

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
Commissioner Hearing  
**DATE:** Monday, 23 March 2009  
**TIME:** 10.30 am  
**VENUE:** Tasman District Council Chamber, 189 Queen Street,  
Richmond

**PRESENT:** Mr R Delamore (Department of Conservation Minister's Representative), Crs T B King and G Glover

**IN ATTENDANCE:** Principal Resource Consents Advisor (J Butler), Consents Planner Coastal (R Squire), Resource Scientist (E Verstappen), Administration Officer (B D Moore)

## 1. TASMAN DISTRICT COUNCIL, OLD MILL WALKWAY ESPLANADE RESERVE, MAPUA - APPLICATIONS RM080953/54/55, RM080893/94

### 1.1 Proposal

The application seeks to undertake the following activities to extend erosion protection works at the Old Mill Walkway Esplanade Reserve, Mapua:

**Coastal Permit RM080953** To erect a 510 metre long rock revetment structure more or less parallel to the line of mean high water springs. This activity is a Restricted Coastal Activity.

**Coastal Permit RM080893** To occupy the coastal marine area with the rock revetment structure described above (Application RM080953).

**Coastal Permit RM080894** To disturb the coastal marine area during the construction of the rock revetment structure described above (Application RM080953).

**Land Use RM080954** To construct a rock revetment on land in the Open Space Zone.

**Land Use RM080955** To undertake land disturbance activities in excess of 1,000 cubic metres within 200 metres of mean high water springs.

The construction of the rock revetment structure will involve placement of up to 13,000 cubic metres of rock material. The applicant is seeking a 35 year term for the Coastal Permits.

The application site is located at Old Mill Walkway Esplanade Reserve, Mapua, being legally described as Lots 3, 10, 11 and 12 DP 16467 (CT NL10D/220).

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

The Committee reserved its decision.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs King / Glover  
EP09/03/07**

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

Tasman District Council, Old Mill Walkway Esplanade Reserve

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

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
Tasman District Council, Old Mill Walkway Esplanade Reserve	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Glover / King  
EP09/03/08**

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

**CARRIED**

## **2. TASMAN DISTRICT COUNCIL, OLD MILL WALKWAY ESPLANADE RESERVE, MAPUA - APPLICATIONS RM080953/54/55, RM080893/94**

**Moved Crs King / Glover  
EP09/03/09**

**THAT pursuant to Section 104A of the Resource Management Act, the Committee GRANTS consent to Tasman District Council, Old Mill Walkway Esplanade Reserve as detailed in the following report and decision.**

**Pursuant to Section 117 of the Act, the Committee recommends that the Minister of Conservation grant consent to RM080953, subject to the attached conditions**

**CARRIED**

## TASMAN DISTRICT COUNCIL

**Report, Decision and Recommendation to the Minister of Conservation in relation to an application for a Restricted Coastal Activity and decisions on applications for land use consents.**

**By:**

**Robin Delamore a Hearings Commissioner appointed by the Minister of Conservation pursuant to Section 117(5) of the Act and Tasman District Council pursuant to Section 34 of the Act.**

**Meeting held in the Council Chamber, Richmond on Monday, 23 March 2009 commencing at 10.30 am.**

An Environment & Planning Subcommittee Commissioner hearing committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Tasman District Council** (“the Applicant”), to erect a rock revetment structure and undertake associated works at the Old Mill Walkway Esplanade Reserve, Mapua. The Committee was chaired by an independent Commissioner who was also the Minister of Conservation appointee for the Restricted Coastal Activity. The applications, made in accordance with the Resource Management Act 1991 (“the Act”), were lodged with the Council and referenced as RM080953, RM080893, RM080894, RM80954, RM80955.

**PRESENT:**

**Commissioners**

Mr R Delamore, Chairperson  
Cr T King  
Cr G Glover

**APPLICANT:**

**Tasman District Council**

Mr R Reinen-Hamill (Tonkin and Taylor)  
Mr D Stevenson (Project Manager)

**CONSENT AUTHORITY:**

**Tasman District Council**

Ms R Squire (Consent Planner, Coastal)

**SUBMITTERS:**

Mr T Bryant (Royal Forest and Bird Protection Society)

**IN ATTENDANCE:**

Mr J Butler (Principal Resource Consents Adviser) –  
Assisting the Committee  
Mr B Moore (Committee Secretary)

### 1. DESCRIPTION OF THE PROPOSED ACTIVITY

The Council has applied for resource consents to undertake coastal protection works at the Old Mill Walkway Esplanade Reserve (“the Esplanade Reserve”), Ruby Bay. The legal description of the areas affected by the works are Lot 12 DP 16467 10D/220, and the Coastal Marine Area. The works include the erection of a 510 metre long rock revetment structure parallel to the coast to protect the esplanade reserve from further erosion.

The consents applied for are:

RM080953 for a Restricted Coastal Activity,  
RM080893 – Coastal Permit (Occupation),  
RM080894 – Coastal Permit (Disturbance),  
RM080954 – Land Use Consent to build a structure, and  
RM080955 – Land Use Consent for land disturbance.

The proposed protection works are intended to address ongoing coastal erosion along the Esplanade Reserve. Erosion has reduced the width of the reserve to 3-4 metres in some areas, and threatens continued public access along this part of the coast at high tide. The proposed works would be carried out between Chaytor Reserve and existing “Stage 1” protection structure at the southern end of the Esplanade Reserve. This would fill a “gap” in what are otherwise continuous protection structures along the coast from Ruby Bay to Mapua Inlet.

The applicant has considered a number of alternative protection measures and these were outlined in the application. The construction of a rock revetment is considered to be the best practical option to protect the Esplanade Reserve in the short to medium term.

Construction of the protection works will be undertaken in the following stages:

- Existing topsoil and vegetation affected by the proposed works will be removed along that part of the shoreline.
- The foreshore will be excavated to a depth approximately 2 metres below the current beach level so that the revetment can be constructed with a 0.5 metres foundation to provide toe support. Excavated beach material will be used as fill at low points behind the revetment, or placed on the beach to provide renourishment.
- A geotextile layer will be placed, followed by a filter layer of smaller rock and then the larger rock armour.

The protection works will be constructed in 5-15 metre sections starting from the southern end of the reserve. Access along the reserve may need to be closed from time to time during construction for safety purposes.

Access across the revetment structure will be provided by a main access point at Chaytor Reserve in the form of a concrete ramp, and an intermediate wooden “stairway” structure about half way along the structure. There is existing access via a cobble beach at the southern end of the Stage 1 protection works.

The revetment structure has been designed for a 1:10 year storm event. Some maintenance of the structure may be required if wave events larger than this occur. The crest elevation of the revetment generally matches existing land levels along the beach crest. Excavated beach and bank material will be used to raise the level of the reserve in some locations.

## **2. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE AFFECTED**

According to the TRMP the following apply to the areas affected by the application:

Zoning: Coastal Marine Area. Land Zone: Open Space Zone.

Area: Land Disturbance Area 1, Coastal Hazard Area, Coastal Environment Area

Because the structure exceeds 300 metres in length, Rule 25.3.2 (c) of the Tasman Resource Management Plan applies, and a coastal permit for a Restricted Coastal Activity (RCA) is required. The occupation of the coastal marine area by the proposed structure (RM080893) is not covered under the rules of the TRMP and is deemed to be an innominate activity (discretionary) under Section 12 of the Act. Disturbance of the seabed (RM080894) is a Discretionary Activity under Rule 25.2.4 of the TRMP. The construction of the structure (RM080954) is a Discretionary Activity under Rule 17.9.2.2, and a land use consent for disturbance (RM080955) as a Restricted Discretionary activity is required under Rule 18.5.2.5.

Case law has established that where resource consent applications form part of the same proposal the most restrictive activity status that applies in respect of an individual consent should be applied to all the resource consents. Therefore the applications should be considered together as discretionary activities.

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

The applications were publicly notified on 15 November 2008, pursuant to Section 93 of the Act. A total of six submissions were received. The following is a summary of the written submissions received and the main issues raised:

### **3.1 Submissions in Support**

#### **Mapua Districts Cycle and Walkways Group**

The Mapua Districts Cycle and Walkways Group submit that the existing walkway connections are extremely important to both the Mapua/Ruby Bay community and visitors and that Stage 2 of the rock revetment is needed to ensure the integrity of the Stage 1 portion. They submit that the visual impact of a solid coastal erosion structure will be mitigated by the construction of Stage 2 of the wall being the same as Stage 1. They commend the Council on working towards providing continued and safe future access to the beach during and after construction of the revetment.

The Group submits that following the completion of Stage 2 they would like to see suitable coastal landscape planting along the entire length of the Old Mill Walkway. They express concerns about what will happen to the rock brought in for the wall in the event of failure of the structure, they submit that the Council should be obliged to remove large rocks and any other material used in order to prevent rubble from the wall becoming an obstruction for people attempting to walk along the beach at mid-high tide.

The Mapua Districts Cycle and Walkways Group did not wish to be heard in support of its submission.

### **Richard Beck and Christine Johnston**

Richard Beck and Christine Johnston support the application but did not wish to be heard in support of their submission.

### **Ray and Roger Robinson**

Ray and Roger Robinson support the application but did not wish to be heard in support of their submission.

## **3.2 Neutral Submissions**

### **Nelson/Tasman Branch of the Royal Forest and Bird Protection Society**

The Nelson/Tasman Branch of the Royal Forest and Bird Protection Society submits that the continuing provision of usable esplanade reserves and public access along the Ruby Bay foreshore is of considerable importance and that the construction of a rock revetment is an appropriate solution in the short to medium term if a hard engineering solution is required in the near future. It wishes to encourage the Council to investigate and implement a longer term solution for the Ruby Bay foreshore as a whole. However, it acknowledges that as rock revetments have been constructed at either end of the proposed revetment it seems logical to fill the gap with a similar construction. It notes that supporting this application does not mean that it encourages further subdivision and residential use of the low lying land between Ruby Bay and Mapua.

The Nelson/Tasman Branch of the Royal Forest and Bird Protection Society appeared at the hearing in support of its submission.

### **The New Zealand Transport Agency (NZTA)**

The NZTA submit that it understood that no decision had been made as to where the rock material would be sourced. It expressed concern if any damage occurred to the seal caused by the turning traffic both in and out of the intersection with State Highway 60 at Tait Street. It requested that a condition be imposed that the applicant repairs road assets which in the opinion of the Council's Consents Manager are left defective. It was also requested that in the event that truck movements in and out of the intersection exceed four per hour a traffic management plan be sought from the NZTA.

We were advised that subsequent communications between the applicant and submitter have confirmed that the NZTA does not oppose the proposal provided the following conditions are volunteered:

- a) Any damage to the seal at the intersection of SH 60 and Tait Street shall be repaired by the Consent Holder at the applicant's expense; and
- b) If truck movements at the intersection of SH 60 and Tait Street exceed four per hour a Traffic Management Plan shall be sought from the NZTA's consultants.

The NZTA did not wish to be heard in support of its submission.

## **Tiakina te Taiao (Tiakina)**

Tiakina submit that the area is a cultural and archaeological “hotspot” and in general seek iwi involvement in the development of this area, including requesting the presence of iwi monitors when earthworks take place. In 2006 Tiakina was commissioned to prepare a Cultural Impact Assessment (CIA) of the overall issue of coastal erosion in this area, its submission reiterates the CIA’s recommendations as follows:

- a) That a thorough study of the coastal system, its processes and dynamics is undertaken along the Mapua/Ruby Bay coast;
- b) That the Council develop a long term solution based on the data gathered;
- c) That the Council carry out a full and thorough environment audit of an solutions developed; and
- d) That the Council present the findings to the Mapua/Ruby Bay community.

We were advised that, subsequent to the submission period closing, staff from the Engineering Department of the Council discussed the concerns expressed by Tiakina and Tiakina does not now wish to be heard in support of its submission.

## **4. PROCEDURAL MATTERS**

A procedural matter raised by the Chairman during the hearing was whether an additional coastal permit for a reclamation was required, given the size of the revetment and the quantity of infilling behind the structure. The advice from Council officers present was that a consent for reclamation was not required. Mr Reinen-Hamill for the applicant advised that it was his experience that different interpretations arose between local authorities as to what constituted a reclamation. It was agreed by the Committee during the site inspection that position of Mean High Water Springs (MHWS) in relation to the proposed revetment structure would be determinative of the need for any such permit. A request was subsequently forwarded to the applicant for a plan showing the position of MHWS in relation to the proposed protection works.

The applicant provided the Committee with a revised version of the plan submitted with the application which clearly showed that most of the revetment structure would be landward of the line of MHWS. This plan is attached to the conditions (Plan A). On the basis of this information the Committee concluded that there was no requirement for a coastal permit for a reclamation.

## **5. EVIDENCE HEARD**

The Committee heard evidence from the applicant, the Royal Forest and Bird Protection Society, and the Council’s reporting officer. The following is a summary of the evidence heard at the hearing.

### **5.1 Applicant’s Evidence**

Verbal evidence in support of the application and assessment of effects was provided by Mr R Reinen-Hamill who has 20 years experience in the area of coastal processes and is a principle of Tonkin and Taylor Ltd.

The proposed rock revetment will complete a seawall that will extend from Ruby Bay to the Mapua inlet. Various alternatives to the seawall were examined and are described in the application. These included managed retreat, beach nourishment and groynes. Beach nourishment would probably require a protection structure to be erected as well, and groynes would need to be accompanied by beach nourishment.

The shoreline along this part of the coast is currently in retreat due to a deficit of sediment that is most probably due to a lack of recent large earthquakes inland. The coastal erosion is most severe at the southern end of the reserve north of the existing revetment. For this reason the works will start from that end. The rock used to form the revetment will be of a colour that will tie in with the cobbles on the beach.

The proposed seawall is a short to medium term solution. Some reinstatement of the structure will be required after storm events during its lifetime. Beach lowering is likely to continue along this part of the coast, and beyond 50 years the rock revetment will become less stable. In the longer term some form of beach nourishment and protective barrier offshore may be required to address erosion issues along Ruby Bay.

## **5.2 Submitters' Evidence**

Mr T Bryant appeared on behalf of the Royal Forest and Bird Protection Society. He is a retired civil engineer. Forest and Bird is not opposed to the proposed seawall, however they consider that the Waimea Estuary is an important natural area and a management plan should be developed for the estuary. Consideration should be given to developing management provisions for the low lying area behind Ruby Bay and the esplanade reserve. There is a potential concern that protection works may encourage subdivision and development of this area.

## **5.3 Council's Reporting Officer's Report and Evidence**

Ms R Squire, Consent Planner (Coastal), provided a section 42A report for the hearing. Ms Squire was present at the hearing and answered questions from the Committee.

Ms Squire's report identified:

- Issues arising from the effects of coastal erosion at the Old Mill Walkway Esplanade Reserve, and the protection works proposed.
- Submissions received.
- Statutory considerations and effects on the environment.
- Relevant policy and planning provisions.



The report stated that the works are in response to a community need to protect the reserve from ongoing erosion and to maintain public access. They would also reduce the coastal erosion and to some degree inundation hazard to private property owners landward of the reserve. The adverse effects generated by the construction of the revetment would be short term and be undertaken in a manner which will minimise disturbance to adjoining landowners and nearby residents. The activity was not considered to be inconsistent with the objectives and policies in the Open Space Zone and Coastal Marine Area.

Ms Squire recommended that the application be granted, subject to a proposed set of draft conditions including landscaping provisions. The applicant indicated at the hearing that the inclusion of a landscaping condition would be acceptable to them.

#### **5.4 Applicant's Right of Reply**

The applicant waived their right of reply.

### **6. PRINCIPAL ISSUES**

Both Tiakina and the Royal Forest and Bird Protection Society raised issues in their submissions about the need for a study and long term management approach for this part of the coast. In particular, Tiakina requested:

- a) That a thorough study of the coastal system, its processes and dynamics is undertaken along the Mapua/ Ruby Bay coast;
- b) That the Council develop a long term solution based on the data gathered;
- c) That the Council carry out a full and thorough environment audit of an solutions developed; and
- d) That the Council present the findings to the Mapua/Ruby Bay community.

The need for a long term solution to coastal retreat issues was also endorsed by Mr Reinen-Hamill on behalf of the applicant.

While these proposals lie beyond the scope of this application, we have been mindful of them when framing the conditions.

There were no other major issues of contention between the parties. Three submitters supported the application, and three were neutral. Only NZTA and Tiakino te Tiao requested conditions, and the Committee were advised by council staff that both parties had accepted the additional conditions proposed. Both parties did not wish to be heard in support of their submissions.

### **7. MAIN FINDINGS OF FACT**

The Committee considers that the following are the main facts relating to this application:

- a) The coastline in this part of Tasman Bay is experiencing high levels of coastal retreat of up to 1 metre per year. This retreat appears to have arisen from a long term reduction in sediment supply from rivers flowing into Tasman Bay, and possibly alterations to hydrology in the Waimea estuary.

- b) Coastal erosion threatens the continued existence of the Esplanade Reserve and walkway which is highly valued by the local community. This could lead to a loss of public foot access along this part of the coast when the tide at high tide or during storm conditions.
- c) Coastal protection works exist along most of the coastline from Ruby Bay to Mapua inlet. The shoreline along part of the Esplanade Reserve that is the subject of this application is the exception. Some of the existing protection works were carried out on private land above MHWS in anticipation of coastal retreat, and did not require a coastal permit. The land has subsequently eroded, exposing the protection works to the sea. These existing protection structures may be exacerbating erosion along the unprotected section of the shoreline abutting the Esplanade Reserve.
- d) The proposed structure has been designed and engineered in a way that will allow for the restoration of part of the Esplanade Reserve width that has been lost and provide for the subsequent protection of the Reserve from further coastal erosion. In the short term, some damage may occur to the rock revetment during storm events, but this should be relatively easy to repair.
- e) The proposed structure is not anticipated to have an effective life beyond about 50 years. It is essentially a short to medium term response to long term coastal erosion processes, which may or may not have been exacerbated by human activity. This means that a more permanent management solution to coastal retreat will need to be developed for this part of Tasman Bay. It also means that the proposed structure may need to be removed, or incorporated within a replacement structure once it has reached the end of its life.
- f) There are archaeological sites in the vicinity of proposed works and there is a possibility of further unknown sites existing on the affected site. These sites and other taonga are of significant interest to iwi - Tiakina te Taiao consider that the area is a cultural and archaeological "hotspot" The discovery of any archaeological site is subject to the provisions of the Historic Places Act and an application must be made to the Historic Places Trust for an authority to modify or destroy the site.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

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

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

The Committee had particular regard to policies 1.1.1, 1.1.2(c), 1.1.3, 1.1.4, 3.1.1, 2.1.2, 3.2.2, 3.2.4, 3.4.2, 3.4.6, 4.1.3 and 4.1.4 of the NZCPS.

The natural character of this part of the coast in terms of Policies 1.1.1 has already been compromised by protection works and development, and although there will be some minor effects on natural character these can be mitigated by conditions. While there are likely to be some cumulative effects on the natural character of the coastal environment in terms of Policy 1.1.1 (c), and Policy 3.2.4 in that the protection works along this part of the coast will be extended in length, it was not considered that these would be adverse to a significant degree. The Committee did not consider that the proposed works would adversely affect any of the matters identified in Policies 1.1.2(c), 1.1.3, and 1.1.4.

The proposed works will protect open space values in terms of Policy 3.1.1, and any adverse effects on the coastal environment can be mitigated in terms of Policy 3.2.2. The protection works that have been selected appear to be the best practical option in terms of Policy 3.4.6 and the conditions proposed will ensure that the matters in Policies 4.1.3 and 4.1.4 are addressed.

The Committee considered that overall, and taking into account the conditions proposed, the application was not inconsistent with the relevant policies of the NZCPS.

The Committee concurred with analysis of the TRPS and the TRMP at page 15 of the section 42A report of Ms Squires, and agrees that the proposed activity is not contrary to the overall thrust of the relevant objectives and policies of the TRMP (which are based on those the TRPS) . In particular, the Committee took into account the provisions of Policy 23.1.4 of the TRMP, which states:

*To allow the establishment of coastal protection works only where:*

- (a) the works are justified by a community need;*
- (b) alternative responses to the hazard are impractical, impose a high community cost, or have greater adverse effects on the environment;*
- (c) for works protecting individual properties, the works will not cause or exacerbate adverse effects on other properties in the vicinity;*
- (d) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect the natural character, natural processes or amenity values of the coastal marine area beyond the site of the work;*
- (e) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes do not adversely affect the natural character or amenity values of the coastal marine area;*
- (f) public access to and along the foreshore is maintained or enhanced; and*
- (g) other adverse effects of the work are avoided, remedied or mitigated.*

The Committee was satisfied that the application was consistent with (a) to (g) of this policy.

## 8.2 Part II Matters

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

Sections 6 (a), (d), (e), and (f) are relevant to the application. The Committee considered that the proposed development would not be inappropriate in terms of section 6(c) because of the extent of coastal works already in place, the relatively low level of effects, and the protection that would be afforded to public access, and a public reserve. While there would be minor effects on natural character at the site, the overall natural character of this part of the coast would largely be preserved.

The proposed works will also result in public access along the coast being maintained and enhanced, in terms of section 6(d).

Maori interests and relationships in terms of section 6(e) and section 8 of the Act have been provided for through conditions requiring that an iwi representative be invited to be present during any earthworks at the site. The protection of historic heritage in terms of section 6(f) has been addressed through a condition requiring that work cease if archaeological or heritage sites (including taonga or koiwi) are discovered, and a relevant Historic Places Trust approval will be required before works recommence.

In relation to section 7 matters, the Committee considered that the proposed works would not be inconsistent with these matters, and in particular that the proposal would provide for the kaitiakitanga of local iwi in terms of 7(a), and that it would maintain and enhance amenity values in terms of section 7(c).

In terms of section 5 of the Act, the Committee considered that, overall, the application enables the communities of Ruby Bay and Mapua to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- a) Sustaining the potential of the natural and physical resources 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.

The application is therefore considered to be consistent with Part II of the Act.

## 9. DECISION AND RECOMMENDATION

Pursuant to Section 104A of the Act, the Committee **GRANTS** consent to RM080893, RM080894, RM80954, RM80955 subject to the attached conditions.

Pursuant to Section 117 of the Act, the Committee recommends that the Minister of Conservation grant consent to RM080953, subject to the attached conditions

## **10. REASONS FOR THE DECISION AND RECOMMENDATION**

The Committee is satisfied that, taking into account the conditions proposed, any adverse effects on the environment arising from the proposed protection works will be minor, and that positive effects will arise in terms of the protection of the Esplanade Reserve and public access along the coast. The Committee also took into account the effects of existing protection works and the likelihood that these were exacerbating erosion on the unprotected part of the Esplanade Reserve. Overall, the application is considered to be consistent with Part II of the Act and the relevant provisions of the NZCPS, the TRPS, and the TRMP.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

Conditions have been imposed requiring the proposed protection works to be constructed in accordance with the application as submitted, and to avoid, remedy, or mitigate adverse effects that may result. Because the proposed works are only considered to be a short to medium term solution in respect of coastal erosion issues in this part of Tasman Bay, a condition has been imposed requiring the structure to be removed, or incorporated in any replacement structure in the event of it becoming redundant or not longer fit for purpose.

A specific condition provides for invitation to be extended for an iwi representative to be present when any earthworks are carried out at the site, and for all works to cease if archaeological or heritage sites are exposed. A landscaping condition has also been imposed to remedy or mitigate effects on natural character from the construction of the protection works.

## **12. LAPSING OF CONSENTS**

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

## **13. EXPIRY OF CONSENTS**

The consent for a restricted coastal activity and coastal permit to occupy the coastal marine area expires on 23 March 2044.

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

Issued this 20<sup>th</sup> day of April, 2009



Robin Delamore  
**Chair of Hearings Committee**



## RESOURCE CONSENT

### RESOURCE CONSENT NUMBERS AND ACTIVITIES AUTHORISED

RM080953	Erect 510 metre long revetment more or less parallel to line of mean high water springs.
RM080893	Occupy to the coastal marine area with the rock revetment structure authorised by RM080953.
RM080894	Disturb the coastal marine area for the purposes of constructing the rock revetment structure authorised by RM080953.
RM080954	Construct a rock revetment on land in the Open Space Zone.
RM080955	Undertake land disturbance in the Coastal Environment Area.

Pursuant to Section 119 of the Resource Management Act 1991 ("the Act"), the Minister of Conservation hereby grants resource consent RM080953 to Tasman District Council (hereinafter referred to as "the Consent Holder").

Pursuant to Section 104A of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent for RM080893, RM080894, RM080954, RM080955 to Tasman District Council (hereinafter referred to as "the Consent Holder").

### LOCATION DETAILS

Address of property:	152 Aranui Road, Mapua
Legal description:	Lot 12 DP 16467
Certificate of title:	NL10D/220
Valuation number:	1938022901
Easting and Northing:	2518029E 5996100N

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

### Conditions applying to all consents

1. The Consent Holder shall ensure that the activities are undertaken in general accordance with the application submitted by Tonkin & Taylor Ltd on behalf of the Tasman District Council ("the Council") and with the Plans labelled 83948.004 - 01 to 03, dated September 2008 and attached as Plans A, B and C. Notwithstanding this, if there are any inconsistencies between this information and the conditions of consent, the conditions of consent shall prevail.
2. The Consent Holder shall ensure that any contractors undertaking the works are made aware of the conditions of these resource consents and shall ensure compliance with all conditions.

3. The conditions of the consents may be reviewed in accordance with Sections 128 of the Act at any time during the exercise of this consent for the purposes of:
  - a) dealing with, or requiring the applicant to adopt the best practicable option to remove or reduce any adverse effect on the environment arising from the exercise of the consents;
  - b) taking into account uncertainties such as predicted sea level rise, climatic changes and beach accretion or erosion, all of which may influence the operation or sustainability of the structures and discharge;
  - c) revising the beach profile monitoring programme;
  - d) to deal with any other adverse effect on the environment on which the exercise of these consents may have an influence; and/or
  - e) requiring compliance with the requirements of any relevant operative regional plan, national environmental standard, or Act of Parliament.

**Special conditions for RM080953 (restricted coastal activity for structure) and RM080893 (coastal permit to occupy)**

4. The consent for a restricted coastal activity and coastal permit to occupy the coastal marine area shall expire on 23 March 2044.
5. The design and construction of the works shall be carried out under the supervision of a chartered professional engineer with appropriate experience in coastal structures engineering.
6. The Consent Holder shall inform the Council's Co-ordinator Compliance Monitoring (Carl Cheeseman, (03) 543 8436) and the Council's Reserves Manager (Beryl Wilkes (03) 543 8391) at least five working days prior to commencing the works and five working days following their completion so monitoring of conditions can be programmed.
7. The Consent Holder shall, at least one week prior to commencing any works, contact Tiakina te Taiao Limited, PO Box 13, Nelson (ph (03) 546 7842) and advise it of the commencement date of the earthworks and shall also invite an iwi representative to be present during any earthworks at the site. In the event of archaeological sites (e.g., shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust (C/- Mr Steve Bagley, Department of Conservation, Private Bag 5, Nelson, phone (03) 546 9335), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

**Advice Note**

The Council is aware of archaeological sites in the vicinity of the subject site and as such there is a possibility of further unknown sites existing on the subject site. The discovery of any archaeological site is subject to the provisions of the Historic Places Act and an application must be made to the Historic Places Trust for an authority to modify or destroy the site.

8. The base for the rock revetment structure shall be constructed using suitably graded and competent fill material, so as to provide a sound base on which to construct the revetment. Such preparatory works as may be necessary, including removal of unsuitable marine sediments or other material, shall be undertaken, and the fill material placed and compacted, so that it is structurally sound.
9. The Consent Holder shall ensure that all fill, rock revetment materials are sufficiently clean prior to placement so as to not leach contaminants into the coastal marine area.
10. The rock revetment structure shall have a maximum batter slope of 2H:1V and shall be constructed in a manner that provides a smooth, tightly interlocking face. The rock material shall be laid on a graded and shaped foreshore face of competent, compacted material over which is laid a geotextile cloth fabric of suitable grading. The toe of the rock revetment (including fabric placement) shall be embedded to a depth no higher than RL 0.5 metres above mean sea level (i.e., embedment depth of approximately 2.0 metres below beach level), in the manner shown on the Plan C attached to this consent. The fabric and placed rock shall extend to and terminate at or above the general level of the land immediately behind the revetment works, and in such a manner as to prevent washout of sand material behind/beneath the fabric. The geotextile fabric shall be appropriately placed and anchored to ground to prevent material being lost from beneath or behind the fabric through wave action or seawater inundation. The rock material shall be placed in such a manner (e.g. on an initial bed of suitably graded granular material placed on the fabric) so as to prevent puncturing or tearing of the fabric.
11. The rock revetment shall tie into the existing rock revetment to the south and, particularly, to the access ramp and existing rock revetment adjoining Chaytor Reserve to the north in such a manner so as to result in a smooth and continuous transition that minimises end effect erosion.
12. The works shall be undertaken in a manner that limits to a minor level any adverse effects of the activity on the foreshore beyond the immediate site of the works, water quality, natural beach profile, prevailing coastal processes, noise generation, and other disturbances to adjacent residents, and the reasonable continuation of public access along the beach.
13. Construction works associated with the activities shall not take place between the hours of 1900 and 0700. No works shall be undertaken on Sundays or Public Holidays.
14. The Consent Holder shall not exceed the recommended upper noise limits as described in the New Zealand Construction Noise Standard NZS 6803:1999 Acoustics – Construction Noise.
15. Any damage to the seal at the intersection of State Highway 60 and Tait Street caused by the works approved by this consent shall be repaired by the Consent Holder at the Consent Holder's expense.
16. If truck movements at the intersection of SH 60 and Tait Street exceed four movements per hour a Traffic Management Plan shall be sought from the New Zealand Transport Agency's consultants.



17. The Consent Holder shall ensure that all machinery is maintained and operated in such a manner so as to minimise to the greatest extent practicable any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling, servicing and maintenance. Maintenance, refuelling and lubrication of machinery shall not be carried out within 20 metres of the coastal marine area or any surface water body. Spillage of contaminants into any watercourse or onto land shall be remediated so that no residual potential for contamination of land and surface or sea water occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform the Council's Co-ordinator Compliance Monitoring. The Consent Holder shall ensure that all contractors working under this consent are informed of this requirement.
18. Within three months following completion of the works, the Consent Holder shall provide the Council with an "as built" survey plan that confirms the final constructed details of the works.
19. The Consent Holder shall undertake beach profile survey monitoring of the area, in liaison with the Council's Resource Scientist, Rivers & Coast. Profile surveys shall be undertaken over at least five regularly spaced locations between the southern end of the Broadsea Avenue revetment and the southern end of the works authorised by these consents. Profile surveys shall be undertaken within a month of the proposed commencement of construction, within a month of completion of revetment construction and thereafter no less than two times each year, generally in November and April.

In addition, a profile survey shall be undertaken as soon as possible (but within two weeks) after a significant storm event, as requested by the Council's Environment & Planning Manager or its delegated agent. Each survey profile shall extend from the rear boundary of the Old Mill Walkway Esplanade Reserve to a point on the intertidal platform a minimum of 100 metres seaward of the toe of the main beach slope. This monitoring shall be complied and reviewed by an experienced coastal engineer or scientist on an annual basis and a short report summarising the observed trends over the year shall be provided to the Council's Environment & Planning Manager or its delegated agent.

20. The Consent Holder shall undertake and maintain the works in a competent state and shall comply at its own expense with any directions given by the Council's Environment & Planning Manager or Reserves Manager with respect to the continued operation and maintenance of the works.
21. In the event of the structure becoming redundant or no longer fit for purpose the consent holder shall take all necessary steps to either remove the structure, or to incorporate the structure or the materials used in its construction in a replacement authorised structure or other works.
22. The rock material used in the construction of the structure shall be of a similar colouration and texture to that used in the existing Stage 1 revetment at the southern end of the esplanade reserve.

**Special conditions for RM080894 (coastal permit to disturb the coastal marine area) and RM080955 (land use consent for land disturbance)**

23. The consents to disturb the coastal marine area and undertake land disturbance activities shall expire on 23 March 2012.
24. Construction shall occur at such stages of the tide so as to not occur within, or be impacted or affected by, the ebb and flow of seawater and shall be undertaken in segments of approximately 5-15 metres.
25. All vehicle movements along the foreshore shall be restricted to the smallest area practicable.
26. Vegetation and/or other waste material shall be removed from the reserve and foreshore only to the extent necessary to facilitate the construction of the revetment works. This material shall be disposed of to an approved land-based disposal site or disposed of by other approved means. The Consent Holder shall ensure that all excess soil, vegetation and other materials are removed from the site on completion of the works and that the site is left in a neat and tidy condition. No soil material or vegetation shall be left where it may enter water or result in the contamination of the coastal marine area.

**Special conditions for RM080955 (land use consent for structure in Open Space Zone)**

27. The Consent Holder shall erect advice notices at both ends of the construction area. These notices shall provide warning of the construction activities noting any precautions that should be taken, as well as advising the period(s) during which these activities will be occurring and when public access shall be restricted. The notices shall be erected at least 10 working days prior to the commencement of the works and shall remain in place for the duration of the works before being removed on completion of the works.
28. The Consent Holder shall ensure that unimpeded public access along the reserve or adjacent beach is maintained to the greatest extent practicable during construction and any subsequent maintenance works, with the exception of such construction times and areas where safety of the public would be endangered as a result of the works in progress.
29. Provision shall be made for a public access ramp to the foreshore off the southern end of Chaytor Reserve as shown on Plan B and via a stairway access at an intermediate point along the revetment as shown on Plan C attached.
30. The Consent Holder shall re-establish the turf cover on all disturbed ground within the Old Mill Walkway Esplanade Reserve and Chaytor Reserve as soon as practicable (but no later than six months) following completion of the works.

31. Within six months following the granting of these consents the Consent Holder shall prepare a Landscape Development Plan for the Old Mill Walkway Esplanade Reserve and shall submit this for the approval of the Council's Environment & Planning Manager (or its delegated agent), acting in a technical certification capacity. The plan shall identify the species to be used and the development of the landscape plantings on the reserve (which may be staged) and timeframes for undertaking the plantings. The Plan shall be implemented in the first growing season following the completion of the authorised works.

## **ADVICE NOTES**

1. These resource consents only authorise the activities described above. Any matters or activities not referred to in these consents or covered by the conditions must either:
  1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
  2. be allowed by the Resource Management Act; or
  3. be authorised by separate resource consent.
2. The applicant shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Monitoring of the consent is required under Section 35 of the RMA and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover this additional amount from the Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

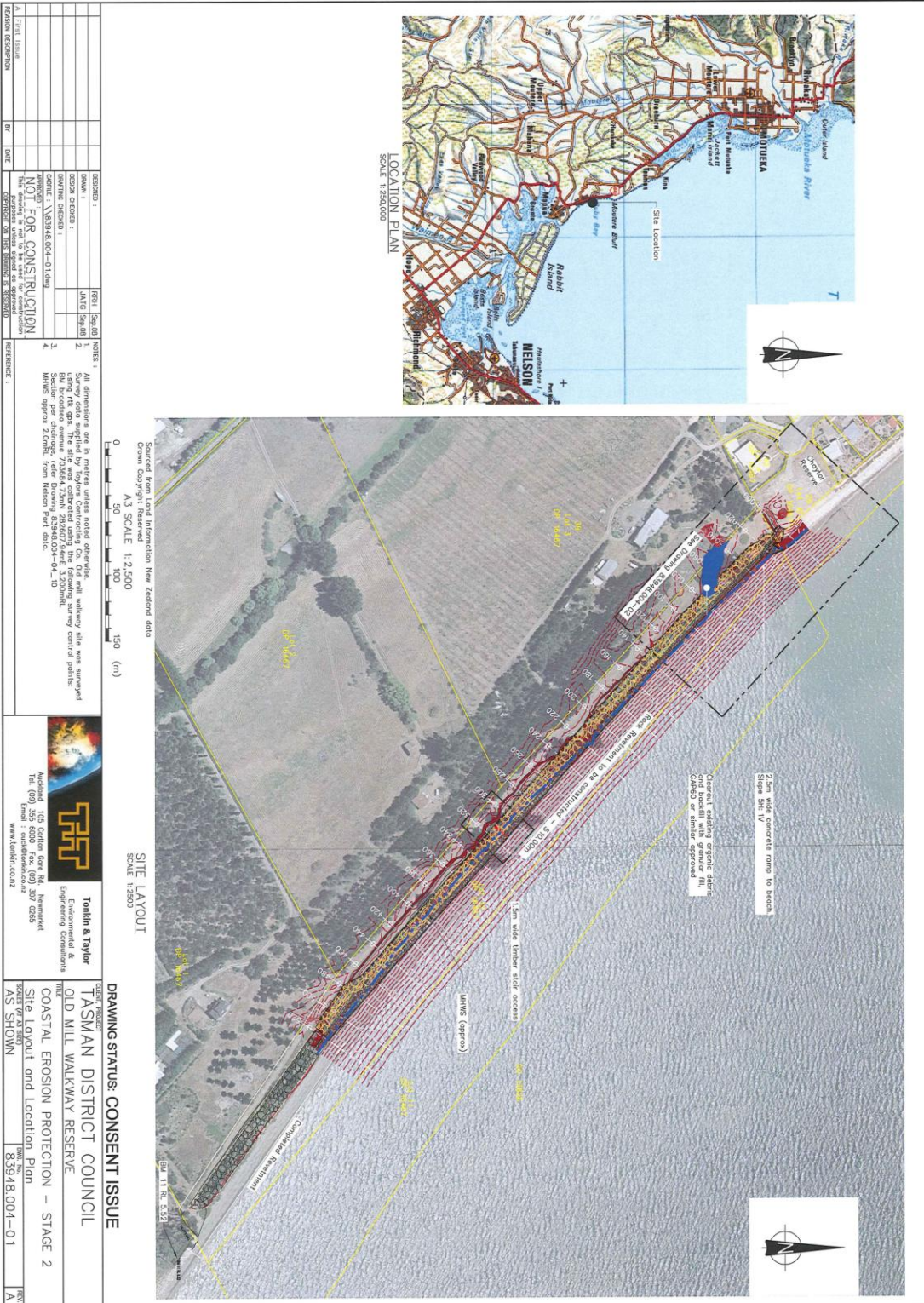
Issued this 20<sup>th</sup> day of April, 2009

A handwritten signature in black ink, appearing to read 'Robin Delamore', written in a cursive style.

Robin Delamore  
**Chair of Hearings Committee**

# Plan A

P:\83948\83948.004\WorkingMaterial\CAD\83948.004-01.dwg, 01, 24/03/2009 11:14:21 a.m., eaa, 1:1



NO.	DESCRIPTION	DATE	BY
1	Issue		
2	Issue		
3	Issue		
4	Issue		

**NOT FOR CONSTRUCTION**  
 This drawing is not to be used for construction purposes.  
 It is intended for use in the preparation of resource consent applications.

**NOTES:**  
 1. All dimensions are in metres unless noted otherwise.  
 2. The site is shown as a red line on the aerial photograph.  
 3. The site is shown as a red line on the aerial photograph.  
 4. The site is shown as a red line on the aerial photograph.

**Tonkin & Taylor**  
 Environmental & Engineering Consultants  
 105 Collins Street, Nelson  
 Tel: (09) 335 8000 Fax: (09) 307 0265  
 www.tonkin.co.nz

**CLIENT PROJECT:**  
 TASMAN DISTRICT COUNCIL  
 OLD MILL WALKWAY RESERVE

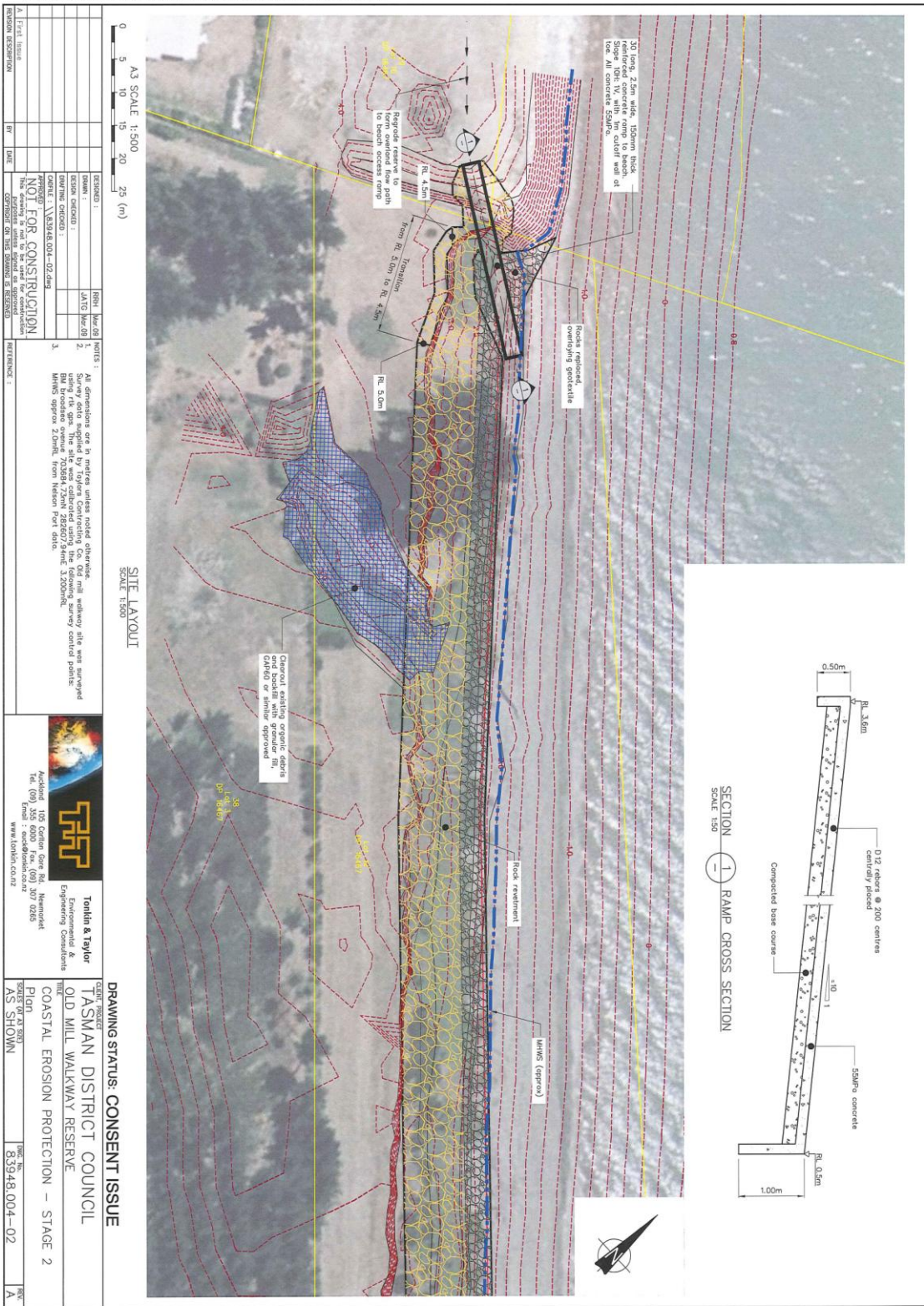
**TITLE:**  
 COASTAL EROSION PROTECTION - STAGE 2  
 Site Layout and Location Plan

**SCALE:**  
 1:2,500

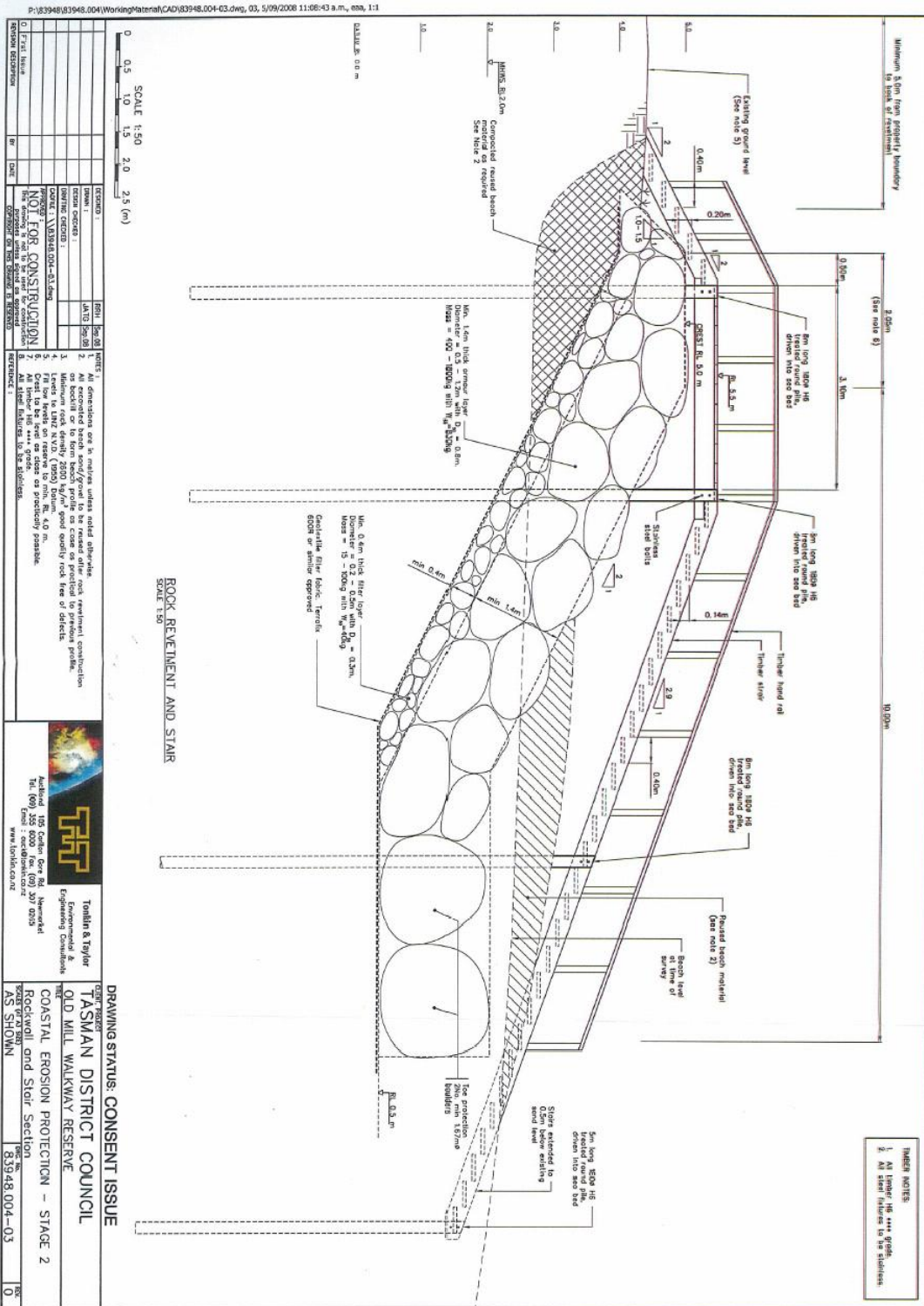
**DRAWING STATUS:** CONSENT ISSUE

**DATE:** 24/03/2009

**BY:** EAA



Plan C



Date Confirmed: \_\_\_\_\_

Chair: \_\_\_\_\_