

RESOURCE MANAGEMENT ACT 1991

RESOURCE CONSENT APPLICATION:

**WESTERN BAY OF PLENTY DISTRICT AND
TAURANGA CITY COUNCILS:**

**EXTENSION TO TECT
ALLTERRAIN ACTIVE PARK
PYES PA AND
WHATAROA ROADS, NGAWARO**

**COMMISSIONER
REPORT & DECISION**

1.0 INTRODUCTION

1.1 Commissioner Appointment

The Western Bay of Plenty District Council appointed me as a Commissioner to consider and determine the application for land use consent relating to the extension of the All Terrain Active Park. I was appointed pursuant to Section 34a of the Resource Management Act 1991.

1.2 Reports

I had been circulated with the staff report and application documentation, together with the written consent of potentially affected parties.

1.3 Definitions

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| Act | Resource Management Act 1991 |
| Applicant | Western Bay of Plenty District Council and Tauranga City Council |
| WBOPDC | Western Bay of Plenty District Council |
| TCC | Tauranga City Council |
| DP | District Plan |

2.0 PROPOSAL

- 2.1 The proposal is to expand the existing park and to establish facilities and opportunities for recreational activities including 'passive, active, and noisy activities'. The current proposal is to seek consent for another 381 hectares of land adjacent to the all ready consented 1261ha "All Terrain Active Park. The initial consent was granted by way of a Commissioner decision on 17 December 2004.
- 2.2 This proposal wishes to establish a comprehensive outdoor recreation facility that provides for a variety of activities on the additional land. The application states that the additional land will be developed and facilities designed to be primarily used by organised clubs.
- 2.3 The applicant proposes to continue the existing commercial forest activities on the site whilst facilitating recreational opportunities for the general public. The applicant has requested that the consent be assessed as a 'bundle of effects' in a general sense rather than being limited to specific activities. This is the same approach that was adopted for the previous consent. A number of indicative activities has been proposed and are to be considered in respect of this

application. The following are examples of the range of activities that could be established:

- Tramping
- Confidence Course
- School Camps
- Running
- Accommodation Facilities
- Rock Climbing
- Abseiling
- Biking
- Firearm Sports
- Archery
- Organised Multi-Sports
- Orienteering
- Motor Bike Riding
- Off Road Driving
- Rallying
- Quad Bikes
- Horse Sports
- Rodeo
- Remote Control Models
- Ancillary Commercial Facilities

2.4 The applicant has indicated that this is not a complete list and actual development will be determined by the needs of recreational clubs and their ability to meet the development and environmental conditions of the Council as consent holder. The initial development will require the provision of the following services:

- Recreational areas
- Car Parks
- Toilets
- Access Tracks
- Signage
- Club buildings
- Rangers house
- Park information office
- Upgrade of intersections with Pyes Pa Road

2.5 It is noted that the applicant seeks a term of 30 years for the implementation of the consent, with unlimited duration. This is on the basis that the proposal is a long term one involving development of the park and that there are existing cutting rights in respect of the forest.

2.6 The applicant has also requested a waiver from the noise provisions of the Plan for, in particular, public holidays where the park is likely to be most intensively used, and to better deal with the type of noise likely to arise from the activities within the park. The request is that Rule 13.2.3.2 be waived in part in that a noise limit of 50dBA (L10) be allowed at 'all other times', as opposed to the 40dBA (L10) required.

- 2.7 The applicant has proposed a range of conditions to avoid, remedy or mitigate any likely adverse effects. These include traffic management conditions, noise conditions, and buffer areas.

3 SITE

- 3.1 The subject site is 381.2 hectares in area and is owned by both the Western Bay of Plenty District and Tauranga City Councils.
- 3.2 The site is located between Whataroa, Pyes Pa and Te Matai Roads. Adjacent to the site is the already consented TECT All Terrain Park. The only areas bounding the park and not owned by the applicant are Lot 2 DP 368811 (CT 279873), which is owned by GRO 5 Limited (Rob Moore) and an area of Department of Conservation land. The Moore land has recently been converted into a dairy operation. The nearest house to the park is located approximately 2.5 kilometres from the closest point of the park.
- 3.3 The site has been utilised for forestry purposes for many years and consists primarily of exotic forestry plantations, and areas of native regeneration where recent cutting has occurred. As part of this activity, a number of forestry roads and harvesting areas have been developed and are located on the site. The area is of a mixed contour containing areas of relatively flat and undulating land with a number of steep gullies.
- 3.4 The existing environment is characterised by the forestry activities including logging, pruning, provision of access tracks, movement of logging trucks and other forestry vehicles.

4.0 NOTIFICATION

4.1 Section 93

Section 93(1)(b) of the Resource Management Act states that the consent authority must notify an application for a resource consent unless the consent authority is satisfied that the adverse effects of the activity on the environment will be minor. Section 94(A) states that when forming an opinion as to whether the adverse effects of an activity on the environment will be less than minor, a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.

The main potential effects from this activity relate to possible effects on adjoining landowners, being potential, noise, traffic, visual amenity and reverse sensitivity matters. In addition there are matters relating to signage, servicing, use of the rural land resource and general amenity that require consideration.

The applicant has provided consents from all potentially affected parties and there are no others from whom consent is considered to be required.

Over time the site will move from having forestry activity on it to providing for a range of park activities. With the establishment of park activities and structures, there is a requirement for a landscape assessment which will provide control over amenity particularly in respect of the park frontage with the State Highway. Given this situation, the effects on visual amenity are considered to be less than minor.

Appropriate consent conditions and Transit New Zealand's support of this proposal ensure that the appropriate roading and safety standards are met. District roads will meet the Subdivision and Development Code of Practice. These conditions combined with Transit New Zealand approval mean that the effects on the roading network can be assessed as being no more than minor. A separate consent is being considered in respect of construction and operation of a grade separated underpass to link the two parts of the park that are separated by State Highway 36.

I am satisfied that the assessment has demonstrated there to be no more than a minor effect on properties beyond those adjoining landowners who have given approval. The applicant requested an increase in the maximum permitted noise from 40dBA to 50 dBA from 7am to 10pm all year. It is proposed that a 2 kilometre buffer be established to manage and mitigate the impact of firearm discharges beyond the park site.

It is noted that the adjoining property owner to the east of the proposed site has provided written approval and as part of that process has agreed that all of the application documentation had been provided which outlined the proposal to have a maximum noise level of 50dBA all year round.

Given this situation any effects are likely to be no more than minor.

In respect of reverse sensitivity and possible conflicts relating to activities adjoining the site, buffer areas have been identified and supported by adjoining property owners through the provision of written consents. The imposition of conditions will also assist with mitigation of any reverse sensitivity matter or possible conflicts with adjoining activities.

It is noted that the site has soils classified as LUC VI or II and these are not given any special consideration in the plan.

Accordingly the effects on the rural land resource are considered to be no more than minor. Having considered all relevant matters and potential effects and given that all written consents of potentially affected parties have been received, I am of the opinion that provisions of Section 93(1)(b) of the Resource Management Act are satisfied and public notification is not required.

4.2 Section 94

In determining whether the effects of a proposal on the environment are less than minor Section 94A states the following:

“When forming an opinion, for the purpose of section 93, as to whether the adverse effects of an activity on the environment will be minor or more than minor, a consent authority -

- (a) may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect; and*
- (b) for a restricted discretionary activity, must disregard an adverse effect of the activity on the environment that does not relate to a matter specified in the plan or proposed plan as a matter for which discretion is restricted for the activity[[; and]]*
- [[c) must disregard any effect on a person who has given written approval to the application.]]”*

With regard to Section 94A(a), the permitted baseline, Rule 2.3.2 (Permitted Activities) of the Rural G zone provides for a number of permitted activities within the zone. The Council’s reporting officer has considered the permitted baseline and advised that *“ It is not considered that the ‘permitted baseline’ concept is particularly helpful in assessing this proposal given the scale and multitude of activities across the park. While a comparison has been made in the application regarding the use of the site for forestry, the long term use of the site for forestry is likely to be more intermittent and infrequent, with mainly temporary effects on amenity, noise, and heavy vehicle movements”*

Having regard to this advice and considering the nature of the application for a arrange of park activities where there is a focus on a bundle of effects rather than prescribing detailed activities, I consider that the proposal is best assessed on its merits, and therefore no further consideration is given to the permitted baseline concept.

With regard to Section 94(b), the Council’s discretion is not restricted by the Plan and all effects are able to be considered when assessing this proposal.

With regard to Section 94(c) the applicant provided the following written approvals with the application;

- Robbie Moore (On behalf of Gro5 Limited), Owner and Occupier Lot 2 DP 368811 and Lot 3 DP 3688811;
- Andrew Baucke (On behalf of the Department of Conservation), Owner and Occupier Sec 27 SO 13002 Lot 2 DPS 66070;
- Transit New Zealand (the State Highway Roothing Authority) as Pyes Pa Road is classified as State Highway.

Therefore, any effects on those parties shall not be considered as part of my consideration of this application.

The applicant's planner has provided information on consultation with Iwi. This is both outlined in the application documentation and by way of an email dated 21 February 2008. Having considered this information I am satisfied that there has been extensive consultation with Iwi, over a long period of time and there has been consideration by the applicant of matters raised during that consultation.

It is further noted that there is to be ongoing involvement of hapu in development and management of the park on a Council committee tasked with such responsibilities.

Furthermore there is to be involvement of hapu in the undertaking of cultural and historical assessment of the park site.

Where public notification is not required by Section 93(1), Section 94 requires service of the proposal on those parties who are deemed affected by the proposal as follows:

- (1) If notification is not required under section 93(1), the consent authority must serve notice of the application on all persons who, in the opinion of the consent authority, may be adversely affected by the activity, even if some of those persons have given their written approval to the activity.*
- (2) However, a consent authority is not required to serve notice of the application under subsection (1) if all persons who, in the opinion of the consent authority, may be adversely affected by the activity have given their written approval to the activity.]”*

Given that the written approvals submitted with the application are from those parties adjoining the park and no other parties are deemed affected (which has been the advice of both the Council's planner and applicant's planner) and which I concur with, then pursuant to Section 94(2), the application need not be served on any other party.

4.3 Section 94(c) – Special Circumstances

The applicant has not requested public notification and acknowledges that the park proposal is a large project and will be of long term community interest. I have not been provided with any information that leads me to conclude that there are any special circumstances with regard to this proposal. As subsection 94(c) is a discretionary matter, I do not consider that any special circumstances exist for this application to be notified under Section 94(c) of the Act.

5.0 CONSIDERATION OF MATTERS

5.1 Resource Management Act 1991

Before making a decision, I must consider the proposal pursuant to Section 104 of the Act. Subject to Part II, Section 104 requires that regard be given to;

- *any actual or potential effects on the environment*
- *any relevant national policy statement, New Zealand coastal policy statement or regional policy statement*
- *relevant objectives, policies, rules or other provisions of a plan or proposed plan*
- *relevant District Plan or Proposed District Plan*
- *relevant or proposed Regional Plan*
- *any relevant designation heritage orders or relevant requirements for designation or heritage order*
- *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

In respect of Part II matters, I was advised by the Council's planner that there were no matters that were inconsistent with the provisions of Part II of the Act, in respect of the proposal before me. Having considered Part II matters, I concur with this view.

I believe it is appropriate to reference the purpose of the Act, which is to promote sustainable management of natural and physical resources and sustainable management is defined as follows;

"sustainable management means 'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-'

- *sustaining the potential of natural and physical resource (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

Having regard to the proposal, I believe it meets the purpose of the Act and that any effects can be avoided, remedied or mitigated through the imposition of conditions. The proposal will enable the community to provide for its social economic and cultural well being through the provision of an all terrain active park with a focus on a range of outdoor recreational activities.

Any 'Matters of National Importance' must be considered. I have been advised that there are no such matters requiring consideration and I concur with this view.

Section 7 outlines 'Other Matters' that the consent authority shall have particular regard to and the following are of relevance to this proposal:

- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (f) the maintenance and enhancement of the quality of the environment;*
- (g) Any finite characteristics of natural and physical resources"*

With regard to (b) and (g), the proposal is considered an efficient use of less versatile rural soils for an activity that is unlikely to be provided for in other zones and enables the provision of an active park for the sub-regional community. In my opinion it is an efficient use of natural and physical resources through the grouping of a range of outdoor recreational activities.

In respect of (c) and (f) the assessment of effects notes that any effects on the amenity and the quality of the environment can be avoided, remedied, or mitigated to where they are unlikely to be no more than minor, then I consider that the matters in (c) and (f) are satisfied.

Section 8 requires all persons undertaking functions under the Act to take into account the 'Principles of the Treaty of Waitangi'. I have not been advised of any matters that are in conflict with or require consideration in respect of Treaty principles. It is noted that there is to be involvement of hapu in the development and management of the park through representation on a Council committee which will have input into such matters.

Section 104(B) of the Act enables an application for a discretionary or non complying activity to be either granted or refused consent, and if granted, conditions may be imposed under Section 108 of the Act.

In accordance with Section 104(2) (actual and potential effects of the proposal), a consent authority may disregard an adverse effect if an activity defined in the plan permits an activity with that effect.

If a lawfully established activity will create some adverse effects on the environment, then those effects may be disregarded when assessing the proposal in terms of Section 104 of the Act.

The consequences of this approach are such that only further or other adverse effects of any proposal are to be considered.

5.2 Regional Policy Statement and Plans

The objectives and policies of the Regional Policy Statement are reflected in the District Plan. The proposal appears to be in accord with the relevant RPS objectives and policies, which are outlined in the application. It is further noted that the proposal is in accord with the adopted SmartGrowth strategy in so far as

that strategy provides and supports the development of an “Active Rural Park” in respect of Section 7.2.9 (SmartSpace)

5.3 District Plan Objectives and Policies

The subject site is zoned Rural G in the Western Bay of Plenty District Plan. The proposed activity is defined as a ‘Place of Assembly’ in the plan and deemed to be a discretionary activity.

Places of Assembly are defined in the plan as:

“Means land or buildings or surface of water that involve the congregation of people for such purposes as deliberation, entertainment, cultural, recreation or similar purposes and includes churches, halls, funeral chapels, clubrooms, taverns, restaurants, art galleries, theatres, sports fields, and tourist facilities.”

The relevant activity performance standards for the zone are contained in Section 2.3.5 of the plan. Compliance with these standards will be demonstrated at the time of management plan or building consent for individual activities and buildings within the park.

In addition to the above Rules 2.3.4(d) and 2.3.4(e) require that accommodation facilities for more than four persons and education facilities for more than four persons (excluding staff) respectively are both discretionary activities.

Accommodation Facilities are defined as:

“means any form of residential accommodation which does not comply with the definition of dwelling or minor dwelling and includes boarding houses, hotels, hostels, motels, camping grounds, retirement villages and rest homes for the rehabilitation and care of any group.....”

With Education Facilities being defined as:

“means land and/or buildings used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments.”

I have been advised that all of the proposed activities fall within the definitions or include facilities that are considered ancillary to the activities such as car parks. An exception is the underpass which involves work within the State Highway road reserve and is deemed to require a consent pursuant to Rule 17.3.1(ad) of the District Plan. A consent has been applied for the underpass and is to be considered separately to this application.

The objectives and policies in the Rural section of the District Plan aim to manage the finite rural land resource in an efficient and sustainable manner. The isolated location, surrounding land use and size of the proposed extension to the Allterrain Park ensure any potential conflict between activities will be minimised.

The proposal gives the community the opportunity to provide for a range of outdoor activities that require large areas of open space. The application protects the safety and efficiency of the District and State highway network through Transit New Zealand consent as the relevant roading authority for Pyes Pa Road, including the proposed imposition of consent conditions and that the effects of traffic and access to the site can be appropriately managed.

In respect of noise the intent of the objective and policy is to provide an environment without intrusive noise and that activities do not generate noise levels inconsistent with the amenity of the locality. With regard to this proposal, I have been provided with information by both the applicant and Council that indicates it is unlikely that unreasonable noise will arise from the proposal provided the proposed mitigation measures are implemented.

The mitigation of potential adverse effects from activities situated in prominent locations is sought by the objectives and policies through appropriate landscaping and screening. Whilst it is noted that no specific designs or layouts have been proposed as part of the application, the proposed site management plans which will be developed at a later stage for approval by Council will be an appropriate mechanism in my opinion to manage the more sensitive areas around the proposed park frontage with the State Highway.

Overall I am satisfied that the proposal is generally consistent with the objectives and policies of the Plan.

5.4 Discretionary Activity Criteria

The plan provides for criteria when assessing discretionary activities. Matters requiring consideration are summarised as follows:

- Potential for conflict with existing or future activities
- Traffic generation
- Scale of activity
- Visual effect
- Effect of activity for future landuse for versatile land of high productive potential
- Noise and whether the best practicable option to reducing noise emissions has been utilised

5.4.1 Noise

I was provided with an assessment undertaken by Design Acoustics which considered the effects of noise.

The conclusion reached by that assessment is that noise from the park activities is likely to comply with the relevant plans provisions, subject to the provision of a 500 metre buffer from any identified building sites, on adjoining properties. It is

proposed that there be such a buffer and a 2 kilometre buffer area in respect of the distance from where shooting could occur from any identified building site.

A number of conditions have been proposed to ensure any noise effects are remedied, avoided or mitigated.

The applicant is seeking a 50 dBA noise level on a year round basis as opposed to a 40 dBA level for public holidays and Sundays. The adjoining property has provided his written approval to this as noted in Section 4 of this decision. Overall I consider that any effects of noise will be no more than minor having regard to the proposed conditions of consent.

5.4.2 Visual Amenity

Over time the visual environment will change from the existing productive forestry operation to one defined area where a range of outdoor activities are undertaken. These changes may occur over a long period of time possibly up to 30 years.

Whilst it is acknowledged that there will be changes to the visual amenity of the site and the adjoining roads and properties, there are proposed conditions of consent that the establishment of activities and buildings will require the provision of a landscape assessment prior to establishment in the park. This allows the consent authority to assess each specific component of the park and enables appropriate management of any changes to the visual amenity of the site. It is also proposed that landscape treatment of the park/road interface is also to be submitted to the consent authority for consideration and approval.

Essentially this consent establishes a framework for detailed consideration and management of visual amenity issues as the park develops. This is appropriate given the long time frame for park establishment and development.

5.4.3 Traffic

It is noted that State Highway 36 (Pyes Pa Road) will be the principal route to the Park with access likely to be off Whataroa Road

The application states that ;

“...conditions of consent were developed in conjunction with Transit New Zealand for the previous consent and it is intended that these will be generally utilised for the current consent. Some conditions have been altered from that applying to the original consent as a result of further discussion with Transit New Zealand. These include special events traffic management plans and a comprehensive raft of other conditions. As the exact nature of activities to be established cannot be confirmed at this time the proposed conditions represent a practical approach to ensuring the provision of appropriate access to the park facility. This will allow the consent authorities to ensure that an appropriate intersection design is developed as is needed to reflect the level of activity.”.

Having considered this assessment, I concur with it.

The December 2004 consent required development of a “Long Term Development Plan” to provide for integrated access arrangements for the Park. The applicant has made an application for consent to construct and operate a grade separation underpass in the vicinity the intersection of Pyes Pa and Whataroa Road.

I note that Transit New Zealand have provided their written approval to this application and agreed conditions which form the application for the park extension. It is therefore considered that the effects on the State Highway are no more than minor.

In respect of carparking, the management plan to be required for the establishment of each activity also includes an assessment of activity parking requirements and this provides the opportunity to assess parking needs as they arise.

Given the proposed conditions, I consider the effects of the proposal are no more than minor.

5.4.4 Reverse Sensitivity and Use Conflicts

The identification of buffer areas between the adjoining sites as proposed by the applicant and endorsed by adjoining neighbours appear to go a significant distance in mitigating conflicts of uses. It is anticipated that noise generated from the adjoining uses and the subject site are the likely source of conflicts. This has been discussed previously in respect of noise effects

As noted in the original application and subsequent consent granted the park site had been purchased after significant investigation. Other sites have been rejected due to proximity to residential uses and the inability to provide a sufficient buffer and limitations on access to sites. It should be noted that this application is an extension to the existing park .

The imposition of appropriate conditions will ensure that any potential adverse effects that may be generated can be adequately contained within either the boundaries of the site or within the boundaries of adjacent sites whose owners have provided written consent to this proposal.

Therefore, I consider that reverse sensitivity and conflicts of use effects can be mitigated to where they are no more than minor.

5.4.5 Rural Land Resource

As previously noted the site has a LUC of between vi and viii, being predominantly vi. The Plan also places less weight on its retention and there is a

need to be able to provide for large areas of land for outdoor recreation. It is about providing for the social, economic and cultural well being of the sub-regional community. This is also supported by the recommended provision of such a park in the SmartGrowth strategy

5.4.6 Servicing

It is noted that the applicant has offered conditions that require any groups or activities establishing in the park to gain any required consents from Environment Bay of Plenty prior to the activity being established in the park. This is considered appropriate and no further requirements are considered necessary.

5.4.7 Scale of Proposed Activity

A considerable area of park has already been given consent. The scale and nature of the activity has therefore been previously considered. Development of the park is to occur over a long period of time.

There are a range of conditions proposed to limit total visitor numbers on a daily basis, mitigate effects and to ensure activities are located throughout the park site.

Given the size of the total park, and the proposed conditions the environment is likely to absorb the activities on the site without creating effects that are more than minor.

5.4.8 Archaeological Sites

Advice provided to me states that there are no identified sites of significance on the subject site and the imposition of conditions are in my opinion sufficient to ensure that the effects of the proposal on archaeological sites can be appropriately managed

7 CONCLUSION

Having considered the proposal, I am satisfied that it is consistent with the principles of sustainable development. In considering Part II matters, I am of the opinion that the proposal is not inconsistent with such matters.

The proposal is in keeping with the surrounding environment and will provide for further recreational opportunities in addition to the park that has already been given consent. It will assist in providing a much needed recreation resource for local communities. I consider the proposed development of the site to be in accordance with the objectives and policies of the District Plan.

Through the imposition of conditions and the submission of development and management plans any potential adverse effects on the environment will be

mitigated. Given the nature and location of the park the proposal in my opinion will not detract from the amenity of the surrounding area.

I am of the view that any adverse effects of the proposal will be no more than minor. It is therefore appropriate to grant consent to the proposal subject to the imposition of conditions.

8 DECISION

- (a) ***THAT pursuant to Section 37 of the Resource Management Act the Western Bay of Plenty District Council extends the timeframes for the processing and determination of this application;***
- (b) ***THAT pursuant to Sections 104, 104B, and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent to the application by Western Bay of Plenty District Council and Tauranga City Council for a land use consent being a Discretionary Activity to establish and operate a place of assembly, an accommodation facility for more than four persons, an education facility for more than four persons not including staff, and to not meet the noise requirements at 'all other times' in respect of land legally described as Part Lot 1 DP 364476, Whataroa Road, for the reasons outlined in this decision and subject to the following conditions of consent;***

General

1. ***THAT the proposal be carried out generally in accordance with the plans and information and additional information submitted with this application by Harrison Grierson Consultants Ref 1520-121799-02 dated March 2007 by J Hextall, except where modified by any conditions of this consent.***
2. ***THAT the consent be held by Tauranga City Council and Western Bay of Plenty District Council (or any successor in terms of the Local Government Act) only. For the purpose of this consent Tauranga City Council and Western Bay of Plenty District Council shall be referred to as the 'consent holder(s)' and the consent shall not be transferred to any other party. This consent relates to the land known as Te Matai West Block, legally described as Part Lot 1 DP 364476, "For the purposes of this consent the term "site" and all conditions contained within this consent" shall refer to the overall All Terrain Park as identified on Harrison Grierson Consultants Limited Plan No. 121799-GA100. This does not exempt the consent holder from works required by the previous resource consent (granted 10/12/2004) that are not specifically addressed under this resource consent."***

Management Plan

3. ***THAT prior to the commencement of activities authorised by this consent a Development Plan showing the intended location of specific interest areas and***

activities and associated buildings and facilities including the location of any Park Centre access details and parking areas, and including Park operational details, shall be submitted to the Principal Administrative Officer of Council, or his/her delegate, for approval. This plan shall be consistent with the conditions of this consent and shall be modified and resubmitted as new areas of the park are developed by way of a new Management Plan.

This plan and its modifications will be prepared in consultation with Transit NZ and will include:

- *The amenity/buffer strip referred to in condition 19 of this consent.*
- *The integrated access route networks by which it is proposed to service and conduct activities.*

As part of the preparation of the development plan, the consent holder(s) will undertake, in consultation with Transit NZ, a review of the existing local road intersections with Pyes Pa Road to ascertain the feasibility of having one Park access point to Pyes Pa Road to service both the eastern and western side of the Park, and/or reducing the number of local road intersections with Pyes Pa Road.

By 1 September 2011, the consent holder(s) will develop in consultation with Transit NZ, a Long Term Development Plan for the use of the Park and access to it.

The Long Term Development Plan will recognise the need for integrated access arrangements to the Park.

4. *THAT prior to the commencement of any individual activity authorised by this consent a Management Plan shall be submitted to the Principal Administrative Officer of Council, or his/her delegate, for approval. Such Plan will be consistent with the Development Plan or Long Term Development Plan as appropriate approved in accordance with condition 3, and shall as a minimum detail/include:*

- a) *The nature of the activity*
- b) *The hours of operation.*
- c) *The location of the area to be used and the identification of building sites.*
- d) *Where the activity is a significant noise producing activity, (being an activity with a total A-weighted sound power level of 95 dBA or greater), a Noise Management Plan is to be provided; and*
- e) *A Traffic Impact Assessment report (undertaken by a suitably qualified independent Traffic Engineer) which shall incorporate the following:*
 - i) *An assessment of the expected traffic generation due to the proposed activity in relation to its normal (weekly) operation and*

- in relation to events that attract visitors not normally associated with the applicant club/society membership.*
- ii) Access and parking provisions for normal (weekly) operation and in relation to events that attract visitors not normally associated with the applicant club/society membership.*
 - iii) An assessment of the likely traffic effects due to the expected traffic generation of the proposed activity on the surrounding road network, including Pyes Pa Road/Tauranga Direct Road (SH 36) and including recommendations for mitigation where required; and*
 - iv) Proposed mitigation measures including an implementation schedule.*
 - v) Traffic Management Plans that detail the measures that will be implemented in relation to construction and event management.*
 - vi) The Traffic Impact Assessment report is to be provided by the consent holder(s) to the affected Road Controlling Authorities for certification as being to the satisfaction of the Principal Administrative Officer or his/her delegate in respect of district roads and the Regional Manager of Transit NZ or his/her delegate in respect of the State Highway.*
- f) Details of consultation with Environment Bay of Plenty and approval to any Regional Council consents as required.*
 - g) A landscape assessment of any potential buildings and activities to ensure that any building or activity is in context with the environment it is located on and will not adversely affect the rural amenity. This shall include any and all landscape treatments of the park/road interface.
Note: The nature of the Landscape Assessment will be dependent on the location and scale of activities and buildings. A very brief assessment will only be required if the potential for landscape effects are internalised or very minor.*
 - h) An assessment and management plan of any lighting required as part of the activity(s) to ensure any off site effects are avoided or mitigated.*
 - i) Any other details that the Consents authority considers necessary and which are reasonably related to the proposed activities in the Park.*

This Management Plan shall provide sufficient information to detail compliance with all conditions of this consent, and the consent holder(s) shall be responsible for undertaking all works and mitigation measures identified for the respective activities.

- 5 a) THAT subject to the exception in 5(b), the maximum number of people at the site at any one time shall not exceed 5000.**
- b) THAT special events (being events that generate more than 5,000 people at any one time) are provided for subject to the limitation of no more than six events per calendar year and the requirement to meet conditions 24-26 (inclusive) of this consent.**

6. **THAT any signs erected in association with the All Terrain Park (site), that are visible from the state highway, shall comply with the provisions of the District Plan as detailed in Section 14 of the Operative District Plan at the date of this consent except that the number of signs in regard to Rule 14.3.1.1(b)(ii) shall be no greater than six, and shall comply with the following:**
- **There shall be one sign located either side of Whataroa Road at its intersection with Pyes Pa Road (SH36), for the purposes of identifying the main entrance to the site.**
 - **All signs shall be related to activities on the All Terrain Park (site).**
 - **The location and design of all signs shall be to the satisfaction of the Regional Manager, Transit New Zealand, Hamilton.**
 - **Any sign erected that is visible from state highway shall be designed and constructed in accordance with Land Transport New Zealand Road Traffic Standard 7: Advertising Signs and Road Safety; as at October 2007.**
 - **Subject to the points above, the signs shall be in a consistent format and avoid individual occupant branding signage and motifs other than for the park itself.**
7. **THAT any buildings constructed on the subject site shall meet all bulk and location requirements as apply at the date of this consent under the Rural G Zone provisions of the Operative District Plan.**

Noise

8. **ALL activities on the subject site (except for gunshot noise) shall be conducted so as to ensure that noise shall not exceed the following noise limits within the stated timeframes at any point within the notional boundary of any dwelling in regard to properties in private ownership (except those where written consent has been provided):**

| Time Period | | Sound Level Not to be Exceeded | |
|--|--------------------|---------------------------------------|---------------|
| Day | Hours | L10 | Lmax |
| Monday to Saturday | 7am to 10pm | 50 dBA | N/A |
| Sunday | 7am to 6pm | 50 dBA | N/A |
| At all other times and on public holidays | | 40 dBA | 65 dBA |

9. **THAT firing from any shooting range shall be only within the hours of 7am to 10pm and shall be so conducted as to ensure that gunshot noise does not exceed a composite noise rating (CNR) of 90 at any point within the notional**

boundary of any dwelling in regard to the properties in private ownership to the east of the subject site in a Rural zone:

$$CNR = Y - 25 + 10 \log (N) + 10 \log (R)$$

Where: CNR=composite noise rating

Y=dB linear peak level of the burst

N=number of single shots or bursts per day

R=number of rounds, or detonations, (acoustic events) per burst

10. *THAT in regard to Lots 2 & 3 DP 368811 the following general noise standards shall apply: All activities on the subject site (except for gunshot noise) shall be so conducted as to ensure that noise shall not exceed the following noise limits within the stated timeframes at any point within the boundaries of the identified building sites and existing dwelling site as identified on Harrison Grierson Plan No.121799-GA100:*

| <i>Time Period</i> | | <i>Sound Level Not to be Exceeded</i> | |
|---------------------------|--------------------|---------------------------------------|---------------|
| <i>Day</i> | <i>Hours</i> | <i>L10</i> | <i>Lmax</i> |
| <i>Monday to Sunday</i> | <i>7am to 10pm</i> | <i>50 dBA</i> | <i>N/A</i> |
| <i>At all other times</i> | | <i>40 dBA</i> | <i>65 dBA</i> |

A noise buffer area shall be maintained as identified on Harrison Grierson Plan No. 121799-GA100.

11. *NOISE shall be measured and assessed in accordance with NZS6801:1999 and NZS6802:1991. Adjustments for special audible characteristics shall not apply to the assessment of gunshot noise.*
12. *IN accordance with Condition 4(d) the plan shall outline the range of activities, their potential noise levels and any noise mitigation/management measures that will be implemented to ensure compliance with conditions 8, 9, and 10. Such plan shall take into account any potential for cumulative effects from other noise sources that may be established on the subject site. This will only apply to noise sources which are significant noise producing activities that are defined as those activities that are established on the subject site with a total A-weighted sound power level of 95 dBA or greater.*

Traffic
Pyes Pa Road (SH 36)

13. *THE consent holder(s) shall ensure that no direct site access for Park recreation activities is provided or constructed onto Pyes Pa Road without the prior consent of Transit New Zealand.*

14. **THE consent holder(s) shall identify all existing site forestry access locations on Pyes Pa Road. These forestry access locations shall be sign posted as not for public access and barred and padlocked when not in daily use by the forest owner.**
15. **THE consent holder(s) shall ensure that:**
- (a) **Where site access is obtained via the Whataroa Road intersection with Pyes Pa Road the intersection shall be upgraded in accordance with Diagram D: Moderate Use Access Standard of Transit NZ's Planning Policy Manual (as per the 1999 edition), with a minimum seal length on Whataroa Road of 50m extending from the edgeline of Pyes Pa Road.**
 - (b) **The sight distance onto Pyes Pa Road from its intersection with Te Matai Road is upgraded to the satisfaction of the relevant Road Controlling Authority, and**
 - (c) **That the upgrading requirements of (a) and (b) shall be undertaken when site traffic generation exceeds an average of 30 vehicles per day (equivalent car movements), over 7 consecutive days during periods of peak activity. Traffic movements generated from 'Special Events' shall be specifically excluded from this assessment and calculation.**
16. (a) **THE consent holder(s) shall ensure that where site access is obtained via Whataroa Road intersection with Pyes Pa Road, the intersection shall be upgraded, commensurate with the peak hour traffic generation expected at the intersection and the assessed traffic volumes on the adjacent section of Pyes Pa Road during this period, (except that the traffic movements generated from 'Special Events' shall be specifically excluded from this assessment and calculation) in accordance with the following Standards:**
- The need for upgrades to the intersection including auxiliary turning lanes shall be assessed in accordance with Figure 6.41 – Warrants for Rural Turn Lanes of Austroads Guide to Traffic Engineering Part 5: Intersections at Grade. Where right turn bays or left turn lanes are justified in accordance with Transit NZ requirements, these shall be constructed in accordance with Figures 3.25 and 3.20 respectively of the Manual of Traffic Signs and Markings (MOTSAM) Part 2 or an equivalent Transit NZ Standard.**
- (b) **THAT the intersection upgrade include a minimum seal length on Whataroa Road of 100m extending from the edge line of Pyes Pa Road.**
 - (c) **THE upgrades required by (a) and (b) above shall be completed 'prior' to traffic volumes exceeding levels that warrant intersection improvements in accordance with Figure 6.41 – Warrants for Rural Turn Lanes of Austroads Guide to Traffic Engineering Part 5: Intersections at Grade. The need for upgrades shall be determined from ongoing monitoring information from the park, as required by Condition (29) of this consent.**

No further expansion of activities within the All Terrain Park (site) shall occur until the upgrades, in accordance with the above standard, are completed to the satisfaction of the Regional Manager, Transit New Zealand, Hamilton, or their delegate.

(d) Where peak hour traffic generation expected at the Whataroa Road intersection with Pyes Pa Road exceed levels provided for in Figure 6.41 – Warrants for Rural Turn Lanes of Austroads Guide to Traffic Engineering Part 5: Intersections at Grade, then the intersection shall be upgraded to the satisfaction of the Regional Manager, Transit New Zealand, Hamilton, or their delegate.

17. THE consent holder(s) shall upgrade the intersection of Te Matai Road with Pyes Pa Road in accordance with the standards specified in condition 16 when:

a) Park recreation activities within the site generates more than 45 vehicle movements (equivalent car movements) in any peak hour turning left or 45 vehicle movements in any peak hour turning right from Pyes Pa Road into Te Matai Road; or

b) Where through traffic flow on Pyes Pa Road exceeds more than 200 vehicle movements (equivalent car movements) in any peak hour and Park recreation activities generated traffic exceeds 20% of the total turning traffic movement at the intersection for normal site operation, Traffic movements generated from 'Special Events' shall be specifically excluded from this assessment and calculation.

c) That the intersection upgrade include a minimum seal length on Te Matai Road of 100m extending from the edge line of Pyes Pa Road.

18. THE consent holder(s) shall ensure that all individual on-site activities, including walking, cycling and equestrian or motor vehicular traffic are confined to either the eastern or western sides of the All Terrain Park and that they do not allow linkage from one side to the other, at grade, across Pyes Pa Road for the purposes of on-site route continuation.

19. THE Development Plan shall provide for an amenity/buffer/separation strip 10m in width abutting Pyes Pa Road on the full frontage (excluding existing entrances) of the All Terrain Park. This strip will be provided by way of covenant or other process agreed between the consent holder(s) and Transit NZ

The buffer strip may be varied in width in order to achieve a situation, following forestry harvesting where, except where a cutting would shade the road, vegetation shall not be planted, or allowed to grow in a position which will shade the carriageway between the hours of 10am and 2pm on the shortest day of the year.

When forest trees are felled from this strip, no forest replanting rights will be granted within the strip.

District Roads

- 20. THE consent holder(s) shall generally provide complying access points and shall at all times provide safe and efficient access points off Te Matai Road and Whataroa Road. Mitigation shall, at minimum, include access upgrade(s) in accordance with the Western Bay of Plenty District Council Subdivision and Development Code of Practice to the satisfaction of the Principal Administrative Officer, or his/her delegate.**
- 21. THE consent holder(s) shall generally comply with the Western Bay of Plenty District Council Subdivision and Development Code of Practice along District Roads and shall at all times provide safe and efficient access between their respective intersections with Pyes Pa Road and the proposed site access points, to the satisfaction of the Principal Administrative Officer, or his/her delegate. Site access from Whataroa Road shall be a minimum of 100m from its intersection with Pyes Pa Road. Site access from all other roads shall be a minimum of 125m from their intersection with Pyes Pa Road.**

Road improvements and access upgrades shall be commensurate with the expected traffic generation between the Pyes Pa Road intersection and the proposed site access point(s). Mitigation and upgrade measures shall recognise the potential for conflict with other road users and in particular, existing and future forestry truck activity.

The engineering documents shall be submitted and approved prior to any works commencing. When conditions 16 and 17 trigger the provision of auxiliary turning lanes, then at the same time the relevant District Road will be sealed from the intersections with Pyes Pa Road to a minimum length of 100m extending from the edge line of Pyes Pa Road. The engineering documents shall be submitted and approved prior to any works commencing. Carriageway width will be in accordance with diagram R2 contained in the Western Bay of Plenty District Council Subdivision and Development Code of Practice.

Parking and Loading

- 22. THE consent holder(s) shall ensure that the provisions of the Western Bay of Plenty District Plan ("the District Plan") are met with regard to access, on-site parking and loading requirements for each consented on-site activity. At minimum this includes the provision of all-weather surfaces to on-site car parks, loading and manoeuvring areas and access to them.**

Construction

- 23. (a) THAT where roading upgrade requirements due to the Park recreational activity are to occur on Pyes Pa Road (SH 36), the**

consent holder(s) shall obtain prior approval of Transit NZ and that construction shall be to the satisfaction of the Regional Manager of Transit NZ or his/her delegate and shall include temporary traffic management measures in accordance with Transit NZ requirements.

- (b) THAT where works are proposed on District Roads that Engineering documents be submitted to the Principal Administrative Officer or his/her delegate for approval prior to any works commencing. The design shall be in accordance with Council's subdivision and Development Code of Practice.*

Special Events

- 24. PRIOR to the holding of events where the site will or is expected to generate more than 770 vehicle movements an hour, a Traffic Management Plan shall be prepared by a suitably qualified Traffic Engineer. An event in excess of 2,000 people will be deemed to generate this number of vehicle movements. The Traffic Management Plan shall be submitted for approval to the affected Road Controlling Authorities for approval, at least 2 months prior to the start of the event. Upon approval the Traffic Management Plan shall be submitted to the Principal Administrative Officer or his/her delegate for approval.**
- 25. (a) THAT On-site special events that are expected to generate more than 5,000 people are limited to a maximum of six events per calendar year for the entire All Terrain Park site,**
- (b) THAT special events shall not exceed three consecutive days in duration plus 2 additional days, one day for setting up prior to the event and one day to tidy up afterwards except that a maximum of 2 events a year may exceed this limitation.**
- 26. THAT the Event Traffic Management Plan shall include the following:**
- (a) The mechanisms to be employed to manage the safe and efficient movements of site generated traffic onto and off Pyes Pa Road and the access road(s) and along the length of Pyes Pa Road (SH 36), including any one-lane bridges;**
 - (b) An assessment of how site or event generated arriving and departing traffic movements will be distributed over time periods;**
 - (c) An assessment of the number of people that are expected to arrive and depart the site via the use of mini-buses, coaches and other larger occupancy vehicles or other alternative transport modes and the corresponding reductions in trip generation that may result;**
 - (d) A single point of contact to field general enquiries and complaints and the procedures for dealing with them;**
 - (e) Emergency vehicles access;**
 - (f) Event traffic routes, volumes and hours of operation;**
 - (g) Event site layout including visitor's facilities;**
 - (h) The details for the requirements in Transit's Code of Practice for**

Temporary Traffic Management.

Monitoring and Review Conditions

27. **THAT within 6 months of the Park commencing activities as authorised by this consent and then two yearly an acoustic impact report prepared by a suitably qualified and experienced acoustical engineer shall be presented to the Council to show compliance with the conditions of consent or in the case of any non-compliance shall recommend remedial actions necessary to ensure compliance.**
28. **THAT the consent holder(s) shall ensure that the implemented special event traffic management plan in relation to the first six special events are monitored (by a suitably qualified and independent Traffic Engineer) and thereafter on an annual basis if events are staged in that calendar year. The monitoring programme shall record the cause and effect of the implemented special event traffic management plan and will identify any adverse traffic effects due to the site on the adjacent road network that may result from these events. Further, recommendations for appropriate amendments to the special event traffic management plan or for other mitigation measures shall be identified as a result of this monitoring accordingly. These monitoring reports are to be forwarded to and discussed with the affected Road Controlling Authorities and their recommendations included in any required changes.**
29. (a) **THAT the consent holder shall monitor traffic flows on Pyes Pa Road, all side roads in the location of the park, and all access points to the park. Monitoring shall consist of permanent 'loop counters' that shall record daily traffic flows on an ongoing basis. The location of the 'loop counters' shall be to the satisfaction of the Principal Administrative Officer of Council, or his/her delegate and The Regional Manager Transit New Zealand, Hamilton or their delegate. Traffic flows recorded by the 'loop counter' are to be provided every 6 months, or as requested.**
- (b) **An analysis of the traffic count data (excluding special event traffic) is to be undertaken in accordance with Conditions 15, 16, and 17 of this consent, in order to confirm that the intersections are of an appropriate standard. A copy of the traffic counts and the analysis are to be forwarded to the Principal Administrative Officer of Council, or his/her delegate and the Regional Manager, Transit New Zealand, Hamilton, or their delegate.**

Review

30. **THAT pursuant to Section 128 and in accordance with Section 129 of the Resource Management Act 1991, the Consent Authority;**
- (a) **may review any condition of this consent and the location of any activity within the site. If any such review is necessary it will be commenced not less than 12 months after the granting of consent and thereafter a review may commence on an annual basis in the month of December. The consent conditions may be reviewed to ensure that all effects of activities**

within the Park are appropriately mitigated and controlled and that activities are appropriately located. Through the review process, the existing conditions of consent may be modified and new conditions may be imposed to limit the scale, location or frequency of activities within the Park, and

- (b) shall undertake a review of the traffic related conditions of this consent by 1 September 2011. The purpose of the review is to determine the consent holder(s) proposals for the provision of access to the Park to achieve the objectives of the Long Term Development plan, so as to ensure the operation of the Park does not compromise Transit NZ's operation of Pyes Pa Road as a State Highway.*

The consent holder(s) agrees to be bound by these review conditions.

- 31. THE consent holder(s) shall be responsible for any reasonable costs associated with the monitoring, review or exercise of this consent which are incurred by the Regulatory Department. In addition, the consent holder(s) shall be responsible for any costs relating to compliance, technical reviews and assessment.*

Archaeological Assessment

- 32. THAT prior to any physical development works being carried out on the subject site a desktop archaeological assessment of the site shall be carried out by a qualified archaeologist.*

Lapse Date

- 33. THAT pursuant to Section 125 of the Resource Management Act the lapse date be no more than 30 years from the issue of this consent.*

Advice Notes

- 1. For health reasons the NZ Building Code requires the water supply to new dwellings to be safe for drinking. Water taken from a Council watermain is of acceptable quality. Where the water supply is to be taken from any other source the Council will require evidence that the water meets the drinking water standards before a code compliance certificate is issued for any new building consent. This is because most other water sources are known to be below the required standard and will require some form of treatment. The Council will accept water achieving the quality set out in the publication 'Drinking Water Standards for N Z 2000' as meeting the minimum standard.*
- 2. A building consent will be required for any subsequent building work including stormwater and effluent disposal systems.*
- 3. Archaeological sites are historic places as defined by the Historic Places Act 1993, and all archaeological sites are protected under the provisions of that Act. Any activity, which impacts on an archaeological site, requires the prior permission of*

the Historic Places Trust. If any archaeological site is uncovered during development then work must stop until the site can be assessed by a qualified archaeologist and an authority to modify, damage or destroy the site applied for under either Section 11 or 12 of the Act.

- 4. On site sewerage treatment and disposal will have to comply with Environment Bay of Plenty's " On Site Effluent Treatment Regional Plan".*
- 5. The consent holder(s) will liaise with the forestry owner in regard to Occupation, Health and Safety issues.*
- 6. For the purpose of monitoring the consent and ensuring compliance with consent conditions, Council as the Consent Authority shall only be responsible for liaising with the consent holder(s). The consent holder(s) shall be responsible for management of all park activities, the provision of monitoring records and ensuring all individual users or activities established or undertaken within the park comply with the conditions of consent.*



**W.T Wasley
Commissioner**

Date 20 March 2008