

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Daryl Henehan - Consent Planner, Natural Resources

REFERENCES: RM090868 - Land Use Earthworks

SUBJECT: **COBA HOLDINGS LTD - REPORT REP10-05-09-** Report prepared for hearing of 10 and 11 May 2010

1. DESCRIPTION OF THE PROPOSED ACTIVITY

Coba Holdings have lodged two consents relating to a five lot subdivision of a 45 hectare property and associated earthworks in the Rural 2 Zone.

This report assesses application **RM090868**, for the earthworks associated with the proposed subdivision. This report should be read in conjunction with the other staff report discussing the proposed subdivision.

The site of the proposed subdivision has been described in detail in the report by Mr. Wayne Horner (RM090764), to which the reader is directed for further information on general site matters.

1.1 Landuse Permit (Application RM090868)

To undertake earthworks required to form and upgrade a right-of-way to provide access to proposed Lots 4, 6 and 7 and to form two building pads and associated access to these building pads. Part of the right-of-way and two of the four building pad options are located within the Coastal Environment Area.

1.2 Site Location and Description

This site is located approximately 2.0 km south of the Collingwood township and is adjacent to the coast. The settlement of Milnthorpe is approximately 1.5 km south of this site.

The existing access to this site is via an access that has been formed from the corner of Excellent Street and Orion Street over proposed Lot 1, Lot 2 and Lot 5 to the existing dwellings. It is proposed to augment this access with the formation of Right-of-Way B, C and D to provide access to Lots 3, 4, 6 and 7.

The site is a hill block, orientated eastwards, overlooking Golden Bay. Slopes over the site vary from flat, on land approximately 50 -100 metres landward of the eastern boundary, to moderately steep as land rises to the ridgeline westwards of this.

The land forms part of the coastal terrace extending south from Collingwood township to Milnthorpe and the entrance to Parapara Inlet.

The site is typically well vegetated in regenerating native bush and scrub, but with pasture adjoining the beach.

There is a known midden oven within proposed Lot 7 inland from the potential building site 7/B and the applicant has consulted with the Department of Conservation file keeper regarding the potential effects of their proposal. This oven is identified as Cultural Heritage Site M25-034 within Schedule 16.13C of the TRMP. There may be further historic material discovered during any earthworks carried out on this site.

1.3 Legal Description

This site is located at 94 and 170 Excellent Street, Collingwood and comprises the following titles:

- CFR NL10C/1020 comprising Part Section 21-22 Survey Office Plan 4359 and Part Section 411 Survey Office Plan 13346 containing 24.3 hectares;
- CFR NL3D/1385 Ltd, comprising Section 1-3 and Part Section 4 Reserve J Square 14 containing approximately 13.9 hectares;
- CFR NL6A/387 comprising Section 120 Milnthorpe Suburban District containing 2.7 hectares.

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

The land is zoned Rural 2, is within Land Disturbance Area 1 and partly within the Coastal Environment Area. The proposed activity does not comply with Permitted Activity Rule 18.5.2.1 (k) due to earthworks being greater than 1,000 m² within 200 m of the Coastal Marine Area. Therefore, the activity would be deemed a Restricted Discretionary Activity in accordance with Rule 18.5.2.5 of the TRMP, but as this application is bundled with the application for subdivision (RM090764), the overall status is **Discretionary**.

3. SUBMISSIONS

The application was notified on 7 January 2010 and 18 submissions were received in response. Of these submissions, two were neutral, four were in support and 12 were in opposition. Two of the submissions, both in opposition to the proposal, specifically mentioned the earthworks:

- New Zealand Historic Places Trust (#2): *“there is a New Zealand Archaeological Association...recorded site, M25/34 on the property consisting of middens/ovens and therefore the possibility of archaeological material or sites*

that could be present on the property should not be ruled out.”. An advice note is requested to ensure the applicant is aware of their responsibilities under the Historic Places Act 1993.

- A.J. Bell (#17): *“earthworks in the Open Space and Coastal Zone will lead to visual impacts. This is an area of regenerating Coastal Forest which is compatible with the adjacent Milnthorpe Park Scenic Reserve which Mr. Baas supported”.*
- Friends of Golden Bay Inc. (#18): *“earthworks, particularly on the ridgeline will be visible and intrusive in the coastal area. Earthworks are planned within 200 m of the Coastal Marine Area as well. A detailed plan is needed on how the potentially exposed sites can be re-vegetated”.*

The visual effects of the proposed subdivision, including the earthworks are discussed in detail in the report for the subdivision consent (RM090764).

4. PRINCIPAL ISSUES

The principal issues associated with the applications are:

- a) Slope stability;
- b) Erosion and sedimentation in run off;
- c) Cultural heritage sites;
- d) Vegetation clearance; and
- e) Visual effects.

5. STATUTORY PROVISIONS

The application is a Discretionary Activity. 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 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:

- (a) 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.
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (f) the protection of historic heritage 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. Relevant matters to this application are:

- (d) intrinsic values of ecosystems
- (f) maintenance and enhancement of the quality of the environment, and
- (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 and have accepted an iwi monitor on site. 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 earthworks can be undertaken so the adverse effects of the earthworks 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 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 (TRMP)

The most relevant Objectives and Policies to this application are contained in Chapter 12 and are listed below.

Relevant Objectives and Policies	
12.1.2 Objective	
The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:	
(a) damage to soil;	
(b) acceleration of the loss of soil;	
(c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;	
(d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;	
(e) adverse visual effects;	
(f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;	
(g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.	
Policies	
12.1.3.1	To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems.
12.1.3.2	To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of: (a) natural erosion risk, and erosion risk upon disturbance; (b) scale, type, and likelihood of land disturbance; (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris.
12.1.3.3	To investigate and monitor the actual or potential adverse effects of soil erosion, other soil damage, sedimentation and damage to river beds, subsurface water bodies and caves in karst, aquatic and other natural habitats, arising from land disturbances.
12.1.3.4	To avoid, remedy, or mitigate the adverse effects of earthworks for the purpose of mineral extraction, on the actual or potential productive values of soil, particularly on land of high productive value.

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 applicant proposes to subdivide a 45 ha property into five lots (3, 4, 5, 6 and 7). The site is currently in three existing titles and dwellings already exist on three of the proposed lots (3, 5 and 6). Two further dwellings are proposed as part of this application, one on Lot 4 and one on Lot 7. The applicant has not been able to confirm the location of these proposed dwellings, instead providing a choice of two locations on both Lot 4 and Lot 7. Right-of-Way B, C and D will be formed to provide access to Lots 3, 4, 6 and 7 by upgrading an existing track. Earthworks required for this proposal are listed in Table 1.

Table 1: Earthworks required under the proposal and whether they are within the Coastal Environment Area (CEA)

Location	Earthworks Required	Within CEA?
Right-of-Way B, C and D	Upgrade existing Right-of-Way	Partly
Site 4A	Form building pad and form new access	N
Site 4B	Form building pad and upgrade existing access	Y
Site 7A	Form building pad and upgrade existing access	N
Site 7B	Form building pad and upgrade existing access	Y

The applicant states that access to building site 4A will be formed over land with a slope of approximately 20°. Assuming a 3 metre wide formation, this will require cuts between 1.1 and 1.7 metres high. It will also require the removal of vegetation up to 4 metres in height.

Access already exists to potential building sites 4B, 7A & 7B. In relation to building site 7A the track is over grown, however the application states that the practical formation remains and will only require clearance. It should be noted that these access routes will be subject to checks at the Engineering Plan stage.

A farm track already exists in the location of the proposed Right-of-Way B and C (Figure 1). The proposed right-of-way will, for the most part follow this track and earthworks will be required to upgrade it.

The track will be widened by 1 - 1.5 metres, involving excavation into and battering of the bank, minor side casting, provision of drainage along the inside of the access and installation of additional culverts to discharge clear of the carriageway. The right-of-way will not cross any watercourses and stormwater will follow natural drainage patterns downslope of the access. The applicant states that the maximum height of any cut will be 2.5 metres, graded to a 1 to 1 batter.

A new area of excavation will be required on the final slope of RIGHT-OF-WAY C over a distance of approximately 80 - 100 metres, before it intersects with the

existing driveway. This will require two areas of fill, approximately 2 - 3 metres in depth.



Figure 1: representative example of the existing condition of Right-of-Way C

6.1.2 Earthworks Assessment

The applicant's assessment of potential environmental effects associated with the proposed earthworks is brief, however, it is considered that should consent be granted, the recommended conditions will ensure that the effects of the activity are no more than minor. These conditions are stricter than what would normally be required for an activity of this scale, but are considered appropriate considering the lack of detail in the application.

Permitted Baseline

Under Section 104 (2) of the Resource Management Act the Council may use the "permitted baseline" test to assess the proposal. In relation to this proposal the applicant is permitted to undertake up to 1,000 m² of earthworks in any 12 month period within the Coastal Environment Area and up to 1 hectare of earthworks in the Land Disturbance Area 1. Any associated cut batter, excavation, or infilling can not be more than 1 metre in height or depth. Therefore, should the applicant choose to stage the earthworks so that the building pads in the Coastal Environment Area are constructed 12 months apart, it is likely that they could be undertaken as a Permitted Activity.

Sites 4A and 7A are outside the Coastal Environment Area and earthworks required for site 7A are likely to be considered as a Permitted Activity. It is likely that the height of the cuts for the access associated with Site 4A (1.1 to 1.7 metres high) would be the only factor that triggers the requirement for resource consent.

Slope Stability

The site is within Land Disturbance Area 1 and is not within a Slope Instability Risk Area. It can be expected that no acute slope stability risks exist on the site. In addition, the recommended conditions require the consent holder to submit an Earthworks Management Plan with engineering design detail and appropriate erosion and sediment controls to Council's Coordinator Compliance Monitoring prior to the commencement of work.

Erosion and Sedimentation

There is a risk that erosion and sedimentation will occur during the formation of the right-of-ways, building pads and associated access. There is a small stream close to the final slope of RIGHT-OF-WAY C, where the new area of excavation will occur. The recommended conditions require the Consent Holder takes all practicable measures to limit the discharge of sediment with stormwater run-off from the site to water during and after the earthworks. This includes the use of debris fences, straw bales, cut-off drains or other such methods should be used to ensure that run-off is controlled as per the Earthworks Management Plan contained within the recommended conditions.

Clearance of Indigenous Vegetation

The applicant is yet to confirm size exact location of the building pads and associated access, therefore no assessment can be made as to whether Resource Consent is required for the clearance of indigenous vegetation. Resource Consent will be required if the applicant cannot comply with Permitted Activity Rule 17.6.5.1 of the TRMP. A detailed landscape plan has been provided by the applicant and includes the use of native vegetation in replanting of the site.

Noise and Dust

Noise must comply with Permitted Activity Rule 17.6.2.1 of the TRMP or consent will be required. Dust will be addressed under the Earthworks Management Plan that is required under the recommend conditions.

Cultural Heritage Site

Site M25/34 is close to proposed building sites 7A and 7B as discussed in Section 1.2. In a submission on the application, the New Zealand Historic Places Trust have requested that an Advice Note be placed on the consent detailing the appropriate actions to be taken in the event archaeological material is encountered during works. Accordingly, a standard Advice Note to this effect has been included in the recommended conditions.

6.1.3 Summary of Assessment of Effects

In summary, potential adverse effects on the environment from the earthworks in terms of slope stability, and erosion and sedimentation at the proposed site, are considered to be less than minor if they are carried out as per the recommended conditions. The proposal is generally consistent with the objectives and policies in the Tasman Resource Management Plan.

As stated above, the visual effects associated with the activity are discussed in the subdivision consent report (RM090764).

7. SUMMARY

7.1 Principal Issues

The principal issue of whether the earthworks can be undertaken without causing adverse effects on the environment that are more than minor. The key components are land stability, erosion and sedimentation in runoff and visual effects.

7.2 Statutory Provisions

The application is deemed a Controlled Activity under the provisions of Chapter 18 of the TRMP at the time the application was lodged, however the application is bundled with the subdivision application (RM090764) and is therefore assessed as a Discretionary Activity.

- Part II matters
- Objectives and Policies of the 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 earthworks 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 staff's experience with earthworks, 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 earthworks 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 submitted by Planscapes (NZ) Ltd, dated 18 November 2009 and details contained in the report prepared by Tasman Carter Ltd., dated 22 April 2010. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.
2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent and with the Management Plans required by Condition 25 of this consent, and shall ensure compliance with consent conditions.
4. A copy of this resource consent shall be available to contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
5. The earthworks authorised at each Lot shall be completed within 2 years of the commencement of works at that Lot. This may be extended by the Council's Co-ordinator Compliance Monitoring if a valid reason for an extension is provided in writing (for example, the contractor goes out of business or unforeseen geological issues).
6. Should the Consent Holder cease or abandon work on-site, adequate preventative and remedial measures to control sediment discharge shall be taken first, and shall thereafter be maintained for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Council's Coordinator, Compliance Monitoring.
7. Prior to the commencement of the earthworks, the Consent Holder shall submit to the Council's Co-ordinator Compliance Monitoring, a certificate signed by an appropriately qualified and experienced engineer to certify that the appropriate erosion and sediment control measures have been constructed in accordance with the Earthworks Plan (Condition 25) and the conditions of this consent. The certified controls shall include, where relevant, diversion channels, sediment fences, decanting earth bunds and sediment retention ponds. The certification for these measures for each construction phase shall be supplied to the Council Co-ordinator Compliance Monitoring.
8. The work shall be carried out during normal work hours (ie, 7.30 am to 5.30 pm) to limit the nuisance of noise and access of vehicles.

Earthworks

9. The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.

10. The Consent Holder shall ensure that any discharge of contaminants onto or into land or water from any activity is avoided, remedied or mitigated to ensure no contaminants are present at a concentration that is, or is likely to have, a more than minor effect on the environment.
11. No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.
12. Fuels, oils and hydraulic fluids associated with the operation shall be stored in a secure and contained manner in order to prevent the contamination of adjacent land and/or waterbodies.
13. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that there is no residual potential for contamination of land and surface water. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring.
14. All practical measures shall be taken to ensure that any dust created by operations at the site and vehicle manoeuvring (in accessing the site and driving within it) shall not, in the opinion of Council's Co-ordinator Compliance Monitoring, 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.
15. Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall be spread over the subsoil.
16. The Consent Holder shall take all practical measures to limit the discharge of sediment with stormwater run-off to water or land where it may enter water during and after the earthworks.

Advice Note:

In particular, the key earthworks should be carried out during fine weather periods when the likelihood of erosion and sedimentation will be least.

17. The Consent Holder shall monitor weather patterns during the construction phase and works shall be discontinued and appropriate protection and mitigation measures put in place prior to forecast heavy rainfalls and where resulting floods reaching the site works.
18. The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation in run-off that may enter water that is more than minor in the opinion of the Council's Compliance Officer.
19. Sediment and erosion controls shall be implemented and maintained in effective operational order at all times.

Advice Note:

Appropriate sediment control equipment including erosion protection matting and batter covers should be kept on-site for use in minimising potential sedimentation problems from areas of exposed soil.

20. All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.
21. All stockpiled material shall be protected from stormwater by appropriate measures, eg, bunding.
22. The discharge of stormwater shall not cause in the receiving water any of the following:
 - (a) the production of any visible oil or grease films, scums or foams, or conspicuous floatable or suspended material;
 - (b) any emission of objectionable odour;
 - (c) the rendering of freshwater unsuitable for bathing;
 - (d) the rendering of freshwater unsuitable for consumption by farm animals; and
 - (e) any adverse effect on aquatic life.

Revegetation

23. All exposed ground excluding the driveways and building platforms shall be revegetated as soon as practical and shall be within 12 months of completion of the works so that erosion/downhill movement of soil is limited as much as is practical. This shall include supplemental planting of appropriate vegetation that enhances the stability and minimises surface erosion.

Advice Note

Where practical native vegetation shall be used as per the landscaping plan

Earthworks Management Plan

24. Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare an Earthworks Management Plan.
25. The Consent Holder shall carry out operations in accordance with the provisions of the approved Earthworks Management Plan.
26. Any changes to the Earthworks Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the Consent Holder following consultation with Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring.
27. The Earthworks Management Plan required by Condition 25 shall set out the practices and procedures to be adopted in order that compliance with the conditions

of this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:

- (a) description of the works;
- (b) engineering design details;
- (c) silt and dust control during earthwork stages;
- (d) temporary activities and equipment storage in specified areas;
- (e) construction programme including timetable, sequence of events and duration including any landscaping;
- (f) construction methods and equipment to be used;
- (g) dust sources and potential impact during construction;
- (h) methods used for dust suppression during construction activities;
- (i) location, design, operation and maintenance of stormwater run-off controls and sediment control facilities;
- (j) detailed specifications of the diversion of any water bodies including channel configurations and rehabilitation measures;
- (k) detailed specifications of the spoil storage and stabilisation;
- (l) traffic management and property access management;
- (m) contingency plans (eg, mechanical failures, oil/fuel spills, flooding, landslips);
- (n) assessment and monitoring procedures;
- (o) methodology and approval procedures for making changes to the Earthworks Management Plan;

Advice Note:

The following are the general principles that should be adhered to when writing and implementing the Construction, Erosion and Sediment Control Plan:

- (a) minimise the disturbance to land;
- (b) stage construction;
- (c) protect steep slopes;
- (d) protect watercourses;
- (e) stabilise exposed areas as soon as possible;
- (f) minimise the run-off velocities;
- (g) revegetate as soon as possible;

- (h) install perimeter controls and protect disturbed areas from run-off sourced above site;
- (i) employ detention devices;
- (j) take the season and weather forecast into account;
- (k) use trained and experienced contractors and staff;
- (l) update the plan as the project evolves;
- (m) assess and monitor.

Keep on-site run-off velocities low by the use of the following: contour drains, retention of natural vegetation, provision of buffer strips of vegetation, low gradients and short slopes, control anticipated erosion and prevent sediment from leaving the site.

The Consent Holder is directed to the following documents for more detail on earthworks and sediment control: eg, Auckland Regional Council's Technical publication TP90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

Review of Consent Conditions

28. Council may, for the duration of this consent, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:
- 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

29. This resource consent expires 15 years after the date of granting.

Advice Note

Condition 5 requires the Consent Holder to complete earthworks on each lot within five years of commencement.

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.
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. If the removal or destruction of indigenous vegetation does not comply with Permitted Activity Rule 17.6.5.1, additional resource consent will be required.



Daryl Henehan
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