

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 20 July 2009
TIME: 11.00 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Crs N Riley (Chair), S G Bryant, E J Wilkins

IN ATTENDANCE: Principal Resource Consents Advisor (J Butler), Co-ordinator Subdivision Consents (M Morris), Consent Planner, Coastal (R Squire), Development Engineer (D Ley), Resource Scientist - Rivers & Coast (E Verstappen), Consent Planner Natural Resources (M Mackiggan), Executive Assistant (V M Gribble)

1. CAMDEN PROPERTIES LTD, BARNETT AVENUE, BEST ISLAND, RICHMOND - APPLICATION Nos. RM080097, RM080880, RM080890, RM080891, RM080889, RM080892, RM080915

1.1 Proposal

The application seeks to undertake a comprehensive resort development on Best Island comprising 31 accommodation units (for both residential and commercial use), staff administration and accommodation, and a dwelling for the manager.

**Subdivision Consent
RM080097**

To undertake a subdivision to create the following:

- Lot 1 of 51.88 hectares, being the area containing the existing Greenacres Golf Course.
- Lot 2 of 2.07 hectares, to be subdivided into 33 unit titles plus auxillary unit areas, and a common area for vehicle access, administration and open areas.
- Lot 3 of 5940 square metres to contain the manager's residence.
- Lot 4 of 1.98 hectares to vest as Esplanade Reserve.
- Lots 5, 6 and 7 to vest in the Crown as Seabed.

Consent is sought to carry out the subdivision in four stages.

**Land Use Consent
RM080880**

To erect 31 single-storeyed units within proposed Lot 2, to be used for residential and commercial accommodation purposes. The maximum height of the units is to be 5 metres above finished ground level.

To erect buildings within proposed Lot 2 to carry out administration and management functions of the resort development, including staff accommodation. The administration building will be two-storeyed, with a maximum height of 6.5 metres above finished ground level.

To construct a residential dwelling to be used as the General Manager's residence, on proposed Lot 3. This dwelling will be two-storeyed, with a maximum height of 6.2 metres above finished ground level.

For the purposes of this application, the minimum finished ground level around buildings is proposed to be 3.9 metres above mean sea level (AMSL). The natural ground level of the site varies between 2.5 and 4.25 metres AMSL.

Land Use Consent

RM080890

To undertake earthworks as part of the proposed development for the purpose of forming raised building platforms to avoid the risk of coastal flooding and sea level rise.

Discharge Permit

RM080891

To discharge stormwater generated from the proposed resort development described above (Applications RM080097 and RM080880). The stormwater is proposed to be discharged to swales and a pond and then into the coastal marine area. Stormwater will also be used for irrigation within proposed Lots 1 and 2.

Discharge Permit RM080889

To discharge up to 27,000 litres per day of secondary treated domestic wastewater on to proposed Lot 1, by way of subsurface pressure-compensating irrigation lines.

Coastal Permit

RM080892

To disturb the coastal marine area in association with earthworks to modify the shoreline of Best Island to form an intertidal inlet and undertake landscaping within the coastal marine area.

Coastal Permit

RM080915

To occupy the coastal marine area with the placement of a timber boardwalk as part of proposed riparian/ public access enhancement works.

The land above the line of Mean High Water Springs (MHWS) is zoned Recreation or Open Space and lies within a Coastal Environment Area as defined in the Tasman Resource Management Plan.

The application site is located at 2 Barnett Avenue, Best Island, being Greenacres Golf Course and Greenacres Motel, being legally described as Part Lot 1 DP 1667 (CT NL4A/139), Lot 1 DP 8350 (CT NL4A/138) and Lot 2 DP 8350 being Esplanade Reserve, subject to subdivision consent RM080295; and Foreshore and Seabed.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Wilkins / Bryant
EP09/07/22

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

Camden Properties Ltd

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Camden Properties Ltd	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

Moved Crs Riley / Wilkins
EP09/07/23

THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.

CARRIED

- 2. CAMDEN PROPERTIES LTD, BARNETT AVENUE, BEST ISLAND, RICHMOND - APPLICATION Nos. RM080097, RM080880, RM080890, RM080891, RM080889, RM080892, RM080915**

Moved Crs Riley / Bryant
EP09/07/24

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Camden Properties Ltd as detailed in the following report and decision.

CARRIED

**Report and Decision of the Tasman District Council through its
Hearings Committee Meeting
held in the Tasman Room, Richmond
on Monday, 20 July 2009**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Camden Properties Ltd** (“the Applicant”), to undertake a subdivision and a unit title development to establish a resort development at western end of Best Island and incorporating a manager’s dwelling and an esplanade reserve. Also, to discharge wastewater to land, to discharge stormwater to the coastal marine area (CMA), and to carry out earthworks and construction works in the CMA. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM080097 (subdivision), RM080880 (land use), RM080889 (discharge wastewater), RM080890 (earthworks on land), RM080891 (discharge stormwater), RM080892 and RM080915 (disturb and occupy CMA).

PRESENT:

Hearings Committee

Cr N Riley, Chairperson
Cr S Bryant
Cr E Wilkins

APPLICANT:

Mr N McFadden (Counsel)
Mr S Sanders (Applicant)
Mr I Goss (Coastal Engineering Consultant)
Mr A Bartlett (Architectural Designer)
Mr T Milne (Landscape Architect)
Mr M Lile (Planning Consultant)

CONSENT AUTHORITY:

Tasman District Council

Mr M Morris (Co-ordinator Subdivision Consents)
Mr M Mackiggan (Consent Planner, Natural Resources)
Mr E Verstappen (Resource Scientist, Rivers and Coast)
Ms R Squire (Reserves Planner)

SUBMITTERS:

Mr W McKenna
Greenacres Golf Club Inc (Mr G Sherlock, President)
Mr A Aubrey
Mr W Cook
Nelson-Tasman Branch Royal Forest and Bird Protection Society. (Ms H Campbell and Ms D Martin)

IN ATTENDANCE:

Mr J Butler (Principal Resource Consents Adviser) –
Assisting the Committee
Ms V Gribble (Committee Secretary)

1. SUMMARY

The Committee has **GRANTED** resource consents subject to conditions to construct a resort and other associated activities at Best Island.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant seeks resource consents to establish and operate a resort development at western end of Best Island. The development is partly on the existing motel site of 0.549 hectares and partly on the Greenacres Golf Course land. The subdivision involves a number of allotments:

- Lot 1 of 51.88 hectares which is basically the site of the Greenacres Golf Course;
- Lot 2 of 2.07 hectares, which will contain all of the 31 unit title apartments, clustered into eight groups of buildings, admin buildings and recreation and servicing facilities.
- Lot 3 of 0.594 hectares containing the manager's dwelling;
- Lot 4 of 1.98 hectares being an esplanade reserve of 20 metres width, along approximately 700 metres of the southern side of the Greenacres Golf course.
- Lots 5 -7 of 0.554 hectares in total area, are areas that will vest in the crown as seabed.

The application was subsequently amended such that Lots 5 and 6 would vest as esplanade reserve and only Lot 7 would vest as seabed.

Lot 2 is to be subdivided into 33 individual unit titles, each with their own auxiliary unit (AU) containing parking and outdoor living areas. The Units 31 and 33 will be used for administration and staff accommodation. The balance of Lot 2 will be "Common Property" which will be managed by the Body Corporate. This will contain the access, additional parking and administration and servicing infrastructure for the proposed units.

The resort is proposed to be serviced for wastewater by way of a treatment plant located on Lot 2 and discharged by way of a drainage easement on to a small area of Lot 1 (the golf course). Stormwater will be dealt with by a series of stormwater basins that will eventually discharge into the coastal marine area by way of an excavated tidal inlet in the south-eastern corner of the site.

The applicant has sought consent to carry out earthworks within the coastal environment area to form building sites to a level of at least 3.9 metres above mean sea level (amsl).

The application also involves coastal permits to allow for construction of a timber boardwalk in the coastal marine area (CMA) and to carry out land disturbance within the CMA for enhancement purposes.

The present site contains the Greenacres Golf Course which is owned by the Greenacres Golf Club, being an Incorporated Society. It is by understanding that that

Golf Course has existed on the site since the 1950s. In 1973 a small area of 0.549 hectares was subdivided off the Golf Course to allow for small motel development of six units. This is owned by the McKenna's.

3. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Recreation, Open Space
Area(s): Coastal Environment Area (CEA)

The status and rules affected by the proposed activities are as follows:

Activity	Relevant permitted rule	Applicable rule	Status
Subdivision (Recreation Zone)	Nil	16.3.9.1	Discretionary
Subdivision (Open Space)	Nil	16.4.2.1	Discretionary
Residential/Resort Land Use	17.10.2.1	17.10.2.2	Discretionary
Restoration Works on reserve	17.9.2.1	17.9.2.1	Permitted
Buildings (CEA)	Nil	18.11.3.2	Restricted Discretionary
Earthworks Land Use	18.5.2.1	18.5.2.5	Restricted Discretionary
Coastal Permit (Occupation)	25.1.5E	25.1.7	Discretionary
Coastal Permit (Disturbance)	25.2.3	25.2.4A	Non-Complying
Discharge Wastewater	36.1.4	36.1.16	Discretionary
Discharge Stormwater	36.4.2	36.4.4	Restricted Discretionary

4. NOTIFICATION AND SUBMISSIONS RECEIVED

The application(s) was notified on 28 February 2009 pursuant to Section 93 of the Act. A total of 12 submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submitter and Address	Comments	Decision requested
Brian and Natalie Charlett 177 Landsdowne Rd.	Supported the application <ul style="list-style-type: none"> Concerned about the Landsdowne Road access to the site which has very tight bend which has a number of accidents. 	Approve
William McKenna Greenacres Motel Best Island.	Supported the application. Have run the Greenacres Motels for the last six years. <ul style="list-style-type: none"> The natural values of the area will be respected within the framework of the proposal. 	Approve

Submitter and Address	Comments	Decision requested
	<ul style="list-style-type: none"> • Endorses the native enhancement of the proposal. • Ideal location for a tourism attraction. • The large size will make it more viable from a commercial point of view.' • It will provide a high quality of accommodation • The enlarged reserve will help greater public use of the foreshore area. 	
Archibald Barclay 142 Best Island Rd	Supported the application. <ul style="list-style-type: none"> • Resident of Best Island. • The project will be a sensible project related to the Golf Course. 	Approve
Rodney Hayes 11 Ranfurly St, Christchurch	Supported the application. <ul style="list-style-type: none"> • It will improve the landscape quality of the area. • It will improve the Golf Course. • It will bring added revenue to the local economy. • It will help reduce human damage to the estuary edge. 	Approve
Greenacres Golf Club (Incorporated) PO Box 3096 Richmond	Supports the application. <ul style="list-style-type: none"> • The proposal will financially benefit the club which at present struggles to break even. • The project will provide funds for the Club to replace equipment and carry out river protection work. • The land being sold has limited potential for any other use. • The recycled storm water and wastewater will help provide valuable irrigation water for the golf course. • The club want all possible storm water to be redirected onto the course as a first option before it is directed into the estuary. • The access road should be vested in Council. • The Club want to be compensated for the loss of land resulting from the TDC reserve being vested along the southern edge of the course. 	Approve
Nelson Regional Sewage Business Unit (NRSBU)	Submission withdrawn 20 May 2009.	N/A
William Cook Eden's Road Hope	Opposed to the application. <ul style="list-style-type: none"> • This is another example of unplanned development that is taking place around the Waimea Inlet. • Any development in this area should be held back until a complete management plan for the Waimea Inlet is developed. • This, and the Ruby Bay Bypass development at the end of Trafalgar Road and Dominion Road are examples of "nibbling" development around the estuary edges of Waimea Inlet. 	Oppose
Nelson Tasman Branch	Opposed to the application.	Oppose

Submitter and Address	Comments	Decision requested
<p>Royal Forest and Bird Protection Society.</p> <p>PO Box 7126 NELSON 7042</p>	<ul style="list-style-type: none"> • The application is an ad hoc development that should not be allowed to occur in the sensitive estuarine environment. • The Waimea Inlet is a Wetland Site of International Importance for wading birds. • It does not meet the purpose of Section 5 of the RMA to promote the sustainable management of natural and physical resource and does not constitute an appropriate process for managing this internationally important site. • The development could create a precedent that could lead to further resource consent applications of a similar nature being lodged. • The increase in human based activities resulting from the development has the potential to of pollution of land, sea and air, and introduce more predators to the area. • A development of this size should not be considered until the proposed strategic plan for the Waimea Inlet has been fully completed. • Concerned about the adverse effect of the proposal on the natural character of the coastal environment and its margins and the protection of natural habitats. 	
<p>Department of Conservation.</p> <p>Private Bag 5 NELSON 7042</p>	<p>Neutral on the application.</p> <ul style="list-style-type: none"> • The Waimea Inlet is an area of high conservation value for wading birds. • The application does address the effects of lighting within the development. These potential effects could be mitigated by the use of low level lighting and appropriate screen between lit areas and the coastal margin. 	Neutral
<p>Trevor Palmer</p> <p>832 Lower Queen ST</p>	<p>Supported the application.</p> <ul style="list-style-type: none"> • The resort has been designed to be sympathetic to the special character of the area. • Support the low impact building designs and the re-use of stormwater. • Support the enhancement of public access, in particular the proposed boardwalk. • Support the dual use of both residential and tourism accommodation. 	Approve
<p>Albert Aubrey</p> <p>1 Centenary Place, Richmond</p>	<p>Supported the application.</p> <ul style="list-style-type: none"> • Long term member of the Greenacres Golf Club. • Concerned about the right-of-way access to the site, which will seriously restrict further development of the Golf Club. • The extension of Barnett Ave as a public road should be an integral part of the development. • The Greenacres Golf Club is a very important component of the recreation resource of the District and it is important that this resource is protected for future generations. 	Approve

Submitter and Address	Comments	Decision requested
Bruce Gillespie 115 Best Island Rd	Supported the application. <ul style="list-style-type: none"> • The development will benefit the region. • The impact on the other Best Island residents will be minimal. • Wish to see that the stormwater and treated waste water is utilised by the golf course rather than discharged into the estuary. 	Approve
Wilkes Construction PO Box 3223 RICHMOND	Supported the application. <ul style="list-style-type: none"> • This type of development will enable the Nelson/Tasman community to provide for its economic and social well being. • It is important, that given the current global and economic climate, that projects such as this are supported. 	Approve

5. PROCEDURAL MATTERS

There were no procedural matters that required a ruling by the Chair

6. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officers. The following is a summary of the evidence heard at the hearing.

6.1 Applicant's Evidence

Mr N McFadden (Counsel)

Mr McFadden addressed the status of the activity and considered that as only the coastal permit for disturbance of the CMA is a non-complying activity and that this activity is independent from the others then they can be considered independently. Mr McFadden said that the Environment Court supported this position through several cases and that only the disturbance of the CMA should be considered as non-complying.

Overall, Mr McFadden stated that the proposal will have positive elements, will not be an inappropriate development for the coastal environment, and will lead to an enhancement of ecosystems, public access and the environment.

Mr S Sanders (Applicant)

Mr Sanders expressed his vision for a boutique resort incorporating eco ideals and sustainable best practice. He explained how the unit title model allows individuals to own their own freehold titles in the development.

Cr Bryant asked if Mr Sanders expected visitors to be mainly international or domestic travellers. Mr Sanders said mainly international guests in the summer and domestic and corporate visitors through the winter period. He said that international

visitors would stay one to two months and the domestic visitors would stay two or three days on average. He said they were expecting some permanent residents.

Mr I Goss (Coastal Engineering Consultant)

Mr Goss stated that the highest point on Best Island is about 4.0 metres amsl.

Mr Goss then identified the components of high water levels in the estuary that may occur in the future. He stated that the highest astronomical tide (HAT) is 0.4 metres above the long term MHWS (rather than 0.6 metres as provided for in the Council's Engineering Standards and Policies 2008). The HAT level is 2.34 metres amsl.

Mr Goss stated that an allowance for 0.7 metres of storm surge has been documented elsewhere but that a value has not, to his knowledge, been confirmed by any analysis of the Council.

With regard to sea level rise it appeared that Mr Goss agreed to use the 0.5 metre rise based on a NIWA review of the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report.

Mr Goss considered a wave run-up component of 0.3 metres to be appropriate.

In summary, Mr Goss considered that, with a small safety factor a Minimum Finished Ground Level (MFGL) of 3.90 metres amsl is reasonable. He compared this to the MFGL for Mapua in the Engineering Standards and Policies 2008 which is 4.00 metres amsl.

Mr Goss then considered the consequences of a 0.8 metre sea level rise. He stated that should this occur then reactive measures at that time would be needed. He considered a 0.5 metre rise by 2070-2079 is appropriate. He also considered that the chance of coincidence of the extreme components set out above is very low.

Mr Goss said that it is easy to adopt the highly conservative figure as Mr Verstappen had done in the staff report but stated that sea level rise does not happen over night and an adaptive approach can be taken to enable the matter to be addressed as it starts to occur. Mr Goss considered Mr Verstappen's calculations to be unreasonably conservative as he stated that if flood levels get to 4.86 then there will be many other places that are seriously affected.

Mr A Bartlett (Architectural Designer)

Mr Bartlett stated that he was instructed to design along ecologically sustainable lines.

Mr Bartlett presented plans of the development at both the proposed 3.9 metre MFGL and that proposed by Mr Verstappen. He considered that the 3.9 level would be logical from a site development point of view.

Mr T Milne (Landscape Architect)

Mr Milne stated his opinion that the proposed development will have only minor effects on landscape and the visual amenity of the surroundings. He considered that it would be set amongst an existing recreational facility and would not adversely affect the natural character of the coastal environment.

He stated that he did not agree with raising the MFGL to 4.86 as it will result in an increased dominance. Although he stated that the detraction from the proposal will be localised.

He considered there to be significant existing modification to the landscape character of the site and the estuary edge; the latter due to the maintenance road. Overall, he described it as having a moderate level of naturalness.

As a result of the proposal he considered that amenity will alter but will not be lost. He outlined the mitigation, such as planting, that would be undertaken to absorb the development into the environment.

Mr M Lile (Planning Consultant)

Mr Lile described the process that the application had been through to date. He described the arrangements that had been reached with the Nelson Regional Sewage Business Unit to satisfy their concerns. Subsequently the applicant has offered to seal and plant a length of road to the Business Unit's Bells Island facility.

Overall, Mr Lile anticipated significant positive effects arising from the development, particularly with regard to public access to the Waimea Estuary.

Mr Lile outlined the history of communications relating to the setting of the MFGL. He considered that the TRMP does not require an allowance of 0.8 metres of sea level rise but instead states that 0.3 to 0.5 metres should be used.

He considered that any future flooding effect would be of an extremely low frequency.

Mr Lile then addressed the relevant planning documents. He stated that the NZ Coastal Policy Statement (NZCPS) encourages appropriate subdivision, use and development where the natural character has already been compromised (policy 1.1.1(a)). He considered this to be a relevant consideration in this location. He also considered the proposal to not be contrary to relevant objectives and policies in Chapter 5 (amenity) and Chapter 8 (landscape) of the TRMP.

Mr Lile did not agree with Forest and Bird's submission that the ecological benefits will be only minor and that other aspects of the development will have negative effects on ecology and the estuary.

6.2 Submitters' Evidence

Mr W McKenna

Mr McKenna, manager of Greenacres Motel, stated that the existing Motel will be enhanced by the development. He considered the site to be ideal for tourism and residents. He also considered that the proposal will promote longer stays and provide an educational opportunity due to better access to the estuary.

Cr Bryant asked what storm events and high tides he has witnessed in the six years that he has been managing the motels. Mr McKenna said there is pooling in some areas in very heavy rain but within half an hour of the rain stopping the water has gone. He said that they have never had any flood waters affecting the motels and no high tides come across the road.

Cr Riley asked what sort of staff levels would be required should such a proposal be approved. Mr McKenna said the necessary staff levels are indicative of the nature of services provided. He said that an increased level of staffing will be required. Mr Sanders said that they will need a number of housekeepers, fluctuating depending on occupancy, gardening staff and reception staff and there are plans to operate a house bar which will need staff. Running a five star operation is labour intensive.

Greenacres Golf Club Inc (Mr G Sherlock, President)

The Golf Club supported the application and sees significant advantages in having the complex onsite. The club has 550 members, typically over aged 50, with strong young members coming through.

Cr Bryant asked about the storage of stormwater and what would happen when the storage is full. Mr Sherlock said they don't propose to store it, it will be filtered through the sands and go straight into the well system. It would be a massive cost to store it.

Mr A Aubrey

Mr Aubrey submitted that the only practical access is by way of extension of Barnett Avenue to the northern end of the proposed development and that would give the club secure access for continued use. He suggested a continuation of a 20 metre legal road width would be preferable to a 16 metre width.

Cr Bryant asked if Mr Aubrey had concerns about sea level rise inundating parts of the course or site of the motels. Mr Aubrey said he had no concerns. The Club is involved in a small area of erosion protection down the northern end, not by the resort site.

Mr W Cook

Mr Cook submitted in opposition to the application. He asked that the application be deferred until a Waimea Estuary Management Plan is completed. He said the noise and disruption will have an effect on the rare birds of the estuary.

Cr Bryant asked if the birds relocate to a different site during activity. Mr Cook said up to now they have, but now there is nowhere for them to go because of the industry around the estuary. The habitat is limited.

Mr Cook said the proposed plantings will look good, but won't do any good for the birds because it is not their habitat. Their habitat is in the reeds and open spaces.

Nelson Tasman Branch Royal Forest and Bird Protection Society

Ms Campbell stated that these applications represent a significant intensification of residential and commercial development with (potentially) permanent occupation by up to 100 people. The increase in impacts is not consistent with the recreation and open space zoning of the land. Payment of compensation for the esplanade reserve is a burden on the rate-payer.

Ms Campbell stated that the very large four-bedroom home has the potential for further subdivision.

Overall, and taking into account the changes recommended in the staff reports, the Society considered that the effects will be more than minor.

In considering natural character, the Society considered that the development would not maintain the natural character of the coastal environment, as is required under Section 6 of the Act. In this regard Ms Campbell referred to Policy 1.1.1 of the NZCPS and she considered the development to be sporadic and not in an area where natural character had already been compromised. Also, the Society did not consider the lagoon to be part of the natural character of the Waimea Inlet.

With regard to landscape Ms Campbell stated that no reference had been made to Boffa Miskell's Coastal Landscape Assessment Study dated August 2005 for the Council. Ms D Martin (Field Officer) said Waimea Estuary is something a lot of groups have been working on to get much better plans for. This intensive development is being placed in an area deliberately not rezoned as residential, rural 3, or rural/resident. In the Boffa report the area was highlighted as having high landscape value.

Ms Campbell then identified the substantial and important wildlife values of the Waimea Estuary. She also stated that the NZCPS Policy 1.1.2 makes preservation of areas of significant indigenous vegetation and significant habitats of indigenous fauna a national priority.

The Society considered that the proposed esplanade reserve would not be clearly available for public use but would be for the exclusive use of the residents and guests of the resort.

Ms Campbell then turned to the relevant planning provisions under the TRMP. She stated that it was incorrect for the development to be assessed under the provisions of Chapter 6 (Urban Environment Effects) and should, instead, be assessed against the provisions of Chapter 14 which relates to the provision of reserves and open space.

The Society sought that the consents for the proposed development be declined as it does not meet the requirements of Section 104D and does not meet the purpose or principles of the Act.

6.3 Council's Reporting Officer's Report and Evidence

Mr M Morris (Co-ordinator Subdivision Consents)

Mr Morris said that assessment of this subdivision is not guided by any specific policies and objectives that either support it or discourage it. Therefore the matters in Schedule 16.3A of the TRMP are most relevant and must be taken into account and a decision will come down to an assessment of the TRMP and the relative merits of the application.

As a subdivision on recreation zone land Mr Morris considered this to be the first one (except for some boundary adjustments) and in that it is unusual. However he said that this is not a reason why it is not appropriate or cannot be granted. In terms of precedent he considered that it was unlikely that other applications would be sufficiently similar in circumstances such that a precedent would exist.

In terms of the road width he understood that a 30 kilometre an hour speed environment was acceptable to Council's Engineering Department Staff as long as road calming measures were imposed.

Mr Morris considered that the TRMP does not have specific rules and policy chapters that guide all development in a given zone. Instead there are several chapters that may relate to a certain activity. In terms of Chapter 14 he did not consider that the amenity of the golf course would be compromised by the proposal. He considered that the proposal would, if anything, improve the ability of the golf course to be able to provide recreation services. It is also worth noting that the land is private and could be sold and possibly be used as a private residence, regardless of its recreation zoning.

Ms R Squire (Reserves Planner)

Ms Squire stated that generally open space or recreation zone land is publicly owned by either the Department of Conservation or the Council. She stated that there are only two instances in the Tasman District where private land has been zoned as recreation or open space.

Ms Squire raised two issues pertaining to the disturbance and occupation of the Coastal Marine Area (1) the erection of boardwalk, and (2) the opening of the inlet face to the constructed lagoon. Ms Squire stated that the extent of the boardwalk should be limited to a small section that would give the benefits of public education and access while minimising the disturbance of the birds that will re-colonise the area. She considered it inappropriate that the walkway pass over the inlet/outlet of the lagoon (as was originally proposed) as this will impose maintenance costs on the Council and discourage bird colonisation.

Addressing the restoration of estuarine edge, Ms Squire considered that this would involve significant earthworks and planting on existing esplanade. If the Committee approved the application the benefits were the extension of esplanade reserve to provide access to the western side of Best Island and removal of the maintenance road. Replanting and restoration of the estuary margin will be a real benefit.

Mr E Verstappen (Resource Scientist, Rivers and Coast)

Mr Verstappen agreed that his approach to calculating the minimum floor levels is conservative and the chance of the various factors coinciding is low. However, he considered this to be an appropriate approach in a low lying estuary with a major river mouth nearby and in a time of unknown sea level rise. In addition he considered that the current lack of knowledge of how storm events will behave in this location is a further reason to be conservative. In this regard he referred to seiche (or “sloshing” within the estuary) and possible higher wave run-up due to the shallow estuary morphology.

Mr Verstappen agreed with the evidence of Mr Goss but stated that recent research is pointing to the rate of sea level rise being higher than even recently predicted. He said that it is likely to track closer to the 0.8 metres flagged by the Ministry for the Environment rather than the lower figures. He considered this to be good reason to be as conservative as he has been.

Mr Verstappen stated that several people in the hearing had made statements to the effect of “if the water goes above 3.9 metres amsl then many other properties such as at Monaco will be flooded”. He said that that is quite right but that this is not reason to allow this development to proceed at a lower level.

6.4 Applicant’s Right of Reply

Mr McFadden agreed with the submitters in support and stated that the proposal will have significant benefits for the golf club.

Mr McFadden then addressed Mr Cook’s submission. He said that the application does not take away bird habitat in the estuary, it increases it. There was no evidence or information as to where the photographs presented are taken and that it is clear that they do not adjoin the application site.

Mr McFadden considered that there was little or no evidence to support the statements made by the Royal Forest and Bird Society. He opined that the proposal achieved the outcomes set out in the matters of national importance in the Act, as well as in the NZCPS.

Mr McFadden did not consider that the esplanade area that is to be developed for public access will become a private enclave. He said that there are linkages through and past the site of the development and the proposal is a significant upgrade to the existing estuary margin.

He then addressed the Society’s criticism that the wrong planning framework was used. He considered that the proposal does meet the relevant objectives and policies of Chapter 14.

Mr McFadden then turned to Mr Verstappen’s report. Mr McFadden presented Port Nelson data showing maximum sea levels since 1985 and showing that the measured values are “no where (sic) near” the 4.86 metres amsl sought by Mr Verstappen.

Mr McFadden also presented a revised plan of the development showing the position of earth mounding and low walls which could be incorporated within the development or retrofitted should the need arise. The protection measures would be to a height of 4.5 metres amsl.

Mr McFadden volunteered a condition which would disallow cats being kept, but said that it would be inappropriate to volunteer the same condition for dogs as the public will, most likely, be allowed dogs in the esplanade reserve.

With regard to the manager's residence he stated that it could potentially be sold off separately but that it is not the intention of the applicant to do so. He said that it is imperative that the manager has the opportunity of owning his or her own home close to the resort.

7. PRINCIPAL ISSUES AND MAIN FINDINGS OF FACT

The principal issues that were in contention and the Committee's findings of fact are:

a) What is the appropriate status of the proposal?

A range of opinions were expressed during the hearing as to the status of the proposal. Generally, the Committee accepts the concept of "bundling" as an appropriate method of dealing with multiple consents. It would be a nonsense for, hypothetically, a development which has a discretionary status to be declined and, as part of the same decision, a consequential stormwater discharge consent which is a controlled activity to be granted. However, it does not seem reasonable that the core activity of an application, in this case the resort itself, be elevated to a more restrictive status because of a consent that is not directly consequential. In this case it is appropriate that all elements of the proposal that are directly linked to the resort be elevated to the status of the resort subdivision (discretionary) and that the one activity that is non-complying (the disturbance of the coastal marine area) be considered as such.

b) What is the likely impact of flooding events? What is an appropriate level of filling to sufficiently avoid or mitigate the risk of future inundation? Are there other steps that could reasonably be taken?

It is accepted that the magnitude of sea level rise through to 2100 (which is a long-term but reasonable planning window for the proposed development) is largely unknown. The Committee accepts Mr Verstappen's evidence that latest information to hand shows sea level to be tracking closer to the worst case IPCC predictions. Storm frequencies in the future and the behaviour of storm surges in shallow estuarine environments are also largely unknown as agreed by experts in the hearing.

As a relevant other matter under Section 104(1)(c) the Committee has considered the minimum building platform levels that are currently proposed for the Richmond West Development Area of 4.6 metres amsl. This minimum level has been arrived at through extensive consideration and as part of a public plan change process. Although final decisions have not yet been made it is unlikely that this value will change, and if it does change it is unlikely that it will be by much.

Based on the evidence presented it is considered that the applicant's proposed building platform level of 3.9 metres amsl is too low for this vulnerable location in the middle of an estuary. The development must be future-proofed to an appropriate level of risk.

In the hearing Mr Goss stated that if future sea level and/or high-water events eventuated then reactive measures could be implemented at the time. Mr Verstappen stated that he would need to see evidence of what these reactive measures would be and that they could, in fact, be implemented. Mr McFadden in his Right of Reply identified that a bund around the site which would protect the development to a height of 4.5 metres amsl could be provided for. The Committee is not satisfied that this measure provides sufficient protection given both the vulnerabilities of the site and the uncertainties of the future as discussed above. The Committee considers that it is more appropriate that a conservative but reasonable ground level for the buildings be set, meaning that space for the reactive measures identified by Mr Goss and Mr McFadden are still available for implementation in the future should the need arise.

c) To what extent are the landscape values and amenity adversely or positively affected by the development?

At the proposed ground level of 3.9 metres amsl the Committee considers that the facility fits well into the landscape and the preliminary landscaping and vegetative screening proposed will screen the resort effectively.

The Committee has carefully examined the plans, diagrams and profiles provided as evidence, and agrees that the visual effects will certainly be greater as the level of the resort is raised. However, the visual screening provided by planting will still be effective as the level of the planting can also be raised. Similarly the low visibility of the site from other viewing points means that the adverse effects of a higher level to the development will be acceptable.

d) To what extent are there positive effects arising from the proposed development?

The restoration of the estuary margin and particularly the removal and restoration of the access road will have significant benefits to the character, amenity and ecological values of this area of the estuary. One submitter has stated that this restoration could be done as of right and not necessarily as part of this (or any other) development while this may be correct it is a reality that benefits such as this are often gained from developments where there is a vested interest and funds are available to enable to work to happen.

Public access to the estuary edge is also provided for and although this may not be ideal from a bird habitat point of view, as pointed out by some submitters, public access to and along the coastal margin is a matter of national importance under Section 6(d) of the Act. Ms Campbell suggested that the enhanced esplanade reserve area will become a private enclave for residents and guests of the resort. It is considered unlikely that this will occur, particularly if, in time, linkages well beyond the immediate area around the resort are developed. The enhancement of the reserve and the provision of public access is a significant positive effect in this location.

Mr Cook and the Forest and Bird Protection Society both suggested that this development and the associated increase in people accessing the coastal margin would have an adverse effect on shy coastal birds. However no evidence was provided to show that the birds in question are in fact present at this location. The Society, in particular, identified the importance of the Waimea Estuary for indigenous flora and fauna. However, again there was no evidence provided showing that the development would actually have any adverse effect on those values. Therefore, some primacy must be given to the fact that the vegetation of the coastal margin will be improved and that this at least provides an opportunity for estuarine bird species to repopulate this area if the habitat is suitable. However, the Committee is concerned about the potential for a concentration of cats being kept by the owners of the units. The maintenance and improvement of bird populations is an important consideration in this decision given its proximity to the estuary.

e) What is the appropriate speed environment and road width for the road to be vested?

The Committee is satisfied that a 30 kilometre per hour speed environment, and a corresponding road width, is appropriate. However, given the straightness of the road, it is appropriate that traffic calming measures be put in place to ensure that the low speed environment is maintained.

f) To what extent are the objectives and policies for the Recreational Zone relevant compared to the Urban Zone rules?

The Committee is satisfied that activities must be addressed on their merits and that the TRMP is not structured such that the provisions of certain chapters apply exclusively to corresponding zones. (For example, there is a chapter on Urban Environment Effects but there is no one Urban Zone.) Therefore any activity must be assessed under all relevant considerations across multiple TRMP chapters. The objectives and policies in Chapter 14 "Reserves and Open Space" relate to the provision of reserves and open space rather than controlling what can and cannot be done in the Recreation Zone. Indeed in the introduction to that Chapter it states that "Some recreational land ... is privately owned and may be valued by the community for open space and amenity reasons. However, these sites may be subject to development pressures and their long-term role as open space is not assured." Mr Morris and Mr McFadden are correct when they say that under the Act, being enabling and effects-based legislation, the proposal is discretionary and must be assessed upon its merits. There is no veto of the proposal because it is in the recreation zone.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

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

The proposed activity contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Sections 105 and 107 of the Act.

8.2 Part 2 Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

9. DECISION

Pursuant to Section 104B of the Act, the Committee **GRANTS** consent subject to conditions.

10. REASONS FOR THE DECISION

Effects on the Environment

As Mr Milne stated the site can be regarded as having a medium level of natural character. With the exotic trees and park-like grassy areas the site is far from being in its natural state. However, the estuary setting is certainly closer to having a high natural character. The Committee considers that the proposed development will not detract from the existing natural character and in many ways, particularly the native planting around the development and the restoration of the adjoining part of the estuary, will add to the natural character of the area.

There are also a range of positive effects that are likely to occur, in particular the improvement of estuary habitat and the facilitation of the public access to the esplanade reserve. The creation of good quality walkways and board walks as well as the vesting of part of the road past the site and the creation of a small parking area will aid this accessibility.

However, the Committee is of the opinion that the anticipated improvement to the estuary habitat will only result in improved bird life if cats are excluded from the development. While no expert evidence was presented on this matter it is clear that a population of cats living in close proximity to the estuary with its high habitat importance is unacceptable as they will no doubt decimate the chicks of birds nesting on the ground around the estuary margins. The consent notice required as a condition of consent is an important measure and any application at a later date for removal of the consent notice should not be entertained.

The vulnerability of the site to the coastal hazard and the uncertainty of storm events and sea level rise can be overcome by requiring a minimum finished ground level of 4.6 metres amsl. This value is appropriately conservative and is consistent with the limit set out in other planning environments for a nearby location (namely the Richmond West Development Area).

The Committee understands Mr Verstappen's concern that the site is closer to the outlet of the Waimea River and that this proximity warrants the addition of another 28 centimetres to the height of the floor levels of the buildings. However, the Committee considers that given the already reasonably conservative level of 4.6 metres used for the RWDA this consideration becomes too circumstantial. While

there are likely to be minor variations in vulnerability in different locations along the coast and in the estuary the Committee considers that these are likely to be within the very substantial “error bands” of estimations of future flood levels.

Furthermore, setting the finished ground level requires a trade-off between security from future high sea levels and a minimisation of the adverse landscape impacts of raising the buildings higher. It is considered that 4.6 metres amsl is an appropriate level that achieves this balance.

In considering the remaining risk, the Committee also notes the comments in the recent Environment Court decision *Waterfront Watch Inc v Wellington Regional Council* (EC W043/09) in which the Court stated that:

“the Act does not require the elimination of all risk, and it is self-evident that those who choose to live in a location such as this [immediately adjacent to the coast] must assume a higher level of risk of harm from [hazards] than those who choose to live [further from the coast]”

In this case the Committee judges the degree and nature of the risk of harm to be acceptable.

The Committee understands that the higher level of filling may create greater short term adverse effects on landscape and also on the ability to control sediment. It will be very important that sediment control measures be rigorously applied and enforced. The intended long-term provision of wetland-style stormwater flow paths will facilitate this sediment control.

The applicant (and the Greenacres Golf Club) has expressed their intention of using surplus stormwater from the development as irrigation water for the golf course. It is understood that an easement and a level-controlled pumping system will be established to allow surplus stormwater to be drawn off the top of the proposed pond. Currently there is no proposal as to how this stormwater will be stored by the golf course except in the aquifers that they currently draw water from. The Committee is not satisfied that this will necessarily be effective as the transmissivity of the substrate is likely to be high and any water poured into water supply bores or unsealed surface ponds may not necessarily be available when irrigation water is next needed. Storage capabilities on the golf course would be needed to make any stormwater capture effective. As there is no guarantee that storage and reuse will occur, the offsite irrigation benefit is not a positive effect that the Committee can consider as part of this decision.

Objectives and Policies of the TRMP

The Committee largely agrees with Mr Morris’s assessment of the relevant objectives and policies:

<i>Chapter 5 – Site Amenity Effects</i>	The Council must ensure that the character and amenity values of a site and the surrounding environment are protected, and any actual or potential adverse effects of the proposed land use must be avoided, remedied or mitigated so they are minor.
<i>Objectives 5.1.2, 5.2.2,</i>	Management of the effects of the proposed use must

<p>5.3.2 and 5.4.2</p> <p><i>Policies:</i> 5.1.3.1, 5.1.3.2, 5.1.3.4, 5.1.3.5, 5.1.3.8, 5.1.3.9, 5.1.3.11, 5.1.3.12, 5.1.3.13, 5.2.3.1, 5.2.3.3, 5.2.3.4, 5.2.3.6, 5.2.3.7, 5.2.3.8, 5.2.3.13, 5.3.3.1, 5.3.3.3, 5.3.3.4, 5.3.3.5 and 5.4.3.1</p>	<p>protect the use and enjoyment of other land in the area, including how such a complex can be integrated into a community and retain the amenity of the area. The effects of a land use can have the potential to add or detract from the use or enjoyment of other properties in an area. The density of development can influence the degree of some effects and the expectations of the amenity in an area such as Best island can be quite different from that in a larger urban environment such as Motueka or Richmond.</p>
<p><i>Chapter 6 – Urban Environment Effects</i></p>	<p>While the site is not zoned residential, the density of the development has potential to create affects that are associated with an urban environment, rather than a rural environment.</p>
<p><i>Objectives:</i> 6.2.2, 6.3.2 and 6.4.2</p> <p><i>Policies</i> 6.2.3.4, 6.3.3.1, 6.3.3.2, 6.4.3.1, and 6.4.3.3</p>	<p>The provision of servicing infrastructure for development of an urban type development is a necessary component to ensure there is the ability to address issues of water supply, roading/traffic flows, wastewater and stormwater. In areas where these do not exist there is some potential for adverse effects to be created.</p> <p>These provisions also relate to appropriate intensification of urban environments and generally guide development away from flood prone areas and coastal ribbon type development.</p> <p>Specific policies for Best Island are set out in 6.19.3 but are not relevant to this proposal.</p>
<p><i>Chapter 8 – Margins of the coast</i></p>	<p>The Waimea Inlet is a particularly valuable asset that needs to be protected from inappropriate use and development. The use and enjoyment of these coastal margins is a matter of national importance under the Act so these objectives and policies are very relevant and should be weighed accordingly.</p>
<p><i>Objectives</i> 8.1.2 and 8.2.2</p> <p><i>Policies</i> 8.1.3.1, 8.1.3.4, 8.1.3.5, 8.2.3.1, 8.2.3.4, 8.2.3.5, 8.2.3.6, 8.2.3.7, 8.2.3.8, 8.2.3.11, 8.2.3.12, 8.2.3.16, 8.2.3.17 and 8.2.3.18</p>	<p>Objective 8.1.2 seeks public access to the coastal margin. The provision of access along the coastal margin can be obtained through the subdivision process and the land is usually vested in Council and managed via a reserves management plan.</p> <p>Objective 8.2.2 and associated policies are to protect and enhance the amenity of the coast. It is considered that this is achieved by the planned remediation and enhancement of the reserve area.</p>

<i>Chapter 9 – Landscape Effects</i>	The protection of the landscape and natural features, particularly in rural areas and along the coast, is very important for the District as it is those values that contribute to its uniqueness and diversity.
<i>Objective 9.1.2</i> <i>Policies 9.1.3.3, 9.1.3.4, and 9.1.3.7</i>	The Waimea Inlet landscape is an important regional feature, particularly recognising the openness and amenity values it has. The use and development of land in the District should not compromise that value and where appropriate, mitigation measures can be used to help protect and manage those landscape values.
<i>Chapter 11 – Land Transport Effects</i>	The provision of a safe and efficient transport system is an important matter in assessing the effects of the proposed development.
<i>Objective 11.1.2</i> <i>Policies 11.1.3.1, 11.1.3.2, 11.1.3.3, 11.1.3.4, 11.1.3.6 and 11.1.3.7</i>	The District's transport system should be appropriate for the use it receives and to provide a safe and efficient means of accessing the various parts of the District. An increase in traffic movements can be expected from the additional development that is proposed and there can be some effect on the Districts roading infrastructure.
<i>Chapter 13 – Natural Hazards</i>	The coastal margin of the District is subject to natural coastal processes and there is an identified hazard from coastal inundation at this site. This risk can be aggravated by natural coastal processes such as sea level rise.
<i>Objective 13.1.2</i> <i>Policies 13.1.3.1, 13.1.3.2, 13.1.3.4 and 13.1.3.7</i>	The risk associated with development on the coastal margin needs to be assessed and measures adopted to avoid or mitigate any such risk. Coastal protection can be considered as a mitigation measure but this also has the potential to produce adverse effects beyond the actual area that is protected. Coastal inundation during rare events is the largest natural hazard threat to the site. Such effects need to avoided or mitigated.
<i>Chapter 14 – Reserves and Open Spaces</i>	Reserves and open space provide for amenity values, recreational interests and protection of coastal landscapes. Such an area provides a buffer between built development and the coast and is an important mitigation measure with a development of this scale and intensity.
<i>Objectives 14.1.2, 14.2.2 and 14.4.2</i> <i>Policies 14.1.3.2, 14.1.3.4, 14.1.3.7, 14.2.3.1, 14.4.3.1, 14.4.3.2 and 14.4.3.3</i>	Esplanade reserves provide a linkage along the margin of the coast for general public access and also contribute to the openness and amenity of an area.
<i>Chapter 21 – Effects of</i>	The coastal marine area (CMA) holds a very important

<i>Disturbance ... and Occupation on Coastal Marine Area</i>	place in the planning framework. Disturbance and occupation of the CMA must be carefully examined.
<i>Objective 21.1.0, 21.2.0, 21.7.0</i> <i>Policies 21.1.1, 21.1.3, 21.1.4, 21.2.3, 21.2.17, 21.7.1</i>	The TRMP has a strong policy framework of maintaining natural character and minimising impacts of disturbance and structures. In this case, the disturbance will be short lived and have minimal impacts. The remediation and enhancement of the foreshore will have positive effects.
<i>Chapter 33 – Discharges to Land</i>	
<i>Objective 33.4.0</i> <i>Policies 33.4.2, 33.4.2A, 33.4.2B, 33.4.2C and 33.4.4</i>	Wastewater is to be controlled in a way that avoids adverse effects of inappropriate discharges. Policies seek that an appropriate level of treatment is achieved and that systems are adequately maintained.
<i>Chapter 35 – Discharges to CMA</i>	The stormwater from the site is proposed to be discharged into the CMA.
<i>Objective 35.1.0</i> <i>Policies 35.1.2, 35.1.4A, 35.1.5, 35.1.8</i>	A substantial stormwater delay and detention system is proposed along with likely future takes for storage and irrigation onto golf course land. Policies 35.1.4A and 35.1.8 seek that new point-source discharges to the CMA are discouraged. However, in this case the discharge should be of a high standard with very low contaminant levels.

The objectives and policies that relate to site amenity and the coastal environment area are particularly relevant to this application. In particular Objectives 5.1.2 and 5.2.2, supported by Policies 5.1.3.1, 5.1.3.4 and 5.1.3.12 seek to protect the amenity of the area and to control built development. Equally Objective 8.2.2 supported by Policies 8.2.3.4 and 8.2.3.7 (both not operative as yet) and Policies 8.2.3.6 and 8.2.3.16 provide guidance as to the management, use and development of land on the coastal margins of the District to ensure that natural character is retained.

The proposal is not consistent with Policy 6.2.3.4 (avoid extending development onto natural flood plains) and arguably is not consistent with Policy 6.4.3.1 (avoid the creation of new settlements on the coast). However, the issues of inundation underlying the former have been addressed through minimum floor levels. The latter policy is addressed through the relatively low visibility of the site from other vantage points and the screening proposed.

Overall, it is considered that this particular development, which is centred around an existing recreational and tourism facility and has been designed to blend in with the existing coastal environment, is not considered to be contrary to the policies and objectives of the TRMP.

New Zealand Coastal Policy Statement

Much of the policies of the NZCPS have been carried through into the policies and objectives of the District Plan, in particular those in Chapter 8 - Margins of the Coast and Chapter 13- Natural hazards.

The Committee considers that the proposal is not contrary to Policies 1.1.1 through to 1.1.4 and the restoration and enhancement of the estuary margin gives effect to Policy 1.1.5.

Policy 1.1.1(a) was given some attention at the hearing. It is considered that the existing level of development of the site and the medium level of natural character remaining means that this development is not contrary to this policy.

Other Matters

There is little in the way of a relevant permitted baseline in this case. As Mr Morris stated, large buildings up to 10 metres high and with a building coverage of up to 20 percent could be constructed but only with a setback of 200 metres from the coast. These buildings would be limited to recreational use. While such a scenario is significantly different from the current proposal it suggests that from a landscape character and visual amenity point of view there are significant structures that can be built on recreation zone land.

Section 104D of the Act

A resource consent with a non-complying status cannot be granted unless either the adverse effects of the activity on the environment are minor, or the activity is not contrary to the objectives and policies of the TRMP.

As explained in Section 7(a) above, the only activity that the Committee considers relevant to be assessed as a non-complying activity is the disturbance of the coastal marine area.

From the evidence presented the Committee is satisfied that the effects of the opening of the lagoon will be minor and will, after recovery and remediation, have positive effects on public access and ecological habitat. The new section of boardwalk that is in the CMA will be small and will not adversely affect the natural character of the estuary once the remediated vegetation becomes established.

The objectives and policies contained in Chapter 21 of the TRMP, with regard to disturbance, centre around maintaining the natural character and ecological values of the CMA. The Committee is satisfied that the proposal will not be inconsistent with these.

Therefore, the Committee considers that both of the Section 104D “gateways” are passed and the proposal can therefore be considered under Section 104B.

Purpose and Principles of the Act

The Committee is satisfied that the proposal will preserve the existing natural character of the coastal environment as required by Section 6(a). The existing natural character is only moderate and the proposal may, in fact, improve the natural character by providing an enhanced estuary margin and more native vegetation behind the road.

The proposal will protect the estuary which, in the absence of specialised ecological evidence, can conservatively be considered a significant habitat of indigenous fauna (Section 6(c)).

The proposal will also give effect to Section 6(d) which seeks the enhancement of public access to and along the CMA.

The proposal is also consistent with Section 7 and is not inconsistent with Section 8 of the Act.

Adopting a broad overall judgement approach to the purpose of the Act, the Committee is satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

11. COMMENTARY ON CONDITIONS OF CONSENT

A building height of 4.6 metres amsl has been required for the buildings. The reasons for adopting this level have been discussed in the findings of fact and the reasons for the decision above.

Similarly, a condition and consent notice disallow the keeping of cats in the resort and in the private residence on Lot 3. Again, the reasons for these conditions have been discussed in the findings of fact and the reasons for the decision above.

12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

Section 125(2) of the Act makes particular provision for the lapsing of subdivision consents. In the case of the subdivision consent (RM080097), this consent is given effect to when a Survey Plan is submitted to the Council for the subdivision under Section 223 of the Act. Once the Survey Plan has been approved by the Council under Section 223 of the Act, the consent lapses three years thereafter unless it has been deposited with the District Land Registrar as outlined in Section 224 of the Act.

Land Use Consent, (RM080880) for the units in the resort development will lapse five years after the issue of each of the certificates of title for Lots 2 and 3. This is a pragmatic approach to ensure that delays with the subdivision do not compromise the effective 'life' of the land use consent for the dwellings to be erected on the titles created by the subdivision.

13. EXPIRY OF CONSENT(S)

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided.

An exception is made for Land Use consent RM080890 which is for earthworks. This consent will expire after the Section 224 approval has been issued for the subdivision.

Discharge permit RM080891 to discharge stormwater expires in 35 years from the date of granting which is the maximum provided for in the Act for such consents and is considered appropriate as the activity is unlikely to change significantly once the development has been completed.

Discharge permit RM080889 to discharge wastewater expires in 20 years from the date of granting. This is a standard term provided by the Council for such discharge permits as the risk of adverse effects associated with a substantial wastewater discharge are higher.

Coastal permit RM080892 to disturb the coastal marine area expires 12 months after the consent is given effect to (i.e. when the work is started). Coastal permit RM080915 to occupy the coastal marine area expires in 35 years from the date of granting.

Consents that have a set duration have the relevant date of expiry recorded on each consent.

Issued this 27th day of August 2009

A handwritten signature in black ink, appearing to read 'Noel Riley', enclosed within a faint rectangular border.

Cr Noel Riley
Chair of Hearings Committee

RESOURCE CONSENT

RESOURCE CONSENT NUMBERS AND ACTIVITIES:

- RM080097 To undertake a subdivision to create the following:
- Lot 1 of 51.88 hectares, being the area containing the existing Greenacres Golf Course;
 - Lot 2 of 2.07 hectares, to be subdivided into 33 unit titles plus auxiliary unit areas, and a common area for vehicle access, administration and open areas;
 - Lot 3 of 5,940 square metres to contain the manager's residence;
 - Lots 4, 5 and 6 of 1.98 hectares, 520 square metres and 2,275 square metres, respectively, to vest as Esplanade Reserve; and
 - Lot 7 to vest in the Crown as Seabed.
- RM080880 To erect 31 single-storeyed units within Lot 2 for residential and commercial accommodation, and to erect a dwelling on Lot 3 for the use of the manager of the units on Lot 2.
- RM080890 To undertake earthworks as part of the activities authorised by RM080097 and RM080880 and, in particular, for forming the raised building platforms and stormwater system.
- RM080891 To discharge stormwater to the coastal marine area.
- RM080889 To discharge secondary treated domestic wastewater on to proposed Lot1, by way of subsurface pressure-compensating irrigation lines.
- RM080892 To disturb the coastal marine area to modify the shoreline of Best Island to form an intertidal inlet and undertake landscaping within the coastal marine area.
- RM080915 To occupy the coastal marine area with the placement of a timber boardwalk.

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

Camden Properties Limited
(hereinafter referred to as "the Consent Holder")

LOCATION DETAILS:

Address of property: 2 and 4 Bartlett Avenue
Legal description: Lots 1 and 2 DP 8350 and Pt Lot 1 DP 1667
Certificate of title: NL4A/138 and NL4A/139
Valuation number: 1938089700, 1938089800 and 1938089600
Easting and Northing: 2522619E 5990519N

Pursuant to Section 108 of the Act, these consents are issued subject to the following conditions:

CONDITIONS

Conditions applying to RM080097 (Subdivision consent)

Stage 1 Conditions

- 1.1 The subdivision shall be in accordance with the Staig and Smith Ltd Plans both titled; "Lots 1-7 being Proposed Subdivision of Lot 1 and 2 DP 402243 and Lot 1 DP 8350" dated 3 February 2009 (shown as Plan A and Plan B attached to this consent) except for the following amendments:
 - (i) Lots 5 and 6 shall vest as esplanade reserve
 - (ii) The proposed right-of-way A shall be replaced by road to vest, with a road reserve width of at least 14 metres as shown on the Peter Rough Landscape Architects Limited Master Plan, Sheet 7 dated July 2009 and attached to this consent as Plan D.

Easements

- 2.1 Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.
- 2.2 The Memorandum of Easement shall include easements to discharge wastewater and stormwater as set out in the Staig and Smith Plan dated 3/2/2009 attached to this consent as Plan B. The Memorandum of Easement shall also include easements to allow the Greenacres Golf Course to take excess stormwater from the stormwater pond on Lot 2.

Esplanade reserves

- 3.1 A 20 metre wide extension to the existing esplanade reserve shall be set aside from Mean High Water Springs (MHWS) as shown on the plan submitted with the application, in accordance with section 230(3) of the Act. The position of MHWS shall be formally established, and agreed by the Council's Consents Manager, prior to approval of the survey plan under section 223 of the Act.
- 3.2 The esplanade reserves (Lots 4-6) shall be finished in accordance with Section 12.2 of the Council's Engineering Standards and Policies 2008.

Existing Buildings and Structures

- 4.1 Any existing buildings and structures that are contained within the esplanade reserve required under Condition 3.1, or straddling the boundary of the reserve, shall be removed prior to the vesting of the reserve, unless they are allowed to remain by the Council's Reserves Manager.

Landscaping

- 5.1 Prior to any landscaping work commencing, an amended landscape plan jointly written by an appropriately qualified and experienced ecologist who is experienced in estuary ecology and restoration and an appropriately qualified and experienced landscape architect shall be provided to Council's Reserves Manager for approval. The plan shall specify the landscaping proposed for the Esplanade reserve and the landscaping required for each of the unit title stage and shall be in general accordance with the Peter Rough Landscape Architects Limited Master Plan, Sheet 7 dated July 2009 and attached to this consent as Plan D and the Amended specifications shown in Plan E drawn by Stephen Richards and dated 7 July 2009 (attached).

The plan shall achieve the following outcomes:

- i) The plan shall take into account the required finished ground level and avoid or mitigate the effects of the buildings when viewed from the coast as far as is practicable;
 - ii) The plan shall, as far as is practicable, provide for the botanically and ecologically correct zonation of estuary and estuary margin plants as would naturally be found in this location of the Waimea Estuary;
 - iii) provide appropriate habitat for any rare or endangered birds that are or may be present in the Estuary;
 - iv) provide upper estuarine and terrestrial plant species that provide food or habitat for native bird species;
 - v) effective public access in a way that will not conflict with bird and plant habitat restoration;
 - vi) excavation and restoration of vegetation on the access road such that the vegetation survives in good health and is visually seamless with the restored vegetation either side of the road;
 - vii) Provide an appropriately sized and constructed entranceway to the lagoon with any necessary scour protection surfacing; and
 - (viii) Maintenance or enhancement of the existing natural character of the estuary.
- 5.2 The landscaping plan shall include: the position of mean high water springs following restoration, species planting plans, proposed soil cover preparation, fertilization, mulching and future maintenance and plant replacement.

- 5.3 The landscaping shall include a 2 metre wide landscaping screening strip for a distance of 170 metres along the Bells Island access road, with a 5 metre corner snipe at the intersection with the road to vest to maintain visibility.
- 5.4 The landscaping for the esplanade reserves and road frontage shall be fully completed in accordance with the staging proposed and approved by the Council Reserves Manager, prior to the signing of the section 224 certificate for Stage 1. Any plantings within the road reserve shall be subject to the approval of Council's Engineering Manager.
- 5.5 The consent holder shall be required to maintain the landscape plantings for a period of two years following the issue of the Section 224 certificate. A \$10,000 bond shall be taken prior to the issue of the Section 224 certificate to cover this period. The form of the bond is to be in a form similar to the draft bond attached as Annexure 1, and approved by the Council's Solicitors. The consent holder is to pay the Council's costs on approval and execution of the bond.

Road to Vest

- 6.1 The road reserve along the frontage of Lots 2 and 3 shall have a minimum width of 14 metres. The road reserve shall extend to the Golf Course (Lot 1) boundary.
- 6.2 The applicant shall provide written confirmation from a Chartered Professional Engineer, that the road formation and its foundation, within the proposed road reserve, with the exception of those exemptions below meets the type 14 access place standard in accordance with Council's Engineering Standards 2008. Resealing and additional foundation work may be required to achieve this.
- 6.3 The road formation is required to provide speed calming measures to ensure that a 30 kilometre per hour speed environment is maintained.
- 6.4 The proposed road formation is not required to provide:
- a) a footpath;
 - b) two grassed swales and batters;
 - c) street lighting; or
 - d) subsoils under grassed swale kerb and channel.
- 6.5 A license to occupy, shall be required from Council's Engineering Department for any structures that are within the road reserve.

Building Platforms

- 7.1 That prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for Stage 1, raised earth platforms, shall be provided with a ground height of 4.6 metres amsl for each of the building sites.

Access

- 8.1 A sealed vehicle crossing shall be formed to service Lots 2 and 3 in accordance with Council Engineering Standards and Policies 2008, or to the satisfaction of the Council's Engineering Manager.

- 8.2 The existing access road to the Bells Island sewage treatment plant, along the eastern boundary shall be sealed for the first 170 metres from the intersection with Barnett Ave. This shall involve installing a 150 millimetre compacted depth of AP40 base course and a two coat Grade 3 and 5 chip seal surface to a width of 4 metres.

Engineering Certification

- 9.1 At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that all works have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.
- 9.2 Certification from a Chartered Professional Engineer or Geotechnical Engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that Lots 2 and 3 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on Lots 2 and 3 the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of a consent notice pursuant to Section 221 of the Act prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

- 9.3 Where fill material is, as part of developing this subdivision, placed on any part of Lots 2 or 3, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.

Consent Notices

- 10.1 The following consent notices shall be registered on the certificate of title for Lot 3 pursuant to Section 221 of the Act. The consent notices shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notices shall be paid by the Consent Holder. Consent notices in accordance with this condition shall be placed on the allotments as they are created.
- a) The use of any dwelling on Lot 3 DP ... is limited to the formally appointed Manager of the unit title development on Lot 2 DP ... and his or her family.
 - b) There shall be no further subdivision of Lot 3 DP ... unless:
 - i) the subdivision is a boundary adjustment where no additional titles are created;
 - ii) the Tasman Resource Management Plan (or subsequent relevant planning document) changes such that the proposed subdivision is either a permitted or controlled activity; or

- iii) the subdivision is for the sole purpose of creating a separate title for a network utility to be used by a network utility operator (as defined in Section 166 of the Resource Management Act 1991).

For the purposes of this consent notice "subdivision" has the same meaning as that set out in Section 218 of the Resource Management Act 1991.

- c) No cats may be kept or housed by any of the owners, occupiers, guests or users of the dwelling on Lot 3 DP.... This notice is to protect the recovery of bird life in the estuary that is adjacent to the resort complex.

10.2 The following consent notice shall be registered on the each of the certificates of title for the unit titles on Lot 2 pursuant to Section 221 of the Act. The consent notice shall be prepared by the Consent Holder's solicitor and submitted to Council for approval and signing. All costs associated with approval and registration of the consent notice shall be paid by the Consent Holder. Consent notices in accordance with this condition shall be placed on the allotments as they are created.

- a) No cats may be kept or housed by any of the owners, occupiers, guests or users of any of the unit titles in the resort complex. This notice is to protect the recovery of bird life in the estuary that is adjacent to the resort complex.

Financial Contributions (Stage 1)

11.1 The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

- a) the amount of the contribution shall be 5.5 per cent of the total market value (at the date of the consent decision) of a 2500 square metre notional building site within Lot 3 ;
- b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
- c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

It is not intended that a credit on the reserves contribution be given for the esplanade reserve to be vested.

Advice Note:

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in

accordance with Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on one allotment in respect of roading and water

Stages 2-4 (Unit Titles)

General Accordance

12.1 The proposal shall be in accordance with the Staig and Smith Ltd Plan titled; "Proposed Unit Title Subdivision of Lots 2 and 3", and dated 12 February 2009 (shown as Plan C attached to this consent) or as amended by the following conditions of consent.

Staging (Unit Titles)

13.1 The following stages are approved:

Stage 2: Units 6-14

Stage 3: Units 1-5, 15-20, 32 and 33

Stage 4: Units 21-31

Effluent Disposal

14.1 All works required under Resource Consent RM080889 (discharge permit), shall be fully completed, prior to the issuing of the Section 224 certificate for any of the unit titles.

14.2 Full sewer reticulation complete with any necessary manholes and a connection to the building site of each lot shall be provided with a connection to the approved treatment and discharge system required under Resource Consent RM080889 (discharge permit).

Telephone, Power and Services

15.1 Full servicing for underground power and telephone cables shall be provided to the unit titles. In addition, conduits for the future installation of fibre-optic cables shall be installed in such a way as to enable the easy pulling of such cables at a later date.

The Consent Holder shall provide written confirmation to the Council's Engineering Manager from the relevant utility provider that live power and telephone connections and fibre-optic conduits have been made to the unit titles. The written confirmation shall be provided prior to a completion certificate being issued pursuant to Section 224(c) of the Act.

Stormwater

16.1 Stormwater shall be managed in accordance with the requirements of RM080891.

Water Supply

17.1 A firefighting water supply shall be provided for each unit title stage in accordance with NZS PAS 4509:2003.

17.2 As-built plans and a water supply producer statement from a chartered professional engineer confirming that the unit titles within each stage comply with NZS PAS 4509:2003 – NZFS Firefighting Water Supplies Code of Practice shall be provided to the Council's Environment & Planning Manager prior to Section 224 approval for each stage.

Access and Carparking

18.1 All access and carparking areas shall be surfaced in chip seal, cobble, chip or concrete in accordance with Council's Engineering Standards or a surface approved by Council's Engineering Manager.

18.2 Each of the residential units shall be provide with at least two sealed car parks per unit.

Commencement of Works and Inspection

19.1 No works shall begin on-site until the Engineering Plans have been approved pursuant to Condition 20.1.

19.2 The Council's Engineering Department shall be contacted at least five working days prior to the commencement of any engineering works. In addition, five working days notice shall be given to the Council's Engineering Department when soil density testing, pressure testing, beam testing or any other major testing is undertaken.

Advice Note

Prior to the commencement of work the Consent Holder and its representatives may be invited to meeting with Council staff to discuss the work to be undertaken including (but not limited to) roles and responsibilities, timing of the works and reporting.

Engineering Plans

20.1 Engineering Plans detailing the following works and services shall be submitted to the Council's Engineering Manager and approved prior to the commencement of any works on the subdivision. All Plans shall be in accordance with either the Council's Engineering Standards and Policies 2008 or else to the satisfaction of the Council's Engineering Manager. The Plans shall include (but not necessarily be limited to) the following works:

Engineering works

Cutting and filling

Earthworks and sediment control

Roading including traffic calming

Street lighting

Vehicle crossings
Water supply
Sewer works
Stormwater works
Electricity, telephone and fibre-optic conduits
Pedestrian walkways

20.2 All works shall be done in accordance with the approved Engineering Plans.

20.3 As-built plans detailing completed access works and all stormwater and sewage reticulation shall be provided for each stage of the development, for approval by Council's Engineering Manager. The as-built plans shall be in accordance with Council's Engineering Standards 2008.

Engineering Certification

21.1 At the completion of works, a suitably experienced chartered professional engineer or registered professional surveyor shall provide the Council's Engineering Manager with written certification that all works have been constructed in accordance with the approved Engineering Plans and the conditions of this consent.

21.2 Certification from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly land slope and foundation stability) that Lots 2 and 3 are suitable for the erection of residential buildings shall be submitted to the Council's Engineering Manager. The certificate shall define on Lots 2 and 3 the area suitable for the erection of residential buildings and shall be in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering.

Any limitations identified in Schedule 2A may, at the discretion of the Council, be the subject of a consent notice pursuant to Section 221 of the Act prior to the issue of the Section 224(c) certificate. This consent notice shall be prepared by the Consent Holder's solicitor at the Consent Holder's expense and shall be complied with by the Consent Holder and subsequent owners on an ongoing basis.

21.3 Where fill material is, as part of developing this subdivision, placed on any part of Lots 2 or 3, a suitably experienced chartered professional engineer shall certify that the filling has been placed and compacted in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. The certification shall, as a minimum, be in accordance with Appendix A of that standard.

Completion of Building Work for each Unit Title

22.1 The Section 224 certificate and Section 5 (1) (g) certificate under the Unit Titles Act shall not be signed off until the Code Compliance Certificate has been issued for the respective apartments.

Landscaping

23.1 The landscaping for each of the unit title stages, required under condition 6 of this consent shall be fully completed to the satisfaction of the Council's Reserves Manager.

Earthworks

24.1 All earthworks that may be required as part of this consent shall comply with the requirements and conditions of consent of RM080890.

Financial Contributions (Unit Titles)

25.1 The Consent Holder shall pay a financial contribution for reserves and community services in accordance with following:

- a) the amount of the contribution for each unit title shall be 5.5 per cent of the total market value (at the date of the consent decision) of the land area of each the unit title(including the accessory parking unit) plus 1/30 of the value of the remaining common area ;
- b) the Consent Holder shall request in writing to the Council's Consent Administration Officer (Subdivision) that the valuation be undertaken. Upon receipt of the written request the valuation shall be undertaken by the Council's valuation provider at the Council's cost;
- c) if payment of the financial contribution is not made within two years of the granting of the resource consent, a new valuation shall be obtained in accordance with (b) above, with the exception that the cost of the new valuation shall be paid by the Consent Holder, and the 5.5 per cent contribution shall be recalculated on the current market valuation. Payment shall be made within two years of any new valuation.

Advice Note:

A copy of the valuation together with an assessment of the financial contribution will be provided by the Council to the Consent Holder.

It is not intended that a credit on the reserves contribution be given for the esplanade reserve to be vested.

Advice Note:

Council will not issue a completion certificate pursuant to Section 224(c) of the Act in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid in full.

This consent will attract a development contribution on each of the unit titles created in respect of roading and water.

Conditions applying to RM080880 (Land use Consent)

26.1 All buildings shall be constructed in accordance with the plans supplied with the application RM080880 and attached as Plan H.

- 26.2 Units 1-30 shall have maximum height of 5.5 metres measured from the minimum ground level required under the subdivision consent RM080097.
- 26.3 Unit 31 shall have a maximum height of 4.4 metres measured from the minimum ground level required under the subdivision consent RM080097.
- 26.4 The administration building (Units 32 and 33) shall have a maximum height of 6.5 metres measured from the minimum ground height required under RM080097.
- 26.5 The dwelling on Lot 3 shall have maximum height of 6.2 metres measured from the minimum ground height required under RM080097.
- 26.6 The exterior cladding of the proposed buildings and walls shall be in either natural wood or stone, or else another recessive colour and material that fits into the surrounding natural coastal environment and is approved by the Council's Resource Consents Manager.
- 26.7 Each residential unit shall be connected to the wastewater disposal system required under RM080889 and for stormwater in accordance with RM080891.
- 26.8 Each residential unit shall be provided with a minimum of two carpark, as proposed in the application.
- 26.9 The use of any dwelling on Lot 3 DP ... is limited to the formally appointed Manager of the unit title development on Lot 2 DP ... and his or her family.
- 26.10 There shall be no further subdivision of Lot 3 DP ... unless:
- a) the subdivision is a boundary adjustment where no additional titles are created;
 - b) the Tasman Resource Management Plan (or subsequent relevant planning document) changes such that the proposed subdivision is either a permitted or controlled activity; or
 - c) the subdivision is for the sole purpose of creating a separate title for a network utility to be used by a network utility operator (as defined in Section 166 of the Act).

For the purposes of this consent notice "subdivision" has the same meaning as that set out in Section 218 of the Act.

- 26.11 No cats may be kept or housed by any of the owners, occupiers, guests or users of the dwelling on Lot 3 or any of the units on Lot 2. This notice is to protect the recovery of bird life in the estuary that is adjacent to the resort complex.
- 26.12 All exterior lighting shall be fixed and no higher than 1 metre above finished ground level, capped, filtered or pointed downwards and screened so as to reduce light spill.

Conditions applying to RM080890 (Land use Consent – Earthworks)

General

27.1 The Consent Holder shall ensure that all works are carried out in general accordance with the information received on 23 December 2008 in support of the application for resource consent RM080890 unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note

The Consent Holder is required, as part of RM080097 to provide filled earth platforms with a ground level of 4.6 metres amsl. This consent authorises that work.

27.2 The Consent Holder shall contact the Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.

27.3 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 the conditions of this consent, and shall ensure compliance with consent conditions.

27.4 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.

27.5 The Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent, who shall be the Council's principal contact person(s) in regard to matters relating to this resource consent. At least 10 days prior to beginning the works authorised by this consent, the Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring of the representative's name and how they can be contacted within the works period. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring and shall also give written notice of the new representative's name and how they can be contacted.

Earthworks Management Plan

28.1 Prior to undertaking any activities authorised by this consent, the Consent Holder shall prepare an Earthworks Management Plan.

28.2 The Earthworks Management Plan required by Condition 28.1 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;
- 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;
- m) staff and contractor training;
- n) traffic management and property access management;
- o) contingency plans (e.g., mechanical failures, oil/fuel spills, flooding, landslips);
- p) public access, community information and liaison procedures;
- q) complaints and reporting procedures;
- s) cultural and archaeological protocols (including discovery protocols);
- t) assessment and monitoring procedures;
- u) methodology and approval procedures for making changes to the Construction, Erosion and Sediment 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: e.g., Auckland Regional Council's Technical publication TP90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

28.3 The Consent Holder shall carry out operations in accordance with the provisions of the approved Earthworks Management Plan.

28.4 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 the Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring, and also by the Council's Reserves Manager as some works are within the Esplanade Reserve.

28.5 Should the Consent Holder cease or abandon work on-site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures 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 Environment & Planning Manager.

28.6 Prior to bulk earthworks commencing, 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 Management Plan 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's Co-ordinator Compliance Monitoring.

Earthworks

29.1 The Consent Holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the coastal marine area.

29.2 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.

- 29.3 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 20 metres of the coastal marine area.
- 29.4 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 the coastal marine area.
- 29.5 The Consent Holder shall notify the Council's Co-ordinator Compliance Monitoring as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within seven days of the incident occurring, provide a written report to the Council, identifying the causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.
- 29.6 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.
- 29.7 All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.
- 29.8 Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.

Stormwater Control

- 30.1 All stockpiled material shall be protected from stormwater by appropriate measures, e.g., bunding.
- 30.2 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.

- 30.3 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.

30.4 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.

30.5 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.

30.6 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.

30.7 All erosion and sediment control measures shall be inspected after any major rainfall event and any problems shall be rectified within 24 hours required.

Revegetation

31.1 All exposed ground shall be revegetated as soon as practical and shall be within six months of completion of the works so that erosion/ 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, e.g., mulching and hydroseeding.

31.2 The Consent Holder may use flocculation or chemical treatment as a sediment control measure. The accumulated sediment removed from the sediment control ponds shall be spread thinly over land in such a manner that it is prevented from entering water bodies.

Advice Note:

The Consent Holder is directed to the Tasman District Council Engineering Standards and Policies 2008, Section 5 for details of possible sediment control measures.

31.3 This consent shall lapse five years after the date that this consent commences unless the consent is either:

- a) given effect to;
- or
- b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Advice Note:

The consent is given effect to once any earthworks commence.

Expiry

32.1 This resource consent expires on the issue of Section 224 approval for RM080097.

Conditions applying to RM080891 (Discharge permit – stormwater)

- 33.1 The discharge of stormwater shall be carried out in accordance with the details contained in the report prepared by W.R. Andrew Limited dated 23 December 2008 submitted with resource consent application, including any further information provided subsequently. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.
- 33.2 Engineering specification plans shall be provided to the Council's Engineering Manager and approved prior to the commencement of works on the stormwater system. The specifications shall be in general accordance with the requirements of Condition 33.1.
- 33.3. Notwithstanding Condition 33.1 the stormwater disposal systems shall be designed in accordance with Council's Engineering Standards and Policies 2008 or else as approved by the Council's Engineering Manager.
- 33.4 The Consent Holder shall submit to the Council's Coordinator Compliance Monitoring a Stormwater Management Plan (SMP) before any land excavation or construction works begin. The SMP shall, as a minimum, include:
- a) Design plans for the components of the stormwater system.
 - b) A construction-phase sediment management plan which identifies how sediment shall be controlled so that the coastal marine area is protected from the deposition of sediment in accordance with the objectives and policies of the Proposed Tasman Resource Management Plan (TRMP). This plan should include structures and maintenance procedures for ensuring the ongoing effectiveness of sediment control measures.
 - c) A maintenance plan which describes the long-term maintenance of the stormwater system, ensuring on-going effectiveness of stormwater treatment structures, weed management, erosion protection, pest fish monitoring and pest fish eradication.

The stormwater system shall be managed in accordance with the SMP.

- 33.5 A certificate signed by the person responsible for designing the stormwater management system or a similarly qualified or experienced person shall be submitted to the Council's Coordinator Compliance Monitoring annually for the duration of the construction phase on the site. It shall certify that the system components present are constructed and installed in accordance with the details of the application and the conditions of this consent.
- 33.6 The discharge shall not cause or contribute to erosion of land, including the bed of any stream or drain or the coastal marine area. Bare ground shall be revegetated as soon as practical to minimise the generation of sediment.
- 33.7 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 including the coastal marine area.

Maintenance

- 34.1 All systems associated with the discharge (such as the interceptors, connecting drains, swales, water tables, tanks and soak pits) shall be maintained in effective, operational order at all times.
- 34.2 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.

General

- 35.1 All erosion, sediment and drainage control measures and devices shall be regularly inspected, particularly after high rainfall events to ensure they are maintained in good working order.

Advice Note:

Maintenance works include the cleaning of sediment traps, regular checking of sediment fences etc.

- 35.2 The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
- 35.3 The Consent Holder shall stop construction in heavy rain when the activity shows sedimentation that is more than minor in the view of the Council's Co-ordinator, Compliance Monitoring.

No hazardous substances or fuels shall be stored, nor any vehicle refuelled within 20 metres of the coastal marine area.

- 35.4 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.

Expiry

- 36.1 This resource consent shall expire on 20 July 2044.

Conditions applying to RM080889 (Discharge permit – wastewater)

- 37.1 The Consent Holder shall submit a complete wastewater system design report for the approval of the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This design report shall include details of the activities and shall include calculations of expected maximum daily wastewater volumes. This design and the construction and operation of the approved wastewater treatment and disposal system shall be in general accordance with the design report prepared by Enviro WW Limited (Version 3 and dated 14 May 2008) with the application for resource consent, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

Advice Note:

The wastewater system designer should be involved from an early stage with other parties responsible for the design. Design flow volumes, design and sizing of the land application area(s) and reserve land application area(s) need to be undertaken in concurrently with, for example, landscaping designs and planning.

37.2 The volume of wastewater discharged shall not exceed 26,910 litres per day. Following approval of the design, the Council will confirm in writing the design loading and both the Consent Holder's and the Council's copy of the resource consent document shall be amended to reflect the approved daily wastewater volume.

37.3 The maximum loading rate at which the wastewater is applied to land shall not exceed 5.00 millimetres per day (5.00 litres per square metre per day). The land application area shall be no less than 5382 square metres in area and incorporate at least 5382 lineal metres of pressure-compensating drip irrigation line. The Consent Holder may stage the development and they may stage the land application area. The emitters in the drip irrigation line shall be spaced no more than 0.6 metres apart along the line and each shall emit wastewater at a rate of no more than 1.6 litres per hour. Adjacent lateral drip irrigation lines shall be laid 1 metre apart. If the Consent Holder lays the lines more than 1 metre apart they must increase the land application area.

Advice note:

The Consent Holder may stage the implementation of the wastewater system and the land application rate shall not exceed 5 millimetres per day.

37.4 The treated wastewater entering the land application area, as measured at the sampling point of the buffer tank required to be installed in accordance with Condition 37.10, shall comply at all times with the following limits:

- a) the five day biochemical oxygen demand (BOD5) in any single sample shall not exceed 30 grams per cubic metre; and
- b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 45 grams per cubic metre.

37.5 The wastewater treatment system shall be fitted with an audible and visual alarm.

37.6 There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.

37.7 The construction and installation of the wastewater treatment plant and land application system shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 37.1, 37.3, and 37.10 and shall also confirm the following:

- a) that all components of the wastewater system (including the treatment plant, buffer tank and the land application area) have been inspected and installed in

accordance with standard engineering practice and the manufacturer's specifications;

- b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.

37.8 The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of the wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council monitoring officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 37.10.

37.9 A suitable reserve land application area equivalent to not less than 2358 square metres shall be kept available for future use of wastewater disposal. This reserve area shall remain undeveloped and shall be located within the areas marked "reserve dispersal field" on the plan referred to in Condition 37.8 of this consent. For the purpose of this condition "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.

37.10 Sampling points to allow collection of a sample of the treated wastewater shall be provided at the outlet of each individual treatment plant and at the outlet of the buffer tank before the point where the wastewater discharges to the land application areas.

Maintenance and Monitoring

38.1 Samples of the treated wastewater shall be collected and analysed annually. The sample shall be collected in January or February each year following the first exercise of this consent from the sampling point referred to in Condition 37.10. The samples shall be tested for BOD5 and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the units are being used in a typical fashion. "Typical fashion" means that the occupancy, at the time of sampling and during the preceding 48 hours, varies by no more than one person from the number of people who normally reside in the unit. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

38.2 The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

38.3 Notwithstanding Condition 38.2, the wastewater treatment, buffer tank and land application system shall be inspected and serviced at least every six months and a copy of the service provider's maintenance report shall be forwarded to the Council's Co-ordinator Compliance Monitoring within two weeks of each inspection. The inspection report shall include, but not be limited to, the following information:

- a) the date the inspection was undertaken and the name of the service provider;
- b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
- c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- d) a description of the appearance of the filter/s and tanks;
- e) the location and source of any odour detected from the system; and
- f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Expiry and Lapsing

39.1 This resource consent shall expire on 20 July 2029.

39.2 This consent shall lapse ten years after the date that this consent commences unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Conditions applying to coastal permits RM080892 (disturb) and RM080915 (occupy)

General

40.1 The boardwalk and works above the existing line of MHWS shall be limited to those areas and notations (Walkway Notes and Re-Vegetate Estuary Margin) shown on the amended Plan E attached to this consent.

40.2 The Consent Holder shall ensure that all the other works are undertaken in accordance with the application submitted by Camden Properties Limited and with Plan D and F attached to this consent and dated 20 July 2009. Notwithstanding this, if there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.

40.3 The boardwalk and interpretation structures shall be constructed in accordance with Plan G attached to this consent and dated 20 July 2009.

Design and Construction

- 41.1 The design and construction of the new intertidal inlet shall be carried prior to the opening of the inlet entrance and under the supervision of a chartered professional engineer with appropriate experience in coastal engineering and in accordance with condition 5 and 6 of this consent. This work shall be included in the Earthworks Management Plan required under RM080890.
- 41.2 The design and construction of the inter tidal inlet shall be undertaken so as to ensure that the inlet receives some salt water at the top of all but neap tidal cycles (approximately 1.0 metre above mean sea level) and retains a small layer of salt water (<4cms depth) in central area of the inlet without the water becoming stagnant (i.e. the entrance to the inlet shall be approximately 1.04m above mean sea level).
- 41.3 The minimum height of the decking timber shall be 300 millimetres above MHWS or 2.24 above mean sea level (assumed at 2.31 - Nelson).
- 41.4 Tidal flow during the initial planting period shall be controlled as required in order to facilitate the establishment of estuary margin plantings.
- 41.5 All works shall be undertaken in a manner that limits to a minor level any adverse effects of the activity on the foreshore beyond the immediate site of the works, water quality, natural beach profile, prevailing coastal processes, noise generation, and other disturbances to nearby residents, and the reasonable continuation of public access along the foreshore.
- 41.6 The Consent Holder shall ensure that any fill material used in the rehabilitation of the coastal margin is suitable for the purpose and sufficiently clean prior to placement so as to not leach contaminants into the coastal marine area.
- 41.7 Vegetation shall be removed from the foreshore only to the extent necessary to facilitate the rehabilitation of the foreshore and the construction of the boardwalk.
- 41.8 All vegetative material and refuse shall be disposed of to an approved land-based disposal site or disposed of by other approved means.
- 41.9 The Consent Holder shall ensure that the site is left in a neat and tidy condition.
- 41.10 No soil material or vegetation shall be left where it may enter water or result in the contamination of the coastal marine area.
- 41.11 Construction shall occur at such stages of the tide so as to not occur within, or be impacted or affected by, the ebb and flow of seawater.
- 41.12 All vehicle movements along the foreshore shall be restricted to the smallest area practicable.

Management

- 42.1 The Consent Holder shall inform Council's Co-ordinator Compliance Monitoring (Carl Cheeseman, (03) 543 8436) and the Reserves Manager (Beryl Wilkes (03) 543 8391) at least five working days prior to commencing the works so that monitoring of conditions can be programmed.

- 42.2 The Consent Holder shall ensure that any contractors undertaking the works are made aware of the conditions of these resource consents and shall ensure compliance with all conditions.
- 42.3 The Consent Holder shall erect advice notices at both ends of the works within the existing esplanade reserve. These notices shall provide warning of the construction activities noting any precautions that should be taken, as well as advising the period(s) during which these activities will be occurring and when public access shall be restricted. The notices shall be erected at least 2 working days prior to the commencement of the works and shall remain in place for the duration of the works before being removed on completion of the works.
- 42.4 Construction works associated with the activities shall not take place between the hours of 1730 and 0730. No works shall be undertaken on Sundays or public holidays.
- 42.5 The Consent Holder shall not exceed the recommended upper noise limits as described in the New Zealand Construction Noise Standard NZS 6803:1999 Acoustics – Construction Noise.
- 42.6 The Consent Holder shall ensure that all machinery is maintained and operated in such a manner so as to minimise to the greatest extent practicable any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling, servicing and maintenance. Maintenance, refuelling and lubrication of machinery shall not be carried out within 20 metres of the coastal marine area or any surface water body. Spillage of contaminants into any watercourse or onto land shall be remediated so that no residual potential for contamination of land and surface or sea water occurs. 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. The Consent Holder shall ensure that all contractors working under this consent are informed of this requirement.
- 42.7 The Consent Holder shall undertake and maintain the works and plantings in a competent state for a period of 2 years following construction and shall comply at their own expense with any directions given by the Environment & Planning or Reserves Manager of Council with respect to the operation and maintenance of the works.

Expiry and Lapsing

- 43.1 RM080892 shall lapse five years after the date that the consent commences unless the consent is either: a) given effect to; or b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.
- 43.2 The consent to disturb the coastal marine area shall expire 12 months after the consent is given effect to.
- 43.3 RM080915 to occupy the coastal marine area shall expire on 20 July 2044.

Review Condition applying to all consents

44.1 The Council may, during the months of February or July each year, review any or all of the conditions of the consents pursuant to Section 128 of the Act for all or any of the following purposes:

- a) to dealing with, or requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment arising from the exercise of the consents;
- b) 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;
- c) To amend, add or delete conditions to take account of uncertainties such as predicted sea level rise, climatic changes and beach accretion or erosion, all of which may influence the operation or sustainability of the structures and activities;
- d) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
- e) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so;
- f) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate; and/or
- g) to change the conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, or Act of Parliament.

ADVICE NOTES

Council Regulations

1. This is not a building consent and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Tasman Resource Management Plan Provisions

2. 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 Tasman Resource Management Plan (TRMP);
 2. be allowed by the Act; or
 3. be authorised by separate resource consent.

Consent Holder

3. Consents RM080097, RM080880 and RM080890 are granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and

occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

4. Consents RM080891, RM080889, RM080892 and RM080915 are not subject to Section 134 of the Act and therefore do not "attach to the land". Therefore, when the ownership of the lot that these consents pertain to changes, these consents should also be transferred to the new owners as there are ongoing consent requirements that must be met.

Development Contributions

4. The Consent Holder is liable to pay a development contribution for roading and water in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Monitoring

5. Monitoring of this resource consent will be undertaken by the Council as provided for by Section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

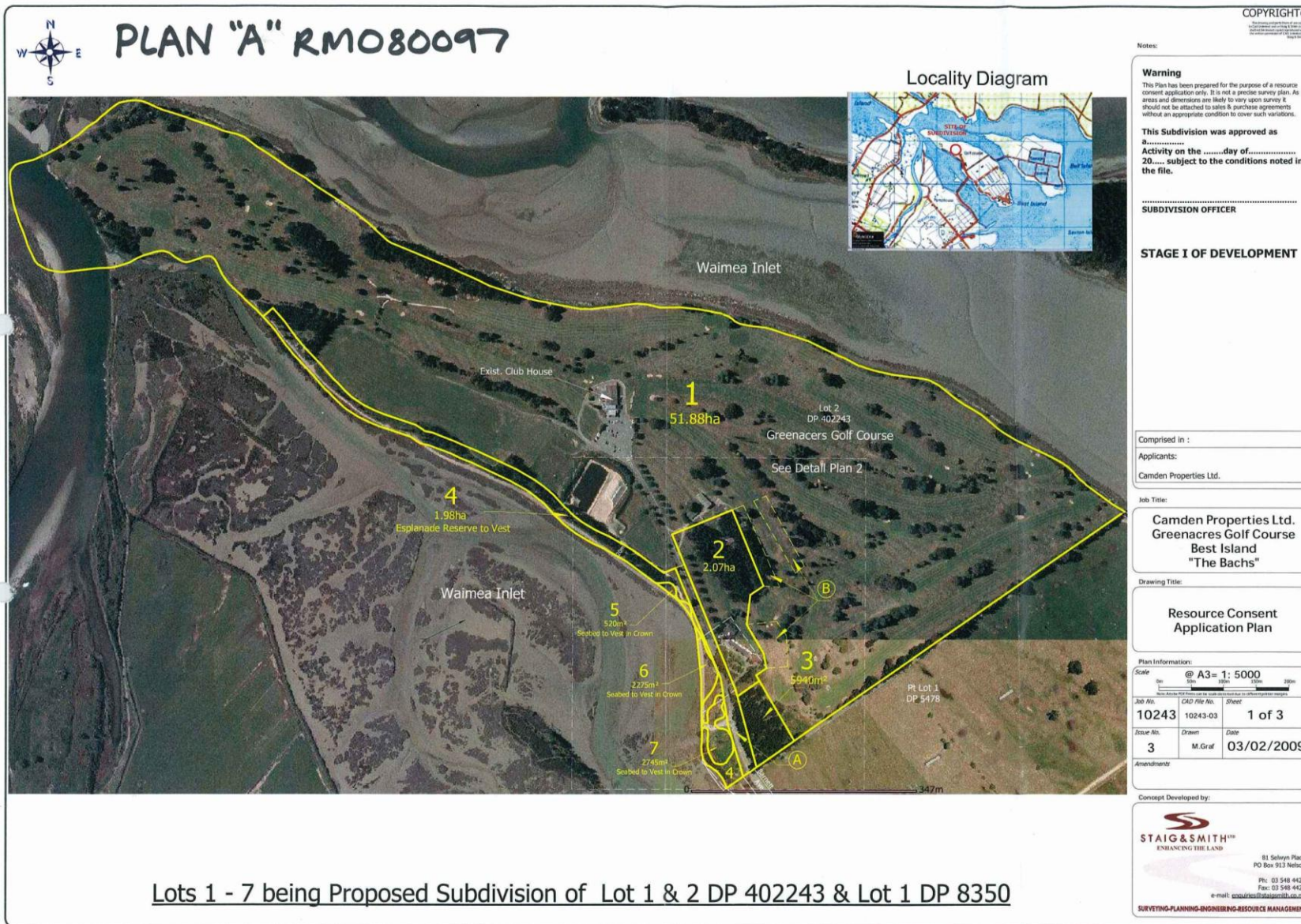
Interests Registered on Property Title

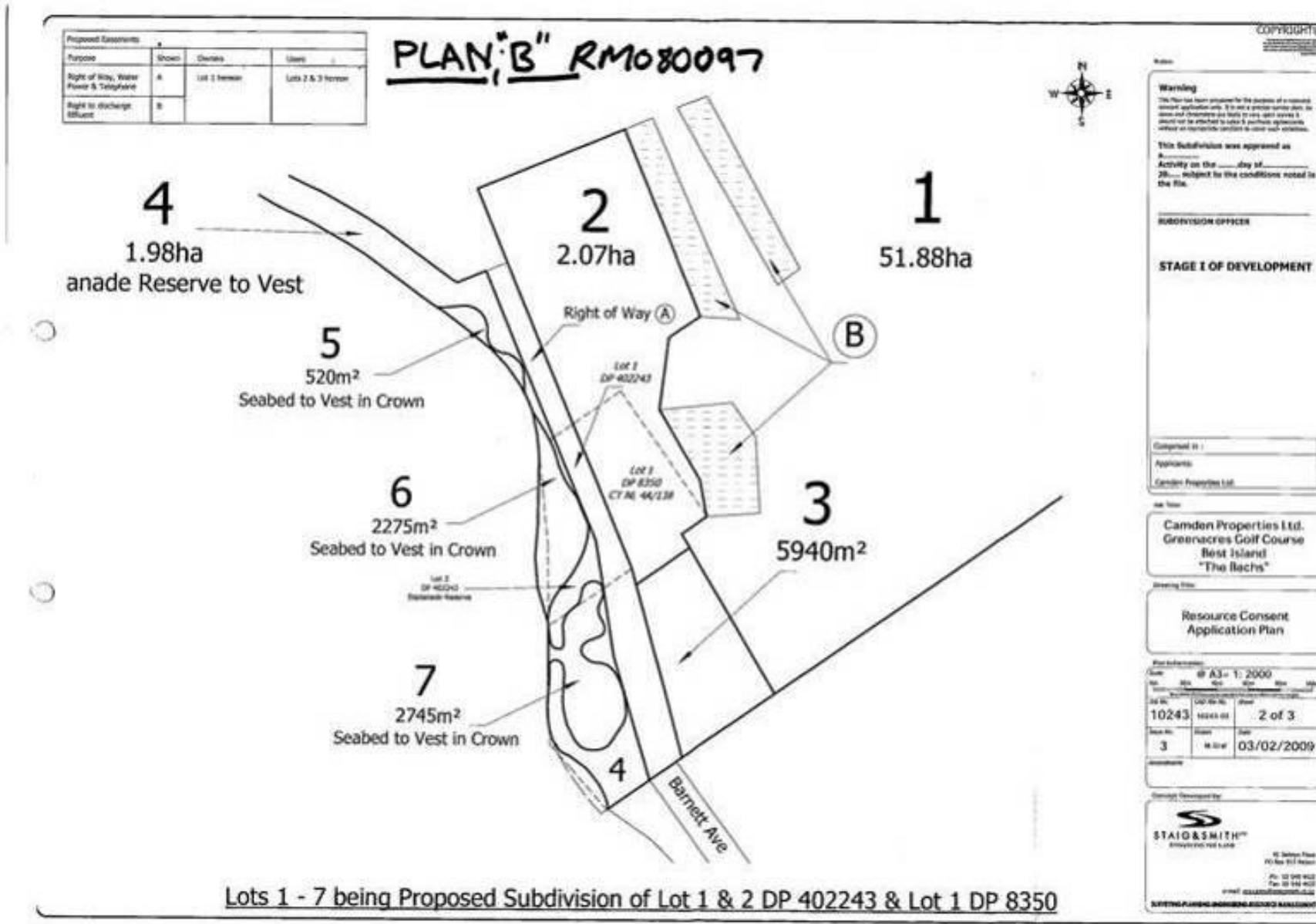
- 6 The Consent Holder should note that this resource consent does not override any registered interest on the property title.

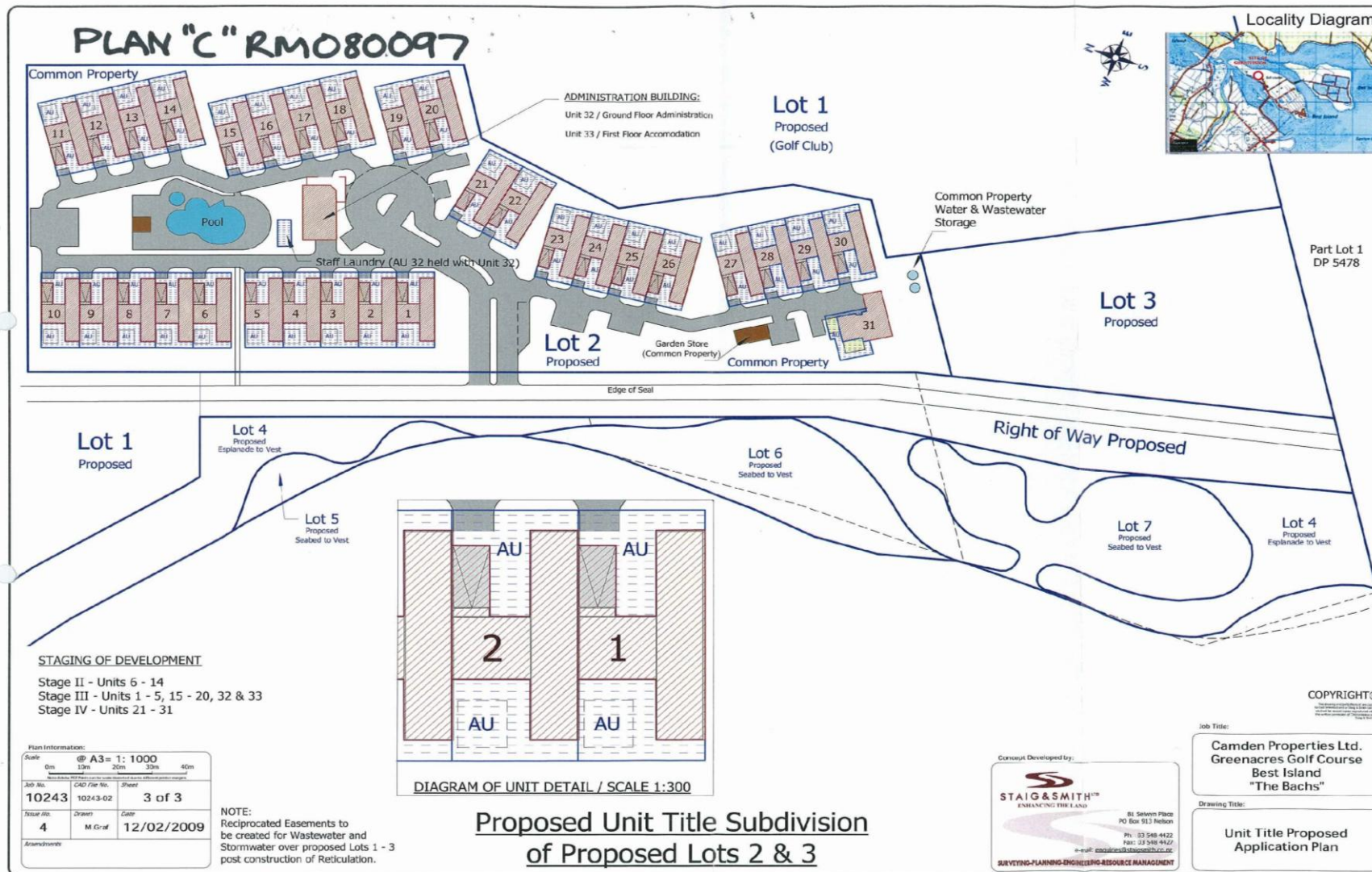
Issued this 27th day of August 2009

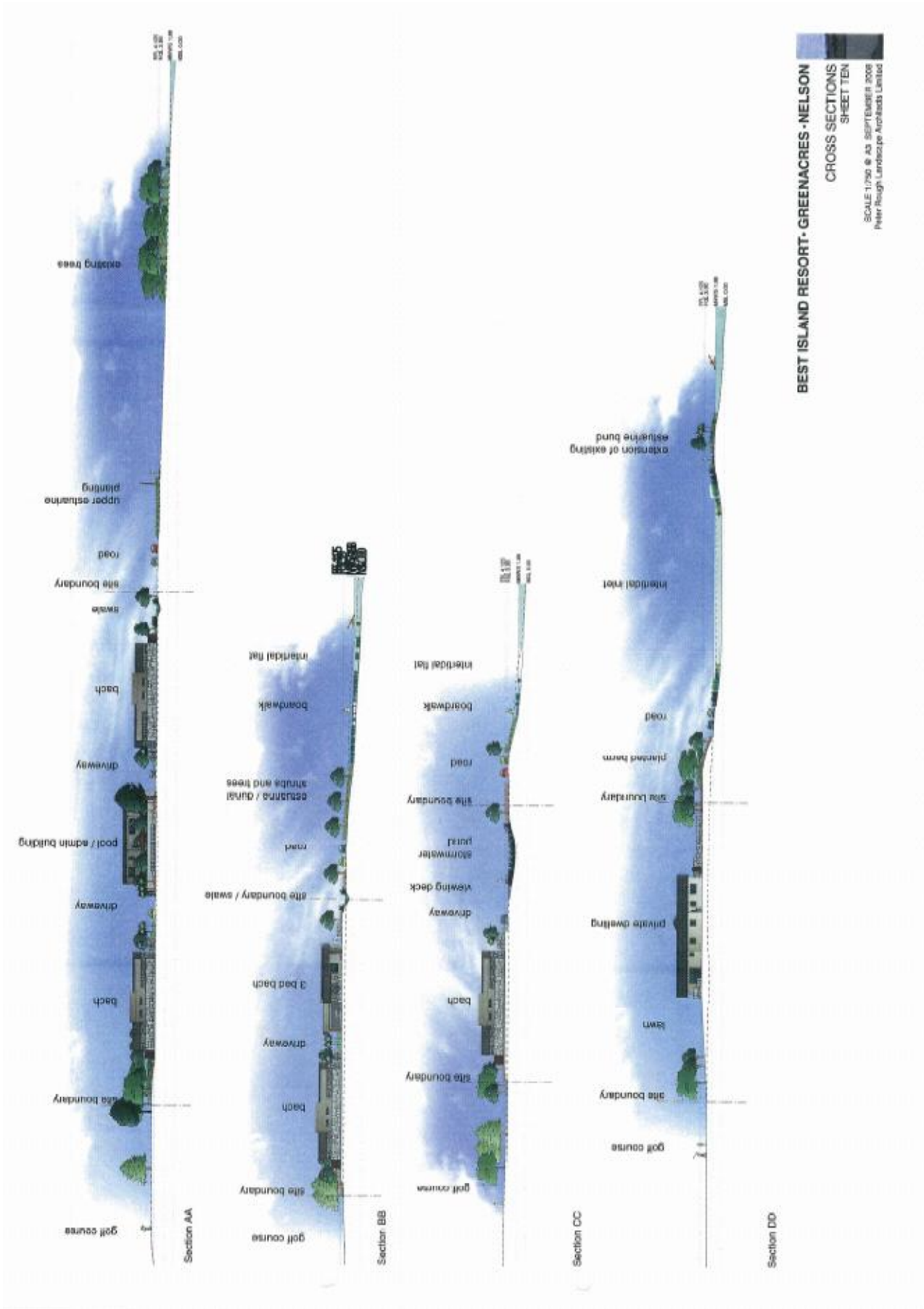


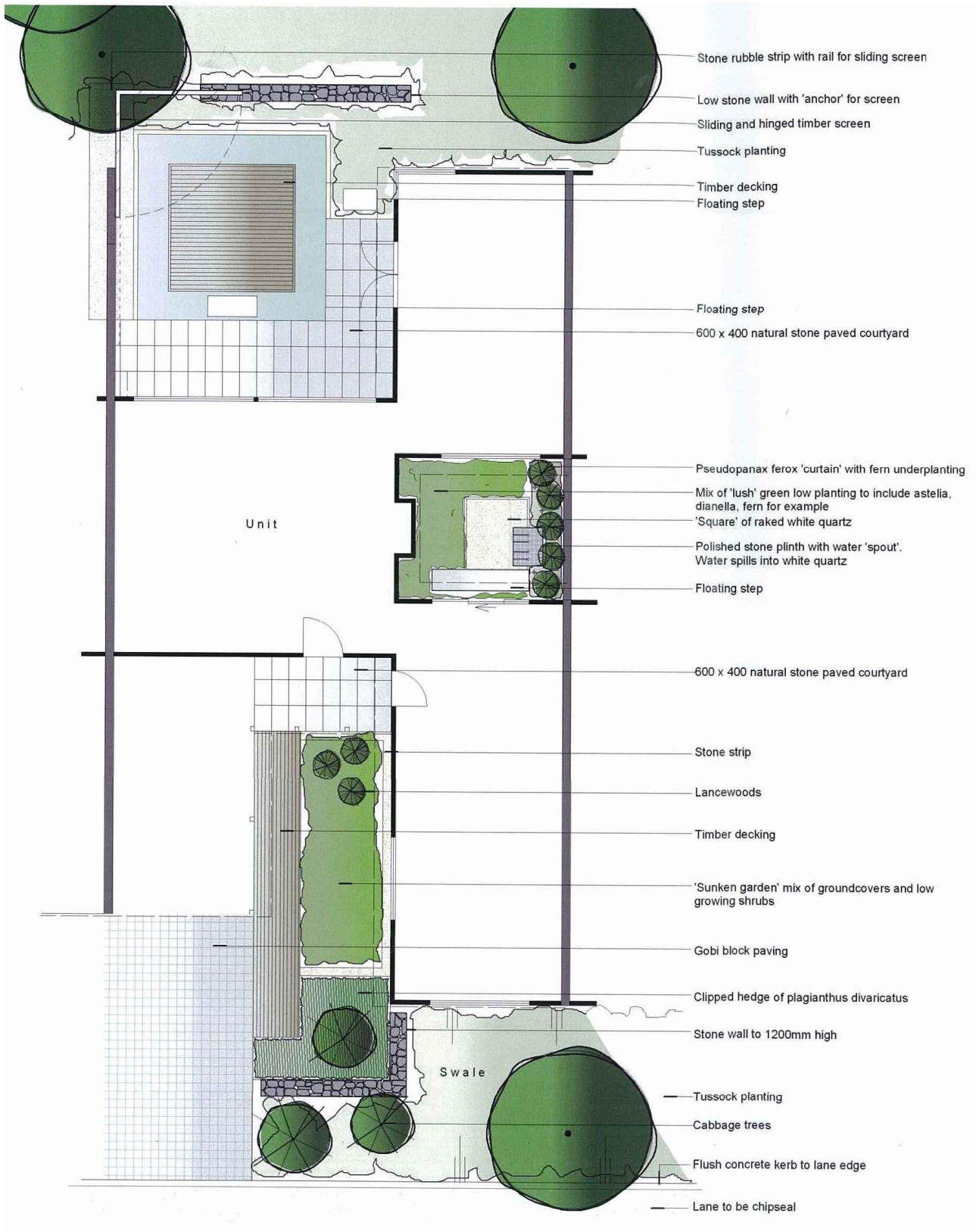
Cr Noel Riley
Chair of Hearings Committee











Annexure 1 - RM080097 etc
BANKERS DEED OF UNDERTAKING

To: Tasman District Council

Attention:

From: Bank

Re: CAMDEN PROPERTIES LTD: RESOURCE CONSENT NUMBERS RM080097, RM080880, RM080889, RM080890, RM080891, RM080892 AND RM080915: BEST ISLAND (in this Deed referred to as *"the Resource Consent"*)

THIS DEED WITNESSES:

At the request of CAMPDEN PROPERTIES LTD (hereinafter called *"the Bidder"* and in consideration of the Tasman District Council (hereinafter called *"the Council"*) accepting this undertaking in relation to issuing the resource consent, _____ Bank (hereinafter called *"the Bank"*) undertakes to the Council to pay to the Council on demand any sum of money which may be demanded by the Council to help cover reasonable costs borne by the Council:

- (a) to avoid, remedy or mitigate any adverse effects on the environment in the event of abandonment or bankruptcy by the Consent Holder (including the costs of completion, restoration or any other remedial works required on the esplanade reserve to be vested)

(hereinafter together called *"the purpose"*), up to a maximum aggregate sum of NZD \$10,000.00

This undertaking is to remain in force until:

- (i) notification in writing has been received from the Council that the payment of the said sum by the Bank is no longer required by the Council: or
- (ii) payment by the Bank is made to the Council of the whole of the said sum: or
- (iii) at the end of two years from the date of issue of the s224 certificate for the subdivision.

Should the Bank be notified in writing, purporting to be signed by the Council, that the Council demands payment of the whole or any part or parts of the said sum for the purpose, the Bank undertakes that the payment will be made to the Council forthwith without further reference to the Bidder and notwithstanding any notice given by the Bidder to the Bank not to make such payment PROVIDED ALWAYS that the Bank may at any time and without being required to do so pay to the Council for the purpose the said sum, and thereupon the liability of the Bank shall immediately cease and determine.

DATED this day of 2009

SIGNED for and on behalf of)

Bank

In the presence of: --) ---

Witness Signature:

Name:

Occupation:

Address:

Date Confirmed:

Chair: