

All Terrain Park

20. All Terrain Park

Explanatory Statement

The Western Bay of Plenty District Council and Tauranga City Council have established an "All Terrain Rural Active 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.

20.1 Significant Issues

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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.

20.2 Objectives and Policies

20.2.1 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.

20.2.2 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.

20.3 Activity Lists

20.3.1 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, less than 200m² gross floor area;
- (j) Mineral prospecting;
- (k) Earthworks ancillary to Permitted Activities.

20.3.2 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 20.4.2(a) and Rule 16.4.2(b), (d), (e).

20.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 20.4.1.
- (b) Subdivision specified in Rule 20.4.2(b)

20.3.4 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 of 200m² gross floor area or greater;
- (e) Mineral exploration, mining and *quarrying*;
- (f) Urupa (new sites);
- (g) Works and utilities as provided for in Section 10;
- (h) Subdivision in accordance with Rule 16.4.2(f).

20.3.5 Non-Complying Activities

Subdivision not meeting performance standards in 20.4.2.

20.4 Activity Performance Standards

20.4.1 General

The following performance standards shall be met by all activities.

(a) Height of buildings

Maximum – 9.0m, except the maximum height for an observation tower shall be 15m.

(b) Daylighting

No part of any building shall exceed a height equal to 2.0m 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 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 structures;
 - Minimum 5.0m.

Provided that:

A building may be located within 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), on-site “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) Transportation, Access, Parking and Loading** - See Section 4B;
- (g) Noise and Vibration** - See Section 4C.1;
- (h) Storage and Disposal of Solid Waste** - See Section 4C.2;
- (i) Lighting and Welding** - See Section 4C;
- (j) Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4;
- (k) Screening** - See Section 4C.5;
- (l) Signs** - See Section 4D;
- (m) Natural Environment** - See Section 5;
- (n) Landscape** - See Section 6;

- (o) **Historic Heritage** - See Section 7;
- (p) **Natural Hazards** - See Section 8;
- (q) **Hazardous Substances** - See Section 9;
- (r) **Financial Contributions** - See Section 11.

20.4.2 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, and
 - (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.
- (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 20.4.2 (a).
- (c) Subdivision specified in Rule 16.4.2(f) (Protected Lot Subdivision).

20.5 Matters of Discretion

20.5.1 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 20.4. *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.

20.5.2 Restricted Discretionary Assessment Criteria - Activities failing to meet Rule 20.4.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 20.4.1:

- (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 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.

20.5.3 Restricted Discretionary Assessment Criteria – Activities failing to meet Rule 20.4.1(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;

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- (e) The recommendations and findings of any *Integrated Transportation Assessment* as may be applicable.

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20.5.4 Discretionary and Non-Complying Activities

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 20.4.1 and 20.4.2:

- (a) Relevant objectives and policies of the 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 Plan rules. In addition how the character of the noise differs from that which is being experienced in the surrounding environment.

20.5.5 Rule for Notification and Service

Any application for an activity which has Controlled Activity or Restricted Discretionary Activity status will not require notification nor will notice of it be required to be served on any other person. Such applications shall be processed on a "non-notified" basis with the exception of non-compliance with Rule 20.4.1(a) and 20.4.1 (d) (ii, iii, vi, viii) where those parties identified as potentially affected in the Standard may be served only.

20.6 Other Methods

20.6.1 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.

20.6.2 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.