



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Laurie Davidson - Consents Planner, Golden Bay

REFERENCE: RM0700+41

SUBJECT: **B R REILLY, J M REILLY, D A EARLE and G R MILNES – REPORT EP07/11/12 - Report prepared for 26 and 27 November Hearing**

SPECIAL NOTE:

DURING THE WRITING OF THIS REPORT, THE APPLICANTS HAVE INDICATED THEY WISH TO AMEND THE APPLICATION BY DELETING SOME OF THE PROPOSED ACTIVITIES AND ALTERING SOME OTHER ASPECTS. THE DETAILS OF THESE CHANGES ARE AS FOLLOWS:

The applicants withdraw the river drift experience and helicopter landing pad parts of the application and they will no longer be pursued as part of the proposal.

The re-contouring of the site is to be altered (details have yet to be provided) to enable the proposed buildings to be located in conformity with PTRMP bulk and location requirements for a Rural 1 Zone. To achieve this there will be some alterations to the proposed layout, the aquarium is likely to be relocated and the parking area enlarged. Details of these changes are yet to be provided as amended plans and they may not be available until the hearing of the application.

LOCATION 113 Pupu Valley Road, Golden Bay.

LAND DESCRIPTION Lot 1 Deposited Plan 358848, all land contained in Certificate of Title NL 240164

ZONING Proposed Tasman Resource Management Plan (PTRMP)
Rural 1

RESOURCE CONSENT STATUS

The following land use components of the application to establish and operate a tourist complex on the Pupu Valley Road are Discretionary Activities under the Proposed Tasman Resource Management Plan.

- To construct and use three studio motel units to provide visitor accommodation.
- To establish and operate a café / restaurant and souvenir shop.
- To construct a carpark to serve the proposed complex.
- To sell liquor under the terms of an On Licence.
- To establish and operate a freshwater aquarium to display native fish species to the public.

- To establish and operate a helicopter land pad. (Since withdrawn)
- To erect a manager's residence, which encroach the front and western side yards. (Since advised this will be sited to comply as a Controlled Activity, but still to be confirmed)
- To erect two advertising signs for the complex.

The re-contouring of the site is a Controlled Activity under the Land Disturbance Rules of the PTRMP and applications can be considered as a non-notified application, subject to the matters that are identified under the Plan Rules.

Applications have also been lodged to abstract groundwater for the proposal and to discharge aquarium and domestic waste water generated by the complex. These proposals are reported separately by other Council Officers.

The application also sought consent to operate a "river drift experience" in conjunction with the tourist complex, but there are no rules in the PTRMP that require consent for that activity. That activity has been withdrawn and no longer forms part of the application. In a similar vein, the landscaping proposed does not require consent as such, but forms part of the application for the land use.

NOTIFICATION

Council processed this application under the provisions of the Resource Management Act 1991 as a notified application, as there were neighbours that had been identified as "affected parties" who chose not to provide written approval and Council considered the proposal had the potential to affect a wider section of the community for a variety of reasons. Council also considered the proposal had some potential to create effects that may have been more than minor.

Written approvals pursuant to Section 94 of the Act have been provided by;

J G Vaughan
G and M Balck

1. INTRODUCTION

The application by B R Reilly, J M Reilly, D A Earle and G R Milnes to establish and operate a tourist complex on the Pupu Valley Road requires land use consent for a variety of reasons, but the prime objective is to provide a licensed café with a freshwater aquarium displaying native fish species. A limited amount of visitor accommodation will also be provided within the complex. A manager's residence is included in the proposal and this is located in the south western corner of the property.

The site is on the route to Te Waikoropupu (The Pupu Springs) that attracts significant number of visitors, particularly during the summer season. The applicant's intend to capture this market and enhance a visitor's experience, providing a unique aquarium that would make food and beverage available.

The chosen site is currently farmland used for grazing and production of hay and silage. The proposal to develop this complex will necessitate the erection of buildings, formation of access and carparking, installation of treatment and disposal systems for waste water and aquarium water and a proposal to landscape the site in accordance with a proposal prepared by a landscape architect.

2. SITE DESCRIPTION

The applicants' property is a title of 14.5 hectares that is zoned Rural 1 and located on the eastern side of the Pupu Valley Road approximately 1.1 kilometres from the junction with State Highway 60. The land is gently sloping to the east and south and is bordered by the Waikoropupu River to the east near the confluence with the Takaka River. Much of the land is quite low lying and is subject to flooding on a reasonably regular basis. A smaller portion of the land that is located in the south western corner of the title is more elevated and the tourist complex is intended to be located in this area once it has been re-contoured and enlarged making it a flood free position. The land does not contain any buildings, other than a small pump shed.

This part of the Pupu Valley is characterised by several "lifestyle" allotments that were created relatively recently. Some have had dwellings erected on them and they are generally of a size that provides an open rural environment with a view across the Takaka Valley to the Pikikiruna Ranges. The land on the north eastern side of the Pupu Valley Road is zoned Rural 2 and the south western side is zoned Rural 1. The Rural 1 land is generally productive farm land, with one lifestyle property adjoining to the west of the site.

The site is accessed from the Pupu Valley Road which is a sealed two-lane road that varies in width, but generally between 6 and 7 metres. The road carries significant numbers of vehicle movements, particularly during the summer months when tourist numbers markedly swell the population of Golden Bay. Vehicle speeds on this road are not particularly high and sight distances from the proposed access are limited by the shape of the road and vegetation.

3. NOTIFICATION AND SUBMISSIONS

The application was notified on 25 August 2007, with submissions closing on 21 September 2006. Seventy submissions were received, with 37 in support, 25 in opposition and eight were neutral. For the purposes of commenting on the submissions received, the submissions supporting the application are grouped to some extent as they have a common theme but those opposing the application are treated more individually, as they contain a variety of matters of concern. Four of the submitters supporting the application have indicated they wish to be heard and of those opposing the application, seventeen have indicated they wish to be heard. Four submitters did not indicate whether they wished to be heard or not. The neutral submitters have a common theme of wanting conditions included.

3.1 Submissions in support of the application

B J Cashman, P G Woolf, G Goodfellow, L Turley, R J Butts, J E Butts, P R Woods, D M Holmwood, H N Holmwod, P Donnelly, R W Sixtus, P M Sixtus, L Robinson, B A Cunningham, B J Palmer, L P Burke-Clarke, J M Hall, R G Carroll, J R Win, L M Jukes, Z M Reilly, T M Bowden, C B Taylor, L A Barnett, C A Orange,

I D Orange, A J Bourke, M J Bourke, GBW Bowden, J M Hills, J R Whittaker, A J Bickley, A M Bickley, J W Bickley, A J Nicholls, C W Levett, Latitude Nelson.

The submissions in support have a common theme of supporting tourism in Golden Bay and in particular, tourism in conjunction with Te Waikoropupu. Many submitters in support of the application see the proposed facility as an extension of the Pupu Springs experience and the opportunity to spend more time in this part of Golden Bay. The opportunity for additional employment in Golden Bay is also welcomed by many people. The educational value of the aquarium has been identified and some submitters see this as an addition to tourism in Golden Bay.

Comment: Of the submitters supporting the proposal, four have indicated they wish to be heard. The supporters clearly see the proposal as a facility that will be complimentary to Te Waikoropupu and the aquarium concept is seen as an addition to the natural values that the Springs have. While the link with the Springs may assist a facility such as this, it is imperative that the natural values of that area are preserved. Tourism is likely to expand in Golden Bay over a period of time and each business or tourist operation that is established in Golden Bay contributes to that overall growth. The opportunities for employment growth in Golden Bay are seen as a welcome addition to the local economy. The freshwater aquarium concept is one that will need considerable care to ensure it is managed successfully. Providing other requirements can be satisfied in relation to the species kept, the facility is likely to be a popular attraction with a wide sector of the community.

3.2 Submissions in Opposition

3.2.1 M K Ellis

Ms Ellis is a Uruwhenua resident who is opposed to the development of tourist facilities in the Pupu Springs area. She believes that area should be protected and the operation of the proposal will create too much waste and destroy the heritage values of the area. She has asked that the application be declined and does not wish to be heard

Comment: Ms Ellis's submission focuses on the heritage values of the Springs area and it is fully understandable that people wish to see these preserved. The separation of the applicants' site from the Te Waikoropupu Reserve is an important factor to be considered, as is the discharge of any waste from the operation of the facility. In this case the separation would appear to be sufficient to have confidence the natural values will not be eroded and conditions can assist with potential effects from such a facility.

3.2.2 K Smith and P M Wallis

Mr Smith and Ms Wallis are nearby Pupu Valley residents, who consider the proposed tourist facilities will spoil the intrinsic values of the area where they live. They are particularly concerned about the potential noise from helicopters and late night operation of the restaurant. They are opposed to the application and have indicated they do not wish to be heard

Comment: Mr Smith and Ms Wallis's concerns are easily understood and the matters they have raised have been identified as actual and potential effects of the operation of the facility. As such, they are addressed in the section of this report that deals with those matters. The helicopter activity has been withdrawn from the application.

3.2.3 JRC Lee

Mr Lee has made a submission that is primarily concerned with the issues surrounding the water permit that has been applied for. That matter is addressed by Mr N Tyson separately from the Land Use component of the application and no further comment on that matter is required. The third and fourth section of Mr Lee's submission do not appear to be relevant to this application. He has asked to be heard in support of his submission and asks that the application is declined.

Comment: The third section of the submission that relates to climate instability would appear to have potential effects in coastal situations, but is hardly relevant in this location. The fourth section about "needs" fails to recognise the principle that any application can be made under the Resource Management Act and there is no requirement to demonstrate the need for an activity. Decisions on applications are based on actual and potential effects of allowing the activity rather than the need.

3.2.4 The Cerny Family

The Cerny family are adjoining neighbours to the south west of the site and Martin Cerny has lodged a submission on behalf of his family that opposes the application for a tourist complex on the site. He considers the development is of a scale that is out of context with the Puppu Valley area and the development will result in the loss of productive rural land. He considers the presence of up to 250 people together with additional lighting, increased vehicle movements and significant parking areas will change the current character of the Puppu Valley and has the potential to affect the enjoyment they currently enjoy at their property.

Matters in relation to changing water courses, the abstraction of water and discharge of waste water are mentioned in the submission and will be addressed by other officers reporting on the application. Mr Cerny wishes to be heard in support of his submission and asks that the application is declined.

Comment: The Cerny property is the closest property to the proposed tourist development and while there is significant landscaping on their property that will help mitigate visual effects, there is some potential for the rural environment in the Puppu Valley to be affected by the proposed complex in its current form. Issues relating to both on and off site effects will need to be carefully considered when considering whether the complex is appropriate in this location. The section of this report that deals with actual and potential effects, will look at these aspects in more detail. The use of productive rural land for a commercial activity such as this is an issue that has been the subject of lengthy planning arguments on a number of occasions. This will need to be carefully considered in this case during the decision making process for this application.

3.2.5 R and C Sampson

Mr and Mrs Sampson are the owners of a nearby property that they have recently purchased. They are particularly concerned about the development of a helicopter landing pad and the potential for noise from any helicopter operation in this area to have adverse effects on the enjoyment of their property. They do not wish to be heard in relation to their submission, but ask that the application is declined.

Comment: The Sampson's submission is easily understood and the development of a helicopter landing pad in this location has been withdrawn from the proposal.

3.2.6 V and J Mrazek

Vlastamil and Jana Mrazek own a property directly opposite the proposed development and have recently built a dwelling at this location. They are concerned the scale of the proposed development will have detrimental effects on the rural amenity they currently enjoy. They consider the Valuer's report submitted with the application is not clear in relation the use of the land and a commercial development on the site will affect the wider rural environment in this area. Mrs Mrazek is unwell, suffering from multiple sclerosis and they have concern that the effects from the proposed development could worsen this condition. Other submissions relate to wastewater disposal and flooding that are reported separately. Mr Mrazek wishes to be heard in support of their submission and has asked the application is declined.

Comment: As the dwelling Mr and Mrs Mrazek reside in is relatively new, landscaping is still being undertaken on their property. In time, the landscaping proposed for the development will also assist in this area, but that will take time to establish. The Valuers report submitted is not particularly clear in some areas and can be interpreted in more than one way. That aspect is important in considering Rural 1 land for non-rural uses. In its present form, the proposed tourist complex has the potential to change the current rural environment and the operation of the complex will dictate that, to some degree.

3.2.7 G and S Standing

Mr and Mrs Standing have recently purchased a property near the proposed development with a view to building a dwelling in the future. They consider the proposed development will have an adverse effect on the current environment in the Pupu Valley and this location is inappropriate. They wish to be heard in support of their submission and ask the application is declined.

Comment: While the Standing property is further away from the complex than other lifestyle properties in this location it is still in a position that activities on the site have the potential to have some effect. The scale of the proposed commercial operation is an aspect of the application that is relevant in this case, when considering the compatibility of the development with the Pupu Valley environment.

3.2.8 G and A Fletcher

Mr and Mrs Fletcher are nearby Pupu Valley residents who moved to this location for the rural outlook and lifestyle. They have concerns noise from the café and helicopter operation will affect their lifestyle and the Takaka airport is within close proximity to serve the proposed development. They consider the Pupu Valley Road is narrow and inappropriate to cope with the anticipated traffic flow and also oppose the drift dive experience on the grounds it will affect whitebaiters and recreational fishermen, together with potential to spread Didymo. They also have reservations about waste water disposal and potential degradation of river water quality from wastewater, particularly when soils are saturated. They wish to be heard in support of their submission and ask the application is declined.

Comment: The Fletcher's concerns are similar to other nearby residents and identify several areas where there is potential for the proposed activities to change the current rural environment in the Pupu Valley. The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. Some of the issues they have raised are identified as actual and potential effects and are discussed further in this report.

3.2.9 J P and C Rose

Mr and Mrs Rose are dairy farmers at Puramahoi and part of their property runs into the Pupu Valley. They have made a submission opposing the application lodged, saying they have numerous issues they are concerned about, but there are no details of their concerns provided. They wish to be heard in support of their submission and ask the application is declined.

Comment: No comment can be offered in relation to the submission as there are no details provided.

3.2.10 N H and D E Shearer

Mr and Mrs Shearer are Pupu Valley residents who have lodged a submission opposing the application as lodged. They are opposed to the use of Rural 1 land for commercial development and consider flood prone land should not be developed for such a use. They believe anecdotal evidence provides different information than that provided by the applicant and that changes in weather patterns could increase the adverse effects from flooding. They oppose the operation of helicopters in conjunction with the site and are also concerned about the effects of traffic and road safety on the Pupu Valley Road. They are concerned about the potential spread of didymo through drift diving and believe it will cause disruption to other river users. They wish to be heard in support of their submission and ask that the application is declined.

Comment: Mr and Mrs Shearer raise similar matters to other Pupu Valley residents and it is clear those issues are seen as significant changes from the current environment, which is primarily a rural sector with a number of lifestyle blocks that are gradually being developed. The use of anecdotal evidence to assess effects needs to be treated with some caution as the memory of such events can be altered by a number of factors. Issues relating to taking water for the aquarium and disposal of effluent on flood prone land are reported by other Council Officers. The river drift

operation and helicopter pad have been withdrawn from the application and do not require any further comment.

3.2.11 Royal Forest and Bird Protection Society of New Zealand Inc (Golden Bay Branch)

Murray Gavin has prepared a submission on behalf of the above Society that has two primary focuses. They are concerned with the proposed drift diving experience and with the holding of live flora and fauna species in the aquarium. They are opposed to any notion of drift diving in this area and have suggested a condition of any land use consent should prevent visitors from entering the Waikoropupu River from the complex. They recognise the educational and tourist benefits of the proposed aquarium, but are concerned non-local organisms could be introduced to the local area to threaten indigenous biosecurity. There is particular concern regarding the disposal of plant and animal matter from the aquarium. The Society has suggested conditions relating to the restriction of particular flora and fauna kept in the aquarium, including the suggested release of eel that indicate preparation for breeding. They have also suggested a condition banning entry to the Waikoropupu River by visitors to the complex. The Society is neutral in relation to the activities, other than the drift diving and the establishment of the aquarium, where they have opposed the drift diving and also the aquarium unless conditions can satisfy their concerns. They have asked to be heard in support of their submission.

Comment: The submission made by the Royal Forest and Bird Society is helpful in suggesting a method of addressing their concerns and the concept of introducing flora and fauna from outside the area has much wider biosecurity issues for Golden Bay. There are opportunities to impose conditions in relation to the aquarium and the drift diving activity has been withdrawn.

3.2.12 W G Wallis

Mr Wallis has lodged a submission opposing 4 parts of the application as lodged, including the operation of the drift diving experience, noise associated with the use of helicopters, the encroachment of the 10 metre setback from the Puppu Valley road boundary and the risks associated with discharging aquarium waste water. He has suggested consent be granted subject to the omission of the drift diving, helicopter use and aquarium, and that the buildings be set back the correct distance from the front boundary. He does not wish to be heard in support of his submission.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and the buildings will be sited in a complying position. As such, these do not require any further comment. The question of the quality of the aquarium waste water is dealt with in the separate report on that aspect.

3.2.13 A Vaughan

Mr Vaughan has lodged a submission opposing the application and has identified 5 areas of concern. He opposes the abstraction of the quantity of groundwater applied for without a study on the effects on the Waikoropupu Springs and considers the volume of aquarium water to be discharged is excessive into an existing watercourse. He also considers the disturbance and re-contouring of Rural 1 land is outside the scope of the PTRMP and the noise produced from helicopters is

unacceptable in this location. He also is opposed to the drift diving activities. Mr Vaughan wishes to be heard in support of his submission and asks that the application is declined.

Comment: The abstraction of water and discharge of aquarium water is reported separately to the land use report. Re-contouring of the site is a Controlled Activity under the rules of the PTRMP, meaning consent must be granted for this activity, but conditions can be imposed. The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment.

3.2.14 NgAng

The submission by NgAng identifies 3 main areas of concern that he considers are unacceptable in this location. He considers the operation of helicopters in conjunction with the site will have adverse noise effects, both in the immediate vicinity and over a much wider area, including the Takaka Township. He is opposed to the drift diving experience due to the Didymo risk and has indicated he will present additional information at the hearing for the application. He has made a lengthy submission about potential flooding associated with the site and considers the assessed levels are inadequate to cope with floods he suggests are likely within a quite short time period. He has listed 6 more areas that are covered in the Golden Bay Futures submission that he endorses but does not provide any specific information about. He has indicated he will cover those issues when the application is heard. He wishes to be heard in support of his submission and asks that the application is declined. In addition, he has suggested the helicopter pad, aquarium and drift diving experience should be declined if consent is granted to the rest of the application.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. The flooding assessment that he has provided appears to be his interpretation of data that has been included in the application and the further information provided in relation to flooding. The historical data for flooding in this part of Golden Bay provides a factual and reliable base to enable assessments to be undertaken and comment on this aspect has been requested by Council staff members to provide an independent assessment of the potential flood risk associated with the site. Those comments from Mr E Verstappen are attached as Annexure "B".

3.2.15 J Piekarski

The submission from Ms Piekarski raises a number of matters that she is concerned about. Apart from those relating to the water take and discharge of aquarium and domestic wastewater, she does not support the provision of a helicopter landing pad or the provision of the drift dive experience and considers an aquarium is an inappropriate way of displaying indigenous fauna. She also opposes the re-contouring of the site and considers it is too low for the proposed development. She believes the proposed buildings will have a detrimental visual effect for residents living in the Puppu Valley and the traffic, including buses, generated by the complex will be inappropriate for Golden Bay and have wider implications from an environmental point of view. She does not wish to be heard in relation to her submission but asks that the application is declined.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. Her view in relation to keeping indigenous fauna in an aquarium is one that appears to be a personal view rather than one that relates to adverse effects. The re-contouring of the site is discussed further in this report, as is the visual impact of the proposed development. The traffic generated by the proposed development does have the potential to create some different effects than exist at present, but it is likely the complex will attract many of its visitors from the current Te Waikoropu traffic.

3.2.16 L Erz

The submission from Ms Erz identifies 7 areas that she is concerned about. She is opposed to the operation of a helicopter pad on the site and considers the noise from this activity will have effects will create adverse effects. She is also opposed to the drift dive experience, primarily on the grounds it has the potential to introduce Didymo to this part of Golden Bay. She does not support the provision of an aquarium in this location and considers an improvement to the viewing ability at the Springs themselves is a better option. The use of rural land for non productive purposes is not supported and the re-contouring of the land is considered to have potential to result in damage to both the applicants land and possibly adjoining properties. In relation to the three motel units proposed, this submitter believes granting consent would be some form of precedent for additional units in the future. Ms Erz does not see the complex as providing acceptable employment prospects and believes it will primarily offer lower paid seasonal employment for the majority of employees. Her final area of concern is that the complex will affect the special rural character of Golden Bay and is not appropriate for this area. She strongly supports a study that considered Golden Bay in 2022 and believes the special character of the area should be preserved. She wishes to be heard in respect of her submission and has asked that the application is declined. She has also made some suggestions about conditions, should Council choose to grant consent to the application.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. The provision of the aquarium is an integral part of the proposed complex and is also a primary focus for the tourist development. Alterations to the viewing facilities at Te Waikoropupu would need to follow a different pathway and the management plan that controls the activities at that location is subject to a public process as well. Applications can be considered for uses other than rural land use in Rural Zones and productivity of such land is an issue that has to be addressed in that process. The applicants have provided technical information in relation to the re-contouring of the site and the effect of that work has to be carefully considered by Council. There is no right to expand any of the activities applied for in the future, unless it is authorised by additional consents granted by Council. Such a process needs to follow the correct path under the Resource Management Act. The type of employment prospects associated with the proposed development are a matter that is outside the scope of Council's control and apart from considering this aspect under the broadest definition of sustainable development, employment is largely market driven. The rural character of Golden bay is an important consideration in an application such as this and that matter is addressed under the actual and potential effects.

3.2.17 Golden Bay Futures Incorporated Society

The submission on behalf of the above Society has been prepared by NgAng and J Piekarski, both of whom have lodged individual submissions as well. The subject matter for this submission is similar to those individual submissions and primarily covers the helicopter pad, drift dive experience, aquarium, re-contouring and the Takaka flood plain and traffic. Other matters relate to water and discharges of domestic and aquarium waste water. While there is more detail in this submission, no new issues are raised and the concerns are easily enough understood.

Comment: The comments that have been made in respect of NgAng and J Piekarski apply in a similar way to this submission. In this case the submitters have asked to be heard and has asked that the application is declined. Suggested conditions have been offered should Council choose to grant consent to the application.

3.2.18 Friends of Golden Bay Inc

A submission has been made by Mrs M Tilling on behalf of the above group, opposing the application and identifying four areas of concern in addition to the discharges from the complex. They are concerned the complex will be built in a flood plain and located where it will encroach the setbacks for Rural Zones. They contend on that basis the land is unsuitable for the project and the extent of filling needed on the site has not been adequately addressed. They are also concerned about the spread of Didymo through drift diving and consider the operation of helicopters in conjunction with the site will affect visitors to Te Waikoropupu and the local rural area. The group wish to be heard in support of their submission and ask that the application is declined.

Comment: The suitability of the site for the project is a primary consideration of this proposal and it is clear some modification to ground levels is required to be able to locate the buildings on the site. There is a fine balance between the effects of modifying the ground level and siting the buildings where they will be the least obtrusive. The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment.

3.2.19 R Piekarski

Mr Piekarski has lodged a submission expressing concern about the proposed re-contouring of the site that will exceed the standard for Permitted Activities in Land Disturbance Area 1. He also has concerns about water abstraction and discharge of waste water that are addressed by other Council Officers. He does not wish to be heard in support of his submission and asks that the applications are declined by Council.

Comment: Land disturbance that exceeds one hectare in area and one metre in depth is a Controlled Activity under the rules for Land Disturbance Area 1. This means in effect that any application made must be granted by Council but conditions can be imposed. Such applications can also be processed as non-notified applications and without the written approval of affected parties.

3.2.20 Transit New Zealand

A submission from Transit New Zealand opposes the application in relation to the intersection of the Pupu Valley Road and State Highway 60. The submission indicates there is an accident record for that intersection and the sight visibility toward Collingwood is around 150 metres. They consider the earthworks necessary to rectify this situation are impracticable and there do not appear to be any measures available to remedy this situation. On that basis they have asked that the application be declined and Transit wishes to be heard in relation to their submission.

Comment: It is difficult to comment on the submission made by Transit as it relates to a functioning intersection that already handles a significant number of vehicle movements, given the location of Te Waikoropupu. While it is not clear whether the presence of the proposed tourist complex will increase traffic flows, it does have the potential to alter the time of vehicle movements with the evening operation of the restaurant. Comment from Councils Engineering Section has been sought in relation to this submission and is attached as Annexure "A"

3.2.21 S and M Fleming

Mr & Mrs Fleming are nearby residents on a lifestyle property, opposite the proposed development. They have recently purchased their property and have started to develop it with the erection of a dwelling. They are concerned the proposed development will change the character of this area and noise from both the restaurant and helicopters will create adverse effects. They also consider the visual effect of the proposed buildings is out of character with the expected rural buildings they had anticipated for such an area. Anecdotal evidence has also been provided in relation to the flooding of the land over the past two years.

Comment: As with other residents in this area, their concerns are appreciated and it is likely there will be some change to the character of the area if consent is granted. That change needs to be considered with any measures to mitigate potential adverse effects and those issues are discussed further in this report. The helicopter pad has been withdrawn from the application and does not require any further comment.

3.2.22 C J and G S Turley

Mr and Mrs Turley have lodged a submission opposing the proposed tourist development and have identified a number of concerns they have in relation to the proposal. They, like many others, are concerned about the implications of Didymo from drift diving and the operation of helicopters in this area. They also have concerns about the proposed re-contouring of land in the flood plain and the effects of traffic and buses associated with the complex. They question the proposed development in a rural area.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. The other matters are addressed in the report as actual and potential effects.

3.2.23 B Burgess

Mr Burgess has made a submission that opposes the application to establish a tourist development in the Pupu Valley. He is concerned about the potential risk of Didymo and noise from the operation. He considers the facility will attract tour buses and the facility is inappropriate for Golden Bay. He does not wish to be heard in respect of his submission but asks that the application is declined

Comment: Mr Burgess is clearly opposed to the application but his reasons have not been able to be identified, other than the potential Didymo risk. The drift diving activity has been removed from the application.

3.2.24 T L Burgess

Mr Burgess considers the use is inappropriate for a rural setting and is concerned about noise from helicopters. He is also concerned about the potential to spread Didymo and a greater number of visitors in tour buses. He does not wish to be heard in respect of his submission but asks that the application is declined.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. The other issues raised are discussed in this report.

3.2.25 P Thomas and K Fastenbrook

P Thomas and K Fastenbrook are opposed to the use of Rural 1 land for the proposed development of the facility. They consider noise from the café and helicopter operations will create an adverse effect and the drift diving has the potential to spread Didymo. They also have concerns that the development will have precedent effects and the site may be further developed if consent is granted. There is some concern the rural character of the area will change if consent is granted and the traffic effects may be a risk on the Pupu Valley Road. They do not wish to be heard in respect of their submission but ask that the application is declined.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. Granting consent for any of the proposed activities in this case is not a precedent for further development on the site. The rural character and traffic effects are addressed in this report as actual and potential effects.

3.3 NEUTRAL SUBMISSIONS

3.3.1 Department of Conservation

The Department of Conservation has lodged a submission that is neutral in respect of the proposed development but have identified five areas that they consider require particular regard to when the application is considered. They have concerns about the potential spread of Didymo into the Waikoropupu River and consider a stormwater and sediment control plan is required in respect of the earthworks that are proposed. The Department opposes helicopter flights over the Pupu Springs Reserve area and have asked that the Department and tangata whenua are consulted in respect of any promotional material about Te Waikoropupu. The

Department consider the landscape proposal for the site that has been produced is very general and a more detailed plan should be provided if consent is granted to the proposal. The Department has requested the drift diving application is declined and the other matters raised are addressed by appropriate conditions being imposed. The Department has indicated they do not wish to be heard in respect of their submission.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. The other matters raised by the Department of Conservation are considered to be actual and potential effects of allowing the application and as such, are addressed within this report. Consultation in relation to promotional material for Te Waikoropupu may not be able to be covered by condition but is encouraged by Council to assist with the management of the Springs.

3.3.2 New Zealand Fire Service

A submission on behalf of the New Zealand Fire Service Commission has been submitted by Becca Carter Hollings and Ferner Ltd. The Commissions concern is that there is adequate provision of water for fire fighting purposes in a location such as this. The submission appears to be generic in respect of resource applications as they decision sought by the Commission appears to relate to subdivision. The Commission wish to reserve the right to be heard in respect of their submission.

Comment: Fire safety is an issue that the PTRMP has considered and it is appropriate to impose conditions in this area if consent is considered for the proposal.

3.3.3 Nelson Marlborough District Health Board

The Nelson Marlborough District Health Board have lodged a submission that relates to the provision of a potable water supply, the disposal of wastewater and noise. They act in an advisory role and have suggested some guidance in respect of these issues. They have asked to be heard in respect of the submission.

Comment: The issues raised are addressed in the reports submitted for the hearing and the Health Board's input into these areas can assist the Council in making a decision on the application.

3.3.4 New Zealand King Salmon Company Ltd

New Zealand King Salmon Company Ltd operate a salmon farm in the Pupu Valley, near Te Waikoropupu. They have lodged a neutral submission that relates to the establishment of the proposed aquarium and the species to be kept. They want the applicants to be aware of possible effects on their operation and to ensure all legislative requirements are met to enable the fish species chosen to be kept. The Company supports consent being granted by Council and wishes to be heard in support of their submission.

Comment: The Salmon Company's concerns are understandable and while there is a reasonable separation between both facilities, introduction of species that can become established in local waterways is a matter that needs to be carefully considered.

3.3.5 N Pentecost

The submission by N Pentecost is of a very general nature and the only comment made is to ensure no waste finds its way into any waterway in this area. The submitter supports consent being granted and does not wish to be heard in relation to the submission.

Comment: This submission is self explanatory and does not require any further comment.

3.3.6 Manawhenua Ki Mohua

Manawhenua Ki Mohua are the local Iwi for Golden Bay and they have lodged a submission that identifies two areas that are of some concern. They do not support the drift diving activity and want that removed from the application. They are also concerned any helicopter operation does not fly over the Springs area. Their position is neutral in relation to the proposal and they support consent being granted by Council. They wish to be heard in support of their position.

Comment: The concerns expressed are easily understood and Te Waikoropupu holds a particular sacredness with local Iwi. The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. It is accepted that any sight seeing by helicopter over the Springs is inappropriate.

3.3.7 J Riley

The submission by J Riley expresses concern about the proposed helicopter operation and the risk of Didymo from activities in the local waterways. She also requests the required boundary setbacks are met and supports both local Iwi and the Department of Conservation in the management of local waterways. She supports consent being granted for the proposal and does not wish to be heard in respect of her submission.

Comment: The river drift operation and helicopter pad have been withdrawn from the application and do not require any further comment. The building setback encroachments have also been addressed and will comply with rural setbacks. The management of waterways in this part of Golden Bay are an important consideration that affects the area as a tourist destination.

3.3.8 Fish and Game

Fish and game is the statutory manager of sports fish and game birds throughout the region. They have lodged a submission that covers three areas of concern that they consider will need to be addressed if consent is granted. These relate to the risk of Didymo from the drift diving operation, the potential for fish species kept in the aquarium to be released and public access to the river. Fish and Game have asked

that the application be declined unless the issues raised can be addressed. They wish to be heard in support of their submission.

Comment: Fish and Game have an active interest in the management of the waterways in Golden Bay and their concerns are easily understood. The issues they raise would appear to be able to be met by appropriate conditions being met, except the provision of public access would appear to be only likely where the owner of the land was agreeable to such a proposal. This matter is covered by Sections 229 – 237 of the Resource Management Act rather than Section 409 as quoted. The river drift operation has been withdrawn from the application and does not require any further comment.

4. ASSESSMENT

The application before the Committee is a Discretionary Activity in terms of the proposed land uses that have been applied for and described in the preamble to this report, as defined by the Proposed Tasman Resource Management Plan (PTRMP). The Transitional District Plan (Golden Bay Section) has virtually no relevance to the application. Section 19 of the Resource Management Act 1991 (as amended by the RMAA in August 2003) makes it very clear that where the provisions of a Plan have passed the point where they are beyond further challenge, the rules become operative. There is still one reference Council is awaiting a decision on in relation to Rural 1 land and while the Transitional Plan is still technically an operative Plan, the PTRMP has progressed through a major part of the Plan process. It is therefore appropriate to now place the appropriate weighting on the PTRMP when considering this application.

The Committee may grant or decline an application for a Discretionary Activity, pursuant to Section 104(B) of the Resource Management Act and if consent is granted, conditions may be imposed pursuant to Section 108. Consent must be granted for the Controlled Activity pursuant to Section 104A and conditions can be imposed.

In making such a decision, the Committee is required to first consider the matters set out in Section 104(1) of the Act, in addition to the matters set out in Section 7. Primacy is given to Part II of the Act, “the purpose and principles of sustainable management of natural and physical resources.

The decision should therefore be based, subject to Part II of the Act, on:

- The actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of national or regional policy statements;
- Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- Any other matters the Committee considers relevant and reasonably necessary to determine the application.

5. RESOURCE MANAGEMENT ACT

The purpose and principle of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means:

“Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people, and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems;
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.

5.1 Matters of National Importance – Section 6 of RMA

The matters of National Importance are set out in Section 6 of the Resource Management Act. In this case the following matters are seen to be relevant to this application:

- a) The preservation of the natural character of wetlands, rivers and their margins, and the protection of them from inappropriate subdivision, use and development;
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- d) The maintenance and enhancement of public access to and along rivers;
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;

5.2 Other Matters – Section 7 of RMA

Section 7 of the Resource Management Act sets out the other matters that any person exercising powers or functions must have regard to in relation to managing the use, development and protection of natural and physical resources. Matters that are relevant to this application are as follows;

- a) kaitiakitanga;
- aa) the ethic of stewardship;
- b) the efficient use and development of natural and physical resources;
- c) the maintenance and enhancement of amenity values;

- d) intrinsic values of ecosystems;
- f) maintenance and enhancement of the quality of the environment;
- g) any finite characteristics of natural and physical resources;
- h) the protection of the habitat of trout and salmon.

These other matters have direct relevance and in particular those relating to amenity values and the quality of the environment. These are reflected in the policies and objectives in the Tasman Resource Management Plan and other planning instruments.

6. STATUTORY PLANNING DOCUMENTS

6.1 Tasman Regional Policy Statement

The Tasman District Council has prepared a Regional Policy Statement in accordance with the provisions of the Resource Management Act and this became fully operative in July 2001. The Statement takes national policies and refines and reflects them through to the local area, making them appropriate to the Tasman District. Council is required to have regard to the Regional Policy Statement as an overview of resource management issues.

The policies that are considered relevant to this application are set out in Appendix A to this report.

6.2 The Proposed Tasman Resource Management Plan

The Proposed Tasman Resource Management Plan has been prepared and has progressed to the point that it is close to being operational. There are still some outstanding matters to be resolved but generally much of the Plan is effectively operational.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development and in particular those that relate to site amenity.

The land use must be deemed to be in accordance with relevant objectives and policies pursuant to Section 104(1)(b)(iv) of the Act. The most relevant Plan is considered to be the Proposed Tasman Resource Management Plan and this is used in the assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered to satisfy an assessment under the Regional Policy Statement.

The following table summarises the most relevant plan matters and provides brief assessment commentary. The objectives and policies that are particularly relevant to this application relate to the use of the rural environment and site amenity.

Summary of Objectives and Policies – Proposed Tasman Resource Management Plan

<i>Chapter 5 – Site Amenity Effects</i>	Council must ensure that the rural character and amenity values of a site and the surrounding environment are protected, and any actual or potential effects of the proposed land use must be avoided remedied or mitigated so they are minor.
<i>Objectives 5.1, 5.2 and 5.3</i> <i>Policies: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.7, 5.2.4 5.2.8, 5.2.9, 5.2.10, 5.2.13, 5.3.2, 5.3.3 and 5.3.5</i>	Management of the effects of the proposed use must protect the use and enjoyment of other land in the area, including the provision for satisfactory on-site disposal of wastewater and avoidance of noise and dust. There is also a focus to maintain and enhance amenity values in relation to traffic and signs.
<i>Chapter 7 – Rural Environment Effects</i>	The use of the rural environment for activities other than productive land use can occur in certain locations, but it should be undertaken in a manner that does not compromise the rural character or amenity values.
<i>Objectives: 7.1, 7.2 and 7.3</i> <i>Policies 7.1.2, 7.1.2A, 7.2.1, 7.2.1A, 7.2.4, 7.3.3 and 7.3.4</i>	Allow for activities other than soil based activities to locate in rural areas on land that is not of high productive value. Any proposal is required to preserve the amenity and rural character values of an area including wastewater disposal and access.
<i>Chapter 9 – Landscape Effects</i>	The protection of landscape and natural features, particularly in rural areas and along the coast
<i>Objectives 9.1 and 9.2</i> <i>Policies 9.1.6, 9.1.7, 9.2.1, 9.2.3, 9.2.4 and 9.2.5</i>	The rural landscape in Tasman District is an important regional feature, particularly recognising the openness and rural amenity. Development should not compromise that value.
<i>Chapter 11 – Land Transport Effects</i>	The provision of a safe and efficient transport system is a matter that is pertinent to Golden Bay where there are significant traffic flows, particularly at holiday periods.
<i>Objective 11.1</i> <i>Policies 11.1.2, 11.1.2B, 11.1.3, 11.1.4 and 11.1.7</i>	The District's transport system should be appropriate for the use it receives and to provide a safe and efficient means of accessing the various parts of the District.
<i>Chapter 12 – Land Disturbance</i>	Management of land disturbance in areas that may result in soil loss, damage and instability, sedimentation and contamination of waterways.
<i>Objective 12.1</i> <i>Policies 12.1.1 and 12.1.2</i>	Undertaking land disturbance in a manner that avoids adverse effects, including sediment transfer, erosion and instability

<i>Chapter 13 – Natural Hazards</i>	Consideration of land uses in areas that are subject to natural hazards
<i>Objective 13.1 Policies 13.1.1, 13.1.2A, 13.1.4 and 13.1.7</i>	To control development in areas that are subject to flooding and manage the interaction of those land uses and the land to avoid erosion and any interference with overland flood flows.

The policies that are considered relevant to this application are summarised above and set out fully in Appendix B to this report. The objectives and policies that relate to site amenity and the rural environment are particularly relevant to this application.

In particular Objective 5.1, supported by Policy 5.1.1 seeks to protect the amenity of the area and to control built development.

By contrast, Objective 7.2 supported by Policies 7.2.1 and 7.2.1A makes provision for activities other than soil based production and in particular tourist services on rural land.

7. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY

The application lodged by B R Reilly, J M Reilly, D A Earle and G R Milnes to establish and operate a tourist complex comprised of a café/restaurant/souvenir shop, an aquarium and three studio motel units at 113 Pupu Valley Road, raises a number of issues. If consent is granted, the proposal has the potential to change the current environment in this part of Golden Bay. In considering that potential change, any adverse effects of the proposed development need to be able to be avoided, mitigated, or remedied to the extent they become minor, if consent is to be granted.

The building is significant in relation to its size, as is the carpark that serves it and while the Rural 1 rules of the PTRMP make provision for significant buildings in that Zone, they are generally rural farm buildings and do not have the commercial character that the proposed café/restaurant/ aquarium has.

The recently received advice that the buildings will be located in conformity with Plan rules does reduce the dominant effect of the structure, but it is still a significant development for this area.

The applications to abstract water and to discharge domestic and aquarium waste water form part of the overall application and this report deals with the land use components of the proposed development.

It is appropriate at this point to re-confirm the applicants have withdrawn the application to establish a helicopter pad and the re-contouring of the site will be altered to enable the proposed buildings to be located in compliance with the setbacks for a Rural 1 Zone. The proposed drift dive experience has also been withdrawn from the application, even though there is some doubt that activity actually needed any form of consent.

The matters that are considered actual and potential effects of allowing the activity are now discussed in more detail to assess their relevance to this application.

7.1 Permitted Baseline

The land is zoned Rural 1 and the Proposed Tasman Resource Management Plan and the permitted baseline can be considered in relation to the buildings in a Rural 1 Zone, but not in relation to the commercial activity of operating a café/restaurant, aquarium and motel units.

The Rural 1 Zone Rules allow buildings, excluding dwellings and greenhouses up to 2000 square metres to be erected as a Permitted Activity. Such a building is permitted to be 7.5 metres in height and located 10 metres from road boundaries and 5 metres from internal boundaries.

The proposed complex is considerably less than what can be permitted as of right as a rural building as it is less than 6 metres in height and less than 500 square metres in area. In terms of “buildings” in rural areas, the proposal can be seen as being less than the permitted baseline and that has to be considered when the visual effects are taken into account.

The operation of a tourist development does not have any real comparison with a rural activity that is a permitted activity and therefore the permitted baseline has no real relevance to the proposed activity of a café/ restaurant or an aquarium.

While the motel units are seen as part of the overall commercial activity on the site, it is noted visitor accommodation is permitted in a Rural 1 Zone as a home occupation for up to six visitors. The proposed units appear to be designed to accommodate two people and the effects of visitor accommodation are similar to that permitted as a home occupation.

The manager’s residence is effectively the same as the erection of a dwelling in a Rural 1 Zone and this would be permitted as a Controlled Activity in this case, meaning consent must be granted, but conditions can be imposed.

7.2 Use of Rural Land and Effects on Productivity

The proposal to establish and operate a tourist complex on land zoned Rural 1 is not normally a use associated with Rural 1 land in terms of productive land use. The title in this case is more than the 12 hectare minimum size for such allotments and the area to be used for the proposed development, including landscaping, appears to be around 0.2 to 0.25 hectares, leaving the balance of the area to be available for legitimate rural uses. The extent of productive land lost in this case is not a large area in the overall context of the rural land resource in the Takaka Valley.

The Pupu Valley contains a mixture of soil types and the applicant has provided an assessment by a Registered Valuer that describes the lower portion of the land as alluvial farm land that is suited for productive rural purposes and the upper terrace as Onekaka Soils, which are likened to Pakihi land that has a lower productivity. The Valuer’s report indicates the lower terraces are unlikely to be used for more intensive rural uses such as horticulture, due to the flood risk but the land can continue to be a valuable rural resource for grazing or producing hay or silage.

It is accepted the proposed complex adds to the cumulative use of Rural 1 land that is not related to soil based production, but it does not set a precedent for other rural land to be used in a similar fashion.

Chapter 7 of the TRMP makes provision within the policies and objectives to use rural land in specific locations for uses other than soil based production. It also makes it very clear the primary aim of the management of productive rural land is to retain it for future generations. Both of these concepts need to be carefully weighed in considering the use of this site for the proposed tourist complex.

7.3 General Rural Character of the Pupu Valley Area

A number of submitters, particularly those that live close to the site, have expressed concern the proposed complex will change the rural character of the area where they live. They contend they purchased land in that area to enjoy the rural environment and the proposed development will affect that amenity.

The concern those people have is appreciated and it is appropriate to point out that any effects that the proposed development may have that can be considered more than minor put the proposal at some risk of being declined. While there is the opportunity for certain activities to be quite acceptable in rural areas, others can be seen as quite incompatible. Finding a mutually acceptable solution can be a challenge in such cases, but not necessarily impossible.

Other effects of the proposed development are also addressed within this section of the report, but these tend to be more specific rather than the effect on the general rural environment.

The siting of the proposed buildings, landscaping proposed to mitigate visual effects and formation and layout of parking areas are all factors that can help preserve the general rural amenity of the area and these are seen as important parts of the application that has been lodged.

There are already significant numbers of visitors to the Pupu Valley to visit Te Waikoropupu. It is anticipated many of the customers that would visit a complex such as this will be sourced from those visitors and any increases in numbers to the area may well be quite small. It is clear the PTRMP encourages tourism in Golden Bay and in the District as a whole and such a complex would add to this tourism resource if consent is granted.

7.4 Traffic Effects and Parking

The issues associated with traffic in this case, relate to the intersection of State Highway 60 and the Pupu Valley Road and the access to the property from the Pupu Valley Road.

Those two issues have different implications and the first is a matter that Transit have chosen to make a submission to this application and the problems they have identified with the intersection will require major work to resolve. Transit have not identified any particular works that need to be carried out and have simply asked that this application is declined.

The situation with this intersection is not the same as a new proposal that will have immediate access off the State Highway and there are many intersections that do not meet Transit's requirements that could be seen as similar situations. The intersection already serves Te Waikoropupu and is used by a large numbers of visitors each year.

The access to the proposed development is located in a position where the sight distances are less than those set out in figure 16.2C of the PTRMP for a 100 kph road. The distance to the west is compromised by a rise in the road that is approximately 160 metres from the access and while vehicle speeds can be quite variable on this section of road, the sight distance is less than that specified in the Plan. This matter may be able to be addressed by creating an improved vehicle access with access tapers and a widened portion of road, creating a safer access to the site.

Comment has been sought from Council's Engineering Department to provide further guidance in these areas and a Memorandum from Mr D Ley has been provided and is attached to this report as Annexure "A".

The parking areas provided for the proposed complex are shown on the amended site plan and show on-site parking for up to 30 vehicles. The provision of 30 parks will satisfy the parking requirements set out in the PTRMP which are based on the requirement of one park per 30 square metres gross floor area and one park per four persons for outdoor eating areas. Conditions can be imposed in relation to the formation of the carparks to ensure they meet PTRMP requirements.

7.5 Scale of the Activity

The provision of a café/restaurant catering for up to 250 people would be the largest facility of this type in Golden Bay and both the initial application and the additional information provided by the applicant confirms that capacity. This is a matter that the applicants may wish to clarify further as there is some question whether a restaurant of that size will remain a functional operation in Golden Bay. There is a part of the year where there are large numbers of tourists in Golden Bay, but there is a period where many of the restaurants in the area have very small numbers of patrons. It would appear a facility that catered for a number much less than 250 would be more appropriate in rural location such as this. The corresponding effects from that smaller number would also diminish and may be more acceptable with the Pupu Valley community.

7.6 Hours of Operation

Following a request for further information, the applicants have indicated the hours of operation would be 0800 to 2400 hours plus two hours, Monday to Sunday for the café/restaurant. Closure of the facility would be at the Managers discretion and the aquarium would be open during daylight hours.

The hours sought are very wide and while those hours may not be utilised as such, they have the potential to create adverse effects, particularly in relation to noise and traffic movements. Council has previously adopted a more conservative approach in relation to hours of operation in rural areas and there have not been any requests locally to review those restrictions. A more conservative approach in relation to hours

of operation would also assist in relation to the compatibility with the local Pupu Valley area.

7.7 Potential Noise Effects

While there is nothing in the application to indicate the facility is a place of “entertainment” it is not unusual for music or other forms of entertainment to be provided in cafes and restaurants. Depending on the type of entertainment, noise can become an issue for nearby residents, particularly in rural areas. The PTRMP has a night time noise limit of 40dBA for Rural 1 Zones and this can generally provide a reasonable level of amenity for residents. The Pupu Valley is a quiet rural area at night and particular care should be taken at the design stage to design a facility to avoid the unnecessary emission of noise from the proposed complex. Regardless of the activity, there is a duty for any undertaking to comply with noise performance standards in a Rural 1 Zone.

7.8 Light Spill

While there only appears to be one submission in relation to the spill of artificial light from the proposed complex, it is a source of irritation for rural residents when a commercial facility creates additional lighting that is evident beyond the site generating it. This issue can be easily controlled at design stage and is assisted by appropriate landscaping as well. If consent is considered for this complex, a condition controlling light spill is appropriate.

7.9 Re-Contouring

A number of submitters have raised concerns about the site being re-contoured to provide a building platform that is above the flood level for this part of the Pupu Valley. The proposed re-contouring is deemed to be a Controlled Activity under the Land Disturbance Rules of the PTRMP as the application states it will exceed 1 metre in depth and 1 hectare in area. Even though the proposed work will encroach into the flood plain in this area, the work still remains a Controlled Activity and Council must grant the application, but can impose conditions.

Care is required when this work is undertaken to avoid the discharge of sediment to any watercourse and there is also the potential for the earthworks to create a dust nuisance to surrounding properties. These effects can be addressed through the imposition of appropriate conditions, which can also control the time of the year the work is undertaken. These issues are addressed in Mr M Durand’s report.

Stability of the platform to be created and a means of preventing erosion of it in a flood event is an engineering issue that is normally dealt with by requiring plans to be submitted and approved before the work is undertaken. Such an approach is appropriate in this particular situation.

Comment has been sought from Mr E Verstappen in relation to the flooding information provided by Mr R Stocker and this is attached to this report as Annexure “B”

7.10 Signage

The application includes a request for two signs, to be erected at each side of the property, indicating the name of the complex and the distance to the entrance. The signs will be 1.5m² in area and be erected on poles 2 metres above ground level. While the size of the sign will comply with Controlled Activity standards, the signage becomes Discretionary as there are two signs to be erected. The request for signage is entirely reasonable and provides some indication of the facility prior to arriving at the entrance.

7.11 Landscape Plan

The application contains a Landscape concept and indicative design that has been prepared by Tasman Carter Ltd. The report describes the general rural landscape in the Pupu Valley and its integration with the surrounding landforms that make up this part of Golden Bay. The report indicates the local area is a mixture of productive rural land and lifestyle properties that are generally rural residential in character.

The criterion for the landscape proposal was to enhance the site with vegetation but not completely hide the complex to enable it to be recognised from the road. The form of the complex was to be carried through to the entry with a purpose designed rock wall entry that did not affect sightlines from the property. The vegetation pattern is intended to take account of views from neighbouring properties and the outdoor courtyard will be screened from the road. The proposed wetland will also provide a means of filtration for the aquarium waste water before it discharges to an overland watercourse.

Landscaping of the site is considered a very important consideration part of the development of the complex and the proposal submitted is clearly an indicative proposal. If consent is granted for the proposal, a detailed landscape plan and maintenance schedule should be provided for approval by Council before building consent issues.

7.12 Aquarium Operation

The proposed tourist complex has a focus of a freshwater fish species aquarium that will be an integrated part of the complex. Such a facility can provide educational and environmental interest for the general public and can be seen to be complimentary to the natural values of Te Waikoropupu. The concept is interesting and innovative but is also subject to other legislative controls that have yet to be obtained. The application indicates both the Department of Conservation and the Ministry of Fisheries have to authorise such a facility and it would appear the applicants will proceed with that process following approval by Council, if consent is to be granted for the proposal.

Submissions have been received about the keeping of fish that are not endemic in the local Golden Bay area and it would appear there is some risk of introducing non local and pest fish species through any discharge, should they be kept in the facility. If consent is granted for this facility it would appear an Aquarium Management Plan would be essential and it is appropriate that such a Plan is endorsed by the appropriate authorities other than the Council.

7.13 Public Access to Waterways

The submission from Fish and Game New Zealand (Nelson Marlborough) raised the question of public access to the Waikoropupu River and that matter has been mentioned briefly under the submission section of this report. The Resource Management Act deals with the question of access to waterways in New Zealand, but the opportunities for Council to impose such access is limited. Any access to the river would need to be volunteered by the applicants if they considered it was appropriate to provide this and Council could only impose such a condition on that voluntary basis. It is also pertinent to note the land between the complex and the river will continue to be used for productive rural purposes and there may also be some OSH considerations involved in such an access.

8. CONCLUSION

The application lodged by B R Reilly, J M Reilly D A Earle and G R Milnes, seeks consent to establish and operate a tourist complex comprising a café/restaurant/souvenir shop, an aquarium and motel accommodation at 113 Pupu Valley Road. Consent is also sought to abstract water for the complex and to discharge domestic wastewater and aquarium wastewater on site. The complex site is to be re-contoured to provide a building platform that is secure from flood risk and will be landscaped to enhance the amenity of the site. The land use components of the proposal are a Discretionary Activity under the Proposed Tasman Resource Management Plan.

The Transitional Plan now has no real relevance to the application and the Proposed Tasman Resource Management Plan is the correct document to evaluate this application.

The application has been processed as a notified application and attracted seventy submissions. Of these, thirty seven were in support, twenty five opposed the application and eight were neutral.

The submissions in support saw the proposal as an opportunity for employment in Golden Bay and an additional tourist attraction to the area, complimenting Te Waikoropupu. Those in opposition have a variety of concerns and in particular the Pupu Valley residents were concerned the quality of the rural environment was going to be degraded. Issues such as noise, additional lighting, increased vehicle movements, encroachment of required boundary setbacks and the loss of current rural views were identified as potential adverse effects.

There were very strong objections about the operation of helicopters in conjunction with the tourist complex and the proposed operation of a drift dive experience that would see people entering the Waikoropupu River and being retrieved from the Takaka River. Subsequently, the applicants have indicated those parts of the application have been withdrawn and that the setout of the complex is to be changed to meet setback requirements on an area that would be different to the re-contouring proposed for the site. At the time of writing this report, no additional information has been provided to provide details of those alterations and no additional comment can be made prior to the hearing.

Other concerns about the proposed site and relate to flooding and the proposed re-contouring to be carried out and the effects of increased traffic, including the operation of the State Highway 60/Pupu Valley Road Intersection. The aquarium operation has been seen as having the potential to introduce non-local species to the area. A restriction on the species to be kept has been suggested.

The assessment of the actual and potential effects looks at a range of issues that are considered relevant to this particular application and the most relevant are the matters that can affect the amenity of the local area. Other matters relate to the use of rural land for uses other than rural productivity, traffic generation, access and parking, the scale of the operation and landscaping of the site.

The permitted baseline has some relevance in relation to buildings that can be erected on the land, but the proposed activity has little relationship with legitimate rural land uses. While the proposed complex is reasonably large, it is still considerably less than what is permitted as of right to be built on Rural 1 land as a rural building.

The policies and objectives of the Proposed Tasman Resource Management Plan provide a framework to assess the application. As such it is important to weigh the issues appropriately to determine how the proposal fits with the Plan. The policies and objectives that relate to amenity are particularly relevant to this application and there is support for the provision of tourist activities in Tasman District. The loss of productive land is a matter to be considered in this case but has been considered a more minor matter in this case and the area of land available that will be retained for productive rural land use is still the majority of the title.

The size of the complex and the proposed capacity of 250 people for the café restaurant is a matter that does not fit comfortably with the rural area in this part of the Pupu Valley. While the benefits of an educational and environmentally interesting aquarium complex is seen as an additional tourist attraction that can compliment Te Waikoropupu, the proposed scale of the operation is such that significant numbers of people could be present at times, increasing the potential for adverse effects. There is also some doubt about the viability of a facility of that size in Golden Bay and the operation of local cafés and restaurants in Golden Bay would be a useful gauge to assess the likely patronage of such a facility. This aspect of the application is not necessarily a resource management issue but scale and intensity certainly are.

I can find more support for the proposed facility in a more restricted form, limiting the café/restaurant capacity to say 100 persons and providing appropriate care is taken with conditions of consent, I believe the amenity of the local area can be preserved.

Accordingly, I am not prepared to recommend the application be granted in its current form where the capacity of the café/restaurant is 250 persons, but believe consent can be granted to a modified proposal for up to 100 people, subject to appropriate conditions being imposed.

9. RECOMMENDATION – LAND USE

Pursuant to Section 104(B) of the Resource Management Act 1991, the application by B R Reilly, J M Reilly, D A Earle and G R Milnes to establish and operate a tourist complex comprising a licensed café/restaurant/souvenir shop, aquarium, three motel units and to erect two advertising signs at 113 Pupu Valley Road, Golden Bay, on land described as Lot 1 DP 358848, comprised in Certificate of Title NL 240164, being land zoned Rural 1 where the area of the title is 14.5 hectares, be **declined**. If the capacity of the proposed café restaurant is limited to 100 persons, consent could be granted subject to the following conditions;

1. The establishment of the proposed tourist complex at 113 Pupu Valley Road shall be generally in accordance with the revised application submitted by David Smythe Consulting Limited, dated (*date to be inserted following receipt of revised proposal*) and shown on the attached plan marked RM070041. Where there is any apparent conflict between the information provided with the application and any condition of consent, the conditions shall apply.
2. The hours of operation for the public dining in the café/restaurant or outdoor dining areas, shall be limited to between the hours of 0800 to 2230 on any day.
3. The hours of operation for the aquarium complex shall be limited to daylight hours, but not before 0800 hours, on any day.
4. The capacity of the café/restaurant shall be limited to a maximum of 100 persons
5. Access to the tourist complex shall be formed to meet all requirements of rule 16.2.2 of the PTRMP together with the conditions set out in the memorandum from Mr D Ley dated 14 November 2007 and attached to this report as Annexure “A”, prior to the complex being open to the public.
6. On site access and parking shall be provided for twenty five vehicles, including one bus park, finished to a two coat chip seal. **Note:** The carpark shall be marked out to meet all on site access and manoeuvring requirements as required by Rule 16.2.3 of the PTRMP prior to the complex being open to the public.
7. An on-site park shall be provided for each of the three motel units, located within 20 metres of the proposed units. The parks shall be finished to an all-weather surface that is constructed of dust free material.
8. Prior to application for building consent to erect the complex, the consent holder shall submit an Aquarium Management Plan for approval by Council’s Environment and Planning Manager. **Note:** Council expects such a plan to have been subject to written approval by both the Department of Conservation and Ministry of Fisheries before it is submitted to Council and shall be limited to keeping species that are endemic to the local Golden Bay area.
9. Prior to the application for building consent, the consent holder shall submit a detailed landscape plan for the proposed complex prepared by an appropriately qualified landscape architect that shall be implemented the first planting season

following the grant of a Certificate of Compliance for the complex and thereafter maintained on an on-going basis.

10. Consent is granted for the erection of two on-site advertising signs to be erected at the eastern and western sides of the property. The signs shall not exceed 1.5 square metres in area and shall be positioned so the underside of the sign is 2 metres above ground level.
11. The sale of liquor on the site shall be restricted to an On Licence only, within the hours specified for the operation of the café/restaurant.
12. The design of the proposed complex shall incorporate design features that avoid the spill of artificial light beyond the boundaries of the site. Features such as security lighting, accessway and carpark illumination shall utilise discrete lighting fixtures that direct light downward.
13. The Consent Holder shall, no later than the time of uplifting the building consent for the complex, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following:

Financial Contribution – Building	
Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes:	
(1) The financial contribution is GST inclusive.	
(2) The building consent value is GST exclusive.	
(3) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	
(4) The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components.	

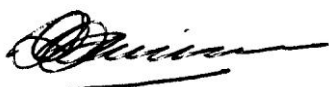
14. The conditions of the land use consent may be reviewed by Council in accordance with Section 128 of the Resource Management Act 1991 within a period of one month after six months of the consent becoming operational and thereafter at intervals of twelve months, for the purpose of;
 - Dealing with any adverse effect on the environment arising from the exercise of the application;
 - Requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment.

Advice Notes

1. Attention is drawn to the noise levels that are controlled for Rural 1 Zones by rule 17.4.2(d) of the PTRMP.
2. This consent is issued pursuant to the Resource Management Act 1991 and the Proposed Tasman Resource Management Plan. It does not constitute consent under any other legislation and the consent holder has the duty to comply with any other requirements that may apply under any building, health or fire safety legislation.
3. Any matters that are not referred to in this application for resource consent or are covered by specific consent conditions, must comply with the relevant provisions of the Proposed Tasman Resource Management Plan and the Resource Management Act (as amended).
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.

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.

5. Consent to sell alcohol under an On Licence from the complex is subject to the provisions of the Sale of Liquor Act and requires an application to be lodged under the provisions of that legislation.
6. Consent to establish an indigenous freshwater aquarium is subject to controls under other legislation and these requirements must also be met.



Laurie Davidson
Consents Planner (Land)
Golden Bay

TO: Laurie Davidson, Consent Planner, Takaka
FROM: Dugald Ley, Development Engineer
DATE: 14 November 2007
REFERENCE: RM070041
SUBJECT: **BR REILLY, JM REILLY, DA EARLE & GR MILNES
CAFÉ/RESTAURANT, AQUARIUM AND MOTEL
113 PUPU VALLEY ROAD, TAKAKA**

Introduction

The above application is to create a tourist attraction and requires the provision of 30 car park spaces which will be formed up within the complex.

The predicted traffic movements into the property is likely to be approximately 50 vehicles per day in the peak summer season (applicant's prediction).

Background

Pupu Valley Road services a number of residences together with the well-known attraction of Pupu Springs. It is acknowledged that many of the potential visitors to the applicant's proposed development will also be visitors to the Pupu Springs complex. It is therefore difficult to predict the number of visitors who will solely visit this complex and be classed as "additional" traffic on Pupu Valley Road. (Note the only access to the proposal is via the State Highway 60 intersection).

Presently Pupu Valley Road has an approximate annual average daily traffic of 190 vehicles which can peak in the summer period to twice this amount. The road classification is now "collector" as the result of a decision by the Engineering Services Committee on 12 October 2006. Collector roads are expected to have a 70 kmh speed environment and 2x3.0metre sealed lanes plus 2x600mm gravel shoulders. Pupu Valley Road has grassed shoulders and in parts does not meet the above speed environment.

The proposed entrance to the development is located in a logical location where approximately 300 metres sight distance is achieved to the west and 140metres is achieved to the east (applicant's figures). There is some question regarding the site distance to the west and this may be less than 200 metres. For a 70 kmh speed environment the distances are adequate for safe stopping however with any attraction such as this it is recommended that widening and tapers are stipulated on both sides of the road and typical examples of these are shown in the TRMP as drawing 2 in schedule 16.2c. In addition all road boundary fences should be required to be relocated back on to the boundary.

Pupu Valley Road enters on to the state highway at right angles and is preceded by a number of tight curve alignments thereby reducing speed before the intersection. As advised in the Transit submission State Highway 60 in this location has a 90 kmh speed environment and adequate sight distance to the east, however there is only 150metres of

sight distance to the west. The TRMP figure 16.2c advises that safe stopping sight distance for this speed environment should be 210metres, ie short by 60metres.

On viewing accident statistics at the intersection for the last five years, two are highlighted and both were non-injury. One vehicle lost control and hit a bank before the intersection (alcohol suspected) and one where a southbound vehicle ran into the back of another southbound vehicle turning right into Pupu Valley Road (ie failed to notice indication of vehicle in front). It would be my opinion that the lack of sight distance towards Collingwood was not a contributing factor to these accidents.

A number of options to improve this intersection are available and have cost implications. They are:

- a) Advisory signs for traffic travelling towards Takaka before the intersection warning of the side roads on the right and that caution is warranted (I am unsure if one exists at present).
- b) Cut back batter slopes to provide the required sight distance.
- c) Full intersection upgrade with right-turn holding bay and deceleration lanes and widening on both sides of the road (ie, bridge widths preclude this option).
- d) Alternative intersection location (not feasible).

I concur with the applicant and the planner's report in that it is difficult to judge what additional "new" traffic will be generated by the application. Therefore, in my opinion, there may be effects but these could be deemed to be minor. As mitigation it would be my suggestion that:

- a) The advisory signs are erected as above or if they already exist they should be made more prominent.
- b) A review clause is placed in the consent that the intersection aspect be reassessed after two years from when the complex is fully operating.

Dugald Ley
Development Engineer

Memorandum

TO: Laurie Davidson

FROM: Eric Verstappen
(Resource Scientist – Rivers and Coast)

DATE: 14 November 2007

FILE NO: RM070041, 44, 46-49

RE: **FLOODING HAZARD**

INTRODUCTION

The purpose of this report is to comment on and assess the flood hazard risks this property and the proposed building developments are exposed to, the mitigation measures proposed and to confirm or otherwise recommend such measures as may be necessary to adequately mitigate flood hazard risks to and on the proposed developments and activities.

ASSESSMENT

The property, being lot 1 DP 358848, is subject to frequent and significant flooding hazard arising principally from the Takaka River, but also from the Waikoropupu River. Council holds records that indicate that all but the very small northwestern corner of the property was inundated by the major flood event in the Takaka River in July 1983. This event, while possibly not quite reaching the stage height of a rated 2% annual exceedence probability (AEP) flood event, is generally regarded as having the widespread flooding effects of a flood of 2% AEP magnitude, due to its long period at elevated stage. In addition, floods of higher AEP (ie greater frequency of occurrence) also cause significant and widespread inundation of the property, including events having a 20% AEP and greater.

The extent of flooding hazard on the property is noted in the Land and River Ltd report accompanying the application. The findings in this report are generally concurred with, although reference to a modest flood event in the Takaka River on 21 May 2007 actually occurred on 23 May. Also, Mr Stocker's evaluation of this flood event being of the order of a 20% AEP (5 year return period on average) is considered to be marginally overestimated. From council flow records of that event, the combination of floods in the Takaka, Waingaro and Anatoki rivers for that day probably make the flood event more likely to have been around 4 years return period on average (25% AEP). This is a relatively minor variation in opinion, but nevertheless reinforces Mr Stocker's comment that the former Catchment Board estimate of the inundation extent of a 20% AEP flood event is now likely to be a little underestimated. In general, I am satisfied with Mr Stocker's delineation of the 2% and 20% AEP flood boundaries marked on his plan.

While flooding on the property is a widespread and frequent occurrence, measures can be undertaken that mitigate the effects of this hazard. Buildings can be located on land elevated either naturally or artificially (by infilling) above the risk of flood hazard up to and exceeding 2% AEP. Council's Engineering Standards require a minimum **ground level** for building sites on floodplains adjoining or draining to major rivers and streams to have a 500mm freeboard above the 2% AEP flood level. This allows for adequate freeboard above flooding hazard limits which are often not precisely known, allows for flexibility of building design for hazard mitigation and avoids the situation where any building (but particularly habitable structures) on land exposed to flooding risk having a Section 72 Building Act notation place on the title to reflect this risk.

Mr Stocker advises in his report that the 2% AEP flood level has been assessed as being around RL 6.60m. I have not been able to verify this figure, but if it is determined as a result of levelling the 1983 flood level mark at the site, then that is sufficient. The application notes in paragraph 16 of the Description of the Proposal, that all **building platforms** will be a minimum 500mm above the level (RL 6.60m) of the 1983 "benchmark" flood from the Takaka River ie the minimum building platform level will be RL 7.1m.

Building platforms are regarded as the land on which the building is built and not the floor level of the building itself. This latter view appears to be the interpretation made in the plan accompanying the application, as buildings having FL 7.200 and fill RL 5.000 (studio accommodation) and RL 6.500 and RL 7.000 (café/aquarium) are indicated. To avoid a Section 72 Building Act flood hazard notice being noted on the title in association with habitable and major buildings, a **minimum ground level/building platform of RL 7.100m** is required. The relevant minimum floor levels will then be as required under the Building Act for the floor type proposed. If the latter notation is not a consideration, then the minimum floor level for habitable and major buildings of a minimum of 500mm above the 2% AEP flood (ie at RL 7.200 as indicated in the plans) is acceptable.

With respect to proposed land recontouring that is required to raise building platforms to the required height, the effects of this activity on the scale proposed is considered to be no more than minor. There will be some small element of floodwater diversion around land that is raised that was subject to inundation in the northwestern corner of the site. However, effects of floodwater diversion are considered to be minor at best and almost certainly not detectable beyond the boundaries of the site. This is due to the fact that flow velocities are relatively low, and the floodplain is extensive and very wide in this location in the valley. Recontoured land can be planted in vegetation of some description, which will sufficiently protect the land from any erosion potential. This should be set as a condition of any consent granted.

It appears that drainage swales and watercourses (ephemeral or otherwise) are intended to be rerouted as part of the proposed suite of activities. There appears to be some suggestion that this is a permitted activity under the TRMP rules. I am uncertain that this is correct and should be checked.

SUMMARY

1. I recommend that a minimum building platform (ground) level for building development and land in the immediate vicinity of such buildings be set at RL 7.100m.

2. I am satisfied that the proposed land recontouring for building development will not result in any adverse effects beyond the boundary of the subject property that are more than minor or will be detectable beyond the property boundary.
3. I am satisfied that provided all recontoured land is suitably protected by revegetation or similar suitable measures, that this land is unlikely to be subject to erosion hazard.

REGIONAL POLICY STATEMENT

Policies and objectives appropriate to this application are as follows:

General Objectives

- GO 1 Maintenance and enhancement of the quality of the Tasman District Environment.
- GO 3 Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.
- GO 4 Efficient use and development of resources.
- GO 5 Maintenance of economic and social opportunities to use, and develop resources in a sustainable manner.
- GO 8 Open, responsive, fair and efficient processes for all Resource Management decision-making.
- GO 9 Resolution of conflicts of interest in resource management between people in the community and within Council.

Land Resource Objectives

Obj 6.3 Avoidance, remedying, or mitigation of adverse cross boundary effects of rural land uses on adjacent activities

Pol 6.1 Council will protect the inherent productive values of land from effects of activities which threaten those values, having particular regard to ;

- i) the effects of land fragmentation on productive values; and
- ii) the protection of land with high inherent productive value; and
- iii) the protection of significant natural or heritage values; and
- iv) the availability of water to support productive values.

Pol 6.2 Council will ensure that subdivision and uses of land in the rural areas of the District avoid, remedy or mitigate adverse effects on:

productivity and versatility of land, particularly in areas of high productive value, and

provision of services, including roading, access, water availability waste water treatment or disposal, and

amenity, natural and heritage values of sites, places or areas including landscape features such as karst terrain, and

accessibility of mineral resources, and

socioeconomic viability of adjacent areas

and that are not unnecessarily exposed to adverse effects from;

- a) adjacent land uses across property boundaries
- b) natural hazards

Environmental Hazards

Obj 11.1 Reduced risks arising from flooding, erosion, inundation and instability and earthquake hazards.

Pol 11.1 The Council will seek to reduce risks to communities in relation to land use and development on floodplains that are subject to flooding.

Pol 11.3 Council may allow activities at risk from flooding or land instability provided that:

- i) the activity does not cause risk to the land itself, or to other people, land or natural values; and
- ii) the person carrying out the activity is aware of the risk; and
- iii) that person carries the responsibility for risk management, including the costs of any protection.

Transport

Obj 12.4 Maintenance and enhancement of safe and efficient land, maritime, and air transport systems, while avoiding, remedying or mitigating the adverse effects on human health, public amenity and water, soil, air and ecosystems.

Pol 12.5 The Council will ensure that the land transport system efficiently and safely provides for the movement of goods, services and people, including a reasonable level of access, while avoiding, remedying or mitigating adverse effects on the environment including communities.

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

Policies and objectives appropriate to this application are as follows:

Site Amenity

Avoidance, remedying or mitigation of adverse effects from the use of land, on the use and enjoyment of other land and on the qualities of natural and physical resources. *(Objective 5.1.0)*

To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values and contamination and natural hazard risks are avoided, remedied or mitigated. *(Policy 5.1.1)*

To avoid, remedy, or mitigate effects of:

- (a) noise and vibration;
- (b) dust and other particulate emissions;
- (c) contaminant discharges;
- (d) odour and fumes;
- (e) glare;
- (f) electrical interference;
- (g) vehicles;

- (h) buildings and structures;
- (i) temporary activities;

beyond the boundaries of the site generating the effect. *(Policy 5.1.4)*

To avoid, remedy or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored or used. *(Policy 5.1.7)*

Maintenance and enhancement of amenity values on-site and within communities throughout the District. *(Objective 5.2.0)*

To promote amenity through vegetation, landscaping, street and park furniture, and screening. *(Policy 5.2.4)*

To avoid remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. *(Policy 5.2.8)*

To avoid, remedy or mitigate the adverse effects of signs on amenity values *(Policy 5.2.9)*

To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety *(Policy 5.2.10)*

To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security. (*Policy 5.2.13*)

Maintenance and enhancement of the special visual and aesthetic character of localities. (*Objective 5.3*)

To maintain the open space value of rural areas. (*Policy 5.3.2*)

To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value. (*Policy 5.3.3*)

To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including;

- a) heritage
- b) vegetation
- c) significant landmarks and views (*Policy 5.3.5*)

Rural Environment Effects

Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value. (*Objective 7.1*)

To avoid, remedy or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas. (*Policy 7.1.2*)

To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource. (*Policy 7.1.2A*)

Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value. (*Objective 7.2.0*)

To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value. (*Policy 7.2.1*)

To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:

- a) the productive and versatile values of the land;
- b) natural hazards;
- c) outstanding natural features and landscapes and the coastal environment;
- d) cross boundary effects, including any actual and potential adverse effects of existing activities on future activities;
- e) servicing availability;
- f) the availability of specific productive natural resources such as aggregates or other mineral resources;
- g) transport, access and effects;

- h) potential for cumulative adverse effects from further land fragmentation;
- i) maintaining a variety of lot size;
- j) efficient use of rural land resource;
- k) cultural relationship of Maori to their land. (*Policy 7.2.1A*)

To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities. (*Policy 7.2.4*)

To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities. (*Policy 7.2.4*)

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values. (*Objective 7.3.0*)

To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures. (*Policy 7.3.3*)

To exclude from rural areas, uses or activities (including rural residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated. (*Policy 7.3.4*)

Landscape

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects. (*Objective 9.1*)

To promote awareness and protection of landscape (including seascape) values. (*Policy 9.1.6*)

To manage activities which may cause adverse visual impacts in the general rural area. (*Policy 9.1.7*)

Recognition of the contribution of rural landscapes to the amenity values and environmental qualities of the District, and protection of those values. (*Objective 9.2*)

To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits. (*Policy 9.2.1*)

To retain the rural characteristics of the landscape within rural areas. (*Policy 9.2.3*)

To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas. (*Policy 9.2.4*)

To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas. (*Policy 9.2.5*)

Transport

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated. (*Objective 11.1.0*)

To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.2*)

To avoid, remedy or mitigate adverse effects of traffic on amenity values. (*Policy 11.1.2B*)

To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected. (*Policy 11.1.3*)

To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network. (*Policy 11.1.4*)

To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians. (*Policy 11.1.7*)

Land Disturbance

The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:

- (a) damage to soil;
- (b) acceleration of the loss of soil;
- (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;
- (d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;
- (e) adverse visual effects;
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance.
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems. (*Objective 12.1*)

To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems. (*Policy 12.1.1*)

To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:

- (a) natural erosion risk, and erosion risk upon disturbance;
- (b) scale, type, and likelihood of land disturbance;
- (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris. (*Policy 12.1.2*)

Natural Hazards

Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk. (*Objective 13.1*)

To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, flooding, erosion or inundation, or in areas with high groundwater levels. (*Policy 13.1.1*)

To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land. (*Policy 13.1.2A*)

To prevent damage or interference with the functioning of the major overland flood flow paths of rivers in the District, except as provided for in Policy 13.1.5. (*Policy 13.1.4*)

To regulate land disturbance so that slope instability and other erosion processes are not initiated or accelerated. (*Policy 13.1.7*)