

IN THE MATTER of the Resource Management Act 1991 (RMA or Act)

AND an application pursuant to section 88 of the RMA, to the New Plymouth District Council by Deborah and Gregory How, to establish and operate a commercial accommodation activity on part of a rural property legally described as Lot 2, DP 392802, and located at 1838 Egmont Road, Inglewood.

1. INTRODUCTION

1.1 APPLICATION

The applicants have sought resource consent to establish and operate a commercial accommodation activity that is comprised of:

- 24 powered motorhome sites;
- 10 fully self-contained two-bedroom chalets; and
- a two- storey building containing shared toilets, showers, kitchen and laundry facilities, and a reception area and store- room on the ground floor; and staff accommodation (a 3- bedroom residential unit) on the first floor.

It is noted that the proposal is to be located clear of the existing gas pipeline easement and adjacent paper road.

The proposal is intended to be operated daily all year round.

1.2 SITE & SURROUNDING ENVIRONMENT

The section 42A (s42A) report describes the site as follows:

“Located north of the Egmont National Park boundary, and south-west of the Inglewood township, the application site is a rural property positioned on the south western corner of the Peters Road – Egmont Road intersection, and is bounded by three public roads as follows:

- *The site adjoins Peters Road along its northern boundary; and*

- *Egmont Road and an existing unformed paper road along its eastern boundary.*
- *The site adjoins an existing rural property (Lot 1 DP 404435) to the south; and the Waiwhakaiho River and an existing esplanade strip along the western boundary. Alfred Road is located on the western side of the Waiwhakaiho River.*
- *The Waiwhakaiho River and its tributaries are subject to statutory acknowledgement to Te Atiawa”.*

1.3 SURROUNDING RECEIVING ENVIRONMENT

The following extract from the s42A report provides a description of the immediate receiving environment as follows:

“Existing land use activities in the immediate surrounding area comprise of predominantly rural production related land uses (farming), and a small cluster of lifestyle allotments including the former Kaimiro Hall that has recently been converted into a residential dwelling. There are also existing commercial accommodation activities within the surrounding area, including the Volcano View Café and Campground, located approximately 680m to the south, on the opposite side of Egmont Road (at 1917 Egmont Road)”.

1.4 APPOINTMENT

I was appointed by the Council as an Independent Commissioner in terms of section 34A of the Resource Management Act 1991 (“the RMA”) to hear the applicant, submitters, and the Council’s reporting officer and to determine the application. The information available to me prior to the hearing included the application, assessment of environmental effects (AEE) report and other information; the submissions and a report prepared by Council’s reporting officer, being the section 42A report, and expert technical evidence.

1.5 BUNDLING PRINCIPLE

The proposal involves Operative District Plan (ODP) rules that cannot be complied with that have both discretionary and restricted discretionary activities.

The principle of bundling applications is a concept developed by the Environment Court. Where an activity is unable to comply with multiple plan provisions of differing activity status, they must be considered at the most onerous activity status and assessed using the more stringent criteria

(King & Ors v Auckland City Council; [2000] NZRMA 145). In regard to this application, the status of individual rules that are infringed include both restricted discretionary and discretionary activities.

The reporting officer has advised that in this instance, it is considered appropriate to apply the bundling approach and that the most restrictive activity status be applied overall that being as a discretionary activity.

Having considered this matter I concur with that advice. No contrary opinion was expressed by the applicant's planning consultant or counsel.

I record that the proposed district plan does not provided for aspects of the proposal and as such it would require consideration as a non-complying activity. However, the application was received prior to public notification of the proposed plan and therefore pursuant to section 88A(1A) of the RMA, the proposal is to be considered in accord with the activity status that applied under the ODP at the time of lodgement. Mr Grieve confirmed that section 88A(2) of the RMA requires that a proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b) of the RMA.¹

1.6 NOTIFICATION

The application was subject to limited notification and such notification occurred in respect of 1835 Egmont Road being Karl and Andrea Mischeski; 1870 Egmont Road being Michaela Stevenson and Zane O'Neill; and 1878 Egmont Road being Pamela Cordery. Limited notification occurred on 24 May 2019 and all three parties lodged submissions in opposition.

Subsequently given changes made to the original application as a result of further information requests made by the Council, the amended application was re-notified on a limited notification basis and two submissions in opposition were subsequently received being the same submitters in respect of the first limited notification process.

Ms Southworth noted in her s42A report that letters in support of the opposing submissions had been received but responded that such support letters had no status in terms of this RMA process.

¹ Grieve Reply Submissions- Para 6

Ms Southworth detailed in her report the processing and notification processes, and I do not consider there is any need to consider these further.

1.7 PRE- HEARING MEETING

The s42A report outlined that a pre-hearing meeting had been held on 26 February 2020, but no agreement was reached between the applicants and submitters.

2. HEARING

The hearing was conducted on 12 November in Council's Civic Centre, Liardet Street, New Plymouth. Appearances were from:

2.1 APPLICANT

- Mr Scott Grieve - Counsel
- Mr & Mrs Gregory and Deborah How- Applicants
- Ms Erin Griffith- Landscape Architect
- Mr Cam Twigley- Planner
- Mr Dave Bolger- Professional Mountain & Rock Guide

I noted that briefs of evidence had been provided by Mr Ian Steele, Engineer in respect of traffic and wastewater management matters; Mr Damian Ellerton, Acoustic Consultant had provided a brief of evidence in respect of noise matters; and Mr Jason Cudby, Lighting Engineer in respect of lighting matters.

I had previously advised that those experts were not required to attend the hearing, and that if any questions arose, that they be available by phone. This option did not require to be used.

2.2 SUBMITTERS

- Mrs Andrea Mischeski with Mrs Sonia Barrett in support
- Ms Michaela Stevenson, and Mr Luke Stevenson in support

2.3 COUNCIL

- Ms Cate Southworth - Reporting Officer

- Ms Abbie Fowler – Assisting the Reporting Officer
- Mr Richard Bain - Landscape Architect
- Ms Debbie Taplin - Development Engineer

Ms Julie Straka and Ms Jayne Tidbury-Beer were in attendance as Committee Advisors

2.4 SITE VISIT

I conducted a site visit on 11 November 2020 prior to commencement of the hearing. I was accompanied by Ms Bridget Rook, a New Plymouth District Council staff member who was not involved with the processing of the application or hearing. I also noted the location of submitter properties and drove around the locality. I subsequently undertook a further site visit alone, the day following the hearing.

2.5 CLOSURE OF HEARING

I formally closed the hearing on 8 December 2020 after I had concluded that I had sufficient information on which to determine the application.

3. SUBMISSION & MAIN ISSUES RAISED

The section 42A report highlighted matters that were of concern to the submitters and these are summarised as follows:

- Michaela Stevenson and Zane O'Neill (1870 Egmont Road) opposed the proposal for the following reasons:
 - They do not want that much activity near their home or family; and
 - They want to retain their privacy.
- Karl and Andrea Mischeski (1835 Egmont Road) opposed the proposal for the following reasons:
 - Potential Impacts on Rural Character: The area is a Rural Environment Area where they enjoy a quiet, peaceful lifestyle. There are no streetlights or footpaths.
 - The Camp- Ground Regulations 1985 require artificial lighting to be provided which will change the rural character of the environment.

- They do not agree with Section 4.1 of the application (that the proposal will reduce problems with freedom camping). Freedom campers do not want to pay for the use of sites. The camp will be a commercial venture and will therefore have limited impact on freedom camping.
- They are opposed to the number of dwellings proposed, and the potential for these houses to be used as temporary housing.
- The visual effects and its impact on rural character. The addition of 10 chalets, camper vans and trees will alter their existing open views of the landscape.
- The noise effects and its impact on rural character. The additional people (tourists) will create noise at all times of the day and night, altering the existing rural character.
- Vehicle Movements – The Vehicle Equivalent Movements (VEM’s) stated in the application may have been underestimated, particularly in relation to the chalets, which are likely to have more than one vehicle associated with each chalet. The VEM’s would therefore be higher than estimated.
- The suggestion that vehicle movements would be ‘predominantly during daytime hours’ is queried. Travellers arrive and depart at all times of the day and night, and traffic during the late hours would be more than negligible.
- The lack of information / detail with respect to the ability of the site to accommodate effluent disposal and grey water generated from the proposal (including from people showering, washing laundry, and dumping their onboard waste from motorhomes).
- Potential traffic safety issue from slower campers accessing Egmont Road from the site and motorists travelling along Egmont Road; and conflict between vehicles, pedestrians, and cyclists.
- The proposal contravenes the current rural environment area, adversely affecting character and amenities and is inconsistent with the intent of the Regional Policy Statement.
- Kaimiro is a ‘rural’ zoned community made up of ten families within a 500m radius of the proposed site. The proposal will adversely impact on the quality and characteristic of the existing rural character.
- The effects of rubbish generated on site (attracting rodents and being near the boundary of the National Park).
- Potential effects on birdlife due to the increased noise, light, waste, and people.
- Stress on existing pets and animals.
- Potential safety and security issues for the surrounding neighbours.
- Whether there is an actual demand for the proposed activities (given that there are already 9 advertised places to accommodate tourists in the surrounding area.
- Potential impact on their property values due to the change in rural character.

4. PRINCIPAL MATTERS IN CONTENTION

Having considered the application, submissions and evidence provided, and being guided by the assessment criteria of the District Plan, I consider that the principal issues of contention are:

- Rural character and amenity effects
- Landscape and visual effects
- Effects on paper road and setbacks
- Traffic effects
- Servicing effects

5. SUMMARY OF EVIDENCE

The following summary is not intended to be a full coverage of all matters raised at the hearing. Relevant parts of the evidence presented by the parties are referred to in the Main Findings section of this decision, where it forms a component of the findings by me, in deciding the application.

5.1 APPLICANT

- **Mr Grieve** presented legal submissions that discussed the mitigation measures proposed by the applicant and that such measures would promote sustainable management. He summarised the evidence to be presented by witnesses and evidence where the witnesses were not in attendance.

He believed the proposal will enhance the surrounding environment and will not adversely affect rural character, landscape values or amenities, and that there would be little change to the character, appearance, or amenity of the surrounding environment.

Mr Grieve was of the view that the proposal was consistent with the relevant statutory documents requiring consideration under section 104(1)(b) of the RMA, and that the proposal meets the purpose of the RMA, and that consent be granted.

- **Mr How** presented his pre-circulated statement. He noted that he and his wife had been on the property for 6 years. He outlined that over the years there has been considerable lifestyle subdivision along Egmont Road and surrounding areas and that the area was changing from just farming activity to the provision of lifestyle opportunities.

He outlined that the main reason for developing the North Egmont Retreat was to make their farm more of a multi- purpose operation with each operation complimenting the other. In addition, with the development of tracks and facilities within the national park, he was of the view that some form of accommodation in proximity to the park was appropriate, given there is currently very little accommodation close to the norther mountain slopes.

Mr How also discussed the nature of changes and increasing opportunities for tourism. He further noted that the proposal will provide for employment opportunities.

- **Ms Griffith** highlighted a range of matters from her pre-circulated evidence. She noted that plant maturity would be reached after about 7-10 years and that the barberry hedge, which was about 3 metres high, was the primary mitigation screening of the proposal from Egmont Road. After 7-10n years the amenity building may be seen given it has a maximum height of 8 metres but that it would be difficult to see the chalets.

Ms Griffith outlined that there was no 'easy' view into the subject site from the submitter properties but may be some partial views over the top of the hedge from one property, although the barberry hedge does not provide screening into the site from 1835 Egmont Road.

She outlined that there will be a different and changed landscape, and that the policies and objectives acknowledged that change occurs in the rural environment. Ms Griffith also noted that change in the rural environment is articulated in the Rural Design Guidelines.

Ms Griffith was of the view that the proposed planting and performance standards would mitigate any adverse effects on rural character and the landscape and amenity values of the locality.

- **Mr Bolger** spoke to his pre-circulated evidence and noted that climbers with experience tend to stay in low budget accommodation or on the mountain prior to a climb, particularly sunrise climbs which he stated are reasonably rare.

He further outlined that the upgrading of facilities and tracks in the national park would likely result in more people using the park.

- **Mr Twigley** summarised his evidence noting that the key planning document was the ODP. He referred to the policies and objectives of the ODP which in his view envisaged that change would occur in the rural environment and that the ODP policies refer to the Rural

Design Guideline. He was of the view that the guidelines had some statutory basis given they are referenced in the ODP policies.

Mr Twigley outlined that the proposal would only occupy a small part of the applicant's farm and therefore a significant part would remain in open space utilised for rural farming purpose. Furthermore, he noted that significant enhancement would occur through the vegetation planting of the subject site. The maintenance of open space and the planting were considered key to maintaining and enhancing rural character and amenity.

5.2 SUBMITTERS

- **Mrs Mischeski** noted that there were 24 houses within 1 km radius of Kaimiro. She felt that the proposal would degrade the area.

She also outlined concerns about sight distances and that the entranceway does not comply with the relevant Council rules and concerned about vehicles exiting the site and heading north.

Mrs Mischeski also considered that the proposal was a potential hazard with pedestrians using Egmont Road. She expressed concerns about lighting, and it could light up the area. She noted that any lighting was noticeable in Kaimiro and concerned about permanent lighting that would be on every night of the year.

She questioned whether the proposal would comply with the ODP noise provisions and stated that they get rural noise which is consistent day to day. Mrs Mischeski believed that the background noise would be noticeable and concerned about the frequency of noise.

Concerns were also outlined about the quantum of rubbish that could be on the site due to the numbers of people using the facility and any impact the proposal may have on the predator free initiative.

Mrs Mischeski highlighted a concern about the visual impact of the proposal when viewed from her dwelling, and that she can look up driveway to the subject site. She was keen to retain the view up the paper road.

She highlighted a concern about potential water contamination from the on-site disposal of wastewater.

- **Ms Stevenson and Mr Stevenson**

Ms Stevenson highlighted a concern about random people coming and going in respect of the proposal. She outlined that if they had known that the proposal was to occur would not have purchased the property.

Concerned about a potential loss of privacy and potential noise effects.

Mr Stevenson questioned the number of people likely to visit the retreat on an annual basis and any impact of the proposal on the school zone

5.3 COUNCIL

- **Ms Southworth's** section 42A report was taken as read. She outlined that any effects on rural character and amenity would be mitigated but that the mitigation proposed particularly in respect of the proposed planting, would address any potential adverse effects. She also considered that the proposed mitigation along with a range of consent conditions would address the concerns highlighted by submitters in their submissions and matters raised at the hearing.
- **Mr Bain** spoke to his peer review and noted that the proposal would result in change to the rural character and amenity of the area. He noted that the proposed planting would be starting to achieve mitigation after about 3 years and reach maturity in about 6-10 years. He noted that the proposal relied heavily on mitigation planting and that planting plans and a Landscape Mitigation Management Plan be provided to the Council prior to any development occurring. He was of the view that performance standards in respect of the planting and what it is to achieve should also be imposed.

He concluded that subject to the mitigation measures being implemented and the recommended plans being provided, that the proposal was unlikely to create any adverse landscape and visual effects on rural character and amenity.

- **Ms Taplin** provided an update of average daily vehicles over a 26- year period from 1990 to 2016 and noted that traffic counts had been undertaken at any point during the year, not necessarily at peak times. She further advised that the Council had undertaken another count in 2019 during a holiday period when looking at the feasibility of providing parking adjacent to the park entrance. She advised that the count on that occasion was 418.

Ms Taplin noted that the Council had not undertaken any forecasting in respect of future traffic volumes should the carpark be built.

5.4 APPLICANT'S RIGHT OF REPLY

- **Mr Grieve** provided a written right of reply which was received by me on 25th November 2020. The reply responded to several matters that had been raised by the submitters and the Council. A revised set of draft conditions were also attached to the reply along with an amended 'Landscape Mitigation Zones-Species, Type, Height and Width Plan- L1.03A which included a number of amendments to address matters raised at the hearing.

6. MAIN FINDINGS

The main findings that have led to this decision are as follows.

6.1 DISTRICT PLAN

The New Plymouth District Plan is an operative document, and it was common ground that the proposal be considered as a discretionary activity. The subject site is zoned 'Rural Environment Area' by the ODP. The property is also identified as being located within the Volcanic Hazard Overlay (H3) area.

The surrounding properties are also zoned Rural Environment.

I was advised that the planning maps do not identify any recorded Waahi Taonga/Sites of Significance to Maori or Archaeological Sites on the subject property.

Particular matters relating to the District Plan objectives and policies, are discussed in section 7 of this decision.

6.2 EFFECTS: RURAL CHARACTER & AMENITY

The retention of rural character is identified in the ODP through its objectives, policies, and rules. Rural land within the district is an important resource and it aims to ensure that the character of the rural environment is maintained both to protect amenity values and to promote the sustainable management of rural resources over the long term. The ODP identifies the importance of spaciousness, dominance of open space over built form, scale bulk and height as aspects of rural character.

Rural character is defined in the ODP as *'the combination of elements that make an area 'rural'*

rather than 'urban'. Rural areas are typically distinguished by a dominance of openness and rural practices over manmade structures not related to the primary use. Rural character includes the key elements of spaciousness, low density, vegetated, production orientated, working environment, rural based industry, and rural infrastructure. The elements of rural character are further defined under these categories in the reasons to issue 4.'

People's appreciation of that rural character is rural amenity. The RMA defines amenity values as *'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'*.

As outlined in the s42A report² *"the character of the surrounding area is predominantly rural and exhibits a mixture of small rural lifestyle blocks (utilised predominantly for residential and lifestyle activities) and larger rural landholdings utilised for general farming activities"*.

Submitters have identified potential effects on rural character and amenity as a potential concern and the Mischeskis have outlined the introduction of artificial lighting, the number of additional habitable buildings proposed, noise and vehicle movements as aspects of the proposal that have the potential to impact on the existing rural character. Ms Stevenson and Mr O'Neill have highlighted concerns with respect to their privacy.

A range of matters have the potential to adversely affect Rural Character and Amenity and they are considered as follows.

6.2.1 Building Setbacks

I was advised³ that ODP provisions require a minimum building setback of 30m from a road boundary and 15m from a side or rear boundary and that the setbacks seek to maintain rural character, streetscape, and privacy within the rural environment.

Compliance with the setbacks is proposed for all buildings apart from the setbacks in respect of two chalets adjacent to the paper road. Ms Southworth was of the view that siting of the chalets within the minimum setback could potentially adversely impact upon rural character and amenity, particularly if the paper road were to be formed and utilised.

² S42A Report- para 96

³ S42A Report- para 108

I noted that the Councils Development Engineer had given approval for two of the chalets to be setback a minimum distance of 14m and 24m from the paper road on the basis that the proposal to site the buildings in this location (along with the mitigation measures proposed) will not result in any adverse effects with respect to the paper road. Any public access to the paper road is not compromised nor result in any potential adverse traffic safety effects with respect to the paper road.

Although two chalets are to be located in the setback, there is still sufficient distance between the chalets and paper road not to impact on the view that Mrs Mischeski said was available along the paper road, from her property.

Various mitigation measures are proposed to minimise any adverse effects associated with the siting of the two chalets within the minimum building setback requirement from the paper road. These include landscape planting on the eastern side of both chalets to assist in screening them from the adjacent paper road and provide privacy for guests using the chalets. A landscape buffer is also proposed along the length of the boundary adjoining the paper road and this will also screen the access road and associated traffic from the paper road.

The external appearance and design (log cabin design and recessive colour scheme) will ensure that the buildings are not visually dominant when viewed from the paper road. In addition, they are to be single storey and comply with the applicable maximum height and height in relation to boundary requirements. The buildings will not result in any adverse overshadowing effects or loss of sunlight with respect to the paper road.

I noted the advice of both Ms Griffith and Mr Bain who were of the view that locating the two chalets within the minimum building setback would not adversely impact upon the rural character and amenity of the adjacent paper road. Ms Southworth believed the setbacks proposed were appropriate for the size of each chalet, the landscape planting that is proposed, and the existing rural character in this location. Locating two of the chalets within the building setback will not impair public access to the adjacent paper road or result in any loss of sunlight or overshadowing effects with respect to the adjacent paper road. The proposed landscape planting will assist in screening the development from the paper road and maintaining rural character and amenity.

Mrs Mischeski stated at the hearing that there is a view from their property up the paper road and whilst the maintenance of views not a resource management consideration, location of the chalets into the setback will not impede views along the legal paper road.

Overall, I conclude that location of the two chalets in the setback will not create any adverse effects on rural character and amenity in respect of the paper road.

6.2.2 Number of Habitable Buildings

The proposal fails to comply with the with the maximum permitted number of habitable buildings. As outlined in the s42A report only two habitable buildings are permitted on a rural property that is 47 ha in area.

The applicant has proposed to have a total of 12 habitable buildings on the subject property being 10 chalets, managers unit and the applicants existing dwelling. This level of density is much greater than that anticipated by the ODP provisions in respect of the Rural Environment and has the potential to impact adversely on rural character and amenity values.

I have considered the advice of Mr Bain while acknowledging that the proposal will result in a change in rural character but concluded that subject to the proposed mitigation planting being undertaken and a requirement for a Landscape Mitigation Plan, the proposal was unlikely to create adverse landscape and visual effects on rural character and amenity.

I am satisfied that the proposed landscape planting will assist in screening the proposed buildings from adjacent properties and public roads and conditions have been imposed to address the height, timing, and maintenance of the proposed plantings. Such planting is to be undertaken in accord with the Landscape and Visual assessment and the recommendations of Mr Bain. I have noted Ms Southworth's advice⁴ that her recommendation to approve the application relies heavily on the mitigation planting proposed, and she was of the view that the planting should not be staged around the chalets, as all planting was required to mitigate the effects of the proposal.

However, given the amended 'Landscape Mitigation Zones-Species Type, Height and Width Plan L1.03A dated 20 November 2020' and associated consent conditions relating to planting in respect of the chalets, that appropriate mitigation can occur given the performance standards imposed, and that planting occur in a staged manner prior to the erection of any or group of chalets. The planting of the "southwestern, central and north-eastern landscape buffers together with the planting of other parts of the site within the 'thick black line' outlined on the abovementioned plan, will provide appropriate mitigation and minimise any rural character, landscape and amenity effects in respect of the submitter properties.

⁴ Southworth Speaking Notes-12/11/20- Para 16

I was advised that the proposed cabins were to be no greater than 88m² and to have a log cabin design with a recessive colour scheme. This will assist in minimising the potential visual effects of having a greater number of habitable buildings on the site. Mr Bain also noted that the buildings would not be visually dominant when viewed from adjacent properties and public roads given their proposed design and appearance.

I note that various farm buildings could be established on the subject site without any design or recessive colour requirements.

Regarding building height, all buildings comply with the maximum permitted building height in the Rural Environment being 8m. The proposed chalets are to be no higher than 5m and the kitchen/ablution facility and managers residence to be no higher than 8m. All buildings have been located to comply with the relevant height in relation to boundary requirement and therefore no overshadowing or loss of sunlight effects are anticipated in respect of public roads or adjacent properties.

Given the mitigation measures proposed and the recommendations of Mr Bain, the subject site can in my view accommodate the proposal and associated number of habitable buildings without impacting adversely on rural character and amenity. Relevant conditions have been imposed regarding the maximum number of chalets and motorhome parks, and that the proposed buildings are restricted to commercial accommodation activities and are not for private residential accommodation.

6.2.3 Building Height

A maximum building height of 8m for habitable buildings is provided for by the ODP with the purpose of such a height being to ensure buildings do not adversely affect the character and visual amenity of the rural area, particularly the dominance of open space over built form, the privacy of adjoining sites, and overshadowing and loss of sunlight for adjoining properties.

The proposal complies with the building height and day lighting requirements with the proposed chalets having a maximum height of 5m and the proposed service/ managers accommodation building having a maximum height of 8m.

Given the location of buildings within the site and away from adjoining property boundaries, no overshadowing or loss of sunlight effects are therefore anticipated with respect to such the properties.

Accordingly, I am of the view that the proposal will not give rise to any adverse effects on rural character and amenity, in respect to the height of the proposed buildings.

6.2.4 Noise Effects

Mr Ellerton in his brief of evidence⁵ had concluded that the proposal would comply with the applicable Rural Environment noise standards. Mrs Mischeski was of the view that potential noise effects would impact on rural character and that people using the facility would create noise that would alter rural character. No alternative acoustic evidence was provided at the hearing.

I rely on the evidence of Mr Ellerton that any noise would comply with the relevant District Plan provisions, and that the conditions of consent ensure that management of the facility would result in District Plan noise standard compliance. The management plan and rules and conditions of occupancy are intended to control potential off-site noise effects.

A noise monitoring condition will provide for the measurement of noise once the activities are operational on the subject site.

Having regard to the expert evidence adduced and the s42A report assessment, no adverse noise effects are anticipated with respect to rural character and amenity.

6.2.5 Lighting Effects

The applicant had engaged a lighting consultant and Mr Cudby's brief of evidence confirmed that the proposed lighting design and associated calculations confirm that the proposed lighting will comply the current District Plan provisions and does go beyond the District Plan's permitted activity requirements. He goes on to note that the proposed lighting concept and associated conditions proposed will ensure minimal impact on the surrounding environment including people and dwellings. He further noted that the night sky is preserved in such a way through the lighting proposed, that the proposal is considered to have little or impact on the night sky.

Ms Southworth considered that any lighting effects would be no more than minor and that no adverse effects through artificial lighting were anticipated with respect to rural character and amenity.

⁵ Ellerton Evidence- Para 27

Given the expert design work undertaken and the mitigation proposed I conclude that any effects arising from artificial lighting in respect of the proposal will be not be more than minor and with little if any effect, in respect of impact on the night sky.

6.2.6 Traffic Effects

These are discussed in section 6.5 of this decision

6.3 LANDSCAPE & VISUAL EFFECTS

Given that the proposal seeks to undertake commercial visitor accommodation activities, there will be a change from the current rural farming activities undertaken on the subject site. There will be a visual change given the nature of the proposal with additional habitable buildings, motorhome parks, parking areas and internal access roads and additional traffic to and from the site.

The proposal will result in visual changes to the surrounding environment which includes the submitter properties which are located to the north and east of the site. Both submitters had outlined in their submissions and at the hearing their concerns about visual impact of the proposal on their properties and lifestyle and a concern about a loss of privacy. Both landscape experts have acknowledged that there will be visual changes but had concluded that such changes can be adequately mitigated particularly through the extensive planting proposed.

Ms Southworth discussed⁶ how in her opinion the mitigation will result in no more than minor landscape and visual effects;

“The existing and proposed landscape planting will assist in softening the appearance of the proposed buildings and screen the development from the adjacent public road and neighbouring rural properties, including both of the submitters’ properties. The location of the proposed activities entirely within the application site (as opposed to also occupying part of the adjacent paper road) will further assist in providing adequate separation and physical distance between the commercial accommodation activities and the submitters properties.

With respect to the submitters’ properties, the property at 1835 Egmont Road is located on the opposite side of Egmont Road to the application site, and (based on the Receptors Plan L1.02 submitted with the Landscape and Visual Assessment), the existing dwelling is setback approximately 43m from the application site, and 153m from the nearest campervan parking space. The proposed kitchen/ablution and managers residence building is setback approximately 140m.

⁶ S42A Report- Paras 141-143

The existing barberry hedge along the road frontage and the additional planting proposed within the application site will assist in screening the proposed activities from the submitter's property.

The submitter's property at 1870 Egmont Road is located to the south east of the application site, and on the opposite side of the adjacent unformed paper road. The existing paper road affords adequate separation between the application site and the submitters property. Based on the Receptors Plan L1.02 submitted with the Landscape and Visual Assessment, the existing dwelling on the submitter's property is setback approximately 97m from the boundary with the application site, and 111m from the nearest chalet. Landscape planting is proposed in the area between the proposed chalet and the site boundary, to screen the chalet from the submitter's property. Additional landscape planting is also proposed along the eastern side of the application site (the area adjoining the proposed access road), to screen the internal access road and motorhome parks from the submitter's property".

Both Ms Southworth and Mr Twigley concluded that landscape and visual effects can be appropriately mitigated primarily through the log cabin design, a recessive colour scheme and extensive on-site planting. As discussed previously in this decision, the on-site planting is a significant mitigation approach, and this is outlined in the amended landscape mitigation zones plan.

Mr Bain in his peer review outlined that with the proposed mitigation planting outlined in the 'Landscape Mitigation Zones Plan' and the overall mitigation proposed by Natural Capital, the proposal is unlikely create adverse landscape and visual effects on rural character and amenity.

Having considered the evidence on this matter and reviewed the relevant plans and noting the conditions of consent imposed, I concur that any adverse effects can be adequately mitigated so they are no more than minor.

6.4 EFFECTS ON PAPER ROAD & SETBACKS

It is noted that the application had been amended so that all the proposed commercial accommodation activities including buildings, access, parking, and planting are to be completely located within the subject site as opposed to any activity being located on the adjacent paper road.

I was advised that two of the proposed chalets were to be sited within 30m of the paper road (14m and 24m respectively) and would therefore encroach into the 30m minimum building setback requirement.

Landscape planting is proposed along the eastern sides of both chalets, to screen the proposed buildings from the paper road, and the rural lifestyle properties located on the opposite side of the paper road including the Stevenson property.

The s42A report⁷ outlined that the Councils Roading Engineer had the amended proposal and site plan that provided for all activities to be on the subject site and believed it would not adversely impact upon the paper road. There was no objection to the two chalets being located within the 30m setback.

Ms Southworth outlined that no adverse effects were anticipated with two chalets being in the setback area.

Having considered the relevant issues, I concur with the conclusion reached.

6.5 TRAFFIC EFFECTS

Vehicle Entrance

It is proposed to utilise an existing vehicle entrance from Egmont Road to provide access for all of the proposed activity. I was advised⁸ that the existing entrance does not comply with the minimum sight line and separation requirements and requires upgrading to comply with the applicable entrance standards.

I noted that the Council's Development Engineer was satisfied that Egmont Road and the surrounding roading network, had capacity to accommodate the anticipated traffic volumes, and that there were increasing volumes of traffic using Egmont Road to access national park

Advice was received from the Development Engineer that the existing vehicle entrance can be upgraded to provide suitable dual access and egress to the subject site.

Several mitigation measures were proposed by the applicant which included vehicle entrance upgrading and improvement to vehicle sight lines. It is noted that the entrance will provide the only entry and exit in respect of the proposal.

⁷ S42A Report- Para 156

⁸ S42A Report- Paras 144-149

Internal Access Road

In respect of the internal access road, it is proposed that it be designed to appropriate Council standards and have an all-weather and dust free surface. The internal access road had also been designed to reduce the potential for any adverse safety effects caused by headlight glare from vehicles exiting the subject site and will do at right angles to Egmont Road.

Mrs Mischeski highlighted the potential for headlight glare to create an adverse effect in respect of her dwelling when vehicles are leaving the subject site.

I noted that the entrance is not directly opposite the Mischeski dwelling but further west toward the national park

Parking

It is proposed that all parking spaces be located on the subject site and Ms Southworth confirmed that the number of parking spaces proposed is appropriate for the scale of the activity, and the anticipated number of vehicles to be associated with the accommodation activities. However, she proposed that two additional carparks be provided to accommodate visitor parking onsite.

It is proposed that parking be spread out over the site (as opposed to a single large- sealed parking area, which would potentially have a greater impact on rural character and amenity). The proposed carparks have been sited adjacent to the buildings they are associated with and will be screened by the existing and proposed landscape planting onsite.

It is therefore considered that the proposal with appropriate conditions, will not have any adverse transportation related effects with respect to rural character and amenity and traffic safety.

6.6 SERVICING EFFECTS

Both the expert evidence of Mr Steele and the Council's Development Engineer conclude that the proposal can be provided with appropriate and adequate servicing infrastructure by on-site methods to the satisfaction of the Council.

Given this advice, I conclude that any adverse effects of site servicing can be appropriately mitigated.

6.7 POSITIVE EFFECTS

The proposal will have positive effects in so far as providing for the social and economic wellbeing of the applicant and wider community. This will occur through enabling the applicants to diversify their existing land use activities primarily being farming oriented and is considered to be compatible with the existing farming activities on-site (which will continue to operate on the balance of the subject property).

The proposal will have positive effects on the wider community insofar as it will provide visitors to the area with a greater choice of accommodation facilities near Egmont National Park and provide employment opportunities in respect of the activity.

6.8 DISCUSSION ON MATTERS RAISED BY SUBMITTERS

Submitters had raised several matters in their respective submissions and these matters have been well outlined in the s42A report and considered as part of my consideration of environmental effects. However, I consider it appropriate to summarise my response to a range of matters raised.

The amended design places all activities within the applicant's site and there is no reliance on public property on which to undertake elements of the activity.

While it is acknowledged that there will be changes to the rural character and amenity of the locality, expert landscape advice states that any effects of the proposal on rural character and amenity can be mitigated through the design, use of recessive colour schemes and extensive planting. A key element of mitigation will be the planting on the subject site, and this is provided for in respect of the amended landscape mitigation zones plan dated 19 November 2020.

The concerns raised by the Mischeskis that their existing open views will be altered through the development and the planting are acknowledged. I note however that planting can occur as of right on rural properties and therefore there is no protection of views through the ODP. There current view along the paper road corridor is not impeded by the proposed development.

I am satisfied that the proposal will comply with the relevant noise provisions of the District Plan and the expert advice of Mr Ellerton confirmed this situation.

In respect of traffic matters it has been estimated that the proposal would generate an additional

46 traffic movements (arrivals and departures) per 24- hour period.⁹ While traffic counts on Egmont Road are variable and seasonal, I note that the 2016 count was 233 average daily vehicles and the 2019 had been 418 vehicles. What the traffic counts do indicate over a period of time is an increase in traffic using Egmont Road and overall, the increase in traffic resulting from the proposal can be catered for by the existing road network. While there will be an increase in traffic past the Mischeski property, such increase would occur due to increasing traffic to the national park.

The habitable buildings are to be used for the commercial accommodation activity and the consent does not include the provisions of temporary residential housing.

It is noted that the proposal can be appropriately serviced in respect of wastewater through on-site methods to the satisfaction of the Council, and that rubbish will be collected on a regular basis and the Camping Ground Regulations 1985 require this to occur.

The applicant proposes extensive planting supported by consent conditions to mitigate any effects in respect of a potential loss of privacy by submitters through the screening of views from the motorhome parks and chalets.

The management Plan provides for how the facility is to be operated and further addresses concerns raised by submitters regarding its operation.

I note Mr Grieves' comment in his right of reply that the former owners of the Stevenson and O'Neill property had been provided details of the proposal by Mr Twigley.

7. DISTRICT PLAN: OBJECTIVES & POLICIES

An assessment of the relevant policies and objectives has been undertaken by Ms Southworth in her s42A report and I generally concur with that assessment. The analysis relates to Amenity, Health and Safety; Rural Character; Traffic and Transport.

Having regard to that analysis and that of Mr Twigley contained in Annexure A to his brief of evidence, the planning experts generally reached similar conclusions, and they find that the proposal is consistent with all relevant policies and objectives.

⁹ Grieve Right of Reply- Para 14

I note that the proposal is unlikely to create adverse landscape and visual effects on rural character and amenity; that buildings comply with the relevant performance standards relating to height and minimum setback requirement to the Egmont Road boundary, noting that the siting of two chalets within the minimum setback from the adjacent paper road does not create any adverse effects in respect of the paper road.

I am satisfied that buildings are appropriately set back from external property boundaries to retain a dominance of open space and adequate separation from rural farming activities in the surrounding rural area.

The proposed planting will assist in screening the proposed buildings and on- site activities from adjoining public roads and surrounding properties. I do re-emphasise the significance of the mitigation planting and that it all be undertaken in accordance with the relevant plans and conditions of consent.

While several habitable buildings are proposed that well exceed the number permitted by the ODP, I am satisfied given the landscape advice received that the proposal is unlikely to create adverse landscape and visual effects on rural character and amenity as required by Objective 4 and associated policies. I acknowledge and accept though the advice of Mr Bain who outlined that rural character and amenity will be subject to change through the proposal, but also his conclusion that any effects can be mitigated particularly through planting and building design and recessive colour schemes.

I concur that the proposal will not adversely affect the safe and efficient operation of the road transport network, and that Egmont Road can accommodate the additional traffic volumes. Upgrading of the access will also provide safe access to the site.

Having considered the relevant objectives and policies, I find that the proposal is generally consistent with them.

8. PROPOSED DISTRICT PLAN: OBJECTIVES & POLICIES

The proposed plan had been publicly notified on 23 September 2019 and as yet had not reached the stage for the hearing of submissions. Given this situation and that the application had been originally lodged in March 2019 prior to notification, I have given little weight to those provisions although I am required to consider any relevant policies and objectives.

The s42A report¹⁰ provides an analysis of the PDP objectives and policies and this is outlined as follows:

“Under the Proposed District Plan the application site is zoned ‘Rural Production Zone’ and is located within a volcanic hazard area. The online planning maps identify the following notations as applicable to the subject property:

- *The existing Gas Transmission Pipeline and Gas Transmission Pipeline Corridor are identified.*
- *Peters Road is identified as a Local Road and Egmont Road as a Collector Road.*

1. *The policy framework for the Rural Production Zone is generally consistent with the policy framework for the Rural Environment Area in the Operative District Plan. The objectives and policies relate to the efficient use of productive land and resources to support a range of production orientated and resource dependent activities; and maintain rural character and amenity.*

2. *However, Objective **RPROZ-O3** seeks to ensure ‘The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.’.*

3. *The associated Policy (**Policy RPRPZ-P3**) seeks to ‘Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and/or activities that will result in:*

1. *Reverse sensitivity effects and/or conflict with permitted activities in the zone; or*
2. *Adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on:*
 - a. *Rural character and amenity values;*
 - b. *The productive potential of highly productive soils and versatile rural land.*

....

visitor accommodation...’.

4. *The above policy therefore specifically identifies ‘visitor accommodation’ as an incompatible activity in the Rural Production Zone.*

¹⁰ S42a Report- Section 6.3.3

5. *'Visitor Accommodation' is a Non-Complying Activity in the Rural Production Zone in accordance with Rule **RPROZ-R29**.*

6. *'Camping Grounds' are a Restricted Discretionary Activity in the Rural Production Zone in accordance with Rule **RPROZ-R18**. However, failure to comply with the Rural Production Zone Effects Standards defaults 'Camping Ground' activities to a Discretionary Activity in the Rural Production Zone.*

7. *The policy frameworks within the Proposed District Plan are potentially more restrictive than the Operative District Plan. However, for the purposes of this application, greater weight has been given to the ODP provisions, given the date at which the application was first lodged, and that submissions are yet to be heard on the PDP".*

I have noted that the overall policy framework of the PDP is generally similar to that of the ODP with a focus on efficient use of productive land and maintaining rural character and amenity. The PDP identifies visitor accommodation as an 'incompatible activity' in the proposed Rural Production Zone and it is a non-complying activity. Camping grounds have restricted discretionary activity status but with a default to Discretionary Activity status where there is non-compliance with relevant standards. The PDP as it currently stands provides for a higher threshold for the consideration of visitor accommodation and potentially for camping grounds.

As noted on section 1.5 of this decision, I am required to consider the proposal in accord with the activity status that applied the application was lodged, although regard is to be had to the PDP provisions. Those provisions among other things have a similar focus on rural character and amenity and ensuring that the effects of any activities character and amenity can be mitigated, remedied, or avoided. Notwithstanding the differing activity status of the proposal, I find that any effects of the proposal in terms of the ODP provisions relating to rural character and amenity can be appropriately mitigated.

No hearings have been held to date on submissions received to the PDP, and therefore I accord greater weight to the ODP provisions.

9. SECTIONS 104 & 104B: RESOURCE MANAGEMENT ACT 1991

When considering an application as a discretionary activity, the Act requires that a number of matters be considered. These are outlined in sections 104 and 104B.

I have considered the proposal against the objectives and policies of the Operative District Plan. The conclusion in this regard is that the proposal was generally consistent with the relevant objectives and policies.

I have also considered the proposal in respect of those matters outlined in sections 104 and 104B

I am of the view that any potential or actual effects arising from granting consent to the proposal can be adequately mitigated, remedied, or avoided as outlined in the application documentation, evidence presented at the hearing and through the imposition of conditions of consent.

10. OTHER MATTERS

10.1 NATIONAL POLICY STATEMENTS & ENVIRONMENTAL STANDARDS

No national policy statements were highlighted to me as being of relevance to consideration of the proposal.

In respect of National Environmental Standards (NES for Assessing and Managing Contaminants in Soil to Protect Human Health) it was outlined in the s42A report¹¹ the applicant had confirmed that there was no evidence that the property had contained an activity listed on the HAIL and the site is not listed on the Taranaki Regional Council's Register of Selected Land Uses (RSLU). Pastoral farming is not a HAIL activity.

Accordingly, the proposal to utilise an area of the property that has previously been utilised for pastoral farming for the proposed commercial accommodation activity, is permitted in terms of the NESCS.

10.2 TARANAKI REGIONAL POLICY STATEMENT

In accordance with Section 104 (1) (b) (v) any resource consent application must have regard to the relevant regional policy statement. The Taranaki Regional Policy Statement (RPS) considers regional wide issues on water, soil and land, air, freshwater, indigenous biodiversity, natural and historic features, waste management, minerals, energy, and the built environment.

¹¹ S42A Report- Para 188

Overall, I consider that any adverse effects of the activity on the environment, including on rural amenity will be mitigated through measures proposed by the applicant including conditions of consent, and will be no more than minor. In particular, it is considered that the proposed landscape mitigation planting will enhance and improve biodiversity and maintain amenity values

I believe the proposal is in general accord with the policy and objective framework of the RPS.

11. PART 2: RESOURCE MANAGEMENT ACT 1991

I have had regard to all Part 2 matters noting the submission of Mr Grieve where he observed it was appropriate to have regard to Part 2 given the PDP was at an early stage in the resource management process. I also noted the evidence of Mr Twigley¹² where he considered that in respect of the ODP and RPS, they had been prepared with a coherent set of policies designed to achieve clear environmental outcomes and that an assessment against Part 2 would not add to the evaluative exercise. Notwithstanding this opinion, I have undertaken an assessment against Part 2.

The purpose of the RMA is to promote sustainable management by enabling people and communities to provide for their social, economic, and cultural wellbeing, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 5 allows for the balancing of conflicting considerations in relation to their particular significance to the overall outcome and requires an overall board judgement to be made.

Having considered all relevant matters I am of the opinion that the proposal provides for the economic and social well-being of people and for their health and safety through the sustainable use of physical and natural resources, in this case the use of land for a commercial accommodation activity and to assist in meeting the needs of the applicant and wider community. It will also provide for employment opportunities and enable the provision of accommodation for those travelling, wishing to visit the national park and spend time at the retreat.

I am satisfied that any adverse effects of the activity on the environment, such as any effects on rural character, landscape and amenity values can be adequately mitigated by the mitigation proposed and the associated conditions of consent.

¹² Twigley Evidence-Paras 48 &49

Overall, I therefore believe the proposal is not contrary to the purpose of the RMA.

Section 6 sets out matters of national importance that shall be recognised and provided for, and of relevance to the proposal are the following matter:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development: and

The proposal is located just over 3 kms from the outstanding landscape that is Mt Taranaki. It will have no direct impact on it, and the landscape and visual assessment prepared by Ms Griffith concluded that there would be negligible adverse effects, if any at all.

Having considered the applicant's evidence, the proposed mitigation measures, and consent conditions, I believe section 6 matter has been appropriately addressed.

In respect of section 7 'Other Matters', I consider the proposal contributes to the efficient use of natural and physical resources through the use of a relatively small area of the applicant's farm to provide for a diversified economic activity, and at the same time, maintaining most of the property as a productive dairy farm. In addition, I am of the opinion that amenity values and quality of the environment will be maintained and enhanced through the proposed planting and landscaping of the subject site.

No matters relating to section 8 (Treaty of Waitangi) were raised with me requiring consideration.

My overall broad judgment is that the proposal is in general accord with Part 2 of the RMA and promotes sustainable management of natural and physical resources.

12. CONCLUSION

I have considered all matters placed before me including all application documentation, evidence, submissions, and subsequent statements made by the various parties at the hearing and the section 42A report and associated reports from Council staff, together with the relevant RMA and District Plan provisions.

I have considered the matters relating to the policy and objective framework of the District Plan and the associated rules applicable to the Rural Environment Area.

The assessment of effects on rural character indicates that the mitigation measures proposed by the applicant and conditions of consent will address the concerns of submitters. The ODP does

not envisage that rural character and amenity remain static or not susceptible to change. It is considered that any effects of the proposal on rural character and amenity can be mitigated through the landscaping proposed and additional landscaping through consent conditions, requirements in respect of building materials, external colours, and reflectivity requirements.

I consider that the proposal will not be contrary to the relevant policies and objectives of the District Plan, nor is it contrary to the purpose and principles of the RMA.

I acknowledge the issues raised by submitters who clearly expressed their concerns that the proposal will potentially create negative effects in respect of the peaceful and tranquil rural environment that they currently enjoy and are concerned about the impact the proposal may have on the area and their properties.

Having assessed the proposal and considered the evidence before me, the concerns raised by submitters can be appropriately addressed through consent conditions, and I believe the proposal will contribute to the social and economic wellbeing of the community generally and provide for visitor accommodation in proximity to the national park.

There will be a change in the rural environment as there was a change when the current lifestyle subdivisions in the area were consented some years ago. However, the mitigation proposed, and conditions will address in my view, any effects arising from the proposal. A review condition has been imposed to enable a review of the effectiveness of conditions and to address any adverse effect that may arise through the exercise of this consent.

Having considered all relevant matters I conclude that it is appropriate to grant consent to the proposal.

13. DECISION

That pursuant to sections 104 and 104B, and 108 of the Resource Management Act 1991, the New Plymouth District Council grants consent to the land use application (LUC19/47473) of Deborah and Gregory How to establish and operate a commercial accommodation activity on part of a property legally described as Lot 2 DP 392802, located at 1838 Egmont Road, New Plymouth, subject to the following conditions.

For the avoidance of doubt, the commercial accommodation activity 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. 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 Capital dated 25 September 2020;
- The Landscape Framework Masterplan (Plan L1.01) prepared by Natural Capital dated 19 October 2020;
- The Receptors Plan (Plan L1.02) prepared by Natural Capital dated 19 October 2020;
- The Landscape Mitigation Zones Plan (Plan L1.03A) prepared by Natural Capital dated 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.

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:

- (i) 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 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 activity; 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’

Operational Noise

- 4.2 That the noise level from activities undertaken onsite (i.e., any noise effects associated with the commercial accommodation activity 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.

- 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 activity 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 activity 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 in Condition 4.3 above 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 activity, 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 a short- term commercial accommodation activity (Retreat) to any other use (for example residential uses).

6. External Cladding and Appearance of Buildings and Water Tanks

- 6.1 The exterior cladding and roofing materials for all buildings associated with the commercial accommodation activity (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 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 New Plymouth District Council's 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 boundaries.
- 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 properties.

11. Signage

11.1 All signage associated with the commercial accommodation activity 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 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 on-site 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

13.5 Provision shall be made for at least 49 onsite parking spaces within the commercial accommodation site, comprising as follows:

- i. 20 carparks for the chalets (2 carparks per chalet),
- ii. 24 powered motorhome parks,
- iii. 2 carparks for the managers dwelling;
- iv. at least 1 short term parking space adjacent to the Reception Area for vehicles to park while guests are checking in to the facility; and
- v. 2 on-site visitor carparks.

13.6 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.

13.7 The visitor carparks 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

14.2 The landscape planting must achieve the minimum heights noted on the Landscape Mitigation Zones Plan L1.03A. For the avoidance of doubt, the performance standard for the planting around the chalets is to reach a minimum height of 1.5 metres within 3 years. 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.

14.3 The landscape planting in the area between the powered motorhome parks and the adjacent paper road 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 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.

14.4 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 activity on the application site and the existing dwelling on the submitters' property at 1835 Egmont Road.

14.5 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 the New Plymouth District Council's Planning Lead for certification, prior to the commercial accommodation activity commencing on-site. 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.

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

(a) Motorhome, Amenity Building and Roadside Planting:

All Planting within the area contained within the thick black line identified on the plan titled 'Landscape Mitigation Zones – Species Type, Height and Width, North Egmont Retreat, Labelled Plan L1.03A' and dated 15 November 2020 shall be in place to the satisfaction of Councils Planning Lead within the first year post the date of the grant of this consent; and

(b) Chalet Planting:

All other planting shall be staged in accordance with building consent/s granted for the chalets and undertaken prior to the construction of each of the chalet. An updated Landscape Mitigation Zones Plan (and any updates to plans required under condition 14.1) shall be provided to the New Plymouth District Council Planning Lead for certification a minimum of 10 working days prior to lodgement of any application for Building Consent for a chalet(s), which shall provide detail on the staging of construction and operation of the chalets and the associated planting and how such planting relates to each chalet. The plan is also to include details of the plantings that are to have a minimum height of 1.5 metres after 3 years, and 4-6 metres in 7-10 years and to consist of mixed native planting.

(c) Other Planting

Planting of the Central Landscape Buffer area (identified on the plan titled 'Landscape Mitigation Zones – Species Type, Height and Width, North Egmont Retreat, Labelled Plan L1.03A' and dated 15 November 2020) that is located outside of the area defined by the 'thick black line' is to occur prior to use of the water tanks and to achieve the performance standards noted on the abovementioned plan.

14.7 The consent holder provide to the New Plymouth District Council Planning Lead within 1 month of the grant of this consent, an updated copy of 'Landscape Mitigation Zones – Species Type, Height and Width, North Egmont Retreat, Labelled Plan L1.03A' and dated 15 November 2020, that more clearly defines (thicker solid line) the area of planting to be undertaken in the first year and that the line be clearly identified on the amended plan, such to assist with implementation and monitoring of the consent conditions, and that the

plan also include the details of the chalet planting referred to in condition 14.6(b) above, so all planting requirements and performance standards are defined on one plan.

In addition, the location of the 'thick black line' is to be amended westward up to the edge of the proposed internal access road servicing the chalets so all proposed planting is contained within the identified area, outlined above in this condition.

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.

15. Utilities and Services

Stormwater

15.1 Any stormwater effects shall be appropriately managed on-site. 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 Note:

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 nature of the complaint
- b) the date, time and duration of the event that is likely to have resulted in the complaint.
- c) the likely cause of the event and any factors which includes is severity'

- d) The weather conditions at the site at the time of the complaint.
- e) The nature and timing of any measures implemented to avoid, remedy, or mitigate any adverse effects; and
- f) 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 New Plymouth District Council Planning Lead as soon as practicable and within a maximum of 5 days of the complaint(s) being received.

Consent is granted for the reasons outlined in this decision and summarised as follows:

- a. *The proposal is not contrary to the policies and objectives of the Operative District Plan and is not inconsistent with the policies and objectives of the Taranaki Regional Policy Statement.*
- b. *Having regard to section 104(1) of the Resource Management Act 1991, the actual and potential adverse effects on the environment including any effects on the existing rural and natural character, and visual and amenity values of the area of granting consent, will be able to be avoided, remedied, or mitigated by the imposition of conditions of consent. The proposed planting which is extensive, is a significant mitigation to ensure landscape and visual amenity is maintained and enhanced in accord with the provisions of the Operative District Plan.*
- c. *It is considered that matters raised in submissions are appropriately addressed through conditions of consent.*
- d. *The proposal meets the various statutory provisions to be given regard in terms of the Resource Management Act 1991 and is consistent with the purpose and principles of the Resource Management Act 1991.*



Bill Wasley
Hearing Commissioner

15 January 2020