



## STAFF REPORT

**TO:** Environment and Planning Committee

**FROM:** Michael Durand, Co-ordinator Natural Resources Consents

**REFERENCE:** RM071007 – Works in a watercourse and the construction of a wetland

**SUBJECT:** **SEBASTIEN VINEYARD LTD – REPORT EP08/02/03** – Report prepared for 1 February 2008 hearing

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### 1. INTRODUCTION

This report discusses the resource consent application for works in a watercourse for the purposes of constructing a wetland on the subject property. A wetland was present in the south-eastern part of the site historically, but the land has been extensively modified and the wetland no longer exists. The original vegetation has been destroyed and the watercourse straightened and deepened to the extent that a functioning wetland is no longer supported.

Wetlands perform a series of beneficial functions in the environment, including supporting a diverse ecosystem of plants, invertebrates and fish, providing treatment and attenuation of stormwater flows, and creating a more interesting and diverse landscape. A preliminary report prepared by MJ Conway concludes that with control of the exotic plants, earth grading and replanting with indigenous plants the wetland can once again have important values for soil and water, nature conservation and the landscape.

This report recommends consent conditions for any consent granted, including conditions requiring a detailed plan for the design, construction and ongoing management of the wetland to be developed before works begin. Conditions are also recommended to limit the generation, transport and deposition of sediment associated with the earthworks.

### 2. TRMP RULES

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

#### **4. ASSESSMENT**

The provisional report by MJ Conway provided a concept plan for the restoration programme that involves various phases of work, being control of exotic plants, earthgrading and replanting. These are described briefly and a timetable for their implementation is recommended. The report acknowledges that “the objective of most restoration projects is a sustainable and self-managing system, yet this situation is rarely achieved.” (p. 6) Furthermore, ongoing maintenance will be required (although this need is expected to decline over time), especially with respect to Old Man’s Beard. The need for an animal pest control program is also acknowledged. It is not clear who will undertake the work.

Staff support the restoration programme in principle, but on the advice of Trevor James (Resource Scientist) I have concluded that a more detailed design, construction and management plan is desirable and should be submitted to the Council before works to restore the wetland are undertaken. Mr James recognises the need to ensure the wetland is restored appropriately so that the best practicable outcome is achieved. He has also recognised that, despite being highly modified, the watercourse currently supports Giant and Banded Kokopu whose habitat should be protected during and following the work. The specification for the management plan is described in Condition 1 of those suggested below.

It should be acknowledged that the applicant seeks to improve the state of the environment through the restorative work.

#### **5. RECOMMENDATION**

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

#### **6. RECOMMENDED CONDITIONS**

##### **Wetland Development and Management Plan**

1. A suitably qualified person experienced in wetland design and management shall prepare a “Wetland Development and Management Plan” (WDMP) for the design, construction and management of the wetland. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:
  - (a) A complete design of the wetland including, but not limited to:
    - (i) specifications of the proposed new meandering stream channel;

- (ii) four transverse cross-sections of the creek and banks showing the typical variety of bank shape through the length of the creek; and
  - (iii) a stylised longitudinal cross section showing the variety of depth zones in the creek.
- (b) a schedule describing the methods and frequency of plant and animal pest control within the wetland;
  - (c) performance targets with timeframes for the implementation of the WDMP; and
  - (d) a written contract between the Consent Holder and a suitably qualified person or organisation who agrees to oversee the implementation of the WDMP and timeframes referred to in Condition 1(c).
2. A copy of the WDMP required by Condition 1 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.

**Advice notes:**

- 1. With reference to Condition 1(a) it is recommended that steep banks be retained where practicable, particularly on the outside of the bends in the creek.
- 2. With reference to Condition 1(c) it is recommended that particular attention be given to the control of cats, Grey Willow and Old Man's Beard.
- 3. It is suggested that the wetland be developed in the secondary channel (i.e. that which takes primary stormwater flows). However, it should be ensured that the base of the wetland is low enough so as not to dry out unduly. The primary channel is needed to support Giant and Banded Kokopu and it should not be widened beyond its natural width of 900-1200mm.
- 4. It is recommended to avoid planting flax too close to the primary channel as it typically blocks the channel and may cause problems for fish passage and exacerbate flooding potential.
- 5. It is recommended that the WDMP be developed in consultation with the Department of Conservation.

**Earthworks**

- 3. The Consent Holder shall prepare a construction-phase sediment management plan (SMP) which identifies how sediment shall be controlled so that aquatic ecosystems are protected from the deposition of sediment in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (TRMP). This plan should include, but not be limited to:
  - (a) structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures;

- (b) a spill management plan that addresses responses to incidences of spills or discharges of substances within 50 m of the wetland, that may be hazardous to aquatic or wetland ecosystems;
- (c) a maintenance plan that describes the maintenance regime of the sediment control system(s);

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

- 4. A copy of the SMP required by Condition 3 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.
- 5. The works shall not be undertaken during the inanga spawning season (February–April inclusive, annually).
- 6. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
- 7. All bare areas shall be revegetated as soon as is practicable and no later than three months after the completion of the works to limit erosion and downhill movement of exposed material.
- 8. The Consent Holder shall ensure that the site is left in a neat and tidy condition following the completion of the works.
- 9. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents by serving notice during the month of January each year each year, and for any of the following purposes:
  - (a) to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage;
  - (b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
  - (c) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, National Environmental Standard, or Act of Parliament.
- 9. Pursuant to Section 125 of the Act this consent shall lapse five years after the date of this consent unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

**Advice Note:**

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

## ADVICE NOTES

1. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
2. The Consent Holder's attention is drawn to permitted rule 36.2.4 which permits the discharge of sediment or debris to water. No consent to breach the conditions of this rule has been applied for and therefore the Consent Holder must meet the conditions of this consent during land disturbance activities or else a separate resource consent must be obtained.
3. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust shall be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
4. This resource consent only authorises the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
5. Monitoring of this resource consent may be required under Section 35 and 36 of the Resource Management Act 1991, and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover the additional amount from the Consent Holder. Monitoring costs are able to be minimised by consistently complying with the resource consent conditions.
6. Pursuant to Section 127 of the Resource Management Act 1991, the Consent Holder may apply to the Consent Authority for the change or cancellation of any condition of this consent.