

DRAFT Planning Assessment

(Assessment of environmental effects under the
Resource Management Act 1991)

Application for Land Use Consent:

**An application for a comprehensive Resource Consent for
multiple community events within Williamson Park.**



Location:
Williamson Park – 418 Ocean Road, Whangamata

Applicant:
Thames- Coromandel District Council

Planning Assessment

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Resource Management Act 1991)

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Document History

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Limitation: The District Plan interpretation in this assessment is that of KTB Planning and is intended as a guide only. It is not a substitute for Council's own assessment of the proposal, although the assessment, or parts of it, can be adopted by Council under s42A RMA. Resource consent is sought for the rule infringements described in the application, and any other consent, whether identified or not, to allow the proposal to be established, maintained and operated.

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- A. Certificates of Title
- B. Site Plan
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1.0 The applicant and property details

Consenting Authority:	Thames-Coromandel District Council
Applicant:	Thames-Coromandel District Council 515 Mackay St Private Bag Thames
Address for Service:	KTB Planning Consultants Ltd. PO Box 641 Cambridge Attn: Daisy Ager
Name and Address for Fees:	Garry Towler Thames-Coromandel District Council 515 Mackay St Private Bag Thames
Site Address:	Williamson Park – 418 Ocean Road, Whangamata
Legal Description:	SEC 10 Blk XVI TAIRUA SD
Owners:	Thames Coromandel District Council
Site Area:	3.77ha
District Plan Zoning:	Recreation Active Zone (Outside all Policy Areas) – Operative District Plan Recreation Passive Zone (Coastal Environment) – Proposed District Plan (Appeals Version).
Brief description of proposal:	Comprehensive resource consent to protect the existing traditional events at Williamson Park and to provide for some additional community and commercial events at Williamson Park

2.0 Background and Proposal

Thames-Coromandel District Council (TCDC) have been working on encouraging event organisers to bring their events to the Coromandel Region. The types of events being sought include the likes of the annual Summer Festival which has been held at Williamson Park in Whangamata for the last 20 years. It is estimated that the Summer Festival entertains 10,000 to 20,000 people over the period from December 27th to January 1st.

The proposed event numbers are as follows:

Day Events – up to a total of 20 events

Hours: 7am – 7pm

Night Events – up to a total 10 events

New Year's Eve: 6pm – 12pm (midnight)

All other Night Events: 6pm – 11pm (music finishing at 10.45pm)

Proposed Liquor licensed events

Up to 6 of the events (day or night events) will be able to hold liquor licenses.

The total event numbers are broken down between existing and proposed events as follows:

Existing Events

The existing events that are proposed to be include in the consent application are as follows:

Day Events – total 13

Event Name	Total number of Days
Summer Festival	7
Beach Hop	5
Brits at the Beach	1

Night Events – total 5

Event Name	Total number of Nights
Summer Festival – Night events with bands and amplified music	4 (28 th , 29 th , 30 th , 31 st December)
Brits at the Beach	1

Proposed Additional Events

At the same time, it is proposed to provide for additional events as follows

Day Events

Event Name	Total number
Music Events, Wine & Food Festivals, Other events	7

Night Events

Event Name	Total number
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Music Events, Wine & Food Festivals, Other events	5
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During the specific music festival events, similar to the Shapeshifter event in February 2017, an area of approximately 3800 m² will be fenced off during the music events to contain the concert goers. Alcohol and food tents will be provided onsite, however, the event organiser will be responsible for applying for a Liquor Licence and Short Term Event Food Licence. The majority of the fencing will be taken down the day after the event to ensure that Williamson Park can still be used by the public.

It is assumed that the majority of attendees will travel to the site on foot as they are already staying in Whangamata, with some likely to travel via motor vehicle. Similar to the Summer Festival, also held at Williamson Park, car parking will be provided onsite within the area adjacent to Ocean Road. A Traffic Management Plan may be required to be prepared and will have to be approved by TCDC’s Roding Manager prior to the events occurring.

Williamson Park is located at 418 Ocean Road, Whangamata. The Certificate of Title for the site is attached as Appendix A. Blackies Café and the Whangamata Surf Club are located within the subject site with surrounding properties being predominantly residential. The image below shows an aerial view of the subject site with the area proposed to be utilised for the events located as illustrated on the site plan attached as Appendix B.



Figure 1: Aerial view of subject site.

3.0 Consent Requirements

The proposal has been assessed against both the TCDC Operative District Plan (ODP) and the Proposed District Plan.

The Operative District Plan (30th April 2010)

Zone:

The subject site is located within the Active Recreation Zone (Outside all Policy Areas) in the Operative Thames-Coromandel District Plan.

The Proposed District Plan

The Proposed District Plan decisions were publicly notified on 29 April 2016 and from this date the Proposed District Plan has had legal effect. The appeal period on the Proposed District Plan decisions closed on 13 June 2016. The Appeals version of the Proposed District Plan is now the working document. Under section 86F of the Resource Management Act 1991, a rule in the proposed plan must be treated as being operative (and any previous rule as inoperative) if no appeals have been lodged in relation to the rule.

If a rule in the Proposed District Plan has been appealed, the corresponding rule in the Operative District Plan will continue to have legal effect until the appeal is resolved and therefore both rules are relevant in assessing any resource consent that is affected by an appeal. When considering the weighting between the Proposed and Operative District Plans, the relevance of the issues at appeal will need to be considered in this assessment.

I have assessed the proposal and have identified that the relevant rules in the Proposed District Plan (Appeals Version) are subject to appeal, therefore some consideration will need to be made of the relevant rules in the Operative District Plan.

Zone:

The subject site is located within the Passive Recreation Zone (Coastal Environment Overlay) in the Proposed Thames-Coromandel District Plan.

3.1 Resource consent requirements

The ODP provides for festivals and events as permitted activities provided they meet the requirements set out below from Rule 523.4.

Festivals and events (other than temporary military training activities) which comply with the following:

- (a) The duration of the festival or event shall not be longer than five consecutive days during the period commencing 1 July in any one year and ending on 30 June in the year following;*
- (b) The prior written consent of the property owner being obtained;*
- (c) No permanent structures being erected;*

- (d) All vehicle parking associated with the activity shall be contained on the site;
- (e) All the noise standards of the zone are met;
- (f) No significant earthworks being required (i.e. no mechanical excavation required).

- (a) The proposed events will occur on two days only
- (b) TCDC are the landowner
- (c) All structures are temporary and can be removed after the events
- (d) Parking is provided onsite
- (e) **Up to 10pm - 55 dBA_{L10}, after 10pm - 45 dBA_{L10}. It is likely that during the use of an amplified sound system the proposed events will not meet these standards.**
- (f) No earthworks are required.

As the music events are unlikely to meet criterion (e) a consent is required. In accordance with Rule 522.3.1 consent is required as a **restricted discretionary** activity.

Section 6 (Rules Applicable to Specific Locality Zones), Rule 6.4.6.4(a) relates to festivals and events. It states the following:

- i) The duration of the festival or event shall not be longer than five consecutive days during the period commencing 1 July in any one year and ending on 30 June in the year following.
- ii) For noisy events, where the noise standards of Rule 491 cannot be complied with, the noise shall not exceed the following noise levels at the notional boundary of a house, provided that the total duration of noisy events on the site (excluding preparation time) shall not exceed 6 hours in any one day and no more than 5 days in any calendar year:
 - 75dBA L10
 - 85dBA Lmax when measured over any 15 minute period between 2200hr 0700hr

Based on the acoustic report provided with the application, events are unlikely to comply with 6.4.6.4(a)(ii) above. Although it is noted that this rule provides for a higher level of noise and the non-compliance is reduced. In accordance with Rule 6.4.6.24 consent is required as a **discretionary** activity.

The PDP provides for festivals and events as permitted activities provided they meet the requirements set out below from Rule 7 (Section 53). This rule has an outstanding appeal (A62) and therefore cannot yet be treated as operative. However, this appeal has been submitted by the New Zealand Transport Agency and relates to events which would have an effect on their transport network. As such it is not considered relevant to this proposal.

I. A festival, event and any noise from it is a permitted activity provided:

- (a) **Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10pm is no louder than 40 dB LAeq (15 min) and 70 dB LAF max; and**

- (b) It occurs between the hours of 7am-10pm Sunday – Thursday and 7am to 12 midnight Friday and Saturday; and
 - (c) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and
 - (d) No buildings are erected (under this rule) that remain after the festival, event finished; and
 - (e) It lasts no longer than 12 consecutive hours; and
 - (f) **There are no more than 500 people of the site.**
2. A festival, event that is not permitted under Rule 7.1 is a restricted discretionary activity
 3. The Council restricts its discretion to matters 1-3, 6-7, 12 and 13 in Table 6 at the end of Section 53.

- (a) The music events are unlikely to comply with this requirement
- (b) The events will occur within these specified times
- (c) No helicopters are proposed
- (d) No infrastructure associated with the events will remain after they have finished
- (e) The events will not exceed 12 consecutive hours
- (f) A number of events will likely have more than 500 people, therefore the events will not meet this criterion.

As the events are unlikely to meet the noise standard requirements and will each have more than 500 attendees, the proposal does not meet criteria (a) and (f). Therefore, consent is required for the events as a **restricted discretionary activity** pursuant to Rule 7.2.

Overall, the activity status of the application is **discretionary** under the ODP, and **restricted discretionary** under the PDP. Although it is noted that due to the late stage in the appeal process, more weighting should be given to the PDP.

4.0 Matters to be considered under the RMA

4.1 Section 104 RMA

A resource consent for a restricted discretionary activity should be assessed pursuant to Sections 104, 104C and Part II of the RMA.

Section 104(1) of the RMA sets out the matters that the Council shall have regard to in assessing the proposal. Briefly, the relevant matters are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*

- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

4.2 Section 104B RMA

Section 104B of the RMA states that after considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
(b) if it grants the application, may impose conditions under section 108.

4.3 Section 104C RMA

Section 104C of the RMA states that when considering an application for a resource consent for a restricted discretionary activity, a consent authority consider only those matters over which -

- (1) *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
(a) *a discretion is restricted in national environmental standards or other regulations:*
(b) *it has restricted the exercise of its discretion in its plan or proposed plan.*
- (2) *The consent authority may grant or refuse the application.*
- (3) *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
(a) *a discretion is restricted in national environmental standards or other regulations:*
(b) *it has restricted the exercise of its discretion in its plan or proposed plan*

The following sections assess the proposal against section 104 of the RMA. This includes the actual and potential effects on the environment and the relevant provisions of the District Plan that relate to the proposal.

5.0 Assessment of effects on the environment

The relevant matters, assessment criteria and protocol which are required to be assessed under the PDP are included in the assessment of effects below. The effects have been assessed to include the following:

- Visual Amenity Values
- Traffic Effects
- Noise Effects
- Security
- Public Access
- Consistency with the Council's Reserve Management Plan

5.1 Visual Amenity Values

The majority of the events held at Williamson Park will only involve the use of small temporary structures which will only remain in place during the event. The ticketed/and or liquor licenced events which require more infrastructure will be managed effectively in a similar manner to the Shapeshifter concert which was held during Anniversary weekend 2017. The day before the event the infrastructure such as the fencing, staging, alcohol and food tents will be installed. The infrastructure will then be required to be removed the next day. Ample open park space will remain to ensure visual amenity is maintained.

Any potential adverse effects will be insignificant and temporary.

5.2 Traffic Effects

It is considered that the majority of attendees will walk to the events as they will likely be staying in Whangamata. For those that choose to drive, car parking will be provided onsite. An area of approximately 5000m² is available onsite for car parking.

A Traffic Management Plan may have to be approved by TCDC's Roading Manager under the Local Government Act.

As part of the assessment of this application a basic car parking estimate has been undertaken. The aerial image below shows the area that could be used for car parking. It is noted that this area is commonly used for car parking for the Summer Festival Events and events held by the Surf Lifesaving club.



Figure 2: Aerial view of site showing car parking area and approximate measurements.

Based on TCDC's standards for car parking (TCDC Drawing 3000/28) and the approximate measurements from Figure 2, it is estimated that two rows of 90degree two-way parking can be accommodated within the parking area (total of four rows). It is estimated that approximately 160 car parks can be provided easily in these two areas. It is noted that this is a conservative estimate, as the event organisers will know the best way to arrange parking onsite on the day, to maximise the car parks available. It is considered that given most people will likely walk to the site, 160 is an ample amount of onsite car parking.

On the day of the events the organisers will likely have officials in place within the car park to ensure that the car park is managed safely and efficiently.

Car parking and traffic were managed effectively during the recent Shapeshifter concert. No onsite car parking was used as the vast majority of the event goers walked to the park.

Overall, it is considered that any adverse traffic effects will be less than minor and temporary.

5.3 Noise Effects

An acoustic consultant has been engaged to prepare a report assessing the potential effects of the events in terms of noise. This report will be submitted with the official resource consent application.

An acoustic report was previously prepared for the consent which was granted for the recent Shapeshifter concert. This Acoustic Report is attached as Appendix C. This report estimated that during the short duration of the event noise at the closest residential boundary would be approximately 85dB. This includes approximately 3 properties on Lowe Street. It was estimated that approximately 9 other properties north of Lowe Street would experience noise measuring approximately 80dB. The remainder of the adjoining and surrounding properties would experience between 70-75dB. It is noted that the Proposed District Plan does not control noise for events prior to 10pm. Therefore, any non-compliance only applied to the period after 10pm.

The previous acoustic report assessed that the proposed events would not meet the noise standards set out in the ODP Rule 6.4.6.4(a). This rule allows for 75dB (throughout the day) and 85 dBmax (averaged over 15 minute periods after 10pm). However, as concluded by Mr Hegley, the noise associated with the proposed events was considered reasonable. This threshold provides for a higher noise limit than other ODP rules and confirms that higher noise limits associated with events are expected in the Recreation Zones. Having said this, due to the late stages of the PDP appeals, it is considered that the PDP rules have a greater weighting.

Mr Hegley recommended a number of conditions to control the noise associated with the previous events. These are as follows:

- i) *Amplified music during an event shall not exceed a level of 95dB LAeq when measured at 35m from the stage;*

- ii) *Noise from sound checks shall not exceed a level of 80dB LAeq when measured at 35m from the stage;*
- iii) *No event shall commence before 6:00pm and shall finish by 10:50pm;*
- iv) *The noise from the sound checks shall not exceed 30 minutes between 12 midday and 4:00pm on the day of the event;*
- v) *The noise shall be measured in accordance with the requirements of NZS6801:2008 Acoustics - Measurement of Environmental Sound; and*
- vi) *The community within the 70dB LAeq noise contour shall be advised of the event via a letter box drop a minimum of seven days before the event. As a minimum, this letter shall include the date and time of the proposed event and a contact number in case there are any concerns.*

It is proposed that the resource consent include the above as conditions to be complied with and TCDC will ensure that the event organisers are aware of these requirements.

Mr Hegley concluded that *'When taking into account the expectations of the Proposed District Plan Decisions Version for any festival, the limited duration of the proposal and the predicted noise levels, the noise will be loud but within a reasonable level for the neighbours'*.

Conclusions to be confirmed based on updated acoustic report.

5.4 Security

Alcohol may be served only when a Liquor Licence has been granted. The Liquor Licencing process is under the Sale and Supply of Alcohol Act 2012 and requires the approval of the New Zealand Police. Therefore, whether future Licences are granted or not should not influence the resource consent application.

It is considered that in consultation with the New Zealand Police and TCDC, the event organisers can provide the level of security required for these types of events. It is considered that if required a condition could be placed on the consent which requires a Security Management Plan be provided to Council 10 days prior to the events.

Provision for medical care will be provided onsite at all times during the events.

Security was successfully implemented during the recent Shapeshifter concert. A letter of support have been provided by the New Zealand Police. This is attached as Appendix D.

Overall, it is concluded that the event can be safely and efficiently managed on the site and any adverse effects associated with security will be less than minor.

5.5 Public Access

Public access to the reserve will only be temporarily and partially affected during the ticketed/and or liquor licenced events which require fencing. On the day before, and during the ticketed events, a secured fenced area may be installed. This will be taken down the day

after the event. It is considered that when the fences are in place there will still be ample area available within the park to allow for public access and full public access will be provided between the two events. Access to the beach will be maintained at all times.

Overall, it is considered the proposal will not have any effect on public access to Williamson Park.

5.6 Consistency with the Councils Reserve Management Plan

The Reserves Management Plan (RMP) for Whangamata has been reviewed when preparing this application. The following assessment addresses the relevant objectives and policies of the RMP.

Section 4: Recreation and Leisure

Use of reserves

- *To allow and encourage public use of reserves that is compatible with the purpose of the reserve.*
- *People will be encouraged to use reserves for a range of activities that are compatible with the reserve purpose and do not impact the environment or other users.*

The primary role of the reserve is to provide a setting for people to enjoy themselves on a casual and unstructured basis. It is considered the proposed events will not obstruct people from continuing to use the park for this purpose. Any small obstruction will be temporary (during the actual event), and the majority of the park will still be available for use. It is considered that the adverse effects associated with the proposed events will be less than minor and will not impact the environment or others.

Access

- *Where part or all of a reserve may be closed to public access for maintenance or any event, notification of this will be made prior to the event*

The event organisers will be required to notify the public prior to the ticketed events being held.

Permits for Activities or Use of Reserve Land

- *To allow the use of a reserve for special activities where that use is compatible with the designated purpose of the reserve area.*
- *Where part or all of a reserve is to be closed to public access, for an activity, notification of this shall be made prior to the activity causing the closure. Notification shall be made via Council public notice in the local paper circulating in the district at least two weeks before the closure. The special activity organisers will be responsible for meeting the cost of public notification.*

Part of the site may be fenced off from the public during the ticketed events. The rest of the park will still be available for use by the public. The event organisers will be required to notify the public prior to the events being held.

Liquor Licences

- *To allow the granting of liquor licences for premises on reserves where the values of the reserves are not diminished and where the effects on reserve neighbours can be avoided.*

A number of event holders may need to apply for a liquor licence. This is outside of the scope of the resource consent as it is applied for under the Sale and Supply of Alcohol Act 2012.

Appendix I: Acoustic Management Plan Williamson Park Reserve

1. *The duration of Festival events involving amplified sound activity be limited to six consecutive days over the Christmas to New Year holiday period. All applications outside the specific period will be subject to approval by Council.*
2. *That amplified sound activity (including testing) not commence before 11:00am and except as provided for in condition (3), the sound pressure level at the control desk be monitored continuously by an approved sound meter such that the noise level at any residential boundary does not exceed 50dB(A) L10.*
3. *That notwithstanding the foregoing condition 2), for a maximum of six hours in any one day for sound of greater than 50dB(A) L10 as measured at any residential boundary.*
1. *Amplified sound activity (including testing) after 11:00am be measured continuously by an approved sound level meter and limited to a level so that the noise level at any residential boundary does not exceed 70dB(A) L10.*
2. *The sound control desk be operated so that the overall sound level does not exceed 85dB(A) L10 and that the bass content of the music in the range 20Hz to 125Hz is limited to 10dB(A) below the L10 level, all to be measured by approved instrumentation at the sound control desk.*
3. *The six hours in any one day, with the exception of the 31 December, be limited to a maximum of three hours continuous with a minimum of a one-hour gap between continuous portions of amplified sound.*
4. *That all amplified sound activity and stage event lighting be completely shut down at 1:30am on New Years Day (1 January) and 12:00am on all other days and that all clean up activity be completed within 30 minutes of shut down time.*
5. *That a noise control monitor with control facility be installed to ensure compliance with the foregoing noise levels.*
6. *That an acoustic barrier be constructed behind and around the speakers.*

As outlined in the Acoustic Assessment the noise at the majority of neighbouring properties will experience between 70 and 75dB, there are a small number of properties that may experience noise greater than this. Apart from this item the proposal is generally consistent with the Acoustic Management Plan.

Overall, it is considered that the proposed events are generally consistent with the Reserve Management Plan.

5.7 Positive Effects

It is considered that the proposal has many positive effects. These include the following:

- The events will provide an economic benefit for the local community;

- The proposal is for public events that bring people to Whangamata which will reflect well and promote Whangamata as a destination town.
- The consent holder proposes to have a noise monitoring officer at the closest residential boundaries throughout noisy events.
- Any financial gain made by the Council during the events will be able to be reinvested to benefit the Whangamata community as a whole.

5.8 Summary

To be confirmed.

6.0 Further assessment of the RM Act 1991 – section 104 provisions

6.1 Part 2 of the RMA - Purpose and Principles (sections 5-8)

7.1.1 Section 5 Purpose

The purpose of the RMA is as follows:

‘(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.’

Overall, it is considered that the proposal promotes sustainable management of natural and physical resources. As the events provide for the social and economic wellbeing of the Whangamata Community as a whole (including visitors).

7.1.2 Section 6 – Matters of National Importance

Section 6 requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. There are no known matters of national importance relevant to this application.

7.1.3 Section 7 – Other Matters

Section 7 of the RMA lists those “other matters” that need to be given particular regard to. Those other matters which are considered relevant include:

‘(b) the efficient use and development of natural and physical resource’

'(c) the maintenance and enhancement of amenity values'

The proposal will use an existing reserve on a temporary basis. Once the events are over the reserve will be returned to its previous state.

7.1.4 Section 8 – Treaty of Waitangi

Section 8 of the Act requires all persons exercising functions and powers under it, to take into account the principles of the Treaty of Waitangi. There are no known matters of significance to iwi on the land that is the subject of this application.

6.2 Thames-Coromandel District Plan

An assessment of the relevant objectives and policies of the Thames-Coromandel District Plan has been undertaken. Overall it is considered that the proposal is consistent with the relevant objectives and policies, particularly given its restricted discretionary activity status, and is in keeping with what is expected on a site within Williamson Park in the Active Recreation Zone (ODP) and Passive Recreation Zone (PDP).

7.0 Consultation and Notification Requirements

7.1 Consultation

Community Board Meeting to be held 14 June 2017 – details to follow

Community consultation currently underway

7.2 Public Notification

Section 95A of the RMA states that a consent authority may, in its discretion, decide whether to publically notify an application for a resource consent for an activity. However, section 95A also states that the consent authority must publicly notify the application if it considers that the activity will have, or is likely to have, adverse effects on the environment that are more than minor; or the applicant requests public notification of the application; or a rule or national environmental standard requires public notification of the application.

To be completed

7.3 Limited Notification

Section 95B of the RMA states that if a consent authority does not publically notify an application for resource consent for an activity, it must decide (under section 95E) if there are any affected persons in relation to the activity.

Section 95E of the RMA states that a consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects in the person are minor or more than minor (but are not less than minor).

To be completed

8.0 Conclusion

To be completed

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