d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;*
- (e) adverse visual effects;*
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance.*
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.*

Policies

12.1.3.1 *To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems*

12.1.3.2 *To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:*

- (a) natural erosion risk, and erosion risk upon disturbance;*
- (b) scale, type, and likelihood of land disturbance;*
- (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris.*

12.1.3.3 *To investigate and monitor the actual or potential adverse effects of soil erosion, other soil damage, sedimentation and damage to river beds,*

subsurface water bodies and caves in karst, aquatic and other natural habitats, arising from land disturbances.

The key issues that arise from an analysis of the objectives and policies in chapter 12 are affects of soil erosion and adverse visual effects. In my option the earthworks proposed will not be contrary to the relevant objectives and policies in this chapter.

Chapter 13: Natural Hazards

13.1.2 Objective

Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk.

Policies

13.1.3.1 *To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels.*

13.1.3.2 *To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required.*

13.1.3.4 *To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.*

13.1.3.5 *To avoid, unless there is effective mitigation, the expansion of flood-prone settlements onto those parts of the surrounding flood plains where they might be subject to flood hazard.*

13.1.3.9 *To provide warnings and emergency response systems for areas at risk from or affected by natural hazards.*

13.1.3.12 *To prepare a hazard management strategy identifying hazards and hazardous areas, and management options for these areas.*

13.1.3.13 *To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).*

The key issue that arise from an analysis of the objectives and policies in chapter 13 is the risk of inundation. The level of risk is the key and this is difficult to qualify. However in my opinion the application as submitted is not contrary to the relevant objectives and policies in this chapter 13 as the earthworks seek to mitigate the potential flood risks. Whether or not the proposals are sufficient is for the Committee to determine in their consideration of the overall proposal and in response to the Planners' report on the Subdivision and Land Use consents (RM080097 and RM080880).

7. SUMMARY

7.1 Principal Issues and Effects

The potential adverse effects on the environment from the earthworks *as submitted* are in terms of visual effects, construction effects and noise generation during construction.

Having considered the application in detail, having visited the site, and drawing on the Council's staff experiences of earthworks, it is the writer's view that the adverse environmental effects of the proposed activity *as submitted* are minor and can be controlled through appropriate conditions to minimise them.

7.2 Objectives and Policies

The proposal is generally consistent with the relevant objectives and policies in the Tasman Resource Management Plan.

7.3 Section 104D of the Resource Management Act

Given the above it is considered that the earthworks application as submitted satisfies both tests of s104D of the RMA.

7.4 Statutory Provisions

The application is a Non-Complying Activity. 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 2 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 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)).

As the activity is a Non-Complying Activity the Council must, if it is of the mind to grant the consent, also be satisfied under Section 104D that :

either the adverse effects of the activity on the environment will be minor; or ,

the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (these are effectively additional tests that must be checked before a consent is to be granted).

The adverse effect on the environment of the earthworks as proposed in the application RM080890 will be minor. Thus, Section 104D is satisfied and a consent may be granted for this activity.

7.5 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 Proposed Tasman Resource Management Plan.

8. RECOMMENDATION

The recommendation to grant or decline these applications for the earthworks is dependent upon the Committee's decision whether or not to grant the subdivision consent.

The following conditions are recommended as consent conditions should the committee chose to grant the subdivision consent.

9. RECOMMENDED CONDITIONS

General

1. The Consent Holder shall ensure that all works are carried out in general accordance with the information received on 23 December 2008 in support of the application for resource consent RM080890, and Plan A attached, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent and with the Management Plans required by Condition 28 of this consent, and shall ensure compliance with consent conditions.
4. A copy of this resource consent shall be available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
5. The Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent, who shall be the Council's principal contact person(s) in regard to matters relating to this resource consent. At least 10 days prior to beginning the works authorised by this consent, the Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring of the representative's name and how they can be contacted within the works period. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring and shall also give written notice of the new representative's name and how they can be contacted.
6. The Consent Holder shall carry out operations in accordance with the provisions of the approved Earthworks Management Plan.

Advice Note:

Refer to Condition 28 for Earthworks Management Plan.

7. Any changes to the Earthworks Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Consent Holder following consultation with Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring, and also by the Council's Reserves Manager as some works are within the Esplanade Reserve.
8. Should the Consent Holder cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Council Environment & Planning Manager.
9. Prior to bulk earthworks commencing, the Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Earthworks Plan (Condition 28) and the conditions of this consent. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council Co-ordinator Compliance Monitoring.
10. The work shall be carried out during normal work hours (ie, 07.30 to 17.30) to limit the nuisance of noise and access of vehicles.

Earthworks

11. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.
12. The Consent Holder shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
13. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
14. Fuels, oils and hydraulic fluids associated with the operation shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or waterbodies.
15. The Consent Holder shall notify the Council's Co-ordinator Compliance Monitoring as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.

16. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Compliance Monitoring, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
17. All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.
18. Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.

Stormwater Control

19. All disturbed vegetation, soil or debris shall be handled so that it does not result in diversion or damming of any river or stream. All stockpiled material shall be protected from stormwater by appropriate measures, eg, bunding.
20. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.

Advice Note:

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

21. The discharge of stormwater shall not cause in the receiving water any of the following:
 - a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - b) any emission of objectionable odour;
 - c) the rendering of freshwater unsuitable for bathing;
 - d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - e) any adverse effect on aquatic life.
22. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to forecast heavy rainfalls and where resulting floods reaching the site works.
23. The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation in run-off that may enter water that is more than minor in the opinion of the Council's Compliance Officer.
24. Sediment and erosion controls shall be implemented and maintained in effective operational order at all times.

Advice Note:

Appropriate sediment control equipment including erosion protection matting and batter covers should be kept on-site for use in minimising potential sedimentation problems from areas of exposed soil.

25. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.

Revegetation

26. All exposed ground shall be revegetated as soon as practical and shall be within 6 months of completion of the works so that erosion/ of soil is limited as much as is practical. This shall include supplemental planting of appropriate vegetation that enhances the stability and minimises surface erosion, eg, mulching and hydroseeding.
27. The Consent Holder may use flocculation or chemical treatment as a sediment control measure. The accumulated sediment removed from the sediment control ponds shall be spread thinly over land in such a manner that it is prevented from entering water bodies.

Advice Note:

The Consent Holder is directed to the Tasman District Council Engineering Standards and Policies 2008, Section 5 for details of possible sediment control measures.

Earthworks Management Plan

28. Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare an Earthworks Management Plan.
29. The Earthworks Management Plan required by Condition 28 shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:
- a) description of the works;
 - b) engineering design details;
 - c) silt and dust control during earthwork stages;
 - d) temporary activities and equipment storage in specified areas;
 - e) construction programme including timetable, sequence of events and duration including any landscaping;
 - f) construction methods and equipment to be used;
 - g) dust sources and potential impact during construction;
 - h) methods used for dust suppression during construction activities;
 - i) location, design, operation and maintenance of stormwater run-off controls and sediment control facilities;
 - j) detailed specifications of the diversion of any water bodies including channel configurations and rehabilitation measures;
 - k) detailed specifications of the spoil storage and stabilisation;
 - l) construction method for watercourse crossings;
 - m) staff and contractor training;

- n) traffic management and property access management;
- o) contingency plans (eg, mechanical failures, oil/fuel spills, flooding, landslips);
- p) public access, community information and liaison procedures;
- q) complaints and reporting procedures;
- s) cultural and archaeological protocols (including discovery protocols);
- t) assessment and monitoring procedures;
- u) methodology and approval procedures for making changes to the Construction, Erosion and Sediment Management Plan.

Advice Note:

The following are the general principles that should be adhered to when writing and implementing the Construction, Erosion and Sediment Control Plan:

- a) minimise the disturbance to land;
- b) stage construction;
- c) protect steep slopes;
- d) protect watercourses;
- e) stabilise exposed areas as soon as possible;
- f) minimise the run-off velocities;
- g) revegetate as soon as possible;
- h) install perimeter controls and protect disturbed areas from run-off sourced above site;
- i) employ detention devices;
- j) take the season and weather forecast into account;
- k) use trained and experienced contractors and staff;
- l) update the plan as the project evolves;
- m) assess and monitor.

Keep on-site run-off velocities low by the use of the following: contour drains, retention of natural vegetation, provision of buffer strips of vegetation, low gradients and short slopes, control anticipated erosion and prevent sediment from leaving the site.

The Consent Holder is directed to the following documents for more detail on earthworks and sediment control: eg, Auckland Regional Council's Technical publication TP90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

30. Council may, for the duration of this consent, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
- a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
 - c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
31. This consent will lapse after five years from the date of issue.

32. This resource consent expires on the issue of Section 224 approval for RM080097.

Advice Note:

The consent is given effect to once any earthworks commence.

ADVICE NOTES

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.
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 Co-ordinator Compliance Monitoring.
5. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent 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.
6. 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 should 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.
7. 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.



Mike Mackiggan
Consent Planner - Natural Resources