

STAFF REPORT

TO: Environment & Planning Subcommittee - Commissioner Hearing

FROM: Ina Holst-Stoffregen, Consent Planner

REFERENCE: RM090874

SUBJECT: **SUSTAINABLE VENTURES LTD - PAKAWAU RESIDENTIAL DEVELOPMENT- REPORT REP10-05-10** - Report prepared for hearing of 12, 13 and 14 May 2010

1. SUMMARY OF PROPOSAL

The application lodged by Sustainable Ventures, RM090874, is for the comprehensive redevelopment of the Pakawau Camping Ground into a 20 unit residential complex offering short-term rental and holiday accommodation as well as permanent or long-term accommodation. The application also seeks consent for a commercial activity in a Residential Zone. This includes proposed takeaway facilities and the hire of non-motorised leisure equipment.

The land use application is part of a suite of consents sought by Sustainable Ventures that involves consent applications for subdivision, earthworks, discharge of wastewater, discharge of stormwater, land disturbance in the Coastal Environment Area, the modification of a cultural heritage site and a permit to take water. The subdivision application that seeks to create the new lot at the northern end of the property contains the existing shop, the petrol pumps and the cottage to the rear of the shop.

Land Use Consent 090874

The construction of the 20 residential units, also referred to in the application as a 'bach apartment complex', will include the removal of the existing structures on the camping ground, except for the shop and the manager's accommodation. The proposed complex consists of apartments of twelve 2-bedroom units, five 1-bedroom units and three 3-bedroom units of varying sizes between 60 to 105.9 square metres. These units will be arranged in clusters around internal courtyards and will be provided with parking and storage facilities.

The apartment complex is within the permitted 5 metre height restriction and the required coastal setback of 30 metres. The units are designed with environmentally-friendly principles in mind, with a focus on reduced energy consumption, water conservation, the use of environmentally friendly building materials and a modern on-site sewerage disposal system. The proposal seeks to provide each unit with its own separate unit title while the remainder of the land is held as common land.

The consent sought is for a 10 year period to allow the development to proceed in stages. The current proposed development has been significantly reduced in the overall scale and footprint compared with the original application lodged in 2007.

Public access is proposed to be provided through the site and a 20 metre wide esplanade strip along the coastal margin of the site. A comprehensive landscaping plan has been submitted.

Included in the land use consent RM090874 is the consent for modification and disturbance of a cultural heritage site.

1.1 Background to Current Application

An earlier application to redevelop the Pakawau Camping Ground was prepared by Staig and Smith Ltd and lodged with Council in June 2007. This application sought consent for a comprehensive redevelopment of the Pakawau Camping Ground that involved consents for land use, subdivision, earthworks, discharge of wastewater, a coastal permit and a water permit. The land use component of that application included the following aspects:

- Construction of 48 residential units to be used for short term and permanent accommodation;
- A resort complex that contained a licensed café, conference and community meeting facilities, a gymnasium and sauna/spa facilities;
- A new retail shop with takeaway facilities, including a managers flat;
- Retention of existing petrol pumps;
- Laundry facilities;
- The use of the resort complex and cafe for conferences, seminars, meetings, weddings and other celebrations;
- Hiring recreational and leisure equipment;
- The provision of covered and uncovered carparking to serve both the residential development and the proposed resort.

The application was publicly notified in August 2007 and attracted 197 submissions when the submission period closed in September.

At that stage, the applicant asked the consent be placed on hold to enable the submissions to be considered and the proposal was re-evaluated. This resulted in a revised application being submitted to Council. The amended application downscaled the proposal to provide for:

- The withdrawal of the resort complex from the application;

- A reduction in the number of the residential units to 30 and change in the configuration;
- Retention of the existing shop, petrol pumps and managers flat and the sale of takeaway food, on a separate title to the residential units; Laundry facilities to servethe residential units when rented for visitor accommodation, within existing buildings associated with the shop;
- Hiring non-motorised recreational and leisure equipment and the construction of buildings to store such equipment;
- Provision of covered and uncovered carparks and lock up storage to service the residential units;
- An increase in the time period to give effect to the consent from 5 to 10 years to allow the project to proceed as a staged development;
- The creation of an esplanade reserve along the coast in front of the two titles to be created as part of the subdivision application.

The revised application had also altered the applications for subdivision and discharge of waste water and a pro-forma consent to discharge stormwater was included.

The revised application was circulated to the submitters to the original application to enable them to consider their original submission. They were allowed to “comment” on the revised proposal. Council received comments from 39 submitters and following receipt of the comments made, Council set the application down for a hearing, to be heard by a Commissioner and two Councillors and this is to commence 1 July 2009 in Takaka. The applicant withdrew the application prior to the hearing.

The third application for the redevelopment of the Pakawau campground was lodged with Council on 18 December 2009.

Site Description

The application site is located at 1112 Collingwood-Puoponga Road, Pakawau, Golden Bay, being legally described as Part Section 11 Square 15, all land contained in Certificate of Title NL96/197 (limited as to parcels). The approximately 1.6617 hectare site runs north to south along the coast with the beach forming the eastern boundary and the Collingwood-Puoponga Road the western boundary. It occupies part of a coastal strip developed with a mixture of baches and permanent homes that is zoned Residential.

The site is located in the Coastal Environment Area, Land Disturbance Area 1, the Special Domestic Wastewater Disposal Area and within a Cultural Heritage Precinct with known archaeological sites on the property.

The Pakawau area is typical of some of the earlier development in Golden Bay. The sections in these areas are of generous proportions by today’s standards creating

relatively low density residential development that provides a mixture of permanent and holiday accommodation.

The site can be described as a modified sand dune with a contour range of 3.65 to 6.05 metres above mean sea level. The property has been used as a camping ground for many years and has been a popular destination for holiday makers during the summer months. The site is located on the coastal margin at Pakawau and has riparian rights. The coastal frontage has eroded to some extent over a period of time and a 230 metre rock wall has been constructed to help protect the site from further erosion. Larger rocks have been placed along this edge and coastal vegetation has become established. The rockwall shows signs of degradation.

The site currently contains approximately 60 camp sites with a centrally located ablution block, a playground and nine basic cabins that are spread throughout the camp. The camp has an on-site well that provides up to 20 m³ of water per day water and a wastewater system that relies on on-site disposal on land that is typically a coastal sand dune.

The access to the site from the road is currently from the southern and the northern end. There is a public walkway from the road to the beach along the southern boundary of the site.

The road frontage has a shelter belt of macrocarpa and pine, interspersed with some taupata that primarily provides a wind break, but also provides a visual barrier when viewed from the Collingwood Puponga Road.

The shop, the petrol pumps, the manager's flat and the cottage are situated on the northern end of the site. The shop is a two-storey building painted a reasonably bright blue which is rather dominant in its roadside location. The shop is provided with a sealed car parking area with two fuel pumps. The camp store used to provide a service to campers and the local community and the petrol pumps are the only source of fuel on the western side of Collingwood. The camp store and petrol pump are now closed. The existing cabins and ablution block pertaining to the campground will be demolished to make room for the new development. The campground has not been fully operational during the last holiday season.

The camp is typical of the "Kiwi beachside camp" in New Zealand. Throughout the country these facilities are under increasing pressure of redevelopment due to their location and associated property value. Consequently, the redevelopment of the Pakawau Camp is not unexpected given its location within Golden Bay and a current Government Valuation of some \$2,000,000.

A subdivision consent RM090834 to subdivide the site into 11 allotments was granted for the site on 23 February 2010. Lot 1 contains an existing dwelling and the rest are nine bare land allotments, Lot 1 to 10 being residential allotments and Lot 11 proposed to vest as esplanade reserve.

Other consents relating to this application

Earthworks Consent RM090878

To undertake earthworks in the Coastal Environment Area (CEA), to provide access ways and building platforms for the proposed buildings with excavation levels varying between 0.15 metres up to a maximum of 1.9 metres due to the contours of the site. The excavation will be staged in accordance with the staging of the units. Consent is also sought to maintain and repair the existing rock protection on the landward side of Mean High Water Springs (MHWS). The works will be undertaken on a cultural heritage site, where an Authority has been granted under the Historic Places Act 1993.

Subdivision Consent RM090875

Consent is sought to subdivide the property into 2 fee simple titles. Lot 1, being 0.3436 hectares, accommodates the retail outlet, manager's unit, petrol pumps and the existing cottage. Lot 2, covering 1.365 hectares, would be further subdivided into 20 unit titles (in four stages) with associated parking and storage areas with a 20m wide esplanade strip along the coastal frontage of both lots. The balance of the proposed Lot 2 will be held as common land. Consent is sought to have a period of 10 years over which the consent can be given effect to, prior to the consent lapsing, to allow the development to be staged.

Discharge Consent for Wastewater RM090876 and Stormwater RM090877

Consent is sought to discharge 12.7 cubic metres of wastewater from the proposed apartment complex as well as 1.95 cubic metres from the retail outlet and proposed takeaway facility. A 20 year term of consent is sought for the wastewater discharge.

Consent is sought to discharge stormwater to ground. A 20 year term is sought for this consent and a consent period of 10 years over which the consent can be given full effect to allow a progressively staged development.

Water Permit RM100010

Consent is sought to change the purpose for an existing water permit RM090451 and its expiry date. The application seeks to maintain the water permit take but amend the purpose of the water take to supply the apartment complex and provide water to the shop and takeaway facilities. The current permit will expire on 31 May 2019 and the applicant wishes to change that expiry date to align with the expiry of the term for the discharge consents which seek a 20 year term.

2. STATUS OF APPLICATION

Zoning: Residential
Areas: Coastal Environment Area (CEA), Special Domestic Wastewater Disposal Area (SDWDA), Land Disturbance Area 1 (LDA1)

With regard to the land use component of the application, the proposed activity breaches the following TRMP Rules:

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

Because the proposal breaches TRMP Rule 17.1.3.4, the proposal becomes a Non-Complying Activity in accordance with TRMP Rule 17.1.3.5 as the individual units do not meet the site coverage standards in a Residential Zone (site coverage on the unit titles is over 35%). Because the non-complying status has been triggered for the land use consent, the other related consents also become non-complying and must be assessed accordingly and meet the tests in section 104D of the Act.

3. NOTIFICATION AND SUBMISSIONS

3.1 Notification

Council processed this application under the provisions of the Resource Management Act 1991 as a notified application, as it was 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. The application was fully notified and submissions closed on 26 February 2010. 84 submissions were received and these are summarised as follows. A list of submitters is attached as Appendix 1.

3.2 Comments on Submissions

3.2.1 Submissions in Support

The submissions in support relate to a range of matters. Those matters particularly relevant to this application are referred to below.

- provides an alternative to the accommodation offered in the area;
- supports tourism in Golden Bay, particularly in the western part of Golden Bay;
- provides economic benefits and kickstarts new economic growth;
- enhances the area by upgrading housing standards;
- proposed development is the best alternative to the current situation as it was environmentally friendly, well thought out and sensitive to the area;
- unit owners take more responsibility for surroundings;
- increases employment opportunities in Golden Bay;
- the possibility to have the shop and the petrol pumps reopened was seen as a positive step;
- the creation of an esplanade strip was positively received;
- support public access through the complex;
- conditions requested regarding boat ramp, takeaway, shop and pumps, wastewater monitoring
- there were concerns relating to water supply, wastewater and the upgrade of the rock wall;

Of the 43 submitters supporting the proposal, 10 have indicated they wish to be heard.

3.2.2. Neutral Submissions

Of the eight neutral submissions, six of them are from organisations such as the Department of Conservation, New Zealand Fire Service, Marlborough Quality Shellfish Programme, Sanford Ltd., Forest and Bird Protection Society and Friends of Golden Bay. There are two individual members of the community that have made a neutral response to the application.

The neutral submissions generally relate to particular issues and the consideration of appropriate conditions if consent is granted. These issues include:

- disposal of wastewater and contamination of the coast;
- appropriate monitoring of wastewater discharge
- erosion of the coast;
- reverse sensitivity issues;

- condition required regarding fire safety and adequate provision for fire fighting activities;
- protection of the coast and coastal character;
- ongoing requirements for coastal protection works;
- issues relating to the rock wall;
- pets and associated effects on birdlife;
- appropriate plantings;
- light pollution and;
- public access and esplanade strip/reserve along coastal frontage;

Of the eight submitters neutral to the proposal, six have indicated they wish to be heard.

3.2.3 Submissions in Opposition

There were submissions from people who have both permanent and holiday accommodation at Pakawau regarding the potential change from a typical New Zealand seaside camping ground to an apartment complex. This application was seen by some submitters as setting a precedent in Golden Bay and there are no other developments of a similar nature that can be used as a comparison to this proposal. A wide range of concerns were brought up, including:

- loss of amenity values;
- intensity and dominance of the development;
- development is not sustainable;
- continuous wall on western side;
- type, scale and extent of the proposal;
- site coverage;
- carparking parallel to the road;
- increased traffic movements from traffic leaving and entering the site;
- impact on privacy;
- appropriateness of the development for the Pakawau site;
- proposal is a significant change from the current character of Pakawau;
- exclusive market and absentee landowners;
- does not create a sense of community;
- the loss of a coastal camping ground;
- visual impact of the proposed complex when viewed from the coast and from the general Pakawau area, blocks views from the road to the coast;

- potential adverse effects on the immediate infrastructure such as access, proposed car parking, wastewater and water supply;
- all stormwater be collected;
- adverse effects from the development such as light spill;
- increasing costs for ratepayers from the potential failure of coastal protection measures, wastewater systems and water supply;
- concerns regarding the use of rock protection as opposed to methods that rely on natural coastal processes to stop the erosion
- esplanade strip and public access to the beach;
- investigation of suitable alternatives necessary;
- retain topography behind rock revetment;
- site is on a contoured sand dune which should be allowed to function as a dune;
- as sea levels rise intertidal zone needs to be able to move inland to maintain functional ecosystems;
- the financial burden of the coastal protection was mentioned and that it should not be carried by the rate payer;
- potential pollution of the coastal waters from the site;
- reverse sensitivity in relation to the coastal marine area and marine farming;
- effect of pets on birdlife living on the coastal margins;
- some submissions objected to the introduction of takeaway food sales, issues with noise and odour;
- staging of the development over a 10 year period and the subsequent on-going disruption
- potential loss or damage of an identified cultural and heritage site;

Of the 35 submitters opposing the proposal, 13 have indicated they wish to be heard.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act 1991 (amended)

The application is a Non-Complying Activity in the Residential Zone and as such the Committee must consider the application pursuant to Section 104D of the Resource Management Act 1991 (amended). Section 104D states a resource consent may be granted by a consent authority for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor or the

application is for an activity that will not be contrary to the objectives and policies of the plan or proposed plan.

- **Section 104**

A decision on this application under Section 104 of the Act requires the Council to address the following matters:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP
- Other matters the consent authority considers relevant and reasonably necessary to determine the application

- **Section 104D**

Section 104D of the Resource Management Act 1991 (as amended) provides:

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either-

(a) the adverse effects of the activity on the environment (other than any effect to which section 104 (3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of-

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Resource Management Act Part 2 - SECTIONS 5, 6, 7 AND 8

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part 2 of the Act.

Part 2 Section 5 of RMA - Purpose of the Act

Part 2 Section 5 sets out the Purpose of the Act, and states:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, 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 wellbeing 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; and*
- (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.*

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

Part 2 Section 6, 7 and 8 of RMA - Matters of National Importance

The matters of National importance, Other matters and the Treaty of Waitangi are set out in Section 6, 7 and 8 of the Resource Management Act:

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 the coastal environment (including the coastal marine area) and its margins, and the protection of it from inappropriate subdivision, use and development; (edited)*
- b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- d) *The maintenance and enhancement of public access to and along the coastal marine area; (edited)*
- e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- f) *The protection of historic heritage from inappropriate subdivision, use and development.*

In the case of this particular application, sub sections a) and e) of Section 6 are particularly relevant.

Other Matters – Section 7 and 8 of RMA

Section 7 and 8 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:

Section 7

- 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;*

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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.

4.2 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) provides guidance to consent authorities in the management of the coastal environment.

The general policy direction of the NZCPS seeks:

- a) *To set national priorities for the preservation of the natural character of the coastal environment.*
- b) *To protect characteristics of the coastal environment of special value to the tangata whenua, in accordance with tikanga Maori.*
- c) *That adverse effects of use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the fullest extent practicable.*

The NZCPS policies particularly relevant to this application are

Policy 1.1.1.

“It is a national priority to preserve the natural character of the coastal environment by:

- a) *Encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*

- b) *Taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- c) *Avoiding cumulative adverse of subdivision, use and development in the coastal environment.”*

and Policy 1.1.3.

“It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- (a) Landscapes, seascapes and landforms, including:*
 - (i) Significant representative examples of each landform which provide the variety in each region;*
 - (ii) Visually or scientifically significant geological features; and*
 - (iii) The collective characteristics which give the coastal environment its natural character including wild and scenic areas.*

4.3 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 Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development. 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.

Because the Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Plan will satisfy an assessment against Policy Statement principles.

4.4 Tasman Resource Management Plan

Objectives and Policies

The most relevant Objectives and Policies are contained in:

- Chapter 5 “Site Amenity Effects”
- Chapter 6 “ Urban Environment Effects”
- Chapter 8 “Margins of Rivers, Lakes, Wetlands and the Coast”
- Chapter 10 “Significant Natural Values and Historic Heritage”
- Chapter 11 “Land Transport Effects”

These chapters establish Council’s key objectives to ensure land uses do not adversely affect local character, including coastal and landscape values and to provide opportunities for a range of activities in urban areas at coastal locations.

4.5 Rules of the TRMP

The most relevant Rules which follow from these imperatives are contained in
Chapter 17.1 “Residential Zone Rules”
Chapter 18.11 “Coastal Environment Area”
Chapter 16.13 “Cultural Heritage”

Details of the assessment of the proposed activity in terms of these matters are addressed through the assessment of key issues, analysis and discussion on the relevant policies and objectives.

5. KEY ISSUES

The key issues I consider the most relevant to this application are:

- 5.1 Permitted Baseline
- 5.2 Amenity of the Pakawau residential area
- 5.3 Urban Environment and related Coastal Issues
- 5.4 Cultural Heritage
- 5.5 Creation of Jobs and Economic Flow-on Effects

5.1 Permitted Baseline

The permitted baseline is comprised of the existing environment, what is permitted as of right under the plan and, when appropriate, what is authorised under a current but yet to be implemented resource consent. Councils *may*, rather than *must*, consider the adverse effects of activities on the environment if a plan permits an activity with those effects.

The effects of permitted activities are considered on a case-by-case basis. The permitted base line will not be given priority over consideration of all of the effects of an activity and the plan in its entirety.

Section 104(2) of the RMA gives a consent authority the ability to disregard adverse effects of activities that the plan permits, if it so wishes. The permitted baseline can provide a yardstick for the effects that otherwise might arise.

Section 104(2) states that - *When forming an opinion for the purposes of subsection (1)(a) a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

The site at Pakawau is zoned Residential. The applicant’s vision for the campground is to develop an apartment complex that caters for an estimated number of 75 people who choose to live either permanently or short-term at Pakawau and who are able to rent their apartments as holiday accommodation.

It has been argued by the applicant that there is a permitted baseline. However, the permitted baseline can only be considered for the camping ground, the shop and petrol pumps. The subdivision consent RM090834 also has relevance as it allows the establishment of 11 allotments in total, Lot 1 to 10 being residential allotments and Lot 11 proposed to vest as esplanade reserve. Lot 1 contains an existing

dwelling and the rest are nine bare land allotments. The subdivision consent does not give a generic consent for the construction of any buildings.

Because the site is located in the Coastal Environment Area (CEA), where all building is deemed a Controlled Activity, any new building would require a resource consent. While the Council could not decline such a consent, Council can impose conditions when granting consent. In this location, the maximum permitted height is 5 metres and any building is required to be situated 30 metres from Mean High Water Springs. The application meets these requirements in the CEA.

The Residential Zone Rules allow dwellings up to 1000 square metres and with a site coverage of 33% to be erected as a Permitted Activity but the buildings would have to meet the relevant bulk and location requirements. This may prove impractical for all of the allotments and conditions could be imposed. The land is also in the Special Domestic Wastewater Disposal Area and the disposal of wastewater has more onerous requirements that may further affect the density of development.

The permitted baseline is debatable in relation to the proposed 20 apartment complex. As a Controlled Activity, the apartment complex is better described as a 'consented baseline' and that can be seen to equate with the permitted baseline.

The density of development is atypical of developments in Golden Bay where the area is not reticulated for sewerage and located on the coast. There is currently no approval to create the density of development proposed in this application for any other comparative form of high density development in Golden Bay.

Under the current proposal, the existing shop will be maintained together with the existing cottage as an onsite manager's residence, which is effectively the same as the occupation of one dwelling in a Residential Zone, which is an anticipated development.

5.2 Amenity of the Pakawau Residential Area

The overarching issue identified for this application is site amenity. In this case, the main issues relating to amenity include the bulk and density of the proposed complex, the associated effects such as the visual impact of the proposed development, potential adverse effects from traffic and parking, light spill from exterior lighting at night time and loss of general amenity values such as privacy and character.

Other issues relate to the proposed commercial activity, the takeaway facility and the hire of leisure equipment, and associated effects from traffic, noise and odour.

Management of the effects of the proposed use must protect the use and enjoyment of other land in the area and retain the amenity of the area.

The following extracts from the introduction, principal reasons and explanations for Chapter 5 of the Tasman Resource Management Plan are considered relevant:

“Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference.

Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Amenity values relating to general amenity and the visual impact of the proposed development on the landscape and character of Pakawau are particularly relevant in this case.

The following objectives and policies (a full description of the policies is attached as Appendix 2) are considered relevant:

Objective 5.1.2 *Avoidance, remedying or mitigation of adverse effects from the use of land and enjoyment of other land on the qualities of the natural and physical resources.*

Relevant ‘Adverse Off-Site Effects’ Policies considered are 5.1.3.1, 5.1.3.4, 5.1.3.6, 5.1.3.8, 5.1.3.9, 5.1.3.12, 5.1.3.13.

Objective 5.2.2 *Maintenance and enhancement of amenity values onsite and within communities throughout the District.*

Relevant ‘Amenity Values’ Policies considered are 5.2.3.1, 5.2.3.2, 5.2.3.3, 5.2.3.4, 5.2.3.6, 5.2.3.7, 5.2.3.8, 5.2.3.13.

Objective 5.3.2 *Maintenance and enhancement of the special visual and aesthetic character of localities.*

Relevant ‘Visual and Aesthetic Character’ Policies considered are 5.3.3.1 (nyo), 5.3.3.3, 5.3.3.4, 5.3.3.5

Objective 5.4.2 *Accommodation of a wide range of residential activities and accessible community facilities in urban areas.*

Relevant ‘Residential Activities and Community Facilities’ Policy considered is 5.4.3.1

Comments

The above objectives and policies confirm the need to protect amenity values. While the proposal involves the development of the site and services that may provide

economic benefits to the local and wider community, the activity should not be at the expense of the natural environment and the amenity of the neighbourhood.

The extent to which the proposal represents efficient use and development of natural and physical resources will depend on the extent of adverse effects arising from the proposal and how these can be avoided, remedied or mitigated having regard to the general direction afforded by the TRMP.

The amenity issues most importantly relate to adverse effects on visual and general amenity and the loss of character resulting from a high density development within the neighbourhood. At present, the wider Pakawau environment consists of a mixture of farming and residential lifestyle activities on residential sized allotments along the coastal margin. The residences between the coast and the Collingwood-Puponga Highway are a mix of old and new bach type houses and larger dwellings. Pakawau is seen as a quiet, low impact area of residential development where growth is slower than the eastern part of Golden Bay and less development occurs overall, including economic and business opportunities. The density of the proposed development is a significant change from the existing built environment at Pakawau and it is of a scale and nature unprecedented in Golden Bay.

It is therefore unsurprising that the proposal to redevelop the Pakawau Camping Ground into a complex of 20 apartments has drawn a fairly strong negative response from some of the Pakawau and Golden Bay residents who are concerned that the development could significantly change the current character of the settlement. The anticipated changes, as perceived by some submitters relate to the potential social changes, as they see the apartments catering only for an exclusive market, and to the physical changes on the site resulting from the proposed development.

The latter include issues relating to the increased pressure on the existing infrastructure such as sufficient water supply, appropriate wastewater and stormwater disposal and some traffic related issues. Opposing submitters have also stated their concerns regarding the potential adverse effects of the proposed development on the coast. These include the upgrade of the rock revetment as the proposed option to address coastal erosion, pollution of the coastal marine area and public access.

While the negative and sometimes emotional response is understandable, it is not entirely reasonable. The dynamics of a community can change for a variety of reasons and it is difficult for Council to control or attempt to control that aspect. What is more relevant in this situation is to look at the existing form of development and consider the effects of the new proposal. If there are identified adverse effects, it is appropriate to consider whether conditions can be imposed to avoid, remedy or mitigate those effects to the point that they can be reduced to a level and scale so they become acceptable or considered as minor or less than minor.

The proposal has also received significant support by submitters. The positive responses relate to the overall design of the complex, the hope for economic growth and employment opportunities, the provision of public access, the reopening of the shop and the petrol pumps.

Visual Impact and Design

The revised proposal has gone to some length to address the landscape issues and associated visual effects in relation to the proposed development. Established vegetation on the site will soften the impact of the proposed development to some extent, both when viewed from the coast and from the Collingwood Puponga Road.

The landscaping on road side of the proposed complex is an important part of the application. When viewed from the west, a screen planting has been provided on the road boundary, including land that appears to be road reserve that is comprised of pine, macrocarpa, taupata and other vegetation. This is well established and while it was primarily established as a wind break, it provides a visual screen when viewed from the Collingwood Puponga Road. However, the value of the hedge as a visual screen is of questionable value as the Council's engineering department, for the purpose of road vesting, requires the removal of the hedge so that road safety and sight visibility is not compromised. This has been covered in the Mr Dugald Ley's engineering report for the subdivision consent.

The units have been staggered to reduce the visual impact on the coast. However, it is expected that the new development will be reasonably prominent when viewed from the coast, at least until the new plantings are established. A landscaping plan has been submitted to mitigate the visual impact of the development on the Pakawau landscape and the coast.

The revised proposal has been designed to address the concerns raised by the original submitters particularly referring to the height, distance from the coast, visual impact and monolithic appearance of the complex. The units are designed with an environmentally-friendly approach in mind and the new proposal now complies with rules regarding height, distance from Mean High Water Springs and, when regarded in its entirety as one development, with residential setbacks and coverage. The units vary in height and the mixture of pitched roofs for solar panels and turf roofs with minimal pitch are designed so that the complex does not appear as a monolithic building.

Commercial Activity

The relevant TRMP objectives and policies allow commercial activities to be assessed on their merits within the Residential zone. If the adverse environmental effects of amenity, noise, dust, odour, visual effects, and traffic can be appropriately mitigated then the activities will not be contrary to the objectives and policies of the TRMP.

With reference to the proposed commercial activities, it needs to be pointed out that although commercial activities are generally uncommon in Residential zones, the campground shop and petrol pumps enjoy existing use rights (provided the uses are not discontinued for more than 12 months). Located in a geographically isolated area, the campground has been the hub of commercial activity in Pakawau for many years and many submitters have expressed their wishes for the shop and petrol pumps to reopen.

The applicant seeks consent to operate a takeaway facility and hire non-motorised recreational and leisure equipment. As the takeaway facility will be established in the

existing shop, it is expected to make use of existing parking arrangements. The existing facilities do not need to be expanded except that a commercial kitchen will be required to be installed. Generally, there may be some cross-boundary effects such as noise, odour and traffic movements associated with the takeaway facility which will need to be mitigated by consent conditions to meet amenity objectives. These include a limit on operating hours, installation of proper ventilation equipment with filters and monitoring of noise and odour.

It is not anticipated that the cross-boundary effects from the proposed commercial activity are above that of the campground operating during the high season or from any residential type development.

Staged Development

The applicant has requested an increased period of time (ten years) to give effect to this consent on the basis that it may be impractical to advertise and sell all the units within a five year period. Some submitters have raised concerns with regard to extending the statutory timeframe beyond the five year period as this could prolong any adverse effect created by the construction of the units. Those effects generally relate to cross-boundary effects such as service traffic and construction noise. It is inevitable that completion of a project of this size must have some effect beyond the actual site. Issues relating to the cross-boundary effects during construction of the proposed complex could be addressed through a development management plan that considers any potential adverse effects that may arise through undertaking a project of this size. The construction of 9 dwellings as per permitted subdivision consent RM090834 plus accessory buildings on the site could potentially take place over a similar length of time.

5.3 Urban Environment Effects and Coastal Issues

While the Pakawau area is technically an urban area it has a character of its own. Pakawau can be described as a low density residential area that is surrounded by a rural setting on the coastal margin.

The provision of servicing infrastructure for development in urban environments is a necessary component to ensure that there is the ability to address issues such sufficient water supply, roading and traffic flows, wastewater and stormwater disposal systems. The Pakawau settlement is provided with limited servicing infrastructure and there are no footpaths, sewerage or stormwater reticulation currently provided.

The protection of urban-type settlements from natural hazards such as flooding and coastal erosion also needs to be considered. Those issues are discussed in more detail in the other reports associated with this application.

The following extracts from the introduction, principal reasons and explanations for Chapter 6 of the Tasman Resource Management Plan are considered relevant:

Population growth requires careful monitoring so that the reasonably foreseeable needs of future generations for land and other resources can be predicted and met. There has been rapid growth in the settlements ofand at coastal settlements at Golden Bay such as Pohara and Parapara since 1985.

Objective 6.2.2 *Urban growth that avoids or mitigates the loss of land of high productive value and the risks of extending onto land subject to natural hazards*

Objective 6.4.2 *Containment of urban subdivision, use and development so that it avoids cumulative adverse effects on the natural character of the coastal environment*

Relevant 'Coastal Urban Development' Policies also considered are 6.4.3.1, 6.4.3.2 and 6.4.3.3

Relevant objectives and policies from Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast have also been considered for this application.

Comments

The above objectives and policies confirm the need to address urban development issues such as infrastructure and services within the coastal environment. Urban-type development in the vicinity of the coast raises a number of issues relating to the management of potential coastal hazards as well as the protection of the coastal environment and its natural character.

Coastal Issues

In this particular case, there are issues relating to coastal erosion and coastal protection measures that require further consideration if consent is to be granted for the proposed development. The issues relate specifically to the proposed strengthening of the existing rock wall as suggested by the applicant's consultant (Ocel Consultants NZ Ltd) investigating the coastal hazard risks associated with this development. This aspect has been addressed by other staff members and their comments are included in the land disturbance report to be considered for this proposal.

Considering the evidence compiled and presented by the coastal planner Rosalind Squire, resource scientist Eric Verstappen and the report by the consultant Jim Dahm, questions arise regarding the appropriateness of such a development in this specific location. Related issues include future erosion risks (short-medium term) and inundation as a consequence of sea level rise (long term), the preservation of the coastal margin as a sandy foreshore environment and appropriate mitigating measures for coastal protection.

Reverse Sensitivity

Reverse sensitivity issues arising from marine farming also need to be taken into account. This issue has been raised through the submission process in relation to development of land affecting the adjoining coastal marine area. It is appropriate to take this issue into account given there is established marine farming activity at Pakawau where both cockles and mussels are harvested. The wastewater discharge will need to address this matter.

Wastewater and Stormwater

The Sustainable Ventures proposal includes applications for wastewater and stormwater discharges in a coastal area without reticulated sewerage. These are being reported on by Council staff for consideration by the Committee. It is not intended to comment any further on those applications, other than that submitters are concerned with the risk of pollution of the marine area should any on-site system fail in the future. Any appropriate system proposed for the site will be required to cope with year-round as well as seasonal demands.

Water Supply

Submitters have raised concerns that the water supply for the development will not be sufficient for the proposed development and could have adverse effects on the entire settlement of Pakawau. An existing water supply from a bore is in place for servicing the campground. In the application it is stated that the permitted maximum water take of 20 m³ per day or 140 m³ per week will not be exceeded by the development. It is anticipated that, once the complex is completed and all the units are occupied, the water demand on the site will be higher than that for a camping ground. Sufficient onsite stormwater collection and storage will be required to supplement water needs for the site.

A development such as this also needs to address the need for on site first aid fire fighting and the submission form the New Zealand Fire Service highlights this issue. Of the proposed water storage, 45000 litres will be required to be dedicated to supply water for fire fighting.

Roading

It is also appropriate to consider any impact on the roading network between Collingwood and Pakawau as there could be an increased number of users on that stretch of road. The Collingwood-Puoponga road is typically an under-width road that also contains a number of single lane bridges and increased traffic flows could possibly have an adverse effect on the roading infrastructure. A proposed footpath along the road reserve of the subdivision to cater for pedestrians is a positive step towards addressing traffic safety. The subdivision report and the report by Council's engineer Dugald Ley consider the issues associated with roading and parking.

Light Spill

There is the potential for an intense residential development to change the background level of lighting for the area surrounding the property. Unless thought is given to the type and location of lighting provided for common areas, there can be a degree of light spill beyond the actual site. Pakawau is not provided with street lighting and people in communities such as this value the low level of artificial lighting, allowing the night sky to be more prominent. Those values can be preserved with careful design and positioning of light fixtures and the use of appropriate shading so only specific areas are lit.

Noise

There is the potential for some increase in noise levels in an area of higher density development but this can tend to produce on-site effects that are potentially more significant than off-site effects. That increase can be due to the use of motor vehicles, recreational activities, animals and many other sources. The TRMP rules are quite clear if there is an identified generator of noise, the levels are controlled to reasonable levels with both a day time and night time level set.

Domestic Animals

The number of domestic animals kept in an area may also increase as a result of any new residential development. Dogs and cats in particular can potentially affect birdlife and other indigenous fauna beyond the site. Pakawau has a significant birdlife population and this can be subject to predation and disturbance from both domestic animals and introduced pests in the area. There are a number of cases reported to Council and to the Department of Conservation where birdlife has been disturbed and harassed by domesticated animals and it is not an easy issue to deal with. Advisory signs have been erected in a number of locations to raise public awareness of this issue, but it remains largely the owner's responsibility to control their pets. It is possible that intensive development on coastal margins can have an adverse effect on birdlife and other fauna as a result of increased numbers of people and domestic animals on the site.

Public Access and Esplanade Strip

Aspects of public access through the site and of the esplanade strip have been raised by submitters as an important issue. These are addressed in the subdivision report.

5.4 Cultural Heritage

The subject site is located within a cultural heritage precinct, an area of cultural and archaeological significance and there are known cultural sites along the road frontage of the campground. Any works on the site will therefore need to comply with the New Zealand Historic Places Trust Archaeological Authority 2007/93.

During 2006 Dr Charles Sedgwick undertook a detailed and comprehensive archaeological investigation of the site. That investigation was authorised by an Authority issued by the New Zealand Historic Places Trust in November 2006.

For this application, Manawhenua Ki Mohua did not lodge a submission.

The following extracts from the introduction, principal reasons and explanations for Chapter 10 of the Tasman Resource Management Plan are considered relevant:

For sites of significance to Maori, the Act requires that particular attention be paid to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites wahi tapu and other taonga. Also relevant is the general obligation under the Act to take into account the principles of the treaty of Waitangi.

Objective 10.2.2 *Protection, enhancement and, where appropriate, the management of historic heritage sites, including cultural heritage site; heritage buildings and structures; and protected tree, for their contribution to the character, identity, wairua and visual amenity of the District.*

Relevant 'Historic Heritage' Policies considered are 10.2.3.2, 10.2.3.3 and 10.2.3.4

Comment

The investigation found the Pakawau Camping Ground contained an extensive archaeological area with middens, ovens and artefacts. The investigation was regarded as incomplete as the removal of vegetation and further excavation was required to establish the depth, range and complexity of the site. Dr Sedgwick considered his investigation was only sparsely documented and under-examined. The report provides detailed records of the sites investigated, including photos and diagrams to record the results of that exercise.

Dr Sedgwick's recommendations confirm further investigation of the site is required to provide a more detailed picture of the occupation of the western area of Golden Bay. There are four areas he has identified that he considers warrant further investigation before any form of land disturbance takes place. That work is in addition to monitoring that will be required at the time earthworks and vegetation removal take place as part of the construction of the proposed complex.

In addition to the archaeological issues associated with this site, it is important to address the cultural issues associated with an identified occupation site. The sections Sections 5 – 8 of the Resource Management Act are relevant in this respect and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance under Section 6 of the RMA.

Should consent be granted, a precautionary approach is required and an iwi monitor is appropriate to be on site during earthworks. All conditions of the Authority need to be considered by the applicant and condition 3 of the Authority specifically requires the applicant to prepare an Archaeological Management Plan to provide operational guidelines and procedures for day to day activities.

5.5 Benefits for the Local Economy and Employment

There has widespread support from submitters in favour of the development as it is seen to support Golden Bay's tourism industry and benefits the community. The main reasons stated by submitters in support of the proposed development have been employment opportunities for local people and the hope that renewed activity on the campground site will prompt the reopening of the shop and the petrol pumps. With the option to rent out the apartments, the provision of an alternative visitor accommodation at the Western end of the bay is expected to bring further economic benefits to Pakawau and the surrounding area.

Some submitters stated that the apartment complex would be the best alternative to the present situation and found the proposal well thought out, sensitive to the area and the preferred alternative to a subdivision. The proposal is seen by some

submitters as an upgrade in current housing standards and a forward-looking venture that looks to the best available option for sewage disposal and coastal protection. Some submitters looked favourably at having one main wastewater system instead of separate systems and regarded the option of having environmentally-friendly buildings on the site as a good upmarket replacement for the old campground.

Other positive comments welcomed the creation of an esplanade strip, public access through the site and a footpath along the road frontage.

6. SUMMARY OF KEY ISSUES

The development of parts of the coastal margin of Golden Bay is inevitable in the future. In this case, the continuation of the Pakawau campground is economically not viable and unrealistic. A 11-lot subdivision has been approved for the site and recent subdivisions in Pakawau show that there is potential demand and anticipated population growth in the area. The applicant's vision for the campground is to create an apartment complex that caters for an estimated number of 75 people who choose to live either permanently or short-term in Pakawau and who are able to rent their apartments as holiday accommodation.

The current proposal is the reduced version of the original proposal for such a complex. The reduction is significant in its scale, intensity, form and location of the buildings. The apartments have been designed with environmentally-friendly principles in mind. These include energy conservation, reduced stormwater run-off and pitched roofs for the installation of solar hot water units. In combination with the proposed landscaping, mitigation measures have been proposed to address issues relating to coastal protection and residential amenity.

While the visual impact of this development has the potential to be significant, the information provided with the landscape report indicates those effects can be mitigated. The use of vegetation, building design that incorporates appropriate materials and colours and the provision of an esplanade strip goes some way to mitigating the visual impact of the development when viewed from the coast and the Collingwood Puponga Road.

The submissions in support regarded the proposed development as an opportunity for Pakawau to recreate the hub of activity the campground once was, reopen the shop and pumps and create employment beyond the time of construction. Furthermore, it presents a forward looking opportunity for Pakawau to showcase innovative design and planning of a complex development that embraces alternative technologies. It is also an opportunity to legally establish public access through and along the site.

The siting of the complex allows for maximum setbacks from adjoining properties mitigating privacy issues. The apartments cover some 23.6% of the entire site with the remainder held as common land. The arrangement of the apartments in four clusters allows for landscaped green areas between each cluster.

Current trends to maximise the use of sites on the coast and an increase in property values could see a number of very large and modern buildings being constructed on the site once subdivided into 10 lots. As these are separate developments there is

no requirement to coordinate building styles, materials and or colour or to give legal access over private properties to the coast.

On the other hand, the proposal could have the potential to create an irreversible change in the character of the Pakawau settlement and this has to be carefully considered taking into account the scale and location of the development. Of particular consideration are effects of the development on the natural coastal environment, residential amenity and issues arising from the lack of reticulated services.

The submissions opposing the development are concerned with general amenity issues such as the intensity of the development, its appropriateness for the Pakawau site and the visual impact of the complex when viewed from the coast and from the general Pakawau area. To need to identify appropriate measures to protect the coast from further erosion, potential sea level rise and pollution of the coastal marine area has also been raised in the submissions.

The location and whether it is appropriate to construct such a development on the coast remains an issue that is fundamental to the application. The site is directly exposed to coastal erosion, seawater inundation hazard from storm wave incidence and potential sea level rise. The value of a range of coastal protection options have been assessed by coastal planning staff and scientists for the short, medium and long term.

There are associated coastal hazard risks with all development on the coastal margin, regardless of scale and these must be addressed to provide on-site safety, without creating adverse off-site effects. In Pakawau, the effects of coastal erosion and potential sea level rise on the site, albeit based on future projections, require long-term consideration. This solution should not be to the detriment of the natural character of the coast and in agreement with the New Zealand Coastal Policy Statement.

The campground area also contains a known cultural heritage site and it is possible that excavation ranging from 0.15 up to 1.9 metres could adversely effect parts of the site that have not yet been uncovered. The cultural and archaeological issues that are associated with this site are complex and it is clear the site has been subject to pre-European occupation and the site is of heritage value to local iwi. It should be noted that even if the archaeological issues can be addressed through the provisions of the Historic Places Act, there are also cultural issues that need to be considered. The cultural and heritage issues are matters of National Importance under the provisions of the RMA.

Pakawau has retained a coastal character that is quite unique to the Golden Bay area and the scale of the proposed redevelopment of the Pakawau Camp is a matter that should be carefully considered when making a decision on this particular application. The preservation of the natural character of the coastal environment is a matter of national importance and that issue is relevant to the situation at Pakawau.

7. CONCLUSION AND RECOMMENDATION

This report has been compiled to provide a synthesis of issues to be presented to the committee for consideration in order to make a decision in terms of Section 5 of the Act and to determine whether granting consent would promote the sustainable management of natural and physical resources.

The land use consent is deemed to be non-complying due to the site coverage for the unit titles being greater than 35%. Section 104D states a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either

- the adverse effects of the activity on the environment will be minor; or
- the application is for an activity that will not be contrary to the objectives and policies of the plan or proposed plan.

In relation to the first test (minor effects) there are a number of matters that can be identified as creating effects that could be deemed to be more than minor. These effects include the amenity of the Pakawau area, development in the CEA, discharge of wastewater, development in a cultural heritage precinct and coastal hazard risks.

These effects are able to be mitigated to some extent by measures volunteered by the applicant and the imposition of appropriate conditions, but whether those mitigation measures are sufficient to pass the threshold test of 'minor effects' is questionable.

It is my view that the Committee would be unwise to rely on the first threshold test of Section 104D in this case.

That brings into play the second threshold test that the proposed will not be contrary to the Objectives and Policies of the TRMP. The Objectives and Policies of the TRMP are comprehensive and are generally enabling for development throughout the Tasman District.

There is the opportunity for the Committee to consider this application under the second threshold test of Section 104D and I consider there are a range of objectives and policies that are relevant to the proposal to redevelop the Pakawau Campground.

The objectives that I consider support this application are Objectives 5.4.2 supported by Policy 5.4.3.1 and Objective 6.4.2 supported by Policies 6.4.3.1, 6.4.3.2, 6.4.3.3.

In contrast, Objectives 5.1.2 and 5.3.2, supported by Policies 5.1.3.1, 5.1.3.4, 5.1.3.12 and 5.3.3.1, 5.3.3.3, 5.3.3.4 and 5.3.3.5 provide a basis for restricting or controlling more intensive development in locations such as Pakawau.

It is pertinent in this case to point out the proposed development will meet the matters that are controlled in the CEA and under the Residential Zone Rules and as such the proposal can be seen to be meeting a standard that is expected at this location. It is inevitable that coastal area in Golden Bay will be redeveloped over a period of time and there are illustrations of that happening at present.

While this has not been covered in detail under the land use report, the redevelopment of the site has some issues in relation to the coastal hazard risks that are covered in detail by Ms Rosalind Squire and Mr Eric Verstappen. The Committee needs to be satisfied the issues of coastal erosion and potential sea level rise can be satisfactorily addressed if consent is to be granted.

Considering the scale and intensity of the apartment development, consent conditions can be imposed so the potential adverse effects on the environment from the land use activity are no more than minor and, provided adequate protection of the coastal margin can be achieved in accordance with the objectives and policies found in chapter 8 of the TRMP, there could be an opportunity to redevelop the site.

Overall, the redevelopment of the Pakawau Camping Ground is a contentious application that has drawn a significant number of submissions both supporting and opposing the application. It is in my view that the application has both positive and negative effects and on that basis I have a neutral view as to whether the application should be granted. On that basis I have left the decision-making to the Committee in this case.

Should the committee decide that the second test of Section 104D has been met and grant the application, I recommend the following conditions and advice notes:

8. CONDITIONS, ADVICE NOTES, PLANS

Conditions

General

1. The development shall be generally in accordance with the application submitted and as shown on the plans marked RM09087(A-D) and dated 2010. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Height

2. The buildings shall not exceed 5 metres in height.

Minimum floor levels

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

Setbacks

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

Existing Buildings

5. All existing buildings within 30 metres of the line of mean high water springs, on both Lots 1 and 2, shall be removed.

Lighting

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

Landscaping

7. The area of development shall be landscaped according to the landscape plan submitted with the application marked RM090874(E) and dated 18 December 2009. Vegetation shall be used that is appropriate to the Coastal Environment Area in Pakawau. The plan shall be implemented in accordance with the Rory Langbridge Plan titled: "Site Development Proposal / Sustainable Ventures Development" Revision I dated December 09.

The landscaping plan shall include species planting plans, and proposed soil cover preparation, fertilization, mulching and future maintenance and plant replacement. The landscape plantings and existing native vegetation shall be maintained and any plants that die shall be replaced within 12 months.

The consent holder shall be required to maintain the landscape plantings for a period of two years prior to the occupation of the units. A \$10,000 bond shall be taken to cover the maintenance period for each stage.

The landscaping associated with the apartments shall be fully completed to the satisfaction of the Council's Reserves Manager, prior to the occupation of the units for each of the stages of the development.

The landscaping for the coastal frontage, road frontage and the screening along the northern & southern boundaries of Lot 1 shall be fully completed to the satisfaction of the Council Reserves Manager prior to occupation of the units for Stage 1. Any plantings within the road reserve shall be subject to the approval of Council's Engineering Manager.

Colours

8. The exterior of the apartment complex shall be finished in colours that are recessive and blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the buildings:
 - (a) the material to be used (eg, paint, Colorsteel);
 - (b) the name and manufacturer of the product or paint;
 - (c) the reflectance value of the colour;
 - (d) the proposed finish (eg, matt, low-gloss, gloss); and

- (e) either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

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

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

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

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

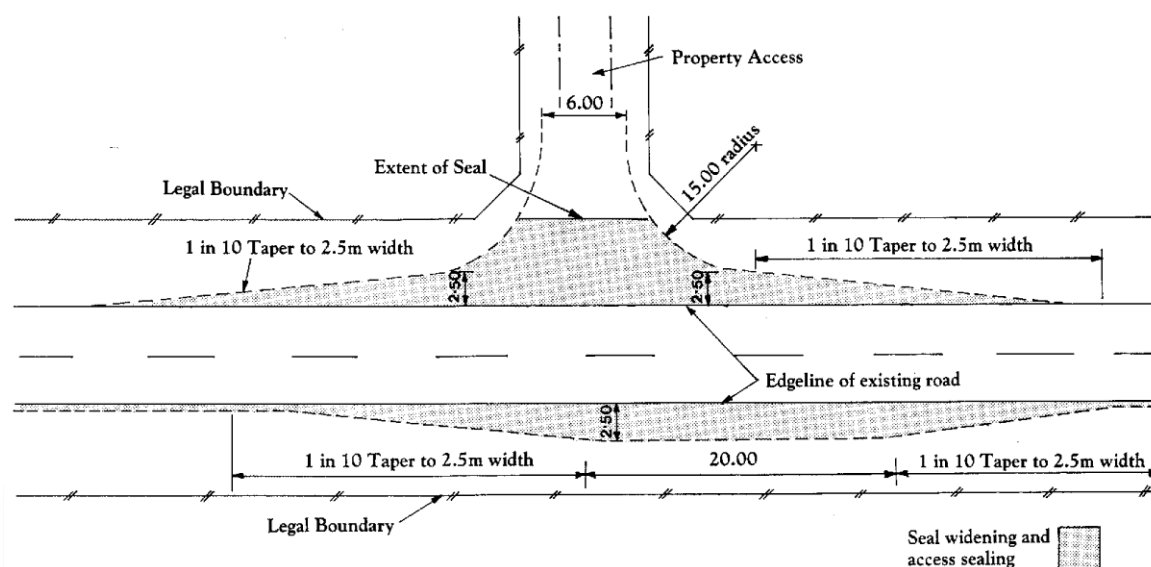
Vehicle Crossing

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

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

Vehicle Crossing (Lot 2)

Diagram 2: Vehicle Crossing



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

and shall provide the following:

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

Access and Carparking

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

Each of the residential units shall be provided with at least two car parks per unit. One of these shall be part of the unit title (eg accessory unit) and the others can be part of the carparking provided in the “common area”.

Financial Contributions

11. The Consent Holder shall, no later than the time of uplifting the building consent for the apartment 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.	

12. Water Supply

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

Each dwelling shall be provided with at least 20,000 litres of potable water storage separate from the fire-fighting water supply as required as part of the unit title staged development.

Review

13. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent annually in December, February and July for any of the following purposes:
- (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (c) if the information made available to the consent authority by the applicant for the consent for the purposes of the application contained inaccuracies which materially influenced the decision made on the application and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

Earthworks

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

Stormwater

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

Effluent Disposal

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

Full sewer reticulation complete with any necessary manholes and a connection to the building site of each lot shall be provided with a connection to the approved treatment and discharge system required under RM090876.

Expiry of Consent

17. This consent shall expire after 10 years of the date of issue unless given effect to or an extension of time pursuant to Section 125 of the Act has been granted.

Commercial Activity

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

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

Advice Notes

This consent is issued pursuant to the Resource Management Act 1991 and the Tasman Resource Management Plan. It does not constitute building consent and if the project involves any form of building, consent should be sought pursuant to the Building Act 1991.

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

3. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

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. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
6. It is noted that an Authority Pursuant to Section 14, Historic Places Act 1993 has been issued and it is No. 2007/93 HP11013/11036-049. The applicant is referred to this Authority for specific conditions.
7. The New Zealand Fire Service Commission considers that the optimal means of compliance with the Code being the installation of a domestic sprinkler system in accordance with *Fire Sprinkler Systems for Houses NZS 4517:2002* (or any subsequent amendments).
8. The Consent Holder should note that this resource consent does not override any registered interest on the property title.



Ina Holst-Stoffregen
Consent Planner

**APPENDIX 1
LIST OF SUBMITTERS**

43 Submissions in support

Submitter	Address	Heard?
(1) L Jarrett	1178 Collingwood-Puoponga Highway Pakawau	No
(2) B Collings	1244 Collingwood-Puoponga Highway Pakawau	No
(3) N Howse	116 Brunton Cres Thames	No
(4) J Osmer	155 Patons Rock Rd Takaka	No
(5) M Carter	Pakawau	No
(6) B Salisbury Lewis	601 Collingwood Rd Ferntown	No
(7) C L Carter	Pakawau	Yes
(8) G Morani	5 Feary Cres Takaka	Not stated
(9) L Campbell	9 Bush Rd Pakawau	Yes
(10) L T Campbell	9 Bush Rd Pakawau	Yes
(11) B Stott	100 Point Rd, Monaco, Nelson	Yes
(12) A Turner	Onekaka Takaka	No
(13) D Mann	PO Box 58 Collingwood	Not stated
(14) K Turner	1135 State Highway Onekaka Takaka	No
(15) R Thomas	1135 State Highway Onekaka Takaka	No
(16) I Turner	1135 State Highway Onekaka Takaka	No
(18) T McDermott	702 SW 48 th Drive Portland, US	No
(29) G & K Ross	Collingwood-Puoponga Highway Pakawau	No
(30) W Williams	1115 Collingwood-Puoponga Highway Pakawau	No
(31) R Duncan	1115 Collingwood-Puoponga Highway Pakawau	Yes
(32) S Johnson	c/o Collingwood Post office	No
(33) L Johnson	c/o Collingwood Post office	No
(34) B Gibson	6 Feary Cres Takaka	No
(35) J Boreham	6 Feary Cres Takaka	No
(42) S Emms	12 Park Ave Takaka	No
(43) M Campey	Collingwood-Puoponga Highway Pakawau	No
(52) G Burgess	22 Anvers Place Christchurch	No
(57) B Wallace Golden Bay Marine Farmers Consortium (GBMFC)	811 Main Rd Pakawau	Yes
(58) Victory Marketing (VML) Ltd	813 Main Rd Pakawau	Yes
(63)R Campbell 434 Greer Rd Bishopdale		No

Christchurch		
(66) R Feiring	1194 Collingwood-Puponga Highway Pakawau	No
(68) J Abbott	Moir Lea Farm House Pakawau	Yes
(69) S Johnson	C/- Post office Collingwood	No
(70) J MacHardy	Pakawau	Yes
(73) F Saxton	417 Wakefield Quay Nelson	No
(74) C Neesen & R Gould	1085 Collingwood-Puponga Highway Pakawau	No
(76) H Zwanikken	25 Collinson St Pakawau	No
(77) A Faulkner	16 Albert Rd Nelson	No
(78) A Unterberger	Alpine Lodge St Arnaud	No
(79) Carter	1017 Collingwood-Puponga Highway Pakawau	No
(80) G Carter	1017 Collingwood-Puponga Highway	No
(81) M Nyland	RD1 Pakawau	No
(84) R Lamb	14 Onekaka RD 2 Takaka	Yes

Eight Neutral submissions

Submitter	Reasons	Heard?
(19) NZ Fire Service Commission	C/- Beca Carter Holdings PO Box 3942 Wellington	Yes
(21) Department of Conservation	Private Bag 4 Richmond	No
(27) Forest and Bird Protection Society	C/- M Gavin 1035 Dry Rd Rakopi RD 1 Collingwood	Yes
(28) Friends of Golden Bay	C/- D Mead PO Box 274 Takaka	Yes
(49) Sanford Ltd.	PO Box 13 Havelock Marlborough	Yes
(50) C Heal	1246 Collingwood-Puponga Highway	No
(61) Marlborough Shellfish Quality Programme MSQP	PO Box 767 Blenheim	Yes
(71) B White	PO Box Collingwood	Yes

35 Submissions in opposition

Submitter	Reasons	Heard?
(17) E Alcock and R Newberry,	23 Maarama Crescent Aro Valley Wellington	Yes
(20) J Walls	1123 State Highway, Onekaka, Takaka	Not stated
(22) L Scurr	9 Boyle St Clifton Takaka	Yes
(23) R Darney	158 Carter Rd, Upper Kaituna Collingwood	Yes
(24) P Corby	1156 Collingwood-Puponga Highway Pakawau	Not stated
(25) M Weidemann-Corby	1156 Collingwood-Puponga Highway Pakawau	Not stated
(26) R Short	Onekaka Takaka	No

(36) J Morris	Tukurua Camp Rd Takaka	Yes
(37) E Morris	25 Tukurua Camp Rd Takaka	Yes
(38) M Jones	1236 Collingwood-Puponga Highway Pakawau	No
(39) T Hodgson	PO Box 1053 Nelson	No
(40) S Wilson	1242 Collingwood-Puponga Highway	Yes
(41) F Wilson	RD 1 Collingwood	Yes
(44) B Leigh	60 Ironworks Rd Takaka	No
(45) K Lovell	1 Wainui Falls RD 1 Takaka	No
(46) J Davis	PO Box 92, Takaka	No
(47) V Davis	PO Box 92, Takaka	No
(48) G Glover	411 Hill St Richmond	Yes
(51) C Gunn	111 Queens Rd Nelson	No
(53) Thora Blithe	80 Ironworks Rd, Onekaka	No
(54) H Gunn	1126 Collingwood-Puponga Highway Pakawau	Yes
(55) P Searle & G Redshaw	1114 Collingwood-Puponga Highway Pakawau	No
(56) Marine farming Association Inc.	C/- Gascoigne Wicks Lawyers PO Box 2 Blenheim	Not stated
(59) R Mckendry	39 Parapara Beach Rd	No
(60) C & R Harvey Smith	59 Selwyn St Pohara Takaka	No
(62) I Milne	83 Ironworks Rd Onekaka Takaka	Yes
(64) W Kalis	Patons Rock Rd Takaka	Yes
(65) M & A Scotland	23 Gibbs Rd Collingwood	No
(67) D Sissons	7 Wynand Place Christchurch	Yes
(72) L George	1116 Collingwood-Puponga Highway Pakawau	No
(75) S Macready	Packard Rd Motupipi	No
(82) J Newport,	22 Pakawau Bush Rd	Yes
(83) P Fullerton,	239 Patons Rock Rd. Takaka	No

Chapter 5 - Site Amenity Policies

5.1.3.1 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.

5.1.3.4 To limit the intensity of development where wastewater reticulation and treatment are not available.

5.1.3.6 To limit the use of on-site domestic wastewater disposal systems in the Special Domestic Wastewater Disposal Areas (SDWDAs) where cumulative adverse effects including degraded receiving water quality, health risks, nuisance odours, and overland flows of wastewater are likely or have been identified because of increasing system density.

5.1.3.8 [5.1.3D Proposed]

Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor.

5.1.3.9 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.

5.1.3.12 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.

5.1.3.13 To avoid, remedy, or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.

5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.

- 5.2.3.2 To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites.
- 5.2.3.3 To promote opportunity for outdoor living on residential properties, including rural dwelling sites.
- 5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture, and screening.
- 5.2.3.6 To maintain and enhance natural and heritage features on individual sites.
- 5.2.3.7 To enable a variety of housing types in residential and rural areas.
- 5.2.3.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.
- 5.2.3.13 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.

5.3.3.1 [5.3.1 Proposed]

To maintain the low or medium density residential character within the existing urban areas, except where higher residential density is provided for in specified development areas.

- 5.3.3.3 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.
- 5.3.3.4 To avoid, remedy or mitigate the adverse effects of activities on the character and sets of amenity values in specific urban locations.
- 5.3.3.5 To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including:
 - (a) heritage sites and buildings;
 - (b) vegetation;
 - (c) significant landmarks and views.
- 5.4.3.1 To enable a variety of housing types, recognising different population growth characteristics, age, family and financial circumstances and the physical mobility of, or care required by, residents.

Chapter 6 - Urban Environment Effects Policies

- 6.4.3.1 To avoid the creation of new settlement areas in the coastal environment.
- 6.4.3.2 To provide for future growth of key coastal settlements landward rather than along the coast.
- 6.4.3.3 To protect the coastal environment from sprawling or sporadic subdivision, use and development.

Chapter 10 – Significant Natural Values and Historic Heritage Policies

Not yet operative as at 26 September 2009

- 10.2.3.2 To reduce the risk of modification, damage or destruction of cultural heritage sites arising from any co-location of subdivision and development activities and such sites.
- 10.2.3.3 To ensure that where an activity may modify, damage or destroy a cultural heritage site that is an archaeological site, an authority to do this has been obtained under the Historic Places Act 1993.
- 10.2.3.4 To ensure that where an activity that requires a resource consent may have an adverse effect on the wairua or other cultural or spiritual values associated with a wāhi tapu, that activity has been approved by manawhenua iwi as an affected party.