

## **Recommended Conditions for Land Use Consent LUC18/47473**

### **Recommended Conditions**

For the avoidance of doubt, the commercial accommodation activities authorised under this consent comprise:

- 10 chalets;
- 24 powered motorhome parks; and
- A shared kitchen/ablution building with a manager's residence above

And are sited entirely within the application site, clear of the adjacent unformed paper road and the existing gas pipeline easement that traverses through the property.

### **1. In accordance with approved plans**

1.1 The commercial accommodation activity shall be carried out substantially in accordance with the information and plans submitted in support of application number LUC19/47473, including the further information and amended plans received 31 July 2020, 4 August 2020, 5 August 2020, 14 August 2020, 25 September 2020; and including the following:

- **The Landscape and Visual Effects Assessment** prepared by Natural Capitol dated 25 September 2020;
- **The Landscape Framework Masterplan (Plan L1.01)** prepared by Natural Capitol dated 19 October 2020;
- **The Receptors Plan (Plan L1.02)** prepared by Natural Capitol dated 19 October 2020;
- **The Landscape Mitigation Zones Plan (Plan L1.03A)** prepared by Natural Capitol dated 19 October 15 November 2020;
- **The Lighting Plan** prepared by J Cudby
- **The Acoustic Report** prepared by Marshall Day Acoustics
- **The application AEE report** prepared by BTW, including the additional information and plans received as further information

Unless otherwise altered by the consent conditions. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

1.2 The commercial accommodation facility shall be operated **substantially** in accordance with the "Rules and Conditions of Occupancy" and the "North Egmont Retreat Management Plan" for the Retreat prepared by BTW and submitted as further information on 25 September 2020, provided that:

- ~~Both documents are amended to include specific provisions relating to waste management (including the timing, collection and disposal of waste); and~~
- Both documents shall be reviewed every year and any changes shall be submitted to the New Plymouth District Council Planning Lead for certification prior to changes being implemented.

### **2. Monitoring**

2.1 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the New Plymouth District Council when

**Commented [CT1]:** Landscape Mitigation Zones Plan updated to include information on performance standards to be achieved.

**Commented [CT2]:** To provide some flexibility and align with the approach in condition 1.1.

**Commented [CT3]:** The North Egmont Retreat Management Plan already contains details on waste management. The Retreat is required to comply with the Camping Ground Regulations 1985 which specify requirements for waste management. The Management Plan references compliance with the Regulations.

monitoring the conditions of this consent.

- 2.2 The Consent Holder shall notify the New Plymouth District Council Monitoring Department at least 10 working days prior to the commencement of activities associated with this consent.

### **3. Review of Consent Conditions**

- 3.1 That the New Plymouth District Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent at any time for the following purposes:
- (i) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent particularly rural character and amenity, hours of operation, on-site parking, transportation, noise, lighting, visual and amenity effects, and landscape planting and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
  - (ii) to address any adverse effect on the environment which has arisen as a result of the exercise of this consent; or
  - (iii) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the commercial accommodation activities; or
  - (iv) to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

### **4. Noise**

#### **Construction Noise**

- 4.1 That the noise level from construction activities (i.e. construction of the buildings, earthworks and construction of any internal access roads and parking areas) shall comply with and be assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”(Note the older noise standard is referred to in the District Plan).

#### **Operational Noise**

- 4.2 That the noise level from activities undertaken onsite (i.e. any noise effects associated with the commercial accommodation activities and including onsite traffic noise) shall comply with the following noise levels
- Maximum noise levels measured at the notional boundary within the Rural Environment Area:
  - On any day: 7am-10pm:  $L_{10}$  50dBA
  - 10pm – 7am:  $L_{10}$  45dBA and  $L_{max}$  70dBA
- And shall be assessed in accordance with the provisions of New Zealand Standard NZS 6801:1991 “Measurement of Sound and NZS 6802: 1991 Assessment of Environmental Sound. (Note should we refer to the newer noise standard in the Proposed District Plan).
- 4.3 Noise monitoring shall be undertaken, at the expense of the consent holder, by a suitably qualified professional to demonstrate compliance with Condition 4.2. This noise monitoring must be undertaken on a day/date when the commercial accommodation activities being undertaken on the site is representative of that normally expected during the peak period, (and at least 45% occupancy), and within six months of the commercial accommodation activities commencing onsite. The results of the monitoring shall be provided to Councils Planning Lead within 10

working days of the monitoring being undertaken, together with any mitigation required to comply with the noise levels set out in Condition 4.2

- 4.4 If the monitoring of noise levels results in a non-compliance with Condition 4.2, the consent holder shall take immediate action to ensure that compliance is achieved and shall report to the New Plymouth District Councils Planning Lead the mitigation actions implemented. Following implementation of such mitigation measures further noise monitoring shall be undertaken to confirm that compliance with the noise limits in Condition 4.2 has been achieved, and those results forwarded to the New Plymouth District Council within ten (10) working days of it being undertaken.

**Advice Note:** Despite the Conditions above, the consent holder has a duty to adopt the best practicable option to ensure that the emission of noise from that land does not exceed a reasonable level in accordance with Section 16 of the Resource Management Act 1991.

#### **5. Use of the Buildings**

- 5.1 All buildings and outdoor areas associated with the application shall be utilised solely for commercial accommodation activities, as described within the application. Specifically (and for the avoidance of doubt):
- (i) The ten chalet buildings shall only be utilised for short term commercial accommodation;
  - (ii) The 24 powered motorhome spaces shall only be utilised for short term commercial accommodation; and
  - (iii) The shared ablution/kitchen and staff accommodation building shall only be utilised as shared kitchen, bathroom and laundry facilities, and a reception area and store room on the ground floor, and as a three bedroom managers residence on the floor above.

**Advice Note:** The consent holder will be required to obtain resource consent approval for any change of use from short term commercial accommodation (Retreat) activities to any other use (for example residential uses).

#### **6. External Cladding and Appearance of Buildings and Water Tanks**

- 6.1 That the exterior cladding and roofing materials for all buildings associated with the commercial accommodation activities (including the 10 chalets, the shared amenities and managers residence building and water tanks) shall be finished in recessive colours with a reflective value less than 35%. This applies to any downpipes and window joinery. The consent holder shall submit the colour scheme for the buildings and water tanks to New Plymouth District Council's ('NPDC') Planning Lead for certification prior to the issue of a building consent by Council.
- 6.2 The exterior design of all buildings shall resemble a 'log cabin' design, as detailed in the application. The consent holder shall submit the final plans for all buildings to the NPDC Planning Lead for certification prior to the issue of a building consent by Council.
- 6.3 Water tanks shall be sited so that they are either:
- i) clustered together and set within a densely vegetated grove so that views of the tanks are obscured when viewed from off site; or
  - ii) where individual water tanks are located adjacent the chalets themselves, their locations shall be set inconspicuously, partially buried and vegetated.

## **7. Maximum Building Height**

- 7.1 All buildings shall comply with the following maximum heights:
- (i) **The chalet buildings** shall have a maximum height of 5.0 metres; and
  - (ii) **The shared kitchen / ablutions and managers residence building** shall have a maximum height of 8.0 metres.

## **8. Building Location**

- 8.1 All buildings shall be sited in accordance with Landscape Mitigation Plan L1.02 and shall be:
- (i) at least 30m from the boundary with Egmont Road; and
  - (ii) at least 30m from the boundary with the unformed paper road; apart from two chalets located in the south – eastern corner of the development, that shall be setback a minimum distance of 14m and 24m respectively from the unformed paper road; and
  - (iii) clear of the existing gas pipeline easement.

Advice Note: There is an existing gas pipeline easement that traverses through the site and is subject to various legal encumbrances as noted on the Record of Title for the subject property.

## **9. Lighting and Glare**

- 9.1 All lighting shall be in accordance with the Lighting Plan prepared by J Cudby submitted with the application, and shall be selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not create a nuisance to any occupants of properties beyond the application site boundary.
- 9.2 All external lighting shall be hooded and cast down. No floodlights or point sources of light shall be permitted.

## **10. Fences**

- 10.1 No solid or urban style fences shall be erected at any point visible from a public road or neighbouring property.

## **11. Signage**

- 11.1 All signage associated with the commercial accommodation activities shall be located entirely within the application site, and shall comply with the District Plan requirements relating to signage.
- 11.2 Appropriate low intensity internal signage shall be installed, and maintained by the Consent Holder to clearly identify the following:
- (i) The one way traffic flow within the internal access road,
  - (ii) The locations of each of the chalets, motorhome parks, shared ablution and kitchen and laundry facilities, the reception area; and
  - (iii) the areas available for onsite parking.

## **12. Consumption of Liquor**

- 12.1 No sale or consumption of liquor shall be permitted at the site that would require authorisation under the Sale and Supply of Alcohol Act 2012.

### **13. Access and Parking**

#### **Access**

- 13.1 The existing vehicle entrance shall be upgraded to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard and located as shown on the plan prepared by BTW (drawing no 180139-01 Sheet 2 Rev-12).
- 13.2 Any excavation that takes place within the road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the "National Code of Practice for Utility Operators' Access to Transport Corridors" for additional information. Applications can be made via the website [www.beforeUdig.co.nz](http://www.beforeUdig.co.nz) or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the applicant's expense.

#### **Internal Access Roads**

- 13.3 The internal access roads shall be formed as shown on the BTW plans 180139-01, Sheets 1 and 2 Rev 12, to an all weather standard, and shall include adequate provision for manoeuvring.
- 13.4 The first 30 metres of the internal access road shall be orientated parallel to Egmont Road to minimise the potential for traffic headlight glare from vehicles travelling along the internal access road.

#### **Onsite Parking**

- 13.4 Provision shall be made for at least 49 onsite parking spaces within the commercial accommodation site, comprising as follows:
- i. at least 20 carparks for the chalets (2 carparks per chalet),
  - ii. at least 24 powered motorhome parks,
  - iii. at least 2 carparks for the managers dwelling;
  - iv. at least one short term parking space adjacent to the Reception Area for vehicles to park while guests are checking in to the facility; and
  - v. at least 2 onsite visitor parking spaces.
- 13.5 The required parking shall be located as indicated on the Landscape Masterplan prepared by Natural Capital (Plan L1.01 dated 19 October 2020); and shall be clearly delineated. All parks shall be designed and formed to the applicable Council standards.
- 13.6 The visitor parks shall be accessible from the internal access road, clearly delineated, and designed and formed to the applicable Council standards.

### **14. Landscape Planting**

- 14.1 Landscape Planting shall be undertaken in accordance with the following plans prepared by Natural Capital, and submitted as Evidence for the application:
- Landscape Masterplan (L1.01), dated 19 October 2020.
  - Landscape Mitigation Plan (Plan L1.02), dated 19 October 2020.
  - Landscape Mitigation Zones Plan (Plan L1.03A) dated 15 November 2020

**Commented [CT4]:** Reference updated to a revised plan submitted with the right of reply which provides further detail on performance standards for the landscaping

14.2 Planting Plans including plant species location, quantity, and size at time of planting, and a Landscape Management Plan shall be provided to NPDC and certified by the Planning Lead, prior to the commercial accommodation activities commencing onsite. The Landscape Management Plan shall include weed and pest management and other details necessary to ensure that the landscaping is maintained for the duration of the consent. The landscape planting must achieve the minimum heights noted on the Landscape Mitigation Zones Plan L1.03A. The landscaping must be maintained thereafter in accordance with the maintenance programme submitted with the approved Landscape Management Plan, including replacing plants where necessary to provide effective visual screening, for the duration of the consented activity to the satisfaction of Council.

**Commented [CT5]:** This condition along with the detail added to Landscape Mitigation Zones Plan L1.03A addresses the performance standard query of the Commissioner.

14.63 The landscape planting in the area between the powered motorhome parks and the adjacent paper road (in the area identified as a yellow shaded area with pink hatching on the plan titled 'Landscape Mitigation Zones – Species Type, Height and Width, North Egmont Retreat, Labelled Plan L1.03' and dated 19 October 2020 in the yellow shaded area marked Area 'A' on the 'Landscape Mitigation Zones Plan L1.03A' and dated 15 November 2020) shall comprise of at least one row of planting that is a minimum height of 1.5 metres at the time of planting and that is sufficient to provide an initial and immediate visual screen between the parked motorhomes on the application site and the existing dwelling on the submitters property at 1870 Egmont Road.

**Commented [CT6]:** Previously Mrs Southworth's condition 14.6. Changes reference updated Landscape Mitigation Zones Plan and make the condition more certain.

14.54 The existing barberry hedge along the Egmont Road boundary, aside from that section that is located within the paper road, shall be retained for the duration of the consent to a minimum height of two metres. Replacement may occur with a similarly dense evergreen hedge species, so long as the replacement hedge reaches a height of no less than 1.5m prior to removing the barberry. Planting will provide a visual screen between the commercial accommodation activities on the application site and the existing dwelling on the submitters property at 1835 Egmont Road, or replaced with similar hedge species that is a minimum height of 1.5 metres at the time of planting to provide a visual screen between the commercial accommodation activities on the application site and the existing dwelling on the submitters property at 1835 Egmont Road.

**Commented [CT7]:** Previously Mrs Southworth's condition 14.5. Changes make the condition more certain.

14.25 Planting Plans including plant species location, quantity, and size at time of planting, that shall achieve the performance standards in conditions 14.1 and 14.2, and a Landscape Management Plan shall be provided to NPDC and certified by the Planning Lead, prior to the commercial accommodation activities commencing onsite. The Landscape Management Plan shall include weed and pest management and other details necessary to ensure that the landscaping is maintained for the duration of the consent.

**Commented [CT8]:** Previously Mrs Southworth's condition 14.2. Changes ensure the planting plans shall be designed to achieve the performance standards set out in the Landscape Mitigation Zones Plan.

14.46 The required landscape planting shall be undertaken within the timeframes specified below:

**Motorhome, Amenity Building and Roadside Planting:**

- (a) All Planting within the area identified as pink diagonal striped hatch on the plan titled 'Landscape Mitigation Zones – Species Type, Height and Width, North Egmont Retreat, Labelled Plan L1.03' and dated 19 October 2020 shall be in place to the satisfaction of Councils Planning Lead before the commercial accommodation activities commence on site; and

**Chalet Planting:**

~~(b) All other planting located outside of the pink hatched area identified in Condition (a) above (in the areas identified as green planted areas, yellow shaded areas and red shaded areas on the plan titled 'Landscape Mitigation Zones – Species Type, Height and Width, North Egmont Retreat, Labelled Plan L1.03' and dated 19 October 2020) shall be in place to the satisfaction of Councils Planning Lead prior to the issue of a building consent(s) for the chalets. All other planting shall be staged in accordance with building consent/s granted for the chalets and undertaken prior to each of the chalets becoming operational. Prior to the grant of building consent/s for the chalets an updated Landscape Mitigation Zones Plan (and any updates to plans required under condition 14.2) shall be provided to NPDC and certified by the Planning Lead which shall provide detail on the staging of construction and operation of the chalets and the associated planting.~~

Advice Note: Updates enable the Planning Lead to certify that an appropriate extent of planting per chalet has been installed in order to sufficiently wrap, and screen, the chalets.

**Commented [CT9]:** Previously Mrs Southworth's condition 14.4. The changes to part b) allow for a staged approach to the landscaping around the chalets which is considered a practical and efficient way for this landscaping to be undertaken while still providing the mitigation intended and being easily understood and enforceable by NPDC.

## **15. Utilities and Services**

### **Stormwater**

15.1 Any stormwater effects shall be appropriately managed onsite. Stormwater shall be disposed of in a way that does not create a nuisance to neighbouring land and/or property.

### **Damage to council assets**

15.2 The owner, builder/developer or appointed agent responsible for building/development work must repair, to the satisfaction of Council, damaged roads, channels drains, vehicle crossings and other assets vested in council adjacent to the land where the building/construction work takes place.

Safe and continuous passage by pedestrians and vehicles shall be provided for. Footpath or road shall be restored to the Council's satisfaction as early as practicable.

Developers are required to pay for any damage to the road or street that results' from their development. The developer must employ a council approved contractor to carry out such work.

15.3 All costs in meeting the conditions of these requirements shall be met by the applicant unless otherwise stated.

### **Advice Notes:**

It is recommended for any residential building constructed in the rural area to provide for a fire fighting water supply and access to this system that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

## **16. Complaints Register**

16.1 The consent holder shall maintain a register for all complaints received by the consent holder. The register shall record:

- a) the date, time and duration of the event that is likely to have resulted in the complaint.
- b) the likely cause of the event and any factors which includes is severity'
- c) The weather conditions at the site at the time of the complaint.
- d) The nature and timing of any measures implemented to avoid, remedy or mitigate any adverse effects; and

e) The steps taken or proposed to prevent reoccurrence of the event and similar events. The register shall be made available to the New Plymouth District Council at all reasonable times. Complaints received by the consent holder shall be forwarded to the Planning Lead, NPDC as soon as practicable and within a maximum of 5 days of the complaint(s) being received.

