

Report No:	REP11-09-04
Hearing Date	19 September 2011
Report Date:	8 September 2011
<b>Decision Required</b>	

**TO:** Environment & Planning Subcommittee

**FROM:** Michael Croxford, Consent Planner - Natural Resources

**REFERENCES:** RM050727V5 Variation to Existing Discharge Consent  
 RM100637 Earthworks - Building Site & Subdivision Development  
 RM100638 Discharge of Stormwater to Land  
 RM110226 Disturbance to the Bed of a Watercourse

**SUBJECT:** CBH Ltd

**1. DESCRIPTION OF THE PROPOSED ACTIVITY**

The applicant - CBH Limited have lodged a suite of resource consent applications including:

To subdivide a 57 hectare property of Rural 3 zoned land held in two Certificates of Title into 38 residential allotments to be released in eight stages, eight lots to be held in one title by the Appleby Hills Residents' Association Incorporated as common land, and one lot to be transferred to the owner of Lot 3 DP 321214 and one title issued. The eight lots to be held in one title will include two lots of common land that already exist, four lots making up the private Rights-of-Way within the new subdivision, the area around the existing dam on Lot 66 DP 400216 and a 5 hectare block in the northern section of the site. This consent will be to replace the existing resource consent RM030632 authorising 28 residential allotments in the same area. (RM100632);

To construct 10 residential buildings without a rainwater collection system for domestic use and to construct three Rights-of-Way to a formation width of 3.0 metres with passing bays and/or localised seal widening (RM100633).

To construct 10 building platforms and accessways for proposed Lots 74, 75, 78 - 85 and the additional earthworks involved in the formation of the proposed Rights-of-Way (RM100637).

To discharge stormwater to land in circumstances where it may enter water via both soft and hard techniques in accordance with the system's design and upgrading recommended in the Tonkin & Taylor Report to an existing irrigation dam and to the eastern gully contained within Lot 1 DP 427937 (RM100638).

To vary an existing wastewater discharge consent to allow for an additional 10 dwelling equivalents to connect to an existing wastewater treatment and disposal system, to reduce the volume of sealed emergency storage for wastewater on each lot from 1500 litres to 600 litres and to reduce the monitoring requirements from two monthly to three monthly and from three to two sites (RM050727V5).

To complete works in the bed of a watercourse including the clearing of the existing channel of exotic weeds, formation of a new channel within the bed into a pool and riffle configuration and planting of the banks with native species as part of the upgrade to the stormwater system (RM110226).

This report relates to the land disturbance by the earthworks, the discharge of stormwater and treated wastewater to land and the disturbance to the bed of an unnamed watercourse from the proposed development on the site under the subdivision and land use consents (RM110637, RM100638, RM050727V5 and RM110226).

The other components of the bundled suite of applications have been described in detail in the report by Pauline Webby (RM100632 and RM100633) to which the reader is directed for further information on those other matters.

## **1.2 Site Location and Description**

The 57 hectare property is located in the Rural 3 Zone at Ridgeview Road, Appleby, and has been the location for an existing consented 62 lot subdivision known as Appleby Hills.

The property is fully described in detail in the Landmark Lile application "Assessment of Effects on the Environment" and Rory Langbridge Landscape Report and can be summarised as a rural residential development drawing its rural values largely from the open space qualities of the common land.

The current application proposes to reconfigure the subdivision layout with an additional ten residential lots in the northern-most part of the existing subdivision and to reconfigure the existing layout within approved Stages 7, 8 and 9.

The balance of the site is in gently rolling pasture covered hills with amenity plantings within the gulleys. The area to be developed as part of this application was until recently covered with an apple orchard. A dam in the northwestern corner of the site is to be included within the common area. Currently, 34 sections have been developed and titles issued.

## **1.3 Legal Description**

Address of property: Ridgeview Road, Appleby

Legal description  
(at time of notification): Lot 1 DP 438731, Lot 2 DP 422794 & Lot 4 DP 321214 comprised in CT 510443; and Lot 66 DP 400216 & Lot 2 DP 427937 comprised in CT 510435

Valuation number: 1931007601

Legal description

(at time of preparing report): Lot 1 DP 427937, Lot 2 DP 422794 & Lot 4 DP 321214 comprised in CT 544040; and Lot 66 DP 400216 & Lot 2 DP 427937 comprised in CT 544029

Valuation numbers: 1938080018 and 1938078212

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

The application site is within Land Disturbance Area 1. The relevant TRMP Rule for the proposal is Controlled Activity Rule 18.5.2.3 as the proposed earthworks do not meet the Permitted Activity Standard in Rule 18.5.2.1 (due to the excavations and infilling with the recontouring of land to form the ten additional building platforms and associated accessways being more than one metre in height or depth and being more than one hectare, within any 12 month period).

A small intermittent watercourse in the northern portion of the subdivision will be reformed as part of the soft-engineering approach to stormwater management from the site. The works will include the clearing of an existing channel of exotic weed, formation of a new channel within the bed into a pool and riffle configuration and the planting of the banks with native species. The relevant TRMP Rule for the proposal is Discretionary Activity Rule 28.1.8.1 as the disturbance to the bed of the unnamed watercourse does not meet the Permitted Activity Standard in Rule 28.1.6 (due to the bed disturbance not being associated with one of the activities listed in section (c) of the rule).

The discharge of stormwater from the proposed subdivision within Rural 3 land requires consent as does the discharges arising from activities within the bed of the unnamed watercourse and from the discharge of sediment or debris from land disturbance activities. The relevant TRMP Rules for the proposal are Discretionary Activity Rule 36.2.3.1 and Restricted Discretionary Activity Rule 36.4.2.3.

The application is also to vary existing wastewater discharge consent RM050727V4 under Section 127 of the RMA which is deemed to be a Discretionary Activity.

These consents are bundled with the Subdivision (RM110632) and Land Use (RM100633) applications of which the subdivision is deemed to be a Non-Complying Activity, therefore these applications are assessed also as **Non-Complying Activities**.

## CONSULTATION, APPROVALS AND SUBMISSIONS

### 3.1 Consultation

The application was Publicly Notified on 12 March 2011.

### 3.2 Submissions

Four submissions in total were received.

Two submissions in opposition to the overall proposals were received. One submission was received neutral. One submission was received in support of the overall proposal.

Two opposing submissions were received in relation to the earthworks associated with the subdivision. The Transpower submission raised issues regarding the proximity of earthworks to the lines and poles of the Upper Takaka A and B transmission lines. The submission from Elizabeth Hodgkinson raised concerns about the visual amenity effects of the earthworks in relation to her property.

No submissions were made regarding the variation to the existing wastewater consent or the stormwater components of the application.

#### **4. PRINCIPAL ISSUES**

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

- a) Proximity of the earthworks and associated activities to power lines and poles
- b) The visual effects of the activity;

The principal issue associated with stormwater discharge component of the application is as follows:

- a) Will the development result in adverse effects on the downstream environment, coastal marine area and adjacent land associated with stormwater run-off?

The principal issues associated with wastewater discharge component of the application are as follows:

- a) Can the system accommodate the additional 10 dwelling equivalents?
- b) Is the reduction in volume of sealed emergency storage appropriate?
- c) Are the changes in monitoring requirements appropriate?

The principal issue associated with the disturbance of the watercourse component of the application is as follows:

- a) Can the potential adverse effects of the discharge during construction be adequately mitigated?

#### **5. STATUTORY PROVISIONS**

The applications are Non-Complying Activities. The Council must consider the applications pursuant to Section 104 and Section 107 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 activities (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 activities are Non-Complying 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 activities on the environment will be minor; or ,

the proposed activities 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 consents are to be granted).

The Council must also consider the application pursuant to Section 107 of the Resource Management Act 1991.

The matters for Council to consider in Section 107 are:

- the Council shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A.

## 5.1 Resource Management Act Part II Matters

In considering application for resource consent, the 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.

**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(b) the efficient use and development of natural and physical resources;
- 7(c) the maintenance and enhancement of amenity values;
- 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 do not consider that there are any relevant issues for this application in respect of Section 8.

If consents are granted, the proposed activities must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activities on the environment should be avoided, remedied or mitigated. The critical issue of these consents are whether the adverse effects of the earthworks, the stormwater discharge, the disturbance to the bed of the unnamed watercourse and the change in consent conditions for the discharge of wastewater 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 TRMP will satisfy an assessment against Policy Statement principles.

## **5.3 Tasman Resource Management Plan**

### **5.3.1 Land Disturbance**

The most relevant Objectives and Policies to the application for land disturbance are contained in Chapter 12. The following Objectives and Policies have been considered relevant for this proposal:

## Objective 12.1.2

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

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
- (d) coastal hazard areas

*Note policy 12.1.3.2 is not yet operative.*

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.

12.1.3.4 To avoid, remedy, or mitigate the adverse effects of earthworks for the purpose of mineral extraction, on the actual or potential productive values of soil, particularly on land of high productive value.

The most relevant Rules which follow from these imperatives are contained in Chapter 18. Matters of control within the relevant rule are:

- (1) Matters (1) to (13) in Rule 18.5.2.2.

- (1) The location, timing of construction, design and density of earthworks including roads, tracks or landings.
  - (2) The disposal and stabilisation of waste material or fill.
  - (3) Loss of or damage to soil.
  - (4) Damage to riparian vegetation or soil.
  - (5) Damage to animal or plant communities or habitats in water bodies or coastal water.
  - (6) Effects of the activity on river or stream flows.
  - (7) Sedimentation effects on subsurface streams or caves in karst.
  - (8) Damage to any structures.
  - (9) The visual effects of the activity.
  - (10) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
  - (11) Damage to any natural habitat or feature.
  - (12) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
  - (13) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).
- (2) Effects on groundwater and flood plain stability.

Details of the assessment of the proposed activities in terms of these matters are addressed through the assessment of actual and potential effects in paragraphs 6.2 below and analysis and discussion on the relevant Objectives and Policies in paragraph 6.6 of this report.

### **5.3.2 Stormwater Discharges**

The most relevant Objectives and Policies to the application for discharge of stormwater and from land disturbance activities are contained in Chapter 33. The following Objectives and Policies have been considered relevant for this proposal:

#### **Objective 33.1.2**

The discharge of contaminants in such a way that avoids, remedies or mitigates adverse effects while:

- (a) maintaining existing water quality; and
- (b) enhancing water quality where existing quality is degraded for natural and human uses or values.



### Policies 33.1.3

- 33.1.3.2 To avoid, remedy or mitigate the adverse effects of discharges of contaminants so that both individually and cumulatively with the effects of other contaminant discharges, they enable the relevant water quality classification standards to be complied with.
- 33.1.3.5 To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:
- (a) The depth, width and flow characteristics of the receiving water body, including the nature and extent of mixing which may occur and the assimilative capacity of the water.
  - (b) The extent of the mixing zone and the likely adverse effects on aquatic life or ecosystems within the mixing zone.
  - (c) The characteristics of the discharge, including the presence of toxic constituents.

### Objective 33.3.2

Stormwater discharges that avoid, remedy or mitigate the actual and potential adverse effects of downstream stormwater inundation, erosion and water contamination.

### 33.3.3 Policies

- 33.3.3.2 To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges.
- 33.3.3.3 To manage the adverse effects of stormwater flow, including primary and secondary flowpaths, and the potential for flooding and inundation.
- 33.3.3.4 To avoid, remedy or mitigate the potential for flooding, erosion and sedimentation arising from stormwater run-off.
- 33.3.3.5 To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination.
- 33.3.3.7 To require owners of all or part of any stormwater drainage network to avoid, remedy or mitigate any adverse effects of stormwater discharges.
- 33.3.3.8 To encourage an integrated whole-catchment approach to the management and discharge of stormwater.
- 33.3.3.9 To require the use of low impact design in the management of stormwater discharges in any new development, where practicable.

33.3.3.10 To encourage the restoration and rehabilitation of stormwater drainage networks where natural drainage networks have been significantly modified.

33.3.3.11 To take into account the long-term management of stormwater drainage in consideration of land development, including subdivision and land-use changes.

The most relevant Rules which follow from these imperatives are contained in Chapter 36. Matters of control of stormwater within the relevant rules are:

- (1) The area to be drained by the discharge or diversion.
- (2) The design, construction, operation and maintenance of any stormwater network that collects, conveys, detains, discharges or diverts the stormwater.
- (3) Measures to avoid or mitigate sediment generation or movement during earthworks in connection with development of land in the area to be drained by the discharge or diversion.
- (4) The nature, design and location of outfall structures.
- (5) Effects of the discharge or diversion on downstream flooding or erosion.
- (6) Alternative stormwater disposal systems or methods.
- (7) Provision for secondary flowpaths for the discharge or diversion.
- (8) Actual or potential adverse effects of the discharge or diversion on aquatic ecosystems and amenity or cultural values, including cumulative effects of persistent contaminants in coastal marine, river or lake sediments.
- (9) Potential for incorporating any stormwater treatment devices to improve the quality of the discharge or diversion.
- (10) The potential for any contaminant or waste materials to enter the stormwater.
- (11) Monitoring the effects of the discharge or diversion.
- (12) The degree to which any measures attenuate flood flow, rates and peaks for a range of rainfall durations and intensities, and the effectiveness of these measures to mimic pre-development flows within and downstream of the activity.
- (13) The use of LID solutions, where practicable.
- (14) The degree of land cover change or change in land use that can be reasonably anticipated and the potential effect of that on the rate, flow and quality of stormwater run-off.
- (15) Any methods or management solutions that might be necessary to ensure effective integration of the proposed stormwater system with existing systems.

- (16) Any methods or management solutions to reduce any risk of slope instability issues arising from stormwater disposal to the ground.
- (17) Any methods or solutions to enhance ground soakage where the method of disposal is disposal to the ground.
- (18) Where the stormwater discharge is the result of a subdivision, any relevant matter in criterion (27) of Schedule 16.3A.
- (19) Any matter necessary to meet the requirements of the Tasman District Council Engineering Standards current at the time of consent application.
- (20) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (21) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

Details of the assessment of the proposed activities in terms of these matters are addressed through the assessment of actual and potential effects in paragraphs 6.3 below and analysis and discussion on the relevant Objectives and Policies in paragraph 6.6 of this report.

### **5.3.3 Disturbance to the Bed of a Watercourse**

The most relevant Objectives and Policies to the application for disturbance to the bed of the unnamed watercourse are contained in Chapter 27. The following Objectives and Policies have been considered relevant for this proposal:

#### Objective 27.1.2.1

The maintenance, restoration and enhancement, where appropriate, of aquatic habitats in the beds of rivers and lakes that is sufficient to:

- (a) preserve their life-supporting capacity (including the mauri of the water);
- (b) protect their values for native fisheries (including inanga and eels), trout fisheries and wildlife (including indigenous bird species);
- (c) protect or enhance indigenous biodiversity values.

#### Policies 27.1.3

27.1.3.1 To avoid, remedy or mitigate adverse effects on aquatic ecosystems of structures and activities in, on, under or over river and lake beds, including adverse effects on:

- (a) fish passage;
- (b) fish habitat, especially that of indigenous species including giant kokopu, whitebait species, eels and including trout;
- (c) fish spawning areas;
- (d) bird habitat, especially indigenous species and during nesting and rearing;
- (e) fish entrainment or stranding;

- (f) invertebrate habitat and spawning areas due to smothering by sedimentation;
- (g) shelter, shade and detrital food source for aquatic life;
- (h) habitat of indigenous aquatic and terrestrial flora and fauna,
- (i) riverbed substrate composition, hydraulics and channel morphology.

27.1.3.6 To promote and encourage the establishment and management of appropriate vegetation in riparian margins and river and lake beds to:

- (a) protect the bed (including the banks) from erosion and adverse effects of flooding;
- (b) enhance the aquatic ecosystems and habitat for flora and fauna;
- (c) enhance indigenous biodiversity;
- (d) maintain hydrological regime of the river, including its hydraulic power and energy regime;
- (e) maintain efficiency of river channels;
- (f) protect structures in the beds;

while avoiding, remedying, or mitigating adverse effects of planting and self-sown vegetation in river and lake beds, including effects on:

- (i) the hydrological regime of the river, including its morphology, hydraulic power and energy regime;
- (ii) bed and bank stability;
- (iii) efficiency of river channels;
- (iv) indigenous biodiversity;
- (v) ecosystem health and functioning.

The most relevant Rules which follow from these imperatives are contained in Chapter 28. Matters to have regard to within the relevant rule are:

- (1) Provision for and maintenance of the passage of fish.
- (2) Safe passage of flood water.
- (3) Potential adverse effects of the activity on indigenous biodiversity, including indigenous vegetation and aquatic habitats.
- (4) Measures to prevent damage to riparian vegetation or soil.
- (5) The potential adverse effects on bed and bank stability and water quality.
- (6) Adverse effects on the natural character and amenity of the river or lakes and effects on public access to the river, and values and uses, including those listed in Schedule 30A.
- (7) Safe navigation and the maintenance of public access, where appropriate.
- (7A) Measures to prevent damage to any cultural heritage site, including those listed in Schedule 16.13C.
- (8) Monitoring compliance with conditions, effects of the activity on the environment, and the provision of information to Council.

- (9) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (10) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).
- (15) The location, extent, timing and duration of the activity.
- (16) Opportunities for enhancing bed stability, meander pattern, channel morphology, bed substrate or other aspect of habitat adversely affected by the activity.

Details of the assessment of the proposed activities in terms of these matters are addressed through the assessment of actual and potential effects in paragraphs 6.4 below and analysis and discussion on the relevant Objectives and Policies in paragraph 6.6 of this report.

### 5.3.4 Discharge of Wastewater

The most relevant Objectives and Policies to the application for the discharge of domestic wastewater are contained in Chapter 33. The following Objectives and Policies have been considered relevant for this proposal:

#### Objective 33.4.2

On-site disposal of domestic wastewater, which avoids, remedies or mitigates adverse effects on groundwater or surface water quality, habitats, human health and amenity values.

#### Policies 33.4.3

33.4.3.2 To ensure that the adverse effects, particularly the cumulative adverse effects, of on-site disposal of domestic wastewater on water quality and aquatic habitats, including coastal water, and on human health or amenity in the Wastewater Management Area are avoided, remedied or mitigated by:

- (a) controlling the use of on-site systems in areas where there are significant limitations to sustainable on-site disposal of domestic wastewater including:
  - (i) low or very low permeability clay soils;
  - (ii) rapidly draining coastal soils;
  - (iii) areas of high groundwater tables;
  - (iv) steeply sloping sites, especially on south-facing slopes;
  - (v) unstable terrain;
  - (vi) proximity to surface water bodies;
  - (vii) high density of existing and new on-site systems and the cumulative impact of such discharges in terrain that has significant limitations to on-site disposal;
- (b) requiring comprehensive site and soil assessments to identify any site limitations;

- (c) requiring a high level of performance for design, construction, installation, operation and maintenance for new on-site disposal systems;
- (d) ensuring adequate buffers between disposal fields, water bodies, and the coast, especially Waimea and Mapua Inlets;
- (e) reducing the risk to human health arising from pathogens in the wastewater entering into water;
- (f) ensuring the net nitrogen losses from land in the Wastewater Management Area to be subdivided do not result in adverse effects on aquatic habitats as a result of discharges of domestic wastewater;
- (g) ensuring stormwater management accounts for potential effects on on-site disposal fields;
- (h) ensuring that the potential adverse effects, especially cumulative effects of further residential development, are taken into account in considering any application to subdivide land in the Wastewater Management Area.

33.4.3.4 To encourage consideration of wastewater treatment systems that service a cluster of households (subject to any site limitations) to:

- (a) take advantage of opportunities for high technology advanced wastewater treatment solutions at cluster scales;
- (b) reduce risks of system failure and cumulative adverse effects of single on-site systems;
- (c) enable Council to develop effective and cost-efficient systems for monitoring on-site wastewater systems.

The most relevant Rules which follow from these imperatives are contained in Chapter 36.

Details of the assessment of the proposed activities in terms of these matters are addressed through the assessment of actual and potential effects in paragraphs 6.5 below and analysis and discussion on the relevant Objectives and Policies in paragraph 6.6 of this report.

## **6. ASSESSMENT**

### **6.1 Proposal Summary**

The applicant's proposal as covered by this assessment is supported by reports by Tonkin & Taylor Ltd (dated 4 June 2010 and 5 November 2010) on the proposed stormwater management systems and Cameron, Gibson & Wells Ltd (dated 17 November 2010) regarding amendments to the monitoring regime. The proposals and site assessment are summarised below.

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

## 6.2 Land Disturbance RM100637

### Design Brief and Site Assessment

The applicant already has Land Use consent RM030462 for the construction of roads and building platforms for the consented 61 lots within the subdivision. Consent is now sought for a further 10 building platforms and access within Stage 9 of the existing subdivision. All works to be consented will be to the north of the existing Transpower Stoke - Upper Takaka 66kV single circuit transmission lines A and B and these assets will not be compromised as all works underneath are already consented under the existing consent.

The additional earthworks are required in the formation of Rights-of-Way K and building platforms 75, 78 and 79 on the western ridge adjoining the existing dam on Sheet 2 of the Subdivision Consent Plan prepared by Aubrey Survey and Land Development Consultancy, Dated September 2010, in Attachment C of the application. Consent is also required for the formation of Rights-of-Way D, E and F and for the six new house sites situated on the eastern ridge nearest to Lot 1 DP321214 and are labelled as Building Location Areas 80 to 85 on the same plan. There are minor amendments to the location of earthworks within the existing consented areas but not of significance.

### Assessment: Discussion of Key Potential Environmental Effects

The key potential environmental effects associated with the land disturbance activities from the proposals are as follows:

- Construction Effects

The earthworks proposed by the application are relatively limited and the construction effects are considered to be short-term. 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.

Noise will be generated by construction traffic, but 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.

Given the rural nature of the local environment restrictions on the construction hours to help control the off-site effects have been volunteered by the applicant and are accepted as being less than minor.

- Impact on Amenity Values

The site is on an elevated area that will be visible from the Coastal Highway and adjoining properties and when the earthworks are undertaken the bare earth will result in a visual effect. The visual effects 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 will comment on any further matters regarding visual amenity.

### **6.3 Stormwater Discharges RM100638**

#### **Design Brief and Site Assessment**

Resource consent is sought for the discharge of stormwater from the additional area of development in the subdivision. The Tonkin & Taylor Report in Section 5 outlines the mitigation measures proposed for the additional stormwater generated from the proposed development and these are listed again on page 13 of the application prepared by Landmark Life. They are:

- Stormwater from roads to discharge to grassed swales adjoining them to convey and treat the runoff where grades allow;
- Riparian planting along the banks of the ephemeral watercourses in the eastern and southern sub-catchments as identified within the report;
- Modification of the channel within the eastern sub-catchment and replanting of riparian margins;
- Upgrading of the upstream side of the existing 600mm culvert in the eastern sub-catchment;
- Maintenance of the dam spillway and outlet channel to remove any flow obstructions including vegetation.

#### **Assessment: Discussion of Key Potential Environmental Effects**

The key potential environmental effects associated with the stormwater discharge activities from the proposals are as follows:

- Impact on Surface Water Quality

The main emphasis is on soft-engineering with a proposal to alter the receiving environment in order to attenuate flows rather than hard engineering which generally relies on the construction of structures to attenuate flows to mimic pre-development flow regimes. Essentially, the form of the watercourse and the vegetation adjoining it are changed to increase the catchment's ability to retain water thereby offsetting the increase in runoff resulting from the development. This approach has been followed in an earlier stage of the existing subdivision and is considered to result in effects that are less than minor provided conditions of consent controlling the sedimentation and erosion control during the construction and establishment phases are required.

### **6.4 Variation to Existing Wastewater Discharge RM050727V5**

#### **Design Brief and Site Assessment**

The application also requests four changes of conditions to the wastewater discharge consent for the subdivision the specific wording changes are detailed in Section 9.2 of this report.



The first change relates to Condition 1 and is an update to legal title for the lot containing the disposal field. It should also be noted that there is an error in the Maximum Discharge Rate stated in this condition and that it is inconsistent with the 3.6 millimetres per day specified in Condition 4 and with the rate in the original design report.

The second change is for Condition 3 so that the additional ten residential units can be connected to the existing wastewater treatment system without any additional increase in capacity. The applicant at the time of lodging consents in September 2010 advised that the Wastewater Treatment Plant was commissioned in April 2009 and nine homes have been occupied and connected since July 2009. At the time of lodging consent the number of active connections to the existing system was 11 with three houses under construction. Daily records of throughput indicate that the average litres per day per household are less than 500. This is half the design flow rates of 1,000 litres per day per dwelling on average used for the overall capacity. The current design capacity of the system is 90,000L per day as there was a degree of flexibility built into the original consent in terms of which dwellings are allowed to be connected to the system.

The third change is to Condition 25 for the reduction in the emergency storage volume within the sealed on-site pump station from 1,500L to 600L.

The fourth change is for Condition 28 to be changed from requiring samples of treated wastewater once every two months to quarterly. Within the application it was to be amended to at least every two months to once every three months but subsequent discussions has suggested replacing it with just the term quarterly.

The last change is to Condition 29 and is to reduce the number of downstream samples taken in Redwood Valley Stream below the stretch of river near where the disposal field is located. A report by Cameron, Gibson & Wells Ltd is provided in support to the amendments to Conditions 28 and 29.

### **Assessment: Discussion of Key Potential Environmental Effects**

The key potential environmental effects associated with the change in consent conditions associated with the wastewater discharge from the proposals are as follows:

- **Adequacy of On-Site Storage**

The applicant outlines three different scenarios of wastewater system failure and the contingency measures that would occur in each case as justification for the reduction of on-site emergency storage required as part of the wastewater consent Condition 25. The scenarios given clearly indicate that in the result of mechanical or electrical failure then alternative measures such as trucking the wastewater off-site to a regional facility are available. The application states that the volume anticipated from a dwelling in the event of power failure is low and would not be anticipated to be more than 200 litres as the power failure would also affect potable water availability. Monitoring of the average daily loading rate of the wastewater treatment plant indicates that the average wastewater generated is approximately 500 litres per dwelling although this does not acknowledge the large potential variation in water use based on

differences in occupancy between dwellings. However, the applicant has demonstrated that there is no net environmental benefit in maintaining the current size and that there is any foreseeable increase in environmental risk in reducing the volume of the tanks. Condition 18 requires a Wastewater System Operation and Maintenance Plan to be in force and in particular item (v) of the condition requires that a contingency plan specifying the actions to be taken in the event of failure of any component of the system. Given this is the case then I consider that the effects of the change to be less than minor.

- **Monitoring of Existing Consent Conditions**

The applicant has provided a report from Peter Born of Cameron, Gibson & Wells Ltd considering the proposed amendments to Conditions 28 and 29 of the existing wastewater discharge permit. The report states that the purpose of the amendments is to simplify the monitoring operation and to reduce costs. Mr Born reviewed the monitoring data from 24 April 2009 to 14 September 2010. With regards to Condition 28 in which the applicant must monitor the effluent within the wastewater prior to disposal to land it is noted that the results have been fairly consistent across the report period. He states that he sees no reason why larger fluctuations would necessarily result as the loading on the plant increases. With regards to the monitoring within Redwood Valley Stream Mr Born finds no indication in the original Cawthron Report as to why two downstream sites should be required. He goes on to state that “reducing the downstream sampling points from two to one at site 3 is unlikely to affect the usefulness of the results” and that “the proposed monitoring changes will not result in a significant reduction in the value of the information obtained in relation to assessing the effect on the environment”.

Based on the information within the report provided as a consequence of the further information request, I consider the effects of the proposed amendments to be less than minor.

## **6.5 Works within a Watercourse RM110226**

### **Design Brief and Site Assessment**

The applicant proposes to complete works within the bed of the ephemeral watercourse in the Eastern Sub-Catchment as identified in the Tonkin & Taylor Ltd Report dated 22 November 2010. As mentioned previously, the Report recommends that the channel is cleared of existing exotic vegetation, the channel sides trimmed back to 1 vertical to 3 horizontal with some minor regrading of the channel invert to create a pools and riffles configuration.

### **Assessment: Discussion of Key Potential Environmental Effects**

The key potential environmental effects associated with the disturbance to the bed of a watercourse from the proposals are as follows:

- Impact on Surface Water Quality
- Impact on Amenity Values

These matters have been discussed previously and are considered to be less than minor.

## **6.6 Relevant Objectives and Policies of the TRMP**

The relevant Objectives and Policies of the TRMP are listed the paragraph 5.3 of this report. All the relevant Objectives and Policies can be met by the proposed development.

## **7. SUMMARY**

### **7.1 Principal Issues**

The principal issue for these consent applications is whether the proposed development can occur so the effects on the environment will be no more than minor.

### **7.2 Objectives and Policies**

The proposals are consistent with the relevant Objectives and Policies in the Tasman Resource Management Plan.

### **7.3 Statutory Provisions**

The bundled applications are for Non-Complying Activities. 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 activities (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 activities are Non-Complying the Council must, if it is of the mind to grant the consents, also be satisfied under Section 104D that:

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

the proposed activities 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 consents are to be granted).

The adverse effect on the environment of the proposal as proposed in the application in the opinion of the writer will be minor and not contrary to the Objectives and Policies. Thus, Section 104D is satisfied and consent may be granted for these activities.

## **7.4 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 this bundled application for discharge permits and land use consent are dependent upon the Committee's decision whether or not to grant the overall subdivision consent RM100632.

Having considered the application in detail, having visited the site, and drawing on experience of processing similar consents, it is the writer's view that the adverse environmental effects of the proposed activities will be no more than minor, and that there is no reason why resource consents as covered by this report should not be granted subject to the recommended conditions below, (should the Hearing Commissioners decide to approve the overall development proposed by RM100632).

## **9. RECOMMENDED CONDITIONS**

### **9.1 Land Disturbance Consent (RM100637)**

#### General

1. The Consent Holder shall ensure that all works are carried out in general accordance with the information received on 14 September 2010 in support of the application for resource consent RM100637, 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 required by Condition 28 of this consent.
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.
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 Management 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 only be undertaken between 7.00 am - 6.00 pm Monday - Friday and 8.00 am - 1.00 pm on Saturday. No works shall be undertaken on Sunday or any public holiday.

#### 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 & 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 Earthworks Management Plan.

**Advice Note:**

The following are the general principles that should be adhered to when writing and implementing the Earthworks Management 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 RM100632.

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.

## **9.2 Discharge Consent (RM100638)**

1. The discharge of stormwater shall be carried out in accordance with the details contained in the Report prepared by Tonkin & Taylor Ltd dated 4 June 2010 submitted with resource consent application.

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

2. Stormwater from all hard surfaces shall be collected, conveyed and discharged in a manner that does not cause any adverse effects. The discharge point(s) shall be protected from erosion and shall be designed to the Tasman District Council Engineering Standards & Policies 2008 (or later version).
2. Engineering specification plans shall be provided to the Council's Manager, Engineering and approved prior to the commencement of works on the stormwater system at the proposed development. The specifications shall be in general accordance with the requirements of Conditions 1 and 2.
3. Notwithstanding Condition 1 the stormwater disposal systems shall be designed in general accordance with Tasman District Council's Engineering Standards 2008 (or later version). If the Consent Holder chooses to install a system that does not comply with Tasman District Council's Engineering Standards 2008, written approval from Council for that design must first be obtained.
4. The Consent Holder shall submit for approval to the Council's Co-ordinator Compliance Monitoring a Stormwater Management Plan (SMP) a minimum of one week 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. This plan should include structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures.
  - c) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management and erosion protection.

#### Advice Note:

The construction phase sediment management plan must be integrated into the Earthworks Management Plan as required under consent RM100637.

5. The stormwater system shall be managed in accordance with the SMP.
6. 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 the 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.
7. All exposed ground shall be revegetated as soon as practical and shall be within six 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.
8. 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.

#### Maintenance

9. All systems associated with the discharge (such as the interceptors, connecting drains, swales, water tables and sumps) shall be maintained in effective, operational order at all times.
10. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carry-over of contaminants into the receiving environment.

#### Review of Consent Conditions

11. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of this consent by serving notice for any of the following purposes:
  - (a) to deal with any adverse effect on the environment that may arise from the exercise of this consent, and which 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 assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
  - (d) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, or Act of Parliament.
12. The Council may, during the month of July 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 purposes:
- (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or
  - (b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
  - (c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - (d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate;
  - (e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

#### Expiry

13. This resource consent shall expire on 19<sup>th</sup> September 2046.

#### **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. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (e.g., 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.

6. 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.
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.

### 9.3 Discharge Consent (RM050727V5)

#### PARTIAL SET OF AMENDED CONSENT CONDITIONS

Note:

Text below to be removed has been struck-through (eg. ~~Example~~). Text to be added has been underlined (eg. Example).

##### Condition 1

Physical Address:	Greenacres Road, Redwood Valley
Legal Description:	<del>Lot 2 DP 6766 and Lot 1 DP15473</del> <u>Lot 45 DP427937</u> (refer Conditions 12 and 17)
Valuation Number:	1938080000
Map Reference of Property:	East 2517536 North 5989725
Receiving Environment:	Land
Maximum Discharge Volume:	90,000 litres per day
Maximum Discharge Rate:	2 millimetres per day
Discharge Characteristics:	Tertiary treated wastewater which is of a domestic nature from residential developments.

##### Condition 3

The discharge shall contain only treated wastewater which is of a domestic nature from ~~83~~ 93 dwelling equivalents. For the purposes of this condition, wastewater which is of a "domestic nature" includes wastewater from toilets, urinals, kitchens, showers, washbasins, spa baths, and laundries but does not include water from spa pools and large-scale laundry activities. Also, for the purposes of this condition, a "dwelling equivalent" constitutes an individual dwelling house or any other building

which produces no more than 1,000 litres of wastewater per day. No industrial or trade waste shall be included.

Advice Note:

This condition allows the ~~64~~ 71 dwellings from the subdivision authorised by Consent RM030632 to be connected to the wastewater treatment and disposal system. In addition, this condition allows an additional 22 dwelling equivalents from outside this subdivision to be connected. Wastewater generated from tourist accommodation units and any associated food preparation areas servicing any such units is considered to be of a “domestic nature”.

Condition 25

The Consent Holder shall ensure that each on-site pump station has a sealed emergency storage volume of at least ~~4,500~~ 600 litres. For the purposes of this condition the “emergency storage” is defined as the normally empty volume that is available for temporary storage of wastewater during periods when there are power failures or unscheduled shutdowns of the pump station. The emergency storage volume may include the space within the pump station itself over and above the high level alarm and/or any separate external tank into which overflows from the pumping chamber may enter.

Advice Note for Conditions 24 and 25:

The site is relatively remote and the wastewater reticulation, treatment, and disposal system will be privately owned and as such the Council considers that emergency storage within the system should be designed conservatively. However, the applicant has advised that the water supply for the subdivision has been designed so that it will also be off during periods of power outages. This should result in less wastewater being generated during these periods and as such the Council has specified a 12 hour emergency storage volume at the treatment plant. The Consent Holder has designed the wastewater collection and treatment system on the basis that emergency storage will be provided both at the treatment plant and within the on-site pump stations that will be located on each allotment. A minimum of ~~4,500~~ 600 litres of emergency storage will be provided within each on-site pump station and this equates to around 36 hours storage for each dwelling based on average dry-weather flows. In addition, the Consent Holder will provide a minimum of 45,000 litres (45 cubic metres) of emergency storage at the treatment plant when the plant is at full capacity. However, the plant is proposed to be developed in a staged manner and as such the emergency storage provided over time will progressively increase up to the minimum of 45,000 litres. During periods of power outage, the on-site pump stations will not operate so no wastewater will be pumped to the treatment plant during these periods. The Consent Holder has advised that during periods when there is a failure at the treatment plant but the on-site pump stations remain operational, the system operator will arrange for the on-site pump stations to be switched off. It is important that the Operations and Management Plan for the entire system outlines the procedures to be followed during these various scenarios.

Condition 28

A sample of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 27. Samples shall be analysed for five day carbonaceous biochemical oxygen demand (cBOD5), total suspended

solids, total faecal coliforms, total nitrogen, pH, temperature. The frequency of sampling shall be as follows:

- i) for the first four months following plant start up, samples shall be collected weekly when the plant is discharging to the disposal field for first two months and then two weekly for the two months following;
- ii) for the following eight months samples shall be collected monthly;
- iii) following the first 12 months samples shall be collected at least ~~every two months (a total of at least six samples a year)~~ quarterly provided compliance with the contaminant limits specified in Condition 5. Should these limits not be met, the sampling frequency required in ii) above shall be continued until compliance with the contaminant limits of Condition 5 has been achieved over an eight month period.

#### Condition 29

Prior to the exercise of this consent the Consent Holder or their authorised agent shall collect at least ~~two~~ one water samples from the Redwood Valley Stream as it runs below the proposed disposal site, as marked Site 1 ~~and 2~~ on Figure 2 Annexure E Cawthron Report. An additional sampling site shall also be established immediately upstream of the disposal area. The locations shall be fixed by Global Positioning System (GPS) and submitted to the Council's Co-ordinator Compliance Monitoring prior to sampling. Thereafter the Consent Holder or their authorised agent shall collect samples from the same sites quarterly when wastewater is being discharged to the disposal field. Samples shall be collected at no closer interval of one month between sampling. These samples shall be analysed to determine the presence and concentration of the following determinants:

- Faecal coliforms
- E coli
- Total Kjeldahl Nitrogen
- Total ammonia nitrogen (total ammonia)
- Dissolved inorganic nitrogen
- Nitrate/nitrogen
- Nitrite/nitrogen
- Total phosphorous
- Dissolved reactive phosphorous

#### **9.4 Land Use Consent - Disturbance to the Bed of a Watercourse (RM110226)**

1. The works shall be carried out in accordance with the details contained in the application dated 14 September 2010, the further information received by Council dated 22 November 2010 and the Report prepared by Tonkin & Taylor Ltd dated 5 November.

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

2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to the diversion of the stream to the new channel for monitoring purposes.

3. The works shall be overseen by a Chartered Professional Engineer practicing in civil engineering.
4. The Consent Holder shall within 12 months of the completion of the works provide a producer statement from the chartered professional engineer overseeing the consented works.

#### Sediment Control

5. A sediment control plan shall be determined and implemented prior to the works commencing and shall include appropriate coffer dams, sediment traps and/or other such practical measures so as to avoid introducing silt and other contaminants to the stream below the works and such controls shall be maintained until revegetation of bare soil surfaces occurs and the engineer considers the watercourse is stabilised.

#### Advice Note:

The sediment control plan may be integrated into the Earthworks Management Plan as required under consent RM100637.

#### Rock Protection

6. Rock protection (or similar) may be placed under the direction of the chartered professional engineer to ensure that there are no adverse effects on the new watercourse, and any such rock protection shall be maintained by the Consent Holder.

#### Revegetation

7. The Consent Holder shall plant and/or grass the affected area as soon as practicable.

#### Review of Conditions

8. The Council may within three months following the anniversary of the granting of the consent 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 purposes:
  - (a) to deal with any unexpected adverse effect on the environment including, but not limited to, adverse effects on fish passage that may arise from the exercise of the consent; and/or
  - (b) to require the adoption of the best practical option to remedy or reduce any unexpected adverse effects on the environment; and/or
  - (c) when relevant national environmental standards have been made under Section 43 of the Act.



## Lapsing and Expiry

9. Pursuant to Section 125 of the Act, this consent shall lapse 5 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
10. This consent expires on 14 September 2046.

## ADVICE NOTES

1. This resource consent only authorises the activities described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate consent.
2. Access by the Council officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act 1991.
3. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and Council will recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.
4. 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.
5. Council draws your attention to the provisions of the Historic Places Act 1993. In the event of discovering an archaeological find during the earthworks (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) you are required under the Historic Places Act 1993 to cease the works immediately until, or unless, authority is obtained from the New Zealand Historic Places Trust under Section 14 of the Historic Places Act 1993.

Michael Croxford  
**Consent Planner - Natural Resources**