

RESOURCE MANAGEMENT ACT 1991

RESOURCE CONSENT APPLICATION:

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

**ALLTERRAIN RURAL ACTIVE PARK
PYES PA ROAD, 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 establishment of an Allterrain Rural Active Park. This also included determining whether the application was to be non-notified or notified. I was appointed pursuant to Section 34a of the Resource Management Act 1991.

1.2 Meeting

A meeting was held on Wednesday, 8 December, 2004 in the Council Chambers, Western Bay of Plenty District Council to allow the applicants and Council's planning staff to present the relevant details of the proposal and outline any relevant issues relating to the application and the request for non-notification of the application. Those attending the meeting included the following;

Applicants

- Mr Jeff Hextall (Consultant Planner)
- Mr Gary Main (WBOPDC)
- Mr Iain China (Traffic Design Group)
- Mr Peter Watson (WBOPDC)
- Mr Antony Averill (TCC)
- Ms Cheryl Steiner (TCC)
- Mr John Rauputu (WBOPDC)

Western Bay of Plenty District Council

- Mr Todd Whittaker (Team Leader Consents)
- Miss Kim Harris (Policy Analyst Resource Management)
- Mr Dallas Banks (Consultant Engineer)

1.3 Site Inspection

I undertook a site inspection together with, Council staff and the consultant planner acting for the applicant.

1.4 Reports

I had been pre-circulated with the staff report and application documentation.

1.5 Definitions

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

2.0 PROPOSAL

The applicant proposes to establish an all terrain outdoor recreation park. The park is proposed to be a community facility that will cater for a wide range of outdoor activities that benefit from having access to large areas and separation from residential activities. The specific type and location of activities is not known at this stage, although a list of example activities was provided in the application. The development of the park will be a gradual process and likely to take up to 30 years. The subject site comprises 1,236 ha of forestry land surrounded for the most part by forestry usage. The applicants have proposed a maximum number of people at the site at any one time of 5000. Provision is also made for six special events of an unlimited capacity per year subject in compliance with performance standards, and development and management plan approval.

2.1 Activities

The following list of example activities to be carried out in the park was provided by the applicant:

- tramping
- running
- 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

3.0 SITE

The site currently is held in 10 titles and is approximately 1,236 hectares in area bisected by Pyes Pa Road. Mangatoui Road forms part of the northern border and the site is also bordered by Whataroa Road and Te Matai Road. The applicants are the prospective purchasers of the site.

Since this application was lodged a boundary adjustment subdivision has been submitted and approved. The new boundaries reflect the agreed land exchange between current owners of the property and the applicant at the south end of the property.

The property has been used for forestry purposes for approximately 30 years and consists primarily of exotic forestry plantations. There are a number of water courses that cross the site and areas of indigenous vegetation. The area is of a mixed contour containing relatively flat land to quite steep gorges. The site is for the most part surrounded by either other forestry operations or Department of Conservation estate. On the northern border of the proposed park there are two privately owned lots.

The site is generally highly modified and has existing areas suitable for outdoor activities such as mountain biking, four wheel driving and motorbike riding. Roads and tracks are already established as part of the forestry operation. It is expected that the forestry use will be phased out over time and as the forests are milled, staged development of the recreation activities will occur. The site is bisected by Pyes Pa Road which will become a state highway on 1 February, 2005. However, site access will only be obtained off the District Council roads adjoining Pyes Pa Road.

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 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 effects on adjoining landowners, noise and traffic. The applicant has provided consents from all potentially affected parties. The technical review of the noise issue identified conditions and recommendations that will result in any potential adverse effects on adjoining landowners being 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.

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. This assessment is supported by the findings of the independent acoustic review.

Subject to the conditions and written consents of potentially affected parties I am of the opinion that Section 93(1)(b) of the Resource Management Act is satisfied and public notification is not required.

4.2 Section 94

The notification provisions of Section 94 must be considered. Section 94 requires notice of the application to all parties who may be affected by the proposal unless written consents have been obtained.

In my opinion the potentially affected parties are the following adjoining landowners:

- Department of Conservation
- K and S Merriman
- Viking Global New Zealand Limited, OTPP New Zealand Forest Investments Limited
- Her Majesty the Queen – Land administered by Crown Forestry Group of Ministry of Agriculture and Forestry
- L A and S L Hopping
- Transit New Zealand

It is noted that although Mr and Mrs Hopping did sign the affected parties consent form they did not sign the plan attached to the consent form. In response to my query regarding this matter I received a letter from Harrison Grierson dated 9 December 2004,

confirming that Mr and Mrs Hopping have sighted the site plan and confirmed acceptance of the proposed “noise buffer” areas.

Transit New Zealand has provided consent as a potentially affected party (as the relevant roading authority of Pyes Pa Road from 1 February 2005), when Pyes Pa Road becomes state highway. It is prudent for the consent process to have considered the effect of the activity on the inevitable functioning of Pyes Pa Road as a state highway. The activity will not commence operating until following the road taking on the status of a state highway.

It is noted that an agreed set of recommended conditions (from the applicant and Transit NZ) were provided to me by the applicant.

Rotorua District Council (RDC) has provided a letter of support to the application. Council's processing planner stated some reservations as to if the letter provided could be considered written consent under Section 94 of the RMA. The applicant has since provided further assessment of the potential effects on RDC. This assessment concludes that as the only potential adverse effect may be from increased vehicle movements on the Tauranga Direct Road and that this road is to become a state highway on 1 February 2005, there are no adverse effects on Rotorua District Council. Having considered this matter and given that Transit NZ has given its written consent to the proposal, I am of the view that Rotorua District Council is not considered to be an affected party. In my view Transit NZ is the appropriate authority for considering the effects of additional traffic on the safe and efficient functioning of a state highway.

Other parties who have been consulted and considered in the assessment of environmental effects include Iwi and Historic Places Trust.

Council protocols for consulting with Iwi were used by the applicant for the following parties:

- Ngati Ranginui Iwi Corporation
- Ngaiterangi Iwi Incorporation
- Ngai Tamarawaho
- Ngai Te Ahi
- Ngati Tapu
- Ngati Ruahine
- Waitaha
- Tapuika
- Ngati Rangiwewehi
- Ngaranui

The applicants have received a letter of support from Ngati Ranginui and a letter confirming that further consultation is not required from Ngaiterangi Corporation. No other parties responded.

In addition to this, Council Staff gave a presentation to the Iwi Representatives on the Maori Forum on 18 June 2004 and Iwi were invited to a Hui held in Western Bay of Plenty District Council Chambers on 23 July 2004.

A letter was received from Te Runanaga O Ngati Whakaue Ki Maketu stating that the Allterrain Rural Active Park is not the aspiration of most Maori as the park will only be available to a select few that can afford the use of the park and most Maori do not fall into that category. I agree with the processing planner's opinion that as this is not a resource management issue it does not need to be considered, when assessing this application.

The Historic Places Trust has recommended that a desktop archaeological survey is carried out by a suitably qualified archaeologist. This requirement has been included as a condition of consent and Historic Places Trust are not deemed to be an affected party.

Other road users are not affected parties as appropriate traffic assessments, conditions, and Transit New Zealand's written consent have been provided.

The only potential offsite effect identified in the application on landowners outside those immediately adjoining the Allterrain Rural Active Park is noise. An acoustic engineer's report has been provided by the applicant and this has been peer reviewed by a an acoustic engineer. The initial report concludes that the effects of noise will be less than minor and the review report concurs that noise will be controlled to within a reasonable level and there is no reason why the application should not be permitted on the grounds of noise.

The application includes a list of example activities that could occur within the park. This list is not exhaustive and additional activities may be suitable to be carried out in the park. The conditions of consent relating to noise, traffic and the provision of individual management plans for each proposed activity will ensure that there are no potential adverse effects on the affected parties who have given consent to the proposal.

As the applicant has provided the written consents of all potentially affected parties, notification of the application is not required under Section 94(2) of the Resource Management Act.

In addition to this, the applicant has provided a statement of support from Whakatane District Council.

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 STATUTORY INSTRUMENTS

5.1 District Plan

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.

5.2 Regional Policy Statement and Plans

The objectives and policies of the Regional Policy Statement are reflected in the District Plan. Consultation with Environment Bay of Plenty identified that of particular concern were heritage and ecological values. This proposal is consistent with these objectives and policies as it does not include any sites of significant ecological value and will provide a community facility that will impact on the existing ecological values. This application protects heritage values by requiring a desktop survey of the subject site prior to any development, as a condition of consent. Earthworks and discharge consents from the Regional Council will be a condition of consent, required prior to the development of the site.

5.3 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.

Section 104(B) of the Act enables an application for a discretionary 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.

The permitted baseline test relates to the effects of an activity for which consent is sought and it's comparison with what can either be lawfully undertaken on a site or could be done as of right in terms of the plan provisions, provided any proposal was not fanciful.

The permitted baseline comparison is the existing environment overlaid with such relevant activities as permitted by the District Plan. 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.

6.0 CONSIDERATION OF MATTERS

6.1 Objectives and Policies

Rural (5.3.1)

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 Allterrain Park ensure any potential conflict between activities will be minimised. The proposal gives the community the opportunity to protect and enhance natural or other features as well as providing for a wide range of activities. The application protects the safety and efficiency of the District and State highway roading network through Transit New Zealand consent as the relevant future roading authority for Pyes Pa Road, Traffic Impact Assessments and consent conditions.

Amenity (5.3.2)

The site will provide clubs with the opportunity to formally plan and develop active or noisy recreation activities that are becoming sidelined due to conflict with residential amenity elsewhere. The Allterrain Park will protect and enhance residential amenity in areas where these activities already occur (sometimes illegally) and provide a residential environment free from intrusive noise and vibration. The size of the park, its isolated location and the proposed buffer areas will ensure that any potential adverse effect on amenity values will be no more than minor and consistent with District Plan objectives and policies.

It is noted that the recommend condition in respect of noise levels related to shooting is different to that originally proposed by the applicant. However I was advised that the recommended condition was an accepted and more conservative one to that originally proposed.

Access (5.3.3)

The Traffic Impact Assessment has produced appropriate conditions which have been agreed by Transit New Zealand. These conditions ensure a more detailed development plan of the park is undertaken in consultation with Transit New Zealand, as well as a traffic impact assessment for each individual activity. The appropriate engineering conditions will ensure the safe and efficient operation of the State Highway and District roading network as well as traffic and pedestrian safety both on and getting to the site. The use of an overall development plan and individual activity management plans will ensure that safe and effective access, on-site vehicle parking, manoeuvring and pedestrian access is provided.

Signs (14)

The application does not detail the location or specific development of any signs. However, it does recognise that it will be necessary to provide sign posting to provide clear direction to and within the park and to ensure that no traffic safety issues arise. The signs are required to comply with Section 14 of the District Plan except that the number of signs in regard to Rule 14.3.1.1(b) (ii) shall be no greater than eight.

In my opinion the application is consistent with the Objectives and Policies of the Operative District Plan.

6.2 Discretionary Activity Assessment and Performance Standards

Discretionary activity criteria include the assessment of rural amenity, traffic generation, the scale of the activity, proposed signs and any visual effects. These issues have been assessed in both applicant and the processing planner's reports.

There has been no requirement from Inroads or Transit New Zealand regarding financial contributions in respect of the Allterrain Rural Active Park. Therefore any mitigation measure will be in the form of physical works rather than a financial contribution.

6.3 Other Matters

Council Consents staff discussed with the applicant conditions that would require a designation/plan change as part of the resource consent. The applicant did not support this requirement and has provided additional information and assessment which provided a better framework for the overall site and nature of the consent. I concur with the processing planner that a condition requiring a further designation or plan change process is not necessary for the granting of this consent. The applicant may at their own discretion, consider a plan change/designation process in the future.

Part of the land is subject to a conservation covenant under the Reserves Act 1977. This is registered on the title and ensures that the values of the covenanted area are protected. Therefore any activity within this area will be subject to the approval of the Minister of Conservation in accordance to the provisions of the Reserves Act 1977.

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 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 93(1)(b), 94, 94B, and 94C of the Resource Management Act 1991, the application may be considered without notification as the effects on the environment will be less than minor, all affected parties have provided written consent, and any further reasons outlined in the this decision report. In addition there are no special circumstances in my opinion requiring the application to be publicly notified.*

W.T Wasley
Commissioner

Date 17 December 2004

- B** *That pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991, I William Thomas Wasley, Commissioner under the authority delegated to me by the Western Bay of Plenty District Council pursuant to Section 34a of the Resource Management Act 1991, grant consent to the application for resource consent to Western Bay of Plenty District Council and Tauranga City Council to develop an Allterrain Rural Active Park, in accordance with the application and supporting information on the property described as Pyes Pa Road, Ngawaro, being SA 50C/358 Section 20-24 Block 111 Rotorua Survey District Section 6-8 Survey Office Plan 57481 and Part Taumata 3A2B Block (part of), SA219/127 Sec 31 Blk 11 Rotorua SD and Section 4 Block 111 Rotorua SD (part of), SA 50C/355 Section 1 Survey Office Plan 57481 and Part Section 2 Block 111 Rotorua Survey District, SA 50C/357 Section 2-4 Survey Office Plan 57481 and Part Section 3 Block 111 Rotorua Survey District, SA 50C/356 Section 5 Survey Office Plan 57481 and Part Section 26 Block XV Otanewainuku Survey District, SA 715/175 Section 1-2 Block XV Otanewainuku Survey District, SA 649/103 Section 3-4 Block XV Otanewainuku Survey District, SA 155/202 Section 5-6 Block XV Otanewainuku Survey District, SA 29C/903 Section 25 Block XV Otanewainuku Survey District, SA 14C/1434 Section 29 Block XV Otanewainuku Survey District, and in accordance with the plan reference 11225-GA01 plot dated 9/12/2004, subject to the following conditions and for the reasons outlined in this decision.*

General

1. *THAT the proposal be carried out generally in accordance with the plans and information submitted with this application, and referred to in the Commissioners Report (List of Documents), the email from Harrison and Grierson dated 6 December 2004, the letter from Harrison Grierson dated 9 December 2004, and*

the plan reference 11225-GA01 plot dated 9/12/2004, 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.*
- 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 the 1st of 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 but will also recognise that not all parts of the Park will be able to be served by one access point.

The consent holder(s) recognise that its Long Term Development Plan for the Park may need to be constrained to take account of the consent holder(s) provision of access.

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 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 in and will not adversely affect the rural amenity.*
- 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 undertaken all works and mitigation measures identified for the respective activities.

- 5. (a) *THAT subject to 5(b) herein, 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 Allterrain Park 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 eight.*

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 the properties in private ownership to the north-west of the subject site in a Rural zone (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. 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 north-west 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 Lot 6 DP 304420, Lot 5 DP 304420, Lot 2 DP 304420 and Lot 4 DP 304420 (owners K & S Merriman) and Pt Sec 24 BLK XV Otanewainuku Survey District (SO 326067) and Pt Lot 1 DP 304420 (owners L & S Hopping), 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.11225-GA01:

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

A noise buffer area shall be maintained as identified on Harrison Grierson Plan No. 11225-GA01

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

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 the relevant roading authority.*
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 where site access is obtained via existing road intersections off Pyes Pa Road;*
 - (a) *The intersections (excluding Te Matai Road) shall be upgraded in accordance with Diagram D: Moderate Use Access Standard of Transit NZ's Planning Policy Manual,*

(b) The sight distances onto Pyes Pa Road from its intersections with Mangatoai Road and Te Matai Road respectively are 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. *The consent holder(s) shall ensure that where site access is obtained via existing road intersections off Pyes Pa Road (with the exception of the Te Matai Road intersection with Pyes Pa Road), the intersections shall be upgraded, commensurate with the peak hour traffic generation expected at the intersection (excluding 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 auxiliary turning lanes shall be assessed in accordance with Figures 5.23a & 5.23b 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.

17. *The consent holder(s) shall upgrade the intersection of Te Matai Road with Pyes Pa Road in accordance with 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.

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 Allterrain Rural Active 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 both sides of Pyes Pa Road on the full frontage (excluding existing entrances) of the Allterrain Rural Active 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 Mangatoi Road, Ngawaro Road, 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 (including Ngawaro Road) 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.*

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.

When conditions 16 and 17 trigger the provision of auxiliary turning lanes, then at the same time the District Roads will be sealed from the intersections with Pyes Pa Road to the Park entry. 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/Tauranga Direct Road, 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 Special Events, being any occasion where the site will or is expected to generate more than 5000 people, a Traffic Management Plan shall be prepared by a suitably qualified Traffic Engineer. The Traffic Management Plan shall be submitted for approval to the affected Road Controlling Authorities and then 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,*

b) *That the special event meets the requirement of 8.2.3.1(c)(i) of the District Plan in that it will 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.*

26. *The Special 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/Tauranga Direct Road, including any one-lane bridges;*
- b) *A single point of contact to field general enquiries and complaints and the procedures for dealing with them;*
- c) *Emergency vehicles access;*
- d) *Event traffic routes, volumes and hours of operation;*
- e) *Event site layout including visitor's facilities;*
- f) *The details for the requirements in Transit's Code of Practice for Temporary Traffic Management.*

Monitoring and Review Conditions

27 *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 *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) *The consent holder(s) shall ensure that traffic counts are to be undertaken on Pyes Pa Road and all side roads in the location of the Park on a two-yearly basis over an agreed period, i.e. a weekend in the month of most activity. These counts are to be undertaken by a traffic counting firm approved by Transit NZ. An analysis is to be undertaken in accordance with Condition 15 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 Transit NZ.*
- b) *The consents holder(s) shall ensure that traffic counts are to be undertaken on District Roads in the location of the Park at an interval to be determined by the Consents Authority over an agreed period, i.e. over a seven day period during a month of most activity. These counts are to be undertaken by a traffic counting firm approved by the Principal Administrative Officer of Council, or his/her delegate, for approval. An analysis is to be undertaken in accordance with Condition 15 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, for approval.*
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 the 1st 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 Transits 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.*

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.*

A handwritten signature in black ink, appearing to read 'W.T. Wasley'. The signature is fluid and cursive, with a large initial 'W' and a long, sweeping underline.

**W.T Wasley
Commissioner**

Date 17 December 2004