

STAFF REPORT

TO: Environment & Planning Subcommittee
Commissioner Hearing

FROM: Rosalind Squire, Consent Planner, Coastal

REFERENCE: RM080953 - Restricted Coastal Activity
RM080893 - Coastal Permit (Occupation)
RM080894 - Coastal Permit (Disturbance)
RM080954 - Land Use (Build structure)
RM080955 - Land Use (Land Disturbance)

SUBJECT: **TASMAN DISTRICT COUNCIL - REPORT EP09/03/02** - Report prepared for hearing of 23 March 2009

1. INTRODUCTION

Tasman District Council's Old Mill Walkway Esplanade Reserve extends from the southern end of Chaytor Reserve, Ruby Bay, along the foreshore to link with the walkway reserve off Aranui Road, Mapua. The esplanade reserve provides an important amenity for the Mapua and Ruby Bay communities and a coastal walkway circuit between those two settlements. At higher stages of the tide, it provides the only public access along the foreshore.

The reserve has been subject to ongoing coastal erosion over the past two decades and suffered particularly badly as a result of a storm in June 2006 (See Photograph 1). Since its vesting, the reserve has been reduced in width from 60 metres to 3 – 4 metres in some of the worst affected places.



Photograph 1: Erosion at Old Mill Walkway Esplanade Reserve

In 2007 the Tasman District Council applied for and was granted coastal permits and land use consents to erect a 175 metres long 5 metres (RL) high rock revetment structure and a 15 – 20 metres wide cobble access beach at the southern end of the Old Mill Walkway Esplanade Reserve as the first stage in a two stage development to protect the walkway from ongoing coastal erosion (See Photograph 2).



Photograph 2: Stage 1 of the Old Mill Walkway Rock Revetment and cobble beach access

The applications which are the subject of this report are seeking consent to construct Stage 2 of the erosion protection works. The works comprise a 510 metres long 12 metres wide rock revetment structure leaving a minimum area of 5 metres between the revetment and the boundary of the privately owned land to the rear. The overall height of the revetment is 5 metres (RL) the height of the structure from the base of the toe to the top of the crest is 4.5 metres. The armour layer will have a maximum batter slope of 2H;1V which will provide energy dissipation and match the adjacent armoured slope. The toe of the revetment will be located at 0.5 metres RL to provide toe support. Rock armour has been dimensioned taking into account wave overtopping. A 0.4 metres thick filter layer has been designed to meet recommended filter criteria and will be comprised of 0.15 to 0.4 metres rock. The filter layer will be placed on top of a geotextile filter fabric. Existing low points along the Reserve behind the revetment will be filled with imported sand and/or granular fill to form a more level walkway. Approximately 13,000 m³ of rock material (armour and filter material) will be required for the works.

The construction of the rock revetment will involve the removal of the existing topsoil and vegetation, excavation of the foreshore to a depth of 2 metres below current beach level to allow the revetment to be constructed with a 0.5 metres (RL) foundation for toe support. Excavated sand will generally be placed on the foreshore for natural redistribution and on the reserve to fill in low points to a minimum level of 4 metres (RL). Geotextile fabric will then be placed over the prepared surface followed by the filter layer and rock armour.

Excavation of the foundations will be undertaken by excavators working from the foreshore at times when tidal conditions allow. Placement of rocks will be undertaken from below and above the slope. The building of the revetment will take place progressively from south to north, with foundations placed during low tide and the upper portions completed at high tide. The works are expected to be undertaken in segments to minimise risk of foundation exposure.

The works are programmed to take place as soon as possible and are expected to take three to five months to complete. All works will be undertaken between the hours of 7.00 am and 7.00 pm, Monday to Saturday. Work will only be undertaken when tidal conditions are such that work can continue above water level.

The revetment has been designed with the objective of creating a stable structure with a minimum footprint. The revetment will tie into the existing rock revetment to the north and south and has been designed for a minimum 1 in 10 year return period storm event, with a crest elevation at 5.0 metres (RL). This generally exceeds the levels along the reserve and beach crest by around 0.5 -1.0 metres, but is similar to the crest elevation of the existing clay bund along Broadsea Avenue and the existing rock revetment to the south.

At present, pedestrian access to the beach is provided off the end of Chaytor Reserve (See Photograph 3), it is proposed that this access be improved by providing a main access point at Chaytor Reserve, and an intermediate access stairway half way along the revetment (See Plan A following recommended conditions). Access from Chaytor Reserve will be provided by a 30 metres long 2.5 metres wide sloping ramp with a grade of 10H:1V. This is considered to be the optimal slope for general pedestrian access and launching of hand held vessels. The ramp will also provide an overland flow path to discharge surface flooding from a regraded Chaytor Reserve.



Photograph 3: Existing eroded access off Chaytor Reserve

At the southern end of already completed revetment access is provided by a sloping cobble beach (See Photograph 4).



Photograph 4: Existing cobble access off walkway

It is anticipated that once Stage 2 of the revetment is complete this will provide (with due maintenance after storm damage) at least a medium-term erosion and inundation protection for the entire 700 metre length of reserve along the foreshore.

Access to the site during construction will be from Chaytor Reserve via Tait Street and Broadsea Avenue (See Figure 1). Approximately 650 truckloads of material will be required to access the site (based on trucks with a 20 m³ capacity being used). The works lay down and stockpiling area will be located on Chaytor Reserve. Although the working area will be fenced off, access to the Ruby Bay Esplanade Reserve to the north and access to the south during lower tide levels will be maintained. During construction access along Old Mill Walkway Reserve will not be possible due to the narrow width of the reserve and construction traffic. To maintain some access a minimum path of 1.5 metres is proposed along the landward edge of the reserve (subject to agreement with the adjoining landowners).



Figure 1: Access to the site off SH60, Tait Street and Broadsea Avenue

1.1 Location

Old Mill Walkway Esplanade Reserve, off Tait Street and Chaytor Reserve, Ruby Bay / Mapua (See Figure 2 and 3).

Northern extent of rock revetment – 2517758E 5996337N

Southern extent of rock revetment – 2518139E 5995995N



Figure 2: Location of application site north of Mapua township



Figure 3: Location of application site

1.2 Legal Description

Lot 12 DP 16467 NL 10D/220 – Old Mill Walkway Esplanade Reserve

Foreshore and Seabed vested in the Crown under the Foreshore and Seabed Act 2004

1.3 Tasman Resource Management Plan

Coastal Marine Area

Land Zone: Open Space Zone

Area: Land Disturbance Area 1

1.4 Applications

To undertake the following activities in association with the construction of a 510 metre rock revetment structure:

Restricted Coastal Activity RM080953 - To exceed the 300 metre length of a solid structure constructed parallel to the line of mean high water springs under Rule 25.3.2(c);

The Minister of Conservation has determined that certain activities undertaken in the coastal marine area may have significant or irreversible effects. There are circumstances where these activities are deemed to be restricted coastal activities (RCA's). In practice applications deemed to be RCAs are heard by a committee comprising representatives of the Tasman District Council and a member representing the Minister of Conservation. This committee does not have the authority to grant the restricted coastal activity consent but only to make a recommendation to the Minister of Conservation. The Minister holds the authority to grant consent.

Section 117 of the Resource Management Act 1991 (RMA) details the process required to be followed when considering applications for RCA's and refers to a regional coastal plan (regional coastal plans are defined in Section 2 of the RMA as being an operative plan). Therefore the operative Transitional Regional Coastal Plan should be used for the identification of activities that are RCA's (See Appendix 1). The proposed structure is greater than 200 metres in length and therefore falls to be considered as a RCA.

Coastal Permit RM080893 - To occupy the Coastal Marine Area (CMA): Innominate under Section 12 of the Resource Management Act 1991;

Coastal Permit RM080894 - To disturb the foreshore or seabed in association with the excavation of the site and placement of the rock revetment structure plus associated discharge of sediment: Unlimited Discretionary Activity under Rule 25.2.4;

Council's assessment of the application may include, but is not limited to, matters of the kind listed in Appendix 2.

Land Use Consent RM080954 – To erect a structure in the Open Space Zone: Unlimited Discretionary Activity under Rule 17.9.2.2; and

Land Use Consent RM080955 - To undertake land disturbance activities associated with the excavation of the site, placement of rock and associated infilling within 200 metres of the CMA: Limited Discretionary Activity under Rule 18.5.2.5.

Council's discretion is limited to the matters listed in Appendix 3.

Consent to occupy the coastal marine area has been applied for 35 years, consents to disturb the coastal marine area and undertake land disturbance activities has been applied for three years.

2. SUBMISSIONS

The application was publicly notified on 15 November 2008 with submissions closing on 12 December 2008. Six submissions were made to the application, three supported the application and three were neutral.

2.1 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 Tasman District 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 do not wish to be heard in support of their submission.

Richard Beck and Christine Johnston

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

Ray and Roger Robinson

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

2.2 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 submit 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. They wish to encourage Council to investigate and implement a longer term solution for the Ruby Bay foreshore as a whole. However, they acknowledge 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. They note that supporting this application does not mean that they encourage 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 wish to be heard in support of their submission.

The New Zealand Transport Agency

The New Zealand Transport Agency submit that they understood that no decision had been made as to where the rock material would be sourced, they 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. They requested that a condition be imposed that the applicant repair road assets which in the opinion of the Councils 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 Agency.

Subsequent communications between the applicant and submitter have confirmed that they do not oppose to 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 applicants 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 New Zealand Transport Agency's consultants.

The NZTA do not wish to be heard in support of their submission.

Tiakina te Taiao

Tiakina te Taiao 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, their 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 Council develop a long term solution based on the data gathered;
- c) That Council carry out a full and thorough environment audit of an solutions developed; and
- d) That Council present the findings to the Mapua/Ruby Bay community.

Subsequent to the submission period closing staff from the Engineering Department of the TDC discussed the concerns expressed by Tiakina and Tiakina te Taiao do not now wish to be heard in support of their submission.

3. STATUTORY CONSIDERATIONS

3.1 Section 104 Resource Management Act 1991

When considering the application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:

- a) any actual and potential effects on the environment of allowing the activity; and
- b) any relevant provisions of:
 - i) a National Policy Statement;
 - ii) a New Zealand coastal policy statement (NZCPS);
 - iii) a Regional Policy Statement (RPS);
 - iv) a Plan or Proposed Plan; and
- c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

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 the plan permits an activity with that effect.

3.2 Part II Resource Management Act 1991 (RMA)

Part II of the RMA outlines its purpose and principles, the purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining their potential to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil, and ecosystems and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In achieving the purpose of the Act, all persons exercising functions and powers under it **shall recognise and provide** for amongst other matters the following matters of national importance:

- The preservation of the natural character of the coastal environment (including the CMA), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- The protection of historic heritage from inappropriate subdivision, use and development.

In achieving the purpose of the Act, all persons exercising functions and powers under it **shall have particular regard to amongst other matters the following:**

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values;
- Intrinsic values of ecosystems;
- Maintenance and enhancement of the quality of the environment;
- Any finite characteristics of natural and physical resources; and
- The effects of climate change.

In achieving the purpose of this Act, all persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi.

The relevant principles outlined in Sections 6, 7 and 8 of the Act have been reviewed and it is considered that granting these resource consents will achieve the purpose of the Act as presented in Section 5. The erection of the revetment will ensure the sustainable management of the existing eroded and degraded shoreline in the short to medium term by the construction of a more stable revetment shoreline. The Old Mill Walkway Esplanade Reserve is a finite physical resource providing public access to the coast and as such needs to be managed in a manner that protects it from ongoing erosion so that it can meet the needs of future generations. The construction of the revetment will not preclude other options being considered for long term protection.

Sections 6 and 7 of the Act require the recognition and provision of matters of national importance and other matters. With respect to the matters of national importance it is considered that the natural character of the coastal environment in the vicinity of the proposed revetment is already significantly compromised by existing rock revetment structures and residential development. The proposed revetment will “complete the picture” with respect to erosion protection works along this stretch of coastline. The construction of the revetment will provide for the maintenance and enhancement of public access to and along the coastal marine area in a manner which will not compromise any outstanding natural features, landscapes, significant indigenous vegetation or habitat. This area of the coastline is not identified in the Plan as an area with nationally or internationally important natural ecosystem values. The foreshore has already been substantially eroded and retains little if any indigenous vegetation or habitat. The Mapua/Ruby Bay area generally or its shoreline is not recognised as having outstanding natural features.

The concerns of iwi and hapu in relation to waahi tapu and taonga that may be affected by the application have been taken into account through the consultation process. No specific concerns have been expressed except for the need to have iwi involvement in the development of this area. The applicant has provided for tangata whenua to undertake a cultural impact assessment of the wider Ruby Bay area, and has agreed to allow iwi monitors on-site during the excavation works.

3.3 Assessment of the Actual and Potential Effects on the Environment

The principal issues associated with the proposed activity involve the actual and potential effects on the environment. For this application these were identified as being:

- a) disturbance during construction and maintenance works;
- b) effects on coastal processes;
- c) effects on coastal ecology and water quality;
- d) effects on natural character, landscape and land use;
- e) effects on community, public access and recreation; and
- f) effects on heritage and cultural values.

Disturbance during Construction and Maintenance Works

The immediately adjoining landowners will be subject to noise, possibly some dust and visual effects from both construction of the revetment and from the associated truck movements. However, these effects will be intermittent and temporary. There will also be some disruption to users of the reserve and the adjoining foreshore during the construction period. However, to the extent possible a pedestrian corridor will be provided from the foreshore to link with the walkway adjoining Stage 1 of the works and ultimately the walkway to Aranui Road. Any disruption is not expected to be significant, as the works will be undertaken after the summer high use season and will be of limited duration.

Works will be undertaken between 7.00 am and 7.00 pm Monday to Saturday and will be undertaken so that construction noise standards can be met. No works will be carried out on Sundays and public holidays. Construction shall be limited to periods where machinery can work above water level at all stages of the tide.

During construction, excavation machinery and trucks transporting rock material will operate within the reserve area and foreshore. For safety reasons, public will be temporarily excluded from that part of the foreshore undergoing works. Construction will be undertaken in approximately 5 – 15 metre segments of shoreline.

Anticipated ongoing maintenance works will be on an “as required” basis and are likely to be infrequent and localised. The design of the revetment has been designed to withstand a 10 year return period event. However, during larger storm events or periods of beach lowering, portions of the seawall may settle or be dislodged. Maintenance works are likely to involve the form formation of temporary access, the use of hydraulic excavators on the foreshore to repair or restore the rock face.

Effects on Coastal Processes

In the short-to-medium-term the proposed works are unlikely to have significant adverse effects on coastal processes operating within Ruby Bay. There will be no significant effect on sediment transport along the coast. However, the effect of the wall will be to “lock up” sediment landward of the wall, which will reduce material entering the coastal marine area. This can have the effect of progressively increasing the rate of foreshore lowering seaward of the wall. Given the existing high rates of erosion, the lock-up effect is not considered significant in the short-to-medium-term and is offset to some (albeit small) degree within this time frame by the placement of sand on the beach from the excavation of the revetment foundations.

The effects of the occupation on the coastal marine area are considered to be minor, the rock revetment structure will help prevent continued coastal erosion and will secure ongoing public access to and along the coastal reserve. However, the presence of the wall will adversely affect access along the beach at high tide, which will gradually reduce and eventually may disappear altogether. The design of the structure will reduce end wall effects currently experienced adjacent to the existing structures at each end of the reserve.

Effects on Coastal Ecology and Water Quality

The site of the proposed works is within an area that has been extensively modified by erosion and existing rock protection structures. Excavation will be undertaken above mean high water springs, thereby minimising the amount of sediment introduced to the water column. However, any sediment that is entrained by wave activity is expected to be minor in quantity and will settle out quickly in the shallow waters below the mean low water springs. To ensure that exposed areas are minimised and not subject to sediment entrainment by tidal encroachment, the works will be undertaken in segments of approximately 5 – 15 metres. This will mean that each segment will be completed before the tide reaches the working area. The area affected will be small and the disturbance short-term. Indirect effect on species (eg, by sediment deposition) is expected to be negligible, particularly as these areas are exposed to relatively high natural suspended sediment levels in the shallow embayment.

The area affected by the works is not ecologically significant and is not considered to have significant natural values, removal of vegetation will be limited to a small area of exotic vegetation.

Effects on Natural Character, Landscape and Land Use

The works are not located in an area identified as having outstanding natural character. The existing shoreline in the vicinity of the proposed works has been extensively modified by urban development and erosion protection structures, including an earth bund and tipped rock revetment in front of Broadsea Avenue and a substantial sea wall and rock revetment to the south of stage 1. Accordingly, the proposed erosion protection works will not materially detract from the existing character of the area. The revetment will have little impact on other biophysical aspects of natural character. It will be seen against the backdrop of increasing development.

The most significant view dominating users of the walkway are the sea views to Tasman Bay, these views will not be obscured in any way by the proposed revetment.

A sloping rock revetment structure is considered to more consistent with the natural character of the coastal environment than a solid, near-vertical wooden or concrete wall. The rock used will be selected so that it matches material used in the Stage 1 works and in the Broadsea revetment, in order to provide visual continuity when viewed from the beach offshore. The geotextile filter fabric should not be visible following construction.

All disturbed areas of land will be re-grassed within the shortest timeframe practicable, and at least within six months following completion of the works. The proposed conditions of consent also require the development of a concept landscape development plan for the landscaping of Old Mill Walkway Esplanade Reserve.

Effects on Community, Public Access and Recreation

The erosion protection works are designed to protect and enhance the recreational and amenity values of the Old Mill Walkway Reserve, which forms part of the Ruby Bay and Mapua communities' recreational resource. The works will maintain and enhance the last significant public coastal reserve area adjacent to the Mapua - Ruby Bay community, and it is widely regarded as an important and well used coastal walkway and linkage. The works have been specifically designed so that they incorporate a public accessway adjoining Chaytor reserve and a new intermediate accessway.

Effects on Heritage and Cultural Values and Tangata Whenua Interests

No archaeological or historical sites are identified in the immediate vicinity of the site. However, Council will provide for an iwi monitor to be on-site during excavation works. If archaeological sites are uncovered in the course of the works, the applicant will comply with the relevant provisions of the Historic Act 1993.

3.4 New Zealand Coastal Policy Statement

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

The general policy direction of the New Zealand Coastal Policy Statement 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.

Policy 1.1.2(c) states that it is a national priority to protect ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetland, mangroves and dunes and their margins.

The area of the proposed works does not include any significant ecosystems or foreshores.

Policy 1.1.3 states that it is a national priority to protect landscapes, seascapes, landforms, characteristics of significance to Maori and significant places or areas of historic or cultural significance.

The site of the works is not identified in the Plan as having any of these features. However, iwi have identified that this area is considered by submitters to be a cultural and archaeological “hotspot”. The applicant has volunteered that iwi monitors be provided for during the excavation works. Tiakina te Taiao have carried out a Cultural Impact Assessment (CIA) in response to a request made by the Tasman District Council, the request was made in for that Tangata Whenua could contribute a cultural perspective to its desire to develop a long term solution for ongoing coastal erosion problems. The CIA makes six recommendations that seek to ensure that Tangata Whenua have an ongoing involvement in the understanding of the coastal system in the area and ongoing involvement in its management.

Policy 1.1.4 states that it is a national priority to preserve the natural character of the coastal environment to protect the integrity, functioning and resilience of the coastal environment in terms of several features, including the dynamic processes and features arising from the natural movements of sediments, water and air, and the intrinsic values of the ecosystem.

The natural character of the area has already been extensively modified and as a result retains little of its original natural character. The proposed works have been designed to minimise effects on the coastal processes and natural features.

Policy 3.1.1 states that recognition should be given to the contribution that open space makes to the amenity values of the coastal environment, and that those values should be maintained and enhanced by protecting areas of open space.

The Old Mill Walkway Esplanade Reserve is zoned Open Space in the PTRMP. The proposed works are designed to maintain and enhance that open space.

Policy 3.2.2 states that the adverse effects of use or development in the coastal environment should as far as practicable be avoided, and where complete avoidance is not practical, effects should be mitigated or remedied.

The proposed structure has been designed in a manner to avoid significant adverse effects on the coastal environment. The works are considered to be the best practicable option in the short to medium term in this location.

Policy 3.4.6 states that where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.

As already stated, other options have been looked at as part of this proposal and it is considered that the proposed coastal protection works are the best practicable option. They have been designed to minimise adverse effects. Specifically, the type and angle of material has been selected to minimise wave reflection, maximise stability of the structure, avoid undercutting by toe erosion and avoid end effects and outflanking.

Section 3.5 contains an inherent requirement to maintain and enhance public access to and along the coastal marine area.

The overall need for the works is driven by the need to maintain and enhance public access along the foreshore. Very little of the reserve remains due to high rates of coastal erosion and without these works taking place, the reserve will largely disappear within the next 1-3 years. Erosion of private property will then begin to occur and public access along a significant coastal reserve strip will have been lost and almost certainly very difficult to replace.

Policy 4.1.4 seeks that provision is made to ensure that material used to create or form a reclamation in the coastal marine area does not include contaminants, which are likely to have, or have, the potential to adversely affect the coastal marine area.

This has will be provided for in the conditions of consent.

3.5 Tasman Regional Policy Statement / Tasman Resource Management Plan

The objectives and policies in Sections 9 and 12 of the Regional Policy Statement that are considered to be most relevant to this application are contained in Appendix C. Those which are considered to be particularly relevant to this application are outlined as follows:

The objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapter 8 (Margins of Rivers, Lakes, Wetlands and the Coast), Chapter 12 (Land Disturbance Effects), Chapter 14 (Reserves and Open Space), Chapter 21 (Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values) and Chapter 23 (Natural Hazards and Hazardous Substances).

Policy 8.2.18 seeks to ensure that where erosion protection works are deemed to be necessary to protect existing settlement or structures, these are designed as much as possible to harmonise with the natural character of the coastline.

Policy 14 2.2 seeks to maintain and where necessary improve, the quality of reserves, open spaces and public recreational facilities.

Policy 21.2.3 seeks to avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities.

Policy 21.2.3 seeks to avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area.

Policy 23.1.2 seeks to prevent natural hazards being aggravated by subdivision, use or development, including off-site effects of any coastal protection works.

Policy 23.1.4 seeks 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 proposed activity is not considered to be contrary to the thrust of the objectives and policies in the PTRMP.

The most critical objective and jurisdictional requirement is to provide for public access to and along the coast. The proposed works have been designed in a manner that will maintain and enhance public access to and along the coastal marine area and will significantly improve the quality of the reserve and associated walkway. The Old Mill Walkway Esplanade Reserve provides a very important amenity for the Mapua and Ruby Bay communities and a well used and highly valued coastal walkway circuit between those two settlements. At higher stages of the tide, it provides the only public access along the foreshore in this area.

While it is acknowledged that a solid structure would not naturally be found in this coastal environment, it is considered that in the existing context much of the natural character of the coastal environment has been lost and the works have been designed to blend in as much as possible with existing rock protection works in the vicinity of the site.

The rock revetment structure will prevent further erosion of the coastline and is designed in a manner which will mitigate further erosion at the northern and southern ends and the potential for foreshore lowering. The proposed solid rock revetment is considered to be the best practicable short to medium term option to avoid, remedy and mitigate the adverse effects of ongoing coastal erosion in the area.

The works are in response to a community need to protect the reserve from ongoing erosion and maintain public access, they will 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 will be short term and will be undertaken in a manner which will minimise disturbance to adjoining landowners and nearby residents.

The activity is not considered to offend the objective and policies in the Open Space Zone and Coastal Marine Area.

4. SUMMARY AND RECOMMENDATION

4.1 Recommendation

That pursuant to Section 104 and 118 of the RMA the Commissioners recommend to the Minister of Conservation the grant of consent RM080953 for the erection of a 510 metre rock revetment structure.

It is also recommended that pursuant to section 104B of the RMA the commissioners grant the applications for coastal permit RM080893 to occupy the coastal marine area for a period of 35 years and RM080894 and RM080955 to disturb the coastal marine area and undertake land disturbance activities for a period of 3 and land use consent RM080954.

4.2 Conditions

If the Minister decides to grant consent, the following conditions are recommended:

Conditions applying to all consents (RM080953, RM080893, RM080894, RM080954 AND RM080955)

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 and with the Plan A, B and C attached and referenced 83948.004 – 01 to 03. 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 127 to 133 of the Resource Management 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 and coastal permit to occupy the coastal marine area)

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 Council's Co-ordinator Compliance Monitoring (Carl Cheeseman, (03) 543 8436) and 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 (eg, 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 (eg, 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 the reserve 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 SH 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 4 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 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 Tasman District 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 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 Environment & Planning Manager of Council, or his 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
20. The Consent Holder shall undertake and maintain the works in a competent state and shall comply at their own expense with any directions given by the Environment & Planning or Reserves Manager of Council with respect to the continued operation and maintenance of the works.

Special conditions for RM080894 and RM080955 (Coastal Permit to disturb the coastal marine area and land use consent to undertake land disturbance activities within 200 metres of the coastal marine area)

21. The consents to disturb the coastal marine area and undertake land disturbance activities shall expire on 23 March 2012.
22. 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.
23. All vehicle movements along the foreshore shall be restricted to the smallest area practicable.
24. 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 to erect a rock revetment structure in an Open Space Zone)

25. 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.

26. 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.
27. 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.
28. 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.
29. Within six months following completion of the works the Consent Holder shall prepare a concept landscape development plan for the Old Mill Walkway Esplanade Reserve. The plan shall identify the development of the landscape plantings on the reserve (which may be staged) and timeframes for undertaking the plantings.

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 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, 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.

Rosalind Squire
Consent Planner, Coastal





DRAWING STATUS: CONSENT ISSUE

TASMAN DISTRICT COUNCIL
OLD MILL WALKWAY RESERVE
COASTAL EROSION PROTECTION - STAGE 2

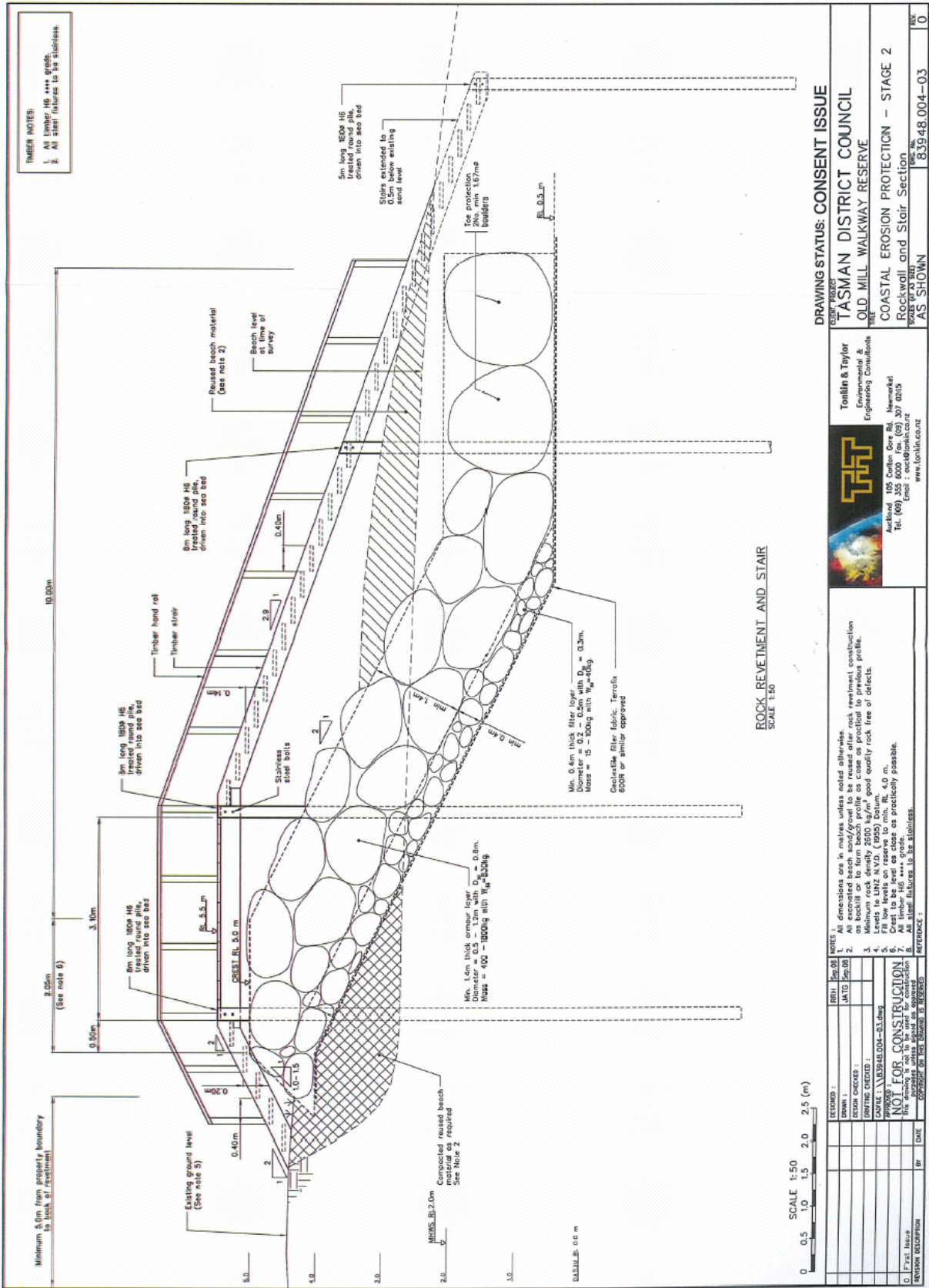
Benkie & Taylor
Environmental & Engineering Consultants
100 Salford Court, Mount
Maori Bay, Hobart, Tasmania
Tel: (003) 355 8008 Fax: (003) 307 6005
Email: admin@benkie.com.au
www.benkie.com.au

SIE LAYOU
SCALE 1:500

1. All dimensions are in millimetres unless otherwise stated.
2. Survey data supplied by Tynan Consulting Co.
The mill walkway site was surveyed using GPS, total station and level.
The reference datum is MSL (0.000) at 40° 22' 30.00" S, 147° 05' 00.00" E.

NO.	DATE	DESCRIPTION
1	11/03/09	ISSUED FOR CONSTRUCTION
2	11/03/09	FOR REVIEW
3	11/03/09	FOR REVIEW
4	11/03/09	FOR REVIEW
5	11/03/09	FOR REVIEW
6	11/03/09	FOR REVIEW
7	11/03/09	FOR REVIEW
8	11/03/09	FOR REVIEW
9	11/03/09	FOR REVIEW
10	11/03/09	FOR REVIEW

NOT FOR CONSTRUCTION
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY
FOR REVIEW ONLY



TIMBER NOTES:
 1. All timber H6 *** grade.
 2. All steel fixtures to be stainless.

ROCK REVETMENT AND STAIR
 SCALE 1:50



DRAWING STATUS: CONSENT ISSUE
 COUNTY PROJECT
TASMAN DISTRICT COUNCIL
 OLD MILL WALKWAY RESERVE
 PROJECT
COASTAL EROSION PROTECTION - STAGE 2
 Rockwall and Stair Section
 DRAWING NO: 633948.004-03
 REV 0

Tonlin & Taylor
 Environmental & Engineering Consultants
 105 Colton Gore Rd, Newmarket
 Tel: (09) 254 0015
 Email: oec@tonlin.co.nz
 www.tonlin.co.nz

NOTE:
 1. All dimensions are in metres unless noted otherwise.
 2. Minimum rock density 2600 kg/m³ good quality rock free of defects.
 3. Minimum rock density 2600 kg/m³ good quality rock free of defects.
 4. Filter fabric to be UTRZ N.V.D. (1995) Duromat 4.0 m.
 5. Crest to be level as close as practically possible.
 6. All timber H6 *** grade.
 7. All steel fixtures to be stainless.
 8. All other materials to be approved.

REVISION DESCRIPTION	BY	DATE

NO FOR CONSTRUCTION
 This drawing is not to be used for construction purposes.
 CONTRACT NO: 633948.004-03



Office of the
Minister of Conservation

RCA's (until coastal plan become operative).

PARLIAMENT BUILDINGS, WELLINGTON, NZ PHONE 719-978 FAX 733-446

**DIRECTION UNDER SECTION 372(1)
OF THE RESOURCE MANAGEMENT ACT**

Pursuant to Section 372(1) of the Resource Management Act 1991, I, DENIS WILLIAM ANSON MARSHALL, MINISTER OF CONSERVATION, HEREBY ISSUE a direction to the Nelson-Marlborough Regional Council as follows:

1. That the activities specified in the schedule hereto are restricted coastal activities for the purposes of the Resource Management Act 1991 whether or not a regional coastal plan is deemed to be operative in the Nelson-Marlborough Region under Section 370 of the said Act.
2. That changes be made to the regional coastal plan for the Nelson-Marlborough Region deemed operative under section 370 of the said Act, identifying in that plan that the activities specified in the schedule hereto are restricted coastal activities.
3. That any application for a permission or for a coastal permit for any activity set out in the schedule hereto shall be dealt with as an application for a restricted coastal activity and considered according to the provisions of Sections 117 - 119 of the said Act.

Dated at Wellington this 13th day of October 1991

Minister of Conservation

<u>Activity</u>	<u>RCA Criterion</u>	<u>Effect</u>
D. Structures for transmission, transportation, storage or containment of materials	Structures which carry, store or contain any oil or oil products in quantities greater than 50,000 litres (for clarification this criterion includes oil-wells.)	Accidental release of oil in substantial quantities would result in significant contamination of the CMA with consequent significant adverse effects on marine living resources and requiring Crown funding of clean-up.
Section 12(1(c)) Disturb (Excavate, Drill, Tunnel etc)	i) volumes > 50,000m ³ or ii) area > 1Ha or iii) linear > 1000m in any 12 month period.	Disturbance of the foreshore or seabed at this scale seriously jeopardises Crown proprietary interest in land or marine living resources and has significant adverse effects on these resources.
Section 12(1(d)) Depositing substances	Dumping of dredged material in quantities greater than 50,000m ³ in any 12 month period.	Dredge dumpings of this scale significantly adversely affect the dump site for very long times. Contaminants contained in the dumpings often irreversibly concentrate in food chains.
Section 12(1(f)) Introducing exotic plant species	Plant species new to NZ or new to the area of New Zealand for which the proposal relates.	The introduction of exotic species may irreversibly modify the balance of indigenous species and result in significant adverse effects on them. Introduction of new plant species may seriously jeopardise the Crown's interest in marine living resources.

SCHEDULE

1. Activities With Significant Or Irreversible Adverse Effects

<u>Activity</u>	<u>RCA Criterion</u>	<u>Effect</u>
Section 12(1(a)) Reclamations	1000m ² or 50m linear in any direction (or incremental reclamations for the same project which in sum exceed these dimensions).	Reclamations irreversibly destroy foreshore or seabed and make the resulting dry land more available for alienation.
Section 12(1(b)) Structures: A. which impound areas of the coastal marine area.	Impound an area of 4 Ha or more.	Impoundments alter the tidal ebb and flow and result in significant adverse effects on the enclosed area of foreshore or seabed, particularly siltation. In effect impoundment results in reclamation.
B. Solid (or effectively solid) structures placed along shore	200m or more in length (including incremental structures adding up to 200m contiguous)	Seawalls and similar structures reflect and amplify wave action, often leading to significant erosion of foreshore elsewhere. This is irreversible destruction of Crown estate or private lands.
C. Solid (or effectively solid) structures placed obliquely or perpendicular to the shoreline.	100 m or more in length	This type of structure significantly alters current and sediment over a radius of twice the structure length. The result may be significant or irreversible adverse effects on foreshore.

<u>Activity</u>	<u>Criterion</u>	<u>Effect</u>
<p>Section 12(2) A. Occupation of Coastal Marine Area</p>	<p>1. Exclude or effectively exclude public access to areas over 10 Ha. 2. Restrict public access to areas over 50 Ha.</p>	<p>Exclusive or restrictive occupation of foreshore or seabed at these scales has significant adverse effects on public access.</p>
<p>Section 12(2) B. Removal of sand and shingle</p>	<p>i) volumes > 50,000m³ or ii) area > 1Ha or iii) linear > 1000m in any 12 month period.</p>	<p>Removal of sand or shingle at this scale is likely to have significant or irreversible adverse effects on the CMA.</p>
<p>Section 15 Discharges</p>	<p>1. Sewage or products of sewage treatment discharged directly to the sea without passage through soil or wetland</p>	<p>Discharge of sewage or sewage products directly to the sea without contact with land is contrary to the principles of the Treaty of Waitangi and has a significant adverse effect on Maori. The contaminants also have a significant adverse effect on health and safety of the general public.</p>

5. DIRECTION OF MINISTER OF CONSERVATION:

RESTRICTED COASTAL ACTIVITIES

Original Purpose and Intent

This direction was given to the Nelson-Marlborough Regional Council following the commencement of the Resource Management Act, to provide for government control of decisions on certain resource use activities in the coast, called restricted coastal activities, where those activities are considered by the Minister of Conservation to have significant or irreversible adverse effects on the coastal marine area.

History of Establishment

The direction was issued to the Council by letter dated 1 October 1991.

Effect of the Act

The Act provides for the direction to apply to the transitional regional coastal plan for the purpose of identifying in the plan what activities are restricted coastal activities. To this extent, the direction can be considered to be a provision of the transitional plan. The direction ceases to have effect upon the date that a proposed regional coastal plan is notified in accordance with the Act.

A resource consent is required. Consent may be refused or conditions imposed to manage any likely effect of the activity. Council's assessment of an application may include, but is not restricted to, consideration of the following matters: D 10/98

- (1) The purpose of the structure, and the appropriateness of its being located in the coastal marine area, including reasons why any location on dry land is not suitable.
- (2) The scale of the structure.
- (3) Structural integrity.
- (4) The effects of the structure and its use, including: D 10/98
 - (a) effects on the natural character of the coastal environment;
 - (b) effects on the shape of the shoreline (in plan view and profile);
 - (c) effects on the long-term stability of the foreshore or seabed;
 - (d) effects on animal and plant habitats and ecosystems, including effects on the natural ecosystem values of the areas listed in Schedule 25.1F;
 - (e) the risk of material or contaminants moving or leaching from the structure into any part of the coastal marine area;
 - (f) changes to wave patterns, current flow, sediment transport and deposition, exchange of saltwater and fresh water, nutrient transfer, or other coastal processes; D 10/98
 - (g) navigational safety;
 - (h) public access;
 - (i) access for other authorised activities;
 - (j) amenity values of the locality;
 - (k) efficiency of the use of space for the structure;
 - (l) effects of the existence and use of the structure on landscape and seascape values and visual amenity; D 10/98
 - (m) effects during the construction, continued existence, maintenance and use of the structure;
 - (n) any likely adverse effects from the removal of any existing structure;
 - (o) effects on water quality.
- (5) Measures to avoid, remedy, or mitigate any identified adverse effects of the structure.
- (6) Circumstances where removal of the structure will be required.
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).
- (9) In relation to launching ramps, the following:
 - (i) the need for ancillary facilities such as trailer parking, catwalk or protection from wind and wave action;
 - (ii) safety in relation to other adjacent activities;
 - (iii) width and gradient of the ramp, and its alignment to wind, waves and current;
 - (iv) practicality in relation to natural foreshore processes.

- (10) In relation to slipways and haulout facilities for vessel construction or maintenance, the following:
- (i) the use for which the facility is sought, and the effects of that use on the environment and on other activities and values in the vicinity; D 10/98
 - (ii) measures to prevent the escape of wastes and contaminants to the coastal marine area;
 - (iii) appropriate authorisation for the dry land activity to which the facility relates.
- (11) In relation to swing or pile moorings, the following:
- (i) relationship with tenure, use and character of land in the vicinity;
 - (ii) permanence, or ease of removal;
 - (iii) intended duration or frequency of use, including seasonal or intermittent use.
- (12) In relation to jetties, wharves and other structures providing berthage, the following:
- (i) practicality and effectiveness of the structure in relation to tidal range and seabed gradient, and its effects on the natural character and public access, or access by other specified parties, to and along the coastal marine area or its margins; D 10/98
 - (ii) the use of the facility, including commercial, public or sole or shared private use;
 - (iii) relationship with the tenure, use and character of land in the vicinity.
- (13) In relation to boatsheds, including ancillary ramps or slipways, the following:
- (i) practicality and effectiveness of the structure in relation to tidal range and seabed gradient.

Not yet operative as at 1 November 2008	
18.5.2.5 Restricted Discretionary Activities (Land Disturbance)	18.6.6 Proposed
<p>Any land disturbance that does not comply with the conditions for a permitted activity, or with the standards and terms for a controlled activity, is a restricted discretionary activity, if it complies with the following standards and terms:</p> <p>Vegetation, Soil or Debris Disturbance</p> <p>(a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:</p> <ul style="list-style-type: none"> (i) the diversion or damming of any river or stream; (ii) the erosion of the bed of any river or stream. <p>(b) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with Rule 36.2.4 or Rule 36.2.5.</p> <p>Means of Compliance</p> <p>Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:</p> <ul style="list-style-type: none"> (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion; (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule; (iii) sediment traps of size adequate to contain and treat sediment laden run-off water; (iv) any other measures appropriate to the nature and scale of the land disturbance. <p>Quarrying</p> <p>(c) In the case of quarrying:</p> <ul style="list-style-type: none"> (i) topsoil and subsoil are stripped and stockpiled separately; (ii) traffic, vehicles or machinery do not travel over stockpiles; (iii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction. <p>A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:</p> <p>All Activities</p> <ul style="list-style-type: none"> (1) The extent, timing, and duration of bare ground. (2) The location, timing of construction, design and density of earthworks including roads, tracks or landings. (3) The re-establishment of vegetation cover. (4) The disposal and stabilisation of waste material or fill. (5) Loss of or damage to soil. (6) Damage to riparian vegetation or soil. 	

- (7) Damage to animal or plant communities or habitats in water bodies or coastal water.
- (8) Effects of the activity on river or stream flows.
- (9) Sedimentation effects on subsurface streams or caves in karst.
- (10) The potential for slope instability.
- (11) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (12) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (13) Damage to any natural habitat or feature.
- (14) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (15) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

Additional Matters for Land Disturbance Associated with Quarrying

- (16) The depth and area of excavation and effects on groundwater.
- (17) Restoration of the site, including ground levels and planting.
- (18) The machinery to be used and manner of excavation.
- (19) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.
- (20) Types and quantities of introduced fill.
- (21) Measures to ensure both surface and subsurface drainage is at least as good as that prior to mining or recontouring.
- (22) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.
- (23) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.
- (24) Likely difficulty in avoiding adverse impact on the land's actual and potential productivity and versatility.
- (25) The potential for increased hazard at the site or on adjacent land.
- (26) Measures to avoid or mitigate adverse effects on adjacent land uses, including limiting hours of operation and measures to control noise and dust.

Additional Matters for Destruction or Removal of Indigenous Vegetation

- (27) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.
- (28) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.
- (29) The contribution of the indigenous vegetation to the protection of other natural values.

- (30) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

Additional Matters for Earthworks within 200 metres of the Coastal Marine Area

C3 12/03

- (31) Effects on the landscape character, natural character and amenity value of the locality, having regard to:
[(30) Proposed]
- (a) natural features and distinctive natural landforms;
 - (b) landscape and seascape values;
 - (c) significant natural values;
 - (d) the nature of any existing development.