

16 February 2022

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Nelson City Council
C/- Beca
191 Trafalgar Street
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NELSON 7010

Resource Consent Number: RM205274
Contact: Jane Hilson
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Email: jane@planscapes.co.nz
www.nelson.govt.nz

Attn: Jennifer Rose

Tēnā koe Jennifer

Resource consent is granted

Please find attached your resource consent, granted pursuant to Section 113(4) of the Resource Management Act 1991 ("the Act").

Please ensure you read the conditions of your consent carefully before you commence your activity. Some conditions may require you to carry out specific actions before you start. You may also need to obtain other permits or building consents before commencing your activity.

Once the final processing costs are determined an invoice will be sent out or you will be contacted if there is a refund of any fees.

If you have any questions regarding any aspect of your consent or its conditions, please don't hesitate to contact me.

Ngā mihi nui



Jane Hilson
Consultant Planner

RM205274

Notice of Decision

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RESOURCE CONSENT DECISION

Resource Consent number RM205274 is granted to:

Nelson City Council

The activity:

To authorise long term residential accommodation within a relocatable home park at the Brook Valley Holiday Park (retrospective consent)

Location details:

Address of property: 600 Brook Street, Nelson

Legal description: Sec 6 SO 498803

Record of title: 53911 0/786619 0/786

Lapse date:

Your consent will lapse on 16 February 2027 unless you have given effect to it before then (section 125 of the Act).

Duration of Consent:

Your consent will expire on 16 February 2037, **15 years** from the date of consent (section 123(b) of the Act).

CONDITIONS

1. The activity shall be carried out in accordance with the application lodged with Council on 19 March 2021, the further information 18 October 2021 and 22 December 2021, the attached RM205274 Plan A and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall advise the Council's Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number, RM205274.

Note: Failure to notify the Council as stated in the above condition may result in enforcement action.

Note: A monitoring charge of \$162 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

3. Long-term living occupation under this consent shall be limited to those 23 sites shown in yellow on Plan A attached to and forming part of this consent ('the relocatable home park), to a maximum of 15 single sites occupied by relocatable homes at any time.
4. Within 15 working days of this consent being granted, the Consent Holder shall provide to Council's Monitoring Officer in writing the names of those existing permanent residents within Brook Valley Holiday Park to whom this consent relates. When these persons cease their long-term living at this site, they shall not be replaced by new residents.

Note: *This condition has been volunteered by the Consent Holder. This consent is subject of a "sinking lid" approach, such that as the 15 existing long-term living occupancies cease they shall not be replaced by new permanent occupants within the relocatable home park.*

5. Each site within the relocatable home park shall be provided with a service hub that allows for connection of the relocatable homes to the Council's reticulated wastewater and water supply. All relocatable homes must connect to this, unless occupants are solely using the communal kitchen and ablution facilities within the Brook Valley Holiday Park in which case an exemption must be obtained under the Camping Ground Regulations.
6. No buildings or permanent occupation shall be permitted in the *Proposed Fault Avoidance Zone* or *Brook Stream Setback* as shown on BECA drawing titled 'Brook Stream Set back and Fault Avoidance Zone' Drawing No. GIS-4293304-01 dated 21 December 2021, shown in Plan A attached to and forming part of this consent. There shall also be no occupation or structures within the Brook Stream Setback that would impede pedestrian access for other users of the Brook Valley Holiday Park or the general public within this riparian margin.
7. The Consent Holder shall monitor for scour of the Brook Stream river-bank adjoining the relocatable home park, and shall respond accordingly to ensure that the setback subject of Condition 6 continues to be complied with.
8. All homes subject of this consent shall be designed to be relocatable. They shall only be fixed to land by virtue of being connected to services. They are not to be fixed to land by way of any building foundation fixture that would otherwise require a building consent.
9. The Consent Holder will take all necessary steps to add the Brook Waimarama Stream to Council's Cultural Health Indexing programme, to measure the effects of the activities on the Taioa.

Note: *This condition has been volunteered by the Consent Holder.*

10. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:

- (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
- (b) To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
- (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTES

1. Conditions of this consent have been imposed pursuant to Section 108 of the Act.
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
3. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.
4. The Applicant has advised that Nelson City Council will be developing a Wildfire Management Plan (WMP) for the Brook Valley Holiday Park, and this will include the relocatable home park. This proposal does not of itself generate the need for the WMP so it is not imposed as a condition of consent.
5. Any relocatable home, such as a house bus or caravan, which is moved to and from the site will need to be roadworthy and have a current registration and warrant of fitness or certificate of fitness to travel on the road, unless it is transported as a load on a suitable truck or trailer.
6. Any relocatable home which is transported to or from the site will need to comply with the vehicle dimensions and mass rule, including any applicable "over dimension" requirements. This may entail obtaining over dimension permits and/or approved traffic management plans."
7. Development Contributions will be payable in accordance with NCC's Development Contributions Policy 2021, unless the consent holder is successful in an application for an exemption from these.
8. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP) and the Nelson Air Quality Plan (NAQP); or
 - (b) be allowed by the Resource Management Act 1991; or

(c) be authorised by a separate resource consent.

Note: *Small-scale solid fuel burning appliances are a prohibited activity at this site under Rule AQR.24 in the Nelson Air Quality Plan.*

8. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent “attach to the land”, and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
9. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
10. Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
11. In addition to objection rights section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

DESCRIPTION OF PROPOSAL

The applicant seeks resource consent to use an area of the Brook Valley Holiday Park ('BVHP') for long-term occupation purposes, within a relocatable home park.

The purpose of the application is to provide for the residential needs of 15 existing long-term occupancies within the BVHP, and accordingly this is an application for retrospective resource consent.

Long-term occupation under this application:

- applies to living accommodation for persons intending to live at the site for a period of 50 days or more a year, who will generally refer to their site as their home and permanent address;
- will only be allowed within relocatable homes which, under the Camping Ground Regulations 1985, means a structure located within a camping ground comprising a group of rooms occupied permanently or temporarily as the living quarters of a single house-keeping unit, which is completely self-contained in respect of domestic equipment and facilities and which is designed to be relocatable;
- relates to 23 single sites ('the relocatable home park') as shown in yellow on Plan A attached to this consent, which will each be provided with a service hub to connect to Council sewer and water services within BVHP;
- will allow for relocatable homes to fit within the confines of a single site only, not multiple sites;
- provides for accommodation structures only where located outside of an identified Fault Avoidance Zone and set back at least 5m from the bank of the Brook Stream, as shown on Plan A;
- will not allow the use of small-scale solid fuel burning appliances (so the discharge of contaminants to air from existing appliances will cease, in accordance with the prohibited activity status under Rule AQr.24 in the Nelson Air Quality Plan).

The applicant has volunteered a "sinking lid" approach to be adopted for the relocatable home park, with consent limited to the existing 15 occupants and the duration of their occupancy only.

Of the 23 sites within the relocatable home park, only 13 are currently occupied on a long-term basis (C11 and C14-C17, D8 and D9, F1-F3 and F13-F15) by 9 existing occupants (F13/F14, F1/F2, D8/D9 and C15/C16 are currently double sites, but will revert to single sites). The other 6 occupants of sites compromised by the Brook Stream setback or Fault Avoidance Zone, at least, will need to be relocated to new sites.

Pursuant to section 123(b) of the RMA, the applicant has requested that consent is granted for a duration of 15 years. At the conclusion of this, and if the applicant wishes to continue with a relocatable home park of BVHP, a new resource consent will need to be obtained.

The application includes an Assessment of Environmental Effects from Beca Ltd, accompanied by a Cultural Impact Assessment from Te Arahanga Ltd, a Wildfire Risk Analysis Report from Integrated Consultancy Ltd, a Hazard Assessment from Beca Ltd, a

SITE DESCRIPTION

A site visit was undertaken on 29 March 2021 by Council's Consultant Planner.

The Brook Valley Holiday Park (BVHP) is located towards the head of the Brook Valley, approximately 4.5km from the Nelson city centre. It occupies approximately 4.5ha of land between the southern extent of the residential area of The Brook and the Brook Waimarama Sanctuary which gains its accessed through the BVHP (see Figures 1 and 2).



Figure 1: Brook Valley Holiday Park and locality



Figure 2: Brook Valley Holiday Park, with existing long-term occupancy alongside Brook Stream

The BVHP is sited adjacent to the Brook Stream and spans three relatively flat alluvial terraces separated by terrace risers. The proposed relocatable home park is located on the lower alluvial terrace closest to and east of the stream, and it is in this area that the existing long-term residents are living.

Facilities within the park include tourist cabins, powered and non-powered campervan, caravan and tent sites, and amenity blocks including shared ablutions, kitchen, TV lounge and laundry facilities.

The application states that the BVHP is able to accommodate up to 406 occupants over 120 sites and 10 cabins. The proposed relocatable home park will occupy up to 23 of those 120 sites, but with not more than 15 in use at any time.

Visitor numbers to the BVHP are set out in the table below, and during the summer of 2020/2021 averaged just over 230 occupants over a five day period at its peak.

Month / Year	Total Visitor Numbers
March 2020	153
February 2020	353
January 2020	760
December 2019	614
November 2019	101
October 2019	55
September 2019	40
August 2019	31
July 2019	22
June 2019	19
May 2019	53
April 2019	367
March 2019	903
February 2019	592

BVHP is connected to Council reticulated services. These include wastewater pipes connected to the ablutions and other communal buildings east of the camp access, and to gully traps (suitable only for grey water, not sewage) adjacent to the proposed relocatable home park sites west of the camp access. The BVHP is also connected to the municipal water supply, to buildings and to taps throughout the camp. Council's Senior Asset Engineer – Utilities has confirmed that there is capacity within existing water and wastewater services sufficient for the proposed service hubs and long-term occupancy of these sites.

There is no reticulated stormwater network within the BVHP, however runoff from individual relocatable homes will be minor and the applicant has stated that this will comply with the requirements of the Camping Ground Regulations. The discharge of stormwater from the roof of a residential property, where not containing any contaminants, is also a permitted activity under the NRMP.

PLAN RULES AFFECTED

According to the Nelson Resource Management Plan, the following apply to the subject property:

- Zoning: Open Space and Recreation
- Overlays: Riparian, Fault Hazard, Landscape Trees, Landscape Woodland

Rules: Rule OSr.20.3 – long-term living accommodation within a relocatable home park is not a permitted activity listed in Schedule CG1 (Camping Grounds) for the Open Space Recreation Zone – non-complying activity

Rule OSr.56.3 – Structures within the esplanade reserve corridor (30m including the river-bed and both banks) of the Brook Stream – discretionary activity

Overall Status: Non-complying activity

The application site is zoned Open Space and Recreation in the NRMP and is scheduled as a 'Camping Ground' under OSs.7. OSs.7.i permits the following activities and buildings on the site, subject to compliance with the Open Space and Recreation Zone rule table:

- a) Camping and short-term living accommodation
- b) Conferences and conventions
- c) Service buildings
- d) Aerials
- e) Informal recreation activities
- f) Play equipment
- g) Hire of camping and sporting equipment
- h) Any activity listed in any management plan approved for the land under the Reserves Act
- i) Sales of refreshments, groceries and souvenirs
- j) Temporary structures for the purposes of military training

Long-term living accommodation is not listed as a permitted activity under OSs.7.i. The BVHP is a Local Purpose (Outdoor Leisure, Camping, Conservation and Education) Reserve subject to the provisions of the Reserves Act 1977, however it does not have a management plan approved under the Reserves Act.

Any activity that is not a permitted activity in the schedule is a non-complying activity, and any permitted activity that does not meet the permitted conditions of the rule table is discretionary. Subject to the 5m setback to the Brook Stream, the relocatable homes will also be sited within a 30m esplanade corridor (Rule OSr.56).

With the bundling of consents the proposed relocatable home park is assessed as a **non-complying activity** under the NRMP.

REASONS FOR THE DECISION

Assessment of actual and potential environmental effects

The principal issues associated with the proposed activity are:

- (a) effects on public recreational use and amenity of the Brook Valley Holiday Park;

- (b) effects on the riparian values of the Brook Stream;
- (c) effects of flood risk and stream bank scour erosion;
- (d) risk of fault hazards, slope instability and fire;
- (e) effects of traffic on the local road network;
- (f) effects on neighbouring properties and activities;
- (g) effects on values held by Te Tau Ihu Iwi; and
- (h) the duration of consent.

In assessing these issues, the scale of the relocatable home park, being limited to 15 occupants on a reducing or “sinking lid” basis, and the proposed 15 year duration of consent, are noted.

The application is for retrospective consent for long-term occupation by existing residents. In such circumstances, their use of the BVHP cannot be considered as part of the existing environment, however this does afford greater understanding of the potential effects on the environment and people that would arise with a grant of consent.

Section 104(2) of the Resource Management Act allows a consent authority, when forming an opinion on the actual and potential effects on the environment of allowing an activity, the discretion to “...disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.” This concept is referred to as the ‘permitted baseline’. The application of the permitted baseline is at the discretion of the Council.

The application seeks to establish a permitted baseline around temporary occupancy within the BVHP under the Camping Ground Regulations, whereby a person could occupy the BVHP for up to 50 days, before leaving the BVHP for a short duration and returning to reside on the camping ground for another 50 consecutive days, on a recurring basis. While this may have day-to-day effects not unlike the proposal, and with occupation of sites within the Fault Avoidance Zone and Brook Stream Setback as part of the general use of the BVHP, it is conceivable that this is unlikely to be sustained over more than the short to medium term and certainly not by all 15 residents.

The proposal and its AEE have been reviewed by the Nelson City Council (NCC) Senior Engineer – Land Development and Activity Engineer – Stormwater and Flood Protection in relation to inundation and stream bank scour hazards; Senior Asset Engineer- Utilities, in relation to service capacity; Senior Transport Adviser in relation to traffic effects; Manager, Science and Environment in relation to biodiversity values of the wider environment; and its Consultant Engineering Geologist (Tonkin and Taylor) in relation to slope instability and fault hazard risk.

The Council’s Consultant Planner considers that the adverse effects of the activity can be appropriately avoided, remedied or mitigated to result in adverse effects on the environment that will be less than minor, for the following reasons:

The application states:

"The Open Space and Recreation zone contains open space which is of high amenity value to the community, primarily for open space and active recreation activities, and in respect of the BVHP, for short-term living accommodation and camping activities. It is important for the health and well-being of the wider community that the existing recreational opportunities of the BVHP remain."

The proposed relocatable home park and sites for long-term occupation are all located along the western side of the BVHP near the stream, and effectively in two clusters separated by the Fault Avoidance Zone. They are well separated from the main camp access and access to the Brook Waimarama Sanctuary. Those sites in Fantail Glade are visually screened by vegetation and quite secluded from the bulk of sites in the camp.

Under the Camping Ground Regulations 1985, any relocatable home must be completely self-contained in respect of domestic equipment and facilities. The occupants of the relocatable home park may use on-site communal facilities within the camp, however as permanent residents they are more likely to seek a level of privacy and independence in the use and layout of their sites. Some of the existing sites and structures used for long-term occupation may also need to be upgraded and potentially relocated in order to meet the required standards in the building and warm homes legislation. This will ensure an appropriate standard of amenity for those occupants.

Based on the maximum number of sites that will be used for long-term occupation at any one time (being 15 (or only 12.5%) of the 120 sites in the BVHP), and the overall occupancy rates in the table above, the proposal will have a less than minor impact on the availability of camp sites and general use of BVHP by the wider public for recreational and short-term accommodation use.

Although the long-term occupants will have use of the on-site communal facilities within BVHP, including ablutions, the camp has gully traps for greywater collection and all relocatable homes will be connected to the city sewer via service hubs, so there will be no discharge of greywater or wastewater to land as a result of this proposal. The camp is also reticulated for water supply. An appropriate standard of servicing will be provided, within the capacity of the existing reticulated Council services to BVHP.

The applicant will not allow use of small-scale solid fuel burning appliances by long-term occupants. Any discharge of contaminants to air from existing appliances will cease, with resulting improvements in air quality at the camp.

BVHP is within a Landscape Woodland (W36) in the NRMP, which contains a number of specified and protected landscape trees (18 Californian Redwood and 1 Deodar). Most of these are in Eureka Park, a public walkway area on the north-eastern side of BVHP. The proposed relocatable home park will occupy existing cleared sites and will therefore preserve the most significant vegetation within and wider woodland qualities of the BVHP. The existing open space qualities of the BVHP will be retained, as will the extensive established landscaping which will continue to provide a high level of visual amenity in this location.

On the scale and in the location proposed, long-term and short-term occupancy within BVHP can co-exist without detracting from the overall amenity and open space character within the BVHP.

I agree with Council's Consultant Planner that any adverse effects on the recreation use and enjoyment of the BVHP for short term accommodation and leisure activities by other visitors, as anticipated by its zoning and scheduled status under the NRMP, will be less than minor.

Effects on the Riparian Values of the Brook Stream (Waimarama)

The Riparian Overlay in the NRMP applies to Brook Stream either side of and through the BVHP. Within the application site, the riparian values identified in Table 6.1 of the NRMP are:

- Priority 1 and 2 conservation values (aquatic habitat and water quality);
- Access where urban development occurs; and
- Hazard mitigation flood capacity.

In respect of conservation values and public access (hazards mitigation is addressed separately below), it is noted that:

- the riparian values of the Brook Stream in this location are already influenced by the presence of the camp, and by past scour erosion of its banks;
- there will be no discharge of water or contaminants from the relocatable home park into the Brook Stream (or onto land where it may enter the stream), nor removal of existing vegetation alongside the stream, so there will be no change in its water quality, fisheries or aquatic habitat;
- any structures within the relocatable home park will be set back at least 5m from the bank of the stream, maintaining access along the riparian margin for other occupants of the BVHP or members of the general public who may wish to access this for passive recreation or cultural purposes within what is a public open space site; and
- Council's Manager Science and Environment has not expressed any concerns about the impact of this proposal on the biodiversity and natural values of the stream.

The Council's Consultant Planner has concluded that any adverse effects on riparian values due to the presence of the relocatable home park will be less than minor, and I accept this assessment.

Effects of Flood Risk and Stream Bank Scour Erosion

The NRMP includes a flood path 15m wide from the top of both banks of the Brook Stream through the BVHP. The relocatable home park is also on the lower alluvial terrace closest to the stream.

Beca has observed local instabilities along the bank margins of the stream, apparently the result of local scour during flood events. The stream bank adjacent to the site varies from 2.8m-4.0m in height, with a channel width of 3-4m in width. In their RFI response, Beca has stated:

"The confined width of the channel suggests that the stream banks may be overtopped during flood events. Significant flooding was reported in the Brook Valley in September 1970 however there is no reference to flooding of the holiday park. Local observations suggest that flood waters were confined to the channel adjacent to the holiday park and caused local scour and oversteepening of the stream banks. The holiday park manager reported that the permanent cabins on the lower terrace had been raised at some point but was uncertain of the reasoning or timing and whether it was related to the 1970 flood. The 1940-1949 aerals and 1980-1989 aerals available on the Top of the South website suggest that there have not been significant changes in the position of the Brook Stream Channel adjacent to the campground over this period and suggest scour erosion has not been extensive."

In accord with the requirements on the NTLDM and its Inundation Practice Note, Beca has considered the 1%AEP (1 in 100 year) flood event using flood model data supplied by Tonkin and Taylor for the upper reach of the Brook Stream adjacent to BVHP. The supplied model data indicates that the 1% AEP water levels for present day and 2130 flood levels (incorporating allowance for climate change) are contained within the existing channel and therefore do not pose a flooding inundation risk to the site, which is consistent with reporting of the 1970 flood event. Modelled flow velocities of 4m/s to 6m/s however suggest further scour erosion and bank retreat is expected but is likely to be gradual.

Beca has recommended that all structures and services be set back a minimum of 5m from the top of the eastern riverbank, as annotated on Plan A to this consent. This will prevent surcharge loads from structures affecting the stability of the existing stream bank, and allow for further scour and regression of the existing bank without loss of support to structures. The applicant proposes to regularly monitor the stream bank for evidence of renewed scour erosion over the duration of the resource consent. All accommodation structures must be relocatable under this proposal, 'fixed to the land' only by virtue of them being connected to urban reticulated services rather than building foundations, and this will allow for retreat in the event of further scour erosion. As measures to reduce or mitigate this hazards risk, the set back and nature of accommodation structures permitted on the site, and regular monitoring of bank scour erosion, have imposed as conditions of consent. With this, I am satisfied that any adverse effects on the environment and on occupants of the relocatable home park due to its proximity to the Brook Stream will be less than minor.

Risk from Fault Hazards, Slope Instability and Wildfire

The application is accompanied by a Natural Hazards Assessment prepared by Beca, and a Wildfire Risk Analysis Report prepared by Integrated Consultancy Ltd.

Beca have identified the hillslope immediately behind and east of the BVHP as susceptible to instability and has mapped two areas of slope failure beyond the camp boundary. They note that runout from a larger magnitude failure could continue into the BVHP, however the proposed relocatable home park is located outside of that area anticipated to be impacted by this.

Based on vegetation ignition likelihood, and the consequences should a wildfire ignite, the risk of wildfire starting on or near the BVHP, developing and spreading has been assessed as MODERATE in the Wildfire Risk Assessment. The mitigation recommendations made in the WRA, to be contained within a wildfire management plan for the BVHP as a whole, exist irrespective of the presence of long-term occupants as a bulk of the BVHP's use is by short-

term visitors over the drier summer months. The relocatable home park has good access for evacuation down Brook Street, it is easily accessible to fire service vehicles and located close to water pressure mains usable by FENZ, small-scale solid fuel burning appliances will not be permitted within relocatable homes, and use of fires and cooking equipment within the BVHP is regulated.

The Waimea Fault trends northeast to southwest across the BVHP, although its exact fault trace is obscured by the recent alluvial sediments within the site. Beca has stated that this is part of an active fault system that is considered capable of generating earthquakes in the order of Magnitude 7 with an average recurrence interval of about 6000 years.

The Fault Hazard Overlay in the NRMP contains known active or potentially active fault traces, and land within the overlay may be subject to strong ground shaking and ground deformation during a fault rupture. The Fault Hazard Overlay passes through that area of the BVHP in which permanent residents are to be accommodated. Unlike for the Residential and Rural Zones, where buildings must only be set back at least 5m from an identified fault trace as a permitted activity, there are no rules in the Open Space and Recreation Zone for buildings in the Fault Hazard Overlay. This is most likely because the zone is intended for open space and recreation purposes, not residential use or longer-term and more permanent occupation, and any use not provided for within the site scheduling is a non-complying activity. The consent authority must still manage any significant risks from natural hazards in reaching a decision under the Resource Management Act.

Further information was requested of the applicant to better understand the location of the fault and possible mitigation measures to address the risk of structures collapsing and the potential for injury or loss of life to occupants of the relocatable home park during a design seismic event. Avoiding building on or near active faults is the safest and most satisfactory long-term solution to address fault hazard risk for long-term occupants within the BVHP. Beca have recommended a 30m wide Fault Avoidance Zone applied either side of the inferred position of the Waimea Fault within the BVHP, shown on Plan A to this consent, based on:

- MfE guidance 'Planning for Development of Land on or Close to Active Faults' which recommends a minimum 20m fault avoidance zone either side of a known fault trace or identified fault rupture zones;
- 5m of the inferred deformation zone surrounding the fault; and
- 5m to offset uncertainty in the data sets i.e. uncertain with manual geomorphic mapping techniques, transfer of field mapping information to GIS etc

Beca has recommended that no relocatable home park sites are located within the proposed Fault Avoidance Zone, and any existing long-term occupants currently within it are relocated to another site within the relocatable home park.

When compared to the 5m minimum setback to an identified fault trace in other zones, which is considered an acceptable standard in minimising the risk to life, property and the environment posed by fault hazards, the 60m wide fault avoidance corridor is well in excess of this and will appropriately reduce the surface effects of any fault rupture.

Tonkin and Taylor are satisfied that sufficient geotechnical information has been provided in support of this application, and their recommended conditions of consent have been incorporated into this decision.

With a 'sinking lid' approach also applied to the accommodation of long-term occupants at this site, I accept the findings of the Consultant Planner that the location of the relocatable home park and the mitigation measures incorporated with these conditions will adequately respond to the natural hazard risks associated with the BVHP, and reasonably avoid any adverse effects on the occupants of the relocatable home park.

Traffic Effects on the Local Road Network

The application states that the existing relocatable homes are modest in size, and that this will continue if new replacement relocatable homes are brought to the BVHP as the occupants will be limited to use of a single site in the relocatable home park. The proposal provides for long-term occupation, without replacement of existing occupants, so there will not be frequent or on-going transportation of over-sized vehicles or loads on Brook Street.

As a holiday park (and with access through it to the Brook Waimarama Sanctuary) the application site already contributes to traffic volumes on Brook Street particularly over the summer months. As their place of residence, any personal use of vehicles or bicycles by the occupants of the relocatable home park will be minor in that context, and will have no impact on the safe and efficient use of the local road network. The camp is also served by public transport (Route 4 NBus).

NCC's Senior Transport Adviser has requested that the consent acknowledge the need for any relocatable home must be roadworthy and have a current registration and warrant of fitness, unless transported as a load on a truck and trailer, and must comply with any vehicle dimension and mass rules for use of public roads. These matters have been addressed as advice notes as they relate to regulations for road use outside of the Resource Management Act, and to structures or relocatable homes not necessarily owned by the Consent Holder.

Effects on Neighbouring Properties and Activities

As the relocatable home park is to be located within an established public camping ground, the existing environment is an important consideration in this assessment.

The BVHP is at the end of Brook Street just beyond the existing residential area in Brook Valley, and borders 584 Brook Street on its western side, the Brook Waimarama Sanctuary on its south-western to south-eastern boundaries, and Eureka Park to its north-east.

Land on the western bank of the Brook Stream is zoned Residential in the NRMP. The property at 584 Brook Street is currently rural in character, it is used for grazing and contains a house and bach located at least 70m from the western boundary of the relocatable holiday park. The relocatable home park will be within that part of the BVHP closest to this neighbour however the stream and riparian vegetation either side provide a physical and visual barrier between the properties. To the extent the proposal is 'residential' in character, no cross-boundary or reverse sensitivity effects are anticipated.

The Brook Waimarama Sanctuary is enclosed by a predator-proof fence along the hillside on the opposite bank of the Brook Stream to that part of the relocatable home park in Fantail Glade. Walking tracks within the Sanctuary largely extend up the valley, and

alongside the fence further up this western spur, but not in close proximity to Fantail Glade. Public access to the Sanctuary is through BVHP. That area allocated for permanent residents under this application is separated from this access by camp sites and cabins, and in some cases with vegetative screening, through the centre of the BVHP. The relocatable home park is well removed from the Brook Waimarama Sanctuary visitor centre and entrance, and will not impact on the biodiversity gains, natural or conservation values, and continued public use and enjoyment of, and any heritage features, within the Sanctuary and wider waterworks and conservation reserves.

Provision for permanent residents within that part of the BVHP closest to neighbouring land zoned for future residential use, and separated from public access to and within the Sanctuary, will mitigate the potential for reverse sensitivity effects and ensure an acceptable standard of residential amenity for occupants of the relocatable home park. I am satisfied that any adverse effects beyond the boundaries of the BVHP will be less than minor.

Effects on values held by Te Tau Ihu Iwi

The BVHP is located in the Mahitahi River and its Tributaries Te Tau Ihu Statutory Acknowledgement Area. Seven iwi of Te Tau Ihu have statutory acknowledgement over the area.

The values held by Iwi, both cultural, environmental and in access to housing choice, have been well canvassed in the application and, as a result of the following, I accept the statement in the application that *"the effects of the activity on mana whenua values and Te Tau Ihu iwi are considered to be less than minor."*

The **Cultural Impact Assessment** accompanying the application establishes the historical cultural relationship between the eight iwi of Te Tau Ihu and the taiao environmental effects of permanent housing within the BVHP precinct, and gathers input from the haukāinga (mana whenua iwi) and matawaka (Māori with tribal affiliations that do not include the iwi of Te Tau Ihu) regarding the cultural and social effects of providing consent for permanent sites.

It is proposed that all relocatable homes are fully serviced, with discharge via service hubs to the city sewer, and the relocatable home park relates to part of the BVHP already used for permanent and temporary camping. It is however next to awa (a river) and the BVHP is within historical mahinga kai (food gathering areas). Iwi have cultural indicators for checking the health of the awa taiao, and their recommendation is for an on-going Cultural Health Indexing programme to measure the effects of this proposal on the Taiao. Cultural monitoring which incorporates Māori values to evaluate the health of waterways is an integral part of Council's state of the environment reporting.

All eight iwi have concerns about the lack of affordable housing for their members, and the CIA acknowledges that the application is an opportunity to legalise and increase the opportunity for long-term occupation at the BVHP. By requiring that all existing and future relocatable homes meet the needs of the Building Act, healthy and safe accommodation will be supported.

The CIA acknowledges that there is potential for discharges to air and land due to existing use of wood burners and some grey water, but the applicant is working to address these issues so that discharges are avoided. The application does not allow use of small-scale

solid fuel burning appliances so the discharge of contaminants to air from existing appliances will cease.

The CIA recommends that an ongoing Cultural Health Indexing programme is put in place to measure the effects on the Taioa. The applicant has confirmed that there is currently no indexing programme for the Brook Stream, but the Council will be taking steps to do that. The applicant has agreed to the recommendation made in the CHI and volunteers a condition accordingly.

Consideration has been given to the **nga taonga tuku iho ki Whakatu Management Plan**. Iwi typically have an interest in works that involve disturbance to the beds of streams and activities that impact water quality, habitats, other natural resources and cultural values held such as mahinga kai. It is not proposed to undertake works within the bed or disturb vegetation and the banks along the margin of the Brook Stream (Waimarama), accommodation structures (including existing ones) will be set back at least 5m from and public access will be maintained along its banks, and all relocatable home will be self-contained and there will be no discharge of contaminants to the stream. The proposal will not adversely affect the mauri of the Brook Stream (Waimarama) or restrict tangata whenua from practicing its customary traditions.

The **Te Tau Ihu Intergenerational Strategy 2020** recognises that affordability, access and quality of housing is a major issue in Te Tau Ihu and has an impact on the well-being of people, whanau and community. The proposal will provide for housing choice where accessible to the city and its services and where connected to urban infrastructure. It is agreed that the proposal is aligned to the outcomes and priorities recognised in the Strategy.

Duration of Consent

The application proposes a 15 year duration of consent, on conclusion of which a new resource consent will need to be obtained if long-term living occupation is to continue with the BVHP. I consider that this is reasonable, taking into account the assessment of effects above and the reasonable needs of the existing occupants.

Relevant statutory provisions

Section 104(1) of the Resource Management Act

Section 104(1) of the RMA states that:

"When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*

- (v) *a regional policy statement or proposed regional policy statement:*
- (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application."*

The Nelson Resource Management Plan

The following objectives and policies in the NRMP are considered most relevant to this proposal:

Objective DO2.1 natural hazards: *An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated.*

Policy DO2.1.1 health and safety: *Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger human health and safety.*

Policy DO2.1.2 property and environment: *Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated.*

The Fault Avoidance Zone and 5m minimum setback to the Brook Stream will appropriately mitigate any risk to human health and property through natural hazards within the proposed relocatable home park.

Policy DO6.1.2 activities in margins: *The values associated with riparian ... margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies.*

This policy is relevant because the proposed relocatable home park requires resource consent due to buildings being located within 30m of the Brook Stream. The Brook Stream is a feature of the aesthetic setting of the BVHP and this also influences the existing qualities of its riparian margin. The 5m setback to the stream bank, connection of the relocatable homes to urban reticulated sewer, and the applicant's agreement that the Brook Stream be included in Council's Cultural Health Indexing programme, will ensure that its esplanade values recognised through NRMP (and any cultural or water quality issues of the area itself) are appropriately protected.

Objective DO13A.3 creating high quality public spaces: *Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that are beautiful and inspiring, provide for and enable social, cultural, economic and environmental wellbeing and enhance amenity values.*

Policy DO13A.3.2 multi use: *Public spaces which facilitate multiple uses to achieve a range of social, cultural, economic and environmental benefits.*

Objective DO13A.4 providing for diversity: *Subdivision and development that provides for a range of choices in housing types, neighbourhood types, compatible employment opportunities and leisure and cultural activities.*

Objective DO13A.5 sustainable places & communities: *Urban development that meets the community's current needs without compromising future needs.*

These objectives and policies collectively seek to ensure that reserves as public spaces, and any building development or multiple use within them, contribute to or maintain social, cultural, economic and environmental wellbeing and their amenity values. This proposal will meet the specific housing choice of part of the Nelson community, without compromising the amenity and wider accessibility of the BVHP and the Brook Waimarama Sanctuary as public areas of recreational, leisure, cultural and/or ecological value to other users.

Policy DO16.1.1 zones (and areas): *Open Space and Recreation Zone - A framework for the present and future management of open space and recreation land.*

Explanation and Reasons

DO16.1.1.viii The Open Space and Recreation Zone is intended to recognise and protect land already used for open space and recreation purposes. The majority of the land in the Zone is reserve land vested in the Council and administered by the Council under management plans prepared under the Reserves Act 1977.

The NRMP contains objectives and policies for present and future use of open space and recreation land.

Objective OS1 present use: *Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of open space and recreation land.*

Policy OS1.1 recognise amenity provided: *The amenity provided by open space and recreation areas should be recognised and protected.*

Policy OS1.3 neighbouring zones: *Activities on open space and recreation zoned land should be compatible with the amenity values of surrounding zones.*

The Applicant's Planner has made the following assessment of this objective and its policies:

"This objective recognises the importance for the health and well-being of the community that the opportunities the city's open space areas provide to the amenity of the general city. This proposal provides for the social well-being and health of the existing occupants and other people within the community that may seek access to a diversity in housing choice. Only a small proportion of the BVHP is to be given over for use for longer term occupation and the BVHP is otherwise still able to be used for recreational purposes (including camping and shorter-term living accommodation).

This Policy (OS1.1) recognises that reserves provide general amenity to the city and its environs and a special level of amenity to the local area where they exist. This special amenity may be in the form of views (as other properties overlook or face into reserves or recreation grounds), access to facilities within these areas, and general amenity through

large trees, open space and landscaping. In this context it is considered that the proposal is consistent with this Policy because views and the general amenity that is achieved through large trees, landscaping and open space will be retained. However, there will be some loss of access to camping and recreational land as a result of the longer-term occupation of some of the sites.

Activities occurring on open space and recreation land have the potential to adversely affect surrounding areas if due care is not taken. Because the Open Space and Recreation zone does not have amenity requirements and other environmental considerations, it is important that the amenity of surrounding zones is considered and respected at all times. The land surrounding the BVHP is rural and residentially zoned. The BVHP is not located immediately adjacent to any residential use and it is set back and well screened from the closest neighbouring properties to the north. In respect of the adjacent rural zoning, it is noted that the tenure and topography of the land means it is unlikely that it will be utilised for rural productive purposes. As such there are no adverse reserve sensitivity effects anticipated. The relocatable home park does not detract from the amenity values or prevent access to the adjacent Brook Waimarama Sanctuary Trust. The proposal is therefore considered to be compatible with the surrounding zonings and land uses."

Objective OS2 future use: *Retain the opportunity to provide for changing community needs and aspirations.*

Policy OS2.1 future circumstances: *The use of land in the Open Space and Recreation zone should be reviewed on a regular basis to ensure that changing community needs are being met.*

In relation to these, the application states:

"The use of a portion of the BVHP for longer term occupation purposes might reflect a change in community needs and it may be considered by the community to be an alternative use of an existing resource that would serve the community to a greater benefit."

On 17 February 2021, under delegation granted to Nelson City Council from the Minister of Conservation, permission was provided for "a camping ground with permanent and temporary personal accommodation, including for periods of more than 4 weeks during the period commencing 1 November in any year and ending 31 March" at BVHP.

BVHP is also subject of the Camping Ground Regulations 1985. People can stay in the BVHP temporarily for up to 50 consecutive days (including over the summer months under the Reserves Act), after which occupancy is disrupted, or they can stay permanently within a relocatable home within a relocatable home park under the Camping Ground Regulations.

Permanent personal occupation at the BVHP has been considered and is provided for within the Reserves Act (the permission granted in February 2021) and the Camping Ground Regulations (within self-contained relocatable homes), as anticipated under Policy OS2.1, and the purpose of this application is to consent a relocatable home park within part of the BVHP to facilitate that.

Policy OS2.2 plan change *Any change from open space or recreation use of land will be considered by way of a Plan Change.*

Taking into account the scale of the relocatable home park and its restrictions on tenure and duration, and existing occupancy rates for short-term camping, the predominant character and use of BVHP will remain one of open space and recreational activity. A Plan Change is neither a necessary or efficient means to provide for this proposal.

The NRMP acknowledges that use of land in the Open Space and Recreation Zone may change over time in response to community need and that, as long as the existing amenity of the BVHP is protected for existing use and it continues to be available and of benefit to the wider community, this is an acceptable outcome.

Overall, I find the proposal is consistent with the relevant objectives and policies contained in the Nelson Resource Management Plan.

The National Policy Statement on Urban Development 2020 (NPSUD)

The National Policy Statement on Urban Development 2020 (NPSUD) sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991 and came into effect on 20 August 2020. The proposal is consistent with the intent of the NPSUD as it recognises existing demand for long-term accommodation by providing for housing choice and for the social and general well-being and needs of that community currently residing at BVHP, with a standard of accommodation that will provide for their health and safety, in a location benefiting from open space, and within reasonable proximity of the city centre and on a public transport route (reducing reliance on private vehicle use).

Other Matters

The BVHP does not have a management plan approved under the Reserves Act. Use of the BVHP for longer term living accommodation within "*a relocatable home park providing for a maximum of 25 sites designed to comply with the Camping Ground Regulations 1985*" was proposed within a Brook Recreation Reserves Management Plan (BRRMP) prepared for the BVHP in 2015. That Plan included a policy to provide for those sites preferably within one area of the Reserve, based around Fantail Glades. The BRRMP went through a process of public submission, which indicated both support and to a limited extent opposition for permanent accommodation as part of a range of acceptable activities within the BVHP. A number of submissions support the concept of a "sinking lid" to cater for existing permanent residents but not grow the extent of this.

The Brook Recreation Reserve Management Plan (BRRMP) was only adopted in principle and, with change to a Local Purpose (Outdoor Leisure, Camping, Conservation and Education) Reserve in 2019, the BRRMP was revoked as a Management Plan is not required for the reserve. The proposal however accords with its intent to provide for a relocatable home park with up to 25 sites, and with public support for a "sinking lid" in catering for existing permanent residents.

As stated earlier, the application site is located in the Mahitahi River and its Tributaries Te Tau Ihu Statutory Acknowledgement Area. The Council as consent authority must have regard to any relevant Statutory Acknowledgement over an application site. The applicant has consulted with Te Tau Ihu iwi, a Cultural Impact Assessment has been prepared, and the CIA finds that the proposal is consistent with Te Tau Ihu iwi values.

Section 104D of the Resource Management Act – Non-Complying Activities

With the bundling of consents, the proposed relocatable home park is a non-complying activity under the NRMP.

Section 104D of the RMA contains particular restrictions for non-complying activities:

"(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of— (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity..."*

The proposal must meet one of these threshold tests in order for Council to grant consent.

Based on the findings above, it is considered that the proposal will meet both of the threshold tests in section 104D of the Act.

Part 2 Matters

The proposal has been considered in context of the matters in Part 2 of the RMA and has been found to promote the sustainable management of natural and physical resources. The Council's Consultant Planner has considered the relevant principles outlined in sections 6, 7 and 8 of the Act. There will be positive effects of the proposal in meeting the social well-being, health and safety of long-term occupants in BVHP, and enabling the efficient use of a camping ground that appears underutilised (section 7(b)). This can occur without compromising the character and aesthetic qualities of the BVHP, other visitors' access to, use and enjoyment of the wider camp, and the natural and recreational values of surrounding reserves (sections 7(c) and 7(f)). Any significant risks from natural hazards on the occupants of the relocatable home park and their accommodation will reasonably managed (Sec 6(h)), the CIA concludes that proposal is responsive to the needs of Maori and their relationship, cultural values and traditions with respect of the Brook Stream (Sec 6(e)), and any adverse effects on neighbouring properties will be avoided. Due to the information contained in the application and the assessment above, she has determined that granting this application (subject to conditions) better achieves the sustainable management purpose of the Act (within Part 2) than refusing consent. I accept this.

Notification and Affected Parties

The Council has decided under Section 95D of the Act, that the adverse environmental effects of the proposed activity are less than minor and there are no persons deemed adversely affected by the proposal (pursuant to section 95E). The application has therefore been processed without notification.

Overall Evaluation

Overall I consider that the proposal is consistent with the relevant objectives and policies of the NRMP, it will have less than minor effects on the environment and people, and that granting consent will meet the purpose of the RMA 1991 as set out in section 5.

Reporting Officer: Jane Hilson

Position: Consultant Planner



Signed

Date: 16 February 2022

The decision to grant resource consent on 16 February 2022 is pursuant to delegated authority from Nelson City Council by:



Mark St Clair
Independent Commissioner

