



## RESOURCE CONSENT

### Discharge Permit

In accordance with the provisions of the Resource Management Act 1991, and subject to the attached conditions, Hawke's Bay Regional Council ("the Council") grants a resource consent for a controlled activity to:

**Marist Holdings (Greenmeadows) Limited**  
PO Box 7043  
Taradale  
Napier 4141

to divert stormwater from a 246 hectare residential precinct within the Mission Special Character Zone and to discharge this stormwater to land and to water.

#### LOCATION

**Address of site:** 190 and 198 Church Road, Napier  
**Legal description:** Part Lot 1 DP 27138  
**Map reference (NZMG):** at or about: 2838915, 6181037; 2839270, 6181428; 2839432, 6181620; 2839871, 6181605.

#### LAPSING OF CONSENT

This consent shall lapse in accordance with section 125 on 31 May 2023 if it is not given effect to before that date.

#### CONSENT DURATION

This consent is granted for a period expiring on 31 May 2038.

A handwritten signature in blue ink, appearing to read "Malcolm Miller".

**Malcolm Miller**  
**Manager Consents**  
EXTERNAL RELATIONS GROUP  
Under authority delegated by Hawke's Bay Regional Council  
21<sup>st</sup> May 2018

## Conditions

1. The consent holder shall undertake all operations in accordance with any drawings, specifications, statements of intent and other information supplied as part of the application for this resource consent, including:
  - a) Application for resource consent: Mitchell Daysh 3 April 2018, 'Mission Special Character Zone – Stormwater Diversion and Discharge'.
  - b) Report dated April 2018. Stormwater Runoff Assessment – Mission Special Character Zone. Prepared by: Tonkin and Taylor, Ref. 1002680.

Where a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

2. Stormwater shall be diverted and discharged only from residential areas that do not contain any industrial and trade premises, and from areas located within catchments C1 to C6, as shown in Appendix 1.

## Design Requirements

3. The stormwater management systems draining the western catchments (C1, C2 and C3) shall be designed, constructed and maintained to ensure that:
  - a) The post-development peak discharge does not exceed the 48-hour pre-development peak discharge for storm events with average recurrence intervals of 2 years, 10 years and 50 years.
  - b) Stormwater management ponds are designed to provide treatment of stormwater runoff from the water quality storm (30 mm rainfall runoff from impervious surfaces).
  - c) The ponds are designed, constructed and maintained to ensure that 50% of the design water quality volume is available as permanent pond storage.
  - d) Ponds shall store 1.2 times the water quality volume, to be provided as live pond storage.
  - e) All ponds shall have a sediment forebay, a permanently stored volume (that may dry out in extended dry periods) and a spillway.
  - f) The ponds shall be designed so that the extended detention volume is released gradually over 24 hours through a small diameter orifice.
  - g) Flood discharges exceeding the extended detention storage volume shall be released through an approximately designed overflow structure.
  - h) An emergency overflow shall be designed and incorporated for larger storm events and to allow for a secondary flow path in the event of a blockage.
4. Stormwater runoff from the eastern sloping catchment shall be captured and diverted through gross pollutant traps(s) and coarse filtration prior to being discharged to ground via a level spreader within planted areas ("East Hill Woodland").
5. A detailed vegetation plan shall be provided to the Council (Manager Compliance) for the area to receive the eastern stormwater, and this shall be provided prior to the discharge commencing. The Vegetation Plan shall demonstrate how the proposed East Hill Face Woodland will be achieved, shall set out the planting prescription and strategy, and this Vegetation Plan shall be implemented and maintained for the duration of the consent.

6. The consent holder shall ensure that the stormwater outfall and/or discharge structures from the stormwater management ponds are designed, constructed and maintained so that the stormwater discharge from the ponds does not cause erosion or scour at the outfall or immediately downstream of the outfall in the beds or banks of the receiving water body.

#### Engineering Plans – Pre-construction

7. The consent holder shall ensure that the stormwater management system(s) (ponds, level spreader, coarse treatment system and any associated structures) shall be designed by a suitably qualified and experienced professional engineer, experienced in that field, to meet all standards and design requirements of this consent, and as set out in the application (as specified in the documents referenced in condition 1). In addition, where practicable, wetland elements shall be incorporated into the stormwater pond designs to maximise stormwater treatment.
8. At each stage of the development, final Design Plans of the stormwater management system (for both the western and eastern catchments) shall be provided to the Council (Manager Compliance) for certification prior to construction of each stage of the development commencing. The Final Design Plans for each stage shall demonstrate the following:
  - a) The location, storage volumes, levels and dimensions of the stormwater management ponds and associated structures.
  - b) The location, design details and specifications of the eastern draining stormwater management system.
  - c) That the design requirements set out in conditions 1, 3 and 4 are met.
9. The construction of the stormwater management system shall not commence until such time as the Council has certified the final design plans.
10. The Council will review the Final Design Plans and design details for each stage of development, and these shall be considered certified as meeting the design requirements set out in conditions 1, 3 and 4, unless the Council refuses to certify them.
11. If the Council refuses to certify the Final Design Plans, it shall inform the consent holder in writing of the refusal to certify within 20 working days of receipt of the information required by condition 8 and shall outline the reasons why certification has been withheld. The consent holder may re-submit the final design plans and follow the process set out by conditions 8 to 11.
12. Once the Final Design Plans for each stage of the development are certified, all stormwater services shall be constructed in accordance with these plans.
13. Prior to construction commencing on each stage of the development, the consent holder shall submit a construction stormwater management plan (CSMP). This plan shall set out the staging of construction works, and methods to control and manage stormwater during construction of that stage. The purpose of the plan shall be to ensure that adequate stormwater controls are in place to ensure that adverse effects on downstream water quality, such as sedimentation, erosion and scour, are avoided during construction. The plan shall include a description of sediment control measures and stormwater treatment measures to be undertaken during construction. The CSMP shall be submitted to the Council (Manager Compliance) prior to the construction commencing.

### Engineering Plans and certification – Post construction

14. Prior to the commissioning of each stormwater management pond within each stage of the development, the consent holder shall provide accurate as-built plans of the stormwater management system and shall confirm that the stormwater management systems have been installed in accordance with the certified Final Design Plans. The plans and certification required by this condition shall be based on accurate survey data, and shall be provided by a suitably qualified and experienced professional.
15. The consent holder shall ensure that buildings within the area discharging stormwater under this consent shall have roofs that are constructed using inert roofing materials such as Colorcote or Coloursteel, or using a different roofing material or roof treatment (e.g. painting with non-metal based paints) that will achieve an equivalent performance standard in terms of release of metal contaminants.

### Monitoring

16. After commencement of the discharge, the consent holder shall ensure that sampling of stormwater discharged from one stormwater management pond in each of catchments C1, C2 and C3 occurs once every 12 months.
17. Prior to the commissioning of each stormwater management pond, the consent holder shall confirm the location of the monitoring sites required by condition 16. Sampling shall be undertaken at the designated monitoring sites for the duration of the consent.
18. The consent holder shall ensure that the samples taken in accordance with condition 16 are analysed for the following:
  - a) pH
  - b) Total suspended solids
  - c) Total petroleum hydrocarbon
  - d) Total zinc
  - e) Total lead
  - f) Total copper
  - g) Total nitrogen
  - h) Total phosphorus
19. The results of the analysis undertaken for condition 18 shall be forwarded to the Council (Manager Compliance) within 7 days of being received by the consent holder.
20. The laboratory carrying out analyses required under this consent shall be accredited for those analyses by International Accreditation New Zealand or an equivalent authority.
21. Sampling required by this consent shall be carried out by a person suitably qualified and experienced in that field.

### Maintenance

22. The consent holder shall be responsible for the continued integrity of the stormwater management system (including ponds and outlet structures), and shall ensure that these stormwater ponds and structures are maintained to a structurally safe and serviceable standard at all times, and continue to operate to the designed performance levels.

23. That the consent holder shall ensure that access arrangements (including any easements if necessary) are established as necessary to enable the person(s) or body responsible for long-term operation and maintenance of the stormwater management systems to carry out their responsibilities under this consent.
24. This consent shall only be transferred to an entity that has a legally established right of access to the stormwater management system as necessary to undertake regular and ongoing maintenance and monitoring of the system and to otherwise meet the conditions of this consent.
25. The consent holder shall develop a Stormwater Maintenance and Management Plan (SMMP). The objectives of the SMMP is to ensure that the stormwater management system is managed and maintained so that it continues to function as designed, and that the discharge shall not give rise to any of the following effects in the receiving water at a location downstream of the property boundary, and after reasonable mixing:
  - a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspected materials.
  - b) Any conspicuous change in the colour or visual clarity.
  - c) Any emission of objectionable odour.
  - d) The rendering of freshwater unsuitable for consumption by farm animals.
  - e) Any significant adverse effects on aquatic life.
26. The SMMP required by condition 25 shall include (but not be limited to) the following:
  - a) An inspection programme designed to verify the correct functioning of the stormwater management system and suitable storage capacity of the stormwater management ponds; and
  - b) A schedule or checklist of maintenance requirements for the components of the stormwater management system;
  - c) A trigger for removal of accumulated sediment from the stormwater management ponds
  - d) A procedure for a review of the schedule of maintenance requirements; and
  - e) A stormwater sampling schedule in accordance with conditions 16 to 21;
  - f) A copy of the names of the appropriate contact people in the event of system malfunction including contact telephone numbers.

The SMMP shall be provided to the Council (Manager Compliance) prior to the discharge commencing, and shall be reviewed and updated as necessary throughout the term of the consent. A copy of the most up to date SMMP shall be provided to the Council upon request.
27. The consent holder shall carry out maintenance inspections of all stormwater management structures at least annually or more frequently in accordance with the SMMP and to ensure that these stormwater outlet structures continue to be maintained as required to meet condition 22.
28. The consent holder shall record the details of all maintenance inspections and works undertaken under Condition 27. Those records shall be made available for inspection by the Council (Manager Compliance) on request.
29. The consent holder shall record the dates on which sediment is removed from the ponds, the volume removed, and the disposal location of this material. This record shall be provided to the Council (Manager Compliance) upon request.

30. The consent holder shall nominate an appropriately trained person who is responsible for the operation and maintenance of the stormwater management system and the return of information as required by conditions of this consent. The consent holder shall provide the Hawke's Bay Regional Council (Manager Compliance) with this persons contact details within one month of the commencement date of this consent and within ten working days of any change occurring.

### Complaints

31. The consent holder shall establish and maintain a 'complaints register' to record any complaints received in relation to the stormwater discharge authorised by this consent. The date, time, complainant, and the nature and location of the complaint, the weather conditions at the time of the complaint, and any actions taken in response to that complaint shall be recorded. A copy of the complaints register shall be made available to the Council (Manager Compliance) upon request.
32. The consent holder shall notify the Council (Manager Compliance) of any complaints relating to the exercise of this consent, within 7 days of being received by the consent holder. The consent holder shall outline a schedule of action taken in response to the complaint, and any further action proposed to remedy the issue.

### General

33. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Council (Manager Compliance) to obtain contact details of the relevant tangata whenua. The consent holder shall then consult with the relevant local hapu or marae and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and tangata whenua approvals to damage, destroy or modify such sites have been obtained.

### **REVIEW OF CONSENT CONDITIONS BY THE COUNCIL**

The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the Resource Management Act 1991 (the RMA). The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with s 36(1) of the RMA.

Times of service of notice of any review: During the month of May of any year.

- Purposes of review:
- To deal with any adverse effect on the environment that may arise from the exercise of this consent, which it is appropriate to deal with at that time or which became evident after the date of issue.
  - To require the adoption of the best practicable option to remove or reduce any effects on the environment.
  - To modify any monitoring programme or conditions of this consent, to amend the monitoring programme to better allow for more representative stormwater quality monitoring to be undertaken, and to better ensure that this monitoring is practicably able to be undertaken.
  - To require additional monitoring as the stormwater catchment area is developed to better address an actual or potential adverse environmental effect.
  - To set stormwater quality parameters for on-site stormwater treatment devices should this be required to ensure adverse effects on the environment are avoided or mitigated.

To modify the requirements of consent conditions in response to the ongoing development of stormwater catchment area, and to include additional matters if these are considered necessary to better address an actual or potential adverse environmental effect.

To implement any relevant new regional or national guidelines on stormwater management practices.

To ensure that the conditions are consistent with any operative plan provisions.

Where the consent is transferred to a body corporate, modify the conditions as necessary to ensure that the body corporate has adequate structures and provisions in place to meet the conditions of consent.

## REASONS FOR DECISION

The reasons for the decision are set out in the s42A report prepared in assessment of the application for this resource consent.

## ADVICE NOTES

- I. This consent does not authorise any access or occupation arrangements over and/or on land not owned by the consent holder.
- II. This consent is for the discharge of stormwater only. Stormwater is defined as runoff of water that is not absorbed by land and includes testing water used by network utility operators. This consent does not authorise the intentional or accidental discharge of any other substances or contaminants (including spills).
- III. Additional resource consents are required for the construction of dams, where RRMP Rule 67 is not met.
- IV. Sediment that is removed from the ponds should be disposed of to an authorised waste disposal facility or otherwise discharged in accordance with the relevant permitted activity rule of the Regional Plan or as authorised by a resource consent.

## MONITORING NOTE

### Routine monitoring

Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

### Non-routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA 1991 states:

*Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with*

- a) *any of sections 10, 10A, 10B, and 20A; or*
- b) *a national environmental standard, a rule, a resource consent, or a designation.*

### Consent Impact Monitoring

In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council may levy additional charges for the cost of monitoring the environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council's Annual Plan process.

### DEBT RECOVERY

It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under s36 of the Resource Management Act, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

### CONSENT HISTORY

Consent No. (Version)	Date	Event	Relevant Rule Number	Plan
DP180163L	21/05/2018	Consent granted initially	43	RRMP



## Appendix 1 – Catchment Areas

