STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Michael Durand – Co-ordinator Natural Resources Consents

REFERENCES: RM071250 to RM071256 – Discharge of Stormwater to Land and Water

SUBJECT: **ROBERT WESTENBROEK – REPORT EP08/07/15** - Report prepared for hearing of 21 July 2008

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1. DESCRIPTION OF THE PROPOSED ACTIVITY

Robert Westenbroek has lodged a number of resource consent applications relating to a subdivision, residential development, works in watercourses and associated wastewater and stormwater discharges in the Rural 3 Zone.

The following report assesses applications RM071250 to RM071256 which relate to the diversion and discharge of stormwater at the proposed development. Should consents be granted the Consent Holder will, at this stage, be the applicant, but in the future the resource consents will need to be transferred to the subsequent property owners.

To discharge collected stormwater from buildings, roads, and other hardstand areas to land and surface waterbodies from the subdivision application described above (Application RM070416). The stormwater flows will partly attenuated by capture in storage tanks (used primarily for the sullpy of domestic consumptive water), and discharged to gulleys within the subject site.

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

The application site is zoned Rural 3. The diversion and discharge of stormwater from new subdivisions here are not permitted under rule 36.4.2 of the TRMP and require resource consents (discharge permits) for each allotment.

3. SUBMISSIONS

None of the submitters raised issues relating the diversion and discharge of stormwater from the site. For a discussion of the related issue of sediment transport from the site during the earthworks and construction phase, the reader is referred to the accompanying report.

4. PRINCIPAL ISSUES

The principal issue associated with the applications is:

a) Will the development result in adverse effects on watercourses and adjacent land associated with stormwater run-off?

5. STATUTORY PROVISIONS

The application is a Controlled activity in the Rural 3 Zone. The Council must consider the application pursuant to Section 104 of the Resource Management Act 1991.

The matters for the Council to address in Section 104 are:

- Part II matters;
- the actual and potential effects on the environment of allowing the activity (Section 104 (1)(a));
- relevant objectives and policies in the Tasman Regional Policy Statement, and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- any other matter the Council considers relevant and reasonably necessary to determine the application (Section 104 (1)(c)).

5.1 Resource Management Act Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

Section 5 sets out the **purpose** of the Act which is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Sections 6, 7 and 8 set out the **principles** of the Act:

Section 6 of the Act refers to matters of national importance that the Council shall recognise and provide for in achieving the purpose of the Act. The matters relevant to this application are:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.

- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

Section 7 of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act. Relevant matters to this application are:

- 7(d) intrinsic values of ecosystems
- 7(f) maintenance and enhancement of the quality of the environment, and
- 7(g) any finite characteristics of natural and physical resources

Section 8 of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I understand that the applicant has consulted with iwi. I do not anticipate that there are any relevant issues for this application in respect of Section 8.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated. *The critical issue of this consent is whether the proposal represents sustainable use of the rural land resource, whereby servicing and cumulative adverse effects are no more than minor.*

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

5.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land, water and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

5.3 Tasman Resource Management Plan

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

- Chapters 30 and 33

This chapter articulates Council's key objectives:

The most relevant Rules which follow from these imperatives are contained in Chapters 31 and 36.

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of actual and potential effects in paragraph 6.1 below and analysis and discussion on the relevant policies and objectives in paragraph 6.2 of this report.

6. ASSESSMENT

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

6.1 Actual and Potential Environmental Effects

6.1.1 Proposal Summary

The development of rural catchments with houses, roads and other impermeable surfaces inevitably alters their drainage characteristics. Typically, such developments cause an increase in both the volume and peak flow rate of stormwater discharges that occur out of the catchment during and following rainstorm events. Unattenuated stormwater discharges from such catchments can cause flooding and damage to the environment and property downstream, and thus there is an expectation within the TRMP's policies and objectives that such impacts are avoided, remedied or mitigated wherever possible.

Stormwater flows from each of the proposed dwellings is intended to occur as follows:

Roof interception (diversion) is collected in a 25,000 litre holding tank, the overflow from which will be discharged to a piped system. The initially subsurface piped flow will exit the pipe and form an over-land flow, which will then flow downslope to a gulley or swale through pasture or bush.

6.1.2 Stormwater Diversion, Damming and Discharge Assessment

Stormwater Attenuation Assessment

The increase in stornmwater flow from the catchment as a result of the construction of houses and hard surfaces is not, in my assessment, a significant factor that may lead to adverse environmental effects that are more than minor. As a proportion of the size of the catchment, the total area of impermeable surfaces resulting from te propoed development will be small. Furthermore, the potentially large buffering capacity of on-site tanks provides a very good level of protection against damage caused by stormwater runoff during rainstorm events.

Runoff Quality Assessment

The applicant's report did not discuss in detail the effects of the proposed development on the quality of stormwater discharged from the subject site. Expected contaminants in runoff include suspended solids, increased biochemical oxygen demand (BOD_5), pathogens, metals, hydrocarbons, toxic trace organics, nutrients and litter.

However, flow through gulleys or swales that in some cases will contain bush is expected to provide treatment of the stormwater. Most of the loading of the metals and hydrocarbons is adsorbed to the suspended solid fraction and will therefore be removed by passage through grassy gulleys.

Overall, it is considered that the stormwater discharges resulting from the proposed development will not adversely affect water quality to no more than a minor degree.

6.1.3 Summary of Assessment of Effects

In summary, potential adverse effects on the environment, in terms of the diversion, damming and discharge of stormwater at the proposed subdivision, are in my opinion minor and the proposal is generally consistent with the objectives and policies in the Tasman Resource Management Plan.

6.2 Relevant Objectives and Policies of the PTRMP

The following Policies and Objectives have been considered relevant for this proposal:

Objectives and Policies
Objectives and policies related to stormwater diversion, damming and discharge 30.1.0 Objective 1. The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to: (a) preserve their life-supporting capacity (the mauri of the water); (b) protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values including eel, trout and salmon habitat, and recreational and wildlife values; and (c) maintain their ability to assimilate contaminants. 2. The maintenance, restoration and enhancement where possible, of the quality and extent of wetlands in the District. 30.1.17 Policies To avoid, remedy or mitigate the adverse effects of water damming either by itself or cumulatively with other dams, including adverse effects on: (a) the flow regime or water levels in rivers, lakes and wetlands; (b) passage of fish and eels; (c) other water users; (d) aquatic ecosystems and riparian habitat; (e) water quality; (f) groundwater recharge; and (g) adverse effects of dam failure on (a) to (f) above. 33.3.0 Objective Stormwater discharges that avoid, remedy or mitigate the actual and potential adverse environmental effects of downstream stormwater inundation, erosion, water contamination, and on aquatic ecosystems. Policies 33.3.1 To require all owners, particularly the Council as stormwater asset manager, of all or part of any stormwater network to avoid, remedy, or mitigate adverse effects of stormwater discharges. 33.3.2 To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges. 33.3.3 To manage the adverse effects of stormwater flow, including primary and secondary flow management, and the potential for flooding and inundation.

Objectives and Policies
33.3.4 To avoid, remedy or mitigate the potential for erosion and sedimentation arising from stormwater run off. 33.3.5 To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination. 33.3.6 To maintain or enhance stormwater infiltration to enhance groundwater recharge. 33.3.7 To require all owners of all or part of any stormwater drainage network to avoid, remedy, or mitigate the adverse effects of stormwater discharges. 33.3.8 To encourage an integrated whole-catchment approach to the management and discharge of stormwater. 33.3.9 To require the use of low impact design in the management of stormwater discharges in any new development where practicable. 33.3.10 To encourage the restoration and rehabilitation of stormwater drainage networks where natural drainage networks have been significantly modified. 33.3.11 To take into account the long-term management of stormwater drainage in consideration of land development, including subdivision and land-use changes.

7. SUMMARY

7.1 Principal Issues

The principal issue of whether the proposed subdivision can be adequately serviced in terms of stormwater so the effects on the environment will be no more than minor.

7.2 Statutory Provisions

The application is a Controlled activity under the provisions of Chapters 31 and 36 of the TRMP at the time the application was lodged.

- Part II matters
- Objectives and Policies of the Proposed Tasman Resource Management Plan
- Actual and Potential Environmental Effects
- Other Matters

7.3 Overall Conclusion

Overall the writer's assessment is that the actual adverse effects on the environment are minor and the proposal is generally consistent with the objectives and policies, and matters of discretion in the Tasman Resource Management Plan.

8. RECOMMENDATION

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

Having considered the application in detail, having visited the site, and drawing on the Council's staff experiences of stormwater issues, it is the writer's view that the adverse environmental effects of the proposed activity will be no more than minor, and that there is no reason why resource consent for the diversion, damming and discharge of stormwater should not be granted subject to the following recommended conditions.

9. RECOMMENDED CONDITIONS

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans submitted with the application, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

2. The stormwater disposal system shall not cause any damming or diversion of floodwaters that may affect adjoining properties or the Council road. To achieve this, the Consent Holder shall ensure adequate on-site disposal of roof and surface waters is provided through an appropriate stormwater drainage system.

3. The stormwater disposal point shall be located not less than 20 metres away from any surface water body, 1.5 metres from any property boundary and 20 metres from any bore for domestic water supply.

4. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.

5. The discharge shall not cause or contribute to any damage caused by flooding.

6. 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

7. All systems associated with the discharge (such as the interceptors, connecting drains and soak pits) shall be maintained in effective, operational order at all times.

Review of Consent Conditions

8. The Council may, during the month of February each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 for all or any of the following purposes:

    a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

    b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or

d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate.

e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

9. This resource consent expires on 1 August 2028.

GENERAL 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 Co-ordinator Compliance Monitoring.

5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.

6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

   a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);

   b) be allowed by the Resource Management Act; or
   c) be authorised by a separate resource consent.

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