

RESOURCE CONSENT DECISION

Resource consent number: RM190381

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

Nicholas James Van Leeuwen & Jade Miree Van Leeuwen

(hereinafter referred to as "the Consent Holder")

Transferred from I J & R M Williams Limited on 06 April 2021

Activity authorised by this consent: Discharge stormwater to land on proposed Lot 1 as authorised by subdivision consent RM180911

Location details:

Address of property:	186 Thorp Street, Motueka
Legal description:	Proposed Lot 1 of Lot 2 DP 306980
Certificate of title:	27189
Valuation number:	1955031707
Location co-ordinates:	Easting: 1601635 Northing: 5447972 (NZTM)

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

Transfer of this Consent

The discharge permit authorising the discharge of stormwater must be transferred to the new owners when the ownership of proposed Lot 1 changes. Discharge permits do not "attach to the land" and as such must be transferred to the new owner as there are ongoing consent requirements that need to be met.

CONDITIONS

General

- 1 The discharge of stormwater shall be carried out in general accordance with the application submitted to Council on 4 October 2018, further information and amendments received 19 March 2019, and amendments received 28 and 29 March 2019, unless these are inconsistent with the conditions of this consent, in which case the conditions shall prevail.

Stormwater Design

- 2 The Consent Holder shall show at the time of applying for building consent that the details of the proposed stormwater design for the lot meets Conditions 1 to 12 of this consent.
- 3 The stormwater disposal system shall be designed in accordance with the Council's Engineering Standards & Policies that are current at the time of development.

Detailed design of the stormwater system shall be supplied with any building consent application for the lot and shall include stormwater detention storage of 8.8m³, or an equivalent volume that is able to provide detention for a Q₁₀₀ rainfall event.

- 4 Stormwater from all roofs and hardstand areas shall be directed to detention storage (required under Condition 3) before being discharged through a sump and entering a soak pit. The soak pit shall be designed to provide adequate soakage of stormwater generated by more frequent but significant rainfall events in combination with detention storage for storm events.

Advice Note:

If a Triton or similar system is used, where detention and soakage are combined, stormwater shall be directed through a sump before entering this system.

- 5 Overflow from detention storage or soak pit shall have passed through a sump before being discharged. Secondary overland flows shall be directed towards land on the eastern edge of proposed Lot 1, in accordance with attached RM190381 Plan A.
- 6 The post-development flows of stormwater discharge shall not exceed the site's pre-development flows.
- 7 The discharge of stormwater shall not contribute to or cause in receiving waters or the wetland 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; and/or
 - (c) any adverse effect on aquatic life.
- 8 The discharge of stormwater shall not cause or contribute to the erosion of land, including the bed or any stream or drain.
- 9 The discharge of stormwater shall not cause or contribute to any damage caused by flooding that may affect adjoining properties.
- 10 The quality of treated stormwater discharge authorised by this consent shall not exceed the following quality standards:
 - (a) Total petroleum hydrocarbons 15 milligrams per litre
 - (b) Total suspended solids 100 milligrams per litre
- 11 All aspects of the stormwater systems shall be checked on a regular basis as required, but not less than once every year and after extreme rainfall events.
- 12 Any discharge point shall be protected against erosion and scouring.
- 13 The Consent Holder shall ensure the consent is transferred to any new property owner. The current property owner remains responsible for compliance with the terms and conditions of the consent until written notice of the transfer is given to the Council.

Advice Note:

This is required as a discharge consent is not attached to the land but rather the person(s) the consent is granted to. It is the responsibility of the Consent Holders to exercise this consent and have the appropriate names changed on the consent as the ownership of the properties change.

Stormwater Discharge during On-Site Works

- 14 During any construction or earthworks activities on site, the Consent Holder shall ensure that appropriate erosion and sediment controls are in place so as to minimise the discharge of sediment or other contaminants from the work site.
- 15 All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Council's Team Leader – Monitoring & Enforcement.
- 16 No household or construction chemical waste, such as paint or detergents, shall be discharged in circumstances where they may enter any drainage channel or watercourse.

Review of Consent Conditions

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

Lapse and Expiry of Consent

- 18 Pursuant to Section 125 of the Act this consent shall lapse 5 years after the date this consent is granted unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1A)(b) of the Act.

Advice Note:

It is considered that the stormwater consent is given effect to as soon as the new dwelling is being constructed on the site as the drainage characteristics of the catchment will be altered upon the commencement of works.

- 19 This resource consent shall expire on 4 July 2054.

Accidental Discovery Protocol

- 20 In the event of any archaeological artefacts (eg, shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) being uncovered, you are required – under the Heritage New Zealand Pouhere Taonga Act – to cease the works immediately.

The Consent Holder shall consult with the Heritage New Zealand's Central Regional Office (PO Box 19173, Wellington, (04) 801 5088), and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals to damage, destroy or modify such sites have been obtained.

Additionally, in order to enable appropriate cultural procedures and tikanga to be administered, if any artefact and/or any historical, cultural or archaeological material of Māori origin, or likely to have significance to Māori, is found or uncovered, advice of the discovery must be given (within 24 hours) to Te Ātiawa Trust's Kaitiaki o Te Taiao Office and to Tiakina Te Taiao Limited's Office:

- Te Ātiawa: (03) 573 5170, kt@teatiawatrust.co.nz
- Tiakina: (03) 546 7842, resourceconsent@tiakina.co.nz

Works shall not recommence in the area of the discovery until the relevant Heritage New Zealand approvals to damage, destroy or modify such sites have been obtained, and an agreement with manawhenua iwi has been reached.

Advice Note:

The subject site is within a known area of past Māori occupation and use, and is within the New Zealand Archaeological Association (NZAA) recorded site 'N27/100' where Māori garden soils have been identified. Before undertaking any earthworks, an authority may need to be obtained from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act (2014).

Additionally, if mechanical earthworks are undertaken to install the future stormwater system, mana whenua iwi requires that the Consent Holder engage the services of an iwi monitor, who shall be present during earthworks, in order to mitigate any potential effects on cultural heritage.

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. Building consent will be required for these works.
- 3 Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
- 4 All reporting required by this consent should be made in the first instance to the Council's Team Leader – Monitoring & Enforcement.

REASONS FOR THE DECISION

Background to Proposed Activity

The applicant seeks to discharge stormwater to land from a dwelling that will be built as a result of a two lot subdivision (RM180911) at 186 Thorp Street, Motueka (Lot 2 DP 306980). A stormwater discharge consent is required for this dwelling because the on-site groundwater level is <2m below the ground level throughout the year. A site-specific stormwater design has not been provided with the consent application because there are not yet plans to build the dwelling, but the applicant seeks to dispose future stormwater to ground via soakage during normal operating conditions, and for stormwater to be detained during storm events.

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

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

Area(s): Land Disturbance Area 1
Zone(s): Residential

The activity authorised by this resource consent does not comply with Permitted Activity Rule 36.4.2.1 of the TRMP and is deemed to be a restricted discretionary activity in accordance with Rule 36.4.2.3 of the TRMP.

The application is bundled with subdivision consent RM180911 and overall the applications are Restricted Discretionary Activities.

Principal Issues (Actual and Potential Effects on the Environment)

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

- (a) effective stormwater management.

I consider that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

- (a) Effective stormwater management is important, because without it, inundation, property damage and nuisance ponding can occur, and the quality of water and habitats of aquatic environments like streams and estuaries can be degraded. The Tasman District Council stormwater infrastructure in this area does not have capacity for increased stormwater run-off, therefore, on-site detention is required in order to limit peak flows from the site to pre-development levels.

Due to topography constraints, secondary stormwater flows at the property will be directed towards the low point along the eastern edge of the lot, where ponding could occur. Therefore, the primary stormwater system needs to accommodate a 1% Annual Exceedance Probability (AEP) (1:100 year) storm event. A stormwater run-off assessment has been undertaken by the applicant which calculates that Lot 1 currently has a Q_{100} peak flow of 20.23 L/s (0.3 run-off coefficient), and that the Q_{100} peak flow is likely to reach 30.00 L/s after development has occurred (assuming 25% impermeable area). Soakage and stratigraphic test pit assessments on the proposed lot show that "free-draining sand soils" exist, and that soakage of 4800 mm/hour can be achieved, but that the groundwater level is <2m below ground throughout the year. For this reason, the applicant has volunteered that 8.8 m³ of stormwater detention is

included within future stormwater design, which would limit discharge to pre-development levels for up to a Q₁₀₀ event.

A site-specific stormwater design has not been provided with the consent application because there are not yet plans to build a new dwelling, but the applicant seeks to dispose future stormwater to ground via soakage during normal operating conditions, and for stormwater to be detained during storm events. Additionally, the applicant has volunteered conditions of consent requiring an access manhole and a sediment trap at the inlet to any soakage system, and that the design and construction of the system needs to be undertaken by a suitably qualified and experienced engineering professional. Council's Development Engineer, Dugald Ley, has reviewed the application and considers that the proposal is appropriate for the site's requirements.

Overall, the potential adverse effect on the environment of the stormwater discharge is considered to be less than minor. The stormwater disposal is considered appropriate for the site and any potential adverse effects will be contained on-site.

Relevant Statutory Provisions

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

- (a) the Tasman Regional Policy Statement (TRPS);
- (b) the Tasman Resource Management Plan (TRMP);
- (c) the National Policy Statement for Freshwater Management.

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

The proposed activity contravenes Section 15 of the Act, and therefore I have also had regard to the matters outlined in Section 105 of the Act and I am also satisfied that the activity will not give rise to the effects outlined in Section 107 of the Act.

Part II Matters

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

Notification and Affected Parties

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided pursuant to Section 95 of the Act that the application did not require public or limited notification.

This consent is granted on 4 July 2019 under delegated authority from the Tasman District Council by:



Alice Woodward
Consent Planner, Natural Resources



Plan A - RM190381 dated 4 July 2019



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