

MINUTES

TITLE: Environment & Planning Subcommittee - Commissioner Hearing
DATE: Wednesday, 12 May to Friday, 14 May 2010
TIME: 10.30 am
VENUE: Yacht Club Tarakohe Harbour, 995 Abel Tasman Drive, Takaka

PRESENT: Mr David Collins (Chair), Mr Derek Todd, Cr Noel Riley

IN ATTENDANCE: Principal Resource Consents Advisor (J Butler), Co-ordinator Subdivision Consents (M Morris), Consent Planner, Coastal (R Squires), Consent Planner (I Holst-Stoffregen), Co-ordinator, Natural Resources Consents (L Pigott), Consent Planner, Natural Resources (D Henehan), Resource Scientist, Rivers and Coast (E Verstappen), Transportation Engineer (G Clark), Executive Assistant (V M Gribble)

1. SUSTAINABLE VENTURES LTD - COLLINGWOOD-PUPONGA ROAD, PAKAWAU, GOLDEN BAY - APPLICATION No. RM090874, RM090875, RM090876, RM090877, RM090878, RM100010

The application seeks the following:

RM090874
Land Use Consent To develop a 20 unit apartment complex, establish a takeaway food facility in an existing retail store, hire non-motorised equipment; and modify and disturb a cultural heritage site.

RM090874
Land Use Consent To subdivide the property into two allotments and to create separate unit titles for each apartment on proposed Lot 2.

A 20 metre wide esplanade strip is proposed over the seaward side of both allotments.

RM090876
Discharge Permit To discharge up to 14.6 cubic metres per day of secondary treated wastewater to land via dose loaded trenches

RM090877
Discharge Permit To discharge stormwater from building and hard surfaces to land.

RM090878
Earthworks Consent To carry out earthworks associated with RM090874 including building platforms and accessways; and rebuilding, maintaining and repairing a coastal rock wall.

The application site is located at 1112 Collingwood-Puponga Road, Pakawau, Golden Bay, being legally described as Part Section 11 Square 15 all land contained in Certificate of Title NL96/197 (limited as to parcels), approximately 1.6 hectares

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

THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS (in part) consent to SUSTAINABLE VENTURES LTD as detailed in the following report and decision.

TASMAN DISTRICT COUNCIL

Report and Decision of the Tasman District Council through a Panel of Independent Hearing Commissioners

**Hearing held at the Pohara Boat Club, Tarakohe on 12 - 14 May 2010
Hearing closed on 28 May 2010**

A Hearing Panel for the Tasman District Council ("the Council") was convened to hear the applications lodged by **Sustainable Ventures Ltd** ("the Applicant") for a 20 unit apartment complex, a commercial activity, a two lot and a unit title subdivision, discharge of wastewater and stormwater, and earthworks and coastal protection works. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM090874 (land use), RM090875 (subdivision), RM090876 (discharge wastewater), RM090877 (discharge stormwater) and RM090878 (earthworks).

HEARING COMMISSIONERS: Commissioner David Collins, Chairperson
Councillor Noel Riley
Commissioner Derek Todd

APPLICANT: Mr Nigel McFadden (Counsel for applicant)
Ms Min Hall (Architect)
Mr Rory Langbridge (Landscape Architect)
Mr Ian Goss (Coastal Engineer)
Mr Derrick Railton (Infrastructural and Environmental Engineer)
Ms Jackie McNae (Planner)

CONSENT AUTHORITY: **Tasman District Council**
Mr Gary Clark (Transportation Manager)
Mr Leif Pigott (Co-ordinator Natural Resources Consents)
Mr Daryl Henehan (Consent Planner, Natural Resources)
Mr Eric Verstappen (Resource Scientist, Rivers and Coast)
Ms Rosalind Squire (Consent Planner, Coastal and Reserves Planner)
Mr Mark Morris (Co-ordinator Subdivision Consents)

SUBMITTERS: Mr Bruce Collings
Mr Bruce MacHardy
Mr Robert Duncan
Mr Dick Lamb
Dr Don Mead (Friends of Golden Bay Inc)
Mr Neville Howse
Mr David Sissons
Ms Glenys Glover
Mr Murray Gavin (Royal New Zealand Forest and Bird Society)
Mr George Carter
Mr Bill Wallace (Golden Bay Marine Farms Consortium Ltd and Victory Marketing Ltd)
Ms Stephanie Wilson
Ms Lorna Scurr
Ms Fiona Wilson
Ms Jill Newport

IN ATTENDANCE: Mr Jeremy Butler, Principal Resource Consents Adviser (assisting the Commissioners), Mrs Valerie Gribble, Minutes Secretary

Summary

1. A Panel of three hearing commissioners (“the Panel”) appointed by the Council has granted resource consents to the applicant.
2. The applicant sought consents to develop a 20 unit apartment complex at the site of the camping ground at Pakawau, including consents to rebuild the existing rock sea wall, to discharge stormwater and wastewater to ground, and to subdivide the complex into unit titles.
3. Consents have been granted, substantially for what was sought, except that consent to reconstruct the sea wall has not been granted. Instead the applicant has been granted consent to construct a “back-stop rock revetment” that will be buried at the inland side of an esplanade reserve. As part of the conditions of consent in front of the back-stop revetment, a Coast Care Programme is to be established to provide maximum amenity to Pakawau Beach for the longest practicable time.
4. This consent is granted because, after considering the applicant’s Assessment of Environmental Effects, submissions received, the applicant’s case and evidence, submissions and evidence from submitters at a hearing, and the reporting officers’ Section 42A reports, and in making an overall judgement, the commissioners consider that the proposal, subject to a different approach to treatment of the coastline and some other amendments, would be consistent with the purpose of the Resource Management Act 1991 (“the Act”), namely the promotion of the sustainable management of natural and physical resources.

The Application

5. On 18 December 2009 the applicant applied to the Council for resource consents for a comprehensive redevelopment of the Pakawau Camping Ground into a 20 unit residential complex offering short-term rental and holiday accommodation as well as permanent or long-term accommodation. The application also sought consent for a

commercial activity in a Residential Zone including takeaway facilities and the hire of non-motorised leisure equipment.

6. The land use application is part of a suite of consents sought by the applicant. The consents applied for are:

RM090874
Land Use Consent To develop a 20 unit apartment complex, establish a takeaway food facility in an existing retail store, hire non-motorised equipment; and modify and disturb a cultural heritage site.

RM090875
Subdivision Consent To subdivide the property into two allotments and to subsequently create separate unit titles for each apartment on proposed Lot 2. It is proposed that the development and creation of unit titles would be staged. A 20 metre wide esplanade strip is proposed on the seaward side of both allotments.

RM090876
Discharge Permit To discharge up to 14.6 cubic metres per day of secondary treated wastewater to land via dose loaded trenches.

RM090877
Discharge Permit To discharge stormwater from building and hard surfaces to land.

RM090878
Earthworks Consent To carry out earthworks associated with RM090874 including building platforms and accessways; and rebuilding, maintaining and repairing a coastal rock wall.

7. Coastal protection works in the form of a major reconstruction of existing rock protection into a rock revetment are proposed under application RM090878 to protect the development from coastal erosion and future sea level rise.
8. The proposed development will involve the removal of the existing campground and replacement with the apartment complex. The proposed complex consists of twelve 2-bedroom apartment units, five 1-bedroom units and three 3-bedroom units of varying sizes between 60 to 105.9 square metres. The units will be arranged in clusters around internal courtyards and will be provided with parking and storage facilities.
9. The apartment complex would comply with the permitted 5 metre height restriction and the required coastal setback of 30 metres. The units are designed with environmentally-friendly principles in mind, with a focus on reduced energy consumption, water conservation, the use of environmentally friendly building materials and a modern on-site sewage disposal system. The proposal seeks to provide each unit with its own separate unit title while the remainder of the land is held as common land.
10. A ten year lapse period for the consents is also sought.
11. Public access is proposed to be provided through the site and along a 20 metre wide esplanade strip along the coastal margin of the site.

12. The application site is located at 1112 Collingwood-Puoponga Road, Pakawau, Golden Bay, being legally described as Part Section 11 Square 15, all land contained in Certificate of Title NL96/197 (limited as to parcels). The approximately 1.66 hectare site runs north to south along the coast with the beach forming the eastern boundary and the Collingwood-Puoponga Road the western boundary. It occupies part of a coastal strip developed with a mixture of baches and permanent homes that is zoned Residential.
13. The site can be described as a modified sand dune with a contour range of 3.65 to 6.05 metres above mean sea level. The property has been used as a camping ground for many years and has been a popular destination for holiday makers during the summer months.
14. The site currently contains approximately 60 camp sites with a centrally located ablution block, a playground and nine basic cabins that are spread throughout the camp. The camp has an on-site well that provides up to 20 cubic metres of water per day.
15. The access to the site from the road is currently from the southern and the northern ends. There is a public walkway from the road to the beach along the southern boundary of the site (outside the site). The road frontage has a shelter belt of macrocarpa and pine, interspersed with some taupata that primarily provides a wind break, but also forms a visual barrier when viewed from the Collingwood-Puoponga Road.

The Existing Subdivision Consent

16. A subdivision consent (RM090834) to subdivide the site into 11 allotments was granted for the site on 23 February 2010. Lot 1 contains an existing dwelling and the rest are nine bare land allotments, Lot 1 to 10 being residential allotments and Lot 11 proposed to vest as esplanade reserve. The consent was granted under delegated authority by Council officers, but has not yet been given effect to.
17. The 11 lot subdivision was a discretionary activity under the Tasman Resource Management Plan. The decision by the Council's Coordinator Subdivision Consents who granted the subdivision records that "*The site can contain up to 10 allotments (ie, 10 dwellings), as of right, under the subdivision and land use rules of the [Tasman Resource Management Plan], which have zoned the site Residential. Therefore, the Plan anticipates this type of development.*"

The Tasman Resource Management Plan ("TRMP") Zoning, Areas and Rules

18. The site is in a Residential Zone in the TRMP. The site is within the Coastal Environment Area (CEA), the Special Domestic Wastewater Disposal Area (SDWDA), and Land Disturbance Area 1 (LDA1). The site is therefore subject to the TRMP's rules and special provisions that pertain to those areas.

Statutes of the Activities

19. With regard to the land use component of the application, the proposed activity breaches the following TRMP rules for permitted activities:

Activity	Relevant permitted rule	Applicable rule	Status
Units on unit titles exceed Residential Site Coverage	17.1.3.1 (e) 17.1.3.4 (a)	17.1.3.5	Non-Complying
Commercial Activity in a Residential zone	17.1.2.1 (b) (iii)	17.1.2.2	Discretionary
Lack of Exclusive Outdoor Living space for individual units	17.1.3.1 (i)	17.1.3.4	Restricted Discretionary
One unit (D2) exceeds Wall Length without 2.5m offset	17.1.3.1 (l)	17.1.3.4	Restricted Discretionary
Setbacks (non-complying when considered for individual units)	17.1.3.1 (s)	17.1.3.4	Restricted Discretionary
Residential Site Density	17.1.3.1 (d) (ii)	17.1.3.4	Restricted Discretionary
Maximum dwellings per site	17.1.3.1 (h)	17.1.3.4	Restricted Discretionary
Building Envelope Daylight Angle (non-complying when considered for individual units)	17.1.3.1 (n)	17.1.3.4	Restricted Discretionary
Cultural Heritage site	16.13.6.1 (b)	16.13.6.2	Controlled
Building in the Coastal Environment	18.11.2.1 (b)	18.11.3.1	Controlled

20. Notable in the above summary is the non-complying status due to the site coverage of the units. Under the TRMP, buildings that cover more than 33 percent of a site are not permitted, and buildings that cover more than 35 percent of a site become a non-complying activity. In the case of non-strata unit title subdivisions, the definition of "site" in Chapter 2 of the TRMP states *"an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units"*¹. Therefore, it is clear that site coverage must be considered as each apartment on its unit title and therefore the site coverage will be 100 percent or close to it, leading to non-complying status.
21. Mr McFadden acknowledged that strictly the land use consent sought includes all the land use elements including proposed earthworks for foundations and for the sea wall. This means that all these elements are part of an application with non-complying status. We accept the point he made, however that in this case non-complying status is really just a technicality - arising from something probably unforeseen when the Plan was prepared, and the applicant's choice of future

¹ In the case of strata titles the definition of "site" in the TRMP is conspicuously different. It states that "site means the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision".

ownership structure - and we should therefore give weight to the fact that otherwise the development would have discretionary status.

22. The subdivision application has discretionary status under Rule 16.3.3.3 of the TRMP because the unit titles will not meet the 1,200m² average lot size required under Rule 16.3.3.3(f) for a controlled activity subdivision.
23. Application RM090876 to discharge wastewater to land is a discretionary activity under under Rule 36.1.16 of the TRMP.
24. Application RM090877 to discharge stormwater to land is a discretionary activity under Rule 36.4.4 of the TRMP.

Submissions

25. The application was fully notified and submissions closed on 26 February 2010. 84 submissions were received and these are summarised as follows.

Submissions in Support

26. The main matters raised in the 38 submissions that were in support were:
 - Proposal provides an alternative to the accommodation offered in the area;
 - Proposal supports tourism in Golden Bay, particularly in the western part of Golden Bay;
 - Proposal provides economic benefits and kickstarts new economic growth;
 - Proposal enhances the area by upgrading housing standards;
 - Proposal is the best alternative to the current situation as it was environmentally friendly, well thought out and sensitive to the area;
 - Unit owners will take more responsibility for surroundings;
 - Proposal increases employment opportunities in Golden Bay;
 - Proposal may result in the shop and the petrol pumps reopening;
 - The creation of an esplanade strip will be positive;
 - Proposal will allow public access through the complex;
 - Conditions requested regarding boat ramp, takeaway, shop and pumps, wastewater monitoring

Neutral Submissions

27. Of the eight neutral submissions, six of them were from organisations viz the Department of Conservation, New Zealand Fire Service, Marlborough Quality Shellfish Programme, Sanford Ltd., Forest and Bird Protection Society and Friends of

Golden Bay. There were also two individual members of the community that have made a neutral response to the application.

28. The issues and/or outcomes sought are:

- Disposal of wastewater and contamination of the coast;
- Appropriate monitoring of wastewater discharge
- Erosion of the coast;
- Reverse sensitivity issues;
- Condition required regarding fire safety and adequate provision for fire fighting activities;
- Protection of the coast and coastal character;
- Ongoing requirements for coastal protection works;
- Issues relating to the rock wall;
- Pets and associated effects on birdlife;
- Appropriate plantings;
- Light pollution; and
- Public access and esplanade strip/reserve along coastal frontage;

Submissions in Opposition

29. The issues and/or outcomes sought in the 33 opposing submissions were:

- Loss of amenity values;
- Intensity and dominance of the development;
- Development is not sustainable;
- Continuous wall of buildings on western side;
- Type, scale and extent of the proposal;
- Site coverage;
- Carparking parallel to the road;
- Increased traffic movements from traffic leaving and entering the site;
- Impact on privacy;
- Appropriateness of the development for the Pakawau site;

- Proposal is a significant change from the current character of Pakawau;
- Exclusive market and absentee landowners;
- Does not create a sense of community;
- The loss of a coastal camping ground;
- Visual impact of the proposed complex when viewed from the coast and from the general Pakawau area, blocks views from the road to the coast;
- Potential adverse effects on the immediate infrastructure such as access, proposed car parking, wastewater and water supply;
- All stormwater be collected;
- Adverse effects from the development such as light spill;
- Increasing costs for ratepayers from the potential failure of coastal protection measures, wastewater systems and water supply;
- Concerns regarding the use of rock protection as opposed to methods that rely on natural coastal processes to stop the erosion
- Esplanade strip and public access to the beach;
- Investigation of suitable alternatives necessary;
- Retain topography behind rock revetment;
- Site is on a contoured sand dune which should be allowed to function as a dune;
- As sea levels rise intertidal zone needs to be able to move inland to maintain functional ecosystems;
- The financial burden of the coastal protection was mentioned and that it should not be carried by the rate payer;
- Potential pollution of the coastal waters from the site;
- Reverse sensitivity in relation to the coastal marine area and marine farming;
- Effect of pets on birdlife living on the coastal margins;
- Some submissions objected to the introduction of takeaway food sales, issues with noise and odour;
- Staging of the development over a 10 year period and the subsequent on-going disruption;
- Potential loss or damage of an identified cultural and heritage site;

The Hearing

30. The Council appointed a panel of commissioners to hear and decide the application. The panel consisted of Mr David Collins (Chair), a planner who has acted as a commissioner for all but three of the South Island's regional, unitary, city and district councils, Mr Noel Riley, a local Councillor representing the Golden Bay ward, and Mr Derek Todd, a coastal geomorphologist with over 20 years experience in coastal processes, hazards and protection issues. As required by Section 39B of the Act the Chair and over half of the commissioners on the Panel are accredited.
31. Pursuant to Section 41B of the Act, the Chair directed that the officers' Section 42A reports and all expert evidence be "pre-circulated" according to specified timeframes.
32. The hearing was held in Golden Bay at the Golden Bay Yacht Club at Tarakohe on 12, 13 and 14 May 2010.
33. We reviewed all the information before us in late May 2010 and we were satisfied that we had all the information necessary to make our decisions. The Chair closed the hearing on 28 May 2010.

Summary of Evidence

34. We 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. This summary focuses on the matters that we consider most in contention and pertinent to our task of making a decision.

The Applicant

35. **Mr Nigel McFadden** (counsel for the applicant) outlined the consents sought by the applicant.
36. Mr McFadden discussed the status. He said that the application *appears* to be a non-complying activity, but he considered that this only results from the use of the unit title process. The same layout and effects could, without the application of a unit title framework, be a discretionary activity. He said that we have the discretion to consider each application as having a separate status. He said that the TRMP does envisage this sort of development through discretionary and restricted discretionary statuses.
37. Mr McFadden said that there are only two contests in this application. The first being the taking of road along the road frontage, and the second being the type of coastal protection.
38. Mr McFadden said that a footpath is not warranted, the macrocarpa hedge would need to be removed which will open the site to the strong westerly wind, and it would require earthworks on an archaeological site. Therefore, he submitted that the strip of land should not be vested as road.
39. Mr McFadden said that the existing rock protection has been in place for many years and it has been successful. He said that a rock revetment is still the option favoured by the applicant.

40. Mr McFadden said that there is no permitted baseline in this case, but that as an “other matter” we should consider a 10 lot subdivision consent that is currently held by the applicant.
41. **Ms Min Hall** (Architect), said that the objectives of her design were to:
- extend the historical concept of the camp ground into providing all year round accommodation in the style of bach apartments;
 - build a complex using environmentally sustainable design;
 - engender a sense of community; and
 - develop the site in a manner that respects existing features of Pakawau beach.
42. Ms Hall said that no buildings would be higher than 5 metres including the pitched roofs for solar panels.
43. Intensive (densely planted) green roofs are proposed which have a wide range of benefits, including a 35% reduction in stormwater runoff.
44. Ms Hall compared the coverage of the 20 apartments to what may be expected in a 10 lot subdivision scenario. She said that site coverage could be slightly higher for the latter. With regard to visual dominance, she said that the apartments would appear less dense when viewed from the beach or esplanade strip.
45. **Mr Rory Langbridge** (Landscape Architect) said that care has been taken with the design of the buildings and landscape to respect and celebrate the coastal proximity of the site. He said it recognises the shop, the petrol station and the visitors to the settlement.
46. Mr Langbridge considered the apartment complex to be a significant improvement. He said that extensive landscaping is proposed to assist with the integration of the buildings into the site.
47. With regard to the macrocarpa hedge he said it would be preferred that it be retained in the short term to allow extensive new planting to be established in the lee of it. It will also provide visual screening until the landscaping establishes and matures.
48. He said that the proposal is clearly a change to what currently exists, however it is his opinion that this development will not dominate the wider landscape nor detract adversely from most of the existing values that are currently enjoyed. It will become increasingly integrated as the landscape matures.
49. Councillor Riley asked Mr Langbridge about the effectiveness of temporary or artificial windbreaks such as brush fences. Mr Langbridge said that they work as they have a certain degree of permeability. Vegetation also provides this and is preferable as windbreaks appear temporary. Vegetation appears more permanent.
50. Commissioner Todd said that natural character is important in the New Zealand Coastal Policy Statement (NZCPS). Mr Langbridge said natural character of the coast here is generally high. Commissioner Todd asked how much is it degraded with use of artificial rocks. Mr Langbridge said rock is being used increasingly in this

environment and while rock creates a visual impact he did not consider it to be “massive” in this environment.

51. **Mr Ian Goss** (Coastal Engineer), said that the site is a generally low energy wave environment. He said that the beach is sheltered from the open ocean and the large tide range and broad beach gives good protection. A large proportion of the time the breaking wave zone is well seaward of the upper beach. Despite this there are periods of erosion but these are relatively infrequent.
52. Mr Goss said that the existing dilapidated rock protection is probably sufficient to protect the site for the present time and into the near (30 years) future. However, it is unlikely to be sufficient in the longer term if exposed to prolonged and more frequent wave attack, as will result from sea level rise.
53. Mr Goss considered the reconstruction and extension of the existing rock protection into a full rock revetment would be effective.
54. With regard to dune reinstatement Mr Goss said it can be a good option but only where there is a large buffer available on which to develop the dune. He said that with sea level rise such a buffer was unlikely to be available, therefore this method of coastal management was unlikely to be successful.
55. With regard to the suggested hybrid hard and soft engineering option (the establishment of dunes with a buried shallow revetment back-stop, hereafter referred to as the “hybrid option”), Mr Goss said that it would require more rock work and therefore greater cost.
56. Overall, Mr Goss said that reconstruction and extension of the revetment would be the best option to provide the “*greatest certainty of protection for the substantial investment proposed at this site*”.
57. Councillor Riley asked if a hybrid system would cause adverse end effects to the north and south. Mr Goss said that if “coast care” planting is established then it should not.
58. Commissioner Todd asked if there is a difference between the hybrid and rockwall options in mitigating risk. Mr Goss considered that they would have the same effectiveness and lifetime.
59. Commissioner Todd asked if there would be a difference in landscape character between the options. Mr Goss considered that the rockwall option provides no change and is just a re-jig of what exists. The hybrid option would improve amenity but may bring problems.
60. Commissioner Todd asked if there is there a significant difference in cost. Mr Goss said that reconstruction of the rock wall requires material that is already there and is significantly cheaper (approximately 2 or 3 times cheaper). Commissioner Todd also asked about the differences in ability to stage the works (response: hybrid more difficult) and differences in ability to modify if necessary in response to rising sea level (response: both possible with same degree of difficulty).

61. **Mr Derrick Railton** (Infrastructural and Environmental Engineer), said that the maximum occupancy of the site has been calculated at 83 persons. With water reduction facilities and a contribution from the shop he calculated an overall wastewater flow of 14.6 cubic metres per day.
62. Looking at the site, Mr Railton said that the groundwater is at least 2 metres deep and that the sands on the site are ideally suited to providing further treatment of wastewater. He estimated the permeability of the sands was well over 10 metres per day. (i.e. 10,000 litres of water could be discharged to one square meter of soil over one day without ponding.)
63. He proposed an advanced secondary standard of treatment through a packed bed reactor. Disinfection is not proposed as the sands are suited to bacterial removal.
64. Mr Railton said that 292 square metres would be required to discharge the wastewater at a very conservative rate of 50 millimetres per day.
65. In terms of effects, Mr Railton said that virus reductions of 99.99% through 0.6 metres of sand and bacteria reductions of 99.998% through 0.9 metres of sand have been measured. He was satisfied that there would be almost full attenuation of pathogens. Dilution of any pathogens entering the sea will reduce concentrations even further.
66. **Ms Jackie McNae** (Planner), described the history of applying for, and obtaining, consent for a 10 lot subdivision of the site. This was done so that a comparison could be made. She also noted that coastal protection discussions were not progressed as they would be better traversed through this application.
67. Ms McNae considered that there is a problem with the TRMP that causes the land use part of the application to fall to be considered as a non-complying activity.
68. Ms McNae stressed that the applicant seeks to retain the hedge as wind protection. She considered that a footpath inside the hedge would be of benefit with the shop reopening. The applicant therefore volunteered to construct a footpath on the inside (eastern side) of the hedge for public use.
69. Ms McNae agreed with Mr McFadden that strictly there is no permitted baseline. A subdivision consent is held and must be considered but the houses that can be built on each lot are a controlled activity and are, therefore, subject to conditions.
70. Ms McNae said that there will clearly be a change of character, but that there will also be a change if the 10 lot subdivision proceeds. Change is inevitable and not of itself adverse.
71. Given the existence of the shop and petrol station, she did not consider the proposed commercial takeaway proposal to be a more than minor adverse effect.
72. Ms McNae then discussed the impact on the coastal environment. She expressed the applicant's preference for an esplanade strip. She said that access will be provided in a very high tide, and noted that with a strip rather than a reserve, maintenance of protection works located in the strip will be the responsibility of the owner and not a cost to the Council.

73. In discussing the NZCPS Ms McNae acknowledged Policy 1.1.1 which encouraged development in areas where natural character has already been compromised. She considered that it makes an efficient use of land.
74. Ms McNae said that additional shoring up of the existing rock protection works is the best option for the long term. She also considered the construction of the rock revetment to be best from an amenity point of view.
75. Commissioner Todd commented on the likely loss of high tide beach as a result of the revetment and asked about the policies in Chapter 3 of the NZCPS. Ms McNae considered that 15 metres would be unusable by the public if the dunes (associated with the hybrid option) were implemented. She said that the revetment option is better for public amenity and access because it would take up only five metres of frontage, leaving space for a walkway and planting.
76. Commissioner Todd asked about the different views of the revetment (i.e. micro and macro views). Mrs McNae said that the micro view is from the beach. She saw the landward side of the structure as important with people coming to and fro from the shop. The option of 15 metre wide dune footprint that people can not walk over is less desirable than the rockwall which can be used for access.
77. Commissioner Collins said that Section 6(a) talks about protection of natural character, but a policy in the TRMP goes beyond the matter of national importance by seeking to protect *and enhance*. Does that have much sway in pushing towards the hybrid option?
78. Mrs McNae said the baseline to consider the matter from is the *existing* character, i.e. compromised by existing rocks. She agreed that, in terms of visual character, the hybrid would be a better outcome. She said that the hybrid option is more natural than the rockwall, but this is all subject to “where appropriate” and “where practicable”.

Submitters

79. **Mr Bruce Collings** said that he supports the proposal. He said that his property to the north has old style rock protection over geotextile fabric and dune plantings. He considered old rock wall style protection to be useless. He considered that the new methodology of using geotextile membrane in association with a rock system to be effective.
80. Mr Collings said that most of the road around Pakawau is protected by rock wall and the alternative hybrid option is likely to be very costly.
81. Commissioner Todd asked about the amounts of erosion observed in the February 2010 storm. Mr Collings said he lost about 400 millimetres width of trees and vegetation. Whatever was unprotected was eroded. Mr Collings said it was the worst he has experienced since 2003.
82. **Mr Bruce MacHardy** (1091 Main Road, Pakawau) supported the application because it will lead to development at Pakawau, including giving the opportunity for the shop and fuel pumps to reopen. He said that he has lived there for 60 years and has seen the foreshore erode and rebuild cyclically. He said that rock protection appears to hold the line for further erosion.

83. Mr MacHardy said that he cannot understand why further rock protection is not allowed. He commented that sand blows over the rock wall and that if protection is constructed there is every chance that a dune will form in front of it.
84. Mr MacHardy did not believe that the macrocarpa hedge should be removed as it creates a substantial windbreak and provides visual screening. He also did not believe a footpath is necessary.
85. Commissioner Todd asked about the extent of the envelope of erosion and accretion. Mr MacHardy estimated about 20 to 25 metres in horizontal position and up to 1 metre in sand elevation and said that it is a long cycle, in the order of 30 years. Mr MacHardy also said that the current erosion appears to be a more aggressive phase than previous erosion cycles.
86. **Mr Robert Duncan** (1115 Collingwood-Puoponga Road) supported the application. He said that opening the shop and petrol pumps is vital to the Pakawau community. He asked that if the application is approved that the boat ramp remain open for the public.
87. Mr Duncan also asked that permission to sell takeaways from the shop be denied as he operates the Old School Café across the road and there is only room for one food outlet. We see that as a matter of trade completion, something we are specifically directed not to have regard to by section 104(3)(a)(i) of the Act.
88. **Mr Dick Lamb** (14 Onekaka Ironworks Road) supported the application. He said that the original rock protection put there 30 years ago is achieving the purpose in the main. The sea is not over-topping the wall and the wall is not subsiding. While it may not meet current engineering standards it appears to be effective. He considered that the option with the least visual impact would be to retain the existing structure.
89. However, if additional security is sought then enhancement of the current structure should be considered. He noted that the Dahm report estimated between \$2,000 and \$3,000 per lineal metre for rock, geotextiles and other forms of barrier to scouring. He suggested that a bond could be sought to provide funds should the need for further protection or maintenance arise.
90. Mr Lamb supported the application and said that the form, design and appropriateness of this development is the best use for the site. He considered that the visual impact would be far less than would be the case with a subdivision for 10 dwellings.
91. He stated that he failed to see the logic of removal of the macrocarpa hedge. That is a major asset of the site as a consequence of the westerly wind.
92. Commissioner Todd asked Mr Lamb (who is a contractor) about his estimation of the difference in costs between the rock revetment and hybrids options. Mr Lamb said that it would be costed at a rate per square metre. He said that the hybrid option has a flatter profile and so would involve a greater square area of rock. He said that it looks like about twice the area and one would assume rock and construction would be double. On top of that is excavation and placing sand and plantings. He considered that it would be about 2 to 3 times the cost.

93. Mr Lamb said that the rock supply is close; about 5 kilometres down the road. But he said that the rock needed for this type of work is jagged and very user-unfriendly as it cannot be walked on with barefeet.
94. **Dr Don Mead (Friends of Golden Bay Inc)** said that they are pleased that the applicant has addressed many of the community concerns. He is pleased with the applicant's cat- and dog-free policy, the lowering of rooflines, and the permanent right of way to the beach and esplanade.
95. Dr Mead said that there are benefits of this type of development over the 10 lot subdivision option.
96. With regard to coastal protection, he said that FOGB would prefer the more natural coastal care method. He said that there is considerable uncertainty in the future and the risk should be carried by the landowners. He suggested that warnings be written into the titles and that there be no comeback on the Council.
97. Dr Mead also suggested that there be clear notices on the beach access right-of-ways stating that they are available for public use and enjoyment.
98. Dr Mead, speaking as a silviculturalist said that it would be difficult to find fast-growing, tall, native coastal trees that would replace the shelter. He said that the choice would be greater if introduced tree species were used, but even so, similar shelter could not be provided in less than five years.
99. Dr Mead said that he is now satisfied that the wastewater discharge will not pose a hazard to the waters of Golden Bay.
100. **Mr Neville Howse** said that the existing rockwall has survived and been successful. He also said that he is happy and pleased with the complex proposed.
101. **Mr David Sissons** (Christchurch) stated that he has holidayed at Pakawau for at least 30 years. He is trained as a landscape architect and is a parks planner with the Christchurch City Council. He has a particular interest in sandy coasts, has written management plans for beaches in Tasman and Nelson and has been involved in coast care projects.
102. Mr Sissons said that coastal erosion only matters when the land at risk becomes valuable. Problems of erosion are caused by people, not the sea, because high value land uses are constructed close to the coast. He said that the need for adequate setbacks at Pakawau have been known for over 30 years but this advice has not been followed. He said that we have got away with it because the pressure so far has been minor.
103. Mr Sissons said that human interference has changed the sand dynamic. The sand supply has fluctuated and the coastal dune vegetation has been changed radically towards species which do not trap sand effectively. He emphasised that there are no sand binding plants along much of the Pakawau beach, but towards the northern end the accreting sand has been bound mainly by marram grass.
104. Mr Sissons said that using rocks to fight nature does not work; all they do is cause the beach to be scoured. He provided photographs that demonstrated the loss of beach in Sumner where the level of the beach has dropped by a metre and the high

tide berm - the bit that is used the most - is gone. He said that it wrecks the natural character of the coast, as well as its recreational and aesthetic appeal. He said that the rock protection destroys the things that attract people to the place.

105. Mr Sissons then said that a skim of sand is not enough to provide effective sand entrapment by plants. He said that coast care plants need very deep sand profiles to supply their roots with moisture. He said that any coast care works must be done by someone who is very knowledgeable. He suggested Rob Lewis as an experienced local person.
106. He said that working with the natural processes is best in every way. The fair-weather return of sand is just as important as the loss during the storm. The sand settles just offshore and is returned by small waves. He said that we know that the approach will work. Mr Sissons described spinifex as a wonder plant and ideal for the situation. It grows rapidly sending out long runners down the beach and rapidly building the foredune forward. In high tides it retains some sand and reduces the cutting effect of the waves. Since the sand is free draining it absorbs much of the wave energy. Unlike marram it tolerates salt water around its roots and does not get washed away so easily.
107. Mr Sissons said that coast care in Tauranga has caused the whole beach profile to advance by approximately 11 metres, it looks like it will do the same in Christchurch, and he said that it will do the same in Pakawau.
108. Finally, Mr Sissons pointed to the spinifex that has already been established at Tomatea Point at Pakawau. He said that we need more. Providing a 30 metre set-back and then establishing and maintaining a state-of-the-art coast care programme is the best precautionary approach as it is likely to succeed and the option of placing rock protection later will still be available. He said that there is no point in going with an expensive option which will 'stuff up' the beach now.
109. Commissioner Collins asked if Mr Sissons is advocating that the rocks be removed. Mr Sissons said that they could be taken out of the dynamic zone and be buried further back as part of any hybrid option. There needs to be sufficient room for the growth of sand-binder roots.
110. Mr Sissons said at Rabbit Island they got consent to move sand from one part of the island to put it in front of beaches in another part, but it was eroded straight away. It has now been done again with the sand battered. You need to get plants established hoping you do not get a storm in that period, then they race away. Tahuna Beach is another good example. He said that the processes are the same, but every site has different dynamics.
111. Commissioner Todd asked about the natural character of the beach on scale of 1 to 10 (1 worst and 10 best). Mr Sissons said Pakawau beach front is about 4 in terms of natural character. Under the rock revetment option that would go to a 2 if it looked like the coast at Totara Avenue to the south (where there is a revetment). The hybrid option with good dune care would push it to a 10. Hopefully, if the back-stop is far enough back then the sand will just re-establish. Under a pure coast care option, Mr Sissons put the natural character at 10.
112. Commissioner Todd asked further about the amenity of the hybrid option compared to the rock revetment as the applicant's planner said there would be less amenity

with the hybrid option as there would be more unusable land. Mr Sissons said that climbing up and down rocks is difficult and the idea that mown grass is what you have behind the beach is exactly what coast care programmes have shown does not work, its only ok if it is hidden behind rocks.

113. Mr Sisson said it is essential to specify vegetation requirements. Spinifex and pingao are conventionally said to be the best options. Spinifex is predominant along active front of the dune. Spinifex is the wonder plant, and it is mixed with pingao to keep everyone happy.
114. Commissioner Todd asked about the design components of the hybrid option given in Mr. Goss's evidence. Mr. Sisson's responded that the dunes should have a 1:4 to 1:5 slope which would require the majority of the width of the esplanade strip and would need to control access across dune to protect plantings. He also emphasised the need for greater dune sand depths over the protection rocks than shown in Mr. Goss's concept figure of the hybrid option.
115. Commissioner Todd asked about the likely rate of dune growth over a hybrid option relative to that experienced over a similar structure on New Brighton Beach Christchurch. Mr Sisson responded that a major difference at Pakawau is the predominantly offshore westerly winds, as a result he thought that the dune growth would be slower. But he said that erosion would also likely to be slower as well.
116. **Ms Glenys Glover** (Richmond) opposed the application. She said it is in an area of national importance extending from Collingwood to Farewell Spit. She said that the land is not idea for development, nor for long-term Council infrastructure. She did not consider it appropriate to allow intensive coastal development with the uncertainty of climate change.
117. Ms Glover said that this proposal will commit the area to a village status which in turn could be used to promote more development. It is of a scale that is not appropriate for the area.
118. Ms Glover considered the rock revetment to be a big issue. She considered it to be inappropriate in a sensitive environment. It would be imposing and would create pressure on adjacent landowners to follow suit. She said it is not economically sustainable to have long rock revetments everywhere. She supported Mr Sissons submission and would be comfortable with the coastline left in a more natural state. Ms Glover thought that buildings being set back 30 metres might achieve that as the shoreline has not moved much over 50 years.
119. She said that erosion is not a big issue at the moment, but it may become so with sea level change. The responsibility is on the applicant to allow for sea level rise. The consequences rest on the future owners. She said that, should this proposal proceed, as much effective planting as possible should be required for coast protection and for bird life.
120. Ms Glover supported the retention of the hedge as it is a very windy site, and supported the vesting of the strip of road with the Council.
121. Ms Glover considered that the future employment opportunities may be limited and probably no more than when the camping ground existed.

122. Following questions from the Panel, Ms Glover said that coast care does seem to work well and removing the rocks and implementing a scheme would be effective. She said if you start building rockwalls in one place you need to continue them alongshore.
123. **Mr Murray Gavin (Royal New Zealand Forest and Bird Society)** said the Society's issues are to do with increased disturbance to wading birds in front of the site, disturbance to beach roosting shags, disturbance and predation of the little blue penguin and predation of the threatened banded rail, fernbird and crake around the Pakawau Inlet which is about 850 metres from the site.
124. Mr Gavin said that many of these vulnerable species are present. He strongly supported the applicant's volunteered exclusion of dogs and cats.
125. **Mr George Carter** (1017 Collingwood-Ponga Highway) favoured a long term rock protection solution owned and maintained by the landowner rather than the Council.
126. He supported the retention of the beach's ability to support sea life. He also said that it is a very family-friendly beach area. Mr Carter said that at the site and further north there is plenty of beach. He said he wants protection but also good access and retention of the beach.
127. **Mr Bill Wallace (Golden Bay Marine Farms Consortium Ltd and Victory Marketing Ltd)** requested that faecal coliforms be included in the wastewater monitoring regime. Mr Wallace explained about the very high impact on aquaculture if undetected high faecal coliform levels occur. He said that they just want to be notified if there is a problem so they can temporarily stop their harvest and investigate. Mr Wallace said they need immediate notification of any treatment plant failure by telephone; notification in writing could be too late.
128. Mr McFadden agreed to an amended condition to ensure this.
129. **Ms Stephanie Wilson** (1242 Collingwood Puponga Road) was concerned that the development will not be in keeping with the character of the area. She said that the camping ground has been enjoyed by a lot of people and its removal should be a public decision. She thought it unlikely that the dairy would be able to remain open with fewer people accommodated than by the camping ground.
130. **Ms Lorna Scurr** (Clifton) was concerned that the amount of water needed had been underestimated. She said that the 20 units will use a lot of water.
131. Ms Scurr believed that the rock revetments cause erosion problems to the beach and supported taking a precautionary approach.
132. **Ms Fiona Wilson** (Maungarakau) was concerned about the density of buildings, the appearance of the buildings and the destruction of the camping ground, the shop and the petrol pumps.
133. As a member of Collingwood Coast Care she prefers a coast care solution for protecting the area. She said that spinifex grows fast and sends out long runners very quickly, building up dunes. The rockwall causes turbulence and badly affects neighbouring properties.

134. She considered the design of the development to be attractive but out of place in Pakawau. She said that she prefers the 10 sections to the high density development proposed. She said she would like to see a stronger demarcation between the beach frontage reserve and the private property than just a row of grasses.
135. **Ms Jill Newport** (22 Pakawau Bush Road) said that a lot of Pakawau residents probably first experienced Pakawau by staying at the camping ground.
136. She did not think that it would be possible to control the coast and felt that coast care would be a better option. A rockwall may protect dwellings but coast care will better protect the beach.
137. Ms Newport criticised the assumptions that the applicant had made about the sizes of houses that would be built on the lots should the 10 lot subdivision proceed. She said that most of the houses built are quite small bachs, and there is not great demand for large holiday homes.

The Officer Reports

138. **Mr Gary Clark (Transportation Manager)** said that the width of the road outside this site is only 10.3 metres wide, but is around 15 metres wide at either end. The site has a reasonable speed restriction and with the removal of the camp the speed environment must be considered to be 100 kilometres per hour. While there is nothing in the Council's ten year plan, there may be a need for services beside the road or road widening. Such upgrades are not known at this stage, but the boundaries of this site need to be brought into line with those to the north and south.
139. The other key issue, one of safety, is the hedge. He said it is unsafe, particularly when exiting the site. The hedge restricts visibility significantly. He recommended that the trees (including the roots) be removed. He said that if the hedge is taken out it will make the area look more urban. That would allow the speed restriction to be reduced permanently.
140. Mr Clark considered that a crushed aggregate footpath would be sufficient.
141. Mr Morris said a Condition of the 10 lot subdivision consent also required that the same 5 metres be vested as road.
142. Commissioner Todd asked if the applicant providing a footpath on their land is a reasonable alternative to vesting. Mr Clark said that extra widening would provide a consistent width of road. A footpath is important as this is the first step and may be continued at each end. The extra width gives the Council future-proofing for wastewater and other services.
143. Commissioner Collins asked if the hedge could be kept until other shelter is established. Mr Clark said that the hedge restricts visibility and the safety issue will remain. There is no safe way of dealing with it except for complete removal.
144. **Mr Leif Pigott (Co-ordinator Natural Resources Consents)** considered that the conditions of consent should include background monitoring of groundwater to establish base faecal coliform concentrations. He considered that large concentrations are more likely to come from farmland.

145. **Mr Eric Verstappen (Resource Scientist, Rivers and Coast)** said that coastal processes at Pakawau are affected by changes in the ebb tide delta at the Aorere River. He considered that decadal timescale of slow northward movements of sand in the delta alters the magnitude of delta refraction processes, and hence coastal erosion at the same time scales, along the Pakawau coast.
146. Mr Verstappen said that the site is not in a listed Coastal Hazard Area within the TRMP; there is only one such area and it is at Ruby Bay and Mapua. That is principally because of resourcing issues and ability to fund studies. It does not obviate the need to look at and deal with coastal hazard risk and appropriate management at sites such as this. The lack of a Coastal Hazard Area status means that the TRMP special setback rule does not apply.
147. The existing protection works have been largely successful in alleviating short and medium term coastal erosion, but it needs to be recognised that it is for present and past climates which have not changed much. This is unlikely to continue into the future. He said that meetings have been held with the community to discuss the protection of shoreline. He said that they brought Mr Jim Dahm to look at the development proposal and to talk to the community about management options that could be implemented. He said that as a result TDC are now more aware of potential future coastal hazard issues and are now looking more closely at the viability of a variety of coastal management options in the context of the nature of the proposal.
148. In relation to sea level rise, Mr Verstappen said that he must be guided by the recommendations and guidelines put out by the Ministry for the Environment and take into account the effects the development might have on the coastline. He said that he agrees with Mr Goss in thinking things will change in the intermediate to long term. Projections currently are for 0.35 metre sea level rise by 2030 and 0.5 metre by 2070, but he considers that these are likely to be underestimates given more recent information and data.
149. The applicant has proposed a rock revetment as its preferred method of shoreline management, potentially utilising existing rock for toe foundations. Mr Verstappen considers that if consent were granted for this option, then design matters would need to be confirmed particularly the adequacy of toe depth and rock size for a future profile shape, water levels and wave climate.
150. Mr Verstappen said that if the rock revetment is authorised and constructed, before long MHWS will move to the toe of the revetment and the part of the beach that is currently enjoyed most will be lost. Eventually, with sea level rise, the beach in front of the revetment will become a low tide wave platform with little public access. This option must be considered against the provisions of the NZCPS and the TRMP.
151. Mr Verstappen said they have also looked at soft engineering options, both stand alone “coast care approach” involving dune shaping and planting, and as part of a hybrid form involving soft and hard options together. He said that while a coast care system is not a foolproof method, it will re-establish the bulk of a fore-dune in the current climate and may add a significant number of metres to the dune system, therefore may well be a feasible and functional solution in the short to medium term (e.g. up to 50 years). However, in the longer term (i.e. 50-100 years) this is not the case due to the projected erosional cut from predicted sea level rise being into the footprint of the proposed apartment complex. Therefore a soft engineering solution alone is not sustainable for the lifetime of the buildings. Mr. Verstappen also

commented that dune management via a coast care approach is always accompanied by appropriate setbacks to developments.

152. The hybrid option attempts to blend environment and amenity interests with the private interest of development and protection of the land. Mr Verstappen agreed with Mr Sissons that the sand depths shown in Mr Goss's concept diagram for a hybrid solution were inadequate, and once the sand is eroded, rebuilding of the dune is much less likely. However, he noted that if sufficient room, a hybrid system can be developed with significant positive public benefit for 20 to 50 years before it becomes a hard solution (i.e. a revetment). The ability to relocate the wastewater dispersal system adds further resilience to the hybrid option and also means that a buried revetment structure can be located directly in front of the buildings.
153. **Ms Rosalind Squire (Consent Planner, Coastal and Reserves Forward Planner)** asked us to carefully consider the relevant objectives and policies of the NZCPS and the TRMP. In particular she referred to Policies 13.1.3.2, 13.1.3.3 and 13.1.3.8 of the TRMP. She said that she concluded that the adverse effects of establishing a revetment would be more than minor on the natural environment of coastal marine area of Pakawau. In particular it will compromise high tide access, and beach and coastal amenity. She considered that if the wastewater disposal area can be relocated it will provide for soft engineering which would preserve public access, amenity and mitigate adverse effects on the foreshore and adjoining properties.
154. Ms Squire agreed with the vesting of an esplanade strip over a reserve as the Council is reluctant to inherit the ongoing maintenance costs that are associated with a hard engineering option. She said that the Community Services Department actively promotes soft engineering options to preserve natural character and they do not support hard engineering where it is unnecessary.
155. Ms Squire said that other esplanade reserve land along the Pakawau coast is not necessarily actively managed to protect it from coastal erosion, but they have had meetings with the community who now want to erect hard engineered options to protect reserves. The Council prefers a soft engineering option. Ms Squire said that the Council is prepared to contribute to looking at coast care in preference to a revetment.
156. Commissioner Collins questioned the distinction in Mr Dahm's report between protecting this development and protecting housing. Mr Verstappen said that this proposal is fixed on the ground. With housing the Council can, through the Building Act, require foundations that are re-locatable. This gives a greater degree of flexibility to the 10 dwelling subdivision than to the 20 apartment complex. Modular re-locatable design means that you are maximising the use of a property before it becomes untenable to remain.
157. Commissioner Todd asked if there was any consideration under Section 106 of imposing a greater than 30 metre setback on the 10 lot subdivision consent. Mr Mark Morris said that only a 30 metre setback was imposed as they knew that every dwelling would require landuse consent for the dwelling and at that time the Council can further consider the hazards. As the current proposal includes buildings, we have considered it necessary to assess the adequacy of the setback proposed.

158. Mr Verstappen said that in reporting on the 10 lot subdivision proposal they could have required a greater setback than 30 metres if they had had access to Mr Dahm's report. With a rock revetment, as was proposed at the time, a 30 metre setback is entirely acceptable. But for an alternate method of coastal management such as a hybrid option or coast care then the setbacks vary.
159. Commissioner Todd asked for a summary of desirability of the various options. Mr Verstappen said, with the apartment complex proceeding where proposed, the preferred option would be hybrid with engineered back-stop as far back into land, maybe directly in front of buildings. With this design the dune will be resilient and self-sustaining (rather than needing to be rebuilt manually in front of the revetment). Second, a hard engineered structure at the location of the existing rock protection. Third option, soft engineering as stand alone with no hard engineering now will clearly have a life of say up to 30 years but ultimately will require hard engineering to avoid potential destruction of the buildings. Fourth, hard engineering option on foreshore as we see it today. The revetment has the advantage of immediately providing long term protection. It maximises the private benefit but minimises public benefit.
160. Commissioner Todd asked if there anything stopping the applicant doing a buried revetment in its own property but delaying the construction until it is needed. Would that meet the objectives of the TRMP? Mr Verstappen said that would meet objectives for now but it is the equivalent of providing a soft engineering option now and, at some trigger point, invoking a requirement for a hard engineering option. He said that it is possible but a trigger point would be needed. Mr Verstappen also said that we must be mindful that we have a wide range of coastal process taking place including a changing erosion risk to the south. A future dynamic equilibrium may be achieved that allows ongoing soft engineering success.
161. Commissioner Todd asked Ms Squire if for the purposes of Chapter 3 of the NZCPS she considered the development to be new or existing. Ms Squire said that it is new and should be considered under Policy 3.4.5 rather than 3.4.6.
162. **Mr Mark Morris (Co-ordinator Subdivision Consents)**, reviewed the planning conditions, advice notes, plans put forward by Mr McFadden.
163. With regard to the cottage that the applicant sought to retain on proposed Lot 1, Mr Morris said his expectation was that buildings would be set back at least 30 metres. In its current position the cottage would sit on the esplanade strip. He considered that one of the mitigating factors is that there would be a 30 metre coastal buffer with no development. He felt that the cottage would be out of context with the rest of the development and should be moved.
164. Mr Morris agreed with the proposed landscaping conditions and accepted there is no need for a bond.
165. With regard to the volunteered restriction on cats and dogs, Mr Morris said that there is an issue with enforceability. Cats and dogs are a permitted activity and properties either side are allowed as many cats as they like. Nevertheless the volunteered condition is accepted.

166. Addressing the condition requiring the vesting of land as road, Mr Morris said it is not unusual to impose a 5 metre wide strip. He said that road widening was not the only reason for taking additional road width as there may be a need for additional underground services in the future. In terms of the removal of macrocarpa trees, the complex will create a substantial intersection and it needs to be safe. He said that the only engineering advice presented in the hearing that relates to safety has been from Mr Clark who is a highly experienced traffic engineer. Mr Morris agreed that it provides shelter but the Council has to ensure safe sight distances are achieved.

Right of Reply

167. Mr Goss commented on Mr Dahm's report. He said that proposed developments need to be protected from hazards. He said that there is general agreement about the likely magnitude of coastal retreat.

168. Mr Goss considered that beach restoration or coast care is not a reliable option to protect the development. He agreed that a compromise hybrid option is appropriate, subject to minor alteration. Mr Goss also accepted Mr Sissons' hybrid idea of a steeper revetment but much further back. This would keep the costs down by requiring less rock. However, the excavation required would still be expensive.

169. Mr McFadden summarised that the "contest" is over two issues: coastal protection and the road edge requirements.

170. Mr Fadden asked why the hedge, if it is a safety issue, has not been addressed previously when the camping ground had 230 campers. He said that there appears to be no programme of services or upgrades that requires the road to be vested. He considered that the Council is 'clipping the ticket'.

171. The Council still retains ability to designate in the future. He said that this would allow the macrocarpa hedge that provides wind protection and screening to remain in place in the meantime.

172. Mr McFadden said that it seems geotextile and rockwall solutions work and Mr Verstappen does not challenge that. A rockwall would give a face to the dune and enable a considerable area of land above it to be landscaped. It will enable trees to be retained and will enable people to sit and enjoy at top of the revetment. He said that people do not turn their backs to the water to look at the coastal protection. The rock revetment will also enable the effluent disposal system to be protected.

173. Mr McFadden said that Ms Squire referred Policies 3.4.5 and 3.4.6 of the NZCPS. He considered that there is already development on the site. He said that if a rockwall is constructed it will be effective, economic and designed in such a way that people have access down to beach. It will also maximise the space for public use at top of bank.

174. With regard to concerns about the loss of the camp ground he said that this is not up for discussion. In terms of this community there is an opportunity for the return of the store and the petrol pumps but this will only arise with development.

Principal Issues and Our Main Findings

175. This section sets out the questions (in bold) that we consider to be the principal issues in this matter, along with our findings on these issues.

Permitted/Consented Baseline

- 176. To what extent should we give the 10 lot subdivision consent, which has been granted by the Council, status as a permitted or consented baseline?**

177. Firstly, it is clear that there is no relevant permitted baseline consideration as there is very little that can be done by the applicant as a permitted activity.

178. However, the applicant does hold a consent for a 10 lot subdivision which it is free to give effect to whenever it chooses. This forms a “consented baseline” which we can take into account, although a subdivision consent on its own does not give the applicant the right to construct any dwellings. The weight that we can give to the subdivision consent depends on the amount of control that the Council has over development from the point of giving effect to the subdivision consent onwards.

179. Constructing a dwelling in each of the new lots would be a controlled activity under Rule 18.11.3.1 and control is reserved over, relevantly, the appearance and position of each building and the effects of natural hazards. Therefore, we consider that there is little that the applicant can do as of right that can have a bearing on our decision on this application. We find that we can consider the subdivision consent to the extent that it would facilitate the erection of 10 dwellings, subject to Council control over design and and location, but beyond this we cannot make any assumptions about the position, size or type of residential use of these buildings.

180. It is also relevant that no consent for coastal protection works was sought at the time the 10 lot subdivision was granted. (Such matters would normally be addressed as part of assessment of a subdivision application against Section 106 of the Act.) Ostensibly, this was because a report has been commissioned for this hearing which would provide further information and options on coastal protection. It was agreed in the decision on the subdivision that “*It has been agreed with the applicant that the Section 223 certificate will not be approved until consent has been obtained for the coastal protection measures and the Section 224(c) certificate will not be signed until these measures have been completed.*” Therefore, it appears that Council officers have deferred decisions on coastal protection until after the proceedings on the current (apartment complex etcetera) have been completed, and a process has been set up to ensure that the matter is considered eventually. However, the process has the result, we feel, of constraining the choices open to the Council at that time given that the subdivision consent has been granted.

Coastal Erosion and Protection

181. Coastal erosion and the appropriateness of various forms of coastal protection or management emerged as the principal matters of contention in this case. There are a number of key questions to be addressed in respect to these issues.

- 182. What is the nature of the coastal erosion hazard in the vicinity of the site?**

183. There was agreement among the expert witnesses and lay submitters that the Pakawau coast is currently in a state of general long-term dynamic equilibrium with shorter term decadal scale movements resulting in 5-10 metre erosional cuts into the dune field followed by similar magnitudes of accretion over similar time scales. In a number of places, including the proposed development site, the use of piecemeal rock revetments over the last 30-40 years have been successful in slowing or halting the decadal scale erosion phases.
184. There is also general agreement among the expert witnesses that the magnitude of erosion hazard is most likely to increase in the future as a result of long-term accelerated sea level rise due to climatic warming. There is no disagreement that the amount of rise that is required to be assessed is 0.2-0.35 metres in the next 50 years, and 0.5-0.8 metres in the next 100 years. This is in line with the recent Ministry for the Environment Guidelines on Coastal Hazards. Only the Council consultant's report included an assessment of the scale of additional dune retreat that is likely to result from this magnitude of sea level rise (the Dahm Report). However, there was agreement among the parties that the existing revetment structure would not be adequate to provide protection against this increased erosion, and that without some form of works the required building setback in the TRMP of 30 metres from MHWS would not provide an adequate buffer width over a 100 year time frame. The parties were therefore in agreement that some form of coastal management or works were required for the long-term protection of the proposed development. We agree with these assessments.

185. What methods of coastal management or protection are the most appropriate for dealing with coastal erosion at this site?

186. From the above discussion we consider that some form of coastal management or protection is required to meet the provisions of Section 106 of the Act regarding mitigation of hazard for granting the subdivision consent. The three coastal management or protection options that emerged from the hearing are:
- a) The reconstruction and extension of the existing rock protection works into a substantial rock revetment in its current location. This is the proposed and preferred option of the applicant. It has the advantages for them of certainty of the level of protection for the complex, provides maximum distance between the works and the apartments, can be easily constructed in stages along with the development of the complex, and likely lower costs of construction. Although this type of protection can be designed to provide the necessary level of protection over the longer term, the potential effects of interference with natural processes, "end-effects" erosion, loss of amenity value, and loss of natural character also need to be considered.
 - b) A "coast-care" approach involving using recognised coastal sand binding plants to trap drifting sand to naturally increase the size of the dune buffer. Requirements for this approach are a suitable width of buffer for dune erosion and development to occur, tight controls on access across the dune so as to prevent damage, and a strong planting maintenance programme. Advantages of the "coast care" approach are that it works with nature to provide a natural coastal environment, therefore has high amenity and natural character values. The disadvantage is the uncertainty of the long-term success of the approach to deal with on-going increased erosion driven by accelerated sea level rise. We share the doubts of the applicants and the Council officers about the width of the

30 metre buffer provided by the TRMP setback requirement being sufficient to allow such an approach on its own to deal with the predicted increases in longer-term erosion without recourse to increasingly having to artificially add sand to the dune. This course of action was not raised at the hearing.

- c) The construction of a hybrid system that involves a buried “back-stop” revetment and allows a Coast Care Programme to be established on the seaward side. Under this option there is flexibility on the timing of the construction of the “back-stop” revetment, being either staged at the same time as the development of the complex, or delayed to a later date should it be required. The key requirements for this option is that sufficient width and depth of sand is provided in front of the “back-stop” revetment to allow dune development and movements to occur in the short to medium term (e.g. up to 50 years). This option provides the certainty of the level of protection required by the applicant, while delaying the potential issues of effects on natural processes, amenity values and natural character that would occur immediately with a straight revetment option. The disadvantages for the applicant compared to the straight revetment option include increased footprint and costs of the works. We agree that the ability to relocate the wastewater dispersal system adds further resilience to the hybrid option and means that a buried revetment structure could be located directly in front of the buildings.

187. To what extent will each of the above management or protection options cause positive or adverse effects on the amenity and natural character of the beach, and the provision of access to and along the coastal marine area?

188. In terms of amenity value, our findings for each of the options are as follows:

- a) Reconstruction of the existing rock revetment: While we agree that this will provide some amenity for beach uses as a relief from westerly winds, we consider there will be a far more significant loss of amenity due to the beach only being exposed at low tide as a result of the inability for the beach profile to migrate landward of the structure in rising sea levels. Given the characteristics of the site, we also do not agree that the smaller footprint of a revetment placed in its current location would significantly increase the amenity value of the additional space provided between the structure and the apartment complex compared to the other management or protection options.
- b) Coast care approach: We consider that this option provides positive amenity in that it allows the beach profile to retreat with rising sea levels therefore being able to retain a useable and accessible beach area above high tide the majority of the time. We also consider that the resulting elements of this option (i.e. planted sand dunes) are those expected to be found at such a coastal site, therefore would provide better visual amenity and not significantly reduce the physical amenity by occupying a slightly larger footprint than the revetment option. However, over the longer term, the likely failure of this option to prevent permanent erosion of the dune would ultimately result in the loss of the public space between the dune and the apartment complex. However, an esplanade strip moves with sea level in the worst case scenario erosion would mean that the front apartments would have to be removed to maintain the public access strip along the coast.

- c) Hybrid option: We consider that this option also provides, for a period of time, a positive amenity in the same way as the coast care option, but after that suffers the same negative impacts on amenity as the revetment option. The aim therefore of this option should be to maximise the positive amenity for as long as practicable.

189. In terms of natural character, the most useful evidence was provided by Mr Sissons and we agree with his assessment that the degree of natural character would decrease under the rock revetment option and improve under the coast care and hybrid options. However, we note that the improvement under the hybrid option would only be until such time as the back-stop revetment was exposed, and would then revert to the same degree of natural character as the revetment option (Option a). Therefore, as with amenity value, the aim under the hybrid option should be to maintain an improved natural character for as long as practicable.

190. In regards to the provision of access to the coastal marine area, we are of the opinion that all three options would adequately provide public access along the esplanade strip. Even allowing for the larger footprint of a suitable dune profile under the coast care or hybrid options, we consider that there is sufficient space within the esplanade strip for the access along the top of the dune to occur for some period of time without compromising the functioning of the dune. With the provision of an esplanade strip rather than esplanade reserve there is the ability of this access to move landward as the beach and dune erodes with accelerated sea level rise. We also consider that both the revetment and coast care/hybrid options will provide a similar barrier to access across the esplanade strip to the coastal marine area (although for different reasons), therefore a similar level of access linkage will need to be provided for under all options. However, where we consider there to be a difference in the provision of access is along the coastal marine area (e.g. the high tide platform at the back of the beach). The ability for the beach profile to retreat with rising sea levels under the coast care or hybrid options would better provide for long term all tide access than the extension of the revetment in its current location, under which beach access will be restricted to lower tide conditions.

191. To what extent will each of the management or protection options be consistent with the provisions of the NZCPS and the TRMP?

192. The most relevant provisions of the NZCPS relating to natural hazards and the possible protection options under this consent process (i.e. those which are not limited to requirements of policy statements and plans) are Policies 3.4.3, and 3.4.6. The use of any form of management or protection also needs to be consistent with the NZCPS provisions for natural character, amenity and access.

193. The provisions of NZCPS Policy 3.4.3 (*to recognise, maintain, and where appropriate enhance the ability of natural features such as beaches and sand dunes to protect subdivision use or development*) can be best met by the coast care option and hybrid options, but not by the revetment option.

194. Policy 3.4.6 of the NZCPS allows for the use of protection works for **existing** subdivision, use or development; but limits this provision to where they are the best practicable option, and requires their location and design to avoid adverse environmental effects to the extent practicable. While we agree with Ms Squire that the whole of the apartment proposal could be considered as a new development rather than an existing development, we agree with Mr McFadden that the site is not

a “greenfields” site and contains some assets and campground space. The apartments proposed are a (substantial) extension and redevelopment of what is currently in existence, therefore we consider this policy of the NZCPS more appropriate than Policy 3.4.5 (location and design of new developments to be such that the need for hazard protection is **avoided**). The provision of protection for the long-term security of the apartments is likely to be necessary (and is required to be consistent with Section 106 of the Act).

195. From the above discussions on effects of the various management or protection options on natural character, amenity and access, together with the potential adverse “end erosion effects” of the revetment option on adjoining property, we find that the coast care and hybrid options are more consistent with the provisions of Policy 3.4.6.
196. In relation to natural character, we find that the coast care and hybrid options better provide for the features and processes listed under Policies 1.1.3 and 1.1.4 of the NZCPS. We also consider that in the context of the whole development reducing the natural character of the immediate coastal environment, it is appropriate to restore and rehabilitate the natural character of the beach front as far as practicable under Policy 1.1.5. This is best achieved by the coast care or hybrid options.
197. In relation to the provisions of the TRMP, Ms Squire directed us towards natural hazard policies 13.1.3.2, 13.1.3.3, 13.1.3.7, and 13.1.3.8. We consider that the proposed development does meet the provisions of Policy 13.1.3.7 (a) (*substantial capital works at risk*), therefore is appropriate to consider protection works, however these works need to also meet the provisions of clauses (d) and (e) of this policy. Of the options presented to us we consider that both the revetment and hybrid options can meet the provisions of clause (d) (*protection works to be effective and economic*), but that the hybrid option better meets the provision of clause (e) (*protection works will not generate further adverse effects on the environment or transfer effects to another location*). While the coast care option meets the provisions of clause (e), in the long-term there is doubt that it will be effective, therefore does not meet the provisions of clause (d). We also find that the coast care and hybrid options best met the provisions of Policy 13.1.3.8 (*to promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion*).
198. In relation to natural character, Ms Squire directed us to the objectives and policies of Chapter 8 of the TRMP. These policies seek to: maintain and enhance riparian vegetation as an element of the coast (policy 8.2.3.1); pursue and encourage restoration and enhancement of coastal areas where natural character has been degraded by past human activities (policy 8.2.3.17); and avoid, remedy or mitigate adverse effects on natural coastal processes of subdivision, use or development, taking account of sea level rise (policy 8.2.3.18). We consider that all of these matters are significantly better met by the coast care or hybrid protection options than the revetment option.

Resilience of the Proposed Complex

199. **To what extent can the proposal be “future-proofed” over the 100 year planning horizon we must consider?**
200. The applicant is proposing to construct a substantial and valuable development in a location that is subject to a minor level of erosive pressure currently, but which will be subject to increasingly severe erosion and inundation pressure in the future. The

exact magnitudes of those hazards cannot be accurately known now, but we are required to make assessments of the sustainability of the development in light of the best estimates of the likely magnitudes of these hazards.

201. There are three possible options of future-proofing against projected future coastal erosion hazards: 1) Applying a building setback greater than the projected erosion; 2) providing coastal protection works; or 3) designing buildings that are modular and easily relocated. The first option has not been pursued in this case, and due to site restrictions appears to have little ability in being applied.
202. The evidence provided to us about coastal protection suggests that, in a location such as this, hard engineering works have been effective at arresting past erosion and could protect a development from such hazards for a considerable time in the future. Although protection works may have significant adverse effects on other property and matters such as the amenity and natural character of the beach as discussed previously, there is also the ability to apply a degree of adaptive management to the design and construction of any hard engineering works to accommodate a more sympathetic approach to the desired level of future proofing.
203. For the third option, we understand, from the personal knowledge of Councillor Riley, that with the inherently modular design of the apartments they will be essentially separate structures. Each apartment will be relatively small and, even though they are constructed on concrete pads, it may be possible to remove and possibly relocate the front units should that prove necessary at some time in the next 100 years. We see this as quite different from a proposal for a large block of apartments sited this close to the coast which could not be readily be modified in the case of more severe coastal erosion in the longer term than is currently predicted. Relocation of the apartments could be simpler if they were constructed on piles. However, the increased height of pile construction is not desirable as there is a strong emphasis on keeping the profile of the buildings as low and unimposing as possible.

Effects of the Apartment Complex

204. **To what extent will the complex have positive or adverse effects on the amenity and character of Pakawau, both from the beach and from the road frontage?**
205. The proposed development would certainly increase the density of development in Pakawau and create a more urban feel. Currently, the dense macrocarpa hedge almost entirely screens the campground from the road, although walkers get visual windows into the site through large gaps in the hedge at either end. The removal or retention of the macrocarpa hedge is part of our decision in this matter and has a bearing on the visibility of the development from the road.
206. We do not consider that the increase in density and the more urban amenity would necessarily have an adverse effect on Pakawau - change is not in itself bad. The site is at the centre of what is currently a ribbon of semi-continuous, mixed character housing along the road, and it is arguably a good thing to provide a focal point to the settlement in this location. Certainly, if there is going to be a higher density group of buildings they are best located in the immediate vicinity of the existing heart of the settlement - the store and the Old School Cafe.

207. The buildings would be low and are designed with colours and materials to minimise visual dominance. They would also be broken up into four clusters with varying forms, which we see is much preferable to any kind of monolithic block with a repetitive form. In the short term the macrocarpa hedge would substantially screen the development from view from the road in any case. In the longer term the comprehensive planting and landscaping proposed would help the development to integrate into the Pakawau environment.
208. We note from the visual simulations that the buildings have an even more broken up form when viewed from the beach and from the proposed public walkway because each cluster has open space in the middle on the seaward side. Our impression is that from the beach and the walkway - the most important public viewpoints - the development will appear different from a row of traditional individual dwellings primarily because of the co-ordination of design, not because of the scale or intensity.
209. As noted in our discussion of the alternative prospect of development of the site for 10 new dwellings, we cannot predict the form those dwellings could take, but it appears that the trend in Pakawau is towards more substantial dwellings. It would not be overly speculative to assume that at least some of the lots would be developed for large homes, possibly with outbuildings. If that was the case, the total bulk of buildings as seen from the road and from the beach could well be similar to what is proposed by this application. The character of Pakawau will undergo a subtle shift from a “sleepy” holiday settlement to a more densely settled holiday village, but this is a trend already evident with the larger dwellings being built in recent years. We did not hear any convincing or heartfelt evidence that this shift would be overwhelmingly negative. Quite a number of submissions expressed a preference that the camp remain but we have no control over whether or not the camp remains, and overall we did not hear a groundswell of opposition to the proposed apartments.

210. What would be the benefits of the development?

211. As is usually the case, the submissions, officers’ reports, and the hearing focussed largely on potential negative effects of the proposal and how these could be avoided or mitigated. It is important though to not lose sight of the broadly enabling sustainable management of resources purpose of the Act, set out in Section 5. It is clear that the apartments would meet the needs of the future owners and paying guests (in the case of those apartments that are managed as visitor accommodation); otherwise the first stage units will not sell and the other stages will not be built. There was no specific evidence about alternative opportunities for timeshare/apartment style accommodation in Golden Bay, but we are not aware of anything else like this on a beachfront site.
212. We are in no doubt that beach front land is a valuable resource and we consider more intensive use of that resource is “*efficient use and development*” (Section 7(b) of the Act).

213. What economic and social effects will the complex have on Pakawau?

214. It is unclear what economic and social effects the complex will have. The campground certainly brought a large number of people into Pakawau, but for a relatively short summer season. The likely shift that we anticipate will be a lesser (but still substantial) number of people spread over more of the year and, potentially,

with more money to spend. We accept the applicant's view that the apartments are more likely to make the shop viable again than 10 new dwellings would. Overall, we think that the apartments will be good for the Pakawau economy. (But, of course, all parties must be aware that the establishment of the apartment complex will not guarantee the future operation of the shop.)

215. The social changes that may occur are also largely unclear. We would expect that there will be fewer families (who are often attracted to staying at campgrounds for their summer holidays) and more middle-aged and retired people staying at what will be more expensive accommodation. We acknowledge that it is unfortunate that the camping ground has closed. It is clear from the submissions that it catered for the needs of a large number of visitors for many years. Declining consent would not lead to the camping ground being re-opened however; the owners of the site have made it clear that it is no longer economic and the alternative to the present proposal is to sell the land for permanent housing.

Vesting of Road Reserve and the Macrocarpa Hedge

216. Is it appropriate that a 5.0 metre wide strip of the site sought by the Council be vested as road reserve? Alternatively, is it more appropriate that a 2.5 metre wide strip, aligning with the boundary of lots to the north, be vested?

217. Looking at the cadastral boundaries of the site and the nearby residential sites in relation to the alignment of the road it is clear that the site that is the subject of this application forms a considerable pinch-point on the width of the road.

218. The Collingwood - Puponga Road is listed as a Distributor road in the Council's road hierarchy and carries about 540 vehicles per day on average. The existing carriageway seal is only 5.5 metres wide, with no shoulders. There are no footpaths.

219. While the legal road is generally about 15 metres wide through Pakawau, it narrows to about 10.3 metres wide alongside the application site - the difference being the area occupied by the hedge. The Council's Engineering Standards and the TRMP set a standard for Distributor roads of 20 metres legal width.

220. Residential Zone subdivisions are subject to Schedule 16.3B(h) of the TRMP which can require that the road frontage of land being subdivided is upgraded to the standards set out in Rule 18.8 of the TRMP. The standard for a Distributor road is a seal width of 14 metres, footpaths both sides, and a legal width of 24 metres.

221. The reports on the present application by Mr Morris and Mr Ley indicated that the officers do not see that standard as necessary here, but recommended that a strip of 5 metres width is taken. Mr Morris' report noted that the Council has required the vesting of strips for road widening as part of five other subdivisions along the main road at Pakawau.

222. It appears from the plans provided that the legal boundary of the road steps out by 5 metres at the northern end of the application site and by 2.5 metres at the southern end. In our assessment the legal boundary of the road should be adjusted to line up with the boundaries on either side of the application site. This will mean a tapering area is to be vested as road (i.e. 5 metres wide at the north end, and 2.5 metres wide at the south end of the site).

223. Should the macrocarpa hedge be partially or entirely removed?

224. The macrocarpa hedge was the subject of much discussion at the hearing. We understand Mr Clark's concern about road safety - the hedge currently severely limits visibility of oncoming traffic for vehicles leaving the site. However the evidence was that the hedge is important for shelter from the westerly wind and also provides visual screening of the site from the road. Mr Langbridge emphasised the need to keep the hedge until new planting can be established, both to maintain a visual screen and to shelter the new trees and shrubs in this often windy situation.

225. We find that there is scope for a compromise which will achieve the best of both worlds. Mr Clark said that the more of the hedge that is removed the better for visibility. He also said that the risk is greatest for vehicles exiting at the southern end of the property as the visibility will be worse. Therefore, we find that there is a case for removal of some of the hedge at the southern entrance and the removal of the hedge entirely after sufficient time has been provided for shelter to be grown on the applicant's land.

226. What provision should be made for a footpath along the frontage of the site?

227. We are satisfied that there is no need to require construction of a formal footpath in this situation as it would not connect to any existing footpaths and so it would appear incongruous and would get little use. It is important though for the safety of pedestrians that there is room to walk along the road, well clear of the carriageway.

228. The applicant's proposal is that the public would be permitted to walk through the site inside the hedge, which the applicant wishes to retain indefinitely. As discussed above, we consider that the hedge should be removed after serving as a screen and windbreak while new planting is established within the application site. When the hedge is completely removed there will be room for some sort of informal footpath within the space currently taken up by the hedge.

Cottage on Proposed Lot 1

229. Should the existing cottage on proposed Lot 1 be removed?

230. The application plans show that all the existing buildings on proposed Lot 2 would be removed, but that the buildings on Lot 1, including the rental cottage, would remain. The cottage is shown on the plans as being right against the proposed esplanade strip. In our assessment the cottage would undermine the experience of people using the esplanade strip because they would feel they were intruding on the privacy of people staying in the cottage. We neglected to ask about the applicant's long term intentions for the cottage. We assume it is to be removed at some stage because frankly it would lower the tone of the whole development, but as it affects what is to be public space we have imposed a condition requiring its removal (or relocation) no later than the date when the final unit title plan is deposited. That will allow it to be used during the construction period, which could be some years as the development is likely to be staged.

Wastewater Treatment and Disposal

231. To what extent will the discharge of treated wastewater have adverse effects on the environment? Are there sufficient contingency measures available should the proposed discharge location (on the seaward side of the apartments) become unavailable?

232. The evidence of Mr Railton was comprehensive and categorical on this matter. Mr Railton said that the soil and sandy subsoil is very well suited to providing final treatment to secondary treated wastewater. It is clear that there is an extremely low likelihood of any measurable contamination occurring in coastal waters, and almost no chance of any contamination that may have measurable adverse effects.
233. It also occurs to us that the effects of the proposed wastewater discharge will almost certainly be far less than the septic tank systems which serve the other baches and dwellings in Pakawau and which, doubtless, are of variable effectiveness and in variable states of repair.
234. In the event that coastal erosion is such that there is little or no effective area on the seaward side of the units for discharge of the treated wastewater we are satisfied that there are other avenues open to the applicant. For example, the wastewater could be disinfected and discharged in a much smaller area or on the road side of the apartments.

Statutory Provisions

Section 104D of the Act

235. As a non-complying activity, Section 104D applies and we must be satisfied that the land use application parts of the proposal pass through at least one of the two gateways before we can consider granting the application under Section 104. In the terms of Section 104D we *“may grant a resource consent for a non-complying activity only if [we are] satisfied that either -*
- a. The adverse effects of the activity on the environment ... will be minor; or*
 - b. The application is for an activity that will not be contrary to the objectives and policies of the [TRMP].”*

Section 104 of the Act

236. Section 104 requires that, subject to Part 2 of the Act, we consider the following matters that are potentially relevant to the present application:

“any actual or potential effects on the environment of allowing the activity; and
a) any relevant provisions of-

- (i) a national policy statement;*
- (ii) a New Zealand Coastal Policy Statement;*
- (iii) a regional policy statement or proposed regional policy statement;*
- (iv) a plan or proposed plan; and*

b) any other matter the consent authority considers relevant or reasonably necessary to determine the application.”

Section 106 of the Act

237. Section 106 allows us to refuse consent or impose conditions if we consider that the land is likely to be subject to material damage by erosion.

Sections 105 and 107 of the Act

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

Decision

239. Pursuant to Section 104B of the Act, we **GRANT** consent to the applicant to construct an apartment complex, undertake commercial activities, undertake a two-stage subdivision and construct coastal protection works that can be described as a hybrid design, subject to conditions.

240. Pursuant to Section 104B of the Act, we **DECLINE** consent to reconstruct and extend a coastal rock revetment for coastal protection purposes.

241. The consent documents, including the conditions (pursuant to Section 108 of the Act), follow this decision.

Reasons for the Decision

242. Although it was not raised at the hearing, it is important to note here that we are satisfied that we have the legal entitlement and authority to grant consent for the hybrid coastal protection design. Coastal protection works were clearly part of the application that was considered by the Council officers, notified to the public, and discussed at the hearing, and is therefore within the scope of the application. The hybrid coastal protection option granted is lesser in its effects. Also, we are satisfied that granting the hybrid option does not prejudice against any party who may otherwise have lodged a submission.

Effects on the Environment

243. We are satisfied that the apartment complex will not adversely affect the amenity of Pakawau Beach. However, this conclusion is heavily dependent on the conditions that have been placed on the consents. The conditions require that a Coast Care Programme be implemented. The creation of a more natural beach-land margin is important to offset the reduction in naturalness caused by the apartments. The removal of the existing rock protection is also necessary, both to increase the naturalness and to enable the Coast Care Programme to work effectively.

244. Ms McNae and Mr Goss for the applicant commented that the rock revetment option favoured by the applicant would provide much more area for public recreation behind the wall and that this would create a better public space and recreation outcome than providing a healthy dune system and beach above the high tide mark. We disagree with this point. Yes, the creation of a natural dune system will take up some or even most of the esplanade strip, but it will mean that the beach is more attractive and more usable at all tidal levels; and it is the beach that makes Pakawau popular. We think this is more valuable to the public than grassy and landscaped areas close to

the apartments at the top of the rock revetment. In this quantity of space versus quality of space tradeoff we consider that the quality and naturalness of beach space is paramount.

245. Mr Goss mentioned several times that certainty of protection of the development was important for the applicant. We find that the adverse effects on the public space and amenity that result from achieving that certainty (through a rock revetment in its current position) are too great and are not consistent with the NZCPS. Mr Verstappen told us that in the medium term a revetment in the current position would result in a MWHS line at the toe or somewhere up the wall. (Mr Goss did not contest this evidence and therefore we accept it.) This means that Pakawau Beach, in this location at least, would be reduced to a low-tide platform as can be seen in many other locations where revetments have been constructed. We do not consider this to be an acceptable outcome to protect a private development.
246. In summary, we are satisfied that the hybrid coastal protection option approved will provide the applicant with the certainty that the level of protection required for the development can be provided. But, in granting the hybrid option, the protection of the development will be balanced by having considerably less adverse effects on:
- a) the natural character of the coastal environment;
 - b) the long-term natural processes operating;
 - c) the recreational use or amenity of that environment;
 - d) access along the coastal marine area
 - e) adjoining properties through potential end effects from a reconstructed revetment in its current location.
247. We also accept the evidence of Mr Railton that the wastewater can be treated to a higher level again, should it be required. And the substrate is such that the location of the discharge can easily be shifted should the proposed land not be available.
248. We are satisfied that the development will promote the purpose of the Act by providing for a type of living and visitor accommodation environment not currently available in Golden Bay, without creating any significant adverse effects on the environment. In particular we are satisfied that the carefully designed complex will not appear overly dense or visually dominant, particularly when viewed from the beach.
249. The proposed esplanade strip and public accessway through the northern part of the site will significantly improve access to and along the coast - a matter of national importance under Section 6(d) of the Act.
250. The proposal provides an opportunity to rationalise the road width alongside the application site. But more than just providing the opportunity, we see a high likelihood that there will be a demand for a greater level of services in Pakawau. Therefore, we see it as both pragmatic and appropriate that the road boundaries be rationalised to match the properties either side.
251. With regard to the hedge we have accepted the applicant's evidence that it is a valuable windbreak for the time being. While the vesting of the land beneath the hedge as road will remove the hedge from the applicant's ownership we do not see it as inevitable that the Council will remove the hedge quickly. We see plenty of opportunity for screening to be established in the meantime.

The New Zealand Coastal Policy Statement

252. We consider that the following provisions of the NZCPS are relevant to the matter of coastal protection. These provisions are not met by the reconstruction and extension of the revetment in its current location, but we consider that they are met by the hybrid protection option in conjunction with the implementation of a Coast Care Programme.

Policy 1.1.4 (a)

It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

(a) the dynamic processes and features arising from the natural movement of sediments, water and air; ...

Policy 1.1.5

It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

Policy 3.4.3

The ability of natural features such as beaches, sand dunes, mangroves, wetlands and barrier islands, to protect subdivision, use, or development should be recognised and maintained, and where appropriate, steps should be required to enhance that ability.

Policy 3.4.6

Where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.

253. More generally, Policy 1.1.1 is relevant to the development. We consider that the proposed complex is consistent with this policy.

The Tasman Resource Management Plan

254. Objective 13.1.2 of the TRMP is to *avoid or mitigate development in hazard prone areas depending on the degree of risk*. In this case the degree of risk is low in the short to medium term, but we would consider the risk to be medium in the medium to long term. However, the certainty about the risk in the medium to long term is low and we do not see this as sufficient cause to decline the consents.

255. We consider that the need for coastal protection works does meet the provision of Policy 13.1.3.7 (a).

Policy 13.1.3.7

To maintain or consider the need for protection works to mitigate natural hazard risk where:

- (a) there are substantial capital works or infrastructure at risk; or*
- (b) it is impracticable to relocate assets; or*
- (c) it is an inefficient use of resources to allow natural processes to take their course;*
or
- (d) protection works will be effective and economic; or*
- (e) protection works will not generate further adverse effects on the environment, or transfer effects to another location.*

256. However, in providing for these works, the provisions of clause (e) of Policy 13.1.3.7, and policy 13.1.3.8 stated below, are met by the hybrid protection option but not by the reconstruction and extension of the revetment in its current location.

Policy 13.1.3.8

To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.

257. The enhanced public access to the coast is in keeping with Objective 8.1.2 and its supporting policies.

258. We consider that the hybrid protection option significantly better meets the provisions of the following objective and policies relating to natural character, in contrast to the reconstruction and extension of the revetment in its current location. The policy direction is clear that at least “maintenance”, and where possible “enhancement” of the natural character of the coast should be sought. In this location the hybrid protection option gives effect to this policy direction.

Objective 8.2.2

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

Policy 8.2.3.1

To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins.

Policy 8.2.3.17

To pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities.

Policy 8.2.3.18

To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise.

Other Matters

259. As we see it, the only significant precedent issue arises from the form of coastal protection works proposed by the applicant. We consider that the consenting of the reconstruction and extension of the revetment in its current location (as proposed by

the applicant) would be likely to set a precedent for the Council on the type and location of protection works to be placed along this section of coast, including on their own reserve land. This sort of “hard engineering” is necessary in some places to protect existing built resources, but the thrust of the TRMP and the NZCPS is that it is generally inappropriate as a means to facilitate new development so close to the coast that protection is necessary.

260. Such a precedent would have an adverse effect the integrity of the TRMP and limit further consideration of future alternative protection options. The consenting of the hybrid options allows time to consider possible future options in a strategic matter, while giving some certainty to the applicant that long-term protection of their development is available and some flexibility in their decision making as to if and when they wish to proceed with this protection.
261. The land use application has non-complying status. This usually raises the question of whether consent would establish an undesirable precedent. In this case that status arises from the technicality of the applicant’s desire to obtain consent for eventual unit title subdivision now, rather than as a later application. If consent creates a precedent for unit title subdivision we do not see that as a bad thing because it is simply a form of tenure not anticipated when the Plan was prepared and does not undermine the purposes of the rule concerned.

Section 106 of the Act

262. The evidence we heard clearly shows that erosion is not a big problem currently, but is likely to become more sever in the future. We agree with Mr Sissons that coastal hazard issues are created by the placement of structures and assets of value close to the coast.
263. We are satisfied that with coast care and the option of a back-stop revetment the development will be adequately protected from coastal erosion for the short-, medium- and long-term.
264. In the long-term there may be a need for more drastic measures to respond to rising sea levels; measures that go far beyond just Pakawau. However, taking this risk into account we believe that, on balance, the benefits are such that the possibility of such events far in the future is not sufficient reason to restrict such development now, and that the complex should be consented. The buildings proposed are such that if the more extreme predictions do eventuate and the coast cannot be defended within the 30 metre setback in all likelihood the complex can be shifted.

Section 6

265. We consider the following matters of national importance to be relevant and we have taken them into account in making our decision:
- 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development; and
 - 6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

266. Granting this consent with the hybrid protection option will give sufficient effect to 6(a).

267. The provision of a public walkway through the site will give effect to 6(d). This provision of the Act is also better met by the hybrid option as it allows better interaction between the coast and the land.

Section 7

268. We have also had particular regard to the following other matters in making our decision:

- 7(b) the efficient use and development of natural and physical resources;
- 7(c) the maintenance and enhancement of amenity values;
- 7(d) intrinsic values of ecosystems;
- 7(f) maintenance and enhancement of the quality of the environment;
and
- 7(i) the effects of climate change.

269. We consider that the use of the land will be efficient and will maintain amenity values.

270. We have had regard to the effects of climate change and we consider that the hybrid coastal protection option, along with a Coast Care Programme, will enhance amenity values and the quality of the environment.

Section 8

271. We heard no evidence that the current applications are contrary to the Principles of the Treaty of Waitangi.

Section 5

272. Section 5 of the Act promotes sustainable management as the purpose of the Act. Case law requires that we make a “broad overall judgement” as to whether the application before us will promote the sustainable management of natural and physical resources. In this regard Section 5 of the Act is paramount.

273. Overall, we believe that the proposed development will be good for Pakawau and for Golden Bay. We believe that the effects have been well managed and that many positives will flow out of a grant of consent.

274. However, we also consider that the development adds buildings and asset value to the coastal margin of Pakawau which is almost certain to be under increasing erosive pressure. Nevertheless, we see effective mechanisms whereby this erosion can be controlled in at least the short to medium term in a way which will add to the amenity of Pakawau Beach. Beyond the medium term there are greater uncertainties. Hard coastal protection can be provided at that time if needed, but there is no reason for it to be constructed now with the associated adverse effects on public space and amenity.

Commentary on the Conditions of Consent

275. Conditions 2.18 to 2.32 of resource consent RM090874 require that a Coast Care Programme be implemented. Condition 6.36 of resource consent RM090878 (which relates to earthworks and coastal protection) states that those same conditions also apply to that consent. These conditions have been applied to both consents as they address the effects of both the apartment complex itself and as part of coastal protection works.
276. A more natural beach frontage that functions well as a buffer to absorb minor erosive episodes is an important requirement to mitigate the amenity and coastal character impacts of the apartments. The removal of the existing rocks, which is required by one of these conditions, is also an important part of both improving the beach front amenity and creating an effective and functional Coast Care Programme.
277. The Coast Care Programme also applies to the earthworks and land disturbance consent as it is a crucial component of maximising the longevity of the natural coastal margin before the back-stop wall, which is also authorised by this consent, comes into play.
278. The conditions controlling the construction of the back-stop revetment are of particular importance in this decision. They require that the revetment act as nothing more than a "last line of defence". Construction of the wall as far back into the land as possible is important to maintain the amenity of the public space of Pakawau as effectively, and for as long as possible. The Coast Care Programme will do the coastal protection work in the short to medium term and, from the evidence we heard particularly from Mr Sissons, we have every confidence that it will be effective.
279. These conditions are pivotal to the decision and should not be relaxed in the future unless circumstances change markedly or to address minor practical considerations.
280. We have required that a tapering strip of land be vested as road. This strip will line up with the existing boundaries at both the northern and southern ends of the subject property. This was the most pragmatic and effective solution to minimise the land taken from the applicant, but also to provide the Council with the land it is likely to need in the future for upgrades of services and to regularise the width of the road.

Issued this 14th day of July 2010



Mr David Collins
Chair of Panel of Independent Commissioners



RESOURCE CONSENT DECISION

Resource Consent Numbers and activities:

- RM090874 To establish a 20 unit apartment complex; including the operation a takeaway food facility in the existing retail store, the hire of non-motorised equipment, and the modification or disturbance of a cultural heritage site.
- RM090875 To subdivide the site into two allotments and to create separate unit titles for each apartment on Lot 2 of the subdivision.
- RM090876 To discharge wastewater to land.
- RM090877 To discharge stormwater to land.
- RM090878 To undertake earthworks associated with construction of the apartment complex authorised by RM090874, and to undertake coastal protection works.

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), resource consents for the above activities are hereby granted to:

Sustainable Ventures Ltd
(hereinafter referred to as “the consent holder”)

Location Details:

Address of property: 1112 Collingwood-Puoponga Main Road
Valuation number: 1860012200
Legal Description: Pt Sec 11 SQ 15
Title Reference: NL96/197
Easting and Northing 2483534E 6067338N

Pursuant to Section 108 of the Act this consent is granted subject to the following conditions:

CONDITIONS ON ALL CONSENTS

Lapse and Expiry of Consents

- 1.1 The consents shall expire in accordance with Table 1. The consents shall also lapse in accordance with Table 1 unless, in each case, 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.

Consent	Lapse period	Expiry
RM090874 (apartment complex)	10 years	None
RM090875 (subdivision)	10 years*	None
RM090876 (discharge wastewater)	10 years	20 years
RM090877 (discharge stormwater)	10 years	35 years
RM090878 (earthworks and coastal protection)	20 years	None

* For avoidance of doubt, this means that all stages of the subdivision need to be given effect to (i.e. all unit title plans approved), within 10 years of the date of commencement of the subdivision consent.

Advice Note:

The date that the consent commences is when it can legally be given effect to.

Review

1.2 Pursuant to Section 128(1) of the Act, the Council may, during the first twelve months after the granting of this consent and thereafter during the months of December to February and July each year, initiate a review of any conditions of these consents for any of the following purposes:

- (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
- (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 deal with any inadequacies or inconsistencies the Council considers there to be in the conditions of the consent;
- (d) to review any contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so
- (e) to change the location of wastewater discharge should it be required as a result of coastal erosion or erosion protection works;
- (f) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate;

CONDITIONS ON RM090874 (Land Use to construct complex)

Accordance with Application

2.1 The development shall be in accordance with the application submitted in support of application RM090874 and with Plans A to E (dated December 2009), Plan F (dated May 2008) and Appendix A attached to this consent. In the event that the

application, the plans or the appendix conflicts with the conditions of this consent then the conditions shall prevail.

Height

2.2 The height of all buildings on Lot 2 shall not exceed 5 metres above existing natural ground level.

Minimum floor levels

2.3 The minimum ground level for the foundation areas of the principal units shall be 5.0 metres above mean sea level (amsl), with the minimum floor level of 5.27m amsl. The minimum ground level for the accessory units (i.e. carparking and storage areas) shall be 3.5m amsl and a minimum floor level of 3.65m amsl.

Setbacks

2.4 All buildings shall be set back at least 30 metres from the line of mean high water springs (MHWS).

Existing Buildings

2.5 All existing buildings on Lot 2 within 30 metres of the line of mean high water springs shall be removed. All existing buildings on Lot 1 within 30 metres of the line of mean high water springs shall be removed by the date that the unit title plan for the final stage is deposited.

Lighting

2.6 All security and other lighting shall be positioned and directed so that there is no spill of light onto adjoining residences. In addition, any on-site lighting that impacts on the Collingwood-Puponga Road shall be in accordance with the Councils Engineering Standards and Policies 2008.

Landscaping

2.7 The consent holder shall, at the time of lodging the application for building consent, submit to the Council's Community Services Manager a detailed landscape and planting plan for each stage of the development for approval. The planting plans will be approved if:

- (a) they are consistent with the landscape plan prepared by Rory Langbridge Landscape Architect titled "Site Development Proposal - Sustainable Ventures Development SP-L1 May 2008 version I (Attached to this consent as Plan F and Appendix A).
- (b) the plants selected are appropriate for the Coastal Environment Area in Pakawau and provide some food for native bird species (in this regard the consent holder is directed to the Council's native plant restoration list for the 'Golden Bay Sandy Coast - Native Planting List' compiled by Shannel Courtney dated July 2008 and available on the Council's website). The plants are also consistent with Appendix A attached);

- (c) they provide for quick establishment of screening from westerly winds on the applicant's own property once the strip of land is vested as road (as required by Condition 3.6). (It may be that exotic species are most appropriate to achieve this outcome.) These plantings must be to the satisfaction of the Councils Transportation Manager;
- (d) the plants selected will provide for a long-term enhancement of the amenity of the site from the Collingwood-Puoponga Main Road;
- (e) the apartments are adequately screened to reduce or removal any visual dominance when viewed from the beach or the coastal marine area.
- (f) the layout and planting will provide adequate separation of the living spaces of the apartments from the esplanade strip to enable and encourage the public to use the esplanade strip; and
- (g) each plan identifies:
 - (i) an implementation and maintenance schedule for a minimum period of three years;
 - (ii) the numbers, sizes, and species of plants to be planted;
 - (iii) details on ground preparation, fertiliser and mulch to be used; and
 - (iii) replacement planting for any plant mortality.

Certification of works undertaken and completed is to be certified by a Registered Landscape Architect with each stage and the maintenance plan is to be certified annually by a similarly qualified practitioner.

Colours

2.8 The exterior of the apartment complex shall be finished in colours that are recessive and blend in with the immediate environment. The consent holder shall submit to the Council for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the buildings:

- (a) the material to be used (eg, paint, Colorsteel);
- (b) the name and manufacturer of the product or paint;
- (c) the reflectance value of the colour;
- (d) the proposed finish (eg, matt, low-gloss, gloss); and
- (e) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The buildings shall be finished in colours that have been approved by the Council.

As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14 and reflectance value $\leq 50\%$	That the roof colour is complementary with the rest of the building/s and is no greater a percentage than 15 per cent reflectance value.
Group B	B19 to B29 and reflectance value $\leq 50\%$	
Group C	C35 to C40, reflectance value $\leq 50\%$, and hue range 06-16	
Group D	D43 to D45, reflectance value $\leq 50\%$, and hue range 06-12.	
Group E	Excluded	
Finish	Matt or Low-gloss	Matt or Low-gloss

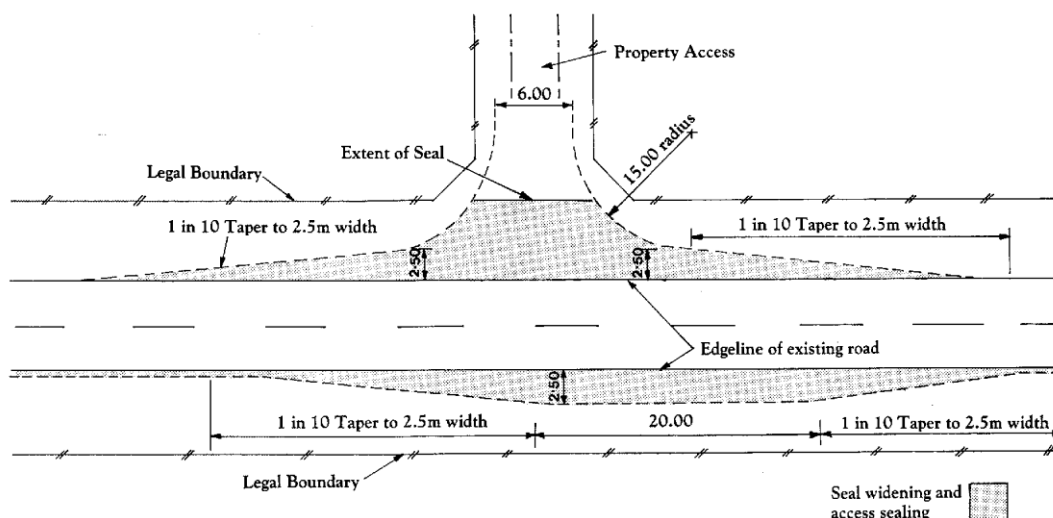
* Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long-term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

Vehicle Crossing (Lot 2)

2.9 A sealed vehicle crossing shall be formed to service Lot 2 in the position shown on the plan of subdivision submitted with the application marked RM090874(A) and dated 18 December 2009.

The vehicle crossing for Lot 2 shall be constructed in accordance with the design shown below:



NOTE: Diagram not to scale. All dimensions are in metres

The crossing shall provide the following:

- a) The access crossing shall be at least 6 metres wide;
- b) the access sealing shall extend at least 5 metres inside the property boundary;
- c) provision of culvert crossings and water tables where required. The road culvert shall be to the approval of the Council's Engineering Manager;
- d) the access crossing shall be sealed in accordance with Council's Engineering Standards and Policies 2008;
- e) a road crossing permit shall be required from Council's Engineering Department. All works required under this permit shall be fully completed; and
- f) The macrocarpa hedge adjacent to the crossing shall be removed for a distance of 10 metres to improve site visibility.

Access and Carparking

2.10 All access and carparking areas shall be formed with a gravel surface approved by the Council's Engineering Manager. The access surfacing shall be fully completed in accordance with Council's Engineering Standards and Policies 2008 or to the satisfaction of the Council's Engineering Manager.

2.11 Each of the residential units shall be provided with one car park per unit and this car park shall be part of the accessory unit. There shall be a minimum of five car parks held as part of the common area.

Water Supply

2.12 A dedicated 45,000 litre fire-fighting water supply shall be provided for in accordance with NZS PAS 4509:2003 as part of the first stage of the unit title.

Provision shall be made onsite for 165 cubic metres of water storage in addition to that for fire fighting.

Earthworks

2.13 All earthworks, that may be required as part of this consent, shall comply with the requirements and conditions of consent of RM090878.

Stormwater

2.14 All works required under Discharge consent RM090877, shall be fully completed, prior to the occupation of the units.

Effluent Disposal

2.15 All works required under Discharge consent RM090876, shall be fully completed, prior to the occupation of the units.

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 RM090876.

Commercial Activity

2.16 The existing parking arrangements for the shop shall be used for the proposed takeaway facility and hire of leisure equipment. Filters shall be installed to mitigate any odour from the proposed takeaway facility and a commercial kitchen shall be established in the existing shop that complies with Council's environmental health regulations.

Opening hours for the proposed takeaway facility shall be tied into the opening hours of the shop and the fuel pumps which shall be the same as the previous opening hours for the camp shop.

Cats and Dogs

2.17 No cats or dogs may be kept or housed by any of the owners, occupiers, guests or users of any of the apartments to protect the recovery and welfare of bird life in the coastal and estuarine areas. For the avoidance of doubt, this condition was volunteered by the applicant at the time of subdivision.

Coast Care Programme

2.18 Prior to the start of the construction of any apartments authorised by resource consent RM090874 the consent holder shall implement a Coast Care Programme in accordance with the conditions of this consent.

2.19 The consent holder shall appoint a Coast Care Programme Manager who shall be an appropriately qualified professional who has experience in planning and implementing coast care dune restoration programmes.

2.20 The consent holder shall, at least 20 days prior to the intended commencement date, submit a Fore-dune Restoration Plan to the Environment and Planning Manager of Council for approval. The Plan shall be written by the Coast Care Programme Manager appointed under Condition 2.19 and shall include:

- a) details of the establishment and implementation of a dune restoration programme;
- b) details of all principles, procedures and practices that will be implemented for the restoration of a natural dune profile;
- c) the following planting and maintenance details:
 - (i) an implementation and ongoing maintenance schedule;
 - (ii) the numbers, sizes, and species of plants to be used;
 - (iii) details of pre-planting ground preparation; and
 - (iii) replacement planting.

- d) the design criteria and dimensions of the restored fore-dune;
- e) construction timetable for the erosion and sediment control works and any bulk earthworks involved;
- f) timetable and nature of progressive site rehabilitation and revegetation proposed;
- g) future maintenance schedules and procedures including monitoring procedures;
- h) procedures and timelines for assessments of opportunities for improvement and reviews of the Plan.
- i) the contact details of the Coast Care Programme Manager and any other relevant personnel involved in the Coast Care Programme.

2.21 The Fore-dune Restoration Plan will be approved if it meets the following outcomes:

- a) sand entrapment is maximised as far as practicable;
- b) dune replenishment and growth is maximised;
- c) the exposure of a buried back-stop rock revetment (see Conditions 6.37 to 6.47 of RM090878) is prevented until the Coast Care Programme is, in the opinion of an appropriately qualified professional who has experience in planning and implementing coast care dune restoration programmes, unable to sustain a natural beach profile.
- d) the Plan provides for long-term care and management of the fore-dune and beach environment;
- e) the Plan is specific and detailed enough to ensure that it will be a useful practical document;
- f) the Plan provides specific, achievable and timely objectives which can be objectively assessed; and
- g) the Plan contains timelines for assessment of success, failure and opportunities for improvement, and also contains timelines and procedures for the review of the Plan.

2.22 Any changes to the Plan shall not cause the Plan to be inconsistent with the conditions of these consents.

2.23 The rocks that are either on the site or on the beach in front of the site and which formed part of existing coastal protection works shall be entirely removed prior to the implementation of the Coast Care Programme.

2.24 Prior to the implementation of the Coast Care Programme, the existing timber step structures shall be removed and replaced with access ways compatible with the dune restoration programme and with the conditions experienced at the site.

- 2.25 The consent holder shall ensure that any contractors undertaking the works are made aware of the conditions of this resource consent and shall ensure compliance with all conditions.
- 2.26 The consent holder shall inform the Council's Co-ordinator Compliance Monitoring (Carl Cheeseman, (03) 543 8436) and the Council's Reserves Manager (Beryl Wilkes (03) 543 8391) at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.
- 2.27 The consent holder shall ensure that unimpeded public access is maintained to the greatest extent practicable, with the exception of such construction times and areas where the safety of the public or the integrity of the planting would be compromised as a result of the works in progress.
- 2.28 The consent holder shall erect advice notices at both ends of the construction area. 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 10 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.
- 2.29 The implementation and ongoing maintenance of the Coast Care Programme under the approved Fore-Dune Restoration Plan shall be carried out under the supervision of an appropriately qualified person with experience in coast care dune restoration programmes.
- 2.30 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.
- 2.31 Any vehicle movements along the foreshore shall be restricted to the smallest area practicable.
- 2.32 Vegetation and/or other waste material shall be removed from the site only to the extent necessary to facilitate the dune restoration programme. This material shall be disposed of to an approved land-based disposal site or disposed of by other approved means. The consent holder shall ensure that all excess soil, vegetation and other materials are removed from the site on completion of the works and that the site is left in a neat and tidy condition. No soil material or vegetation shall be left where it may enter water or result in the contamination of the coastal marine area.

CONDITIONS ON RM090875 (subdivision consent)

Stage 1

Accordance with Application

- 3.1 The proposal shall be in accordance with the Staig and Smith Ltd Plan titled; "Lots 1 and 2 being Proposed Subdivision of Pt Sec 11 Square 15 CT 96/197 Ltd Sheet 1 of 2", and dated 15 December 2009 (shown as Plan A attached to this consent) as amended by the following conditions of consent.

Esplanade Strip and Public Access

- 3.2 A 20 metre wide esplanade strip shall be set aside from Mean High Water Springs (MHWS) in accordance with section 232 of the Resource Management Act 1991.

The purpose of the esplanade strip shall be to contribute to the protection of conservation values and to enable public access and recreational use of the strip.

The applicant's solicitor shall prepare the esplanade instrument for approval and signing by Council's Consent's Manager. The instrument shall be in accordance with the 10th Schedule of the Act, except there shall be no closure provision under clause 7.

- 3.3 All buildings shall be removed from the area of the esplanade strip, unless approved by Council's Community Services Manager.
- 3.4 A 2 metre wide walkway shall be provided along the length of Right-of-Way B and C to provide pedestrian access from the road to the esplanade reserve. The formation of the walkway shall be undertaken in accordance with the Council's Engineering Standards 2008 and the walkway standards SNZ HB 8630 as part of the development works and completed prior to the issue of a completion certificate pursuant to Section 224(c) of the Act for each stage.

Advice Note:

The costs of formation for the public walkway as required in condition 3.4 above may be credited against the reserve fund contributions (subject to a quote acceptable to the Council's Community Services Manager).

- 3.5 The consent holder shall, at the time of lodging the application for building consent, submit to the Council's Community Services Manager a detailed landscape and planting plan for each stage of the development for approval. The planting plans will be approved if:
- (a) they are consistent with the landscape plan prepared by Rory Langbridge Landscape Architect titled "Site Development Proposal - Sustainable Ventures Development SP-L1 May 2008 version I (Attached to this consent as Plan F and Appendix A).
 - (b) the plants selected are appropriate for the Coastal Environment Area in Pakawau and provide some food for native bird species (in this regard the consent holder is directed to the Council's native plant restoration list for the 'Golden Bay Sandy Coast - Native Planting List' compiled by Shannel Courtney dated July 2008 and available on the Council's website). The plants are also consistent with Appendix A attached);
 - (c) they provide for quick establishment of screening from westerly winds on the applicant's own property once the strip of land is vested as road (as required by Condition 3.6). (It may be that exotic species are most appropriate to achieve this outcome.) These plantings must be to the satisfaction of the Council's Transportation Manager;

- (d) the plants selected will provide for a long-term enhancement of the amenity of the site from the Collingwood-Puponga Main Road;
- (e) the apartments are adequately screened to reduce or removal any visual dominance when viewed from the beach or the coastal marine area.
- (f) the layout and planting will provide adequate separation of the living spaces of the apartments from the esplanade strip to enable and encourage the public to use the esplanade strip; and
- (g) each plan identifies:
 - (i) an implementation and maintenance schedule for a minimum period of three years;
 - (ii) the numbers, sizes, and species of plants to be planted;
 - (iii) details on ground preparation, fertiliser and mulch to be used; and
 - (iii) replacement planting for any plant mortality.

Certification of works undertaken and completed is to be certified by a Registered Landscape Architect prior to the issuing a completion certificate for each stage pursuant to Section 224 of the Act. The maintenance plan is to be certified annually by a similarly qualified practitioner.

Road to Vest

- 3.6 A tapering strip along the existing road frontage (approximately 2.5 metres wide at the northern boundary of the site tapering to approximately 5.0 metres wide at the southern boundary of the site) and aligning with the boundaries of the residential properties to the north and south, shall vest as road.
- 3.7 The existing vegetation and fencing within the area that is to vest as road shall be removed where it is closer than 10 metres to an entrance way authorised by these resource consents.
- 3.8 The existing power poles along the existing road frontage shall be relocated so that they are located on the new road reserve boundary.

Advice note:

A license to occupy shall be required from Council's Engineering Department for any structures that are within the road reserve.

Easements

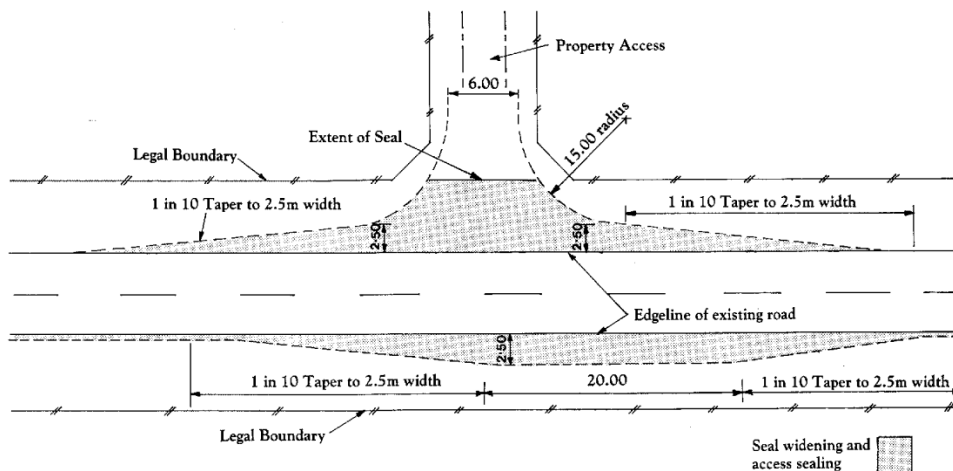
- 3.9 Easements are to be created over any services located outside the boundary of the allotment that they serve. Reference to easements is to be included in the Council resolution on the title plan and endorsed as a Memorandum of Easements.
- 3.10 Because of the vesting of the additional road reserve under Condition 3.6 of this consent, the Right-of-Way D shown on application plan shall not be required.

3.11 Right-of-Way A shall have a width of at least 6 metres.

Vehicle Crossing (Lot 2)

3.12 A sealed vehicle crossing shall be formed to service Lot 2 in the position shown on the plan of subdivision submitted with the application marked RM090874(A) and dated 18 December 2009.

The vehicle crossing for Lot 2 shall be constructed in accordance with the design shown below:



NOTE: Diagram not to scale. All dimensions are in metres

The crossing shall provide the following:

- The access crossing shall be at least 6 metres wide;
- the access sealing shall extend at least 5 metres inside the property boundary;
- provision of culvert crossings and water tables where required. The road culvert shall be to the approval of the Council's Engineering Manager;
- the access crossing shall be sealed in accordance with Council's Engineering Standards and Policies 2008;
- a road crossing permit shall be required from Council's Engineering Department. All works required under this permit shall be fully completed; and
- The macrocarpa hedge adjacent to the crossing shall be removed for a distance of 10 metres to improve site visibility.

Financial Contributions (Stage 1)

3.13 The consent holder shall pay a financial contribution for reserves and community services in accordance with following:

- the amount of the contribution shall be 5.5 per cent of the total market value (at the date of the consent decision) of Lot 1;

- 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.

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.

Engineering Certification

- 3.14 At the completion of works, a suitably experienced chartered professional engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required.
- 3.15 Certification that Lot 2 is suitable for the erection of residential buildings shall be submitted from a chartered professional engineer or geotechnical engineer experienced in the field of soils engineering (and more particularly foundation stability). The certificate shall define on the lot an area suitable for the erection of buildings.
- 3.16 Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

Advice Note:

Please note that the consent holder will need to comply with the Historic Places Trust Section 14 Authority No.2007/93 dated 22 November 2006 in relation to any land disturbance as part of this subdivision.

Stage 2

General Accordance

- 3.17 The proposal shall be in accordance with the Arthouse Architecture plans titled; "Pakawau Village Development titles Site Plan - First Floor Plan and Site Plan - Ground Floor Plan Job No: 822.3", and dated Dec 09 (shown as Plans B and C attached to this consent) as amended by the following conditions of consent.
- 3.18 The minimum ground level for the foundation areas of the principal units shall be 5.0 metres above mean sea level (amsl), with the minimum floor level of 5.27 metres amsl.
- 3.19 The minimum ground level for the accessory units (i.e. carparking and storage areas) shall be 3.5 metres amsl and a minimum floor level of 3.65 metres amsl.
- 3.20 No building shall be more than 5 metres in height above existing natural ground level.
- 3.21 All buildings shall be set back at least 30 metres from the line of mean high water springs (MHWS).

Staging (Unit Titles)

3.22 The following stages are approved:

- Stage 2A: Units D1 - D2
- Stage 2B: Units C1 - C6
- Stage 2C: Units B1 - B6
- Stage 2D: Units A1 - A6

3.23 The consent holder shall, at the time of lodging the application for building consent, submit to the Council's Community Services Manager a detailed landscape and planting plan for each stage of the development for approval. The planting plans will be approved if:

- (a) they are consistent with the landscape plan prepared by Rory Langbridge Landscape Architect titled "Site Development Proposal - Sustainable Ventures Development SP-L1 May 2008 version I (Attached to this consent as Plan F and Appendix A).
- (b) the plants selected are appropriate for the Coastal Environment Area in Pakawau and provide some food for native bird species (in this regard the consent holder is directed to the Council's native plant restoration list for the 'Golden Bay Sandy Coast - Native Planting List' compiled by Shannel Courtney dated July 2008 and available on the Council's website). The plants are also consistent with Appendix A attached);
- (c) they provide for quick establishment of screening from westerly winds on the applicant's own property once the strip of land is vested as road (as required by Condition 3.6). (It may be that exotic species are most appropriate to achieve

this outcome.) These plantings must be to the satisfaction of the Councils Transportation Manager;

- (d) the plants selected will provide for a long-term enhancement of the amenity of the site from the Collingwood-Puoponga Main Road;
- (e) the apartments are adequately screened to reduce or removal any visual dominance when viewed from the beach or the coastal marine area.
- (f) the layout and planting will provide adequate separation of the living spaces of the apartments from the esplanade strip to enable and encourage the public to use the esplanade strip; and
- (g) each plan identifies:
 - (i) an implementation and maintenance schedule for a minimum period of three years;
 - (ii) the numbers, sizes, and species of plants to be planted;
 - (iii) details on ground preparation, fertiliser and mulch to be used; and
 - (iii) replacement planting for any plant mortality.

Certification of works undertaken and completed is to be certified by a Registered Landscape Architect prior to the issuing a completion certificate for each stage pursuant to Section 224 of the Act. The maintenance plan is to be certified annually by a similarly qualified practitioner.

Effluent Disposal

3.24 All works required under Discharge consent RM090876, shall be fully completed, prior to the issuing of the Section 224 certificate for any of the unit titles.

3.25 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 RM090876.

Telephone and Power

3.26 Live telephone and power connections shall be provided to each unit and all wiring shall be underground as per the requirements of Tasman District Council. Written confirmation of connection will be required from the relevant authorities.

Advice Note:

It is also recommended that either fibre optic cable, or else facilities for the future installation of fibre optic cable, be installed.

Stormwater

3.27 All works required under Discharge consent RM090877, shall be fully completed, prior to the issuing of the Section 224 certificate for any of the unit titles.

Water Supply

3.28 A dedicated 45,000 litre fire-fighting water supply shall be provided for in accordance with NZS PAS 4509:2003 as part of the first stage of the unit title.

Provision shall be made onsite for 165 cubic metres of water storage in addition to that for fire fighting.

3.29 As-built plans shall be provided setting out the provision of the dedicated fire storage and setting out the provision for water storage for the units for each stage of the unit title plan.

Access and Carparking

3.30 All access and carparking areas shall be formed with a gravel surface approved by the Council's Engineering Manager. The access surfacing shall be fully completed in accordance with Council's Engineering Standards and Policies 2008 or to the satisfaction of the Council's Engineering Manager.

3.31 Each of the residential units shall be provided with one car park per unit and this car park shall be part of the accessory unit. There shall be a minimum of five car parks held as part of the common area.

Engineering Plans

3.32 Engineering plans covering the works set out in Conditions 3.24 to 3.31 are required to be submitted for approval by the Council's Engineering Manager prior to the commencement of any works. All engineering details are to be in accordance with the Council's Engineering Standards and Policies 2008.

3.33 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 the Council's Engineering Manager. The as-built plans shall be in accordance with Council's Engineering Standards and Policies 2008.

Completion of Building Work for each Unit Title

3.34 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

3.35 The landscaping for each of the unit title stages, permitted by Condition 3.22 of this consent, shall be fully completed to the satisfaction of the Council's Reserves Manager. The consent holder shall be responsible for the maintenance of the landscaping for a period of two years.

Earthworks

3.36 All earthworks, that may be required as part of this consent, shall comply with the requirements and conditions of consent of RM090878.

Commencement of Works and Inspection

- 3.37 The Engineering Department shall be contacted in writing, five working days prior to the commencement any engineering works.
- 3.38 No work shall commence until the engineering plans required under Condition 3.32 have been approved by the Council's Engineering Manager.

Engineering Certification

- 3.39 At the completion of works for each stage, a suitably experienced chartered professional engineer or surveyor shall provide the Council with written certification that the works have been constructed to the standards required.
- 3.40 Where fill material has been placed on any part of the site, a certificate shall be provided by a suitably experienced chartered professional engineer, certifying that the filling has been placed and compacted in accordance with NZS 4431:1989.

Financial Contributions (Unit Titles)

- 3.41 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 unit title (including the accessory parking unit).
 - 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.

Advice Note:

Council will not issue a completion certificate pursuant to Section 224 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 twenty unit titles in respect of roading.

Lighting

3.42 All security and other lighting shall be positioned and directed so that there is no spill of light onto adjoining residences.

3.43 A consent notice shall be registered on each of the unit titles pursuant to Section 221 of the Act, requiring this condition to be complied on an ongoing basis.

CONDITIONS ON RM090876 (discharge wastewater)

Accordance with Application

4.1 The discharge shall be from a wastewater system designed and installed in accordance with documents provided in application for resource consent RM090876, in particular:

- (a) Resource Consent Application for Pakawau Village. 20 Unit Comprehensive Residential Development prepared by Staig and Smith Limited, referenced 8927 and dated December 2009.
- (b) Appendix 4 of that document: Sustainable Ventures Ltd. Pakawau Village Beach Resort On-Site Wastewater System Design, Stormwater and Water Supply Assessment, prepared by Waste Solutions Ltd., referenced 130217 and dated 11 December 2009.

Where inconsistencies are present between those documents and the conditions of this resource consent, the conditions shall prevail.

Compliance Limits

4.2 The maximum rate of discharge shall not exceed 14.62 cubic metres per day. The discharge shall contain only treated wastewater which is of a domestic nature. For the purposes of this condition, wastewater which is of a “domestic nature” includes wastewater from toilets, urinals, kitchens, showers, washbasins, baths, and laundries but does not include water from spa pools.

4.3 The treated wastewater entering the land application areas, based on the results of any single sample collected from the sampling point required to be installed in accordance with Condition 4.24 either as required by the conditions of this consent or taken by an officer of the Council, shall comply with the following limits. Compliance with these 90th percentile limits shall be calculated on the basis of the 20 most recent samples (or all samples taken up until a record of 20 samples is available).

Determinand	90 th percentile concentration limit
5 day biochemical oxygen demand (BOD ₅)	20 grams per cubic metre
Total suspended solids	30 grams per cubic metre

Land Application System

- 4.4 The maximum loading rate at which the wastewater is applied to land shall not exceed 50 millimetres per day (50 litres per square metre of trench per day).
- 4.5 All wastewater shall be discharged to land by way of not less than 325 m of trench at least 900 mm in width.
- 4.6 The applicant shall maintain a separation distance of at least 14 metres between the land application area and MHWS.
- 4.7 Trenches shall be laid level.
- 4.8 The land application area shall be located as shown in Plan G dated 14 December 2009 (attached). If the area shown of Plan A does not meet the separation in Condition 4.6 a new plan shall be submitted to Council's Co-ordinator Compliance Monitoring for approval and this shall supersede the attached Plan A.
- 4.9 In the event that the total area required to adequately dispose of the wastewater is shown to be greater than that calculated in the application and required by the conditions of this consent, the consent holder shall make additional land available for wastewater disposal.
- 4.10 The land application areas shall not be used for:
- (a) roading, whether sealed or unsealed;
 - (b) hardstand areas;
 - (c) erection of buildings or any non-wastewater systems structures; or
 - (d) stock grazing.
- 4.11 The consent holder shall mark each land application area by any means that ensures the extent of them is identifiable on the ground surface.
- 4.12 There shall be no surface ponding or surface run-off of any contaminants from any of the land application areas as a result of the exercise of this consent.

Collection, Treatment and Disposal Systems

- 4.13 Except where inconsistent with the conditions of this consent, the construction and installation of the wastewater collection system, treatment plant and land application system shall be carried out in accordance with information submitted with the application for resource consent RM090876 and under the supervision of a person who is suitably qualified and experienced in wastewater treatment and disposal systems.
- 4.14 The person supervising the construction and installation of the wastewater collection system, treatment plant and land application system 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 statement shall include sufficient information to enable the Council to determine compliance with Conditions

4.4 to 4.10, 4.12, and 4.24. In addition, the certificate or statement shall also confirm the following:

- (a) that the wastewater system, including the collection system, treatment plant and the land application areas, is capable of treating the design flows and that it has been designed generally in accordance with standard engineering practice;
- (b) that all components of the wastewater system, including the collection system, treatment plant and the land application areas, have been inspected and installed in accordance with the manufacturer's specifications and standard engineering practice;
- (c) that the components used in the wastewater system, including the collection system, treatment plant and the land application areas, are in sound condition for continued use for the term of this resource consent, or are listed in the Operations and Management Plan (required by Condition 4.17) for periodic replacement;

4.15 The consent holder shall submit a set of final "as-built" plans to the Council's Co-ordinator Compliance Monitoring that shows the location of all components of the wastewater collection, 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 officer to locate all structures identified on the plans.

4.16 The wastewater treatment system shall be located, and the surrounding area maintained, so that vehicular access for maintenance is readily available at all times.

Wastewater System Operation and Maintenance

4.17 A chartered professional engineer or suitably qualified person experienced in wastewater engineering shall prepare an "Operations and Management Plan" for the wastewater treatment and disposal system. This plan shall be prepared in accordance with the conditions of this resource consent and shall contain, but not be limited to, the following:

- (a) an inspection programme to verify the correct functioning of the wastewater treatment and land application systems including not less than monthly inspections of the wastewater treatment plant and disposal areas;
- (b) a schedule for the daily, weekly, monthly and annual operational requirements including requirements of compliance monitoring of consent conditions;
- (c) a schedule of maintenance requirements for the pumps, tanks, recirculation tanks, treated wastewater holding tank, flow meters and drains;
- (d) a schedule of maintenance requirements for the management of vegetation on the land application area(s);
- (e) a contingency plan specifying the actions to be taken in the event of failure of any component of the system, in the event of flooding of the land application area and subsequent use of the emergency storage tanks, and any non-compliance with the conditions of this resource consent;

- (f) details of how the wastewater disposal system will be managed;
- (g) emergency contact details (24 hour availability) for the Service Provider and consent holder; and
- (h) monitoring of the land application areas shall include visual ground inspections to identify above ground and surface flows of wastewater and methods to remedy such flows should any be identified.

4.18 A copy of the "Operations and Management Plan" required by Condition 4.17 shall be submitted to the Council's Co-ordinator Compliance Monitoring for approval prior to exercising this consent. Any changes to this plan shall be in accordance with the conditions of this consent and submitted to the Council's Co-ordinator Compliance Monitoring prior to them taking effect.

4.19 The consent holder shall enter into, and maintain in force, a written maintenance contract with a suitably qualified and experienced wastewater treatment plant operator suitably trained in wastewater treatment plant operation by the system designer, and approved by the Council's Co-ordinator Compliance Monitoring for the ongoing maintenance of the pumps and tanks, and the treatment and land application systems. The maintenance contract shall require the operator to perform maintenance functions and duties specified in the "Operations and Management Plan" required to be prepared by Condition 4.17. A signed copy of this contract, including full contact details for the Service Provider, shall be forwarded to the Council's Co-ordinator Compliance Monitoring, prior to exercising this consent. Any changes to this maintenance contract must be in accordance with the conditions of this consent and submitted in writing to Council's Co-ordinator Compliance Monitoring prior to them taking effect.

In addition, the consent holder shall, every six months from the date of first exercising this consent, provide the Council's Co-ordinator Compliance Monitoring with a copy of a written report that details the maintenance that has been undertaken on the wastewater treatment and disposal system during the previous six month period in accordance with the requirements of the Operations and Management Plan.

Advice Note:

For compliance purposes, a suitably qualified and experienced person would be either a person employed and trained by the manufacturer of the treatment and disposal system, or someone who can provide evidence of satisfactory qualifications and experience in maintaining such wastewater treatment and disposal systems.

4.20 The collection and treatment tanks that form part of the wastewater treatment plant shall be inspected at least every three months. Where appropriate, all tanks shall as a minimum be cleaned out once the combined depth of the sludge and scum in any tank occupies half of the tank's volume. Material collected from the desludging of tanks shall be removed from site for disposal at a facility authorised to receive such material.

Contingency Measures

4.21 An audible and visual alarm system shall be installed and operated that is capable of warning of any failure within the treatment or disposal systems (i.e., pump failure, mechanical blockage, and/or high wastewater levels).

This warning system shall be configured to activate an audible and visual alarm system located adjacent to the treatment plant or other prominent place on the site for the treatment plant. The details of the alarm shall be included in the "Operations and Management Plan" required by Condition 4.17 and shall achieve as a minimum the following:

- (a) effective notification of the operators of any alarm;
- (b) in the event of any alarm activating, the alarm shall continue to operate and until the condition has been remedied and cleared by the operator. The audible and visual alarm system shall be installed and operated on all grinder pumps and tanks and, as a minimum, this alarm shall be activated by a high level switch.

The consent holder shall maintain clearly visible signage adjacent to all external alarm panels at the plant to provide a 24 hour contact number in the event of an alarm being activated.

4.22 The consent holder shall ensure that the treatment plant (excluding the emergency storage tanks) is designed and maintained so that wastewater can be retained within the treatment system above the alarm level without overflow for a period of at least 24 hours, based on average dry weather flows and in accordance with the provisions in the "Operations and Management Plan". All pumps in the treatment and land application system that are essential for the continuous processing, treatment, and disposal of the wastewater shall include duty and standby units.

4.23 Should power disruption result in the emergency storage capacity being exceeded, the consent holder shall ensure that the wastewater is removed from the storage tank at that time for the purpose of maintaining capacity. Wastewater shall be disposed of to a facility that is authorised to accept such wastes. The relevant details of how this will be achieved shall be incorporated in the "Operations and Management Plan" required to be prepared in accordance with Condition 4.17.

Monitoring and Reporting

4.24 A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located directly after the final pump-out chamber and before the point where the wastewater discharges to the land application area. Details of the location of this sampling point shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

4.25 Samples of the treated wastewater shall be collected from the sampling point required to be installed in accordance with Condition 4.24. Samples shall be analysed for five day biochemical oxygen demand (BOD₅) and total suspended solids. The frequency of sampling shall be as follows:

- (a) for the first 12 months following treatment plant start up, two samples shall be collected at approximately six monthly intervals when the plant is discharging to

the land application area. After the first 12 months, a sample shall be collected during the month of June each year.

- (b) samples shall be collected at least weekly during the period 20 December to 20 January each year after the discharge has commenced;

4.26 In the event that a sample does not achieve one or both of the 90th percentile concentration limits, then the sampling frequency shall be increased to monthly sampling, including the frequency specified in (b) above, until full compliance with the contaminant limits of Condition 4.3 has been achieved over a four month period.

Advice Note:

The failure of a wastewater sample does not, in itself, constitute a breach of this consent. Non-compliance will only occur when the 90th percentile limit is exceeded (i.e. more than 2 out of the last 20 samples exceed one or more limit). In this event Council officers are entitled to take such enforcement action as may be appropriate, including investigations into the causes of failure and/or requiring system upgrades.

4.27 Prior to the commissioning of the new treatment plant samples of the water from the water supply bore shall be taken every three months for a period of at least 12 months. The samples shall be tested for total faecal coliforms and *E. coli*.

4.28 Once the discharge commences, the consent holder shall sample total faecal coliforms and *E. coli* from (a) the water supply bore and (b) a monitoring bore situated approximately half way between the land application area and mean high water springs. The samples shall be taken at the same time as required in Condition 4.25 and 4.26.

4.29 If the concentration of total faecal coliforms or *E. coli* in the monitoring bore is more than 10 times the concentration in the water supply bore and greater than 100 colony forming units (cfu) per 100ml then the action plan required by Condition 4.30 shall be implemented. The consent holder shall also notify the Animal Products Officer at the New Zealand Food Safety Authority offices in Nelson.

Advice Note:

At the time this consent is granted the contact is Mr Bob Schouten, (03) 545 7782, 029 943 1021 or bob.schouten@nzfsa.govt.nz.

4.30 If triggered by Condition 4.29, the consent holder shall submit an Action Plan to the Co-ordinator Compliance Monitoring detailing actions to be taken to reduce the contamination of faecal coliforms into the groundwater. The plan shall be to the satisfaction of the Co-ordinator and shall be implemented as soon as approved.

4.31 All sampling referred to in this consent shall be carried out by a suitably qualified person approved by the Council's Co-ordinator Compliance Monitoring, using standard sampling methodologies and equipment and shall be transported to the laboratory under chain of custody. The detection limits specified in Appendix 2 (Applicable Detection Limits, attached) shall apply to analyses that are undertaken by the laboratory. The samples shall be analysed using standard methodology by an IANZ accredited laboratory. The analytical results shall be forwarded to the Council's

Co-ordinator Compliance Monitoring within 10 working days of the results being received from the laboratory.

- 4.32 The consent holder shall install and maintain at all times a calibrated flow meter, with an accuracy of $\pm 5\%$, on the outlet of the wastewater treatment system to measure the quantities of wastewater discharged to the land application areas.
- 4.33 The flow meter required to be installed in accordance with Condition 4.32 shall be read manually or electronically at the same time daily. Copies of these records shall be forwarded to the Council's Co-ordinator Compliance Monitoring quarterly and also upon written request.
- 4.34 Any exceedence of the authorised discharge volume (refer Condition 4.2) shall be reported to the Council's Co-ordinator Compliance Monitoring in writing within three days of the reading. This report must include any explanation for the non-compliance and an assessment of the likely effects of the functioning of the system and the receiving environment.
- 4.35 The consent holder or its authorised agent shall notify Council's Co-ordinator Compliance Monitoring of any wastewater discharge to land or water from the treatment plant that is not authorised by this consent in writing as soon as practicable (but no more than 24 hours) after the discharge commenced.

CONDITIONS ON RM090877 (stormwater discharge)

- 5.1 The consent holder shall ensure that all works are carried out in general accordance with the application and plans submitted with the application, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
- 5.2 The primary stormwater disposal system shall not cause any damming or diversion of floodwaters that may affect adjoining properties or the Council road. To achieve this, the consent holder shall ensure adequate on-site disposal of roof and surface waters is provided through an appropriate stormwater drainage system.
- 5.3 The stormwater disposal system shall be designed in accordance with the Council's Engineering Standards and Policies 2008. If the consent holder chooses to install a system that does not comply with that document then written approval for an alternative design must be obtained from the Council's Engineering Manager.
- 5.4 Detailed engineering design of the stormwater shall be supplied with the building consent to the Council's Engineering Manager and Coordinator Compliance Monitoring for approval.
- 5.5 The installation of the stormwater soakage fields/ soak pits shall be supervised by an experienced and appropriately qualified installer.
- 5.6 All of the discharged stormwater shall be to land via soakage.
- 5.7 The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain.
- 5.8 The discharge shall not cause or contribute to any damage caused by flooding.

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

CONDITIONS ON RM090878 (earthworks and land disturbance)

Accordance with Application

- 6.1 The works shall be in accordance with the application submitted in support of application RM090874. In the event that the application conflicts with the conditions of this consent then the conditions shall prevail.

Earthworks for building platforms and accessways

- 6.2 The consent holder shall ensure that all works are carried out in general accordance with the information received on 18th December 2009 in support of the application for resource consent RM090878. If there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.
- 6.3 The consent holder shall inform Council's Co-ordinator Compliance Monitoring at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.
- 6.4 The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure that all personnel working on the site are made aware of the conditions of this resource consent and with the Management Plans required by Condition 6.28 of this consent, and shall ensure compliance with consent conditions.
- 6.5 A copy of this resource consent shall be available to the contractors undertaking the works, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
- 6.6 The consent holder shall carry out operations in accordance with the provisions of the approved Earthworks Management Plan (see Condition 6.28).
- 6.7 Any changes to the Earthworks Management Plan shall be made in accordance with the methodology and approved procedures in that plan and shall be confirmed in writing by the consent holder following consultation with Council's Compliance Officer. Changes to the Earthworks Management Plan shall not be implemented until authorised by the Council's Co-ordinator Compliance Monitoring.
- 6.8 Should the consent holder cease or abandon work on the 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.
- 6.9 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 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 Co-ordinator Compliance Monitoring.

6.10 The work shall be carried out during normal work hours (i.e., 07.30 to 17.30) to limit the nuisance of noise and access of vehicles.

Earthworks

6.11 The consent holder shall undertake all practicable steps to minimise the effect of any contaminant discharges to the receiving environment.

6.12 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.

6.13 No petrochemical or synthetic contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water from equipment being used for the activity and no machinery shall be cleaned, stored, or refuelled within 5 metres of any watercourse.

6.14 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 water bodies.

6.15 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 7 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.

6.16 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.

6.17 All disturbed vegetation, excess soil or debris shall be disposed of off-site or stabilised to minimise the risk of erosion.

6.18 Topsoil and subsoil shall be stripped and stockpiled separately. On completion of the works topsoil shall spread over the subsoil.

Stormwater

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

6.20 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.

6.21 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.

6.22 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.

6.23 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.

6.24 Sediment and erosion controls shall be implemented and maintained in effective operational order at all times.

Advice Note:

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

6.25 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

6.26 All exposed ground shall be revegetated as soon as practical and shall be within six months of completion of the works so that erosion both from wind and rain is minimised.

6.27 All works shall be undertaken as required by the Archaeological Authority

Earthworks Management Plan

6.28 Prior to undertaking any activities authorised by this consent, the consent holder shall prepare an Earthworks Management Plan. The Plan shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent can be achieved, and in order that the effects of the activity are minimised to the greatest extent practical. This plan shall, as a minimum, address the following matters:

- (a) description of the works;

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

Advice Note:

The following are the outcomes and general principles that should be achieved and adhered to when writing and implementing the Earthworks Management Plan:

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

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

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

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

Works on a cultural heritage site

6.29 The consent holder shall ensure that all works are carried out in general accordance with the application submitted on 18th December 2009 in support of the application for resource consent RM090878. If there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.

6.30 The consent holder shall have a valid Archaeological Authority issued from the New Zealand Historic Places Trust before undertaking any works.

6.31 All works shall be undertaken in accordance with the Archaeological Authority.

Advice Note:

Unlike resource consents, an Authority cannot be transferred with the sale of a property. Authorities can be used only by the Authority Holder named on the decision. If the property is sold, but the archaeological work is not completed, a new application can be made by writing to the New Zealand Historic Places Trust explaining the situation.

6.32 The consent holder shall inform Council's Co-ordinator Compliance Monitoring at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.

6.33 The consent holder shall provide a copy of this resource consent and associated plans to all persons involved in the activities authorised by this consent.

6.34 The consent holder shall engage the services of a representative of Manawhenua Ki Mohua to be present during any earthworks. The consent holder shall contact Manawhenua Ki Mohua, PO Box 171, Takaka (telephone (03) 525 8760) at least

10 working days prior to commencing any earthworks and advise it of the commencement date of the earthworks.

Advice Note:

It is noted that an Authority Pursuant to Section 14, Historic Places Act 1993 has been issued and it is No. 2007/93 HP11013/11036-049. The applicant is referred to this Authority for specific conditions.

6.35 This resource consent expires when Section 224 is granted for the subdivision authorised by RM090834, or 15 February 2020.

Restoration of a natural dune profile with a hard engineered back-stop

Coast Care Programme

6.36 Conditions 2.18 to 2.32 of resource consent RM090874 (which relate to the implementation and maintenance of a Coast Care Programme) also apply to this consent.

Construction of the back-stop revetment

6.37 Any rock revetment constructed to protect the apartment complex from coastal erosion must comply with the following criteria:

- a) The revetment must be sloped with a gradient of not more than 1:2 (i.e. the gradient must be 1:2 or flatter);
- b) The toe of the revetment shall be a minimum of 20 metres inland from the position of mean high water springs at the date that the survey is done for the subdivision authorised by resource consent RM090875;
- c) if the revetment is constructed prior to the eroded face retreating to the authorised location of the revetment (i.e. if the revetment is constructed in the existing land as a back-stop) then the structure shall be entirely buried and the land surface reinstated and landscaped.

6.38 The consent holder shall, at least 20 days prior to any construction works being undertaken on site provide a detailed design plan for the rock revetment to the Environment and Planning Manager of the Council for his/her approval. The amended design shall provide details on:

- a) appropriate armour rock grading;
- b) toe formation depth;
- c) crest height;
- d) size of core material and methods to restrict the loss of base material from behind the revetment.
- e) designs for how the northern and southern ends of the revetment will tie into the adjoining properties;

- f) construction methods and timelines; and
- g) maintenance assessment methods and schedules.

The design plan will be approved by the Manager if he/she is satisfied that the following outcomes will be met:

- h) the structure will act as an effective and durable coastal protection structure;
- i) the structure will act as a back-stop structure only and will not affect the functioning of the dune system in front of it until the erosion face reaches the toe of the structure;
- j) the functioning of the structure will avoid end-effects on adjoining properties to the greatest extent practicable; and
- k) the structure is not visible above the surface of the ground until it is exposed by natural erosion processes.

Notwithstanding this, the repair, maintenance and upgrade of the possible back-stop rock revetment shall be undertaken in general accordance with the application and with the plan marked Attachment 2 dated 12 May 2010. If there are any inconsistencies between this information and the conditions of consent, the conditions of the consent shall prevail.

- 6.39 The base for the rock revetment structure shall be constructed using suitably graded and competent fill material, so as to provide a sound base on which to construct the revetment. Such preparatory works as may be necessary, including removal of unsuitable marine sediments or other material, shall be undertaken, and the fill material placed and compacted, so that it is structurally sound.
- 6.40 The consent holder shall ensure that any contractors undertaking the works are made aware of the conditions of this resource consent and shall ensure compliance with all conditions.
- 6.41 The consent holder shall inform the Council's Co-ordinator Compliance Monitoring (Carl Cheeseman, (03) 543 8436) and the Council's Reserves Manager (Beryl Wilkes (03) 543 8391) at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.
- 6.42 The design and construction of the works shall be carried out under the supervision of a chartered professional engineer with appropriate experience in coastal revetment engineering.
- 6.43 The consent holder shall ensure that shall be all rock revetment materials and fill are sufficiently clean prior to placement so as to not leach contaminants into the coastal marine area.
- 6.44 The rock material used in the construction of the batter face structure shall be of a colouration and texture which minimises to the greatest extent practicable the adverse effects on the amenity of the coastal environment.

- 6.45 Construction works associated with the activities shall not take place between the hours of 1900 and 0700. No works shall be undertaken on Sundays or Public Holidays.
- 6.46 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.
- 6.47 In the event of the structure becoming redundant or no longer fit for purpose the consent holder shall take all necessary steps to either remove the structure, or to incorporate the structure or the materials used in its construction in a replacement authorised structure or other works.

GENERAL ADVICE NOTES

1. These consents are issued pursuant to the Resource Management Act 1991 and the Tasman Resource Management Plan. They do not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 1991.
2. 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 monitoring costs exceed the initial fee, 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.
3. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
4. The consent holder is liable to pay a development contribution 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.
5. 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.
6. It is noted that an Authority Pursuant to Section 14, Historic Places Act 1993 has been issued and it is No. 2007/93 HP11013/11036-049. The applicant is referred to this Authority for specific conditions.
7. The New Zealand Fire Service Commission considers that the optimal means of compliance with the Code being the installation of a domestic sprinkler system in accordance with Fire Sprinkler Systems for Houses NZS 4517:2002 (or any subsequent amendments).
8. The consent holder should note that this resource consent does not override any registered interest on the property title.

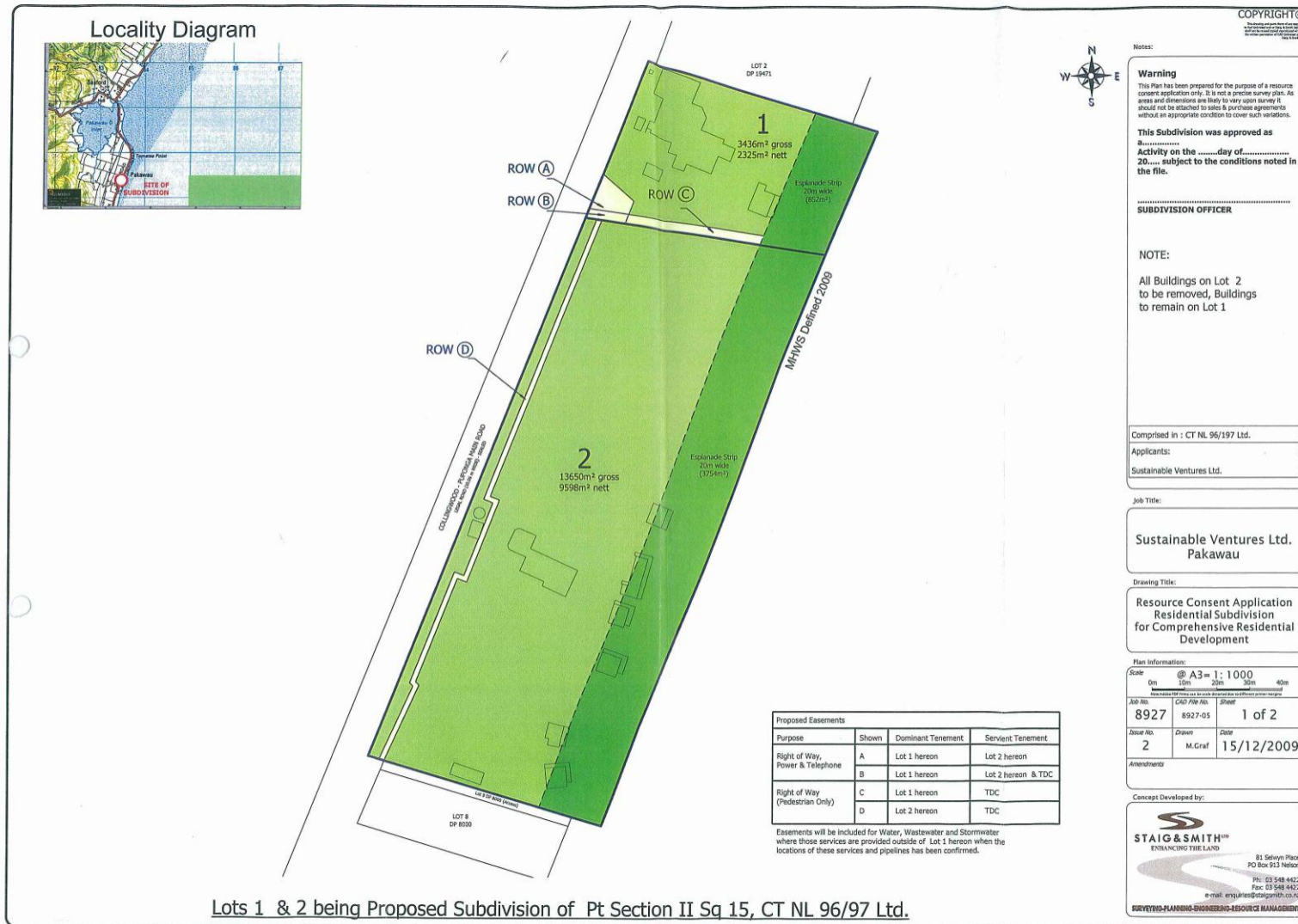
9. If the site becomes part of an urban drainage area identified by Council when future reticulation is available, the consent holder will be required to provide connection from the treatment system to the sewer line.
10. Where the conditions relate to works outside the legal boundaries of the application site - works within the legal road and works seaward of the property boundary - confirmation of the agreement of the Council as land owner/controlling authority will be required, separately from the land use consent that is being granted.

Issued this 14th day of July 2010



Mr David Collins
Chair of Panel of Independent Commissioners

PLAN A - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)

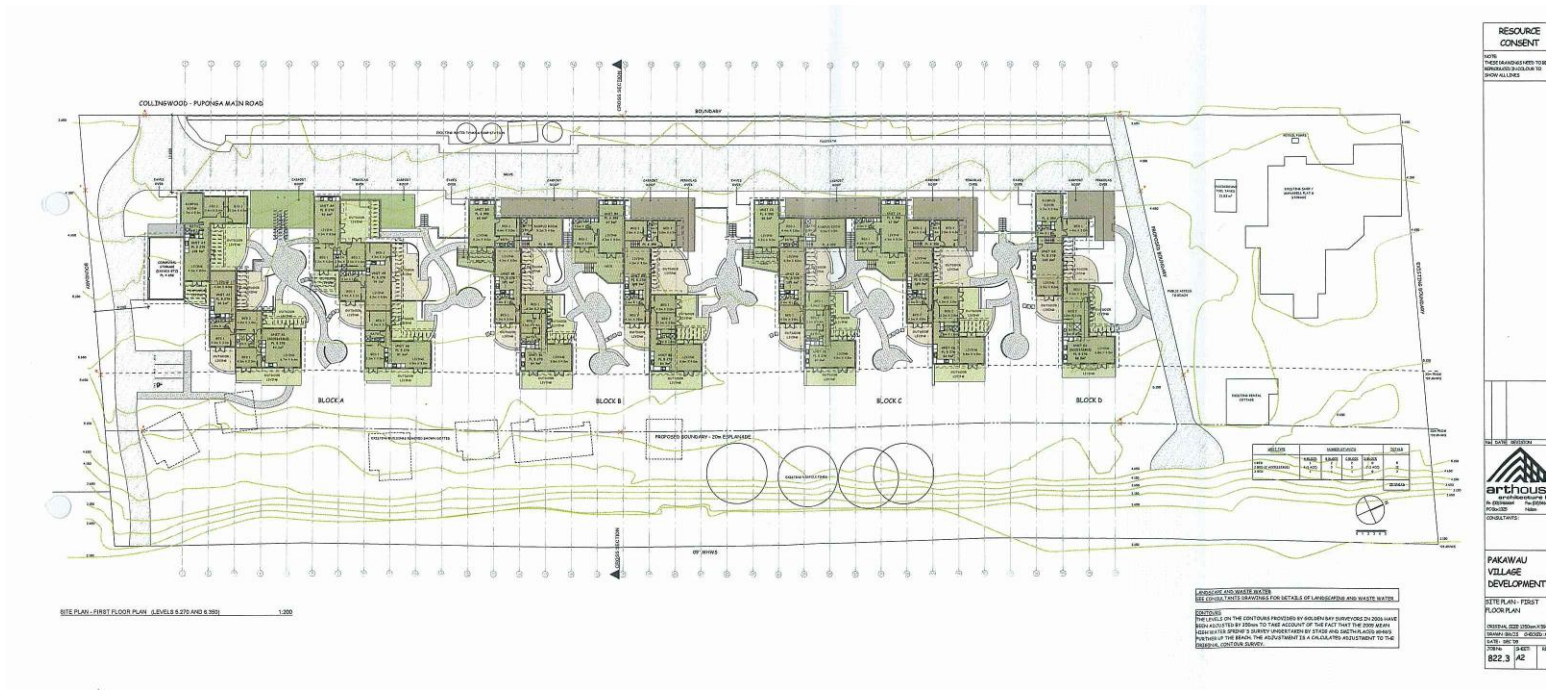


PLAN B - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)

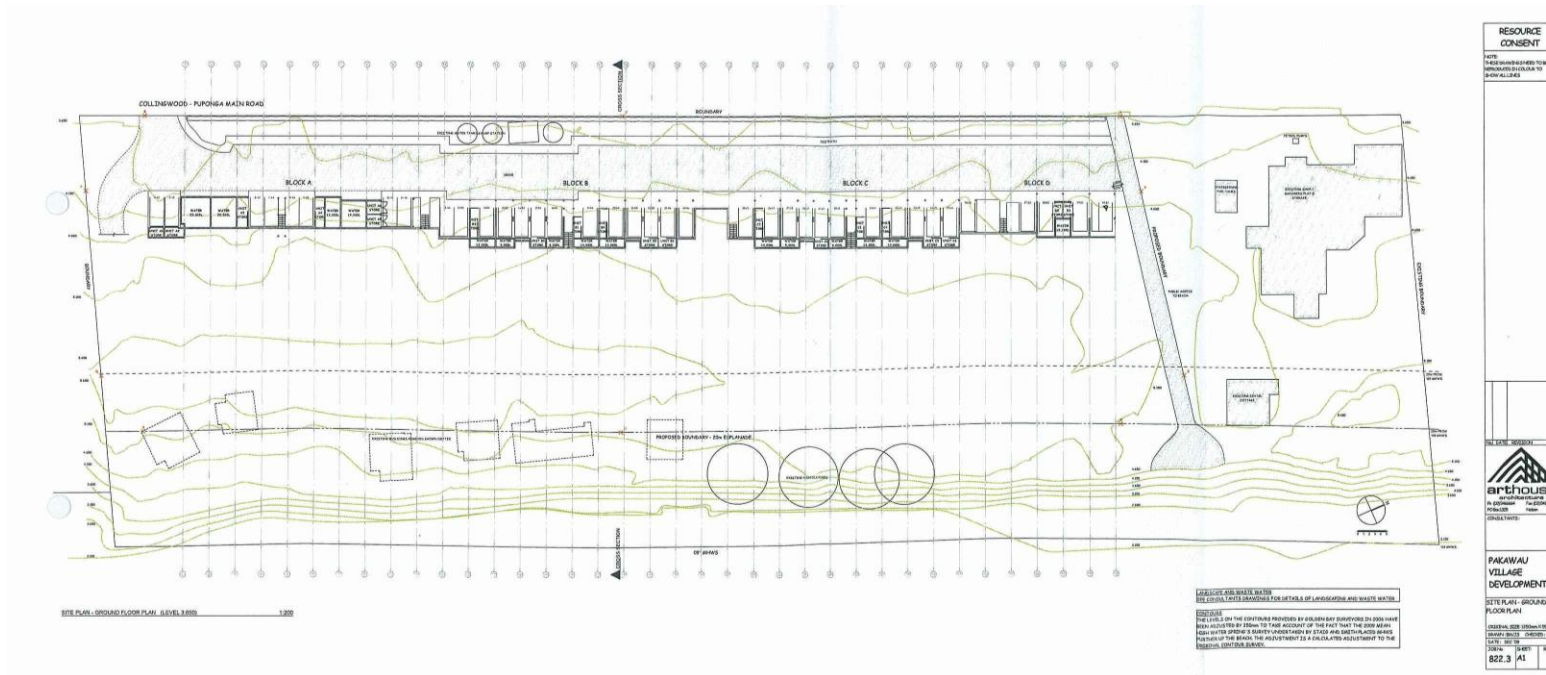


Lots 1 & 2 being Proposed Subdivision of Pt Section II Sq 15, CT NL 96/97 Ltd.

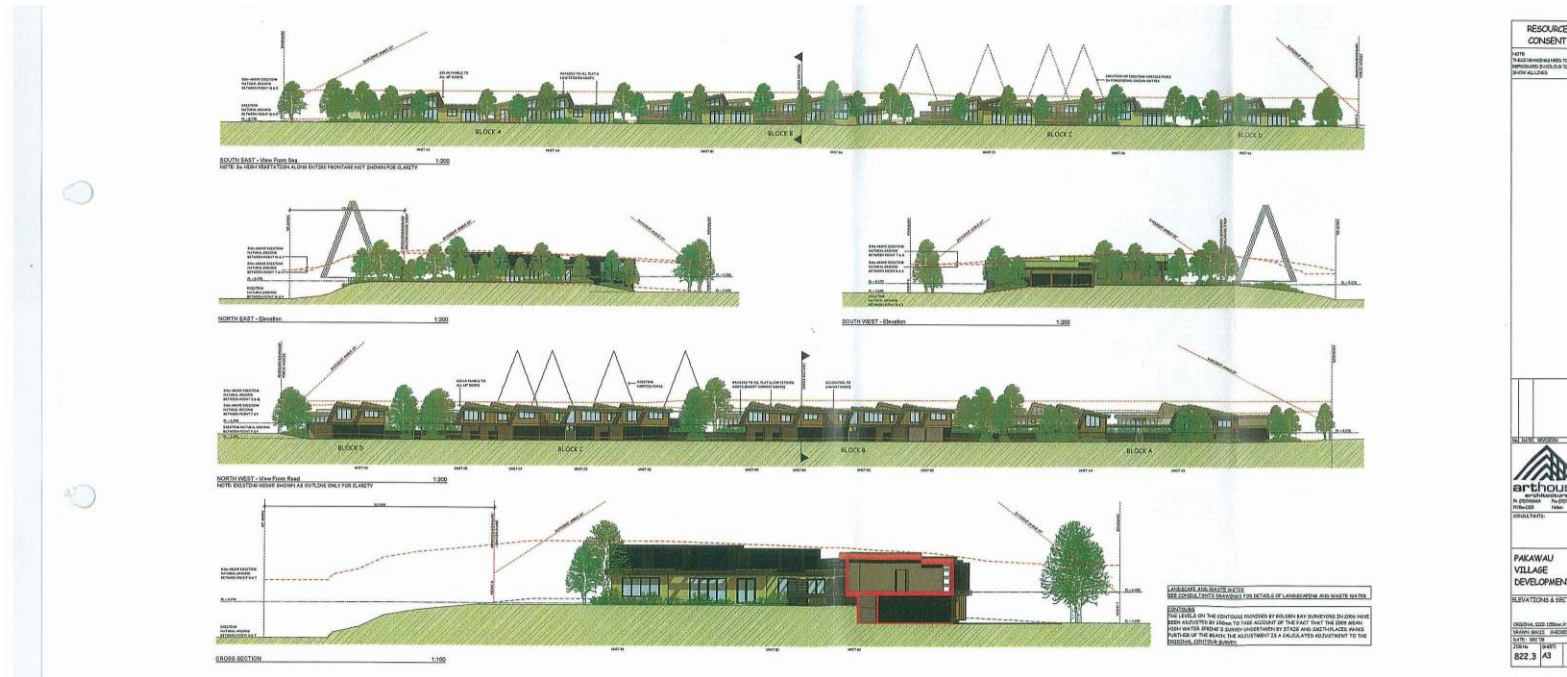
PLAN C - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)



PLAN D - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)



PLAN E - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)



PLAN F - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)



Appendix A - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)

The Tasman District Council has produced a number of pamphlets that identify a Native Plant Restoration for a variety of ecological areas throughout the Tasman Area. The list was prepared by Shannel Courtney from the Department of Conservation in June 2004.

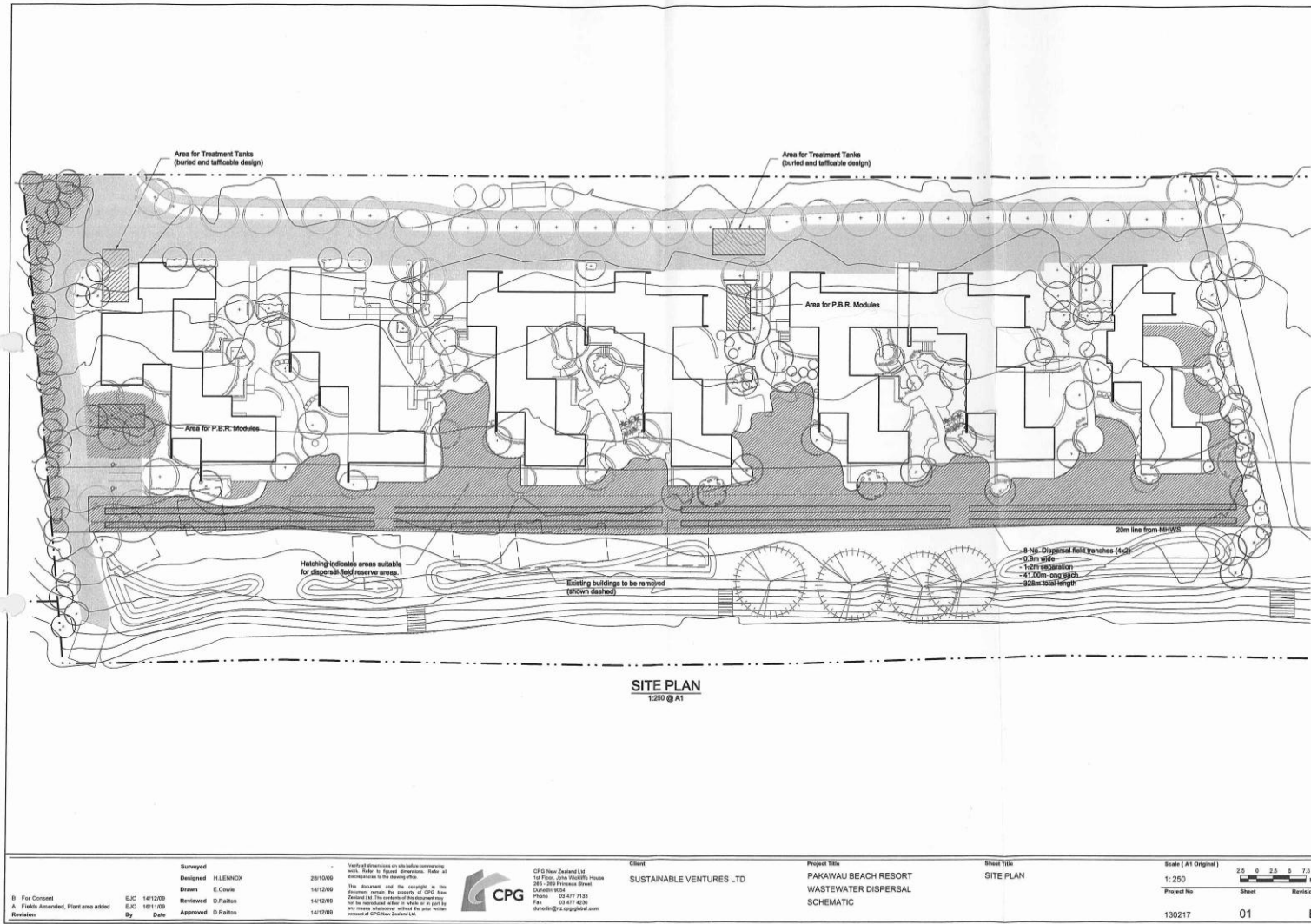
The development falls within the Golden Bay Sandy Coast. The intention is to use where possible native species selected from this list. The bulk of the proposed plants will be selected from, but not restricted to, the following list.

Alectryon excelsus	Titoki
Brachyglottis repanda	Rangiora
Carpodetus serratus	Putaputaweta
Coprosma repens	taupata
Coprosma robusta	karamu
Corynocarpus laevigatus	karaka
Dodonea viscosa	ake ake
Grisilinia lucida	puka
Kunzea ericoides	kanuka
Lophomyrtus obcordata	rama rama
Macropiper excelsum	kawakawa
Melicope simplex	poataniwha
Metrosiderous robusta	northern rata
Pittosporum eugenoides	lemonwood
Pittosporum tenuifolium	kohuhu
Pseudopanax tenuifolium	lancewood
Rhopalostylis sapida	nikau
Hebe stricta	koromiko
Anemanthele lessoniana	gossomer grass
Carex testacea	bootstrap sedge
Cortaderia fulvida	slender Toi toi
Cortaderia richardii	South Island toi toi
Cyathea dealbata	ponga fern
Desmoschoenus spiralis	pingao
Libertia peregrinans	sand iris
Libertia ixoides	native iris
Phormium cookianum	coastal flax

Additional Plant Species.

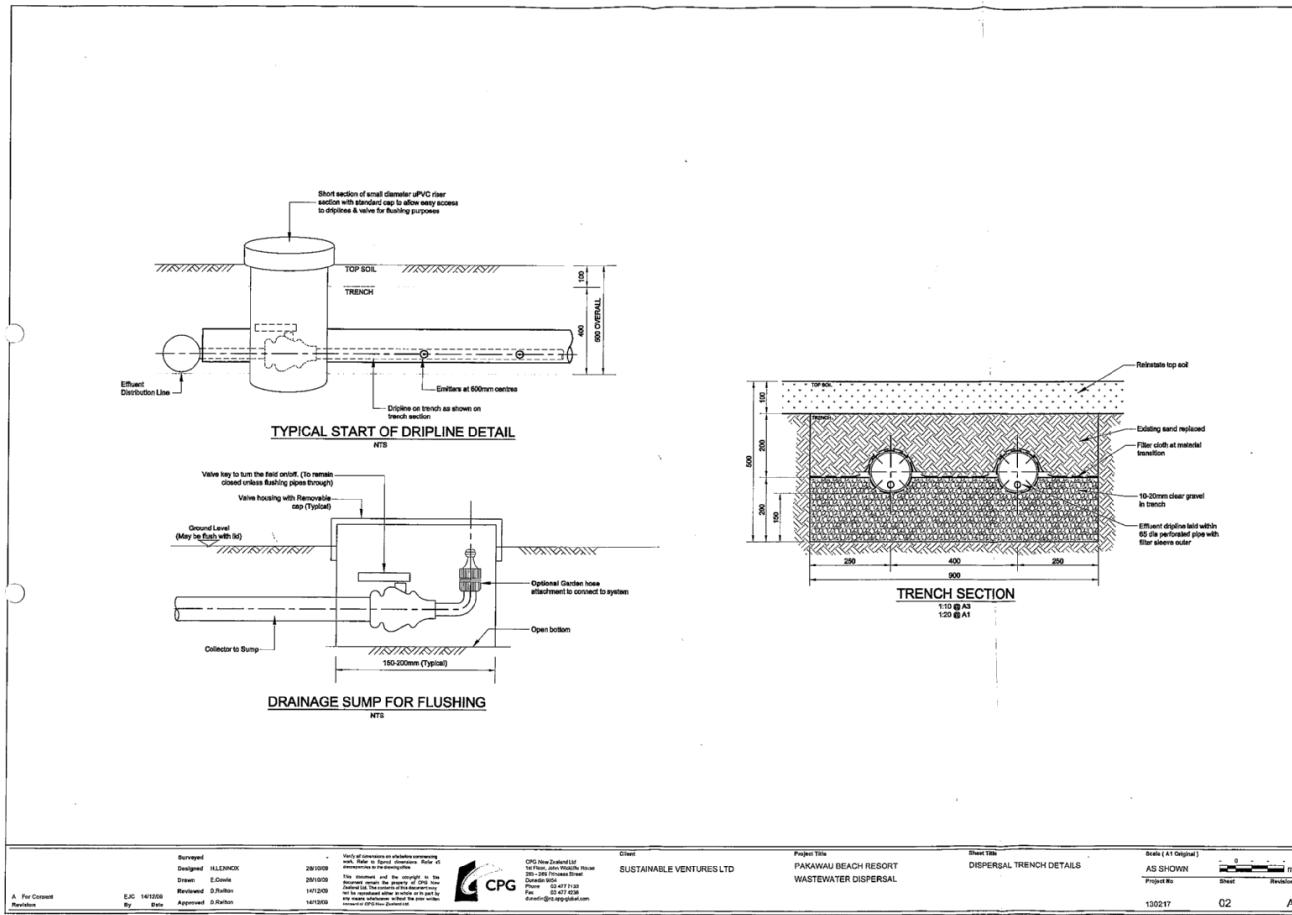
In addition to those plants listed in this pamphlet, it is proposed to consider the use of both *Vitex lucens* – (Puriri) and *Metrosiderous excelsa* – (Pohutukawa) as options for specimen trees within the development. While these species are not native to this area, they are none the less iconic to New Zealand, would form attractive specimen trees and would be suited to these conditions.

PLAN G - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)



<p>B. For Consent A. Fields Amended, Plant area added</p>	<p>Surveyed Designed Drawn Reviewed Approved</p>	<p>H.LENNIX E.Cowie D.Ratton D.Ratton</p>	<p>28/10/09 14/12/09 14/12/09 14/12/09</p>	<p>Verify all dimensions on site before commencing work. Refer to signed dimensions. Refer to environmental title drawings. The documents and the copyright in this document remain the property of CPG New Zealand Ltd. No reproduction or other use may be made without the prior written consent of CPG New Zealand Ltd.</p>	<p>CPG New Zealand Ltd 141 Fenton Avenue, Waiuku, Waikato 261-268 Fenton Street Dunedin 9054 Phone: 03 477 7123 Fax: 03 477 4238 www.cpg.co.nz</p>	<p>Client SUSTAINABLE VENTURES LTD</p>	<p>Project Title PAKAWAU BEACH RESORT WASTEWATER DISPERSAL SCHEMATIC</p>	<p>Sheet Title SITE PLAN</p>	<p>Scale (A1 Original) 1:250</p>	<p>Project No 130217</p>	<p>Sheet 01</p>	<p>Revision B</p>
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APPENDIX B - RM0090874, RM090875, RM090876, RM090877 and RM090878 (Sustainable Ventures Ltd)



Date Confirmed:

Chair: