

Memo

To: Tahimana Ltd Date: 1st of May 2024

From: Jackie McNae – Staig and Smith Ltd

Subject: 12498 Tahimana Development
Fast Track Application –
Summary of Assessment of Relevant NPS & NES Provisions

Summary

- The Project is consistent with relevant national policy documents.
- The Project requires resource consent under one national environmental standard.

1. Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“NES F”)

- i. *Regulation 38 Restoration and Maintenance of Wetlands* – The Applicants propose to restore the wetlands through the removal of weeds and undertaking of restoration planting. This activity is a Permitted Activity.
- ii. *Regulation 42 Construction of Wetland Utility Structures* – A boardwalk is defined as a wetland utility structure. There will be one boardwalk crossing over one of the wetlands. There will be some land disturbance within 10m of the wetland for the boardwalk construction. These two activities trigger Consent as a Restricted Discretionary Activity. There will be no requirement to dam or divert water and there will be no discharge of water related to the installation of the boardwalk structure.
- iii. *Regulation 45 Construction of Specified Infrastructure* – The only specified infrastructure being constructed is a communal water tank as the Applicants assess that their stormwater detention proposals and wastewater infrastructure do not come under construction of specified infrastructure. The water storage communal tank and potentially some of the individual water tanks on individual allotments may be within 100m of wetlands but the proposal will not involve any drainage or partial drainage of a wetland and therefore Regulation 45 is not triggered.
- iv. *Regulation 52 Drainage of Natural Inland Wetlands* – The project will not result in any partial or complete drainage of any natural wetland onsite. No consents are triggered under this Regulation.
- v. *Regulation 42 Non Complying, No Other Status* – A number of stormwater detention dams are within 100m of wetlands and there will be discharge of stormwater into water within 100m of wetlands where there is a hydrological connection between the damming and discharge of stormwater and the wetland. Stormwater will be collected from impervious surfaces from roading and driveway areas and directed to stormwater detention basins. The water generated from some building roofs will be collected and directed towards the heads of wetland areas in the gully systems. The stormwater management proposals will result in a redistribution of groundwater and surface water inflows resulting in an increase in surface water and a decrease in groundwater. The modelling carried out by the Applicant’s Hydrogeologist confirms there will be a change in the water level range in some of the wetlands within the western and eastern catchments, however both the

Hydrogeology Assessment and Ecological Assessment conclude that there is an overall benefit from the increase in surface flows to the wetlands. Notwithstanding the positive benefit of the increase in surface flows to the wetlands, the Regulation notes that where there is a change in the water level range that Consent is triggered.

2. NPS for Freshwater Management

- i. An Assessment has been undertaken of Te Mana o te Wai. This concept has been clearly reflected in the design of the development and assessment of the development reflected through the mapping of the wetlands and waterways, assessment of the values of the wetlands and waterways, ensuring that there is no drainage or partial drainage of any wetland nor reduction in the extent of any waterway. Further the Applicant proposes to restore and enhance wetlands.
- ii. The existing wetlands onsite have been assessed by the Applicant's Ecologist confirming that the wetlands and waterways on the subject site are in a degraded state, and that notwithstanding the degradation and poor quality of these freshwater resources, there are still values.
- iii. The project will protect and restore the freshwater values through keeping all development out of the wetlands and waterways and ensuring appropriate setbacks of development and earthworks from wetlands and waterways, with one minor exception for the piling of one boardwalk across one wetland and piling for boardwalks across three stream locations. The piling will be outside the wetlands and waterways but within the 10m setback.
- iv. There has been an assessment of the six principles of Te Mana o te Wai. The Applicant's proposal has been designed and meaningful consultation has been undertaken, and will continue, with iwi to reflect these principles. Consultation that the Applicant has undertaken with mana whenua iwi has involved commitments to the restoration of the wetlands, commitments to continuing with engagement and consultation with mana whenua iwi, particularly in relation to the detailed design and planting of the wetlands, the provision of protection measures for ongoing maintenance monitoring and management of the wetlands in perpetuity to be achieved through various management plans which will be imposed on resulting titles by way of consent notices ensuring obligations in respect of fresh water values are maintained over time.
- v. The project responds to each of the six principles, noting the meaningful and ongoing consultation the Applicants are pursuing with iwi, enabling Tangata Whenua, the Applicants and the future residents of the development to continue to implement the principles over time.
- vi. In respect of the hierarchy of obligations in Te Mana o te Wai and Objective 2.1, the Applicant's proposal has prioritised the health and wellbeing of the wetlands and water courses on the subject site through the restoration and planting of these wetlands. This will improve the quality of the water and improve habitat and thereby biodiversity, as is evidenced by the Ecological Assessment by RMA Ecology. The second matter to be prioritised is the health needs of people such as drinking water. Cumulatively the improvement of water quality in the wetlands and waterways on this site will contribute to the quality of groundwater and surface water downstream of the subject property. The third obligation in the hierarchy related to the ability of people and communities to provide for their social, economic, and cultural well-being now and in the future. This is reflected by the provision of a variety of different housing opportunities and mechanisms for ongoing protection of freshwater bodies and the restoration planting which contributes to maintenance of water quality.
- vii. The project aligns with Policy 1 and Policy 2 as the Applicant has proactively consulted with mana whenua iwi, ensuring their involvement with the concept design and the detailed design to follow. This is evidenced through the assessments undertaken within the Cultural Values Statement by Ngāti Rārua and the Cultural Impact Assessment for Ngāti Tama. The project aligns with Policy 3 as freshwater will be managed on a whole catchment basis, considering effects on receiving environments (in this case the wetlands and waterways both within the site and external to the site). The project accords with Policy 4, ensuring that post-development peak stormwater flows are matched to pre-development flows, to ensure there are no impacts on downstream flooding. Policy 5 is addressed through the restoration of wetlands and waterways. Policy 6 and 7 are

reflected in the project design, as there will be no loss of natural inland wetlands, their values are protected, and the restoration is proposed. In respect of river extent and values there will be no loss of the extent of waterways and the values will be enhanced through restoration planting. In respect of Policy 8, the site does not contain outstanding water bodies. In respect of Policy 9, the habitats of indigenous freshwater species are being protected through setbacks and by the proposed restoration. In respect of Policy 13, this is primarily an obligation on Council, however the Applicant's Ecologist's assessment accords with this Policy by setting out the current condition of the waterbodies and the proposal to reverse the deterioration of the water bodies. The same is the case in relation to Policy 14. In respect to Policy 15 the project enables the wider community to provide for its social, economic and cultural wellbeing by providing for housing in a manner that does not impact on water and wetlands, further the restoration proposals and provision of a public walkway through the development and through the local purpose reserve enables the community to enjoy and appreciate the wetland and waterway values that will be restored.

- viii. The Effects Management Hierarchy in relation to the natural inland wetlands and rivers has been fully assessed and complied with through project design, three waters assessment and design, consideration of natural hazards, the landscape assessment and landscape plans for restoration, the ecological assessment and requirements for protection and restoration, the hydrogeology assessment of impacts on surface water and groundwater, and the cultural assessments.

3. NPS for Indigenous Biodiversity (NPSIB)

- i. The NPSIB largely applies to terrestrial indigenous biodiversity. Its policies promoting restoration and increasing indigenous vegetation cover are relevant to natural inland wetlands, otherwise the policies are generally not applicable.
- ii. The site's biodiversity value is largely limited to the existing finger wetlands, small streams, and ponds where there are some very limited areas of low-quality native vegetation providing habitat for some native species. The site does not contain any significant natural areas (SNA).
- iii. The decision-making principles under Clause 1.5 seek to prioritise mauri, intrinsic value and well being of biodiversity and recognising the importance of biodiversity to Māori and the community. The development is consistent with the decision-making principles and the NPS objective because areas with biodiversity value, in the Applicants case wetlands, have been protected through the project design. There will be a significant net gain for biodiversity and mana whenua biodiversity values through the proposals for restoration, protection and ongoing management and maintenance of the wetland and waterway resources.
- iv. There are limited policies of relevance under this NPS as they largely apply to terrestrial indigenous biodiversity, however those that do apply to wetland restoration being Policies 13 and 14 are implemented through the development as the proposed development results in a biodiversity net gain through the restoration of wetlands.

4. NPS for Highly Productive Land (NPS HPL)

- i. The NPS HPL does not apply. The site is zoned Rural 3, and the "nearest equivalent zone" is the "rural lifestyle zone" in the National Planning Standards. As such, the site is not highly productive land, in terms of the transitional definition in the NPS HPL. Additionally, the Applicants have had an expert assessment of the productive values of the land which has confirmed there is no LUC 3 land on the site.

5. NPS for Urban Development (NPSUD)

- i. The subject site is not part of an "*Urban Environment*". The NPSUD does not contain any policies that are relevant to the subject property.

6. New Zealand Coastal Policy Statement (NZCPS)

- i. The site is not within the area that the Tasman Resource Management Plan has mapped as being part of the Coastal Environment and for this reason it is considered that the NZ Coastal Policy Statement (NZCPS) has little relevance, as the subject land is approximately 2km from the coast.
- ii. To the limited extent that there is relevance, the design of the development, restoration of wetlands and waterways through revegetation, protects and enhances the wetland and waterway systems that feed into the coastal receiving environment, and in this sense, the relevant Policies under the NZCPS, which seek to enhance water quality discharging to the coastal environment, the subject development accords with these policies.

7. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS)

- i. The preliminary site investigation (PSI) did not identify any hazardous activities that have, or are likely to have been undertaken, as listed on the HAIL.
- ii. The PSI concluded that it is highly unlikely that the proposed subdivision and associated activities (change of land use and land disturbance) would pose a risk to human health. The proposal is a Permitted Activity under the NESCS.
- iii. The PSI confirmed that the risk of contaminated material being buried within the land is low but that this can be managed by implementing an Accidental Discovery Plan during construction. The Envirolink Assessment Report included an Accidental Discovery Plan, and the Applicant accepts that compliance with this Plan this is an appropriate condition for any Consent issued.

Yours faithfully



Jackie McNae
Resource Management Consultant
Staig and Smith Ltd

Email: s 9(2)(a)
Phone: (03) 548 4422