

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Katrina O'Connor – Resource Consent Consultant, O'Connor Solutions Ltd

REFERENCE: RM080986 – Land use consent for operation of a truck depot
RM081001 – Discharge permit for stormwater to discharge to land
RM081002 – To transfer and vary Water Permit NN960186
RM081000 – Discharge permit for discharge from truck wash to land
RM081999 – Land use consent for earthworks

SUBJECT: **STUART DRUMMOND TRANSPORT LIMITED - REPORT EP09/03/03** - Report prepared for hearing of 24 March 2009

1. DESCRIPTION OF PROPOSAL

Stuart Drummond Transport Ltd has applied to establish a truck depot over approximately 1ha of land on the corner of Swamp Road and Lower Queen Street, Richmond. An application was made in 2005 for a similar activity however this was placed on hold at the applicant's request and remains on hold.

It is proposed that the depot will generally operate between the hours of 3.00 am and 6.00 pm Monday to Friday and on occasion Saturday for vehicle maintenance. The depot will include a 576 square metre office building and a workshop building which is proposed to be up to 6.5 metres above finished ground level, with this workshop being located approximately 40 metres from mean high water springs (i.e. it would be within the Coastal Environment Area). Access is proposed to Lower Queen Street.

Application RM080986 includes the use of the site for a truck depot including a workshop facility, offices and a truck wash. Associated consents required have also been applied for. These are as follows:

RM080999 - Land Use (Earthworks) - To carry out earthworks to form the proposed yard and building platform area, create landscape mounds, swales and drainage disposal areas. The earthworks will be within 200 metres of the Mean High Water Spring (MHWS).

RM081000 - Discharge Permit (Truckwash Water to Land) - To discharge up to 15 cubic metres per day of truckwash water to land by way of soakage trenches over an area of 30 square metres.

RM081001 - Discharge Permit (Stormwater Discharge to Land) - To discharge approximately 960 cubic metres per twenty four hour period of stormwater from the yard area via swales and into soakage trenches.

RM081002 - Application to Transfer and Vary Water Permit NN 960186 - This is an application for a "site to site" transfer, made pursuant to Section 136 of the Resource Management Act 1991, of an existing water permit NN960186 (groundwater abstraction) from bore WWD 201 to WWD 1100. In addition, this is also an application, made pursuant to Section 127 of the Act, to allow 15.5 m³ of the water allocation to be utilised for the truck wash and to supply the office/workshop.

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

The application site is zoned Rural 1 and is within the Coastal Environment Area.

3. SUBMISSIONS

Eleven submissions were received on this application, including one late submission that has been accepted by Council. Four submissions were in favour of the application as it stands, two were in favour of the application with conditions, two were neutral with conditions, one was opposed to the application if conditions were not met and two were in opposition to the application. The 'conditions' listed in the conditional submissions are:

- No trucks empty or loaded on Swamp Road
- Hours of operation 6.00 am to 6.00 pm Monday to Saturday
- No other trucking companies to work from this proposed yard or other engineering work carried out
- Activities are limited to those contained within the application
- Land use consent (RM080999) does not include a bund parallel to Lower Queen Street fronting the land
- The truck wash water be filtered to exclude weed seeds (RM081001)
- The landscape plan include establishment of more appropriate coastal plantings between the (widened) road and the building
- Appropriate plantings as an integral part of the truck wash, waste water and storm water disposal area (RM080986 / RM080999)
- Grant consent subject to rationalisation of the two different building platform levels – ie raise this building platform to 4.6 metres or lower the Richmond West level to 4.18 metres
- Grant consent subject to the road frontage being upgraded to the standards set out in the TRMP.

The main issues raised in submissions include:

Submissions Against

- Heaviest use of truck wash would be when weather is most inclement and drainage or soakage to land would be impossible
- Contamination of site and the transfer of this contamination onto the road via trucks
- Possible smell
- Disappointing and inappropriate to have this eye sore on Rural 1 land
- Waste of good productive land
- No servicing for this type of activity
- Traffic safety
- Not zoned for industrial use
- Close to estuary and associated risk of pollution
- Noise
- Dust
- Other land is available
- Possibility of weed seeds to be distributed by waste water/stormwater disposal
- Potential for spillage/leakage of oil, diesel and other contaminants
- Land currently affected by salt water intrusion, mound may affect this, visual mitigation better achieved by tall plantings

Submissions For

- Correct use of unproductive land within industrial environment
- Low impact activities in heavy industrial vicinity and unproductive land
- Land has limited productive potential given size and soil type with significant areas being subject to fill in the past
- The proposal fits the purpose for this type of land

The relevant issues from the submissions are discussed as part of my assessment in Section 6.

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Industrial activity in the Rural Zone
- b) Traffic effects
- c) Noise effects
- d) Effects on Coastal Environment
- f) Effects of stormwater disposal
- g) Effects of wastewater disposal
- h) Effects of land disturbance

5. STATUTORY PROVISIONS

RM080986 – Land use consent for operation of a truck depot. The establishment and operation of the truck depot is a discretionary activity in the Rural 1 Zone under Rule 17.4.3. The proposed building is a restricted discretionary activity under Rule 18.14.4. The proposal is also a discretionary activity in terms of the transport rules as detailed in section 5.16 of the application.

RM081001 – Discharge permit for stormwater to discharge to land. This is a restricted discretionary activity under Rule 36.4.4 of the Plan.

RM081000 – Discharge permit for discharge from truck wash to land. This application is a discretionary activity under the Plan.

RM081999 – Land use consent for earthworks. The earthworks are a discretionary activity.

The RMA gives 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 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. Of particular relevance to this application is:

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

Section 7 of the Act identifies other matters that the Council shall have particular regard to in achieving the purpose of the Act.

Section 8 of the Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). No submission has been received by iwi in regards to this application.

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.

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

5.2 Tasman Regional Policy Statement

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

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

5.3 Tasman Resource Management Plan (“the Plan”)

The most relevant Objectives and Policies to this application are contained in Chapters 5, 7, 8, 11, 13, 21 and 33.

The most relevant Rules which follow from these imperatives are contained in Chapters 16, 17, 18 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 section 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 Transfer and Variation of Water Permit

The applicant has applied to transfer and vary water permit NN960186. A report has been prepared on this by Neil Tyson which is attached to this report. In terms of effects the applicant has applied for a reduction in allocation. This is a positive effect in terms of the water management in this area. However, it should be noted that this reduction in water allocation is not a precursor towards the remainder of this site being used for non-rural purposes and the reduction in water rights should not be used as an argument in the future for change in use of the remainder of this property. It is anticipated that even with the reduction the remainder of the property can be used for rural purposes such as grazing, which it is currently used for.

6.1.2 Stormwater Discharge to Land

The applicant is proposing a discharge of stormwater from the yard area and buildings to swales and then into shallow trenches on site. The proposal meets most of the permitted standards under Rule 36.4.2 of “the Plan” except that the groundwater level on this land is likely to be less than 2 metres below natural ground level. The application notes that groundwater was not encountered during testing to 800 millimetres

The applicant has provided a report prepared by an engineer which includes calculations for the likely area required for stormwater disposal. The stormwater is to be directed to the outskirts of the yard into swales which are designed to catch debris and then into soakage trenches. The disposal area has been designed for a one in five year rainfall event and the design includes some low bunds to provide some detention during more intense rain events.

The area is within the coastal environment area and it is likely that it is subject to some inundation from the estuary during high tide events (such as a spring tide). It is also likely that this inundation may increase with any sea level rises. The proposed system has been designed to allow soakage of the stormwater via trenches based with an infiltration coefficient of 0.8 for the gravelled yard area. The application notes that the stormwater soakage will comply with TDC Engineering Standards and therefore the design should relate to a 1 in 20 rainfall event. If rainfall levels were to increase or the sea level to rise in the future, causing greater inundation, the effects of stormwater disposal may change. It is in my opinion, therefore suitable to place a review condition on this consent to ensure that if changes such as these lead to adverse effects the system can be reviewed and measures be put in place to ensure the effects of the stormwater disposal are kept to a minimum.

There are few hazardous substances to be kept on the yard and refueling is to take place off site. In addition a separate area for a truck wash is proposed with a separate disposal system. Given this stormwater from the yard is likely to contain contaminants similar to that from a road stormwater drain. The proposed swales and soakage trench system will aid in reducing any foreign matters in the stormwater generated from the yard before it enters groundwater and eventually the estuary. The review condition discussed above should also look to cover the eventuality of the yard not being kept in a relatively clean condition and the stormwater from the yard containing more contaminants than expected. If this were the case the system could be reviewed and further measures such as a filtration system could be put in place. It is my opinion that these measures are not required at this stage given the relatively benign use of the yard for truck storage and that there is a separate truck wash on site.

6.1.3 Water Discharge to Land from Truck Wash

The applicant is proposing a truck wash facility on site with disposal of water from this facility onto the land. The proposed system will include a storage tank which will allow sediment to settle and a Hynds Ecosep Oil-Water Separator Unit which will further reduce the amount of sediment and products such as oil in the wash water. In my opinion conditions should be placed on any consent to require a regular maintenance programme for this type of system including the tank and separator unit. In addition the washwater exiting the separator unit should be monitored to ensure that it is of a quality suitable for discharge to the land. This will also highlight if any faults were to occur in the separator unit. One submitter has noted that the heaviest use of the truck wash will be when weather is most inclement and drainage or soakage to land would be impossible. The soakage field has been designed by a professional engineer taking into account the soil types, rainfall to calculate the likely soakage area required. In addition small bunds are proposed around the soakage field. Given this and that a review condition would allow the soakage area to be reviewed if adverse effects did occur, it is my opinion that the effects in terms of the water disposal will be less than minor.

As discussed above the land is subject to some inundation and a review condition is appropriate to ensure that the system proposed is able to be reviewed if climatic conditions change.

6.1.4 Land Disturbance

The applicant is proposing land disturbance to strip topsoil and unsuitable fill, form bunds for landscaping, form an elevated land application area for wastewater and to form the yard and building platforms. Appendix 1 of the application includes an engineering report which states that ground levels are likely to be altered by up to 800 mm and bunds are likely to be 1 to 2 metres in height.

The site contains large areas of fill including woodchip. The proposed earthworks are relatively small scale. No material is proposed to be removed from the site and some hardfill is proposed to be brought onto the site. Sediment control measures are to be put in place for the earthworks. The engineer's report contained in Appendix 1 of the application notes that sediment control during construction will be higher while the vegetation in the swales establishes itself. It also notes that it is important that the swales and soakage trenches for stormwater disposal are constructed prior to the start of the earthworks. I have recommended that this is a condition of consent to ensure that any sediment from the proposed land disturbance has effects that are less than minor.

6.1.5 Amenity

The Resource Management Act describes amenity values as "*means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*".

The subject site is in the coastal environment but is separated from the estuary by Lower Queen Street. It is also in the vicinity of two relatively large scale industrial operations on the estuary. Surrounding land includes rural farmed land and smaller lifestyle blocks. The applicant has included a landscape assessment as part of the application which gives details as to proposed landscaping measures. These measures are designed to lessen the visual impact of the proposed use of the site but will also integrate the proposed truck yard into the existing amenity of the area. The landscaping proposed includes bunding and planting along the Lower Queen Street side of the property. This will mean that from Lower Queen Street the truck yard will not be very visible. The plantings proposed along this area are to be of species suitable for this coastal environment. Currently the property is grassed which, in my opinion, reflects the rural nature of the area more than the coastal nature. The proposed plantings, if maintained will tie the site to the coastal area.

The aesthetic values of this area are somewhat compromised by existing industrial operations. This however is not a reason why further industrial operations should be sited in this area. The estuary is a unique environment and development in this area needs to be carefully established to ensure that it does not adversely affect the amenity of the estuary. In my opinion, given the measures proposed, particularly landscaping, the proposed use of the site will not adversely affect the amenity of the area. The proposal includes measures to reduce the impact of water discharges on the estuary to a level that will be less than minor. In addition landscaping proposed will reduce the visual impact of the facility and will provide vegetation that is in keeping with the coastal environment. I do recommend that if consent is granted conditions be put in place to establish the proposed landscaping and to ensure that this landscaping is maintained.

One submitter has noted that no engineering works should be carried out on site. The application notes that refuelling will take place offsite and that only small quantities of oil and cleaning agents will be stored in the workshop on site. There is no application for engineering works to take place on site and further consent would be required if this was proposed in the future.

6.1.6 Traffic

The applicant has included a report from a traffic engineer as part of the application. Attached as Appendix 1 to this report is a memo from Council's Development Engineer which outlines his opinion in relation to traffic and access standards. I have adopted the recommendations of Council's Development Engineer as part of my assessment of this application.

Two submitters have noted that if Lower Queen Street is upgraded as part of a current plan change process then the upgrade should be extended to include this property. The plan change is still going through hearings and it is therefore not known what, if any, upgrade of Lower Queen Street will take place. If an upgrade does take place Council may see it fit to continue the upgrade to include the road in front of this property. However, this is not a matter for this resource consent application as the comments from the applicant's traffic engineer and from Council's Development Engineer do not indicate that such an upgrade would be required to mitigate traffic effects from the proposed activity. Many submitters have noted that traffic should not be allowed along Swamp Road. The proposed access is onto Lower Queen Street and the application has detailed that the majority of truck movements will be along Lower Queen Street as the majority of the applicant's business is between the MDF plant and the port. Given this, the effects on Swamp Road in terms of traffic should be less than minor.

6.1.7 Proposed Buildings

The proposed building will be approximately 45 metres from MHWS and will be 6.5 metres in height above a raised ground level of 4.18. The application notes that the location of the building is such that the building aids to reduce visual effects of the gravel yard from Lower Queen Street. The building is proposed to be painted in a recessive colour and landscaping is proposed to integrate the building and entire development into the surrounding landscape. The application includes an assessment from a Landscape Architect and recommendations for landscaping to mitigate the effects of the proposed activity in the context of the surrounding area.

6.1.8 Dust

The proposed yard is to be gravelled to reduce the potential for a dust nuisance. During construction works measures are to be put in place to control dust and a condition should be placed on the consent to this effect.

6.1.9 Natural Hazards

The applicant is proposing to construct the buildings on site to meet Council's engineering standards. Some submitters have noted that the building levels proposed are not consistent with those proposed in the Richmond West Plan Change. As discussed above this plan change is currently still being heard and it

does not cover this property. No evidence has been put forward that the floor levels referred to in the Richmond West Plan Change documentation are more appropriate for this site, or that the floor levels proposed by the applicant will not adequately mitigate effects. There are therefore no grounds for requiring that the buildings on site meet the floor levels currently proposed in the plan change.

6.1.10 Productive Land Values

The applicant has demonstrated that this particular property has limiting values in terms of its use as productive land. The report included as Appendix 4 of the application. It shows that this particular property has limited productivity given its location, already modified soils and that it is particularly low lying. In addition the report demonstrates that it is unlikely the loss of this 1 hectare of land would significantly affect the stock of productive land in the region. Given this it is unlikely that the proposed activity will affect the productive land values to a degree that is more than minor.

6.1.11 Summary of Assessment of Effects

In summary, the effects of the proposed activity will, in my opinion, be less than minor. The applicant is proposing measures, including landscaping, that will integrate the industrial activity into the rural and coastal environment. The effects on amenity of the surrounding area will be less than minor due to the location of the proposed activity in relation to existing industrial activities and the proposed measures to minimise visual impact of this industrial activity.

In relation to the stormwater and washwater disposal from the truck wash the effects will be less than minor as both disposal areas have been designed by a professional engineer for the existing site. The stormwater system includes swales and the truck wash disposal includes a tank and oil separator system to minimise any contaminants being directed to the disposal area. The effectiveness of this can be monitored and a review condition will ensure that if any changes occur, such as climatic changes, the disposal systems can be altered to ensure that the effects are less than minor.

The proposed land disturbance will have effects that are less than minor if the proposed sediment and dust control measures are put in place.

6.2 Relevant Objectives and Policies of the TRMP

The following Policies and Objectives have been considered as the most relevant Objectives and Policies of the TRMP for this proposal:

Objectives and Policies
<p>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.</p> <p>Policies</p> <p>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.</p>

Objectives and Policies

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.

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.

5.1.2 Objective

Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

Policies

5.1.3.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.

5.1.3.9 To avoid, remedy, or mitigate effects of:

- (a) noise and vibration;
- (b) dust and other particulate emissions;
- (c) contaminant discharges;
- (d) odour and fumes;
- (e) glare;
- (f) electrical interference;
- (g) vehicles;
- (h) buildings and structures;
- (i) temporary activities;

beyond the boundaries of the site generating the effect.

5.1.3.14 To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.

5.2.2 Objective

Maintenance and enhancement of amenity values on site and within communities throughout the District.

Policies

Objectives and Policies

5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.

5.2.3.9 To avoid, remedy or mitigate the adverse effects of signs on amenity values.

5.2.3.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.

7.1.2 Objective

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.

Policies

7.1.3.2 To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.

7.1.3.3 To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.

7.4.2 Objective

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies

7.4.3.1 To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.

7.4.3.2 To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.

7.4.3.3 To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.

7.4.3.4 To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.5 To exclude from rural-residential areas, uses or activities which would have adverse effects on rural-residential activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.

7.4.3.6 To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.

8.2.2 Objective

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.

Policy

8.2.3.3 To avoid, remedy or mitigate adverse effects of land management practices on the margins of water bodies, including wetlands.

11.1.2 Objective

A safe and efficient transport system, where any adverse effects of the subdivision, use or

Objectives and Policies

development of land on the transport system are avoided, remedied or mitigated.

Policies

11.1.3.2 To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

11.1.3.3 To avoid, remedy or mitigate adverse effects of high traffic-generating land uses on the community cost of the road network resource of the District.

11.1.3.4 To avoid, remedy or mitigate adverse effects of traffic on amenity values.

11.1.3.7 To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.

11.1.3.11 To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.

13.1.2 Objective

Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk.

Policies

13.1.3.1 To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels.

13.1.3.2 To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required.

13.1.3.3 To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.5.

13.1.3.4 To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.

21.1.0 Objective

Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.

21.1.1 To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:

- (a) Physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance.
- (b) Disturbance of plants, animals, or their habitats.
- (c) Structures, including impediments to natural coastal processes.
- (d) The use of vessels or vehicles.
- (e) Stock grazing or trampling on coastal margins.
- (f) The discharge of any contaminant or waste.

6.2.1 Summary of Relevant Objectives and Policies

The proposed stormwater system is to meet permitted standards with the exception that the likely ground water level is within 2 metres of the surface. The design of the stormwater system is such that the majority of contaminants will be removed from the water prior to it reaching soakage trenches. In addition the system is to be designed by a chartered professional engineer to ensure that it is appropriate for the conditions.

The wastewater discharge is likewise designed to remove the majority of contaminants from the water prior to it reaching the soakage trenches.

The application has provided evidence as to the limited productivity of this land. In addition the applicant is proposing mitigation measures such as bunding and landscaping to minimise visual impact of the activity and to ensure that the property does not detract from the existing amenity of the area. The application also includes a traffic report which provides evidence as to the measures to take place to ensure traffic effects are kept to a minimum. The works are to take place in such a manner as to minimise adverse effects on the area.

Given the measures proposed and the evidence provided in the application it is my opinion that the proposal is consistent with the relevant objectives and policies of the Plan.

7. SUMMARY

Overall my 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 Plan. In my opinion the proposal as described in the application and with the mitigating measures proposed, will not adversely impact the surrounding rural or coastal area.

8. RECOMMENDATION

Having considered the application in detail, and having visited the site, it is my view that the adverse environmental effects of the proposed activity will be no more than minor. In respect to each application I recommend that consents be granted with conditions as follows:

RM080986: Land use consent for operation of a truck depot

I recommend granting with conditions of consent as follows:

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans dated 31 October 2008, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. Landscaping shall be implemented under the supervision of a qualified Landscape Architect, within the following planting season of the granting of this consent, and shall be in accordance with the landscape report and plans in Appendix 2 of the application dated 31 October 2008.

3. The landscaping required by Condition 2 shall be maintained for the life of this consent.
4. The hours of operation shall be between 3.00 am and 6.00 pm Monday to Saturday with heavy vehicles (trucks) exiting the site between the hours of 3.00 am and 5.00 am Monday to Saturday.
5. Heavy vehicles (trucks) shall enter the site from an easterly direction only.
6. The final access design shall be in accordance with the plans submitted with the application (diagram 5 of the Traffic Design Group report dated 26/08/08) with seal from the existing road carriageway to 10 metres inside the property boundary.
7. Engineering plans showing the access as per the requirements of Condition 6 shall be submitted to Council's Manager Infrastructure for approval prior to upgrade work on the access commencing.
8. The yard area, access (except the 10 metres required by Condition 5 to be sealed) and manoeuvring areas shall be metalled to an all weather surface.

Review

9. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - a) to deal with any adverse effect on the environment that may arise from the exercise of the consent and which is appropriate to deal with at a later stage; or
 - b) to assess the appropriateness of imposed compliance standards and alter these accordingly.

RM081001: Discharge permit for stormwater to discharge to land

I recommend granting with conditions of consent as follows:

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans dated 31 October 2008, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. The Consent Holder shall ensure that the post-development stormwater flows discharged from the site do not exceed the pre-development flows.
3. Stormwater generated by a 1:20 year (5% AEP) shall be accommodated within the primary stormwater management system in a way that does not cause damage to, or nuisance effects on people, or property.

4. Stormwater generated by a 1:50 year (2% AEP) shall be accommodated with secondary stormwater management systems in a way that does not cause damage to, or nuisance effects on, people or property.
5. Secondary flow path(s) on the site shall be identified and protected such that overland flows, produced by rainfall events of an AEP of $\leq 5\%$, are able to be disposed of without contravening the conditions of this consent.
6. The stormwater disposal system will be designed in accordance with the Tasman District Council's Engineering Standards and Policies 2008 that are current at the time of application. Design plans and calculations shall be submitted to the Council's Manager of Engineering Services for approval. The Consent Holder shall submit a "Stormwater Discharge Design Report" prepared by a suitably qualified and experienced person to the Council's Engineering Manager for approval. This report shall provide evidence of how the design and performance requirements imposed by this consent are met. The design must be approved before Building Consent is submitted.
7. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain. Bare ground shall be revegetated as soon as practical to minimise the generation of sediment.
8. The discharge or diversion shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.

Review of Consent Conditions

9. The Council may 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 determinants 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;
 - f) to review the system in terms of effects in the case of a change in climatic conditions or sea levels.

Expiry

10. This resource consent expires on XXXXXXXXXXXX.

RM081000: Discharge permit for discharge from truck wash to land.

recommend granting with conditions of consent as follows:

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans dated 31 October 2008, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. Monitoring of washwater exiting the Hynds Ecosep Oil-Water Separator unit shall be undertaken once a month by the consent holder to measure the quantity of oil and hydrocarbons in the water. The results of this monitoring shall be kept in a record book on site and shall be made available to Council on request. All monitoring shall be undertaken by a laboratory approved by Council.
3. An inspection and maintenance programme shall be put in place for the proposed disposal system including maintenance of the Hynds Ecosep Oil-Water Separator in accordance with the manufacturers specifications. A copy of this inspection and maintenance programme shall be submitted to Council prior to the truck wash being used.
4. The waste water from the truck wash shall consist of truck washwater and rainfall only with no detergents being added to it.
5. Records of the ongoing inspection and maintenance programme required by Condition 3 shall be kept by the consent holder on site and shall be made available to Council on request.
6. If at any stage the inspection and maintenance programme required by Condition 3 identifies faults with the disposal system that may affect water quality the use of the truck wash shall stop immediately until such a time as the fault has been remedied. The Council's Co-ordinator Compliance Monitoring shall be informed of such a fault within 24 hours of it being discovered.
7. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
8. All systems associated with the discharge (such as the interceptors, connecting drains and soakage pits) shall be maintained in effective, operational order at all times. This shall be undertaken by the owner of the property where the system is located.
9. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.
10. The maximum volume of discharge from the truck wash shall be 15 m³ in any 24 hours period.

Review of Consent Conditions

11. The Council may 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 determinants 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;
 - f) to review the system in terms of effects in the case of a change in climatic conditions or sea levels.

Expiry

12. This resource consent expires on XXXXXXXXXXXX.

RM081999: Land use consent for earthworks

I recommend granting with conditions of consent as follows:

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans dated 31 October 2008, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.
2. Earthworks shall be designed by and undertaken under the supervision of a chartered professional engineer practising in civil engineering.
3. A dust, erosion and sediment control plan shall be designed by the engineer required by Condition 2. This plan shall be implemented prior to works commencing and shall be in place at all times during the works. A copy of the plan shall be provided to the Council's Co-ordinator Compliance Monitoring prior to any works commencing.
4. The Consent Holder shall contact the Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.

5. The Consent Holder shall take all practicable measures 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.

Advice Note:

The use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled.

6. All practical measures shall be taken to ensure that any dust created by the earthworks at the site shall not, in the opinion of Councils Co-ordinator Regulatory Services, become a nuisance to the public or adjacent property owners or occupiers. The measures employed shall include, but are not limited to, the watering of unsealed traffic movement areas, roadways and stockpiles as may be required.
7. Fill brought onto the site shall be clean fill only and shall not contain materials that may contaminate the ground water in this vicinity. Cleanfill is defined as: Material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - combustible, putrescible, degradable or leachable components
 - hazardous substances
 - products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
 - materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances
 - liquid waste.
8. The stormwater system including swales and soakage trenches shall be constructed prior to the start of other earthworks required for the development of the site.
9. All stockpiled material shall be banded to prevent sediment runoff into stormwater.
10. In the event of archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

ADVICE NOTES

(Note that these notes are applicable to all of the above consents)

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 Tasman Resource Management Plan (TRMP);
 - b) be allowed by the Resource Management Act; or
 - c) be authorised by a separate resource consent.
7. Plans attached to this consent are (reduced) copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond office of the Council. Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.

Katrina O'Connor

Resource Consent Consultant, O'Connor Solutions Ltd

FROM: Dugald Ley, Development Engineer

REFERENCE: RM080986

SUBJECT: **STUART DRUMMOND TRANSPORT LTD – TRUCK DEPOT,
LOWER QUEEN STREET, RICHMOND**

1. INTRODUCTION

This application is to operate a truck depot (office/workshop) for the storage of up to 30 trucks and the site having direct access onto Lower Queen Street (LQS), Richmond.

2. BACKGROUND

The applicant's 3.4 hectare site has two road frontages with the existing dwelling having access over the formed access off Swamp Road.

The proposal is to form a separate access onto Lower Queen Street some 220 meters east of the existing Swamp Road/Lower Queen Street intersection.

The new intersection design will have imposed limitation as to use (ie no right turn in) and widening on the north (estuary side will not be constructed). Lower Queen Street in this locality has been explained in the applicant's "traffic impact assessment" and I concur with the background and history of the road and environment. The proposed access will be similar to a number of existing private accessways off Lower Queen Street which have been specifically designed for their heavy traffic bias ie Gibons, Ravensdown, Bark Recycling and Nelson Pine.

The applicant has advised via a proposed management plan, that all heavy vehicles (ie log trucks) will enter the site from an easterly direction (one assumes this will be after they have just unloaded logs to Nelson Pine). On exiting the site it is also assumed the trucks can go in either direction to pick up and carry logs to various destinations.

A normal requirement is to impose Council's standard vehicle crossing design for an industrial activity and as shown in Diagram 3 of Schedule 16.2C.

The applicant has advised that due to space limitations on the north side, a 2.5 m wider area could not be provided ie filling into the estuary and also the limit on heavy vehicles not entering the site from the west, hence there is no need to road widening on the north side of the road.

This section of LQS has been designated for future road widening due to areas at Richmond West which is presently going through the process of rezoning. It is engineering's view that the timeframe for LQS to the widening will be many years away and if completed sooner would have assisted this development from mitigating many traffic safety issues where heavy, slower vehicles are entering/exiting the highway in this high speed environment.

The applicant has advised the time that vehicles will depart ie 3.00 am to 5.00 am and returning at 3.00 pm to 5.00 pm. If these times are affected in condition of consent from the above depot then traffic safety issues can be mitigated by the intersection upgrade as proposed in Diagram 5 of the traffic design group report. However if these times are to be unlimited, then I have concerns for other traffic users passing those slower vehicles as they enter the highway and or edge break of the sealed carriageway will occur as the slower vehicles will tend to pull to the left as much as possible to allow vehicles to pass.

If the land use consent allowed trucks to enter the LQS (from the site) say at 7.00 am to 9.00 am and also enter the site from the west (as human nature would if a driver finds their last load is from that direction) then a north side LQS deceleration/acceleration lane needs to be provided and a separate consent (filling into an estuary) should be applied for at this time.

To allow the applicant's proposal upgrade of LQS as per the applicants diagram 5 then the following conditions should be imposed:

1. limit vehicles (log truck and any other trucks) exiting the site between the hours of 3.00 am and 5.00 am; and
2. limit vehicles (log trucks and any other truck) to enter the site from an easterly direction only;
3. A review clause pursuant to section 128 RMA to mitigate any adverse effects that may have evolved over the time the consent has been operating.
4. Engineering plans to be submitted to Council for approval.
5. Access with LQS to be generally constructed as per the diagram presented with the application. i.e diagram 5 from TDG report date 26/8/08 and seal 10m on to the site from the road carriageway.

D Ley
Development Engineer

FROM: Neil Tyson, Consent Planner
REFERENCE: RM081002
SUBJECT: **STUART DRUMMOND TRANSPORT LIMITED -**

LOCATION

Swamp Road, Richmond

LEGAL DESCRIPTION

Pt Lot 1 DP 6307 Waimea SD

TASMAN RESOURCE MANAGEMENT PLAN

Water Zone: Hope Minor Aquifers (Water Management) Zone

1. PROPOSAL

This application is considered a minor component of the central application, which is understood to relate to the change in landuse to allow for a rural trucking depot.

This application RM081002 is for a "site to site" transfer made pursuant to Section 136 of the Act of existing water permit (NN960186) that is held in the name of Stuart Bruce Drummond. The application is to shift the point of take from the currently authorised bore (WWD 201) to "new" bore WWD 1100, which are approximately 140 metres apart. In addition, the application (pursuant to Section 127 of the Act) is to change the use of water to allow 15.5 cubic metres of the water to be used for the truck wash and to supply the office/workshop rather than the currently authorised use of irrigation. Under this application, the applicant is volunteering to reduce the current allocation under NN960186. The reduction, reflects the reduction in irrigable area (if the landuse consent is approved for the proposed trucking operation) and also to reflect new soil type based irrigation rates under the Council's TRMP for this water management zone.

It is noted that the applicant first applied in 2005 for a similar (rural truck depot) development but those applications, including this site-to-site application, were put on hold. The reason is unclear insofar as the "site to site" transfer, which was required if irrigation under NN960186 was to occur on the Drummond property.

The writer understands that the property has never been irrigated, certainly never legally, as no water has been taken from the authorised well WWD 201 to irrigate this land. It could be argued that the existing consent NN960186 has, in fact, lapsed pursuant to Section 125 RMA. However, this application is assessed on the basis that it has not and it is noted that new consents and increased allocations are not being granted in this Hope Minor Aquifer zone.

2. SUBMISSIONS

Various submitters refer to land zoning (ie Rural 1) and the land's productivity, or lack of productive value. No submissions refer to or are considered to relate to the taking of the groundwater allocation at the new site or the change of use issue and it is the writer's assessment that no other water users are directly affected by this application.

3. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") RULES AFFECTED

The activity of taking and use of groundwater in this application is at rates that do not comply with the permitted activity rule (Rule 31.1.2) in the TRMP, which provides for a maximum take of 5 cubic metres per day per property. The application is also for a site-to-site transfer and falls to be considered as a restricted discretionary activity under Rule 31.5.1 TRMP.

4. RELEVANT STATUTORY PROVISIONS

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

- a) the Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP and the activity is considered to be consistent with the relevant objectives and policies contained in Chapters 30 and 31 of the TRMP. From Rule 31.5.1 TRMP, the following are considered particularly relevant:

- (b) *The transfer is not in the Moutere Surface Water Zone, the Reservoir, Waimea West, Golden Hills, Delta and Upper Confined Aquifer zones except where the total are irrigated before and after the transfer does not increase.*
- (c) *The transfer is not out of a water management zone.*

A resource consent is required. *Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion which include:*

- (2) *The need or appropriateness for the transfer, including any changes of use.*
- (6) *Any relevant conditions on the original permit.*
- (7) *The effects of the take on other users or values of the water body.*
- (9) *A reduction in allocation where a bona fide review shows that water use is less than the amount of water allocated.*

5. PRINCIPAL ISSUES (ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT)

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

- a) that there is no increase in overall allocation and the taking is from the same management zone;
- b) that the applicant is a bona fide user;
- c) any effects of the taking at the new site on other users;
- d) ongoing monitoring of the use of water, ensuring that water taken continues to be used efficiently and monitoring actual effects on the environment.

6. ASSESSMENT OF EFFECTS

With regard to the above principal issues:

- i) the application involves an actual reduction in allocated rates and both the authorised and proposed points of take are located in the same Hope Minor Aquifer zone. The existing consent NN960186 will be cancelled and replaced as a condition of the granting of RM081002.
- ii) notwithstanding that the applicant has not exercised their consent NN960186, the writer accepts that the applicant is a bona fide user to the extent of the proposed water allocation relating to the proposed rural truck depot and, this is on the basis, that there are good reasons why this use of water has not been developed.

However, the writer does not consider that the applicant satisfies the definition of a bona fide user (see attached definition) regarding the additional allocation that they seek to retain for possible pasture irrigation. It is particularly significant that NN960186 and its previous consent NN9100134 has never been exercised since the original granting in 1991. There are other relevant matters that background this bona fide assessment that I am happy to elaborate on.

- iii) Regarding any effects of the taking at the new site, the writer's assessment is that other users will not be affected given the distance to the closest well (113 metres) and that any pumping drawdown effects of taking at the new take will be unnoticeable. Council's understanding is that the proposed taking and use of water will be sustainable and available from the proposed well but, in fact, little information is provided on this in the application. It is noted from the driller's log that the yield test showed that the bore was pumped at 18.18 cubic metres per hour for and an observed drawdown of 3 metres after 1 hour of pumping.
- iv) In recent years, it has been signalled to consent holders that water metering is required in this zone for all water take consents and it is noted the applicant has volunteered to install a water meter.

7. RECOMMENDATION

With regard to this application, the writer's assessment is that the various standards and terms in the TRMP are satisfied and that, regardless of the decision regarding the landuse consent, this application can be granted provided that the reduced allocation and other conditions recommended in the attached draft consent are adopted. The conditions of consent are within the Council's stated discretion and are consistent with other consents in this zone. The consent expiry date is unchanged from that under NN960186 but the writer would have no objection, and in fact the TRMP provides for under Schedule 31.1A, a longer term to 31 May 2028.

I am happy to answer any questions regarding this assessment and recommendation.



Neil Tyson
Consent Planner, Water

RESOURCE CONSENT DECISION

Resource Consent Number: RM081002

Pursuant to Section 104C of the Resource Management Act 1991 ("the Act") and acting under the delegated authority of the Tasman District Council, consent is hereby granted to:

Stuart Drummond
(hereinafter referred to as "the Consent Holder")

Activity authorised by this consent: To take groundwater for truck wash, office and workshop use.

Location details:

Address of property: Swamp Road, Richmond
Valuation Number: 1938098500

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions and an unchanged term expiring on **31 May 2011**:

CONDITIONS

Site and Take Details

- | | |
|---|--|
| 1. Legal Description or irrigated land: | Pt Lot 1 DP 6307 Waimea SD |
| Category of Water Source: | Groundwater |
| Source: Hope Minor Aquifers | |
| Zone and Catchment: | Hope Minor Aquifers - Waimea |
| Purpose and Use: | Truck wash, office and workshop use |
| Area Irrigated (ha): | Nil |
| Maximum rates of take authorised: | 20 cubic metres per hour
20 cubic metres per day
120 cubic metres per week |
| Well Number: | WWD 1100 |
| Location at or about point of take: | Easting: 2523428 Northing: 5987499 |
| Metering: | Yes |

Water Metering

- The Consent Holder or their agent shall, at their own expense and prior to the exercising of this consent, install and thereafter operate and maintain a water meter to record all water taken pursuant to this consent.

3. The water meter required under Condition 2, shall comply with the Council's Water Meter Specifications as stated in the Proposed Tasman Resource Management Plan.
4. The Consent Holder is required to record weekly meter readings and supply this information to the Council during every November to April inclusive.
5. The Consent Holder shall pay the reasonable costs associated with the monitoring of this consent including, if and when requested by Council, the full costs associated with water meter calibration to confirm their meter's accuracy is within the range of $\pm 5\%$ provided that meter calibration is not more frequent than five yearly.

Advice Notice:

The Consent Holder is required to supply a **complete** record of their weekly water usage and this includes recording nil usage. Regular (preferably Monday) meter readings are required to ensure consistent data and because Council monitors weekly use by consent holders.

6. As and when required by the Council, the Consent Holder shall provide sufficiently detailed plans, specifications and maintenance programmes of works relating to the operation of this consent. Plans, specifications and maintenance programmes submitted shall be of a standard adequate to meet all conditions of the consent.

Review of Conditions

7. Council may for the duration of this consent, and within three months of the anniversary of its granting each year, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991, for any of the purposes stated in that section of the Act, or to:
 - a) deal with any adverse effect on the environment that may arise from the exercise of the consent; or
 - b) require compliance with operative rules in the Proposed Tasman Resource Management Plan, including rules relating to maximum or minimum levels or flows or rates of use of water, or rationing requirements, or water meters; or
 - c) reduce the quantities of water authorised to be taken if the consent is not fully exercised; or
 - d) require a financial contribution to be made to offset or otherwise avoid, remedy or mitigate the adverse effects of the exercise of the consent.

Rationing Implementation

8. Rationing will be implemented upon notification by Council, to maintain the flow of the Waimea River at a minimum of 225 litres per second.
9. For the purposes of rationing, the reduction in usage will comprise a series of 20% cuts of authorised usage from the maximum weekly quantity of 120 cubic metres authorised under Condition 1, which are:

Step 1: Allocation = 96 cubic metres per week

Step 2: Allocation = 78 cubic metres per week

Step 3: Allocation = 60 cubic metres per week

Cancellation

10. This consent may be cancelled upon not less than three months' notice in writing by the Council to the Consent Holder, if the consent remains unexercised in part or in full without good reason for any continuous period exceeding two years, but without prejudice to the right of the Consent Holder to apply for a further consent in respect of the same matter. Council will check during the term of the consent, particularly in fully allocated zones, that each is being exercised.
11. The granting of this consent cancels and replaces NN960186.

ADVICE NOTES

1. Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act 1991.
2. Under Section 36 of the Resource Management Act 1991, the Consent Holder shall pay the reasonable costs associated with the monitoring of this consent.
3. 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: 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.

Bona Fide User – means a party who holds or has held a lawful water permit to take water, and who in the two years prior to its expiry or review, had or has fully exercised that permit, or who, if the permit was not fully exercised, has good reason why that was the case. **Bona fide usage** has a corresponding meaning.

In determining bona fide usage, Council will take into account:

- the area being irrigated and any changes to the area irrigated;
- the existence and availability of plant and equipment required to irrigate the authorised area up to rates specified in Schedule 31.1D;
- data provided through water meter returns;
- the pattern of rainfall, including timing, amount and distribution of rain, and the impact it had on water demand in the preceding five years;
- any actual or proposed changes in crop type;
- any changes in crop water demand because of the nature, age or distribution of crops irrigated;
- the impact of any water rationing requirements imposed during the preceding five years;
- for community water supplies, any growth in the area serviced, or changes in nature or pattern of water use;
- the level of water use efficiency adopted, including appropriate crop and soil-based application rates, soil moisture monitoring and other techniques to ensure efficient water use.

Note: Council may omit water use records from a bona fide review where users have been encouraged not to exercise their consents such as during drought events where irrigation use is not critical to the operation. Council will notify users when these provisions apply.