



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Laurie Davidson – Consents Planner, Golden Bay

**REFERENCE:** RM061042

**SUBJECT:** **M J & P M BOLAND - REPORT EP08/02/09** – Report prepared for hearing of 11 February 2008

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### PROPOSAL

To erect an addition to the existing dwelling at 30 Totara Avenue, Pakawau, on land described as Lot 18 Deposited Plan 6442, being land comprised in Certificate of Title NL Volume 3A Folio 716, that is zoned Rural 2 and located within the Coastal Environment Area. The addition is intended to accommodate eight guests, which will be an increase of two people over the six that are permitted as a home occupation in a Rural 2 Zone. The proposed building does not meet the Proposed Tasman Resource Management Plan rules in relation to bulk and location as the dwelling is sited closer than 10 metres to the road boundary, closer than 5 metres to one internal boundary and closer than 100 metres to the coast. There is also a proposal (RM070285) to discharge up to 2.52 cubic metres of wastewater produced on site closer than 20 metres to the coast that is reported separately.

### LOCATION

30 Totara Avenue, Pakawau, Golden Bay

### ZONING

Proposed Tasman Resource Management Plan	Rural 2 Coastal Environment Area
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### RESOURCE CONSENT TYPE

Proposed Resource Management Plan	Restricted Discretionary Activity – Land Use
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### NOTIFICATION

Council has chosen to process this application under the provisions of the Resource Management Act 1991 as a notified application, as there are a number of properties on the eastern side of Totara Avenue that could be potentially affected. The applicant opted to choose the option of having the application notified, rather than pursuing each of these property owners individually.

Written approval pursuant to Section 94 of the Act has been provided by Manawhenua Ki Mohua, following an archaeological assessment of the site by Dr C Sedgewick.

## **SUBMISSIONS RECEIVED**

- AF & JM Clark
- C & R Mckechnie
- KJ Dodson
- D & S Clark
- CF & DA McKay
- PJ & BH McLeavey
- KJ & SRC Light
- B & J Reed
- C Rushbrook
- M & P Besier
- S Riley
- C Schurmann
- Royal Forest and Bird Protection Society of NZ (inc)
- AP & KWT Holcroft (late)

### **1. INTRODUCTION**

An application has been lodged by M J and P M Boland to erect a building that will be connected to the existing dwelling by a walkway. The building will contain four dedicated bedrooms, each with an en suite that will be used for visitor accommodation. The building also incorporates a lounge area and decking that will be used in association with the proposed bedrooms. The building is intended to provide accommodation for up to 8 guests and the existing two bedrooms in the dwelling will no longer be used for visitor accommodation. These will be used privately by the Bolands for an additional bedroom and an office. The net effect of this proposal is the visitor numbers will increase from six that are permitted as a home occupation to eight as a commercial activity.

As a consequence of increasing the visitor numbers and allowing for the occupancy of the dwelling on the site, there is a requirement to obtain a discharge permit for up to 2.52 cubic metres per day of treated domestic wastewater. That application is reported on separately, but should be considered in conjunction with this land use consent.

### **2. SITE DESCRIPTION**

The applicants' property is a title of 8304 square metres in area that is located within the Rural 2 Zone at Totara Avenue. The property is located on the western side at the start of Totara Avenue and adjoins the estuary that is part of the Ruataniwha Inlet. The land is low lying and more than half the land is a salt marsh that is subject to regular inundation from the sea. As such it is unable to be used for residential purposes and the usable area of land is markedly reduced. The clarification of the land type is shown on the plan prepared by Opus International Consultants, labelled File 5G720A.00 attached to this report as part of Appendix 2.

The usable land has been filled to varying extents to provide a building platform that is above the current identified level of inundation. The information provided by Opus

International has indicated that the typical ground levels in the area of development vary between RL 2.3 to 2.6 metres and Mean High Water Spring is estimated to be RL 2.1 at Totara Avenue. While this margin is quite fine, other measures such as minimum floor levels can be used to provide security against the effects of tides that are increased by other factors such as low pressure and storm surge.

The area is served by a narrow sealed road, approximately 3.5 metres in width with vegetation close to the carriageway creating a rather unique environment. The properties are served by a private reticulated water scheme and waste water is treated typically by septic tank and on site disposal. In this case the property has on-site water storage for fire fighting purposes and the application indicates an additional water tank is proposed to be installed to avoid an unreasonable demand on the local water scheme.

The existing dwelling has been designed to blend with the natural environment at this location and features a gently curved roof and exterior colours that are complemented by the vegetation established on the site. The proposed additions will copy the style of the existing building and will be joined by a walkway to enable guests to have access to the kitchen facilities in the dwelling. The building has previously won an environmental award from the Tasman District Council for the design and compatibility with the coast at Totara Avenue in 1993.

When considering this application, it is also appropriate to look at the existing development at Totara Avenue and the compatibility of this proposal with the local environs. The area contains a range of buildings, including some two storey dwellings and while there are some permanent residents, many of the dwellings are holiday homes.

### **3. NOTIFICATION AND SUBMISSIONS**

The application was notified on 21 April 2007. Submissions closed on 21 May 2007 and 14 submissions were received, one of which was received late. Of these, two support the application, 11 oppose it and one is neutral. Four submitters have indicated they wish to be heard. One application opposing the application was received late and as such, becomes invalid unless the applicant is prepared to accept it. That particular submission did not indicate whether they wished to be heard or not.

#### **3.1 A F & J M Clark**

Mr & Mrs Clark have lodged a submission through their agent (M Clark) that is neutral and contains no information either as to the matters that they may have concerns about or the associated reasons. It is not clear what association they have with the Totara Avenue area or how they are affected by the proposal. Records show there are 2 properties owned by Clark opposite the Twin Waters Lodge, but they are different initials to those on this submission.

***Comment:***

There is no further comment that can be made in relation to this submission and it is treated as a neutral submission, neither for nor against the proposal.

### 3.2 C & R McKechnie

The McKechnie's own a property opposite the Twin Waters Lodge that they use as a holiday home. They support the application that has been lodged and have asked that consent is granted to the proposal. They do not wish to be heard in relation to their submission.

***Comment:***

The submission from the McKechnie's is self explanatory and does not require any further comment.

### 3.3 K J Dodson

Mr Dodson owns a property opposite and to the north of the Twin Waters Lodge that is used as a holiday home. He has lodged a submission that opposes the application and has raised a number of matters that are of some concern. He considers the increase in coverage is unreasonable, given the low lying nature of much of the site and that the area is subject to inundation from seawater, including the area where the extensions are planned. He also considers the Twin Waters site will be very visible when viewed from the Collingwood Puponga Road and the site is out of context with the local area. He has also commented in relation to the embankment, which he says is unsuccessful in addressing flooding in this area. He has asked that the application is declined, but does not wish to be heard in relation to the application.

***Comment:***

The question of site coverage is clarified in the additional information provided by Opus International dated 12 July 2007. This indicates the site coverage of the usable land area is 21.4%. That coverage is not unlike other properties at Totara Avenue and less than the standard set for Residential Zones. That report also discusses the effects of tidal inundation and determines those effects can be mitigated and remedied by the imposition of an appropriate floor level for the new building. The actual level of the land where the extension is to be located is such, that it has some freeboard at high tide. The visual effects of the extension to the building are able to be assessed from the plans submitted and providing the materials are finished in a similar manner to the existing building, the structure will blend with the natural environment and can be much less than other buildings at Totara Avenue.

### 3.4 D & S Clark

Mr & Mrs Clark are Golden Bay residents who own a property opposite the Twin Waters Lodge. They support the application and consider the applicants to be responsible neighbours who appreciate the natural values of the Totara Avenue area. They also believe the extension is of an appropriate scale and with existing and proposed landscaping, the building will enhance the locality and be in keeping with the Totara Avenue area. They have asked that consent is granted and do not wish to be heard in respect of their submission.

***Comment:***

The submission from Mr & Mrs Clark clearly supports the extension to the Lodge and they consider it is appropriate for that location. No further comment is required in this case.

### **3.5 CFW & D A McKay**

Mr & Mrs McKay owned and occupied a dwelling opposite the Twin Water Lodge, up until last year. They have since sold the property and are currently building a new dwelling in Collingwood. They have lodged a submission opposing the application to extend the Lodge and do not support the reduced setback from the Totara Avenue road boundary. They also correct some information in the archaeologist's report referring to a possible railway embankment, clarifying it was used as a stopbank, prior to filling the site rather than railway purposes. They have asked that the application is declined and have indicated they do not wish to be heard in respect of their submission.

***Comment:***

The submission lodged by the McKays can remain valid, even though they have sold their property since they lodged it. Their concern about reduced setbacks is understood and it is helpful that they have confirmed the origin of the embankment on the property.

### **3.6 B & J Reed**

Mr & Mrs Reed own a holiday home opposite the Twin Waters Lodge. They have lodged a submission opposing the proposed development and do not support commercial development in this location and are concerned the increase in visitor accommodation will put the water supply serving the area under pressure. They have asked that the application is declined and wish to be heard in support of their submission.

***Comment:***

While an application for a commercial activity can be lodged in any part of the District, any such application considered on the basis of the actual and potential effects that it may create. Those effects are investigated further in this report and the character of the Totara Avenue area is an important issue to consider. The water supply is a private scheme that the Totara Avenue residents will have some control over to ensure it is not overused.

### **3.7 P J & B H McLeavey**

Mr & Mrs McLeavey own a holiday home opposite the Twin Waters Lodge and have lodged a submission opposing the proposed development, providing a number of reasons to support their opposition. They consider the application is contradictory in relation to the reasons for wanting to add an area solely for guests but continuing to allow the kitchen and lounge in the dwelling to be used by guests, that there could be an effect on the birdlife in this area, the site of the extended building is subject to flooding and the siting of the building closer to Totara Avenue than the Plan normally requires. They also have concerns about an increased use of the local water scheme and acknowledge the reduction of guest accommodation in the dwelling but are not assured it will not be used for that use again in the future. They have asked that the application is declined, but do not wish to be heard in relation to their submission.

***Comment:***

The use of bedrooms in the dwelling is a personal matter for the applicants, but if consent is granted for up to 8 guests that number cannot be exceeded unless the consent holder obtained consent to increase the number of people accommodated. Siting the building closer than Plan rules permit is a Discretionary Activity and as such is assessed on the effects that siting can produce. That matter is assessed further within this report. It is not clear how increased numbers of people on this site will affect birdlife in this area and the flooding effects at Totara Avenue have been investigated further by the applicant, with additional information provided.

### **3.8 K J & SRC Light**

Mr & Mrs Light own a holiday home at Totara Avenue and have lodged a comprehensive submission in opposition to the Boland application. Their concerns include the number of guests accommodated, the parking arrangements, the area of usable land available, the size of the building to be erected and future uses of the property. They consider the application was deficient in the detail that was provided with the application and have asked that a revised site plan should be provided showing the usable area available and the area to be developed. The Light's have suggested conditions be imposed in relation to numbers of people accommodated, parking arrangements and landscaping of the site, if consent is to be granted to the application. They have asked that the application is declined and wish to be heard in respect of their submission

***Comment:***

The matters raised by Mr & Mrs Light are essentially actual and potential effects of allowing the activity. As such they are addressed further in the "Actual and Potential Effects of allowing the Activity" section of this report. Council requested further information in relation to this application after the submission period had closed and that request and the response has been appended to this report as Appendix 1 and 2. The plan included in that information provides a more accurate depiction of the areas to be utilised for the proposed development. In relation to future uses of the development, none of the suggestions made can take place as of right and a further application would need to be lodged, including any suggestion of further reclamation in this area. The issues raised about an alternative parking area and the loss of existing landscaping are particularly relevant to this application

### **3.9 C Rushbrook**

Mr Rushbrook owns a holiday home near the start of Totara Avenue and has lodged a submission in opposition to the application lodged. He is familiar with the local area and would like to see the amenity of the area preserved. Particular areas he is concerned about are the size of the building and the area available, reference to the embankment on the site, inundation from seawater, traffic and the visual impact of the proposed building. Mr Rushbrook has included photos of flooding in this area which support his comments on that matter. He has asked that the application is declined and does not wish to be heard in relation to his submission.

***Comment:***

The size of the building and the area available can be clarified by the additional information attached to this report as Appendix 2. That information also clarifies the inundation issues that apply to this area, as do the photographs provided by

Mr Rushbrook. Traffic issues are discussed in this report but the area currently has an “open road” speed limit, even though its effective operating speed is very low.

### **3.10 M & P Besier**

Mr & Mrs Besier own property at the southern end of Totara Avenue and have lodged a submission opposing the application, unless specific conditions are met. They are concerned granting consent could create a precedent for other uses at Totara Avenue and the area has particular sensitivity and fragility in respect of the flora and fauna in this part of Golden Bay. They believe increased numbers of people and animals could potentially affect these values. They are also concerned about the commercial use of the water scheme at Totara Avenue and the disposal of wastewater. They have suggested conditions are imposed to control a number of areas of concern, some of which can be implemented and some that may require some modification. They have asked that consent is declined unless conditions are imposed and have asked to be heard in support of their submission.

***Comment:***

Granting resource consent does not necessarily create a precedent for other similar uses to be established in an area. Each application needs to be treated on its merits and be judged on the effects that are created. The sensitivity of the area is accepted and in particular the tidal wetland has particular values in this area with the flora and fauna it supports. The suggested areas of concern that can be addressed by the imposition of conditions are of value and these are noted.

### **3.11 S Riley**

Mrs Riley owns a nearby property at Totara Avenue and has lodged a submission in opposition to the application lodged that has misinterpreted the purpose of the application. She is under the impression a request has been made to re-zone the property to “Commercial”, enabling a wider range of commercial activities to take place. She is also concerned the special character of the area could be affected by an expanded commercial operation. She has asked that consent is declined but does not wish to be heard in respect of her submission.

***Comment:***

The current application is a proposal to provide visitor accommodation for more than 6 people that are permitted as a home occupation under the Rural 2 Zone Rules. That use is treated as a “commercial activity” under the zone rules and if consent is granted it will be a land use consent to use the property for that use but the zoning will remain Rural 2. The activity is also limited to what has been applied for and there is no automatic right to expand into other areas.

### **3.12 C Schurmann**

Mr Schurmann owns a holiday home at Totara Avenue and is opposed to the application that has been made by the Boland’s. He is opposed to the commercial nature of the proposed operation and does not think Totara Avenue is an appropriate site. He does not think the proposal is compatible with the current environment at Totara Avenue and questions whether the applicant’s can provide sufficient water from their own resources without affecting the local water scheme. He has asked that consent is declined but does not wish to be heard in support of his submission.

***Comment:***

Commercial activity is a very broad description and these can vary in their scale and intensity to create a range of effects. There are a number of commercial activities that take place in many different areas of Golden Bay and these are dependent on how they are managed to ensure they do not produce adverse effects. The character of the area and the sensitivity of the flora and fauna in this area are important aspects when considering this application.

### **3.13 Royal Forest and Bird Society of New Zealand (Inc) & Golden Bay Branch**

The submission on behalf of Forest and Bird opposes the application on four grounds. They are opposed to activities that increase local population near any of the areas identified as Areas with Nationally and Internationally Important Natural Ecosystem Values (Schedule 25.1.F of PTRMP). The preservation of saltmarsh and avoiding the disturbance of roosting and nesting birds is of particular concern. Keeping domestic animals can contribute to this. They also would like to see the natural character of the area be preserved through the building design and the retention of existing vegetation both on and alongside the property to soften the impact of development. The potential for inundation is also of concern, as is the disposal of wastewater on the site. Forest and Bird have asked that the application is declined but have suggested conditions may address their concerns. They wish to be heard in respect of their submission.

***Comment:***

The concerns of Forest and Bird are well understood and while it may be difficult to address all of the issues raised, conditions can be imposed to ensure the potential for adverse effects are reduced to a point that they can be regarded as minor. The natural values in this part of Golden Bay are well recognised and their preservation is an important issue.

### **3.14 A P & KWT Holcroft (Received Late)**

The Holcrofts have a holiday home at Totara Avenue and have lodged a submission that opposes the application. As the submission was received after the closing date for them, it becomes invalid. The matters they have raised have also been identified by other submitters as actual and potential effects and can be addressed within the body of this report.

## **4. ASSESSMENT**

The application before the Committee is a Restricted Discretionary Activity in terms of the Proposed Tasman Resource Management Plan in relation to the Rural 2 Zone and Coastal Environment Area rules. The Transitional District Plan (Golden Bay Section) has virtually no relevance to the application any more. 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.

The Proposed Tasman Resource Management Plan has progressed through a major part of the Plan process and is essentially operational in relation to the Rural 2 Zone.



The Proposed Tasman Resource Management Plan is the appropriate plan, when considering this application.

The Committee may grant or decline an application for a Restricted Discretionary Activity, pursuant to Section 104(C) of the Resource Management Act but only those matters specified in the Plan for Restricted Discretionary Activities can be considered. If consent is granted, conditions may be imposed pursuant to Section 108 of the Act.

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:

- i) The actual and potential effects on the environment of allowing the activity;
- ii) Any relevant provisions of national coastal or regional policy statements;
- iii) Relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- iv) 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;
- and
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment".

### **5.1 Matters of National Importance**

The matters of National Importance are set out in Section 6 of the Resource Management Act. The matters that appear to have some relevance to this application are as follows; (Note that these matters are edited to be appropriate to this proposal).

- a) The preservation of the natural character of the coastal environment (including the coastal marine area) and the protection of it from inappropriate use and development;
- b) The protection of outstanding natural features and landscapes from inappropriate use and development;
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The Totara Avenue area is significant as a coastal area and the area has particular importance in ornithological terms. The area is almost completely developed and the current proposal can be considered as an expansion of the existing development. The existing vegetation on the site adds to the landscape values, but the development is obvious when viewed from the Collingwood Puponga Road.

## **5.2 Other Matters**

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;

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (i) the effects of climate change.

These other matters have more direct relevance and in particular those relating to amenity values and the quality of the environment. They 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 effectively operational in relation to this application.

The Plan sets out a range of policies and objectives that are pertinent to sustainable development and the coastal environment. The sections of the plan that relate to the margins of the coast, site amenity and landscape are particularly relevant to this application. These are fundamental to the protection of the amenity values for this part of Golden Bay.

The land use must be deemed to be in accordance with relevant objectives and policies pursuant to Section 104(1)(b) of the Act. The relevant Plan in this case is 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 summarises the most relevant plan matters and provides brief assessment commentary:

<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 should be avoided remedied or mitigated so they are minor.
<i>Objectives 5.1 5.2 and 5.3</i>  <i>Policies: 5.1.1, 5.1.3, 5.1.7, 5.1.9, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.6, 5.2.7, 5.3.2, 5.3.3, 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 domestic wastewater and the amenity of the local area, while allowing a variety of housing types.
<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. In this case the area has no real rural character and the land is subdivided to a residential standard.
<i>Objective: 7.2</i> <i>Policies 7.2.1, 7.2.1A,</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 of an area including wastewater disposal and access.
<i>Objective 8.2</i> <i>Policies 8.2.1, 8.2.3, 8.2.5, 8.2.6, 8.2.7,</i>	The maintenance and enhancement of the natural character of the coast is protected from inappropriate development, including building and the management of

8.2.10, 8.2.14, 8.2.16	the natural character of the coast.
<i>Chapter 9 – Landscape Effects</i>	The protection of landscape and natural features, particularly in rural areas and along the coast
<i>Objective 9.1 Policies 9.1.4, 9.1.6</i>	The rural landscape in Tasman District is an important regional feature, particularly recognising the value of the non-urban areas. Development should not compromise that value.
<i>Chapter 13 – Natural Hazards</i>	Control of land that is subject to the effects of coastal erosion and inundation on the coast

The objectives and policies that are considered relevant to this application are set out in Appendix B to this report.

## 7. RESTRICTED DISCRETIONARY ACTIVITIES

The Proposed Tasman Resource Management Plan deems this proposal to be a Restricted Discretionary Activity under both the Rural 2 Zone rules and the Coastal Environment Area rules. The Plan determines that this application can be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion. These are summarised as follows:

### 7.1 Rural 2 Zone Rules

- Location and effects of servicing, including wastewater disposal, water supply, access and traffic safety.
- The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.
- The adverse effect of a building with reduced setbacks.
- The effects of natural hazards.
- The nature of adjoining uses, buildings and structures and any adverse effects of closer development on these.
- The extent to which the proposed building would detract from the openness and rural character of the locality.
- The extent to which the building would be compatible with existing development in the vicinity.
- The potential for landscaping to maintain privacy for neighbours.

- The visual impact and appropriateness of colour and materials for buildings and structures.
- Any effects on natural character or water bodies and the coast.
- Any effects on indigenous vegetation and habitats of indigenous fauna.

## **7.2 Coastal Environment Area Rules**

- The effects of the location, design and appearance of the building, including its scale, height, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:
  - (a) natural features;
  - (b) landscape and seascape values;
  - (c) significant natural values;
  - (d) the nature of any existing development.
- The effects of natural hazards.

## **8. ACTUAL AND POTENTIAL EFFECTS OF ALLOWING THE ACTIVITY**

The application lodged by MJ & PM Boland seeks consent to erect an addition to the existing dwelling to be used for visitor accommodation on a parcel of land at Totara Avenue. The rules of the Proposed Tasman Resource Management Plan make it impossible to erect a building on this site as a Permitted or Controlled Activity. That is also the case with all the allotments at Totara Avenue as there is a requirement to be at least 100 metres from the coast in a Rural 2 Zone. The actual sandspit is barely 100 metres in width at its widest point and is bisected by the road.

While the title contains more than 8000 square metres of land, in reality the usable land is considerably smaller than that (approximately 2870 square metres) and much of the area is salt marsh that is affected regularly by higher tides.

Building on a limited area of land has the potential to create actual and potential effects and consideration has to be given to whether these effects need to be mitigated. In a similar vein, increasing visitor numbers can produce additional effects in an area that is essentially residential in character, even though it is zoned Rural 2.

The actual and potential effects are now discussed in more detail to assess their relevance to this application.

### **8.1 Permitted Baseline**

The land is zoned Rural 2 and the site is within the Coastal Marine Area. The Proposed Tasman Resource Management Plan makes provision for dwellings to be erected on Rural 2 land as a Permitted Activity, but the building is required to meet the required setbacks of 10 metres from a legal Road and 5 metres from internal boundaries. In relation to the Coastal Marine Area, dwellings are permitted as a Controlled Activity but are required to be 100 metres from the coast. In this particular

case, the dwelling does not meet either of these standards, making it a Restricted Discretionary Activity.

The Coastal Environment Area rules of the Plan enable an addition to an existing building of up to 50% of the floor area, providing the setback from the coast is not reduced and the extension is not higher than the existing building.

In relation to the proposed building, the permitted baseline has little relevance to this particular proposal, and the actual and potential effects of building with the markedly reduced setbacks need to be carefully considered.

The Plan makes provision for up to 6 guests for visitor accommodation in the Rural 2 Zone as a home occupation. The Lodge has been operating on this basis since it was established and the effects of that activity are able to be judged as minor, being similar to those of a residential activity. The visitor accommodation tends to have a seasonal character to it and for part of the year there are no guests present.

The permitted baseline has relevance to the proposal to increase guest numbers to 8 and it is appropriate to consider the effects of 2 additional guests in comparison to those that can occur as a home occupation. The main identified change from that increase would relate to vehicle movements and these are likely to be limited to the peak seasonal period when the accommodation would be fully occupied.

## **8.2 Scale and Intensity of the Proposal**

The proposed addition to the Twin Waters Lodge is some 284 square metres in area, making it a building of significant proportions. The existing development is 329 square metres in area, so the net effect is almost doubling the footprint for the site. This must also be considered in the context of the size of the site and more particularly the size of the usable area available. As the usable area is approximately 2870 square metres in area, the site is considerably larger than any other title at Totara Avenue with the site coverage of the existing and proposed building being 21.4% of the usable area. The intensity of development is not unreasonable and the site can accommodate that extent of development, together with the required parking and a wastewater disposal area. Landscaping is mostly in place and softens the area of development when viewed from the Collingwood Puponga Road and Totara Avenue. No additional reclamation of any of the tidal salt marsh is proposed and it is most unlikely Council would support such a proposal.

## **8.3 Building Design**

The plans submitted with the application indicate the extension to the building will be of the same style and finish as the existing building on the site. This features a gently sloping curved roof and the use of colours and materials that blend with the natural environment. The design makes effective use of pergolas and areas of decking to provide accommodation that is appropriate for this part of Golden Bay.

Together with the established vegetation on the site, the building design for the extension will meet the criteria for Restricted Discretionary Activities in the Coastal Environment Area as prescribed by the PTRMP.

## **8.4 Reduced Setbacks in Rural 2 Zone**

As earlier mentioned in the site description section of this report, none of the development at Totara Avenue complies fully with the bulk and location requirements for the Coastal Environment Area and the in other cases, the Rural 2 Zone. To site the building in a complying position is impossible for this site. The reduced setback from the road boundary is mitigated to some extent by the significant area of road reserve between the carriageway in Totara Avenue and the property boundary. There is no proposal to widen the carriageway that I am aware of and it is unlikely the residents in this area would support such a move.

In relation to the other yards, the yard to the west is reduced to approximately 2 metres. This area contains a strip of vegetation that provides a visual screen, mitigating the effects of the existing and proposed buildings.

When compared to the existing development at Totara Avenue where there is also a reduced setback for both the Coastal Environment Area and the Rural 2 Zone, the enlarged lodge building is likely to have minor effects. The visual effects are mitigated by vegetation on the site and it is appropriate that this retained to preserve those values.

## **8.5 Amenity and Natural Values**

The proposed addition to the Twin Waters Lodge at Totara Avenue can have the potential to have some effect on amenity of that area, particularly when there are reduced setbacks. This is dependent on the siting and design of the building and what mitigating factors are involved.

Totara Avenue has a character that is unique in Golden Bay terms and the retention of the vegetation in this area produces a coastal settlement that is particularly attractive with a tree lined carriageway creating a very low speed traffic environment. While this site does not have the totara trees that much of the area has, it has well established flax, toi toi and other vegetation that creates a very attractive site.

The salt marsh to the north of the Lodge site is an integral part of the adjoining estuary and provides a nesting area and habitat for birdlife, including banded rail. Other birdlife includes a range of wading and roosting birds that occupy the nearby shellbank and other land based native birds are present in the vegetated areas.

The submission from Forest and Bird suggests a condition could be included if consent was granted to restrict guests bringing animals to the area to help protect the birdlife at Totara Avenue. Given the importance of the Ruataniwha Inlet due to the birdlife it supports, it is a reasonable approach to protect the natural values of the area. It is also important that the tidal salt marsh area is left intact as part of the local eco-system. It is also important that the tidal salt marsh area is left intact as part of the local eco-system.

The proposed development will be located on an area that is currently grassed and no vegetation will need to be removed to facilitate the construction of the building. As such, it is unlikely birdlife would be affected by further development in the area. It is desirable the existing vegetation to the east of the proposed building site is retained

and where practical enhanced, to provide screening when viewed from nearby properties at Totara Avenue.

## **8.6 Off Street Parking**

The existing development at Totara Avenue contains a reasonably large area that is available for parking, in addition to covered parking for 3 vehicles in the existing garage. The parking areas are formed to a high standard and finished with dolomite chip surface. A covered area at the entrance to the Lodge provides an unloading area that has a concrete surface. There is ample area available to provide the required parking for the facility and this does not need to be formalised any more than it is at the present time. One additional park is required to accommodate the increased guest numbers, which can be easily accommodated.

## **8.7 Inundation**

The additional information provided by Opus International indicates the existing ground levels on the site vary from 2.26 to 2.46 above Mean Sea Level (MSL). This confirms the site is low lying and close to the upper range of tides in Golden Bay. In extreme cases the lower lying parts of the land may be subject to inundation. Fortunately the site faces the estuary so there is very little, if any, storm surge.

While all beachfront properties in Golden Bay have some potential risk from inundation in storm events, the existing earthworks that have been carried out to create an embankment and fill the site provides a measure of protection from inundation. The siting of the extension to the Lodge with a floor level of 3.5 above MSL appears to address any potential risk of inundation and allows for any potential risk from sea level rise that may occur.

## **9. CONCLUSION**

The application lodged by M J & P M Boland to erect an extension to the Twin Waters Lodge at Totara Avenue is a Restricted Discretionary Activity as the site is zoned Rural 2 and the proposed building will not meet the required setbacks from the road boundary and the coast. The land use application is accompanied by an application to discharge treated domestic wastewater for the enlarged facility and this is reported separately under consent RM 070285.

The application is evaluated under the Proposed Tasman Resource Management Plan which is the appropriate Plan for this proposal. The Plan is effectively operative in relation to this application with no outstanding appeals or references that could affect this application.

The application has been processed as a notified application and attracted fourteen submissions. Of these, two provided support, one was neutral and eleven opposed the application. The submissions in opposition identified a number of areas of concern, and additional information was sought in relation to inundation and works that have previously been carried out to provide a measure of protection from inundation. This is attached as Appendix 2.



The primary issues in the matters that have been raised by submitters come back to the amenity of this area and the protection of the environment from potential adverse effects, including inundation.

There is some potential for adverse effects from building in this location that may affect neighbours to the east of the site, but these can be mitigated by the retention and enhancement of vegetation on the eastern side of the site. Visitor accommodation in this type of accommodation does not typically create adverse effects beyond the site and the building has been designed to be compatible with the existing development on the site.

The carparking already provided on the site is adequate for the increased accommodation. An increase from 6 to 8 guests is unlikely to create adverse traffic effects in Totara Avenue.

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 the coast, site amenity and natural values are particularly relevant to this application.

Given the area of usable land that is available at this location, the property can accommodate the proposed extension, subject to certain conditions being imposed .

Overall, the proposed building that will provide purpose designed visitor accommodation is unlikely to have an adverse effect on the environment at Totara Avenue and the proposal to increase numbers from 6 to 8 is regarded as minor. The imposition of conditions to preserve the amenity of neighbouring properties and the general area are appropriate in this case.

Accordingly, I consider consent can be granted subject to appropriate conditions.

## 10. RECOMMENDATION

Pursuant to Section 104(C) of the Resource Management Act 1991, I recommend the application by M J & P M Boland to erect an addition to the existing lodge at 30 Totara Avenue, Pakawau, on land described as Lot 18 Deposited Plan 6442, all land comprised in Certificate of Title NL 3A/716, being land zoned Rural 2 in the Coastal Environment Area is **granted**. If consent is granted, I recommend the following conditions are included;

### Land Use:

1. The proposed development shall be generally in accordance with the plans RM 061042(A – C) dated 11 February 2008 submitted with the application, and if necessary, modified to conform with any additional conditions imposed. Where there is any conflict between the plans and the conditions imposed, the conditions shall prevail.

2. The proposed addition shall have an overall height of not more than 4.5 metres above natural ground level and a finished floor level of not less than 3.5 metres (LINZ Datum).
3. As part of any building consent application, the consent holder shall submit a schedule of exterior materials and colours to demonstrate the building will be finished in non reflective recessive colours to match the existing development on the site and to blend with the natural environment at Totara Avenue.
4. The total occupancy of the lodge shall not exceed 8 guests, to be accommodated within the proposed extension to the Lodge to be erected.
5. The development shall incorporate four guest car parks on the existing dolomite surface that shall be appropriately marked to indicate the designated parking area.
6. Access to the property from the carriageway in Totara Avenue to the property boundary shall be upgraded, with the first 5 metres from the carriageway sealed with a two coat chip seal.
7. The visitor accommodation shall be managed to incorporate a rule that prevents domestic animals being accommodated on the site in conjunction with visitor accommodation.
8. The salt marsh area to the north of the proposed development shall be retained in its natural form and managed to avoid access by guests or the public.
9. The existing vegetation on the site shall be retained and enhanced to retain the amenity of the general area and soften the impact of the buildings on the site.



Laurie Davidson  
**Consents Planner, Land  
Golden Bay**

## APPENDIX A

### 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 2 Maintenance of the biological diversity and healthy functioning of land and ecosystems.
- 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 6.2 Maintenance and enhancement of significant areas of indigenous vegetation, significant riparian lands, significant habitats of indigenous fauna and significant natural landscape and historic features of lands.
- Obj 6.6 Maintenance and enhancement of flood mitigation, habitat conservation, water quality, recreational and public access values and opportunities of riparian lands.

#### **Coastal Environment Objectives and Policies**

- Obj 9.5 Preservation of the natural character of the coastal environment, including the functioning of natural processes.
- Obj 9.6 Coastal land use and development that avoids, remedies or where appropriate mitigates adverse effects on:
  - i) public access to and along the coast; and
  - ii) amenity values; and
  - iii) heritage values; and

- iv) Maori traditional associations with any coastal lands, waters sites, wahi tapu and other taonga; and
- v) the natural qualities of coastal waters.

Pol 9.6 The Council will protect the natural character of the coastal environment by protecting:

- a) natural features and landscapes, such as headlands and cliffs, coastal plains, estuaries, tidal flats, dunes and sand beaches;
- b) habitats such as estuaries and wetlands;
- c) ecosystems, especially those including rare or endangered species or communities, or migratory species;
- d) natural processes such as spit formation;
- e) water and air quality.

Having regard to:

- i) rarity or representativeness;
- ii) vulnerability or resilience;
- iii) coherence and intactness;
- iv) interdependence; and
- v) scientific, cultural, historic and amenity values;

of such features, landscapes, habitats, ecosystems, processes and values

Pol 9.7 The Council will avoid, remedy or where appropriate mitigate adverse effects of subdivision, use or development of coastal land on:

- a) coastal habitats, including wetlands, estuaries and dunes;
- b) coastal ecosystems, especially those including rare or endangered species or communities, or migratory species;
- c) natural coastal features and landscapes, including headlands, beaches, spits
- d) sites of coastal processes;
- e) public access to and along the coastal marine area;
- f) water and air quality;
- g) traditional associations of Maori with ancestral coastal lands, waters, sites, wahi tapu, turanga waka, mahinga maitai, taonga raranga and other taonga

Having regard to:

- i) rarity or representativeness;
- ii) vulnerability or resilience;
- iii) coherence and intactness;

iv) interdependence; and

v) scientific, cultural, historic and amenity values;

of such habitats, ecosystems, features, landscapes, sites, values or taonga.

## APPENDIX B

### 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 limit the intensity of development where wastewater reticulation and treatment are not available. *(Policy 5.1.3)*

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)*

To protect the natural character of coastal land from adverse effects of further subdivision, use or development, including effects on:

- a) natural features and landscapes, such as headlands, cliffs and the margins of estuaries;
- b) habitats such as estuaries and wetlands;
- c) ecosystems, especially those including rare or endangered species or communities;
- d) natural processes, such as spit formation
- e) water and air quality;

having regard to the:

- i) rarity or representativeness;
- ii) vulnerability or resilience;
- iii) coherence and intactness;
- iv) interdependence;
- v) scientific, cultural, historic or amenity value;

of such features, landscapes, habitats, ecosystems, processes and values. *(Policy 5.1.9)*

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

To maintain privacy for residential properties and for rural dwelling sites. *(Policy 5.2.1)*

To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites. (Policy 5.2.2)

To promote opportunity for outdoor living on residential properties, including rural dwelling sites. (Policy 5.2.3)

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

To maintain and enhance natural and heritage features on individual sites. (Policy 5.2.6)

To enable a variety of housing types in residential and rural areas. (Policy 5.2.7)

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**

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*)

### **Margins of the Coast**

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes. (*Objective 8.2*)

To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins. (*Policy 8.2.1*)

To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands or the coast. (*Policy 8.2.3*)

To adopt a cautious approach in decisions affecting the margins of lakes, rivers and wetlands, and the coastal environment, where there is uncertainty about the likely effects of an activity. (*Policy 8.2.5*)

To ensure that the subdivision, use or development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands. (*Policy 8.2.6*)

To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development. (*Policy 8.2.7*)

To enable the maintenance of physical resources for the well-being of the community, where those resources are located in riparian or coastal margins, subject to the avoidance, remedying or mitigation of adverse effects on the environment. (*Policy 8.2.10*)

To manage the location and design of all future buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes. (*Policy 8.2.14*)

To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise. (*Policy 8.2.16*)



## **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 ensure that structures do not adversely affect:

- a) visual interfaces such as skylines, ridgelines and the shorelines of lakes, rivers and the sea;
- b) unity of landform, vegetation cover and views. (*Policy 9.1.4*)

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

## **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 assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required. (*Policy 13.1.1A*)

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 promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion. (*Policy 13.1.5A*)

1 June 2007

MJ & PM Boland  
C/O Golden Bay Surveyors  
PO Box 75  
TAKAKA 7142

Dear Sir/Madam

**FURTHER INFORMATION REQUEST FOR RESOURCE CONSENT APPLICATION NOS.  
RM061042 AND RM070285 – M J & P M BOLAND (TRADING AS TWIN WATERS LODGE)**

I refer to your application for resource consent described above. An initial assessment of the application has been made and, pursuant to Section 92(1) of the Resource Management Act 1991 ("the Act"), further information is requested in relation to the application as follows:

**RM061042**

- 1 The submissions Council has received following public notification of the application have raised some serious issues in relation to inundation from the higher tides in this area. Photographic and anecdotal evidence indicates the sea level during very high tides is sufficient to flood much of the Twin Waters site and the access road at Totara Avenue. This also effectively reduces the area available for development. To address this issue, Council is requesting a specific flooding report for this property that provides accurate levels for the site in Land Information New Zealand Datum terms and the effects of tides up to the highest recorded levels for this part of Golden Bay. This would be best achieved by providing a topographic map of the site, including the road.
- 2 Clarification is sought in relation to the "embankment" referred to along the western side of the site and whether the site has been filled to achieve the current ground level where the extensions are to take place. If the site has been filled, verification is sought that the land is suitable for the erection of the proposed building. This information can be provided by an appropriately qualified engineer.

**RM070285**

- 1 Several submitters have raised the issue of coastal inundation on parts of the property. Please provide further information on the potential for inundation of the septic tank and pump chamber, and of the disposal mound itself. Please also provide details of any mitigation measures that could be adopted to reduce the potential adverse effect of such events with regards to wastewater treatment and disposal.
- 2 Key design criteria for Wisconsin mounds are the basal area of the mound itself and the dimensions of the distribution laterals within the mound (see AS/NZS1547:2000, Fig 4.5B, p. 157). The Opus report discusses the basal area of the mound, but not the internal construction of the laterals. Please note that the maximum loading rate for these laterals should be 50 millimetres per day (4.2A9.2.2, p. 120).

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Please provide further information on the design of the system for dose-loading of the mound. This further information is requested so that a reliable assessment of the mound design can be made.

Section 92A(1) of the Act requires you to respond to the Council by 22 June 2007 (being 15 working days from the date of this request), in one of three ways. You must either:

- 1 provide the information requested to the Council; or
- 2 advise the Council in writing that you agree to provide the information (you may wish to choose this option if you are unable to provide all the information by the date specified above); or
- 3 advise the Council in writing that you refuse to provide the information.

Should you choose Option 2, then the Act requires the Council to set a reasonable time within which the information must be provided. Therefore, in the event that you choose Option 2, the information should be provided by 13 July 2007. If you are unable to provide the information by this date, please contact me as soon as possible so that we can discuss the reasons and set an appropriate alternative date.

Please note that the Council may decline your application pursuant to Section 92A(3) of the Act if it considers that insufficient information is available to enable a decision to be made on your application. This may occur if you either:

- (a) choose Option 3 above (ie, refuse to provide the information);
- (b) do not provide the requested information within the period specified in the paragraph above (or the agreed alternative date); or
- (c) do not respond at all to this information request.

In accordance with Section 88B and 88C of the Act the processing of your application will be placed "on hold" from the date of this letter to the date of receipt of the information requested or, if you refuse to provide the information, the date the advice of refusal is received by the Council. Once the Council has received the requested information, it will be assessed to determine its adequacy and the Council will then make a decision on whether your application requires public notification, limited notification, or, whether it is able to be processed on a non-notified basis.

In addition to the three options specified above, Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this request for further information. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a fixed fee of \$125.00 (GST inclusive), within 15 working days of receiving this letter. Please note that the processing of your application will be placed "on hold" until such an objection is resolved or withdrawn.

In relation to your clients requesting a hearing in July, the time frame to achieve that will be very difficult to achieve, but if you are able to provide the above information by 13 June 2007, there is a possibility of having a hearing in July. I stress this is just a possibility and the timeframe would be extremely tight.

3

1 June 2007

LETTER TO: M J & P M Boland

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Please feel free to contact me if you have any questions regarding this request or any other part of this letter. My contact details are listed at the top of this letter.

Yours faithfully

Laurie Davidson  
**Consent Planner, Land**

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12 July 2007  
 Attn: Laurie Davidson  
 Tasman District Council  
 PO Box 74  
 Takaka 7142



Cc Mike Boland  
 Twin Waters Lodge  
 30 Totara Ave  
 Collingwood

Cc Eric Verstappen  
 Tasman District Council  
 Private Bag 4  
 Richmond

5g720A.00

Dear Laurie,

**Further Information for Resource Consent Application Nos. RM061042 and RM070285**

As requested, we have gathered further information to address the issues raised within TDC letter dated 1<sup>st</sup> June.

**RM061042**

**Item 1** of TDC's letter asks for a specific flooding report for this property. This report is appended to this letter (starting at pg 5) including a site plan showing site levels. The flooding report contains the following key outcomes:

1. The current proposal does not meet TDC Design Standards for minimum ground levels or minimum floor levels; however the probability of all flooding eventualities occurring at once is very small.
2. Given the location of the site, and the fact that this is an extension to an existing property, rather than a new development, it is requested that TDC consider accepting a lesser level of design.
3. It is proposed that TDC consider a design allowing only for the combination of effects from MHWS + storm surge (0.6m), + Global Warming (0.3m) + River run up (0.2m) = 3.2m. This would require a floor level of 3.5m which is very close to what the existing building floor level is. (3.51m)

In the case where the Highest Astronomical Tide (once every 18 years) coincides with all these other factors, the building would be inundated to an RL of 3.8m (3.9m including safety factor). The probability of this occurring has not been determined but is expected to be well beyond the design life of the building.

Mitigation measures under this proposal would need to include:

- Pile and under floor design to meet building code requirements and cope with extreme event occasional inundation by seawater
- Filling and grading of low areas of site 100-200mm to prevent annual/biannual ground surface inundation and temporary ponding.



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- Improvement of ground drainage and bunding to minimise inundation onto the site, and to aid surface flow off the site after an event.

**RM061042 Item 2 –Clarification in relation to the “embankment”, and Site fill**

An initial investigation has been completed into the fill material, and embankment on the proposed building area. Details of this investigation are appended to this letter (starting on pg 9). The key findings are as follows:

1. The site has been filled 40 years ago with a layer of 1-1.5m of red overburden material from the nearby quarry.
2. Testing of this fill material will be necessary to determine its suitability for foundations.
3. If the fill is not suitable, the underlying estuary materials will require geotechnical testing to enable design of a deeper piled foundation.
4. This testing can not be done (without significant additional cost) until local test equipment becomes available in mid August.
5. Given the presence of other structures in the area that have remained stable over time, it is expected that a suitable foundation design can be designed for the proposed building.
6. Given the significant cost of testing, the Applicant would like to delay this cost until they know the outcome of their resource consent application.
7. It is requested that final determination of ground conditions be allowed to be delayed until building consent stage.

**RM070265 Item 1 Potential For Septic System Inundation**

The existing wastewater treatment system has openings at gully traps outside the house, and there are lids at the septic tanks and pump chamber. There is the potential for flood water to enter at these points during some flood events. The following table gives levels of these entry points, and potential inundation levels under different flood tide scenarios.

Location	Level (RL)
Sewage Vent	2.68/2.79m
Pump Lid	2.29m
Base of Disposal Field	2.1m
Top of Disposal Mound	2.7m
GL adjacent House	2.63m
Bund behind vents	2.6-2.9m

**Inundation Scenarios:**

Scenario	Level (RL)
1) MHWS	2.1m
2) MHWS + AST*	2.7m
3)TDC Design flood less AST*	3.2m
4)TDC Design Flood**	3.8m
Estimated Historical Flood Levels	2.3m - 2.5m

AST = Astronomical Spring Tide  
Excluding 0.1m safety Factor

### **Discussion**

Under normal MHWS tides, no inundation of the treatment or disposal field occurs. Under scenarios 2) – 4) inundation of the treatment and disposal system is likely. In these scenarios, the effluent disposal bed will become submerged, and there will be a risk of untreated effluent making contact with the flood waters.

### **Mitigation Measures:**

The treatment system can be isolated by ensuring all access points into the system are raised above the design flood level.

The risk of flood waters being contaminated by the untreated effluent in the disposal field can be reduced by preventing effluent from being pumped into the mound during the period of the tide event.

Any contamination during these rare events will likely be significantly diluted by the tide volume, and therefore its effect is considered minor.

The mound system is one of the best land disposal methods in this situation, where ground water levels are close to the surface. The mound provides the best opportunity for effluent to be renovated before contacting soils.

### **RM070265 Item 2 Further Information relating to the Wisconsin Mound Loading Rate:**

The loading on the Wisconsin Mound has been checked as follows:

Loading Volume: 1,920 L/day  
Basal Area 7m x 20m = 140m<sup>2</sup>  
Application Rate over Basal area: 13.7mm/day

Irrigation pipe area: 10.9m x 3.6m = 39.24m<sup>2</sup>  
Application rate: 48.9mm/day

This is within the maximum 50mm/day loading rate recommended by AS/NZS1547.

### **Conclusion**

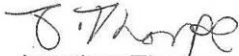
The application has a number of areas where the proposed activity does not meet the requirements of the TDC Engineering Standards, however it is requested that TDC consider the application in light of the following factors:

- The TDC Design guideline for minimum ground, and floor levels have a very low probability of being exceeded and a lesser level of design in this case still presents a low risk of inundation.
- The proposal is for extension of an existing building rather than a new development.
- The existing building, pile foundations, and effluent treatment system have been proven to be sound in the 15 years since they were constructed.
- The proposal will duplicate or continue to use what has previously been proven on the site.

- Geotechnical investigations and subsequent design will be completed to meet building consent requirements.
- Mitigation measures have been proposed to address items of concern.
- Filling and raising of the proposed development to meet TDC flood design standards will result in a significant split level between the old and new parts of the building, which is undesirable to the Applicant. It will also result in elevating the new extension higher than surrounding vegetation, losing privacy and creating a greater visual effect.

Please do not hesitate to contact me if you require any further information.

Yours Sincerely,



Jonathan Thorpe  
Environmental Engineer  
Opus International Consultants  
Ph 03 5463692  
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## **Flood Report for Twin Waters Lodge 30 Totara Ave. Pakawau**

This report is to be considered as additional information for Application RM061042, addressing Item 1 of TDC letter dated 1 June.

### **MHWS Calculated from TDC Design Standards**

The Mean High Water Spring (MHWS) Tide level at the head of the estuary adjacent Twin Waters Lodge is estimated to be 2.1m RL. This assumes TDC BM 28 is on the same datum as the Collingwood Datum, (which is what TDC have advised). It has also been assumed that the tidal height between Collingwood, and the head of the estuary does not vary. MHWS at Collingwood is 2.1m RL (TDC Datum).

A conservative estimate of MHWS therefore is 2.1m RL.

### **MHWS estimated from Surveyed Driftwood and Vegetation Levels**

The MHWS tide level was estimated by surveying the highest level of driftwood, and changes in vegetation along the embankment adjacent Twin Waters.

This gave an estimated MHWS of between 1.5 and 1.7m. This is lower than the MHWS assessed above; however is not reliable evidence, unless confirmed with additional fixing of a number of maximum water levels during high water spring tides.

### **TDC Minimum Ground Levels for Building**

The TDC requirement for minimum ground levels (TDC Engineering Standards Section 3 – Stormwater Drainage pg 14) above MHWS is 1.8m. This allows for:

- a maximum possible high tide or Astronomical Spring Tide (AST) of 0.6m
- Global Warming allowance of 0.3m
- Storm/Tidal Surge of 0.6m
- River flow influence/Wave run up of 0.2m
- Safety Margin 0.1m

The TDC Design Standards state that "...specific design may be required ....due to influences such as estuary/spit protection".

In the case of Twin Waters Lodge, specific design is warranted due to its location at the very top of an estuary, and in behind a sand spit. In this case the storm/tidal surge is still likely to influence the tide levels at the head of the estuary. River flow influences from the Aorere River may be possible so have been allowed for. Although the other effects may vary from what TDC have adopted, it is costly to carry out this analysis, and therefore in these cases the TDC figures have been adopted. The only factor likely to vary from TDC figures is the Wave run-up, which will be negligible at the site. Therefore, the minimum ground level for building would be as follows:

MHWS: 2.1m

- |                                       |      |
|---------------------------------------|------|
| ○ a maximum possible high tide of     | 0.6m |
| ○ Global Warming allowance of         | 0.3m |
| ○ River flow influence/Wave run up of | 0.2m |
| ○ Storm/Tidal Surge of                | 0.6m |
| ○ Safety Margin                       | 0.1m |
| Total additional margin               | 1.8m |

Minimum ground level:  $2.1 + 1.8 = 3.9\text{m}$

Minimum Building Floor Level 300mm above minimum ground level: 4.2m

The proposed building floor level will match the existing floor level which is set at 3.51m

Therefore the existing ground level, and proposed floor levels do not meet requirements of current TDC Engineering Design Standards.

#### **Historical Flood Events**

A number of flood events have been observed by residents at Totara Ave. Photos of these events indicate that water does rise onto the road. Although no exact levels have been determined, there are a number of observations which enable the flood levels from these historical events to be estimated.

#### **Vehicles**

Several photos show cars driving through the flooded road. Residents reported that these cars passed from the main road successfully without being flooded. The depth would therefore have been no more than 200mm - 250mm.

#### **Local Observations**

One local reported canoeing down the road, beaching somewhere adjacent the proposed building area on the Twin Waters Property. He recalls the water only just having sufficient depth to float the canoe i.e. a minimum 150mm – 200mm depth).

Other residents spoken to recall seeing flood waters reaching part way along the road adjacent the end of the proposed building extension area.

Residents spoken to generally thought that the high tide flood events occur about once every year or two. This timing corresponds to the frequency of a king tide which is the larger of the spring tide events.

The Applicant has noted that during these events when the road is flooded, there has been no water on the area where the proposed building extension is. This is likely to be in part due to thick vegetation and earth bunding which limits the approach of water from the tidal area.

There has been the occasional event when flood waters have come across the main road from the creek on Smiths property to cover the north end of Totara Ave (Due to the bridge being blocked with trees). It is likely that in these events, water is restricted from leaving the road/salt marsh area due to the embankment, and small sized culvert providing drainage out to the estuary. This creek bed has since been cleaned out, and the banks improved to reduce the likelihood of this occurring again.

#### **Level Survey**

A level survey was completed by Golden Bay Survey, Tied in to BM28, which has a datum relative to LINZ Mean Sea Level.

Level survey along the road centre line shows levels gradually rise from RL 2.15m at the north of the road up to RL 2.28m immediately adjacent the raised effluent mound of the Twin Waters Property. From this point on, levels rise more steeply up to a height of 2.89 adjacent the northern end of the existing Twin Waters house.

Given evidence from the historical information discussed above, (150-250mm maximum water depth along the road) it can be deduced that the flood level during these events is probably in the order of 2.2 - 2.4m RL.

These flood water levels are between 0.1 - 0.2m higher than the MHWS derived from Collingwood. It is likely that these annual/bi-annual events are a result of the highest spring tides, or spring tides combined with a degree of storm surge, or river/stream run up.

These events are likely to encroach only slightly onto the area proposed for building.

### **Likelihood of Land Inundation**

Existing ground levels across the proposed building area vary between RL 2.3m up to 2.6m

Inundation of the land proposed for building on will occur during the worst case design event (as required by TDC Design Standards). The depth of inundation is likely to vary between 0 - 200mm for annual/biannual events (2.2 – 2.4m RL), up to 500mm - 800mm during the worst case design event (3. 2RL).

### **Events:**

The following 4 scenarios are potential combinations of different tide influences. Each tidal influence has a different probability of occurring, and gives different probabilities of coinciding.

- 1) MHWS = 2.1m
- 2) King Tide = 2.7m
- 3) MHWS + storm surge (0.6m), + Global Warming (0.3m) + River run up (0.2m) = 3.2m
- 4) TDC Design Standards MHWS + King Tide + Storm Surge + GW + River run up = 3.8m

TDC have adopted scenario 4 as their minimum ground level, allowing for all eventualities. Combined with a Safety Factor (0.1m) this gives a minimum ground level of 3.9m RL.

Existing bund levels around the building site vary around RL 2.6 – 2.9m, but in some places are as low as 1.98m, allowing drainage in and out of the site.

300mm should be added to Scenario 4 to achieve TDC's minimum required floor level.

### **Minimum Floor Level**

The proposed floor level of 3.51m is 0.01m higher than inundation levels from scenarios 1-4, but is 400mm less than predicted water levels using TDC design standards.

Provided joists are above RL 3.2m, and foundation piles are designed to cope with inundation by sea water during occasional extreme high tide related flood events, the proposed floor levels will only cope with flood scenarios 1 - 3.

In the case of this development, where an existing facility is being extended the question needs to be asked if there is a need to cover all eventualities as required by the TDC Design Standards (Scenario 4)? What is the probability of all eventualities occurring at the same time? If this probability is low, is it a risk that can be accepted?

Unfortunately assessment of these probabilities is difficult, and expensive without the right information, so has not been carried out at this time.

**Mitigation Measures:**

Frequency of inundation of the proposed building area could be reduced by raising the level of the site by 100 - 300mm with suitable fill to RL 2.6m. This will ensure more regular annual/biannual events do not inundate the building site.

To comply fully with TDC design standards, the ground level will need to be raised to RL 3.9m by adding 1.3m - 1.6m of fill. However, there may be reason to deviate from these standards provided it can be shown that the proposed piled foundations and under floor have been designed to cope with the potential infrequent inundation.

The ground surface should be shaped to shed any surface water away from the building foundation to avoid ponding after a flood event.

Earth bunds around the site currently offer good protection to the site from flood waters. These earth bunds should be maintained, and enhanced in the future if necessary to increase protection.

Drainage from inside the bunds needs to be maintained to avoid rainwater surface ponding. A drain pipe with flood flap valve should be installed to reduce the opportunity for backflow of flood waters onto the site.

**Conclusions**

The current proposal does not meet TDC Design Standards for minimum ground levels or minimum floor levels. However, given the location of the site, and the fact that this is an extension to an existing property, rather than a new development, there may be grounds for TDC to accept a lesser level of design, given that the probability of all flooding eventualities occurring at once is very small.

It is proposed that TDC consider this lesser level of design (Scenario 3), allowing only for MHWs + storm surge (0.6m), + Global Warming (0.3m) + River run up (0.2m) = 3.2m. This would require a floor level of 3.5m which is very close to what the existing building floor level is. (3.51m)

In the case where the Highest Astronomical Tide (once every 18 years) coincides with all these other factors, the building would be inundated.

Mitigation measures under this proposal would need to include:

- Pile design to cope with occasional inundation by seawater
- Pile and Under floor design to meet Building consent requirements
- Filling of site to prevent annual/biannual ground surface inundation
- Improvement of ground drainage and bunding to minimise inundation onto the site, and to aid surface flow off the site after an event.

**Twin Waters Lodge Resource Consent Application RM061042 –Additional Information.**

**Item 2 –Clarification in relation to the “embankment” and Site fill**

An initial investigation has been completed into the fill material, and embankment on the proposed building area.

TDC requested that "If the site is filled, verification is sought that the land is suitable for the erection of the proposed building".

Consultation was carried out with the following people:

TDC's Laurie Davidson to confirm what TDC needs in order to process the resource consent.

Merv Solly who was present when the fill was placed.

David Slater to clarify what his proposed building foundation would be.

Alexei Murashev -Opus Geotech Engineer to gain advice on what geotech testing options there are.

CW Drilling -to gain quotes for carrying out testing.

TDC Laurie Davidson confirmed his preference to have geotech verification that the land is suitable for erection of the proposed building before the resource consent is approved.

**Existing Fill Material:**

Merv Solly of Solly's was involved in filling the area, and building the embankment along the edge of the site between the fill, and the estuary.

The embankment was built with adjacent mud flat (Estuary) materials pushed up using a D2, and D4 bulldozer to stop the tide coming in.

Fill material was then imported to fill in behind the embankment using 'red dirt' from the lime works quarry at the foot of Mount Burnett near by. Merv advised that this 'overburden' material was a good fill material with high clay content. It was commonly used for fill. Some poorer material went in, but this was further to the east of the peninsular. He thought the fill on the Twin Waters site was all good fill material.

The fill depth he estimated was 1-1.5m.

The fill was put down approximately 40 years ago.

**Underlying Materials:**

The underlying materials could be either sands, estuarine muds, or potentially gravels from old Aorere river outwash. In excavating near this site for another job recently, Merv found firm sand at 2.5 - 3m, and a lot of water at 5m depth. CW drilling reported that investigations at another site near the base of the Peninsula found soft and wet material down to a depth of 12m. These are not ideal conditions, and given this variability in findings, the only way to certain of the strength of the fill material, and the underlying ground is to carry out testing on site.

The designer Dave Slater said that if necessary piles would be driven through the fill onto solid ground, however if the fill was demonstrated to be sufficient, he would be able to found the piles on the fill layer. An engineering report based on the Geotech testing is necessary to enable these design decisions to be made.

### **Geotech Testing Options:**

Three geotech testing options have been scoped, to provide the necessary information to enable an engineered foundation to be designed.

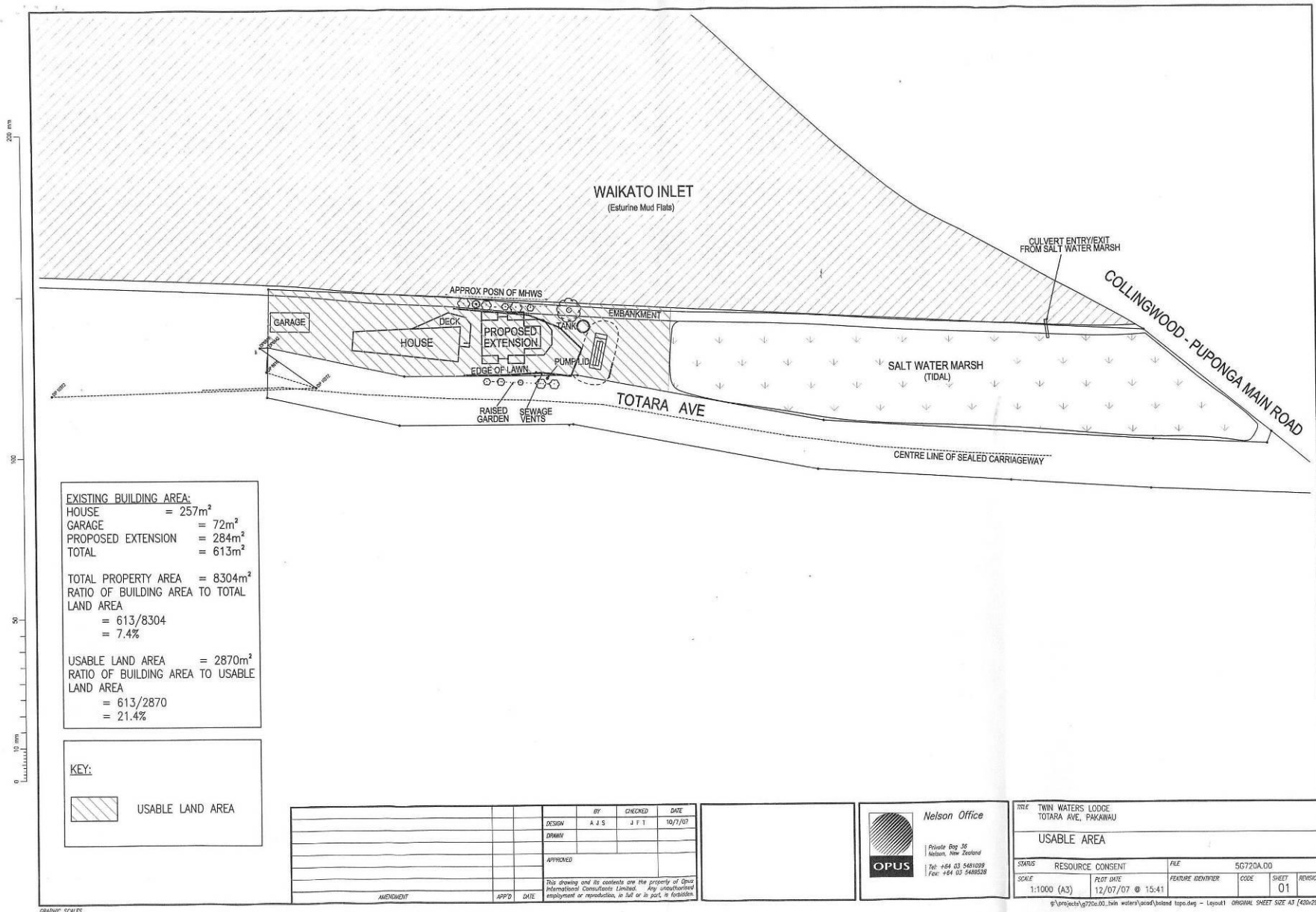
- Option 1) Verification testing on existing fill material
- Option 2) Cone Penetrometer Testing (CPT)
- Option 3: Borehole plus Scala's

The testing contractor has advised that this testing can not be done until his local test equipment becomes available in mid-August.


Given the presence of other structures in the area that have remained stable over time, it is expected that a suitable foundation design can be designed for the proposed building.

Given the significant cost of testing, the Applicant would like to delay this cost until they know the outcome of their resource consent application.

It is requested that final determination of ground conditions be allowed to be delayed until building consent stage.




<b>EXISTING BUILDING AREA:</b>	
HOUSE	= 257m <sup>2</sup>
GARAGE	= 72m <sup>2</sup>
PROPOSED EXTENSION	= 284m <sup>2</sup>
TOTAL	= 613m <sup>2</sup>
TOTAL PROPERTY AREA = 8304m <sup>2</sup>	
RATIO OF BUILDING AREA TO TOTAL LAND AREA	
= 613/8304	
= 7.4%	
USABLE LAND AREA = 2870m <sup>2</sup>	
RATIO OF BUILDING AREA TO USABLE LAND AREA	
= 613/2870	
= 21.4%	

<b>KEY:</b>	
	USABLE LAND AREA

AMENDMENT	APPD	DATE	BY	CHECKED	DATE
			A J S	J T T	10/7/07

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<b>TITLE</b>				
TWIN WATERS LODGE TOTARA AVE, PAKAWAU				
<b>USABLE AREA</b>				
<b>STATUS</b>	<b>RESOURCE CONSENT</b>	<b>FILE</b>	5G720A.DD	
<b>SCALE</b>	<b>PLOT DATE</b>	<b>FEATURE IDENTIFIER</b>	<b>CODE</b>	<b>SHEET</b>
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