



Is this the right application form for me?

Use this application form for existing or proposed buildings/structures (e.g. boatsheds, sheds, retaining walls, bridges, steps, etc.) on Sounds Foreshore Reserve (SFR).

The Department of Conservation (DOC) will process the application and issue a concession if it is satisfied that the application meets all the requirements for granting a concession under Part 3B of the Conservation Act 1987.

You can also use this form to apply for a 'variation' of a current licence/lease concession if the change(s) are only minor. A variation can't be used if you want to extend the term, substantially change the location or increase the environmental effects of your concession activity.

What other application forms may be relevant?

If you seek an easement concession across SFR, either to benefit other land or in gross (e.g. right of way), for the following purpose:

- a right to convey water.
- a right to drain water.
- a right to drain sewage.
- a right of way.
- a right to convey electricity.
- a right to convey telecommunications.
- a right to convey gas.

Use or include this [form for new easement applications and variations to an existing easement concession](#)¹ across land administered by DOC.

How do I complete this application form?

- Complete all relevant sections of this form.
- DOC encourages electronic applications (e.g. typed Word document), rather than handwritten applications. Electronic applications are easier to read and less likely to be returned to you for clarification.
- If you need extra space, attach or include extra documents and label them according to the relevant section. Record all attachments in the table at the back of the application form (section L).

Note: Personal and sensitive information will be managed by DOC confidentially. For further information check [DOC's privacy and security statements](#)².

¹ <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/easement-application-form.pdf>

² <https://www.doc.govt.nz/footer-links/privacy-and-security/>

If I need some help, where do I get more information?

- Check DOC's [SFR Licences/Concessions](#)³ and [Access structures on SFR](#)⁴ webpages.
- DOC recommends that the applicant contact the Waitohi/Picton District Office to discuss the application and arrange a pre-application meeting (either face to face or over the phone) prior to filling in this form. Phone +64 3 520 3002. Email picton@doc.govt.nz
- It is also recommended that you seek legal advice for guidance when completing this form.

Have you considered DOC's statutory planning documents?

Your building or structure must not be inconsistent with [DOC's relevant statutory planning documents](#)⁵ as they set out how DOC and our Treaty partners manage public conservation land. Statutory planning documents can have a direct impact on your application, for example they may set the specific track limitations and vegetation clearance.

Book a pre-application meeting with DOC staff if you require assistance with navigating DOC's statutory planning documents.

How do I submit my application?

Email your completed application and any other attachments to: permissions@doc.govt.nz

What happens next?

Once received, your application will be assessed by DOC. If your application is complete, DOC will begin processing.

If your application is incomplete, it will be returned to you with a request for more information.

Why does DOC ask for this information?

The questions in this application form are designed to cover the requirements set out in DOC's conservation legislation. DOC will not use this information for any other reason not related to that purpose. Your answers allow us to assess:

- The effects of your encroachment and your proposed methods to avoid, remedy or mitigate any adverse effects of the activity.
- Your creditworthiness – a factor in determining whether DOC should extend credit to you and set up a DOC customer accounts receivable credit account for cost recovery. To make this assessment DOC will supply your information to a credit checking agency.

Note: Personal information will be managed by DOC confidentially. For further information check [DOC's privacy and security statements](#)⁶.

Information collected by DOC may be supplied to a debt collection agency in the event of non-payment of payable fees.

³ <https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/sounds-foreshore-reserve-licences-and-concessions/>

⁴ <https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/access-structures-on-the-sounds-foreshore-reserve/>

⁵ <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/>

⁶ <https://www.doc.govt.nz/footer-links/privacy-and-security/>

Treaty Partner consultation

DOC has a responsibility to give effect to the principles of the Treaty of Waitangi in all areas of our work and may consult with our Treaty Partners about your application. More information can be found on the DOC website on our [iwi/hapū/whānau consultation](https://www.doc.govt.nz/get-involved/apply-for-permits/iwi-consultation/)⁷.

Contact your [local DOC office](https://www.doc.govt.nz/footer-links/contact-us/office-by-name/)⁸ if you require further information about consultation.

What fees will I pay?

You will be charged a processing fee for this application, regardless of whether your application is granted or not. If your application is granted, you may be required to pay annual activity and management fees.

DOC will send you a cost estimate of the processing fee once your application has been accepted. If further charges are likely to be incurred, DOC will provide you with a revised estimate.

DOC will invoice your processing fees after your application has been considered. If your application is large or complex, DOC may undertake billing at intervals periodically during processing until a decision is made. If you withdraw your application DOC will invoice you for the costs incurred up to the point of your withdrawal.

Your application will set up a credit account with DOC. See the checklist at the end of the form for the terms and conditions you need to accept for a DOC credit account.

In addition, if you are granted a licence over public conservation land you may also be required to pay a bond, insurance, monitoring fees and [ongoing activity fees](https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/ongoing-concession-fees/)⁹ and management fees.

Bond

A bond may be required to ensure compliance with the conditions of a Sounds Foreshore Reserve permit or licence. The amount of the bond will be set at an appropriate level to recognise potential costs. The bond may be an unconditional on-demand surety bond or a cash bond held in trust and refunded (with any interest) at the conclusion of the building activity or called upon to ensure compliance with the conditions of the permit or licence.

Will my application be publicly notified?

Your application will be publicly notified if:

- It is a license with a term of more than 10 years.
- It is a lease.
- After having regard to the effects of the activity, DOC considers it appropriate to do so.

Public notification will increase the time and cost of processing your application.

What does DOC require if my application is approved?

If your application is approved DOC requires **insurance** to indemnify the Minister of Conservation against any claims or liabilities arising from your occupation and/or activities on SFR. The level of insurance cover will depend on the activity.

Note: DOC/Minister can vary the concession if the information on which the concession was granted contained material inaccuracies. DOC may also recover any costs incurred.

⁷ <https://www.doc.govt.nz/get-involved/apply-for-permits/iwi-consultation/>


⁸ <https://www.doc.govt.nz/footer-links/contact-us/office-by-name/>

⁹ <https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/ongoing-concession-fees/>

A. Applicant details

Legal status of applicant (tick)	<input type="checkbox"/> Individual (Go to ①)	
	<input checked="" type="checkbox"/> Registered company (Go to ②)	<input type="checkbox"/> Trust (Go to ②)
	<input type="checkbox"/> Incorporated society (Go to ②)	<input type="checkbox"/> Other (Go to ②)

①	Applicant name (individual)		
	Phone		Mobile phone
	Email		
	Physical address		Postcode
	Postal address (if different from above)		Postcode

②	Ruakaka Group Developments Ltd		
			
	C/- Melanie Foote Resource Management Group Ltd PO Box 908 Christchurch Box Lobby Christchurch 8140		
	Trading name or trust name (if different from applicant name)		
	NZBN if applicable (To apply go to: https://www.nzbn.govt.nz)	9429036454358	Company, trust or incorporated society registration number
	1218149		
	Registered office of company or incorporated society (if applicable)		

Company phone		Company website	N/A
Contact person and role			
Phone		Mobile phone	
Email	@rmgroup.co.nz		
Postal address	P O Box 16522, Hornby, Christchurch	Postcode	
Street address (if different from Postal address)		Postcode	

B. Variation of an existing licence and/or concession.

Is this application *varying* an existing licence/lease concession?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
Licence/lease concession number(s) you wish to vary	

C. Pre-application meeting

Have you had a pre-application meeting or spoken to someone in DOC?

- ☐ No (continue to section D.)
- ☒ Yes (record details below)

Date of DOC pre-application meeting	
Name of DOC staff member(s)	Trish Gill
Name of person(s) who had the pre-application meeting with DOC	Melanie Foote

Record relevant notes/comments:

Email correspondence attached to application document.

D. What structures or activities are currently on SFR fronting your property?

All existing/new structures or activities are required to have prior approval for the continued occupancy of SFR. This may mean you have unauthorised structures or activities adjacent to your property that you are unaware of.

Please select below all appropriate structures and activities in relation to SFR fronting your property (Licensed and/or Unlicensed):

Boardwalk	Boatshed	Box steps
Bridge	Concrete path	Concrete steps
Conveying electricity	Conveying gas	Conveying telecoms
Conveying water	Culvert	Decking
Drainage/Stormwater pipe	Handrail	House
Retaining wall <1.5m	Retaining wall >1.5m	Seawall
Septic system	Shed	Shelter
Slipway	Staircase	Step risers
Tramway/Trolley	Water tank	Other: _____

See attached application.

Note: If the activity is not in this list check the activity on the DOC website to find the correct application form or book a pre-application meeting. Application forms that combine applicant and activity information on the DOC website include:

- [Aircraft activities](#)¹⁰
- [Easements](#)¹¹
- [Land based guiding](#)¹²

Provide details of currently held SFR Licenses, Permissions/Permits and Easements:

None held.

E. Duration

State how long (months and years) you want any granted concession for private buildings or structures and why.

Note: An application for a licence concession up to 10 years will not be publicly notified unless the adverse effects of the activity are such that it is required, or if an exclusive interest in the land is required. An application for a licence concession more than 10 years must be publicly notified. An application for a for a lease concession no matter the duration must be publicly notified.

30 Years

F. Is this application for existing or new buildings and structures?

Select from the following:

- ☐ No (for **new buildings and structures only** fill in all sections **except** Section G.)
- ☐ Yes (for **existing buildings and structures only** fill in all sections **except** Section H.)
- ☒ Both (for **existing AND new buildings and structures** complete **both** Sections G. & H.)

¹⁰ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/aircraft-activities/>

¹¹ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/>

¹² <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/land-based-guided-activities/>

G. Existing Buildings or Structures – Description of Encroachment on Sounds Foreshore Reserve

1. Provide the Lot, Deposited Plan (DP) number and name of the bay of the **adjoining property** to the encroachment.

Lot number: Lot 28 and 29 DP 2219, Lot 1 DP2935, Lots 2 and 3 DP 2935, and Local Purpose Reserve.

DP number:

Name of the bay: Ruakaka Bay

Address (if applicable):

N/A

2. Describe in detail the existing encroachment, including when it was installed / constructed, the size and footprint of the structure/s and the purpose of the structure/s. Attach all relevant information and list in section L Attachments including:
 - Record(s) of Title for your property (mandatory)
 - Maps
 - NZTM coordinates
 - Photographs
 - Survey plans
 - Resource consent applications
 - Concept plans
 - Engineering reports
 - Other

See attached application.

3. Could this structure/work be reasonably located on your private property? Provide details of other sites considered:

See attached application.

4. Is the building going to be used for commercial purposes? Give details/reasons.

See attached application.

H. New Structures/Work - Description of Encroachment on Sounds Foreshore Reserve

1. Provide the Lot, Deposited Plan (DP) number and name of the bay of the adjoining property to the encroachment.

Lot number: Lot 28 and 29 DP 2219, Lot 1 DP2935, Lots 2 and 3 DP 2935, and Local Purpose Reserve.

DP number:

Name of the bay: Ruakaka Bay

Address (if applicable):

2. Describe in detail the proposed encroachment including when work is to commence, the size and footprint of the structure/s and the purpose of the structure/s. Attach relevant documents, including:
 - Record(s) of Title (mandatory)
 - Maps
 - NZTM coordinates
 - Photographs
 - Survey plans
 - Resource consent applications
 - Concept plans
 - Engineering reports
 - Other

See attached application.

3. Could this structure/work be reasonably located on your private property? Provide details of other sites considered:

See attached application.

4. Is the activity applied for being used for commercial purposes? Give details/reasons.

See attached application.

I. Are you applying for anything else?

Are you applying for other DOC permissions (e.g. easement, concession) as well as this activity?

No

☐

Yes

☒

If yes, state the other permissions you are applying for?

Easement. See attached easement application form.

J. Planning provisions (all applicants)

1. Does your proposal comply with the Marlborough District Council district plan(s) for the area?

☒ No

☐ Yes

2. Do you require resource consent and/or building consent? (Ask the relevant councils' planning sections for advice. Generally, if structures are to be built (or have been built), it is likely that consent/s will be required).

☐ No

☒ Yes

3. If resource/building consent is required, provide details of the consent together with information on progress with the application for consents. (It will be a condition of any licence to occupy that all necessary consents have been obtained.)

See attached application.

K. Consultation undertaken

DOC has a statutory obligation to give effect to the principles of the Treaty of Waitangi. This often requires consultation with our Treaty Partner (iwi/hapū/whānau of local Māori) on your application. If you have already consulted with our Treaty Partner, or with other interested stakeholders, DOC would like to know about it.

We recommend you discuss consultation with a DOC staff member before starting your application.

Have you carried out any consultation?

☐ No

☒ Yes

If yes, supply details for each group consulted with:

Whānau/hapū/iwi or other interested party consulted with:	Te Atiawa
Name of individual you consulted with:	
Date of consultation:	March 2023
Form of consultation (e.g. email, meeting):	Email and phone
Outcome of consultation*:	They support the application.

***If you received a written response to your consultation attach a copy to this application. Record the document details in the L Attachments section of this form.**

L. Consistency with DOC statutory plans

List [DOC's statutory planning documents](#)¹³ relevant to your application (e.g. Nelson/Marlborough Conservation Management Strategy):

See attached application.

Are you aware of any potential inconsistency your activity may have with DOC's statutory planning documents?

No

☒

Yes

☐

If you have answered 'yes' explain why it is inconsistent with the statutory planning documents.

¹³ <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/>

M. Description of actual and potential effects of existing or proposed works (all applicants)

Identify actual or possible effects of the activity applied for. Describe the actions you propose to take to avoid, remedy or mitigate those effects. For further information check [DOC's Environmental Impact Assessment](https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/#low-medium-impact)¹⁴ and [DOC's guide to preparing your environmental impact assessment](https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf)¹⁵.

In many cases an Assessment of Environmental Effect (AEE) prepared for resource consent under the Resource Management Act 1991 will satisfy this requirement.

Provide details below and record the document details in the L Attachments section of this form.

Effects	Description
Effects on the landscape e.g. ability of landscape to accommodate changes.	See attached application.
Effects on the visual composition of the landscape.	See attached application.
Effects on cultural values of Tangata Whenua or members of the public.	See attached application.
Effects on historic sites or objects including Wāhi Tapu e.g., disturbance of the ground.	See attached application.
Effects on existing infrastructure such as roads, tracks, huts, carparks etc.	See attached application.
Effects on existing vegetation e.g. disturbance or removal of vegetation.	See attached application.

¹⁴ <https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/#low-medium-impact>

¹⁵ <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf>

Effects of earthworks e.g. removal of topsoil and where removed earthworks will be stored. Note: All earthworks storage on public conservation land needs to be authorised.	See attached application.
Effects on wildlife or wildlife habitat .	See attached application.
Effects on aquatic habitat (waterways, swamps, freshwater animals and vegetation).	See attached application.
Effects on other users (Tangata Whenua, recreational users, and concessionaires) of the land.	See attached application.
Effects of potential increased threats (pests, weeds, pathogens, and fire) to public conservation land.	See attached application.
Effects of increased rubbish, toilet waste or debris left on public conservation land during construction and regular use of the easement.	See attached application.
Cumulative effects that could be caused by the activity.	See attached application.
Positive effects of the activity.	See attached application.

N. Attachments

Attachments should *only* be used if:

- You are answering a specific question and providing a report e.g. Environmental Impact Assessment.
- There is not enough space on the form to finish your answer.
- You have additional information that supports your answer.
- You wish to make an additional request of DOC regarding the application.

Label each document clearly and complete the table below.

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
<u>Correct example ✓</u> D	Existing structure relevant information	PDF	Certificate of title, maps, photographs, resource consent application, engineering report.
<u>Correct example ✓</u> E	Environmental Impact Assessment	Word	List of additional potential effects (e.g. due to unusual activity) and proposed methods to avoid, remedy or mitigate the effect.
<u>Incorrect example X</u> <u>Table</u>	Doc1	Word	Table
G	Appendix One Certificate of Title	PDF	Certificates of Title
C	Appendix Two DOC Pre Application Advice Email	PDF	Email from Trish Gill
D, G, and H	Appendix Three Engineering Plan Set	PDF	Engineering Plans
D, G and H	Appendix Four Land Damage and Property Photos	PDF	Land damage and property photos
	Appendix Five MDC resource consent decision	PDF	MDC resource consent decision
I	Easement application form	Word document	Easement Application Form

O. Checklist

Application checklist	Tick
I have completed all sections of this form relevant to my application and understand that the form will be returned to me if it is incomplete	x <input type="checkbox"/>
I certify that the information provided in this application form and any attached additional forms is, to the best of my knowledge true and correct	x <input type="checkbox"/>
I have attached all relevant information (e.g. Certificate of Title, maps, photographs, resource consent applications etc) and recorded them in Section N .	x <input type="checkbox"/>
I have appropriately labelled all attachments and completed the Section N . Attachments to match	x <input type="checkbox"/>
I have completed the terms and conditions for a credit account with the Department of Conservation outlined in Section P .	x <input type="checkbox"/>
I will email permissions@doc.govt.nz my: <ul style="list-style-type: none"> • Completed applicant information form • Any other attachments 	x <input type="checkbox"/>

P. Terms and conditions for a credit account with the Department of Conservation

Have you held an account with the Department of Conservation before?	Tick
No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
If 'yes' under what name:	

In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to these terms and conditions for an account with the Department of Conservation.

Terms and Conditions	Tick
I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.	X <input type="checkbox"/>
I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.	X <input type="checkbox"/>
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.	X <input type="checkbox"/>
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	X <input type="checkbox"/>
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.	X <input type="checkbox"/>
I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions (as above) of the credit account are not met.	X <input type="checkbox"/>
I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.	X <input type="checkbox"/>

Applicant name/s (of authorised person/s):	Melanie Foote	Date:	14.4.2023
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For Departmental use			
Credit check completed			
Comments:			
Signed		Name	
Approved (Tier 4 manager or above)		Name	

Ruakaka Group Developments Ltd



Site Address: Ruakaka Bay, Queen Charlotte Sound

**Sounds Foreshore Reserve Application: Existing and New
Buildings/Structures**

Date: 26 April 2023

Date:	26 April 2023	Prepared By:	Melanie Foote
Project Number:	MF009	Reviewed By:	Graham Taylor
Document Status:	FINAL – updated	Client Approval:	

Application for Existing and New Buildings/Structures within the Sounds Foreshore Reserve

TO: DEPARTMENT OF CONSERVATION

1. Ruakaka Group Developments Ltd applies for the following application:

Concession for existing and new structures/buildings within the Sounds Foreshore Reserve ("SFR").

2. The proposed activities to which the application relates is as follows:

Rainfall events in August 2022 have resulted in a landslip behind the existing boatshed requiring the need for remedial earthworks, removal of an existing retaining wall and the construction of new retaining walls. In order to gain access to the site for machinery to undertake the above works, the retaining wall will be constructed first. Then earthworks will be undertaken to form the ramp to allow machinery to access the site from a barge. Once earthworks are completed a permanent timber ramp will be constructed alongside the existing wharf. This ramp will provide permanent access to the adjoining vacant sections which currently have no site access.

3. The site at which the proposed activity is to occur is as follows:

Address: Ruakaka Bay, Queen Charlotte Sound.

The legal description: Lot 1 DP 2935, Lots 28 and 29 DP 2219, Local Purpose Reserve, and Lots 2 and 3 DP 2935.

The Record of Titles are contained in **Appendix One**.

4. The full name of each owner and occupier of the site to which the application relates are as follows:

Title	Legal Description	Registered Owners
MB1D/768	Estate Fee Simple Area 2954 square metres more or less Legal Description Lot 1 Deposited Plan 2935	Ruakaka Group Developments Ltd: Directors – Geoffrey David Ball, Andrew Angus McFarlane and Mitchell Steven Plaw Shareholdings – Ball Developments Limited, Property Developments Limited (Directors – Michael Wayne Crawford, Mikayla Anne Plaw, Mitchell Stephen Plaw, and Andrew Angus McFarlane.

MB1D/769	Estate Fee Simple Area 2178 square metres more or less Legal Description Lot 2 Deposited Plan 2935	Ruakaka Group Developments Ltd As above
MB1D/770	Estate Fee Simple Area 2031 square metres more or less Legal Description Lot 3 Deposited Plan 2935	Ruakaka Group Developments Ltd As above
MB4B/94	Estate Fee Simple - 1/2 share Area 2418 square metres more or less Legal Description Lot 28 Deposited Plan 2219	
MB4B/95	Estate Fee Simple - 1/2 share Area 2418 square metres more or less Legal Description Lot 28 Deposited Plan 2219	
MB6A/375	Estate Fee Simple Area 2658 square metres more or less Legal Description Lot 29 Deposited Plan 2219	

5. **Pre-application meeting/advice:**

Pre-application advice was received via email correspondence with Trish Gill on the 17th March 2023. A copy of that advice is attached as **Appendix Two**.

6. **What structures or activities are currently located on the Sounds Foreshore Reserve fronting the property?**

Existing structures include: the following:

- Floating jetty
- Wharf
- Existing deck
- 3 x boat sheds
- Existing retaining walls
- Existing steps/paths

- Goods lift

Proposed new structures in the SFR:

- New timber access ramp
- New revetment rock wall
- Replacement retaining wall

See plans attached as **Appendix Three** which illustrate the existing and proposed structures located in the SFR. No existing SFR licenses/concessions or any other DOC permits are currently held by the applicants. This application seeks approval for the above existing and proposed structures.

Refer to additional annotated aerial photo in **Appendix Six** showing the location of the stormwater, water and power services along with the Ball trolley lift.

7. Duration:

The applicants request a duration of 30 years.

8. Is this application for existing or new buildings and structures?

The proposal is for both existing and new proposed structures.

9. Please advise of the deposit fee and the applicant will pay this directly to the Department of Conservation.



Prepared By:

Melanie Foote
Principal Consultant
Resource Management Group Limited

On behalf of Ruakaka Group Development Ltd
26 April 2023

Address for Service:

Ruakaka Group Development Ltd and G Ball
C/- Resource Management Group Limited
P O Box 908
Christchurch Box Lobby
Christchurch 8140

Email: [REDACTED]@rmgroup.co.nz

Phone: [REDACTED]

Address for Billing and Monitoring:

[REDACTED]
Ruakaka Group Developments Ltd

Email: [REDACTED]

DEPARTMENT OF CONSERVATION CHARGES: Resource Management Group accepts no liability for any Department of Conservation costs or charges. All such invoices are to be sent to the Applicant's address for billing.

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Annexure: Assessment of Effects on the Environment (containing the following appendices)

Appendix One: Certificate of title

Appendix Two: D.O.C pre application advice email

Appendix Three: Proposed engineering/civil plan set

Appendix Four: Land damage and property photos

Appendix Five: MDC Resource consent decision

Appendix Six: Annotated aerial photo showing services

Introduction/Background

1. This assessment is in support of an application to encroach the Sounds Foreshore Reserve in relation to both existing and proposed structures/buildings and services. Rainfall events in August 2022 have caused significant land damage on the site and damage to existing retaining walls and buildings. The applicant has observed that that land movement continues to occur and there is further risk of more land movement and building damage if the proposed works are not carried out as soon as possible. A series of photos of the damage caused by the August weather event are attached as **Appendix Four**.
2. By way of background the 'Ball residence' was built in the 1970's. At that time, they had a rail track trolley lift installed. This was located on the north-western corner of the property and accessed via a platform beside the sea and walkway along the waterfront to the existing jetty. This waterfront accessway transitions to the McFarlane foreshore area and site which contains an existing residence. Both the Ball and McFarlane residences were originally accessed via a concrete path which splits to each dwelling midway. Over the years this path has cracked and broken and slipped down the hill and become dangerous to use.
3. The McFarlane dwelling was built around 1971. The concrete path described above was replaced in conjunction with the circa 1999 in consultation with MDC with a wooden walkway and stairs which followed the original path but overhead. At the time the stairs/walkway were constructed to give access to existing residences. At the same time the sea wall was replaced due to deterioration. These works were all completed at the same time and also included recladding/maintenance of the two existing boatsheds.
4. Around 2008 a new boatshed and helipad were constructed. The helipad is accessed by timber stairs behind the original boatsheds whilst the new boatshed was built alongside to the south. At the time MDC requested the structures be clustered together so as to not spread along the foreshore area. This new application endeavours to maintain this 'clustering' and avoid spreading across the foreshore.
5. The applicant understands the 'Ball' rail system was noted with DOC and the application for renewal of the license has been ongoing since 2020. The applicant wishes to have all required licenses sought and resolved under this application collectively.
6. Existing serves traverses the foreshore area and are illustrated on the aerial photo contained in **Appendix Six**. Existing services include water, power and stormwater.

The Application Site and Surrounding Area

7. The application site is located about 600m from the head of Ruakaka Bay in Queen Charlotte Sound, on its eastern coastline. The application site has a total area of 8004m² held in five separate titles excluding the local purpose reserve area.
8. The site contains two existing dwellings, a consented helipad, three boat sheds, jetties, and moorings. The applicant also owns three adjoining sections to the west which are vacant and currently have no access. The land is moderately sloping, and the proposed access ramp will be partly located within the coastal marine area beyond the mean high tide water mark.
9. The surrounding landscape contains regenerating native bush, holiday homes and associated

coastal structures located along the coastline. Aside from the coastal fringe, the area is undeveloped with no road access to the site. Access to the site is via boat and helicopter only.

10. The site is legally described as Lot 28 and 29 DP 2219, Lot 1 DP2935, Lots 2 and 3 DP 2935, and Local Purpose Reserve. The site contains 5 separate titles.
11. The location of the subject site is illustrated in the aerial photograph below.



Figure 1: Aerial photo of the site (MDC Aerial Photo)

Description of Proposed Activity

12. The property suffered damage from the August 2022 storm event which requires urgent remedial works to protect the property from risk of further land and building damage. Refer to **Appendix Four** for photos illustrating the land damage.
13. The following physical works are proposed and are illustrated on the site plan included as part of the engineering drawing set contained in **Appendix Three**:
 - Remove an existing retaining wall behind the boatshed (marked as green line) and replace it with a new longer retaining wall (marked as red) located approximately 0.5m behind the existing wall. The new wall will have a total length of 22.5m and will continue to behind the length of the access ramp.
 - Barge large excavator machinery to the site and undertake earthworks to form the platform for the ramp so machinery can access the site.
 - Construct a new retaining wall along the shoreline (marked as blue line) along with new revetment rock from either Brancott or Pukaka quarries to remediate the slip and

erosion that has occurred in this area.

- Construct a new timber ramp at a 1:10 gradient alongside the existing wharf which then turns at a 90-degree angle and follows across the hillside to provide access to the vacant sections located to the west. This ramp will require a retaining wall (marked as orange) on the uphill side which is a continuation of an existing retaining wall proposed to be replaced behind the boat shed.
 - Earthworks associated with the new retaining walls and construction of the ramp are illustrated on the Earthworks Plan contained in the engineering plan set attached as **Appendix Three**. In summary the following quantum of cut and fill are proposed:
 - Earthworks behind the boat shed to replace existing retaining wall: 27m³ of cut and fill;
 - Earthworks to construct the ramp and retaining wall 21m³ of cut;
 - Earthworks filling in front of the access ramp and behind the existing slip crack 21m³.
 - Removal of vegetation is required to construct the ramp and to carry out the associated earthworks to construct the retaining wall. Vegetation to be removed comprises of young manuka, small pittosporums and golden AkeAke. This area of land has been cleared in the past prior to construction of the boatshed. The vegetation plan forms part of the engineering plan set attached as **Appendix Three** and illustrates the area to be revegetated. The area below the ramp will be planted with native plant species which will provide screening of the new ramp. The following species will be planted:
 - DODONEA green AKEAKE, 1.8m high
 - DODONEA purple AKEAKE, 1.m high
 - METROSIDEROS - Rata .600 high
 - SOPHORA microphyllia – Kowhai 1.8 high
 - SOPHORA microphyllia twisted Kowhai - 1.8m high.
14. The construction period will be as soon as possible and the works along the shoreline will be at low tide where possible. Standard erosion and sediment control measures will be used to manage the site and will include the use of a 'silt boom curtain' as required. An Erosion Sediment Control Plan will be prepared, be implemented and operational prior to construction works commencing by the works contractor.
15. The following existing structures are located in the Sounds Foreshore Reserve and also require a concession:

Ball Property:

- Rail lift from foreshore with access via a seafront walkway from existing jetty
- Pedestrian access via foreshore reserve from existing jetty
- Boatshed and adjoining jetty

- Existing services: stormwater, power, and water

McFarlane property

- Pedestrian access via foreshore reserve
- Retaining wall to walkway
- Boat shed facility and adjoining jetty.
- Foreshore/seafront retaining wall which gives access to the 'Ball' property in front of McFarlane residential property.
- Existing services: stormwater, water and power.

Vacant sections owned by Ruakaka Group Developments:

- Access from behind the Ball/McFarlane boatsheds to helipad via wooden stairs/walkway
 - Boatshed/jetty structure
 - Retaining wall behind existing boatshed/jetty
16. Refer to the photos contained in **Appendix Four** and the engineering plans contained in **Appendix Three** illustrating the existing structures.
 17. It is noted that all existing structures and proposed structures have the required resource consents from MDC. A copy of the recently approved resource consent from MDC is attached as **Appendix Five**.

License Fee Allocation

18. Given multiple properties are subject to this application the applicant notes the following allocation for assisting with determining the licence fees:
 - Ball property: Railway and foot access, boatshed and foreshore retaining wall and services (stormwater, power and water)
 - McFarlane property: foot access walkway and retaining wall, boatshed and services (stormwater, power and water).
 - Ruakaka Group Developments: there are 3 vacant lots located immediately adjoining to the west. These properties will have pedestrian access to the helipad, have access to the new boatshed retaining wall and ramp structure. The three properties will each have a third share of the new structures proposed to be constructed.

Could these structures/works be reasonably located on private property?

19. The subject properties have no land-based property access, and access is only via boat or air. The shoreline is steep and rocky which necessitated the construction of the existing structures in order to gain safe access to the properties. There are no other options available for

access to the properties.

20. The buildings and structures are not used for commercial purposes.

Planning Provisions

Marlborough District Council

21. A resource consent has been lodged with Marlborough District Council ("MDC") and it was limited notified early 2023 to neighbouring properties, DOC and Iwi. The resource consent reference is U221066. One submission in support and one in opposition were received. The submission in opposition from Iwi has been resolved and withdrawn so on this basis we expect the consent to be granted in the near future on a non-notified basis. Written approval was also obtained from the neighbouring site owned by Mr Bradford. Refer to **Appendix Five** for a copy of the resource consent decision from MDC.
22. A building consent is also required and has been lodged with MDC and is currently being processed.

Consistency with DOC Statutory Plans

23. The relevant statutory planning documents are the Marlborough Sounds Maritime Park Management Plan, the Marlborough/Nelson Conservation Management Strategy and the General Policy Conservation. Each of these documents are assessed in turn as follows.

Marlborough Sounds Maritime Park Management Plan

24. The Park contains various types of reserves, which are classified in terms of the Reserves Act and includes the Sounds Foreshore Reserve. Public access and the control of buildings are the main concerns within the foreshore reserve area as the foreshore area is a sensitive area, subject to a variety of uses. The goal is to keep the Foreshore Reserve as natural as possible while recognising other uses such as property access may be acceptable.
25. The relevant objectives and policies are outlined and assessed in the following table:

Relevant Objective and Policy	Assessment/Comments
To protect, maintain and enhance the parks ecological, cultural, recreational and visual values and to plan and manage the park as a regional and natural asset.	The proposed and existing structures and works in the SFR area are necessary to maintain access to the sites which have no land access available. The proposed works will be undertaken in accordance with best practice and will ensure the various values are protected and maintained.

<p>Policy 3.3.1.1</p> <p>To protect and encourage the restoration of the indigenous vegetation and its associated indigenous animal life to ensure the survival of the sounds ecosystem.</p>	<p>The proposal is located in an area that is modified with two existing holiday houses, a helicopter pad and associated boat sheds, jetties and moorings and other domestic curtilage. The Applicant has made a deliberate attempt to reduce the scale of the proposed built components to the bare minimum, while acknowledging that remedial works are necessary in order to address existing and future land damage. The proposed new ramp, in particular, has been deliberately sited adjacent to the existing boat shed in order to minimise the spread of built form along the coastal margin and effects on the Sound's ecosystem. The proposed planting of indigenous species as previously listed will provide good screening of the proposed ramp and will comprise of native plantings. No exotic species are proposed to be planted.</p>
<p>Policy 3.3.2</p> <p>To protect within reason the sites and objects of significant cultural interest or importance.</p>	<p>There are no sites of cultural significance or importance on the site. The applicants will follow standard accidental discovery protocols (imposed as a condition of the resource consent from MDC), whilst undertaking proposed earthworks and remedial works on the site.</p>
<p>Access and Public Use</p> <p>Policy 3.3.3.1</p> <p>The public has a basic freedom of entry and access...</p> <p>Policy 3.3.3.2</p> <p>To endeavour to allow optimum public enjoyment and use within the reserves.</p> <p>Policy 3.3.4</p> <p>Foreshore reserves, except those under license, will be open for public use at all times.</p>	<p>The coastline along the front of the sites is rocky and steep and on this basis the public are unlikely to seek access. However, at low tide there is a small beach area that can be readily accessed should the public wish and will be unimpeded by the existing and proposed structures.</p>

<p>Buildings, Structures and Facilities</p> <p>Policy 3.3.7.10</p> <p>The Board may recommend to the Minister of Lands that He approve applications from adjoining owners for the siting of boat sheds and access structures on the foreshore reserve where:</p> <ul style="list-style-type: none"> • There is no acceptable site on the owners adjacent property; • The building will not result in the proliferation of boatsheds in the locality; • The building is of a low profile and will have minimum impact on the surrounding environment; • Public access along the foreshore will not be restricted; • There is no acceptable form of alternative access to the owner's adjoining property. 	<p>The proposal will enable the site to be remediated following the August 2022 storm event and help prevent further land and building damage, and the potential slumping of ground into the coastal marine area. Further, the proposed ramp will provide temporary access to undertake the remediation works whilst also providing permanent access to the neighbouring undeveloped sites.</p> <p>The proposed access ramp is of a low profile and proposed indigenous plantings will provide good screening as plants mature.</p> <p>The coastline along the front of the sites is rocky and steep and on this basis the public are unlikely to wish to gain access. However, at low tide there is a small beach that can be readily accessed should the public wish.</p> <p>The only access to the sites is from the sea and air as there is no access via land. On this basis there is no other alternative access available.</p>
<p>Policy 3.3.7.16</p> <p>Disturbance to soil or vegetation on foreshore reserves, for any other purpose than farming or basic landscaping, requires consideration and approval by the board.</p>	<p>Given the sloping nature and orientation of the site the proposed works and structures are not considered to be highly visible from neighbouring properties or as viewed from on the water or neighbouring sites.</p> <p>The proposed new ramp includes mounding and proposed planting which will provide good screening of the structure and will mitigate any visual effects so that any adverse effects would be less than minor. It is noted that the proposed ramp and works are viewed in the context of the existing built form on the property and will be of an appropriate scale.</p> <p>The ramp structure is located immediately beside the existing jetty and will not infringe on any navigational route, or hinder the practical use of any moorings, jetties or property. Further the structure will not hinder the recreational use of the area.</p>

26. The proposal is considered to be aligned with the objectives and policies of the Marlborough Sounds Maritime Park Management Plan.

Nelson/Marlborough Conservation Management Strategy

27. The purpose of the Conservation Management Strategy (CMS) is to set out how the Department of Conservation will manage the areas in its care and its responsibilities for the next decade. The CMS is a statutory document which implements general policies and establishes objectives for the integrated management of natural and historic resources. The following table outlines and assesses the relevant aspect of the CMS.

Part 3 Functional Objectives	
Objective To give effect to the principals of the Treaty of Waitangi	Consultation has occurred with the local Te Atiawa Rūnanga as part of the Resource consent application process, and they support the application. The application is consistent with this objective.
Objective To the extent required by legislation, to protect native plants and animals from harm and disturbance.	The proposed works are within a domestic curtilage area which contains existing structures, buildings and pathways. There are no known wildlife habitats within the curtilage area of the subject sites so on this basis the proposal is not considered to adversely affect and wildlife or wildlife habitats.
Objective To maintain the full diversity of native species and communities found in Nelson and Marlborough.	

<p>Objective</p> <p>Where landscaping or restoration is required, to use species and techniques that are compatible with, and preserve or enhance, the ecosystems of the site.</p>	<p>The construction of the proposed ramp will necessitate the removal of existing indigenous vegetation. This represents a small area which comprises of regenerating indigenous species on land previously cleared when the site was originally developed and as part of subsequent construction of the boatshed. The area to be planted will be filled with soil which will be mounded and planted with various native species listed previously. Given the area of vegetation removal is small and that the area in front of the ramp will be revegetated with indigenous species any effects in this regard are considered to be temporary.</p> <p>The proposal will be consistent with this objective.</p>
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Conservation General Policy

28. The purpose of the Conservation General Policy is to provide direction for implementing the Conservation, Wildlife, Reserves, and Wild Animal Control Acts, as well as the Marine Reserves Act 1917 and the Marine Mammals Protection Act 1978

2 Treaty of Waitangi Responsibilities	<p>Consultation has occurred with the local Te Atiawa Rūnanga as part of the resource consent application process, and they support the application.</p> <p>The application is consistent with this policy.</p>
4.1 Terrestrial and freshwater species, habitats and ecosystems	<p>The proposed works are within a domestic curtilage area which contains existing structures, buildings and pathways. There are no known wildlife habitats within the curtilage area of the subject sites so in this basis the proposal is not considered to adversely affect any wildlife or wildlife habitats.</p>
9.1 Planning and management for peoples benefit and enjoyment	<p>Access to the SFR will be maintained although given steep nature of the land access is only at low tide when the beach is exposed.</p> <p>The proposal would be consistent with this policy.</p>

29. Overall, the proposal and existing activities, buildings/structures on the sites are considered to be consistent with the relevant Objectives and Policies contained in the various policy documents summarised in the tables above.

Description of Actual and Potential Effects of Existing or Proposed Works

30. The following section comprises an assessment of any actual or potential effects on the environment that may arise from the proposal and existing structures/buildings, and the ways in which any adverse effects may be avoided, remedied, or mitigated. For this application, it is considered that these matters relate to:
- Temporary construction related effects;
 - Cultural Effects
 - Natural character effects;
 - Indigenous vegetation clearance;
 - Physical, landscape or visual effects;
 - Natural Hazards;
 - Effects on wildlife or wildlife habitat;
 - Effects on aquatic habitat;
 - Effects of increased potential threats to public conservation land;
 - Cumulative effects;
 - Positive effects.

Temporary Construction Related Effects

31. Earthworks cutting and filling are proposed as described earlier associated with the proposed retaining walls and construction of the access ramp. These activities are illustrated in the civil engineering plans contained in **Appendix Three** and are necessary to both access the site and carry out the remediation works required.
32. For all construction and earthworks activities, erosion and sediment control measures will be implemented to ensure that any sediment does not enter the coastal marine area or any adjoining sites. All works will be undertaken in accordance with an erosion and sediment control plan which will be prepared in accordance with a current best practice. In all measures will be established and be operational prior to the commencement of any earthworks on site and all works will be undertaken during dry weather over the summer months. Works within the tidal area will be undertaken at low tide as far as practicable.
33. Overall, any adverse effects associated with the proposed earthworks are temporary and can be adequately mitigated and as such are considered to be less than minor.

Cultural Values Effects

34. The applicants acknowledge the cultural, historical and spiritual significance of the waters of Queen Charlotte Sound to Te Atiawa. The site is not located in any cultural overlay area within the Marlborough District Plan or any area of significance to Iwi. The proposal is in an area that has been modified with domestic curtilage, so any earthworks are not anticipated to uncover historic archaeological items from previous Māori occupation of Queen Charlotte Sound. The applicant has volunteered an appropriate condition of the resource consent which is currently being considered by Marlborough District Council. This condition of consent requires all earthworks to follow an accidental discovery protocol to mitigate any potential effects associated with uncovering previously unknown items of cultural significance.
35. As part of the Resource consent application consultation occurred with Te Atiawa and the application was Limited Notified to them. All outstanding issues they originally had are now resolved and they support the application.
36. Overall, any adverse effects are considered to be less than minor.

Natural Character Effects

37. The proposal is located in an area that is modified with two existing holiday houses, helicopter pad and associated boat sheds, jetties and moorings and other domestic curtilage. The Applicant has made a deliberate attempt to reduce the scale of the built components to the bare minimum, while acknowledging that remedial works are necessary in order to address existing and future land damage. The proposed new ramp, in particular, has been deliberately sited adjacent to the existing boat shed in order to minimise the spread of built form along the coastal margin. The replacement retaining walls will be in keeping with the existing buildings and will positively contribute to the site by remediating land damage caused by the August 2022 weather event. The proposed planting of indigenous species as previously listed will provide good screening of the proposed ramp.
38. Overall, any adverse effects associated with natural character are considered to be less than minor.

Indigenous Vegetation Clearance

39. The construction of the proposed ramp will necessitate the removal of existing indigenous vegetation as described earlier. This represents a small area which comprises of regenerating indigenous species on land previously cleared when the site was originally developed and as part of subsequent construction of the boatshed. The area to be planted will be filled with soil which will be mounded and planted with various native species listed previously. Given the area of vegetation removal is small and that the area in front of the ramp will be revegetated with indigenous species any effects in this regard are considered to be temporary and less than minor in extent.

Physical, Landscape or Visual Effects

40. The application site is not located in any landscape overlay area listed in the Marlborough District Plan. Given the sloping nature and orientation of the site the proposed works and structures are not considered to be highly visible from neighbouring properties or as viewed

from the on the water or neighbouring sites.

41. The proposed new ramp includes mounding and proposed planting which will provide good screening of the structure and will mitigate any visual effects so that any adverse effects would be less than minor. It is noted that the proposed ramp and works are viewed in the context of the existing built form on the property and will be of an appropriate scale.
42. During processing of the resource consent application by MDC it is noted that the processing planner undertook a site visit and physically inspected the site. This allowed the applicant to formalise an agreed plan to minimise visual effects.
43. The ramp structure is located immediately beside the existing jetty and will not infringe on any navigational route, or hinder the practical use of any moorings, jetties or property. Further the structure will not hinder the recreational use of the area.

Risks from Natural Hazards

44. The application site is not located in an area of known risk from natural hazards as identified in the Marlborough District Plan. The proposed structures have been designed by a chartered engineer and will be required to be signed off as part of the building consent process to ensure the structures meet the appropriate current design standards in relation to slope stability and earthquake risk.
45. For the reasons identified above any adverse effects are considered to be less than minor.

Effects on wildlife or wildlife habitat

46. The proposed works are within a domestic curtilage area which contains existing structures, buildings and pathways. There are no known wildlife habitats within the curtilage area of the subject sites so on this basis the proposal is not considered to adversely affect any wildlife or wildlife habitats.

Effects on Aquatic Habitats

47. The proposed works in the foreshore area are temporary in nature and will be carefully managed to ensure appropriate erosion and sediment control measures are in place during the works and that disturbance is minimised. On this basis any adverse effects in this regard are considered to be less than minor.

Effects of Increased Potential Threats to Public Conservation Land

48. The proposed works are within an existing domestic curtilage area. All replanting will comprise of native species. The proposed works and existing buildings and structures are not considered to increase the threats to the SFR in relation to the increase in pests, weeds and fire.

Cumulative Effects

49. The majority of the works are remedial works as a result of the August 2022 storm event and the proposed ramp provides access to undertake the proposed remedial works and ultimately provide access to the undeveloped properties adjoining the subject sites. On this basis there

are considered to be no cumulative effects.

Positive Effects

50. The proposal will enable the site to be remediated following the August 2022 storm event and help prevent further land and building damage, and the potential slumping of ground into the coastal marine area. Further, the proposed ramp will provide temporary access to undertake the remediation works whilst also providing permanent access to the neighbouring undeveloped sites.

Overall Effects Conclusion

51. The proposal remediation works, and new structures will be sufficiently mitigated by the design and landscaping and will ensure any adverse effects are less than minor.

Conclusion

52. This application has been prepared on behalf of Ruakaka Group Developments Ltd and the other listed owners (outlined on page 2 section 4) to accompany a concession application for remedial earthworks, replacement of existing retaining walls, construction of new retaining walls, construction of a permanent access ramp alongside the existing wharf and for retention of existing buildings and structures on the sites. The key driver for the proposed works is the need to address existing land and building damage, and to prevent further land damage.
53. The application demonstrates that any adverse effects will be less than minor and therefore the identification and/or notification of affected parties is unnecessary, and the application may proceed on a non-notified basis.
54. The assessment of relevant objectives and policies of the various documents demonstrate that the proposal is aligned with all the relevant conservation documents.
55. As such, it is considered that the application can be approved.

Resource Management Group Limited

26 April 2023

Appendices

Appendices are attached separately.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **MB1D/768**
Land Registration District **Marlborough**
Date Issued 08 July 1968

Prior References
MB1A/231

Estate Fee Simple
Area 2954 square metres more or less
Legal Description Lot 1 Deposited Plan 2935
Registered Owners
Ruakaka Group Developments Limited

Interests

L & S Form IV. 51

Search Copy Dated 19/12/22 11:08 am, Page 2 of 2
Register Only



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

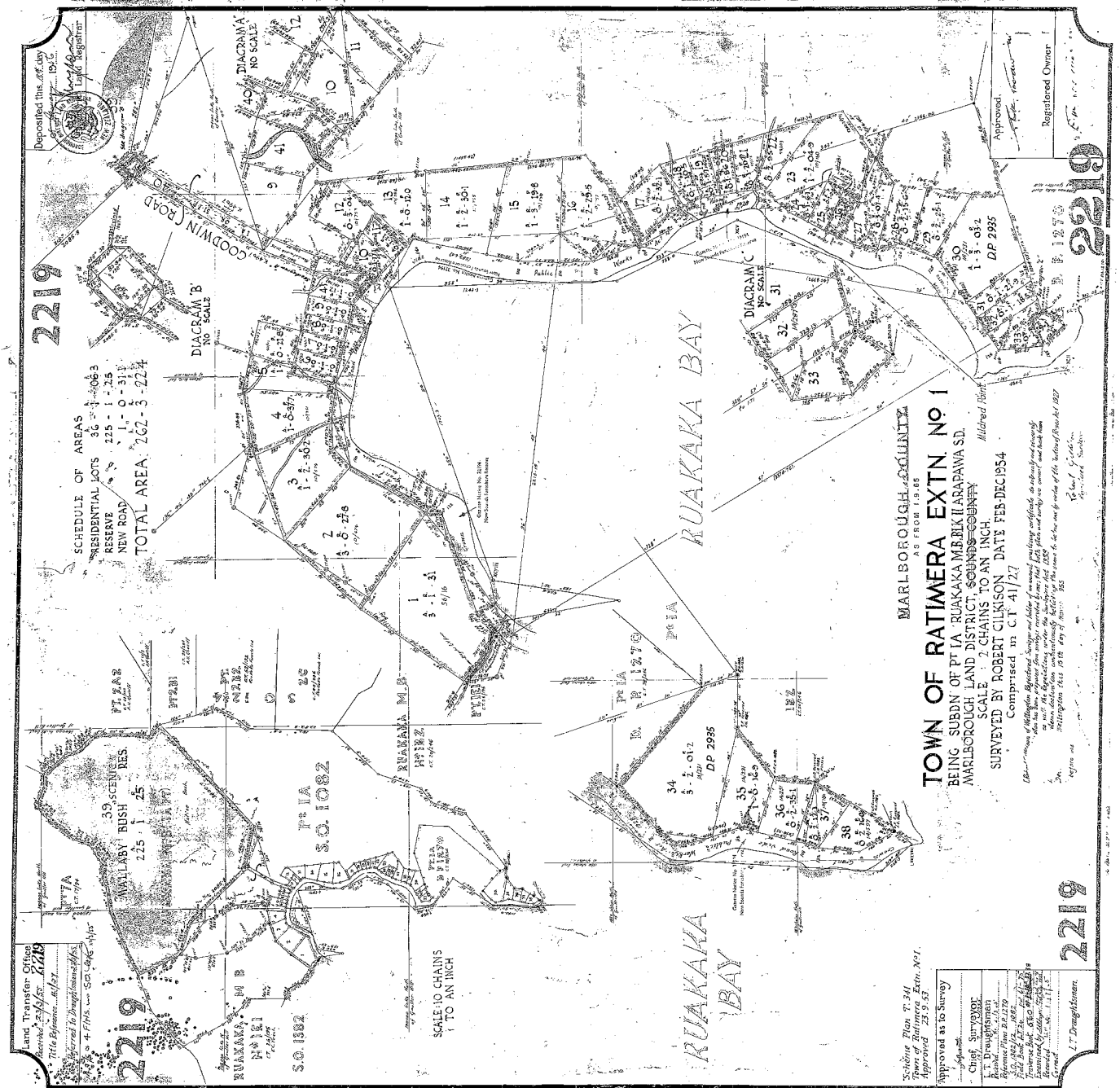
Identifier MB4B/94
Land Registration District Marlborough
Date Issued 13 May 1986

Prior References
MB55/33

Estate Fee Simple - 1/2 share
Area 2418 square metres more or less
Legal Description Lot 28 Deposited Plan 2219
Registered Owners



Interests





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R.W. Muir
Registrar-General
of Land

Identifier **MB4B/95**
Land Registration District **Marlborough**
Date Issued 13 May 1986

Prior References
MB55/33

Estate Fee Simple - 1/2 share
Area 2418 square metres more or less
Legal Description Lot 28 Deposited Plan 2219
Registered Owners



Interests



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier **MB6A/375**
Land Registration District **Marlborough**
Date Issued 17 October 1997

Prior References
MB55/19

Estate Fee Simple
Area 2658 square metres more or less
Legal Description Lot 29 Deposited Plan 2219
Registered Owners



Interests

11173827.1 Mortgage to Andrew Angus McFarlane and Sarah Helen McFarlane - 19.7.2018 at 2:47 pm



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **MB1D/770**
Land Registration District **Marlborough**
Date Issued 08 July 1968

Prior References
MB1A/231

Estate Fee Simple
Area 2031 square metres more or less
Legal Description Lot 3 Deposited Plan 2935
Registered Owners
Ruakaka Group Developments Limited

Interests

LAND TRANSFER ACT 1952

L & S form N. 31

Land Transfer Office
Received 14/10/1963
Title Reference MB1D/770
Referred to L. T. Surveyor 14/10/1963

Deposited this 14 day of October 1963
District Land Registrar

Bay
Ruakaka
Reserve
Foreshore
Sounds
Ruakaka M.B.

Pt 1A
D.P. 1270
C.T. 38/256

Pt 1A
D.P. 2219
C.T. 55/19

Pt 1A
D.P. 2219
C.T. 14/231

Pt 1A
D.P. 1270
C.T. 38/256

Pt 1A
S.O. 1082
C.T. 14/288

Pt 1A
S.O. 1464
C.T. 60/248

Subdn of Lots 30, 34, 35 & 36 D.P. 2219
being Pt Sec. 1A Ruakaka M.B.
LOT 14 HAS NO ROAD ACCESS.

Comprised in C.T. 14/231 MARLBOROUGH COUNTY AS FROM 1.9.65

Survey Block & District II Arapawa
Land District Marlborough Local Body Sounds County
Scale 1 chain to an inch Surveyed by Gilbert & Finn Date July 1963

I, John Macmillan Gilbert of Marlborough Registered Surveyor and holder of an annual practicing certificate, do solemnly and sincerely declare that this plan has been made from surveys executed by me; that both plan and survey are correct, and have been made in accordance with the regulations under the Survey Act, 1939.
And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act, 1957.
Declared at Marlborough this 14 day of September 1963
John Macmillan Gilbert
Registered Surveyor

Peace, (or other person authorized to take a statutory declaration)
John Macmillan Gilbert

Approved as to Survey
John Macmillan Gilbert
Chief Surveyor
Received 14/10/1963
Reference plans
Field book 851 p. 16, 18, 21
Traverse book 852 p. 25, 26
Examined by P. M. W. W. W. 2.11.63
Recorded 14/10/1963
Correct 14/10/1963
L. T. Surveyor

Total Area 7.0.16.3
Approved
P. M. W. W. W.
Director
Applicant or Registered Owner
This space reserved for plan number
2935



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier MB1D/769
Land Registration District Marlborough
Date Issued 08 July 1968

Prior References

MB1A/231

Estate Fee Simple
Area 2178 square metres more or less
Legal Description Lot 2 Deposited Plan 2935

Registered Owners

Ruakaka Group Developments Limited

Interests

L & S FORM IV. 51

Search Copy Dated 17/04/23 8:49 am, Page 2 of 2
Register Only

Melanie Foote

From: Trish Gill <tgill@doc.govt.nz>
Sent: Friday, 17 March 2023 12:06 PM
To: Melanie Foote
Subject: FW: Ruakaka Bay: foreshore reserve concession urgent advice
Attachments: NEW - CA87 SFR Application Form - Structures and Buildings [2022] - DOC-7035929 (3).docx;
NEW - CA87 SFR Application Form - Structures and Buildings [2022] - DOC-7035929 (3).pdf;
Marlborough Sounds Maritime Park Management Plan - DOC-5513819.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kia ora Melanie,

Following up our phone conversation this morning, I can advise on the process for applying for a concession to undertake the proposed works and install structures on the Sounds Foreshore Reserve (SFR).

From the detail in your emails to the Department and the resource consent application documents you have sent, the works and structures will require a licence concession application and consideration process.

The application form (attached as both word and pdf documents) is set out so that you provide all the relevant information that is specific to the concession regime under Part 3B of the Conservation Act 1987. The applicant must be the registered owners, those parties on the record of title, of the adjoining land parcels.

The application form asks you to describe and illustrate the proposed activity i.e. about how long any existing structures have been in-situ, what their purpose is, size, what the proposed works is and timeframe etc. It also asks if the activity could be reasonably undertaken off public conservation land (PCL). As we discussed, this is the time to discuss in detail the topography of the land and other relative matters. This may be covered in the RC documents.

The form also asks about consistency with statutory conservation planning and management documents. I have also attached the Marlborough Sounds Maritime Park Management Plan (MSMPMP). This is one of the leading statutory management planning document we assess against the application detail, along with other statutory planning and management documents (the Marlborough/Nelson Conservation Management Strategy and the General Policy Conservation). The latter documents can be found on our website.

The SFR is public conservation land classified as local purpose reserve. This classification is based on its predominate purpose of enabling access for the general public, for access for the adjoining land owner and for the preservation of the natural values of the reserve.

You will need to apply for a term (duration) of the activity (proposed or in-situ structures). The form advises that any term over a 10 year period for a licence will require public notification, this is in accordance with the legislative requirements. The statutory requirement for notification is 20 working days, once the Department is satisfied that we have all the information for the public to understand what is being applied for.

NB - A lease concession is required if an activity is for exclusive occupation. A lease concession application must be publicly notified, no matter the term applied for.

Iwi consultation is also likely, particularly for any proposed activities on PCL. The timeframe for this consultation is also 20 working days.

The form also sets out where to lodge the application once it's been completed, along with any supporting documents. If you have any questions relating to the application form, please contact me. You can also make contact with the local Picton District Office if you would like to discuss further the specifics of an application.

Processing costs for non-notified concession applications are in the vicinity of \$2,065 - \$2,565 + GST. Actual processing costs is dependent on what is being applied for and a cost estimate is provided once the application has

been initially assessed. Annual concession activity and management fees are applied, if the application is approved and a concession granted. The latter is in the vicinity of \$250-\$300 + GST per annum. The annual concession activity fee is often based on the m2 that the structures occupy.

As I mentioned on the phone, and it would be remiss of me not to mention here, the structures that are already in-situ (the existing retaining walls, stairs and handrails, decking and deck paths) do not seem to have any current authorisation from the Department. Further, if there are any utilities (above or underground) that traverse the SFR, they also require authorisation. I have seen record of a licence (NM-30729-SFR) for a goods lift that was held by GD Ball and MS PLAW; KM PLAW; and RV PLAW. I believe [some] of these individuals are associated with Ruakaka Group Developments Limited.

I will follow up with Mr Geoffrey Ball (as contact) separately regarding the above matter.

I trust this addresses your original enquiry.

Ngā mihi nui,

Trish

From: Melanie Foote [REDACTED]@rmgroup.co.nz>
Sent: Friday, 17 March 2023 8:21 am
To: Trish Gill <tgill@doc.govt.nz>
Subject: RE: Ruakaka Bay: foreshore reserve concession urgent advice

Morning Trish

Thanks for getting back to me.

I'm free any time between 9-12 today.

I can be contacted on the number below.

Regards

Melanie



Melanie Foote
Principal Consultant

MNZPI

Resource Management Group
290 Montreal Street
PO Box 908
Christchurch Box Lobby
Christchurch 8140

M [REDACTED]
E [REDACTED]@rmgroup.co.nz

Please note I work 8.30 to 2.30 Monday to Friday

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Ruakaka Boat Sheds

Ruakaka Bay

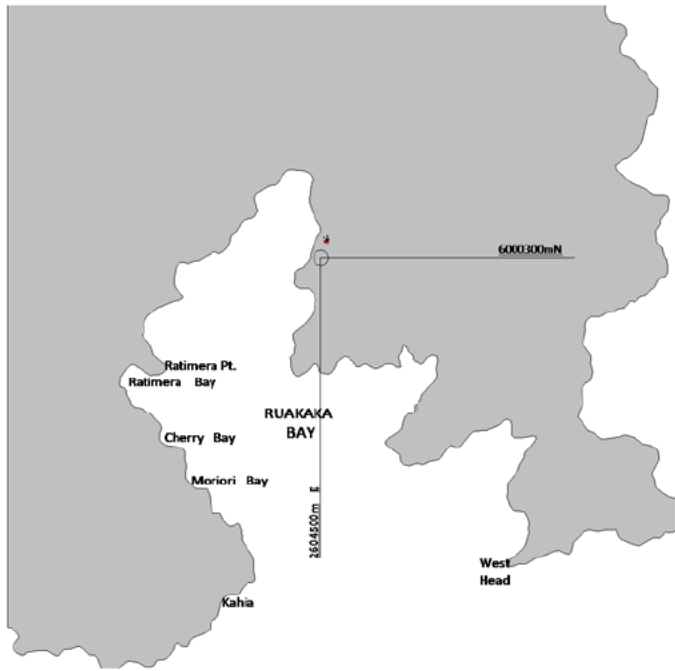
NEW ZEALAND

STRUCTURAL DRAWINGS

DRAWING LIST

DRAWING NUMBER	DRAWING DESCRIPTION	CURRENT REVISION	Current Revision Date
S0.00	Cover		
S1.01	Site and Locality Plan	1	14.12.2022
S1.02	Proposed Site Plan	1	14.12.2022
S1.03	Earthwork Plan	1	14.12.2022
S1.04	Retaining Wall Detail	1	14.12.2022
S1.05	Elevation	1	14.12.2022
S1.06	New Ramp Framing Plan and Details	1	14.12.2022
S1.07	Vegetation Plan	1	14.12.2022





Locality Plan

1 : 50000



Site plan

1 : 1000

Ruakaka Boat Sheds

Ruakaka Bay
NEW ZEALAND

Project Number: 22054



W2 LIMITED

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web www.w2.nz

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DO NOT SCALE - All dimensions in mm unless otherwise stated.

REVISION HISTORY

1	14.12.2022	Preliminary
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Rev:	Date:	Issue:
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- CONCEPT ☐
- SCHEMATIC ☒
- PRELIMINARY ☐
- CONSENT ☐
- TENDER ☐
- CONSTRUCTION ☐
- AS BUILT ☐

Date: 14.12.2022

Title:

Site and Locality Plan

Scale: As Indicated @ A3 Sheet No: Rev:

CHECKED: SW
DESIGNED: SW
DRAWN: AC

S1.01 1



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- PRELIMINARY ☐
- CONSENT ☐
- TENDER ☐
- CONSTRUCTION ☐
- AS BUILT ☐

Date: 14.12.2022

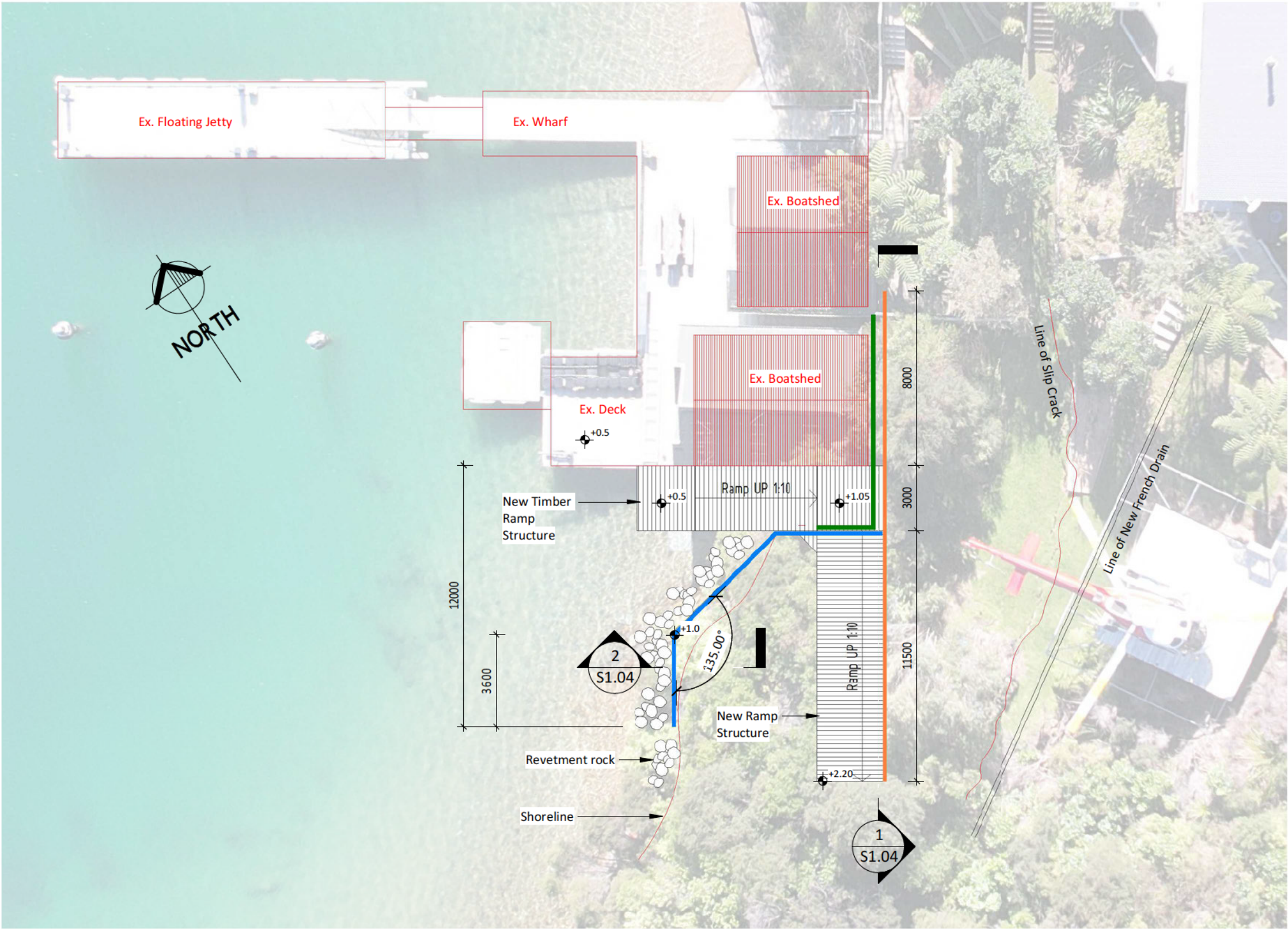
Title:

Proposed Site Plan

Scale: As Indicated @ A3 Sheet No: Rev:

CHECKED: SW
DESIGNED: SW
DRAWN: AC

S1.02 1



Key

- New retaining wall (Top of wall = RL 1.0)
- New retaining wall (Top of wall = RL 2.0)
- Existing wall to be removed
- New Bench for access
- New ramp to be constructed after earthworks and retaining structures

Site Plan

1 : 200



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- TENDER ☐
- CONSTRUCTION ☐
- AS BUILT ☐

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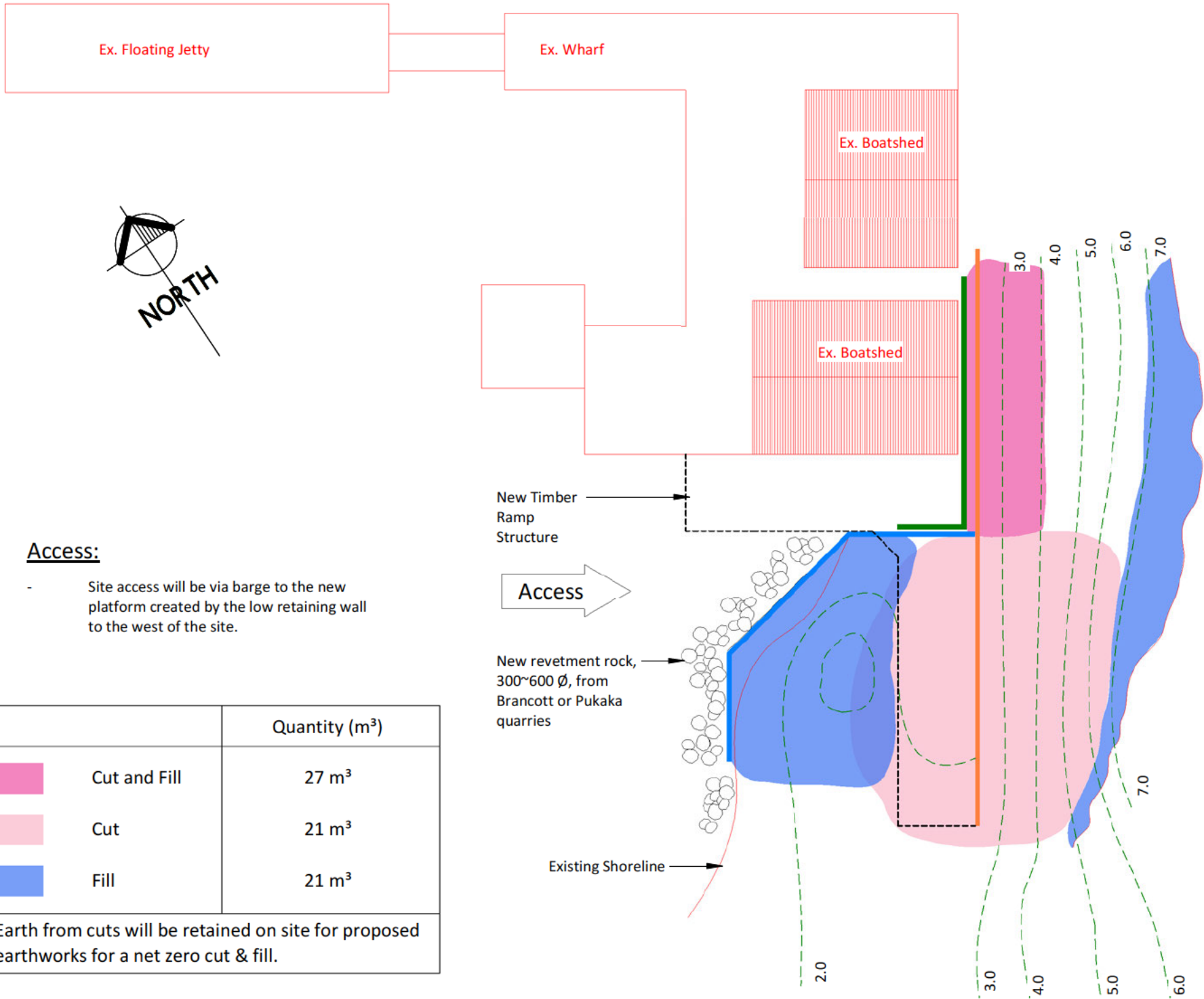
Title:

Earthwork Plan

Scale: As Indicated @ A3 Sheet No: Rev:

CHECKED: SW
DESIGNED: SW
DRAWN: AC

S1.03 1



Earthworks Plan

1 : 200

Key

Proposed approx. contour



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Rev:	Date:	Issue:

- CONCEPT ☐
SCHEMATIC ☒
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CONSENT ☐
TENDER ☐
CONSTRUCTION ☐
AS BUILT ☐

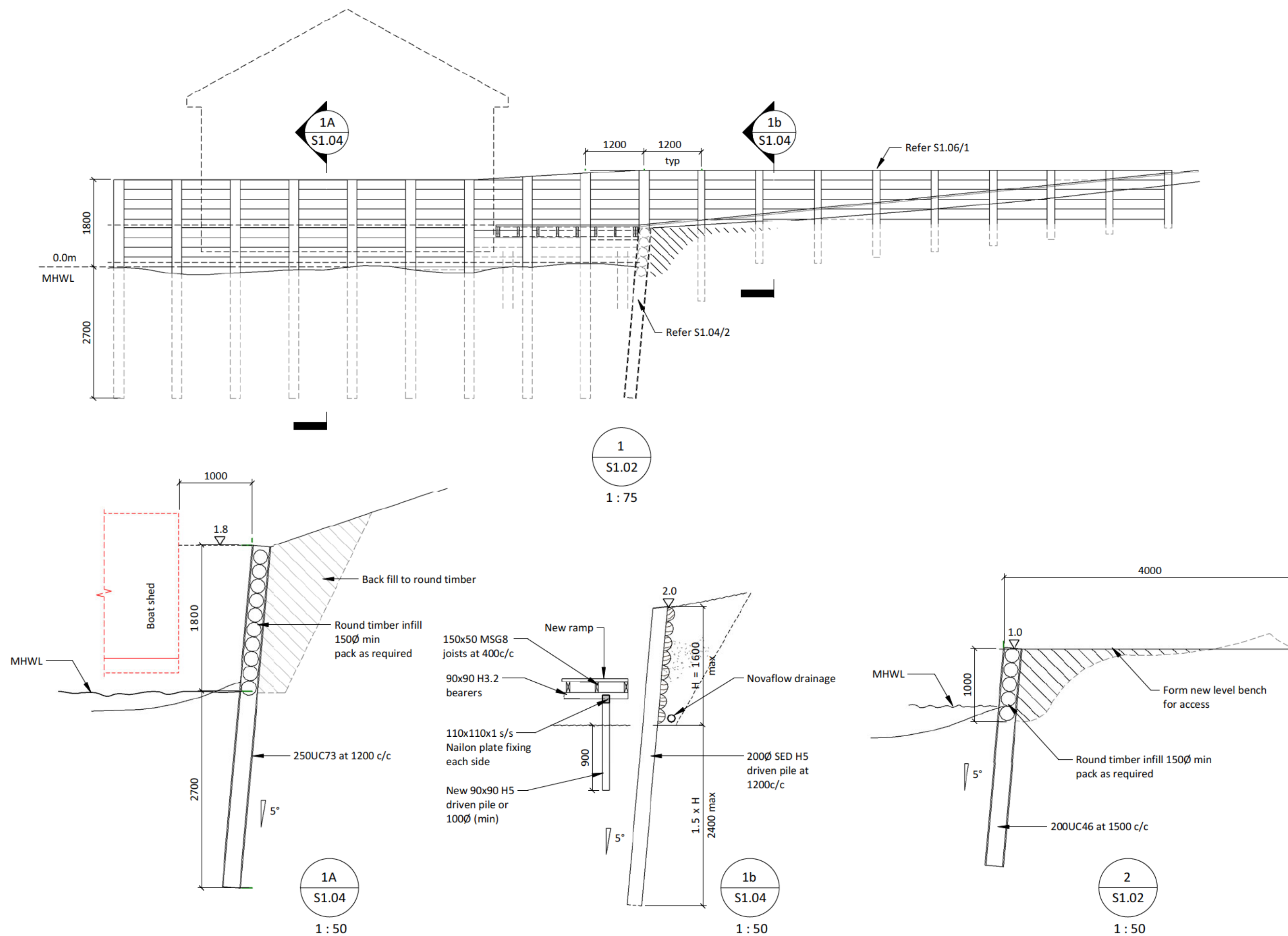
Date: 14.12.2022

Title:

Retaining Wall Detail

Scale: As Indicated © A3 Sheet No: Rev:

CHECKED: SW
DESIGNED: SW
DRAWN: AC





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REVISION HISTORY

1	14.12.2022	Preliminary
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Rev:	Date:	Issue:
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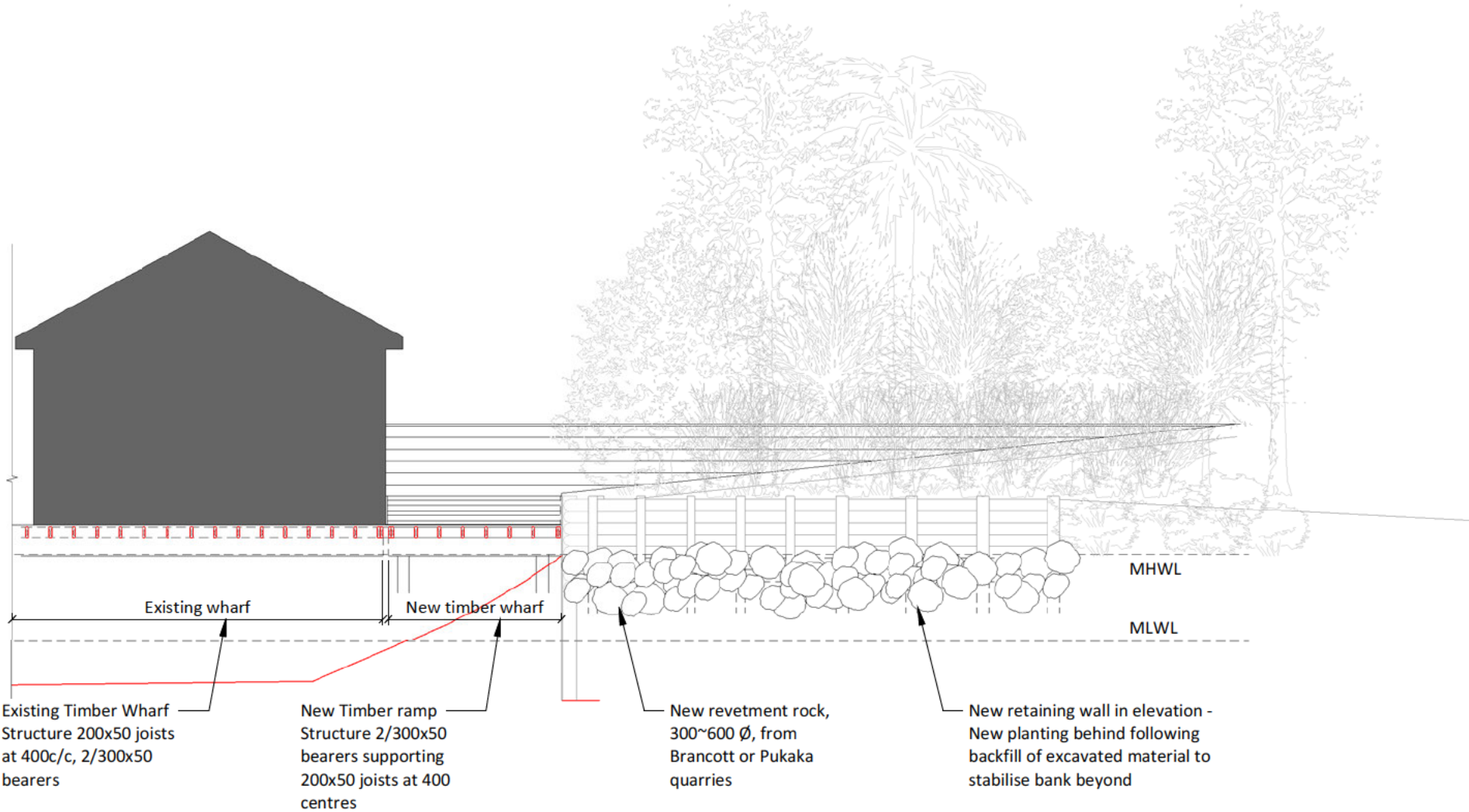
Date: 14.12.2022

Title:

Elevation

Scale: 1 : 100 A3 Sheet No: Rev:

CHECKED: SW	S1.05 1
DESIGNED: SW	
DRAWN: AC	



Elevation

1 : 100



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Date: 14.12.2022

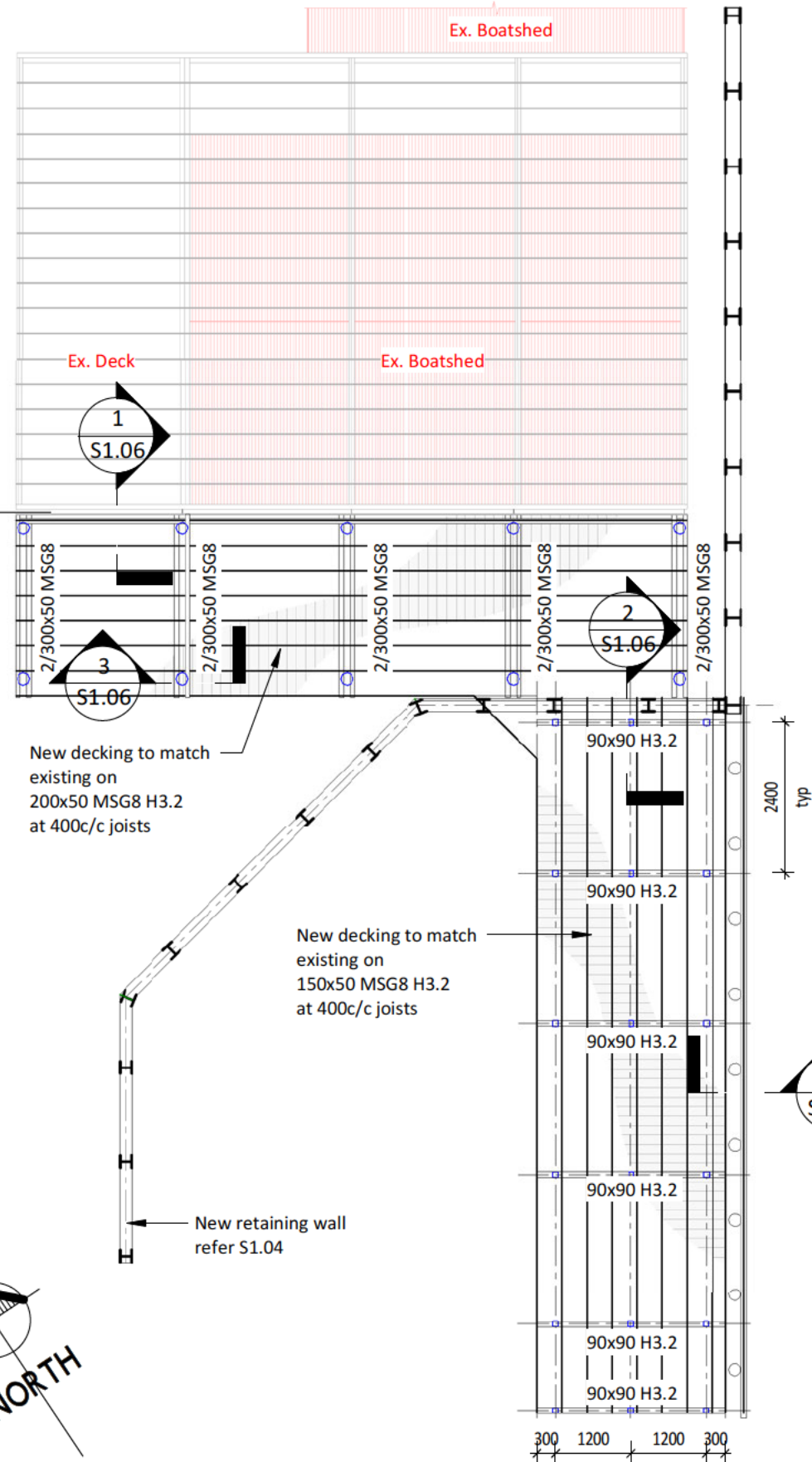
Title:

New Ramp Framing
Plan and Details

Scale: As Indicated @ A3 Sheet No: Rev:

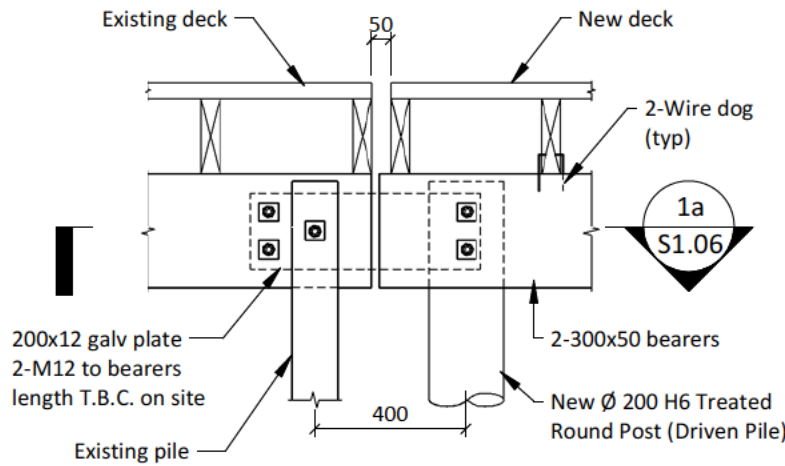
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S1.06 1



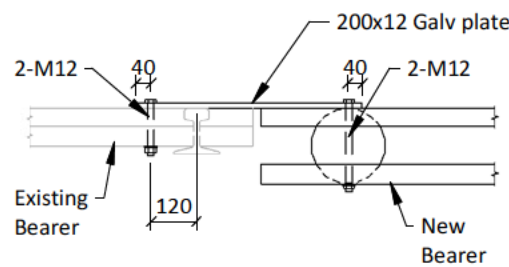
New Ramp Plan

1 : 100



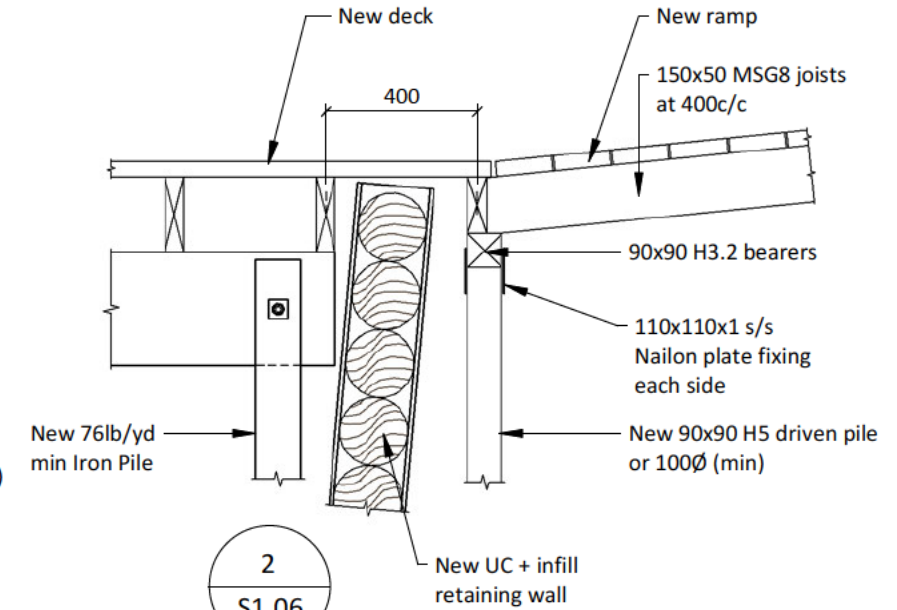
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S1.06

1 : 20



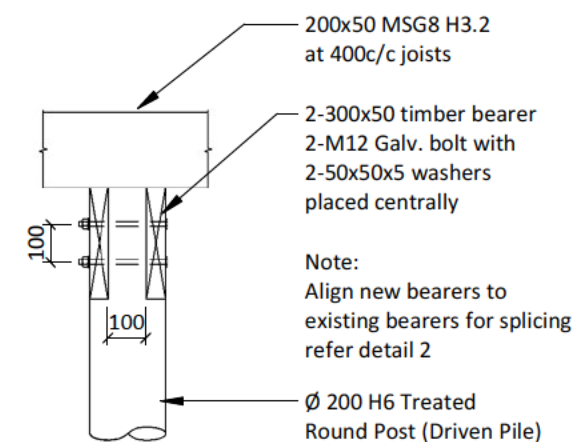
1a
S1.06

1 : 20



2
S1.06

1 : 20



3
S1.06

1 : 20

Note:
Align new bearers to
existing bearers for splicing
refer detail 2



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1	14.12.2022	Preliminary
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Rev:	Date:	Issue:
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| CONSTRUCTION | <input type="checkbox"/> |
| AS BUILT | <input type="checkbox"/> |

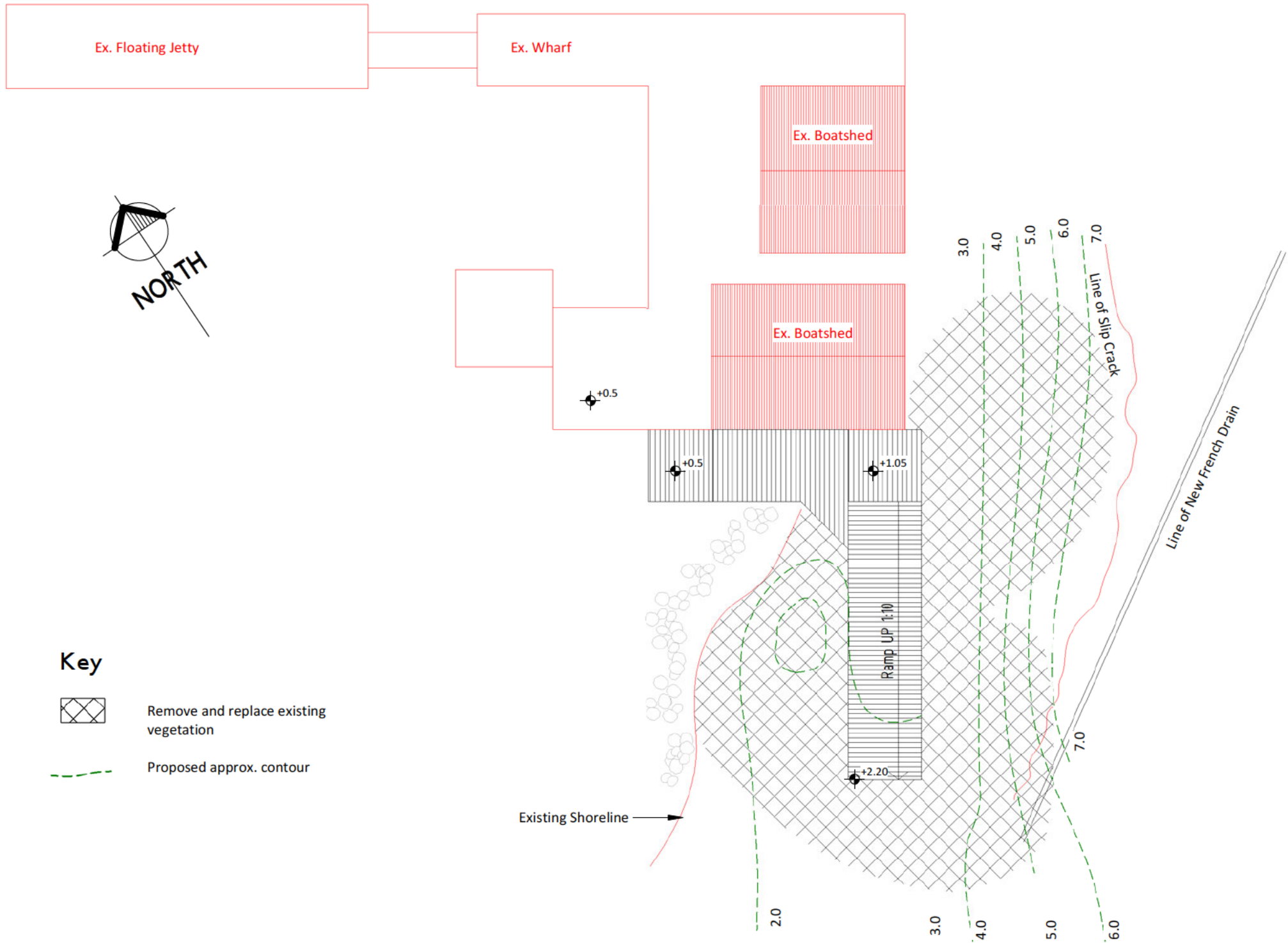
Date:	14.12.2022
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Title:	
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Vegetation Plan

Scale: As Indicated A3 Sheet No: Rev:

CHECKED: SW	S1.07 1
DESIGNED: SW	
DRAWN: AC	



Vegetaion Plan

1 : 200

Appendix Two: Land Damage and Property Photos























RESOURCE MANAGEMENT ACT 1991**Decision of Marlborough District Council**

RESOURCE CONSENT: U221006

APPLICANT: Ruakaka Group Developments Limited

LOCATION: Ruakaka Bay, Queen Charlotte
Sound/Totaranui

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

DECISION: **Granted**

RESOURCE CONSENTS ISSUED:

Type of Consent	Number	Activity	Page
Coastal Permit	U221006.01	New coastal permit to construct an access ramp and retaining wall with rock revetment in front.	1
Land Use	U221006.02	To undertake remedial earthworks including excavation and filling to remove existing damaged retaining wall and construct new retaining wall.	5

Certificate of Resource Consent

Consent Holder:	Ruakaka Group Developments Limited
Consent Type:	Coastal Permit
Consent Number:	U221006.01
Lapse Date:	1 May 2026
Establishment Conditions:	Condition 1
Expiry Date:	1 May 2043
Part 3, Section:	12 (1)(b), 12(1)(c), 12(1)(d).

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** consent for a new coastal permit to construct an access ramp and retaining wall with rock revetment in front, fronting Lot 1 DP 2935, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. Except insofar as required to comply with other conditions of this consent, the activity must be undertaken and remain in accordance with the Application for Resource Consent U221006 received by Council on 22 December 2022, together with updated drawings, plans and elevational drawings, including the W2 Limited drawings numbered S1.01 Rev 1, S1.02 Rev 1, S1.03 Rev 1, S1.04 Rev 1, S1.05 Rev 1, S1.06 Rev 1 and S1.07 Rev 1 received on 02 February 2023 and held on Council file number U221006 record number 2326121.
2. Not less than two working days prior to the commencement of construction of works to which this consent applies, the consent holder must give electronic notice to the Compliance Manager, Marlborough District Council, at monitoring@marlborough.govt.nz, advising of the date that such works are to commence.
3. The access ramp located along the southern side of the boatshed is permitted for access purposes only and shall not be used for storage or recreational purposes.
4. The rock revetment wall shall be constructed to be generally consistent with the plans referred to in Condition 1, including the profile and gradient of the rock revetment as shown in the approved drawings, in particular, W2 Limited drawing number S1.05 Rev 1, inset detail 01. The extent of the rock revetment wall shall be confined to the length of coastline in front of the proposed retaining wall to the south of the existing boatshed, as shown on W2 Limited Drawing number S1.02 Rev 1 and S1.05 Rev 1.
5. The retaining wall and rock revetment wall must be constructed under the supervision of an appropriately experienced chartered professional engineer or other suitably qualified and experienced person familiar with erosion prone sites and the application of erosion and sediment control measures.
6. An erosion and sediment control plan shall be put in place and thereafter maintained throughout the construction of the retaining wall on the site, in accordance with the details submitted with the application.

7. The rock revetment wall authorised by this consent shall be finished to visually match, as closely as practicable, the predominant colour of the rocks and banks naturally occurring along the coastline immediately adjoining the application site.
8. Subject to the agreement of the Department of Conservation, the Sounds Foreshore Reserve area abutting the access ramp and retaining wall, within the area shown on W2 Limited - Vegetation Plan, drawing number S1.07 Rev 1, must be landscaped in accordance with the details of the application using indigenous species as listed in the submitted application, or other such species that would accord with the Department of Conservation planting guide for the Sounds Foreshore Reserve held on Council file number U221006 record number 2369479. Thereafter, any trees and/or shrubs that die, are removed or become seriously damaged or diseased must be replaced within the first planting season with other of similar size, number and species.
9. All parts of the structures hereby approved must be coloured or finished and maintained in such a manner so as to minimise, to the extent practicable, their contrast with the surrounding environment.
10. Within three months of the substantial completion of the structures, the consent holder must submit to the Compliance Manager, Marlborough District Council, written and photographic confirmation from the supervising engineer that:
 - a) The structures have been constructed no larger than approved, and
 - b) The structures have been constructed in accordance with generally accepted best engineering practice for such structures.

The photographic confirmation shall comprise no less than 10 colour photographs captured from different viewpoints around the development and be sufficiently clear to illustrate the finished appearance of the structures and compliance with Conditions 1, 4 and 7.
11. The consent holder must allow any person to pass across and lawfully use the access to the foreshore reserve without charge. The consent holder must not display any signage that deters people from using the access.
12. The consent holder must ensure that the structures are maintained in a tidy, safe and structurally sound condition at all times, including carrying out regular inspection and maintenance of timber and bolted connections.
13. All external lighting associated with the facility must be fully shielded to prevent any light spillage above the horizontal plane of the light source.
14. The land to which the structures relate is presently known as Lot 29 DP 2219, Lot 1 DP 2935, Lot 2 DP 2935 and Lot 3 DP 2935 (the Land). This coastal permit must not be transferred to any person other than an owner/s of the Land. In the event that the current consent holder ceases to own the Land, this coastal permit must within three months thereafter be transferred to an owner/s of the Land, failing which the consent must be surrendered to the consent authority. [Note: Council must be notified of any transfer in accordance with section 135 of the Resource Management Act 1991 and paid the applicable administration fee.]
15. In accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent for the purpose of ensuring that adverse effects on maritime safety, public access, recreation values and amenity values are avoided, remedied or mitigated. Notice of review for these purposes may be given during the months of January to December (inclusive) in any year for the duration of this consent.

16. Unless a replacement consent is applied for and granted, the consent holder, at the consent holder's expense, must remove the structures and all associated material from the coastal marine area and provide written confirmation of this to the Compliance Manager, Marlborough District Council, within three months of any of the following events occurring:
 - a) The expiry of the resource consent; or
 - b) The consent being surrendered or cancelled; or
 - c) The structures becoming derelict or abandoned.
17. If any artefact and/or any historical, cultural or archaeological material of Māori origin, or likely to have significance to Māori, is found or uncovered during the undertaking of this work, the following must be complied with:
 - a) Work shall cease immediately, the area secured and any uncovered material must remain untouched;
 - b) Advice of the discovery must be given within 24 hours to:
 - i) Te Ātiawa Trust's Kaitiaki o te Taiao Office:
Landline: 03 573 5170
Email: taiao@teatiawatrust.co.nz
To enable appropriate cultural procedures / tikanga to be administered; and
 - ii) Heritage New Zealand / Pouhere Taonga
Landline: 04 472 4341
 - c) No work shall recommence until both:
 - i) Agreement has been reached with Te Ātiawa Manawhenua Ki Te Tau Ihu Trust; and
 - ii) If required, an Authority has been issued by Heritage New Zealand if the find involves an archaeological site.

Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to monitoring@marlborough.govt.nz.
2. This resource consent does not constitute a building consent nor does it imply that the proposed structures comply with the Building Code.
3. As the structure will be partially located on Sounds Foreshore Reserve, authorisation for construction is likely to be required from the Department of Conservation and a Foreshore Reserve Concession is likely to be required. Further information can be found on the following link: <https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/sounds-foreshore-reserve-licences-and-concessions/>
4. The consent holder will in the future be required to pay coastal occupancy charges if they are imposed through Council's resource management plans.
5. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.
6. All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an Authority to modify, damage or destroy an archaeological site.

Certificate of Resource Consent

Consent Holder: Ruakaka Group Developments Limited

Consent Type: Land Use Consent

Consent Number: U221006.02

Lapse Date: 1 April 2026

Establishment Conditions: Condition 1

Part 3, Section: 9(2)(a), 9(3)(a).

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** consent to undertake remedial earthworks including excavation and filling to remove existing damaged retaining wall and construct new retaining wall on land associated with Lot 1 DP 2935, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. Except insofar as required to comply with other conditions of this consent, the activity must be undertaken and remain in accordance with the Application for Resource Consent U221006 received by Council on 22 December 2022, together with updated drawings, plans and elevational drawings, including the W2 Limited drawings numbered S1.01 Rev 1, S1.02 Rev 1, S1.03 Rev 1, S1.04 Rev 1, S1.05 Rev 1, S1.06 Rev 1 and S1.07 Rev 1 received on 02 February 2023 and held on Council file number U221006 record number 2326121.
2. At least two days prior to earthworks commencing on the site, the Compliance Manager must be given written advice (monitoring@marlborough.govt.nz) of the anticipated start and finish dates of the earthworks.
3. A copy of this consent shall be kept on site at all times during land disturbance operations, and be readily available to Council. All workers and contractors on the site shall be made familiar with the conditions of this consent as it affects their particular area of operation.
4. The retaining wall must be constructed under the supervision of an appropriately experienced chartered professional engineer, or other suitably qualified and experienced person, familiar with erosion prone sites and the application of erosion and sediment control measures.
5. An erosion and sediment control plan shall be put in place and thereafter maintained throughout the construction of the retaining wall on the site, in accordance with the details submitted with the application.
6. If any artefact and/or any historical, cultural or archaeological material of Māori origin, or likely to have significance to Māori, is found or uncovered during the undertaking of this work, the following must be complied with:
 - a) Work shall cease immediately, the area secured and any uncovered material must remain untouched;
 - b) Advice of the discovery must be given within 24 hours to:
 - i) Te Ātiawa Trust's Kaitiaki o te Taiao Office:

Landline: 03 573 5170

Email: taiao@teatiawatrust.co.nz

To enable appropriate cultural procedures / tikanga to be administered; and

ii) Heritage New Zealand / Pouhere Taonga

Landline: 04 472 4341

- c) No work shall recommence until both:
- i) Agreement has been reached with Te Ātiawa Manawhenua Ki Te Tau Ihu Trust; and
 - ii) If required, an Authority has been issued by Heritage New Zealand if the find involves an archaeological site.

Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to monitoring@marlborough.govt.nz.
2. This resource consent does not constitute a building consent nor does it imply that the proposed structures comply with the Building Code.
3. As the structure will be located on Sounds Foreshore Reserve, authorisation for construction is likely to be required from the Department of Conservation and a Foreshore Reserve Concession is likely to be required. Further information can be found on the following link: <https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/sounds-foreshore-reserve-licences-and-concessions/>
4. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.
5. All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an Authority to modify, damage or destroy an archaeological site.

Reasons

Proposal

1. The applicant is seeking consent for the following:
 - a) To undertake remedial earthworks including excavation and filling and excavation in the coastal marine area;
 - b) To remove an existing damaged retaining wall and to construct a new retaining wall;
 - c) To construct an access ramp and retaining wall with rock revetment in front in the coastal marine area.

Background

2. The storm and heavy rainfall events in August 2022 have resulted in a landslip behind one of the existing boatsheds requiring the need for remedial earthworks, replacement of an existing retaining wall and the construction of a new retaining wall. The applicant also needs to construct an access ramp from the coastal marine area to get machinery up and onto the site for earthworks. Long term, this access ramp would facilitate access from the coastal marine area to the adjacent sections which have yet to be developed.

Description of Existing and Surrounding Environment

3. The application relates to an existing property and three adjacent vacant sections located in the eastern shore of Ruakaka Bay, Queen Charlotte Sound which have boat access only.
4. The applicant's property and the adjacent sections are separated from the coastal marine area by a steeply sloping strip of foreshore reserve.
5. Existing consented structures adjacent to the foreshore consist of two boatsheds, together with associated decking, a launching ramp and small floating pontoon and an existing fixed jetty, linkspan and floating pontoon. There is a consented helicopter pad structure on the land above and to the east of the boatsheds.
6. The landscape along this eastern coastline of the bay is characterised by moderately steep slopes vegetated with regenerating indigenous forest, interspersed with residential development, and associated structures including jetties and boatsheds. On the north-western coastline, development is much more sporadic and is dominated by indigenous vegetation.

Planning Provisions

Proposed Marlborough Environment Plan (the PMEP)

7. The existing retaining wall to the rear of the boatshed is zoned Open Space 3 in the PMEP and the proposed access ramp, associated foreshore retaining wall and rock revetment wall is zoned Coastal Marine Area and Open Space 3 in the PMEP. The site of the proposed earthworks and replacement retaining wall is located on Sounds Foreshore Reserve, zoned Open Space 3 in the PMEP.
8. Excavation and filling of land with clean fill are permitted activities under rules 19.1.7 and 19.1.8, subject to standards. The proposed activity will not meet the permitted activity standards 19.3.5.2, 19.3.5.3, 19.3.5.9 or 19.3.6.3, as the excavation will occur on a slope greater than 35 degrees; will be within 8 metres of the coastal marine area; will involve the use of wheeled and tracked machinery within 8 metres of the coastal marine area; and the filling of land with clean fill will be within 8 metres of the coastal marine area. Rule 19.4.1 requires that an application for resource consent as a discretionary activity must be made for any activity provided for as a permitted activity that does not meet the applicable standards.

9. Provision is not made within the permitted activity rules for the construction of a retaining wall and access ramp in open space 3 and under Rule 19.3.4 this requires consent as a discretionary activity.
10. The construction of the access ramp and rock revetment wall within the coastal marine area requires consent as a discretionary activity under Rule 16.6.7 and 16.6.10, (occupation and use of the coastal marine area).
11. Overall, the activity therefore requires consent as a discretionary activity.

Notification and Affected Parties

12. The application was limited notified. A submission was received from Te Atiawa in respect of the application. The submission concerned the adverse effects of the proposal that were inconsistent with the iwi management plan of Te Atiawa; planning policy documents including the Marlborough Sounds Resource Management Plan, the Proposed Marlborough Environment Plan, and the New Zealand Coastal Policy Statement; and the Resource Management Act.
13. On seeking clarification of the submission, it was established that the main concerns were the extent of the new structures, the need for access, landscaping proposals and erosion and sediment control on site during construction.
14. Te Atiawa confirmed via email that they would withdraw their right to be heard at a hearing provided: the construction work is carried out under the supervision of a suitably qualified and experienced contractor, familiar with working on erosion prone sites and an erosion and sediment control plan is implemented on site during construction; the Te Atiawa accidental discovery protocol condition is added to the consent and all contractors on site are made familiar with the requirements under the document. These matters have now been incorporated into the application and consent conditions.

Assessment of Effects

15. The proposal involves earthworks within the coastal environment on land prone to instability and erosion and there is a risk of sediment being released from the site and entering the coastal marine area from stormwater run-off from disturbed land. In this case, an existing retaining wall has failed as a result of a landslide occurring after a significant storm event. Various earthworks, together with the construction of a replacement structure are now required to help stabilise the land above and avoid further erosion.
16. The construction works require access across the foreshore for machinery transported by barge to the site and it is proposed to facilitate this by constructing a ramp access. In the long term, this ramp would be utilised to provide a single point of access across the foreshore reserve, to the adjacent sections that have yet to be developed. In terms of positive effects, this would encourage the sharing of facilities for boat and pedestrian access to the sections in the future and help minimise new structures in the coastal environment.
17. The applicant proposes to construct a rock revetment wall in front of the retaining wall along the foreshore and landscape the area around the ramp and retaining wall with native species. These features will help to integrate the new structures into the existing landscape and reduce the adverse effects on visual amenity.
18. In terms of erosion and sediment control, the proposed construction of the retaining wall will be carried out in sections, with appropriate erosion and sediment control measures in place. This will reduce the area of exposed soil at any one time during the construction and help to mitigate the risk of sediment entering the coastal marine area. The proposed landscaping planting will also help to stabilise the land once earthworks have been completed.

19. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, the proposal, subject to conditions, is concluded to be likely to have acceptable adverse effects on the existing ecological values, maritime safety, natural character, landscape values, water quality, recreational values (including public access) and amenity values of the immediate locality.
20. In reaching this conclusion, it is assessed that whilst the proposal will have some visual impact and will introduce additional man-made structures in the coastal environment, within the context of the existing adjoining foreshore structures, and subject to appropriate design, materials and landscaping, as proposed, together with the conditions and mitigation measures in the consent, the structures would integrate with the coastal setting and would be broadly consistent with the established character and amenity of the coastal environment in this part of Queen Charlotte Sound.

Relevant Statutory and Plan Provisions

21. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 6, 13, 15, 18 and 19 of the New Zealand Coastal Policy Statement 2010; Objectives 7.1.2, 7.1.9, 7.2.7 and 8.1.2 and Policies 7.1.7, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement; Policies 2.2.1.2, 6.1.2.1.4, 8.3.1.2, 9.2.1.1.1, 9.2.1.1.3, 9.2.1.1.10, 12.3.1.4 and 19.3.1.4 of the Sounds Plan; and Policies 3.1.3, 6.2.5, 9.1.13, and 13.10.3-13.10.22 of the PMEP are of relevance to an evaluation of the proposal. Within the context of the site it is concluded that the proposal, subject to conditions, is consistent with most of the identified provisions.

Part 2 Resource Management Act 1991

22. Having considered the matters of national importance, other matters and principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the Act would be better achieved through a grant of resource consent, subject to the conditions specified.

Consent Duration and Lapse Date

23. Section 123 (c) of the Resource Management Act 1991 requires that every coastal permit have an expiry date. Policy guidelines in the Marlborough Environment Plan seek to limit the duration of coastal permits granted for activities in the Coastal Marine Area to a period not exceeding 20 years to enable periodic assessment of whether activities and developments are affecting the values of the coastal marine area, to encourage the efficient use of finite resources and in consideration of the dynamic nature of the coastal environment. In this case an expiry date of 1 May 2043 a timeframe of 20 years for consent number U221006.01, is consistent with sustainable management. The consent to carry out earthworks and the construction of the retaining wall on the foreshore reserve (U221006.02) is unlimited as these works are permanent land use activities.
24. A three-year lapse period of 1 May 2026 enables an ample length of time to give effect to the consent.

Recommended for approval:



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Fliss Morey
Environmental Planner

Approved:



11 April 2023

...
Anna Davidson
Marlborough District Council Manager Resource Consents

Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

Commencement of a Resource Consent

Refer to section 116 of the Resource Management Act 1991

- Where no submissions were lodged or any submissions were withdrawn, a resource consent commences, (and may be actioned) on the date of the receipt of the decision.
- Where submissions were lodged to the application, and not withdrawn, the resource consent commences once the time for lodging an appeal has passed, provided no appeals have been received, or when all appeals have been resolved or withdrawn.
- If the resource consent was for activities controlled by the district plan on reclaimed land or land in the coastal marine area, or a restricted activity; then there are specific provisions regarding the commencement of resource consent. These provisions are outlined in section 116 of the Resource Management Act 1991.

Lapsing

Refer to section 125 of the Resource Management Act 1991

- If no lapse date is specified in the consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).
- Council requires full implementation of the establishment conditions prior to the lapse date in order to demonstrate effect has been given to the consent. Please note this includes commencing the activity you have applied for (for example taking water). It is important that when you commence the activity you do so in the sequence that your conditions require (for example installing a meter, then completing a meter inspection, then taking water, all before the lapse date). If you are unable to do so you are strongly recommended to make an application to extend the lapse date or vary the condition that is posing difficulty to implement.

Conditions of Resource Consent

Refer to section 108 of the Resource Management Act 1991

- If conditions are imposed these will be set out in the decision document.
- Please read your consent and ensure that you fully understand any conditions.
- If you have concerns with any condition(s), in the first instance you should discuss your concerns with Council, although an option may be to lodge an appeal or objection.
- It is a legal requirement that there be **compliance with** all conditions.
- If any conditions are contravened it may be that the Council or members of the public will initiate enforcement action (outlined in Part XII of the Resource Management Act 1991).

Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision, however there is no right of appeal against the whole or any part of the decision to the extent that the decision relates to one or more of the following, but no other, activities:
 - a) a boundary activity, unless the boundary activity is a non-complying activity;
 - b) a subdivision, unless the subdivision is a non-complying activity;
 - c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.
- A submitter can only appeal to the Environment Court if their appeal is related to a matter raised in their submission and their submission, or the part of their submission to which the appeal relates, has not been struck out under section 41D of the Resource Management Act 1991.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

Before lodging an objection or an appeal it is recommended that you seek professional advice.

Subdivision Consents

Refer to sections 223 and 224 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to). The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.
- The consent holder has a further 3 years following the issue of the section 223 approval to obtain a section 224 certificate from Council and lodge the survey plan for deposit with Land Information New Zealand prior to the resource consent lapsing.
- Payment of any compensation due as a result of road vesting or esplanade acquisition will be made upon receipt of your invoice and evidence that the new certificates of title have issued with the esplanade strip agreement registered on them, or vesting completed.

Annotation History

Date	Reason for Amendment/Alteration