

From: BDC Lgoima
To: [REDACTED]
Subject: Official Information Request for Existing & Archived Resource Consents - 4237 State Highway 6, Punakaiki.
Ref: 079/21
Date: Tuesday, 30 November 2021 8:36:00 am
Attachments: [RC020087.pdf](#)
[RC020109.pdf](#)
[RC020111.pdf](#)
[RC020124.pdf](#)
[RC040138.pdf](#)
[RC070061.pdf](#)
[RC100066.pdf](#)
[PC1987-10 Punakaiki Resort Complex.pdf](#)
[RC001068.pdf](#)
[RC020014.pdf](#)
[RC020078.pdf](#)
[RC020083.pdf](#)
[image003.png](#)

Dear [REDACTED]

We refer to your official information request dated 9 November 2021 for Existing & Archived Resource Consents - 4237 State Highway 6, Punakaiki,

The information you have requested is attached and we apologise for the delay and any inconvenience caused as a result of this.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards

Sean Judd | Group Manager Regulatory Services
DDI 03 788 9614 | Mobile 022 31 00 883 | Email sean.judd@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | bullerdc.govt.nz
PO Box 21 | Westport 7866

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From: [BDC_Lgoima](#)
To: [BDC_Lgoima](#)
Subject: FW: Existing & Archived Resource Consents - 4237 State Highway 6, Punakaiki.
Date: Wednesday, 24 November 2021 4:54:37 pm
Importance: High

From: [REDACTED]
Sent: Tuesday, 9 November 2021 2:37 PM
To: BDC_Info <info@bdc.govt.nz>
Subject: Existing & Archived Resource Consents - 4237 State Highway 6, Punakaiki.
Importance: High

Good afternoon,

[REDACTED] ; **4237 State Highway 6, Punakaiki.**

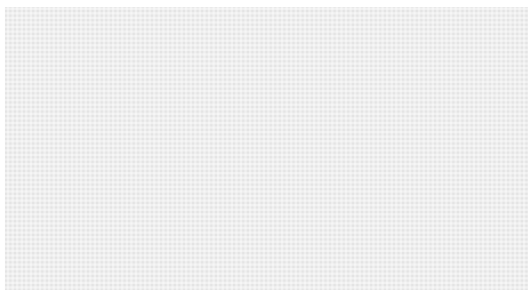
[REDACTED] of any existing or archived Resource Consents attaining to the following property tiles ;

- Lot 1 DP 3707 RT Unit Title SRS WS8C/1364 - 0.0574 ha
- Lot 2 DP 3707 RT Unit Title SRS WS8C/1364 – 0.1587 ha
- Lot 3 DP 3707 RT Unit Title SRS WS8C/1364 – 0.0843 ha
- Lot 4 DP 3707 RT Unit Title SRS WS8C/1364 – 0.1492 ha
- Lot 1 DP 9891 RT WS8C/1081 – 0.1675 ha
- Lot 2 DP 3891 RT WS8C/1082 – 0.1613 ha
- Lot 3 DP 3891 R.T. WS8C/1081 – 0.1030 ha
- Lot 1 DP 306394 R.T 25102 – 0.6775 ha
- Section 17 SO 461379 R.T 764196 – 1.6215 ha
- Section 17 SO 461379 R.T 764196 – 0.0114 ha

Can you please help us find the appropriate 'best point of contact' at BDC or alternately the WCRC to obtain access to Resource Consent documents?

Await your reply

Regards



BULLER COUNTY COUNCIL

WESTPORT

TELEPHONE: 7269

P.O. BOX 247

JFS:CD

Ref. PC 87/10

21 August 1987

Bayview Developments,
C/- Mr B. Knight,
Post Office,
PUNAKAIKI.

Dear Mr Knight,

APPLICATION FOR PLANNING CONSENT - 1987/10: ACCOMMODATION COMPLEX,
PUNAKAIKI

You are aware that the above application was heard by Council's Town Planning Committee on 5 August 1987.

At its meeting on 19 August Council subsequently resolved, pursuant to Section 74(2) of the Town and Country Planning Act 1977, to consent to the application to erect a Restaurant/Licensed Bar/Accommodation Complex on R.S. 4107 at Punakaiki subject to the following conditions -

1. Approval is for the Restaurant/Bar complex, Bunk House and four Motel units as outlined on the revised general site plan as tabled on behalf of the applicant at the Hearing.
2. The applicant to submit to Council for approval prior to the issue of any building permits detailed plans showing:
 - (a) Specific site plan and layout of various buildings and services.
 - (b) Landscaping. External surfaces of structure are to be non-reflective and finished in colours occurring naturally in landscape.
3. The applicant to submit to the County Engineer for approval prior to the issue of any building permits detailed plans and specifications for the following:
 - (a) Internal Roothing. Plans to show particularly layout, parking, formation widths, lighting and drainage. Council requires all internal roading to be sealed, with kerb and channelling or equivalent.
 - (b) Stormwater Disposal.
 - (c) Sewage Disposal. Council requires sewage and sullage to be treated in a package treatment plant or equivalent; a septic tank system is not considered adequate. The Catchment Board will require the applicant to have a Water Right.

Bayview Developments

21 August 1987

- (d) Water Supply. Council requires the applicant to have the water tested by the Health Department and, if tests indicate it is necessary, the water to be adequately treated to its satisfaction.
- (e) Power and Telephone. Council requires these services to be laid underground.
- 4. Access on to State Highway 6 to be sited and constructed to the requirements of the National Roads Board.
- 5. Advertising signs will require Council approval in accordance with the provisions of the District Scheme.

Yours faithfully,

J.F. Spooner
County Engineer

Copies to: The Principal Officer, W.C.U.C., P.O. Box 361, Greymouth
District Commissioner of Works, M.W.D., P.O. Box 1479, Chch
District Valuer, Valuation Department, P.O. Box 109, Hokitika
The Engineer, Westland Catchment Board, P.O. Box 66, Greymouth
Regional Manager, DOC, Private Bag, Hokitika
M.O. of Health, Department of Health, P.O. Box 369, Greymouth
Property File

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by Punakaiki
Investments - RC00/68

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Investments Ltd
CONSENT TYPE	Subdivision - Discretionary
LOCATION	Punakaiki, State Highway 6
LEGAL DESCRIPTION	Lots 1, 2, 3 and 4, Deposited Plan 3707, Block I, Punakaiki SD
VALUATION ROLL NO.	19960 31502
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for consent to create individual unit titles for the Scenic Circle Hotel, The Rocks Hotel, at Punakaiki. The unit titles are based on the 27 bedroom units and associated car park spaces, and the restaurant and bar and remainder parking spaces (seven car parks, two bus parks and two loading bays).

The unit titles have existing services and access under land use consent RC97/92. No further land use is proposed.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and

3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely. This is because there is to be no change in the level or intensity of the existing activity.

A site visit done on 18 October 2000 by Council's Planning Officer noted that the proposed subdivision would not affect the existing environment, as the proposed application concerns an area that is already being used as intended.

Due to the nature of Unit Title subdivisions, and the lack of experience in processing unit title subdivisions, the Council commissioned a report from Mr Stuart Kinnear of Stuart Kinnear Consulting Limited. The report was commissioned to investigate the nature of unit titles in relation to easements, buildings and existing resource consents. Mr Kinnear's report is attached.

Previous Resource Consents:

Resource consents are granted over land, not over the applicant. Therefore, successors in title become the consent holder. In this situation where unit titles are created, the body corporate will become the consent holder and will be responsible for ensuring compliance with the consents. As mentioned in Mr Kinnear's memorandum, a consent notice will be attached to the unit titles to ensure that the unit owners are aware of the consents that require on-going compliance.

Right of Way:

Resource Consent RC96/94 was for the original subdivision for the motel complex site. This consent included a right of way, Easement B, for the complex site over Part Lot 1, DP 3919 (CT8C/1083). When this consent application was submitted, the above mentioned easement was in the process of being transferred by Land Information New Zealand.

Once a unit title plan is deposited, it is difficult to alter easements without obtaining the consent of all unit owners. Therefore, to ensure that this unit title subdivision has legal access, the application was placed on hold until the easement was registered on the current Certificate of Title. The Council received information on 21 March 2001, to say that Easement B had been registered.

Limited Access Road:

State Highway 6 is a declared Limited Access Road. Under the Transit New Zealand Act 1989, the consent holder shall be required to apply to Transit New Zealand for a Section 93 consent. This shall be required prior to depositing the survey plan. A condition will be attached to the consent to ensure that this has been complied with.

Section 106 – Natural Hazards

Under Section 106 of the Resource Management Act 1991, the Consent Authority shall not grant a subdivision consent if it considers the land to be, or likely to be, subject to material damage by erosion, subsidence, slippage, falling debris or inundation. This issue was addressed at the time when the land was originally subdivided for commercial development (Resource Consent RC96/94) and at the time when the applicant obtained land use consent from the Council to build and operate a motel complex (Resource Consent RC97/92).

From evidence given during the processing of the latter consent, the Council was satisfied that although there is a potential hazard risk from inundation, any adverse effects can be satisfactorily mitigated by a rock protection wall. The rock protection work has been completed as required under Resource Consent RC97/92.

Mr Andrzej Suchanski, of Andrzej Suchanski Consulting Engineers, advised Council during Resource Consent RC97/92, that he could find no signs of instability or localised erosion of the hillside. Mr Suchanski recommended the inclusion of retaining walls. Retaining walls have been built according to Resource Consent RC00/42.

Services:

The complex has existing services under Resource Consent RC97/92. No new services will be required due to the proposed subdivision.

Buildings:

The units are all fire rated as stated in Building Consent 001064. Each unit is an individual fire cell with half an hour fire rating.

The issue of stormwater was addressed in Building Consent 001064.

The Complex has been issued an interim Building Code Compliance Certificate.

The Certificate of Title has been tagged under Section 36 of the Building Act 1991.

Parking:

Each proposed unit title includes both apartment and car park, with Proposed Unit 28 accumulating the remainder parking spaces. The proposed subdivision does not alter the requirements of Resource Consent RC97/92, which required the applicant to have 44 parks.

Mr Kinnear's memorandum recommends that a condition be attached to the consent to ensure that there is no on sale of accessory units. This will ensure that the unit titles are complying with the District plan, which requires one car park per bedroom unit.

Historic/Cultural Items:

The Council does not have any information stating that the site is of cultural or historical importance.

Reserve Contribution:

Part 8 of the Buller District Plan outlines the financial contributions that may be required on land use and subdivision consents. In relation to subdivision consents, a reserve contribution may be attached to a subdivision which *“results in an increase or intensification of the use of land, whether by increased resident population or by commercial or industrial activities”*. The proposed subdivision will not result in the intensification or increase of land use by either increased resident population or by commercial activities, as the activity already exists. Therefore, a reserve contribution will not be required.

The proposal will have the positive effect of providing the applicant with individual unit titles for sale.

3. Relevant objectives, policies and rules of a district plan (S104d)New Zealand Coastal Policy Statement 1994

Policy 1.1.1

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

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

The proposed subdivision is a site that has already been developed and thus subdivision of the individual units is an appropriate use of the coastal resource, as it will not further adversely affect the coastal character.

Other parts of the Coastal Policy Statement have been addressed by the Buller District Plan, and are mentioned above.

Buller District Plan

Part 4 of the Buller District Plan identifies the objectives and policies of the plan in relation to significant resource management issues. Part 4.3 of the Plan identifies the built environment as being a significant management issue. Punakaiki, as a coastal town, is such an area. The area where the application is lodged is identified in the District Plan as a commercial zone.

Objective 4.7.5.1

“To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location.”

The proposed subdivision will not affect the natural character of the area as the area is already being used as intended.

Part 7, District Wide Rules, recognises that subdivision within the Scenically Sensitive Commercial Zone is either a controlled or discretionary activity. Due to the size of the proposed unit titles, the proposed subdivision does not fall within the requirements of a controlled activity.

Rule 7.3.2.1.1

“Each allotment must be of sufficient dimensions to accommodate an existing or proposed principal building such that the building can comply with the relevant standards in the District Plan, provided that in the case of an existing building which does not comply with the current District Plan standards, does not increase the extent to which the building fails to comply. Minimum allotment size in non-sewered areas, 1500m² unless the subdivision is for a Special lot.”

Therefore the proposed subdivision is discretionary.

The Proposed subdivision complies with the Scenically Sensitive Commercial Zone standards that are contained in Table 5.4.

4. Any relevant regulations

Nil

5. Any other relevant matters (S104i)

The adjacent neighbour, Neil Mouat, was approached about the Proposed Unit Title Subdivision. Mr Mouat objected to the applicant going ahead and subdividing the units on the basis that the applicant had not complied with all the conditions attached to resource consent RC97/92. When advised that these were not appropriate grounds with which to withhold approval, he advised the Council that he gave his approval to the subdivision. Written affected parties approval was obtained from Mr Mouat on 13 February 2001.

Transit New Zealand are an affected party as they are stewards of State Highway 6. An encroachment agreement was signed between Transit NZ and Punakaiki Investments Ltd on 23 February 2001. While the encroachment agreement had been signed, Transit NZ did not see this as being the same as affected parties approval. Written affected parties approval was obtained from Transit New Zealand on 9 March 2001. Transit NZ note that as State Highway 6 is declared a Limited Access Road, the consent holders shall be required to apply for Section 93 consent under the Transit New Zealand Act 1989.

No further affected parties approvals were obtained, as the Council does not believe any other persons will be affected by the proposal.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC00/68**PUNAKAIKI INVESTMENTS****RESOURCE CONSENT CONDITIONS****Amended as at 19th of April, 2001.**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Investments Ltd to subdivide Lots 1, 2, 3 and 4, Deposited Plan 3707, Block I, Punakaiki Survey District, for the purpose of creating proposed Unit Titles 1-28. The site is situated at Punakaiki, State Highway 6.

That consent be granted on the basis that the proposal is a discretionary activity and that the proposal will have no more than minor effects as the motel complex is already existing. Also, affected parties approval has been obtained from neighbouring landowners. The Council did not consider there to be any further affected parties as the level and intensity of the existing activity is not proposed to be changed.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application.
2. That three copies of the deposited plan be provided to Council.
3. Accessory Units AU 1 - AU 36 shall remain co-joined to the principal units as shown on the proposed unit plan and shall not be transferred without the consent of the Council.
4. That the current consent holder shall inform the body corporate at the time of formation that they are successor consent holder and that collectively they shall have to comply with the Buller District and West Coast Regional Councils' land use consents and permits which relate to the motel complex. This condition relates to any on going compliance and any monitoring required for the relevant consents.
5. That consent notices be issued in accordance with Section 221 of the Resource Management Act 1991 to ensure that Conditions 3 and 4 are met on a continuing basis. The consent holder is required to pay the costs of the consent notices.
6. That the consent holder shall obtain the necessary Section 93 consent under the Transit New Zealand Act 1989 to enable the deposit of the subdivision plan.

- 7. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) under the Resource Management Act 1991.**
- 8. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:**

 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or**
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or**
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.**
- 9. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.**

Dated at Westport this 19 day of April 2001

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Villas
Limited - RC02/14

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Villas Ltd
CONSENT TYPE	Land Use – Discretionary
LOCATION	State Highway 6, Punakaiki
LEGAL DESCRIPTION	Lot 2 and 3 Deposited Plan 3891, and Lot 1 Deposited Plan 3919, Block I, Punakaiki Survey District
VALUATION ROLL NO.	18860 31501 and 18860 31500
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for consent to establish and operate a travellers accommodation facility. The proposed facility comprises 12 hotel units. The building is to have 6 units on both the ground and first floors. This application also involves the construction and use of on-site parking, and three guest amenity areas of either spa pools or barbeques.

Each of the 12 hotel units proposed would contain their own amenities and provides beds for four guests. Guests to this proposed facility would have available 12 parking spaces. The parking area is to be located behind the proposed building.

The application also includes consent for earthworks and landscaping of the site. A land use consent has been obtained from the West Coast Regional Council for this work as the amount of cut and fill exceeds 100m³. The earthworks are to provide a suitable platform for the building, car parks and guest amenity areas.

The location for the proposed development is on an existing cleared platform on Lot 2. The applicant has located part of the building and associated earthworks, car park and access on Easement B. The reason for this is to ensure adequate distance from the building to the adjoining landowner, Mr Neil Mouat.

The proposed hotel units are intended to comprise the third stage of the Punakaiki Rocks Hotel that has been established on the opposite side of the State Highway. The applicant has therefore intentionally used building design and construction concepts complementary to the Rocks Hotel and also consented Stage II on Lot 1, DP 3981. The exterior of the proposed hotel units will however vary to the existing Hotel through the use of different colours, materials and roofline.

Once constructed, the hotel units will operate in conjunction with the Hotel. This relationship is important when considering the absence of a Managers Office within this proposed Villas development, staff parking, absence of roadside signage, and the likely use of the Hotel facilities by guests of the hotel units. The applicant is currently applying for a land use consent to build an underpass under the State Highway to allow for safer foot traffic to the Hotel Complex.

Statutory Provisions

While assessing this application under Section 104 of the Resource Management Act 1991, regard was given to the following matters subject to Part II 'Purpose and Principles':

1. Any actual or potential effects on the environment of allowing the activity (s104(1)(a);
2. Any relevant regulations (s104(1)(b);
3. Any relevant regional policy statement and the New Zealand Coastal Policy Statement (s104(1)(c);
4. Any relevant objectives, policies and rules of a District Plan (s104(1)(d);
5. Any relevant regional plan (s104(1)(f));
6. Any relevant designation (s104(1)(h);
7. Any other matter (s104(1)(i).

1. Any actual or potential effects on the environment of allowing the activity.

The following assessment of actual or potential effects has appropriately focused on the issues identified within the 'assessment criteria' relevant to the required land use consents (Refer to section 4 below).

Visual / Landscape Impacts

The consideration of the visual and landscape impacts of the proposed buildings and the vegetation clearance proposed is critical to the resource management assessment. As emphasised within the Buller District Plan, maintaining the dominance of the landscape setting is very important to the long-term sustainability of the 'Punakaiki environment'. The Buller District Plan clearly intends to avoid the dominance of buildings in this setting.

The Scenically Sensitive Commercial Zone Rules do not identify what is a permitted ground floor area. The proposed building is approximately 240m². The proposed building and associated facilities are on an area previously cleared of vegetation. This site is visible from the State Highway heading south. In front of the proposed development is an area of existing indigenous bush that is protected, Easement F. This area will mitigate the visual impacts of the development.

The proposed development is highly visual to the southern adjoining neighbour. To reduce the impacts of the development, the applicant has located the building and associated facilities as far from the southern boundary as possible.

The applicant has assessed the landscape impacts of the proposed development with reference to the character of this modified site. The area identified for earthworks and building has been previously cleared and now consists of exotic weeds which are to be cleared. An existing area of indigenous bush to the West of the site is to be retained. Further landscaping is to be undertaken once building has been completed, as per Appendix 1 of the application.

Traffic Impacts

Access from this development to State Highway 6 will occur from an existing Diagram D entrance to the Limited Access Road, which was installed at the time of the subdivision for Lots 1-3 DP 3981. Transit New Zealand has provided their Section 94 written approval to this application. The proposed development has therefore been designed to have no adverse impacts on the safe and efficient operation of the State Highway.

The proposed development has been designed to utilise the existing formed right of way, Easement B, to Lot 2. Section 94 written approval has been obtained from Mr Neil Mouat who currently shares the use of this right of way with the applicant. It is noted that not all of the access way is within easement B. A condition is required to ensure that the access road is completely within Easement B.

The proposed building also encroaches into Easement B. While Council has received Section 94 written approval from Mr Neil Mouat regarding the proposal, Council wants to ensure that the development does not encroach into the future use of Easement B. As such, a condition of the consent will be that a boundary adjustment occurs to ensure that all building and car parks are contained entirely within Lot 2.

This development complies with the number of parking spaces required in the District Plan. Vehicle manoeuvring is tight within the application area, however vehicles should be able to enter and leave the car parking area forwards.

Natural Hazards / Stability

This application relates to sites that have recently been created through an approved subdivision. This subdivision has effectively certified that these sites are not the subject of any significant risk from natural hazards or land instability.

The changes proposed to the surface drainage arrangements and the design of retaining wall structures must be addressed at the Building Consent phase of development.

Discharge permits may be required from the West Coast Regional Council for stormwater and sewerage. Stormwater will eventually drain into existing roadside drains along State Highway 6. Sewerage is to be directed into a recently consented disposal unit on Lot 3.

Ecological Impacts – Habitats of Significant Value

The small area and location of proposed vegetation clearance is considered to have no adverse effects on ecological values or any habitats of significant value as clearance will be of exotic weeds.

The actual or potential ecological impacts resulting from the discharge of sewage will be addressed by the West Coast Regional Council in their consideration of any required discharge permit. The Regional Council has also granted consent to the earthworks proposed (RC02035/1). This consent was granted subject to conditions of consent for the purpose of mitigating adverse effects of this earthworks activity.

The process surrounding the establishment of the adjacent Rocks Hotel exposed a concern that lighting of the complex could disorientate the significant Black Petrels. In response to this concern the applicant has undertaken to limit fixed external lighting to the car park and guest amenity areas and to the lighting above doorway entrances to the units.

Noise

The noise effects associated with the operation of the proposed hotel units are seen to be minor. As noted by the applicant, such operational noise must comply with the relevant noise standards of the Buller District Plan.

In terms of noise associated with the construction of the hotel units, the applicant has also acknowledged the contractor must comply with *NZS6803:1999 Acoustics Construction Noise*.

Servicing

The availability of potable water is not an important consideration to the evaluation of this application. The issues of significance to this application relate to the vegetation clearance and the visual impacts of the proposed new buildings. The applicant is aware that potable water of sufficient quantities is required in order for this development to gain Building Consent. A condition will be attached to the consent to ensure that there is an adequate supply of potable water for the units.

Positive Impacts

As stated by the applicant this facility will augment a growing tourism industry for Punakaiki and for the West Coast Region. Tourism is currently a significant part of the regional economy and therefore contributes towards the economic and social wellbeing of this community. The importance of tourism to the West Coast region is likely to only increase in its importance.

2. Any relevant regulations.

Various other regulations influence the development proposed, such as the Building Act 1991, Transit New Zealand Act and Dangerous Goods Regulations. There are however no other regulations that should influence this resource management assessment under section 104 of the Resource Management Act 1991.

3. Any relevant regional policy statement and the New Zealand Coastal Policy Statement.

The conclusions that have arrived out of section 1 of this report assist when considering the compatibility of this proposed activity to the New Zealand Coastal Policy Statement (hereafter referred to as the 'NZCPS').

The NZCPS encourages appropriate subdivision and development in areas whereby the natural character has already been compromised (Policy 1.1.1). Given the operative status of the Buller District Plan, the permitted activity status of travellers accommodation within the Scenically Sensitive Commercial Zone and the recently approved subdivision, one can only conclude that development of this site, in the manner proposed, does not adversely impact on the natural character of the coastal environment.

This proposal is also seen to be consistent with the intentions expressed within the West Coast Regional Policy Statement (2000).

4. Relevant objectives, policies and rules of the Buller District Plan.

Part 4 of the District Plan identifies the key issues for the Buller District and outlines the objectives and policies that address these key resource management issues. No activity can be granted if it is contrary to the objectives and policies of the District Plan.

The Built Environment:

Objective 4.3.6.1

To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.

Policy 4.3.7.4

The design and height of residential buildings within the Paparoa Character area and Punakaiki and Ross Subdivision (located within the Urban Character Area) shall be controlled with criteria for assessment designed to ensure that the landscape setting rather than the building remains the dominant visual perspective, in the scenically spectacular location.

Policy 4.3.7.6

All land and building shall be maintained so as to preserve the amenities of the environment in which they are situated.

The Scenically Sensitive Commercial Zone has been identified in the District Plan as an area that is suitable for commercial growth within the Punakaiki Area. Punakaiki services one of the District's major tourist destinations. The Plan allows for development within the Scenically Sensitive Commercial Zone to provide services to tourists, including tourist related activities as being applied for in this application. Building within the Scenically Sensitive Commercial Zone is a discretionary activity, limiting discretion to appearance, location and size.

Objective 4.3.17.1

To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects.

Policy 4.3.18.1

Existing settlements will be defined as zoned urban and their outer edges defined accordingly.

The District Plan has outlined the Scenically Sensitive Commercial Zone as an area that will allow for providing of facilities for the future growth of tourism within the Buller District. The proposed development is within the area identified for this type of activity.

Objective 4.3.27.1

To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.

Policy 4.3.28.1

A distinct central commercial core to the District's main settlements shall be provided for the convenience of customers and to act as a town reference and focal point

Policy 4.3.28.2

The adverse effects of industrial and commercial operations, including noise, traffic, glare, shading, vibration, odour, effluent and waste emissions shall be minimised.

The District Plan has identified the Scenically Sensitive Commercial Zone as a distinct commercial zone. The proposed activity, travellers' accommodation, complies as a permitted activity for the zone. The reason the application is discretionary is based on the fact that building is required. As the activity is permitted under the Scenically Sensitive Commercial Zone Rules, Policy 4.3.28.2 must be considered.

During construction, noise will be an issue. A condition requiring the applicant to comply with the New Zealand Standards is required. Traffic to and from the site has been assessed by Transit New Zealand, the roading authority. Transit gave their Section 94 written approval for the subdivision. Glare and its affect on the Black Petrels is the main issue identified in the application by the Department of Conservation. The Department have assessed the application and have signed their Section 94 written approval of the application. Shading will occur once the building has been erected. The building has been located so as to not shade the adjoining southern landowner, Mr Neil Mouat. Mr Mouat has given his Section 94 written approval. Vibration may occur at the time of cutting and filling the site for preparation for building. Any vibrations will be of a short duration, and the activity itself will not cause vibrations. The proposed activity will not have any odours associated with it, as there are no kitchens associated with Stage III. Effluent and waste shall be disposed of to an approved system. Consent will be required from the West Coast Regional Council.

Infrastructure:

Objective 4.2.5.1

To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.

Policy 4.2.6.1

Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects.

Policy 4.2.6.2

To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety.

Policy 4.2.6.3

To utilise a roading hierarchy which enables the effects of activities on the roading resource to be avoided, remedied or mitigated depending on the status of the road in the hierarchy

The proposed development is on an allotment that is held together with an undivided 1/3 share of Lot 3. Lot 3 has been covenanted for the purpose of draining sewerage for Lot 2. Electricity and telecommunications are to be installed underground to avoid visual intrusion.

The applicant has not identified where the water for the complex is coming from, however it is assumed that it will be from the main complex on the west side. Conditions will be attached to the consent to ensure that there is adequate quantity of water for the units and that the water is potable.

The roading hierarchy is a Limited Access Road. Transit New Zealand have given their Section 94 approval for the proposed activity. The entrance way from the State Highway is a Transit's Diagram D standard, which is their highest standard.

The Coastal Environment:

Objective 4.7.5.1

To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location.

As travellers accommodation has been identified within the Scenically Sensitive commercial Zone as a permitted activity, the effects of the activity must not adverse the environment. It is noted that the Council has limited discretion over the appearance/position/design/size of the building. This is addressed further under Part 5 of the District Plan.

Ecosystems and Natural Habitats:

Objective 4.8.6.1

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.

The proposal will not adversely affect the remaining indigenous vegetation on Lot 2. The applicant proposes to landscape the development once building is completed which will enhance the habitat areas.

Punakaiki River is the flight path for the Black Petrel. While the applicant's property is not a known habitat for the Black Petrels, lighting might attract them to the development. External lighting is therefore to be directed towards the ground and of low lux level to reduce the effect on the Petrels.

Landscapes and Natural Features:

Objective 4.9.3.1

To protect the distinctive character and unique values of outstanding landscapes and natural features.

Policy 4.9.4.1

To discourage activities which would significantly alter the character of outstanding landscapes.

The activity of travellers accommodation is permitted within the Scenically Sensitive Commercial Zone, however Council has limited discretion on the appearance of the building. The area has been heavily modified in the past and the proposal activity will not significantly alter the landscape.

Part 5 of the District Plan identifies implementation methods to give effect to the objectives and policies identified above.

The Scenically Sensitive Commercial Zone enables further development particularly for tourist related facilities in the Punakaiki area. The rules controlling activities in this Zone provide for travellers' accommodation as a permitted activity, subject to compliance with other performance standards.

Special controls on the construction of new buildings cause the requirement for resource consent approval, whereby the Council has reserved its discretion to the following matters:

Rule 5.2.5.3.1.1.

The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings.

The position of the building is set back from the Southern boundary by 8.5 metres. This set back was as a requirement for Section 94 approval from Mr Neil Mouat. The set back also ensures that recession planes for this boundary are met. On the Western boundary, the building is located to the east of a covenanted area of indigenous bush. This reduces the visual impact of the building from the State Highway when driving north. It will also mitigate the visual impact of the building when driving south. The proposed building is located over the boundary of Lot 2 on its northern boundary, encroaching onto Easement B. Easement B does not allow any building to occur within its boundaries. The applicant has identified that they will obtain a boundary adjustment for Lot 2 to ensure that all of the building and associated facilities are contained within Lot 2. This will be required as a condition. The building is located approximately 13 metres from the Eastern boundary with Mr Neil Mouat.

The design of the building is similar to existing Stage I of the Rocks Hotel Complex, and consented Stage II. The design of the proposed building does allow for some differences,

such as skylights. The design incorporates the units within one two-storeyed building that is off-set in the building line to reduce the visual impact on Mr Neil Mouat.

Mr Neil Mouat amended the external design of the proposed building as a condition of his Section 94 approval. The application was submitted with these amendments included. The amendments include the removal of clerestory windows on the eastern and southern sides of the building; the removal of the skylight windows on the eastern side; the removal of the southern window of the southern most skylight; and a lower floor level for the off-set two units on the south part of the building. A condition will be attached to the consent to ensure that the amendments identified by Mr Neil Mouat are carried out.

The external appearance includes a number of features from both Stage I and II of the development, however it also includes its own features. The external appearance of the building is to be in muted earthy colours of browns and greys and will be predominantly wooden, with weatherboard and also eucalyptus batten work, while the southern and eastern elevations are to have more yellowy shades and less batten finish.

There are no proposed signs for the development as the development is to be operated in conjunction with the Punakaiki Rocks Hotel Complex on the West Side of State Highway 6. There may be small directional signs in the car parking area and also down towards the spa pools/barbeque area. These signs will not be visible to the public from State Highway 6.

The proposed landscape setting includes more indigenous bush between the southern boundary and the building, and also the eastern boundary and the car park. This will reduce the visual impact of the development from Mr Neil Mouat. The landscaping also includes two proposals for in front of the building. Option 1 is three spa pools while option 2 is three barbeque areas. Both areas will have landscaping in the form of earthworks and planting to shield them from the proposed units.

Rule 5.2.5.3.1.2.

The size of buildings and their roof height and pitch.

The proposed building has a ground floor area of 240m². The Scenically Sensitive Commercial Zone does not indicate a ground floor area appropriate for individual buildings, nor does it have rules regarding site coverage. Within the Scenically Sensitive Residential Zone, maximum ground floor area is 150m² while site coverage is 45%. Within the Paparoa Character Area, maximum permitted ground floor area is 150m² while there is a total ground floor area of 500m² for all buildings. The proposal, while exceeding ground floor area for buildings within close zones, covers less than 50% of the site. It should also be noted that in the Commercial Zone, there is also no rules for ground floor area or site coverage.

The roof is single pitch at 10 degrees, sloping in the same direction as the surrounding landscape. This will mitigate any adverse effects. The roofline is also broken with three skylights that have a pitch dropping to the north and a veranda. The roofline falls from 7.7 metres above ground floor level to 6 metres. The skylights are approximately 9.9 metres above ground floor level. While there are no height restrictions for the Scenically Sensitive Commercial Zone, the proposal is less than the 10 metre height restriction imposed in the Scenically Sensitive Residential Zone.

Rule 5.2.5.3.1.3.

Any clearance of indigenous trees or shrubs.

The applicant does not proposed to clear any indigenous vegetation.

Rule 5.2.5.3.1.4.

The size of private open space available for activities involving accommodation.

The applicant has identified two options for providing open space for guests. Option 1 as mentioned above is three spa pools while option 2 is three barbeque areas. Both areas will have landscaping in the form of earthworks and planting to shield them from the proposed units. In front of this area is Easement F, which provides a buffer for this private space area and the car park associated with Stage II.

Rule 5.2.5.3.1.5.

The imposition of financial contributions listed in Part 8.

The applicant has identified in their building application for the hotel units that the development will cost \$1040,000. Consideration of the development cost for earthworks has not been considered. Under Part 8 of the District Plan, a development contribution can be levied when developments are valued over \$500,000.

Method 8.4.1.16.1

Purpose and circumstance: Activities which involve considerable financing have the potential to greatly benefit the District, but also lead to a strain on resources. Where a development (as defined in 8.2) occurs, additional contribution over and above that provided for any of the purposes in 8.4.1.1 to 8.4.1.15 above may be required to provide for the social and recreational needs of the are around which the development is located.

Method 8.4.1.16.2

Amount of contribution: Developments of a value of over \$500,000 shall be subject to a financial contribution of up to 0.5% of the value of the development. The financial contribution shall only be spent by Council on the provision and development of reserves, recreational facilities and community facilities within the District. The value of other financial contribution conditional on the development will be considered with regard to the amount of development contribution required.

A condition will be attached to the consent that a development contribution of 0.5% is levied.

Whilst assessing the application under Part 5 of the District Plan, Planning Staff must have consideration to Parts 6 and 7 of the Plan, as per Table 5.4.

Under Part 6 of the District Plan, electricity is permitted to be conveyed underground. The applicant has not advised whether the electricity is to be underground. A condition will be attached to the consent to ensure that electricity is conveyed underground to avoid any visual effects from powerlines.

Part 7.4 of the District Plan addresses the issue of access. The applicant obtains access to the site from an existing formed entranceway onto the Limited Access Road. Transit

New Zealand, the Requiring Authority, have sighted the application and have approved the use of the entranceway onto the State Highway for this activity. The entrance way is to a Diagram D standard.

The Scenically Sensitive Commercial Zone is within the Urban Character Area. As such, Rule 7.4.7 applies to the application. This rule states that access strips shall:

- 7.4.7.2 *width 4.0m to two or three allotments*
- 7.4.7.4 *maximum length shall not exceed 60m*

The carriage width of the access strip is a minimum of 4.0 metres as is required in the District Plan, however the length of the access strip exceeds that permitted within the District Plan, with a minimum length of 64 metres. The access strip extends beyond this amount to ensure that car parking and access is located behind the proposed hotel units to reduce the visual impact of the development from the State Highway. The length of the access strip exceeds the boundaries of Easement B. The easement will be required to be extended to ensure that the access strip is contained fully within its boundaries. A condition to this affect will be attached to the consent.

Rule 7.4.8

All parking, loading and trade vehicle storage areas with access to strategic routes shall be designed to ensure that there is adequate turning space on site so vehicles are not required to reverse either onto or off the site.

There is enough room on site to allow for vehicles to turn. There is also turning provision on the access strip.

Part 7.5 addresses the issue of car parking on site. Table 7.2 identifies that there shall be one space per unit, or bedroom suite for travellers accommodation. The applicant has provided 10 on site car parks behind the proposed hotel units.

To ensure compliance with Table 7.3, parks 2, 11 and 12 shall be required to be extended to a width of 6.1 metres. The applicant has identified that Park 10 is to do a three-point turn. Conditions will be attached to the consent to ensure that parks 2, 11 and 12 meet Council's requirements and that the spaces are all marked.

Rule 7.5.3

All commercial and industrial activities must provide at least one loading space per site. A loading bay may be accepted as a parking space.

The applicant has identified that proposed Stage III of the Punakaiki Rocks Hotel Complex shall be operated in conjunction with the Main Hotel, as such loading spaces are provided at Stage I of the complex.

Part 7.6 of the District Plan identifies the requirements with regard to recession planes. The applicant part owns Lot 3 to the West of the site with Punakaiki Villas Limited and Mr Neil Mouat, while the surrounding property, Lot 1 DP 3919 is owned by Punakaiki Farms Limited. Both parties have given their Section 94 written approval for the proposal, therefore the impacts of recession planes is not required to be assessed. It should be noted that Mr Neil Mouat, as part of his Section 94 approval, requires the applicant to off-

set the proposed building and lower the floor level, and thus the roof level, to mitigate the effects of recession planes and visual impact. The applicant submitted the application with Mr Mouat's changes noted on the application.

The application does not include any signage as Stage III is to be operated in conjunction with Stage I. Any directional signage shall not be visible from the State Highway. A condition to this effect will be included in the consent.

In the Assessment of Environmental Effects, the applicant has identified that the activity of travellers accommodation will be highly unlikely to generate levels of noise exceed the requirements in Part 7.8 of the District plan. The applicant did note that during construction, their contractor will be required to comply with the New Zealand Noise Standard for Construction *NZS6803:1999 Acoustics - Construction Noise*. A condition to this effect will be attached to the consent.

Stormwater from the proposed building shall be directed to a watercourse within the property, or to an approved drain for that purpose. A consent may be required from the West Coast Regional Council if this exits the property and enters the road side drains.

The applicant has consulted with the Department of Conservation with regard to external lighting and the effects the lighting will have on the Black Petrels. The applicant has agreed with the Department that the following conditions will avoid any adverse effects on the Black Petrels:

- External lights shall not exceed 60 watts
- Maximum luminosity will be as follows:
 - Car park and path lighting 006 lux at 1 metre distance
 - Entranceway sign/s (shrouded) 018 lux at 2 metres distance
- Lights will be hooded/shrouded so as to direct light spill downwards
- The lights will be mounted 900mm above ground (except where placed above doorway entrances) and will be located above areas of low reflectivity. Typically this means locations within landscaped areas or above gravelled paths. In all cases, lights will be sited a minimum of 300 mm from any hard standing or paved areas.

By following the above conditions, the applicant will meet requirements in Part 7.9.4 of the Plan.

5. Any relevant regional plan.

The applicant has obtained from the West Coast Regional Council a land use consent for earthworks and discharge consent for the purpose of draining sewerage for both Stages II and III. The applicant has recently applied for a discharge consent to discharge stormwater into the roadside drain.

The applicant has therefore acknowledged the need for regional consents under the relevant regional plans.

6. Any relevant designation.

The subject site is not the subject of any designation. The adjacent State Highway 6 is however relevant and has been addressed by the applicant through obtaining Transit New Zealand's written approval to this proposal.

7. Any other matters.

There are no other matters that have been identified as being relevant to this resource management assessment.

Conclusion

This application was considered as a discretionary activity pursuant to sections 104 and 105 of the Resource Management Act.

For the reasons given above, the proposed travellers accommodation facility is considered to have only minor impacts on the scenically sensitive Punakaiki environment. The development proposed has also been designed to ensure the impacts on the adjacent State Highway, local ecological values and adjacent properties are avoided, remedied or mitigated.

The Buller District Plan anticipates this form of development and is therefore seen to be supportive of the outcomes being sought by the applicant in this regard.

The 'purpose and principles' of the Resource Management Act 1991 as contained with Sections 5 to 8 have been considered and this proposal does not appear contrary to either. The proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact. The applicant has appropriately addressed the sensitive local 'amenity values' and importance of maintaining the 'quality of the Punakaiki environment'.

RESOURCE CONSENT RC02/14**PUNAKAIKI VILLAS LIMITED****RESOURCE CONSENT CONDITIONS****AS AMENDED AT 18 DECEMBER 2002**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Villas Ltd to establish and operate a travellers accommodation facility at Lots 2 and 3 Deposited Plan 3891, and Lot 1 Deposited Plan 3919, Block I, Punakaiki Survey District. The proposed facility comprises 12 hotel units and associated facilities.

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the plans submitted on 1 February 2002 and the amended application of 11 April 2002.
2. That a boundary adjustment be undertaken to ensure that the proposed building and car parks are contained solely within Lot 2.
3. No development located outside of the existing boundaries of Lot 2 can occur until such time as a boundary adjustment has been deposited pursuant to section 224 of the Resource Management Act 1991.
4. That Easement B shall be extended to ensure that the entire access strip is contained within the Easement. This shall be done prior to the consent holder obtaining ownership of the newly created Lot 1, LT 306394.
5. No development shall occur within Easement F.
6. That car parks 2, 11 and 12, as per Appendix 1 of the application, be extended to a length of 6.1 metres.
7. That the car parks shall be marked prior to occupation of the hotel units.
8. That during construction the consent holder shall comply with NZS6803:1999 Acoustics - Construction Noise.
9. That this development is subject to payment of a development contribution by the Consent Holder of 0.5% of the value of the development, as defined in Part 8.2 of the Buller District Plan. Payment shall be made prior to occupation of the hotel units.

10. That electricity and telecommunications shall be conveyed underground from the State Highway road reserve to the development.
11. That the consent holder shall comply with the following conditions regarding external lighting:
 - a. External lights shall not exceed 60 watts
 - b. Maximum luminosity will be as follows:

Car park and path lighting	006 lux at 1 metre distance
Entranceway sign/s (shrouded)	018 lux at 2 metres distance
 - c. Lights will be hooded/shrouded so as to direct light spill downwards
 - d. The lights will be mounted 900mm above ground (except where placed above doorway entrances) and will be located above areas of low reflectivity. Typically this means locations within landscaped areas or above gravelled paths. In all cases, lights will be sited a minimum of 300 mm from any hard standing or paved areas.
12. That any signs giving direction to on-site car parking and facilities shall not be visible from State Highway 6.
13. That an adequate and potable water supply shall be established prior to occupation of the units. The supply shall comply with the requirements of the Drinking Water Standards of New Zealand 1995.
14. The quantity of the proposed water supply to facilitate the proposed operation will need an engineer's design and calculation to ensure that an adequate supply of potable water is available to the premises at all times. A producer statement shall be supplied to and approved by the Manager of Operations prior to occupation of the units. It is also a requirement that should water levels to this system reach a dangerously low level an alarm system would alert the operator. It is expected that the applicant would have at least seven working days to fill the supply tanks to the appropriate levels.
15. That landscaping proceed in accordance with the landscape plan. The landscaping plan shall be implemented as follows:
 - a. Landscape planting shall be completed within the first planting season following construction of the units.
 - b. The consent holder shall be required to maintain hereafter all landscaped areas from the commencement of the operation. Maintenance shall include post-germination management of planted areas and replacement of any dead species.
 - c. The monitoring of the implementation of the detailed landscaped plan and schedule is to be undertaken by the Buller District Council in consultation with the consent holder.

16. That the application for building consent shall include the following amendments, as per submitted Appendix 1.
 - a. That the southern two units shall be off-set and lowered.
 - b. That there are to be no clerestory windows on the eastern and southern sides of the building.
 - c. That there shall be no windows on the eastern side of the skylights.
17. That the consent holder shall advise the Manager of Regulatory Services prior to occupation of the units, which of the following options have been developed to the West of the units:
 - a. three spa pools and associated earth mounds, plantings, walkways and external lighting, or
 - b. three barbeque areas and associated earth mounds, plantings, walkways and external lighting, or
 - c. a combination of both.
18. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) variation under the Resource Management Act 1991.
19. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
20. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

The consent holder shall require a separate application from the Buller District Council's Operations Department for any connection to reticulated sewage, stormwater or water system(s).

The consent holder shall require a separate application from Transit New Zealand for new vehicular approaches on a State Highway.

Dumping of waste material shall be carried out at a Council approved dumpsite.

As noted in the application, the Department of Conservation have advised that they wish to assist with the exact location of the plantings in relation to site lighting so as to help reduce any light spill.

This consent shall lapse on 18 May 2004.

Dated at Westport this 18th day of December 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Villas
Limited - RC02/78

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Villas Limited
CONSENT TYPE	Land Use – Discretionary
LOCATION	State Highway 6, Punakaiki
LEGAL DESCRIPTION	Lot 1 and 1/3 share in Lot 3, Deposited Plan 3891 Block I Punakaiki SD
VALUATION ROLL NO.	18860 31503
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for consent to establish, operate and maintain a laundry room in association with travellers accommodation granted in resource consent RC00/76. The proposed laundry is to be located behind the consented accommodation units, adjacent to the pump room. The proposed extension is to be approximately 7m² and less than 3 metres high.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and

4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

The proposed laundry is located in behind the consented accommodation units and will not be visible from any public road or place. The laundry will be located below a consented boardwalk, which will reduce the visual impact of the building for guests.

The proposal notes that stormwater and services shall be connected to previously consented services.

The proposal will have the positive effect of supplying laundry facilities for the use of guests staying in Stage II of the Punakaiki Rocks Hotel.

3. Relevant objectives, policies and rules of the Buller District Plan (S104d)

Part 4 of the District Plan identifies the key issues for the Buller District and outlines the objectives and policies that address these key resource management issues. No activity can be granted if it is contrary to the objectives and policies of the District Plan.

The Built Environment:

Objective 4.3.6.1

To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.

Policy 4.3.7.4

The design and height of residential buildings within the Paparoa Character area and Punakaiki and Ross Subdivision (located within the Urban Character Area) shall be controlled with criteria for assessment designed to ensure that the landscape setting rather than the building remains the dominant visual perspective, in the scenically spectacular location.

Policy 4.3.7.6

All land and building shall be maintained so as to preserve the amenities of the environment in which they are situated.

The Scenically Sensitive Commercial Zone has been identified in the District Plan as an area that is suitable for commercial growth within the Punakaiki Area. Punakaiki services one of the District's major tourist destinations. The Plan allows for development within the Scenically Sensitive Commercial Zone to provide services to tourists, including tourist related activities as being applied for in this application. Building within the Scenically Sensitive Commercial Zone is a discretionary activity, limiting discretion to appearance, location and size.

Objective 4.3.17.1

To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects.

Policy 4.3.18.1

Existing settlements will be defined as zoned urban and their outer edges defined accordingly.

The District Plan has outlined the Scenically Sensitive Commercial Zone as an area that will allow for providing of facilities for the future growth of tourism within the Buller District. The proposed development is within the area identified for this type of activity.

Objective 4.3.27.1

To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.

Policy 4.3.28.1

A distinct central commercial core to the District's main settlements shall be provided for the convenience of customers and to act as a town reference and focal point

Policy 4.3.28.2

The adverse effects of industrial and commercial operations, including noise, traffic, glare, shading, vibration, odour, effluent and waste emissions shall be minimised.

The District Plan has identified the Scenically Sensitive Commercial Zone as a distinct commercial zone. The proposed activity, travellers' accommodation, complies as a permitted activity for the zone. The reason the application is discretionary is based on the fact that building is required. As the activity is permitted under the Scenically Sensitive Commercial Zone Rules, Policy 4.3.28.2 must be considered.

During construction, noise will be an issue. A condition requiring the applicant to comply with the New Zealand Standards is required. The laundry will not result in the increase in traffic to the site. Glare and its effect on the Black Petrels has been considered. The applicant will be required to comply with the lighting plan approved by the Department of Conservation. Shading of the adjoining section will not occur as a result of the erection of the laundry as the laundry is lower than that section. No vibration will occur as all preparation of the site has been completed. The proposed activity will not have any odours associated with it. Effluent and waste shall be disposed of to an existing West Coast Regional Council approved discharge system

Infrastructure:

Objective 4.2.5.1

To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.

Policy 4.2.6.1

Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects.

Policy 4.2.6.2

To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety.

Policy 4.2.6.3

To utilise a roading hierarchy which enables the effects of activities on the roading resource to be avoided, remedied or mitigated depending on the status of the road in the hierarchy

The proposed development is on an allotment that is held together with an undivided 1/3 share of Lot 3. Lot 3 has been covenanted for the purpose of draining sewerage for Lot 2. Electricity and telecommunications are to be installed underground to avoid visual intrusion.

Ecosystems and Natural Habitats:

Objective 4.8.6.1

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.

Punakaiki River is the flight path for the Black Petrel. While the applicant's property is not a known habitat for the Black Petrels, lighting might attract them to the development. External lighting is therefore to be directed towards the ground and of low lux level to reduce the effect on the Petrels.

Landscapes and Natural Features:

Objective 4.9.3.1

To protect the distinctive character and unique values of outstanding landscapes and natural features.

Policy 4.9.4.1

To discourage activities which would significantly alter the character of outstanding landscapes.

The area has been heavily modified in the past and the proposal activity will not significantly alter the landscape.

The subject site is located within the 'Scenically Sensitive Commercial Zone' of the District Plan. This zone has been provided for the purpose of enabling further development particularly for tourist related facilities in the Punakaiki area. The rules controlling activities

in this Zone provide for travellers' accommodation as a permitted activity, subject to compliance with other performance standards. Special controls on the construction of new buildings cause the requirement for resource consent approval, whereby the Council has reserved its discretion to the following matters:

The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings.

The position of the building is such that the general public will not see the laundry. A condition of the consent will be that the extension is finished in accordance with Resource Consent RC00/76.

The size of buildings and their roof height and pitch.

The addition of a single storied building of 7m² will not adversely impact on the general design of the consent buildings. The extension has been designed to fit in with the consent building.

Any clearance of indigenous trees or shrubs.

The application will not result in any indigenous vegetation being felled.

The size of private open space available for activities involving accommodation.

The applicant has included in their existing resource consent a landscape plan which includes boardwalks and a pond. The addition of a further 7m² of building will not adversely impact on the amount of open space available to the guests.

4. Any relevant regulations

The conditions of Resource Consent RC00/76 shall be taken into account with regard to exterior lighting and landscaping.

Building consent may be required prior to constructing the laundry.

5. Any other relevant matters (S104i)

No affected parties were considered, as the extension is minor and with a condition attached to the consent that the applicant has to comply with the conditions of Resource Consent RC00/76, any adverse effects will be addressed.

6. Any relevant regional policy statement and the New Zealand Coastal Policy Statement

The conclusions that have arrived out of section 1 of this report assist when considering the compatibility of this proposed activity to the New Zealand Coastal Policy Statement (hereafter referred to as the 'NZCPS').

The NZCPS encourages appropriate subdivision and development in areas whereby the natural character has already been compromised (Policy 1.1.1). In the development of the Buller District Plan the Council must have had regard to this NZCPS and also any other relevant Plan or Policy Statement. Given the operative status of the Buller District Plan, the treatment of development in the Scenically Sensitive Commercial Zone and the recently approved subdivision, one can only conclude that development of this site, in the

manner proposed, does not adversely impact on the natural character of the coastal environment.

This proposal is also seen to be consistent with the intentions expressed within the West Coast Regional Policy Statement (2000).

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC02/78**PUNAKAIKI VILLAS LIMITED****RESOURCE CONSENT CONDITIONS**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Villas Limited to establish, operate and maintain a laundry room in association with travellers accommodation granted in Resource Consent RC00/76 at Lot 1 and 1/3 share in Lot 3, Deposited Plan 3891 Block I Punakaiki SD.

That consent be granted on the basis that the proposal is discretionary activity that is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the submitted application and plans.
2. That during construction the consent holder shall comply with NZS6803:1999 Acoustics - Construction Noise.
3. That the laundry shall be connected to existing consented services.
4. That the consent holder shall ensure that the laundry complies with Condition 4 of Resource Consent RC00/76.
5. That the consent holder shall comply with the approved lighting plan for exterior lighting.
6. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) variation under the Resource Management Act 1991.
7. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or

(c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

8. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

The consent holder shall require a separate application from Transit New Zealand for new vehicular approaches on a State Highway.

Consent may be required from the West Coast Regional Council for the discharge of water from the laundry into the existing consented sewerage system.

Building consent may be required prior to constructing the laundry.

Dated at Westport this twenty-ninth day of July 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Villas
Limited - RC02/83

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Villas Ltd
CONSENT TYPE	Subdivision – Controlled
LOCATION	State Highway 6, Punakaiki
LEGAL DESCRIPTION	Lot 1, DP 306394 and Lot 2 DP 3891, Block I, Punakaiki Survey District
VALUATION ROLL NO	18860 31500 and 18860 31504
ZONE	Scenically Sensitive Commercial Zone – Buller District Plan

Application

The application is for consent to subdivide an area of 105m² to be amalgamated with Lot 2 to accommodate the consented tourist accommodation facility, RC02/14. The application is also for the variation of right of way, Easement B, to ensure that the access road to the tourist accommodation facility at Lot 2 DP 3891 is contained within the Easement.

The application for the subdivision and right of way is a requirement of Resource Consent RC02/14, Conditions 2-4.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and

4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

A site visit completed on 17 July 2002 by Council's Planning Officer noted that the access road to Stage III of the Punakaiki Rocks Hotel complex had been affected by the building of the units on Lot 2. The access road to the unit's car parking area extends beyond the current easement hence the requirement to vary the boundary of the Easement.

The boundary adjustment and easement are as a result of the following conditions from Resource Consent RC02/14:

2. That a boundary adjustment be undertaken to ensure that the proposed building and car parks are contained solely within Lot 2.
3. No development located outside of the existing boundaries of Lot 2 can occur until such time as a boundary adjustment has been deposited pursuant to section 224 of the Resource Management Act 1991.
4. That Easement B shall be extended to ensure that the entire access strip is contained within the Easement. This shall be done prior to the consent holder obtaining ownership of the newly created Lot 1, LT 306394.

The proposal will have the positive effect of ensuring that Stage III of the Punakaiki Rocks Hotel is contained within the legal confines of Lot 2.

3. Relevant objectives, policies and rules of the Buller District Plan (S104d)

Within the Scenically Sensitive Commercial Zone, the creation of a new allotment for the purpose of accommodating an existing building is a controlled activity. The proposal is for a boundary adjustment to ensure that the building consented in Resource Consent RC02/14 is located within the boundary of Lot 2. To undertake a boundary adjustment, the area being adjusted is given a lot number and is then amalgamated with the lot to which it is being appertained. The boundary adjustment will increase the size of Lot 2 from 1030m² to 1135m².

The extension of Easement B will mean that Lot 2 has legal access to the limited access road that corresponds to the actual formed access. Section 90E of the Land Transfer Act 1952 identifies that easements may be varied by way of memorandum.

4. Any relevant regulations - Nil

5. Any other relevant matters (S104i)

No affected parties were considered as the applicant already has consent for the construction and operation of the hotel units at Lot 2, and associated access. The proposed boundary adjustment and right of way extension regularise the consented occupation.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC02/83

PUNAKAIKI VILLAS LIMITED

RESOURCE CONSENT CONDITIONS

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Villas Ltd to subdivide Lot 1, DP 306394 Block I Punakaiki Survey District, for the purpose of creating proposed Lot 1 to be amalgamated with Lot 2 DP 3891 and to vary Easement B. The site is situated at State highway 6, Punakaiki.

That consent be granted on the basis that the proposal is a controlled activity and is contrary to the rules and objectives of the District Plan.

That consent be granted subject to the following conditions:

1. That the subdivision proceed in accordance with the submitted plans and application.
2. That three copies of the deposited plan be provided to Council.
3. That the schedule of easements shown on the subdivision plan be granted and reserved.
4. That the following amalgamation condition be attached to newly created Lot 1:

“That Lot 1 hereon be amalgamated with Lot 2 DP 3891 (CT WS8C/1082) and one certificate of title issue. See Document 99782”

5. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) variation under the Resource Management Act 1991.
6. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or

- (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.**
- 7. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.**

Dated at Westport this twenty seventh day of August 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Rocks
Hotel - RC02/87

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Rocks Hotel
CONSENT TYPE	Land Use - Discretionary
LOCATION	Punakaiki Rocks Hotel, State Highway 6, Punakaiki
LEGAL DESCRIPTION	Principal Units 1-27 Accessory Units 1-35 on Unit Plan 3987 located on Lots 1-4 Deposited Plan 3987 Block I Punakaiki Survey District
VALUATION ROLL NO.	18860 31502
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for consent to establish, operate and maintain a 10m² extension to the hotel's kitchen facilities in association with travellers accommodation granted in resource consent RC97/92. The proposed kitchen extension is to be located behind the consented kitchen, to be in line with the back of the restaurant and shall be finished in materials to match the existing buildings.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and

4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

The proposed kitchen extension is located in behind the consented restaurant and kitchen facility, close to Units 18-20.

The proposal notes that stormwater and sewage services shall be connected to previously consented services. The applicant shall also connect with the existing potable water supply.

The proposal will have the positive effect of increasing the efficiency of the kitchen facilities for the Punakaiki Rocks Hotel restaurant.

3. Relevant objectives, policies and rules of the Buller District Plan (S104d)

Part 4 of the District Plan identifies the key issues for the Buller District and outlines the objectives and policies that address these key resource management issues. No activity can be granted if it is contrary to the objectives and policies of the District Plan.

Objective 4.3.6.1 - The Built Environment

To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.

Policy 4.3.7.4

The design and height of residential buildings within the Paparoa Character area and Punakaiki and Ross Subdivision (located within the Urban Character Area) shall be controlled with criteria for assessment designed to ensure that the landscape setting rather than the building remains the dominant visual perspective, in the scenically spectacular location.

Policy 4.3.7.6

All land and building shall be maintained so as to preserve the amenities of the environment in which they are situated.

The Scenically Sensitive Commercial Zone has been identified in the District Plan as an area that is suitable for commercial growth within the Punakaiki Area. Punakaiki services one of the District's major tourist destinations. The Plan allows for development within the Scenically Sensitive Commercial Zone to provide services to tourists, including tourist related activities as being applied for in this application. Building within the Scenically Sensitive Commercial Zone is a discretionary activity, limiting discretion to appearance, location and size.

Objective 4.3.17.1

To ensure that further settlement growth takes place in a manner and location which does not have significant adverse environmental effects.

Policy 4.3.18.1

Existing settlements will be defined as zoned urban and their outer edges defined accordingly.

The District Plan has outlined the Scenically Sensitive Commercial Zone as an area that will allow for providing of facilities for the future growth of tourism within the Buller District. The proposed development is within the area identified for this type of activity.

Objective 4.3.27.1

To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.

Policy 4.3.28.1

A distinct central commercial core to the District's main settlements shall be provided for the convenience of customers and to act as a town reference and focal point

Policy 4.3.28.2

The adverse effects of industrial and commercial operations, including noise, traffic, glare, shading, vibration, odour, effluent and waste emissions shall be minimised.

The District Plan has identified the Scenically Sensitive Commercial Zone as a distinct commercial zone. The proposed extension, as an ancillary activity of travellers' accommodation, complies as a permitted activity for the zone. The reason the application is discretionary is based on the fact that building is required. As the activity is permitted under the Scenically Sensitive Commercial Zone Rules, Policy 4.3.28.2 must be considered.

During construction, noise will be an issue. A condition requiring the applicant to comply with the New Zealand Standards is required. The kitchen extension will not result in the increase in traffic to the site. Glare and its effect on the Black Petrels has been considered. The applicant will be required to comply with the lighting plan approved by the Department of Conservation. No shading will occur as the extension is well within the Hotel's boundary. It is not anticipated that any vibrations will occur. The proposed activity will not have any odours associated with it. Effluent and waste shall be disposed of to an existing West Coast Regional Council approved discharge system

Objective 4.2.5.1 - Infrastructure

To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.

Policy 4.2.6.1

Development in areas which, due to physical characteristics, are difficult to service shall be permitted where appropriate technical solutions are provided to avoid, remedy or mitigate against adverse effects.

Policy 4.2.6.2

To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety.

The proposed extension is located within a fully serviced hotel complex. Connection to these services will be required.

Objective 4.8.6.1 - Ecosystems and Natural Habitats

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.

Punakaiki River is the flight path for the Black Petrel. While the applicant's property is not a known habitat for the Black Petrels, lighting may attract them to the development. External lighting is therefore to be directed towards the ground and of low lux level to reduce the effect on the Petrels.

Objective 4.9.3.1 - Landscapes and Natural Features

To protect the distinctive character and unique values of outstanding landscapes and natural features.

Policy 4.9.4.1

To discourage activities which would significantly alter the character of outstanding landscapes.

The area has been heavily modified in the past and the proposal activity will not significantly alter the landscape.

The subject site is located within the 'Scenically Sensitive Commercial Zone' of the District Plan. This zone has been provided for the purpose of enabling further development particularly for tourist related facilities in the Punakaiki area. The rules controlling activities in this zone provide for travellers' accommodation as a permitted activity, subject to compliance with other performance standards. Special controls on the construction of new buildings cause the requirement for resource consent approval, whereby the Council has reserved its discretion to the following matters:

The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings.

The position of the building is such that the general public will not see the kitchen extension. A condition of the consent will be that the extension is finished in accordance with Resource Consent RC97/92.

The size of buildings and their roof height and pitch.

The addition of a single storied extension of 10m² will not adversely impact on the general design of the consent buildings. The extension has been designed to fit in with the consent building.

Any clearance of indigenous trees or shrubs.

The application will not result in any indigenous vegetation being felled.

The size of private open space available for activities involving accommodation.

The applicant has included in their existing resource consent a landscape plan. The addition of a further 10m² of building will not adversely impact on the amount of open space available to the guests.

4. Any relevant regulations

The conditions of Resource Consent RC97/92 shall be taken into account with regard to exterior lighting and landscaping.

Building consent may be required prior to constructing the kitchen extension.

The extension must comply with the provisions of the First Schedule of the Food Hygiene Regulations 1974 (or any superseding regulations).

5. Any other relevant matters (S104i)

No affected parties were considered, as the extension is minor and with a condition attached to the consent that the applicant has to comply with the conditions of Resource Consent RC97/92, any adverse effects will be addressed.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC02/87

PUNAKAIKI ROCKS HOTEL

RESOURCE CONSENT CONDITIONS

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Rocks Hotel to establish, operate and maintain a kitchen extension in association with travellers accommodation granted in Resource Consent RC97/92 at Lots 1 - 4 Deposited Plan 3987 Block I Punakaiki SD.

That consent be granted on the basis that the proposal is discretionary activity that is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the submitted application and plans.
2. That during construction the consent holder shall comply with NZS6803:1999 Acoustics - Construction Noise.
3. That the kitchen extension shall be connected to existing consented services.
4. That the consent holder shall ensure that the kitchen extension complies with Condition 6 of Resource Consent RC97/92.
5. That the consent holder shall comply with the approved lighting plan for exterior lighting.
6. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) variation under the Resource Management Act 1991.
7. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or

(c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

8. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

Building consent will be required prior to constructing the kitchen extension.

The extension must comply with the provisions of the First Schedule of the Food Hygiene Regulations 1974 (or any superseding regulations).

Dated at Westport this fifteenth day of August 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Rocks
Limited - RC02/109

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Rocks Ltd
CONSENT TYPE	Land Use –Discretionary Activity (limited discretion)
LOCATION	State Highway 6, Punakaiki
LEGAL DESCRIPTION	Proposed Lot 2 being the subdivision of Lot 1 DP 306394, Block I, Punakaiki Survey District
VALUATION ROLL NO.	18860 31501 and 18860 31500
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for consent to construct and maintain a pole retaining wall to support an existing access ramp on the site of the Stage II and Stage III phases of the Punakaiki Villas Development on the landward side of State Highway 6 at Punakaiki. The Stage III development (12 new tourist accommodation units) is currently under construction, and vehicle and pedestrian access is via an existing access ramp supported by a retaining wall.

The purpose of the application is to widen and extend the existing access ramp to provide better access to the Stage III development through the site of the recently commissioned 24 unit hotel development fronting the state highway (Stage II development). The existing retaining wall located on the north side of the access ramp will be extended by an additional 18 – 20m further up the slope, by installing a new pole wall on the north side of the access ramp. Treated timbers, supported by driven piles, will form the retaining wall and this structure will in turn be tied back to large concrete anchors which will be placed within the access ramp.

The ramp will be excavated to allow the placement of the concrete anchors and for the anchor ties. Total excavated volumes are estimated in the application at 70m³. Following completion of the works, the ramp will be restored and this will include backfilling to the retaining wall.

Statutory Provisions

Sections 104 and 105:

While assessing this application under Section 104 of the Resource Management Act 1991, regard was given to the matters subject to Part II 'Purpose and Principles'.

However in this instance a full assessment of the application against all of those matters was not considered necessary. Stages II and III of the Punakaiki Villa development have been granted resource consent already, and this application is for a very minor and an ancillary addition to those developments.

It is also noted that the proposed activity is for a Discretionary Activity, by virtue of Rule 5.2.5.3 of the District Plan, which provides for any new building or structure in the Scenically Sensitive Commercial Zone as a discretionary activity where the discretion is limited. In terms of Section 105(3A), the matters in Section 104 are relevant only in relation to those matters over which the consent authority has restricted the exercise of its discretion.

In terms of Rule 5.2.5.3 these are:

1. The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings
2. The size of the buildings and their roof height and pitch
3. Any clearance of indigenous vegetation
4. The size of open space available for activities involving accommodation, and
5. The imposition of financial contributions listed in Part B

The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings.

The landscape setting of this site is dominated by the recently constructed tourist accommodation developments. The access ramp and retaining walls are existing, having been approved as part of the current developments. The proposed extension to the retaining wall and minor widening of the access ramp will be barely discernable when viewed from outside the site.

It is also noted that the landscaping works currently being implemented include planting, walkways and water features in the vicinity of the retaining wall and its proposed extension. These structures are really an integral part of those landscaping features.

The size of the buildings and their roof height and pitch.

As described above, the proposed works are considered minor within the context of overall site developments, and will be well integrated.

Any clearance of indigenous vegetation

There is no vegetation on the part of the site for which these works are required, so no clearance is required.

The size of open space available for activities involving accommodation, and

The proposed retaining wall will flank the part of the site used as an access drive, and this will not affect the use of the site for other accommodation activities.

The imposition of financial contributions listed in Part 8.

The financial contributions rules are not applicable to this application.

Section 94 Considerations:

Pursuant to section 94(2) of the Act, the application may be considered on a non-notified basis, provided that Council is satisfied that any adverse effects on the environment will be minor and that written approval is obtained from every person Council considers may be adversely affected by granting this consent.

For the reasons given above, it is considered that the adverse effects on the environment will be no more than minor. It is also considered that there are no persons adversely affected by granting of this consent, and the application therefore meets the requirements of section 94(2) of the Act. It is also noted that Rule 5.2.5.3.1 states that these activities will not normally be publicly notified.

Conclusion:

This application was considered as a discretionary activity pursuant to sections 104 and 105 of the Resource Management Act.

For the reasons given above, the proposed retaining wall is considered to have no adverse effects in terms of the criteria that the Council has restricted the exercise of its discretion to.

It is also noted that the development of the Punakaiki Villas tourist accommodation complex on this site in the Scenically Sensitive Commercial Zone is proceeding subject to the granting of resource consents, and that the extension of an existing retaining wall is considered to be an ancillary and a minor addition to those approved developments.

Therefore, this proposal is considered to be not contrary to the 'purpose and principles' of the Resource Management Act 1991, as contained with Sections 5 to 8.

RESOURCE CONSENT RC02/109**PUNAKAIKI ROCKS LIMITED****RESOURCE CONSENT CONDITIONS**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consents to the application by Punakaiki Rocks Ltd to construct and maintain a pole retaining wall to support an existing access ramp on the site of the Stage II and Stage III phases of the Punakaiki Villas development at proposed Lot 2 being the subdivision of Lot 1 DP 306394, Block I, Punakaiki Survey District.

Consent is granted on the basis that the proposal is a Discretionary Activity (discretion limited) where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the plans submitted on
2. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) variation under the Resource Management Act 1991.
3. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
4. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE:

A building consent and producer review statement will be required before construction of the retaining wall commences.

Dated at Westport this sixteenth day of October 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Rocks
Limited - RC02/111

DECISION OF THE BULLER DISTRICT COUNCIL

Application

The application is for resource consent to undertake land disturbance to construct and maintain a retaining wall associated with the establishment of a travellers accommodation facility comprising of 12 accommodation units and associated on-site vehicle parking, manoeuvring and access areas.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

A site visit completed on 25 September 2002 by Gary Rae, Planning Consultant, noted that the site is already substantially developed, with Stage 3 of the Punakaiki Villas tourist accommodation currently under construction.

The proposed retaining wall, and associated earth and drainage works, are required to replace the retaining wall previously approved for the rear of the site, as a result of additional geotechnical investigations. Instead of a low timber retaining wall, it is now proposed that a rock structure be erected part way along the boundary.

Whilst the proposed wall will be up to 4.5m in height, its construction of rock material will not be obtrusive, and will form an integral part of the development already on the site, comprising 12 accommodation units, driveway, parking areas, landscaping and other retaining structures. The position of the proposed wall at the rear of the site behind the accommodation units mean that it will be largely screened from most vantage points.

It is noted that any effects associated with construction of the retaining wall and earthworks will be addressed as part of the building consent application process, including the construction review producer statement. It is also noted that a separate application for resource consent has been lodged with the West Coast Regional Council for the proposed earthworks.

In summary, the proposed retaining wall is considered to be a minor and ancillary part of development already approved on the site, and which is currently under construction. The actual and potential effects on the environment are considered to be no more than minor.

The proposal will have the positive effect of enabling a bank at the rear of the site to be suitably retained, to protect the car parking and servicing areas at the rear of the site, thereby maximising the useable area of the site for the development.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

The site is located in the Scenically Sensitive Commercial Zone. The purpose of this zone is to enable further development particularly for tourist related facilities in the Punakaiki area. Special controls are required to ensure that any buildings are compatible with surrounding buildings and landscape features.

Rule 5.2.5.3 of the District Plan provides for any new building or structure in the Scenically Sensitive Commercial Zone as a discretionary activity, where the discretion is limited to the following matters:

- *The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings*
- *The size of the buildings and their roof height and pitch*
- *Any clearance of indigenous vegetation*
- *The size of open space available for activities involving accommodation, and*
- *The imposition of financial contributions listed in Part B*

The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings

The landscape setting of this site is dominated by the tourist accommodation development under construction, and the Stage 2 development on the adjacent site. The proposed retaining wall is considered to be a minor and ancillary component of the overall site development. It will be contained within the profile of the bank at the rear of the site, and the buildings under construction on the site will screen it to a large extent from most vantage points.

The size of the buildings and their roof height and pitch

The proposed works are considered minor within the context of overall site developments, and will be well integrated.

Any clearance of indigenous vegetation

There is no vegetation on the part of the site for which these works are required, so no clearance is required.

The size of open space available for activities involving accommodation

The proposed retaining wall will flank the part of the site to be used as a car parking and service area as part of the overall development of the site for accommodation activities.

The imposition of financial contributions listed in Part B

The financial contributions rules are not applicable to this application.

4. Any relevant regulations

A building consent, and construction review producer statement, will be required as part of the building consent process under the Building Act.

5. Any other relevant matters (S104i)

There are not considered to be any other matters relevant to this assessment.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC02/111**PUNAKAIKI ROCKS LIMITED****RESOURCE CONSENT CONDITIONS**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Villas Limited to undertake land disturbance to construct and maintain a retaining wall associated with the establishment of a travellers accommodation facility comprising 12 accommodation units and associated onsite vehicle parking, manoeuvring and access areas.

That consent be granted on the basis that the proposal is a Discretionary Activity (discretion limited) where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the submitted application and plans.
2. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) under the Resource Management Act 1991.
3. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
4. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTES:

- (a) A building consent and producer review statement will be required before construction of the retaining wall commences.**
- (b) Care is to be taken to avoid any easements for water, or other encumbrances, in constructing the retaining wall.**

Dated at Westport this twenty first day of October 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Villas
Limited - RC02/124

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Villas Limited
CONSENT TYPE	Land Use – Discretionary
LOCATION	Punakaiki Rocks Hotel, State Highway 6, Punakaiki
LEGAL DESCRIPTION	Lot 1 Deposited Plan 3891, Block I, Punakaiki Survey District
VALUATION ROLL NO.	18860 31503
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for resource consent to erect a sign associated with the travellers accommodation facility for Stages II and III of the Punakaiki Villas complex. The proposal is for a free standing two sided advertising sign of 2.5m in height, with 1.7m² of sign area on each face. The proposed sign will be illuminated by spotlights, and it is to be located at the entrance to the site on the east side of SH 6.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and

4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

The site is already substantially developed, with Stage II (24 units) of the Punakaiki Villas tourist accommodation completed, and Stage III (12 units) currently under construction. Stages II and III of Punakaiki Villas are to be operated independently from the Punakaiki Rocks development on the opposite side of SH 6. The application is therefore for an advertising sign to be placed on the Punakaiki Villas site.

The actual and potential effects of allowing the activity are considered to be visual/amenity and traffic safety effects.

A sign of this nature is considered to be 'part and parcel' of the overall tourist accommodation development on the site. The sign is relatively compact, is 2.5m high and the sign is less than 2m². The sign will be located at the entranceway to the site, alongside the driveway, a car parking area and the Stage II building. As can be seen from Photographs One and Two supplied with the application, the buildings are the dominant visual element in this landscape, and in this context, it is considered that there will be no significant visual effects from the proposed sign.

It is also noted that the sign will be illuminated by low powered (60 Watt) bulbs, contained within the capping mounted around the top of the sign, and directed down onto the face of the sign. The illumination arising from the sign is not considered to be a visual detraction in the context of illumination levels arising from the development on the site and in the vicinity.

Transit New Zealand, which is responsible for the safe and efficient operation of State Highway 6, has provided its written consent as an affected party for the proposed sign. Following earlier discussions with Transit, the applicant changed the font for the main message on the sign, to one that is more legible for motorists, and illumination details were also discussed. The proposed sign is considered to have simple and clear messages, it is in a suitable location at the entranceway with good sight distance, and it will not obstruct driver visibility along the state highway.

In summary, the proposed advertising sign is considered to be a minor and ancillary part of the development on the site, and it will have less than minor adverse effects on the environment.

3. Relevant objectives, policies and rules of the Buller District Plan (S104d)

Objective 4.2.5.2

To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility.

Policy 4.2.6.3

To utilise a roading hierarchy which enables the effects of activities on the roading resource to be avoided, remedied or mitigated depending on the status of the road in the hierarchy.

The Punakaiki Rocks Villas complex is the second and third stages of the Rocks Hotel, however are operating under different management. As such, there are two booking agencies, with Stage II and III being operated solely from the East side of the State Highway. At present there is no signage to advise clients of the two different operations. The proposed sign will ensure that potential clients of the Punakaiki Rocks Villas accommodation facility will be directed to the correct vehicle entrance for the facility

Policy 4.3.28.1

A distinct central commercial core to the District's main settlements shall be provided for the convenience of customers and to act as a town reference and focal point.

The site is located in the Scenically Sensitive Commercial Zone. The purpose of this zone is to enable further development particularly for tourist related facilities in the Punakaiki area, and associated structures, such as advertising signs. Special controls are required to ensure that any buildings or structures are compatible with surrounding buildings and landscape features.

Rule 5.2.5.3 of the District Plan provides for any new building or structure in the Scenically Sensitive Commercial Zone as a discretionary activity, where the discretion is limited to the following matters:

The position, design and external appearance of buildings and signs in relation to the landscape setting and nearby buildings

The landscape setting of this site is dominated by the tourist accommodation development. The proposed advertising sign is considered to be a minor and ancillary component of the overall site development. It is a relatively compact sign, and will be located at the entranceway, in a developed part of the site. Nighttime illumination levels will be low relative to other illumination in the area.

Within the District Wide rules section of the District Plan, there are rules regarding the erection of permitted signs adjacent to a State Highway.

One "advertising sign" on land adjacent to the state highway to which it relates, providing it complies with the following standards:

- *It does not conflict with the conspicuity of, and can not be confused with, official signs or traffic signals;* The sign is in colours that cannot be confused with an official or regulatory sign.
- *It is necessary and effective by having messages that are clear, concise and easily read and assist drivers to locate accesses and activities on land adjacent to roads;* The message on the sign is clear and concise, with the main information being large than that not important.
- *It has minimum lettering height of 120mm where the posted speed limit is less than 70km/h and 160mm where the posted speed limit is 70km/h or greater;* The speed environment at this point is 80km/h, as such lettering height should be 160mm. The proposed sign has the main message "Punakaiki Rocks Villas" at 240mm, while the management company's name is 84mm and 22mm, below that permitted.
- *For a free-standing sign, a maximum of six words and/or symbols with a maximum of 40 characters;* The number of words on the proposed sign is eight, while the number of characters is 47.
- *It is as close as practicable to the entrance to the land to which the sign relates;* The sign is on the land to which the sign relates.
- *It is not less than 15 metres from an 'official sign' or traffic signal;* The sign is located more than 15m from an official or traffic sign.
- *It is located so as not to obstruct driver visibility along the road, intersections or accesses;* The sign is to be located to the east of a road side drain, so will not obstruct driver visibility along the road or at the vehicle crossing.
- *It is at right angles to the road and is located to avoid vehicle headlight reflection onto road users;* The sign is to be erected at right angles so as to be read from both directions.
- *It shall present an unrestricted view to the motorists for a minimum distance of 180 metres where the posted speed limit is 70km/h or greater.* The amount of visibility of the sign is restricted due to the environment in which it is placed. Transit New Zealand have considered this and does not raise sight distance as a concern.

Within Part 7 of the District Plan, there are no rules relating to signs within the Scenically Sensitive Commercial Zone.

It is not permitted throughout the Buller District to erect signs adjacent to a State Highway with a posted speed limit 70km/h or greater that are illuminated and produces glare that could dazzle road users. The proposed sign itself is not illuminated (such as neon signs), however a condition will be attached to the consent to ensure that the spotlights directing light on the sign will be positioned so as to avoid dazzling road users.

4. Any relevant regulations

The proposed sign is exempt of the need to obtain a Building Consent under the Building Act 1991, in terms of the Third Schedule. The work will be required to otherwise comply with the provisions of the New Zealand Building Code.

5. Any other relevant matters (S104i)

Written affected parties approval has been obtained from Transit New Zealand.

Conclusion

It is considered that the effects of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC02/124**PUNAKAIKI VILLAS LIMITED****RESOURCE CONSENT CONDITIONS**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Villas Limited to erect a sign associated with the travellers accommodation facility for stages 2 and 3 of the Punakaiki Villas complex.

That consent be granted on the basis that the proposal is a Discretionary Activity where the activity is not contrary to the objectives and policies of the District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the submitted application and plans.
2. That the sign lighting shall be directed away from the roading network.
3. That there shall be no greater than a 10 lux spill (horizontal or vertical) of light across the boundary.
4. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) under the Resource Management Act 1991.
5. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
6. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

Dated at Westport this twenty ninth day of November 2002

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Rocks
Hotel & Villas - RC04/138

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Rocks Hotel and Villas
CONSENT TYPE	Land Use - Discretionary
LOCATION	Punakaiki
LEGAL DESCRIPTION	Lot 2 and Lot 3 DP 3707
VALUATION ROLL NO.	18860 31502
ZONE	Scenically Sensitive Commercial - Buller District Plan

Application

The application is for consent to build a generator shed adjoining units at the Punakaiki Rocks Hotel. The building is approximately 5 metres x 1.7 metres with a gently sloping roof-line down to 1.78 metres. The generator is to provide a back-up power supply for periods when power failure occurs at the site. The original application was also to include construction of a wood storage shed but this is no longer required.

Statutory Provisions

Under Sections 104 and 105 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects of allowing the activity; and
3. any relevant objectives, policies and rules of the district plan or proposed district plan; and
4. any relevant regulations; and
5. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

A site visit was carried out on 12 November 2004 by Rebecca Inwood along with Craig Findlay. It was noted that work had commenced on the generator shed with some concrete foundations poured. The shed is to adjoin the existing hotel complex and will be built of the same materials, this will ensure it blends in with the existing structures. Planting along the base of the shed will further screen the structure. The shed is to be lined with sound-proof bats and noiseline gib board, thus noise should not be an issue. Obviously the generator will only be used when the main power source is disrupted so usage should be minimal.

3. Relevant objectives, policies and rules of a district plan (S104d)

Buller District Plan

Part 4 of the Plan sets out objectives and policies relevant to the application.

Objective 4.7.5.1 - The Coastal Environment

"To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location."

Policy 4.7.6.7 - The Coastal Environment

"The needs of existing and future activities requiring a coastal location shall be recognised."

The proposed shed is a small structure which will adjoin the existing hotel complex and will be clad in the same material as the surrounding buildings. Thus in context of the overall development at the site it is a minor addition and will not detract any further from the natural character of the area. Further the shed will enable the housing of a generator which will provide for the continued efficient functioning of the hotel complex during times of power failure.

Pursuant to 5.2.5.3 of the Buller District Plan the construction of the generator shed is a discretionary activity. The proposal complies with the general rules and the building is compatible with the surrounding buildings and landscape features.

4. Any relevant regulations

The applicant will require a building consent from the Buller District Council for the construction of the generator shed

5. Any other relevant matters (S104i)

The hotel complex is situated within a Coastal Hazard Area and Outstanding Natural Features and Landscapes, as defined by the Regional Coastal Plan. Given that the generator shed is relatively small and is contained well within the existing hotel complex the issues raised by these classifications would have been thoroughly considered when the original application was received for the hotel development.

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC04/138**PUNAKAIKI ROCKS HOTEL & VILLAS****RESOURCE CONSENT CONDITIONS**

Recommendation: That pursuant to Sections 104 and 105 of the Resource Management Act 1991, Council consent to the application by Punakaiki Rocks Hotel and Villas to construct a generator shed.

That consent be granted on the basis that the proposal is a discretionary activity where the effects are minor and the activity complies with the objectives, policies, rules and standards of the Buller District Plan.

That consent be granted subject to the following conditions:

1. That the proposal proceed in strict accordance with the submitted application and plans.
2. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within two years from the date of issue.
3. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
4. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

Dated at Westport this 23rd day of November 2004

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application by Punakaiki Rocks
Hotel & Villas - RC07/61

DECISION OF THE BULLER DISTRICT COUNCIL

Section 113 of the Resource Management Act 1991, requires that every decision on a resource consent shall be in writing and state reasons for the decision.

SUBJECT	Punakaiki Rocks Hotel & Villas
CONSENT TYPE	Land Use – Limited Discretionary Activity
LOCATION	State Highway 6, Punakaiki
LEGAL DESCRIPTION	Lots 1-2 Deposited Plan 306878, Block I Punakaiki Survey District
VALUATION ROLL NO.	18860 31502
ZONE	Scenically Sensitive Commercial Zone - Buller District Plan

Application

The application is for consent to replace the existing sign for Punakaiki Rocks Hotel & Villas, with a new sign measuring 1500mm wide x 2400mm high, with lettering height that will be 175mm. The new sign will be a two-sided permanent fixture, bolted to the ground and located more or less in the present location of the existing sign, being 6m from the white edge line of the State Highway at the entrance to the hotel complex. The sign will read “Punakaiki Resort” across the top with the resort’s logo to one side. Underneath the main message, the sign will read “Reception” and “Restaurant”. A single spotlight directed downwards will illuminate the sign.

Statutory Provisions

Under Section 104 of the Resource Management Act 1991, Council must consider the following in assessing the application.

1. Part Two principles and purposes of the Resource Management Act 1991; and
2. any actual and potential effects on the environment of allowing the activity; and

3. any relevant objectives, policies and rules of any national policy statement, including the New Zealand Coastal Policy Statement, any Regional Plan and the district plan; and
4. any other matter Council considers relevant and reasonably necessary to determine the application.

1. Part Two of the Act

The purpose and principles of the Resource Management Act have been considered and this proposal does not appear contrary to either. It is generally considered that the proposed activity will enable the community to provide for their well-being without creating any adverse environmental impact.

2. Any actual and potential effects on the environment of allowing the activity (S104a)

An assessment of environmental effects (as required by Schedule Four of the Resource Management Act 1991) indicates that no significant adverse environmental effects are likely.

The actual and potential effects of allowing the activity are considered to be visual/amenity and traffic safety effects.

A sign of this nature is considered to be 'part and parcel' of the overall tourist accommodation activities on the site. The sign is relatively compact, being 2.4m high and 3.6m² in size. The sign will be located at the entranceway to the site, alongside the driveway, and opposite the car parking area for Stage II of the hotel development. As can be seen from the photographs with the application, the buildings are the dominant visual backdrop against this landscape, and in this context, it is considered that there will be no significant visual effects from the proposed sign, especially as it is a replacement of an existing sign.

It is also noted that the sign will be illuminated by the same low powered (60 Watt) bulbs which were consented to under RC02/124, the previous land use consent for signs, and the previous land use consent for Stage I of the hotel development. These bulbs will be mounted at the top of the sign, and directed down on to the face of the sign. The illumination arising from the sign is not considered to be a visual detraction in the context of the illumination levels arising from the surrounding accommodation/hotel activities on the site and in the vicinity.

Transit New Zealand, which is responsible for the safe and efficient operation of State Highway 6, has provided its written consent as an affected party for the proposed sign. The proposed sign is considered to have simple and clear messages, it is in a suitable location at the entranceway to the hotel complex with good sight distance, and it will not obstruct driver visibility along the State Highway.

In summary, the proposed advertising sign is considered to be a minor and ancillary part of the development on the site, and it will have less than minor adverse effects on the environment.

The proposal will have the positive effect of replacing the existing Punakaiki Rocks Hotel & Villas sign with a modern sign that will capture the passing State Highway traffic's attention without causing a traffic hazard.

3. Relevant objectives, policies and rules of any national policy statement, including the New Zealand Coastal Policy Statement, any Regional Plan and the Buller District Plan (S104-b)

West Coast Regional Policy Statement and plans

Regional Policy Statement

The West Coast Regional Policy Statement provides an overview of the resource management issues of the region. District and regional plans are required to not be inconsistent with a regional policy statement. The Buller District Plan appropriately reflects the main resource management issues for the region, in its Buller District context, and these issues are discussed below.

Buller District Plan

Part 4 of the Buller District Plan identifies key resource management issues that are specific to the District. Objectives and policies have been identified to ensure that the key issues are addressed.

Objective 4.2.5.2 - Infrastructure

To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility.

Policy 4.2.6.3 - Infrastructure

To utilise a roading hierarchy which enables the effects of activities on the roading resource to be avoided, remedied or mitigated depending on the status of the road in the hierarchy.

Transit has been consulted as an affected party and has raised no concerns over the size, location and layout of the proposed sign. The effects of the proposed sign are considered to be no more than minor and the same or similar to those effects that were considered under RC02/124.

Policy 4.3.7.5 – The Built Environment

Commercial advertising shall be controlled in order to ensure that it harmonises with the architecture of buildings and the streetscape.

Policy 4.3.28.1

A distinct central commercial core to the District's main settlements shall be provided for the convenience of customers and to act as a town reference and focal point.

Objective 4.9.3.1 - Landscapes and Natural Features.

To protect the distinctive character and unique values of outstanding landscapes and natural features.

The site is located in the Scenically Sensitive Commercial Zone. The purpose of this zone is to enable further development, particularly for tourist related facilities in the Punakaiki area, and associated structures, such as advertising signs. Special controls are required

to ensure that any buildings or structures are compatible with surrounding buildings and landscape features.

Rule 5.2.5.1 – Scenically Sensitive Residential Zone

Any activity in the Scenically Sensitive Commercial Zone is either permitted, controlled or discretionary if it falls within the standards for each category in Table 5.4. It must also comply with the District Wide rules in Part 7.

Rule 5.2.5.3.1 – Discretionary Activities Where the Discretion is Limited

The erection of, or addition to, any building or structure or sign relating to a permitted activity. These activities will not normally be publicly notified. The Council restricts the exercise of its discretion to the following matters:

5.2.5.3.1.1. The position, design and external appearance of building and signs in relation to the landscape setting and nearby buildings.

The design, siting and appearance of the proposed signage is such that it does not create a blemish against the backdrop of the natural visual landscape.

As can be seen from the photographs accompanying the application, the accommodation buildings associated with the hotel complex are the dominant visual backdrop against this landscape, and in this context, it is considered that there will be no significant visual effects from the proposed sign, especially as it is a replacement of an existing sign.

Rule 7.7.1.2 – Permitted Sign all Zones

One “advertising sign” on land adjacent to the state highway to which it relates, providing it complies with the following standards:

- 7.7.1.2.1 It does not conflict with the conspicuity of, and can not be confused with, official signs or traffic signals;*
- 7.7.1.2.1 It is necessary and effective by having messages that are clear, concise and easily read and assist drivers to locate accesses and activities on land adjacent to roads;*
- 7.7.1.2.3 It has minimum lettering height of 120mm where the posted speed limit is less than 70km/h and 160mm where the posted speed limit is 70km/h or greater;*
- 7.7.1.2.4 For a free-standing sign, a maximum of six words and/or symbols with a maximum of 40 characters;*
- 7.7.1.2.5 It is as close as practicable to the entrance to the land to which the sign relates;*
- 7.7.1.2.6 It is not less than 15 metres from an ‘official sign’ or traffic signal;*
- 7.7.1.2.7 It is located so as not to obstruct driver visibility along the road, intersections or accesses;*
- 7.7.1.2.8 It is at right angles to the road and is located to avoid vehicle headlight reflection onto road users;*
- 7.7.1.2.9 It shall present an unrestricted view to the motorists for a minimum distance of 180 metres where the posted speed limit is 70km/h or greater.*
- 7.7.1.2.10 Written approval for the sign has been obtained from Transit New Zealand.*

While this rules says it is permitted to erect an advertising sign on land adjacent to the State Highway, due to the over-riding rule in the Scenically Sensitive Commercial Zone, that is not the case, and the consent is being assessed as a Limited Discretionary Activity.

It is not permitted throughout the Buller District to erect signs adjacent to a State Highway with a posted speed limit 70km/h or greater that are illuminated and produces glare that could dazzle road users. The proposed sign itself is not illuminated (such as neon signs), however a condition will be attached to the consent to ensure that the spotlights directing light on the sign will be positioned so as to avoid dazzling road users. The sign has been approved by Transit New Zealand.

4. Any other relevant matters (S104c)

Affected parties approvals have been obtained from the following:

1. Transit New Zealand Ltd
2. Mr N Mouat

Other resource consents

RC02/124 – To erect a sign associated with travellers' accommodation facility.

The proposed sign is exempt from requiring building consent under the Building Act 2004, under Schedule 1(k)

Conclusion

It is considered that the effect of the proposal will not be more than minor and the policies and objectives in the District Plan are not compromised. Accordingly, resource consent can be granted subject to conditions.

RESOURCE CONSENT RC07/61**PUNAKAIKI ROCKS HOTEL & VILLAS****RESOURCE CONSENT CONDITIONS**

That pursuant to Sections 104, 104D and 108 of the Resource Management Act 1991, Council consents to the application by Punakaiki Rocks Hotel & Villas to erect a sign adjacent to State Highway 6 associated with their tourist related activities measuring 3.6m². The site is located at Punakaiki, State Highway 6.

That consent be granted on the basis that the proposal is discretionary activity where the effects of the activity are no more than minor and all affected parties have given their approval.

That consent be granted subject to the following conditions:

1. That the proposal proceed in general accordance with the submitted application and plans, except where the following conditions take precedence.
2. That the sign be erected at least 3m from the white edge line of State Highway 6.
3. That the sign lighting shall be directed away from the roading network.
4. That there shall be no greater than a 10 lux spill (horizontal or vertical) of light across the boundary.
5. That pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent within five years from the date of issue.
6. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any condition of this consent within eight years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
7. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.



Dated at Westport this 5th day of June 2007

RESOURCE CONSENT DECISION - RC 10/66

That pursuant to Sections 104, 104A and 108 of the Resource Management Act 1991, Buller District Council **grants** the application by Punakaiki Holdings Limited and Punakaiki Tourist Resort Limited, **subject to the Conditions below.**

The approved Activity:

The application is to subdivide an area of 105 metres² to be amalgamated with an adjacent block to accommodate the tourist accommodation units consented by resource consent RC02/14. The application is also for the variation of Right of Way easement to ensure the access road to the tourist accommodation facility at Lot 2 DP 3891 is contained within the easement. The extension of the ROW easement is shown as "A" on the subdivision plan.

(Note: The application for the subdivision and Right of Way is a requirement of Resource Consent RC02/14, Conditions 2 - 4. A prior consent being RC02/83 was granted in August 2002 however the plans were not deposited and therefore no new titles issued. This application is in the same scale and nature as approved in RC02/83.)

Location:

Address:	State Highway 6, Punakaiki
Legal Description:	Lot 1 DP 306394 and Lot 2 DP 3891
Computer Freehold Register:	25102 and WS8C/1082
Valuation Roll Number:	18860 31508 and 18860 31504

Approved Plans:

Plans marked Lots 1 and 2 being subdivision of Lot 1 DP 306394, dated June 2002, by C J Coll, for boundary adjustment.

Plans which are approved are stamped *Approved Plan*

CONDITION(S)

1. That the subdivision proceed in accordance with the submitted plans and application.
2. That three copies of the deposited plan be provided to Council.
3. That the schedule of easements shown on the subdivision plan be granted and reserved.
4. That the following amalgamation condition be shown on the plan:

"That Lot 1 hereon be amalgamated with Lot 2 DP 3891 (CT WS8C/1082) and one certificate of title issue. See Document 947407"
5. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent shall be met by the consent holder.

NOTE(S):

1. Please advise Councils Planning Department when all conditions have been complied with and Council Planning Department will monitor the consent.
2. If you do not understand any or all conditions of this consent, please contact the Planning Department of the Buller District Council for clarification before starting work.
3. The normal requirements for amalgamated titles, is that the land is in the same ownership and that any existing joint family home settlements are cancelled or extended to include all the land being amalgamated.
4. That pursuant to Section 127(1)(a) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of the consent within two years from the date of issue. This condition does not limit the consent holder from applying for a Section 127(1)(b) variation under the Resource Management Act 1991.
5. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within five years from the date of issue for any of the following purposes:
 - (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - (c) To assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.
6. Consent shall lapse if not given effect to 5 years from the date of issue.

REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. The activity is a controlled activity therefore no affected parties approval was required as part of the application. The environmental effects of this proposal are considered no more than minor.
2. There will be no impacts of the subdivision in terms of intensification by creating additional lots as no new lots are to be created. Lot 1 is to be amalgamated with Lot 3 DP 3891.

3. The proposal is for a boundary adjustment to ensure that the buildings consented in Resource Consent RC02/14 are located within the boundaries of Lot 2.

Please note that a copy of the Planning Officer's Report, which explains further the reasons given above, can be forwarded to you on request and is also available at the Council office to view.

A handwritten signature in black ink, consisting of a stylized 'J' or 'K' shape with a horizontal line extending to the right.

Dated at Westport this 18th day of October 2010