

Appendix 2 – Records of Resource Consents held for Subject Properties

- 468 Ōmokoroa Road Caravan Park – RC12818L Decision
- 468 Ōmokoroa Road RC4095L – Land Use – Discretionary – Decision
- 474 Ōmokoroa Road RC4095V01L – Land Use – Discretionary – Decision
- 474 Ōmokoroa Road RC854V01L Land Use – Variation
- 474 Ōmokoroa Road Storage Sheds RC854L Lan Use – Non-Complying
- 7 Prole Road RC10405L – Establish & Operate Childcare Facility
- 7 Prole Road Workshop RC401379L – Notified and Non Notified Data – Decision
- Transit NZ Alteration to Designation RC30267L – Land Use – Discretionary – Application



RCA210241423

RC12818L

Western Bay of Plenty District Council Policy, Planning and Regulatory Services Group

Application for Resource Consent – Non-Notified – MAL PARTNERSHIP

Delegated Authority

P/1207/491

DECISION:

- (a) THAT pursuant to sections 95A and 95D of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the adverse effects of the proposal will be no more than minor and the application need not be publicly notified; and
- (b) THAT pursuant to sections 95B and 95E of the Resource Management Act 1991, the Western Bay of Plenty District Council is satisfied after taking into due consideration of the requirements that there are no persons or groups affected by the activity, and therefore limited notification is not required; and
- (c) THAT pursuant to sections 95A or 95B of the Resource Management Act 1991, the Western Bay of Plenty District Council is satisfied that no special circumstances exist that require notification of this resource consent application; and
- (d) THAT pursuant to sections 34A, 104, 104D and 108 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants resource consent to the application made by the MAL Partnership (Aaron Drayson and Matt Drayson) for a land use consent, being a **non-complying activity, for an expansion of the Ōmokoroa Caravan and Motorhome Park, at 468 Ōmokoroa Road, Ōmokoroa, legally described as Lot 2 DPS 41630**, located at subject to the following conditions:
 1. THAT the activity be carried out in accordance with the plans and information **submitted at the hearing as part of the application referenced as "Proposed Ōmokoroa Holiday Park and Motor Homes Camp 468 Ōmokoroa Road prepared by Lochhead Design dated 10 September 2009"** and the application **entitled 'Combined Land Use and S.127 Variation to RC 4095-v01 Ōmokoroa Campground' prepared by Planning Works Limited and dated February 2021**, and any further information provided, including the following, except where modified by any conditions of this consent.
 - (a) Engineering and Services Assessment prepared by Barr + Harris Surveyors Ltd, dated 15 February 2021;
 - (b) Transportation Assessment Report prepared by Harrison Transportation, dated February 2021;
 - (c) **Information entitled 'Camp Rules and General Info';**



- (d) Detailed Site Investigation Report prepared by Geohazard Environmental, dated 24 June 2020.
2. THAT the campground shall generally be established and operated in **accordance with the 'Proposed Ōmokoroa Camp Site Expansion' plan prepared by Barr and Harris Ref 2658 stg 01 Rev H and dated Nov 2020.**
 3. THAT the type of accommodation facility be limited to a caravan and motor home park and including relocatable cabins, as identified within the application document and the site plan identified within condition two (2).
 4. THAT the maximum number of consecutive days that a person may stay in the camp be limited to 30 days.
 5. THAT the proposed accommodation facility shall be restricted to Monday to Sunday 8.30 am to 7.00pm of operation for checking in and checking out of guests.
 6. **THAT a manager or manager's representative shall reside permanently on site and be available onsite at all times.**
 7. THAT the total number of guests to be accommodated on site with regard to the caravan park activity shall be limited to a maximum of 140 persons at any one time.
 8. THAT a logbook of visitors and patrons to the site is kept and made available **on the request of Council's Team Leader Compliance.**
 9. **THAT the information submitted with the application entitled "Camp Rules and General Info" shall be complied with by all occupants of the site.**
 10. THAT the existing shelter belt surrounding the site be retained to provide adequate visual shielding from the surrounding neighbourhood. The trees shall be maintained for the duration of this consent by the applicant and replaced with like specimens if they should die. Should it be found that a neighbour owns the shelter belt and wishes to remove an area of it, the consent holder shall plant replacement trees within their property boundary to ensure adequate visual mitigation is retained.
 11. THAT at least five evergreen trees or shrubs that are not less than 3 metres high at maturity which shall be planted along the eastern edge of the **boundary with 454 Ōmokoroa Road to shield the neighbouring property. The trees shall not be less than 1.5 metres high when planted. The trees must be planted prior to this consent being given effect to. The trees shall be maintained by the applicant and replaced with like specimens if they should die for the life of this consent.**
 12. THAT the avocado trees identified on the plan within the letter dated 16 April 2021 shall be retained in perpetuity, unless replacement vegetation is agreed to by Council prior to the removal of the existing avocado trees.

13. THAT the consent holder shall plant and maintain a new hedgerow/shelterbelt with a spacing of a maximum of 1.5 metres that shall grow and be maintained to a height of at least three metres along the north-western and north-eastern boundaries of the lower plateau within the first growing season following issue of this consent. This hedgerow shall be maintained in perpetuity with any dead or diseased plants removed and replanted with the same species to ensure a solid landscaped boundary.
14. THAT the consent holder establishes a CCTV system to monitor any activity at the rear of the site and specifically to record any activity on or over the boundary with the neighbouring property. The system shall be established and operated on a permanent basis. The system shall be installed prior to any new sites 44 to 59 being occupied and the consent holder shall provide details of the system to **Council's Team Leader Compliance once installed.**
15. THAT the lighting shall be in accordance with the standards of the Operative District Plan 2012 in respect of spill light, glare and artificial lighting.
16. THAT noise generated on the site shall not exceed the noise limits of the Operative District Plan 2012 in respect of the Future Urban Zone, which are that:

All activities located within the Future Urban Zone shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the notional boundary of any dwelling in a Rural, Lifestyle or Rural-Residential Zone, or at any point within the boundary of any property within a Residential or Future Urban Zone (other than the site of the activity):

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAm _{ax}
Monday to Saturday	7am to 10pm	50dB	N/A
Sunday	7am to 6pm	50dB	N/A
At all other times and on public holidays		40dB	65dB

17. THAT rubbish and recycling shall be collected and stored within the upper area.
18. **THAT external signage on Ōmokoroa Road be limited to the sign area that is existing and accurately reflect the consent use of the holiday park.**
19. THAT the asbestos removal is undertaken in accordance with the consent issued under Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011) prior to any development occurring on the site.

20. THAT:
- (a) none of the new sites 44 to 59 shall be occupied until such time as the consent holder has obtained a discharge consent for on-site effluent disposal from the Bay of Plenty Regional Council.
 - (b) any occupation of the new sites 60 to 63 and /or the tents sites T1 to T6 shall comply with the terms and conditions of the existing discharge consent from the Bay of Plenty Regional Council.

OR

THAT at such time that Council reticulated wastewater be available along the front boundary with Ōmokoroa Road the consent holder may apply to Council for a connection to serve the site.

21. THAT the existing entranceway shall be maintained with no loose gravel on the surface and ensure that two way flow of vehicles entering and exiting the site shall be maintained.
22. THAT the internal accessways shall be formed (where required) and maintained in a dust free surface.
23. That the consent holder installs three 25,000l tanks for water storage as a firefighting supply with the detailed design to be submitted and approved by **Council's Team Leader Compliance. The water storage tanks shall be installed** prior to the occupation of any of the new sites 44 to 59.
24. THAT stormwater soakholes/systems shall be installed to serve the development in accordance with the recommendations detailed in the Services Report, prepared Barr + Harris Surveyors Ltd, dated 15 February 2021.
25. THAT where the existing power and/or telecom reticulation is confirmed not to have the capacity as per the application information, then the reticulation shall be upgraded by the consent holder at their expense.
26. THAT power and telecommunications reticulation shall be installed to adequately service the proposed development. Letters are required from power and telecom authorities confirming that this condition has been met to their satisfaction.
27. THAT the work required by conditions 18 to 25 shall be supervised and certified **as complete in accordance with the conditions by the consent holder's** representative (refer Section 12.3.10.1(f) of Council's District Plan), prior to the occupation of the additional sites.
28. THAT the following financial contributions be paid in respect to the increase in activity prior to the occupation of the additional sites:
- (a) **Roading (Urban)(Ōmokoroa)**
 $\$13,757.00 \times 1.1 = \$15,132.790 + \text{GST}$

- (b) Transportation (Strategic)(District Wide)
 $\$3,313.00 \times 1.1 = \$3,644.30 + \text{GST}$
- (c) Water (Western)
 $\$4,507.00 \times 2.6 = \$11,718.20 + \text{GST}$
- (d) Reserves
 $\$9,796.00 \times 1.1 = \$10,775.60 + \text{GST}$

29. THAT with regard to Condition (28), the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within 2 years of the date of commencement of the consent provided that:

- (a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set **out in Council's Annual Plan current** at the date of payment.
- (b) Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.

30. THAT this consent shall lapse on 27 August 2034. Council may choose to **extend the length of consent should the consent holder apply to the Council's** Consent Manager for approval.

(e) THAT pursuant to sections 34A, 104, 104C and 108 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants resource consent to the application by MAL Partnership (Aaron Drayson and Matt Drayson) for a restricted discretionary activity pursuant to Regulation 9(3) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011) **for the change of use of a "piece of land"** and to remove up to 10m² of asbestos, at 468 **Ōmokoroa** Road, **Ōmokoroa**, legally described as Lot 2 DPS 41630, legally described, subject to the following conditions:

1. THAT the works shall be undertaken in accordance with the Detailed Site Investigation prepared by Geohazard Environmental, their reference 200401 and dated 24 February 2020.
2. THAT the asbestos removal is undertaken in accordance with the consent issued under NES-CS prior to any development occurring on the site.
3. THAT the consent holder shall engage a contractor to inspect, collect and remove any asbestos fragments from around the existing building (old shed) and shall provide to Council evidence that the asbestos fragment have been suitable removed and disposed from the site.

ADVICE NOTES:

1. This resource consent supersedes the resource consent issued in 2009 for the subject site, Council reference RC4095v01.
2. **The consent holder is advised that an approved "Corridor Access Request" is required to construct a vehicle crossing and utilities connections. The application can be made through Council's Roding Service Providers, Westlink, via their online service 'submitica'.**
3. **The consent holder is advised that an approved "Working on Utilities Notice" is required to connect to Council's live utilities assets. The application form may be obtained from Council's Customer Service Department.**
4. 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, 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. Council will accept water achieving the quality set out in the publication 'Drinking- Water Standards for New Zealand 2000 (DWSNZ 2000) as meeting the minimum standard.
5. A building consent will be required for any subsequent building work including stormwater and effluent disposal systems.
6. Any lack of recorded archaeological sites on this property may be due to one of two factors. This may be because there are no sites present, or there has not been an archaeological survey undertaken of the site. Work that may modify, damage or destroy any archaeological site(s), such as earthworks, fencing or landscaping, is subject to a consenting process under the Historic Places Act 1993.

Should the proposed activity uncover an archaeological site/s, the NZHPT confirms that an Archaeological Authority is required prior to any works commencing on the site. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Please contact the Lower Northern Area Archaeologist, on (07) 577 4534 or AsstArchaeologistLN@historic.org.nz. It is an offence to modify, damage or destroy a site for any purpose without an Authority and the Historic Places Act 1993 contains penalties for unauthorised site damage.
7. On site sewerage treatment and disposal will have to comply with Bay of Plenty' Regional Council "On Site Effluent Treatment Regional Plan".
8. You may object to this decision, including any conditions of consent, by notifying Council within 15 working days of receipt of this decision. However you are advised that you may not commence the activity as authorised by this consent until your Appeal is resolved as prescribed by section 116 of the Resource Management Act 1991.

9. The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. **Such notification should be sent to the Council's Compliance & Monitoring Team** (fax: 07 577 9820) and include the following details:
- name and telephone number of the project manager and site owner
 - site address to which the consent relates
 - activity to which the consent relates
 - expected duration of works.

Notifying Council of the intended start date enables cost effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis

10. Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these **conditions may result in enforcement action being taken in accordance with Council's Monitoring, Compliance and Enforcement Strategy**. This may involve the issuing of an Infringement Notice (instant fine), Abatement Notice and/or additional monitoring fees.

REASONS FOR DECISION:

1. The notification date of the Operative District Plan 2012 was 18 June 2012 and all appeals have been resolved. Council has notified a number of plan changes since this time with all but one now being operative. The remaining plan change which is yet to **be operative is Plan Change 81 which concerns the Ōmokoroa Industrial Zone** and has no relevance to this application.

Site Description and Background

2. The site is located on the western side of **Ōmokoroa** Road, approximately 500 metres from the intersection with State Highway 2. The surrounding environment is a mix of uses, with some horticultural, light industrial across **Ōmokoroa** Road and residential dwellings on lifestyle type properties.
3. The subject site is at 468 **Ōmokoroa** Road and is 2.3450 hectares in area. There is an existing campground located on the front half of the site. The rear half is at a lower level and has established avocado trees on it. There is an existing building on the lower/rear portion of the site.
4. The existing campground was established on the site by way of a resource consent issued by Council on 20 September 1994, Council reference 4095. A variation was issued in 2009, Council reference 4095-01, to increase the number of caravan/motorhome/cabin spaces to 40 sites and for a new ablution facility.
5. The site is identified within the Bay of Plenty Regional Council Hazardous and Industries List (HAIL) site number LUR-WBP-00374 as there is and was an orchard on the site.

Proposal

6. The applicants propose to extend the campground layout on the upper established plateau, and provide additional spaces on the lower plateau.
7. Overall the extension is to provide for 23 new spaces, increasing the capacity from 40 sites to 63 sites. Additionally, six new tent sites are proposed and a new ablution facility is proposed on the lower plateau.
8. Condition 21 of the approved consent was that the consent would expire after a period of 15 years. The proposal is to vary this condition to extend the approved consent period.
9. Consent is sought for a combined section 127 variation and land-use resource consent to replace the existing consent and provide for the proposed expansion.
10. Changes sought with this proposal include the following:
 - To establish an additional 23 new caravan/motorhome/cabin spaces, 16 of which will be in the northern lower plateau and the balance within the established southern upper plateau;
 - To establish six new tent sites within the established southern upper plateau;
 - New ablution facility for the lower plateau. It is proposed to be either a conversion of the existing shed/dwelling or within the new cabin area (sites 48 and 49);
 - Increase the number of guests from 80 to 140 persons;
 - Amend hours of operation to 8.30am to 7pm (from 9am to 7pm);
 - Remove condition referencing no tent facilities;
 - Amend wording of consented signage.

Activity Status

11. The site is identified as being within the Future Urban Zone and within the **Ōmokoroa** Structure Plan Stage 2 of the Operative District Plan.
12. Rule 15.3.4(c) identifies accommodation facilities for more than four persons (excluding staff) not complying with 15.4.1(d) standards for accommodation facilities will be considered a discretionary activity.
13. Rule 15.4(g) states that activities which require new crossing or increase the use of existing crossings onto **Ōmokoroa Road**, which is classified as a Strategic Road, require written approval from Council. The applicant has advised that consultation has been undertaken with Council regarding the proposal including the provision of a draft Transportation Assessment. They have queried whether regarding the *vires* of an activity status rule which is subject to the discretion of a third party, no written approval has been obtained and therefore the activity status is a non-complying

activity.

14. The site is an identified HAIL site. A Detailed Site Investigation has been undertaken by Geohazard Environmental. They have included within the DSI that it is more likely than not that persistent pesticide application or use (HAIL A.10) occurred on the site. Asbestos products known to be in a deteriorated condition (HAIL E.1) were observed adjacent to the existing building on the lower plateau. As such the site is **considered to be a 'piece of land' under section 7 of the NES-CS regulations.**
15. The concentrations of heavy metals and organochlorine pesticides were recorded above the natural background concentrations however below the adopted soil contaminant standard for the proposed land use scenario (recreational) and asbestos in soil was not recorded as present, the observation of suspected asbestos fragments within surface soils around the existing shed does not meet the Soil Guideline Value for asbestos outlined in Table 5 of the New Zealand Guidelines for Assessing and Managing Asbestos in Soil for any land use scenario.
16. **Section 10 of the regulations identify a land use change on a "piece of land" is a restricted discretionary activity.**
17. The applicant has advised there are no earthworks proposed, Geohazard Environmental has identified that the extension area is approximately 4,720m² and that approximately 235m³ of soil may be disturbed as a permitted activity.
18. Under the NES-CS the application is considered a restricted discretionary activity.
19. Overall, the application has been assessed as a non-complying activity.

Assessment of Effects on the Environment

20. An assessment of the actual and potential effects on the environment are below.

Landscape and Amenity

21. There is a well-established large shelterbelt along the full length of the western side boundary and along the eastern side boundary for the length of the upper plateau of the site.
22. There are large, established avocado trees on the lower plateau. Some of these are proposed to be removed to provide for the internal access track and the location of the cabins. The balance of the trees are to be retained as identified on the plan provided by the applicant. This will screen the sites from the properties to the north (rear) and east (side).
23. The applicant is proposing, and has commenced, planting of a hedgerow along these boundaries which will provide additional screening. The species used by the applicant are similar to those established along the other boundaries.
24. The yard setback requirement for the Future Urban Zone is 5 metres and as such permitted development could occur 5 metres from the boundary, including dwelling, minor dwelling, accommodation for no more than five persons and no larger than 60m², education facilities, home enterprises or accessory buildings.

25. There is an existing consent condition placing a noise measurement on the site. This is to be retained to ensure compliance with the noise standards of the Future Urban Zone. There is an on-site manager at all time.
26. A condition of consent is to require compliance with the relevant lighting and glare provisions of the District Plan.
27. Section 4A.6.2 refers to additional information requirements to be provided for applications for accommodation facilities. One item relates to financial contribution assessment, and secondly a management plan which includes hours of operation, terms and conditions of use and an assessment of management of effects on a regular basis e.g. noise to be controlled by staff onsite at all times.
28. The applicant has provided a copy of the Site Management Plan with the application which set out the rules and requirements users of the site are required to adhere to. The applicant has advised that site is required to comply, as a minimum the Campground Regulations 1985. One manager is to reside on property and be available at all times and will oversee the implementation and enforcement of the Site Management Plan. Compliance with the Site Management Plan is required as a condition of consent.

Transportation

29. A Transportation Assessment Report (TAR) prepared by Harrison Transportation has been provided with the application. This has been reviewed by Westlink, Council Transportation and Development Engineers.
30. The TAR has considered the level of increase in traffic and the effect of this on the road network; adequacy of on-site carparking; provision of suitable access to the site; and the suitability of the proposed internal driveways.
31. The posted speed at the site is 80km/hr. There is an existing footpath along the road reserve outside the site.
32. The TAR has determined that there will be an expected increase in daily traffic generation of 81 vehicles/day, with an increase in peak hour traffic generation of 10 vehicles/hour. Incorporating the anticipated increase in the traffic generation **associated with the Ōmokoroa Town Centre development**, the expected increase in daily traffic volumes is less than the daily variation. It assessed that the expected increase in traffic is negligible and that any effects on the adjacent road network will also be negligible.
33. The expected peak parking demand for the whole site is 69 spaces. The site plan identifies each of the caravan site is proposed to be of sufficient size to accommodate one car parking space and an additional four car parking spaces are available in the visitor car parking area adjacent to the office, resulting in 73 car parking spaces, which exceeds the District Plan requirements and the accommodate the peak parking demand.
34. **Access to Ōmokoroa Road is the only access to a legal road available to the site.** The entranceway was formed as part of the approved resource consent. The

entranceway has been assessed as a W437, Diagram C of the Development Code. The entranceway is approximately 8.8 metres wide and provides for two way entry/exiting of the site.

35. The TAR concluded that the proposed provision of additional sites within the caravan park can be readily accommodated within the local transportation environment, the entranceway complies with the requirements of the Development Code and the carparking requirements.

Servicing

36. The new ablution block is proposed for the additional sites on the lower plateau. This will be within the existing building presently in the location, or if this is not be utilised a new building would be constructed. This would be in a more central location being sites 48 and 49.
37. *Wastewater* is currently provided for via an existing discharge consent for on-site effluent disposal. A new consent would be required to be obtained for the increase in sites, and the associated discharge. This consent would be required prior to the sites being established and operational. There is no gravity solution available to the site. The staging for future infrastructure is fluid and not yet finalised. Should a service be available the site they would be able to connect to it.
38. *Water supply* is currently provided to the site via Council reticulation available along **Ōmokoroa Road. The existing connection will service the** expansion of the new sites and the ablution block.
39. *Firefighting supply* is to be provided on site, as was identified in the services report submitted with the application. Three 25,000 litre tanks are to be established on site for this purpose.
40. *Stormwater* will be discharged to ground soakage and storage that will be undertaken as part of the detailed engineering design.
41. *Electricity and Phone* shall be provided to the new area and is required as a condition of consent.

Contaminated Site

42. The site is identified within the Bay of Plenty Regional Council Hazardous and Industries List (HAIL) site number LUR-WBP-00374, as a former orchard the area may have been subject to persistent pesticide use. Given the proposal will result in a change of land use for the proposed expansion of the Caravan and Motorhome Park **from orchard to accommodation facility, the activity is considered a "piece of land"** and triggers assessment under National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). A DSI has been prepared for the site which included 13 soil sample sites. Apart from some asbestos fragments which were identified around the existing shed/living unit at the rear of the site, the DSI reports that the concentrations of zinc which were above background levels, however are unlikely to be a concern.
43. The applicant and their specialist who wrote the DSI have advised that the

fragments around the shed would be less than 0.1m², of a size to fit in a small plastic bag.

44. The application was referred to the Bay of Plenty Regional Council and they have commented on the proposal in respect of the NES-CS. They have noted that if there is less than 10m² of non-friable material there is the possibility it could be removed as unlicensed asbestos works however it should be noted that the Asbestos Regulations still apply and therefore the applicant should discuss with a licensed asbestos removalist if they are unsure how to proceed.
45. The Regional Council have detailed action and reports that should be undertaken should there be more than 10m² of asbestos on site. A new consent under the NES-CS regulations would be required in that instance.
46. Any other soil to be removed from the site is required to be disposed of to a suitably licensed facility for the level of contamination. The applicant has advised that there is to be no earthworks associated with the development.

Extension of consent period

47. The applicant had requested an extension of the period of consent for 15 years (condition 21). The wording of the condition links the expiry period to the traffic effects and the potential for future rezoning of the site and a desire by Council to ensure that any land use did not foreclose or compromise future land use options.
48. The application has stated that *the campground use on the site is considered an ideal use in terms of maintaining flexibility which is compatible with any future land use or zone changes. This is because:*
 - *While the sites provide an efficient use of the site, there is no significant investment in permanent buildings or infrastructure ;*
 - *The facility is a suitable land use which can co-exist with other rural and urban activities;*
 - *The nature of the site buildings and occupation is such that they can be relocated;*
 - *The relative lack of capital investment in buildings and infrastructure lends itself to a future change in land use as investors/developers will not be paying for unwanted capital investment and development;*
 - *In this case, the principle of establishing a consent with a limited term has already been established;*
49. The structure plan which incorporates the application site is about to be notified in a soon and go through the relevant statutory process. As a result of this the zoning and the land-use will change from the present Future Urban Zone.
50. It is considered that a ten year period is more acceptable given the time period existing on the consent and the process of the structure plan.

Financial Contributions

51. Growth in the District needs to be supported by infrastructure provided at appropriate levels of service. Financial contributions from development are imposed to mitigate potential adverse effects on the environment. Financial contributions

have been applied in accordance with Section 11 – Financial Contributions of the District Plan.

52. The financial contributions that were imposed on the previous resource consent issued in 2009 were based on 3.4 household equivalent (HHE) for Rooding (Rural) and Transportation (District Wide) and 8 HHE for Water (Central). Reserves were based on a percentage basis as per the Operative District Plan at the time.
53. Condition of consent for financial contributions have been imposed on this consent for the additional sites. The financial contributions have been levied that correlate to the financial contributions imposed on the approved resource consent for the site in terms of previous number of sites and the time period.

Objectives and Policies

54. The following objectives and policies are relevant to the proposal within Section 15:

Section 15 – Future Urban Zone

Objective 15.2.1.1 – The amenity of the Omokoroa Peninsula is not compromised by inappropriate development.

Objective 15.2.1.2 – Minimisation of the potential for incompatibilities between activities.

Objective 15.2.1.3 – Conservation of the potential of the rural land resource with productive potential and versatility to be used for primary productive purposes until such time as it is needed for urban development.

Objective 15.2.1.4 – A safe and efficient District roading system that integrates transport and land use planning to provide good connectivity for public transport, cycling and walking and safe and efficient linkages to the wider transport network.

Objective 15.2.1.5 – Development of the Omokoroa Peninsula which does not compromise the potential for urban development.

Policy 15.2.2.1 – Development of the Omokoroa Peninsula should not have effects which are incompatible with the amenity values of the environment in which they are situated.

Policy 15.2.2.2 – Limitations on development will be imposed to minimise conflicts between activities.

*Policy 15.2.2.3 – Development of rural land should not have a significant **adverse effect on the land's productive potential until such time as it is needed for urban development.***

55. The proposal is considered compatible with the surrounding environment. The activity has been established on the site for over ten years. There is established avocado trees, some of which will be removed, however the majority retained. This along with the commencement of hedge planting along the boundaries of the property that do not have existing hedging has started and will be required as a condition of consent. The proposed activity provides for accommodation, although not conventional residential development. The development are not permanent buildings (with the exception of the ablution block) or require earthworks.

56. The following objectives and policies are relevant to the proposal within Section 4B:

Section 4B – Transportation, Access, Parking and Loading

Objective 4B.2.1.1 – To provide an integrated, efficient, safe and sustainable transportation network that supports the social and economic wellbeing, and land use pattern of the sub-region as defined in this District Plan and that maintains or enhances the regional strategic linkages.

Objective 4B.2.1.2 – To provide for more efficient land use, development and subdivision of existing areas in a way that recognises and integrates with the functions of different road types, transport modes and the defined transportation network.

Objective 4B.2.1.3 – To encourage the use and development of alternative modes of transport including, but not limited to, public transport, cycling, walking and other non-vehicular forms of transport that provide for an integrated, efficient, safe and sustainable transport network.

Policy 4B.2.2.1 – To recognise and provide for the existing and future transport network including the linkages to other districts and regions.

Policy 4B.2.2.2 – To avoid, remedy or mitigate the adverse effects of land use, development and subdivision on the safety, efficiency, sustainability and capacity of the transportation network.

Policy 4B.2.2.3 – To manage the land use, development and subdivision of areas to achieve compatibility with the roads they front and the wider transportation network, with particular regard to the potential effects on that network, including, but not limited to, the safe and efficient provision of site access at the local level and intersections within the wider network and the effects of reverse sensitivity experienced between the operation and use of the transportation network and the establishment of adjacent land uses.

Policy 4B.2.2.4 – To ensure the integrated management of road, rail, sea and air transport networks to facilitate the long-term efficient and sustainable management of the wider transportation network.

Policy 4B.2.2.5 – To recognise and provide for network wide effects of land use change on transport networks by assessing the effects of land use change across the networks affected.

Policy 4B.2.2.6 – To recognise and provide for the function of each road as described in the road hierarchy, and provide for the efficient use of that road type, by managing the intensity and form of land use, development and subdivision that impact on these roads.

Policy 4B.2.2.7 – To encourage the efficient use of land particularly in identified land use zones to reduce the potential impacts on the transportation network.

Policy 4B.2.2.8 – To ensure land use, development and subdivision planning provides for the implementation of multi-modal transport activities including public transport, walking and cycling facilities that address the identified need for new facilities/networks or enhance existing facilities/networks.

Policy 4B.2.2.9 – To maintain or enhance the sustainable and efficient use of arterial and collector through the use of transport optimisation methods and techniques (for example traffic demand management) that encourage adjacent land uses to provide access in keeping with the function of the road in the roading hierarchy and support alternative modes of transport.

*Policy 4B.2.2.10 – The access, parking and loading effects of activities on the transportation network shall be avoided, remedied or mitigated with particular regard given to the level of service the road provides within the **District's** roading hierarchy.*

Policy 4B.2.2.11 – Activities should be established and operate in a manner

which ensures safe and effective on-site and off-site vehicle parking, manoeuvring and access and pedestrian access.

Policy 4B.2.2.12 – Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.

57. The TAR concluded that the proposed provision of additional sites within the caravan park can be readily accommodated within the local transportation environment, the entranceway complies with the requirements of the Development Code and the carparking requirements. These matters were discussed further within the above sections.

58. The following objectives and policies are relevant to the proposal within Section 12:

Section 12 – Subdivision and Development

Objective 12.2.1.1 – Subdivision and development that provides for and reinforces the existing built form and local character of an area.

Objective 12.2.1.2 – Subdivision and development is planned in an integrated manner and provided with the necessary infrastructure and services to ensure that the land is able to be used for its intended purpose.

Objective 12.2.1.3 – Infrastructure and services are designed and constructed to minimum standards which will result in improved environmental outcomes without significant additional cost to the community.

Objective 12.2.1.4 – Sufficient infrastructure capacity is provided to ensure the efficient and equitable provision of services to all land in the catchment.

Objective 12.2.1.5 – Comprehensive assessment of development proposals to ensure that the full effect of the proposal is able to be determined.

Objective 12.2.1.6 – Subdivision and development that minimises the effects from stormwater run-off.

Policy 12.2.2.2 – The design of subdivision is in accordance with structure plans.

Policy 12.2.2.3 – Require subdivision to be undertaken in accordance with any staging requirements to ensure the effective and efficient servicing of land within the catchment.

Policy 12.2.2.4 – Require subdivision and development to provide infrastructure and services to meet the reasonably foreseeable needs of other land in the vicinity of the development.

Policy 12.2.2.5 – Require subdivision and development to comply with the minimum standards in the Development Code for the provision of infrastructure and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes.

Policy 12.2.2.6 – Require all subdivision and development proposals submitted to Council to include a comprehensive assessment prepared in accordance with the information requirements of the Development Code.

Policy 12.2.2.7 – Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off.

Policy 12.2.2.9 – Adverse effects of traffic generation from subdivision and development on the transport network will be avoided, remedied or mitigated.

59. A Services Assessment was submitted with the proposal. Water is to be from Council

reticulation, and wastewater and stormwater to be disposed off on-site. In the future should wastewater reticulation be available the site may connect to it. Services have been considered in the sections above.

60. The relevant objectives and policies of Section 4C (Amenity), 4D (Signs) and Section 11 (Financial Contributions) and with the imposition and compliance with relevant conditions of the consent the proposal is considered to not be inconsistent with them.

Notification Assessment

61. Neighbours approvals have been obtained from the owners of the following properties:

- 476 Ōmokoroa Road Pt Lot 1 DPS 16684
- 474 Ōmokoroa Road Lot 1 DPS 61801
- 454 Ōmokoroa Road Lot 1 DPS 67533
- 452 Ōmokoroa Road Lot 1 DP 506806
- 471 Ōmokoroa Road Part Lot 1 DPS 48723
- 467 Ōmokoroa Road Lot 1 DP 438897
Lot 1 DP 483735
Lot 2 DP 483735
Lot 3 DP 526609
- 469B Ōmokoroa Road
- 429 Ōmokoroa Road
- 469A Ōmokoroa Road Lots 1 and 2 DP 526609
- 429C Ōmokoroa Road Lot 2 DP 457724

62. Council has not taken into account any effects these parties who have provided their written approval to the proposal pursuant to Section 104(3)(a)(ii) of the Resource Management Act.

63. The applicant has advised that that they have approached the owners of 25 Prole Road for their written approval which was not provided.

64. The location of the activity complies with the setback requirement. Residential development could occur closer to the boundaries of the site. The accommodation facility component is a discretionary activity. The additional sites are at the furthest end of the lower plateau with existing large established avocado trees being retained on the site between the area of the development and the north-west and north-east boundary which assist in screening the additional development. The applicant has offered – and has already undertaken some planting – of trees along the boundaries of the property to provide further screening. The planting is similar to the established shelterbelts long other boundaries of the site. Conditions of consent have been imposed to maintain the existing trees and require the hedging. Conditions of consent have been imposed ensuring compliance with the provisions of the Future Urban Zone in respect of noise and lighting.

65. A notification assessment under the requirements of the Resource Management Act 1991 are set out below:

Section 95A Step 1 - Mandatory Notification in certain circumstances	There are no provisions that require mandatory notification of the
--	--

	application and the applicant has not requested public notification.
Section 95A Step 2 - Notification Precluded in certain circumstances	Notification is not precluded by this step.
Section 95A Step 3 - Notification if required by a rule or National Environmental Standard or adverse effects more than minor in accordance with 95D	It is assessed that the proposal will not have or is unlikely to have adverse effects on the environment that are more than minor.
Section 95A Step 4 - Public Notification in Special Circumstances	No special circumstances exist.
Section 95B Step 1 Limited Notification - Certain affected groups and persons	No customary rights groups are affected, and the land is not affected by any statutory acknowledgment.
Section 95B Step 2 - Limited Notification Precluded in certain circumstances	There are no rules or NES standards that preclude limited notification.
Section 95B Step 3 – Certain affected parties must be notified	No other affected parties have been identified. The assessment is provided in the sections above. Written approval has been provided by a number of nearby properties and therefore any actual or potential effects on them are required to be disregarded. The property at 25 Prole Road has been considered above.
Section 95B Step 4 – Further notification - Special circumstances	No special circumstances exist for limited notification.

66. As such, public notification or limited notification is not required.
67. Under the NESCS, regulation 9(5) in respect of applications for a controlled activity, that the consent authority must not give public notification of an application for a resource consent to do any of the activities.

Assessment of Effects in accordance with other provisions of the Act

68. An assessment in accordance with other relevant provisions of the Resource Management Act 1991 is within the tables below.

Act Requirement	Assessment
Section 104(1) Part II matters	The proposal is consistent with Section 7 (c) and (f) of the Resource Management Act, the 'maintenance and enhancement of amenity values and the quality of the environment' .
Section 104(1)(a) Any actual and potential effects on the environment of allowing the activity	The actual and potential adverse effects on the environment have been discussed above, and are considered to be less than minor
Section 104(1)(b)(i)-(iii) Any relevant provisions of: (i) A national environment	The application has considered the relevant NPS and NES. Notably the NPS-UD and Ōmokoroa has been identified as a growth area with future

standard; (ii) Other regulations; (iii) A national policy statement	urban zoning on the site. As discussed above the limited capital investment associated with the nature of the activity, the camp sites do not have permanent buildings or earthworks and the limit on the term of consent. There NES-CS has been discussed earlier in this report.
Section 104(1)(b)(v) Any relevant provisions of an operative or proposed regional policy statement or plan	Section 2 of the RPS addresses housing supply and the need to ensure integrated development between land use and infrastructure supply. The provision of the Future Urban Zone is considered to give effect to the RPS.
Section 104(1)(c) Any other matter	There are no other matters relevant to the determination of the application.
Section 104(1)(b)(vi) Relevant provisions of the Operative District Plan (or Proposed District Plan)	The relevant provisions of the Operative District Plan that relate to the proposal are outlined above.

Section 104D

69. Section 104D (Particular restrictions for non-complying activities) of the Resource Management Act 1991 states the following:

- (1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

70. It is considered that the proposal, with the imposition of the relevant conditions of consent and details included within the application document that the actual or potential adverse effects on the environment will be no more than minor.

Conclusion

71. Due the above reasons Council is satisfied that any adverse effects on the environment are minor and are adequately mitigated, remedied or avoided by the conditions of consent.

72. Having regard to the above matters, the proposal is not considered to generate any adverse effects which are either minor or more than minor and accordingly there are no other persons affected. The proposal is considered to be consistent with the relevant objectives and policies of the Operative District Plan, other relevant statutory planning instruments and the purpose and principles of the RMA as set out in Part 2, and the imposition of conditions of consent. Resource consent is accordingly granted.



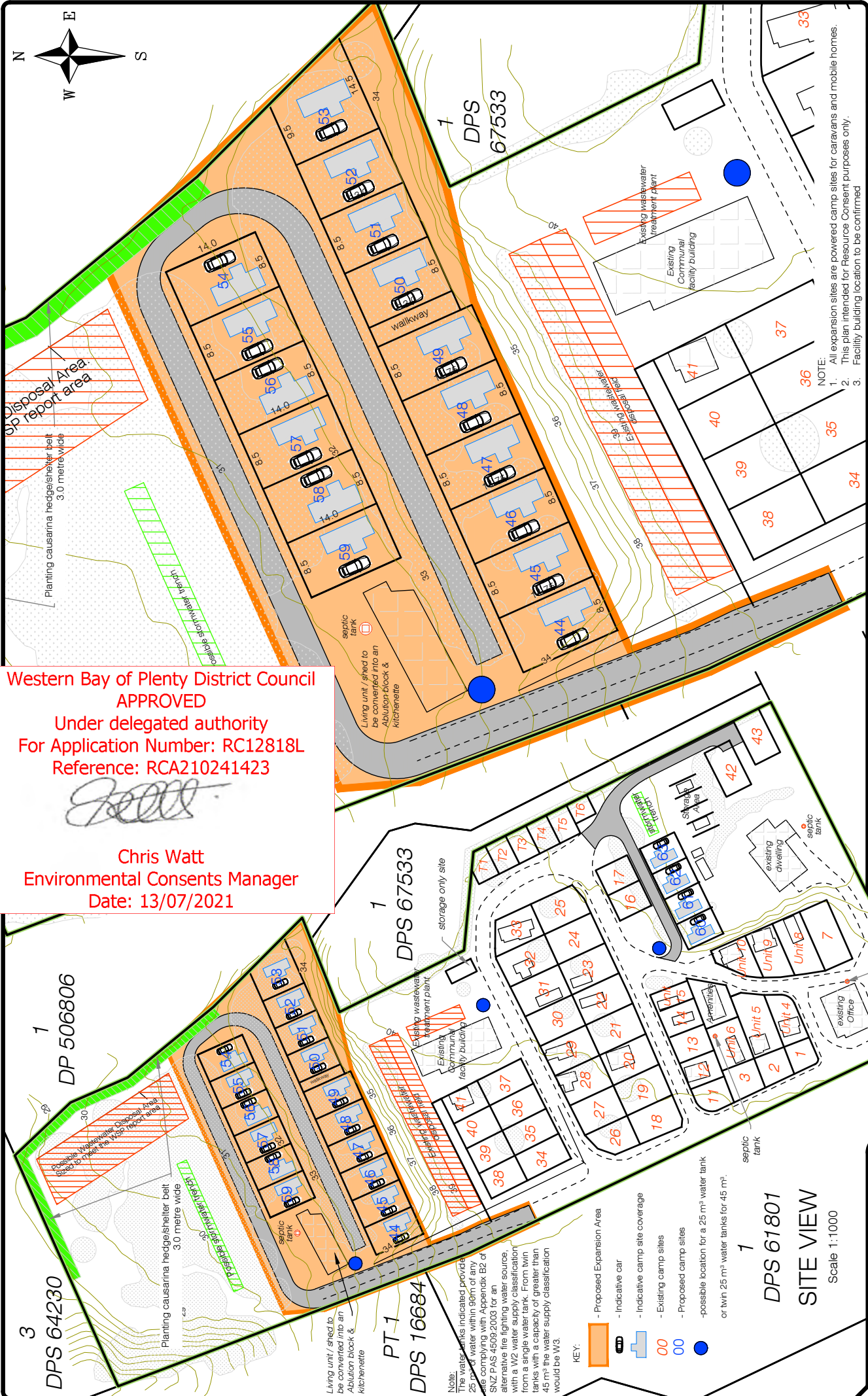
Anna Gardiner
Environmental Consents Planner
Date: 14 July 2021

Approved under Delegated Authority

Approved under delegated authority.



Chris Watt
Environmental Consents Manager
Date: 14/07/2021



Western Bay of Plenty District Council
APPROVED
 Under delegated authority
 For Application Number: RC12818L
 Reference: RCA210241423

Chris Watt

Chris Watt
 Environmental Consents Manager
 Date: 13/07/2021

NOTE:
 1. All expansion sites are powered camp sites for caravans and mobile homes.
 2. This plan intended for Resource Consent purposes only.
 3. Facility building location to be confirmed.

CLIENT: A Giles
 Omokoroa Road - Omokoroa

DATE: Nov 2020 REF: 2658 SCALE: @A3 1:500
 DRAWING BY: M.Haumu DRAWING NUMBER: 2658 - stg01
 REV: H

PROPOSED OMOKOROA CAMP SITE EXPANSION

BARR + HARRIS
 LAND SURVEYORS

124 Brougham, P.O. Box 112, Te Anau, 9100
 Phone: 07 888 8877 Fax: 07 888 8844
 Email: info@barrharris.co.nz Website: www.barrharris.co.nz

- KEY:
- Proposed Expansion Area
 - Indicative car
 - Indicative camp site coverage
 - Existing camp sites
 - Proposed camp sites
 - possible location for a 25 m³ water tank or twin 25 m³ water tanks for 45 m³.

DPS 61801
SITE VIEW
 Scale 1:1000

Note:
 The water tanks indicated provide 25 m³ water within 90m of any site. Complying with Appendix B2 of SNZ PAS 4509:2003 for an alternative fire fighting water source with a W2 water supply classification from a single water tank. From twin tanks with a capacity of greater than 45 m³ the water supply classification would be W3.

I:\Drawings\lewe260\2658\A_giles\2658 - stg01.rvt.dwg

DATE~

Pet Jacques
AUTH.NAME~

P-1207-491-2
FILE.NO~

P.J & P.M Colson
468 Omokarua Rd

RECIPIENT~

R.D. 2
Tauranga

Dear

Sir / Madam

TITLE~

Land Use Consent - Campervan Park.

APPLICANT:

P.J. & P.M Colson

YOUR REFERENCE:

DATE OF COUNCIL DECISION:

(Delegated Authority)

I wish to advise that Council has granted the above application for land use consent in the following terms:

If you wish to object to any part of this decision you have 15 working days from the date of receiving this notice to lodge your objection with the Council.

Yours faithfully,

R.W. De Luca

DISTRICT PLANNER IMPLEMENTATION

Per:

S. McElroy

PLANNING CLERK

AUTH.NO~:OP.NO~

DOCNAME~

LANDUSE

59237
20/9

RETURN TO PLANNING CLERK

DATE:

WESTERN BAY OF PLENTY DISTRICT COUNCIL

**STAFF REPORT
LAND USE CONSENT (DELEGATED APPROVAL)**

REPORT TO: Manager: Environmental Services
FILE NO: P/1207/491/2
APPLICATION TYPE: Discretionary Activity
ADDRESS: 468 Omokoroa Road
LEGAL DESCRIPTION: Lot 2 DPS 41630
PROPOSAL: To establish a camper van park.

1. SUMMARY REPORT

- 1.1 The applicants seek consent to establish a small camper van park on their property off Omokoroa Beach Road. The proposal is a discretionary activity in the Rural H Zone under both the Operative and Proposed District Plans.
- 1.2 The site lends itself towards the proposed use in that it has sufficient area, is already used for home stays and is located off a well formed and sealed Council road.
- 1.3 The application has been considered under Sections 104 and 105 of the Resource Management Act 1991. The site is considered suitable for the proposed use having regard to the provisions of the District Plan.
- 1.4 The proposal is not considered to be contrary to the Resource Management Act 1991 given that the actual and potential effects of allowing the activity will be minor provided the recommended conditions form part of the consent granted.
- 1.5 All parties that are likely to be affected by the proposal have granted their consent in writing to the application.
- 1.6 The granting of consent to the proposal is consistent with or of minor significance in terms of the objectives and policies of the District Plan.

2. RECOMMENDATION

THAT pursuant to Section 105 of the Resource Management 1991, the Western Bay of Plenty District Council grants its consent to the application by P J & P M Colson to establish a camper van park on Lot 2 DPS 41630, 468 Omokoroa Road, Omokoroa subject to the following conditions:

- (a) THAT the camper van park be established in accordance with the report and plans submitted by P J & P M Colson dated 16 August 1994.
- (b) THAT prior to the issue of any building consents or the operation of a camper van park on the property, either the existing vehicle entrance be upgraded to the Council Standard Specification Drawing AFQ1 or be certified as already in accordance with Council's Standard Specification by someone whom the Manager: Engineering considers to be suitably qualified.
- (c) THAT any signs associated with the facility be in accordance with the relevant provisions of the District Plan.
- (d) THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:

~~Uses in Residential, Rural Residential, Future Urban and Rural Zones~~

Monday to Friday	7.00am - 10.00pm	}	45dBA
Saturday	7.00am - 12 noon	}	
All other times including Sundays and public holidays		}	35dBA
		}	

Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979) : Sound Level Meters, Type 1.

ADVICE NOTES

The Senior Health & Building Officer advises that:

- (i) the camping ground will require registration under the Health Registration of Premises Regulations 1966.

- (ii) *the camping ground will have to comply with the Camping Ground Regulations 1985.*
- (iii) *all wastewater will need to be piped to an approved disposal system (which will require a building consent).*

P E Jaques 20-9-94

P E Jaques

PLANNER IMPLEMENTATION

59237

19 September 1994

Approved under Delegated Authority

[Handwritten Signature]

PP

.....
Manager: Environmental Services

Date: *20/9/94*.....

Meeting with John Robertson

Ex sealed entrance, no culvert.
Council remove culvert when road
was widened ~ 4 years ago.

John Roads
John Robertson
PH 5480668



DSB
27-9-94.

-> Phil Dunlop
(fruit stall opposite
side of road. 21 September 1994
pipe extended.)

Culvert can be installed with grading
of table drains. ~ 25m downstream & 4m upstream.

Mr Jaques

P/1207/491

Negotiate with Alistair McCaw for
culvert costs.

P J & P M Colson
468 Omokoroa Road
R D 2
TAURANGA

Dear Mr & Mrs Colson

LAND USE CONSENT - CAMPERVAN PARK

APPLICANT: P J & P M Colson
YOUR REFERENCE: -
DATE OF COUNCIL DECISION: 20 September 1994 (Delegated Authority)

I wish to advise that Council has granted the above application for land use consent in the following terms:

THAT pursuant to Section 105 of the Resource Management 1991, the Western Bay of Plenty District Council grants its consent to the application by P J & P M Colson to establish a camper van park on Lot 2 DPS 41630, 468 Omokoroa Road, Omokoroa subject to the following conditions:

- (a) THAT the camper van park be established in accordance with the report and plans submitted by P J & P M Colson dated 16 August 1994.
- (b) THAT prior to the issue of any building consents or the operation of a camper van park on the property, either the existing vehicle entrance be upgraded to the Council Standard Specification Drawing AFQ1 or be certified as already in accordance with Council's Standard Specification by someone whom the Manager: Engineering considers to be suitably qualified.
- (c) THAT any signs associated with the facility be in accordance with the relevant provisions of the District Plan.
- (d) THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:

Monday to Friday	7.00am - 10.00pm	}	45dBA
Saturday	7.00am - 12 noon	}	
All other times including Sundays and public holidays		}	35dBA

Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

28-9-94 Rang

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979) : Sound Level Meters, Type 1.

ADVICE NOTES

The Senior Health & Building Officer advises that:

- (i) the camping ground will require registration under the Health Registration of Premises Regulations 1966.*
- (ii) the camping ground will have to comply with the Camping Ground Regulations 1985.*
- (iii) all wastewater will need to be piped to an approved disposal system (which will require a building consent).*

If you wish to object to any part of this decision you have 15 working days from the date of receiving this notice to lodge your objection with the Council.

Yours faithfully,
R.W. De Luca

DISTRICT PLANNER IMPLEMENTATION

Per:

S. McElroy
PLANNING CLERK

pej:lmh:59359

27 August 2009

P/1207/491

Dear Sir/Madam

Application for Resource Consent - R & G Beaumont: Decision

I refer to the above application which was considered at the Regulatory Hearings Committee meeting held on Tuesday 11 August 2009. Council's decision is reproduced as follows:

1. Introduction

1.1 *On 16 January 2009 Council received an application for variation to a resource consent to extend the use of a caravan/motorhome park from 6 to 40 spaces and to erect an ablution block on the site. The applicant was unable to obtain the neighbouring property owners' written approval. Subsequently the application was processed on a limited notified basis. Fourteen submissions were received in opposition to the application, however only four of the submitters were either owners or occupiers of properties that were considered potentially affected, the additional submissions were received from parties who had deemed themselves to be affected and had submitted accordingly, however, they had no legal standing.*

1.2 *The Committee heard the application on 11 August 2009.*

2. The Relevant Statutory Provisions (Section 113(1)(aa))

2.1 *The application was considered pursuant to the Resource Management Act 1991 ("the Act"), the relevant provisions are Section 104 and 104B (list of matters a consent authority must have regard to when forming an opinion on an application for resource consent).*

3. Relevant Planning Documents (Section 113(1)(ab))

3.1 *Rule 2.3.4(d) allows for accommodation facilities for more than four persons in the Rural H zone as a Discretionary Activity.*

3.2 *The Omokoroa Structure Plan and Plan Change 69 to the Operative District Plan are also relevant to the application as there is the potential for reverse sensitivity affects as the density of the surrounding neighbourhood increases.*

3.3 *Under Plan Change 69 Rule 15.3.5.7(b)(i) has been modified to state that:*

"The number or potential number of dwellings or other activities gaining direct access to these roads shall not be increased. On subdivision or development Council may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the zone."

3.4 *In light of this Council staff could not make a determination under delegated authority, the application proceeded on a Limited Notification basis, and four written submissions against the proposal were received by Council. As such, the application was heard before the Regulatory Hearings Committee.*

4. The Principal Issues That Were in Contention (Section 113(1)(ac))

4.1 *The issues highlighted by the submitters were as follows:*

- *A complete AEE has not been provided and proposed mitigation does not address the adverse effects.*
- *The proposal has the potential to induce significant effects on amenity values and privacy, particularly on the adjacent property owner, including:*
 - *Noise from occupants/ablution block/vehicles*
 - *Odour from ablution block/solid waste collection areas*
 - *Light spill from buildings/internal street lighting/vehicles, and*
 - *Dust from vehicles*
- *The ablution block is likely to be a central focus activity area for the site and will be used 24 hours a day.*
- *Traffic effects have not been assessed in the TIA to provide quantitative analysis.*
- *The TIA has not assessed the potential impact upon the road network and safety of the users when the park is operation at full capacity, therefore do not provide an accurate description of potential traffic effects.*
- *There is no discussion as to whether the TIA takes into consideration that the motor homes/campervans are also likely to be the visitors form of transport. It is unclear whether this has been considered or accounted for within the predicted traffic generation flows for the activity.*
- *Neither the TIA or Site Plan indicates whether a motorhome will be able to manoeuvre within the designated roadways, no turning calculations have been provided within the application documentation of the TIA.*
- *Dust has the potential to create a nuisance to adjacent dwelling as well as to damage horticultural crops.*
- *Activity performance standard 15.3.5.7(b) of the Operative District Plan states that the number or potential number of dwellings gaining direct access to Omokoroa Road shall not be increased.*
- *Potential for Reverse Sensitivity effects as the surrounding environment is rural with horticultural spraying in practice.*
- *Rural character effects – the proposal presents a high density for the surrounding area. It is widely accepted that in the rural area you can expect a certain level of isolation and noise level.*
- *Cumulative effects - the cumulative effects assessment does not consider the activities which occur in the wider environment.*

4.2 *The main issues summarised by the reporting officer were the effects of noise, light spill, traffic generation and access, and the loss of amenity.*

4.3 *Following receipt of the reporting officer's report, the applicant at the hearing then agreed to remove the recreation centre from the application and reposition the ablution block on the site.*

5. Summary of Evidence Heard (Section 113(1)(ad))

Appearances for the Applicant

Tracy Hayson (Planning Consultant – Wasley Knell), Ian Constable (Traffic Engineer – Traffic Consultants), Peter Lochhead (Lochhead Design), and the applicants Mr and Mrs Beaumont.

Submitter in Attendance

Paula Zinzan (MTEC Consultants) on behalf of David and Marilyn Clark and Fiona and Terrence Fagg.

Appearances for Staff

In Attendance:

S K Hill (Group Manager Customer and Business Services), C Watt (Consents Manager), Zoë Lavranos (Consents Planner)

5.1 Chairperson's Introduction

The Chairperson explained the process of the hearing to all present. He advised that Committee members had made an unaccompanied visit to the site on the previous day to familiarise themselves with the proposal and invited the Consents Planner to introduce her report dated 27 July 2009 on the application.

5.2 Staff Report

The Consents Planner addressed the Committee and summarised her report noting a correction to paragraph 3.1 line 4 to read four submitters were owner/occupiers and not six as stated.

5.3 In response to questions the following was noted

- A policy planner would be available to answer structure plan questions if required.*
- The existing sites were available for 'camping' for caravans and motorhomes but not tents.*
- Further information would be made available on financial contributions.*
- Ms Lavranos was not aware of time limits on length of stays on the current site or consent.*

The Chairperson then invited the applicants to present their evidence.

5.4 Evidence For The Applicant

Tracy Hayson of Wasley Knell tabled and read her evidence on behalf of the applicants tabled item 1. In discussion of the conditions she advised as follows:

- Condition 2 – the applicant was not in favour of the proposed condition and was offering an alternative as stated in the tabled item.*
- Condition 21 – the requirement for a fixed term consent would be more appropriate if there was uncertainty as to the effects of the application but this was not the case in this situation.*

In response to questions Tracy Hayson advised as follows:

- The applicants had no intention of offering seasonal accommodation.*
- The proposal was for motorhome/caravan tourists to the area.*
- Currently there was a limit of three months on length of stay on the existing consent and since then the nature of the facility had changed and a restrictive condition would be acceptable.*
- There were a couple of motorhomes parked permanently but the owners were not in permanent residence.*

5.6 Matters of Clarification

- As to the use of the facility by caravans in her opinion the effects were the same for caravans or motorhomes. The intention was to address the demand for short stays for one to two nights. Caravans were also self-contained and the park did not have the types of facilities suitable for other than self contained caravans.
- As to whether or not the application was about a camping ground or a motorhome facility there was little difference on the demands placed on the ablution facilities regarding the length of stay.
- Clarification would be sought from the applicants as to a suitable restriction on length of stay.
- The trees should be retained but a review condition on the landscaping may be needed should future residential development occur.
- Traffic effects were seen as minor as a lot of the vehicles were already using the traffic network, but Mr Constable would address the actual vehicle movements.
- The site had not been surveyed but it was understood that the shelter belt planting was on the applicants' site.
- The manager was permanently on site in a small cabin directly as the site was entered.
- There were three dwellings on site, with one consented as a shed. The applicants had not yet established whether or not it had appropriate consents; however it did not have a permanent resident but did have a temporary resident.
- The garage attached to the proposed ablution block was intended for the storage for the ride-on mower and equipment. The verandah and sink was only a very small area not intended as a social area.
- The only analysis as to demand for such a facility was anecdotal from the applicants with overflow campers in the season calling in. No official surveys had been done but the experience of the applicants suggested demand.
- As this was an existing site the activity could be assessed.
- There had been a proposed sauna which had now been removed from the application in response to objections raised. The removal of the recreational facilities was not seen to be to the detriment of the facility as it was intended as a one or two night stay facility.
- Future signage would exclude depicting a tent.
- The site was large but did not operate outside of its existing consent conditions.

In response to a question from the Chair, staff clarified there had been existing complaints about the site, and the Compliance Officer had visited the site to check on neighbours concerns. The Chairperson requested a copy of the original consent for the Committee.

The Chairperson invited questions from the submitters and in response to a question the Group Manager Customer and Business Services advised that control would be through the number of sites consented.

Mr Constable (Traffic Solutions) then presented his evidence as tabled item 2.

5.7 Further Matters of Clarification

In response to further questions through the Chair Ms Hayson and Mr Constable advised as follows:

- *The applicants did not want to be restricted to motorhomes but wanted to provide for caravans and would accept a 30 day maximum stay period.*
- *They wished to encourage self contained caravans, but were applying for motorhome and caravan park self contained or not.*
- *The applicants had had enquiries from the Golf Club as to somewhere to stay for people attending golf tournaments.*

- *In theory the caravan could be parked permanently on site whilst the occupants went away and came back again. The 30 day restriction was intended for people not on the caravans/vehicles on site.*
- *There was a sauna in the manager's residence and guests were allowed to use it.*
- *Site size was 16.5m x 9m.*
- *There was an onsite dump facility adjacent to the existing ablution block which had capacity to cope with the proposed increased site capacity.*
- *The need for a slip lane had been assessed but with current traffic flows a slip lane was not warranted. There would need to be in excess of 20 vehicles per hour moving to warrant this and whilst current vehicle movements were close they were not yet at that level.*
- *The applicant was not seeking longer opening hours but had no issue with extension.*
- *In the present situation traffic volumes and the amount of turning vehicles did not warrant treating the road other than as a rural road.*
- *There would not be a need in the future for the applicant to carry out shoulder widening as the amount of traffic turning in would not change and therefore would not now, or in the future, warrant widening.*
- *In the future on the structure plan the road would go from a two to four lane road with a roundabout at Prole Road. The evidence presented was based on the current road environment.*
- *It was noted that the rule in Plan Change 69 would not allow additional traffic activity on and off Omokoroa Road, however it was difficult to establish a condition to address traffic in the future and it may be necessary to look at the effects in the future when that happened.*
- *In 10 years time if traffic movements were deemed to be dangerous then Council could close down the facility.*
- *There had been no consideration of the consent conditions of neighbouring properties, and there were activities on the road at the moment which only had access from Omokoroa Road and would remain so until the situation changed.*
- *It may be that in the future subdivision may provide changes for access and cumulative affect could be a concern on this road.*
- *Relating to traffic generation and the use of the word "typical" his figures came from published statistics of motorhome parks, the RTA guide and motorhomes guide from USA and local statistics used by New Zealand engineers. The range of rates estimating the movements was not easy but the information gave a feel for what may happen.*
- *A ratio per campsite was another system which had been used to establish traffic generation.*
- *Water supply was reticulated and available at the ablution block and additionally there was a tap at each site where excess water would spill onto the grass.*

In response to a question from the Chair Ms Hayson advised she had completed her evidence.

5.8 Evidence For the Submitter

Ms Zinzan tabled and read a statement of evidence tabled Item 3 on behalf of Mr and Mrs Fagg and Mr and Mrs Clark, and noted a tabled statement tabled item 4 from Mr Terrence Fagg who was unable to attend the hearing.

In response to a question on the prehearing meeting it was noted by the submitters that they had been advised by Council staff that the pre-hearing meeting had been cancelled.

In clarification the applicants advised that the piece at the end of the verandah was a solid wall.

Ms Zinzan advised as follows:

- *The sites were not sufficiently planted for screening.*
- *The road was too close to the Faggs boundary.*
- *If subdivided the density of population would not be as intense.*

- *The effect of the ablution block involved issues with insufficient information on disposal.*
- *There was no indication regarding lighting and its affect.*
- *The preference was that the ablution block be more centrally located.*

In response to a question the Consents Manager advised that during arrangements for a pre-hearing meeting it was clear from both parties that little could be gained through such a meeting and there was a lack of availability of some submitters to further complicate the arrangements. There was therefore agreement that matters could be addressed through the hearing. He also advised that there was no sewerage connection at the site.

In response to questions, Ms Zinzan on behalf of submitters noted the following:

- *The 20 metre setback was not sufficient as currently the performance measures required a 30 metre setback.*
- *Submitters were concerned that some information provided such as the proposal for a barbeque facility had no indication as to where it might be located.*

In response to questions from the Chair Ms Hayson stated that the application was for a maximum of 80 people on the site not including guests (people visiting occupants), and the Consents Planner clarified matters relating to an exemption statement.

Mrs Clarke tabled and read a statement tabled item 5. In response to questions Mrs Clark advised:

- *Other neighbourhood concerns included people from the camping ground crossing private property and potential roading effects.*
- *As to further information requested – some had been answered and some had not.*
- *Currently they did not hear much from the activity and were happy with it as it was but did not want it to increase.*

5.9 Staff Right of Reply

At the invitation of the Chair the Consents Planner gave a summary of response to the applicants' submissions as follows:

- *Given submissions much of her report and recommendations still stood, and she agreed with the applicants that the current operation represented a base line.*

She accepted proposed amendments to conditions from the applicants as follows:

- *A wider entrance to 6 metres amending Condition 5.*
- *A limit of stay at 30 days to prevent long term stays.*
- *An additional condition that there was no provision for seasonal workers.*
- *A condition that sites 34, 35, 36 and 15 only be offered to guests if all other sites are full. She noted that the location of the road was not seen to be a problem.*
- *Mitigation of relocation of the ablution block 20 metres from the boundary should be sufficient.*

In reference to the applicants' comments on conditions 5, 6 and 7 she advised:

- *Calculations were based on 3,650 vehicle movements per year and the existing six sites had not been included in the financial contribution calculation but rather this was based on numbers on the application.*
- *Financial contributions for wastewater, stormwater and ecological should be deleted as not on site.*

- The water calculation was based on occupancy of 80 with a maximum of 60% occupancy and peak usage to arrive at the total. This calculation could be reviewed based on actual usage.
- Calculations were based on the proposed plan rules as these were now operative.

She further stated that:

- Condition 10 should be retained in part with trees maintained, and replaced should they die, for the life of the consent. In regard to who owned the shelter belt the alternative to requiring a survey to establish ownership was a condition that if anything was removed it would have to be replaced.
- The limit of the duration on the consent should remain in place as there was a right to extend consent under the act but there would be the opportunity to reassess effects based on the actual situation in 10 years time. The limit related to traffic and access issues and 10 years was based on information from the Policy and Planning Team. The difficulty with the proposal for a review clause rather than a time limited resource consent was that it was not possible to see into the future and there was no certainty about the application of trigger points. The review clause related to reviewing specific consent conditions whereas the Committee reserved the position that the whole consent, being all potential effects should be revisited at that time. Accordingly, 10 years seemed reasonable but staff advised that the Committee could set its own timeframe..
- A consent could be set up to last the length of time until the future urban zone is changed to residential, however the time limit was more precise and under the Resource Management Act there were statutory tests that could be applied after which the consent could be granted if appropriate.

In addressing the opposing submitters' evidence she advised as follows:

- The applicants had moved the ablution block from 12 to 20 metres away from the boundary. This should be the minimum shift from the boundary.
- Occupancy could be based on the number of people on site not the number of caravans.
- Discretion on establishing ownership of the shelter belt could be addressed through a condition for replacement.
- The updated plan provided by the applicant satisfied the further information requested.
- Site management had been requested and would include as requirements rubbish and disposal systems, as well as rules against long term stays and tents on site.

5.10 Applicant's Right of Reply

Ms Hayson addressed the Committee and the following points were noted in relation to the Consent Planner's response:

- Regarding financial contributions, as stated in the evidence it was agreed that contributions for wastewater, ecological and stormwater be deleted.
- The applicants were not clear on proposals for financial contributions for roading and reserve calculations, but believed they were reasonable provided that they were based on 34 sites not 40.
- This was a small business in terms of activity and the contributions should not be so large as to make the business not viable, and should take into account the contribution to the economy.

In relation to submitters issues she advised as follows:

- In relation to issues raised with the Faggs property there seemed to be a lack of acknowledgement that this was an existing activity which the property already viewed. Planned planting will provide much better visual mitigation than was now in place.

- *The 20 metre setback for the ablution block provided a higher level of amenity, and relocation of the block to the centre of the site may create potential issues with effluent disposal.*
- *Established planting should mitigate headlight glare.*
- *Odour issues were not desirable in the camp for the owner either and were therefore unlikely to be a problem for neighbours.*
- *Relocation of the four sites was difficult and would require significant redesign and removal hedges, and therefore maintaining those sites as sites for use of last resort was a preferable mitigation measure.*
- *The internal roadway and proposed planting should be sufficient mitigation of effects.*
- *The term of the consent was a major issue for the applicants, and the upgrade was a significant cost so to be limited to no longer than 10 years may not make the project viable. If there was to be a time restraint it should be longer than 10 years. To support this, the Committee should note that Mr Constable's evidence was that traffic increase could be accommodated now and into the future.*
- *As an alternative to a time limit a review condition would give the opportunity to fine tune conditions of consent and the application should be granted as such an activity would still be compatible with a future urban zoning.*
- *Consent limitation could be supported on the basis of any unforeseen effects on the road.*
- *Regarding concerns on noise the current rural zone rules applied.*

Ms Hayson advised that this was the conclusion of her right of reply. The Chairperson closed the hearing at 2.00 p.m. and advised all present that the Committee would deliberate and advise the applicants and submitters of its decision in due course.

6. The Main Finding of Fact (Section 113(1)(ae))

- 6.1 *The activity is a Discretionary Activity. The Committee discussed, and agreed that the proposal would not cause unmanageable adverse effects on the environment if properly managed. The Committee considered it appropriate to grant consent to the application, subject to conditions of consent. In coming to this decision, specific issues raised by the staff report and in submissions were considered.*
- 6.2 *On submissions provided by the applicant, the Committee acknowledged that the recreation centre had been removed from the proposal which would help to reduce potential noise effects. The Committee also considered the Reporting Officer's recommendation over the removal of the suggested caravan sites closest to Mr Fagg's boundary to the east. It was decided that a separation distance of 20 metres was appropriate for the ablution block and that proposed sites 35 and 36 were inappropriately placed due to the proximity of the neighbouring house.*
- 6.3 *In considering the submitter's written concerns with regard to a potential loss of amenity, the Committee noted and had regard to the applicant's statement at the hearing that the views over the park were existing and would be improved by planting and ensuring that there be a distance between the activities in the park and the boundary of the site. On this matter, the Committee agreed with the applicant, acknowledging additional landscaping provided to date, but imposed additional performance conditions dealing with ongoing landscaping and amenity protection to the neighbour.*

- 6.4 *In evaluating the management plan requirements, the Committee considered that activities in the ablution block be restricted after specific hours (restricted by consent conditions) much like the existing curfew on the washing machines currently on site. While considering the location of the ablution block it was considered by the reporting officer that potential light spill could be dealt with through conditions. The applicant advised in the hearing that the ablution block would be rotated away from Mr Fagg's property and that the only lighting would be sensor style lighting on the ablution block. The Committee accepted this information at the hearing, however it was still appropriate for Council staff to review a formal lighting plan to be accepted by Council staff as a result of consent condition to ensure what was agreed for the site would not cause future problems for nearby residents.*
- 6.5 *The Committee in considering the staff report and the submitter's submissions also concluded that there should be a restriction on visitors to the site that were not staying overnight. Visitors, who are not fee-paying motorhome/campervan users, had the potential to cause excess vehicle and ambient noise on site and should therefore leave the site at an appropriate time. By condition, this will be required to be specified in the management plan.*
- 6.6 *The Committee having heard all the evidence considered that there was no significant issues of reverse sensitivity if the management of the park was in accord with an agreed management plan and by adherence to the proposed conditions of consent. The Committee was mindful of the future landuse pattern as the Omokoroa Structure Plan came into force. With that in mind, the Committee debated what an appropriate duration the consent should be. It was determined that 15 years would be appropriate as Council would at that time have greater insight into what stage the structure plan was at. Should the consent holders then wish to extend this consent Council would make its decision based in part on the level to which the structure plan had been enacted and the assessment of environmental effects of the activity as a whole and anew on the environment at the time.*
- 6.7 *Financial contributions were required to be considered noting of course that at the time the reporting officer's report was prepared information remained unavailable to the officer. In the course of the hearing, the Committee requested that any calculations reflect that there is an existing activity on the site and this should be taken into account. After reviewing the figures it was determined that if the applicant did not consider the water contribution appropriate an alternative method of calculation would be based on actual use but that the Council would review actual water use figures for this to be re-calculated. Having regard to reserves contributions the Committee resolved that a valuation be undertaken for the site, which could be utilised to calculate the contributions. In calculating reserves contributions on a rural site it is the value of a 2000m² house site that is normally used. In other cases of a similar nature, campground/accommodation facilities, Council have calculated the reserves as would be undertaken for any other land-use type activity on a site, however with an occupancy variable as to what is charged. The applicants have advised that the site will be utilised at an average 60% occupancy during the summer months. The reporting planner for Council determined that this would be the level at which financial contributions would be imposed. The Committee determined that this should be followed through and this has been reflected in the financial contributions stipulated by conditions of consent.*
- 6.8 *Having considered all the matters presented before them by the applicant and submitters' evidence, pursuant to section 104B of the Act, the Committee has concluded that the adverse effects on the environment will be no more than minor for reasons outlined above. Having regard to the provisions of Sections 104B, 104(1) and 108 of the Resource Management Act 1991, the Committee considers that the application may be granted consent subject to appropriate conditions.*
- 6.9 *During deliberations Councillors Murray-Benge and Mathews expressed concerns about the noxious weed *Datura* identified on the subject site during their site visit for the hearing. Council staff have been tasked with providing a service request on this matter to Environment Bay of Plenty as the relevant authority for follow up.*

7 Decision

- a) **THAT pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent to the application by Roy and Gail Beaumont for a land use consent being a discretionary activity to increase the operation of an accommodation facility being a campervan park from 6 to 40 sites on 468 Omokoroa Road, legally described as Lot 2 DPS 41630 subject to the following conditions:**

- 1 **THAT the activity be carried out in accordance with the plans and information submitted at the hearing as part of this application except where modified by any conditions of this consent. Referenced as "Proposed Omokoroa Holiday Park and Motor Homes Camp 468 Omokoroa Road" prepared by Lochhead Design dated 10 September 2009.**
- 2 **THAT a revised site plan be provided prior to the upliftment of the building consent for the ablution block that incorporates the new position of the ablution block as proposed by the applicant at the hearing but also reflects a minimum 20m separation distance from the eastern boundary with (454 Omokoroa Road) of the site to the activities on site (maintaining the new position of the ablution block) and removal of caravan sites 34, 35, 36 and 15. The site plan must show the location of the existing dump station. This plan shall be to the satisfaction of the Principle Administration Officer or his delegate.**
- 3 **THAT the type of accommodation facility be limited to a caravan and motor home park and shall specifically exclude the use of the facility for tent or backpacker accommodation.**
- 4 **THAT the maximum number of consecutive days that a person may stay in the camp be limited to 30 days.**
- 5 **THAT the existing shelter belt surrounding the site be retained to provide adequate visual shielding from the surrounding neighbourhood. The trees shall be maintained for the duration of this consent by the applicant and replaced with like specimens if they should die. Should it be found that a neighbour owns the shelter belt and wishes to remove an area of it, the consent holder shall plant replacement trees within their property boundary to ensure adequate visual mitigation is retained.**
- 6 **THAT the existing vehicle crossing entrance be upgraded with a 6 metre wide seal and appropriate maintenance works to be completed including pothole repairs, resealing and reshaping of table drains so as to be in accordance with Council Standard Specification Drawing No W424, Diagram B.**
- 7 **THAT the work required by condition 6 be supervised and certified as complete in accordance with the conditions by the developers representative (Refer Section 15.3.2 of Council's District Plan) prior to more than six sites being occupied at any given time.**
- 8 **THAT the following financial contributions be paid in respect to the increase in activity:**

(a) Roding (Kaimai) (Rural)	$(\$11,842) \times 3.4 = \$40,262.80 + \text{GST}$
(b) Transportation (Strategic)(District Wide)	$(\$974) \times 3.4 = \$3,311.60 + \text{GST}$
(c) Water (Central)	$(\$3,337) \times 8 = \$26,969 + \text{GST}$
- 9 **THAT the consent holder shall pay prior to uplifting of the associated building consent or prior to commencing the increased intensity in activity as authorised by this consent on the site: a recreation financial contribution equivalent to 4.65% of the current market value of the assessed land value per unit on the property. The value has been worked out on the basis of each unit**

being a 148.5m² campervan site (16.5 x 9) which has then been multiplied by 8 HHE. The value has been assessed as being \$30,000 per campervan site which equates to \$1,395 per HHE, the total amount comes to \$11,160 + GST.

(Note: Where agreement between the council and the applicant cannot be reached the current market value shall be as assessed by a registered valuer acceptable to both parties, subject to the costs of obtaining such valuation being met by the applicant. Any remaining dispute arising from the above shall be determined in accordance with Section 357 of the Resource Management Act 1991).

- 10 THAT with regard to conditions 8 and 9, the financial contributions shall be paid in full within 12 months of the date of commencement of the consent, provided that contributions not paid in full within 12 months of the consent commencing shall be subject to Rule 11.3.2(a)(ii) of the Proposed District Plan (first review) 2009. Council may review the level of the financial contributions in accordance with Section 128 of the Resource Management Act 1991 for any building consent where the building consent has not been lodged within two (2) years of the original approval date of this application or where no building consent is required, the commencement of the activity. The review may take place at the time of the building consent (where required) being submitted to Council and may require payment in accordance with the financial contribution schedules which are operative and approved under the annual plan process at that time. The purpose of the review is to ensure the level of financial contributions to be paid by the consent holder reflects the true cost of infrastructure and services at the time the building consent is issued.
- 11 THAT a landscape plan be submitted to and be approved by Council's Team Leader Compliance, prior to any building works commencing on the site. The plan shall include five evergreen trees or shrubs that are not less than 3 metres high at maturity which shall be planted along the eastern edge of the boundary with 454 Omokoroa Road to shield the neighbouring property. The trees shall not be less than 1.5 metres high when planted. The trees must be planted prior to this consent being given effect to. The trees shall be maintained by the applicant and replaced with like specimens if they should die for the life of this consent.
- 12 THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling, shall comply with the noise provisions of the Operative Western Bay of Plenty District Plan for the Rural zone and any subsequent District Plans or zones that effect the site.
- Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.
- The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.
- The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.
- 13 THAT external signage on Omokoroa Road be limited to the sign area that is existing and accurately reflect the consented use of the holiday park. Any reference to 'tents' is to be removed from the existing or future signs for this activity.
- 14 THAT the proposed accommodation facility shall be restricted to the following hours of operation for the checking in and checking out of guests:

Monday to Sunday 9am to 7 pm

- 15 *THAT a manager shall reside permanently on site and be available onsite at all times.*
- 16 *THAT a management plan be provided to Council's Team Leader Compliance for approval prior to this consent being given effect to. The management plan shall include, but not be limited to, details of operation including: Hours of operation, curfew times, time that guests of visitors to the park are to leave the site, waste disposal, landscaping and screening maintenance, security protocol, and method for dealing with complaints including a contact person, be it the manager or owner who will be able to respond to complaints.*
- 17 *THAT the total number of guests to be accommodated on site with regard to the caravan park activity shall be limited to a maximum of 80 persons at any one time.*
- 18 *THAT a logbook of visitors and patrons to the site is kept and made available on the request of Council's Team Leader Compliance.*
- 19 *THAT a lighting plan be produced and provided to Council's Team Leader Compliance for approval prior to this consent being given effect to.*
- 20 *THAT in accordance with Section 128 of the Resource Management Act 1991, Council may undertake a review of the conditions of this consent in the month of February 2010 and thereafter on a reoccurring yearly basis in the month of February for any of the following purposes:*
- (i) To deal with any adverse effect of noise, landscaping, traffic movements, lighting or adverse effects to amenity that may arise from the exercise of this consent; or*
 - (ii) To require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment of those effects identified under Condition 16 above.*
- 21 *THAT this consent shall lapse in 15 years from the date of granting Consent. Council may choose to extend the length of consent should the consent holder apply to the Consents Manager for approval. The criteria under which Council may decide to increase the length of the consent shall include but not be limited to the level of activity at the time of application surrounding the Omokoroa Structure Plan and upgrading of Omokoroa Road.*

ADVICE NOTES

1. *A building consent will be required for all building work.*
2. *The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance Monitoring Team (fax: 07 543 3794) and include the following details:*
 - *name and telephone number of the project manager and site owner*
 - *site address to which the consent relates*
 - *activity to which the consent relates*
 - *expected duration of works.*

Notifying Council of the intended start date enables cost effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis.

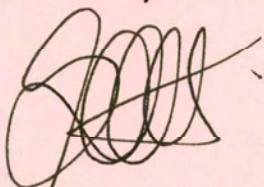
3. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent*

will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.

4. *You may lodge an Appeal to the Environment Court on this decision, including any conditions of consent, by notifying the Department of Courts and Council within 15 working days of receipt of this decision. However, you are advised that you may not commence the activity as authorised by this consent until your Appeal is resolved as prescribed by section 116 of the Resource Management Act 1991.*

If you wish to appeal against Council's decision or any part of it, you have 15 working days from the date on which this decision is deemed to have reached you to lodge an appeal with the Environment Court, PO Box 7147, Wellesley Street, Auckland. Advice from a solicitor is recommended for any person considering lodging an appeal.

Yours faithfully



Chris Watt
Consents Manager

Email: chris.watt@westernbay.govt.nz

27 August 2009

P/1207/491

Dear Sir/Madam

Application for Resource Consent - R & G Beaumont: Decision

I refer to the above application which was considered at the Regulatory Hearings Committee meeting held on Tuesday 11 August 2009. Council's decision is reproduced as follows:

1. Introduction

- 1.1 *On 16 January 2009 Council received an application for variation to a resource consent to extend the use of a caravan/motorhome park from 6 to 40 spaces and to erect an ablution block on the site. The applicant was unable to obtain the neighbouring property owners' written approval. Subsequently the application was processed on a limited notified basis. Fourteen submissions were received in opposition to the application, however only four of the submitters were either owners or occupiers of properties that were considered potentially affected, the additional submissions were received from parties who had deemed themselves to be affected and had submitted accordingly, however, they had no legal standing.*
- 1.2 *The Committee heard the application on 11 August 2009.*

2. The Relevant Statutory Provisions (Section 113(1)(aa))

- 2.1 *The application was considered pursuant to the Resource Management Act 1991 ("the Act"), the relevant provisions are Section 104 and 104B (list of matters a consent authority must have regard to when forming an opinion on an application for resource consent).*

3. Relevant Planning Documents (Section 113(1)(ab))

- 3.1 *Rule 2.3.4(d) allows for accommodation facilities for more than four persons in the Rural H zone as a Discretionary Activity.*
- 3.2 *The Omokoroa Structure Plan and Plan Change 69 to the Operative District Plan are also relevant to the application as there is the potential for reverse sensitivity affects as the density of the surrounding neighbourhood increases.*
- 3.3 *Under Plan Change 69 Rule 15.3.5.7(b)(i) has been modified to state that:*

"The number or potential number of dwellings or other activities gaining direct access to these roads shall not be increased. On subdivision or development Council may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the zone."

- 3.4 *In light of this Council staff could not make a determination under delegated authority, the application proceeded on a Limited Notification basis, and four written submissions against the proposal were received by Council. As such, the application was heard before the Regulatory Hearings Committee.*

4. The Principal Issues That Were in Contention (Section 113(1)(ac))

- 4.1 *The issues highlighted by the submitters were as follows:*

- *A complete AEE has not been provided and proposed mitigation does not address the adverse effects.*
- *The proposal has the potential to induce significant effects on amenity values and privacy, particularly on the adjacent property owner, including:*
 - *Noise from occupants/ablution block/vehicles*
 - *Odour from ablution block/solid waste collection areas*
 - *Light spill from buildings/internal street lighting/vehicles, and*
 - *Dust from vehicles*
- *The ablution block is likely to be a central focus activity area for the site and will be used 24 hours a day.*
- *Traffic effects have not been assessed in the TIA to provide quantitative analysis.*
- *The TIA has not assessed the potential impact upon the road network and safety of the users when the park is operation at full capacity, therefore do not provide an accurate description of potential traffic effects.*
- *There is no discussion as to whether the TIA takes into consideration that the motor homes/campervans are also likely to be the visitors form of transport. It is unclear whether this has been considered or accounted for within the predicted traffic generation flows for the activity.*
- *Neither the TIA or Site Plan indicates whether a motorhome will be able to manoeuvre within the designated roadways, no turning calculations have been provided within the application documentation of the TIA.*
- *Dust has the potential to create a nuisance to adjacent dwelling as well as to damage horticultural crops.*
- *Activity performance standard 15.3.5.7(b) of the Operative District Plan states that the number or potential number of dwellings gaining direct access to Omokoroa Road shall not be increased.*
- *Potential for Reverse Sensitivity effects as the surrounding environment is rural with horticultural spraying in practice.*
- *Rural character effects – the proposal presents a high density for the surrounding area. It is widely accepted that in the rural area you can expect a certain level of isolation and noise level.*
- *Cumulative effects - the cumulative effects assessment does not consider the activities which occur in the wider environment.*

- 4.2 *The main issues summarised by the reporting officer were the effects of noise, light spill, traffic generation and access, and the loss of amenity.*

- 4.3 *Following receipt of the reporting officer's report, the applicant at the hearing then agreed to remove the recreation centre from the application and reposition the ablution block on the site.*

5. Summary of Evidence Heard (Section 113(1)(ad))

Appearances for the Applicant

Tracy Hayson (Planning Consultant – Wasley Knell), Ian Constable (Traffic Engineer – Traffic Consultants), Peter Lochhead (Lochhead Design), and the applicants Mr and Mrs Beaumont.

Submitter in Attendance

Paula Zinzan (MTEC Consultants) on behalf of David and Marilyn Clark and Fiona and Terrence Fagg.

Appearances for Staff

In Attendance:

S K Hill (Group Manager Customer and Business Services), C Watt (Consents Manager), Zoë Lavranos (Consents Planner)

5.1 Chairperson's Introduction

The Chairperson explained the process of the hearing to all present. He advised that Committee members had made an unaccompanied visit to the site on the previous day to familiarise themselves with the proposal and invited the Consents Planner to introduce her report dated 27 July 2009 on the application.

5.2 Staff Report

The Consents Planner addressed the Committee and summarised her report noting a correction to paragraph 3.1 line 4 to read four submitters were owner/occupiers and not six as stated.

5.3 In response to questions the following was noted

- A policy planner would be available to answer structure plan questions if required.
- The existing sites were available for 'camping' for caravans and motorhomes but not tents.
- Further information would be made available on financial contributions.
- Ms Lavranos was not aware of time limits on length of stays on the current site or consent.

The Chairperson then invited the applicants to present their evidence.

5.4 Evidence For The Applicant

Tracy Hayson of Wasley Knell tabled and read her evidence on behalf of the applicants tabled item 1. In discussion of the conditions she advised as follows:

- Condition 2 – the applicant was not in favour of the proposed condition and was offering an alternative as stated in the tabled item.
- Condition 21 – the requirement for a fixed term consent would be more appropriate if there was uncertainty as to the effects of the application but this was not the case in this situation.

In response to questions Tracy Hayson advised as follows:

- The applicants had no intention of offering seasonal accommodation.
- The proposal was for motorhome/caravan tourists to the area.
- Currently there was a limit of three months on length of stay on the existing consent and since then the nature of the facility had changed and a restrictive condition would be acceptable.
- There were a couple of motorhomes parked permanently but the owners were not in permanent residence.

5.6 Matters of Clarification

- As to the use of the facility by caravans in her opinion the effects were the same for caravans or motorhomes. The intention was to address the demand for short stays for one to two nights. Caravans were also self-contained and the park did not have the types of facilities suitable for other than self contained caravans.
- As to whether or not the application was about a camping ground or a motorhome facility there was little difference on the demands placed on the ablution facilities regarding the length of stay.
- Clarification would be sought from the applicants as to a suitable restriction on length of stay.
- The trees should be retained but a review condition on the landscaping may be needed should future residential development occur.
- Traffic effects were seen as minor as a lot of the vehicles were already using the traffic network, but Mr Constable would address the actual vehicle movements.
- The site had not been surveyed but it was understood that the shelter belt planting was on the applicants' site.
- The manager was permanently on site in a small cabin directly as the site was entered.
- There were three dwellings on site, with one consented as a shed. The applicants had not yet established whether or not it had appropriate consents; however it did not have a permanent resident but did have a temporary resident.
- The garage attached to the proposed ablution block was intended for the storage for the ride-on mower and equipment. The verandah and sink was only a very small area not intended as a social area.
- The only analysis as to demand for such a facility was anecdotal from the applicants with overflow campers in the season calling in. No official surveys had been done but the experience of the applicants suggested demand.
- As this was an existing site the activity could be assessed.
- There had been a proposed sauna which had now been removed from the application in response to objections raised. The removal of the recreational facilities was not seen to be to the detriment of the facility as it was intended as a one or two night stay facility.
- Future signage would exclude depicting a tent.
- The site was large but did not operate outside of its existing consent conditions.

In response to a question from the Chair, staff clarified there had been existing complaints about the site, and the Compliance Officer had visited the site to check on neighbours concerns. The Chairperson requested a copy of the original consent for the Committee.

The Chairperson invited questions from the submitters and in response to a question the Group Manager Customer and Business Services advised that control would be through the number of sites consented.

Mr Constable (Traffic Solutions) then presented his evidence as tabled item 2.

5.7 Further Matters of Clarification

In response to further questions through the Chair Ms Hayson and Mr Constable advised as follows:

- The applicants did not want to be restricted to motorhomes but wanted to provide for caravans and would accept a 30 day maximum stay period.
- They wished to encourage self contained caravans, but were applying for motorhome and caravan park self contained or not.
- The applicants had had enquiries from the Golf Club as to somewhere to stay for people attending golf tournaments.

- In theory the caravan could be parked permanently on site whilst the occupants went away and came back again. The 30 day restriction was intended for people not on the caravans/vehicles on site.
- There was a sauna in the manager's residence and guests were allowed to use it.
- Site size was 16.5m x 9m.
- There was an onsite dump facility adjacent to the existing ablution block which had capacity to cope with the proposed increased site capacity.
- The need for a slip lane had been assessed but with current traffic flows a slip lane was not warranted. There would need to be in excess of 20 vehicles per hour moving to warrant this and whilst current vehicle movements were close they were not yet at that level.
- The applicant was not seeking longer opening hours but had no issue with extension.
- In the present situation traffic volumes and the amount of turning vehicles did not warrant treating the road other than as a rural road.
- There would not be a need in the future for the applicant to carry out shoulder widening as the amount of traffic turning in would not change and therefore would not now, or in the future, warrant widening.
- In the future on the structure plan the road would go from a two to four lane road with a roundabout at Prole Road. The evidence presented was based on the current road environment.
- It was noted that the rule in Plan Change 69 would not allow additional traffic activity on and off Omokoroa Road, however it was difficult to establish a condition to address traffic in the future and it may be necessary to look at the effects in the future when that happened.
- In 10 years time if traffic movements were deemed to be dangerous then Council could close down the facility.
- There had been no consideration of the consent conditions of neighbouring properties, and there were activities on the road at the moment which only had access from Omokoroa Road and would remain so until the situation changed.
- It may be that in the future subdivision may provide changes for access and cumulative affect could be a concern on this road.
- Relating to traffic generation and the use of the word "typical" his figures came from published statistics of motorhome parks, the RTA guide and motorhomes guide from USA and local statistics used by New Zealand engineers. The range of rates estimating the movements was not easy but the information gave a feel for what may happen.
- A ratio per campsite was another system which had been used to establish traffic generation.
- Water supply was reticulated and available at the ablution block and additionally there was a tap at each site where excess water would spill onto the grass.

In response to a question from the Chair Ms Hayson advised she had completed her evidence.

5.8 Evidence For the Submitter

Ms Zinzan tabled and read a statement of evidence tabled Item 3 on behalf of Mr and Mrs Fagg and Mr and Mrs Clark, and noted a tabled statement tabled item 4 from Mr Terrence Fagg who was unable to attend the hearing.

In response to a question on the prehearing meeting it was noted by the submitters that they had been advised by Council staff that the pre-hearing meeting had been cancelled.

In clarification the applicants advised that the piece at the end of the verandah was a solid wall.

Ms Zinzan advised as follows:

- The sites were not sufficiently planted for screening.
- The road was too close to the Faggs boundary.
- If subdivided the density of population would not be as intense.

- The effect of the ablation block involved issues with insufficient information on disposal.
- There was no indication regarding lighting and its affect.
- The preference was that the ablation block be more centrally located.

In response to a question the Consents Manager advised that during arrangements for a pre-hearing meeting it was clear from both parties that little could be gained through such a meeting and there was a lack of availability of some submitters to further complicate the arrangements. There was therefore agreement that matters could be addressed through the hearing. He also advised that there was no sewerage connection at the site.

In response to questions, Ms Zinzan on behalf of submitters noted the following:

- The 20 metre setback was not sufficient as currently the performance measures required a 30 metre setback.
- Submitters were concerned that some information provided such as the proposal for a barbeque facility had no indication as to where it might be located.

In response to questions from the Chair Ms Hayson stated that the application was for a maximum of 80 people on the site not including guests (people visiting occupants), and the Consents Planner clarified matters relating to an exemption statement.

Mrs Clarke tabled and read a statement tabled item 5. In response to questions Mrs Clark advised:

- Other neighbourhood concerns included people from the camping ground crossing private property and potential roading effects.
- As to further information requested – some had been answered and some had not.
- Currently they did not hear much from the activity and were happy with it as it was but did not want it to increase.

5.9 Staff Right of Reply

At the invitation of the Chair the Consents Planner gave a summary of response to the applicants' submissions as follows:

- Given submissions much of her report and recommendations still stood, and she agreed with the applicants that the current operation represented a base line.

She accepted proposed amendments to conditions from the applicants as follows:

- A wider entrance to 6 metres amending Condition 5.
- A limit of stay at 30 days to prevent long term stays.
- An additional condition that there was no provision for seasonal workers.
- A condition that sites 34, 35, 36 and 15 only be offered to guests if all other sites are full. She noted that the location of the road was not seen to be a problem.
- Mitigation of relocation of the ablation block 20 metres from the boundary should be sufficient.

In reference to the applicants' comments on conditions 5, 6 and 7 she advised:

- Calculations were based on 3,650 vehicle movements per year and the existing six sites had not been included in the financial contribution calculation but rather this was based on numbers on the application.
- Financial contributions for wastewater, stormwater and ecological should be deleted as not on site.

- *The 20 metre setback for the ablution block provided a higher level of amenity, and relocation of the block to the centre of the site may create potential issues with effluent disposal.*
- *Established planting should mitigate headlight glare.*
- *Odour issues were not desirable in the camp for the owner either and were therefore unlikely to be a problem for neighbours.*
- *Relocation of the four sites was difficult and would require significant redesign and removal hedges, and therefore maintaining those sites as sites for use of last resort was a preferable mitigation measure.*
- *The internal roadway and proposed planting should be sufficient mitigation of effects.*
- *The term of the consent was a major issue for the applicants, and the upgrade was a significant cost so to be limited to no longer than 10 years may not make the project viable. If there was to be a time restraint it should be longer than 10 years. To support this, the Committee should note that Mr Constable's evidence was that traffic increase could be accommodated now and into the future.*
- *As an alternative to a time limit a review condition would give the opportunity to fine tune conditions of consent and the application should be granted as such an activity would still be compatible with a future urban zoning.*
- *Consent limitation could be supported on the basis of any unforeseen effects on the road.*
- *Regarding concerns on noise the current rural zone rules applied.*

Ms Hayson advised that this was the conclusion of her right of reply. The Chairperson closed the hearing at 2.00 p.m. and advised all present that the Committee would deliberate and advise the applicants and submitters of its decision in due course.

6. The Main Finding of Fact (Section 113(1)(a))

- 6.1 *The activity is a Discretionary Activity. The Committee discussed, and agreed that the proposal would not cause unmanageable adverse effects on the environment if properly managed. The Committee considered it appropriate to grant consent to the application, subject to conditions of consent. In coming to this decision, specific issues raised by the staff report and in submissions were considered.*
- 6.2 *On submissions provided by the applicant, the Committee acknowledged that the recreation centre had been removed from the proposal which would help to reduce potential noise effects. The Committee also considered the Reporting Officer's recommendation over the removal of the suggested caravan sites closest to Mr Fagg's boundary to the east. It was decided that a separation distance of 20 metres was appropriate for the ablution block and that proposed sites 35 and 36 were inappropriately placed due to the proximity of the neighbouring house.*
- 6.3 *In considering the submitter's written concerns with regard to a potential loss of amenity, the Committee noted and had regard to the applicant's statement at the hearing that the views over the park were existing and would be improved by planting and ensuring that there be a distance between the activities in the park and the boundary of the site. On this matter, the Committee agreed with the applicant, acknowledging additional landscaping provided to date, but imposed additional performance conditions dealing with ongoing landscaping and amenity protection to the neighbour.*

- The water calculation was based on occupancy of 80 with a maximum of 60% occupancy and peak usage to arrive at the total. This calculation could be reviewed based on actual usage.
- Calculations were based on the proposed plan rules as these were now operative.

She further stated that:

- Condition 10 should be retained in part with trees maintained, and replaced should they die, for the life of the consent. In regard to who owned the shelter belt the alternative to requiring a survey to establish ownership was a condition that if anything was removed it would have to be replaced.
- The limit of the duration on the consent should remain in place as there was a right to extend consent under the act but there would be the opportunity to reassess effects based on the actual situation in 10 years time. The limit related to traffic and access issues and 10 years was based on information from the Policy and Planning Team. The difficulty with the proposal for a review clause rather than a time limited resource consent was that it was not possible to see into the future and there was no certainty about the application of trigger points. The review clause related to reviewing specific consent conditions whereas the Committee reserved the position that the whole consent, being all potential effects should be revisited at that time. Accordingly, 10 years seemed reasonable but staff advised that the Committee could set its own timeframe..
- A consent could be set up to last the length of time until the future urban zone is changed to residential, however the time limit was more precise and under the Resource Management Act there were statutory tests that could be applied after which the consent could be granted if appropriate.

In addressing the opposing submitters' evidence she advised as follows:

- The applicants had moved the ablution block from 12 to 20 metres away from the boundary. This should be the minimum shift from the boundary.
- Occupancy could be based on the number of people on site not the number of caravans.
- Discretion on establishing ownership of the shelter belt could be addressed through a condition for replacement.
- The updated plan provided by the applicant satisfied the further information requested.
- Site management had been requested and would include as requirements rubbish and disposal systems, as well as rules against long term stays and tents on site.

5.10 Applicant's Right of Reply

Ms Hayson addressed the Committee and the following points were noted in relation to the Consent Planner's response:

- Regarding financial contributions, as stated in the evidence it was agreed that contributions for wastewater, ecological and stormwater be deleted.
- The applicants were not clear on proposals for financial contributions for roading and reserve calculations, but believed they were reasonable provided that they were based on 34 sites not 40.
- This was a small business in terms of activity and the contributions should not be so large as to make the business not viable, and should take into account the contribution to the economy.

In relation to submitters issues she advised as follows:

- In relation to issues raised with the Faggs property there seemed to be a lack of acknowledgement that this was an existing activity which the property already viewed. Planned planting will provide much better visual mitigation than was now in place.

- 6.4 *In evaluating the management plan requirements, the Committee considered that activities in the ablution block be restricted after specific hours (restricted by consent conditions) much like the existing curfew on the washing machines currently on site. While considering the location of the ablution block it was considered by the reporting officer that potential light spill could be dealt with through conditions. The applicant advised in the hearing that the ablution block would be rotated away from Mr Fagg's property and that the only lighting would be sensor style lighting on the ablution block. The Committee accepted this information at the hearing, however it was still appropriate for Council staff to review a formal lighting plan to be accepted by Council staff as a result of consent condition to ensure what was agreed for the site would not cause future problems for nearby residents.*
- 6.5 *The Committee in considering the staff report and the submitter's submissions also concluded that there should be a restriction on visitors to the site that were not staying overnight. Visitors, who are not fee-paying motorhome/campervan users, had the potential to cause excess vehicle and ambient noise on site and should therefore leave the site at an appropriate time. By condition, this will be required to be specified in the management plan.*
- 6.6 *The Committee having heard all the evidence considered that there was no significant issues of reverse sensitivity if the management of the park was in accord with an agreed management plan and by adherence to the proposed conditions of consent. The Committee was mindful of the future landuse pattern as the Omokoroa Structure Plan came into force. With that in mind, the Committee debated what an appropriate duration the consent should be. It was determined that 15 years would be appropriate as Council would at that time have greater insight into what stage the structure plan was at. Should the consent holders then wish to extend this consent Council would make its decision based in part on the level to which the structure plan had been enacted and the assessment of environmental effects of the activity as a whole and anew on the environment at the time.*
- 6.7 *Financial contributions were required to be considered noting of course that at the time the reporting officer's report was prepared information remained unavailable to the officer. In the course of the hearing, the Committee requested that any calculations reflect that there is an existing activity on the site and this should be taken into account. After reviewing the figures it was determined that if the applicant did not consider the water contribution appropriate an alternative method of calculation would be based on actual use but that the Council would review actual water use figures for this to be re-calculated. Having regard to reserves contributions the Committee resolved that a valuation be undertaken for the site, which could be utilised to calculate the contributions. In calculating reserves contributions on a rural site it is the value of a 2000m² house site that is normally used. In other cases of a similar nature, campground/accommodation facilities, Council have calculated the reserves as would be undertaken for any other land-use type activity on a site, however with an occupancy variable as to what is charged. The applicants have advised that the site will be utilised at an average 60% occupancy during the summer months. The reporting planner for Council determined that this would be the level at which financial contributions would be imposed. The Committee determined that this should be followed through and this has been reflected in the financial contributions stipulated by conditions of consent.*
- 6.8 *Having considered all the matters presented before them by the applicant and submitters' evidence, pursuant to section 104B of the Act, the Committee has concluded that the adverse effects on the environment will be no more than minor for reasons outlined above. Having regard to the provisions of Sections 104B, 104(1) and 108 of the Resource Management Act 1991, the Committee considers that the application may be granted consent subject to appropriate conditions.*
- 6.9 *During deliberations Councillors Murray-Benge and Mathews expressed concerns about the noxious weed Datura identified on the subject site during their site visit for the hearing. Council staff have been tasked with providing a service request on this matter to Environment Bay of Plenty as the relevant authority for follow up.*

7 Decision

- a) THAT pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent to the application by Roy and Gail Beaumont for a land use consent being a discretionary activity to increase the operation of an accommodation facility being a campervan park from 6 to 40 sites on 468 Omokoroa Road, legally described as Lot 2 DPS 41630 subject to the following conditions:

- 1 THAT the activity be carried out in accordance with the plans and information submitted at the hearing as part of this application except where modified by any conditions of this consent. Referenced as "Proposed Omokoroa Holiday Park and Motor Homes Camp 468 Omokoroa Road" prepared by Lochhead Design dated 10 September 2009.
- 2 THAT a revised site plan be provided prior to the upliftment of the building consent for the ablution block that incorporates the new position of the ablution block as proposed by the applicant at the hearing but also reflects a minimum 20m separation distance from the eastern boundary with (454 Omokoroa Road) of the site to the activities on site (maintaining the new position of the ablution block) and removal of caravan sites 34, 35, 36 and 15. The site plan must show the location of the existing dump station. This plan shall be to the satisfaction of the Principle Administration Officer or his delegate.
- 3 THAT the type of accommodation facility be limited to a caravan and motor home park and shall specifically exclude the use of the facility for tent or backpacker accommodation.
- 4 THAT the maximum number of consecutive days that a person may stay in the camp be limited to 30 days.
- 5 THAT the existing shelter belt surrounding the site be retained to provide adequate visual shielding from the surrounding neighbourhood. The trees shall be maintained for the duration of this consent by the applicant and replaced with like specimens if they should die. Should it be found that a neighbour owns the shelter belt and wishes to remove an area of it, the consent holder shall plant replacement trees within their property boundary to ensure adequate visual mitigation is retained.
- 6 THAT the existing vehicle crossing entrance be upgraded with a 6 metre wide seal and appropriate maintenance works to be completed including pothole repairs, resealing and reshaping of table drains so as to be in accordance with Council Standard Specification Drawing No W424, Diagram B.
- 7 THAT the work required by condition 6 be supervised and certified as complete in accordance with the conditions by the developers representative (Refer Section 15.3.2 of Council's District Plan) prior to more than six sites being occupied at any given time.
- 8 THAT the following financial contributions be paid in respect to the increase in activity:
 - (a) Roothing (Kaimai) (Rural) $(\$11,842) \times 3.4 = \$ 40,262.80 + \text{GST}$
 - (b) Roothing (Strategic) $(\$974) \times 3.4 = \$ 3,311.60 + \text{GST}$
 - (c) Water (Central) $(\$3,337) \times 15 = \$ 50,055.00 + \text{GST}$

- 9 **THAT the consent holder shall pay prior to uplifting of the associated building consent or prior to commencing the increased intensity in activity as authorised by this consent on the site: a recreation financial contribution equivalent to 4.65% of the current market value of the assessed land value per unit on the property. The value has been worked out on the basis of each unit being a 148.5m² campervan site (16.5 x 9) which has then been multiplied by 15 HHE. The value has been assessed as being \$50,000.00 per house site which equates to \$2,325 per HHE, the total amount comes to \$34,875 this is multiplied by 0.60 to account for the level of occupancy expected and comes to a total of \$20,925 + GST.**

(Note: Where agreement between the council and the applicant cannot be reached the current market value shall be as assessed by a registered valuer acceptable to both parties, subject to the costs of obtaining such valuation being met by the applicant. Any remaining dispute arising from the above shall be determined in accordance with Section 357 of the Resource Management Act 1991).

- 10 **THAT with regard to conditions 8 and 9, the financial contributions shall be paid in full within 12 months of the date of commencement of the consent, provided that contributions not paid in full within 12 months of the consent commencing shall be subject to Rule 11.3.2(a)(ii) of the Proposed District Plan (first review) 2009. Council may review the level of the financial contributions in accordance with Section 128 of the Resource Management Act 1991 for any building consent where the building consent has not been lodged within two (2) years of the original approval date of this application or where no building consent is required, the commencement of the activity. The review may take place at the time of the building consent (where required) being submitted to Council and may require payment in accordance with the financial contribution schedules which are operative and approved under the annual plan process at that time. The purpose of the review is to ensure the level of financial contributions to be paid by the consent holder reflects the true cost of infrastructure and services at the time the building consent is issued.**
- 11 **THAT a landscape plan be submitted to and be approved by Council's Team Leader Compliance, prior to any building works commencing on the site. The plan shall include five evergreen trees or shrubs that are not less than 3 metres high at maturity which shall be planted along the eastern edge of the boundary with 454 Omokoroa Road to shield the neighbouring property. The trees shall not be less than 1.5 metres high when planted. The trees must be planted prior to this consent being given effect to. The trees shall be maintained by the applicant and replaced with like specimens if they should die for the life of this consent.**
- 12 **THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling, shall comply with the noise provisions of the Operative Western Bay of Plenty District Plan for the Rural zone and any subsequent District Plans or zones that effect the site.**

Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

- 13 **THAT external signage on Omokoroa Road be limited to the sign area that is existing and accurately reflect the consented use of the holiday park. Any reference to 'tents' is to be removed from the existing or future signs for this activity.**
- 14 **THAT the proposed accommodation facility shall be restricted to the following hours of operation for the checking in and checking out of guests:**
- Monday to Sunday 9am to 7 pm
- 15 **THAT a manager shall reside permanently on site and be available onsite at all times.**
- 16 **THAT a management plan be provided to Council's Team Leader Compliance for approval prior to this consent being given effect to. The management plan shall include, but not be limited to, details of operation including: Hours of operation, curfew times, time that guests of visitors to the park are to leave the site, waste disposal, landscaping and screening maintenance, security protocol, and method for dealing with complaints including a contact person, be it the manager or owner who will be able to respond to complaints.**
- 17 **THAT the total number of guests to be accommodated on site with regard to the caravan park activity shall be limited to a maximum of 80 persons at any one time.**
- 18 **THAT a logbook of visitors and patrons to the site is kept and made available on the request of Council's Team Leader Compliance.**
- 19 **THAT a lighting plan be produced and provided to Council's Team Leader Compliance for approval prior to this consent being given effect to.**
- 20 **THAT in accordance with Section 128 of the Resource Management Act 1991, Council may undertake a review of the conditions of this consent in the month of February 2010 and thereafter on a reoccurring yearly basis in the month of February for any of the following purposes:**
- (i) **To deal with any adverse effect of noise, landscaping, traffic movements, lighting or adverse effects to amenity that may arise from the exercise of this consent; or**
 - (ii) **To require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment of those effects identified under Condition 16 above.**
- 21 **THAT this consent shall lapse in 15 years from the date of granting Consent. Council may choose to extend the length of consent should the consent holder apply to the Consents Manager for approval. The criteria under which Council may decide to increase the length of the consent shall include but not be limited to the level of activity at the time of application surrounding the Omokoroa Structure Plan and upgrading of Omokoroa Road.**

ADVICE NOTES

1. **A building consent will be required for all building work.**
2. **The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance Monitoring Team (fax: 07 543 3794) and include the following details:**
 - **name and telephone number of the project manager and site owner**
 - **site address to which the consent relates**
 - **activity to which the consent relates**

- **expected duration of works.**

Notifying Council of the intended start date enables cost effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis.

- 3. Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.**
- 4. You may lodge an Appeal to the Environment Court on this decision, including any conditions of consent, by notifying the Department of Courts and Council within 15 working days of receipt of this decision. However, you are advised that you may not commence the activity as authorised by this consent until your Appeal is resolved as prescribed by section 116 of the Resource Management Act 1991.**

If you wish to appeal against Council's decision or any part of it, you have 15 working days from the date on which this decision is deemed to have reached you to lodge an appeal with the Environment Court, PO Box 7147, Wellesley Street, Auckland. Advice from a solicitor is recommended for any person considering lodging an appeal.

Yours faithfully

Chris Watt
Consents Manager
Email: chris.watt@westernbay.govt.nz



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P/1207/371/2

CONNELL WAGNER
P O BOX 2292
SEVENTH AVENUE
TAURANGA 3030

Dear Sir /Madam

Advice Of Decision on Application for Resource Consent – Variation

Council Ref: 854 01

Applicant: BOYD, RICARDO DOMINIC

Site Address: 474 OMOKOROA ROAD

We wish to advise that Council has approved the application for land use consent as above.

Please find attached the decision, including relevant conditions. A copy of this decision has been sent to the Applicant.

As stated in the advice notes of this decision, there is 15 working days from the date of decision to object to any of these conditions pursuant to Section 357A of the Resource Management Act 1991. If any objection is to be made under Section 357A, the resource consent commences when the objection has been decided or withdrawn.

Do not hesitate to contact **Dan Hames**, Consents Planner, who processed your application, if you have any queries specific to your decision.

Yours faithfully

Regulatory Administration Team



Western Bay of Plenty District Council Regulatory Services

Application for Change of Consent Conditions – Non-Notified -BOYD, RICARDO DOMINIC

Delegated Authority

Recommendation:

- (a) THAT pursuant to Section 93(1)(b) of the Resource Management Act 1991, Western Bay of Plenty District Council has concluded that the adverse effects on the environment arising from the change of conditions are no more than minor and has determined that the application need not be publicly notified.
- (b) THAT Council is satisfied that after taking into due consideration the requirements of Sections 94(1), 94A(a), Section 94B & C and Section 127(4) that no other persons are adversely affected by the change of conditions to this consent activity and that notice of the change of conditions need not be served on any person.
- (c) THAT Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with Section 94C(2) of the Resource Management Act 1991.
- (d) THAT pursuant to Sections 104, 108 and 127 of the Resource Management Act 1991 Western Bay of Plenty District Council grants consent to the application by R Boyd, R Guild & C Taylor to change the following condition of resource consent No. 854 (P/1207/371/2) granted 9 June 2006 in the following terms:
 1. THAT condition (1) be changed as follows:
 1. THAT the storage facility development be sited and constructed in accordance with the application report by Connell Wagner Limited reference T949-01-KM-05, subject to the changes made in the variation to consent application prepared by Connell Wagner Limited (Reference T949-002-JS-01) dated 20 September 2007 and site plan prepared by Letts Buildings Limited titled "Proposed Addition to Storage Building @ Lot 1 DPS 61801 474 Omokoroa Rd Omokoroa for Boyd Guild & Taylor", Job No. 3964, Rev 3 dated 30 August 2007, except where modified by any conditions of this consent.
 2. THAT all other conditions of the original consent dated 9 June 2006 continue to apply.

REASONS FOR DECISION

1. Consent was granted on the 9 June 2006 for the establishment and operation of an 80 unit storage shed. Since the June 2006 decision, a total of 42 storage units have been built on site to date. The applicant proposes to undertake the remaining development which includes a further 38 units, but seeks consent to increase the floor area from that already approved. The proposal involves increasing the storage floor area by 154m² from 1046m² to 1200m² and has come about as a result of an amendment

to the original design with the layout now including an internal passage and slightly bigger storage units from that anticipated.

2. Council considers the increase in floor space will have less than minor effects on the surrounding environment. The visual effects are considered to be de minimis on the basis that the site will continue to be well screened along the western, eastern and northern boundaries. The proposed number of storage sheds is to remain at 80, therefore there will be no significant increase in traffic generated from the site than is already consented too. In terms of carparking, the existing facility provides 22 carparks, therefore the requirements of the District Plan are met which requires that storage facilities provide 1 space to every 100m² of gross floor area used. Overall, Council is satisfied that any adverse effects resulting from the change of condition (1) of consent are minor. Potential adverse effects are adequately mitigated by the existing consent conditions.
3. With regard to affected parties, twenty-one submissions were received in opposition to the proposed storage shed as a result of the original application being notified on the 10th December 2005. Submissions received in opposition related to inappropriate land use in the Rural H Zone, traffic generation, cumulative effects, visual effects and reverse sensitivity. On the basis that the proposed increase in floor area will continue to be screened from adjoining properties, that there will be no discernable increase in traffic generated to and from the site, and that the proposal will not generate any effects greater than already exists, Council has considered those parties who made a submission on the original application and has deemed that they are not affected by the change of conditions.
4. The proposed change is considered to be consistent with the purpose and principles of Part II of the Resource Management Act 1991.

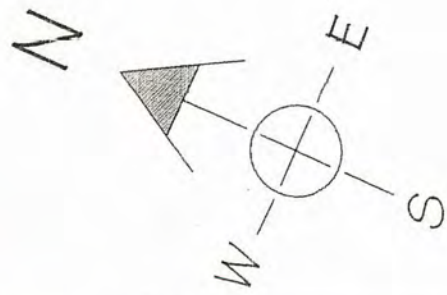


Daniel Hames
CONSENTS PLANNER
26 October 2007

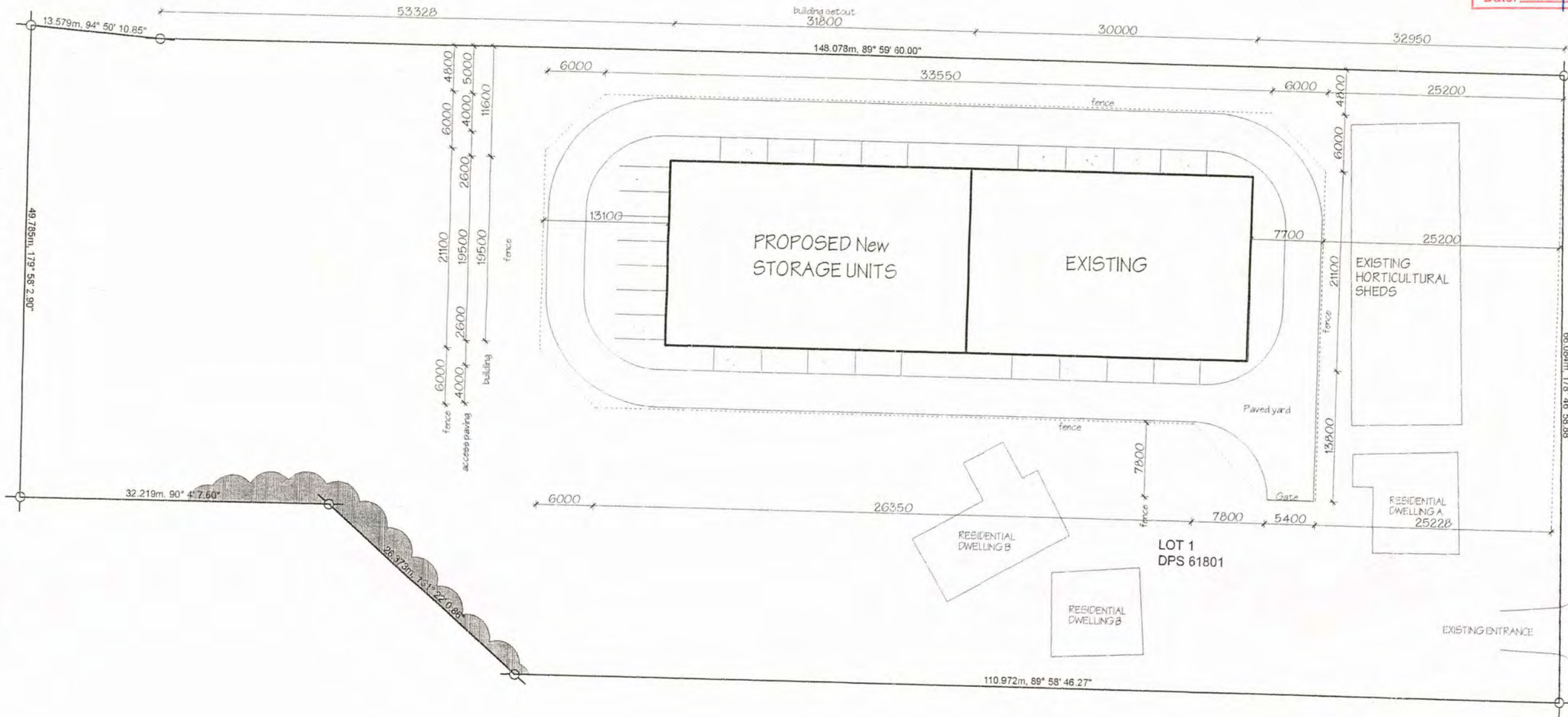


Approved under Delegated Authority
Chris Watt
Consents Manager

Date: 26/10/07



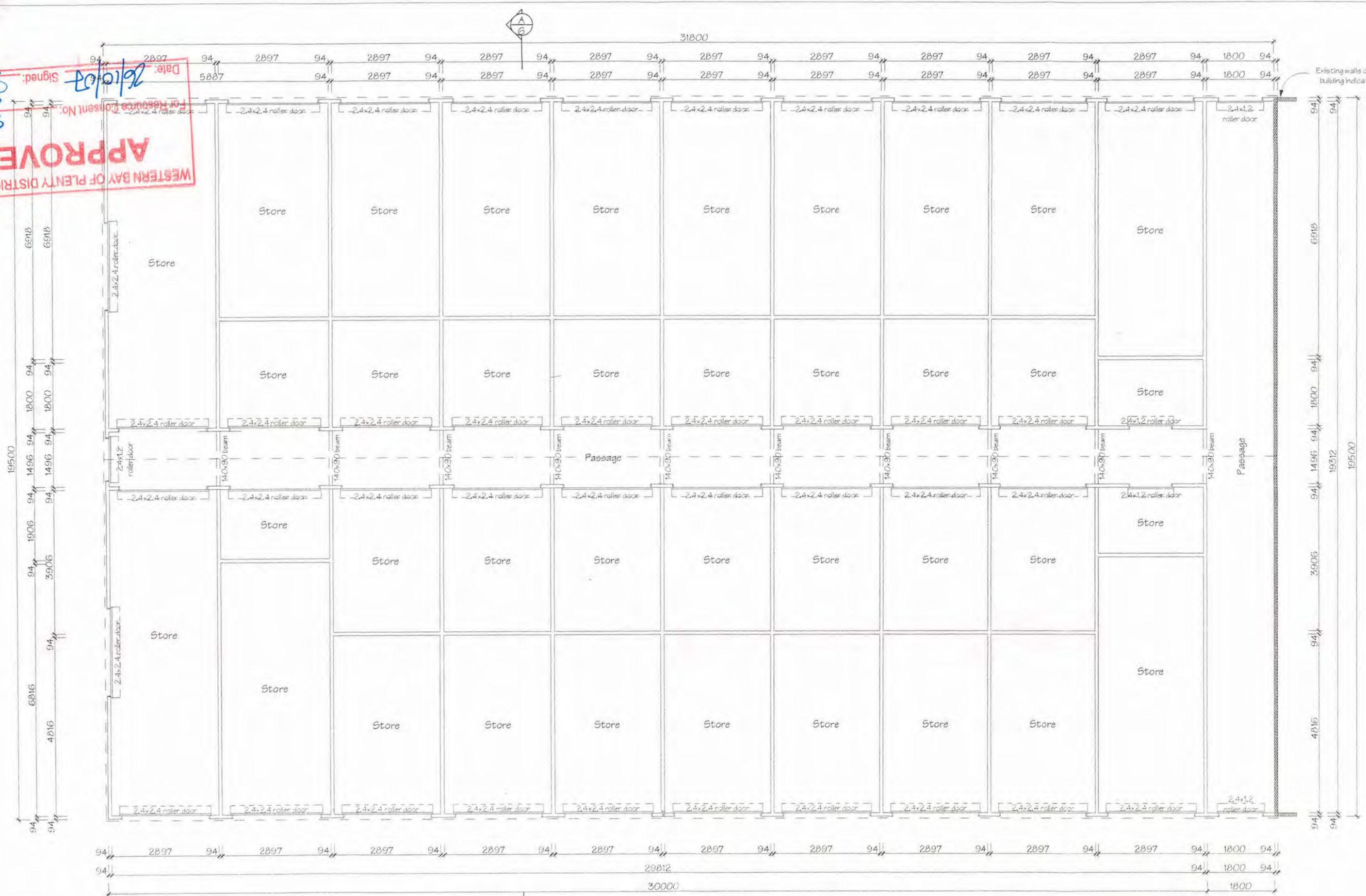
WESTERN BAY OF PLENTY DISTRICT COUNCIL
APPROVED
 For Resource Consent No: 854-01
 Date: 26/10/07 Signed: [Signature]



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Drawn	Letts	WIND ZONE	Medium	Job Name	Proposed Addition To Storage Building @ Lot 1 DPS 61801 474 Omokoroa Rd Omokoroa For Boyd Guild & Taylor
Date	30/08/07	Earthquake Zone	B	Drawing Title	
Scale	1:500	Commodon Zone	1	Site & Services Plan	
Job No	3964				
Revision	3				
					1 in Set of 6

Signed: *[Signature]*
 Date: 26/10/07
 For Resource Consent No. 854-D
APPROVED
 WESTERN BAY OF PLENTY DISTRICT COUNCIL



Key to Elevations



Floor Area	
Total Area	585m ²



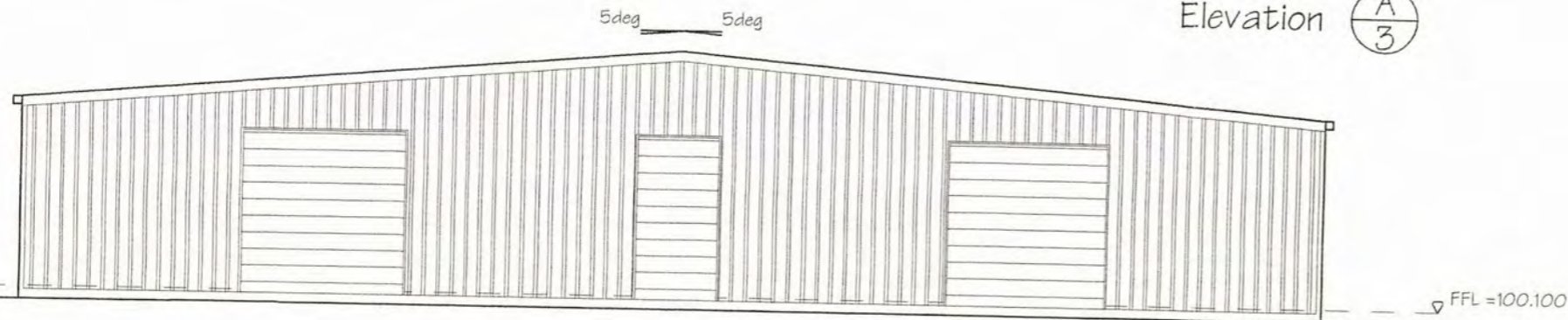
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Drawn	Letto	WIND ZONE	Medium	Job Name	Proposed Addition To Storage Building @ Lot 1 DPS 61801 474 Omokoroa Rd Omokoroa For Boyd Guild & Taylor
Date	31/07/07	Earthquake Zone	B	Drawing Title	Floor Plan
Scale	1:100	Corrosion Zone	1		
Job No	3964				
Revision	2				

3
in Set of
6

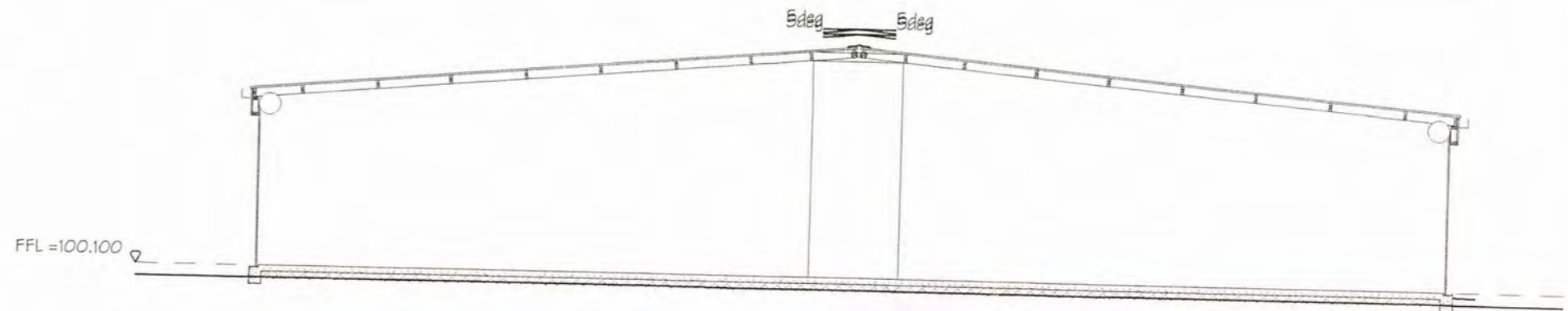


Elevation $\frac{A}{3}$

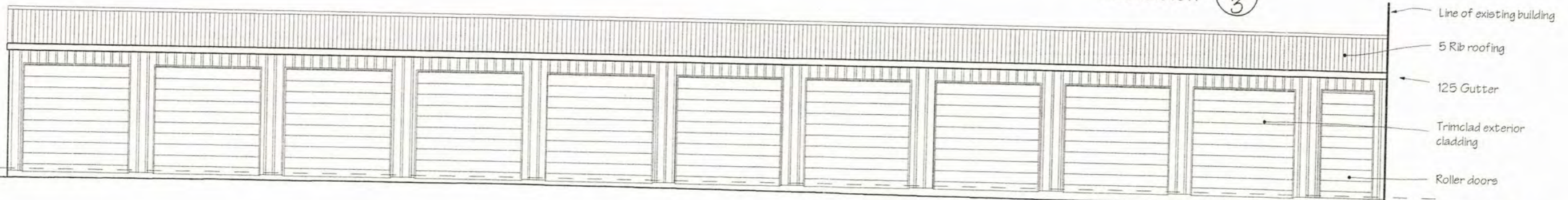


Elevation $\frac{B}{3}$

WESTERN BAY OF PLENTY DISTRICT COUNCIL
APPROVED
 For Resource Consent No: 854-01
 Date: 26/10/07 Signed: [Signature]



Elevation $\frac{D}{3}$



Elevation $\frac{C}{3}$



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Drawn	Letts	WIND ZONE	Medium	Job Name	Proposed Extension to Storage Building @ Lot 1 DPS 61801 474 Omokoroa Rd Omokoroa For Boyd Guild & Taylor
Date	31/07/07	Earthquake Zone	B	Drawing Title	
Scale	1:100	Corrosion Zone	1		
Job No	3964				
Revision	2				
Elevations					5 In Set of

09 June 2006

P/1207/371/2

«Name»

Dear Sir/Madam

Application for Resource Consent - Boyd, Guild and Taylor

I refer to the above application which was considered at the Regulatory Hearings Committee meetings held on 9 May 2006 and 18 May 2006 Council's decision is reproduced as follows:

(a) *THAT pursuant to Section 104, 104D and 108 of the Resource Management Act 1991, the Regulatory Hearings Committee resolves to grant approval to the application for a non-complying activity by Boyd, Guild and Taylor to construct and operate an 80 unit storage shed facility on Lot 1 DPS 61801, located at 474 Omokoroa Road, Omokoroa, subject to the following conditions:*

1. *THAT the storage facility development be sited and constructed in accordance with the application report by Connell Wagner Limited reference T949-01-KM-05, except where modified by any conditions of this consent.*
2. *THAT this term of this consent shall be 20 years expiring 18 May 2026*
3. *THAT the following financial contributions be paid in respect of the development:*

(c) *Roading (Kaimai) \$6311 x 1 = \$6311 + GST*

These contributions shall be paid in full and received by Council prior to the activity that is subject to this consent commencing.

4. *THAT in regards to Condition (a)3, Council may review the level of the financial contributions in accordance with Section 128 of the Resource Management Act 1991 for any land use consent where the Building Consent has not been lodged within two (2) years of the original approval date of this subdivision. The review may take place at the time of the Building consent application to Council and may require payment in accordance with the financial contribution schedules which are operative and approved under the annual plan process at that time. The purpose of the review is to ensure the level of financial contributions to be paid by the consent holder reflects the true cost of infrastructure and services at the time the development is undertaken.*
5. *THAT Construction activities shall comply with NZS 6803:1999 "Acoustics – Construction Noise", including methods of measurement and assessment.*
6. *THAT any vehicle entrance to serve the proposed facility development be constructed in accordance with Council's Standard Specification Drawing No AFQ1, commercial entrance standard, prior to operation of the proposed development and that the work required by this condition to be supervised and certified as complete in accordance with this condition by the developer's representative (refer Section 15.3.5.1 of Council's District Plan). All carparking areas are to be formed with a dust free surface in accordance with the Code of Practice for subdivision and development. A loading bay shall be provided for an articulated truck.*

7. THAT the stormwater from the proposed storage facility development be contained on site and discharged via an approved outlet
8. THAT the works required by conditions 6 and 7 be supervised and certified as complete in accordance with the conditions by the developer's representative (refer Section 15.3.2 of Council's District Plan) prior to the operation of the proposed storage facility development.
9. THAT the consent holder shall plant landscaping and shelter around the boundaries of the site to provide an effective visual screen (at least 3m in height) within the site to screen the storage facility. Any trees that die or fail to meet their purpose shall be replaced immediately.
10. THAT The consent holder shall prior to the commencement of the activity, provide to Council a landscape plan depicting species, size at the time of planting to the satisfaction of the Principal Administration Officer to provide effective screening of the facility on all boundaries.
11. THAT the spill light onto any site other than the application site shall not exceed 5 Lux (lumens per square metre) measured horizontally or vertically when measured at or within the boundary of the site.
12. THAT the activity shall be constructed as to ensure that noise from the activity shall not exceed the following noise limits within the stated timeframes at any point within the notional boundary of any dwelling:

Monday to Saturday	7.00am - 10.00pm	50dBA L10
Sunday	7.00am - 6.00pm	50dBA L10
All other times and on public holidays		40BA

Note: For the purposes of this condition, sound levels shall be measured in accordance with the requirements of New Zealand Standard NZS6801:1999 Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound.

13. THAT the hours of operation are restricted to that forming the application being:
- Monday to Sunday 8.00am to 6.00pm
14. THAT there shall be no parking or stacking of vehicles using the facility to be permitted in the area of the driveway or the roadway
15. THAT in accordance with Section 128 of the Resource Management Act 1991, Council may undertake a review of the conditions of this consent within 6 months of commencement of the facility and thereafter on a recurring 12 monthly basis for any of the following purposes:
- (i) To deal with any adverse effect arising from the effects of spill light, noise and glare/ reflection, traffic movements and vehicle access, the hours of operation, and any adverse effects to amenity that may arise from the exercise of this consent and which it is appropriate to deal with at a later stage, or,
 - (ii) To require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment of those nuisances listed in condition 15 (i) above.

- 16 *Notwithstanding the provisions of Section 14.3.1.1 of the Plan, signage shall be restricted to no more than a total of one 3m2 sign calculated in accordance with Rule 14.3.4.1*
- 17 *THAT no hazardous substances associated with the storage sheds forming part of the lock-up facility shall be stored on the property*
- 18 *THAT no electrical connections, being power points be provided in the storage facilities apart from internal lighting to each storage unit.*
- 19 *THAT no boat washing facilities or boat engine running be permitted to be provided associated with the storage facility*
- 20 *THAT the colour of the building be restricted to a recessive green colour to the satisfaction of the Principal Administration Officer or his representative.*
- 21 *THAT no caravans, boats, motor homes or motor vehicles shall be stored in outside areas.*
- 22 *THAT a signboard be established at the entrance to the site to notify users of the storage facility in the even of any horticultural spraying as advised by neighbours*
- 23 *THAT no further commercial or industrial uses of the storage facilities be permitted (apart from storage)*

REASONS FOR DECISION:

The application presented to the Committee is for land use consent for 80 storage units in a single level structure at 474 Omokoroa Road, Omokoroa. The application was publicly notified as Council was unable to resolve that the effects would be minor. Twenty three submissions were received within the 20 day submission period.

The Committee commenced the hearing Tuesday 9 May 2006 and upon hearing the submissions from all parties, adjourned until Thursday 18 May 2006 to determine the application.

Evidence on behalf of the applicant was introduced by legal Counsel, Ms Kate Barry Piceno, and presented by:

- *Richard Coles, Planning Consultant*
- *Richard Hart, Landscape Consultant.*
- *Mr and Mrs Spence,*
- *Mr and Mrs Guild,*
- *Mr and Mrs Boyd,*

For submitters in opposition to the application the following introduced themselves:

- *Mr Norm Bruning,*
- *Mr Max Kehoe,*
- *Mr Matt Francis,*
- *Mr Blair Francis,*
- *Mr and Mrs Birch,*
- *Mr Peerless*

1. The Relevant Statutory Provisions

The proposed 80 unit storage facility is a single story design with a floor area of 1046m². The proposal falls to be a non-complying activity by virtue of the fact that general storage facilities are not provided for in the Rural H zone (Chapter 2 and Section 8.1.1 (General Provisions)) provisions of the District Plan.

The main issues raised by the submissions was the timing of the proposed Omokoroa Stage II Structure Plan, and the potential ad hoc development created by locating a commercial activity within a future urban area, which has been earmarked for future residential purposes. Other major points raised by submitters were in relation to potential adverse traffic effects in regard to the creation of an additional access onto Omokoroa Road and the potential adverse effects on the 'entrance' or "gateway" to Omokoroa.

2. *Any Relevant Provisions of the Following That Were Considered By the Consent Authority*

Council staff and the Regulatory Hearings Committee had regard to the following provisions.

A National Policy Statement

No national policy statements were relevant to this application.

A New Zealand Coastal Policy Statement

No New Zealand Coastal Policy statements were relevant to this application.

A Regional Policy Statement / A Proposed Regional Policy Statement

As identified in the Planner's hearing report, Environment Bay of Plenty has recently notified Plan Change 2 to the Bay of Plenty Regional Policy Statement (Growth Management). The Regional Policy Statement (RPS) provides the overarching resource management tool to guide the sustainable management of growth within the region. Some 124 submissions were received, further submissions have closed and the submissions are due to be heard.

The Plan change seeks to implement aspects of SmartGrowth, predominantly into Chapter 17 and 17A of the RPS. These proposed provisions establish "Urban Limits". The subject site is identified for inclusion within the urban limits as "Future Urban" to 2021.

A Plan

The following sections of the 2002 Western Bay of Plenty Operative District Plan were considered:

Chapter 2	Rural	Objectives 1, 2 and 6
Chapter 2	Rural	Policies 6, 7a, 7b, 8a and 8b
Chapter 2	Rural	Performance Standards
Chapter 7	Industrial	Objective 1
Chapter 7	Industrial	Policies 1, 2, 3 and 4
Chapter 8	General Rules	Rule 8.11
Chapter 13	Amenity	Objective 13.1.2.1; 13.2.2.1; 13.4.2.1
Chapter 13	Amenity	Policies 13.1.2.2 (a) and (b); 13.2.2.2 (a) and (c); 13.4.2.2
Chapter 18	Access/..	Objective 18.2.1 (a), (b) and (c)
Chapter 18	Access/..	Policies 18.2.2 (a), (b) and (c)

A Proposed Plan

Not applicable

3. *The principal issues that were in contention:*

The principal issues arising from the proposed activity raised by submitters that were in contention were:

- *The activity as a non-complying activity in the Rural H zone of the Plan*
- *Adverse effects on the road network from traffic generated by proposal. Possible future road widening could be compromised by proposal.*
- *Setting an adverse precedent for ribbon development occurring along Omokoroa Road.*
- *Premature development due to proposed Omokoroa Stage 2 Structure Plan.*
- *Adverse visual effects on 'entranceway' to Omokoroa. Road widening potentially could remove screening of development from road.*
- *Other more appropriate zones in District. Cumulative effects of commercial/industrial uses in vicinity, no permitted baseline should apply here.*
- *Stormwater runoff.*
- *Loss of horticultural land.*
- *Reverse sensitivity on users from Kiwifruit spraying.*
- *Similar venture in Te Puna regarded as an eyesore to the entrance to Te Puna.*

4. Summary of the Evidence Heard

- *Mr Skellern, consultant planner for Council, summarised the application, his hearings report and his recommendation. Mr Skellern advised that having considered all relevant aspects of the application, the relevant provisions of the District Plan, and the content of the submissions received, it was his recommendation that the consent be declined. This was due to the potential for adverse effects on the environment arising from visual amenity and traffic effects, but primarily due to the way the development would conflict with the Proposed Omokoroa Peninsula Stage II Structure Plan. Further, he stated the District Plan did not provide for general storage facilities in the Rural H zone, and in his opinion the application was not supported by the Plan's objectives and policies. He also advised the Committee chairperson that in relation to the recommendation to decline consent legal advice had been received pertaining to legal weighting afforded by the Structure Plan study, the Regional Policy Statement and SmartGrowth... The Chairperson requested a copy of the opinion to be made available for the Committee to view.*
- *Ms Barry-Piceno opened the presentation tabling and reading her legal submission; her submission identified a number of non-rural activities in the vicinity and suggested that this application was not out of keeping with the adjacent environment. It was noted that the 2 existing dwellings and 4 greenhouses currently on the site were to be retained and only a shadehouse was proposed to be removed. It was also identified that there was significant shelterbelts on the boundaries of the site, including the road. The proposed facility would be screened from Omokoroa road by the existing shadehouses and shelterbelt.*

Ms Barry-Piceno presented to the committee a modified plan of the proposed site layout and vehicle access that superceded the one in the application and hearings agenda, being Plan Reference T949-01, DwgS01, Rev03 dated 08.05.06 by Connell Wagner.

Ms Barry-Piceno then addressed the relevant statutory considerations under Section 104D of the Resource Management Act 1991, specifically that the proposal clearly met the "gateway" tests. It was expressed that the Committee must have regard to Section 104(1) "any other matter the consent authority considers relevant and reasonably necessary to determine the application" and Section 104(1)(b)(iv) a plan or proposed plan.

It was raised that the proposal's particular circumstances, the application, and additional evidence to be presented at the hearing was such the site was outside of the generality of cases such that granting the consent would not give rise to cumulative effects, precedent or issues of consistent application of the rules in the Plan.

Ms Barry-Piceno then addressed SmartGrowth and other non-statutory strategy and policy documents discussed in the report. It was argued that little weight could be afforded to SmartGrowth provisions and Council had difficulty in giving it any weight until such time as it was incorporated into statutory plans. In addition, the Omokoroa Stage 2 Structure Plan had

not progressed into any form to date and was merely in a study phase. At this point the only relevant document was the district plan

- Mr Guild then tabled and read a submission outlining their search for, and reasons for securing the subject site. He then addressed matters raised by submitters being vehicle movements, visual amenity, security and the planning process. He stated that there would be no more than 8 vehicle movements a day based on an industry average (his research) of 1 movement per 10 storage lock-ups per day.

In response to a survey undertaken by Mr Guild and in discussions with the Te Puna storage facility operator he determined that there was a shortage of, and need, for this facility in the Omokoroa area. Evidence of need for another storage facility was that current facilities in Katikati, Te Puna and Tauranga were full and with waiting lists.

There were no industrial zones in Omokoroa currently in which to locate storage facilities. They had looked for other sites, but this site was deemed ideal as it was flat but could be concealed in terms of landscape. The land bought was the only piece available to them when they bought and they were advised it was the most suitable for the proposal.

- Mr Hart (Landscape Architect) then tabled and read further evidence regarding landscaping. He addressed the existing landscape context of Omokoroa, identified the viewing audience being Omokoroa Road users and neighbours and addressed the specific landscape and visual effects. While he considered landscape character as the main effect, he considered that the effects were internalized to the site by the existing shelterbelts, buildings and other plantings. The sheds are less than 4m in height; coloured green and will not be visually dominant in the landscape. He offered additional mitigations such as additional shelterbelt planting or construction of a fence.

In addition, Mr Hart stated from State Highway 2 there should be a genuine buffer and the most desirable place for commercial activity would be between State Highway 2 and Prole Road.

- Mr Bruce Harrison tabled and presented traffic evidence pertaining to traffic volumes, access onto Omokoroa Road and on-site parking and manoeuvring matters. It was concluded that there were no more than "negligible" effects on Omokoroa Road from the proposal. There would only be a 0.5% increase in traffic on Omokoroa Road attributed to this facility. It was accepted by the applicant that they would upgrade the crossing and were accepting of conditions Council could impose in that regard. Sightline distances from the access point met the requirements of the District Plan. The proposed activity required 10 carparking spaces and one loading space. They are providing 32 carpark spaces and 1x loading space. It was stated that a typical house would generate 9-10 movements and this operation would typically generate 20 movements per day. Mr Harrison noted he was not aware of an industry average figure, and Mr Guild advised he got his information from a similar operation in Te Puna and the business computer records of that business.

The gate to the facility would be well within the site, as there would still need to be access to the houses and vegetable stall on the site. A submitter asked through the Chair if the carparks could be used for boats and caravans, and in response Mr Guild replied that it was envisaged that these would only be used as car parks.

- Mr Aaron Collier, consultant planner, tabled and read further evidence of the proposal in context with the provisions of the District Plan, the Resource Management Act 1991, the submissions and the staff report. It was submitted that the greenhouses would continue to be utilized and the balance of the site was grassed reflecting the site's reduced potential as a productive unit. Mr Collier addressed adjacent land use activities and the degree of land fragmentation that exists in the area.

He concludes that development in the manner proposed is suitable for this location, the site's productive potential is already compromised and the proposal is not contrary to the objectives and policies of the Plan. In addition, contrary to the planner's recommendation and subsequent to the additional evidence presented to the Committee, there are no effects arising from the activity.

Hearing of Submitters

- *Mr Birch read his tabled submission and noted that as far as Smartgrowth was concerned locally this was accepted as a blueprint for the future and beyond what had been the planning processes of the past and should be taken into account in this case. They did not want to see development contrary to the long term plan. They did not contest that in the long term there may be a need for such a facility but there was a question about the location.*
- *Mr Blair Francis tabled and read a further submission and noted he was speaking on behalf of Mr Peerless as well. His concerns related to the 'gateway' to Omokoroa, the activity should be located within an industrial zoned area, reverse sensitivity spraying issues and the long term sustainability of the facility.*
- *Mr Kehoe stated his submission was on the basis that he was the neighbouring property on two boundaries. He submitted that the proposal was not appropriate for a Rural H zone. He advised that he had originally considered a similar proposal and had consulted with neighbours, and there had been so much opposition that he and his wife had decided to leave the idea until some zone suitable land was available. In further submissions he noted the following; an income could be generated from the land by growing flowers as an example, as the land was very productive. He was concerned that if a storage unit was built there would be flooding on his land if soak holes were not a sufficient solution. In relation to boundaries the southwestern shelter belt was in his property and if he decided to remove the shelter belt or was advised to do so to improve the productivity of his land he would. In summary the traffic, noise and visual effects were not appropriate in a rural zone.*
- *Mr Bruning tabled and read a further submission. He stated that he understood the difference between statutory and non-statutory processes but that Smartgrowth was a contract between TCC, Western Bay of Plenty District Council. Environment Bay of Plenty and tangata whenua and a number of statutory documents would arise from it including the Regional Policy Statement from Environment Bay of Plenty currently being considered under RMA processes.*

The current site was zoned Rural H and other activities using it as such should not be compromised (such as spraying activities) by developments such as this. He said there was industrial and commercial land at Te Puna that could cater for this kind of facility at the moment. To put a facility like this in a rural area was a conflict. His concern was that if the application was granted it would compromise planning being done in the area. Currently there were about 15 entranceways on the road. In stage one there would be no subdivision off Omokoroa Road, and should this property subdivide it would have to have an alternative entrance. The effects could be mitigated but the effect of this activity going out onto an arterial route was more than minor.

Staff Comment

- *Mr Croad was invited to speak and read his submission included in the agenda as an attachment to the planner's report. Mr Croad tabled an indicative programme for the Bay of Plenty Regional Council Plan Change No. 2 – Regional Policy Statement (Growth Management). In response to questions Mr Croad advised as follows:*
 - *As to how important this particular application was in terms of the overall situation it would depend how much weight the Committee could give to matters other than the rules in the District Plan.*
 - *Issues of design principles, good urban design, and preservation of the gateway/tree lined*

boulevard to the future growth node of Omokoroa needed to be considered.

- The current programme for Omokoroa Structure Plan 2 would see industrial land being available by 2008 after a fully consulted structure plan had gone through all the required statutory processes, and this would not be in conflict with the Regional Policy Statement.
- The dates arising from the regional policy statement were indicative only.
- In his professional opinion the Committee should not grant this application until all the other planning processes were completed provided it was able to give weight to the SmartGrowth, regional policy statements and developing Structure planning underway.

The Chairperson requested that the Consents Manager distribute at this time the legal opinion regarding weight which could be given to Smartgrowth strategies, the Regional Policy Statement and the developing Omokoroa Stage 2 Structure Plan.

The Chairperson then requested Mr Skellern to summarise his views having heard all the submissions. Mr Skellern read his summary of the hearing and his recommendations, and he reiterated that he did not support the application. However, he accepted that it passed one leg of the gateway tests but the objectives and policies of a Rural H zone applied and the Committee could determine weight in terms of Section 104(c) but it was up to the Committee to decide how much weight was given. In terms of legal weight the RPS (Plan Change 2) would take precedence over the proposed Omokoroa Structure Plan Stage 2 and he was not taking the Structure Plan into account in his recommendation.

Right of Reply

Ms Kate Barry-Piceno was invited to exercise her right of reply and tabled updated proposed conditions of consents and made the following additional statements:

- Legal issues and opinions – regarding the RPS this application was considered not to be inconsistent with the RPS and the applicant supported the RPS being given some weight.
- In relation to the proposed Structure Plan (Stage 2) – it was not at this point a notified Plan Change, and the Committee must be cautious before it gave any weight to documents which had not gone through any statutory processes as at this stage they were irrelevant.
- Even documents under discussion for Omokoroa reflective of Smartgrowth showed business and industrial growth in the front entry of the peninsula closest to the state highway.
- The traffic volumes had been assessed by Mr Harris as having no more than minor effects.
- Noting Mr Cooney's legal opinion and the key elements she was in agreement with and caution should be exercised in terms of non-statutory documents. The one document that the Committee and the public could rely on in this case was the District Plan.
- Under non-complying activities the District Plan allowed consideration of non-complying activities.
- The site was well screened from the road, had safe access, and screening on site took it away from being a non-complying activity.
- Evidence for the application was that it was adjacent and across the road from commercial activities, close to the state highway, and commercial activity was anticipated for this area of Omokoroa.
- Referencing the proposal for future decommissioning and the issue of relevance of storage sheds if the area should become residential, market forces would force the change to a residential zone. Storage was an ideal transitional stage, and the Committee could create limited land use consent however no less than 25 years would be realistic.

5. Main Findings of Fact

Section 104D of the Resource Management Act 1991 has particular restrictions for non-complying activities. A consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or the application is for an activity that will not be contrary to the objectives and policies of any relevant plans.

For the reasons described below, the Committee has considered that the adverse effects on the environment with regards to traffic, access, visual amenity, landscaping, lighting, noise, stormwater runoff and signage will be minor. The Committee has also assessed the application against the relevant objectives and policies of the District Plan and has concluded that the application is not contrary to them. The Committee is satisfied that that the application passes the Section 104D test under both limbs.

The Committee must make a substantive decision on the application in accordance with Section 104 of the Resource Management Act 1991. Section 104 is subject to Part II. The following assessment is relevant to both Section 104D and Section 104 matters.

In considering Part II of the Resource Management Act 1991, the committee considered that Section 7(a) and (c) were relevant to the proposal. The committee considered that the proposal was not contrary to Section 7 as the proposal was an efficient use and development of the natural and physical resource and ensured the maintenance and enhancement of amenity values. The design and location of the building were generally low in scale, was to be painted a recessive colour and well screened from Omokoroa Road and neighbouring sites.

The Committee considered the Regional Policy Statement, Smart Growth and the Omokoroa Stage 2 Structure Plan study. Following release of Council's legal opinion to the Committee, it was agreed that there could be some weight given to the RPS and SmartGrowth strategies however, the Committee concurred that there could be little weight given to the Stage 2 study, which at this stage was merely that and had not progressed to stage where notification had been made and submissions sought.

The committee noted that by limiting the life of the consent could allow the facility operation to be revisited in the future. Whilst the imposition of review conditions could be imposed to deal with any effects that may arise from the operation of the facility, it was determined by the Committee that a ceiling be placed on the activity such that at the predetermined time, the applicant would need to reapply and the assessment at that time could have regard to the operative and/or proposed Plan requirements in place at that time and that of other strategic and policy documentation.

Further, the Objectives and Policies of the Rural Zone were considered. Due to the scale and type of commercial nature of the activity within the Rural H zone, the Committee considered that the Objectives and Polices were not compromised in this instance. It was determined by the Committee that the proposed use is an efficient use whereby the Plan provides for a wide range of activities provided that such activities do not constrain rural activities nor lead to the potential for conflict with rural activities.

The Committee identified the cumulative effect and potential effect of such development in an area where a study was underway to establish appropriate future development in a growth area. The Committee considered the legal advice and the weighting afforded to the strategic planning documents.

The Committee considers that the loss of Rural H land in this instance would not have an adverse effect on the social and economic needs of the rural community. The Committee accepted that the site was not significant in size, however, the loss of land arising from further subdivision would have a greater impact than the proposal before them. Residual land was available for a secondary horticultural operation to occur should the owners desire. It noted further that there were other non-rural activities in the area.

In considering the parking on the site, the Committee concluded that as the proposed development provided 22 carparking spaces more than was required and adequately met the District Plan.

The Committee accepted the amended proposal as presented to them at the hearing that the number of proposed vehicle crossings from Omokoroa Road be reduced from two to one. The Committee were satisfied that the access, once upgraded (an offer from the applicant) and with the clear sightlines available in both directions, an 80km/hr speedlimit, and on-site manoeuvring

remote from the main crossing, would ensure there were no adverse effects arising from the access to and from the facility. It was accepted by the Committee that the number of traffic movements likely to occur from the site, whilst not clearly defined in evidence, would, nonetheless, be insignificant on the road network.

Council notes that the financial contribution will mitigate any effects of the proposed activity on Council's, including roading. Contributions will be charged at the time the activity commences or at the time a building consent is issued for the activity in accordance with Rule 6.3.2(e).

The Committee considered the design of the proposal and the concerns of the submitters in that respect. It was considered that the building was of considerably less bulk than could be built within the bulk and location requirements for the zone, and that the applicant had endeavoured to design a building that presented a low level single storey mass, not readily apparent from the main road or neighbouring sites and appropriately screened and painted, would not adversely impact on the visual amenity of neighbouring sites.

Overall, the Committee is satisfied that the development will only have a minor effect on the environment and has determined that the application is not contrary with the Objectives and Policies of the District Plan, therefore both limbs of the "gateway test" of s.104D of the Act have been met. The proposed 80 unit storage facility can therefore be granted subject to conditions in accordance with Section 104 of the Resource Management Act 1991.

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 New Zealand 2000 (DWSNZ 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. Please find attached an information sheet regarding Regional Plans. Any enquiries relating to these matters may be referred directly to Environment Bay of Plenty.
5. The consent holder shall notify Council, in writing, of their intention to begin works prior to commencement. Such notification shall be sent to the Council (Compliance Monitoring Team: fax: 07 577 9820) and include the following details:
 - name and telephone number of the project manager and site owner
 - site address to which the consent relates
 - activity to which the consent relates
 - expected duration of works.

By notifying Council of the intended start date this will enable cost effective monitoring to take place. The consent holder is advised that additional visits and administration required by

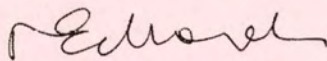
Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis.

Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Compliance Team Staff and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.

- 6 *The consent holder should note that all sites associated with human activity prior to 1900 are protected under the Historic Places Act 1993 regardless of whether or not the sites are recorded or registered or resource or building consent has been granted. If the consent holder wishes to destroy or modify any archaeological site, an authority must be obtained from the Historic Places Trust in accordance with the Historic Places Act 1993 prior to any work being carried out.*

If you wish to appeal against Council's decision or any part of it, you have 15 working days from the date on which this decision is deemed to have reached you to lodge an appeal with the Environment Court, PO Box 7147, Wellesley Street, Auckland. Advice from a solicitor is recommended for any person considering lodging an appeal.

Yours faithfully



Rachel Edwards

Secretary Regulatory

Email: rachel.edwards@wbopdc.govt.nz

Name
G & D Hansard 425 Omokoroa Road R D 2 Tauranga
N Bruning 1245 S H 2 R D 2 Omokoroa
J & M Brietler 427 Omokoroa Beach Road R D 2 Tauranga
W Galloway 94A Omokoroa Road Omokoroa Tauranga
J Connell 404 Omokoroa Road R D 2 Tauranga
B & P Francis 29 Linksvie Drive R D 2 Omokoroa
G & J Birch 467 Omokoroa Road R D 2 Tauranga
W Pearlless 467 Omokoroa Road R D 2 Tauranga
M A Bradley & B F Haseltine 225 Omokoroa Road R D 2 Tauranga
P Donald 27 Kayelene Place R D 2 Omokoroa
F Guinness 492 Omokoroa Road R D 2 Omokoroa
M & S Smith 467 Omokoroa Road R D 2 Tauranga

Name
M & H Kehoe 476 Omokoroa Road R D 2 Tauranga
A & M Ellingham 47 Kayelene Place R D 2 Tauranga
D & S Carswell Family Trust 241 Omokoroa Road R D 2 Tauranga
J Ramsay & J Hunt 429A Omokoroa Road R D 2 Tauranga
W Murphy 36 Links View Drive Omokoroa
R & G Francis 30 Harbour View Road Omokoroa
New Zealand Historic Places Trust P O Box 13339 Tauranga
R & J Kivell 32 Margaret Place Omokoroa
P Corston & M Hartigan 468 Omokoroa Road Omokoroa
J & M Brietler 427 Omokoroa Beach Road R D 2 Tauranga
Connell Wagner Ltd P O Box 2292 Tauranga



Western Bay of Plenty
District Council

RC10405

30 March 2017

Western Bay of Plenty District Council

Policy, Planning & Regulatory Services

Application for Resource Consent – Non-Notified – M & R Jacobs

Delegated Authority

Recommendation:

- (a) THAT pursuant to sections 95A(2)(a) and 95D of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the adverse effects of the proposal will be no more than minor and the application need not be publicly notified; and
- (b) THAT the Western Bay of Plenty District Council is satisfied after taking into due consideration the requirements of sections 95E and 95F of the Resource Management Act 1991 that there are no persons or order holders affected by the activity, and the land is not affected by Statutory Acknowledgment, and therefore limited notification in accordance with section 95B of the Resource Management Act 1991 is not required; and
- (c) THAT the Western Bay of Plenty District Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with section 95A (4) of the Resource Management Act 1991; and
- (d) THAT pursuant to sections 104, 104B, and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grant consent to the application by M & R Jacobs for a land use consent being a discretionary activity to establish and operate a childcare facility to cater for a maximum of 45 children and 8 FTE staff, at 7 Prole Road, Omokoroa, legally described as Pt Lot 1 DPS 11439, subject to the following conditions:

General

1. THAT the activity be carried out in accordance with the application and additional information submitted, except where modified by any conditions of this consent, and the following documents:
 - The revised plan entitled "Site Plan" as prepared by Davisata, job number 16/RMJ, dated 10/03/2017.
2. THAT the Council may under section 128 of the Resource Management Act 1991 at 6 months of the childcare centre becoming operational and any time thereafter should traffic effects become evident to serve notice of its intention to review the conditions of consent for the purpose of:
 - Reviewing any potential traffic safety effects on the neighbour's access and within the traffic network; and
 - Amending or adding conditions to address any further effects on the traffic network.

3. THAT the childcare centre is restricted to a maximum of 45 student's onsite at any one time.
4. THAT the operating hours of the activity be limited to the following:
 - 7.30am to 6.00pm, Monday to Friday (excluding public holidays)
5. THAT the noise from the activity shall not exceed the following noise limits at any point within the notional boundary of any dwelling surrounding the proposed site that has not provided their written approval:

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

Signage

6. THAT only one "low intensity sign" as defined by the Operative District Plan with a maximum cumulative area of 3m² used for the purposes of advertising the childcare centre shall be erected on the site, and the content shall be limited to the consented activity.

Roading

7. THAT the existing vehicle entrance be upgraded with appropriate maintenance works to be completed including pothole repairs, resealing and reshaping of table drains so as to be in accordance with Council's Standard Specification Drawing No's W436 and W437 Diagram C except the width at the boundary shall be a minimum of 5.4m
8. THAT all works within the road reserve including vegetation removal shall be undertaken to provide complying sight distances from the existing vehicle entrance in accordance with Council's Standard Specification Drawing No W415. That the vegetation growing on the embankment to the north of the existing vehicle entrance shall be permanently removed, and replaced with grass to provide erosion protection.
9. THAT a minimum of 15 permanent car parks, access roads and manoeuvring areas be constructed to the pre-approved design with 130mm minimum compacted GAP 40 basecourse, two coat chip seal, pavement marking and that provision be made for the disposal of stormwater via an approved outlet. That each park be specifically marked in accordance with Council's Development Code.
10. THAT with the appropriate engineering inspection fee, the consent holder's representative submit to the Chief Executive Officer or duly authorised officer for prior approval, construction drawings, specifications and calculations covering the proposed car parking, manoeuvring areas and stormwater disposal.

11. THAT prior to the activity becoming operational, the work required by conditions 8-10 shall be supervised and certified as complete in accordance in accordance with Council's Standard Specification and to the satisfaction of the Chief Executive Officer or duly authorised officer by the applicants representative being a suitably qualified land surveyor or chartered professional engineer (refer Section 12.4.21.1 of Council's District Plan).
12. THAT the car parking area is used solely for the purpose of parking vehicles, and that parking spaces are not occupied by any other materials, rubbish or rubbish/recycling bins.
13. THAT the car parking area is not used as play space, and that the car parking spaces must be available for use as a car park during the hours of operation.
14. THAT 'no parking' road markings be painted on the road outside the property extending from the intersection of Omokoroa Road to the northern property boundary.
15. THAT if parking is not contained onsite, and berm parking occurs, the applicant would be responsible for repairing any damage done to the berm and to fund the installation of bollards if necessary.
16. THAT the stacked staff car parking spaces be clearly defined either by a sign, or permanent markings painted on the ground.

Services

17. THAT in conjunction with an application for a Building Consent, the applicant shall have an OSET report prepared, and that any upgrades required to wastewater system be constructed in accordance with the findings of the OSET report.
18. THAT the consent holder shall pay to Council a water supply DIF – Central 1.3 x HHE ($1.3 \times \$3,873 = \5031.43).
19. THAT with regard to condition (18), the financial contribution calculated in accordance with the provisions of the Operative District Plan, shall be paid in full within two years of the date of commencement of the consent, provided that:
 - Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council's Annual Plan current at the date of payment.
 - Any financial contribution not paid within two years from the date of commencement of the resource consent shall be paid prior to the issue of a Certificate under Section 224(c) of the Resource Management Act 1991, subject to the adjustments referred to in sub-paragraph (a) herein.

REASONS FOR DECISION:

1. The operative date of the Operative District Plan 2012 was 18 June 2012 and all appeals have been resolved. The Council has however notified several plan changes. Many of these plan changes have already been made operative. For those current plan changes which have not been made operative, any provisions which have not

been appealed, or where any appeals have been resolved, or where no submission has been received in opposition, have been treated as if they were operative in accordance with Section 86F of the Resource Management Act 1991. Those current plans changes where a submission in opposition or appeal has been lodged, but not determined or resolved, have been considered but are found to have no relevance to this application.

2. Growth in the District needs to be supported by infrastructure provided at appropriate levels of service. Financial contributions from development are imposed to mitigate potential adverse effects on the environment. Financial contributions are payable in relation to (INSERT THE ACTIVITY) and have been applied in accordance with Section 11 – Financial Contributions of the District Plan.

Proposal

3. This consent decision relates to the proposal made by M & R Jacobs to establish and operate a childcare centre which is defined as an "education facility" under the Operative District Plan.
4. The site is located in the Future Urban Zone, and comprises of 1,450m². The site is generally flat at the southern end, with a gradual slope at the northern end of the site. The proposal includes the conversion of the existing dwelling and garage into the childcare centre. The proposal will cater for a maximum of 45 children, with 8 full time staff members.
5. The site is subject to a subdivision consent (SB11808), which has been approved by the Western Bay of Plenty District Council and is in the process of being finalised for title. The subdivision consent was approved on 5/10/2015.
6. Access to the site will be gained from the properties direct frontage on Prole Road. Prole Road is currently awaiting upgrades which are likely to begin in the summer earthworks season starting October of 2017 and are expected to take 12 months to complete. The road will be lowered by 1 metre for a length of 100 metres beginning at the intersection with Omokoroa Road, which will result in the entrance into the site being lowered by 600-700mm. The applicant provided a traffic assessment that indicates the childcare facility is expected to generate 185 vehicle movements per day.
7. The activity will utilise the water connection from the existing dwelling. A financial contribution condition has been imposed for the increase in expected water usage by the proposed activity.
8. Stormwater is proposed to be disposed of onsite through the existing stormwater disposal system.
9. No design for a wastewater system was provided in the resource consent application, however following further information received from the applicant, and discussions with Council's Development Engineer it was considered appropriate that a condition of consent be included which requires the applicant to provide an OSET report at time of the Building Consent Application, and that the future system will be designed in accordance with OSET requirement. It is noted that the OSET report is the minimum information requirement from Bay of Plenty Regional Council to be provided alongside resource consent applications.
10. The applicant proposes to erect a sign to advertise the childcare centre on the south east corner of the site. The proposed sign will have an area of 3m², and will have a maximum height of 3 metres.

Activity Status

Activity

11. In accordance with Rule 15.3.4(d) the District Plan provides for education facilities for more than four persons (excluding staff) in future growth areas as a discretionary activity.

Buildings

12. Rule 15.4.1(c)(i) requires that all buildings are setback a minimum of 5 metres from boundaries. In this instance the existing dwelling can comply with the setback requirements.

Parking

13. Rule 4B.4.11 the District Plan allows staked parking for residential activities, exclusive of the matters listed in Rule 4B.4.9. In this case, the applicant has proposed that the staff parking areas are provided for by way of staked parks. Therefore the parking arrangements and layout are unable to comply with both Rules 4B.4.9 and 4B.4.11, and is required to be assessed as a restricted discretionary activity.

Access

14. Rule 4B.4.3(b) the District Plan requires entrances are located in a position to provide visibility for motorists entering and exiting a property. In this case, the application is unable to provide the required sight distances to the north of the site. There are significant road improvement works planned for Prole Road directly outside the subject site, and these works include removal of the vegetation and bank trimming within the road reserve which will improve the sight distances in this direction. However, these works are not set to begin until the summer earthworks season of 2017/18. At the completion of this consent decision the proposal will not be able to provide the required sight distances until these works are completed. The traffic assessment provided with the consent application identifies the proposal is unable to provide the required sight distances to the north for vehicles exiting the site. Therefore the application is required to be assessed as a restricted discretionary activity.

Noise and Vibration

15. In accordance with Rule 4C.1.3.2(a) activities in Future Urban Zones are to be conducted as to ensure that noise does not exceed the specified noise limits within the stated timeframes. The noise limits may be exceeded where written approval has been provided by all owners and occupiers of the properties affected by the non-compliance. In this case, written approval of the neighbouring properties at 452 Omokoroa Road, and from 7 and 12 Prole Road has been provided. Therefore, the effects of the noise on the owners/occupiers of these properties has been disregarded.
16. The applicant has supplied an acoustic assessment prepared by Marshal Day Acoustics which concludes that the proposal can comply with the noise limits required in the District Plan for properties in the Future Urban Zone.

Signs

17. Rule 4D.3.1.1 provides for 'low intensity signs' in the Future Urban Zone:
 - (a) *In conjunction with Permitted Activities*

a. *Signs up to a maximum cumulative area of 3m² per lot for the purposes of advertising services offered.*

18. The application proposes to erect a sign with a dimension of 1.5 metres by 1.5 metres, set at a maximum height of 3 metres. The sign will be erected in the south eastern corner of the property next to the entrance of the carpark. Therefore the signage proposed by this application is consistent with the permitted activity performance standards.
19. The application has been assessed against the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS). There are no identified HAIL activities listed on the site, and the portion of the site the application relates to has been used exclusively for residential purposes. Therefore, the site is not considered a piece of land under clause 5(7) under the NESCS. The proposal has been assessed against the NESCS, and there is no evidence of HAIL activities being undertaken on the site. Therefore, the proposal is considered a permitted activity under the NESCS.

Summary

20. Overall, the proposal is required to be assessed as discretionary activity.

Notification

Assessment of Effects on the Environment

Visual Amenity

21. The proposed childcare centre will utilise the existing dwelling onsite, and will be fitted out to meet the needs of the facility. The dwelling complies with the height and yard-setback requirements in the District Plan. There are no proposed changes to the exterior of the existing dwelling.
22. The proposed car parking area will be located in the driveway area of the existing dwelling, and will utilise the existing vehicle access point. The car parking will be provided for in the front yard area, and landscaping has been provided by way of hedge planting along the Prole Road boundary. The landscaping will provide screening from views from Prole Road
23. There is existing well-established planting along the boundary with Prole Road within the road reserve. However, the upgrades and lowering of the carriageway of Prole Road will remove the majority of the vegetation in the road reserve.
24. The application proposes to erect a 1.8 metre boundary fence around the outdoor areas for the children on the property. Landscaping has been proposed along the eastern road boundary to plant a series of trees, bushes, and hedges to providing screening to Prole Road. A combination of the existing and proposed planting will mitigate the visual effects of the proposed childcare facility when viewed from Prole Road.
25. Furthermore, all of the adjoining landowners at 452 Omokoroa Road, and 7 and 12 Prole Road have provided their written approval to the proposal and accordingly the visual effects on these properties can be disregarded. There are no other parties considered to be affected by this proposal that have not provided their written approval.
26. The sign will be located on the south eastern corner of the property, and will have a maximum area of 3m², which is permitted by the District Plan for the Future Urban Zone.

27. In consideration to the above, and subject to the conditions relating to compliance with the landscape plans, any adverse visual and amenity effects will be less than minor.

Noise Effects

28. The proposed childcare centre will be located in the Future Urban Zone, and even though the density of the neighbouring properties is low, there is potential for adverse noise effects on the surrounding neighbours.
29. The noise generated by the facility will occur during daytime hours, Monday – Friday between the hours of 0730 and 1800 which is consistent with normal working hours.
30. The acoustic assessment prepared by Marshall Acoustics advises that the proposed noise produced by the childcare centre and the generation of additional traffic along Prole Road will comply with the District Plans noise limits.
31. The adjoining properties located at 452 Omokoroa Road, and 7 and 12 Prole Road have provided their written approval to the proposal. Therefore, the effects on these properties can be disregarded. There are no other parties considered to be affected by this proposal that have not provided their written approval. There are no other dwellings located close to the childcare centre that could be considered adversely affected by noise.
32. Council is of the opinion that the noise generated by the proposed activity will not adversely affect the character of the Future Urban Environment. When considering the proposed hours of operation, any noise effects created by the activity will not be at an unreasonable level. In summary any noise effects will be less than minor.

Access and Traffic Effects

33. Access to the site will be provided for by way of the existing vehicle crossing off Prole Road.
34. Omokoroa Road is currently subject to a realignment and lowering construction works to improve access onto the Omokoroa Peninsula. As part of the upgrade works Prole Road will be lowered by approximately 1 metre for a length of 100 metres, beginning at the Omokoroa Road intersection. The works along Prole Road will result in the vegetation in the road reserve outside the subject site being removed, and the bank being lowered. The carriageway is also proposed to be widened from 6.5 metres to a width of 7 metres. The works proposed along Prole Road are not set begin until the 2017/18 earthworks season, and are expected to take a year to complete.
35. The proposed activity will increase the number of vehicle movements to and from the site, the applicant has provided a traffic assessment prepared by Harrison Transport. The traffic assessment identifies the activity is likely to generate 185 additional vehicles a day, with traffic generation of 63 veh/h in the mornings and 36 veh/h in the evenings.
36. The applicant has provided a Transportation Assessment Report as part of the application which concludes that:

"While the proposed carriageway width is marginally less than that specified in the Austroads Guide, this is not expected to significantly affect the capacity of the road. It is therefore assessed that the proposed reconstruction of Omokoroa Road will provide an appropriate carriageway width to accommodate the expected traffic volumes".

37. The manoeuvring into and out of the proposed car parking spaces have been designed in accordance with Council's Development Code Drawing W460 (parking dimensions). Council's Development Engineer has no concerns in relation to onsite manoeuvring.
38. The applicant has proposed to provide stacked car parking for the staff car parks (numbered 11-15). Rule 4B.4.11 of the District Plan states that:
- "Council shall accept stacked parking only in the case of dwellings provided that the stacking area is exclusive of all those matters listed in 4B.4.9".*
- Stacked parking in this case is considered appropriate as the stacked spaces will be designated staff car parks. It can be reasonably expected that the staff will arrive onsite before any parents or care givers, and that the stacked spaces will be occupied when parents and care givers begin dropping off their children.
39. Rule 4B.4.7 requires that the applicant provides a total of 10 car parking spaces, one for each staff member (being a total of 8 car parking spaces) and a further 2 car parking spaces for visitors. The applicant proposes to provide a total of 15 car parking spaces, 5 of which are stacked parks reserved for staff and one reserved as a mobility parking space. An assessment provided by Westlink identified that parking duration at a childcare centre is typically 6-8 minutes, and that the parking spaces proposed in this application should be sufficient to accommodate the parking requirements at peak times.
40. The risk to Council is that if the onsite parking provision is insufficient it will result in on street parking along Prole Road, which could lead to increased safety concerns and Council having to undertake remedial works to repair berms and clean mud from the roads. Accordingly, a review condition has been included to ensure that parking spaces are only occupied by vehicles and are available for parking.
41. Council's Development Engineers identified with the applicant prior to lodging the consent that providing "in and out" parking arrangement would be beneficial for vehicles entering and exiting the site. The concern in this case is that having to reverse out of parking spots will discourage people using them at peak times, and that instead they will park on the road reserve and make U-turns along Prole Road. The topography of the site and proposed upgrades to Prole Road will hinder the sites ability to provide the in and out parking arrangement. As such as condition of consent has been provided requiring that no stopping parking lines be painted along Prole Road from the intersection with Omokoroa Road to the end of the subject site.
42. The applicant provided an assessment of the activity and the site against the NESCS in order to identify if the site was considered as 'piece of land' under the NESCS. The assessment identified there are two HAIL sites, WBOP_371 to the east and WBOP_384 to the north of the site. The HAIL activity for these sites is listed for "persistent pesticide bulk storage or use including sports turf, market gardens, orchards, glass houses or spray sheds". A further review of the historical aerial photographs on the District and Regional Council map viewer did not indicate the site has been used for any HAIL activities.

Affected Parties

43. Taking into consideration that the written approvals from the neighbouring properties at 7 & 12 Prole Road, and 452 Omokoroa Road have been provided with the resource consent application, and the proposed mitigation measures discussed above, it is considered that any visual, noise and traffic and parking effects will be less than minor.

44. Taking into account the nature of the activity and the reasons discussed in the decision above, it is considered that there are no other affected parties.

Notification Summary

45. Accordingly, it is considered that this proposal meets the tests of 95A-95E and can be processed without notification, and without any requirement for further written approvals or service of the application on any other third parties.
46. For the reasons stated above, it is considered that pursuant to sections 95A-95E, this application should be processed on a non-notified basis as:
- In accordance with section 95D, the adverse effects of the proposal are considered to be less than minor;
 - In accordance with 95E, no persons may be adversely affected by the proposal other than those who have provided their written approval; and
 - In accordance with section 95A(4), there are no special circumstances which warrant notification.

Section 104 Assessment

47. The relevant matters for consideration under Section 104 are as follows:

Assessment Criteria

48. As a discretionary activity, the Council has not restricted to any particular matter.

Objectives and Policies

49. The relevant objectives and policies of the District Plan are as follows:

15.2.1 Objectives – Future Urban

1. *The amenity of the Omokoroa Peninsula is not compromised by inappropriate development.*
2. *Minimisation of the potential for incompatibilities between activities.*
5. *Development of the Omokoroa Peninsula which does not compromise the potential for urban development.*

15.2.2 Policies

1. *Development of the Omokoroa Peninsula should not have effects which are incompatible with the amenity values of the environment in which they are situated.*
2. *Limitations on development will be imposed to minimise conflicts between activities.*

50. The proposed childcare centre on the subject site is considered an efficient use of the property, and will aid in improving the amenity of the Omokoroa Peninsula. The subject site is located on a local road and connects onto Omokoroa Road. The childcare centre is located within a strategic location to connect onto the wider traffic network. Additionally, the upgrades to Omokoroa road will provide pedestrian and cycling connections to the site which will allow for alternate means of transportation to be taken.
51. An acoustic assessment produced by Marshal Day Acoustics, submitted with the application concludes that the proposal can comply with the noise limits required in the District Plan for properties in the Future Urban Zone.
52. For the reasons discussed above, it is considered that the proposal is consistent with the relevant Future Urban Zone objectives and policies contained within the District Plan.

4B.2.1 Objectives – Transportation, Access, Parking & Loading

1. *To provide an integrated, efficient, safe and sustainable transportation network that supports the social and economic wellbeing, and land use pattern of the sub-region as defined in this District Plan and that maintains or enhances the regional strategic linkages.*
2. *To provide for more efficient land use, development and subdivision of existing areas in a way that recognises and integrates with the functions of different road types, transport modes and the defined transportation network.*
3. *To encourage the use and development of alternative modes of transport including, but not limited to, public transport, cycling, walking and other non-vehicular forms of transport that provide for an integrated, efficient, safe and sustainable transport network.*

4B.2.2 Policies

2. *To avoid, remedy or mitigate the adverse effects of land use, development and subdivision on the safety, efficiency, sustainability and capacity of the transportation network.*
 3. *To manage the land use, development and subdivision of areas to achieve compatibility with the roads they front and the wider transportation network, with particular regard to the potential effects on that network, including, but not limited to, the safe and efficient provision of site access at the local level and intersections within the wider network and the effects of reverse sensitivity experienced between the operation and use of the transportation network and the establishment of adjacent land uses.*
 5. *To recognise and provide for network wide effects of land use change on transport networks by assessing the effects of land use change across the networks affected.*
 6. *To recognise and provide for the function of each road as described in the road hierarchy, and provide for the efficient use of that road type, by managing the intensity and form of land use, development and subdivision that impact on these roads.*
 7. *To encourage the efficient use of land particularly in identified land use zones to reduce the potential impacts on the transportation network.*
 10. *The access, parking and loading effects of activities on the transportation network shall be avoided, remedied or mitigated with particular regard given to the level of service the road provides within the District's roading hierarchy.*
 11. *Activities should be established and operate in a manner which ensures safe and effective on-site and off-site vehicle parking, manoeuvring and access and pedestrian access.*
53. The site will be accessed from the existing vehicle crossing off Prole Road, which is subject to future upgrades. The access point to the site will be upgraded as a part of these works, and will be formed and constructed in accordance with Councils standards.
 54. The proposed car parking can comply with the requirements of the District Plan and is considered practical to cater for staff and visitors associated with the proposed activity.
 55. The Transportation Assessment provided as part of the application advises that traffic resulting from the development is able to be accommodated within the wider transportation network and the existing Omokoroa Road roading network.
 56. For the reasons discussed above, it is considered that the proposal is consistent with the relevant transportation objectives and policies of the District Plan.

4C.1.2.1 Objective - Amenity

An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.

4C.1.2.2 Policies – Amenity

1. Ensure activities do not generate noise levels inconsistent with the character and amenity of the zone in which the generated noise is received.

2. Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. construction works, military training exercises).

3. Have regard to any relevant New Zealand standards, guidelines, or codes of practice in the assessment of applications for resource consents.

57. Noise generated by the childcare centre will occur during daytime hours, Monday – Friday between the hours of 0730-1800 which is consistent with the normal working hours of business.
58. The proposed fencing and landscaping around the outdoor areas for the childcare centre along with the hours of operation will ensure that the noise generated by this proposal will not be at an unreasonable level.
59. Overall, for the reasons discussed above and in the decision, it is considered that the proposal is appropriate for the surrounding environment and is consistent with the objectives and policies in the District Plan that relate to Amenity and the Future Urban Zone.

Actual or Potential Effects on the Environment

Visual Amenity

60. The proposed childcare centre will utilise the existing dwelling and the internal components of the building will be retrofitted to meet the requirements to operate a childcare centre, no changes are proposed to the external structure of the existing dwelling. The proposal includes a 1.8 high fence around the boundaries and landscaping along the Prole Road boundary.
61. Taking into consideration that the site will be screened from Prole Road by a combination of fencing and landscaping, any visual effects of the proposal are considered to be less than minor.

Noise Effects

The applicant has proposed to undertaking landscaping and fencing around the property as mitigation to lessen any potential adverse noise effects arising from the operation of the childcare centre.

62. Condition (3) of the resource consent decision requires that the activity complies with the permitted noise standards at any point within the boundary of any property within a Future Urban Zone where approval has not been obtained. This is to ensure any effect on any other properties in the Future Urban Zone do not exceed the permitted activity standards. In addition, condition (2) controls the hours of operation to preserve the amenity of the surrounding property owners.
63. Overall, the noise generated by the proposed activity in conjunction with the mitigation provided by the landscaping and fencing will comply with the District Plan

standards which are anticipated in the Future Urban Zone and therefore any noise effects will be less than minor.

Access and Traffic Effects

64. The minimum car parking requirements for the facility have been provided, and the proposal meets the manoeuvring requirements for vehicles entering and exiting the site in a forward motion.
65. Traffic generated by the childcare centre will result in an additional 185 vehicle movements along Prole Road per day, once the centre is operating at capacity. Omokoroa Road is a Collector road which is anticipated to convey a higher level of traffic than a local road. The transportation assessment submitted as part of the application confirms that the roading network can accommodate the proposed traffic.

Conclusion

66. In having regard to the above matters, the proposal is considered to generate adverse effects which are no more than minor and acceptable in this environment. Taking this into account, it is considered that the childcare centre will be compatible with the existing environment. In addition, the proposal is consistent with the objectives and policies of the Operative District Plan, and the purpose and principles of Part 2 of the Resource Management Act 1991 and accordingly consent has been granted.
67. It is considered that any adverse effects on the environment are less than minor and are adequately avoided, remedied, or mitigated by the conditions of this consent, and will not result in any other parties being adversely affected.

ADVICE NOTES:

1. The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance Monitoring Team and include the following details:
 - Name and telephone number of the project manager and site owner
 - Site address to which the consent relates
 - Activity to which the consent relates
 - Expected duration of works.

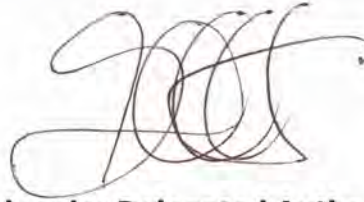
Notifying Council of the intended start date enables cost effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis
2. On site sewerage treatment and disposal will have to comply with Environment Bay of Plenty's "On Site Effluent Treatment Regional Plan".
3. Any works undertaken within the road reserve boundaries will require your contractors to file an application for a 'Corridor Access Request' (CAR) with Councils customer care department or Councils roading network managers, WestLink. As part of the CAR, a traffic management plan may also be required.
4. Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.

5. You may object to this decision, including any conditions of consent, by notifying Council within 15 working days of receipt of this decision. However, you are advised that you may not commence the activity authorized by this consent until your objection/appeal is resolved
6. The applicant could develop a parking management plan which could include set pick up and drop off time as a term of enrolment, which could be used to manage the volume of traffic arriving onsite at any one time and ensure that parking is not undertaken on Prole Road.



James Mathieson
Consultant Planner

30 March 2017

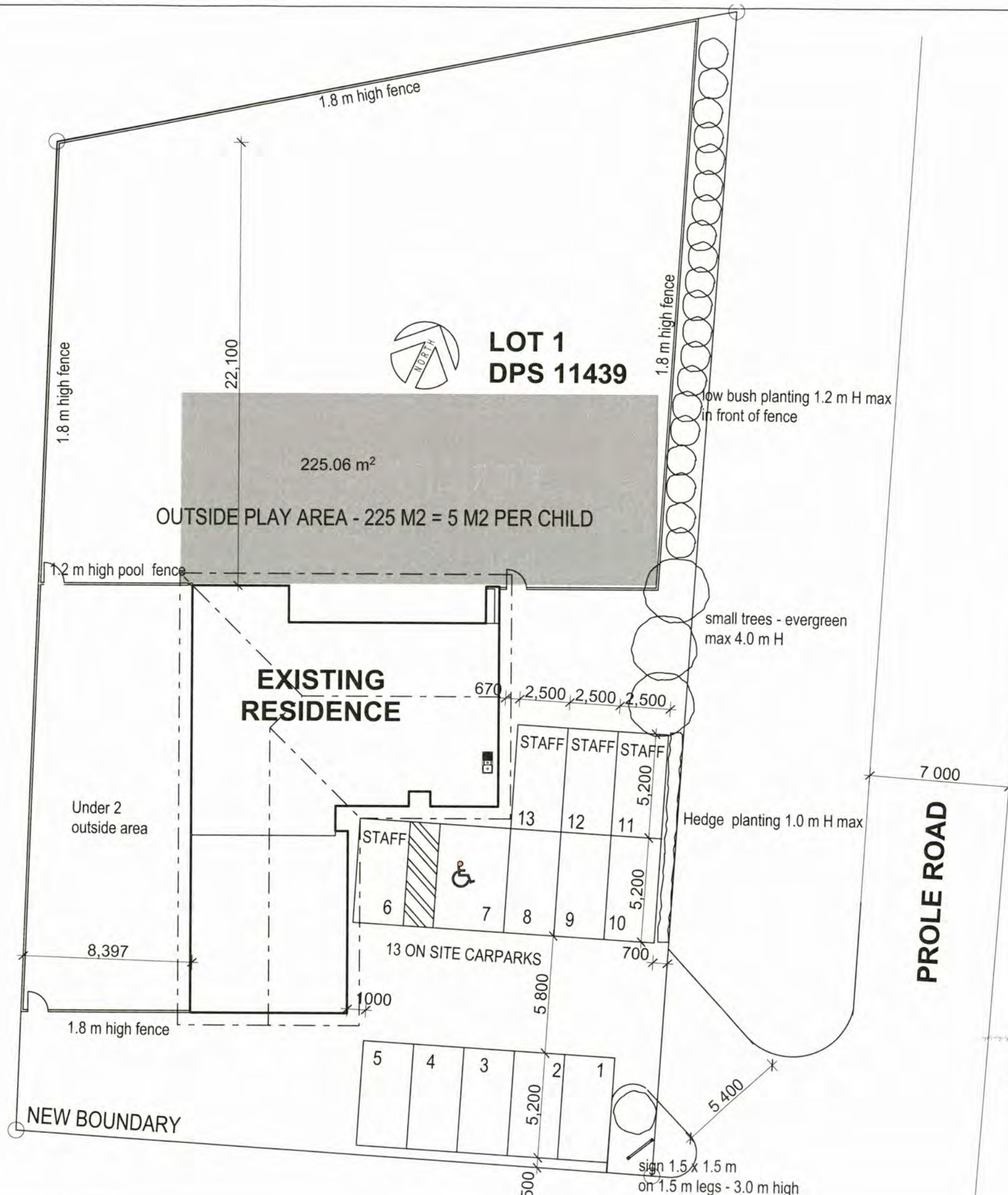


Approved under Delegated Authority

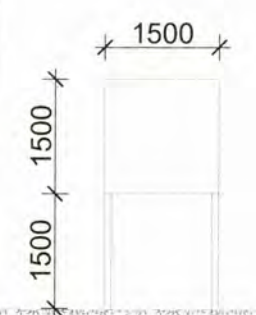
Chris Watt

Consents Manager

Date:..... 31/3/2017



WESTERN BAY OF PLENTY DISTRICT COUNCIL
APPROVED
 For Resource Consent No: 10405
 Date: 30/3/2017 Signed: [Signature]



sign to entry

davista
 davista architecture ltd.
 83 durham street
 P.O. box 884
 Tauranga 3140
 Ph. (07) 578-3792
 www.davista.biz

NOTE: It is the contractors responsibility to check and verify all dimensions and levels on site before commencing any works			
PROJECT NAME	R & M Jacobs 7 Prole Road Omokoroa	DESIGN Colin J. Davis	DRAWN W.E. Baker
CHECKED	Colin J. Davis	DATE	10/03/2017
© THIS PLAN IS THE PROPERTY OF DAVISTA ARCHITECTURE LTD AND MUST NOT BE COPIED NOR USED BY ANY THIRD PARTY			
DRAWING	Site Plan	JOB NUMBER	ORIGINAL SCALE @ A3
		16 / RMJ	SHEET 01

19 July 1999

Marilyn Regnault

P/1206/1/2

CLARK, DAVID LOWNIE
CLARK, MARILYN RAY
C/- CLARK, DAVID LOWNIE
7 PROLE ROAD R D 2
TAURANGA

Dear Sir/Madam

Application for Resource Consent

Applicant CLARK, DAVID LOWNIE
Date of Council Decision 16 July 1999 (Delegated Authority)

I wish to advise that Council has granted the above application for land use consent in the following terms:

(a) *THAT pursuant to Section 94(2) of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the application need not be notified in accordance with Section 93 of the Act because:*

- (i) *Council is satisfied that the adverse effect on the environment of the proposal will be minor, and*
- (ii) *The written approval has been obtained from every person whom the Council considers to be affected by the proposal,*

(b) *THAT pursuant to Section 104 and 105 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants its consent to an application by D L and M R Clark for a non-complying activity, being the establishment and operation of a Mechanical Repair and Engineering Workshop on a Rural H zoned property, being ~~Lot 2 DPS 67533~~, subject to the following conditions.* Lot 1 DPS 11439

- 1. *THAT the activity be established and operated in accordance with the plans and report as submitted with the application by D L and M R Clark dated 14 June 1999.*
- 2. *THAT all repair and engineering work be undertaken inside the workshop.*
- 3. *THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:*

<i>Monday to Friday</i>	<i>7.00am - 10.00pm</i>	<i>} 45dBA</i>
<i>Saturday</i>	<i>7.00am - 12 noon</i>	<i>}</i>
<i>All other times including Sundays and public holidays</i>		<i>} 35dBA</i>
		<i>}</i>

Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

4. *THAT the existing vehicle entrance to serve the proposed development be upgraded so as to be in accordance with Council's Standard Specification Drawing No AFQ1, Diagram B and that the work required by this condition to be supervised and certified as complete in accordance with this condition by the developers representative (refer Section 15.3.5.1 of Council's Proposed District Plan) prior to the operation of the proposed development.*

The reason for this decision is that subject to compliance with the consent conditions the activity will have minor adverse effect on the environment.

ADVICE NOTES:

1. *A building consent will be required for all building work including stormwater and effluent disposal systems.*
2. *This consent will lapse after two years of being granted unless considerable progress has been made and is continuing to be made to complete this project.*
3. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council, and enforcement measures may be taken to ensure compliance with the conditions of consent if necessary.*

If you wish to object to any part of this decision you have 15 working days from the date of receiving this notice to lodge your objection with the Council.

Yours faithfully

Sue McElroy
Consents Officer
Email sjm@wbopdc.govt.nz

**Western Bay of Plenty District Council
Forward Planning**

Application for Resource Consent – Non-Notified - CLARK, DAVID LOWNIE

Delegated Authority

P/1206/1/2

Recommendation:

(a) *THAT pursuant to Section 94(2) of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the application need not be notified in accordance with Section 93 of the Act because:*

- (i) *Council is satisfied that the adverse effect on the environment of the proposal will be minor, and*
- (ii) *The written approval has been obtained from every person whom the Council considers to be affected by the proposal,*

(b) *THAT pursuant to Section 104 and 105 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants its consent to an application by D L and M R Clark for a non-complying activity, being the establishment and operation of a Mechanical Repair and Engineering Workshop on a Rural H zoned property, being Lot 2 DPS 67533, subject to the following conditions.*

- 1. *THAT the activity be established and operated in accordance with the plans and report as submitted with the application by D L and M R Clark dated 14 June 1999.*
- 2. *THAT all repair and engineering work be undertaken inside the workshop.*
- 3. *THAT the corrected noise level (L10) as measured at or within the notional boundary of any dwelling shall not exceed the following limits:*

<i>Monday to Friday</i>	<i>7.00am - 10.00pm</i>	<i>} 45dBA</i>
<i>Saturday</i>	<i>7.00am - 12 noon</i>	<i>}</i>
<i>All other times including Sundays and public holidays</i>		<i>} 35dBA</i>
		<i>}</i>

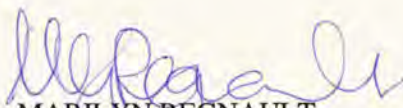
Note: The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20m from the dwelling, whichever point is closer to the dwelling.

- 4. *THAT the existing vehicle entrance to serve the proposed development be upgraded so as to be in accordance with Council's Standard Specification Drawing No AFQ1, Diagram B and that the work required by this condition to be supervised and certified as complete in accordance with this condition by the developers representative (refer Section 15.3.5.1 of Council's Proposed District Plan) prior to the operation of the proposed development.*

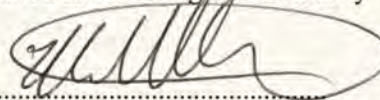
The reason for this decision is that subject to compliance with the consent conditions the activity will have minor adverse effect on the environment.

ADVICE NOTES:

1. *A building consent will be required for all building work including stormwater and effluent disposal systems.*
2. *This consent will lapse after two years of being granted unless considerable progress has been made and is continuing to be made to complete this project.*
3. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council, and enforcement measures may be taken to ensure compliance with the conditions of consent if necessary.*


MARILYN REGNAULT
Consents Planner
CCLU1
15 JUL 1999

Approved under Delegated Authority


.....

Date: 16/7/99
.....

Processing Cost Form: Land Use / Subdivision (Delete One)

Memorandum of Encumbrance or Deed of Covenant to be Registered

Yes No

Planner checks that applicant Solicitor details are provided.

Applicant: Transit

Appl. No.: 30236/01

Application Details: Extension of time

File No. P/3002/2

Consents Planner/Eng: Jan

Job Cost No. _____

Date Issued: P/16/07

(if applicable)

Reg Admin To Complete

Description	Tally Marks (15min)	Total hours	Sub Total \$ (Excl GST)	Sub Total \$ (Incl GST)
Consent Officer		0.5	22.50	25.31
Initial Administration				
Initial Processing	 	1.0	100.00	112.50
Assessment for Notification				
Research / Advice		0.25	25.00	28.12
Phone / Email		0.25	25.00	28.12
Further Information requests S92				
Site Visit				
Site Visit (Mileage)				
Attend Meetings				
Hearing Attendance				
Report / Decision	 	1.75	175.00	196.87
Consents Manager Approval		0.25	32.50	36.56
Advertising				
Other Expenses				

Reg Admin To Complete

Total for Planner				
Total for Consents Engineer				
Total for Health & Building				
Total for Compliance				
Monitoring (LU Only)				
Elected Members Hearing Costs (Steve advises)				

Deposit Receipt Number:	<u>2007/10007</u>	Sub Total (GST Incl)	\$ <u>427.48</u>
Date Account Sent & Inv #:	<u>N/A.</u>	Less Deposit	\$ <u>400.00</u>
Job Cost Closed/ Signed:		DR CR Total	\$ <u>27.48</u>

Barkes Corner
Greerton, Tauranga
Private Bag 12803
Tauranga 3030
Telephone 07 571 8008
Facsimile 07 577 9820
customercare@wbopdc.govt.nz
www.wbopdc.govt.nz

FILE

**RESOURCE CONSENT ACCOUNT
TAX INVOICE:** REGISTRATION NO. 52-544-300

TRANSIT NEW ZEALAND
P O BOX 973
HAMILTON CENTRAL 2030

Invoice No. 97950
File No: P/3002 /2
Application No: 198 1
Site Location: SH2 Between Whatakao Stream & Morton Road
between Tauranga & Katikati
Owners Name: TRANSIT NEW ZEALAND
Date: 8 June 2005

DESCRIPTION	NUMBER OF HOURS	TOTAL FEE
Resource Consent for Outline Plan SH2 (Passing lane between Whatakao Stream and Morton Road)		
CONSENTS OFFICER	1	45.00
CONSULTANT PLANNER	8.6	725.67
CONSULTANT PLANNER	0.5	67.50

Payment due 20th of month following date of invoice

TOTAL FEES OWING: (Including GST)	\$838.17
GST CONTENT:	\$93.13

Signed: 
Andrea Mulder on behalf of REGULATORY ADMINISTRATION TEAM

**PLEASE PAY ON THIS INVOICE
NO STATEMENT WILL BE ISSUED**

Under Section 357 and 358 of the Resource Management Act 1991 you have a right of objection to these additional fees and charges and this must be received within 15 working days of the date on which this invoice was received

Job Cost Form

Applicant: Transit NZ

File Reference: P/3002

Application Details: Outline Plan SH2

passing lane between Whatakae

Job Cost No.: 8150-238

Stream & Morton Rd.

Date Issued: 6/12/04.

Appl. No.: 198

Circulated To:	Time Spent	Signature:	Cost:	Report:
Regulatory Admin	1		40.00	1
Planner - Initial Check				
Consultant Planner	Brett 8.6		645.00	
Consents Engineer	Jeff 05		60.00	
Consultant Engineer				
Team Leader Health/Building				
Team Leader Compliance				
Monitoring Fee			\$88.89	
Reserves				
Policy Analyst Iwi				
Other				
Mileage - Planner				
Mileage - Engineer				
Planner - Site Visit/Report				
Team Leader Consents				
Consents Officer - Admin				
TOTALS			745.00	

93-12
838-12

Deposit Paid: NIL

Receipt No. _____

(Incl. GST)

Expenditure _____

(Excl. GST)

Expend. GST _____

Difference: _____

DR / CR If credit balance - Refund

Approved: TLC Date: / / Reason if different to amount above: _____

Job Cost Closed: _____

WESTERN BAY OF PLENTY DISTRICT COUNCIL

JOB COSTING DETAILS REPORT

REPORT: DETAILED
 CATEGORY: IMPL CONSENTS
 JOB RANGE: 8150 thru 8150
 FINANCIAL YEAR: 2005 2004/2005
 PERIOD: 12 JUNE

DETAILS	CURRENT PERIOD ACTIVITY	COSTS Y-T-D	CURRENT PERIOD COSTS J-T-D	CURRENT PERIOD UNITS
---------	-------------------------	-------------	----------------------------	----------------------

JOB: 8150 Discret N-Complying N-Notified

SUBJOB: 238 Transit Passing Lane SH2 App 198

OPERATIONS AND MAINTENANCE

0220 CONSULTANTS FEES				
HARRISON GRIERSON CONSULTANTS	0.00	704.50	704.50	0.00 7
ANALYSIS TOTALS	0.00	704.50	704.50	0.00 7
0720 LEGAL FEES	0.00	0.00	0.00	0.00
GROUP TOTALS	0.00	704.50	704.50	0.00 7

ENV

1880 VEHICLE CHARGES	0.00	0.00	0.00	0.00
6701 INSPECTORS TIME	0.00	0.00	0.00	0.00
6705 PLANNERS TIME	0.00	0.00	0.00	0.00
6709 ENGINEERS TIME	0.00	0.00	0.00	0.00
GROUP TOTALS	0.00	0.00	0.00	0.00
TOTALS FOR ALL COSTS	0.00	704.50	704.50	0.00 7
INCOME	0.00	0.00	0.00	0.00
CAPITALISED				
NETT BALANCE	0.00	704.50	704.50	0.00 7

P3002/2/2

Notice of Requirement

NOTICE OF REQUIREMENT FOR A DESIGNATION UNDER SECTIONS 168 AND 181 OF THE RESOURCE MANAGEMENT ACT 1991

To: Western Bay of Plenty District Council
Private Bag 12803
Tauranga

From: Transit New Zealand
PO Box 973
Hamilton

Notice is given of a requirement for the:

- (a) Alterations (including widening to four lanes and deviation from the existing route) to the designation for State Highway 2 between Omokoroa and Youngson Roads at Omokoroa (from meterage 0.00) and the western end of the Tauranga Northern Arterial designation at Te Puna (at meterage 7,200);
- (b) Alteration of parts of the designation which will not be used as the main arterial route after commencement of construction of the deviations referred to above, and located between meterage 0.00 and meterage 7,200, as more particularly described below. Transit requires the designations to be altered to provide for road for use as State highway pending commencement of construction of the four lane proposal and thereafter as road for access to the altered State Highway. The particular parts of the designation to be altered are generally along the existing State highway designation between Youngson Road (meterage 400) and Barrett Road (meterage 2500); and between a point east of the Te Puna Stream (meterage 3400) and a point east of Loop Road (meterage 6800);
- (c) New designations as road use as access to State Highway (at the locations below). The new designations are required to provide access to properties which will be severed from access to the State Highway as a result of the alterations referred to in sub-paragraph (a) above. The roads are Francis Road connecting directly to Omokoroa Road near meterage 300; and a road connecting Ainsworth Road (meterage 5900) and Munro Road east (meterage 5500);

as shown on plan numbers P008 to P018 and more fully described in Section 3 of this report

Pursuant to section 184(1)(c) RMA the period for which this designation is sought is 25 years.

1. (a) The reason why the Designation is needed is:

The existing State highway alignment carries high traffic volumes and traffic growth is expected to increase significantly with the residential growth of nearby areas. This will result in increasing delays and conflict along this section of the highway. A four-lane limited access highway is necessary to provide safe and convenient travel on and access to and from the State highway in future.

The current highway alignment has substandard elements for a 100 kph speed limit environment, including:

- Unacceptable gradients, cross-falls, radii and sight distances at a number of locations.
- Inadequate layout and visibility at existing intersections to cope with future growth.

This section of the State highway adjoins the Tauranga Northern Arterial designation, requiring a grade separated interchange to provide safe access for the Minden settlement and Te Puna. This will enable uninterrupted flows for through traffic.

Construction of the new four-lane highway will enable parts of the existing State highway to be used by adjoining properties as access roads to provide safe and convenient access to the new State highway via grade-separated interchanges (Te Puna and Omokoroa Station Road/Barrett Road) and an at-grade roundabout at Youngson Road/Omokoroa Road.

Construction of the new four-lane highway will also result in some properties adjoining the existing State highway becoming "landlocked". Access roads are also proposed in these circumstances.

The designation technique is considered an appropriate planning tool in the context of the District Plan as it gives a clear indication to the public of the future location and scale of this arterial road. The public will be better able to make decisions that concern capital investment and lifestyle with the knowledge that this designation brings.

If the resource consent technique was adopted, the application would have to be made two to three years prior to the construction occurring, as a resource consent is normally only valid for two years. It is to be anticipated that if this course of action was taken that there would be significant development adjacent to, and in the path of the alignment which would significantly increase the costs to Transit New Zealand and perhaps even make the attainment of the alignment impossible.

1. (b) The physical and legal descriptions (noting any distinguishing characteristics) of the site to which the Requirement applies are:

(i) The physical description of the sites:

The majority of the corridor is in a highly modified state, characterised by pastoral activities, intensive horticulture, lifestyle blocks and some roadside services. To the north east are two major inlets from Tauranga Harbour – Mangawhai Bay and Te Puna Estuary. The most intensive residential areas nearby are Omokoroa and Minden, located at the western and eastern ends of this section of the highway. A Queen Elizabeth II Trust Reserve, the I'Anson Reserve, is located on Loop Road at the eastern end of the corridor. A commercial area is located on the corner of the existing State highway and Barrett Road. Further details on the physical environment are described in Sections 2 and 4 of the AEE.

Proposed District Plan

Rural G

Rural H

Tauranga Airport Protection Zone.

(ii) The legal descriptions of the properties directly affected by the proposed designations are:

Table 1.1 Landowners Directly Affected by the Alteration to the State Highway Designation

<i>Owner</i>	<i>Legal Description</i>	<i>Area Required</i>
Ainsworth Farm Trust	Lot 1 DPS 16949	9,933 m ²
Bolger, David Patrick & Bolger, John	Lot 1 DPS 28825	46,183 m ²
Bolger, James Brendan & Bolger, Joan Maureen	Lot 1 DPS 190	955 m ²
Bruning Farms Ltd	Lot 6 DPS 12952 Lot 2 DPS 28670 Lot 3 DPS 28670	40,692 m ² 4,601 m ² 22,866 m ²
Christensen, Rex Anton & Christensen, Ruth Anne Evelyn	Lot 1 DPS 4431	5,809 m ²
Collinson, Trevor Richard & Collinson, Gayle Annette	Lot 2 DPS 69747	174 m ²
Fencourt Family Trust	Lot 2 DPS 55363	R.O.W. Access with Russell Family Trust

Owner	Legal Description	Area Required
Fichtl, Anton	Lot 11 DPS 7337 Lot 3 DPS 77886	8,711 m ² 1,095 m ²
Transit New Zealand	Lot 2 DPS 12801	2,524 m ²
Ham, Jan Hendrik & Ham, Helen	Lot 1 DPS 15316	30,226 m ²
Harding, Lloyd Graeme & Harding, Jane Bryson	Lot 9 DPS 7337	11,138 m ²
Harper, Lorna Josephine	Lot 1 DPS 84339 Lot 2 DPS 84340 Lot 3 DPS 84340 Lot 4 DPS 84340	23,790 m ² 11,718 m ² 8,118 m ² 10,833 m ²
Harris, Neil David & Harris, Lyndsay Joan	Lot 8 DPS 7337	9,083 m ²
Hutchins, Jefferey Wayne & Hutchins, Maude Roberta	Lot 2 DPS 682 42	11,064 m ²
MacLean, David Malcolm	Lot 1 DPS 52965	2,338 m ²
Murruth Farms Holdings Ltd	Lot 1 DPS 77886	1,952m ²
Phipps Family Trust	Pt Lot 5 DPS 12952	31,246 m ²
CA Bourn	Lot 1 DPS 64222	14,296 m ²
Rigby, Peter Robert & Inger, Glenys Jane	Pt Lot 1 DPS 4431	7,303 m ²
Russell Family Trust	Lot 1 DPS 55363	2,028 m ²
Saunders, Roy Owen	Lot 1 DPS 15263	2,430 m ²
Seal, Trevor Kenneth & Seal, Molly Irene	Lot 1 DPS 69747	174 m ²
Sheldon, David George & Sheldon, Carol Myrna	Lot 1 DPS 63246	5,068 m ²
Shergold, Mark David & Shergold, Donna Marie	Lot 10 DPS 7337 Lot 2 DPS 77886	6,393 m ² 9,773 m ²
Silver, Noel James & Silver, Marilyn Anne	Lot 2 DPS 46459	8,878 m ²
Tait, David John & Tait, Kathleen Mary	Lot 1 DPS 24491 Lot 1 DPS 12986	1,100 m ² 6,139 m ²

<i>Owner</i>	<i>Legal Description</i>	<i>Area Required</i>
Thwaites, Stewart Joseph & Thwaites, Colleen	Lot 2 DPS 62877	1,505 m ²
United Networks	Allot. 380 Te Puna Parish SO 52835	872 m ²
Van Steenberg, Marinus Jacob	Pt Allot. 205B Te Puna Parish ML 15104 Allot. 331 Te Puna Parish SO 37548	28,794 m ² 6,197 m ²
Ward, Anthony George & Ward, Karyn Zelda	Lot 3 DPS 65816	7,146 m ²
Western Bay of Plenty, District Council	Allot. 381 Te Puna Parish SO 52313	1,949 m ²
Wilson, Lynton Owen Wilson, Margaret May	Lot 2 DPS 12952	3,408 m ²
Wojciechowski, Stanislaw J & Wojciechowski, Catherine Jane	Lot 1 DPS 21267	2,144 m ²
Wright, Desmond William	Lot 1 DPS 65816	2,780 m ²

Table 1.2 Landowners Directly Affected by the Proposed Access Roads

Owner	Legal Description	Area Required
Binstead, Joan Marie	Lot 3 DPS 10643	4,195m ²
Daly, Sylvia Anne	Lot 3 DPS 48400	ROW Access with Richardson, TH & L
Fox, Wendy Anne	Lot 2 DPS 69984	3,771m ²
Francis, Richard William,	Lot 3 DPS 29552	20,227m ²
Harper, K M	Lot 2 DPS 20690	2,177 m ²
Murruth Farms Holdings Ltd	Lot 1 DPS 77886	3,632 m ²
Redfern, Tony Brian	Lot 1 DPS 69984	1,800m ²
Richardson, Thomas H & Lorna	Lot 4 DPS 48400	5,097 m ²
Shergold, Mark David & Shergold, Donna Marie	Lot 2 DPS 77886	12,545 m ²

1. (c) The nature of the work and any proposed restrictions are:

- i. The construction, operation and maintenance of State highway 2 as a four lane limited access highway from its interchange at Te Puna (meterage 7100) westwards to Omokoroa and Youngson Roads (meterage 0.00) where the proposed alignment rejoins the existing State highway as is described in this Assessment of Environmental Effects (AEE) and the *Options Report – State highway 2 Omokoroa to Te Puna Corridor Improvements (November 1998)*. The design and construction of the proposal in the AEE is in sufficient detail to identify the nature of the work, the significant effects and the required mitigation.
- ii. The construction, operation and maintenance of access roads with 20m road reserve width (8.0 – 9.0m carriageway) providing access from surrounding properties to the State highway at new interchanges at Te Puna and Barrett Road, and a new roundabout at Omokoroa/Youngson Roads.

The exact extent of works, construction methodology, possible staging and costs will be finalised as the design details are finalised. To date the design is at a preliminary stage.

1. (d) The effect that the proposed work will have on the environment and the proposed mitigation measures are:

(i) Effects

- No significant effects on ecology and landscape values assuming mitigation measures set out below are actioned.
- No significant archaeological and Tangata Whenua effects subject to mitigation measures set out below.
- Positive traffic effects resulting from an improved level of travel safety.
- No significant noise effects assuming mitigation measures set out below are actioned.
- The effect of land-take on adjacent areas assuming mitigation measures set out below are actioned.

These effects are described in Section 5 of the AEE.

(ii) Mitigation Measures

- Careful planning and management of all construction works with particular emphasis on and use of mitigation techniques in regard to sediment control, construction noise and dust.
- Archaeological and cultural monitoring during earthworks.
- Provision for landscaping and pedestrian access.
- Compensation and pre-construction purchase of land directly affected by the Designation.
- Provision for noise barriers and suitable road surfaces

These mitigation measures are described in Section 6 of the AEE.

1. (e) The following alternative sites, routes, and methods have been considered:

A preliminary assessment of eight alternatives was considered and following a 'fatal flaw' analysis, three options were chosen for more detailed analysis. These are discussed briefly in section 2.5 of the AEE and in full in the *Options Report State Highway 2 Omokoroa to Te Puna Corridor Improvements (November 1998)*. The Options Report is contained in Volume 2 of this documentation.

1. (f) The following resource consents may be required in relation to the activity to which the application relates:

- Structures in a waterway (bridge piles) - Regional Council
- Land use consents (earthworks) - Regional Council
- Discharge permits (stormwater) - Regional Council

- Land use consents (stormwater detention ponds and earthworks) – Western Bay of Plenty District Council

Consents will be sought when final design is complete and funding for construction is available. This may be 15 to 25 years away.

1. (g) **The following resource consents have been applied for:** Nil.
2. **The consultation undertaken with parties likely to be affected by the Designation, public work, project, or work.** This is detailed in Sections 4 and 5 of the AEE and the *Options Report – State highway 2 Omokoroa to Te Puna Corridor Improvements (November 1998)*. In summary, consultation was carried out with Tangata Whenua, potentially affected landowners, and the general community. This occurred at all stages of the project, in particular the identification of environmental and social constraints, assessment of options, and the detailed AEE on the preferred option.
3. **Additional information (if any) as required is set out as follows:**

- (i) Relevant Provisions of Regional Policy Statements, Regional Plan, District Plans:

The proposed work and mitigation measures have been assessed and found consistent in terms of the provision of the following plans and policy statements:

- Bay of Plenty Regional Policy Statement
- Bay of Plenty Proposed Regional Land Management Plan
- Bay of Plenty Regional Land Transport Strategy
- Western Bay of Plenty District Council Proposed District Plan

4. Miscellaneous Information

- (i) Transit Objectives

State highways are nationally significant and essential physical resources. This has been recognised by Parliament in the Transit New Zealand Act.

Transit's principal objective under the Transit New Zealand Act 1989 is:

“to operate a safe and efficient State highway system” (*Section 5 Transit Act 1989*).

One of the principal ways Transit pursues this objective is through its responsibility to “control the State highway system including planning, design, supervision, construction and maintenance in accordance with this (the Transit New Zealand) Act” (*Section 6(c)*).

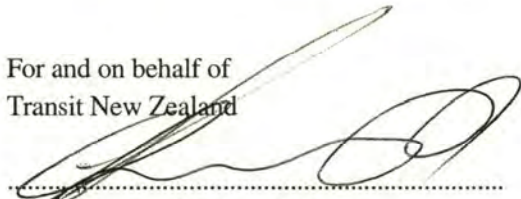
The promotion of the sustainable management of State highway 2 is consistent with the purpose of the RMA. This means, the proposed use, development and protection of SH2 is in a way which enables people and communities to provide for their social, economic and cultural wellbeing, health and safety, while also caring

for future generations, safeguarding the environment and taking action to protect it.

(ii) Orders in Council

A copy of the Orders in Council appointing Transit as a Requiring Authority for the purposes of the Resource Management Act 1991 (RMA) and empowering it to carry out the work the subject of this Requirement Notice are attached as Appendix 1.

For and on behalf of
Transit New Zealand



Colin Knaggs, Regional Manager
pursuant to an authority by Transit New Zealand

Dated this 17th day of May 2001

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