

BEFORE THE ENVIRONMENT COURT

Decision No. [2013] NZEnvC 251

IN THE MATTER of an application under Section 87G of the
Resource Management Act 1991 (**the Act**)
for a direct referral to the Environment
Court

BETWEEN H A VERSEPUT
(ENV-2013-AKL-000097)
Applicant

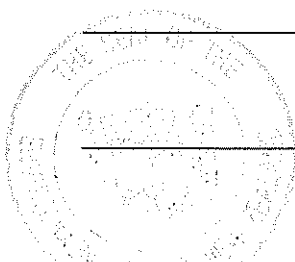
AND TAURANGA CITY COUNCIL
FRASERS PAPAMOA LIMITED
B MIKAERE & H HENDREN & ORS
Section 274 Parties

Hearing: At Papamoa, 9 & 10 September 2013

Court: Environment Judge J A Smith presiding
Environment Commissioner J A Hodges
Deputy Environment Commissioner D Kernohan

Appearances: P H Cooney for H A Verseput (**Mr Verseput**)
H J Ash & T R Fisher for Tauranga City Council (**the Council**)
B Mikaere (**Mr Mikaere**) for himself and H Hendren, B Carr & M
Judge, L Wilson, S Daniels, C Dwight, W Dwight, T & J Buxton –
granted leave to retire
K M Barry-Piceno (**Ms Barry-Piceno**) for Frasers Papamoa
Limited (**Frasers Papamoa**) – granted leave to retire
G Campbell – resident, late appearance, statement to Court

DECISION OF THE ENVIRONMENT COURT



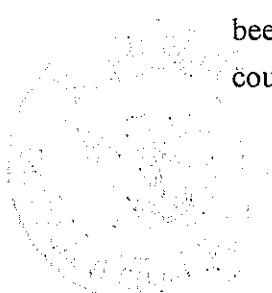
- A. The application of Mr Verseput for a direct referral is granted.
- B. That consent to the application is granted for:
1. The land use activity is a discretionary activity undertaking archaeological investigations, both respectively and prospectively;
 2. Under width accessways, additional car parks and road sign no greater than 2.4m² in area; and
 3. Granting discretionary consent for the use of a hazardous HAIL site for visitor accommodation and including related earthworks, subject to a single set of conditions annexed hereto and marked A.
- C. Costs to the Crown and Council are reserved. These should be resolved by agreement if possible. Costs to other parties are not at issue.

REASONS FOR DECISION

Introduction

[1] Mr Verseput wishes to establish a holiday camp with a manager's residence and associated buildings, together with a further 34 log-cabin units for business or accommodation, with any particular visitor length of stay no longer than 3 months, or as permitted accommodation.

[2] He filed an application for consent and subsequently requested a direct referral. The Council report supported the application and Mr Verseput proceeded to file an application for direct referral with the Court under Section 87D of the Act. A limited number of submissions were filed to the original application, and even fewer Section 274 Notices were filed in this Court. It appeared that the concerns of the parties could have been addressed through mediation, but the applicant did not wish to proceed with this course.



[3] Although initial concerns were raised about the status of various Section 274 Notices, these issues were not progressed on the basis that the matter was set down for an early hearing. Various requests were made for mediation, including adhering to the timetable, but this was not agreed to by the applicant.

[4] This led to evidence being filed by Mr Mikaere making a series of allegations against the counsel for the applicant. Just prior to the matter being heard, the Court was advised that new counsel was involved for Mr Verseput and that an agreement had been reached with all of the submitters.

THE HEARING

[5] This matter commenced at Papamoa on 9 September 2013, and at this time Mr Mikaere for the Section 274 parties and Ms Barry-Piceno for Frasers Papamoa advised that agreement had been reached between themselves and the applicant, and that with the modified conditions now proposed, they no longer opposed the application and did not intend to present evidence or submissions.

[6] The Court had a discussion with Mr Mikaere relating to the evidence he had already filed. Mr Mikaere advised that in the event that the suggested condition changes were adopted, then his evidence was withdrawn and that he did not wish to progress any of the matters raised in that evidence.

[7] The Court was therefore left in a position where there were no opposing parties. The Council supported the application and its witnesses' evidence complemented that of the applicant. Nevertheless, given the wording of the direct referral provisions, this Court considered that the most appropriate course of action was to proceed with the hearing in order that it could be satisfied under Section 104 of the Act the application could be granted. The remaining parties were in agreement with this, and other parties sought leave to withdraw, which was granted.

[8] To complete the picture in respect of submissions, on the second day Mr G Campbell, a resident of 31 Sandhurst Drive, sought audience before the Court. He advised that he was one of the group of submitters, his name is not listed as a Section 274 party or otherwise. Nevertheless, he advised the Court that he, and other unidentified people, remained concerned with the application and that they were not able to pursue issues, including common fencing with Sandhurst Drive and the height of that, because of

their concern as to costs. With the consent of the parties the Court permitted Mr Campbell to make a statement to the Court of his concerns. Mr Mikaere arrived later but there was no change of position notified to the Court from the parties he represented.

General Comment on the Direct Referral Process

[9] One of the issues mentioned by Mr Campbell, and raised also by Mr Mikaere at callovers and at this hearing, is the question of costs against submitters.

[10] The Court rarely makes an order against submitters in general appeal hearings. It is surprising that counsel refer to the question of costs against Section 274 parties in general proceedings, given the rarity with which they are made.

[11] In direct referrals, Section 285 of the Act addresses this issue directly, by noting that the Court:

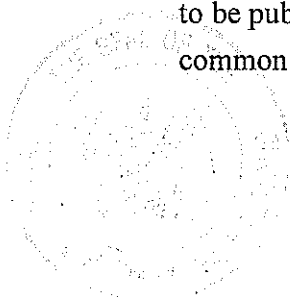
... must apply a presumption that costs are not to be ordered against a person who is a party under section 274(1) ...

where the proceedings include direct referrals or call-ins (Section 285(4)).

[12] That being the case, we would consider it inappropriate for counsel to suggest applications for costs against Section 274 parties in direct referrals, without indicating to the Court in advance at a pre-hearing conference it considered some exceptional grounds were made out to justify the presumption being overcome. In circumstances where the applicant for a direct referral has refused to attend mediation, it is difficult to conceive any circumstances where an application for costs against a Section 274 party might be appropriate.

[13] In all circumstances where costs are referred to in direct referrals, we would consider a minimum requirement to be that the parties are advised of the content of Section 285 of the Act, and that there is a presumption that costs will not be awarded against Section 274 parties.

[14] We remind all counsel that all proceedings in the Environment Court are intended to be public and participatory, and that orders for costs against Section 274 parties are not common and do not follow the event.



THE DIRECT REFERRAL - THE PROPOSAL

[15] Mr Verseput proposes to establish 34 self-contained log cabins, together with a manager's residence and ancillary buildings, on a 1.8ha site at 2 Papamoa Beach Road, Papamoa. The maximum number of people staying overnight would be 204 excluding the manager's residence.

[16] The log cabins will have an approximate floor area of 125m² spread over two floors, with the ground floor area of approximately 63m². The cabins will have a maximum of three bedrooms, and a typical maximum height above ground level of 8.3m and a maximum height of 9m. The manager's residence has ancillary buildings including separate buildings for an office, visitor reception building and a shop, and a storage and maintenance area. Communal facilities will include a pool, changing sheds, and a canopy to provide the shed.

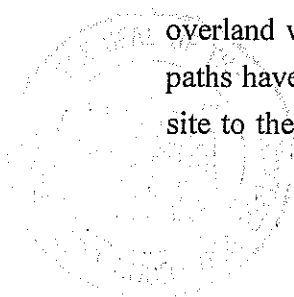
[17] The site will be landscaped and partially fenced with buildings located around the periphery of the site leaving a large open space, play area, and stormwater disposal area in the centre. There will be approximately 3,500m³ of earthworks in-cut and an equivalent volume in-fill, which will effectively seek to even out the undulations to the site.

[18] There will be access from the Papamoa Beach Road via a 6m accessway, with other internal accessways between 3m – 4.7m. A total of 83 onsite car spaces will be provided on Gobi block open areas.

[19] Water will be supplied by way of a single connection from Tauranga City Council supplying Papamoa Beach Road. Wastewater will be discharged through the Council sewer system, and a single sign up to 2m wide and 1.2m depth situated near the road frontage with a maximum height above ground of 2.5m.

The Site and its Surround

[20] The site is an undulating tertiary dune area which has been farmed over many years. The site generally slopes down from the road to the rear of the site, with a deeper overland water path around two-thirds of the way down its length. The overland water paths have been closed off with successive developments and both the Frasers-Papamoa site to the east and the Sandhurst site to the west have now used cut and fill to provide



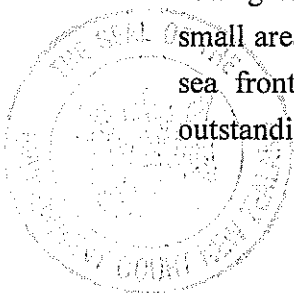
land areas that are essentially flat, sloping slightly down from Papamoa Beach Road. In the case of Frasers-Papamoa, they have built up the site to approximately 1m above the existing ground level on the subject site.

[21] The eastern boundary with Sandhurst has fencing that appears to have been built at the time the houses were constructed in that subdivision. There is a small portion of fencing which is post and rail to the front of the site, with another house facing Papamoa Beach Road. We understand that it is the intention to complete the fencing along that boundary. So far as the residential area of Frasers-Papamoa is concerned, this will be fenced. Given that there is currently a discrepancy of over 1m at the boundary point and the current ground level on Frasers-Papamoa Beach site, final ground levels will need to be established before questions of fencing can be addressed.

[22] This site is close to the main beach, and the surrounding area is similar in nature, with a long drain known as the Papamoa main drain to the south-east. Between Mt Maunganui itself and Girven Road area there are problems with drainage and this continues to the south of Girven Road until the beginning of the Papamoa main drain off Pacific View Road, several hundred metres to the southeast of this site. It does not appear that there is the intention to extend the main drain up into the Sandhurst/Frasers-Papamoa area. Instead the approach of utilising detention ponds seems to have been adopted. We understand that the Sandhurst drive area already floods in heavy rains and we would expect surface flooding to continue to be an issue in this area.

[23] The design on this particular site is to utilise an internal detention pond. We note that the Frasers-Papamoa land to the south is higher than the subject land, and also that there is designated roading. The land is clearly zoned for suburban residential, and development has already commenced on the Frasers-Papamoa site by way of formation of roads and other infrastructure. There is a small section of land immediately adjacent to this site to the east, which is zoned for commercial use, and it is this portion of the site which is not intended to be fenced by the applicant. We are told that there is an obligation on the developer of the commercial land to fully fence that land.

[24] We attach hereto and marked **B** a copy of the Plan L27 which shows the general zoning of the area. We also note that opposite this site on Papamoa Beach Road is a small area of land zoned as medium high rise, along with the Frasers-Papamoa land. The sea frontage land to the west of this is identified as a Significant Maori Area of outstanding natural feature, with erosion risk lines displayed along its frontage.



[25] In short, this site is situated in an area of suburban residential zoning, with commercial zoned land to its immediate east on the road frontage, and medium high rise to its east and north. It is also close to the ocean with an accessway to the sea within several hundred metres of the site frontage, and road access at Pacific View Road.

The Section 87F Report

[26] We attach hereto and mark **C** a copy of the proposed development in plan form. We note of course that the open space play area is also lower-lying, and is intended to be utilised as stormwater detention system with a capacity for a >100 year flood.

[27] Mr Brad Bellamy is a Senior Environmental Planner with the Council and prepared the Section 87F Report. He gave evidence to the Court reinforcing his report under the Act. Mr Bellamy had recommended the granting of consent, subject to conditions, and these conditions have been subject of further refinement between the parties. Although the conditions did not cite the consents that are granted, the parties have subsequently filed a complete set of consents and conditions marked **A**.

[28] Mr Bellamy in his report notes the proximity of the site to the sea. We agree that its proximity to the sea would make it attractive for holiday accommodation and other forms of visitor accommodation.

[29] The parties acknowledge the national environmental standard relating to contaminants in soil. Although there was some doubt as to whether or not the provision applied, consent was sought under this provision. The question in this case is that the area was used as a buffer zone for firearms testing for the Defence Force. The only potential effect in this area would be of spent lead ammunition. When we enquired of the relevant witness, Mr B A Love, he perceived that the risk would be through soil contamination or through direct ingestion, probably by a small child.

[30] Having regard to the prospect of finding bullets in this area (none had been identified to date, notwithstanding archaeological investigations) and the risk to health, we consider that the proposed conditions relevant to this matter are more than sufficient to address any risk to human health. We note that during the excavation work, it is likely that any bullets in lower-lying areas will be covered. If any are exposed in the higher level areas, then these can be removed.

The New Zealand Coastal Policy Statement 2010

[31] This is an area already significantly developed and zoned as residential in terms of the Plan. Questions of erosion risk and the like are already addressed through specific hazard lines in the plan, and this site is well away from those areas.

[32] Similarly, outstanding natural features and landscape amenity areas are also identified in terms of the Plan. But this site itself has not been identified for any particular purpose beyond suburban residential.

The Bay of Plenty Regional Policy Statement and Proposed Regional Policy Statement

[33] There is no doubt that the Regional and District Councils have co-operated through smart-growth strategy to identify areas where suburban development is appropriate. These Policy Statements seek to achieve a sustainable growth management strategy. The objectives in the Proposed Regional Policy Statement to encourage a compact well-designed urban form led to the type of zoning that we see before us. There is nothing that we are able to identify in the Regional Plans that would indicate that visitor accommodation is not an appropriate use within the suburban residential area this close to the coast.

The Proposed Tauranga City Plan

[34] This plan is now well advanced and the Court is surprised that the majority of the plan is not yet operative. In any event, to the best of our knowledge, the site is not subject to any appeals, and the provisions as they relate to this site could be considered operative. Although there is a dispute in relation to Significant Maori Areas, this only affects particular areas and not the area to the north of Papamoa Beach Road nearest the site.

Transportation, roading and parking

[35] We conclude that the zoning of this site on the main road between Papamoa and Mt Maunganui encourages the use of alternative modes of transport, in particular, walking, cycling and public transport. There is a bus stop just outside the site. There are alternative routes proposed which would make cycling practical for certain trips. With

connections to Gloucester and Granada Road eventually occurring when the intermediate land is developed, this would give ready access to the major shopping centres at Girven Road. Moreover, the proximity of the site to the beach is likely to mean that walking will be the major method of transport for most visitors while they are on the site. The nearby commercial area and the small shop planned to be on the site would also encourage people to remain on the site.

[36] Parking is in excess of requirements, but nevertheless, given that it will take place on Gobi blocks, it will appear as part of the open space on the site and will not interfere unduly with water penetration for stormwater purposes.

[37] Earthworks are also controlled for soil stability and sediment run-off, particularly in flood prone areas. Given that the area is flood-prone, the provision of a central detention pond with drainage to groundwater from that point gives a long term solution for major floods. The floor height for each of the buildings, at 5.6m, is well in excess of any known flood height and will ensure that there is no significant potential for damage to the visitor accommodation.

Other Issues

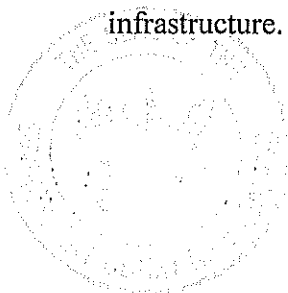
Signage

[38] In relation to signs, the objectives and policies dealing with sign location, traffic and safety seem to indicate that signage of the size sought would be acceptable in general terms within the Plan.

[39] The controls for signage seek to avoid adverse effects on landscape character, amenity, heritage values, and safe and efficient functioning of the transport network.

[40] Similar provisions are applied for noise and lighting, natural features and landscape character. As these matters all relate to any potential adverse effects, they can be dealt with appropriately at that point in time.

[41] Financial contributions are required to mitigate effects and providing for infrastructure.



The Suburban Residential Zone

[42] We come to the question of residential zones and the suburban residential zones. It is intended that residential activities remain the predominant activity and that the buildings are compatible with the anticipated character. Given the siting of this property next to a higher intensity zone, we would anticipate that buildings of even a greater density than that contemplated could have been accommodated on this site. Moreover, the visitor accommodation is, nevertheless, a residential activity, albeit that it provides for temporary residents as well as permanent residents. To the extent that the site continues to provide for private residence, it must be seen as being entirely in accordance with the Objectives 14A.1.3, 14B.1.1 and 14B.1.2.

[43] When it comes to the question as to the relevant rules in each of these areas, we can see that some of the issues arise because of an assumption that, for example, visitor accommodation would involve higher intensity than residential. In this case, the yield is similar to that that would be permitted as residential activity, although the activity is concentrated in buildings around the margins of the site. This concentration around the perimeter maintains drainage and provides communal open space.

[44] Similarly, issues such as the width of internal roads are designed to retain residential amenity. In this particular case, the narrow width of the road is intended to minimise the area of hard surfacing and also maintain a casual park-like aspect to the area in keeping with the nature of visitor accommodation.

[45] We have already mentioned that the hazardous provisions for the site are entirely precautionary, and that we see the risk as negligible and that the conditions more than adequately control any potential risk in that regard.

[46] When it comes to the question of archaeological sites, we note that most of the archaeological work on this site has already been performed, and thus the consent is retrospective as well as prospective.

[47] Given the nature of this site as farmland which has clearly been used mainly for pastoral use over the years, we consider that the level of invasiveness from archaeological works is not likely to be significantly greater than this, and that in fact the greater disturbance is likely to be caused by the earthworks proposed to create a more even surface on the site. We recognise that much of the dune area of Mt Maunganui and

Papamoa has already been disturbed, and the temporary encampments and pa sites associated with this area are unlikely to be evident on a site such as this. Given that most of the site has already been subject to archaeological investigation, we see the risk of a major pa site encampment being discovered as being relatively minimal, and that this is likely to be a part of the larger area utilised from time to time for cropping and/or hunting with potential for feeding areas. The conditions address a protocol if discoveries are made.

[48] In our view, the distinction between this as visitor accommodation and as a residential site does not alter the effects of development in any way, and accordingly, that this proposal is generally in accordance with the Plan provisions and outcomes anticipated, albeit for a slightly different end use.

POTENTIAL EFFECTS

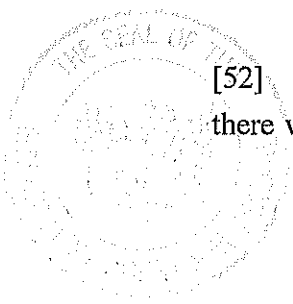
Earthworks and sediment control

[49] Effects of earthworks and sediment control were addressed by the Regional Council before it granted Consent 67212 *to carry out earthworks ... to temporarily discharge sediment contaminated stormwater to land via ground soakage ... and permanently discharge stormwater to land via ground soakage*. There followed a series of conditions on earthworks, erosion and sediment control, permanent stormwater control, dust control, maintenance, monitoring and reporting, as well as relating to sites of archaeological, historic or cultural significance.

[50] Before us the Council engineer, Mr Palmer was satisfied that the design would adequately contain water from a 50 year stormwater event. He also calculated on a longer basis for rain to take into account the potential longer duration of rainfall where ponding had already occurred.

[51] Overall, it appears to us that an event of around 100 years would not significantly flood this site beyond the detention stormwater ponds. Although there are existing over land flow paths, these have mainly been cut off by works, both in the Sandhurst Drive and Frasers-Papamoa area. It appears to us that the ground level of around 4.95m would be the maximum flood likely to occur.

[52] The Frasers-Papamoa site still seems to be significantly above the subject site, but there was no evidence that water flow from Frasers-Papamoa site would flow onto this



site, or that any other flow from this site would be able to flow onto the Frasers-Papamoa site. Therefore, we anticipate that water would pond in this area until subsiding. The solution for the Council to address any possible issues in this area is to set the minimum floor level for buildings at RL5.6, more than 0.5m above calculated maximum level.

[53] Given our views that there appears to be little in the way of potential overland flow paths, we consider that this is a suitably conservative approach giving significant leeway for further water ponding in an event above the maximum level of 100 years occurring. Putting it another way, we consider that by the time an RL of 5m is reached on this site, there would be significant flooding issues throughout the Mt Maunganui/Papamoa area. Even at that level, we accept that the buildings themselves would be above the level of water.

Geotechnical and natural hazards

[54] Geo-technical evidence was advanced and there were no questions in relation to this, and we acknowledge that the site is designed on residential land, suitably zoned taking into account geotechnical and hazard issues. We note that neither the 50 nor 100 year erosion risk on the coast comes within 100m of this property, and that the floor levels for building have been conservatively assessed in relation to flooding and other matters.

Soil contamination

[55] The only basis from which soil contamination was raised with the Court, was the potential for lead bullets to have greater spot contamination. For the reasons we have already discussed, we consider that although a consent should be granted out of caution, the conditions of consent more than address any potential risks. For example, Mr Love notes:¹

13. ... The lack of any evidence of ordnance (sic) encountered during the archaeological investigation supports the other evidence suggesting that there is no significant impact to soil quality at the site.

[56] In response to questions from the Court, Mr Love confirmed that he considered there to be a low risk of groundwater contamination within the proposed development site as a result of the rifle range. Mr Bellamy agreed and considered that it was highly

¹ Love, Supplementary Evidence at [13]

unlikely that there would be any risk to human health from residual soil contamination if the proposal proceeds.

[57] From the Court's perspective, we see the risk for visitor accommodation as being lower, if anything, than from permanent residential accommodation, but that in both cases the risk is so minimal that it can be disregarded in terms of the Act

Transportation

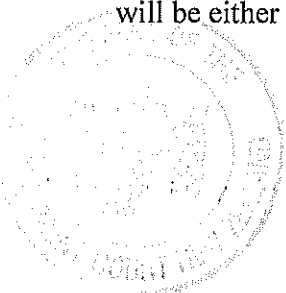
[58] We accept that the traffic generated from this site is not significantly dissimilar from that which could be generated from residential development in that this type of generation can be carried on the relevant roads and is within the infrastructural capacity of those roads.

[59] There was agreement between the different experts that the development would have minimal effects on the road network. We agree and would disregard those effects for current purposes.

[60] The experts considered that a number of conditions could be imposed to improve road safety, and we agree with these. In particular, A now annexes potential alternatives for a painted flush margin giving a 2m space for a vehicle to await a right turn on to the site. The two diagrams represent the position if the nearby intersection is not improved to a roundabout, or is improved to a roundabout. In both cases the median can be easily accommodated within the existing roading network, and we are satisfied that this would address any potential issues of traffic safety.

[61] We are also satisfied that a left turn on to the site can be easily accommodated within the existing roading network, and no further changes to the cycleway and merging traffic lane are necessary.

[62] We also note that the walking access to the beach is available within a short distance from the site, with a pedestrian refuge in place in the centre of Papamoa Beach Road. We also note that there are cycleways adjacent to the site, and thus transportation will be either at or close to the frontage of the site.



[63] Construction traffic is covered by an appropriate condition of consent, and we consider that the impact of this would be no different from the site being developed as a residential property.

Infrastructure

[64] We are satisfied that there is adequate water supply and power for this site. As we have already noted, the intensity is similar to that for residential, and accordingly, capacity has been calculated with infrastructural requirements when zoning the land.

[65] We are also satisfied that Council's wastewater services in the area have the capacity to accept flows from the site, even though the applicant has no current means of connecting the site to the Council's network. That is a matter for the applicant to resolve.

[66] We have discussed lighting and signage, and do not consider any issues arising in relation to the proposed application.

Noise and Management of the Site

[67] One of the major concerns noted by submitters was the potential for mismanagement of the site. This would not only be in terms of noise, but the potential for criminal activity entering and leaving the site across fences, and generally causing a nuisance in the neighbourhood. Although use for residential activity is no guarantee of good behaviour, we accept that visitor accommodation, particularly over holiday periods does need particular control at Mt Maunganui/Papamoa.

[68] It appears essential that the Manager is able to manage the entire complex, whether or not lessees/owners or visitors are using the site. It is necessary to ensure that each unit contains no more than the maximum number of persons permitted, that they behave in such a way as not to create a nuisance to other accommodation units or nearby neighbours, that they do not damage the buildings or its grounds, and that they do not otherwise cause a nuisance to the neighbourhood.

[69] We are satisfied that these matters can be addressed by a suitable Management Plan for the site, but were concerned at the time of the hearing as to whether this had been adequately thought through by the applicant in relation to properties which were to be leased long-term by other parties, particularly as permanent accommodation.

[70] In the end, we considered that the terms of the consent conditions needed addressing to ensure that there is a single management system for the entire site, and that all parties are required to comply (including permanent accommodation) with behavioural standards, including noise, use of the property, numbers of persons and vehicles, control of waste, rubbish, entry and egress, and the like. The conditions already require a Manager to maintain a record of the total number of people on the site, and this must include for practical purposes, those that are in permanent accommodation. We understand Annexure A has now been amended to address these issues in Condition 35642.

[71] The development of this site as a single site with a single entry point, with variable occupation, means that from the Court's perspective, that there needs to be single point of enforcement, and that all occupiers, whether permanent or otherwise, are required to comply with the rules and conditions of consent.

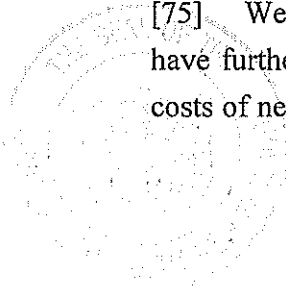
[72] Mr Verseput could see the sense of this provision and agreed that the controls would not affect any ownership arrangements, given the valid protection of all parties' interests in maintaining the high standard of the site. These are now incorporated in the conditions forwarded after the hearing (Annexure A).

Fencing

[73] This leads us to address the question of fencing. The fencing along the Sandhurst boundary is already fixed and is essentially based on the finished site on the Sandhurst side. The fence height seemed to vary between 1.2m – 1.8m, with an average of around 1.5m. It may be that as the ground levels are evened on the Papamoa side, this becomes closer to the average of around 1.4m – 1.5m.

[74] We have concluded that that is an adequate height for fencing between properties, and if particular owners wish to increase the height, as a number have already on the Sandhurst side, then this could easily be accommodated by the addition of trellising or the like.

[75] We could see no particular risk from this development, requiring the Court to have further fencing provisions in relation to this site. We note in particular that any costs of new fences would be shared between the parties, and it would seem to us unfair



that Sandhurst residents should need to contribute when fencing had already been constructed.

[76] Moreover, we cannot see any significant increase in risk to the Sandhurst residents compared with this site being standard residential accommodation. The reason for this is, in our view, the increased management rules would more than address that perceived increase in risk and would in fact give a higher standard than could be required of a standard residential premise. In particular, having a manager on site at all times means that controls can be managed almost immediately through a central complaint point, compared with having to take action against individual residential owners or occupiers through the medium of Council complaints.

Landscaping

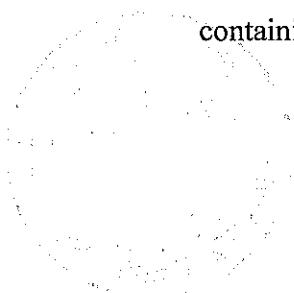
[77] Associated with this was the issue of landscaping. We consider that the amount of landscaping planned for this site is reasonable, having regard to the context of the development. In particular, we think that the open nature of the design will mean that it does not stand out in the context of medium high rise development to the south and east of the site, and the more general residential development in Sandhurst Drive.

Other Matters

[78] No party raised with the Court any issues of plan integrity. We do acknowledge and accept that notwithstanding that this is zoned a residential area, the area has been, and is still being used as an area for summer holidays and for camping and visitor accommodation.

[79] The Mt Maunganui/Papamoa area is still very popular during the summer periods with significant increases in population over the Christmas period. We acknowledge that there is and will remain a demand for accommodation over the summer period, and generally throughout the year in areas that are approximate to the coast with good access.

[80] Although we acknowledge that this is a suburban residential area, we also acknowledge that it is an area traditionally attractive for visitor accommodation and containing a number of these activities.



PART 2 OF THE ACT

[81] Some of the conditions have been expanded and agreed from those originally consented to more fully address potential affects.

[82] Further, conditions relating to the Hail site condition and archaeological conditions provide protocols in the event of discovery. The Court in particular has required an improvement to the conditions to more properly recognise enforceable covenants, both against the Manager of the site and by the Manager and the Council against individual occupiers, whatever their form of tenure. The proposed conditions agreed by most parties except Frasers Papamoa are annexed hereto as **A**. We are satisfied that these are intended to address our concerns. Given the level of agreement we intend to adopt them without further modification.

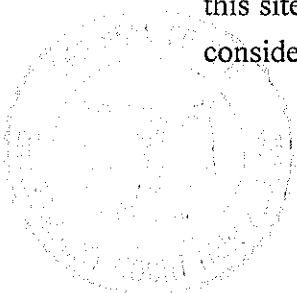
CONCLUSION

[83] We have concluded that the consent with conditions annexed hereto as **A** achieve a sustainable development which will integrate well into the residential nature of this area while providing a good quality area of visitor accommodation in a different format to the general high-rise apartment approach currently adopted in Mt Maunganui. This point of distinction is one that Mr Verseput believes will be attractive to the market. For our part, we conclude it will create an extension to the range of accommodation within the Mt Maunganui/Papamoa area.

[84] We are satisfied that:

- [a] provided proper controls are put in place;
- [b] they are enforceable by the Council as against the Manager and individual occupiers; and
- [c] address potential areas of concern, including behaviour and noise,

this site will operate at least as well as nearby residential areas, and possibly better. We consider the new proposed conditions supplied achieve those objectives.



[85] We have concluded that the distribution of buildings around the periphery is justified by provision of an on-site detention pond and stormwater detention and release to ground, meaning that the site is not a net contributor to flood waters. We have also concluded that it is on a scale in keeping with the residential zoning accorded, and integrating with the existing residential and medium rise plan areas to the south and east.

[86] Overall, we are satisfied that consent on conditions annexed will achieve the purposes of the Act, with the conditions of consent imposed, and will create a positive effect on the neighbourhood and contribute to the diversification of accommodation facilities available in the Tauranga District.

Costs

[87] As we have already noted, no issues as to costs arises with the Section 274 parties. There is a presumption that the costs of the Crown will be met and discussions have no doubt taken place between the Council and the applicant as to their costs.

[88] In the event that the Crown or the Council are not able to agree on questions of costs with the applicant, these are to be referred to the Court.

Directions

[89] The consent is granted as set out in Annexure A hereto.

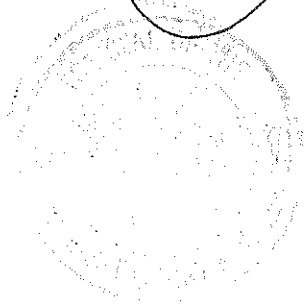
[90] Costs for the Crown and the Council are reserved.

DATED at AUCKLAND this

18th

day of October 2013

J A Smith
Environment Judge



ATTACHMENT A
PROPOSED CONDITIONS OF CONSENT

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

- A. The land use consent for a discretionary activity being the establishment and operation of visitor accommodation and/or independent dwelling units, accessory buildings and activities, signage, the provision of more than 25 on-site car parking spaces and use of under-width accessways, and earthworks involving the disturbance of soil of a piece of land where an activity described in the HAIL has been undertaken at 2 Papamoa Beach Road, Papamoa legally described as Papamoa 4B1 Block (CFR 353453)**
- B. The land use consent for a discretionary activity being retrospective and future archaeological excavations associated with NZHPT Authority No. 2012/544 at 2 Papamoa Beach Road, Papamoa legally described as Papamoa 4B1 Block (CFR 353453)**

CONDITIONS

GENERAL

1. *Except as modified by the conditions of this consent the proposed activity (being a visitor accommodation facility and/or residential dwellings including 34 self-contained units and a manager residence and associated activities) shall proceed in general accordance with the plans and all information (including proposed mitigation and conditions) submitted as part of this application (with the later version prevailing over any earlier version), including:*
 - a. *Assessment of Environmental Effects titled "Sandpark – Log Home Park; 2 Papamoa Beach Road, Papamoa", prepared by Ryder Consulting Limited dated September 2012;*
 - b. *The Sandpark Log Cabin Park, Papamoa Landscape Design and Graphic Attachment Booklet prepared by Isthmus Group Limited and dated September 2012;*
 - c. *Landscape and Visual Assessment, including Appendices titled "Sandpark Landscape and Visual Assessment" prepared by Isthmus Group Limited, referenced 2947/C2 dated 6 September 2012;*
 - d. *Plans and Technical Reports prepared by S & L Consultants Ltd, comprising:*
 - i. *Earthworks and Stormwater Discharge Consent Report, referenced 20125, dated August 2012;*
 - ii. *Engineering Services Area Report, referenced 20125, dated 27 August 2012;*
 - iii. *Geotechnical Assessment Report, including assessment of Liquefaction Potential, referenced 20125, dated April 2012;*
 - iv. *Drawing No. 20125-EW1 – 2 Papamoa Beach Road, Papamoa – Earthworks Design, dated April 2012;*
 - v. *Drawing No. 20125-EW2 – 2 Papamoa Beach Road, Papamoa – Earthworks Cross Sections, dated April 2012;*
 - vi. *Drawing No. 20125-EW3 – 2 Papamoa Beach Road, Papamoa – Erosion and Sediment Control Plan, dated May 2012;*
 - vii. *Drawing No. 20125-T1 – 2 Papamoa Beach Road, Papamoa – Topographical Survey, dated May 2012;*

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

- viii. *Proposed Dust Management Plan, referenced 20125, and dated May 2012;*
- e. *Integrated Transportation Assessment Report titled "Sandpark Papamoa – Proposed Log Home Park" prepared by Traffic Design Group, referenced 11437ta_v11 dated September 2012;*
- f. *Archaeological Survey and Assessment of Effects prepared by Ken Phillips of Archaeology BOP, dated July 2011;*

Including further information received including:

- i. *Letter correspondence prepared by Ryder Consulting Limited dated 28 September 2012 addressing clarification and amendments to Resource Consent Application in relation to nature of Land Use, and Archaeological Excavation including supporting information;*
 - ii. *Email correspondence prepared by Ryder Consulting Limited dated 2 October 2012 addressing typographical errors in AEE document including addendum pages, and confirmation on floor area of proposed shop use;*
 - iii. *Letter correspondence prepared by Ryder Consulting Limited dated 4 October 2012 addressing clarification in relation to proposed shop use;*
 - iv. *Letter correspondence prepared by Ryder Consulting Limited dated 26 February 2013 addressing Council's request for further information in relation to Site Management and Operation, Noise and Light Spill, Boundary and Front Fencing, Building Design and Appearance;*
 - v. *Letter correspondence prepared by Ryder Consulting Limited dated 7 May 2013 addressing Council's request for further information in relation to Building Design and Appearance including supporting visual simulation, along with methodology and supporting comments prepared by Isthmus Group Limited and provided in separate email correspondence dated 14 May 2013;*
2. *All costs associated with the conditions of this consent, including those required under the Tauranga City Infrastructure Development Code ('IDC'), shall be met by the consent holder.*

PRE-DEVELOPMENT CERTIFICATION, ENGINEERING & CONSTRUCTION MANAGEMENT

3. *Prior to any works commencing on the site the consent holder shall submit to Tauranga City Council ('Council'), ~~for certification by the Manager,~~ Environmental Planning ~~or their delegate,~~ a Construction Management Plan which shall include details of the following:*
- a. *How to contact ~~The~~ site manager, who will act as a point of contact for residents who have concerns with, or queries regarding the construction activity;*
 - b. *Procedures for dealing with complaints (including those associated with noise as required below);*
 - c. *The hours of construction activity to be within the hours of:*

Monday to Friday:

7:00am to 7:00pm

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

Saturday 9:00am to 5:00pm
Sunday & Public Holidays: No construction

- d. The measures that will be used to ensure that construction vehicles leaving the site do not deposit soil or other debris off-site, and the remedial measures that are to be taken in the event soil or debris is tracked off-site by construction vehicles;
 - e. A temporary traffic management plan in accordance with the NZTA Code of Practice for Temporary Traffic Management;
 - f. A Dust Management Plan in accordance with the 'Proposed Dust Management Plan' prepared by S&L Consultants Ltd and dated May 2012 lodged with the application, but amended to state that an adequate supply of water for dust control will be available on site at all times during earthworks and until such time that the site is fully stabilised and that the water supply is to be sufficient to apply a minimum of 10mm of water per day to all exposed areas of the site,
 - g. A Construction Noise Plan (CNP) demonstrating how the works will comply with the limits of New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" and that the best practicable options are adopted to ensure that construction noise does not exceed reasonable levels for occupiers in the vicinity. The CNP is to include measures for noise monitoring and procedures for responding to, and documenting complaints regarding construction noise. The CNP is to be prepared by a suitably qualified acoustic engineer.
4. Prior to the commencement of works on the site, the consent holder shall provide to Council for ~~certification by the Manager, Environmental Planning or their delegate~~, details of the following:
- a. Water supply, including fire fighting, to comply with the IDC;
 - b. Sanitary sewer extension and connection to comply with the IDC;
 - c. Stormwater soakage system, which includes the following:
 - i. The multiple diffuse disposal system for each building meets the requirements of the Council's IDC;
 - ii. The modular soakage cell system located within the grass area at the rear of the site will include multiple inlets to the sub-surface system; and be located above the seasonal high groundwater levels in that location.
 - d. A Maintenance Management Plan detailing a programme for the regular inspection and maintenance (including requirements for reporting to the Council) of the fire hydrant, water supply, wastewater and stormwater systems serving this site.
 - e. Internal access ways required by Condition 12 to comply with the surface construction standards for private accessways in the IDC and to the width shown on the Landscape Concept Plan contained within the Landscape Design and Graphic Attachment Booklet referred to in Condition 1;

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

- f. Vehicle crossing required by Condition 43 in accordance with the IDC;*
- g. An electricity reticulation system in accordance with the IDC;*
- 5. The consent holder shall ensure that the ~~programme for inspection and maintenance~~ Maintenance Management Plan ~~certified~~ submitted under Condition 4 of this consent is implemented.*
- 6. The consent holder shall ensure any identified stormwater overland flowpath located within the site is kept clear of obstructions to ensure flow of stormwater to the overall internal site stormwater system is maintained to the approved design during a 2 % AEP storm event.*
- 7. All earthworks design, testing and construction shall be undertaken in accordance with DS/CS10 of the Infrastructure Development Code and any specific requirements of the consent holder's 'Geo Professional' ~~(Refer to Advice Note v).~~*
- 8. All earthworks shall be undertaken in accordance with the Dust Management Plan ~~certified~~ provided to Council under Condition 3, and the Erosion and Sediment Control Plan contained with the Earthworks and Stormwater Discharge Consent Report, prepared by S&L Consultants Ltd referenced 20125 and dated August 2012.*
- 9. Any changes to the methods described in the Dust Management Plan and the Erosion and Sediment Control Plans referred to in Condition 8 must be provided to Council ~~for certification by the Manager;~~ Environmental Planning ~~or their delegate~~ demonstrating that the amended plans meet the requirements of Appendix 4N of the ~~Proposed~~ Tauranga City Plan.*
- 10. Either in conjunction with, or prior to filing any relevant application for Building Consent, the Consent Holder shall provide a "Geotechnical Report" compiled by a Category 1 Geo-Professional for certification ~~by Council's Manager, Environmental Planning or their delegate.~~ The report shall:*
 - a. Comply with the requirements of and detail information required by QA4 of the IDC;*
 - b. Show the position of all designated building platforms and building restriction lines (if required);*
 - c. Provide an assessment of the liquefaction potential of the soils within the site following the completion of earthworks;*
 - d. Confirm that earthworks have been constructed to comply with the New Zealand Building Code requirements, including the minimum separation of 500mm required between top water level in a 2 % AEP event and the subfloor structure of the building;*
 - e. Determine any foundation bearing and floor loading restrictions and/or requirements required by the New Zealand Building Code and/or the IDC;*
 - f. Certify that any residual settlement or differential settlement that may occur shall not exceed accepted design techniques with respect to road settlement or long term deflection, or exceed the settlement limitations as detailed in the New Zealand Building Code;*
 - g. Comment on the need to remove or amend any existing land feature/s displayed on Council's GIS.*
- 11. The details of this Geotechnical Report shall be included and referenced within any building consent application lodged in respect to buildings granted under this resource consent.*

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

12. Prior to the occupation of the buildings authorised under this consent, the site shall be provided with the vehicle crossing and vehicle accessways, and an underground connection to the sanitary sewer, water supply and electricity reticulation system, in accordance the details ~~certified~~ submitted under Condition 4 of this consent.
13. Buildings on the site shall have a minimum finished floor level of RL 5.6m to Moturiki Datum to comply with the minimum separation of 500mm required by Condition 10(d) between the top water level in a 2 % AEP 48 hour duration rainfall event and the subfloor structure of the building (assuming floor joists of 160mm).
14. The consent holder shall supply to the Council a set of 'as built' plans of all engineering works required to service the development, including access ways and vehicle crossings in accordance with the Infrastructure Development Code before applying for a Code Compliance Certificate under the Building Act 2004 for any buildings approved under this resource consent.

~~The consent holder shall ensure that the programme for inspection and maintenance certified under Condition 4 of this consent is implemented.~~

POTENTIALLY CONTAMINATED LAND

~~If any evidence of ammunition and/or ordnance is uncovered at the site during earthworks:~~

- ~~a. Works shall cease in the area of the ammunition and/or ordnance and advice shall be sought from a contaminated land specialist, who has at least a tertiary education in environmental science or engineering or a related field with five or more years of relevant experience;~~
- ~~b. If the contaminated land specialist determines that the site (or part of it) is contaminated as a consequence of the former rifle range, the unexpected contamination shall be managed in accordance with the advice of the contaminated land specialist; and~~
- ~~c. The consent holder shall advise the Manager, Environmental Planning of:~~
 - ~~i. the presence of ammunition and/or ordnance within 24 hours of the discovery;~~
 - ~~ii. the action that was taken to manage any unexpected contamination within 5 working days of the completion of the works.~~

NOISE

15. With the exception of construction activities, all activities on the site shall be undertaken so that they do not exceed the following noise levels within the boundary of any other site in any zone, other than a commercial zone or road zone:

0700 to 2200	50 dBA Leq
2200 to 0700	40 dBA Leq and 70 dBA Lmax

Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

16. All construction related activities shall be undertaken so that they do not exceed the noise levels within the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

LIGHTING

17. External lighting shall be typical to domestic buildings and residential activities, and all activities shall be conducted to ensure artificial light spill from the site does not exceed the following luminance levels, within the boundary of any other site in any zone other than a Commercial Zone or Industrial Zone:

0700 to 2200	25 lux
2200 to 0700	10 lux

Luminance levels shall be measured vertically or horizontally anywhere along the affected site boundary.

SIGNAGE

18. The activity shall be limited to one freestanding sign with a maximum sign dimension area of 2.4 m². The maximum height of the freestanding sign (incorporating any structure used to support the sign) shall be 2.5 m. This condition does not restrict the display of a sign within the site for the shop as referred to in condition 21.
19. Prior to the installation of the sign, the consent holder shall provide to the Manager; Environmental Planning details of the sign, certified by a qualified traffic engineer that:
- The lettering of the sign is adequately contrasting in colour so that the text is legible for passing motorists;
 - The size of the lettering on the sign is of an adequate size (minimum 150mm) so that the text is legible for passing motorists;
 - The sign is designed, oriented and located so that it oriented faces towards approaching motorists and does not restrict driver sightlines.
20. Any illumination of the sign shall be installed and operated to comply with the maximum luminance levels specified in Condition 17.
21. No signs shall be erected so as to advertise the shop to the general public. Any sign associated with the shop shall be a maximum of 1m² and shall not be located within the front setback of the site forward of the manager's residence and visitor building.

LANDSCAPE & SITE LAYOUT

22. Buildings, parking and access ways on the site shall be located in general accordance with the Landscape Concept Plan (LCP) prepared by Isthmus Group Ltd, referenced 2947 L01 Rev E and dated 8 September 2012.
23. Buildings shall be constructed and designed in general accordance with the drawings attached to the application for resource consent and ensure that the maximum height of any building does not exceed 9 metres measured from existing ground level.

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

24. The consent holder shall provide information to verify that all buildings authorised under this consent comply with the overshadowing requirements of the Appendix 14C of ~~Proposed Tauranga City Plan~~ when measured from the external site boundary of the site. Demonstration of compliance shall be provided at the time of making any application for building consent.
25. The consent holder shall provide a detailed landscape plan, prepared by a qualified and experienced landscape architect or landscape designer, to ~~Council for certification by the Manager; Environmental Planning or their delegate.~~ The landscape plan shall ~~be certified if it meets~~ include the following requirements:
- a. A 'final landscape planting plan' including tree numbers, species, and confirmation all trees being of a minimum grade of 45l and minimum height of 1.5 m at the time of planting. The plan shall be in general accordance with the Isthmus Landscape and Visual Assessment and the Landscape Concept Plan contained with the Landscape Design and Graphic Attachment Booklet referred to in Condition 1;
 - b. A plan detailing methodology and timing of maintenance and replacement landscape planting ~~to ensure its successful establishment and ongoing management; and.~~ The plan shall provide that any tree that dies, is removed or otherwise fails to establish shall be replaced with a specimen of an equivalent replacement species during the following planting season and thereafter maintained;
 - c. the tree plantings shall be selected from the following native coastal species: karaka, puka, ngaio, pohutukawa (natural form), pohutukawa 'Maori Princess', nikau, and titoki as appropriate to the location and final size of the tree. Norfolk Island pines can also be incorporated in open space areas where sufficient space is available to accommodate the larger scale tree; and
 - d. The 'final landscape planting plan' may include the staging of landscaping to accord with the staging of the development (if developed in stages). The first stage shall require the establishment of planting around the perimeter of the site and the front part of the site in the area of the manager's residence, shed/shop, visitor building, and entrance space.
26. The Consent Holder shall ensure planting in accordance with the 'final landscape planting plan' certified required under Condition 25 is established in ~~the next planting season following the completion of building works on the site and~~ prior to the occupation of any visitor accommodation or dwelling unit on site and is maintained thereafter. If the development is staged, landscaping shall be established prior to the occupation of any buildings for the relevant stage.
27. Prior to the use occupation of any of the buildings on the site for visitor accommodation, ~~a 1.8m high close boarded timber fence shall be erected along the highest ground contours on the south and east site boundaries where these boundaries adjoin land within the Residential Zone under the Tauranga City Plan. The height of the fence shall be 1.8 m above the ground level, or above any retaining wall, which exists on the boundary at the time the fence is constructed.~~
28. No communal rubbish and/or recycling storage areas shall be located within 5m of the legal boundaries of the site where the site adjoins a Residential Zone under the Tauranga City Plan.

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

29. Communal rubbish and/or recycling storage areas shall be screened from view from public places and adjoining residential properties.

~~SITE OPERATION GENERAL USE~~

30. Prior to, or in conjunction with, the first application for building consent for the visitor accommodation or dwelling units, details of the legal structure that will operate the site shall be provided to the Council.
31. The shop shall be for the purpose of serving guests and visitors to the accommodation facility.
32. Operating hours of the shop shall be between the hours of 8am and 5pm.
33. The shop shall not be permitted to operate if more than 26 (75%) of the 35 accommodation units are used for permanent residential dwellings.
34. The Gross floor area of the shop shall not exceed 50m².

~~VISITOR ACCOMMODATION~~

35. The visitor accommodation facility shall only be permitted to operate as a single facility.
36. Prior to the commencement of any visitor accommodation activity on the site or the occupation of any dwelling unit, the consent holder shall submit to the Council's Manager: Environmental Planning ~~for certification~~ a Site Operation Plan. The Site Operation Plan shall include, as a minimum:
- a. Rules to be adopted by the ~~visitor accommodation~~ facility addressing, as a minimum:
 - i. use of the units for visitor accommodation;
 - ii. conduct and behaviour, and use of the property by visitors residents, visitor accommodation guests and their guests, visitors;
 - iii. storage and disposal of rubbish;
 - iv. hours of use of the pool and communal areas; and
 - v. vehicle parking;
 - b. Identify that the visitor accommodation facility will be managed by a person who lives on-site permanently;
 - c. Identify how the site will operate with respect to accommodation bookings and the checking in (and out) of guests;
 - d. The location and details for solid waste storage and disposal in accordance with conditions 28 and 29;
 - e. Guidelines on the use of the shed for maintenance activities;

~~The Council's Manager, Environmental Planning shall certify the Site Operation Plan if it meets the requirements of (a) to (e) of this condition~~

37. ~~The visitor accommodation activity~~ All activities shall be managed as a single facility and shall include an on-site manager responsible for enforcing the management rules of the visitor accommodation facility referred to in condition 36.
38. All letting of visitor accommodation and dwelling units shall be undertaken through the site manager and be subject to the conditions of this consent.

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

39. No camping shall be permitted on the site.
40. A maximum of 204 people (based on up to 6 people per visitor accommodation or dwelling unit) shall be accommodated over night ~~on the site~~ as part of the ~~visitor accommodation facility~~ (excluding staff and people associated with the ~~manager's residence~~ manager's and owner's residences).
41. The site manager shall keep a register of ~~guests, including their arrival and departure dates,~~ the numbers of persons accommodated overnight ~~in association with the visitor accommodation facility.~~ The number of guests ~~accommodated over night~~ register shall be made available to Council ~~within 5 days, upon request.~~
42. The "shed" shown on the site layout plan included in the application shall only be used for storage and maintenance.

TRANSPORTATION

43. The consent holder shall ensure that prior to occupation of any ~~accommodation unit~~ on the site, 'Type C' Standard Rural Vehicle Crossing is constructed in accordance with T443 of the IDC in the location as shown on the LCP. If a kerb and channel has been installed at the site frontage adjacent to the proposed crossing at the time the vehicle crossing is required in accordance with this condition, an urban vehicle crossing shall be constructed in accordance with the T431 of the IDC. The crossing shall be in accordance with the Council's 'Vehicle Crossing, Service Connection and Asset Assurance Policy.
44. Prior to the occupation of the buildings authorised by this consent, a speed advisory sign shall be installed at the entrance of the site advising motorists entering the site of a speed limit of 15km/hour).
45. A minimum of 83 all-weather car parking spaces shall be provided on site.
46. Prior to the occupation of the visitor accommodation or dwelling units authorised by this consent, a flush painted median shall be installed in Papamoa Beach Road to provide for the safety of traffic turning right into the property.

CULTURAL

47. At least five working days prior to the commencement of earthworks, the consent holder shall:
- Provide Nga Potiki a copy of the earthworks plan that forms part of this consent and the programme of the earthworks, including the commencement date and expected duration of earthworks;
 - Provide Nga Potiki with the details of the key contact person responsible for overseeing the earthworks;
 - Invite representatives of Nga Potiki to carry out a blessing of the site, provide a cultural induction for site workers, and to undertake cultural monitoring during earthworks.
48. In the event that any archaeological sites and/or koiwi/taonga are uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall then consult with the relevant representative

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

for Nga Potiki and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

FINANCIAL CONTRIBUTIONS

49. *In relation to this consented development, immediately prior to the issue of a building consent the consent holder shall pay to the Council Local Infrastructure Contributions in accordance with the Rule 11A.2.20 of the Proposed Tauranga City Plan. This contribution is to mitigate effects created through demand for reserves and community infrastructure generated as a result of the development.*

DEFINITIONS

- i. ***"Certification"** means approval by the Manager: Environmental Planning (or their delegate) acting in a technical certification capacity, to determine whether the document or matter is consistent with, or sufficient to meet, the conditions of this consent.*
- ii. ***"Geo Professional"** has the same meaning as that defined in the Tauranga City Infrastructure Development Code.*

ADVICE NOTES

- i. *In accordance with the Council's Schedule of Fees and Charges, if not accompanying this decision, an invoice may be sent at a later date if the actual cost of processing the application the subject of this decision exceeds the application fees deposit paid on lodgement of the application. All costs associated with the conditions of this consent shall be met by the consent holder*
- ii. *Where any building or drainage works are required to satisfy conditions of this consent, all consents required under the Building Act 2004 must be obtained prior to the works being carried out.*
- iii. *All archaeological sites whether recorded or unrecorded under Part 1 of the Historic Places Act 1993 cannot be destroyed, damaged or modified without the consent of the Historic Places Trust of New Zealand. In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact the Historic Places Trust for advice.*
- iv. *Development contributions under LGA 2002 –*

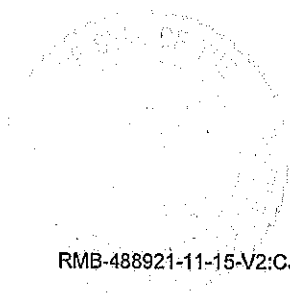
Development contribution may be required: Pursuant to section 198 of the Local Government Act 2002, Council may require, when a building consent is issued or an authorisation for a service connection is granted, that a development contribution provided for and in accordance with Council's Development Contributions Policy then in force, be made (paid) by the applicant to Council.

ATTACHMENT A – PROPOSED CONDITIONS OF CONSENT

For the avoidance of doubt this advice note is not a requirement for a development contribution pursuant to section 198(1)(a) of the Local Government Act 2002.

- v. *Each dwelling unit / visitor accommodation unit shown on the Landscape Concept Plan shall be treated as one accommodation unit (as defined by the Tauranga City Plan).*
 - vi. *The Bay of Plenty Regional Council has granted consent (67212) for the discharge of stormwater and earthworks associated with the proposal. Condition 8.2 of that consent requires that the permanent stormwater treatment devices are sufficient to ensure that all stormwater run-off beyond the boundaries of the site during a 2% AEP storm event is no greater than the run-off that currently occurs over the 2% AEP storm event. For the purposes of Condition 8.2 of the Regional Council consent, the 2% AEP storm event is 273mm.*
 - vii. *The painted flush median referred to in condition 46 is to be in general accordance with Drawing 10 entitled 'Papamoa Beach Road Flush Median Concept – Without Sandhurst Roundabout' or Drawing 11 entitled 'Papamoa Beach Road Flush Median Concept – With Sandhurst Roundabout', prepared by Traffic Design Group and dated 9 September 2013 and attached to this consent. The final layout of the following dimensions:*
 - a. A width of 1.4m for the north shoulder;*
 - b. A width of 3.0m for traffic lanes (both directions);*
 - c. A 2.0m wide flush median; and*
 - d. A width will be dependent on the timing of the implementation of 1.4m for the south shoulder the planned upgrade to the Sandhurst Drive intersection and the occupation of the site.*
- The consent holder is advised to liaise with Council's Transportation Department to co-ordinate the timing of the flush painted median with the upgrade of the Sandhurst Drive intersection. In the event that the median is not undertaken by Council as part of the Sandhurst Drive intersection upgrade, the consent holder requires a Corridor Access Request from Council.*
- viii. *Condition 3635 ensures that the accommodation facility can only operate as a single facility should even if the land ~~be~~ is subdivided.*
 - ix. *If a fence under condition 27 is constructed on a retaining wall, the structure must comply with the Tauranga City Plan, unless authorised by a resource consent.*

ATTACHMENT B
TRAFFIC DESIGN GROUP DRAWINGS



RMB-488921-11-15-V2:CJ



NOTE:
1. Concept plan based on aerial photography and site dimensions to be determined by survey.
2. Do not scale from drawing.

Monday, 8 September 2013

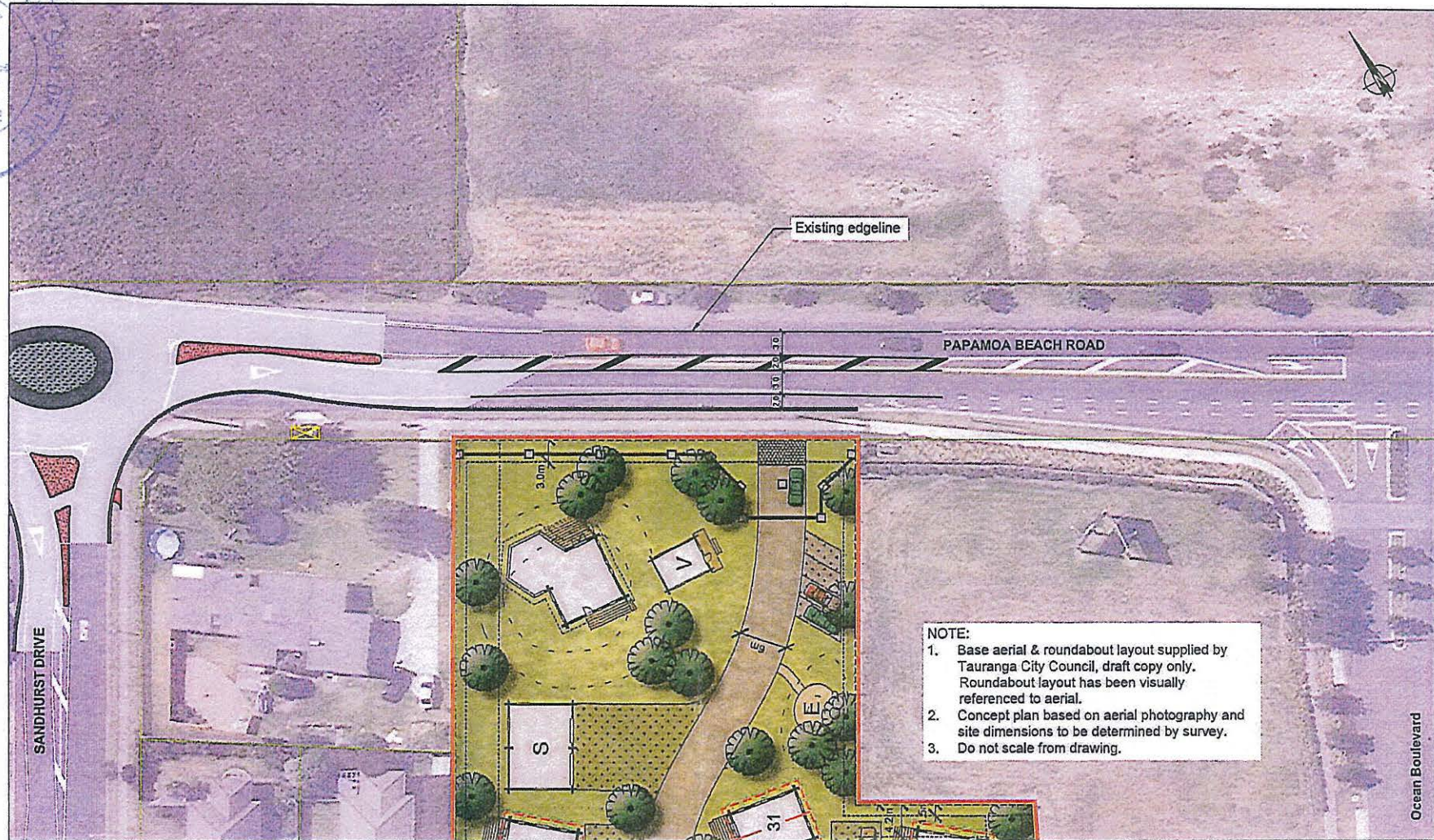
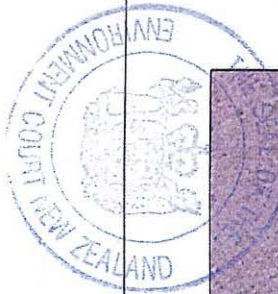
REVISION	DATE	DESCRIPTION

SANDPARK LOG HOME PARK, 2 PAPAMOA BEACH ROAD, PAPAMOA
PAPAMOA BEACH ROAD FLUSH MEDIAN CONCEPT - WITHOUT SANDHURST ROUNDABOUT

DRAWN: J.TAYLOR
DATE: 09.09.2013
SCALE: 1:500@A3
DWG NO:11437-T3A

Traffic Design Group

10



NOTE:

1. Base aerial & roundabout layout supplied by Tauranga City Council, draft copy only. Roundabout layout has been visually referenced to aerial.
2. Concept plan based on aerial photography and site dimensions to be determined by survey.
3. Do not scale from drawing.

Monday, 9 September 2013

REVISION	DATE	DESCRIPTION

SANDPARK LOG HOME PARK, 2 PAPAMOA BEACH ROAD, PAPAMOA

PAPAMOA BEACH ROAD FLUSH MEDIAN CONCEPT - WITH SANDHURST ROUNDABOUT

DRAWN: J.TAYLOR
DATE: 09.09.2013
SCALE: 1:500@A3
DWG NO:11437-T3A

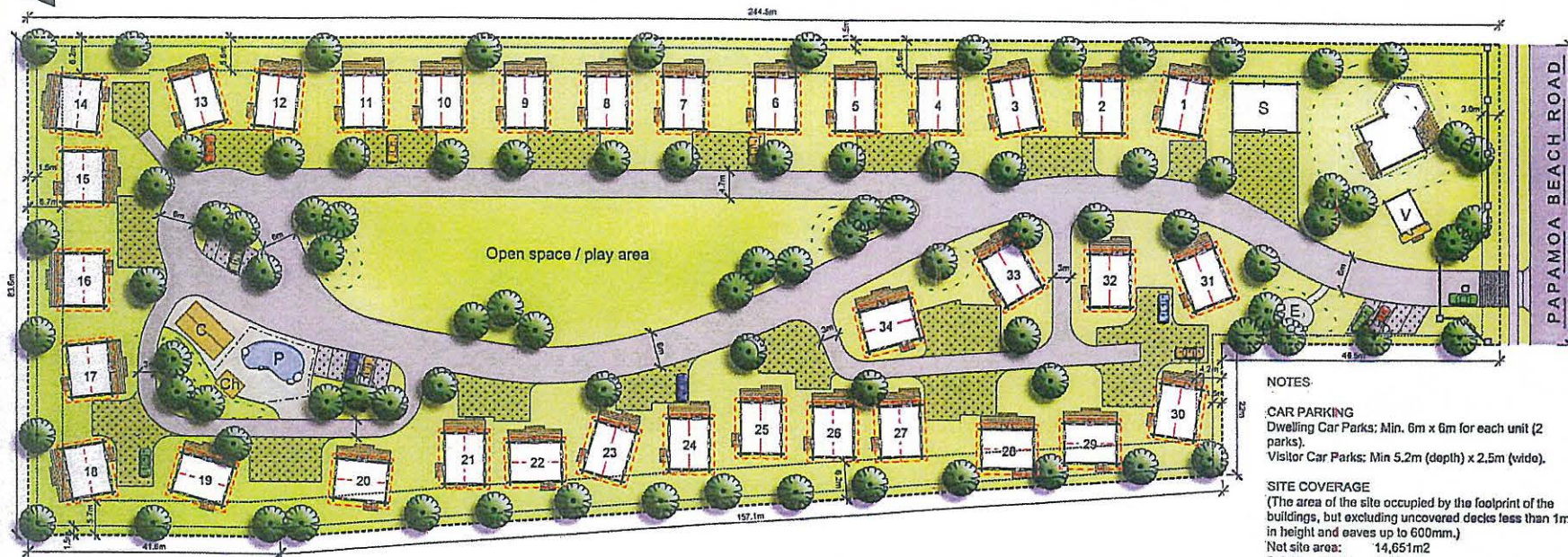
Traffic Design Group

11

Annexure B

C.M.A





NOTES

CAR PARKING
 Dwelling Car Parks: Min. 6m x 6m for each unit (2 parks).
 Visitor Car Parks: Min 5.2m (depth) x 2.5m (wide).

SITE COVERAGE

(The area of the site occupied by the footprint of the buildings, but excluding uncovered decks less than 1m in height and eaves up to 600mm.)

Net site area: 14,651m²
 Buildings total: 2,312m²
 Site coverage: 15.78%

NETT SITE AREA

(The site area less the areas for vehicle accessways)
 18,000 - 3,349m²
 14,651m² (81.39%)

SETBACKS

District Plan front yard setback to Papamoa Beach Road is 3m.
 District Plan side yard setback is 1.5m.
 The boundary setbacks shown on the plan are the indicative setbacks required to the ridge of the roof of the buildings to comply with the Daylighting rules.

All buildings can comply with the District plan front and sideyard and daylighting setbacks.

All buildings are within 2 metres of their final location and will be within 10deg of their final orientation.

DO NOT SCALE. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK.																																							
COPYRIGHT ISTHMUS GROUP LTD																																							
LEGEND																																							
	(x)	Dwelling (9 x 7m footprint with 10.2 x 8.5m roof in red)																																					
		Larger dwelling for owner / caretaker																																					
	C	Canopy structure / communal area.																																					
	Ch	Changing sheds for pool																																					
	V	Visitor building																																					
	S	Shed for maintenance tools, tractor etc																																					
	P	Swimming pool (approx 10m long)																																					
	E	Entrance space for outdoor shower garden																																					
		Car parking, grass cells.																																					
		Swimming pool fence																																					
		Front decorative fence and gate with stone pillars																																					
		Specimen trees																																					
		Indicative contours showing mounding																																					
		Site boundary																																					
		Daylighting setback distances																																					
<table border="1"> <tr> <td>E</td> <td>Setback drawings moved</td> <td>MP</td> <td>BC</td> <td>BC</td> <td>05/02/12</td> </tr> <tr> <td>D</td> <td>Site reduction</td> <td>MP</td> <td>BC</td> <td>BC</td> <td>03/07/12</td> </tr> <tr> <td>C</td> <td>Added 2x 6m high to daylight setback</td> <td>MP</td> <td>BC</td> <td>BC</td> <td>25/04/12</td> </tr> <tr> <td>B</td> <td>Minor adjustments to site</td> <td>MP</td> <td>BC</td> <td>BC</td> <td>13/03/12</td> </tr> <tr> <td>A</td> <td>1st day setback, entrance path etc</td> <td>MP</td> <td>BC</td> <td>BC</td> <td>05/12/11</td> </tr> <tr> <td>Rev</td> <td>Revision</td> <td>By</td> <td>Chk</td> <td>Appr</td> <td>Date</td> </tr> </table>				E	Setback drawings moved	MP	BC	BC	05/02/12	D	Site reduction	MP	BC	BC	03/07/12	C	Added 2x 6m high to daylight setback	MP	BC	BC	25/04/12	B	Minor adjustments to site	MP	BC	BC	13/03/12	A	1st day setback, entrance path etc	MP	BC	BC	05/12/11	Rev	Revision	By	Chk	Appr	Date
E	Setback drawings moved	MP	BC	BC	05/02/12																																		
D	Site reduction	MP	BC	BC	03/07/12																																		
C	Added 2x 6m high to daylight setback	MP	BC	BC	25/04/12																																		
B	Minor adjustments to site	MP	BC	BC	13/03/12																																		
A	1st day setback, entrance path etc	MP	BC	BC	05/12/11																																		
Rev	Revision	By	Chk	Appr	Date																																		
<p>landscape architecture urban design</p> <p>3 Vincent Street PO Box 13 238 Papamoa New Zealand T + 64 7 377 0807</p>																																							
CLIENT		Sandpark Ltd																																					
PROJECT		Sandpark Loghome Park Papamoa																																					
TITLE		Landscape Concept Plan																																					
DESIGNED BY	IGL	SCALE	1:750 @ A3																																				
DRAWN BY	MP	DATE	27-04-12																																				
APPROVED BY	BC	DATE	27-04-12																																				
JOB NUMBER	2947	DRAWING NUMBER	L01																																				
DESIGNER		REVISION	E																																				
DRAFT																																							