

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

resource consent applications by Mokau Sands Ltd to Waitomo District Council for land use consent to establish 24 dwellings; to establish and operate a 50 seat restaurant and café; to relocate 6 existing cabins; and to undertake earthworks at 5270 State Highway 3, Mokau.

AND

IN THE MATTER OF

resource consent applications by Mokau Sands Ltd to Waikato Regional Council for consent to discharge treated wastewater to land and for earthworks in association with the redevelopment of the Seaview Motor Camp at 5270 State Highway 3, Mokau.

**REPORT OF THE WAIKATO REGIONAL COUNCIL/WAITOMO DISTRICT
COUNCIL JOINT HEARING PANEL**

Commissioners:

Mayor Brian Hanna (Chairman),
Councillor Phil Brodie, (Waitomo District
Council)
and Craig Shearer and Anthony Olsen
Independent Commissioners (Waitomo
District Council and Waikato Regional
Council)

1. THE HEARING

The Waitomo District Council (“**WDC**”) and Waikato Regional Council (“**WRC**”) appointed a Joint Hearings Committee pursuant to Section 34A of the Resource Management Act 1991 (“**RMA**”) to hear and respectively decide the applications for

resource consents to both Councils made by Mokau Sands Ltd. The Joint Hearings Committee comprised Mayor Brian Hanna and Councillor Phil Brodie on behalf of WDC and independent Hearings Commissioners Craig Shearer and Anthony Olsen on behalf of WRC and WDC.

The hearing of these matters was held at the Waitomo District Council Chambers, Queen Street, Te Kuiti on Wednesday 20 May and Thursday 21 May 2015 for the purpose of enquiring into the applications and the submissions thereto.

A site visit was undertaken by the Commissioners on the morning of the 21st of May. The site visit was arranged and supervised by Stephen Rice, the Joint Hearings Administrator and guided by the manager of the Holiday Park, Paul Bettridge. All commissioners attended.

Hearing Adjournment and Closure

The hearing adjourned on the 21 May. We requested there be further dialogue between the applicant, the two Councils and NZ Transport Agency, for the purpose of developing an agreed set of proposed conditions which could be applied to the applications if the Commissioners determined they would be granted. Any disputes and differences in the proposed conditions among the parties were to be highlighted. After receiving the conditions the counsel for the applicant would then file his closing submissions.

We received the revised conditions on 13 June. We were somewhat surprised to also receive on that day with the revised conditions supplementary evidence from Mr Bigwood, the Waitomo District Council's Section 42A officer, supporting his contrary view on some of the provisions relating to the vesting of Lot 27. We did not request this evidence. We found that it had been widely circulated to all parties and so it was difficult to avoid accepting it without prejudicing the interests of the applicant. Mr Makgill advised us via the hearing administrator there were new evidential matters addressed by Mr Bigwood that are disputed by Mokau Sands Limited's witnesses that will need to be addressed in rebuttal evidence. We accepted his advice and issued Directions on 22 June to clearly set out the process until closing submissions were received.

Subsequently we received supplementary statements of evidence from Mr Serjeant and Mr Peacocke on 1 July and Mr Makgill duly submitted his closing submissions on 21 July. The Chairman formally closed the hearing on 23 July 2015.

2. THE APPLICATIONS

2.1 Waitomo District Council

The applications for resource consents lodged with WDC are described below:

Application number	Activity Description	Activity Status
110019	Land use consent to establish 24 dwellings (and all ancillary earthworks and infrastructure); to establish and operate a 50 seat restaurant and café; to relocate 6 existing	The proposal is unable to comply with a number of the provisions in the District Plan with the most

	cabins to provide visitor accommodation; and to undertake earthworks;	restrictive as Discretionary
	Land use consent for a fee simple subdivision consent to create allotments for each of the 24 dwellings (Lots 1-24), an allotment for the restaurant/café (Lot 25), a common "access lot" (Lot 26), a road to vest (Lot 27) and two 'Common Marine and Coastal Area' lots under section 237A(1)(b) of the Resource Management Act 1991 (Lots 28 and 29).	

2.2 Waikato Regional Council

The applications for resource consents lodged with WRC are described below:

Application number	Activity Description	Activity Status
124641.01.01	To discharge up to 30 cubic metres per day of domestic effluent into the ground	Discretionary
124642.01.01	To undertake approximately 15,000 cubic metres of earthworks in a high risk erosion area, including the discharge of overburden onto or into land and any subsequent discharge of contaminants into water or air.	Discretionary

The applications were lodged with Waitomo District Council and Waikato Regional Council and were publicly notified on 7 August 2012 with the closing date for submissions being 4 September 2012.

3. SUBMISSIONS

3.1 Waitomo District Council

Within the prescribed submission period 40 submissions were received, 25 in opposition, 14 in support and one neutral. The neutral submission was received from the Waitomo District Council which was subsequently withdrawn leaving 39 submissions.

The submitters were:

Submitter in Support

Bruce William Bowers
Wyatt Samuel Hutchinson
Nathan William Richardson
Mr and Mrs B Warren
Peter and Jeanette Manson
BA Christiansen
Adele Harnett

Chip Rangi
Terence Wayne Klenner
Nigel Patrick Klenner
Neil Harry Johnson
Graeme Rogers
Dawn and Neil Colman
James Leonard Roy Webster

Submitters in Opposition

Department of Conservation
NZ Transport Agency
Brenda Kay Firth
Daniel Standish Reardon
Warren Mervyn Jensen
Barbara Peal Digby
Shirley Lois Haskell
Craig Smith McFarlane
Chris and Sibyl Iremonger
Pam and Wayne Stevenson
Wendy Bolger
Richard and Heather Rawles
Mere Elaine Julian
Graeme David Butcher
Jacqueline Kerr
Helen Reardon
Ashley Noel Donaldson
Joanne Donaldson
Michelle Masters
Gareth David Robertson
Tessa Reardon
Alan John Murdoch
James Gordon Craig
Brian Oidea
Robert Charles Dorelinger

3.2 Waikato Regional Council

Within the prescribed submission period four submissions were lodged with Waikato Regional Council.

The submitters were:

Submitters in Opposition

Department of Conservation
Nga Hapu O Poutama Iwi Authority
Craig MacFarlane

Neutral

Waikato District Health Board – Population Health

4. APPEARANCES

Applicant

The applicant's case was led by Robert Makgill, legal counsel. Five witnesses presented evidence on behalf of the applicant. They were:

Mark Peacocke (Managing Director of Mokau Sands Ltd)
James Lundy (Urban Designer)
James Dahm (Coastal Processes Consultant)
Andrew Skerrett (Traffic Engineer)
Dave Serjeant (Planner)

Submitters

Russell Gibbs (Nga Hapu O Poutama)
Caitlin Kelly (Planner) and Bryan Hudson (Transport Engineer)- (NZ Transport Agency)
Shirley Haskell
Brenda Hubbard

Waitomo District Council

Stephen Bigwood (Consultant Planner)
Tara Hills (Consultant Engineer)
David Mansergh (Landscape Consultant)

Waikato Regional Council

Stuart Beard (Resource Officer)

Mr Steve Rice acted as Hearings Administrator on behalf of both WDC and WRC.

5. APPLICANT'S PROPOSAL

The following summary of the proposal is taken from the reports of the two reporting officers.

Mokau Sands Ltd proposes to demolish the existing buildings on site at the Seaview Holiday Camp and establish 24 dwelling units, establish a cafe/restaurant and relocate 6 existing cabins to provide visitor accommodation. The 24 dwellings are proposed to be located in a row on the flat 'backdune' area immediately forward of a remnant dune. The dwellings are thus to be located a minimum of 35m back from the toe of the existing fore dune.

Vehicle access and parking is proposed from an access road located at the rear (or the eastern (remnant dune) side) of the dwellings. This removes most car activity from the beachfront. The access road varies in width but is typically 3.5m wide. The proposed units are expected to be mainly two-storeyed and are expected to be designed to accommodate bach/boatshed structures with parking on the ground floor level and living typically on an upper level. The maximum building height proposed is 9m above ground level to allow for elevated ground floor levels and the possible inclusion of roof-decks.

The approach is to allow all buildings flexibility to be individually sited and orientated so they are unlikely to present a wall of development. This approach, along with dune and back-dune planting including Pohutukawa trees, is to minimise any visual impacts.

All new dwellings will be on individual sites that can be freeholded, so part of the proposal is to provide for subdivision. This will involve 24 lots for the dwellings, one common lot for the area in front of the dwellings, a lot for the café and one for the right of way and carpark. There will be to residual Coastal Marine and Coastal area titles.

The dwellings will be connected to Council's water reticulation. A communal wastewater treatment and land disposal system is proposed to serve the dwellings and the café when constructed. The proposed re-circulating packed bed reactor treatment system is modular by nature, making it suitable for a staged site development, such as this proposal. The dispersal field for the communal sewage treatment plant is located on the backdune (or Tasman Sea side) of the units. Stormwater disposal is proposed through the piping of stormwater to the Purapura Stream.

The proposed cafe will have a footprint of approximately 196m² (excluding decks); will have seating for up to 50 diners; and will be located above the foreshore at the southern end of the site. The base extends to the north to form a decked seating area. The cafe is proposed to sit as far forward to the beach as possible with access being provided directly from the proposed carpark. The building has been designed to be relocatable, through the use of two simple single storey gable sheds sitting on a piled platform base. Public access will be via a road and carpark to be constructed when the café is constructed.

The existing 'Seaview Motorcamp' contains 6 'character' cabins. To retain an element of the existing campground character, it is proposed to relocate the 6 cabins into a tight cluster in close proximity to the café, providing the opportunity for visitor accommodation. The cabins are to be operated by the café owner. The cabins are all proposed to be located less than 25m from the toe of the fore dune.

Earthworks are proposed on the roadside of the existing site (on the SH3 side of the remnant sand dune) in order to achieve a minimum sight line distance of 250m from the entrance of the site, to the north. These proposed earthworks involve trimming the existing slope to match the existing profile. The volume of cut material is estimated to be 15,000m³. This cut material will be used as fill material within the development (i.e. foundations materials and to raise level of the car park and accessway).

Other earthworks will also be required for construction works associated with the construction of the buildings, roading formation and infrastructure servicing. Buildings on the site are all to be re-locatable. The reason for this is that the coastline has the potential for erosion, and any significant retreat of the coastline could threaten the buildings. Other assets such as the wastewater treatment facility may need to be moved if significant retreat of the coastline occurs. In recent years the coastline has retreated significantly. The owner has undertaken significant dune restoration, modification and planting work, approved by an earlier consent, to try and better manage the phases of accretion and erosion that occurs long this stretch of coastline.

6. EVIDENCE PRESENTED

A considerable amount of material was received from the various parties and in particular from the applicant, via documents filed in support of the applications. We also received evidence from the applicant, its expert witnesses, and one submitter (NZ Transport Agency), in advance of the hearing. We have read and considered all this information carefully and in addition considered the legal submissions for the applicant, the supplementary evidence from two applicant witnesses, the submissions and evidence of the submitters, and the two Section 42A Reports and supporting reports on behalf of the two councils that was precirculated to all parties and then updated as required at the hearing, and the supplementary evidence of the WDC reporting officer.

The information presented to us at the hearing is summarised below.

6.1 Applicant

6.1.1 Mr Makgill – Opening Submissions

Mr Makgill presented opening legal submissions. He provided a background to the applications and outlined the statutory tests that must be satisfied.

He outlined the existing environment including the Seaview Motorcamp and the dune restoration project which is a key component of the proposed redevelopment project. He emphasised the site is not a wilderness or natural landscape. In response to the Department of Conservation's submission requesting a 20m esplanade reserve Mr Makgill said the proposal will secure public access through the vesting of the access and car park area as road when the development of the café is completed.

6.1.2 Mr Peacocke

Mr Peacocke is the joint owner of Mokau Sands Ltd. He provided us with a brief history of his involvement over 12 years of owning the site, the efforts he has taken to ensure a design that is appropriate, his desire to enhance the natural character of the coastline, and discussions he had undertaken with Iwi.

In his supplementary evidence Mr Peacocke explained his discussions with the Council over the years as he developed his proposal and in particular his discussions on vesting Lot 27 and whether or not an esplanade reserve should be taken by the Council. He attached the plans for the original 54 dwelling proposal for our information. His evidence states he remains "willing to vest Lot 27 in the Council at the time that the café is developed". He is happy for the Council to take the esplanade reserve if this will facilitate public access to the beach.

6.1.3 Mr Lundy

Mr Lundy is an urban designer who has prepared the development plan and architectural models submitted with the application material. He explained the efforts taken to integrate the development into the landscape in a way consistent with the coastline, and to ensure the site became a focus for those entering the Taranaki area. He explained the development concept and how the various dwellings would fit within it. He envisages small templates but generally two-storeyed, with an architectural style that he described as "boatshed form of bach architecture using

natural timber claddings oiled or left to weather”. He envisages the café having a similar architecture designed to blend in with the landscape and environment.

He advised us the houses would be screened from the beach by the sand dunes although the upper levels would be seen from some positions. The café however would be more prominent, to attract customers but also to provide a good vantage of Mt Taranaki and the coastline.

6.1.4 Mr Dahm

Mr Dahm was engaged to design the dune restoration and repair project. He provided evidence on the progress to date with the implementation of the dune repair project, and the management of coastal hazards on the site. He advised the shoreline has been in an erosion phase over the past 15 years with the present shoreline being the most eroded since at least 1964. In his view *“the present situation is one primarily associated with dynamic shoreline fluctuations that are not likely to pose a threat to the proposed development provided it is appropriately set back”*¹.

In terms of hazard management he recommends a number of measures including a minimum 25m setback for infrastructure and development, dune restoration by management of vegetation on it, repairing dunes using sand “push up” techniques when required, and the provision of adaptive management including the provision of managed retreat of infrastructure and development should coastal erosion threaten. This latter technique would involve shoreline monitoring and triggers to remove dwellings and other structures as required.

6.1.5 Mr Skerrett

His evidence covered traffic generation and the proposed improvements to the access into the site. He also provided evidence on existing and future state highway average annual daily traffic movements, the traffic generated by the existing facility and in future, and crash data. He estimated the current camp and beach access generated 216 traffic movements per day once the proposed development has been completed there would be 258 trips per day. The increase is due largely to the presence of the café.

The sight distances from the centre of the access were measured at 102m from the north and 252m to the south. Both distances are restricted by highway cuttings. Using Austroads guidelines a safe intersection sight distance of 285m would be needed, with a downhill correction applied to the north this would be need to be 302m. Mr Skerrett recognised that increasing the sight distance to the north is constrained by the potential effects on the wahi tapu along the ridge of the backdune, thus minimising the amount of cut that can reasonably be achieved.

His advice was that there are low traffic numbers on this stretch of state highway and the applicant’s proposal will improve the safety at the access. Greater sight distance would only be needed if there was a significant increase in the amount of traffic on the state highway. In his view a right turn bay is not warranted at the entrance the sight.

¹ Clause 33 of Dahm evidence

6.1.6 Mr Serjeant

Mr Serjeant provided planning advice at the hearing. He summarised the assessment of effects undertaken by the applicant's technical experts and the two section 42A officers. He reiterated Mr Skerrett's view that a right turn bay is not needed but said that Mokau Sands had agreed to install one prior to the commencement of operations of the café.

He also referred to the results of archaeological investigations, which he has attached to his evidence. He supports accidental discovery protocol being included as a condition of any consent. He explained why the proposal does not include vesting of an esplanade reserve – Mokau Sands has an ongoing obligation to maintain the foredune area and the ceding of a reserve to the Council would serve no purpose as there would be no access to other reserves at each end of the reserve.

A brief assessment of the various national, regional and local statutory documents was also provided by Mr Serjeant. His conclusion was the proposal is consistent with their provisions. He also provided an assessment against the provisions of Part 2 of the Act.

In his supplementary evidence Mr Serjeant addressed four matters raised by Mr Bigwood's supplementary statement. He acknowledged the importance of Policy 19 of the NZ Coastal Policy Statement and advised us the applicant now proposes to register a 3m wide easement over Lot 27 in favour of the public. He opposed immediate vesting of Lot 27 as control of access to the beach would be taken from Mokau Sands and there is the potential for safety issues as a result of increased use of the public access by travelling public.

He also disagreed with Mr Bigwood that there was a change in scope from the original lodged application to the one now being considered. He maintains the application is consistent with the esplanade reserve and public access provisions of Chapter 25 of the District Plan because an easement is to be provided and ultimately Lot 27 will be vested in the Council. He is happy for a condition preventing the building of a dwelling on Lot 27 to be applied if the application is granted.

6.2 Submitters

6.2.1 Nga Hapu o Poutama Iwi Authority

We note the this submitter, Nga Hapu o Poutama Iwi Authority, represented by Russell Gibbs, only lodged an objection to the regional consents but articulated concerns about the applications to both consent authorities. He indicated he thought his submission applied to both.

When questioned about his Authority's status to comment on the district consent applications Mr Makgill interjected and advised his client was happy for Nga Hapu o Poutama's submission to be considered to apply to both consent authorities. We accept Makgill's advice on this and find this submission applies to consents lodged with both consent authorities.

Mr Gibbs explained Nga Hapu o Poutama have Mana Whenua status over the land and as kaitiaki has an advocacy role in the proposed development. In his view the applicant has accorded status to the iwi with the least issues on the site.

He referred to concerns his iwi has with koiwi potentially being exposed in the earthworks proposed for the development, and said this was a matter of national importance under section 6(e) of the RMA. Human bones had previously been found during the dune rehabilitation process. He requested that the Nga Hapu o Poutama heritage protocol be used when carrying out earthworks.

Mr Gibbs was not happy that an incorporated society or body corporate would be looking after the rehabilitated dunes without his iwi's representation. He requested his iwi have a seat on the body responsibly for maintaining the dunes.

Although there is a cultural protocol that applies to the earthworks phase of the project, including an accidental discovery protocol he would like to see this applied to the development of the house sites as well. Overall he said that a cultural report has not been drawn up and he sees this as a hole in the applications, so he considers cultural values are not well dealt with.

In summary the 3 main issues for Nga Hapu o Poutama are:

- The Poutama Heritage Protocol should be used;
- They want a decision-making seat on the body corporate/incorporated society which will be set up to manage the dune system without the financial or legal liabilities;
- They want condition 19 (subdivision consent) that applies to earthworks to apply to the development of the dwellings as well.

6.2.2 Shirley Haskell

Ms Haskell was concerned at the loss of a camping facility and also at the potential traffic impacts. She would like to see double no-passing lanes installed by NZTA, especially to the north of the entrance. She was concerned natural character would be compromised, and would be contrary to the policies of the district plan. She would support an alternative to the proposal provided some camping was retained and also public access to the beach. Ms Haskell passed to us 316 signatures from people passing in and out of the camping ground – this is an indication of the feeling about the issue of the loss of the camping facility. She spoke passionately about the number of people who get enjoyment from the current Motor Park.

6.2.3 Brenda Hubbard

Ms Hubbard was accompanied by Heather Rawles. Ms Hubbard was concerned at the potential loss of public access to the beach although she understands that legally the position will be no different from the current arrangement. She would like to see good parking provided. She is concerned at the loss of yet another New Zealand motor camp next the coastline. She referred to sections 5 and 6 of the RMA, and also to the NZ Coastal Policy Statement.

6.2.4 Caitlin Kelly

The NZ Transport Agency opposed the development on the basis of concerns about the potential effects of the development on the safe and efficient function of the state highway network. Ms Kelly did suggest however a number of mitigation measures which could adequately address the agency's concerns. In particular she requested minimum sight distances of 250m be achieved both north and south of the site, and the cut batter to the north to achieve the 250m is to be undertaken and maintained to NZ Transport Agency's approval.

She said the Agency requires a right turn bay to be installed at the entrance to the site once the café is opened for business, as its operation will increase the number of vehicles utilising the accessway. NZ Transport Agency also requires a flag light to be constructed to promote safe access to and from the development, and a Traffic Management Plan and Agreement to Work on the state highway needs to be submitted for approval prior to work commencing.

6.3 Section 42A Reports

6.3.1 Waikato Regional Council

Mr Beard provided a comprehensive assessment on the consent applications in his Section 42A Report. In summary he considered the regional consent applications will have effects that are no more than minor and are consistent with the relevant statutory documents. They are also consistent with Part 2 of the Act.

6.3.2 Waitomo District Council

Mr Bigwood provided a Section 42A report on behalf of Waitomo District Council and was in attendance at the hearing. He was supported by Ms Hills who provided engineering advice at the hearing. Their overall view was that with appropriate conditions they were satisfied the applications to the Waitomo District Council could be granted. Mr Bigwood did say however that he did not support the applicant's proposal that it would only vest Lot 27 as road reserve when a decision was taken to construct the café. He considers the road reserve should be vested in the Council as a condition of consent. There would still be no obligation to construct the right turning bay and the access road and carpark until the café was built.

Mr Bigwood's supplementary evidence statement commented on the disputed conditions. He repeated his views on the vesting of Lot 27. He considered Lot 27 should be vested as an initial action. If not, Lot 27 may never be vested. He quoted Section 6(d) of the RMA re maintenance and enhancement of public access to the coastline as a matter of national importance. If Lot 27 is not vested, in his view the proposal would not be within the scope of the original application.

6.4 Applicant's Right of Reply

Mr Makgill presented comprehensive closing submissions. This included reference to the traffic solutions agreed with NZTA and the agreement achieved with the District Council on visual and landscape matters. In respect of Hapu concerns he noted Mokau ki Runga representing the local marae was not present because of their concerns generally being satisfied. In respect of Nga Hapu o Poutama's views, the applicant is happy to liaise with them if there are archaeological effects. The applicant does not agree with the Hapu being represented on the body corporate. Mr Makgill believes the dunes can be managed due to the restoration programme, but a managed retreat programme would be implemented if necessary.

Mr Makgill addressed the matters in Mr Bigwood's evidence in detail. This matter is addressed later in this report but in summary his advice was the Council does not have the power to require Mokau Sands to vest Lot 27 for the purposes of providing

access to the coast. The offer by Mokau Sands to vest the Lot is linked to the construction of the café. He does not consider the issue of scope arises – access to the coast is now secured by the applicant’s proposal to vest a 3m wide access strip in favour of the public . He said the applicant is prepared to meet any road construction costs fairly connected to the effects of the development. It should not be required to meet the public share of any costs.

7. EVALUATION OF THE PROPOSAL

7.2 Statutory Matters

Section 104 of the RMA states:

104 Consideration of applications

- (1) When considering an application for a 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 environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Sections 105 and 107 are also relevant in relation to the discharge consent.

Under section 105:

- (1) If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—
 - (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (b) the applicant’s reasons for the proposed choice; and
 - (c) any possible alternative methods of discharge, including discharge into any other receiving environment.

Under section 107:

- (1) Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—
 - (a) the discharge of a contaminant or water into water; or
 - (b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water;

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:

(c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

(d) any conspicuous change in the colour or visual clarity:

(e) any emission of objectionable odour:

(f) the rendering of fresh water unsuitable for consumption by farm animals:

(g) any significant adverse effects on aquatic life.

We evaluate the applications to both Councils against the above provisions in the following sections.

7.2.1 Actual and Potential Effects and Principal Issues in Contention

A number of actual and potential effects of the proposal were evaluated by the applicant and by the reporting officers. These included effects of the following:

- Infrastructure and servicing
- Loss of productive land
- Landscape, visual and natural character
- Positive effects
- Stormwater and wastewater on water quality
- Visual and landscape effects
- Earthworks

In respect of the above, we accept the advice of the reporting officers and the applicant that these potential effects, with appropriate conditions, will not be significant. We adopt their assessments and do not repeat them in this report.

However, there are still some issues that were in contention at the hearing and they are addressed below as required under section 113(1) of the Act.

Tangata Whenua and Archaeological Effects

The council planning report outlines that both an archaeological assessment, as well as tangata whenua consultation was undertaken by the applicant with the two groups that have Manawhenua status at the site; the groups are Mokau ki Runga and Nga Hapu o Poutama.

The archaeological review undertaken by the applicant showed no recorded archaeological sites within the proposed earthworks area. An urupa and associated koiwi indicated by tangata whenua were not indicated and were not able to be spatially located.

Both tangata whenua groups accept that a cultural protocol would adequately address any concerns, however agreement as to the contents of a Protocol were only reached with Mokau ki Runga; Nga Hapu o Poutama provided a verbal submission during the hearing via their representative Mr Gibbs.

Mr Gibbs submitted that there had been four cultural finds during the site works for the dune restoration, which is contrary to the site record where no cultural finds were recorded. Mr Gibbs stated that there had been three finds relating to human koiwi and one find of a seal skull. He noted that the koiwi had been reinterred in situ without being disclosed. As mitigation he asked that Nga Hapu o Poutama should have an advisory role on the body corporate.

Mr Gibbs stated that while Nga Hapu o Poutama had been consulted on the dune restoration, they had not been consulted over the accidental discovery protocol; and provided a separate protocol; the Poutama Heritage Protocol in lieu of that provided by the applicant and agreed to by Mokau ki Runga.

We note that no separate archaeological investigation was undertaken by anyone other than the applicant; no recorded sites were identified and located by tangata whenua; and no koiwi (human remains) were formally identified and recorded. Therefore we accept the archaeological report is an accurate summation of the site and that the concerns of tangata whenua will be adequately provided by way of both the Cultural Protocol to be submitted by Council to tangata whenua 20 working days prior to earthworks activities; and the accidental discovery protocol (ADP) provided by council, which in part includes the “management of the discovery including maintaining in-situ (re-burying), or relocation in consultation with tangata whenua as set out in the ADP ...”. We also accept that adequate consultation has been undertaken by both the applicant and council representatives and both tangata whenua groups have had an opportunity to provide their views. Lastly the issue of the inclusion of Nga Hapu o Poutama in the body corporate is not within our jurisdiction and lies with the applicant.

Traffic Effects

A potential significant impact of the proposal was that of the effects of increased traffic flows. In particular the NZ Transport Agency raised a number of issues due to concerns at the safe and efficient function of the state highway network, and in particular sight distances, and the safe operation of the entrance to the site.

The concerns were based around the increased number of traffic movements leading into and out of the proposed development. Mr Skerrett for the applicant produced figures which showed that the existing facility and beach access combined generate 216 trips per day, 48 of which are related to beach access. Once the proposed development has occurred he estimates this will increase to 258 trips per day, with an estimated peak hour traffic flow of 51 movements. He estimates the dwellings will generate 102 movements per day, the cabins 18, café 90, and the beach access 48.

The sight distances from the entrance to the applicant's property have been measured at 102m to the north and 252m to the south. Both are restricted by highway cuttings. The applicant is proposing to cut into the batter to the north of the entrance back to provide for a sight distance of 250m. Sight distances will be the same in both directions. This is acceptable to NZ Transport Agency.

The other issue is that of access into and out of the site. Concerns had been expressed by NZ Transport Agency at the safety of those turning right into the site once development had occurred, and as reported by Mr Skerrett in particular café patrons who may be less familiar with the access and its constraints. Mr Skerrett presented a detailed analysis of turning traffic movements and concluded a right turn bay was not warranted. However, in consultation with NZ Transport Agency the

applicant has agreed to the construction of a right turn bay that meets the Transport Agency's requirements. The parties have agreed this right turn bay will be constructed when the café become operational.

We accept the advice of the Mr Skerrett for the applicant and Ms Kelly and find with conditions applied as suggested by the applicant and agreed with the reporting officer and Ms Kelly, the effects of the proposed development on traffic will not be significant.

Coastal Hazards Effects

Advice received in the application material and in the evidence was that the shoreline in the vicinity of the motor camp was in retreat. This erosion was obvious to us when we undertook our site visit. Any buildings and other structures erected on the site may be at risk in the medium to long term if this shoreline retreat continues.

A full review of the 2012 application material was undertaken as a consequence of the dune erosion in front of the property in June 2013. This review led to a land use consent being applied for in October 2013, for earthworks activities associated with dune repair and restoration. This application was subsequently processed and resource consent was granted in late June 2014.

On the basis of the erosion event and the subsequent dune restoration, a revised application comprising a redesign of the apartments and a reconfigured site layout was lodged on 14 May 2014. Key components of this revised proposal in the event erosion is more severe than anticipated are:

- A 25m setback from the front toe of the dune,
- The location of the wastewater treatment facility is now immediately behind the 25m setback and forward of the proposed dwellings, and
- The access road is to be located to the rear of the proposed dwellings, behind the 50m setback from MHWS, that will allow the removal of dwellings in a significant erosion event.

The restoration works have since been carried out, and we saw this when we undertook our site visit. Mr Dahm, who designed and oversaw the construction of the restoration work advised us he thought the erosion was part of a cyclical erosion/accretion process and he was confident the dune would soon stabilise, especially with the restoration works that had been undertaken.

The District Plan provides for buildings and structures to be located in areas prone to erosion provided they are removable. The applicant is proposing all buildings are made of a construction which allows them to be removed.

We accept the advice of Mr Dahm that the erosion is cyclical. We also consider the additional measures proposed to safeguard development from potential erosion, such as; dune sand push up, and the establishment and maintenance of plantings, will provide further assurance the effects of any erosion of the foredune on the proposed development can be satisfactorily avoided or mitigated.

7.2.2 Vesting of Lot 27

During the hearing a significant difference arose between parties acting for the applicant and the reporting officer on the timing and certainty of the vesting of Lot 27 as a car park, in favour of the Council. All parties support the vesting but it became obvious that the applicant and Council's respective positions centred around how the access road including the right turning bay and carpark on Lot 27 would be funded. We find it useful to re-trace the process and the evidence we received leading to differences.

In the application lodged by GHD on behalf of the applicant in April 2012, an integral part of the proposal was the establishment of a restaurant/café and the vesting of Lot 27. The proposal stated:

The proposed car parking area in the south of the site is to be vested as road. Much of the car parking area will be available for public use as Seaview is one of the three points for the public to access the beach.²

The availability of the car park for public use and access was also referred to in other parts of the application material. For example in section 6.2 of the application, in reference to Policy 18 of the NZ Coastal Policy Statement the report says:

Access to the public will be secured by vesting the car park area and maintaining access through the dunes to the beach area.

We also accept the statement in section 7.4 of the GHD report as follows:

Seaview is one of the few points where the public has ready access to the beach from the State Highway, and currently that is across land that forms part of the site. The applicant has no intention of denying the public access through the car park area and this has been identified in discussions with Waitomo District Council as an opportunity for the Council and the developer to develop an integrated approach to this issue.

We agree that both the Council and the developer should be involved in forming the access. The proposed vesting of Lot 27 to provide access to the beach was referred to in the reporting officer's report at clause 4.2.54, in which Mr Bigwood explained the vesting of Lot 27 provided more benefit to the public than the vesting of the esplanade reserve, presumably because the reserve would not provide for public access to the beach.

Mr Bigwood noted in his report dated February 2015 that if an esplanade reserve was taken along the foreshore then the Council would have to take on the obligation of managing it, which would potentially overlap and conflict with the consent holder's maintenance obligations. He refers to the applicant's proposal to vest the car park as road, providing formal public access to the beach where there was none before. At the time of writing his report he had no reason to believe the vesting of Lot 27 was to be conditional on the café being constructed.

Mr Peacocke in his primary evidence advised us the development of the café would trigger the vesting of the car park area. He had held discussions with Council managers seeking some contribution from the Council towards the access up grade and car park development in return for vesting of Lot 27 and the formalisation of public access to the beach. Mr Peacocke said:

² Section 4.2.1 GHD report

*While it is not a matter for resolution in this hearing, I am seeking that the conditions enable an arrangement of the type indicated above between Mokau Sands and the Council.*³

We take it from this that what he means is that he wishes to have some leverage over the Council in his later discussions re the construction of the car park and formal provision of public access to the beach from the State Highway. It was apparent this is the reason he wants the vesting to be dependent upon the building of the café. If no café is built, then there can be no formal public access.

We agree that it would be inappropriate to privatise all the access way and parking costs when there was also to be public benefit. In his evidence Mr Skerrett advised us that 48 of the 258 trip generations (19%) once the site was fully developed as proposed would be by people wanting to access the beach. We agree that a public contribution would be fair, but this is not a matter we can make findings on.

Mr Peacocke's approach was reinforced by Mr Serjeant in his primary evidence, who advised us in respect of the car park:

*However, it will not be fully developed as a public car park until the café has been developed. At this time the right turn bay will also be installed and Lot 27 will be vested as road so as to formalise public access to the beach*⁴.

He proposed an amendment to condition 8 of the proposed subdivision consent which would require the vesting of Lot 27 in Waitomo District Council prior to the café becoming operational. In other words, if the café was not to be built then there was no obligation on the applicant to vest Lot 27. Prior to vesting the use of the car park area for public access would continue to be informal, primarily for local persons. Mr Serjeant also advised us,

*Without the formation of the carpark required for the cafe and the right turn bay from the highway I consider that the current level of access to the beach, mainly by local people, should continue, but that access by persons outside the area should not be encouraged for traffic safety reasons*⁵.

At the conclusion of the second day of the hearing Mr Bigwood advised us he did not support vesting an esplanade reserve. He advised he believed instead Lot 27 should be vested in the Council as a road reserve as a condition of consent, and that when the café is constructed the consent holder must construct the car park and access road.

We requested the applicant and the Council reporting officer prepare an agreed set of conditions and submit them to us for consideration in the event that we decided to grant consent. Both parties agreed on nearly all conditions, with the exception being those relating to the vesting of Lot 27.

Mr Bigwood produced supplementary evidence in support of the draft conditions submitted. He says "the Council" (we assume he is referring his role as delegated to act as reporting officer) considers Lot 27 must be vested as road as a primary or initial action of the development or subdivision. Otherwise, in his view Lot 27 may never be vested and public access to the coast may be lost. He supports the

³ Clause 15 Peacocke primary evidence

⁴ Clause 12 Serjeant primary evidence

⁵ Clause 35 Serjeant primary evidence

proposal of actually forming the road and carpark on the vested land if the café proceeds.

Mr Bigwood also comments on the issue of scope with the changes proposed by the applicant. In his view the proposed and revised applications both included the vesting of land between the coast and the State Highway as road. Changes to the plans produced at the hearing which would not vest Lot 27 in the Council (unless the café is built) is in his view outside the scope of the original application as there would be no guaranteed public access to the coast.

He suggests that if Lot 27 is not to be vested then an esplanade reserve must be vested. He referred to the provisions of Section 6(d) of the RMA regarding the maintenance and enhancement of public access along the coastal marine area as a matter of national importance. He also said that the failure to provide an esplanade reserve or vest Lot 27 would be inconsistent with the NZ Coastal Policy Statement which seeks to promote public access to the coast.

Two witnesses provided supplementary evidence on this matter for the applicant. Mr Peacocke explained the discussions he had held with Council over the years regarding the issue. The original intention was to develop 54 dwellings some of which would be in an area that otherwise could be taken as esplanade reserve, and in return he was to vest Lot 27 in the Council. Subsequently he reduced the scale to 24 units, none of which would encroach into the potential esplanade reserve. He advised that the Council had advised him in July 2013 it had no interest in taking responsibility for managing the restored dune area. He remains willing to vest Lot 27 in the Council, but at the time the café is developed.

Mr Serjeant addressed the matters of disagreement between himself and Mr Bigwood over the vesting of Lot 27, the only matter of disagreement in the proposed conditions. He referred us to policy 19 in the NZ Coastal Policy Statement which requires the maintenance and enhancement of walking access to, along and adjacent of the coastal marina area. In his supplementary evidence he advised the applicant has now offered to register a 3m wide easement over Lot 27 in favour of the public. This would provide legal access to the beach for the public and satisfy the NZCPS. Mr Serjeant has provided a plan delineating this access.

His concern at Mr Bigwood's proposal to immediately vest Lot 27 is that the use of the carpark and access to the beach is out of control of Mokau Sand. As a public access point the wider public can use it as well as locals. An increase in traffic could occur in the absence of a right turning bay – this could affect road safety.

Mr Serjeant does not agree with Mr Bigwood that there is a change in scope. His advice is that the conditional vesting of Lot 27 as road has no physical effect on the scale, intensity or character of the application. Informal access will continue, and the applicant proposes to secure this access legally with the provision of the 3m wide easement. This will be extended if the café is constructed and all of Lot 27 is vested. He does not believe any party is prejudiced from the proposal by the deferral of Lot 27's vesting.

There were two other matters Mr Serjeant referred to. He considers the application as now proposed is consistent with the relevant objectives and policies of Chapter 25 of the District Plan relating to Financial Contributions and Esplanade Reserves. In his view the conditions on vesting proposed by the applicant are consistent with the above plan provisions.

Mr Serjeant's other issue was to counter Mr Bigwood's view that Lot 27 could potentially permit another dwelling. His advice was that any further building on Lot 27 if the café did not proceed, would require resource consent and would be difficult to support.

In his closing submissions Mr Makgill submits:

The Council does not have the power to require Mokau Sands to vest Lot 27 for the purpose of providing access to the coast. Mokau Sands is offering Lot 27 to WDC on an Augier basis, and is linking that offer to the implementation of the café consent.

He submits that in this case the offer to vest Lot 27 is in the context of the café consent – in other words is tied to a decision to proceed with the construction of the café at a later stage and is not able to be invoked earlier. Mr Makgill submits, at para 48:

Mokau Sands is obviously prepared to meet any road construction costs that can be fairly connected to the effects of the development. However, it should not be placed in a position where by default it is also required to meet the public share of any costs involved in the formation of a right hand turning bay (into) and car park (on) land it has gifted to WDC as public road. The proposed conditions give Mokau Sands the necessary flexibility to discuss WDC's contribution to those costs when the consent for the café – together with the road improvements – is implemented.

Mr Makgill's advice is that the offer by Mr Peacocke should not result in the "imposition of additional contributions above and beyond those that otherwise relate to the effects of the proposed development".

The Panel notes that the initial application that we received dated 2012 proposed the vesting of Lot 27 without any conditions. At that time 31 residential units were proposed by Mokau Sands. The conditional vesting of Lot 27 depending upon the development of the café was only revealed to us by the applicant at the time of the hearing. We can understand why the applicant is keen to discuss the financing of the carpark and the right hand turning bay with the Council. We can also understand that if Lot 27 is vested as a condition of this consent, then the opportunity for Mokau Sands to have any leverage with Council will be lost. On the other hand, we do not believe a decision to vest Lot 27 will necessarily mean the Council will not contribute to funding the public benefit costs of such works. This is entirely a matter of negotiation between the parties.

We also believe after assessing the various views on this matter that proposed condition 67 in the land use consent is very rigid in the design and construction standard to be achieved for the carpark. We have added the words "or approved variation thereof" to this condition to provide greater flexibility when the applicant and Council are discussing its design and construction standards. This is consistent with the terminology elsewhere eg condition 69 in relation to the access road.

Even though the applicant through the hearing process generously offered to maintain public access to the coastline especially for locals this outcome would have found the proposal being approved without the very important issue of formal public walking access to the coastline being guaranteed. Although the current owners of Mokau Sands support informal access, there is no guarantee this will continue into the future.

Mr Makgill has advised us that the offer is now on an Augier basis. This offer was not conditional when the 31 dwellings were proposed and it was not so when the reduced 24 dwellings were proposed. However we accept the applicant has now changed its position on this matter. The issue of scope then becomes an issue – is the proposal as it now stands within scope or not? Mr Bigwood contends that it is not. His argument is that the new scheme plan tabled at the hearing is the first time he has become aware of the change in the application scope. On the other hand Mr Serjeant argues the proposal has no physical effect on the scale intensity or character of the application. These factors are generally considered important in determining scope.

We find the character of the application will change significantly as a result of the applicant's proposal to make the vesting of Lot 27 conditional upon the development of the café. The provision of formal public access to the coastal marine area is clearly a very desirable outcome for the wider community. We accept Mr Bigwood's view that many people who may otherwise have submitted or been more actively involved in this process may not have done so because they were satisfied significant public access was to be provided to the coastline. It is our belief this is prejudicial to the interests of the public. This change is not in our view fairly and reasonably within the scope of the original notified application.

Mr Sergeant in his supplementary evidence proposed a legal three metre wide right of way in favour on the public be incorporated into the subdivision plans and the conditions. We appreciate the applicant looking at other alternatives whilst still preserving its ability to negotiate with the Council on the terms of the provision of the carpark and right turning bay. However, we have significant concerns at the potential effects of this easement. In particular those using it would be required to park on the state highway. NZ Transport Agency has advised that it would be difficult to control parking on the highway and it raises significant safety concerns. We agree, and so we do not support the provision of a formal access way as suggested by Mr Serjeant and find the revised application still to be outside the scope of the original application.

As discussed later in this decision, we also believe the applicant's proposals also fail to satisfy the requirements of policy 19(1) of the NZ Coastal Policy Statement, and also section 6(d) of the Act in regard to matters of national importance.

Overall we find that for the application to stay within scope Lot 27 must be vested in favour of the Council as a road reserve.

7.2.3 Statutory Considerations

Under section 104(1)(b) we must have regard to a number of provisions if relevant, and to any other matter considered relevant under 104(1)(c). We also must assess the proposal against section 105 and 107 in the case of the Regional Council's discharge consent.

Mr Beard for the Regional Council has undertaken a comprehensive assessment of the various statutory documents relevant to the regional consents and finds the application, with conditions is consistent with them. He also finds the application is consistent with section 105 and 107. Mr Serjeant for the applicant also considers the application is consistent with these statutory matters. We have used the provisions of section 113(3) of the Act and accept the detailed assessment undertaken by Mr Beard of the policy and plan provisions and the section 105 and 107 assessment and the advice of Mr Serjeant and adopt them for the purposes of this report.

Similarly Mr Bigwood has undertaken a review of the relevant section 104(1)(b) statutory provisions in relation to the District Council consents. In the section 42A report his report he considers the proposal is consistent with these provisions. We note however, that during the hearing Mr Bigwood changed his view due to the applicant no longer providing formal provision of public access. In his view the failure to vest Lot 27 would be contrary to the Section 6(d) of the Act and the NZ Coastal Policy Statement. However, he did not have the opportunity to comment on Mr Serjeant's new access offer on behalf of the applicant.

Mr Serjeant's overall conclusion is the proposal is consistent with the statutory provisions. By advising us in his supplementary statement that the applicant was now proposing to register a 3m wide access easement over Lot 27 in favour of the public, he accepts the need to formally provide such access and believes this satisfactorily addresses the requirements of policy 19 of the NZ Coastal Policy Statement. We disagree.

The NZ Policy Statement, which we must have regard to under section 104, states in Policy 19:

- (1) Recognise the public expectation of and need for walking access to and along the coast that it practical, free of charge and safe for pedestrian use.*

Our finding is that we think the applicant's proposal fails both the first and third criteria in this policy. We do not think walking access to the coast as proposed by Mr Serjeant is practical. Most visitors will arrive by car, and yet no parking will be available off the state highway for these visitors. Parking will only be available on the berm. Potentially some visitors may need to park some distance along the highway. We do not consider this to be practical, and nor do we consider it to be a safe option for pedestrians because of the need to park on the state highway and then walk along it. The NZ Transport Agency emphasised this was a concern to them in respect of the pedestrian right of way.

Our finding is that we find the proposal with a condition that Lot 27 is vested in the Council, as suggested by Mr Bigwood will be consistent with policy 19 of the NZ Coastal Policy Statement and it is on this basis that consent can be granted. We accept the assessments of Mr Bigwood and Mr Serjeant that other aspects of the proposal will be consistent with the various statutory matters and adopt them for the purposes of this report.

With the exception of those provisions related to public access to the coastline, we again accept the advice of these experts and adopt them for the purposes of this report.

7.2.4 Part 2 of the RMA

Our overall broad judgement is that with the conditions proposed the application will be consistent with Part 2 of the Act. Sustainable management will be achieved by providing for development and protection of natural and physical resources in a way which enables the ongoing use and enjoyment of the property and the coastline by the local community, whilst sustaining and safeguarding the environment.

In respect of section 6 matters, overall we consider these matters of national importance will be recognised and are provided for. The natural character (6(a)) of the coastal environment will be maintained by the siting of the buildings, and in the case of the café it will assist in enhancing people's enjoyment of the coastal environment. The maintenance and enhancement of public access (6(d)) to and along the coastal marine area will be achieved by the vesting of Lot 27 as a road reserve. We find this will not be satisfactorily achieved if we adopted the applicant's 3m access strip and excluded the vesting of Lot 27. And the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (6(e)) have been provided for in the various conditions imposed including accidental discovery protocols.

Under Section 7 regard has been had to Kaitiakitanga (7(a)) in the development of the project and in conditions, and amenity values (7c)) and the quality of the environment will be maintained and enhanced.

There are no Treaty of Waitangi issues.

7.2.5 Duration

We have concluded the waste water discharge permit should be granted for a twenty (20) year duration, and the regional land use consent (disturbance) for ten (10) years. In respect to the district land use and subdivision consent, these should have a ten year lapse period.

8. MAIN FINDINGS AND DECISIONS

8.1 Waikato Regional Council

Pursuant to the powers delegated to us by the Waikato Regional Council under Section 34 of the Resource Management Act 1991 and having read the application documents, the officer reports, the submissions received, and having listened to all of the evidence presented, and considered the various requirements of the Act we are satisfied that:

- The adverse effects of the proposal the discharge wastewater and to undertake earthworks on the environment can be avoided, remedied or mitigated through appropriate resource consent conditions;
- The proposal is consistent with the relevant provisions of the various statutory documents; and
- The proposal is consistent with the purpose and principles of the Resource Management Act 1991.

Accordingly, the following resource consents are granted, subject to the conditions set out in Schedule A:

- i) Land use consent to undertake approximately 15,000 cubic metres of earthworks in a high risk erosion area, including the discharge of overburden onto or into land and any subsequent discharge of contaminants into water or air.
- ii) A discharge permit to discharge up to 30 cubic metres of domestic effluent per day into the ground

DATED this 10th day of August 2015



Craig Shearer (Commissioner)



Antony Olsen (Commissioner)

8.2 Waitomo District Council

Pursuant to the powers delegated to us by the Waitomo District Council under Section 34 of the Resource Management Act 1991 and having read the application documents, the officer reports, the submissions received, and having listened to all of the evidence presented, and considered the various requirements of the Act we are satisfied that:

- The adverse effects of the proposal on the environment can be avoided, remedied or mitigated through appropriate resource consent conditions and the effects of the proposal will be no more than minor;
- The proposal is consistent with the relevant provisions of the various statutory documents; and
- The proposal is consistent with the purpose and principles of the Resource Management Act 1991.

Accordingly, the following resource consents are granted, subject to the conditions set out in Schedule B:

- i) Land use consent to establish 24 dwellings (and all ancillary earthworks and infrastructure); to establish and operate a 50 seat restaurant and café; to relocate 6 existing cabins to provide visitor accommodation; and to undertake earthworks;
- ii) A Land use consent for a fee simple subdivision consent to create allotments for each of the 24 dwellings (Lots 1-24), an allotment for the restaurant/café (Lot 25), a common "access lot" (Lot 26), a road to vest (Lot 27) and two 'Common Marine and Coastal Area' lots under section 237A(1)(b) of the Resource Management Act 1991 (Lots 28 and 29).

DATED this 10th day of August 2015



Mayor Brian Hanna I (Commissioner)



Councillor Phil Brodie (Commissioner)



Craig Shearer (Commissioner)



Anthony Olsen (Commissioner)

Schedule A: Waikato Regional Council Discharge and Land Use Consent Conditions

Resource Consent: 124641.01.01
File Number: 61 27 24A
Consent Type: Discharge permit
Consent Subtype: Discharge to land
Activity authorised: To discharge up to 30 cubic metres of treated domestic effluent per day to land
Location: SH3, Mokau
Spatial Reference (NZTM): E1740761 N5717867

General

1. The discharge to air shall be undertaken in general accordance with:
 - (i) "Report for Seaview Motor Camp Redevelopment – Assessment of Environmental Effects April 2012" (WRC doc#2174774); and
 - (ii) "Additional note for Changes to On-Site Wastewater Management, Geotechnical Considerations and Stormwater Run-Off associated with the Proposed Revisions to the Development" (WRC doc#3225488);subject to the resource consent conditions below, which shall prevail should any inconsistency occur between the conditions and the application documents.
2. The consent holder shall ensure contractors are made aware of the conditions of this resource consent and shall take all reasonable steps to ensure contractors are able to comply with those conditions.
3. The consent holder shall pay the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.

Discharge of Effluent

4. The maximum volume of treated wastewater discharged on the site shall not exceed 30 cubic metres per day.
5. The wastewater treatment system shall as a minimum be based on secondary treatment technologies to produce an effluent quality no greater than:
 - i) 20 milligrams per litre in terms of Biochemical Oxygen Demand (20mg/l BOD),
 - ii) 30 milligrams per litre in terms of Suspended Solids (30mg/l SS),
6. Each year, during the period 1 December to 28 February, the consent shall collect and analyse a sample of treated effluent (collected from a point prior to the disposal field) for biochemical oxygen demand and suspended solids. Results will be supplied to the Waikato Regional Council within one calendar month of sampling.

Advice note: All sample analyses shall be undertaken in accordance with the methods detailed in the "Standard Methods For The Examination Of Water And Waste Water, 2005" 21st edition by A.P.H.A. and A.W.W.A. and W.P.C.F. or any subsequent updated version of that document, or any other method approved in advance by the Waikato Regional Council.

7. Sampling and analysis, in accordance with condition 6, may cease after the construction of all wastewater generating structures and at least three years of monitoring, with the written approval of the Waikato Regional Council.
8. Treated wastewater shall be discharged into the ground at a maximum loading rate of 200mm/m²/day, or at a rate that does not exceed the absorptive capacity of the soils, whichever is the lesser.
9. The consent holder shall ensure that there is a minimum separation distance of at least 600 millimetres of unsaturated soil between the base of the disposal area and the ground water table at all times.
10. The disposal of treated wastewater to land shall not occur within:
 - i) 1.5 metres of the boundary of any residential lot,
 - ii) 3 metres of any habitable structure, or
 - iii) 15 metres of the seaward toe of the foredune.

Management, Monitoring & Maintenance

11. Within one month of commissioning the wastewater treatment and disposal system, the consent holder shall provide the Waikato Regional Council with a copy of the As-Built-Plans for the system. The consent holder shall state in writing the date the system was commissioned.
12. After the secondary wastewater treatment system has been installed, and prior to commissioning of the treatment system components, the consent holder shall obtain a Post Installation Wastewater Systems Certificate from the manufacturer which states that the wastewater treatment system has been installed in accordance with condition 1 of this consent and in accordance with the manufacturers specifications.
13. Prior to the exercise of this consent, the consent holder shall to the satisfaction of Waikato Regional Council, provide evidence that a maintenance contract or maintenance programme for the system exists, and which is to be applied for the duration of consent.
14. High water level alarms shall be included in all pump chambers and shall be connected to the remote monitoring and management system.
15. The consent holder shall ensure that the wastewater treatment and disposal system is properly operated and maintained at all times.
16. There shall be no overland leakage of wastewater from the treatment system or the disposal area at any time.
17. Stormwater runoff shall be directed away from the disposal area. If necessary the consent holder shall provide suitable drainage to ensure there is a clear flow path for surface water to clear the area at all times.
18. The treatment system shall be maintained in a watertight condition to prevent the ingress of stormwater or groundwater into the system.
19. The discharge shall not result in any objectionable effects from odour beyond the boundary of the subject property.

20. The consent holder shall maintain a record of wastewater volumes discharged to the disposal system at the following frequencies:
- i) Monthly; for the March to November period; and
 - ii) Weekly; for the December to February period.

Records shall be forwarded to the Waikato Regional Council on an annual basis by 31 July each year.

Review

21. The Waikato Regional Council may within two months of the fifth and tenth anniversaries of the date of commencement of this consent, serve notice on the consent holder under section 128(1) of the Resource Management Amendment Act (1991), of its intention to review the conditions of this resource consent for the following purposes:
- i) To review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
 - ii) To review the adequacy of and the necessity for monitoring undertaken by the consent holder and specifically to review the frequency of record keeping and the method of record collection for the purposes of determining the most appropriate method and frequency; or
 - iii) If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment.

Advice note: *Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.*

Resource Consent: 124642.01.01
File Number: 61 27 24A
Consent Type: Land Use Consent
Consent Subtype: Land - Disturbance
Activity authorised: To undertake approximately 15,000 cubic metres of earthworks in a high risk erosion area, including the discharge of overburden onto or into land and any subsequent discharge of contaminants into water or air.
Location: SH3, Mokau
Spatial Reference (NZTM): E1740761 N5717867

General

1. The discharge to air shall be undertaken in general accordance with:
 - (i) "Report for Seaview Motor Camp Redevelopment – Assessment of Environmental Effects April 2012" (WRC doc#2174774); and
 - (ii) "Additional note for Changes to On-Site Wastewater Management, Geotechnical Considerations and Stormwater Run-Off associated with the Proposed Revisions to the Development" (WRC doc#3225488);subject to the resource consent conditions below, which shall prevail should any inconsistency occur between the conditions and the application documents.
2. The consent holder shall ensure contractors are made aware of the conditions of this resource consent and shall take all reasonable steps to ensure contractors are able to comply with those conditions.
3. The consent holder shall pay the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.
4. A copy of this resource consent shall be kept onsite at all times that physical works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.

Erosion and Sediment Control

5. The consent holder must engage a suitably qualified person to prepare an Earthworks Management Plan for the works proposed for the roadside batter works, the deposition of material on the carpark area, and works associated with access, the café and dwellings, and submit this to the Waikato Regional Council for approval in writing, acting in a technical certification capacity. This plan must include but not be limited to:
 - (i) Construction drawings outlining the scope of the earthworks to be undertaken;
 - (ii) The staging of works planned and the description of earthworks in each stage;
 - (iii) Outline the engineering controls, supervision and certification that will be applied to each stage;
 - (iv) Confirm volumes of cut, fill and unsuitable material;
 - (v) Identify any specific works to be carried out with consideration given to slope

stability, setbacks, and retaining and drainage provisions.

- (vi) Consideration must also be given to wastewater and stormwater disposal to ensure suitable disposal field locations and stormwater outlets are available for each lot, which may require construction.
 - (vii) An Erosion and Sediment Control Plan.
6. The Erosion and Sediment Control Plan (required by condition 5(vii)) shall detail the procedures that will be implemented to ensure the site is operated in accordance with the conditions of this resource consent and shall be based upon and include, those specific principles and practices which are appropriate for the activity authorised by this consent and contained within the most recent version of the Waikato Regional Council document titled "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities" (Technical Report No.2009/02) and shall include but may not necessarily be limited to, the following:
- (i) the principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site;
 - (ii) the design criteria and dimensions of all key erosion and sediment control structures;
 - (iii) a site plan of a suitable scale to identify the locations of waterways, the extent of earthworks and vegetation removal, any "no go" and/or buffer areas to be maintained undisturbed adjacent to watercourses, all key erosion and sediment control structures and any other relevant site information;
 - (iv) the location and extent of all spoil disposal areas on site;
 - (v) timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - (vi) maintenance, monitoring and reporting procedures;
 - (vii) procedures and timing for review and/or amendment to the Erosion and Sediment Control Plan; and
 - (viii) identification of specific site responsibility for the operation and maintenance of all key erosion and sediment control structures.
7. The consent holder shall provide the Waikato Regional Council with the Earthworks Management Plan at least twenty (20) working days prior to the commencement of activities authorised by this consent.
8. The Earthworks Management Plan shall be approved in writing by the Waikato Regional Council, acting in a technical certification capacity, prior to any works authorised by this consent commencing. Any subsequent variations to either the drawings or written specification must be approved prior to such works being undertaken.
9. The consent holder shall arrange and conduct a pre-construction site meeting, with at least ten (10) working days' notice between the Waikato Regional Council and all relevant parties, including the primary contractor, prior to any works commencing on the site.
10. The consent holder shall appoint a representative prior to commencement of any works associated with this resource consent, who shall be the Waikato Regional Council's principal contact person in regard to matters relating to this resource consent. The Consent Holder shall inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this resource consent being exercised.
11. The consent holder shall exercise this consent in accordance with the approved Earthworks Management Plan. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Earthworks Management Plan, then the conditions of this consent shall prevail.

12. The consent holder shall ensure that a copy of the approved Earthworks Management Plan including any approved amendments, is kept onsite at all times that physical works authorised by this consent are being undertaken and the onsite copy shall be updated within five (5) working days of any amendments being approved. The Plan shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.

Construction

13. No earthworks are to be undertaken on the seaward side of the remnant dune.
14. Prior to works authorised by this consent commencing on the SH3 side of the remnant dune, the applicant shall undertake an ecological assessment of flora and fauna in the area proposed to be disturbed and shall determine a methodology to avoid, remedy or mitigate the effects on any identified indigenous species which are classed as threatened or at risk.

This methodology shall be both approved in writing by the Waikato Regional Council and completed prior to earthworks on the remnant dune being undertaken.

15. The proposed units on Lots 1 to 5 are to be a minimum of 2m from the dune slope toe.
16. The consent holder shall ensure that all machinery used in the exercising of this consent is cleaned prior to being transported to the site to ensure that all seed and/or plant matter has been removed and documented in accordance with the document titled '*KEEP IT CLEAN - Machinery hygiene guidelines and logbook to prevent the spread of pests and weeds (June 2013)*' (<http://www.waikatoregion.govt.nz/PageFiles/3396/Keep%20it%20clean%20-%20Machinery%20hygiene%20guidelines.pdf>).
17. The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works and during the term of this consent.
18. The consent holder shall ensure that all erosion and sediment controls are inspected and in good working order prior to, and immediately after rain events. The consent holder shall further ensure that all erosion and sediment controls are maintained such that optimal sediment capture efficiency is achieved at all times.
19. All activities undertaken on site shall be conducted and managed in a manner that ensures that all dust emissions are kept to a practicable minimum. To this end there shall be no discharge of dust as a result of the activities authorised by this consent that causes an objectionable or offensive effect beyond the boundary of the construction site.

Advice Note: For the purposes of this condition, the Waikato Regional Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato Regional Council determines it so after having regard to:

- (i) The frequency, intensity, duration, location and effect of the dust emission(s); and/or
 - (ii) Receipt of complaints from neighbours or the public; and/or
 - (iii) Where relevant written advice from an experienced officer of the Waitomo District Council or the Waikato District Health Board has been issued.
20. All earthmoving machinery, pumps and generators shall be operated in a manner, which ensures that spillage's of fuel, oil and similar contaminants are prevented, particularly during refueling and machinery servicing and maintenance. Refueling and lubrication

activities shall be carried out away from any surface water and coastal marine area such that any spillage can be contained and does not enter any surface water.

21. The consent holder shall ensure that the exercise of this resource consent does not disturb sites of spiritual or cultural significance to tangata whenua. In the event of any archaeological artefacts being discovered, the works shall cease immediately and the Waikato Regional Council shall be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council after considering:
 - (i) tangata whenua interests and values,
 - (ii) the consent holder's interests, and
 - (iii) any archaeological or scientific evidence.

Rehabilitation

22. As soon as practicable after the completion of any of the works authorised by this resource consent, the consent holder shall stabilise and re-contour any disturbed areas and undertake hydro-seeding, mulching or matting of any exposed surfaces to ensure rapid stabilisation or planting of appropriate native species as appropriate to the satisfaction of the Waikato Regional Council. The consent holder shall maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any watercourse.

Schedule B: Waitomo District Council Land Use and Subdivision Conditions

Land Use Consent

In consideration of Section 104 and pursuant to Sections 104B and 108 of the Resource Management Act 1991, the Waitomo District Council approves a land use consent to Mokau Sands Ltd (trading as Seaview Motor Camp) to establish 24 dwellings (and all ancillary earthworks and infrastructure to service the dwellings), to establish and operate a 50 seat restaurant/café, to relocate 6 existing cabins to provide visitor accommodation, and to undertake earthworks on Lot 2 DPS 9605 compromised in Certificate of Title SA5A/1019 and Lot 1 DPS 9605 and Lot 1 DPS 8934 compromised in Certificate of Title SA5D/472, subject to the following conditions:

General

1. The activities authorised by this resource consent (consent number 110019) shall be undertaken in general accordance with the application for this resource consent, in particular the documents and plans identified below, and as identified in the resource consent conditions below unless otherwise authorised in writing by the Waitomo District Council:
 - a) GHD report "*Report for Seaview Motor Camp Redevelopment: Assessment of Environmental Effects*" April 2012.
 - b) ASR Ltd report "*Mokau Coastline - An investigation of the shoreline stability in the region of the Seaview Motorcamp*", dated June 2005.
 - c) Beca Infrastructure Ltd report "*Mokau Sands Development: Traffic Impact Assessment*" November 2007.
 - d) Beca Infrastructure Ltd report "*Seaview Motor Camp Entrance Engineering Report*" November 2007.
 - e) Omriston Associates Ltd report "*On-Site Treatment for Wastewater Treatment and Land Disposal Assessment for Proposed Development at Seaview Motor Camp: 5270 State Highway 3, Mokau*" January 2012.
 - f) GHD Ltd report "*Seaview Motorcamp Redevelopment – Erosion and Sediment Control*" dated July 2012.
 - g) MetOcean Solutions Ltd report "*Mokau Motor Camp Coastal Erosion Hazard Report*" dated July 2012.
 - h) GHD Ltd letter dated 25 November 2012, "*Mokau Sands Development - Addendum to Traffic Impact Assessment*".
 - i) Merestone Ltd letter "*Mokau Sands Limited – Response to Section 92 Request for Information*" 10 October 2014.
 - j) Common Ground Studio report "*Mokau Sands: Seaview Motorcamp Redevelopment: Development + Urban Design Assessment Report*" November 2014.
 - k) Ormiston Associates Ltd report "*Proposed Mokau Sands Development Additional Note for Changes to On-Site Wastewater Management, Geotechnical Considerations and Stormwater Runoff Associated with Proposed Revisions to the Development*", dated 20 November 2014.
 - l) Scheme plan of subdivision prepared by McKinlay Surveyors, reference M-141101 RC01, dated 21 November 2014, showing Lot 27 to vest as road.

- m) Common Ground Studio “Proposed Planting” plan, drawing no. RC-13 Revision A dated 4/6/15.
- n) Eco Nomos Ltd report “Dune Restoration Outline Planting Plan and Estimate”, dated 5 March 2014.

A copy of the approved site layout plan is attached.

2. The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. A copy of this resource consent shall be kept on-site at all times that physical works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waitomo District Council.
4. This resource consent is granted by the Waitomo District Council subject to its servants or agents being granted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements, taking samples, and/or photographs.
5. The consent holder shall inform the Waitomo District Council a minimum of 10 working days prior to the commencement of activities of the start date of the works authorised by this resource consent.
6. The consent holder shall appoint a representative(s) prior to the exercise of this resource consent who shall be the principal contact person(s) in regard to matters relating to this resource consent. The consent holder shall inform the Waitomo District Council of the representative’s name and how they can be contacted, prior to this resource consent being exercised.
7. That charges set out in accordance with Section 36 of the Resource Management Act 1991 shall be paid to the Waitomo District Council for carrying out its functions in relation to the administration, monitoring and supervision of this resource consent.

Building Size, Location and Design – Residential Lots 1 to 24

8. All buildings shall be located at least 3m from the remnant dune slope toe. Excavation within 3m of the dune slope toe shall be avoided unless a detailed slope stability assessment and geotechnical design has been undertaken by a suitably qualified geotechnical engineer to the approval in writing by Council’s Environmental and Regulatory Services Leader.
9. All buildings on residential lots (Lots 1 to 24) shall comply with the boundary setbacks as follows:

Boundary	Building Setback
Southern (Mokau)	1m (Lots 1 to 24)
Western (Tasman Sea)	2m (Lots 1 to 5), 4m (Lots 2 to 24)
Northern (Awakino)	1m (Lots 1 to 24)
Eastern (Remnant Dune/State Highway 3)	Nil (Lots 1 to 24)

10. The maximum height of any building on residential lots (Lots 1 to 24) shall be 9m above natural ground level.
11. The design of the residential buildings on residential lots (Lots 1 to 24) shall be consistent with the 'boatshed' architectural style as depicted in Appendix D of the *Common Ground Mokau Sands Development+Urban Design Report*, November 2014.
12. To promote the visual integration of buildings into the surrounding landscape, exterior colours (including roofing materials) that are visually recessive and/or do not contrast with surrounding natural colours must be used for the residential buildings on residential lots (Lots 1 to 24). Non-painted natural cladding materials (including, but not limited to, bricks or timber) that are not likely to result in reflective glare, are acceptable. The use of highly reflective materials, such as unpainted metallic surfaces, mirrored glazing and metallic finishes (such as Silver Zinalume), must be avoided.

Advice note: *The following colours, from the BSS 5252 colour range, are considered to be acceptable and should be used for guidance when assessing the appropriateness of proposed colour schemes. Colours outside this range should only be considered where they are not visible from outside the property.*

Group A	00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14
Group B	04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29
Group C	06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive

13. Prior to construction commencing on any residential building proposed for Lots 1 to 24, building plans must be submitted to Council's Environmental and Regulatory Services Leader for certification in writing that the design, building materials and exterior colours proposed satisfies the requirements of conditions 11 and 12. Any subsequent changes proposed to the building plans shall be certified in writing by Council's Environmental and Regulatory Services Leader, prior to implementing any of the changes.

Advice Note: *Specific engineering investigation and design of foundations will be required at building consent stage for all buildings proposed on site. Where the design of the principal and ancillary units at subsequent stages of the development adopt an identical foundation and structural design, site specific engineering investigations may be waived at the discretion of the Council's Environmental and Regulatory Services Leader prior to the granting of any building consent.*

Building Size, Location and Design – Lot 25

14. The café shall be located on Lot 25 at least 10m from the fore dune slope toe.
15. The location, design and layout of the café is to be generally in accordance with the plans and details in Appendix E of the *Common Ground Mokau Sands Development+Urban Design Report*, October 2014.
16. To promote the visual integration of the café into the surrounding landscape, exterior colours (including roofing materials) that are visually recessive and/or do not contrast with surrounding natural colours must be used. Non-painted natural cladding materials (including, but not limited to, bricks or timber) that are not likely to result in reflective glare, are acceptable. The use of highly reflective materials, such as unpainted metallic

surfaces, mirrored glazing and metallic finishes (such as Silver Zincolume), must be avoided.

Advice note: The following colours, from the BSS 5252 colour range, are considered to be acceptable and should be used for guidance when assessing the appropriateness of proposed colour schemes. Colours outside this range should only be considered where they are not visible from outside the property.

Group A	00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14
Group B	04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29
Group C	06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive

17. Prior to construction commencing on the café, building plans must be submitted to Council's Environmental and Regulatory Services Leader for certification in writing that the design, building materials and exterior colours proposed satisfies the requirements of conditions 15 and 16. Any subsequent changes proposed to the building plans shall be certified in writing by Council's Environmental and Regulatory Services Leader, prior to implementing any of the changes.

Advice Note: Specific engineering investigation and design of foundations will be required at building consent stage for the café.

18. That the existing colour schemes of the cabins on Lot 25 may be retained. Any future changes to the colour scheme of the cabins shall comply with that set out in condition 16 above.

Coastal Erosion and Managed Retreat

19. The proposed café and any residential buildings proposed for Lots 1 to 25 must be designed and constructed so as to be readily relocatable. Plans shall be submitted to and approved by Council's Environmental and Regulatory Services Leader prior to commencement of construction to demonstrate that this is provided for in the design.

20. Sufficient access must be provided and maintained on the property to allow for the removal of all buildings.

21. The distance of the café, wastewater disposal field and the nearest habitable buildings to the toe of the fore dune must be accurately measured to the satisfaction of the Waitomo District Council in the month of June on a two yearly basis commencing in 2015.

22. Where the toe of the fore dune comes within 5m of the café building or residential building foundations, the owner(s) of the café building and/or residential building(s) is required to remove the building(s) from the property and return their individual site to a natural state.

23. Where the toe of the fore dune comes within 15m of the wastewater disposal field the consent holder must remove the wastewater disposal plant and field infrastructure and return the site to a natural state.

24. As an alternative to Conditions 22 and 23, the café, residential buildings or the wastewater disposal field will not require removal from the site, if the Waitomo District

Council's Environmental and Regulatory Services Leader can be satisfied that the risk of imminent erosion and/or risk of discharge to both the wastewater disposal plant and/or field, or to any individual building is unlikely, and the consent holder provides a report from a suitably qualified person detailing proposals for the relocation of infrastructure and buildings within the site, current and future predicted erosion/accretion, appropriate monitoring procedures and trigger points for removal.

Tangata Whenua/Archaeology

25. At least 20 working days prior to the commencement of the earthworks activities, the consent holder shall prepare in consultation with tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) and shall submit for approval by Council's Environmental and Regulatory Services Leader, a finalised Cultural Protocol which outlines the proposed methods for management of cultural sites including sacred places such as urupa, taonga including cultural artefacts, koiwi or archaeological sites which may be discovered during the site earthworks. The Cultural Protocol shall include but not be limited to the following provisions:

- (i) Procedures for notification of tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) prior to commencement of works including contact details for these parties;
- (ii) Procedures for education of site contractors of the site's cultural values, including the potential for discoveries during excavation, the need to adopt shallow or gradual scrapes or penetrations with the excavator bucket or such other machinery and the requirements of the Accidental Discovery Protocol (refer below);
- (iii) Provision of opportunity for tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) to monitor the earthworks during access construction and wastewater disposal system installation on the basis of at least one tangata whenua monitoring representative per excavator required;
- (iv) An Accidental Discovery Protocol including:
 - a) In the event any artefacts/koiwi are uncovered, works are to cease in the immediate vicinity and the discovery protected;
 - b) Parties to be contacted in the event any artefacts/koiwi are uncovered (tangata whenua, Waitomo District Council and Heritage NZ);
 - c) Management of the discovery including either maintaining in-situ (re-burying) or relocation in consultation with tangata whenua as set out in the Cultural Protocol;
 - d) Provisions for long term protection/management of any discoveries; and
 - e) Any requirements of a Heritage NZ authority.

26. The earthworks shall be undertaken in accordance with the requirements of the approved Cultural Protocol and a copy of the approved protocol shall be maintained on site at all times.

Earthworks

27. The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the earthworks and during the term of this consent. In this regard, erosion and sediment control measures shall be established and maintained in accordance with the Waikato Regional Council document titled "*Erosion and Sediment Control Guidelines for Soil Disturbing Activities*" (Technical Report No 2009/02 dated January 2009).

28. All disturbed or cut vegetation, soil or debris shall be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.

29. The consent holder shall ensure that those areas of the site where earthworks have been completed shall be stabilised against erosion as soon as practically possible. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of the Waitomo District Council's Environmental and Regulatory Services Leader. The consent holder shall monitor and maintain the site (including any necessary erosion and sediment controls) until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any water body.
30. The consent holder must engage a suitably qualified person to prepare an Earthworks Management Plan and submit this to the Waitomo District Council's Environmental and Regulatory Services Leader for approval. This plan must include but not be limited to:
- a) Construction drawings outlining the scope of the earthworks to be undertaken;
 - b) The staging of works planned and the description of earthworks in each stage;
 - c) Outline the engineering controls, supervision and certification that will be applied to each stage;
 - d) Confirm volumes of cut, fill and unsuitable material;
 - e) Identify any specific works to be carried out to create a suitable building platform on each lot where earthworks are identified to be undertaken.
 - f) Consideration must be given to slope stability, setbacks, and retaining and drainage provisions. Consideration must also be given to wastewater and stormwater disposal to ensure suitable disposal field locations and stormwater outlets are available for each lot, which may require construction.
 - g) An erosion and sediment control plan.

Any proposed variations to the Earthworks Management Plan including any amendments to the drawings or construction detail report must be approved by Waitomo District Council's Environmental and Regulatory Services Leader prior to such works being undertaken.

The consent holder must undertake the earthworks in accordance with the approved Earthworks Management Plan.

31. All earthworks, including earthworks associated with the construction of the road, must be in accordance with the Hamilton City Council Infrastructure Technical Specifications, and NZS 4404:2004 Land Development and Subdivision Engineering, or approved variation thereof.

Services and Utilities

32. That the consent holder must arrange with the local telecommunications company for separate underground reticulation of telephone cables to serve the residential lots (Lots 1 to 24), the café lot (Lot 25) and the jointly owned lot (Lot 26), and pay all costs attributable to such work. The consent holder must submit to the Council's Environmental and Regulatory Services Leader written confirmation from the telecommunications company that satisfactory arrangements have been made for the reticulation of the service to these lots. This is to include details of the connection to be made from the existing line and, if necessary, the re-siting, repositioning or removal of any telephone cables which exist on the land being developed.
33. The consent holder must arrange with the local network electricity operator for separate underground reticulation of electricity to serve the residential lots (Lots 1 to 24), the café lot (Lot 25) and the jointly owned lot (Lot 26), and pay all costs attributable to such work. The consent holder must submit to the Council's Environmental and Regulatory Services

Leader written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to these lots. This is to include details of the connection to be made from the existing line and, if necessary, the resiting, repositioning or removal of any electricity lines which exist on the land being developed.

34. Outdoor lighting on the site shall be selected, located, aimed and adjusted and screened so as to ensure that glare resulting from lighting, in the opinion of Council's Environmental and Regulatory Services Leader, does not cause any level of discomfort or nuisance to any occupants or properties beyond the application site boundary.
35. That the consent holder submit to Council's Environmental and Regulatory Services Leader a Lighting Plan for the development. The Lighting Plan must provide for an intersection flag light at the State Highway 3 intersection and internal lighting for the carpark and along the Lot 26 access road, and satisfy the glare requirements of condition 34.
36. Each of the residential lots (Lots 1 to 24) and the café lot (Lot 25) shall be supplied with a water tank of a capacity of 10,000 litres in a location in relation to the principal building on each site that is accessible to fire engines for fire-fighting purposes. Each tank shall be connected to any roof drainage downpipes.
37. The existing Council water connection shall be reticulated to each of the residential lots (Lots 1 to 24) and the café lot (Lot 25) within the development.
38. Water conservation devices shall be incorporated into all buildings proposed for the residential lots (Lots 1 to 24) and the café lot (Lot 25) within the development. These water saving measures shall include:
 - a) Restricted flush or dual flush (6/3 litre) toilet systems;
 - b) Aerated tap faucets;
 - c) Low water use washing machines;
 - d) Orifice flow valves in all tapes and water outlets; and
 - e) No garbage grinders.
39. The consent holder must engage a suitably qualified person to prepare a Stormwater Management Plan and submit this for written approval to the Waitomo District Council's Environmental and Regulatory Services Leader. This plan must include but not be limited to the following:
 - a) Geotechnical engineering investigation, if applicable.
 - b) Information for on-site soakage and percolation tests, if applicable.
 - c) Stormwater run-off design calculations from proposed development, including stormwater from roads, rights-of-ways and lots.
 - d) Preliminary assessment and layout of proposed stormwater system for development.
 - e) Identification of overland flow paths and easements, if applicable.

The stormwater design must be designed in accordance with the standards as set out in the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof, and NZS 4404: 2004 Land Development and Subdivision Engineering.

The consent holder must construct and operate the stormwater system in accordance with the approved Stormwater Management Plan.

40. Stormwater soakage areas are to be located at least 5m away from the wastewater disposal areas and a minimum of 3m from the toe of the remnant dune slope.
41. The consent holder shall construct the proposed single, centralised wastewater treatment system (AdvanTex AX400 reticulated system by Innoflow Technologies (NZ) Ltd), or similar, on Lot 26 in general accordance with the application for this resource consent.
42. Each of the residential lots (Lots 1 to 24) and café (Lot 25) must be connected to wastewater treatment system constructed under condition 41.
43. The wastewater treatment plant and land disposal system is to be maintained by the owners of the residential lots (Lots 1 to 24) and café (Lot 25).
44. Prior to commencement of any work the consent holder must submit to Council a copy of the discharge permit for the wastewater treatment plant and land disposal system from the Waikato Regional Council or produce evidence that a discharge permit is not required.

Site Development - General

45. All buildings and structures, with the exception of the 6 existing cabins shall be removed prior to any construction works for the development commencing, provided that one building may remain as a temporary building for the purposes of an on-site project office for a maximum of five years.

Advice note: *The consent holder will need to obtain the necessary building consent for the proposed new residential buildings and café and for the removal and relocation of the existing buildings and structures from the Waitomo District Council.*

46. No fences are permitted to be constructed to define the areas of Lots 1 to 25.
47. In order to protect dune planting and archaeological sites, the land within Area A on Lot 26 as shown on the scheme plan of subdivision prepared by McKinlay Surveyors and numbered M-141101 RC01, dated 21/11/14, shall not be developed or built on.

Landscape and Visual Mitigation Planting

48. That not less than six months from granting of consent, the consent holder must engage a suitably qualified professional to prepare and submit to Council's Environmental and Regulatory Services Leader a combined Landscape Mitigation and Dune Restoration Plan. The Landscape Mitigation and Dune Restoration Plan shall be based on the *Spatial Layout – Development Pods Plan* prepared by Common Ground Studio (Drawing reference RC4 Rev A dated 30/9/14) and the *Proposed Planting Plan* prepared by Common Ground Studio (Drawing reference RC-13 Revision A dated 4/6/15) and the *Dune Restoration Outline Planting Plan and Estimate* prepared by Eco Nomos Ltd, dated 5 March 2014, and shall take into account any restoration works required in association with earthworks condition 29 and the access sightline condition 60. The Landscape Mitigation and Dune Restoration Plan shall address all recommendations contained within the Landscape Mitigation Report. The Landscape Mitigation and Dune Restoration Plan shall also include any dune restoration planting work already undertaken or yet to be implemented under the existing dune rehabilitation consent (consent number RM130026). In addition, the Landscape Mitigation and Dune Restoration Plan shall include:

- a) Location and extent of all proposed planting on a scaled plan;
- b) Site preparation for planting including weed and pest control;
- c) Site planting including species to be planted, plant numbers (including those identified within the Dune Restoration Outline Planting Plan and Estimate prepared by Eco Nomos Ltd, dated 5 March 2014), size of plants, and where they are to be planted, density of planting, sourcing of plants and fertilising;
- d) Timeline for planting;
- e) Ongoing weed and pest control;
- f) Supplementary/replacement planting plans specifications;
- g) Timing of monitoring maintenance inspections;
- h) Measures to maintain and protect the landscape mitigation planting and dune profile/plantings from adverse pedestrian and vehicle effects including fencing, accessways etc; and
- i) Legal mechanisms to be implemented to ensure the long term protection of the plantings within this area.

49. The landscape mitigation and dune restoration plantings shall be implemented in accordance with the approved Landscape Mitigation and Dune Restoration Plan immediately following the completion of each phase of the development and/or dune restoration earthworks activities and shall be maintained in accordance with the approved Landscape Mitigation and Dune Restoration Plan for the duration of this consent.

Advice note: The clauses in conditions 48 and 49 above are consistent with the clauses contained within the associated dune rehabilitation consent (consent No RM130026). Compliance with the above clauses will result in compliance with consent conditions 12 and 13 of RM130026

Café and Accommodation

50. The hours of operation for the cafe shall only be between 7.00am to 10.00pm Monday to Sunday, inclusive of public holidays.

51. That all café activities on Lot 25 shall be carried out such that the noise level at the notional boundary (see definition in Section 28 of the Waitomo District Plan) shall not exceed 50 dBA L10 during the day time, and 40 dBA L10 at night time, provided that no single noise event shall exceed 70 dBA Lmax at night time.

Day time means 7.00am to 10.00pm Monday to Saturday and 8.00am to 5.00pm Sundays and Public Holidays.

Night time means all other times.

The noise shall be measured in accordance with the requirements of NZS6801:1991, Measurement of Sound, and assessed in accordance with the requirements of NZS6802:1991, Assessment of Environmental Sound.

52. Any signage associated with the café and accommodation activities on Lot 25 shall be solely contained within the site boundary. The combined total area of any signage must not exceed 3m², with any single sign not exceeding 1m².

53. The 6 existing cabins must be located within the boundaries of proposed Lot 25 or be removed from the site.

54. The 6 cabins must be used for short-term visitor accommodation. The cabins must not be used as permanent or long-stay accommodation. The operator of the cabins shall keep a booking log which shall be produced without unreasonable delay upon request from a servant or agent of the Waitomo District Council to demonstrate compliance with this condition.
55. The occupants of the 6 cabins must be provided 24 hour a day access to toilet, washing and cooking facilities and these facilities must be contained wholly within the boundaries of proposed Lot 25.

Advice note: *The consent holder will need to obtain the appropriate health licenses for the café and accommodation from Waitomo District Council.*

Roading and Carparking

56. That Lot 27 shall vest in the Waitomo District Council as road in terms of the Local Government Act 2004 at no cost to Council.
57. Any roading related works subject of these conditions must not proceed until final design and specifications have been submitted to Council's Manager - Roothing at Waitomo District Council, and approval in writing has been obtained.

Advice Note: *The consent holder is advised that Waitomo District Council would require that 3 hard copies of all drawings (including dimensionally accurate as-built drawings) are provided, as well as an electronic CAD file version.*

58. Where the existing access to Lot 27, being the existing access to the Seaview Motorcamp at 5270 State Highway 3, is to serve only residential development on residential lots (Lots 1 to 24), the access shall be upgraded before development construction commences so as to be consistent with the NZ Transport Agency's Diagram 'D' standard (refer to Appendix 5B of the NZ Transport Agency's Planning Policy Manual (August 2007)), retaining the existing radii on the access side of the road.
59. If the consent holder proceeds to implement that part of the consent which enables a café, then the consent holder shall provide a right turn bay within State Highway 3 to the site before the café is operational. The design of the right turn bay shall ensure that the geometric alignment of the state highway remains consistent with the Austroads design standard and with all road markings complying with the NZ Transport Agency Manual of Traffic Signs and Markings. The consent holder shall provide an independent safety audit of the design of the right turn bay following the NZ Transport Agency Road Safety Audit Procedures for Projects Guide (available on the NZ Transport Agency's website). The Road Controlling Authority decisions and audit recommendations shall be incorporated into the right turn bay design. The final design and construction of the access location, sight lines, and required earthworks and vegetation/structure removal are to be approved to Waitomo District Council and the NZ Transport Agency's satisfaction.
60. Before development construction commences (including any demolition), the sightlines from the existing access to Lot 27 shall be provided and maintained so that the minimum sight distances to the north and south are 250m. The sight distance to the north is to be measured to points A and B as defined in Appendix 5B of the NZ Transport Agency's Planning Policy Manual (August 2007), whilst to the south the sight distance is to be measured to point B and a point 1.5m offset from the centreline. The works undertaken to achieve these sightlines shall not affect land slope stability which might then affect highway route security into the future.

61. If an accident problem is identified by either the Waitomo District Council or the NZ Transport Agency at the State Highway 3 / Lot 27 intersection the consent holder will be responsible for installing any minor safety improvements such as signage or linemarking, as recommended by the Waitomo District Council or the NZ Transport Agency.
62. The consent holder must provide an intersection flag light at the State Highway 3 / Lot 27 intersection constructed to the ASNZ 1158 standard with a frangible foundation and nominal mounting height of 12m. This flag light shall be installed and operational prior to the first occupation of the units. The flag light location is to be to the NZ Transport Agency's approval.
63. The licensed crossing place 109-57 to State Highway 3 shall be permanently closed by removing any culverts and reinstating any berm and state highway drainage.

Advice note: *As the state highway in this vicinity is a Limited Access Road, a notice pursuant to section 93 of the Government Roading Powers Act 1989 is required.*

64. The design of the cut batter to achieve 250m sightlines to the north of the Lot 27 access is to be to the NZ Transport Agency's approval. This cut batter is to be hydroseeded as soon as practical following excavation. The consent holder is to be responsible for all on-going maintenance costs associated with the cut batter which sits within Lot 26.
65. Where access sight lines cross the consent holder's land (Lot 26) a notice or similar is to be registered on the title protecting the sight line of 250m.
66. A Traffic Management Plan and Agreement to Work on the Highway shall be submitted to and approved by the NZ Transport Agency's network management consultant at least seven working days prior to the commencement of any works within the state highway road reserve.
67. If the consent holder proceeds to implement that part of the consent which enables a café, then the consent holder shall construct a carpark within Lot 27. The carpark shall include provision for at least 30 car parking spaces, including two disabled spaces, and one additional loading/bus parking space. All car and loading/bus parking is to be provided on site with no parking allowed on State Highway 3. The carpark is to be sealed, linemarked, and lit. The carpark design and construction is to be approved by the Waitomo District Council and is to be in accordance with Waitomo District Council standards, and the Hamilton City Council Infrastructure Technical Specifications or approved variation thereof. The carpark is to be constructed above the 50 year flood level of the adjacent stream.
68. If the consent holder does not construct the right turn bay under condition 59 and the carpark under condition 67 above of this consent, then prior to the occupation of any residential building constructed on Lots 1 to 24 the consent holder shall construct an access road across Lot 27 from the upgraded access (completed under condition 58 of this consent) to the proposed access road on Lot 26. The proposed access road on Lot 27 is to be 5m wide and must be designed and constructed to the standards in NZS 4404: 2004 and the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof. All work must be carried out and completed to the satisfaction of Council's Manager - Roading and must be at the consent holder's expense. The design of the access road (including but not limited to width, cross-fall, pavement and drainage design) is to be approved by Waitomo District Council.

69. That the proposed access road on Lot 26 must be designed and constructed to the standards in NZS 4404: 2004 and the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof. All work must be carried out and completed to the satisfaction of Council's Manager - Roading and must be at the consent holder's expense. The design of the access road (including but not limited to width, cross-fall, pavement and drainage design) is to be approved by Waitomo District Council. The design is to include cross sections showing that there will be no excavation of the remnant dune slope. The access road is to be 5m wide, the corners between Lots 5 and 6 are to be designed so they can be navigated by an 8m rigid truck, and it is to be lit. The access road design is to consider the safety of turning movements from Lots 5 and 6.
70. Any proposed excavation of the dune slope to facilitate the construction of the access road on Lot 26 or other structures shall have prior Waitomo District Council approval. Requests for such approval shall be accompanied by a detailed slope stability assessment and geotechnical design undertaken by a suitably qualified geotechnical engineer.
71. The Lot 26 access road cul-de-sac head is to be designed to accommodate an 8m rigid truck with a minimum 10m turning radius. The design is to be approved by Waitomo District Council.
72. No parking is to be allowed on the Lot 26 access road cul-de-sac head, or on the corners in the vicinity of Lots 5 and 6. This restriction is to be controlled by appropriate linemarking.
73. The Lot 26 access road berm design is to be approved by Waitomo District Council. The access road corridor shall include a berm of at least 4m wide to provide for services and pedestrians. Swale drains shall be constructed on the west side of the road in the vicinity of Lots 6 to 24 to ensure that the toe of the dune slope is not being saturated.
74. The Lot 26 access road is to be a shared vehicle/cycle/pedestrian environment, and the design is to reflect this, with appropriate speed controls such as table platforms incorporated in the design. Appropriate speed control measures are to be designed. The maximum speed limit on the access road is to be 30 km/h, this limit (or 20 km/h if a shared environment is adopted) is to be appropriately signed on site.
75. Construction drawings and specification for the access road on Lot 26 and/or the carpark and access road on Lot 27 must be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets to be vested in Council must be provided prior to the final inspection.
76. Two producer statements from a suitably qualified and experienced professional must be submitted to Council's Manager - Roading within three months of the works for the access road on Lot 26 and/or the carpark and access road on Lot 27 being completed. The first must include pavement design and drainage of the road and the second must cover the construction of the carpark.
77. That the consent holder must construct standard residential vehicle entrances to all residential lots (Lots 1 to 24). These entrances are to be constructed in accordance with the standards as set out in the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof. The entrance must be sealed from the edge of the road to the property boundary. All work is to be completed to the satisfaction of the Council's Manager - Roading and must be at the consent holder's expense.

78. The consent holder must submit names to Council's Manager – Roading when Lot 27 vests as road for the Council's approval prior to the vesting of the road. If a name is not submitted, the Council may name the road without reference to the consent holder. A property numbering plan must be submitted prior to the final inspection to the satisfaction of the Council's Manager - Roading.

Advice note: *It is expected the timeframe related to this process may be up to three (3) months to complete.*

79. Parking provision for two cars is to be provided for each residential lot (Lots 1 to 24) within the lot. The design and construction of the unit parking spaces is to be approved by Waitomo District Council. All parking areas are to meet the parking requirements of the District Plan.

Advice note: *Stacked parking spaces, where a parking space is provided directly in front of the garage, may be provided at this site to allow parking requirements to be met.*

80. One formed parking space is to be provided for each of the relocated cabins. The parking spaces shall be designed and constructed in accordance with the Hamilton City Council Infrastructure Technical Specifications and approval of the Waitomo District Council.

Monitoring Review/Change/Cancellation of Consent Conditions

81. Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Council by giving notice pursuant to Section 129 of the Act. This review may take place within 5 years following the commencement of the consent and every two years thereafter in order to:

- (a) Deal with any significant adverse effect on the environment arising from the exercise of the consent that was not foreseen at the time that the application was considered;
- (b) Consider the adequacy of conditions for avoiding more than minor effects on coastal erosion, particularly if reporting has shown a significant increase in erosion that may have the potential to adversely affect the buildings or wastewater treatment facility and the matter has not been remedied through implementation of Conditions 19 to 24.
- (c) Consider the adequacy of conditions for avoiding more than minor effects on the State Highway as a result of the monitoring and reporting of the intersection.
- (d) To deal with any other adverse effect on the environment on which the exercise of the consent may have an influence.

Subdivision Consent

In consideration of Section 104 and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991, the Waitomo District Council approves a subdivision to Mokau Sands Ltd (trading as Seaview Motor Camp) to establish 24 residential lots, an allotment for a restaurant/café and accommodation cabins, a road to vest and 2 common marine and coastal area lots for the property legally described as Lot 2 DPS 9605 compromised in Certificate of Title SA5A/1019 and Lot 1 DPS 9605 and Lot 1 DPS 8934 compromised in Certificate of Title SA5D/472, subject to the following conditions:

General

1. That the Land Transfer Plan to give effect to this subdivision consent must be generally consistent with the approved scheme plan of subdivision prepared by McKinlay Surveyors and numbered M-141101 RC01, dated 21/11/14, submitted with application 110019, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.
2. The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. A copy of this resource consent shall be kept on-site at all times that physical works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waitomo District Council.
4. This resource consent is granted by the Waitomo District Council subject to its servants or agents being granted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements, taking samples, and/or photographs.
5. The consent holder shall inform the Waitomo District Council a minimum of 10 working days prior to the commencement of activities of the start date of the works authorised by this resource consent.
6. The consent holder shall appoint a representative(s) prior to the exercise of this resource consent who shall be the principal contact person(s) in regard to matters relating to this resource consent. The consent holder shall inform the Waitomo District Council of the representative's name and how they can be contacted, prior to this resource consent being exercised.
7. That charges set out in accordance with Section 36 of the Resource Management Act 1991 shall be paid to the Waitomo District Council for carrying out its functions in relation to the administration, monitoring and supervision of this resource consent.

Legal

8. That proposed Lot 27 with an area of 2,775m² shall vest in Waitomo District Council, pursuant to Section 238 of the Resource Management Act 1991, as road reserve (unformed road).
9. That Lot 25 be increased in area to accommodate the 6 cabins and 6 parking spaces.

10. The land within Area A as shown on the scheme plan of subdivision prepared by McKinlay Surveyors and numbered M-141101 RC01, dated 21/11/14, shall not be developed or built on, in order to protect dune planting and archaeological sites. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the title to Lot 26.
11. That Lot 26 be held as to twenty-five undivided one-twentyfifth shares by the owners of Lots 1 to 25 as tenants in common in the said shares and that individual Certificates of Title be issued in accordance with that arrangement.
12. Lot 26 must be subject to the formation of an incorporated society or other similar legal entity, comprising the owners of Lots 1 to 25. The formed incorporated society or similar legal entity shall be responsible for obligations under this consent including:
 - a) Road and lighting maintenance on Lot 26;
 - b) Maintenance of the wastewater treatment plant on Lot 26;
 - c) Maintenance of landscaping on Lot 26;
 - d) Maintenance of dunes and dune restoration planting on Lot 26;
 - e) Managed retreat from coastal erosion;
 - f) All on-going maintenance costs associated with the highway cut batter which sits within Lot 26;
 - g) Protection and management of the archaeological sites within Lot 26 in the event that either batter works or erosion have or are likely to have adverse effects on the site; and
 - h) Liaison with tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) in relation to actual or potential adverse effects on the archaeological site

Coastal Erosion and Managed Retreat

13. The proposed café and any residential buildings proposed for Lots 1 to 25 must be designed and constructed so as to be readily relocatable. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 25.
14. Sufficient access must be provided and maintained on Lot 26 to allow for the removal of all buildings on Lots 1 to 25. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the title to Lot 26.
15. The distance of the café, wastewater disposal field and the nearest habitable buildings to the toe of the fore dune must be accurately measured to the satisfaction of the Waitomo District Council in the month of June on a two yearly basis commencing in 2015. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent

notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 26.

16. Where the toe of the fore dune comes within 5m of the café building or residential building foundations, the owner(s) of the café building and/or residential building(s) is required to remove the building(s) from the property and return their individual site to a natural state. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 25.
17. Where the toe of the fore dune comes within 15m of the wastewater disposal field the consent holder must remove the wastewater disposal plant and field infrastructure and return the site to a natural state. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the title to Lot 26.
18. As an alternative to Conditions 16 and 17, the café, residential buildings or the wastewater disposal field will not require removal from the site, if the Waitomo District Council's Environmental and Regulatory Services Leader can be satisfied that the risk of imminent erosion and/or risk of discharge to both the wastewater disposal plant and/or field, or to any individual building is unlikely, and the consent holder provides a report from a suitably qualified person detailing proposals for the relocation of infrastructure and buildings within the site, current and future predicted erosion/accretion, appropriate monitoring procedures and trigger points for removal. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 26.

Tangata Whenua/Archaeology

19. At least 20 working days prior to the commencement of the earthworks activities, the consent holder shall prepare in consultation with tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) and shall submit for approval by Council's Environmental and Regulatory Services Leader, a finalised Cultural Protocol which outlines the proposed methods for management of cultural sites including sacred places such as urupa, taonga including cultural artefacts, koiwi or archaeological sites which may be discovered during the site earthworks. The Cultural Protocol shall include but not be limited to the following provisions:
 - (i) Procedures for notification of tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) prior to commencement of works including contact details for these parties;
 - (ii) Procedures for education of site contractors of the site's cultural values, including the potential for discoveries during excavation, the need to adopt shallow or gradual scrapes or penetrations with the excavator bucket or such other

- machinery and the requirements of the Accidental Discovery Protocol (refer below);
- (iii) Provision of opportunity for tangata whenua (Mokau ki Runga and Nga Hapu o Poutama) to monitor the earthworks during access construction and wastewater disposal system installation on the basis of at least one tangata whenua monitoring representative per excavator required;
 - (iv) An Accidental Discovery Protocol including:
 - a) In the event any artefacts/koiwi are uncovered, works are to cease in the immediate vicinity and the discovery protected;
 - b) Parties to be contacted in the event any artefacts/koiwi are uncovered (tangata whenua, Waitomo District Council and Heritage NZ);
 - c) Management of the discovery including either maintaining in-situ (re-burying) or relocation in consultation with tangata whenua as set out in the Cultural Protocol;
 - d) Provisions for long term protection/management of any discoveries; and
 - e) Any requirements of a Heritage NZ authority

20. The earthworks shall be undertaken in accordance with the requirements of the approved Cultural Protocol and a copy of the approved protocol shall be maintained on site at all times.

Earthworks

21. The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the earthworks and during the term of this consent. In this regard, erosion and sediment control measures shall be established and maintained in accordance with the Waikato Regional Council document titled "*Erosion and Sediment Control Guidelines for Soil Disturbing Activities*" (Technical Report No 2009/02 dated January 2009).

22. All disturbed or cut vegetation, soil or debris shall be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.

23. The consent holder shall ensure that those areas of the site where earthworks have been completed shall be stabilised against erosion as soon as practically possible. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of the Waitomo District Council's Environmental and Regulatory Services Leader. The consent holder shall monitor and maintain the site (including any necessary erosion and sediment controls) until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any water body.

24. The consent holder must engage a suitably qualified person to prepare an Earthworks Management Plan and submit this to the Waitomo District Council's Environmental and Regulatory Services Leader for approval. This plan must include but not be limited to:

- a) Construction drawings outlining the scope of the earthworks to be undertaken;
- b) The staging of works planned and the description of earthworks in each stage;
- c) Outline the engineering controls, supervision and certification that will be applied to each stage;
- d) Confirm volumes of cut, fill and unsuitable material;
- e) Identify any specific works to be carried out to create a suitable building platform on each lot where earthworks are identified to be undertaken.

- f) Consideration must be given to slope stability, setbacks, and retaining and drainage provisions. Consideration must also be given to wastewater and stormwater disposal to ensure suitable disposal field locations and stormwater outlets are available for each lot, which may require construction.
- g) An erosion and sediment control plan.

Any proposed variations to the Earthworks Management Plan including any amendments to the drawings or construction detail report must be approved by Waitomo District Council's Environmental and Regulatory Services Leader prior to such works being undertaken.

The consent holder must undertake the earthworks in accordance with the approved Earthworks Management Plan.

25. All earthworks, including earthworks associated with the construction of the road, must be in accordance with the Hamilton City Council Infrastructure Technical Specifications, and NZS 4404:2004 Land Development and Subdivision Engineering, or approved variation thereof.

Services and Utilities

26. That the consent holder must arrange with the local telecommunications company for separate underground reticulation of telephone cables to serve the residential lots (Lots 1 to 24), the café lot (Lot 25) and the jointly owned lot (Lot 26), and pay all costs attributable to such work. The consent holder must submit to the Council's Environmental and Regulatory Services Leader written confirmation from the telecommunications company that satisfactory arrangements have been made for the reticulation of the service to these lots. This is to include details of the connection to be made from the existing line and, if necessary, the re-siting, repositioning or removal of any telephone cables which exist on the land being developed.
27. The consent holder must arrange with the local network electricity operator for separate underground reticulation of electricity to serve the residential lots (Lots 1 to 24), the café lot (Lot 25) and the jointly owned lot (Lot 26), and pay all costs attributable to such work. The consent holder must submit to the Council's Environmental and Regulatory Services Leader written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to these lots. This is to include details of the connection to be made from the existing line and, if necessary, the resiting, repositioning or removal of any electricity lines which exist on the land being developed.
28. Each of the residential lots (Lots 1 to 24) and the café lot (Lot 25) shall be supplied with a water tank of a capacity of 10,000 litres in a location in relation to the principal building on each site that is accessible to fire engines for fire fighting purposes. Each tank shall be connected to any roof drainage downpipes.
29. The existing Council water connection shall be reticulated to each of the residential lots (Lots 1 to 24) and the café lot (Lot 25).
30. Water conservation devices shall be incorporated into all buildings proposed for the residential lots (Lots 1 to 24) and the café lot (Lot 25) within the development. These water saving measures shall include:
- a) Restricted flush or dual flush (6/3 litre) toilet systems;
 - b) Aerated tap faucets;

- c) Low water use washing machines;
- d) Orifice flow valves in all tapes and water outlets; and
- e) No garbage grinders.

This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 25.

31. The consent holder must engage a suitably qualified person to prepare a Stormwater Management Plan and submit this for written approval to the Waitomo District Council's Environmental and Regulatory Services Leader. This plan must include but not be limited to the following:
- a) Geotechnical engineering investigation, if applicable.
 - b) Information for on-site soakage and percolation tests, if applicable.
 - c) Stormwater run-off design calculations from proposed development, including stormwater from roads, rights-of-ways and lots.
 - d) Preliminary assessment and layout of proposed stormwater system for development.
 - e) Identification of overland flow paths and easements, if applicable.

The stormwater design must be designed in accordance with the standards as set out in the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof, and NZS 4404: 2004 Land Development and Subdivision Engineering.

Prior to Section 224(c) certification the consent holder shall provide Council's Environmental and Regulatory Services Leader with written confirmation that the stormwater system has been constructed in accordance with the approved Stormwater Management Plan.

32. Stormwater soakage areas are to be located at least 5m away from the wastewater disposal areas and a minimum of 3m from the toe of the remnant dune slope.
33. The consent holder shall construct the proposed single, centralised wastewater treatment system (AdvanTex AX400 reticulated system by Innoflow Technologies (NZ) Ltd), or similar, on Lot 26 in general accordance with the application for this resource consent.
34. Each of the residential lots (Lots 1 to 24) and café (Lot 25) must be connected to wastewater treatment system constructed under condition 32.
35. The wastewater treatment plant and land disposal system is to be maintained by the owners of the residential lots (Lots 1 to 24) and café (Lot 25). This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 25.
36. Prior to commencement of any work the consent holder must submit to Council a copy of the discharge permit for the wastewater treatment plant and land disposal system from

the Waikato Regional Council or produce evidence that a discharge permit is not required.

Landscape and Visual Mitigation Planting

37. Prior to Section 224(c) certification, the consent holder must engage a suitably qualified professional to prepare and submit to Council's Environmental and Regulatory Services Leader a combined Landscape Mitigation and Dune Restoration Plan. The Landscape Mitigation and Dune Restoration Plan shall be based on the *Spatial Layout – Development Pods Plan* prepared by Common Ground Studio (Drawing reference RC4 Rev A dated 30/9/14) and the *Proposed Planting Plan* prepared by Common Ground Studio (Drawing reference RC-13 Revision A dated 6/4/15) and the *Dune Restoration Outline Planting Plan and Estimate* prepared by Eco Nomos Ltd, dated 5 March 2014, and shall take into account any restoration works required in association with earthworks condition 23 and the access sightline condition 40. The Landscape Mitigation and Dune Restoration Plan shall address all recommendations contained within the Landscape Mitigation Report. The Landscape Mitigation and Dune Restoration Plan shall also include any dune restoration planting work already undertaken or yet to be implemented under the existing dune rehabilitation consent (consent number RM130026). In addition, the Landscape Mitigation and Dune Restoration Plan shall include:

- a) Location and extent of all proposed planting on a scaled plan;
- b) Site preparation for planting including weed and pest control;
- c) Site planting including species to be planted, plant numbers (including those identified within the Dune Restoration Outline Planting Plan and Estimate prepared by Eco Nomos Ltd, dated 5 March 2014), size of plants, and where they are to be planted, density of planting, sourcing of plants and fertilising;
- d) Timeline for planting;
- e) Ongoing weed and pest control;
- f) Supplementary/replacement planting plans specifications;
- g) Timing of monitoring maintenance inspections;
- h) Measures to maintain and protect the landscape mitigation planting and dune profile/plantings from adverse pedestrian and vehicle effects including fencing, accessways etc; and
- i) Legal mechanisms to be implemented to ensure the long term protection of the plantings within this area.

The landscape mitigation and dune restoration plantings shall be implemented in accordance with the approved Landscape Mitigation and Dune Restoration Plan immediately following the completion of each phase of the development and/or dune restoration earthworks activities and shall be maintained in accordance with the approved Landscape Mitigation and Dune Restoration Plan for the duration of this consent.

This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the titles of Lots 1 to 26.

Roading and Carparking

38. Any roading related works subject of these conditions must not proceed until final design and specifications have been submitted to Council's Manager - Roading at Waitomo District Council, and approval in writing has been obtained.

Advice Note: *The consent holder is advised that Waitomo District Council would require that 3 hard copies of all drawings (including dimensionally accurate as-built drawings) are provided, as well as an electronic CAD file version.*

39. Prior to Section 224(c) certification, the existing access to Lot 27, being the existing access to the Seaview Motorcamp at 5270 State Highway 3, shall be upgraded so as to be consistent with the NZ Transport Agency's Diagram 'D' standard (refer to Appendix 5B of the NZ Transport Agency's Planning Policy Manual (August 2007), retaining the existing radii on the access side of the road.
40. The sightlines from the existing access to Lot 27 shall be provided and maintained so that the minimum sight distances to the north and south are 250m. The sight distance to the north is to be measured to points A and B as defined in Appendix 5B of the NZ Transport Agency's Planning Policy Manual (August 2007), whilst to the south the sight distance is to be measured to point B and a point 1.5m offset from the centreline. The works undertaken to achieve these sightlines shall not affect land slope stability which might then affect highway route security into the future.
41. The consent holder must provide an intersection flag light at the State Highway 3 / Lot 27 intersection constructed to the ASNZ 1158 standard with a frangible foundation and nominal mounting height of 12m. The flag light location is to be to the NZ Transport Agency's approval. This flag light shall be installed and operational prior to Section 224(c) certification.
42. The licensed crossing place 109-57 to State Highway 3 shall be permanently closed by removing any culverts and reinstating any berm and state highway drainage.

Advice note: *As the state highway in this vicinity is a Limited Access Road, a notice pursuant to section 93 of the Government Roading Powers Act 1989 is required.*

43. The design of the cut batter to achieve 250m sightlines to the north of the Lot 27 access is to be to the NZ Transport Agency's approval. This cut batter is to be hydroseeded as soon as practical following excavation. This work is to be completed prior to Section 224(c) certification.
44. The consent holder is to be responsible for all on-going maintenance costs associated with the highway cut batter which sits within Lot 26. This being a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan and must be subject to a consent notice, pursuant to Section 221 of the Resource Management Act 1991 specifying the above conditions. Such consent notice must be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and must be registered against the title to Lot 26.
45. Where access sight lines cross the consent holder's land (Lot 26) a covenant or similar is to be registered on the title protecting the sight line of 250m.

Advice note: *Traffic Management Plan and Agreement to Work on the Highway shall be submitted to and approved by the NZ Transport Agency's network management consultant at least seven working days prior to the commencement of any works on the state highway access.*

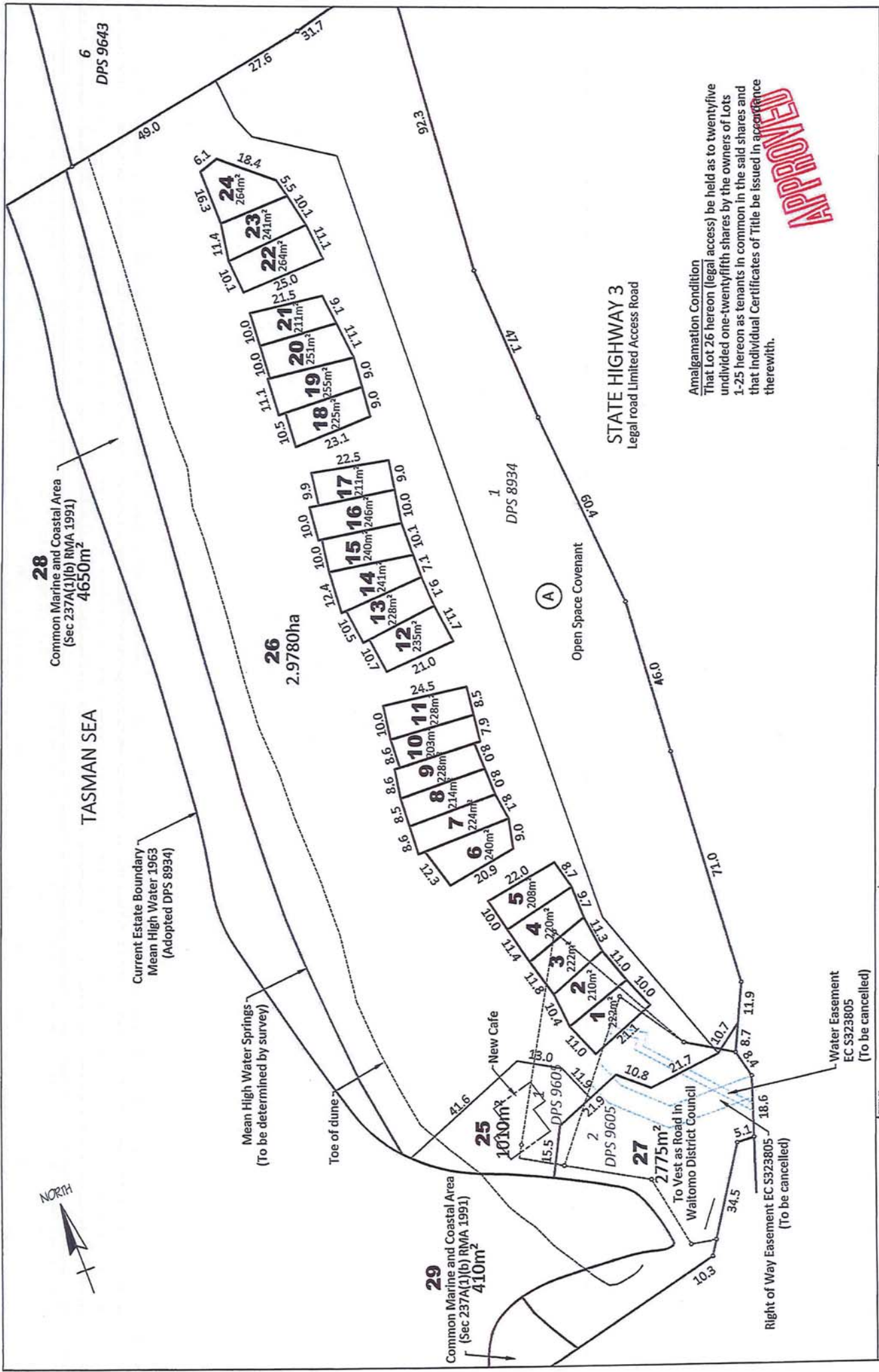
46. Prior to Section 224(c) certification, an access road shall be constructed on Lot 26 to serve Lots 1 to 25. The proposed access road on Lot 26 must be designed and


constructed to the standards in NZS 4404: 2004 and the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof. All work must be carried out and completed to the satisfaction of Council's Manager - Roading and must be at the consent holder's expense. The design of the access road (including but not limited to width, cross-fall, pavement and drainage design) is to be approved by Waitomo District Council. The design is to include cross sections showing that there will be no excavation of the remnant dune slope. The access road is to be 5m wide, the corners between Lots 5 and 6 are to be designed so they can be navigated by an 8m rigid truck, and it is to be lit. The access road design is to consider the safety of turning movements from Lots 5 and 6.

47. Any proposed excavation of the dune slope to facilitate the construction of the access road on Lot 26 or other structures shall have prior Waitomo District Council approval. Requests for such approval shall be accompanied by a detailed slope stability assessment and geotechnical design undertaken by a suitably qualified geotechnical engineer.
48. The Lot 26 access road cul-de-sac head is to be designed to accommodate an 8m rigid truck with a minimum 10m turning radius. The design is to be approved by Waitomo District Council.
49. No parking is to be allowed on the Lot 26 access road cul-de-sac head, or on the corners in the vicinity of Lots 5 and 6. This restriction is to be controlled by appropriate line marking.
50. The Lot 26 access road berm design is to be approved by Waitomo District Council. The access road corridor shall include a berm of at least 4m wide to provide for services and pedestrians. Swale drains shall be constructed on the west side of the road in the vicinity of Lots 6 to 24 to ensure that the toe of the dune slope is not being saturated.
51. The Lot 26 access road is to be a shared vehicle/cycle/pedestrian environment, and the design is to reflect this, with appropriate speed controls such as table platforms incorporated in the design. Appropriate speed control measures are to be designed. The maximum speed limit on the access road is to be 30 km/h, this limit (or 20 km/h if a shared environment is adopted) is to be appropriately signed on site.
52. Construction drawings and specification must be submitted for approval prior to any work being carried out. As-built plans and information of all infrastructure assets to be vested in Council must be provided prior to the final inspection.
53. Two producer statements from a suitably qualified and experienced professional must be submitted to Council's Manager - Roading prior to Section 224(c) certification. The first must include pavement design and drainage of the road and the second must cover the construction of the carpark.
54. That the consent holder must construct standard residential vehicle entrances to all residential lots (Lots 1 to 24). These entrances are to be constructed in accordance with the standards as set out in the Hamilton City Council Infrastructure Technical Specifications, or approved variation thereof. The entrance must be sealed from the edge of the road to the property boundary. All work is to be completed prior to Section 224(c) certification to the satisfaction of the Council's Manager - Roading and must be at the consent holder's expense.

Easements

55. Where any stormwater overland flowpath is required to cross another Lot or Lots or pass across the boundary of another Lot or Lots, a stormwater easement must be created and duly granted or reserved. All costs associated with the easements must be met by the consent holder. The terms of the easements must be approved by Council's solicitor at the cost of the consent holder.
56. Where any sanitary sewerage, stormwater or water pipes or cables or power lines are required to cross another Lot or Lots or pass across the boundary of another Lot or Lots, a 2-metre minimum width easement is to be created and registered against the Certificates of Title of those lots affected.
57. Easements for pipes and cables must be placed centrally over the pipe or cable location. All costs in connection with the easements must be met by the consent holder. Easements in gross must be approved by the Council's solicitors at the cost of the consent holder.
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TITLE 3 Young Street, PO Box 116 New Plymouth 4340 P. 06 758 5342 F. 06 758 5341 mckinlaysurveyors.co.nz 	PROPOSED SUBDIVISION OF LOT1 DPS 8934 AND LOTS 1 AND 2 DPS 9605 Seaview Camp Ground Development, SH 3, Mokau			COMPRISED IN C.S.T. SASD/472 & SASA/1019	APPROVED ALD	JOB M-141101
	TERRITORIAL AUTHORITY Waitomo District Council			DATE 21/11/14	DRAWING RCO1	
	PREPARED FOR Mokau Sands Limited			SCALE 1:1000 @ A3	SHEET OF 1 1	

This plan is prepared only for the purpose of obtaining a Resource Consent under the Resource Management Act 1991. It should not be used for any other purpose. Areas and dimensions are approximate and are subject to change on final field survey.