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All Terrain Park

23. All Terrain Park

Explanatory Statement

The Western Bay of Plenty District Council and Tauranga City Council have established an 'All Terrain Rural Active Park' (the Park). This is a community facility that will cater for a wide range of outdoor activities and other complementary facilities that will benefit from having access to large land areas with appropriate separation distances from other activities that may be sensitive to the adverse effects being generated by Park activities.

An area of approximately 1261ha was purchased in 2004. To assist in the implementation of the Park and to ensure that the Park was not compromised by inappropriate *development* the *Councils* purchased a further 381ha of land adjacent to the previously consented area.

The Park will establish facilities and opportunities for recreational activities that have found either their existing sites to be in conflict with residential expansion or have been searching to find suitable sites for their activities. In some cases this has led to informal use of sites throughout the *District*. This Zone provides for a comprehensive outdoor adventure facility that provides for a variety of activities in a managed way. It also provides for related educational opportunities. The Park is designed to be used by organised clubs but also provides for general public use and ancillary commercial activities consistent with the Park activities. The commercial forest activities will continue to operate on the site but over time will be supplanted by recreational based activities.

The actual *development* of the Park will be a gradual process and it is likely to take up to 30 years for the Park to be fully established. The Park's *development* will be guided by a development plan that ensures an integrated management approach to the use of the Park. Activities establishing in the Park will be required to have an approved management plan.

23.1 Significant Issues

1. The ongoing pressure to provide for recreational activities which have particular location, land area, amenity and character needs.
2. The lack of available land within the *western Bay of Plenty sub-region* for outdoor recreational activities which require large amounts of space and/or are significant noise generators.
3. The potential for conflicts of use to occur between recreational activities and other activities, particularly in residential and rural environments.

4. The potential for more intensive use and *development* of the Park to adversely impact on the amenity provided by the low density character of the surrounding rural environment.
5. The potential impact of more intensive use and *development* of Park land on existing natural features.
6. Some Park activities may create adverse effects such as increased noise levels which could affect adjacent land.
7. The change in surrounding land uses from forestry to *farming*, including the establishment of houses in the vicinity of the Park may lead to a greater risk of conflict with Park activities, thereby negatively affecting the efficient *development* of the Park.
8. Establishment of incompatible activities in the Park could result in conflicts of use within the Park itself.
9. The potential for the use and *development* of the Park to conflict with the special relationship of tangata whenua with their ancestral land.
10. The potential impact of more intensive use and *development* of the All Terrain Park on the safety, efficiency and sustainability of the *transportation network* including State Highway 36.

23.2 Objectives and Policies

23.2.1 Objectives

1. Provision of land and facilities to meet the needs of a wide range of outdoor recreational and other related activities.
2. Sustainable management of the finite land resource within the Park for a wide range of activities.
3. The allowance of a wide range of recreational activities within the Park that would otherwise potentially create nuisance in other zones.
4. Appropriate management and control of the actual or potential adverse environmental effects created by activities within the Park.
5. Protection and enhancement of natural or other features within the Park recognised as having ecological, landscape, or other values of significance.
6. Protection of areas within the Park that have special value to tangata whenua

7. Provision for land within the Park to continue to be used for rural activities compatible with the overall purpose of the Park.

23.2.2 Policies

1. Subdivision of land within the Park should not compromise the overall operation and integrity of the Park or its user groups and their respective activities.
2. Recreational and educational activities within the Park, including ongoing associated management activities, should be able to operate in a manner that is reasonably necessary to achieve efficient resource use and *development* of the Park without creating effects which adversely impact on the environment or on the health, safety and welfare of the surrounding rural community.
3. Significant natural features within the Park should be protected and enhanced.
4. The establishment of activities which either individually or cumulatively could conflict with the reasonable operation of other established Park uses should be appropriately limited or controlled.
5. Activities within the Park should be established and should operate so as to avoid, protect or otherwise recognise areas of the Park that have special value to tangata whenua.

23.3 Activity Lists

23.3.1 Permitted Activities

- (a) *All Terrain Park activities.*
- (b) Helipads for All Terrain Park purposes.
- (c) *Farming.*
- (d) *Production forestry.*
- (e) *Conservation forestry.*
- (f) One *dwelling* per *lot*.
- (g) Works and *network utilities* as provided for in Section 10.
- (h) Activities on reserves as provided for in the Reserves Act 1977.

- (i) *Buildings (except dwellings and buildings provided for as All Terrain Park activities) accessory to the foregoing, of 200m² gross floor area or less.*

Note: For the purpose of this rule, only the ground floor shall be included in the calculation of *gross floor area*.

- (j) *Minerals prospecting.*

23.3.2 Controlled Activities

- (a) Works and *network utilities* as provided for in Section 10.
- (b) Boundary adjustment subdivision in accordance with Rule 12.3.3.
- (c) Subdivision specified in Rule 23.4.2(a) and Rule 18.4.2(b), (d), (e).

23.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 23.4.1.
- (b) Subdivision specified in Rule 23.4.2(b).

23.3.4 Discretionary Activities

- (a) Additional *dwellings*.
- (b) *Accommodation facilities*, not undertaken as an *All Terrain Park activity*.
- (c) *Education facilities*, not undertaken as an *All Terrain Park activity*.
- (d) *Buildings (except dwellings) accessory to the foregoing greater than 200m² gross floor area.*

Note: For the purpose of this rule, only the ground floor shall be included in the calculation of *gross floor area*.

- (e) Mineral exploration, mining and *quarrying*.
- (f) Urupa (new sites).
- (g) Works and *network utilities* as provided for in Section 10;
- (h) Subdivision in accordance with Rule 18.4.2(f).

23.3.5 Non-Complying Activities

- (a) Subdivision not meeting performance standards in 23.4.2.
- (b) Within the *National Grid Electricity Transmission Buffer*
- *Dwellings, minor dwellings, accommodation facilities, education facilities, hospitals, rest homes and retirement villages*

- Principal *buildings* for *intensive farming activities*
- *Buildings/structures* for discretionary activities in 23.3.4
- *Earthworks* not complying with the performance standards in 23.4.1(f)
- Subdivision not complying with the performance standards in 23.4.2(a)(v)

23.4 Activity Performance Standards

23.4.1 General

The following performance standards shall be met by all activities.

(a) Height of buildings/structures

Maximum – 9m, except the maximum *height* for an observation tower shall be 15m.

(b) Daylighting

No part of any *building/structure* shall exceed a *height* equal to 2m above *ground level* at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building/structure* may exceed the aforementioned *height* where the written approval of the owner of the immediately adjoining property to a specified greater *height* is obtained.

(c) Yards

(i) *Dwellings, accommodation facilities, education facilities, places of assembly, commercial facilities:*

- Minimum 30m, except in the case of *buildings* forming part of the All Terrain Park Central Hub site the minimum shall be 10m.

(ii) All other *buildings/structures*:

- Minimum 5m.

Provided that:

A *building/structure* may be located within a *side* or *rear yard* and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

Where the *yard* adjoins a State Highway, it shall be a minimum of 10m.

(iii) Buffer strips – State Highway 36

A 10m buffer strip shall be maintained adjacent to the State Highway 36 boundary, following forestry harvesting. The buffer area shall not include any active Park activities nor contain vegetation that will shade the State Highway carriageway between the hours of 10am and 2pm on 21 June (the shortest day of the year).

(iv) Buffer strip – boundary of Lot 2 DP 368811

A 50m buffer of trees adjacent the boundary of Lot 2 DP 368811 shall be maintained except following forestry harvesting. At such time the buffer will be replanted in the next growing season.

(d) Standards for All Terrain Park activities

(i) All activities shall be consistent with the Planning Maps.

(ii) Subject to the exception in (iii) below, the maximum number of people within the site at any one time shall be 5,000.

(iii) Notwithstanding foregoing clause (ii), onsite 'special events' (being events which result in there being more than 5,000 people within the Park at any one time) may occur subject to the following:

- No more than ten special events shall be held within any one calendar year;
- Where any special event 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 and approved by the relevant road controlling authority. For the purpose of this rule, an event in excess of 2,000 people is deemed to generate this number of vehicle movements.

- The duration of a special event shall not exceed three consecutive days plus two additional days, one day for setting up prior to the event and one day to tidy up afterwards, provided that a maximum of five events a year may exceed this limitation.
- (iv) All existing site forestry access locations on State Highway 36 shall be sign posted as not for public access and barred and padlocked when not in daily use by the forest owner.
- (v) There shall be no direct site access for Park recreation activities onto State Highway 36 without the prior consent of the New Zealand Transport Agency.
- (vi) Vehicular access for *All Terrain Park activities*, shall be via the Whataroa Road and State Highway 36 intersection, except that vehicular access for operational and *maintenance* activities may also use other access points.
- (vii) The intersection of Whataroa Road and State Highway 36 will be upgraded prior to traffic volumes (excluding those associated with special events) 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"; and shall be in accordance with appropriate design standards.

(e) Standards for Helipads

Helipads shall not be located closer than 500m from the nearest Rural Zoned property boundary unless the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

(f) National Grid Electricity Transmission Buffers

Note:

- Non-compliance with (i) and (ii) below shall require a resource consent for a Non-Complying Activity.
- For the purpose of the notification provisions of the RMA, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to notify any application.

- All activities (whether listed below or not) located under or adjacent to transmission lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the District Plan rules does not ensure compliance with the Code.

(i) Activities around transmission structures (towers or poles)

(ii) Fences can be located within 5m – 12m from the outer edge of a support structure provided they comply with NZECP34:2001.

(iii) *Earthworks and Quarrying*

(a) *Earthworks and Quarrying Around Poles*

Earthworks and quarrying shall not be:

(i) deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; or

(ii) deeper than 750mm between 2.2m - 5m from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from (i) and (ii) above.

(b) *Earthworks and Quarrying Around Towers*

Earthworks and quarrying shall not be:

(i) deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; or

(ii) deeper than 3m between 6m - 12m from the outer visible edge of a transmission tower support structure.

- (c) *Earthworks and Quarrying* within the *National Grid Electricity Transmission Buffer*

Earthworks and quarrying shall not:

- (i) create an unstable batter that will affect a transmission support structure; and/or
- (ii) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

Provided that:

Earthworks undertaken as part of the maintenance or repair of tracks or trails associated with activities within the Zone, the repair, sealing or resealing of a road (including farm tracks) footpath or driveway, or as part of normal rural cultivation practices are exempt from (a) and (b) above.

- (g) **Transportation, Access, Parking and Loading** - See Section 4B.
- (h) **Noise and Vibration** - See Section 4C.1.
- (i) **Storage and Disposal of Solid Waste** - See Section 4C.2.
- (j) **Lighting and Welding** - See Section 4C.
- (k) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- (l) **Screening** - See Section 4C.5.
- (m) **Signs** - See Section 4D.
- (n) **Natural Environment** - See Section 5.
- (o) **Landscape** - See Section 6.
- (p) **Historic Heritage** - See Section 7.
- (q) **Natural Hazards** - See Section 8.
- (r) **Hazardous Substances** - See Section 9.
- (s) **Financial Contributions** - See Section 11.

23.4.2 Subdivision and Development - (See also Section 12)

- (a) *Lots* (including leases defined as a subdivision pursuant to Section 218 of the *RMA*) which are proposed to accommodate an activity that is permitted under the definition of *All Terrain Park activities* may be created around that activity. Any such subdivision shall be a Controlled Activity, subject to the following:
- (i) The activity falls within the definition of *All Terrain Park activities*;
 - (ii) The *lot* shall contain sufficient area to accommodate the activity and associated servicing, including provision for an approved on-site effluent treatment and disposal system, provided that the activity may be served by an off-site effluent treatment and disposal system where such subdivision is legally protected in perpetuity by way of easement or other acceptable method, subject to there being no discharge beyond the boundary of the designated off-site area;
 - (iii) All new *lots* shall be provided with access arrangements or agreements which demonstrate security of access to the lot or lease area;
 - (iv) The proposed *lot(s)* shall comply with the subdivision performance standards listed in Section 12 except as specifically referred to in (ii) and (iii) above.
 - (v) *Lots* that have a *National Grid Electricity Transmission Buffer* located on them shall have an identified house site and an additional separate building site (in terms of the requirements of 12.3.7(e)). Such sites shall not be located within the *National Grid Electricity Transmission Buffer*. Furthermore if such sites are located between this buffer and a distance of 37m from the centreline of the Kaitemako Transmission Line, Transpower shall be considered an affected party to ensure compliance with NZECP34.

See also 12.3.8(p) Subdivision Information Requirements - Application Report

- Non-compliance with the above shall require a resource consent for a Non-Complying Activity.

- For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to notify any application.
 - All activities (whether listed above or not) located under or adjacent to transmission lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the District Plan rules does not ensure compliance with the Code.
- (b) The creation of *lots* (including leases defined as a subdivision pursuant to Section 218 of the *RMA*) which are proposed to accommodate a land use activity which is not an *All Terrain Park Activity* but is either a Permitted Activity or has been authorised by way of resource consent, shall be a Restricted Discretionary Activity, with *Council's* discretion restricted to the following:
- (i) The consented activity has been given effect to by works and *development* on the proposed *lot* or lease area;
 - (ii) The compatibility of the proposed subdivision with other Park activities and how any adverse effects including effects on the roading network, are proposed to be avoided, remedied or mitigated shall be demonstrated;
 - (iii) The *lot* shall comply with clauses (ii), (iii) and (iv) of foregoing Rule 23.4.2 (a).
- (c) Subdivision specified in Rule 18.4.2(h) (Protection Lot Subdivision).

23.5 Matters of Discretion

23.5.1 Restricted Discretionary Activities – General

With respect to a Permitted, Controlled or Restricted Discretionary Activity which fails to comply with any activity performance standards listed in 23.4. *Council's* discretion is restricted to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.

23.5.2 Restricted Discretionary Assessment Criteria - Activities failing to meet Rule 23.4.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 23.4.1:

- (a) Due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the *yard* requirements.
- (b) The location of archaeological sites or other Identified Significant Historic Heritage or Ecological Features makes it not practicable to meet the *yard* requirements.
- (c) The potential for conflict with existing and foreseeable activities in the area.
- (d) Compliance with the *yard* requirements will result in a significant constraint on maximising the productive use of the site.
- (e) Compliance with the *yard* requirements will result in an adverse visual effect on the character of the area by forcing the *dwelling* or *building/structure* into a visually prominent position such as a ridgeline.
- (f) Separation distances from other *dwellings* and any resultant loss of privacy of adjoining *dwellings*.
- (g) In regard to the *front yard* whether the road is sealed or unsealed.

23.5.3 Restricted Discretionary Assessment Criteria – Activities failing to meet Rule 23.4.1(d)(vi) Vehicular Access for All Terrain Park Activities.

Council shall have regard to the following matters:

- (a) Impacts on roading including safety and efficiency.
- (b) Effects on amenity.
- (c) Impacts on the road network.
- (d) *Infrastructure* provision, including works to maintain the safety and function of the *transportation network*.
- (e) The recommendations and findings of any *Integrated Transportation Assessment* as may be applicable.

23.5.4 Discretionary and Non-Complying Activities

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 23.4.1 and 23.4.2:

- (a) Relevant objectives and policies of the District Plan;
- (b) Potential for conflict with existing and foreseeable activities in the area.

In justifying any location where potential for conflict and other adverse effects arise consideration should be made of possible alternative locations and the need to be in the specific area chosen.

- (c) Traffic generation
 - (i) Impacts on roading including safety and efficiency;
 - (ii) Effects on amenity;
 - (iii) Impacts on the road network;
 - (iv) *Infrastructure* provision, including works to maintain the safety and function of the *transportation network*;
 - (v) The recommendations and findings of any *Integrated Transportation Assessment* as may be applicable.
- (d) Scale of the activity including number of people carrying out the activity, the hours of operation and how this affects the existing character and amenity values of the area.
- (e) Proposed *signs*.
- (f) The extent to which the activity has the potential to adversely affect the visual amenity provided by the area and the ability to avoid or mitigate such impact by screening or other appropriate measures.
- (g) The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by activities which exceed the relevant noise limits in these District Plan rules. In addition how the character of the noise differs from that which is being experience in the surrounding environment.
- (h) In relation to activities within the *National Grid Electricity Transmission Buffers*
 - the safety of the proposed activity (with reference to compliance with NZECP34 2001),and
 - the effects on the National Grid, including potential *reverse sensitivity* effects, and whether the operation and *maintenance* of the transmission lines is compromised.

For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to notify any application.

23.6 Other Methods

23.6.1 Education

On all Land Information Memoranda for Rural Zoned properties in the vicinity of the All Terrain Park, include a statement regarding the recreational activities that may occur in the Zone and the types of effects that can be expected e.g. noise from firearms and motorised sports.

23.6.2 Development Plan and Management Plans

The *development* of the Park will be consistent with an overall All Terrain Park development plan. This provides the master plan for the overall Park *development*. This plan is a 'live' document in that it will be updated as the Park develops and there is more certainty of where activities will go and will be developed in conjunction with stakeholders. Before individual club and similar activities are established on site there is a requirement for individual management plans which must be consistent with the overall Park Development Plan.