




# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

### Summary of decision

<b>Consent No.</b>	WGN210352	
<b>Consent ID(s)</b>	[37614] Discharge permit (sediment laden runoff to land/water)	
	[37803] Discharge permit (operational stormwater to land where it may enter water including to land within 100m of a natural wetland)	
	[37804] Land use consent (earthworks/ soil disturbance)	
<b>Name</b>	R P Mansell and A J Mansell	
<b>Address</b>	48 and 58 Tieko Street; 131, 139 and 147 Otaihanga Road, Paraparaumu	
<b>Decision made under</b>	Section 104B, 104D and 108 of the Resource Management Act 1991	
<b>Duration of consent</b>	Granted: 28 October 2021	Expires: 28 October 2026 [37614] and [37804] 28 October 2036 [37803]
<b>Purpose for which consent(s) is granted</b>	<p>To discharge operational stormwater to land where it may enter water from a new rural development associated with earthworks exceeding 3,000m<sup>2</sup> and to discharge operational stormwater from roofs and roads to land within 100m of a natural inland wetland.</p> <p>To undertake earthworks exceeding 3,000m<sup>2</sup>, including the discharge of sediment-laden runoff to land where it may enter water.</p>	
<b>Location</b>	48 and 58 Tieko Street; 131, 139 and 147 Otaihanga Road, Paraparaumu at or about map reference NZTM 1770233.5472485	
<b>Legal description of land</b>	PT LOTS 1 & 3 DP 303764 PT LOT 6 DP 53191 LOT 3 DP 84524 LOT 2 DP 84524 LOT 4 DP 84524 ROAD RESERVE	
<b>Conditions</b>	See below	

Decision recommended by:	Genevieve Walker	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Kirsty van Reenen	Resource Management Consultant to Environmental Regulation	
Decision approved by:	Anna McLellan	Team Leader, Environmental Regulation	

## Processing timeframes:

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<b>Application lodged:</b>	02/06/21	<b>Application officially received:</b>	02/06/21
<b>Application stopped:</b>	21/06/21	<b>Application started:</b>	20/10/21
<b>Applicant to be notified of decision by:</b>	03/11/21	<b>Applicant notified of decision on:</b>	28/10/21
<b>Time taken to process application:</b>	17 working days		

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## Consent Conditions and Interpretations for WGN210352 [37614], [37803] [37804]

### INTERPRETATION

Wherever used in the conditions below, the following terms shall have the prescribed meaning:

**Compliance Officer** means officer or agent of the Wellington Regional Council.

**ESC Guidelines for Wellington Region** means the current revision of the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021)*, available on the Wellington Regional Council's website.

**Manager** means the Manager, Environmental Regulation, Wellington Regional Council

**Stabilised** means inherently resistant to erosion, or rendered resistant to erosion through the application of the proven methods of stabilisation, specified in Section E3 of the *ESC Guidelines for Wellington Region*, or alternative methods with the prior agreement of Wellington Regional Council. Where seeding, grassing or hydroseeding is used, the surface is considered stabilised once a minimum of 80% vegetative cover has been established over the entire surface.

**Earthworks** means the disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.

Earthworks do not include:

- a) cultivation of the soil for the establishment of crops or pasture, and
- b) the harvesting of crops, and
- c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and
- d) the construction, repair, upgrade or maintenance of:
  - pipelines, and
  - electricity lines and their support structures, including the National grid, and
  - telecommunication structures or lines, and
  - radio communication structures, and

- firebreaks or fence lines, and
  - a bore or geotechnical investigation bore, and
- e) repair or maintenance of existing roads and tracks, and airfield runways, and
  - f) maintenance of orchards and shelterbelts, and
  - g) domestic gardening, and
  - h) repair, sealing or resealing of a road, footpath, driveway, and
  - i) any earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, and
  - j) discharge of cleanfill material to a cleanfill area.

### **Consent Conditions for WGN210352 [37614], [37804]**

*To undertake earthworks exceeding 3,000m<sup>2</sup>, including the discharge of sediment laden water to land where it may enter water.*

#### **General conditions**

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 2 June 2021, and further information, as listed below:
  - Response to s92 request (received via email on 8 July 2021).
  - 9 August 2021 (email from Awa Environmental with further information requested in meeting)
  - 15 September 2021 (Wetland concept design received via email)
  - Updated Sheets 8 and 9 of the Scheme Plans 22208 SCH1 Revision M (Appendix C to the AEE accompanying the application)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.*

2. The Manager shall be given a minimum of **2 working days** (48 hours) notice prior to the works commencing.

*Note: Notifications must be emailed to notifications@gw.govt.nz. Please include the consent reference WGN210352 and the name and phone number of a contact person responsible for the proposed works.*

3. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking the works authorised by this consent, prior to the works commencing.

*Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.*

4. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.

#### **Pre-construction meeting**

5. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of **5 working days'** notice, the Greater Wellington Regional Council and the contractor undertaking the works.

*Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.*

#### **Erosion and Sediment Control Plan**

6. The Consent Holder shall submit a final Erosion and Sediment Control Plan (ESCP) to the Manager for certification. The ESCP shall be in general accordance with the ESC Guidelines for Wellington Region and be:
  - a) prepared in consultation with the contractor undertaking the works, and a suitably qualified and experienced person;
  - b) includes a staging and stabilisation plan which details how open areas will be limited;
  - c) submitted to the Manager at least **20 working days** prior to the proposed date of commencement of the works

Earthworks shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager.

7. Unless otherwise agreed in writing by the Manager, the consent holder shall undertake all works, including staging of earthworks, in accordance with the Erosion and Sediment Control Plan (ESCP) certified by the Manager under Condition 2.

#### **As-builts**

8. Prior to earthworks commencing, the consent holder shall provide the Manager with "As-builts", signed by a suitably qualified and experienced person, to confirm that the erosion and sediment controls have been constructed in accordance with the ESCP.

*Note: As-built check sheets are available on the Greater Wellington Regional Council's website at the following link: [gw.govt.nz/earthworks](http://gw.govt.nz/earthworks).*

#### **Flocculation Management Plan**

9. If flocculation is to be used on site, the consent holder shall prepare, in consultation with a suitably qualified and experienced person, a Flocculation Management Plan (FMP). The FMP shall be submitted to the Manager for certification at least **10 working days** prior to the proposed use of flocculant. The FMP must include as a minimum:

- a) Specific design details of the chemical treatment dosing system based on a rainfall activated methodology for the decanting earth bunds (DEBs)/sediment retention ponds (SRPs);
- b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
- c) Details of optimum dosage (including assumptions);
- d) Results of initial chemical treatment trial;
- e) A spill contingency plan; and
- f) Details of the person or bodies that are responsible for long-term operation and maintenance of the chemical treatment system and the organisational structure that will support this system.

The use of flocculant shall not commence until the Consent Holder has received notice in writing that the FMP has been certified by the Manager.

- 10. The decanting earth bunds/sediment retention ponds must be treated in accordance with any FMP certified under Condition 9 if, in the opinion of a **compliance officer**, water quality is inadequate and flocculation is necessary to mitigate effects of the discharge of sediment-laden water.
- 11. The FMP must be reviewed prior to commencing each new stage of works or at minimum on a yearly basis. Reviews must reference monitoring data and/or further bench testing results to determine the effectiveness of the FMP and whether it needs to be amended to ensure on-going optimal performance. The findings of this review shall be submitted to the Manager upon request.

#### **Amendments to Management Plans**

- 12. The Consent Holder may request amendments to the certified management plans (ESCP, FMP) by submitting the amendments in writing for the certification of the Manager. The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended management plan has been certified by the Manager.

#### **Progressive stabilisation**

- 13. The Consent Holder shall progressively stabilise all disturbed or unstabilised areas in accordance with the ESCP and to the satisfaction of the Manager.

#### **Decommissioning**

- 14. All erosion and sediment control measures shall remain the responsibility of the consent holder and no erosion and sediment control measures shall be removed or decommissioned prior to receiving written confirmation that the relevant phase of works is stabilised to the satisfaction of the Manager.

#### **Weekly site audits**

- 15. The consent holder shall have the site audited by a suitably qualified and experienced person on a minimum of a **weekly basis** (unless a reduced frequency is agreed in writing by the Manager) to ensure that all erosion and sediment controls are operating effectively in accordance with the ESCP. The weekly audits shall be recorded in writing, submitted to the Manager upon request and cover at minimum:

- a) Date
- b) Name of auditor
- c) Site condition
- d) Weather conditions
- e) Sediment management (including identification of problem areas that are not being treated by sediment control measures, and any measures put in place to treat these areas)
- f) Runoff control (check of diversion channels and check sediment retention ponds)
- g) Condition of sediment control measures, including silt fences, contour drains and sediment retention ponds
- h) Maintenance required and the date this will be completed by
- i) Contractor responsible for the maintenance; and
- j) General comments

The frequency of the audits may be reduced if agreed in writing by the Manager. The audit reports required by this condition shall be submitted to the Manager upon request.

*Note: Any audits carried out by Wellington Regional Council or its contractors do not constitute the weekly site audits required by this condition.*

### Rainfall triggered monitoring

16. The consent holder shall sample and record the following parameters as soon as practicable within daylight hours after a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the Wellington Regional Council rainfall monitoring site – Waikanae River at Water Treatment Plant.

Para meter	Location (sediment retention device)			
	Inflow	Forebay (SRPs only)	Pond	Outflow
pH	✓	-	-	✓
Turbidity (NTU)	✓	-	-	✓

*Note: The consent holder is only required to undertake outflow and downstream (reasonable mixing zone) monitoring if the device is discharging.*

The monitoring requirement shall cease when the catchment has been completely stabilised and the device decommissioned, unless otherwise agreed in writing by the Manager.

17. The consent holder shall submit all monitoring data and information to the Manager within **5 working days** of the date the sampling is undertaken.

## Exceedances and failures

18. In the event that:

- a) the monitoring required under the above **Rainfall triggered monitoring** Condition 16 indicates that, at the outflow, the pH of any chemically-treated sediment retention device is at or below 5.5 or above 8.5, and/or the NTU value is 170 NTU or greater; or
- b) there is a failure of any erosion and sediment control measure, or discharge from any non-stabilised area that is not treated by an erosion and sediment control measure, where any contaminants (including sediment) or material are released and enter any water body;

the consent holder shall:

- i. Immediately notify the Manager of the issue;
- ii. Immediately undertake onsite investigations to determine the cause of the issue, and what changes can be made to onsite management to prevent reoccurrence;
- iii. Re-establish control measures as soon as practicable where these have failed or have not been implemented in accordance with the ESCP
- iv. Liaise with the Manager to establish whether any additional remediation and/or mitigation is required, and carry out any such action as required by and to the satisfaction of the Manager;
- v. Record the date, time and weather conditions, details of investigations, probable cause of the issue, lessons learnt and actions taken or to be taken to prevent re-occurrence; and
- vi. Within 5 working days of the issue being recorded, provide the information required by (v) above to the Manager.

All measures to prevent a reoccurrence of the exceedance or failure shall be to the satisfaction of the Manager.

## Winter works

19. All earthworked areas shall be stabilised during the period between 1 June to 30 September inclusive each year unless a later date is approved in writing by the Manager. The stabilised surface is to be maintained to the satisfaction of the Manager.

20. No earthworks authorised by this consent, other than those necessary for the maintenance of erosion and sediment controls, shall take place during the period of 1 June to 30 September inclusive each year, unless otherwise agreed in writing by the Manager.

*Note: Requests to undertake earthworks during the period 1 June to 30 September inclusive shall be submitted in writing to the Greater Wellington Regional Council by 1 May and shall be in the form of an amendment to the certified ESCP in accordance with Condition 6 of this consent.*

*In considering a request for winter earthworks, the Greater Wellington Regional Council will consider a number of factors; including:*

- a) *Scale and duration of proposed works;*
- b) *Methods of stabilisation to be used;*



- c) *The quality of the existing/proposed erosion and sediment controls;*
- d) *The compliance history of the site/contractor/consent holder;*
- e) *Sensitivity of the receiving environment; and*
- f) *Any other relevant factor.*

*Note: Wellington Regional Council recognises that the soil properties of the site in Otaihanga are favourable for undertaking winter works and will not unreasonably withhold approval for a request to undertake earthworks during the winter period, nor create unnecessary delays in undertaking these works provided the above matters are addressed.*

#### **Fill material**

- 21. All fill material used on site shall be restricted to natural material, such as clay, soil and rock, and inert material which, when buried will have no adverse effect on people or the environment such as concrete and brick.

*Note: Rule R55 (Discharges from contaminated land) of the Proposed Natural Resource Plan will apply to any imported or insitu material worked on the site. If the activity does not meet the permitted standards under Rule R55 consent will be required under Rule R56 Investigation of, or discharges from contaminated land – discretionary activity.*

- 22. All fill material shall be placed and compacted so as to avoid erosion and instability. Any erosion of soil including failure of cut and fill batters that is attributable to the works shall be contained, remedied and mitigated by the consent holder to the satisfaction of the Manager.

#### **Discovery of artefacts**

- 23. All earthworks are subject to the Archaeology Management Plan (AMP) prepared under Archaeology Authority #2020/378 and the roles and responsibilities and discovery protocols included in the AMP should any archaeological remains be found; monitoring of all earthworks shall be consistent with the AMP and with Appendix A of the Te Ātiawa Kaitiakitanga Plan

#### **Completion of works**

- 24. All works affecting the site, and tidy up on completion of the works, shall be to the satisfaction of the Manager.

#### **Management plan review**

- 25. The consent holder shall, if requested by the Manager in response to a complaint, incident or other reasonable request that relates to managing an adverse environmental effect that is directly related to the construction of the project, carry out a review of any management plan required by these conditions. The consent holder shall submit the reviewed management plan to the Manager for certification that:
  - a) The reason(s) for requiring the review have been appropriately addressed; and
  - b) Appropriate actions and a programme for implementation are provided for if required.

## Review conditions

26. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
  - b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later
  - c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
  - d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the “exercise of the consent” is deemed to be once the works authorised by this consent have commenced

## Advisory Notes

- a) Where conditions require the submission of information to the **Manager**, information can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference WGN210352 and the name and phone number of a contact person responsible for the information submitted
- b) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- c) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council’s scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.
- e) Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact the Kapiti Coast District Council prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

## **Consent Conditions for WGN210352 [37803]**

*To discharge operational stormwater to land where it may enter water from a new urban development associated with earthworks exceeding 3,000m<sup>2</sup> and to discharge operational stormwater to land within 100m of inland natural wetlands.*

### **General conditions**

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 2 June 2021, and further information, as listed below:
  - Response to s92 request (received via email on 8 July 2021).
  - 9 August 2021 (email from Awa Environmental with further information requested in meeting)
  - 15 September 2021 (Wetland concept design received via email)
  - Updated Sheets 8 and 9 of the Scheme Plans 22208 SCH1 Revision M (Appendix C to the AEE accompanying the application)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.*

### **Northern area**

2. In the northern area (lots 1 – 22 as shown on the subdivision plan submitted with the application), the consent holder shall ensure the discharge of stormwater from roofs into an appropriately designed and sized on-site soakage pit and the discharge of stormwater from access roads into swales, through an under-drain bio-filtration device prior to discharge to land as per the Awa preliminary design included in the Awa Technical Report (Appendix F dated 28/5/2021) which accompanied the consent application.

### **Southern Area – Constructed wetland**

3. The consent holder shall prepare and submit detailed design and plans of the Constructed Wetland for Lot 200 to the Manager for approval at least 20 working days prior to earthworks authorised by WGN210352 [37614] and [37804] commencing. The detailed design and plans [together with the Wetland Planting Plan required under condition 4] shall be accompanied by confirmation by a suitably qualified hydrologist or hydraulic specialist that the plans implement the recommendations of the Awa Environmental Limited. The consent holder shall undertake the detailed design in consultation with Kapiti Coast District Council (KCDC) and provide evidence to the Manager of the consultation undertaken and KCDC's agreement to the final design.

No earthworks shall commence until the consent holder has received written notice that the detailed design has been approved by the Manager.

4. The consent holder shall prepare and submit a Wetland Planting Plan to the Manager for approval prior to earthworks authorised by WGN210352 [37614] and [37804] commencing. The Wetland Planting Plan shall include:

- A plan showing the location of all proposed areas to be planted, including but not limited to details of plant species, density and number;
- Details of pre-planting site preparation;
- A detailed timeline for the implementation of the wetland planting;
- Details of eco-sourcing and how plants are appropriate to the locality;

No earthworks shall commence until the consent holder has received written notice that the Wetland Planting Plan has been approved by the Manager.

*Note 1: For the purpose of this condition, eco-sourcing refers to plants that have been sourced and propagated from those that grow naturally in the same ecological district.*

*Note 2: Details of the ongoing maintenance of the Wetland Planting are required to be provided in the Operations and Maintenance Plan required by Condition 6.*

5. The consent holder shall install a constructed wetland in accordance with the detailed design as approved under condition 3 of this consent and undertake planting in accordance with the Wetland Planting Plan approved under condition 4.

#### **As-built certification and plans**

6. No later than three months after the construction of the stormwater treatment devices, the consent holder shall provide the Manager “As-built” certification and plans of the stormwater treatment systems, which are certified (signed) by a registered surveyor or chartered professional engineer as a true record of the stormwater management system.

The As-built plans shall display the entirety of the stormwater management system, and shall include:

- a) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
- b) Location, dimensions and levels of any overland flowpaths including cross sections and long sections;
- c) Plans and cross sections of all stormwater management devices, including confirmation of the water quality volume, storage volumes and levels of any outflow control structure; and
- d) Documentation of any discrepancies between the design plans and the As-built plans approved by the Modifications Approval condition.

#### **Operations and Maintenance Plan**

7. The consent holder shall prepare and submit an **Operation and Maintenance Plan** for approval to the Manager as part of the s.224 process at least 20 working days prior to making its application to the Kapiti Coast District Council (KCDC). The Operations and Maintenance Plan shall include details of the operation and maintenance of the Constructed Wetland and Swales including:
  - Who will hold responsibility for long-term maintenance of the stormwater infrastructure;
  - How and when water quality entering and exiting the wetland will be assessed;
  - A programme for regular maintenance and inspection of the wetland and swales;
  - A general inspection checklists for all aspects of the wetland and swales;

- A programme for inspection and maintenance of vegetation associated with the stormwater devices including the replacement of plants and the control of pest plants and animals for a minimum of 5 years;

The consent holder shall prepare the Operation and Maintenance Plan in consultation with KCDC and provide evidence to the Manager of the consultation undertaken and KCDC's agreement to the plan.

The vesting of the stormwater infrastructure in the KCDC shall not occur until the consent holder has received written notice that the Operation and Maintenance Plan has been approved by the Manager.

### Review conditions

8. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
- To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
  - To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later
  - To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
  - To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the "exercise of the consent" is deemed to be once the works authorised by this consent have commenced

### Advisory Notes

- Where conditions require the submission of information to the **Manager**, information can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference WGN210352 and the name and phone number of a contact person responsible for the information submitted
- A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

- d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.
- e) Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact the Kapiti Coast District Council ~~Council~~ prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

# Reasons for decision report

## 1. Background and proposal

The agent (Chris Hansen Consultants Ltd) on behalf of the applicant (R P & A J Mansell) has applied to Greater Wellington Regional Council (GWRC) for the following resource consents:

- A discharge consent to discharge stormwater to land within 100m of a natural inland wetland under the National Environmental Standard for Freshwater (NES-FW);
- A discharge consent for operational stormwater from a new subdivision where it may enter water; and
- A land use consent for the use of land, and the associated discharge of sediment laden runoff into water or onto land where it may enter water from earthworks over 3,000m<sup>2</sup>.

The proposal relates to the redevelopment of an existing rural allotment, which was previously utilised for agricultural purposes and contains one existing residential dwelling only. The subject site is bounded by the new Mackays to Peka Peka expressway to the direct east, other rural/residential lots to the north, west, and south.

### **Bulk earthworks and discharge of sediment-laden water**

Bulk earthworks are required to form the access road, access lots, and the building platforms for the smaller residential allotments. The total area of disturbance will be approximately 75,000m<sup>2</sup>, with 70,000m<sup>3</sup> of cut material and 54,000m<sup>3</sup> of fill material. Approximately 2,500m<sup>3</sup> of compacted material will be imported to the site.

It is anticipated that the earthworks will be completed within three months, with overall site works completed within six months, and not during the winter works season. Staging of earthworks shall be discussed prior to 'for construction' approval of the ESCP, however it is anticipated to occur in one stage.

The earthworks methodology is detailed in the Preliminary Erosion and Sediment Control Plan that was provided with the application, including details of the proposed erosion and sediment controls. The earthworks/ construction methodology is summarised below:

- Establishment of suitable access points with stabilised construction entrances;
- Construction of key sediment control measures for the duration of earthworks, including clean and dirty water diversion channels and bunds, stabilised entrances, surface roughening, silt fences and super silt fences.

Contour drains, decanting earth bunds, and silt socks or metal bunds will be constructed if required;

- Bulk earthworks cut and fill, including the disposal of unsuitable material within the site, and importing of suitable roading aggregate;
- Progressive stabilisation of all worked areas;
- Decommissioning of erosion and sediment controls.

### Operational stormwater discharges

Figure 1 below shows the proposed subdivision design and Figure 2 shows the 'northern' and 'southern' extent of the development for the purposes of explaining operational stormwater discharges from the site once it has been developed.



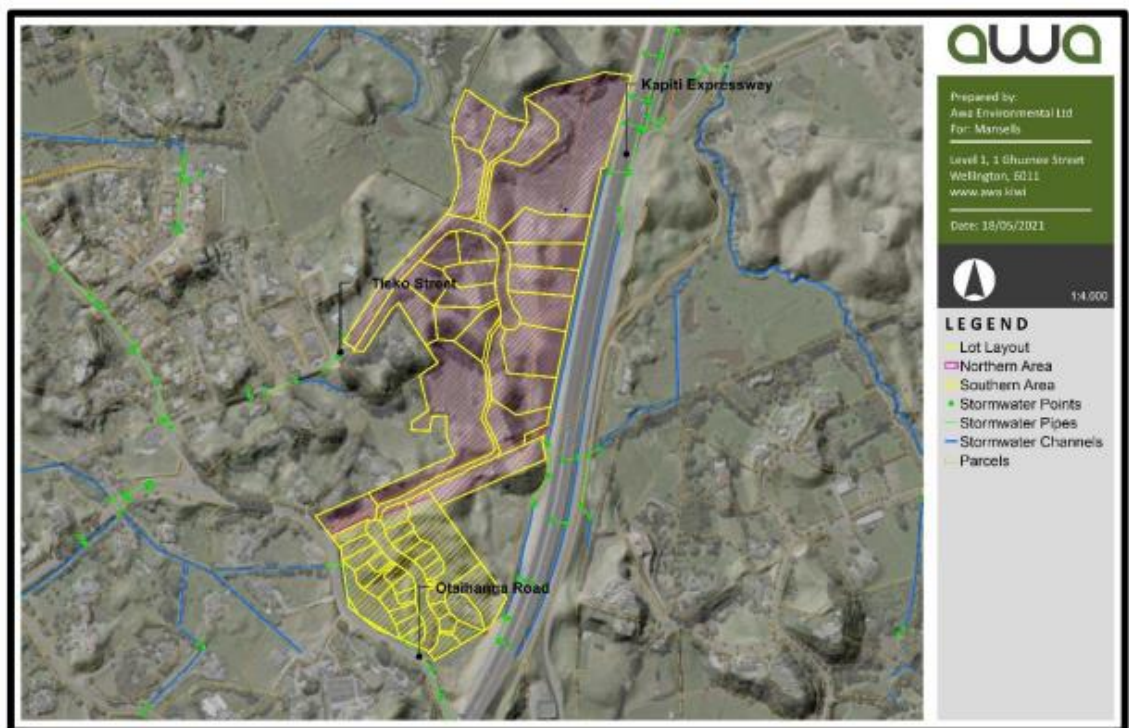
Figure 1: Subdivision design (Source: consent application)



With respect to operational stormwater:

- Stormwater from the northern area (Lots 1 – 22) will be to on-site soakage pits with stormwater to the access road being into swales and to ground via a bio-infiltration device.
- Stormwater from proposed lots 23-49 (the 'southern area' shown in yellow in figure 2) will be discharged to a constructed wetland.
- Stormwater from the roading network off the new cul-de-sac connecting to Otaihanga Road will be collected via sumps and conveyed to a proposed constructed wetland.
- The road levels have been set to accommodate secondary overflow out to the constructed wetland in the event of a system failure.

Stormwater from roofs, driveways, and roads within the development will be discharged within 100m of the four natural wetlands on the site (see Figure 1).



**Figure 2: Proposed lot layout Otaihanga Estate (Source: Resource consent application)**

## 2. Reasons for resource consent

### 2.1 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
Sediment-laden water from earthworks				
15	Regional Plan for Discharges to Land (RPDL)	1	Permitted	Rule 1 of the RPDL provides for discharges to land that will not enter water. The discharge of sediment-laden water will be to land, where it may enter water as there are identified wetlands on the subject site. As such, the discharge cannot be considered under Rule 1. There is no other rule which would provide for the proposed discharge as a permitted or controlled activity. As such, the discharge has been considered under Rule 2 which provides for discharges into or onto land not otherwise provided for, as a <b>discretionary</b> activity.
		2	Discretionary	
Operational stormwater discharges				
		3	Permitted	Rule 3 of the RPDL provides for stormwater discharges into or onto land as a permitted activity. The discharge of operational stormwater from the proposed subdivision is permitted by rule 3.

### 2.2 Proposed Natural Resources Plan

The Council's decision on the Proposed Natural Resources Plan (PNRP) was publicly notified on 31 July 2019. All rules in the PNRP (decisions version) have immediate legal effect under section 86B(1) of the Act. As the application was lodged after 31 July 2019, the PNRP (decisions version) is relevant to determining the resource consents required, their activity status, and the substantive assessment of the proposal under section 104(1)(b) and section 104D of the Act. The provisions of the PNRP as notified on 31 July 2015 have been superseded by the decisions version of the PNRP for assessing this proposal.

This is in addition to any consents required under the operative plans. Noting that under section 86F if there are no appeals on a relevant rule, the rule in the PNRP is treated as operative and the rule in the operative plan is treated as inoperative.

RMA section	Rule	Status	Comments
Operational stormwater discharges			
15	R48	Permitted	Rule R48A provides for discharges of stormwater onto or into land where it may enter a surface water body from a new urban subdivision or development. As the earthworks associated with the proposal exceed 3,000m <sup>2</sup> in area and given that operational stormwater will be discharge onto or into land where it may enter a surface waterbody, consent is required for a <b>restricted discretionary</b> activity under rule R52A.
	R52A	Restricted Discretionary	
Discharge of sediment-laden water from earthworks			
9 and 15	R99	Permitted	The earthworks associated with the proposal will exceed 3,000m <sup>2</sup> in area per 12-month period. Thus, the earthworks and associated discharges of sediment-laden stormwater to land where it may enter water requires consent for a <b>discretionary</b> activity under rule R101.
	R101	Discretionary	

The proposed activity is not located within or near a scheduled site in the PNRP.

### 2.3 National Environmental Standard for Freshwater (2020)

The National Environmental Standards for Freshwater (NES-FW) came into effect on 2 September 2020. All regulations in NES-FW prevail over Regional Plans in accordance with section 43B of the Act, unless the activity has a more stringent rule in an operative regional plan. As the application was lodged after 2 September 2020, the NES-FW is relevant to determining the resource consents required and their activity status.

RMA section	Plan	Rule	Status	Comments
15	NES-F	54	Non-complying	The discharge of operational stormwater from roofs and road to land within the proposed rural lifestyle lots is within 100m of a natural inland wetland. Therefore, consent is required as a <b>non-complying</b> activity under regulation 54.

## 2.4 Overall activity status

The activity must be assessed as a discretionary activity under the operative Regional Plan for Discharges to Land, a discretionary activity under the Proposed Natural Resources Plan (decisions version), and a non-complying activity under the National Environmental Standard for Freshwater (2020). In accordance with the bundling principle, overall the proposal must be assessed as a **non-complying** activity.

## 3. Consultation

Iwi authority	Comments
Te Ātiawa ki Whakarongotai Charitable Trust	<p>Te Ātiawa ki Whakarongotai Charitable Trust was provided with a copy of the application, in accordance with the agreement between the iwi and GWRC.</p> <p>Madie Davy, on behalf of Iwi, provided preliminary comment via email on 18 June 2021. In summary, Iwi had concerns around the proposed works and the possible negative impact on sites of significance in the surrounding environment, including the Waikanae River (located approximately 400m north of the subject sites northernmost boundary).</p> <p>Iwi provided a memorandum to the applicant on the 30<sup>th</sup> of June, which in summary, provided high level comments which intended to guide the applicant as to the issues which are still outstanding to the trust. The applicant provided a response to Iwi on the 14<sup>th</sup> of July.</p> <p>In summary, Iwi stated that provided the applicant adhere to the comments and recommendations provided by the Trust, then the Trust should have no reason to oppose the proposed works.</p> <p>As part of a further information request I asked for an update on consultation with the Trust. The applicant responded by stating that they have been liaising with Ra Giggott. Ra was interested in getting an understanding of the earliest possible owners of the land</p>

	to see if there are any iwi connections he can use to assist to bring a Te Atiawa presence into the development through street names or other opportunities. A site visit with Ra and the applicant was being arranged. The applicant has made a commitment to TAKW to continue this process including beyond the granting of any resource consent.
<b>Other parties or persons</b>	<b>Comments</b>
Gregor McLean, Southern Skies Environmental Limited	A copy of the application was provided to Mr Gregor Mclean to comment on matters relating to erosion and sediment control. Mr McLean's comments are discussed in section 5 of this report.
Stu Farrant, Water Sensitive Design Lead, Morphum Environmental Ltd	A copy of the application was provided to Mr Farrant to comment on matters relating to operational stormwater, and water sensitive urban design. Mr Farrant's comments are discussed in section 5 of this report.
Owen Spearpoint, Senior Environmental Monitoring Officer for GWRC	A copy of the application was provided to Mr Spearpoint to comment on matters relating to ecology, in particular for the inland wetlands. Mr Spearpoint was satisfied with the proposed subdivision design – which proposed to avoid and restore all wetland areas.
Hamish Smith, Senior Engineer for GWRC Flood protection Department	<p>A copy of the application was provided to Mr Smith to comment on matters relating to flood protection, including:</p> <ul style="list-style-type: none"> <li>– Has sufficient analysis been done to prove potential flood impacts have been appropriately avoided, remedied or mitigated, and conveyance and crossings are appropriately sized</li> <li>– Have streambed and bank erosion effects resulting from the diversions or as a result in changes in stormwater inputs been appropriately considered?</li> <li>– Have the culvert and diversion channels have been appropriately sized?</li> </ul> <p>The applicant provided responses to these questions, which satisfied Mr Smith. The email document is saved to ourspace.</p>
Rita O'Brien, Stormwater and Coastal Engineer, Kapiti Coast District Council (KCDC)	<p>KCDC have been assessed as an affected party to the application because the proposed stormwater infrastructure will be vested with the council and because KCDC have a global stormwater consent so the proposed treatment of stormwater may have implications for their consent.</p> <p>Ms O'Brien was provided with a copy of the resource consent application documents, further information</p>

	<p>received and assessment comments from Mr Farrant. Ms O'Brien wrote a memo to Sean Mallon, Group Manager Infrastructure Services recommended KCDC provide conditional support to the proposal subject to review of any proposed consent conditions and plans (specifically review of the wetland concept plan).</p> <p>Ms O'Brien was provided with a copy of the draft conditions and requested two minor amendments. Written approval was received from KCDC on 20 October 2021.</p>
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#### **4. Notification decision**

A decision was made to process the application on a non-notified basis. Further information on the notification decision is provided in document [WGN210352-1674635551-17](#).

#### **5. Environmental effects**

The applicant provided an Assessment of Environmental Effects (AEE) with the application.

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

##### **5.1 Existing environment**

The site measures approximately 17ha and consists of a variable topography, with a dune type landscape that supports wetlands and terrestrial vegetation. The majority of the vegetation onsite is characterised by pasture with shelterbelts and remnant Kanuka grove. Four areas onsite have been assessed and characterised as natural inland wetlands (in accordance with the NPS-FM). The site is rural in character, and has historically been used as a deer and cattle farm prior to the construction of the Kapiti expressway (which runs along the eastern boundary of the site), which severed the property in two. The site contains one existing dwelling, located in the south-eastern corner, with vehicle access from Otaihanga Road.

##### **5.2 Effects of the earthworks and sediment-laden discharges on water quality**

The proposal may result in the discharge of sediment-laden stormwater to land where it may enter surface water bodies. In this instance, the site contains four identified natural wetlands, which vary in their physical extent on the subject site. The Waikanae River is also located approximately 400m north of the subject site.

Sediment discharge to waterbodies cause a local and temporary increase in turbidity and suspended solid concentrations, reducing water quality. High

suspended solid concentrations can have adverse effects on aquatic ecology, especially if these conditions persist over a long period of time. This has the potential to be harmful to the current fish population as many fish are visual feeders.

The applicant has proposed measures to mitigate adverse effects relating to water quality in the preliminary Erosion and Sediment Control Plan (ESCP) prepared by Cuttriss Consultants. The ESCP has been reviewed on behalf of GWRC by Gregor McLean, ESC Specialist, Southern Skies Environmental Limited.

Mr McLean made the following comments on the consent application and questions to put to the applicant in a further information request:

- The ESCP states that the earthworks have been designed to be completed in one stage, but could be developed in two stages. Staging and stabilisation will be critical to ensure that sediment and dust discharges are appropriately managed. Stabilisation on these soils will need to be specifically focussed at areas when they are completed and the tools that could be used, for example attempting to grass in summer on sand soils without irrigation is difficult. Would the applicant accept a consent condition requiring a staging and stabilisation plan which was focussed on limiting the open areas?
- Do the silt fences and super silt fences comply with the length and slope requirements of the GWRC ESC guidelines?
- Any haul roads that are outside of the footprint of earthworks need to be shown on the ESCP, for example how is the unsuitable disposal area accessed?
- I would suggest we do not exclude flocculation from the consent conditions. In my experience, as compaction occurs so do changes to infiltration rates and also sand conditions (quality) vary through cut depth. In this regard the use of flocculation can be an important tool to have.

Mr McLean's questions were put to the applicant in a s92 request. The applicant addressed the matter raised by Mr McLean, specifically stating:

- The applicant agrees with the staging and stabilisation comments and agrees to a conditions requiring a staging and stabilisation plan which focusing on limiting open areas.
- Yes the silt fences and super silt fences comply with GWRC's ESC guidelines.
- The applicant accepts that the final ESCP will need to detail haul roads.
- The applicant accepts a condition that includes flocculation.

On review of the further information provided by the applicant, Mr McLean noted that the use of silt fences and super silt fences for large areas of earthworks such as this proposal can be problematic but the applicant is not excluding the use of other sediment control devices such as decanting earth bunds as a final ESCP will need to be developed with the contractor and certified by GWRC prior to works commencing. Mr McLean recommended the following conditions be imposed on any consent granted:

- The requirement for a pre-construction meeting
- A final ESCP to be submitted to GWRC for certification, including specific staging and stabilisation plans
- As-built plans of ESC devices to be provided
- Winter works restrictions
- A requirement for flocculation if, in the opinion of the compliance officer, water quality was inadequate
- Monitoring and reporting

Overall, taking into account the review comments from Mr McLean, I am satisfied that the environmental effects relating to the discharge of sediment on aquatic habitats and water quality can be appropriately managed through the recommended consent conditions, which include those recommended by Mr Mclean, such that they can be considered to be no more than minor.

All recommended consent conditions are standard for this activity type.

### **5.3 Effects of the ongoing discharge of operational stormwater**

The proposal will result in changes in land use and increased impervious surfaces. These changes may result in the introduction of contaminants into stormwater run-off and increases in peak flow, run-off volume and frequency of run-off to the stormwater network from the development. If not managed these effects may impact downstream ecological values of the receiving environment including the wetlands on site.

Stu Farrant (Water Sensitive Design Lead, Morphem Environmental Ltd) reviewed the applicant's approach to stormwater management. In summary, Mr Farrant initially sought additional information and clarification on the proposed stormwater management systems. Mr Farrant's questions and concerns were:

- Further detail is required on the ongoing maintenance and management of the proposed stormwater devices
- Further detail is required on the covenanting mechanism for the areas to be protected.



### Northern area

- More information is required about the proposed rainwater tanks including size, intended reuse profile, connected catchment assumptions and relationship with proposed soakage.
- All site derived stormwater will need pre-treatment prior to soakage due to expected windblown contaminants from the Expressway.
- It is unclear what is meant by 'under-drained bio-infiltration device'. The details shown appears to show a traditional swale with an underdrain included which would then be connected to a piped stormwater network or outfall rather than supporting infiltration to ground. This is not suitable to support long term water quality improvements and is unlikely to provide robust function over its lifespan. Further detail is required to show how it will support the required water quality function, maintain protection from peak flow rates and support infiltration to ground.
- Clarification is required about what implications of long term loss of infiltration capacity will be and provide confirmation for KCDC that all assets will be maintained.

### Southern area

- Detail needs to be provided on lot scale rainwater tanks.
- No allowance appears to have been made for water quality in the Southern Area. Clarification is required on the function of the 'compensatory storage area' and how stormwater runoff from lots and roads in the southern area is proposed to be managed with regard to water quality.

Further information on the points above was received on the 8th of July. A meeting to discuss the s92 response and stormwater issues was held at GWRC on the 20<sup>th</sup> of July, information provided on the 9<sup>th</sup> August and the final s92 response was provided on 15<sup>th</sup> September 2021 which included a wetland concept design and draft conditions. In summary, the applicant's response to the questions raised by Mr Farrant was:

- Water quality treatment for the southern development area will be via a constructed wetland within lot 200. The wetland area has been sized to meet the run-off requirements of the southern development area for a 100 yr ARI climate change rainfall event.
- Under-drained bio-infiltration devices down Tieko Road have been sized to meet the run-off requirements for a 100 YR ARI climate change rainfall event and are not connected to an outfall or piped stormwater network. On-site soakage tests have been undertaken and a conservative soakage rate (including a safety factor of 4) has been used. This takes account of any loss of soakage rate over time.

- In both the northern and southern development areas lot scale rainwater tanks will be implemented in line with KCDC district plan requirements.
- The proposed development site is located to the west of the Expressway. Easterly wind conditions at Kapiti airport have only been recorded for 7% of the time between 1996 and 2021. The majority of the site is also shielded from the expressway by dunes and ridgelines. It is not considered necessary to provide pre-treatment prior to soakage.
- The swales capture discharge from the road allowing for sediment capture and treatment of run-off. In larger events run-off from the swales will enter the under-drained bio-infiltration devices via sumps and natural soakage providing additional soakage capacity along the length of the perforated pipe.
- KCDC will take over the ownership of stormwater assets and the ongoing management and maintenance of the stormwater devices will be developed for Council as asset managers.
- The applicant has offered up the placement of covenants on titles of relevant lots to:
  - protect identified dunes and ridgelines from earthworks and buildings
  - protect natural wetlands and 10m buffer areas on private lots
  - protect existing kānuka stands
  - protect the habitat for northern grass skink
  - control the use of roof materials and painting of roofs
  - control fencing types to ensure open character is retained.

The applicant is seeking KCDC to require these covenants to be placed on lot titles through a Consent Notice being placed on the subdivision consent.

Following a review of the concept wetland design and draft conditions Mr Farrant confirmed that the wetland design looked appropriate to achieve the water quality outcomes. Mr Farrant made the following points and suggested consent conditions:

- Can the applicant confirm that appropriate provisions have been made for maintenance access to the wetland including for cleanout of the forebay and inspection of all hydraulic structures.
- Can the applicant confirm that the hydraulic arrangement will enable bypass of flows which exceed the water quality volume/flowrate with engagement of flood detention only engaged at the desired pre development peak flowrate for specified event (Q10 and above).

- Can the applicant confirm that the wetland shall be vested to Council and maintained by them in accordance with an approved Operation and Maintenance plan.
- Suggest to include the following;
  - Detailed design of constructed wetland to be provided to GWRC for approval prior to commencement of earthworks
  - Operation and Maintenance plan to be provided to GWRC for approval prior to commencement of earthworks.

The applicant responded to Mr Farrant's questions with the following points:

- The wetland design would need to allow for an excavator to periodically access the forebay (once every few years). Maintenance access can be provided to the forebay and hydraulic structures via a new vehicle crossing and access track off Otaihanga Road. Design of the maintenance access will be provided at the detailed design stage.
- Exact hydraulic arrangement is to be confirmed and will depend on the expected flow rates and velocities in the wetland. The upstream catchment will bypass the wetland, except in flood events where the flood detention will be engaged. Runoff from the development can also be designed to bypass the wetland in events greater than the water quality volume/flow rate via a diversion chamber into the bypass network if necessary.
- The wetland will be vested in KCDC with operation and maintenance details provided to them.

Mr Farrant confirmed that the applicant had addressed all his concerns. He noted with respect to flows exceeding the water quality volume - it is definitely necessary to bypass these flows from the wetland so that needs to be included as a feature in the detailed design which council will review as part of consent conditions.

I recommend the conditions suggested by Mr Farrant be placed on the consent. I also recommend, as part of the operations and maintenance plan, the submission of planting details for the wetland including maintenance of planting for a period of 5 years. Overall, based on the advice from Mr Farrant and recommended consent conditions, I am satisfied that the effects from the ongoing discharge of operational stormwater from the development will be no more than minor provide.

#### **5.4 Effects of the ongoing discharge of operational stormwater within 100m on a natural wetland**

The proposal will result in ongoing stormwater discharge from roofs, driveways, and roads in the development within 100m of a natural inland wetland, which

have the potential to adversely affect the existing hydrological processes, ecology and water quality.

The applicant engaged Wildland Consultant to assess the impacts of the proposal (earthworks and infrastructure) on wetland hydrological processes. The outputs of the Wildland assessment were addressed during the design methodology development undertaken by Awa Environmental. The Awa report notes that the stormwater design for the development focusses on retaining the natural hydrological function of the wetland areas. To mitigate any negative impact of development, the design methodology seeks to:

- Discharge stormwater to ground, using soakage solutions;
- Undertake this in a distributed way, using swales along roads, and soakage fields at household rain tank overflows;
- Stormwater will be directed to swales for larger events, with under-drained bio-infiltration devices at low points in the road.

The intention of this approach is to return stormwater to ground as close to source as possible, to reduce stormwater flows being directed to the wetlands.

Mr Spearpoint, Senior Environmental Monitoring Officer for GWRC, undertook a brief review of the proposal, and considered the management of the natural inland wetland onsite to be satisfactory.

Overall, based on the advice from Mr Spearpoint, Mr Farrant, and the report from Awa Environmental, I am satisfied that the effects from the ongoing discharge of operational stormwater from the development will be no more than minor provided the design measures outlined in the Awa Environmental report are implemented.

## **5.5 Summary of effects**

Given the assessment above, it is considered that the effects of the activity are, or will likely be no more than minor when undertaken in accordance with the recommended consent conditions.

## **6. Statutory assessment**

### **6.1 Part 2**

Part 2 of the Act outlines the purpose and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

## 6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below.

As the application falls for consideration as a non-complying activity (under either operative plans or PNRP or both), pursuant to section 104D of the Act a 'gateway test' is required to be met before a decision on whether consent can be granted can be made. Section 104D prescribes that the consent authority may only proceed to the substantive assessment (s104), and make a decision on whether to grant a resource consent application for a non-complying activity, only if it is satisfied that either:

- (a) the adverse effects of the activity on the environment will be minor;  
or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the operative Regional Plan for Discharges to Land and the Proposed Natural Resources Plan (decisions version), and the National Policy Statement for Freshwater Management.

If the application cannot meet either of the gateway tests outlined above the consent application must be declined.

With regards to the first limb of the gateway test, section 5 has provided a comprehensive assessment of environmental effects of the proposed development, and it is considered that any potential adverse effect will be less than minor. As such, the proposal meets section (a) of the gateway test.

With regards to the section limb of the gateway test, the table in section 6.2 below provides an assessment of the proposal against the objectives and policies of the NPS-FM, the Regional Plan for Discharges to Land, and the Proposed Natural Resources Plan. Based on the assessment provided below, it is considered that the proposal is not contrary to the objectives and policies of these three plans.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.

RMA section	Matter to consider	Comment
104(1)(b)(iii)	<b>National Policy Statement for Freshwater Management</b>	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the NPS-FM.
	<i>Objective/ Policy</i>	<i>Comment</i>
	Objective 1	<p>The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> <li>a) first, the health and well-being of water bodies and freshwater ecosystems;</li> <li>b) second, the health needs of people (such as drinking water); and</li> <li>c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</li> </ul> <p>The proposal provides for all three of these objectives. The subdivision scheme plan has provided for the health and well-being of freshwater as a priority, by avoiding all areas identified as natural inland wetlands, and providing for their restoration outside of residential allotments. The development will provide for drinking water to meet the health needs of people, and rainwater attenuation tanks to re-use water and implement water sensitive urban design. It is considered that the proposal provides for people and communities social, economic, and cultural well-being, for now and into the future. Overall, the proposal is consistent with the objectives of the NPS-FM.</p>

RMA section	Matter to consider	Comment
	Policy 1	This policy aims to ensure freshwater is managed in a way which gives effect to Te mana o te Wai. The proposal recognises the fundamental importance of water, and how the protection of water ensures the health and well-being of the wider environment. The proposal recognises te mana o te wai by protecting and restoring the natural inland wetlands onsite, and ensuring appropriate setback of activities from the wetland areas onsite.
	Policy 2	This policy ensures Tangata whenua are actively involved in freshwater management. Iwi have been actively involved in the application and decision making process, and have worked with the applicant to ensure the freshwater values of the wider environment have been recognised and provided for.
	Policy 3, 4, and 5	The proposal recognises policies 3 and 4, which ensure freshwater is managed in an integrated way and in response to climate change. The proposal provides for the health and wellbeing of freshwater ecosystems, and via the wetlands improvements, ensures consistency with policy 5.
	Policy 6	This Policy aims to ensure there is no further loss of natural inland wetlands, their values are protected and their restoration promoted. The wetlands onsite have been identified, and no further loss of extent is proposed. The wetlands are to be protected and restored as part of the proposed ecological management for the site.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(b)(v)	<b>Regional Policy Statement</b>	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/ Policy</i>	<i>Comment</i>
	Objective 12	This objective aims to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, and meets reasonable foreseeable needs of future generations. Sediment and erosion control measures will be implemented on site to treat sediment-laden stormwater from earthworks prior to being discharged to land where it may enter water.
	Policy 15	This policy relates to minimising the effects of earthworks. Earthworks will be undertaken in the shortest time period possible (anticipated to be three months), and erosion and sediment controls implemented to minimise the effects of sediment laden stormwater discharges during earthworks.
	Policy 40 & 43	The proposal (with recommended conditions) safeguards aquatic ecosystem health and ensures aquatic ecological function of water bodies is protected.
	Policy 48 & 49	The principles of the Treaty of Waitangi and matters of significance to tangata whenua have been recognised and provided for.
104(1)(b)(v)	<b>Operative Regional Plan for Discharges to Land</b>	I consider that, with the application of the recommended conditions of consent, the proposed activity is



<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(b)(vi)		consistent with the Regional Plan for Discharges to Land.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 4.1.3	The adverse effects of discharges of sediment-laden stormwater during earthworks will be managed through the implementation of erosion and sediment controls, which will ensure that the effects of such discharges will be no more than minor.
	Policy 4.2.11	The proposal will be allowed to temporarily discharge solid contaminants to land as the effects are minimised through erosion and sediment controls.
	Policy 4.2.19	The proposal will discharge to land instead of directly to surface water. The implementation of erosion and sediment controls will ensure that there are no adverse effects on soil, water quality and amenity values as a result of discharging to land.
	Policy 4.2.24A	I consider that, with the application of the recommended conditions of consent, the proposal is consistent with this policy.
	<b>Proposed Natural Resources Plan</b> (decisions version)	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan (decisions version).
	<i>Objective/Policy</i>	
	Objectives O3 & O4	The proposal recognises the mauri and intrinsic values of nearby freshwater. The life supporting capacity of freshwater will be safeguarded through the implementation of erosion and sediment controls

RMA section	Matter to consider	Comment
		to prevent discharges of sediment-laden run-off to the stream.
	Objective O15	<p>A copy of the application was circulated to Te Ātiawa ki Whakarongotai Charitable Trust via the Te Wāhi Platform. Te Ātiawa provided comprehensive comments via a memorandum, of which the applicant responded to. Iwi concluded that subject to their recommendations in the memorandum being upheld, the Trust has no reason to oppose the consent.</p> <p>As such, the proposal is considered to be consistent with Objective 15.</p>
	Objective 17 and 19	<p>The natural character of natural wetlands and their margins are to be preserved and protected through this proposal, by ensuring all wetlands are fenced, there is a 10m planting buffer to protect the wetlands from works on adjacent areas of the site, and the wetlands shall be legally protected via covenants.</p> <p>The mauri of freshwater and cultural relationship of Maori with water has been recognised.</p>
	Objective 20 and 21	<p>The flood hazard risk on the site has been adequately mitigated via compensatory storage on the floodplain. Modelling results also show the subdivision can be implemented with less than minor effects on surrounding flood levels, and thereby reducing the flood hazard on the surrounding environment. Proposed building areas in flood ponding overlays</p>

RMA section	Matter to consider	Comment
		have been designed with elevated building platforms.
	Objectives O23, O24, and O25	The proposal maintains the quality of water within, and safeguards the biodiversity, aquatic ecosystem health and mahinga kai associated with adjacent or nearby surface waterbodies. Onsite wetlands are
	Objectives O42, O44 and O47	Erosion and sediment controls will be implemented on site to minimise soil erosion and sediment-laden run-off entering adjacent or nearby surface waterbodies from earthworks.
	Policy P31	Aquatic ecosystem health will be maintained.
	Policy 38	The proposed wetland restoration is in line with this policy, which aims to restore natural wetlands. The habitat for indigenous flora and fauna within the wetlands will be improved through pest plant control, buffer planting, and fencing.
	Policy P66	I consider this proposal is consistent with the NPSFM for discharge permits.
	Policy P67	The proposal seeks to minimise the discharges through the implementation of erosion and sediment controls.
	Policy P73	The proposal incorporates appropriate water sensitive urban design features to minimise the adverse effects of stormwater discharges from the proposed subdivision to the smallest amount reasonably practicable.
	Policy P79	Stormwater discharges from the proposed subdivision avoids scour and erosion of stream

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
		beds and banks and does not increase the risk to human health or safety or increase the risk of inundation, erosion or damage to property or infrastructure.
	Policy P98	The proposal has appropriate measures (including consent conditions) to minimise the risk of accelerated soil erosion, control silt and sediment runoff, and ensure the site is stabilised.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	The proposed discharge of sediment-laden stormwater from earthworks will be discharged to land but has the potential to enter water. The discharge to land is an alternative method of discharge and as such, it is considered acceptable under section 105.
107	Restrictions on grant of certain discharge permits	If the discharge to land from earthworks then enters water, it is noted that this would only be a temporary discharge, and would therefore be acceptable under section 107.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA.

### **6.3 Weighting of the Proposed Natural Resources Plan**

As the conclusion reached under the operative Regional Plan for Discharges to Land Plan assessment is consistent with that reached under the Proposed Natural Resources Plan, and the National Environmental Policy for Freshwater Management there is no need to undertake a weighting exercise between the two Plans.

## 7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the Regional Policy Statement and the Operative Regional Plan for Discharges to Land Plan, the Proposed Natural Resources Plan (decisions version), and the National Environmental Policy for Freshwater Management.
3. The proposed activity is not contrary to the objectives and policies of the Regional Plan for Discharges Plan, the Proposed Natural Resources Plan (decisions version), and the National Environmental Policy for Freshwater Management.
4. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
5. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.

## 8. Duration of consent

The applicant has stated that the earthworks will commence upon the grant of this consent. However, to cover for any unforeseen circumstances, I consider a consent duration of five years to be appropriate for the land disturbance and associated discharge. A consent duration of 10 years has been recommended for the discharge of operational stormwater from the development and within 100m of an inland wetland.

## 9. Monitoring

### 9.1 Monitoring schedule

The following compliance monitoring programme will be undertaken during the consent term:

<b>Monitoring assessment:</b>	<input type="checkbox"/> Annual	<input type="checkbox"/> Three-yearly	<input checked="" type="checkbox"/> Other:
Monitoring will be undertaken during and upon completion of the earthworks.			
<b>Monitoring input:</b>	<input type="checkbox"/> Audit	<input checked="" type="checkbox"/> Site inspection	<input type="checkbox"/> Other:
<b>Other notes</b>			
<b>Compliance group</b>	Large earthworks		

## 9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$40. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
<b>Customer service charge</b>	Three consent(s)	\$120.00	
<b>Monitoring charge</b>	Yes	*Variable	DL1
<b>SOE charge</b>	Earthworks	\$900	5.3.5.2
	Operational stormwater	\$500	4.3.4.3
Further notes (if applicable)			

\*Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent.

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.