APPROVAL OF RESOURCE CONSENT TO ESTABLISH A LINKS GOLF COURSE, VISITOR ACCOMMODATION AND ASSOCIATED EARTHWORKS AND TO ESTABLISH A RIGHT OF WAY UNDER SECTION 348 OF THE LGA 1974 AT 765 MUHUNOA WEST ROAD, ŌHAU

RM number:	LUC/501/2020/229
Date:	5 October 2021
Site Address:	765 Muhunoa West Road, Ōhau (and part of Esplanade Reserve 770 Muhunoa West Road) – Lots 1 & 2 DP 51446 and part of Lot 4 DP 44581 Blks I III Waitohu SD
Applicant:	Grenadier Limited
Agent:	Land Matters Limited Attn: Tom Bland
Address for service:	By email: tom@landmatters.nz

Council granted consent for the following reasons:

- Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons.
- All parties Council considers may be adversely affected by the proposal has given written approval to the application.
- Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
- A Council Development Engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the imposition of conditions.
- Conditions imposed on the consent under section 108 of the Resource Management Act 1991 will control, mitigate and remedy any environmental effects caused by the proposal.
- The proposal is in accordance with the relevant objectives and policies of the District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision.

1. PROPOSAL

The Applicant, Grenadier Limited, has applied for a land use consent to establish a links golf course at 765 Muhunoa West Road, Ōhau. Tom Bland (the agent) of Land Matters Limited, along with his colleague Bryce Holmes who has provided supporting information in parts, has prepared the application on behalf of the Applicant, including an Assessment of Environmental Effects ("AEE") and provided a detailed description of the proposal, In summary, the Applicant proposes the following;

<u>Recreational Activity – Proposed Golf Course</u>

- To establish an eighteen-hole links golf course plus a driving range over the majority of the site. The design of the golf course includes all existing aspects and features of the land, from straight forward golf holes at the centre of the property, to river views and dune land holes that play along the coast. The golf course is intended to be accessible to the public and will be a stay-and-play golf club.

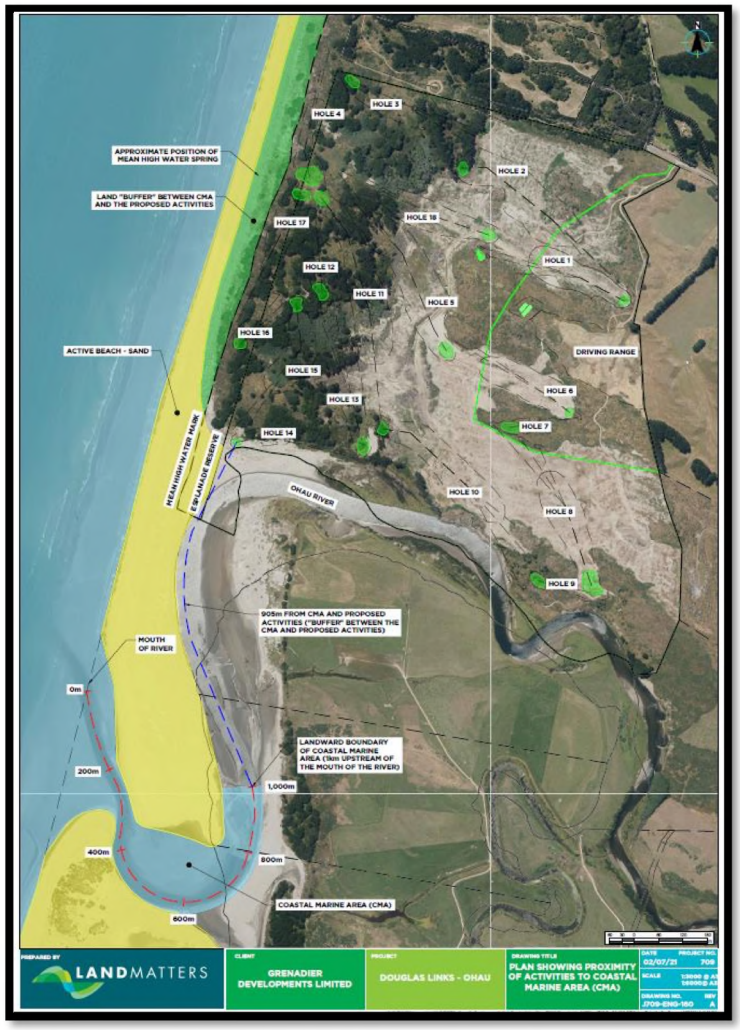


Fig 1: Site Plan showing proximity of activities to Coast Marine Area (CMA).

Proposed visitor accommodation[1] – Club house and accommodation units

- To construct a club house at the centre of the site on an established inland dune, with ten, two-bedroom, single storey accommodation units skirting around the western face of the dune south-east of the club house. The design intent (subject to final design) is for a timber clad structure with full length windows oriented towards the west and south-west over the golf course, river and towards Kāpiti Island.

Proposed residential dwelling unit and garage sleep out – Owner's residence

- To construct a four-bedroom residential dwelling unit for the owner which will be located to the south-west of the site entrance from Muhunoa West Road and will overlook the second and third holes.
- The dwelling will be mono-pitched, single storey and be self-contained. This residential dwelling unit will be accessed via a separate access track from the main internal road network within the golf course.
- It is also proposed to construct a garage and sleep-out[2] south-east of the dwelling which will be separated by a deck with the proposed dwelling.

Proposed accessory buildings[3] – Maintenance sheds, horse stables, driving range shed

- To construct two maintenance sheds (540m^2 and 360m^2 in floor area) are proposed to be located in the south east portion of the site immediately south of the proposed driving range.
- To construct 18 metres by 12 metres horse stables, located between the maintenance sheds and the owner's residence.
- To establish a driving range building at the head of the driving range, south-east of the clubhouse and parking area. Nominally, this building will be 18 metres by 7.7 metres with three bays for driving, a training room, store and toilets.

---

[1] Visitor Accommodation means the use of land or premises for short-term living accommodation; and which may include some ancillary services and facilities such as dining hall, restaurant, conference and meeting rooms, and recreational facilities for the use of guests and visitors.
[2] Sleepout means a habitable room(s) separate from the primary dwelling which does not contain a kitchen and a bathroom.
[3] Accessory Building means any detached building which is accessory to the principal activity on the site; and includes a garage housing vehicles used in association with a residential activity, a garden or implement shed, studio, or sleepout, but excludes a family flat.

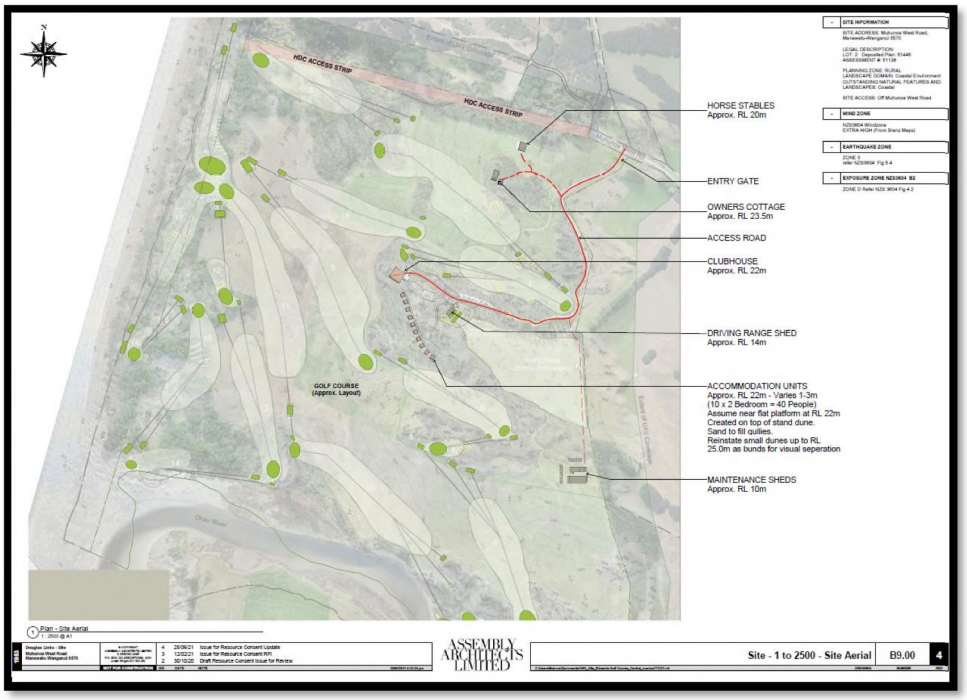


Fig 2: Updated site plan showing location of building structures on the site

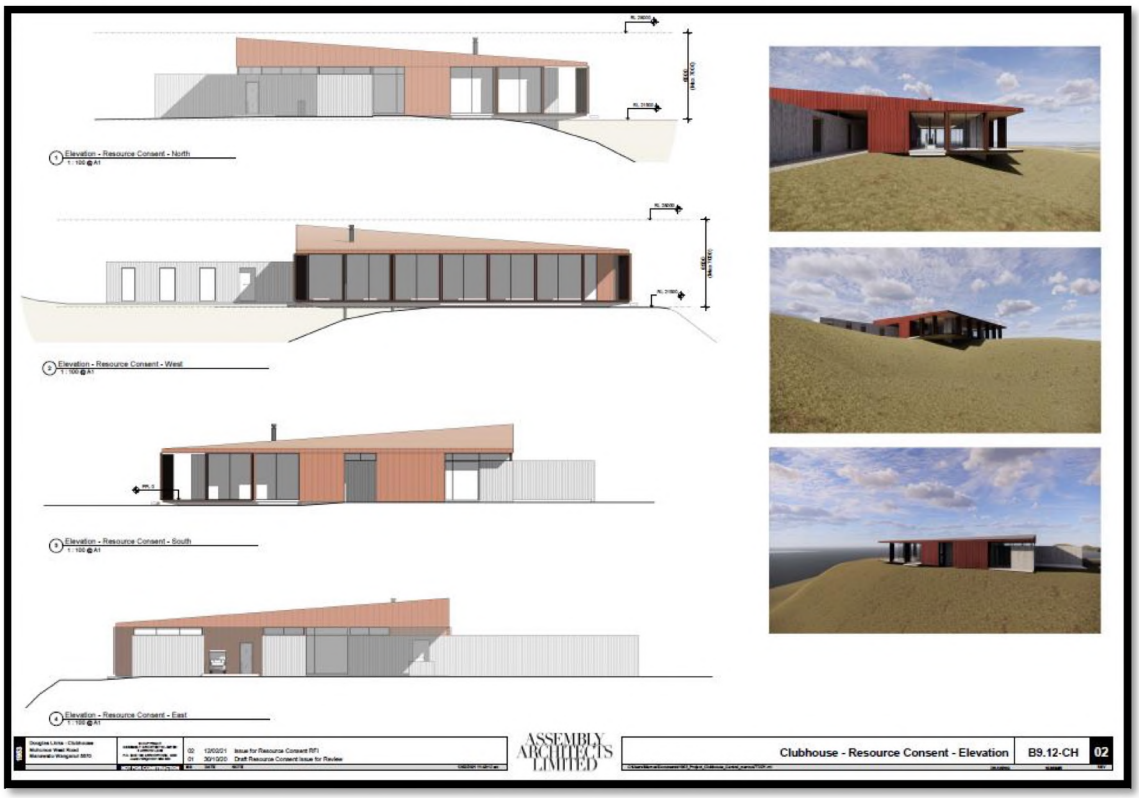


Fig 3: Artist impression of proposed clubhouse

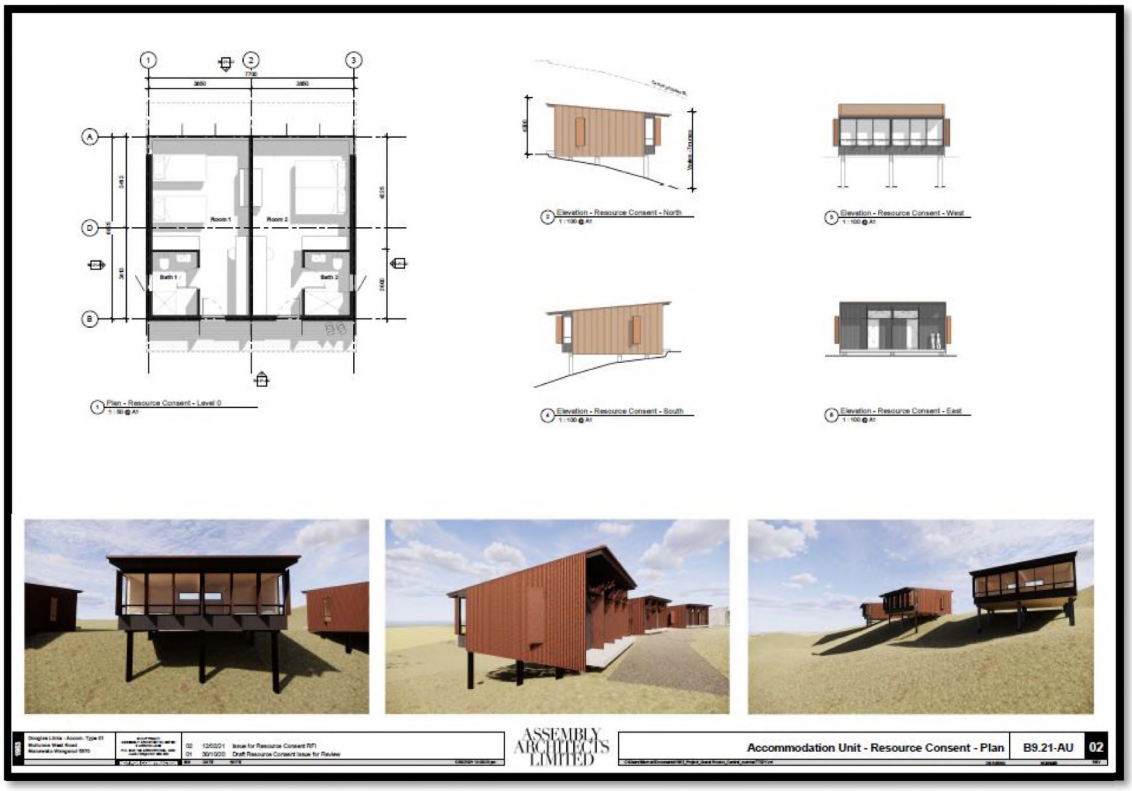


Fig 4: Artist impression of accommodation units

Proposed access and parking – from Muhunoa West Road and within the application site

- To establish access to the site via the existing farm track directly from Muhunoa West Road. An additional vehicle crossing for service vehicles will give direct access to the maintenance sheds and parking area. It is proposed to upgrade the existing vehicle crossing into the property to provide a hard surface with gated entrance into the golf course.
- Internal access within the property will follow the existing track route around the eastern edge of the property before veering west onto the stable dune to provide access to the clubhouse, car parking, driving range and accommodation units. These internal accesses are proposed to be formed to minimum HDC standards for private rights of way.
- Onsite parking will be provided at the entrance to the site (adjacent to the maintenance sheds) for maintenance vehicles and within the site adjacent to the clubhouse for golfers and visitors. The car park adjacent to the clubhouse will have space for at least 40 parks.

Proposed earthworks and vegetation clearance

- Earthworks are required to construct the accesses and carparks.
- Also, the dune that the clubhouse and accommodation units are located will be shaped to provide a flat building platform.
- Some earthworks will be required to shape the fairways and greens, however, the application notes that the design of the golf course largely follows the existing shape of

the landscape. The applicant has provided earthwork plans in Appendix A of the application.

- Approximately 150m^3 of earthworks (almost entirely cut), is proposed within the Flood Hazard Overlay Area under the District Plan. This covers an area of approximately 94m^2
- Earthworks are proposed on dunes (within the Coastal Environment Landscape Domain defined under the District Plan) that will exceed 3.5m in vertical cut and will exceed the horizontal length of 50m. Also, it is proposed earthworks will be undertaken on some dunes greater than 10 metres from toe to summit.
- The application notes that the final plans for the golf course layout, engineering design and earthworks management will be subject to detailed design work.

In summary, the proposed plans show there will be a reduction in height of one of the main inland stable dunes in the centre of the site to create the building platform for the clubhouse, parking area, access road, practice green and pedestrian access to the accommodation units around the edge from the top of the dune down to a height of approximately 21 metres above datum. The removed sand will be used to fill some depressions around the edge of the dune to achieve the flat building pad for the activities on the dune. Some sand fill will also be required for the building area of the driving range building at the base on this dune. These have been detailed in the Land Matters Limited drawings referenced J709-ENG-150 to 154 provided as part of the response to the request for further information.

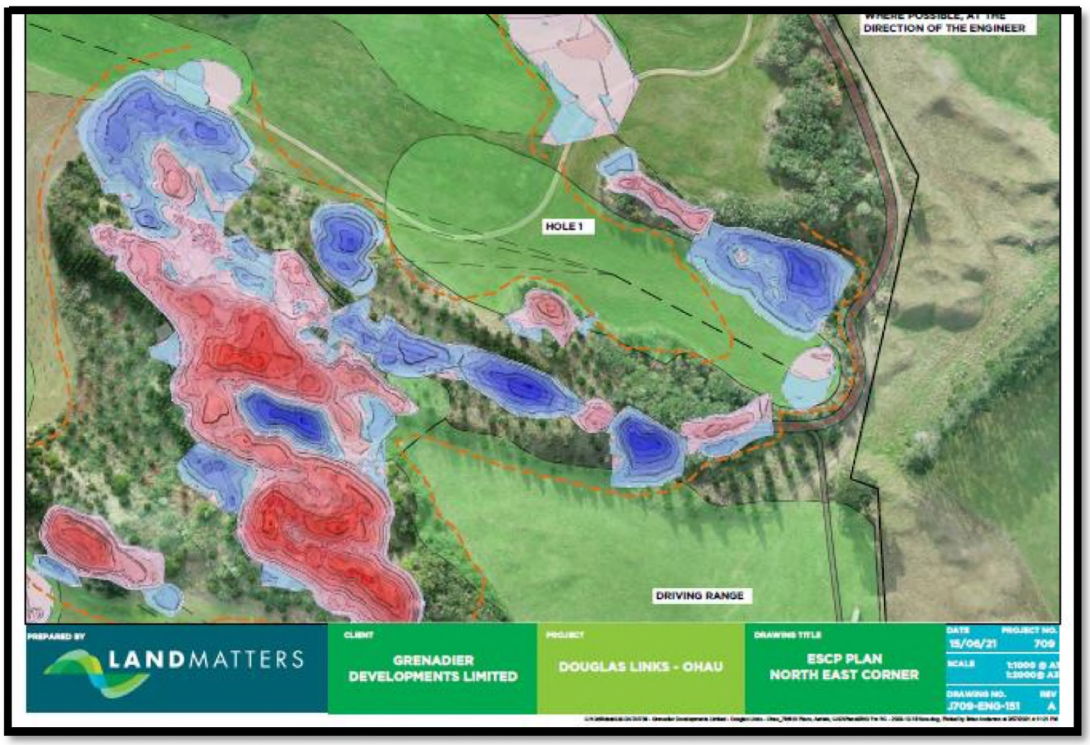


Fig 4: Proposed Earthworks to establish building platforms at the centre of the site

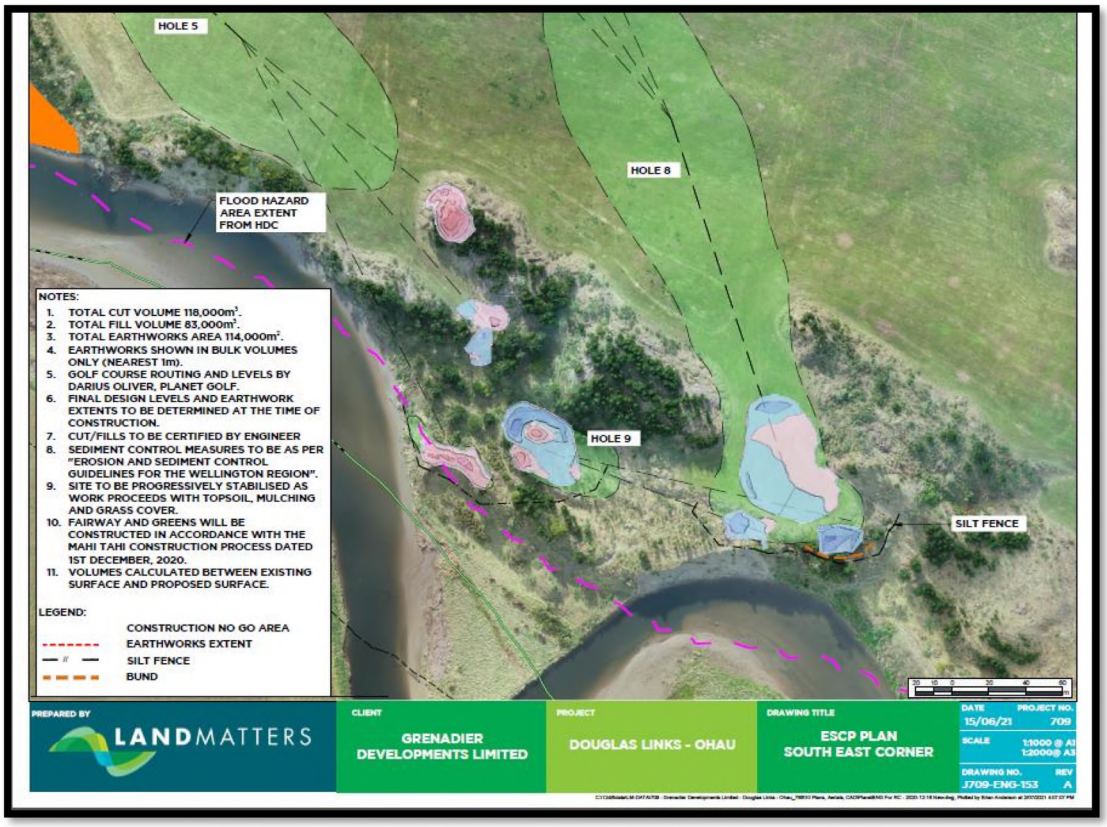


Fig 5: Proposed earthworks within the Flood Hazard Overlay Area

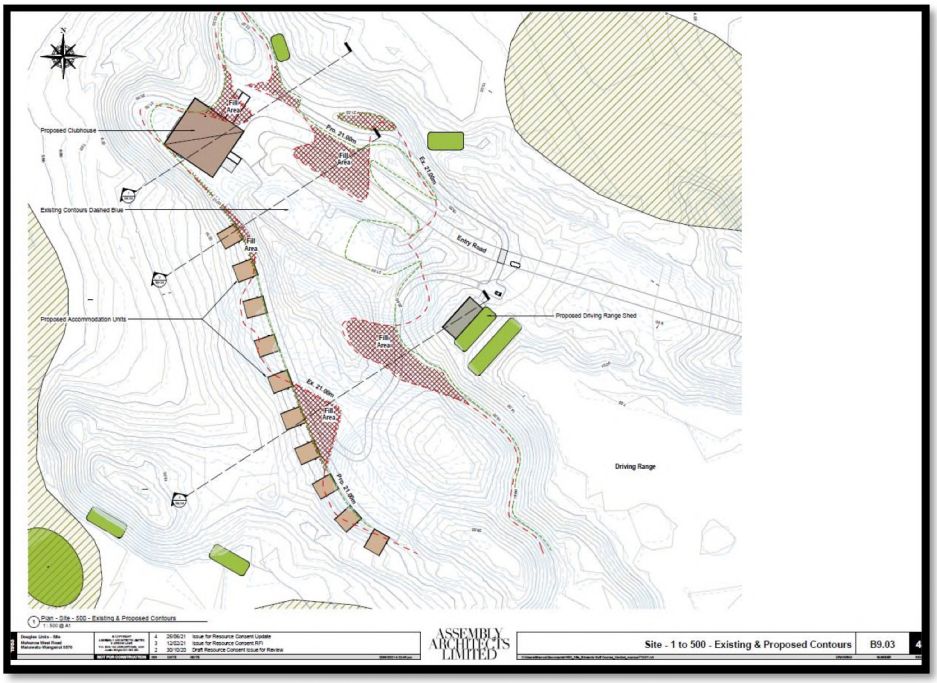


Fig 6: Building platform contours

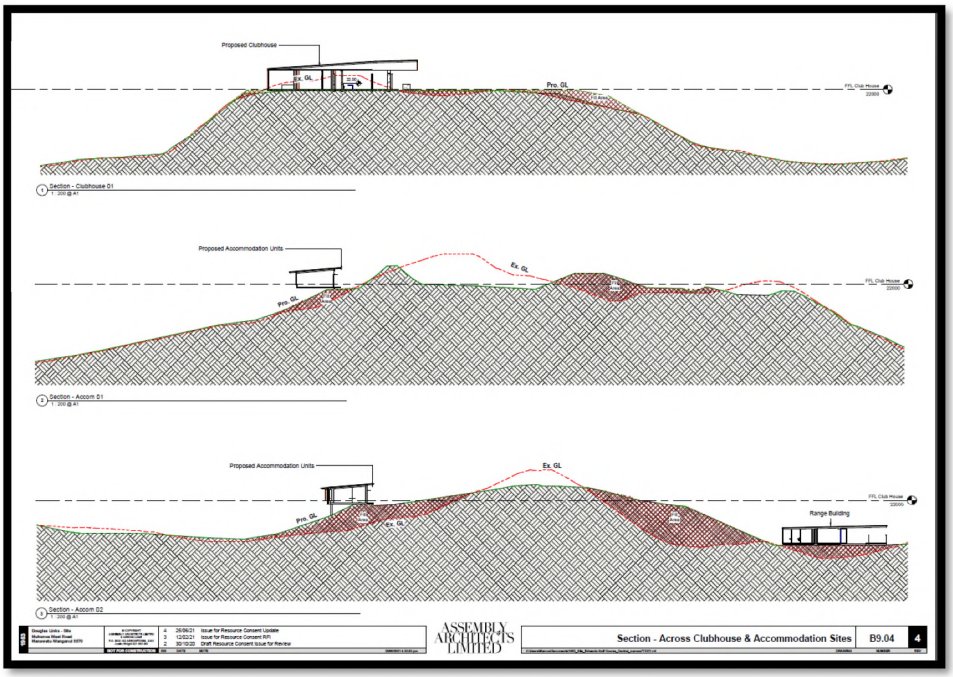


Fig 7: Cross section of proposed cut and fill to establish building platforms

Regional Council related activities

- The application proposes to undertake approximately 114,000m^2 of land disturbance; approximately 118,000m^3 of cut and 83,000m^3 of fill, within the application site. The applicant has sought consents from the Regional Council to address the environmental effects relating land disturbance and vegetation clearance.
- In addition, resource consents are required from the Regional Council (under the One Plan) to discharge onsite wastewater to land.
- The applicant has sought a water permit to take water to irrigate the golf course during the drier months.

Activities in the Public Open Space (Esplanade Reserve) and Public Access

- The strip of land between the subject property in private ownership and the coast is public esplanade reserve, under the control of Horowhenua District Council (HDC). The proposal involves the placement of some golf course holes within this area, and associated earthworks as shown on drawing No. J709-ENG-150 entitled ESCP PLAN NORTH WEST CORNER.

- The following parts of the golf course will be partly or wholly located within the public reserve land;
    - The tee, majority of fairway and part of the green of the 4th hole;
    - Part of the fairway and green of the 16th hole;
    - The tee, majority of the fairway and part of the green of the 17th hole;

Mr. Bland has advised that a volume cut of 2,325m^2 and a volume fill of 3,420m^2 over a total area of 6,575m^2 within this reserve is proposed. The application notes that no earthworks will be carried out as part of this development until resource consent is granted from the Regional Council.

- The applicant is presently exploring options for improved public access to the coast from the end of Muhunoa West Road as part of the development of the property. There is currently a partially unformed reserve through the property to the north of the application site securing public pedestrian access to the coast from Muhunoa West Road. However, given the topography of the land covered by the reserve, physically forming a walkway in this area would be highly problematic. As part of the development proposal for the golf course, the applicant is investigating ways in which public access opportunities could be facilitated by the proposal as a means of providing public benefit in this regard.
- For completeness, it is noted that the application identifies that issues pertaining to the tenure of the occupation of this land will be addressed separately to this resource consent application. It is recorded that Council has advised the preference to address the RMA process first before the necessary dealings under the Reserves Act[4]. Notwithstanding, Councils Parks and Property Team have expressed support for this approach, subject to the acceptance of the assessment of environmental effects.
- It is proposed that the golf course will be developed and managed in accordance with a comprehensive masterplan and revegetation strategy that will see large parts of the property restored to native vegetation cover and the removal of a number of weed and pest species. The proposed management plan is part of the resource consent application lodged with the Regional Council.

<u>Proposed right of way under Section 348 of the Local Government Act 1974</u>

- Following further discussions around the proposed public access from Muhunoa West Road to the beach, an application under section 348 of the Local Government Act 1991 was sought as part of this application on 23 September 2021.
- The right of way will provide access from Muhunoa West Road to the west of the coast, in part over 765 Muhunoa West Road, as shown in figure 8. The formation of this right of way will be confirmed via ongoing consultation with Council.
- It is anticipated that this right of way easement will be registered on the title prior to the opening of the golf course.

[4] Under the provisions of the Reserve Act 1977 Clause 61 - Sub-clause 2A allows the administering body to 'lease all or any part of the reserve', and 2B allows 'a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise'.

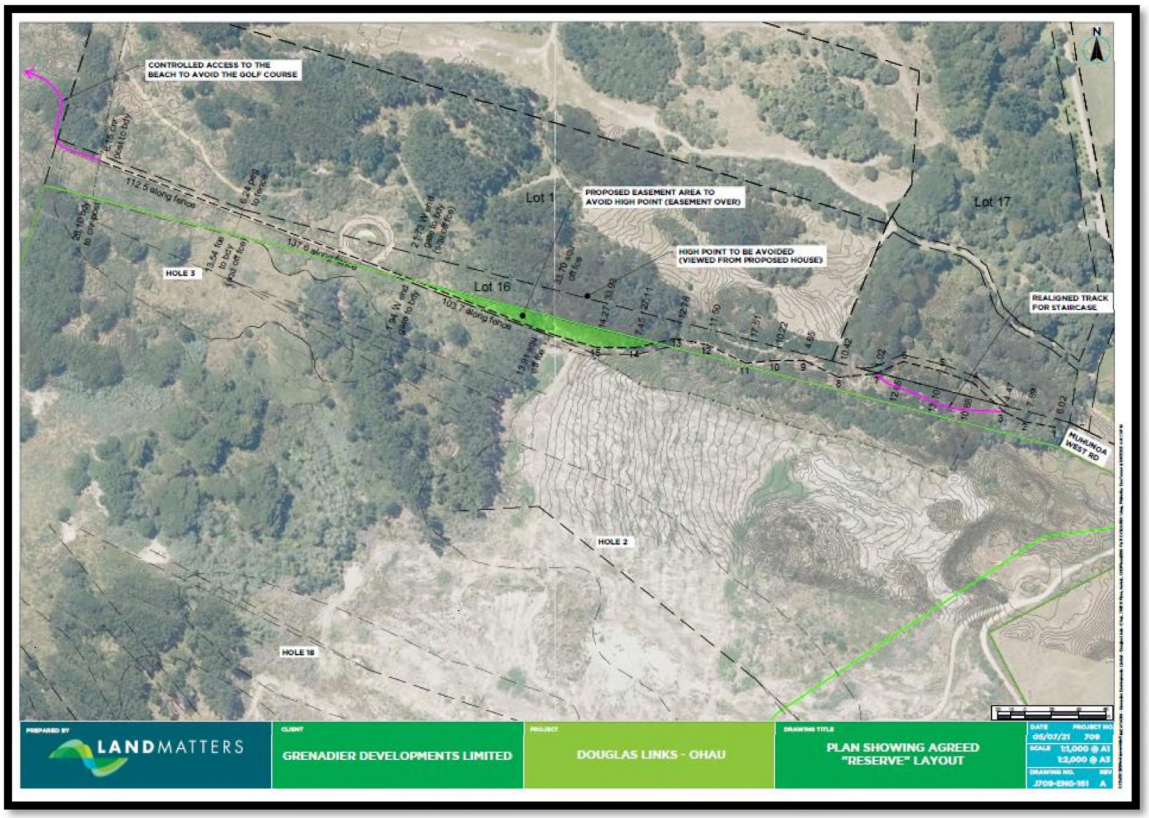


Fig 8: Scheme plan showing agreed public access

The application documentation includes an assessment of effects on the environment (AEE) within Volume One, supported by the following technical reports found in Volume Two and plans/drawings found in Volume Three;

- Indigenous Vegetation Site Visit Report – Horizons Regional Council (Appendix 2)
- Typical Examples of Links Golf Courses – Douglas Links (Appendix 3)
- Proposed Golf Course Construction Process – Mahi Tahi Golf Projects (Appendix 4)
- Engineering Services Report – Land Matters Limited (Appendix 5)
- Cultural Values Assessment – Mahi Tahi (Appendix 6)
- Coastal Ecology and Geomorphology Report and Ecological Survey Report – Eco Nomos Limited and Boffa Miskell Limited (Appendix 7)
- Landscape and Visual Impact Assessment – Frank Boffa (Appendix 8)
- Integrated Transport Assessment – Tim Kelly Transportation Planning Limited (Appendix 9)
- Archaeology Assessment – Heritage Solutions (Appendix 10)
- Pump Test Report and Assessment – Bay Geological Services (Appendix 11)
- Water Feasibility Study – Lattey Group (Appendix 12)
- Existing Resource Consents (Appendix 13)

- Construction Management Plan and Erosion and Sediment Control Plan – Land Matters Limited (Appendix 14)
- Written Approvals (Appendix 15).

Following a review of the application, request for further information was sought on 3 February 2021. This included clarification sought for the following matters: building heights and boundary setbacks; proposed earthworks within the flood hazard overlay area; proposed activities within the public open space; confirmation of proposed activities in relation to the Marine and Coastal Area, and whether or not consent or consultation was sought or required under the Marine and Coastal Area (Takatai Moana) Act 2011; confirmation of consultation with Waka Kotahi New Zealand Transport Agency (WKNZTA) in relation to intersection with SH1 at Ōhau; and, a construction management plan detailing construction effects.

A response was provided by the Agent on 6 July 2021. It should be noted that as part of the Applicants response to the further information request, and in conjunction with the applicant's resubmission of their application to Horizon's Regional Council, the original assessment of environmental effects and supporting information was updated and hand delivered to Council on 9 July 2021. As a result, the description of this proposal is described in detail in Section 4 of the updated application and should be read in conjunction with this report.

2. SITE DESCRIPTION



Fig 9: Aerial view of application site

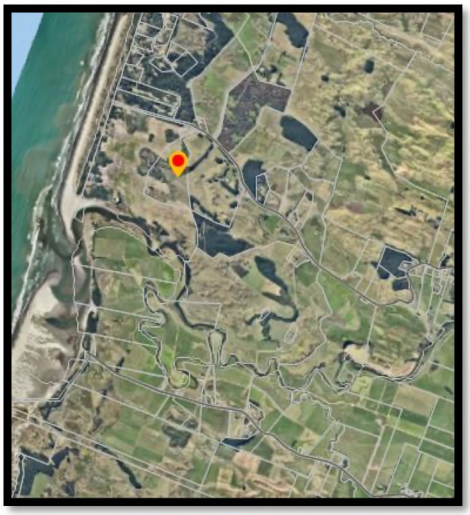


Fig 10: Aerial view of surrounding environment

The applicant's AEE also includes a comprehensive description of the site and its immediate surroundings in Section 3 of the application. Following a site visit, I consider that this description is accurate, and it should be read in conjunction with this report.

In summary, the subject site encompasses three parcels of land, legally described as Lot 1 DP 51446 (held under RT WN20D/892) comprising an area of 20.8 hectares, Lot 2 DP 51556 (held

under RT WN20D/893) comprising an area of 86.4 hectares and part of Lot 4 DP 44581 (Esplanade Reserve) comprising an area of 16.14 hectares, of which the proposed activity will be limited to approximately 5 hectares of this reserve. This irregular shaped site comprises an extensive area characterised by undulating dune landforms, from the foredune area to the west with inland dunes, and the southern portion of the property abutting the Ōhau River and saltmarsh wetland.

Site Background

Part of the application site was previously a pine forest. The application states the site was previously used for plantation forestry purposes and was harvested in 2014, however, the Archaeological Assessment prepared by Mary O'Keefe records that *"the precise dates of the forestry are not known; it postdates 1983 as historic aerials up to this time do not show plantations. Bryce Holmes advised the author that forestry was present in 2009 and was removed a few years later, about 2015. Piles of stumps and slash residue on site would support these dates"*.

In addition, Mr. Holmes provided the following background information on 27 August 2021 with regards to the esplanade reserve within the application site;

> *The Esplanade Reserve is 16.14ha in area (survey area). It was surveyed and vested in 1976 under the Counties Amendment Act 1961 (CAA 1961). It covers land from the Waiwiri Stream in the north to the Ohau River in the south. Since that time the land in front of the Esplanade Reserve (active beach and spinifex zone) has prograded westward (through the process of accretion) and the 'usable' part of the coastal margin is somewhat west of the currently surveyed Esplanade Reserve. The relatively small part of the Esplanade Reserve proposed to be occupied by the Golf Course is not currently easily accessible by the public because it has been invaded by large exotic weed species (Lupin and Gorse). It also has macrocapa trees which do not provide for the growth of indigenous vegetation or easy access by people.*
>
> *The closest public vehicular access to this coastal margin is some 5.8km to the north via Hokio Beach. At that distance, most of the people visiting the area drive along the active beach area. It is interesting to note that the CAA 1961 did not specify a particular purpose or intent for an esplanade reserve…"*

3. RELEVANT PLANNING RULES AND REGULATIONS

District Plan

The application site lies within the Rural Zone of the District Plan and is shown to be subject to the following District Plan notations:

- Open Space Zone

- Coastal Environment Landscape Domain
- Coastal Outstanding Natural Features and Landscapes
- Flood Hazard Area
- Coastal Hazard Area

The proposal requires resource consents for the following activities:

- Land use consent to construct buildings within the Coastal Environment outside of the Coastal Outstanding Natural Feature and Landscape as a **Restricted Discretionary Activity** under Rule 19.3.7(b).
- Land use consent for earthworks both within and outside the Coastal Outstanding Natural Feature and Landscape as a **Restricted Discretionary Activity** under Rule 19.3.1(a).
- Land use consent for earthworks within the Flood Hazard Overlay Area as a **Restricted Discretionary Activity** under Rule 19.3.3(a).
- Under the District Plan, a golf course is not specifically provided for within the Rural Zone. Land use consent for the proposed golf course activity is considered a **Discretionary Activity** under Rule 19.4.1(a).
- Land use consent for visitor accommodation[5] which includes a clubhouse, ten two bedroom accommodation units and driving range building as a **Discretionary Activity** under Rule 19.4.1(a) of the District Plan.

For completeness, the proposal has been assessed against the following rules and standards:

CHAPTER 19 – RURAL ZONE RULES AND STANDARDS	
PERMITTED ACTIVITY STANDARDS - RULE 19.6	
Overview of Rule	**Description of Non-Compliance**
19.6.1 Number of Residential Dwelling Units and Family Flats (a) One residential dwelling unit and one family flat per site on sites up to 40 hectares.	Complies – it is proposed to construct one residential dwelling unit for the owner to reside in. Note: the proposed visitor accommodation units do not meet the definition of residential dwelling or family flats, therefore has not been assessed under this rule. This rule is only relevant to the proposed residential dwelling occupied by the Applicant. The proposed sleep out does not contain a kitchen, therefore is defined as a sleepout.
19.6.3 Maximum Building Height	Complies

[5] Under Chapter 26 of the Operative District Plan, ***Visitor Accommodation*** *means the use of land or premises for short-term living accommodation; and which may include some ancillary services and facilities such as dining hall, restaurant, conference and meeting rooms, and recreational facilities for the use of guests and visitors.*

(a) No part of any building intended for residential activities shall exceed a height of 10 metres. (b) No part of any other building shall exceed a height of 15 metres.	The owner's residence, horse stables, maintenance sheds, clubhouse and the accommodation units will not exceed 10m in height.
19.6.5 Building Setbacks from Boundaries and Separation Distances (a)(i) – (v) (a) All buildings shall comply with the following setbacks: (i) 10 metres from any District road boundary; (ii) 15 metres from any State Highway boundary; (iii) 10 metres from any other site boundary; (iv) 15 metres from any bank or stream edge; (v) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.	Complies The owners residence, accommodation units, clubhouse, maintenance sheds and stables will be able to meet all of the required boundary setback requirements.
19.6.5 (b) (i) – (vi) All residential dwelling units, family flats and sensitive activities shall comply with the following additional setbacks and separation distances; (i) 300 metres from any building containing an existing intensive farming activity on any other site; (ii) 150 metres from any piggery effluent storage and treatment facilities or human effluent storage and treatment facilities (excluding domestic wastewater systems) on any other site; (iii) 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site.	Complies All visitor accommodation, garage/sleepout and residential dwelling unit will be able to comply with additional setbacks and separation distances outlined under Rule 19.6.5(b).

(iv) 30 metres from the edge of an existing plantation forest under separate ownership. (v) 200 metres from existing aggregate extraction activities on the Ohau River (area shown on the Planning Maps). (vi) On a site of 5,000m2 or less that adjoins a site of 20,000m2 or more, 10 metres from the boundary between the 5,000m2 site and the 20,000m2 site.	
19.6.12 Flood Hazard Overlay Area (a) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway) earthworks shall not exceed 20m^3 per site within any 12 month period. Except, the earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.	**Does Not Comply** It is proposed to undertake approximately 150m^3 of earthworks over an area of approximately 94m^2 within the Flood Hazard Overlay Area. Therefore, resource consent has been sought under Rule 19.3.3(a).
(b) Within a Flood Hazard Overlay Area (excluding the Moutoa Floodway), the erection, placement, alteration of or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m^2 per site.	Complies The proposal will not include any buildings or structures within the Flood Hazard Overlay Area.
19.6.13 Earthworks-Specific Landscape Domains (a) Earthworks, other than cut for a building platform, on land that is not an Outstanding Natural Landscape	**Does Not Comply** • The proposed earthworks will exceed 3.5m in vertical cut and will exceed the horizontal length of 50m. • It is proposed to earthwork some dunes to exceed 10 metres from toe to summit.

and Feature, shall not exceed the following: (i) Coastal Environment and Coastal Lakes Landscape Domains □ 2.5 metres (cut or fill) measured vertically □ Where earthworks exceed 2.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length. □ Where earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit.	Therefore, resource consent is needed under Rule 19.3.1(a).
19.6.14 Sites of Significance to Tangata Whenua (a) No activity or development shall modify, demolish or remove any site of significance to Maori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.	Complies • No identified sites of significance will be modified, demolished or removed. • The District Plan does not identify the application site as being a site of significance to Tangata Whenua.
19.6.17 Wastes Disposal (a)(i) – (iii)	Can Comply
19.6.18 Water Supply (a)	Can Comply
19.6.19 Surface water Disposal (a)	Can Comply
19.6.21 Vehicle Access (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.	Complies It is proposed to retain and upgrade the existing vehicle access in accordance with Chapter 21 of the District Plan.

19.6.22 Vehicle Parking, Manoeuvring, and Loading (a) All activities shall provide onsite vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.	Complies The proposal is able to provide onsite parking, manoeuvring areas and loading facilities in accordance with the permitted activity conditions in Chapter 21.
RESTRICTED DISCRETIONARY ACTIVITY STANDARDS – RULE 19.3	
19.3.7(b) Buildings within those parts of the Coastal Environment and Coastal Lakes Landscape Domains that are not Outstanding Natural Features and Landscapes	Complies The proposed buildings will be located outside of the Coastal Outstanding Natural Features and Landscape, with the proposed garage/sleepout and owner's residence exempt from this rule as the buildings will not exceed 5m height.
DISCRETIONARY ACTIVITY STANDARDS – RULE 19.4	
19.4.5(a) Buildings and Network Utilities - Outstanding Natural Feature and Landscape	Not applicable The proposed buildings will be located outside of the Coastal Outstanding Natural Features and Landscape. As a result, this Discretionary Activity Rule does not apply.
NON-COMPLYING ACTIVITY STANDARDS – RULE 19.5	
19.5.3(a) Any building or network utility with a height of more than 7 metres, or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps, except for earthworks on land that is within the Coastal Outstanding Natural Feature and Landscape that are Permitted, Restricted Discretionary, or Discretionary activities.	Not applicable The proposed earthworks within the Coastal ONFL area a restricted discretionary activity in accordance with Rule 19.3.1(a). As such, this Non-Complying Activity Rule does not apply.
CHAPTER 20 - OPEN SPACE RULES AND STANDARDS	
PERMITTED ACTIVITY STANDARDS – RULE 20.6	
20.6.1 Maximum Height	Complies

(a) No part of any building shall exceed a height of 8.5 metres (b) All poles, support structures and fixtures associated with artificial lighting shall not exceed a height of 13.5 metres.	No buildings, poles, support structures and fixtures are proposed within the Esplanade Reserve
20.6.2 Fence Height (a) The maximum height of a fence on a boundary shall not exceed 2 metres.	Complies No fence over 2m will be erected within the Esplanade Reserve
20.6.3 Daylight Setback Envelope (a) No part of any building shall encroach outside an envelope created, in relation to a Residential or Rural Zone boundary, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.	Complies No buildings, poles, support structures and fixtures are proposed within the Esplanade Reserve
20.6.4 Building and Structure Setbacks (a) All buildings and structures shall be setback 4.5 metres from the Residential Zone and Rural Zone boundary. (b) All buildings and structures greater than 10m² shall be setback 4 metres from the front (road) boundary.	Complies No buildings and structures are proposed within the Esplanade Reserve
20.6.5 Maximum Building Coverage (a) The proportion of any site covered by buildings shall not exceed 5%.	Complies No buildings are proposed within the Esplanade Reserve
20.6.6 Light Spill (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any	Not applicable • The application site is not adjacent to the Residential Zone.

site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.	
20.6.21 Sites of significance to Tangata Whenua (a) No activity or development shall modify, demolish or remove any site of significance to Māori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.	Complies • No identified sites of significance will be modified, demolished or removed. • The District Plan does not identify the application site as being a site of significance to Tangata Whenua.

It is considered that the above activities are inextricably linked and therefore consider that they should be bundled and processed together on a discretionary activity basis. On this occasion, all activities associated with the application will be processed as a Discretionary Activity.

> *19.4.1 General*
> *(a) Any activity that is not a permitted, controlled, restricted discretionary, or non-complying activity is a discretionary activity.*

District Plan Change
No District Plan changes are relevant to this application.

National Environmental Standards
An assessment against the National Environmental Standards for Freshwater is not required as part of this application. As assessed in Section 5.1 (pages 18 & 19) of the application, the proximity of the proposed vegetation clearance and earthworks will be clear from the saltmarsh and any works within the identified raupō wetland[6] will not result in the complete or partial drainage of the natural wetland.

No other NES is considered relevant to this proposal.

---

[6] *The wetland on site is 0.03ha and so is excluded in the factors listed in Schedule F.2a, which states threatened wetland habitat must be at least 0.05ha in size to be considered significant. However, we also note that under the new NPS-FM the wetland will classify as a natural wetland, but again there is no clear direction as to a minimum size that should be considered. It is noted that the NPS-FM directs Councils to consider 0.05 ha wetlands, or smaller if appropriate. We do not consider a raupō-isolepis wetland as a typically small wetland type (less than 0.05ha) and consider a wetland of this type should be at least 0.05 ha to be functional and representative.* BML Ohau proposed golf course Ecological Assessment, pg 36

Other Consents relating to the proposal

The following consents and approvals are required outside of this consent application process:

Horizons Regional Council

As previously discussed under the proposal section of this report, the application notes that resource consents have been sought from Horizons Regional Council. The environmental effects associated with these aspects of the proposal will be assessed by the Regional Council. It is considered appropriate to processed these separately, given irrigation of the golf course is not considered to overlap with the effects relating to the buildings being developed. The applicant has noted that water tanks will be installed to collect water from the buildings which does not require a water take consent.

Effects relating to the potential discharge of contaminants to land or water will be assessed against the One Plan. In addition, vegetation and Schedule F habitat will also be assessed by the Regional Council to ensure it meets the One Plan requirements.

In terms of waste water servicing on the site, the application states that a discharge permit will be sought from the regional council. This resource consent will also be needed prior to building consent stage.

Archaeological Authority

The agent has indicated that the applicant is likely to submit an application under the Heritage NZ Pouhere Taonga Act 2014 for the works around the identified sites recorded in the intact coastal dunes in the south-west corner of the proposed area of work and to manage any accidental discoveries during the proposed earthworks. An advice note will be included for informational purposes if consent is granted.

Reserves Act 1977

Due to the design of the proposed golf course going beyond the application site into the Esplanade Reserve, it is understood that a separate process under the Reserves Act 1977 will be followed to facilitate the tenure of the occupation of this land.

4. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four-step process that must be followed and triggers or precludes notification of applications in certain circumstances. The sections below follow the four-step process for public notification (under section 95A) and limited notification (under section 95E).

4.1 PERMITTED BASELINE

Sections 95D(b) and 95E(2)(a) of the Act provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a Council may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect.

As the proposed golf course and ancillary activities are not specifically provided for in the District Plan, the permitted baseline is not considered relevant.

4.2– PUBLIC NOTIFICATION STEPS UNDER SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the four-step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances:

Has the applicant requested public notification?	No
Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4):

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? ▪ A controlled activity ▪ A restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

If public notification precluded under step 2, public notification may be required in certain circumstances:

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Considerations pursuant to Section 95D:

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

The consultant has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. This can be found on pages 43-66 of the AEE in addition to an email received on 27 August 2021 in relation to the Esplanade Reserve.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. The consultant has accurately identified all adjacent land for the purposes of a s95A assessment on pages 163 - 164 of the AEE. I concur with this assessment. I have therefore disregarded the effects on the persons who own or occupy properties at **617 Muhunoa West Road (Lot 6 DP 48282), Ōhau, 723 Muhunoa West Road (Lot 7 DP 48282), Ōhau; and 770 Ōhau Sands, Muhunoa West Road, Ōhau (Lots 1, 4, 5 and 17 DP 474223)** in making an assessment under s95D:

For ease of comparison, I have structured my effects assessment using a similar format to the applicant. This should allow for simple cross referencing to indicate where my views are different from that expressed in the application, or where I wish to elaborate on certain matters. It should also allow for a degree of economy where I agree with the applicant's assessment.

In adopting generally the same format as the application (with additional scope added), the specific effect categories are discussed below are:

- Site suitability and effects on Esplanade Reserve
- Landscape and coastal environmental effects
- Ecological effects
- Cultural and archaeological effects
- Rural character and amenity effects
- Infrastructure effects
- Potential visual effects
- Construction effects
- Environment enhancement effects

Site Suitability and Effects on the Esplanade Reserve

In considering the suitability of the site to accommodate the proposal, the applicant has provided the following statement;

> *The coastal nature, dune topography and size and shape of the existing cadastral boundaries of the property lend well to the development of a links golf course with minimal change required to the existing landform and the integration of a number of topographical features on the property into the design of the course…*
>
> *…As such, it is considered that the application site is suitable for the development of a link golf course with associated earthworks, building and ancillary activities as proposed by this application on the basis that the proposal will provide benefits in terms of native revegetation, better understanding of the cultural value of identified sites within the property, employment and economic opportunities for the local and wider community and enhance public access to the Horowhenua coast.*

It is noted that a significant design feature of this links golf course is the location of three holes within the Esplanade Reserve that adjoins the application site to the west. In acknowledging the purpose of an Esplanade Reserve set out under s229 of the Resource Management Act, clarification was sought on 24th August 2021 from the applicant to establish the proposals effects in this respect. On 27th August 2021, the applicant, provided a detailed assessment of effects on the Esplanade Reserve & s229 of the Act 1991 which I have adopted in full below;

> *As detailed in the attached Boffa Miskell Ecological Assessment, it is considered the proposal will achieve more than one and all of the identified purpose(s) of esplanade reserves as set out in Section 229 of the RMA.*
>
> *S.229 sets out that esplanade reserves have one (or more) of the following purposes:*
>
> - *Contribute to the protection of conservation values;*
> - *Enable public access to or along any sea, river, or lake; or*
> - *Enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*
>
> *Specifically:*
>
> 1. *The potential direct and indirect adverse ecological effects associated with the proposal have been considered in the Ecological Assessment, including:*
>   - *Clearance or disturbance of indigenous vegetation;*
>   - *Loss of Threatened or At Risk species;*
>   - *Increases in edge effects on indigenous habitats;*

- *Dune erosion;*
- *Habitat fragmentation;*
- *Disturbance to wildlife;*
- *Construction phase earthworks and sedimentation of waterways;*
- *Golf course management – mowing, fertiliser, watering, weed sprays, golfers.*

2. *The Ecological Assessment concludes that:*
   - *The change to the duneland on site will not threaten or otherwise sufficiently diminish those habitats such that they are not self-sustaining or reduced in their functions or as habitat for their supported fauna.*
   - *The salt marsh will not be impacted by the golf course, and an additional edge buffer is proposed through enrichment planting.*
   - *The Schedule F area of kanuka will be avoided.*
   - *The current course design avoids the small raupō wetland discovered, and no earthworks downslope of this are proposed.*
   - *Through design responses the project has now avoided direct adverse effects to the freshwater wetland, the salt marsh and the kanuka treeland. These are the most sensitive and valuable habitats. The great majority and certainly the best foredune is avoided.*
   - *The draft ecological restoration plan developed by the project landscape architect and Dr Boffa, when implemented, will result in a net indigenous habitat, biodiversity and functional gain.*
   - *Over the site and project as a whole, the level and nature of revegetation and pest control will result in a net benefit to the local indigenous habitat and fauna.*
   - *The ecological benefits alluded to will occur, provided the areas to be avoided are indeed avoided and the potential adverse indirect effects managed as suggested.*

3. *Public access and public recreational use will be enhanced through the completion of the project through facilitation of an improved public pedestrian access to the beach from Muhunoa Road West and through the enhancement of recreational use over the property. The agreement reached with the Council includes an easement over the application land to provide for pedestrians to access the Esplanade Reserve, the beach and the Coastal Marine Area (CMA) beyond without people having to drive from Hokio Beach.*

To ensure the public is able to access the esplanade reserve, the applicant has applied for a right of way easement under section 348 LGA to be registered to the title. This will see the public pedestrian access from Muhunoa West Road to the beach formed by the applicant to a

suitable standard, where it currently is inaccessible due to the existing vegetation and topography, in consultation with Council.

Effects on the Coastal Outstanding Natural Landscape and Features (ONFL)
In considering the proposals effect on the coastal outstanding landscaping features, I have turned to the purpose of this land being identified as such under Chapter 3 of the District Plan. The provisions of the plan seek to ensure the protection of Outstanding Natural Features and Landscapes whilst enabling high quality development within domains with high landscape amenity. The provisions recognise that there is potential for rehabilitation of landscapes and improvements to biodiversity, which may include offsetting, as part of any proposal or as part of mitigation of effects. Similarly, the characters of the landscapes vary in terms of their ability to absorb change without adverse effects.

The applicant engaged Dr Frank Boffa (Natural Character) and Jim Dahm (Coastal Geomorphology and Ecology) to assess the effects of the proposal on the landscape and coastal environment.

Mr Boffa's report focuses on the landscape, natural character and visual effects of the proposal. As acknowledged in the report by Mr. Boffa, where matters have been considered in the context of the proposed golf course, it is recognised that the coastal edge including the foredunes and adjacent stable dunelands have been identified in the District Plan as an Outstanding Natural Feature Landscape (ONFL). The coastal dunes have also been identified as having a high amenity value. The District Plan also recognises the vulnerability of the coastal dunes, their characteristic topography, their visibility and visual qualities and their susceptibility to change. While the planning provisions seek to identify and protect areas of high value, they also actively seek to promote rehabilitation, restoration enhancement and sensitive management of landscapes, natural character and biodiversity within the Coastal Environment.

It has also been identified that holes 4, 12, part of 13, 15 and in part 3 and 11 will be located within the high natural character area and the Coastal ONFL area which includes stable dunes and the active foredune.

As identified by Mr Dahm, the proposed course does not affect the sensitive frontal dune area in which most serious wind erosion issues develop. In terms of coastal erosion, he observes that the shoreline is moving seaward with an estimated advance by at least 0.5-1m per year. Accordingly, he suggests that coastal erosion does not pose any significant risk to the proposed development. When considering the western margin of the property that borders the Ohau River, Mr Dahm comments that the available data suggests that significant erosion during major flood events could possibly result in any part of the golf course located close to the river margin required to be moved due to erosion. In addition, Mr Dahm assesses that the areas affected by the Links course are dominated by exotic vegetation with little to no native vegetation. Patches of kanuka scrubland within the course will largely be preserved. However, the seaward edge of

the course does intrude into dune habitat with a significant native vegetation component. He has recommended that offset restoration focus on the dune habitat seaward of the course where, in his opinion, the greatest ecological gains can be obtained.

Relative to the Douglas Links site, the Coastal ONFL identified in the District Plan generally incorporates both coastal foredune and the more detailed stable secondary dunes that extend from the mean high water through and into the exotic tree plantings associated with the stable secondary dunes. As the original mapping of the ONFL was based on 1:50,000 contour mapping, the identified area generally appears to follow a line some 300-350m inland from the mean high water.

Following several site visits and a review of more recent and more detailed topographic aerial photography, a refined ONFL boundary has been prepared by Mr Boffa. As stated in the report, *"the purpose of reviewing the ONFL boundary was not to dispute the District Plan, it was simply reviewed in order to update the line based on more detailed and recent data, and an acknowledgement that landscape change within the site has occurred subsequent of what was identified in 2012.*

Figure 1 within Mr Boffa's report shows the revised boundary being a little closer to the coast, generally following the inland toe of the secondary stable dune adjacent to the cultivated pasture. Figure 2 within his report shows both the inland extent of the high natural character area as shown in the District Plan, and a refined boundary which generally follows the revised Coastal ONFL boundary. Mr. Boffa notes that the District Plan boundary was identified in 2011 and accordingly does not take into account more recent modifications that have taken place.

Mr. Boffa suggests that the reviewed assessment confirms that in line with the District Plan Assessment, there are no areas of outstanding natural character within the Douglas Links site. The District Plan also indicates there are no areas of outstanding natural character along the Horowhenua Coast. The review confirms that while there are areas of very high natural character within the Douglas Links site, there are no areas of outstanding natural character within the site. The areas identified in this assessment of having very high natural character include the active coastal foredune and the salt marsh wetland on the Ohau River. This is also assessed to be in accordance with the Horizons report prepared by Ms Daly, with the identified stable dunelands matching that of the revised Coastal ONFL area.

Being a links golf course, the layout has sought to utilise in part, the coastal dunes and more particularly the stable inland dunes. The intention is to replace the exotic trees and, as appropriate, carry out minor reshaping earthworks followed by revegetation as outline in Mr Dahm's report in conjunction with the golf course grassland management proposed. The refined and combined high natural character are and the Coastal ONFL area which includes the stable dunes and active foredune also incorporates additional golf holes (being 4,12, part of 13, 15,

and in part 3 and 11). The proposed coastal restoration and rehabilitation measures proposed by Mr Dahm will extend as appropriate into these areas.

As noted in his report, the balance, and most of the golf course area, is located inland within the area identified as not having high natural character, and inland of the Coastal ONFL. While there will be earthworks within this area of the golf course, the area will be revegetated and managed as illustrated in the Land Management Plan and, where appropriate, in accordance with the recommendations in Mr Dahm's report.

In the context of the development of the built structures and associated infrastructure, these all occur inland of the coastal dunes and identified high natural character and Coastal ONFL areas. These "built" or unnatural elements which include the clubhouse, visitor accommodation, maintenance area and roading, are all discreetly and sensitively sited and will have minimal landscape or visual effects from both within or beyond the site boundaries. The landscape change that will be apparent will be the land cover and vegetation patterns which will be of a restorative nature, given the relatively degraded landscape that currently existing throughout a large portion of the site. The changes that will occur to the landscape will essentially be a change in the appearance of "naturalness" rather than a change to a more built or "developed" landscape. While some natural elements will be different, natural patterns and natural processes, while different, will continue to be natural and will be enhanced to the extent that they will be perceived as being at the high end of the natural character scale.

To this extent, it is proposed to replace the exotic trees, and as appropriate, carry out minor reshaping of earthworks followed by revegetation as outlined in Mr Dahm's report in conjunction with the golf course grassland management proposed. They both conclude there will be minimal impact on the coastal environment, with Mr. Boffa concluding that there will be a benefit to natural character through implementation of the management plan attached to the application (RBT Design).

Ecological Effects

The applicant engaged Boffa Miskell Limited to prepare an ecological survey of the site and an ecological values assessment.

The following conclusion is extracted from the ecological values assessment;

> *There are a range of values mostly associated with the coastal environment. Most valued features and species have been avoided, at least by direct adverse effects but also through management of indirect effects. In the main this has been possible because of the differentiation in space between the majority of the proposed course and the valuable native habitats. There is some habitat loss in valued habitats, and this can be offset through the proposed revegetation program outlined by Dr Boffa and RBT Design.*

Over the site and project as a whole, the level and nature of revegetation and pest control will result in a net benefit to the local indigenous habitat and fauna.

The ecological benefits alluded to will occur, provided the areas to be avoided are indeed avoided and the potential adverse indirect effects managed as suggested.

Based on the evidence provided in these reports, I consider any ecological effects within the Coastal Environment to be less than minor.

Effects on Cultural Values

A cultural values assessment has been submitted with the application and has been prepared by Phil Tataurangi in association with Ngāti Kikopiri Maori Marae Committee Incorporated Society. This assessment states that Te Runanga o Raukawa and Muaūpoko Tribal Authority have interest in this area and the connection of members of Ngāti Kikopiri are part of those groups. The application also states that a Memorandum of Understanding is in place to ensure cultural values are addressed by the applicant.

To understand and appreciate the cultural values that have been identified, I have extracted a summary of these values from the draft that has been provided below;

Whakapapa:
Whakapapa is respected and upheld through the acknowledgement of mana whenua status of Ngāti Kikopiri has over the takiwa. This includes land at the western end of Muhunoa Road West, the sand dunes along the coastline and the adjoining Ōhau River...

Kaitiakitanga:
Kaitiakitanga is [to] be reflected in the restoration of the whenua or land with which the development will take place. Kaitiakitanga values can be expressed with acknowledging and celebrating the heritage of the site through ecological, cultural and historical significance of the Ōhau River and the Waikawa Beach Coast...

Manaakitanga:
Ngāti Kikopiri understand, from consultation with Douglas Links representatives to date, that authentic manaakitanga will be a core foundation experience for manuhiri visting the area. As mana whenua, Ngāti Kikopiri would like to work with Douglas Links to ensure all people experience manaakitanga whilst visiting or staying in their takiwa…

Tikanga Maori:
Ngāti Kikopiri understands that Douglas Links intends to incorporate tikanga into the hosting experience at the golf course and accommodation. Ngāti Kikopiri request that

full consultation, cooperation and inclusion on the execution of these concepts at the appropriate time...

Wairua:
It has been acknowledged by Ngāti Kikopiri the significance of the Ōhau River. The role this awa provides for people with the enjoyment of activity, the gathering of kai, interaction with whakapapa and the connection with the spiritual past of Ngāti Kikopiri whanau…

Mauri:
Ensuring the quality of all practices near to any natural water body or in regards to any storm and waste water treatment on the site of the development prevents any depletion of mauri. This will protect and retain a healthy environment for both the kai species and bird life in the Ōhau River but also for all people in the Ngāti Kikopiri takiwa…

Mana:
Ngāti Kikopiri believe it is important that they are respected by being included in any consultation relating to matters that impact or give effect to the values of mana whenua...

The application site is not within a statutory acknowledgement area.

Based on the application, the assessment undertaken, the signed understanding and the recommended conditions of consent, I am of the opinion that the proposed development design has no more than minor effects on cultural values.

Archaeological Effects
An archaeological assessment of the application site has been undertaken by Mary O'Keefe and provided with the application. The assessment states that sites that may have been present in the area where commercial forestry occurred are very likely to have been destroyed by harvesting activities.

As Ms. OKeefe observes in her assessment, archaeological sites *"have been recorded in the intact coastal dunes in the south-west corner of the proposed area of work. The dunes in the area of proposed work are largely intact, so there is a high probability of sites in them…".*

The AEE states that most of the dunes in this area are not being modified for the proposed course construction. Where modification does occur, she states that *"the loss of the archaeological sites can be mitigated through analysis of them to extract their scientific information".*

In addition, in the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during any earthworks, the consent holder states that they will immediately cease

further work and will inform the local iwi. The Heritage New Zealand Pouhere Taonga Act 2014 (Heritage NZ Pouhere Taonga Act 2014) protects archaeological sites and will require an application to be made with Heritage New Zealand should any sites be identified.

Rural Character and Amenity Effects

The AEE provides a detailed assessment in accordance with all matters outlined under Schedule 6 Rural Subdivision and Development Design Guide. The buildings are proposed to be stepped into the dune landscape, with the accommodation units proposed to be skirted along the western side of a sand dune to follow the topography and to reduce a linear visual impact on the rural landscape.

Where possible, buildings have been clustered rather than spread out, especially the proposed maintenance sheds in one area, the owners residence and garage/sleepout in one area and the visitor accommodation at the centre of the site. Within these clusters, the buildings are proposed to be located in a non-linear manner that follows the natural topography of the site.

As with the Coastal ONFL foredune, stable dune and salt marsh areas, the inland dunes that will accommodate the built environment will be revegetated as part of the proposal. As discussed previously, the landscape change that will be apparent will be the land cover and vegetation patterns which will be of a restorative nature, given the relatively degraded landscape that currently existing throughout a large portion of the site.

The majority of the proposed earthworks will be for the purposes of establishing building platforms. These earthworks will involve cut and fill earthworks that will, as much as possible, ensure the proposed building bulk does not detract from the remainder of the sand dunes that covers the site (refer to figures 6 and 7 above). As the proposed building areas will be at the centre of the site where the land is relatively elevated, and will be kept at a minimum so as to not modify the landscape completely, the earthworks will not result in a physical change to the site that would detract from the established character and amenity of the site. Therefore, these earthworks will not interrupt the natural shape of the land to an extent that would compromise the dunal landscape that is inherent to the site. Any obvious change to the landscape will also be limited to the areas identified in figure 6 of this report.

In terms of accessing these buildings, the proposed internal access routes will follow, as much as possible, the existing farm tracks that follow the lay of the land to ensure minimal earthworks are required to make these buildings accessible.

As previously mentioned, the applicant has proposed to provide public access to the Esplanade Reserve along the northern boundary of the site. It is envisaged that this public access will be one that is legible and accessible to the public, which will see an improved route where the natural topography and vegetation presents challenges.

The applicant has proposed to clearly define ownership and management responsibilities of the public access prior to the operation of the golf course by way of the proposed right of way over a pathway that will be formed once this area is confirmed and agreed to at engineering design stage.

In terms of the proposed golf course within the Esplanade Reserve, the license to occupy this area will be dealt with outside of the RMA process. The applicant has proposed reserve management plans detailing the long-term maintenance and use of the land. The establishment of the proposed golf course and the proposed built environment which is being created, from an amenity perspective, will not create any additional adverse visual or amenity related effects on the wider environment.

The application has been reviewed by Horowhenua District Council (HDC) Specialists, and in addition to the above, I consider the following relevant:

Parks and Property

The proposal has been reviewed by Ms Ann Clark – Parks & Property Lead (South) and Arthur Nelson – Parks & Property Manager of HDC.

- They note that the proposal includes improvements to the ecology of the foredune, control of noxious weeds and pests, and will make accessible an area that is currently entirely inaccessible. Given there is currently no access to this area, and from an environmental/ecological perspective it is degraded, proposed improvements to the planting, and control of pests should have an overall positive effect for localised plant and animal communities as well as improving visitor experience. They have also advised that the proposed occupancy of the Esplanade Reserve, via a lease under the Reserves Act 1977, will not result in the restriction of public access to the reserve.
- Whilst it is understood from the application (section 4.6) that HDC has requested matters relating to the public reserve be dealt with following the consent application, it is important to note future use of the reserve for the purpose identified would in general be via a lease or licence that maintains and preferably improves public access. Removal of the reserve from public ownership would not be in line with the Coastal Policy Statement; RMA; or the District Plan and would likely breach Section 23 and 24.7 of the Reserves Act.

Engineering

All engineering aspects of the proposal have been reviewed by Mr Joe Fletcher, Development Engineering Team Leader at Horowhenua District Council.

Traffic and Access Effects

The Traffic Assessment prepared by Mr. Tim Kelly for the applicant has been reviewed by Mr Fletcher in relation to the traffic and access effects of the proposal on the local and wider roading

network. Mr Fletcher concurs with the conclusions made by Mr Kelly which have been listed below for completeness;

- The volume of additional traffic activity associated with the operation of the golf course will be low and dispersed over time;
- This additional traffic activity will be able to be accommodated by Muhunoa West Road and its intersection with SH1 without any adverse operational or safety effects;
- The on-site parking proposed will be adequate for the typical demands generated by the facility, but the nature of the site means that further areas are available for parking in the unlikely event that these are required; and
- The proposal will or is able to comply with most of the relevant transportation requirements of the District Plan, with the exception of the access spacing requirements, however, the low speed environment would result in any potential and actual effects being less than minor.

Mr. Fletcher advises that access and circulation should be provided in accordance with NZS2890. The applicant has demonstrated that the development could cater for vehicles and services vehicles that may use the site including loading area. Whilst the traffic report and the concept plan are generally accepted by Mr. Fletcher and Roading team, slight amendments of the road layout may be expected as part of the normal detailed engineering plan approval stage, and after further discussions between Council and the applicant.

Servicing

The Engineering Report prepared by Land Matters Limited for the applicant has been reviewed by Mr Fletcher in relation to the servicing effects off the proposal:

- Water Supply: There is no existing water supply on Muhunoa West Road. Water supply for the development will be provided by existing groundwater bores and by roof collection. The applicant has obtained, or is in the process of obtaining, necessary consent from Horizons Regional Council for the purposes of irrigating the course fairway. In terms of firefighting capacity, compliance will need to occur at the applicants cost. An Engineering Approval will be required for the proposed works. The detailed design of the proposed firefighting water supply arrangement will be assessed at the engineering design stage.
- Wastewater: There is no existing sanitary sewer network on Muhunoa West Road. It is recommended that wastewater be treated and disposed on site. It is understood that appropriate consents are being sought from Horizons Regional Council.
- Stormwater: Mr Fletcher notes that the site has minor flooding over part of the land. The proposed buildings will harvest rain water and hard stand areas will have designed soakpits to cater for runoff from these areas. Due to the rural setting and the type of development being a golf course increased impacts on adjoining areas are deemed to be minor and will have little to no increase over and above what currently occurs.

> The proposed Lots will need to cater for stormwater onsite and this will be dealt with as part of detailed design. Engineering Approval will be required for the proposed works. The detailed design of the proposed stormwater arrangement will be assessed at the engineering design stage.

Based on the proposed servicing arrangements, Mr Fletcher is satisfied that any servicing effects from this development will be no more than minor on the wider environment.

Earthworks

As previously mentioned, earthworks are required to construct the accesses and car parks. The sand dune where the clubhouse and accommodation units are to be located will be shaped to provide a flat building platform. The clubhouse will sit at approximately RL 22.0m and the 10 accommodation units will sit at RL 21.00. The material cut from the dune for the building platforms will be used to fill in areas on the dune. Some earthworks will be required to shape the fairways and greens, however, the golf course has largely been designed to follow the existing shape of the land.

It is proposed that during construction, erosion and sediment control devices will be installed in accordance with Greater Wellington Regional Council's Erosion and Sediment Control Guideline. The applicant has provided an earthworks management plan and have also provided a construction management plan which has been informed by the Mahi Tahi document 'Proposed Golf Course Construction Process' document provided.

As identified in a further information request letter dated 3rd February 2021, confirmation was sought as to whether or not the proposed earthworks would extend into an area of land identified under the District Plan as a Flood Hazard. In the response provided by Mr. Bland on 6th July 2021, the following information was provided;

> *Approximately 150m^3 of earthworks, almost entirely cut, is proposed within the Flood Hazard Overlay Area over an area of approximately 94m^2. As such, please accept this letter as confirmation that consent is also sought for earthworks within the Flood Hazard Overlay Area as a restricted discretionary activity under Rule 19.3.3 (given the proposed earthworks in this area exceeds 20m^3 in area).*
>
> *It is considered the original AEE addresses all potential effects and the relevant matters of discretion within Section 19.8.4 of the District Plan. No buildings or flood-sensitive activities are proposed within the overlay area and the proposal will not increase the flood risk elsewhere on the site or surrounding area given the proposed works are almost entirely cut. All works will be stabilised immediately on completion of earthworks in accordance with an approved Erosion and Sediment Control Plan (ESCP) to avoid uncontrolled discharge and accelerated erosion.*

Mr. Fletcher comments that the development and mitigation measures indicated within the application would likely improve amenity and management of dune vegetation within the development locality. An Engineering Approval will be required for the proposed works, along with adherence to the proposed Draft Construction Management Plan and Erosion & Sediment Control Plan. The detailed design of the proposed earthworks will be assessed at the engineering design stage.

Taking the above assessment into consideration, I have concluded that the proposed earthworks will be largely mitigated and any adverse effects considered to be no more than minor.

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances
If public notification is not required under step 3 public notification may still be warranted where there are special circumstances:

Do special circumstances exist that warrant public notification?	No

Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. This land use consent application relates to the use of this rural zoned land located within the coastal environment to accommodate a links golf course and associated visitor accommodation activities. While the application is considered a discretionary activity, a links golf course is within this coastal setting, while new to the District, is not considered to be out of character when considering the nature of golf courses. I therefore do not consider there to be any unusual or exceptional circumstances that warrant public notification of this proposal.

Conclusion
Public notification is not required.

4.3 - Limited Notification Steps Under Section 95B

As determined in section 5.1 of this report, public notification is not required. Pursuant to section 95B of the Resource Management Act, a four-step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified
Limited notification is mandatory for certain groups/persons:

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No – the applicant has

	provided a detailed maps showing where the CMA lies in proximity to the site.
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	No

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4):

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for either or both of the following, but no other activities: • A controlled activity (other than a subdivision) under the District Plan	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E:

Are any of the following persons 'affected' under s95E? • For 'boundary activities' an owner of an allotment with an 'infringed boundary' • In the case of any activity prescribed under s360H(1)(b), a prescribed person in respect of the proposed activity.	No (see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an "affected party". The following persons have given written approval to the application:

- 617 Muhunoa West Road (Lot 6 DP 48282),
- Ōhau, 723 Muhunoa West Road (Lot 7 DP 48282)

- Ōhau; and 770 Ōhau Sands, Muhunoa West Road, Ōhau (Lots 1, 4, 5 and -17 DP 474223)

In accordance with section 95E, I have considered whether the proposal could adversely affect any other persons. I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

- In terms of servicing and traffic, the application has been circulated to Council's Development Engineer who has not raised any concerns. No traffic, access or safety concerns were raised upon reviewing the application, subject to the imposition of relevant conditions to ensure that minimum requirements are able to be achieved. Suitably worded conditions will be contained within the decision to address these matters.
- Construction effects associated with the proposal is limited to construction of the proposed buildings within the application site and the formation of proposed accessways within the site itself. These are considered to be on par with permitted construction works.
- An efficient and functional use of space across the development site, where on-site amenity, storage, car parking, vehicle access and manoeuvring are logically and safely positioned. The proposal will result in public access to the Esplanade Reserve which will benefit the immediate environment and the District as a whole.
- For these reasons, it is considered that the actual or potential adverse effects related to the matters over which Council has discretion over will be less than minor on the neighbouring properties.

Effects upon all other persons

- All other persons are sufficiently screened and separated from the application site whereby any adverse effects will be less than minor.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances:

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No

Conclusion

Limited notification is not required.

4.4 – Overall Notification Decision

Under ss95A, 95B, 95D and 95E of the RMA 1991, as assessed in sections 4.2 and 5.1 of this report, the application shall proceed on a non-notified basis.

1. SECTION 104 ASSESSMENT

Section 104 requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a national environmental standard; other regulations; a national policy statement; a New Zealand coastal policy statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 – Section 104(1)(A): Effects Assessment

Adverse Effects:

An assessment of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Resource Management Act 1991, but the following additional matters are cogent and inform the final recommendations and conditions which are set out at section 8 of this report.

- All buildings are located internal to the application property and are to be low-profile in design and external surfaces. Buildings will be recessed into the landscape and not visually dominant from any property boundary or publicly accessible location;
- Reverse sensitive effects will not result from the proposed activities. The golf course and built form are able to meet the required setbacks from the surrounding land uses and thus, will not affect these properties. In addition, neighbouring landowners have provided their written approval to the proposed activity.
- Noise generated from the proposed activities will be minimal and is not anticipated to be excessive or adversely affect any surrounding activity;
- The integrated Transport Assessment prepared by Mr. Kelly confirms the existing road network has sufficient capacity to accommodate the proposed activities without generate adverse effects on the safe and efficient function of the network, including Muhunoa West Road and State Highway 1. His report asserts that on-site internal access, parking and manoeuvring can be provided without affecting the public road network.
- The applicant has indicated that alternative sites throughout New Zealand have been considered for the proposed activity. The subject property has the ideal combination of coastal river frontage, sufficient land resource for an eighteen hole course and proximity (within an hour's drive) to a regional airport (in this case, Palmerston North Airport).
- The proposal will result in economic employment and attract tourism to the Horowhenua District and will provide benefit to the subject land itself, and beyond, through a

programme of native revegetation and protection of existing areas of high natural and coastal character and vegetation.

- Mitigation measures have been incorporated into the design of the development, including significant landscape and native revegetation planting.
- The applicant intends to rehabilitate, restore and undertaken native revegetation of the stable dunes behind the foredunes, replacing the weed, invasive and exotic species currently present in this area.
- The proposed buildings will be sparsely distributed, low profile and of a design that is able to blend into the landscape without appearing to be obtrusive and unnatural in form. This will be achieved by using cladding that will have a natural tone.
- The proposed earthworks will return the land to a natural dune contour and will be stabilised and revegetated on completion.

Positive Effects:

I adopt the assessment of positive effects contained in the applicant's AEE (pages 56-57). In essence, the restoration and rehabilitation works are also considered to enhance the coastal environment which has been lost to invasive pests, in addition to ensuring these efforts are managed on an ongoing basis via reserve management plans. The proposal is anticipated to generate employment in the district, both during construction and for the longevity of the golf course (estimated 20 permanent staff and some rostered). It is also anticipated that the proposal will attract tourists to the district, where visitors will stay and play, which will enhance the local economy.

Conclusion:

Overall, I consider the actual or potential effects on the environment will be acceptable for the reasons outlined above.

6.2 – Section 104(1)(Ab): Measures to Ensure Positive Effects to Offset or Compensate for any Adverse Effects on the Environment

The applicant has proposed a development and land management plan to provide conservation planting, and the rehabilitation and restoration of the application site. As outlined in the BML ecological survey and the ecological values assessment, the proposal has been designed to reflect the recommendations of these reports to ensure that any potential and actual adverse effects have been avoided and mitigated.

In this case, I consider the measures have been necessary as the actual or potential effects of the proposal have been assessed to be acceptable.

6.3 – Section 104(1)(B): Relevant Planning Provisions

I have had regard to the following planning documents:

- National Environmental Standards

- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Regional Policy Statement
- The District Plan

Higher Order Planning Documents

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) to 104(1)(b)(vi) of the Act. It is my opinion that, other than the New Zealand Coastal Policy Statement 2010, there are no National Environmental Standards or other National Policy Statements that are directly relevant to the consideration of this proposal.

New Zealand Coastal Policy Statement 2010

As explained by Mr. Holmes in his assessment of s229 of the Act;

> *the Esplanade Reserve is 16.14ha in area (survey area). It was surveyed and vested in 1976 under the Counties Amendment Act 1961 (CAA 1961)[7]. It covers land from the Waiwiri Stream in the north to the Ohau River in the south. Since that time the land in front of the Esplanade Reserve (active beach and spinifex zone) has prograded westward (through the process of accretion) and the 'usable' part of the coastal margin is somewhat west of the currently surveyed Esplanade Reserve. The relatively small part of the Esplanade Reserve proposed to be occupied by the Golf Course is not currently easily accessible by the public because it has been invaded by large exotic weed species…*

---

[7] *Historically some members of the public have had an expectation of unrestricted access to and along water margins, which is derived from the concept of the Queen's Chain (ie, a 20-metre strip along the edge of major rivers, lakes and the coastline). In reality this understanding is more of an ideal, as full access rights to land along all rivers, lakes and the coast have never been established in law. Access along the coastline and riverbanks currently comprises a piecemeal collection of public strips including reserves, roads and other classes of land in Crown, local authority or private ownership.*

The requirement to retain land in public ownership when it is disposed of by the Crown is now found in the 'marginal-strip provisions' of the Conservation Act 1987 and the Conservation Law Reform Act 1990.

Rural subdivision of private land was controlled under the Lands Acts until the Land Subdivision in Counties Act 1946. This Act required a 66-foot strip of land alongside water bodies to be vested in the Crown as reserve, on lots smaller than 10 acres. Until the 1970s there were no esplanade reserve requirements on the subdivision of private land in cities and boroughs, and in counties the requirements did not apply to lots over 10 acres.

Requirements relating to the subdivision of private land, including esplanade reserves, were consolidated in 1979 into a new Part of the Local Government Act 1974 (LGA 1974) but were subsequently repealed by the RMA. Although the RMA introduced provisions regarding the creation of esplanade reserves at the time of subdivision (specifically s77 and s229-237), many of the features of the former LGA 1974 were retained including:

- *the 20-metre reserve width*
- *the 8-hectare and 3-metre average width minimum criteria for taking reserves along lakes and rivers, respectively.*

The principal changes introduced by the RMA were:

- *the requirement to provide esplanade reserves without compensation from allotments over 4 hectares*
- *the ability for territorial authorities to modify the requirements for esplanade reserves through district plans - territorial authority decisions on waivers and reductions previously had to be approved by the Minister of Conservation*. (Quality Planning Website)

The closest public vehicular access to this coastal margin is some 5.8km to the north via Hokio Beach. At that distance, most of the people visiting the area drive along the active beach area. It is interesting to note that the CAA 1961 did not specify a particular purpose or intent for an esplanade reserve so assessing it against the current RMA settings may be outside the scope of this application. However, to dismiss an assessment on that technical ground because, and based on the information provided by the applicant on 27 August 2021, the proposal is wholly consistent with the current settings (or purpose) of section 229 of the RMA. The reason for setting a purpose for esplanade reserves in the RMA (through section 229) is more future looking when developing planning instruments (District Plans) or consideration of new esplanade reserves through the subdivision process. None of those situations exist for the current proposal.

Esplanade areas are important for several reasons. They can:

- provide public access to and along rivers, lakes and the coast
- enable public recreational use of the esplanade area (where this is compatible with conservation values)
- contribute to the management of natural hazards (eg, stream bank and coastal margin erosion, flooding)
- protect the natural character of coastal and riparian margins
- protect and enhance aquatic habitats and riparian ecosystems and help to improve water quality
- provide for the relationship of Maori with their taonga (eg, protection of wahi tapu) and protection of protected customary rights (eg, gathering of mahinga kai)

These reasons are highlighted in the RMA under s6 as matters of national importance, and the purposes of esplanade reserves and strips under s229.

The creation of esplanade areas can also contribute to achieving objectives and policies of the New Zealand Coastal Policy Statement 2010 (NZCPS), particularly Objective 4 (maintaining and enhancing the public open space qualities and recreation opportunities of the coastal environment). The NZCPS explicitly recognises the role that esplanade reserves and strips have in contributing to public open space needs (policy 18). For the reasons outlined in section 6.5 of this report, I consider the proposal to be in general accordance with the NZCPS.

The proposal, as outlined on pages 123 – 138, is considered to accord with the general strategic direction of Horizon's Regional Policy Statement.

Operative District Plan
I consider the applicant's assessment against the relevant objectives and policies (p. 138-162) to be accurate. I therefore adopt the applicant's AEE. No further analysis is required.

6.4 – Section 104(1)(c): Other Matters

Open Space

The proposal is partially within and adjoins land in the Open Space Zone. The application has been reviewed by the Council's Parks & Property Manager, Arthur Nelson, who raised no concerns with the proposal. Mr. Nelson has commented that *"the impact of the new walkway will be invariably beneficial. At this juncture there is currently no access. The proposal includes improvements to the ecology of the foredune, control of noxious weeds and pests, and will make accessible an area that is currently entirely inaccessible. Given there is currently no access to this area, and from an environmental/ecological perspective it is degraded, proposed improvements to the planting, and control of pests should have an overall positive effect for localised plant and animal communities as well as improving visitor experience."* He has also indicated that installing this access is a high priority for the Ohau Community.

Local Government Act 1974

In order to ensure the public has access to the Esplanade Reserve and the rest of the beach, a right of way easement has been proposed over part of 765 Muhunoa West Road, Ōhau (Lot 2 DP 51446) in favour of Horowhenua District Council (HDC). The RoW will provide access from Muhunoa West Road to the west to the coast, in part over 765 Muhunoa West Road, as shown on Land Matters Limited drawing Plan showing agreed "reserve" layout ref. J709-ENG-161_rev. A dated 05/07/2021.

Considerations

The proposal is considered to be practical and reasonable in that this public pedestrian walkway will aid an existing public reserve that is currently not accessible due to the topography of the land. The RoW will follow an appropriate and improved route that will be formed so that the public is able to access the beach from Muhunoa West Road via an access that is not obstructed by the natural vegetation and dunal topography of the land. This access will be formed in consultation with Council and final engineering designs to be approved prior to any formation works. As the details around the formation of this RoW is yet to be confirmed, I consider it necessary to impose conditions under s347 LGA if consent is granted.

Any adverse effects generated from this proposed right of way easements are considered to be acceptable as it will be formalising what is currently inaccessible to the public.

6.5 – PART 2 OF THE RESOURCE MANAGEMENT ACT

6.5.1. Section 6 of the Act – Matters of National Importance

I am aware of the recent case in the Court of Appeal being "*R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316*". My understanding of this case is it essentially applies the principles of the King Salmon case to consents. Due to the location of this application site, I have provided a full Part 2 assessment to ensure that there is no known illegality, uncertainty, or incompleteness in the relevant part of the District Plan. I have provided

commentary under the provisions of section 6 to demonstrate how these matters have been addressed.

The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development; and,
The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

As identified in other parts of this report, the applicant has engaged BML to prepare an extensive Ecological Survey of the site to undertake an ecological assessment of freshwater, vegetation, avifauna, and herpetofauna on site, particularly in those locations which the golf course design will interact with ecological components on site.

It is noted that there is approximately 16.12ha of Schedule F areas on the site. The application notes that the golf course has been designed to avoid adverse effects on Schedule F habitat and proposes to enrich areas by additional planting . For example, the Schedule F area of kanuka (0.29 ha, Map 3) will be avoided. Also, the application notes areas will be enhanced ecologically through actions such as pest (predator and weed) control, exotic species clearance, and vegetation rehabilitation/planting. Adding to this, the surrounding macrocarpa, grassland, and exotic habitats (not significant), where not converted to fairways or course related areas, would be revegetated to become representative, diverse, indigenous stable duneland or coastal dune shrubland.

As previously discussed, the applicant has applied for resource consents from the Regional Council, where the golf course development may impact or remove Schedule F habitat and will require a consent to do so.

It is noted in the application that large tracts of stable duneland (Schedule F area), although meeting regulatory requirements for protection, do not hold a particularly high ecological value due to the presence of exotic species and lack of native diversity (those areas which are native dominated are almost pure knobby clubrush). The ecological report states that:

> *…considering this predominantly native community is interspersed with exotic species throughout its range, sometimes forming dominant clumps of lupin and gorse, it is recognised that this community is not typically representative of the historic expected community, and that the conversion of some of this area to fairway would not have a significant adverse effect.*

Also, it is noted that the proposed revegetated areas will have a diverse range of native species; (those proposed in preliminary plans of Dr. Boffa) including tauhinu, knobby clubrus, pōhuehue

and sand coprosma, targeted pest control and the removal of exotic species. These actions and restorations actions will be beneficial for the local area.

A small area of active duneland proposed for fairway is located in one area near the Ōhau river mouth (~70m from the river edge). This duneland is a Schedule F area and the proposed fairway contains large amount of bare sand, with scattered spinifex and marram grass, and dense lupin encroaching from the landward side. The conversion of this habitat to fairway would be a loss of Schedule F area. As above, the remaining active dune on site would be subject to predator control and the protection/enhancement of the sand daphne population (we recommend) and also native planting as part of active foredune management. It is noted that the 0.29 ha area of Schedule F kanuka (rare-significant) will be entirely avoided.

A *draft* ecological restoration plan has been developed by the project landscape architect Dr Boffa. Council staff expect that the existing natives (such as titoki and totara) will form part of the finalised restoration plan. An indication of the species to be used and the areas to be revegetated and provided is shown in Figure 34 of Mr. Boffa's report. His report notes that while additional native plant species could be added, it is considered that the backbone of the draft plan is appropriate in order to enhance the area.

However, ultimately, in terms of assessing the effects on Schedule F habitat, this is a matter will need to be assessed by the Regional Council to ensure One Plan requirements are met. The applicant has confirmed that no works will commence within Schedule F habitat until approval has been given by the Regional Authority.

As shown in figure 11 below, areas of particular significance have been circled in yellow which have been incorporated into the applicants draft ecological report.



Fig 11: Draft ecological restoration plan and areas considered a focus for offsetting.

The following recommendations (outlined in the application) are supported by Horowhenua's Parks and Reserves Manager and Team Lead, and have been summarised below;

- Ensure the Applicant avoids areas stated in the ecological report – the freshwater wetland, the salt marsh, the kānuka treeland, the active foredune.
- Identify by accurate GPS and flag tape the habitats requiring avoidance, i.e., set a physical buffer to this exclusion.
- Ensure specifically that the sand daphne population is not affected.
- Ensure best practice earthwork sediment controls and management are implemented, particularly along the border with the Ohau River and the salt marsh.

<u>Maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers</u>

The agreement reached with the Council includes an easement over the application land to provide for pedestrians to access the Esplanade Reserve, the beach and the Coastal Marine Area (CMA) beyond without people having to drive from Hokio Beach.

To ensure public access to the site, the applicant has proposed a right of way under section 348 of the Local Government Act 1974. The will be granted in favour of the Council and its residents (easement in gross). The applicant has sought this approval as part of this application to ensure that right of way is registered on the title prior to the opening of the golf course. On that basis, I consider the proposal has recognised and provided for public access to and along the coastal marine area and river.

a) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

A draft cultural values assessment has been submitted with the application and has been prepared in conjunction with Ngāti Kikopiri. The understanding from those reports and consultation is that Te Runanga o Raukawa and Muaūpoko Tribal Authority have interest in this area and the connection of members of Ngāti Kikopiri are part of those groups. This application has support of iwi and the Memorandum of Understanding records that. To understand the cultural values that have been identified, I have extracted a summary of these values from the draft that has been provided below;

> *Whakapapa:*
> *Whakapapa is respected and upheld through the acknowledgement of mana whenua status of Ngāti Kikopiri has over the takiwa. This includes land at the western end of Muhunoa Road West, the sand dunes along the coastline and the adjoining Ōhau River...*
>
> *Kaitiakitanga:*
> *Kaitiakitanga is [to] be reflected in the restoration of the whenua or land with which the development will take place. Kaitiakitanga values can be expressed with acknowledging and celebrating the heritage of the site through ecological, cultural and historical significance of the Ōhau River and the Waikawa Beach Coast...*
>
> *Manaakitanga:*
> *Ngāti Kikopiri understand, from consultation with Douglas Links representatives to date, that authentic manaakitanga will be a core foundation experience for manuhiri visting the area.* As mana whenua, Ngāti Kikopiri would like to work with Douglas Links to ensure all people experience manaakitanga whilst visiting or staying in their takiwa…
>
> *Tikanga Maori:*
> *Ngāti Kikopiri understands that Douglas Links intends to incorporate tikanga into the hosting experience at the golf course and accommodation. Ngāti Kikopiri request that full consultation, cooperation and inclusion on the execution of these concepts at the appropriate time...*
>
> *Wairua:*

It has been acknowledged by Ngāti Kikopiri the significance of the Ōhau River. The role this awa provides for people with the enjoyment of activity, the gathering of kai, interaction with whakapapa and the connection with the spiritual past of Ngāti Kikopiri whanau…

Mauri:
Ensuring the quality of all practices near to any natural water body or in regards to any storm and waste water treatment on the site of the development prevents any depletion of mauri. This will protect and retain a healthy environment for both the kai species and bird life in the Ōhau River but also for all people in the Ngāti Kikopiri takiwa…

Mana:
Ngāti Kikopiri believe it is important that they are respected by being included in any consultation relating to matters that impact or give effect to the values of mana whenua...

<u>The protection of historic heritage from inappropriate subdivision, use, and development:</u>

An archaeological assessment of the application site has been undertaken by Mary O'Keefe. The assessment states that sites that may have been present in the area where commercial forestry occurred are very likely to have been destroyed by harvesting activities.

As Ms. OKeefe observes in her assessment, archaeological sites *"have been recorded in the intact coastal dunes in the south-west corner of the proposed area of work* [recorded as S25/44]. *The dunes in the area of proposed work are largely intact, so there is a high probability of sites in them…".* The AEE states that most of the dunes in this area are not being modified for the proposed course construction.

As the report indicates, *"the landscape includes a lake, dunes, and wetlands between dunes. Some indication of occupation and land use is shown through notations of whare, a bridle path, a wire fence, a European house and garden belonging to settler John Kebble and an area of cultivation. None of these features are within the proposed area of work, but they indicate semi-permanent occupation of the area by the 1870s."*

Following a site visit in November, two additional sites were recorded as shown in Figure 35 of Ms. OKeefe's report which shows the location of these site in relation to the previously recorded site, which are shown to be within areas where work will be undertaken as part of the proposal. However, where modification does occur, she states that *"the loss of the archaeological sites can be mitigated through analysis of them to extract their scientific information".*

The agent has indicated that the applicant is likely to apply for the works around the identified sites recorded in the intact coastal dunes in the south-west corner of the proposed area of work

and to manage any accidental discoveries during the proposed earthworks. An advice note will be included for informational purposes if consent is granted.

The protection of protected customary rights:

As part of a response to further information requested, the applicant has confirmed that no part of the works will be within coastal marine area (i.e. the line of mean high water springs and the point 1km upstream of the Ōhau River mouth). The agent has provided a Land Matters drawing Plan showing proximity of activities to Coastal Marine Area (CMA) (ref. J709-ENG-160_revA) which shows the location of the coastal marine area.

As a result, the Marine and Coastal Area (Takutai Moana) Act 2011 does not have a bearing on this application. As noted above, the works are outside the coastal marine area and therefore consultation with iwi that have applied for recognition of customary marine title is not considered statutorily required.

The management of significant risks from natural hazards:

As identified by Mr Dahm, the proposed course does not affect the sensitive frontal dune area in which most serious wind erosion issues develop. In terms of coastal erosion, he observes that the shoreline is moving seaward with an estimated advance by at least 0.5-1m per year. Accordingly, he suggests that coastal erosion does not pose any significant risk to the proposed development. When considering the western margin of the property that borders the Ohau River, Mr Dahm comments that the available data suggests that significant erosion during major flood events could possibly result in any part of the golf course located close to the river margin required to be moved due to erosion. In addition, Mr Dahm assesses that the areas affected by the Links course are dominated by exotic vegetation with little to no native vegetation. Patches of kanuka scrubland within the course will largely be preserved. However, the seaward edge of the course does intrude into dune habitat with a significant native vegetation component. He has recommended that offset restoration focus on the dune habitat seaward of the course where, in his opinion, the greatest ecological gains can be obtained.

A portion of the site is also located within the Flood Hazard Overlay Area where the applicant has proposed to undertake approximately 150m^3 of earthworks, almost entirely cut, is proposed within the Flood Hazard Overlay Area over an area of approximately 94m^2. No buildings or flood-sensitive activities are proposed within the overlay area and the proposal will not increase the flood risk elsewhere on the site or surrounding area given the proposed works are almost entirely cut. All works will be stabilised immediately on completion of earthworks in accordance with an approved Erosion and Sediment Control Plan (ESCP) to avoid uncontrolled discharge and accelerated erosion.

Based on the above assessment, I consider that the proposal has recognised and provided for matters of national importance under s6 of the Act 1991.

7. RECOMMENDATION A

It is recommended that, in accordance with section 348 of the Local Government Act 1974, I have decided to grant the application for a Right of Way easement in favour of Council over the area as shown on land Matters Limited drawing entitled *Plan showing agreed "reserve" layout ref. J709-ENG-161_rev. A dated 05/07/2021"*, with the imposition of conditions.

8. RECOMMENDATION B

It is recommended that the application by Land Matters Limited, on behalf of Grenadier Limited, for:

- Land use consent for a commercial golf course activity
- Land use consent for visitor accommodation which includes a clubhouse, ten two bedroom accommodation units and driving range building
- Land use consent for earthworks both within and outside the Coastal Outstanding Natural Feature and Landscape
- Land use consent for earthworks within the Flood Hazard Overlay Area

at 765 Muhunoa West Road, Ohau, legally described as Lot 1 DP 51446 (WN20D/892), Lot 2 DP 51446 (WN20/893) and part of Lot 4 DP 44581 Blks I III Waitohu SD (Esplanade Reserve) be considered as a non-notified application under sections 95A - 95E and that resource consent **be granted** for a Discretionary Activity pursuant to sections 104, 104B and 108 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
2. The effects are considered to be less than minor such that no persons have been identified as potentially affected.
3. That due regard has been given to the objectives and policies of the District Plan and it is not inconsistent with those provisions.

9. DECISION A

That pursuant to Section 348 of the Local Government Act 1974, the Horowhenua District Council herby grants the application for a Right of Way Easement for;

1. The location of the public easement for right of way in gross in favour of the Council and its residents to be in general accordance with the plan prepared by Land Matters Limited labelled *"PLAN SHOWING AGREED "RESERVE" LAYOUT" dated 05/07/21 (Drawing No. J709-ENG-161).*

2. The right of way easement shall be created as required from the end of Muhunoa West Road, through the existing Local Purpose Reserve, and to the Esplanade Reserve (Lot 4 DP 44581) as shown on the plan referenced in Condition 1, and formed via consultation with Council's Parks and Property Team.
3. The agreed formation to provide for pedestrian access from the end of Muhunoa West Road, through the existing Local Purpose Reserve, and to the Esplanade Reserve (Lot 4 DP 44581) shall be constructed by the Consent Holder.

10. DECISION B

The Horowhenua District Council, grants resource consents for the reasons stated in the recommendations above, to Grenadier Limited, pursuant to sections 104, 104B and 108 of the Resource Management Act 1991 for a land use consent to:

- establish a commercial golf course;
- construct visitor accommodation (which includes a clubhouse, ten two bedroom accommodation units and driving range building);
- undertake earthworks, both within and outside the Coastal Outstanding Natural Feature and Landscape
- to undertake earthworks within the Flood Hazard Overlay Area

at 765 Muhunoa West Road, Ohau, legally described as Lot 1 DP 51446 (WN20D/892), Lot 2 DP 51446 (WN20/893) and part of Lot 4 DP 44581 Blks I III Waitohu SD (Esplanade Reserve) be considered as a non-notified application under sections 95A - 95E for a Discretionary Activity, subject to the conditions outlined in Section 11 below.

11. CONDITIONS

General

1. That the development shall be in general accordance with the information and plans submitted with the application, detailed below, and all referenced by the Council as consent number 501/2020/229. Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

Report title & reference	Author	Rev	Dated
Site Visit Report – 765 Muhunoa West Road, Ōhau	Lizzie Daly of Horizons Regional Council		

Douglas Links – Proposed Golf Course Construction Process	Mahi Tahi Golf Projects		1 December 2020
Engineering Report – Resource Consent 765 Muhunoa West Road, Ōhau, Job Ref: 709	Dan Turner of Land Matters Limited		21 December 2020
Cultural Values Assessment	Phil Tataurangi in association with Ngāti Kikopiri Maori Marae Committee Incorporated Society		1 December 2020
Proposed Golf Links: Muhunoa Road West, Ohau: Coastal Processes and Vegetation – Opportunities & Constraints	Jim Dahm of Eco Nomos Ltd		17 December 2020
Ecological Survey, reference BM210081_Muhuna_Golf_Ecology _Report_Impacts_20210628	Melanie Brown, Jeremy Garrett-Walker, Amanda Healy and Karin Sievwright of Boffa Miskell	V2	1 July 2021
Landscape Assessment	Frank Boffa		December 2020
Proposed Douglas Links Golf Course Muhunoa Road West, Ōhau – Integrated Transportation Assessment, Reference: ohau golfcourse ita v2 dec20.docx	Tim Kelly Transportation Planning Ltd	V2	December 2020
Douglas Golf Links, Ohau: archaeological assessment of proposed construction	Mary O'Keeffe of Heritage Solutions		December 2020
Douglas Links Well Aquifer Pump Test Report and AEE, Project No. BGS258_02	A C Johansen		June 2021

Water Permit Resource Consent, Feasibility Study, Project No. J20043-REP-01	Susan Rabbite of Lattey Group		June 2020
Decision on an application for a resource consent to drill two bores at 765 Muhunoa West Road, Ohau, Application Reference: APP-2020203002.00	Lauren Edwards of Horizons Regional Council		6 October 2020
Decision on an application for a resource consent to drill an exploration bore to retain as a monitoring well at 765 Muhunoa West Road, Ohau, Application Reference: APP-2020202949.00	Byrony Hall of Horizons Regional Council		27 August 2020
[Draft] Construction Management Plan, Job Ref: 709	Tom Bland of Land Matters Limited	Draft	June 2021
Erosion & Sediment Control Plan, Job Ref: 709	Tom Bland of Land Matters Limited	Draft	June 2021
Plan title & reference	**Author**	**Rev**	**Dated**
Topographical Survey, Drawing No. 709-100	Land Matters Limited		28 July 2020
Topographical Survey Aerial Photoraph, Drawing No. 709-101	Land Matters Limited		28 July 2020
Topographical Survey Data Sources, Drawing No. 709-102	Land Matters Limited		28 July 2020
Topographical Survey Verification Shots, Drawing No. 709-103	Land Matters Limited		28 July 2020
Douglas Links Development Plan	Darius Oliver and RBT Design		December 2020
Douglas Links Land Management Plan	Darius Oliver and RBT Design		December 2020
Douglas Links Ecological Restoration Plan	Darius Oliver and RBT Design		December 2020

Douglas Links Typical Sections	Darius Oliver and RBT Design		November 2020
Douglas Links Land Management 3D Sections	Darius Oliver and RBT Design		November 2020
Site - 1 to 2500 - Site Aerial, B9.00	Assembly Architects Limited	4	25 June 2021
Site – 1-500- House & Stables`, B9.01a	Assembly Architects Limited	4	25 June 2021
Site – 1 to 500 – Maintenance Yard & Sheds, B9.01b	Assembly Architects Limited	4	25 June 2021
Site – 1 to 500 – Existing, B9.02	Assembly Architects Limited	4	25 June 2021
Site – 1 to 500 – Existing & Proposed Contours, B9.03	Assembly Architects Limited	4	25 June 2021
Section – Across Clubhouse & Accommodation Sites, B9.04	Assembly Architects Limited	4	25 June 2021
Site – 1 to 500 – Clubhouse & Accommodation, B9.05	Assembly Architects Limited	4	25 June 2021
Site – 1 to200 – Clubhouse, B9.06	Assembly Architects Limited	4	25 June 2021
Clubhouse – Resource Consent - Plan, B9.11-CH	Assembly Architects Limited	2	12 February 2021
Clubhouse – Resource Consent -Elevation, B9.12-CH	Assembly Architects Limited	2	12 February 2021

Accommodation Unit – Resource Consent - Plan, B9.21-AU	Assembly Architects Limited	2	12 February 2021
Range Building – Resource Consent - Plan, B9.31-RB	Assembly Architects Limited	2	12 February 2021
Resource Consent – Owners Residence – Plan & Elevations, B9.41-OR	Assembly Architects Limited	2	12 February 2021
Maintenance Sheds – Resource Consent - Plan, B9.51-MS	Assembly Architects Limited	3	12 February 2021
Maintenance Sheds – Resource Consent - Elevation, B9.52-MS	Assembly Architects Limited	3	12 February 2021
Stables – Resource Consent - Plan, B9.61-ST	Assembly Architects Limited	2	12 February 2021
Resource Consent – Garage Sleepout – Plan & Elevations, B9.71-GS	Assembly Architects Limited	3	12 February 2021
ESCP Plan North West Corner, Drawing No. J709-ENG-100	Land Matters Limited	A	15 June 2021
ESCP Plan North East Corner, Drawing No. J709-ENG-151	Land Matters Limited	A	15 June 2021
ESCP Plan South West Corner, Drawing No. J709-ENG-152	Land Matters Limited	A	15 June 2021
ESCP Plan South East Corner, Drawing No. J709-ENG-153	Land Matters Limited	A	15 June 2021
Other Additional Information	**Author**	**Rev**	**Dated**
Further Information Request [response]	Tom Bland		6 July 2021
Email – Re: [#Land Matters- 709] Golf Course Assessment	Bryce Holmes		27 August 2021

Ohau proposed golf course Ecological Assessment: Douglas Links Golf Course, reference BM210081_Muhunoa_Golf_Ecology_ValuesEffects_20210721	Melanie Brown, Jeremy Garrett-Walker, Amanda Healy and Karin Sievwright of Boffa Miskell	V3	26 July 2021
Request for approval of Right of Way under s348 of the Local Government Act 1974	Tom Bland		23 September 2021
Email: Earthworks in esplanade reserve	Tom Bland		5 October 2021

2. The consent holder shall contact the Council's Compliance Monitoring officer at least 48 hours prior to any physical work commencing on the site and advice the officer of the date upon which such works will commence.

   Advice Note: *Contact email address is Compliance and Enforcement - compliance@horowhenua.govt.nz or call Council and request to speak to a member of the team on 06 366 0999.*

PUBLIC ACCESS

3. Prior to the opening and operation of the Golf Course, the consent holder must ensure an easement is registered in favour of Council on Record of Title WN20D/893 providing for the purpose of public pedestrian access. The easement area shall be in general accordance with Land Matters Limited *"PLAN SHOWING AGREED "RESERVE" LAYOUT" dated 05/07/21 (Drawing No. J709-ENG-161).*

RESERVES MANAGEMENT PLAN

4. Prior to commencement of any works covered by the Reserves Management Plan, Golf Land Management Plan, and Ecological Restoration Plan a finalised set of plans shall be submitted to Council for reference. For the avoidance of doubt, this condition does not restrict enabling works and bulk earthworks.

5. The finalised plans outlined under condition 4, shall be consistent with the landscape design intent / objectives identified in the application documents referenced at condition 1 and shall include:

a) planting schedule, detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes;
b) details of pest management control;
c) a management/maintenance programme, in particular details of maintenance methodology and frequency, allowance for replacement of plants, including specimen trees in case plants are severely damaged / die over the first three years of the planting being established.

PRIOR TO COMMENCEMENT OF WORKS

6. Prior to any works commencing on the site as authorised by these consents, the consent holder must appoint a representative to carry out the design and supervision of construction works, duties and certification upon completion, as provided by Sections 1.7 and 1.8 of NZS4404:2010.

7. Prior to any works commencing on the site as authorised by these consents, an engineering design certificate is to be supplied to the satisfaction of the Group Manager Infrastructure Development, at Horowhenua District Council and shall comprise signed copies of NZS4404:2010 Schedule 1A (Design Certificate – Land Development/Subdivision) signed by a suitably qualified professional. This condition does not relate to bulk earthworks and enabling works.

8. For the duration of the construction period, the consent holder must ensure that a person is available to respond to any reasonable requests and/or complaints made by the public, and that a phone number at which that person can be contacted will be advised to the Compliance Team and Development Engineering team at Horowhenua District Council prior to any construction commencing.

   ***Advice Note**: Contact email addresses are Compliance and Enforcement - compliance@horowhenua.govt.nz and Development Engineering Team - enquiries@horowhenua.govt.nz or call Council and request to speak to a member of either teams on 06 366 0999.*

9. Prior to the following works commencing on the site as authorised by these consents, the consent holder must submit, for approval by the Development Engineering team at Horowhenua District Council, engineering design plans for:

   A. Vehicle accessways and any parking areas and turning areas, which shows (but not limited to):
      i. Intersections meeting the following requirements:
         1. Be surfaced with a minimum of 40 millimetres of compacted asphaltic concrete, with a waterproofing layer underneath.

2. Accommodate the design vehicle "Medium Rigid Truck" described in LTSA RTS 18 "NZ On-Road Tracking Curves for Heavy Vehicles"

ii. Location, dimensions and gradients of the proposed vehicle crossing, accessway, parking areas and footpaths

iii. Stormwater management design for the accessway and calculations

iv. Cross sections of the vehicle crossing, accessway, parking areas and footpaths

B. Earthworks, which shows (but not limited to):

i. Areas of cut and fill;

ii. Volume of cut and fill;

iii. Existing natural ground level and finished ground level after earthworks;

iv. The extent of soil disturbance and vegetation removal;

v. Any "no go" and/or buffer areas to be maintained; and

vi. All key erosion, sediment and dust control mechanisms and practices that will be implemented in accordance with industry best practice sediment control guidelines; and

vii. Maintenance, monitoring and reporting procedures.

C. Landscape design (but not limited to):

i. Vegetation removal; and

ii. Dune Planting.

10. Prior to commencement of any work on the site, the consent holder must submit to Council's Development Engineering Team the following finalised documents:

- Construction Management Plan; and
- Erosion Sediment Control Plan (ESCP), being the finalised and approved ESCP from the Regional Council.

Advice Note: *The works covered by conditions 9 and 10 can be staged and the plans listed shall specify the location and extent of works proposed in each stage.*

DURING CONSTRUCTION

11. During construction period as authorised by these consents, the consent holder must ensure that dust nuisance from land disturbed by earthworks, trenching or construction activities is managed and contained within the site.

12. During construction period, as authorised by these consents, the consent holder shall ensure that all vehicles exiting the site do not track material onto the road. If material is tracked on to the road, the consent holder shall clean the road back to its original

condition. In doing this, the consent holder shall ensure that no material washes or is swept into any stormwater drains or natural drainage system.

13. The consent holder is liable for costs associated with monitoring of this resource consent under section 36(1)(c) of the Resource Management Act 1991.

Construction Hours

14. Hours of operation for works on the site as authorised by these consents, including machinery warming up, shall be as follows:
    - Monday to Friday 7.30am to 6pm
    - Saturday 8am to 4pm
    - No work is to be carried out on Sundays or public holidays.
    - Machinery warm up must be within the above start times.
15. All related works shall comply with New Zealand Standard: Land Development, Subdivision Engineering NZS 4404:2010, and Horowhenua District Council's Subdivision and Development Principles and Requirements 2014.
16. Engineering Design Certification is to be supplied to the satisfaction of the Development Engineering team at Horowhenua District Council and shall comprise signed copies of:
    (i) NZS4404:2010 Schedule 1B (Contractors Certificate upon completion of Land development/Subdivision) signed by the Contractor;
    (ii) NZS4404:2010 Schedule 1C (Certification upon completion of Land development/Subdivision of Person Responsible for Inspection and Review of Construction) signed by a suitably qualified professional.
    (iii) NZS4404:2010 Schedule 2A (Statement of Professional Opinion as to Suitability of Land for Building Construction), signed by a Chartered Professional Engineer experienced in geotechnical matters.

Vehicle Access and Accessways

17. Prior to the opening and operation of the golf course, the consent holder must upgrade the existing vehicle crossing to the site. The vehicle crossing must be constructed in accordance with Engineering Appendix One (Diagram 1) of the Council's Subdivision and Development Principles and Requirements, and the Engineering design plans approved by the Development Engineering team at Horowhenua District Council.

Wastewater

18. Prior to the occupation of any building on the site as authorised by these consents, the consent holder must install a wastewater disposal system. The wastewater disposal system must be installed in accordance with Section 12 of the Horowhenua District Council's Subdivision and Development, Principles and Requirements, the Engineering

design plans approved by the Development Engineering team at Horowhenua District Council.

Stormwater

19. Prior to the occupation of any building as authorised by these consents, the consent holder must install on-site soakage system. The on-site soakage systems must be installed in accordance with Section 10 of the Horowhenua District Council's Subdivision and Development Principles and Requirements 2014, and the engineering plans approved by the Development Engineering Team at Horowhenua District Council.

Report prepared by:



Milcah Xkenjik
Resource Management Planner

Consent reviewed (and issued under delegated authority) by:



Luka Jansen
Planning Team Leader

Application lodged: 11 January 2021
Section 92 requested: 03 February 2021
Section s92 response received (in full): 09 July 2021
Application approved: 5 October 2021

12. ADVICE NOTES

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.

- Under Section 125 of the Resource Management Act 1991, your consent will lapse in five years from the decision date unless you begin your project (give effect to the consent) before then.

- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.

- The consent is not to be exercised until all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) have been paid in full.

- The consent holder is liable for costs associated with monitoring of this resource consent under section 35 of the Resource Management Act 1991.

- In the event of any archaeological features being uncovered (e.g. koiwi, shell midden, hangi or oven stones, pit depressions, defensive ditches, artefacts, or human bones) work is to cease immediately in the vicinity of the discovery. The consent holder shall advise the Horowhenua District Council, Heritage New Zealand and Tangata Whenua (Ngati Wehi Wehi, Ngati Hikitanga Te Paea and Muaupoko Tribal Authority) as soon as possible so that appropriate rites can occur. The consent holder shall take appropriate action in accordance with the conditions and protocols of the Horowhenua District Council, Heritage New Zealand and Tangata Whenua. Work shall not recommence until approval to do so has been given by Horowhenua District Council.

- This is not a Building Consent. The Building Act 2004 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.

- For the avoidance of doubt: except where otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the Horowhenua District Plan. The consent holder will also have obligations with respect to the subdivision under the Building Act 2004 and the Manawatu-Wanganui Regional Council One Plan. All necessary consents and permits must be obtained prior to development.

- Please note there must be no activities in a rare habitat, threatened, at-risk habitat or reach of a river or its bed with a Schedule B Value of Natural State without seeking consent from the Regional Council. Any activities in these habitats requires resource consent; please contact Horizons Regional Council on 0508 800 800 for further consenting advice.

- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.

- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.