



To: Hearings Panel
From: Environmental Planning
Meeting Date: 23rd & 24th February 2011
Report No: DC66

Title of Report: PUBLICLY NOTIFIED APPLICATION FOR LAND USE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991 AT 1 ADAMS AVENUE, MOUNT MAUNGANUI, (RC15356)

Purpose of Report: Statutory

Significance of Decision: N/A

Report Writer: s 7(2)(f)(ii)

Summary

To hear and determine a public notified land use consent application pursuant to Section 88 of the Resource Management Act 1991 made by Tauranga City Aquatics Limited (TCAL).

Report Outline:

This report considers and makes a concluding recommendation to grant land use consent for the proposed redevelopment and expansion of the Mount Maunganui Hot Saltwater Pools, involving the refurbishment and expansion along the Adams Avenue frontage in order to provide a range of new family and therapy pools, new change areas and amenities, upgraded plant and the addition of a Wellness Centre and Cafe. The proposal involves a shortfall in the number of onsite car parking spaces and is located within the Conservation Zone.

1.0 INTRODUCTION

My name is [REDACTED] My qualifications include a Bachelor of Social Science with first class honours and a post-graduate diploma in Resource and Environmental Planning (PGDipREP) from the University of Waikato.

I have some 11 years experience working as a planning professional both privately and within local government in New Zealand and the United Kingdom. I have held the position of Senior Environmental Planner with Tauranga City Council since November 2009.

I am very familiar with the site and the surrounding area and have visited the site a number of times over the summer holiday period.

2.0 THE APPLICANT & PROPERTY DETAILS

Site Location: 1 Adams Avenue, Mount Maunganui

Applicant: Tauranga City Aquatics Limited (TCAL)

Address for Service: C/- Harrison Grierson Consultants Ltd

Legal Description: Section 19 Block VI Tauranga Survey District

Site Area: 5.15 Hectares

District Plan Zone: Conservation Zone (Map E02)

Designations/Limitations: 'Recreation Reserve' pursuant to the Reserves Act 1977.
Heritage Site no.30 (Old Stone Steps and Former Military Camp) and classified as a Category II listing by the NZHPT.
Adams Avenue is identified as a 'Collector Road'.

Locality Diagram:



3.0 PROPOSAL

3.1 Proposal

Land use consent is sought to refurbish and expand the Hot Saltwater Pools complex (hereafter referred to as the “Hot Pools”) by providing for a range of new family and therapy pools, new change areas and amenities, upgraded plant and the addition of a wellness centre and cafe.

The proposal involves extending the existing hot pool complex 36.0m southwest along the Adams Avenue frontage and encompassing an area currently utilised by the Mount Beachside camping ground. The complex will also extend deeper into the site, towards the existing ablution block. The total area of the hot pool complex would increase from 3,285m² to approximately 5,445m², representing a loss of 24 sites from within the camping ground and a gross increase of 2,160m².

The redevelopment would comprise a single storey building and double height atrium (new entrance) incorporating a mono-pitch roof design. The eave height at the street frontage would be approximately 3.0m sloping up to 5.0m as it progresses into the site. The maximum roof height of the single storey element varies across the development in relation to the building footprint. The maximum height of the new entrance atrium would be approximately 5.0m at the street frontage rising to 6.5m within the site. The existing entrance on the northeast corner would become a service entrance only.

The surface area of the pools would be increased from the existing 585m² to 1018m², representing an 86% increase in area. The new private pools within the wellness centre would represent 24m² of the total surface area while some 111m² of floor area will be occupied by the proposed sauna and steam room and associated changing facilities. The proposed café would comprise 123m² GFA and an additional 26m² GFA of outdoor seating area.

The existing car park will be redeveloped to provide 37 on-site car parking spaces and a HGV loading bay. The access onto Adams Avenue will be slightly repositioned to the north to align directly opposite with Maunganui Road.

The application proposes to continue operating between the hours of 6am to 10pm, Monday to Saturday and 8am to 10pm Sundays and public holidays. The Wellness Centre would operate between 9am to 10pm Monday to Sunday, including public holidays.

A detailed list of the key redevelopment features are provided on pages 9 and 10 of the application report submitted by Harrison Grierson Consultants Limited (attached as Appendix 1).

4.0 SITE AND SURROUNDS

4.1 Site Description

The application site¹ comprises the 3,285m² hot pools complex and associated car parking area, located on the north side of Adams Avenue, near the intersection with Maunganui Road. The site is predominantly flat and level with Adams Avenue. There are a number of trees established within the application site, none of which are identified as protected within the District Plan.

The complex includes a number of interconnected single storey buildings positioned along the frontage to Adams Avenue, presenting a total width of approximately 50m. At either end of this frontage, the buildings return into the site, forming an eastern and

¹ For the purposes of this report, the total area subject to the proposed redevelopment (5,445m²) is hereafter referred to as the “Application Site”, being distinct from the greater area (5.15ha) which comprises the legal boundary of the freehold lot of the reserve.

western enclosure around the five in-ground pools. A 2m high wall completes the enclosure of the pools, segregating the site from the adjacent campground activity.

The buildings present a predominantly blank elevation to the street scene, although modulated by varying degrees of setback from the adjacent footpath. Within the setback area from the Adams Avenue are planter beds, landscape planting and public seating. These are established next to the bus stop and associated shelter.

The entrance to the hot pools is located at the street frontage on the eastern corner, adjacent to the car park which provides 24 onsite car parking spaces.



Aerial Photo of Existing Hot Pools Complex

4.2 Surrounds

The Hot Pools are located within a large parcel of land comprising 5.15ha. This parcel fronts the entire northern side of Adams Avenue and also has frontage to both Tauranga Harbour (Pilot Bay) and the Pacific Ocean (Main Beach). The parcel also comprises the lower slopes of Mauao (Mt. Maunganui), a 233m high remnant volcanic dome.

The parcel itself is identified as Conservation Zone² within the Tauranga City Plan and classified as a Recreation Reserve pursuant to the Reserves Act 1997. Despite the zoning and reserve status, the lot is predominantly established as a camping ground, which surrounds the existing hot pool complex. This includes a number of amenity blocks including showers, toilets and kitchen facilities. The surf life saving clubrooms and associated facilities are also located within the reserve, fronting onto the main (north) beach. A portion of the reserve also includes a stock grazing area and associated agricultural buildings on the lower slope of Mauao.

Generally, the surrounding context is considered an outstanding landscape amenity represented by Mauao, and the associated beaches of Tauranga harbour and the Pacific Ocean. These natural features form significant, undeveloped landscape features and areas of open space amenity, contrasting to the relatively dense development east of Adams Avenue, which is generally flat and characterised by residential high rise towers with mixed use commercial activities at the ground floor together with a mix of apartments and more traditional detached dwellings. Further east is the central commercial shopping precinct of Mount Maunganui.

² The District Plan Map and Proposed City Plan Maps are attached as **Appendix 2**.



Aerial Photo of site within Surrounding Area

5.0 REASONS FOR THE APPLICATION

5.1 Operative Tauranga District Plan 2003

The application site is located within the Conservation Zone. The activity is considered to be a “Place of Assembly³” which is not included as a permitted activity within the Conservation Zone. The activity is therefore a non-complying activity pursuant to Rule 22.6(a).

In addition, the proposal would also fail to comply with the permitted activity conditions relating to; noise (Rule 22.2.1.8(a)), hours of operation (Rule 22.2.1.8(d)), on-site car parking (Rules 24.2.1.2(b) & (d) and vehicle access requirements (Rule 24.2.1.6(c)). Signage is not provided for as a permitted activity within the Conservation Zone and therefore this element falls to be a Discretionary Activity pursuant to Rule 22.5. The proposal also involves the modification of land subject to a heritage reference and therefore falls to be a Discretionary Activity pursuant to Rule 16.4(a).

Accordingly, the proposal is considered to be a Non-Complying Activity under the provisions of the Operative District Plan.

5.2 Proposed Tauranga City Plan 2009

The proposed Tauranga City Plan was publicly notified on 17 October 2009, with the initial submission period having closed 15 December 2009 and the period for further submissions having closed 1 April 2010. Whilst this application was lodged after the notification date of the proposed Tauranga City Plan, Section 86B(1) of the Resource Management Act sets out that a rule in a proposed plan only has legal effect once a decision on submissions relating to that rule has been made and publicly notified.

Places of Assembly within the Conservation Zone are specifically identified as non-complying activities within Table 13.3A and at Rule 13.7(b). Chapter 13 also contains identified ‘Scheduled Sites’ on Map L1 (attached as Appendix 2). However, it is noted that this reference is restricted to the camp ground activity and does not relate to the hot pools. Decisions on Chapter 13 (Conservation Zone) have not yet been notified and consequently carry little weight.

Proposed City Plan Map R1 (attached as Appendix 2) includes the following features and areas within the parcel of land containing the application site;

- Special Ecological Area (Category 2)
- Significant Maori Area (M1)
- Outstanding Natural Feature and Landscape Plan Area

³ The definition of “Place of Assembly” is attached as **Appendix 3** to this report.

- Coastal Erosion Risk Zone (CERZ)

Chapter 6 contains the provisions relating to the Significant Maori Area and Outstanding Natural Feature and Landscape Plan Area. The provisions relating to the CERZ are contained within Chapter 8. The decisions on Chapters 6 & 8 have not yet been notified and accordingly carry little weight.

Chapter 5 of the proposed City Plan contains the provisions for the Special Ecological Areas (SEA). This chapter does have legal effect following the decision being notified on 19th October 2010. However, the identified area subject to the SEA lies outside the proposed application site and therefore the rules are not applicable.

Accordingly, the proposal is considered to be a Non-Complying Activity under the provisions of the Proposed City Plan.

5.3 Overall Activity Status

Overall, the proposal is considered to be a Non-Complying Activity.

6.0 NOTIFICATION AND SUBMISSIONS

6.1 Notification

The applicant requested public notification pursuant to s95A(2)(b) of the RMA. Accordingly, the application was publicly notified on 20th November 2010. Notice was served on 3000 owners and occupiers within the central Mount Maunganui area including identified key stakeholders. The submission period closed on 17th December 2010.

6.2 Submissions Received

At the close of the submission period 23 submissions were received, with 20 in opposition and three in support. Eighteen submitters indicated they wished to be heard in support of their submission.

No late submissions were received. The key matters raised in the submissions are summarised in Table 1 below.

Table 1: Summary of Submissions.

Name & Address	Main Comments / Concerns	Relief Sought	To be Heard?
1 s 7(2)(a) - Privacy	<ul style="list-style-type: none"> ▪ Upgrade would be positive ▪ A benefit to the city ▪ Additional patrons would increase revenue to the city and draw more people to require accommodation. 	Support	No
2 s 7(2)(a) - Privacy	<ul style="list-style-type: none"> ▪ Fully support ▪ Finally some life and soul 	Support	No
3 s 7(2)(a) - Privacy	<ul style="list-style-type: none"> ▪ Must preserve open space, not grabbed for commercial gain ▪ Restrict development to maintenance, not expansion. ▪ Scheme will add burden to ratepayers 	Oppose	No
4 s 7(2)(a) - Privacy	<ul style="list-style-type: none"> ▪ Change of land use to commercial gain is totally wrong ▪ Open space should be preserved ▪ The business model does not stack up ▪ It will increase rates 	Oppose	No
5 s 7(2)(a) - Privacy	<ul style="list-style-type: none"> ▪ Project is financially unviable 	Oppose	Yes

		<ul style="list-style-type: none"> Rates funding will be required Loss of amenity on Adams Avenue 		
6		<ul style="list-style-type: none"> Financially unviable Increase patronage will not be balanced by the increase in operating expenses and capital expenditure 	Oppose	Yes
7		<ul style="list-style-type: none"> Loss of 24 camp sites will affect profit of campground and result in an increase to the cost of the remaining campsite to school parties, hence profit and therefore impact on existing campers/leasees 	Oppose	Yes
8		<ul style="list-style-type: none"> Support in principle, subject to; <ol style="list-style-type: none"> 1. Consultation 2. Cultural Impact Assessment 3. Earthwork protocols 4. Technical support 5. Process forward 	Support	Yes or Joint Presentation
9		<ul style="list-style-type: none"> Wasteful, needless proposal Will drain ratepayer resources Detrimental to Tauranga economic wellbeing 	Oppose	Yes
10		<ul style="list-style-type: none"> Result in other projects and infrastructure upgrades being 'shelved' 	Oppose	Yes
11	<p>Mount Maunganui Environmental Group Limited P O Box 5005 Mt Maunganui 3150</p>	<ul style="list-style-type: none"> Building increase, loss of 24 caravan, camping spaces is wrong Loss of green space Adverse effect on natural environment of Mauao Reference to natural heritage, natural character and conservation area Adverse effect on amenity of neighbours, holiday makers and visitors to Mauao. 	Oppose	Yes
12		<ul style="list-style-type: none"> Detracts from aesthetic value of area Building is ugly, overpowering and an eyesore in existing environment Building and parking conflict with well established community environment altering balance of good public usage. Loss of camping spaces undesirable and contrary to conservation designation Use by tourist boat passengers is flawed No survey to support theory that bigger pools attract additional patrons No evidence that people are being denied access to the hot water pools due to current capacity No one ever turned away Pools sparsely used Unsustainable economic nonsense Protect conservation designation of the reserve should not be subject to cash cow developers 	Oppose	Yes
13		<p>Traffic Effects:</p> <ul style="list-style-type: none"> An increase demand for parking in an area already experiencing a shortfall 	Oppose	Yes
14		<ul style="list-style-type: none"> An increase in traffic generation and movements in an area already subject to traffic congestion 	Oppose	Yes
15		<ul style="list-style-type: none"> Impact on safe access and movement of vehicles and pedestrians 	Oppose	Yes
16		<p>Character & Visual Effects:</p> <ul style="list-style-type: none"> Loss of open space through built form 	Oppose	Yes

17	s 7(2)(a) - Privacy	<ul style="list-style-type: none"> Partially blocking views of Mauao from Adams Avenue 	Oppose	Yes
18		<p>Social & Economic Effects:</p> <ul style="list-style-type: none"> A reduction in the open space and recreational area available at the northern end of the Mount 	Oppose	Yes
19		<ul style="list-style-type: none"> Adverse effect on the ability of the camping ground to provide holiday and recreational facilities to those that can not afford to rent more expensive accommodation 	Oppose	Yes
20		<ul style="list-style-type: none"> Reduction in ability of public to access and utilise open space and recreational areas due to increased traffic generation and parking demand 	Not stated	Not stated
21			Oppose	Yes
22			<p>Outstanding Natural Landscape:</p> <ul style="list-style-type: none"> The built form will reduce the open 'transition' space between intensive urban development to the east and the natural landscape of Mauao. Will adversely affect the values associated with Mauao. <p>Considered contrary to;</p> <ul style="list-style-type: none"> Objectives and Policies of the District Plan Objectives and Policies of the Reserve Management Plan for Mauao <p>Statutory Matters:</p> <ul style="list-style-type: none"> The application is considered incomplete in that it does not provide an adequate assessment of environmental effects pursuant to s88(2)(b). The proposal fails both gateway tests of s104 and should be refused. The proposal is inconsistent with the purpose and principles of the RMA as described in Part 2. 	Oppose
23	s 7(2)(a) - Privacy	<ul style="list-style-type: none"> Proposal not supported by the community Reserve Management Act 1977 does not support redevelopment Mauao RMP do not support commercialisation of the land People (residents) opposite will be adversely affected by increased noise levels by people and vehicles and air conditioning units Mount already at maximum capacity in summer, inadequate parking proposed Unsympathetic to surrounding environment RMP does not support loss of open space Loss of campsites Open space is enjoyed and valued by many who walk around Mauao Architecture unsympathetic with the mana of Mauao Current pools adequate and low key. The doubling of GFA is targeted at high end spenders excluding community from being able to access the existing green space. Request redevelopment to remain within the existing footprint and any changes are sympathetic to the outstanding landscape of Mauao. 	Oppose	Yes

--	--	--	--	--

6.3 Issues List

A copy of submissions has been included in **Appendix 4** of this report.

In my opinion, the issues within the submissions can be broadly grouped under the following headings:

1. Transportation Impacts
2. Landscape Impacts
3. Amenity Impacts
4. Noise Impacts
5. Urban Design
6. Cultural Heritage

6.4 Amendments to the Proposal Following Notification

Following a review of the submissions, a request for further information regarding transportation and landscaping matters was made, dated 23rd December 2010 (**Appendix 5**). A formal response to the s92 request was received on 26th January 2011. The response set out a Travel and Parking Demand Management Plan including measures to reduce the reliance on the private car for travel to the site. A copy of the response is attached as **Appendix 6**.

Pursuant to s92(2) a report was commissioned to review the Transportation Assessment Report (TAR) prepared by Traffic Design Group Ltd (including the response to the s92 matters regarding transportation. The applicant agreed to the commissioning of the report pursuant to s92B(1), which was in turn completed by McCormick Rankin Cagney Ltd (MRC) and provided to Council on 28th January 2011. A copy of this assessment is attached as **Appendix 7**.

Further information regarding urban design matters was requested on 17th January 2011 following a specialist response from the Councils Urban Designer. Additional matters were also raised by the Councils Landscape Architect dated 20th January 2011.

The applicant's response to the Councils specialists was received 3rd February 2011 and is attached as **Appendix 8**. This includes a new elevation plan for the frontage to Adams Avenue and layout including minor changes to the parking and floor plan of the proposed building.

7.0 PLANNING ASSESSMENT

7.1 Statutory Matters

Matters to be considered by the Council when assessing an application for resource consent and any submissions received under section 104 of the RMA include, (subject to Part 2), any actual and potential effects on the environment of allowing the activity, any relevant objectives, policies and rules of the Operative Plan or Plan Changes, and any other matter considered relevant and reasonably necessary to determine the application.

7.2 Section 104(1)(a) – Actual and Potential Effects on the Environment

7.2.1 Effects

The unique setting of the application site gives rise to a broad range of issues requiring consideration. These include urban design matters, natural character and landscape amenity issues together with transportation effects and recreation and amenity issues.

It is considered the actual and potential effects can be grouped under the following headings:

- Visual Amenity and Landscape Character
- Loss of Open Space
- Bulk, Scale and Dominance
- Transportation
- Noise
- Cultural & Archaeological Heritage
- Infrastructure

These matters are correspondingly considered below.

7.2.1.1 Visual Amenity & Landscape Character

The surrounding context comprises an outstanding landscape amenity principally characterised by its location on a narrow portion of land at the base of Mauao and positioned between the Tauranga harbour and the Pacific Ocean. The overall setting of Mauao, Tauranga Harbour and the ocean beach is impressive and collectively provides a high level of undeveloped visual amenity in contrast to the relatively dense development east of Adams Avenue. That area is generally flat and characterised by residential high rise towers with mixed use commercial activities at the ground floor together with a mix of apartments and more traditional detached dwellings. This suburban context continues further east linking to the central commercial shopping precinct of Mount Maunganui, positioned along both sides of Maunganui Road. Either side of the built environment are the ocean and harbour beaches.

The land on which the application site is positioned has been subject to human modification. The predominant land use activities comprise the camp ground, hot pool complex and surf club. Vegetation has largely been removed and the ground levelled and grassed to accommodate camp sites and campground facilities. The landform can therefore be characterised as one that has been significantly modified with little if any natural character remaining. Consequently, the proposed redevelopment would have a minor affect on this immediately context. Expansion into an area of open space is assessed below at 7.3.1.2 of this report.

The wider context is defined by the harbour, ocean, the respective beaches and Mauao. The District Plan seeks to protect and enhance the visual qualities of outstanding landscape features and it is noted that Policy 4.1.1.1 identifies Mauao and the Tauranga harbour as outstanding features.

Several submitters raised concern that the redevelopment would reduce the open 'transition' space between the intensive urban development to the east and the natural landscape of Mauao. The potential impact of the proposed redevelopment has been assessed within the Assessment of Landscape and Visual Effects report by Boffa Miskell Limited. The report concludes that the location and scale of the proposal in relation to Mauao and the adjacent urban edge is such that the receiving environment has the capacity to absorb the proposal.

The scale of the proposal is defined as a single storey design with a double height atrium entrance with a maximum height of 6.8m (comparatively the maximum height of the existing building is 5.0m). Its presence within the Adams Avenue streetscape would be obvious, especially when standing on the western side of Adams Avenue. However, the roof design is mono-pitched so that the eave above the footpath is approximately 3.0m high (correspondingly, the eave of the atrium would be 5.0m above the footpath). For the reasons covered at 7.2.1.3, the bulk and scale is not considered unduly dominant.

From the eastern side of Adams Avenue, opposite the application site, the proposed building would be dominated by the scale and presence of Mauao. This is the view at

present over the existing complex and given the relative height of the proposed redevelopment, the relationship would not be significantly different.

From further afield, such as either end of Adams Avenue, the proposal would appear subordinate in scale to Mauao and have little if any impact on the outstanding features represented by the harbour and main beach. From Marine Parade and The Mall, the building would have virtually no presence, with the landscape feature of Mauao, dominating the field of view while the Tauranga harbour, Pacific Ocean and the respective beaches draw the observers eye.

The Councils Landscape Architect has not raised any concerns in terms of the potential impact on the outstanding landscape features and it is my opinion that the proposed redevelopment would not challenge the visual qualities of these identified outstanding landscape features. Consequently, the overall potential adverse affect on visual amenity and landscape character is considered minor.

7.2.1.2 Loss of Open Space

Several submissions raise concern over the loss of open space through the proposed expansion of the hot pools complex. The application site is classified as a recreation reserve⁴ and identified as Conservation Zone within the Operative District Plan. Objective 3.6.1 of the District Plan seeks to protect reserves and open space areas to ensure recreation opportunities are retained and amenity spaces continue to contribute to the health and well-being of the community.

Some of the submissions raised concern that the proposal represents a loss of open space and recreation area available at the northern end of the Mount.

The proposal would expand the total existing site area of the hot pools by a further 2,160m² or 4.1% of the total 5.15ha reserve. The development of this area and subsequent loss of open space is therefore considered marginal in context. Furthermore, the subject area forms part of a campground currently formed into level, grassed camp sites served by a sealed vehicle access. The area is predominantly fenced off from Adams Avenue.

The use and value of the area for general recreational purposes are considered somewhat limited by the predominant commercial camping use of the reserve. Notwithstanding that there are substantially more attractive alternatives immediately available in the form of Mauao and its walking tracks, or either beach fronting the harbour or the ocean providing far greater visual amenity and opportunity for recreation purposes. Further, the camping ground would remain the predominant use of the reserve.

Consequently, the expansion into this area would be an obvious change, yet the effect in context of the surrounding open area is considered less than minor and is not considered contrary to the relevant objective and policies of the District Plan.

It is noted that a number of submitters raised concern over the effect on the camping ground to continue providing holiday and recreation facilities to those that can not afford to rent more expensive accommodation. The Council's Manager: Property as asset manager of the camping ground has reviewed the application and advised the loss of the 24 camping spaces will not prevent the campground from continuing to operate and has raised no objection to the proposal.

Mauao Reserve Management Plan

⁴ The site is subject to the Mauao Reserve Management Plan (MRMP) pursuant to the requirements of the Reserves Act 1977. The relationship of the proposal to the MRMP is addressed within the policy section of this report.

The Council's Open Space Activity Area Manager (OSAAM) is the asset manager for the total (5.15ha) site, within which the application site is located. The Council's OSAAM has reviewed the application and confirmed the site is classified as a Recreation Reserve under the Reserves Act 1977 and is subject to the Mauao Reserve Management Plan⁵ (MRMP).

To provide some direction on the intended use of the reserve, the Council's OSAAM highlights relevant objectives and policies within the MRMP. Overall, the Council's OSAAM advises the MRMP does not anticipate the expansion of the hot pools facility into the campground space on the reserve and that further expansion into the Recreation Reserve significantly increases physical and visual barriers to the Historic Reserve (Mauao itself). Concern is also raised that the forecast increase in patronage to the proposed facility will further inhibit community access to Mauao.

I have considered the objectives and goals within the MRMP as referred to by the Council's OSAAM.

Objective 3.1.5 of the MRMP states the hot pools should be retained with any changes to existing facilities requiring approval by Council following public consultation. The Council's OSAAM advises that MRMP neither supports or opposes the proposed redevelopment and believes the applicant needs to establish whether consultation has been completed in accordance with the Reserves Act. In my opinion, Objective 3.1.5 is important in that it not only sets an objective to retain the hot pools within the reserve but also provides for its expansion subject to the process of public consultation and Council approval, the process of which is governed under separate legislation. Nonetheless, it is my opinion that the proposal is not contrary to this objective of the MRMP.

Part 3.3 of the MRMP outlines a goal to "*continue to meet the appropriate recreational and amenity needs of the residents and visitors to the district*". The expanded site area of the redeveloped hot pools would occupy a relatively minor portion of the overall reserve so that the effective loss of that area is considered minor in context. It is also considered the redevelopment provides a greater opportunity for the community to utilise the space on a more frequent basis, rather than being restricted to seasonal visitors. The majority of the reserve would remain in use as camp ground, continuing to provide camping opportunities, yet also providing an alternative use enhancing the recreational and amenity opportunities to the resident community and visitors, consistent with the objective of the MRMP.

Objective 3 of Section 3.3.3 of the MRMP specifically addresses the campground activity within the reserve and states "*The existing campground now occupies almost all the Recreation Reserve across the base of Mauao. It physically and visually blocks access to the Historic Reserve of Mauao. It also acts as a psychological barrier to access.*" Since the adoption of the MRMP in 1998, the access to Mauao has significantly improved. Access tracks have been upgraded and in the case of the main beach connection, a significant boardwalk connection with separate disabled access has been constructed and now forms one of the main access points to Mauao and its base track. This has assisted in addressing the access issues to Mauao. As discussed at 7.2.1.3 below, at the request of the Council's Landscape Architect the proposal has made greater provision for a pedestrian access between the hot pool car park and building to link to the existing access through the camp ground and onto Mauao.

One of the key design objectives identified in the application is the need to overcome the current hot pool building turning its back to the Adams Avenue street frontage. This is assessed in greater detail at 7.2.1.3 below. The redevelopment seeks to encourage people into the facility, which as discussed above forms an alternative recreational use of the reserve, adding variety and increased opportunity for recreation use of the reserve. Accordingly, I consider the proposal is consistent with the above objective.

⁵ The relevant policies are attached as **Appendix 7**.

With regard to the concern of the increased patronage inhibiting community access to Mauao; this point is also reflected in some of the submissions which state that increased demand for parking will limit public access to open space. The issue of parking demand and available capacity within the immediate area is addressed at 7.2.1.4 and is determined overall to be a minor effect.

On the basis of the above, I do not share the same conclusions as the Council's OSAAM in the way the proposal relates to the MRMP objectives or use of the reserve. The Department of Conservation, as the authority responsible for confirming Reserve Management Plans, have not provided a response to the proposal.

Overall, it is considered the effect of the proposed expansion into open space is less than minor.

7.2.1.3 Bulk, Scale and Dominance

The proposed redevelopment would involve extending the existing building a further 36m south along Adams Avenue, resulting in a total built frontage approximately 86m in length.

The redevelopment will introduce a mono-pitch single storey construction with a double height atrium entrance. The redevelopment would continue the new mono-pitch roof across the existing buildings to provide an overall continuity of design, bulk and scale.

The Landscape and Visual Assessment states the redevelopment of the existing frontage to Adams Avenue seeks to improve the current situation where the existing building presents its 'back' to the streetscene.

However, the Council's Urban Designer considered the proposed design presented a general lack of amenity to the public realm and presented a mostly 'inactive' frontage to Adams Avenue. The Council's Landscape Architect also raised concern over the lack of visual connection to the street frontage. Advising the proposed landscape planting along the footpath was not considered on its own to effectively enhance the building interface.

The Council's Urban Designer concluded the following matters needed further attention;

- Further consideration of the frontage to Adams Avenue
- opportunities for more weather protection extending over the public footpath
- greater articulation of the façade
- introduction of active frontage to the streetscene
- more public seating, and;
- more trees.

I concurred with the matters raised within the responses from the Council's Urban Designer and Landscape Architect⁶, concluding further attention was required to mitigate the bulk, scale and dominance presented to the Adams Avenue streetscene together with the relationship the proposed redevelopment shared with the public realm.

Following the response, an onsite meeting was held on 27th January 2011 to discuss the Urban Design and Landscape Architect concerns.

Revised Design

A response including a revised set of elevation drawings was provided to Council on 3rd February 2011 detailing an amended frontage to Adams Avenue. The height and mono-pitch roof design remained unchanged. However, in response to the matters raised by the Council's specialist the applicant has redesigned the way the building interacts with the street frontage.

⁶ Urban Design and Landscape Architect comments are attached together with all specialist responses at **Appendix 9**.

In summary the revision includes;

- a change to the design of the frontage to Adams Avenue
- increased weather protection extending over the public footpath,
- further articulation of the façade,
- incorporation of public art into the design,
- incorporation of a bus shelter and waiting area,
- more public seating, and;
- revised landscaping.

The existing bus shelter positioned on the foot path presents visual clutter and obscures the setback area of the development, thereby reducing the effectiveness of the building modulation. The revision proposes to remove the existing bus shelter and incorporate a recessed seating area into the design of the buildings frontage. Additional seating along the front of the building would also be provided. This area is immediately adjacent to the existing bus stop and would benefit from increased canopy cover and depth, also incorporated into the building design.

Visually the area is shown with a mix of hard and soft landscaping. It is my opinion that this revised element removed street furniture clutter and provides improved functionality through a significantly better shelter from the elements than the current shelter provides those awaiting a bus. The Council's Transportation Operation Manager has verbally supported the removal of the shelter, although advising it is not a Council asset and is subject to a lease agreement. These details will require further confirmation during the course of the hearing.

To address the concern regarding the design of the new entrance and the lack of amenity within the immediately adjacent recessed area, the applicant has proposed a number of changes, including a redesign of the recessed new area, a change in materials and provision of a canopy shelter together with an introduction of artwork to the GRC (concrete) panels to remove the 'heaviness' from the entrance.

It is my opinion the introduction of timber decking to the new atrium entrance provides visual interest and highlights the main entrance, while also forming a reference to the existing boardwalks located along the main beach front. The treatment of the recessed entrance space includes rocks for seating and planting for shelter. These features reference similar rock elements found on Mauao as well as providing a functional space. Provision of a small glass canopy shelter over the entrance provides some shelter, yet in conjunction with the canopy proposed over the footpath along Adams Avenue, will provide shelter to the public between the car park and the entrance.

The canopy indicated between the car park and entrance is a response to the concern raised by the Council's Urban Designer. The response is considered functional while also providing visual interest. Together with the potential inclusion of the recessed seating area the frontage presents a more 'active' frontage in the form of a functional and interesting space if not directly through more traditional methods of transparency.

There are two distinct areas labelled as 'art wall 1' and 'art wall 2' providing opportunity for art installation that could reflect historical and cultural elements. These again provide visual interest and variety as well as an opportunity for the community to be reflected in the design of the building, itself a community facility. Further detail on the possible design would need to be confirmed at the hearing which could be subject to a condition in the event consent is granted.

The area to the rear of the proposed bus seating is to include a mono-pitch roof to reflect the movement of water from the pools. This replicates an existing (possibly unintentional) feature of the curved canopy roof and provides an interesting and subtle visual cue to the activity within the building and its purpose.

A further recessed area with seating has been incorporated into the elevation of the wellness centre to modulate the frontage, providing a break in the materials along that section of the building as well as a functional space.

The Council's Landscape Architect has advised the lease area boundary of the site will need to be confirmed in order to establish responsibility for the planting and maintenance of the landscaping proposed within the application, particularly where the planting is adjacent the camp ground. Final details on planting and maintenance are required. Further details on the proposed signage, including location and size will need to be confirmed by the applicant, yet these matters are considered minor details that could be addressed through conditions.

Overall, the proposed revisions are considered to address the matters raised by the Councils specialists and result in an improvement to the frontage along the Adams Avenue streetscene. The areas indicated for art installations provide opportunity to reference the local community and history, while the incorporated functional spaces engage the community and provide a more indirect 'active' frontage.

Consequently, the revisions are considered to address the initial matters raised by the Councils specialists. It is my opinion the effect of the bulk and scale of the proposed as presented to Adams Avenue is sufficiently mitigated not only through its single storey design but through the incorporation of the above features, reducing its dominance impact and overall representing a minor impact.

The potential for shading has also been considered and determined within the application to not adversely affect nearby properties. The Councils specialists did not raise any concern in regards to this matter and I concur with the assessment within the applicants report.

Overall, it is considered the matters raised by the Council's specialists have been addressed within the revised plan. However, further confirmation of the design detail should be sought from the applicant during the course of the hearing and in the event of approval, conditions would be necessary to ensure the mitigation proposed would be delivered.

7.2.1.4 Transportation

The proposed redevelopment incorporates three key activities; the hot pools, the wellness centre and the café. The business plan forecasts 210,000 visits per year for the existing hot pools with a forecast increase of 50,000 visits per year for the redevelopment. In addition the wellness centre is expected to generate approximately 15,000 visits per year.

The application includes a Transportation Assessment Report (TAR) by Traffic Design Group Limited (TDGL). The TAR assesses the proposed activities against the operative District Plan parking requirements and concludes a minimum 138 onsite parking spaces are required. The application proposes 37 onsite car parking spaces for visitors and 15 off-site car parking spaces (under a lease agreement) to provide parking for staff. The proposal would therefore provide a total of 52 car parking spaces, representing a shortfall of 86 car parking spaces.

The TAR considers two demand scenarios for the expected parking demand. The first is based on the increase in the pool area (86% surface area increase) which predicts parking demand to range from 61 spaces on a non-holiday weekday to 143 spaces per day on a holiday weekend. The second scenario is based on the expected 24% increase in visitors, and ranges between 41 spaces (non-holiday weekday) to 95 spaces (holiday weekend). The expected demand for the wellness centre is 18 spaces while the café is expected to generate a demand of up to 20.

The TAR does not provide an assessment of the existing traffic environment or Level of Service (LoS) for the surrounding road network, rather it considers the likely parking demand and traffic generation anticipated by the proposed redevelopment and proceeds to recommend a number of Travel Demand Management (TDM) measures to mitigate the expected increase in traffic generation and parking demand on the basis the District Plan parking standards cannot be provided.

The TAR concludes that the under-provision of onsite car parking will result in an overflow parking demand ranging between 13 vehicles during non-holiday weekends increasing to 67 vehicles during the school holiday period. Quantified against the existing under-provision on the application site, the excess is considered to be between four to 15 car parking spaces.

The TDM measures include encouraging the use of passenger transport (such as the bay hopper and sand hopper services), park and ride facilities, encourage use of cycles, additional parking either on or off site and management of the existing parking resource. The TAR recommends that by implementing some or all of the measures in conjunction with post-approval monitoring, the effectiveness of the TDM measures can be evaluated and the effect of the under-provision adequately mitigated. It is noted that the conclusion (section 10 of the TAR) states the effectiveness of the proposed measures cannot be quantified, yet the expectation is that they will offset the parking demand such that the effects would be minor.

Council's Senior Transportation Engineer has reviewed the application and raised a number of matters requiring further attention. A meeting between the traffic specialists from the Council and TDGL was held on 20th December 2010 and subsequently a request for further information pursuant to section 92 was sent to the applicant, dated 23rd December 2010 (Appendix 4), seeking further information on the transportation matters.

It is noted that traffic generation and parking demand issues are directly raised in at least two of the submissions received. The concerns state the proposal would increase demand for parking in an area already experiencing a shortfall and increase traffic generation in an area already experiencing congestion.

It was determined that the potential adverse effect of the proposal was potentially significant and therefore, pursuant to s92(2), McCormick Rankin Cagney Ltd (MRC) where commissioned to review the TAR (hereafter referred to as the "MRC review"). The review was provided to Council on 28th January 2011 and included reference to the applicant's section 92 response received by Council on 26th January 2011. The MRC review is attached as **Appendix 7**.

The MRC review highlights that the current Level of Service (LoS) for the existing road layout has not been assessed. Consequently the current spare capacity of on-street parking and the change in seasonal trends for parking demand surrounding the development have not been quantified. The assessment of the existing parking and seasonal trends would establish a 'base case' for the current LoS experienced on the surrounding network, which in turn could then be compared to the proposal to establish if there is a change expected in the LoS. The potential adverse affect of the proposal could then be determined in relation to the safety and operation of the surrounding network. Notwithstanding the lack of assessment, the MRC review advises that such an assessment is likely to show that during the winter season there is more parking available than in the summer season which may well negate the need to implement any of the proposed TDM measures.

Turning to the expected parking demand, the MRC review considers the two scenarios presented within the TAR and recommends that the worse case scenario (1) be used as the basis for consideration. Further, the discount rates applied for the wellness centre and the café are considered reasonable to account for the overlap in the different activities on the site.

In adopting scenario 1 to consider the parking shortfall, MRC make revisions to the assessed parking demand tables presented in the TAR. Table 12 takes into account the existing shortfall and, in its amended form under the MRC review, confirms the proposed 52 car parking spaces fall short of both the District Plan requirements and the assessed demand. The net parking shortfall ranges between 25 vehicles (non-holiday weekday) to 64 vehicles (school holiday). MRC disagree with the TAR statement that TDM measures should be implemented during weekends and school holiday periods. Rather it is the opinion of the MRC review that TDM measures should only be applied during the summer months, if at all, on the basis of the anticipated seasonal correlation that affects parking demand.

With regard to the proposed TDM measures, the MRC review does not support the TAR recommendation to increase the use of passenger transport (bus services) by hot pool visitors as a method of mitigating the parking demand and traffic generation. The MRC review states that to totally mitigate the effect during the worse case scenario (peak demand over the summer holiday period) then 64 visitor vehicles would need to be taken off the network. Using the calculations at 8.2 of the MRC review, the modal shift would need to change 86% of visitors arriving by car down to 48%. For the TDM measure to be effective the increase of visitors to the hot pools using a bus service would have to increase from the current 2% utilisation to 40%, which is a 2000% increase in bus utilisation.

The MRC review concludes that the TDM measures will not result in a 2000% increase in bus use and therefore the effect of implementing the measures will not mitigate the projected parking shortfall.

Notwithstanding the above, the MRC review advises that the parking overflow is likely to only occur during summer, on a weekend or during school holidays within the peak parking times between 10am to 4pm and on a sunny day. MRC have calculated that these conditions are likely to only represent 9% of the time during the course of a year.

On this basis the MRC review concludes at 8.7 of their report that the proposed TDM measures are not required on the basis the hot pools redevelopment will only generate a parking supply overflow problem onto the surrounding road network 9% of the time and in any case the potential effectiveness of the proposed TDM measures would not increase the bus patronage to any level to sufficiently reduce the potential parking overflows.

MRC consider that the likely outcome of determining the LoS for the existing network and then comparing to the effect of the proposed development is that a one step reduction in LoS would be identified. MRC advise that such a change would be considered more than minor. However, although the extent of the *change* would be more than minor, the *effect* would be minor and tolerable from a road safety and road operation perspective. The conclusion to the MRC review is that if visitors cannot find parking, they may decide to go to the beach or try again later on in the day, either way MRC advise they do not expect that this would present grounds to refuse the application on traffic matters particularly as the effect is likely to only occur 9% of the time.

The conclusion by MRC is concurred with. The conditions and period to which the peak parking demand would occur within is limited. Consequently it is agreed the acute⁷ effect on the safety and operation of the network would be minor in context, particularly limited to the summer school holiday period, which is generally experiences saturation parking over the Christmas/new year period. This is exacerbated by parking being free and mostly not time limited. On the basis of the MRC review, it is not recommended to impose conditions requiring the TDM measures to be implemented when it is recognised they will have no discernable mitigation effect. However, it is recommended, in

⁷ Acute is defined as a high effect with low frequency, opposed to a chronic effect which occurs regularly but with low adverse affects.

accordance with the advice of the TDM report, to impose a condition requiring the proposal to provide 15 off-site car parking spaces for staff and that four (as opposed to two) disabled car parking spaces be provided onsite, in the event consent is granted.

Access

Following the closure of the campground access (relocated further north), the application proposes modifying the existing access to align immediately opposite Maunganui Road. The application states this will improve the relationship with the roundabout. The MRC review agrees with the proposed revision and consequently supports the proposed revised access.

7.2.1.5 Noise

Rule 22.2.1.8(a) of the Operative District Plan prescribes the maximum permitted noise generated from a site within the Conservation Zone shall not exceed the following limits at any point within the boundary of any residential zone:

- between 0700 to 2200 - 45 dBA (L_{10})
- between 2200 to 0700 – 35dBA (L_{10}) and 55 dBA (L_{max})

Most of the east side of Adams Avenue comprises residential development and is therefore a sensitive receiving environment. It is noted that noise concerns were raised within the submissions received. However, those residents directly adjacent to the site did not raise noise as an issue within their submission.

Although the existing hours of operation are not proposed to change, the 0600 opening time is contrary to Rule 22.2.1.8(d) which limits activities in the conservation zone to between 0700 to 2200. The proposed redevelopment would increase the pool surface area and facilities on the site. A corresponding increase in the forecast visitor numbers and the associated traffic movements has the potential to adversely affect the residential amenity of the adjacent residential properties. Additional pumps, extraction fans and air conditioning units would also need to be added to service the redevelopment.

The application includes an Acoustic Assessment by Marshall Day Acoustics which advises the existing hot pools do not comply with the noise limits prescribed within Rule 22.2.1.8(a). However, the report concludes that future noise levels from the redevelopment will be lower than those currently generated by the hot pools. This would be achieved through the use of noise insulation and design techniques. In addition, all plant equipment (with the exception of the pumps housed within a noise attenuated room) would be switched off at night. The report advises that a small increase (1 – 2 dBA) may be experienced in a couple of locations. However, the change is considered imperceptible within the report and the overall effect less than minor.

The Council's Environmental Health Officer (EHO) comments that the background noise levels in the vicinity of the site are controlled by traffic movements on Adams Avenue, Maunganui Road and The Mall, and during certain weather conditions from wave action on the beach. This area is particularly busy during the summer months being a popular holiday destination, which results in elevated background noise levels.

Having reviewed the acoustic report, the Council's EHO has advised the conclusions are agreed with, also highlighting that no complaints have been received from residents or from visitors occupying holiday accommodation in the vicinity. The Council's EHO agrees all potential noise sources have been identified and supports the proposed noise mitigation measures within section 10 of the report, agreeing that the overall noise to be experienced by the adjoining residential properties will be reasonable. In addition, the Council's EHO recommends activities such as aquarobics be limited to occurring between the hours of 0700 and 2200 to limit the potential noise impact on adjacent residential properties. However, a condition limiting maximum noise levels during the day and at night is recommended within the Marshall Day report, which would address this matter.

As asset manager of the adjacent camping ground, the Council's Manager: Property has only requesting that the noise effect on camp ground users be considered if the hot pools are proposed to be open late. The application does not seek consent to change the existing hours of operation and therefore the effect is considered minor.

On the basis of the noise assessment and the advice of the Councils EHO, it is considered the noise impact of the proposal on the adjacent residential area would be minor, subject to the mitigation measures proposed within section 10 of the acoustic report by Marshall Day Acoustics Limited.

7.2.1.6 Cultural & Archaeological Heritage

The Operative District Plan records a heritage reference within the reserve area identified as Heritage Site no.30 (Old Stone Steps and Former Military Camp). The reference is applied generally to the entire 5.15ha reserve. However, it is noted the Proposed City Plan has removed the reference from the reserve so that it would only apply to Mauao (Item 18, Appendix 7A.1: Register of Built Heritage, Proposed Tauranga City Plan).

The District Plan seeks to manage the effect of development in areas of historic significance and where necessary require those effects to be offset. The objectives and policies within 5.3 of the operative District Plan provide direction regarding cultural heritage. This is achieved through the heritage rules within Chapter 16 of the operative District Plan.

An Archaeological Survey and Assessment of Effects report by Archaeology BOP, dated March 2009 is attached to the application. The report highlights the cultural and archaeological significance of the site, ranging from pre-European habitation to early European modification and use of the area. In particular, the establishment of the first Pilot House on the spur of land above the hot pool car park followed by the second and third pilot houses occupying the area now forming the hot pools and car park area. Despite the significant subsoil disturbance involved in the construction of the existing hot pool facility and previous recreation developments (tennis courts and bowling green), the report considers archaeological evidence is likely to remain within the application site.

Section 4.4.2 of the application report advises an application for Archaeological Authority has been lodged with the New Zealand Historic Places Trust (NZHPT). The application includes a number of mitigation measures detailed on page 20 of the application report which in summary proposes completion of an archaeological investigation of the site prior to commencing the proposed works and notification to the NZHPT of the start date. The applicant may wish to confirm the progress of that application during the course of the hearing.

The Council's OSAAM has advised that an application to the NZHPT has been lodged to register Mauao as Wahi Tapu. The application is currently deferred due to treaty settlement matters. In any event the Wahi Tapu application relates to the historic reserve of Mauao and not the reserve within which the application site relates.

The applicant has advised consultation has been undertaken with local Iwi and matters regarding earthworks protocols and provision for the story of Mauao to be incorporated into the buildings design. All iwi and hapu groups were served notice as part of the public notification process.

A submission was received from the Tauranga Moana Tangata Whenua Collective providing support in principle for the proposal. The submission sought further consultation, a Cultural Impact Assessment, earthwork protocols and technical support.

The applicant has stated consultation will continue with Tangata Whenua, which is a matter that may require further confirmation during the course of the hearing.

The heritage reference is not site specific and under the proposed City Plan would no longer apply to the reserve. Therefore it is uncertain as to whether the proposal would involve the modification or otherwise of the features described under heritage reference no.30. However, the applicant has undertaken an archaeological assessment of the site to identify potential impact of the proposal and together with applying to the NZHPT and consulting with tangata whenua has proposed a number of measures to avoid or mitigate the impact on cultural and archaeological heritage.

Therefore it is my opinion the potential adverse affect on cultural and archaeological heritage would be minor, being adequately addressed through the measures described at section 4.4.2 of the Application Report as attached within the application for authority to the NZHPT.

7.2.1.7 Infrastructure

An infrastructure report by BECA assessing the existing storm water and sanitary sewer services has been attached to the application as Appendix 5. The report concludes the development will be able to be accommodated within the storm water and sanitary sewer networks.

The seawater pipe (supplying the hot pools with salt water) and remaining site services are also assessed. The seawater pipe is identified as requiring re-routing along the Adams Avenue frontage to accommodate the footings of the proposed building.

The Council's Development Engineer has reviewed the application and advised the site is subject to falling debris and slippage from the lower slopes of Mauao. A geotechnical report was sought to assess these matters. The applicant provided a report which was considered acceptable by the Council's Development Engineer. The report recommends annual assessment of the rock fall hazard and preventative measures to be implemented where deemed necessary. The Council's Development Engineer recommends this be attached as a condition together with a number of other conditions relating to the location of services, formation of the car parking area, requirement for a construction traffic management plan and construction noise and dust management. No other concerns were raised.

Accordingly, the potential adverse affect of the proposal on infrastructure is considered less than minor subject to the recommended conditions.

7.2.1.8 Summary of Potential Adverse Affects

Overall, it is considered the potential adverse affect of the proposal is no more than minor.

7.3 Section 104(1)(b)(i) – Relevant Provisions of National environmental Standards

In my opinion there are no National Environmental Standards relevant to the proposal.

7.4 Section 104(1)(b)(ii) – Relevant Provisions of Other Regulations

In my opinion there are no other regulations relevant to the activity proposed, that have not already been addressed in respect to the Reserves Act 1977.

7.5 Section 104(1)(b)(iii) – Relevant Provisions of the National Policy Statements

In my opinion there are no National Policy Statements relevant to the activity proposed.

7.6 Section 104(1)(b)(iv) – Relevant Provisions of the New Zealand Coastal Policy Statement 2010

The NZCPS took effect on 3rd December 2010 and contains a number of objectives and policies relating to the coastal environment which must be addressed when determining an application located within the coastal marine area. The application site is considered to form part of the coastal environment, particularly through the identified environments under Policy 1, being (2) (f) and (2) (i).

A full copy of the relevant objectives and policies is attached as **Appendix 10** to this report.

Objective 2 and Policies 1, 13, 14 and 15 relate to the natural character of the coast. The effect of the proposal on natural features and landscapes comprising the character within the coastal area has been considered within section 7.3 of this report and determined to have a minor effect.

Objective 3 and Policy 2 relate to the Treaty of Waitangi, tangata whenua and Maori heritage. The applicant has undertaken consultation with tangata whenua as described at section 7.3.1.6 above.

Policy 4 relates to integrated management and promotes inclusive practices for managing the effect of proposals within the coastal environment. The applicant has undertaken a series of pre-application consultation phases outlined within the application. This has influenced the design objectives for the development and considered public enjoyment of the coastal environment.

Objective 6 and Policy 6 relate to development and activities within the coastal environment. The objective seeks to enable people and communities to provide for their social, economic and cultural wellbeing while protecting the values of the coastal environment yet recognising that protection does not preclude development that is sensitive to the surrounding context. This aspect has been considered at section 7.3 of this report and is considered to meet this objective.

Policy 17 relates to the protection of historic heritage within the coastal environment using practices of integrated management. The applicant has included an archaeological report for the site and applied to the NZHPT for archaeological authority proposing various mitigation measures given the likelihood of archaeological remains within the site. Consultation with tangata whenua and the public has also occurred prior to lodging the application with the applicant has indicated that this is ongoing.

Objective 4 and Policies 18 and 19 relate to the provision of public access to the coastal marine area. This also relates to the access provisions of the MRMP and has been considered within section 7.3.1.2 of this report.

Overall, the proposal is considered to be generally consistent with the intent of the objectives and policies of the set out in the NZCPS.

7.7 Section 104(1)(b)(v) – Relevant Provisions of the Regional Policy Statement

The Bay of Plenty Regional Policy Statement identifies the strategic direction for the Bay of Plenty Region and promotes the sustainable management of the region's natural and physical resources.

(a) Chapter 6 - Land

Objective 6.3.1(a) - The adoption of sustainable land use and management practices.

Policy 6.3.1(b)(i) - To sustain the potential of land resources to meet the reasonably foreseeable needs of current and future generations.

Policy 6.3.1(b)(iii) - To avoid, remedy or mitigate adverse effects on the environment associated with the inappropriate subdivision, use, and development of land.

Policy 6.3.1(b)(viii) - To manage the use and development of land resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing.

Comment: The proposal is considered consistent with the above objective and policies. The application proposes a facility to enable people and the community to provide for their social, economic and cultural wellbeing. For reasons previously discussed in section 7.2 of this report, it is considered potential adverse effects can be appropriately mitigated.

(b) Chapter 9 – Coastal Environment

9.3.1 Natural Values

Objective 9.3.1(a) - Recognition of and provision for:

(i) The preservation of the natural character of the coastal environment;

(ii) The protection of outstanding natural features and landscapes in the coastal environment; and

(iii) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment.

Policy 9.3.1(b)(i) - To ensure that adverse effects on significant indigenous vegetation, significant habitat of indigenous fauna and outstanding natural features and landscapes located in the coastal environment are avoided, remedied or mitigated.

Policy 9.3.1(b)(ii) - To ensure that all proposed subdivision, use and development in the coastal environment provides for the preservation of natural character.

Policy 9.3.1(b)(iii) - To ensure that in the coastal environment –

(a) New subdivision, use and development is located in areas where natural character is already substantially compromised by existing development;

(b) Sprawling and sporadic subdivision, use or development is avoided; and

(c) Cumulative effects on natural character are avoided – unless dispersal of subdivision, use and development can be demonstrated to be more effective as a means of avoiding adverse effects.

Policy 9.3.1(b)(iv) - To ensure that, where natural character is already substantially compromised by development, all practicable steps are taken to avoid, remedy or mitigate adverse effects on remaining natural character, particularly when further subdivision, use or development is proposed.

Policy 9.3.1(b)(v) - To consider the restoration or enhancement of natural character and heritage places in areas that have been degraded by past or existing use and development.

9.3.3 Access

Objective 9.3.3(a) - The coastal marine area is generally accessible to members of the public.

Policy 9.3.3(b)(i) - To enhance public usage and enjoyment of the coastal marine area.

Policy 9.3.3(b)(ii) - To provide for the expansion of existing facilities or the locating of new facilities which would enhance public access to the coastal environment, while ensuring that adverse effects are avoided, remedied or mitigated.

Policy 9.3.3(b)(iii) - To restrict public access to the coastal marine area only where the restriction is necessary –

(a) To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(b) To protect Maori cultural values;

(c) To protect public health and safety;

(d) To ensure a level of security consistent with the purpose of a resource consent; or

(e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Comment: Objective 9.3.1(a)(i) and (ii) are considered relevant to this application and relate to the preservation of natural character and protection of outstanding natural features. This matter has been considered at 7.2.1.1 of this report and it is considered the proposal is consistent with the these objectives.

Policy 9.3.1(b)(iii)(a) is considered relevant in that it directs development in the coastal area to occur in area where natural character is already substantially compromised by existing development. This matter has been considered at 7.2.1.1 of this report and it is considered that the natural character of the reserve has been substantially compromised by the established camping ground and hot pool complex together with the re-contouring of the land and removal of vegetation.

The objectives and policies under 9.3.3 are related to access. In this case the application does not restrict the access to the coastal marine area. It is noted that the application proposed a pedestrian access through the car park to link to the existing access onto Mauao.

Overall, it is considered the application is consistent with the relevant objectives and policies within Chapter 9.

(c) Chapter 13 – Physical Resources / Built Environment

Objective 13.3.1(a) – *A built environment that enables efficient use, development and protection of natural and physical resources while avoiding, remedying and mitigating adverse effects on the environment.*

Policy 13.3.1(b)(i) - *To promote the integrated management and efficient use of physical resources and the built environment within the region and across the region's boundaries.*

Policy 13.3.1(b)(iii) - *To provide for the long-term security of existing physical resources and built environments.*

Policy 13.3.1(b)(iv) - *To protect transportation and utility networks, infrastructure and public works from the adverse effects of subdivision and land use.*

Policy 13.3.1(b)(v) - *To promote the efficient use and development of existing and future infrastructure and utility networks.*

Policy 13.3.1(b)(vi) - *To avoid or reduce the adverse effects on the environment, relating to the use and development of the built environment and the construction, operation and decommissioning of physical resources and infrastructure.*

Policy 13.3.1(b)(ix) - *To encourage development that minimises the need for new infrastructure and reduces the requirement for extensions to existing infrastructure.*

Comment: The proposal is considered generally consistent with the aforementioned objective and associated policies in relation to built form and the transportation network.

Section 104(1)(b)(v) – Relevant Provisions of the Proposed Regional Policy Statement

The Proposed Bay of Plenty Regional Policy Statement 2010 was notified on 9th November 2010, with the submission period closing 8th February 2011. It is considered the following identified objectives and policies of the Proposed Regional Policy Statement are the most relevant to the proposal.

Objective 2 - *Preservation and enhancement of the natural character and ecological functioning of the coastal environment*

Policy CE 2A: *Preserving high natural character within the coastal environment*

Policy CE 4A: *Protecting and restoring natural coastal margins*

Objective 12- *The timely exchange, consideration of and response to, relevant information by all parties with an interest in the resolution of a resource management issue*

Policy IR 4B: *Using consultation in the identification and resolution of resource management issues*

Policy IW 6B: *Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects*

Objective 18 - The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development

Policy IW 2B: Recognising matters of significance to Maori

Policy MN 1B: Giving priority to matters of national importance

Objective 19 - The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems

Objective 21 - Recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

Objective 22- The coastal marine area, lakes and rivers are generally accessible to the public

Objective 25 - An efficient, sustainable, safe and affordable transport network, integrated with the region's land use patterns

Policy UF 11B: Managing the Effects of Subdivision, Use and Development on Infrastructure

Policy UF 13B: Promoting the Integration of Land Use and Transportation

Comment: The submission period for the Proposed Regional Policy Statement (PRPS) has not yet closed. Therefore, it is considered that limited weight can be given to the objectives and policies.

Notwithstanding this, it is noted the provisions are somewhat more focused and direct than the broader approach of the operative RPS. The above are considered to reflect the themes and direction within the NZCPS as assessed at section 7.6 of the report. Overall, the proposal is considered reasonably consistent with the above, despite its limited weighting.

7.8 Section 104(1)(b)(vi) – Relevant Provisions of the Tauranga District Plan

7.8.1 Assessment Criteria of the Tauranga District Plan

Overall, the application is a non-complying activity and therefore the Council is not restricted to the matters of control.

To assist in the determination of the proposal the Discretionary Activity matters of assessment are also referred to. This includes the matters where applicable within Chapter 11 (General Procedure and Rules).

(a) General Matters

11.2.1 Whether the proposal would be consistent with:

(a) The purpose and principles (Part II) of the Resource Management Act 1991

(b) The relevant matters set out in Section 104 of the Resource Management Act 1991

(c) The objectives and policies applicable in relation to the location, scale, character and likely effects of the proposal

(d) The objectives, policies and provisions of (where appropriate) any Reserve Management Plan, Heritage or Conservation Management Plan.

(b) Traffic Management, Safety and Convenience

11.2.3 Traffic Management, Safety and Convenience

(a) The volume, pattern and nature of traffic to be generated and its likely impact on vehicular and pedestrian traffic in the area

(b) The function and characteristics of roads serving the proposed activity

(c) The location of entry and exit points, design and layout of parking, manoeuvring and loading areas

(d) Conditions may be imposed to upgrade affected parts of the road network or alter road design, either by physical works; or to design, construct and operate parking, manoeuvring and access.

(c) Noise and Disturbance

11.2.4 Noise and Disturbance

- (a) *The characteristics, pattern and levels of noise to be generated by the proposed activity and whether these would lead to significant disturbance to neighbouring properties*
- (b) *The background noise levels of the area*
- (c) *The hours of use or operation of the proposed activity and the established or future pattern of activity in the vicinity*
- (d) *Conditions may be imposed to mitigate adverse effects by setting specific noise levels, requiring separation distances between likely noise sources and affected areas, acoustic design measures within the site, or restricting hours of operation.*

(d) General Amenity and Nuisance**11.2.6 General Amenity and Nuisance**

- (a) *The proposed activity's effect on neighbouring residents by way of dust, odour, smoke, fumes, vibration, lighting and glare, or electrical interference*
- (b) *The nature and location of proposed signs when viewed from adjacent residential properties and public spaces*
- (c) *Conditions may be imposed that require measures to ensure compliance with general amenity standards or specific standards or terms may be applied in particular circumstances.*

(e) Services**11.2.7 Services**

- (a) *The ability of the proposed activity to link into existing services infrastructure or effectively provide new services to mitigate adverse environmental effect*
- (b) *Conditions may be imposed to upgrade or extend services necessary to serve the site either by physical works or a financial contribution up to the cost of the works*

(f) Landscape Features**11.2.8 Landscape Features**

- (a) *The proposed activity's effect on existing trees or physical features and/or ground contours where they make a contribution to the local landscape*
- (b) *Conditions may be imposed on site layout, building design or location, circulation or parking to protect significant tree(s), or replacement with tree specimen(s) of equivalent value, or limits put on site earthworks or recontouring to reduce effects on the rural landscape.*

(g) Heritage**11.2.9 Activities on Heritage Sites (including Archaeological Sites, Heritage Features, Wahi Tapu, or Other Maori Ancestral Sites) and Notable Trees.**

- (a) *Whether the proposal will modify, destroy or adversely affect any registered heritage item or site, and, if so, the extent of such modification, destruction or adverse effect*
- (b) *The heritage value of the item or site and the impact the proposal has on the integrity/value of the heritage item, site or feature*
- (c) *The significance of the item or site for tangata whenua*
- (d) *The registration (if applicable) and the reasons for registration of the item, or site under the Historic Places Act 1993*
- (e) *The recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party involved in heritage conservation issues*
- (f) *The policies of any conservation plan and heritage inventory relating to the item or site*
- (g) *The health of any registered notable trees on the site, and the effect on the health of that tree(s) of any proposed activity (including any activity proposed within the drip-line of a notable tree)*
- (h) *Whether the proposal can avoid, remedy or mitigate any adverse effect on the heritage item, site or tree*
- (i) *Whether there has been any change in circumstance which has resulted in a reduction of significance since the site, item or tree was registered in the District Plan*
- (j) *Conditions may be imposed to assist protection, conservation or maintenance*

Comment: All of the above matters listed under the headings (a) to (g) have been addressed within section 7.2 and 7.8.2 below.

7.8.2 Objectives and Policies of the Tauranga District Plan**(a) Chapter 3: Amenity Values**

Objective 3.1.1 Noise and Vibration in All Zones

To avoid, remedy or mitigate unreasonable noise or vibration-induced annoyance, disturbance or injury.

Policy 3.1.1.2 Noise Received in Residential Areas

Business activity operating near Business Zone/Residential Zone boundaries should not give rise to noise levels normally considered unacceptable in Residential Zones, nor create noise levels which are unreasonable for occupiers of neighbouring properties.

Comment: The activities proposed within the site have the potential to increase the noise levels experienced by the surrounding environment, predominantly comprising nearby residential properties. It is noted that concerns were raised within the submissions received. However, those residents directly adjacent to the site did not raise noise as an issue within their submission.

The application includes an Acoustic Assessment by Marshall Day Acoustics which concludes that future noise levels will be lower than those currently generated by the hot pools. A small increase may be experienced in a couple of locations. However, the change is considered imperceptible within the report and the overall effect less than minor.

The Councils Environmental Health Officer (EHO) has reviewed the report and agrees with its conclusions, advising that no complaints have been received from residents or from visitors occupying holiday accommodation in the vicinity. The Councils EHO supports the proposed noise mitigation measures and agrees that noise generation will be reasonable. Consequently, it is considered proposal is consistent with objective 3.1.1 and policy 3.1.1.2.

Objective 3.1.2 Exterior Lighting and Glare:

To avoid, remedy or mitigate significant adverse effects of exterior lighting and glare on the environment and on amenity values of the surrounding area.

Policy 3.1.2.1 Exterior Lighting and Glare

Activities should be managed in a way that ensures that the intensity, location and direction of artificial lighting avoids light spill and glare on to sites within the Residential, Future Urban, Rural-Residential or Marae Community Zones. Light emissions from activities will be controlled where the use of artificial lighting will extend the operation of outdoor activities into night-time hours.

Comment: The applicant has advised the light levels generated from the site will comply with the maximum permitted lux levels set out under Rule 22.5(a). Consequently, the proposal is considered consistent with objective 3.1.2 and policy 3.1.2.1.

Objective 3.1.3 Dust

To protect physical health from dust and to ensure the generation of dust is not offensive or objectionable.

Policy 3.1.3.1 Dust

Outdoor storage areas, parking and manoeuvring areas and outdoor yards should be all-weather surface where there is an actual or potential risk of adverse effects from the generation of excessive dust arising from the use of these areas by land-use activities.

Comment: The proposed parking and manoeuvring areas and outdoor spaces are all proposed to be all-weather surfaced thereby avoiding potential dust generation from the site. The proposal is therefore considered consistent with objective 3.1.3 and policy 3.1.3.1.

Objective 3.1.4 Traffic Safety

To maintain safety adjacent to and on public roads.

Policy 3.1.4.1 Traffic Safety

Activities should be of a scale and located and managed in a way that:

- (a) *Any traffic generated by the activity, including heavy traffic (individually or in combination with traffic generated by other activities) does not detract from the safe passage of vehicles, pedestrians and cyclists, and amenity values in the vicinity.*
- (b) *The safe and efficient functioning of the road network is not adversely affected.*

Policy 3.1.4.2 Traffic Safety

The siting of garages, carports, vehicle entrances, private or shared vehicle accessways and roading should ensure the safety of on-street traffic and pedestrian movement.

Policy 3.1.4.3 Traffic Safety

Visibility to or from access points and intersections, particularly those adjacent to State Highways, should be appropriate for the specified legal speed limit applying to that road.

Policy 3.1.4.4 Traffic Safety

Use and development that generates heavy transport or significant light transport movements should have its principal access from strategic routes, arterial routes or collector roads, not local residential streets (see Diagram 1, Section 7, Part C).

Comment: Policy 3.1.4.1(b) requires the “safe and efficient functioning of the road network is not adversely affected”. The transportation matters has been considered in some detail at section 7.2.1.4 of this report and concluded to be no more than minor. Consequently, the proposal is considered consistent with objective 3.1.4 and policies 3.1.4.1 – 3.1.4.4.

Objective 3.2.1 Residential Amenity, Character, Intensity and Scale

To ensure use and development within or adjacent to Residential Zones maintains and enhances the amenity values within those zones.

Objective 3.2.3 Streetscene and Outlook

To maintain an attractive streetscene and to protect residential outlook.

Policy 3.2.3.1 Residential Outlook

Non-residential activities within or adjacent to Residential Activity Zones should be designed, sited and screened to mitigate against any adverse visual effects on adjacent and adjoining activities.

Comment: Objective 3.2.1 states use and development “within or adjacent to residential zones should not adversely affect the values within those zones”. The related objectives and policies at 3.2.3 and 3.2.3.1 address street scene and residential outlook matters. The frontage presented to the Adams Avenue streetscape has been considered at 7.2.1.3 and determined as a minor effect subject to the proposed mitigation measures indicated within the revised elevation and floor plans. Further the adjacent residential area is separated from the site by Adams Avenue, creating a relative degree of separation from the application site. The height and scale of the proposed building is predominantly limited to a single storey and therefore the effect on residential outlook is consequently limited.

On the basis of the above the proposal is considered consistent with the objectives and policy relating to streetscene and residential outlook.

Objective 3.6.1 Access to Public Open Space, Recreation and Leisure Resources

To provide sufficient and accessible good quality open space, recreation and leisure resources to offset the adverse effects of intensification of use and development.

Policy 3.6.1.2 Use of Recreation Areas

Use and development within reserve and public open-space areas should not diminish the amenity values of those areas unless complete mitigation of any adverse effects is provided.

Comment: The loss of open space has been considered at 7.2.1.2. The assessment concluded that the proposed expansion would occupy a relatively minor portion of the overall reserve so that the effective loss of that area is considered minor in context. Notwithstanding that substantial open space continued to remain in the form of Mauao, and the ocean and harbour beaches.

Further, the area is not considered lost, rather converted by providing the public an alternative opportunity to utilise the space on a more frequent basis, rather than being restricted to seasonal visitors. The majority of the reserve would remain in use as camp ground, continuing to provide camping opportunities, yet also introducing an alternative use enhancing the recreational and amenity opportunities to the resident community and to visitors. Accordingly, the proposal is considered consistent with the objectives of the MRMP and the above objective and policy relating to access to open space for recreation.

(b) Chapter 4: Natural Resources

Objective 4.1.1 Protecting Outstanding Landscapes

To protect and, where appropriate, enhance the visual qualities of the outstanding landscape features of Tauranga District.

Policy 4.1.1.1 Outstanding Landscapes

The following landscape features should be recognised as outstanding and the protection of their landscape qualities ensured:

- (b) Mauao (Mount Maunganui), Hopukioire (Mount Drury), Moturiki (Leisure) Island and Motuotau Island.*
- (k) Tauranga Harbour.*

Comment: Policy 4.1.1.1 identifies Mauao and Tauranga harbour as outstanding landscape features. An assessment of the potential impact of the proposal on the *visual qualities* of these features has been considered at 7.2.1.1 and determined to be minor. The proposed height and scale of the redevelopment is not considered to challenge the qualities of landscape features and consequently the proposal is considered consistent with the above objective and policy.

Objective 4.1.2 General Landscape and Natural Feature Protection

To protect, and where appropriate, enhance the landscape qualities of Tauranga District and its harbour.

Policy 4.1.2.1 Landscape Character

The significance of indigenous vegetation, wetlands, dominant landforms major gully systems, ecological corridors and wild-life habitats (including aquatic habitats) and open space to the District's landscape character, amenity values, and cultural heritage should be recognised in subdivision, use and development and adverse effects to these be avoided as far as practicable.

Policy 4.1.2.2 Coastal Environment - Landscape Qualities

Use and development should ensure that the unique landscape and visual qualities of dunelands, Tauranga Harbour, estuarine edges, headlands, embayments, scarps and islands are protected. In particular, the following qualities should be protected:

- (a) The landform of dune systems - particularly foredunes*
- (b) Natural backdrops (landforms and indigenous vegetation) to estuarine edges*
- (c) Established native vegetation*
- (d) Natural (unbuilt) skylines where these form part of the enclosure of a bay or part of a dominant headland, escarpment or ridge that is clearly visible from the coastal edge of Tauranga Harbour*
- (e) The integrity of ecosystems on or adjacent to the interface between land and sea.*

Objective 4.2.1 Preservation of the Natural Character of the Coastal Environment and Riparian Areas

To preserve the intrinsic values found within, and the functioning of, natural areas located within the coastal environment, and alongside rivers, streams and wetlands.

Policy 4.2.1.2 Effects on Coastal Environment and Riparian Areas

Subdivision, use and development in the coastal environment and riparian areas with natural character should preserve vegetation, topography, landforms, physical characteristics and habitats representative of present or past coastal ecosystems, wetlands or landforms.

Policy 4.2.1.3 Effects on Aquatic Ecosystems and Habitats

Particular regard shall be paid to the effects of land use adjacent to rivers, streams, wetlands and the Coastal Marine Area on the health of aquatic ecosystems, the continuity of riparian habitats and the natural character of marginal areas.

Policy 4.2.1.4 Established Facilities within the Coastal Environment

Maintenance and enhancement of facilities established within the coastal environment can occur under the following circumstances:

- (a) *Where use and development will not adversely affect that environment*
- (b) *Where use and development occurs in an area where natural character values have been compromised to a significant degree.*

Comment: The application site does not contain any of the features identified within policy 4.1.2.1. The value of the open space to the character of the surrounding landscape has been determined as highly modified within the surrounding context. The assessment at 7.2.1.1 addresses the above objectives and policies and in summary the proposal is considered consistent with objective 4.1.2 and policies 4.1.2.1 and 4.1.2.2.

Objective 4.2.1 and policies 4.2.1.2 – 4.2.1.4 address natural character and aquatic ecosystems. The application site is highly modified and largely devoid of vegetation with its former natural coastal character significantly modified. The area subject to expansion does not contain any significant natural habitats.

Objective 4.2.2 To Sustain Natural Resources by Protecting the Functioning and Integrity of Ecosystems

To protect coastal and freshwater and wetlands ecosystems, native flora and fauna, and physical landforms and their associated natural processes from the adverse effects of use and development within, and adjacent to, the coastal environment. To maintain and enhance levels of native biodiversity found in Tauranga District.

Policy 4.2.2.2 Effects of Stormwater Discharges

Avoidance of the adverse effects of stormwater discharge will be accorded priority in the assessment of activities on:

- (a) *Intrinsic values of aquatic ecosystems*
- (b) *Natural character of the coastal environment, particularly where intensive use and development is not present*
- (c) *Amenity values, particularly those associated with open space in the coastal environment.*

Policy 4.2.2.3 Location of Activities

Use and development should avoid locating in the coastal environment where the natural character remains intact. Activities should seek to locate where natural character has already been compromised and adverse effects of activities can more readily be avoided, remedied or mitigated.

Comment: Policy 4.2.2.3 directs use and development to avoid occurring in the coastal environment where the natural character remains intact. Activities are encouraged to locate where natural character has already been compromised. This is the case for the application site. The proposal is considered to satisfy policy 4.2.2.3 by representing expansion into a highly modified area, while conserving the surrounding outstanding landscape features. The proposal would continue to utilise the existing storm water connection as detailed within the infrastructure report attached to the application as Appendix 5.

Objective 4.3.1 Water Quality and Quantity - Stormwater and Wastewater

To achieve:

- *A reduction in the quantity of contaminants entering the Coastal Marine Area, streams and rivers through diffuse sources*
- *The attenuation of peak flood flows in receiving waterways and a reduction in peak water-level heights*
- *The protection of wetland, estuarine, stream and river habitats – particularly those in the margins of these areas.*
- *The protection of Greenbelt Zones to avoid disruption to the existing green corridors and established stormwater management systems.*

Policy 4.3.1.5 Stormwater Discharges in the Coastal Environment

The loss of natural character of the coastal environment from the discharge of stormwater across the foreshore or through dunes and the presence of stormwater disposal structures in the coastal environment, should be avoided or, where avoidance is not practicable, substantially mitigated. Particular regard should be had to the visual effects of piping, culverts and physical works associated with discharge structures and activities.

Policy 4.3.1.6 Stormwater Discharges to the Coastal Environment

Land-use activities that involve discharge of stormwater to the coastal environment, wetlands and rivers should include measures to avoid, remedy, or mitigate any adverse effects of heavy metals, greases, suspended solids and other contaminants on the receiving waters, and should include measures to mitigate any adverse effects of the energy of the discharge on receiving waters.

Comment: The application would maintain the existing connection to the storm water and sanitary sewer services. The seawater pipe would continue taking and discharging saltwater at Pilot Bay and is subject to the consenting requirements of the Bay of Plenty Regional Council.

(c) Chapter 5: Heritage

Objective 5.1.1 To Recognise and Provide for Maori Relationships with Ancestral Land

To minimise the adverse effects of subdivision, development and land use on the cultural and traditional relationship of Maori with their ancestral lands.

Policy 5.1.1.1 Tangata Whenua Participation

Plan preparation, variations and changes, and Assessments of Environmental Effects for resource consents should, where appropriate, involve tangata whenua in the recognition of the relationship of Maori with their ancestral lands.

Policy 5.1.1.2 Effects on Ancestral Land

Subdivision, use and development should avoid or mitigate adverse effects on significant landforms or landscape features of cultural or traditional importance to Maori where these have been identified.

Objective 5.1.2 To Recognise and Provide for Maori Relationships with Water

To minimise the adverse effects of land subdivision, use and development on the cultural and traditional relationship of Maori with water.

Policy 5.1.2.1 Effects on Relationships with Water

Subdivision, use and development should avoid, remedy or mitigate adverse effects on the cultural and spiritual relationships of Maori with their ancestral waters. Particular regard should be had to the effects of land uses which result in:

- (a) Contamination of water quality - particularly from human or animal waste sources and stormwater run-off*
- (b) Loss of access to traditional foodgathering areas, tauranga waka, or other wahi tupuna along the margins of waterways and the coast*
- (c) A destruction of, or a reduction in, the natural functioning of the riparian or estuary margin.*

Objective 5.1.3 Objective: Protection of Nga Wahi Tapu and Other Taonga

To avoid or minimise the adverse effects of subdivision, use and development on the cultural and traditional relationships of Maori with their sites, nga wahi tapu and nga taonga.

Policy 5.1.3.1 Policy: Effects on Wahi Tapu and Other Sites

Subdivision, use and development should avoid, remedy or mitigate adverse effects on significant sites, nga wahi tapu, and other taonga which have been identified through:

- (a) Appendix 16A: Heritage Register*
- (b) The New Zealand Historic Places Trust*
- (c) An Assessment of Environmental Effects by an applicant for a resource consent that may include information about historical, spiritual, and cultural values (see Fourth Schedule of the Resource Management Act 1991)*
- (d) The Archaeological and Cultural Site Map Series contained in the Council's Geographic Information System (GIS).*

Comment: The applicant has advised pre-application consultation has been undertaken with the relevant tangata whenua and the development proposal has been sensitive to the concerns of Maori relating to the use of the land and relationship with water. Such issues as the discharging of saltwater into Pilot Bay following use within the hot pools

has been addressed by the applicant in relation to the Regional Council discharge consent. The Tauranga Moana Tangata Whenua Collective has made a submission supporting the application in principle. Accordingly, it is considered the proposal is consistent with the above objectives and policies.

7.9 Section 104(1)(b)(vi) – Relevant Provisions of the Proposed Tauranga City Plan

7.9.1 Assessment Criteria of the Tauranga City Plan

The proposed Tauranga City Plan was publicly notified on 17 October 2009, with the initial submission period closing on 15th December 2009 and the period for further submissions having closed 1 April 2010. Whilst this application was lodged after the notification date of the proposed Tauranga City Plan, Section 86B(1) of the Resource Management Act sets out that a rule in a proposed plan only has legal effect once a decision on submissions relating to that rule has been made and publicly notified.

Chapter 5 (Natural Environment) of the proposed City Plan contains the provisions for the Special Ecological Areas (SEA). This chapter does have legal effect following the decision being notified on 19th October 2010. However, the proposed application site lies outside the area subject to the SEA and therefore the rules are not considered applicable.

Chapter 6 (Natural Features and Landscapes) addresses the Outstanding Natural Feature and Landscape Plan Area. Chapter 7 (Heritage) contains the provisions relating to the Significant Maori Area. The provisions relating to the Coastal Erosion Risk Zone are contained within Chapter 8 (Natural Hazards). Chapter 13 (Open Space Zone) addresses activities within the Conservation Zone.

The decisions on Chapters 6, 8 and 13 have not yet been notified and accordingly carry little weight. However, decisions on Chapters 5 and 7 have been notified (19th October 2010). Therefore, at the time of assessing this land use consent, consideration must be given to the relevant objectives and policies of the Proposed City Plan and rules as they relate to Special Ecological Sites (Chapter 5), Historic Heritage (Chapter 7), and associated earthworks provisions contained within the General Rules Chapter (Chapter 4).

7.9.2 Objectives and Policies of the Proposed Tauranga City Plan

(a) Chapter 4 – General Rules

4.2.1 Objectives and Policies for Transportation

4.2.1.1 Objective – Promoting an Integrated Transport Network

Subdivision, use and development of land facilitates and encourages the use of alternative modes of transport, in particular walking, cycling and public transport.

4.2.1.1.1 Policy – Reduction of On-Site Parking

By considering the reduction of required on-site parking as an opportunity to facilitate alternative modes of transport, but only when having particular regard to:

- a) The off-site effect of the on-site shortfall does not adversely affect the primary function of the surrounding transport network;*
- b) The proximity of existing public transport facilities to the proposed activity and how the activity proposes to encourage public transport patronage;*
- c) The scope to provide additional bus stops as part of the public transport network that would offset the loss of on-site parking for the proposed activity or existing activities in the immediate vicinity; and*
- d) The provision of on-site bicycle stands and accompanying changing and shower facilities proportional to the reduction of on-site parking.*

Provided on-site parking will meet anticipated demand.

4.2.1.1.2 Policy – Encouraging Alternative Transport

By ensuring that land-use and subdivision activities that have significant transport implications or present an opportunity to facilitate alternative modes of transport are designed to provide for walking, cycling and public transport facilities that:

- a) Address any identified need for new facilities or networks; or*

b) Enhance existing facilities or networks.

4.2.1.2 Objective – Maintaining a Sustainable Transport Network

Transport-related effects of the subdivision, use and development of land do not compromise the integrated, safe, sustainable and efficient function of the transport network within the subregion.

4.2.1.2.1 Policy – Use of Land

By ensuring the pattern of subdivision, use and development of land occurs in a co-ordinated and comprehensive manner that optimises land availability whilst maintaining the efficiency of the transport network.

4.2.1.2.2 Policy – Requiring Integrated Transport Assessments

By ensuring that the potential effects from the subdivision, use and development of land on the transport network are assessed through an integrated transportation assessment, the scope of which shall be relevant to the character and scale of the proposed activity and/or the degree of non-compliance.

4.2.1.2.3 Policy – Maintaining Road Function

By ensuring that traffic generation associated with the subdivision, use and development of land does not adversely affect the primary function of roads within the road hierarchy.

4.2.1.2.5 Policy – Access Visibility

By ensuring that visibility to or from vehicle access points and intersections is appropriate for the specified legal speed limit of that road.

4.2.1.2.6 Policy – Access Location

By ensuring the location of vehicle entry and exit points maintain the safety of pedestrian and vehicle movements within the site and within the adjoining transport network.

4.2.1.3 Objective – Parking

By ensuring on-site parking provision meets the demands of the activity and maintains the safe, sustainable and efficient function of the adjoining transport network.

4.2.1.3.1 Policy – On-Site Parking Requirements

By ensuring that land-use activities provide on-site bicycle and vehicle parking that reflects the anticipated demand likely to be generated by that activity, taking into account any methods to reduce parking demand and any existing lawfully established on-site uses.

4.2.1.3.2 Policy – On-Site Parking – Pedestrian Safety

By ensuring the safe and efficient movement of pedestrians is provided for within on-site parking, access and manoeuvring areas.

Comment: The proposal is unable to provide the required number of onsite car parking spaces and initially promoted alternative forms of transport to reduce the impact of overflow parking demand on the surrounding area. However, the transportation review by MRC, commissioned pursuant to s92(2), highlighted the degree of passenger transport uptake required to offset the shortfall in parking was so great that it would be unachievable. However, the effect is limited to an estimated period comprising 9% of the entire year and outside that period the effect on the network would be acceptable as it contains capacity to absorb the parking overflow. Therefore, the proposal is considered consistent with the objective 4.2.1.1 and policies 4.2.1.1.1 and 4.2.1.1.2 but ultimately the alternative mode of travel is not considered necessary by the commissioned transportation reviewer.

The concluding assessment of the transportation review is that the effect is no more than minor and therefore the proposal is considered consistent with the above transportation objectives and policies.

4.4.1 Objectives and Policies for Signs

4.4.1.1 Objective – Signs

Signs are of a size, design and duration that meet the community's needs while avoiding adverse effects on landscape character, amenity, heritage values and the safe and efficient functioning of the transport network.

4.4.1.1.1 Policy – Sign Location

By ensuring the location, size, design and illumination of a sign is not detrimental to the landscape character and amenity of the zone in which it is located, or any sensitive zone adjacent to or opposite the site.

4.4.1.1.4 Policy – Signs and Traffic Safety

By ensuring the location, design and illumination of signs within and adjoining the transport network:

- a) *Do not obstruct driver vision or create driver confusion or hazardous situations for users of the road network (particularly the arterial road network); and*

b) Do not reduce the visibility or effectiveness of a traffic sign or traffic-control device.

Comment: The application proposes small direction signs within the carpark and the name of the complex on the main façade. Final details would need to be confirmed. However, it is likely that to remain consistent with the overall design, the proposed name of the complex will be designed into the building. It is my opinion that this sign is consistent with Policies 4.4.1.1.1 and 4.1.1.4 as it will result in acceptable amenity effects and will not result in a traffic hazard.

4.5.1 Objectives and Policies for Noise

4.5.1.1 Objective – Noise

The generation of noise is reasonable for the nature and scale of individual activities and minimises annoyance and disturbance on surrounding activities and sensitive zones.

4.5.1.1.1 Policy – Noise from Non-Residential Activities

By ensuring non-residential activities and roadside cabinets do not generate noise levels normally considered unacceptable in sensitive zones, or create noise levels which are unreasonable for occupiers of adjoining or adjacent properties.

Comment: The application includes an acoustic assessment which advises that the proposal will result in less noise generation than the existing facility and that the noise experienced by adjacent residential properties will not be unreasonable. The Councils EHO has concurred with the assessment and accordingly it is considered the proposal is consistent with the above objective and policy.

(b) Chapter 5 – Natural Environment

5.2.1.2 Objective – Maintenance & Enhancement of Special Ecological Areas (Category 2)

The factors, values and associations of the City's Category 2 Special Ecological Areas are maintained and enhanced.

5.2.1.2.1 Policy – Identifying Special Ecological Areas (Category 2)

By identifying and assessing Special Ecological Areas (Category 2) by the degree to which they contain factors, values and associations listed in Policy 5.2.1.1.1.

5.2.1.2.2 Policy – Maintaining & Enhancing Special Ecological Areas (Category 2)

By maintaining and enhancing the particular factors, values and associations that make an area a Special Ecological Area (Category 2), from the adverse effects of inappropriate subdivision, use and development, by having regard to:

- a) *The character and degree of modification, damage, loss or destruction that will result from the activity;*
- b) *The duration and frequency of effect (for example long-term or recurring effects);*
- c) *The magnitude or scale of effect (for example number of sites affected, spatial distribution, landscape context);*
- d) *Cumulative effects (for example loss of multiple features or values);*
- e) *Need for, or purpose of, the works.*

5.2.1.3 Objective – Maintenance and Enhancement of Areas of Indigenous Vegetation

The factors, values and associations of areas of indigenous vegetation, not identified as a special ecological area, continue to contribute to the intrinsic values of ecosystems and/or the maintenance and enhancement of the City's amenity values.

5.2.1.3.1 Policy - Identifying Areas of Indigenous Vegetation

By identifying and assessing areas of indigenous vegetation, not identified as a special ecological area, by the degree to which they contain factors, values and associations listed in Policy 5.2.1.1.1.

5.2.1.3.2 Policy – Maintaining & Enhancing Areas of Indigenous Vegetation

By maintaining and enhancing the particular factors, values and associations of areas of indigenous vegetation, not identified as a special ecological area, from the adverse effects of inappropriate subdivision, use and development by having regard to:

- a) *The area's contribution to the intrinsic value of ecosystems within the City;*
- b) *The area's contribution to the maintenance and enhancement of amenity values of the City.*

Comment: Although the parcel of land comprising the reserve contains a marginal area subject to the SEA (Category 2) area, the application site comprising the hot pools is located outside this area. The landscape plan seeks to preserve the existing trees within the site where possible as well as undertaking further landscape planting. This is

considered consistent with the above objectives and policies relating to retention of indigenous vegetation outside the identified SEA.

(c) Chapter 7 (Heritage)

7.3.1 Objectives and Policies for Maori Heritage

7.3.1.1 Objective – Significant Maori Areas

The values and associations that define the City's significant Maori Areas are identified and protected.

7.3.1.1.1 Policy – Identification of Significant Maori Areas

By identifying significant Maori sites having particular regard to the following values:

a) Mauri

Ko te mauri me te mana o te waahi, te taonga ranei, e ngakaunuitia ana e te Maori;

The mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Maori;

b) Waahi Tapu

Ko tera waahi, taonga ranei he waahi tapu, ara, he tino whakahirahira ki nga tikanga, ki nga puri mahara, me nga wairua a te Maori;

The place or resource is a waahi tapu of special, cultural, historic and or spiritual importance to Maori;

c) Korero Tuturu / Historical

Ko tera waahi e ngakaunuitia ana e te Maori ki roto i ona korero tuturu;

The place has special historical and cultural significance to Maori;

d) Rawa Tuturu/Customary Resources

He waahi tera e kawea ai nga rawa tuturu a te Maori;

The place provides important customary resources for Maori;

e) Hiahiatanga Tuturu / Customary Needs

He waahi tera e eke ai nga hiahia hinengaro tuturu a te Maori;

The place or resource is a venue or repository for Maori cultural and spiritual values;

f) Whakaaronui o te Wa / Contemporary Esteem

He waahi rongonui tera ki nga Maori, ara, he whakaahuru, he whakawaihanga, me te tuku matauranga;

The place has special amenity, architectural or educational significance to Maori.

7.3.1.1.2 Policy – Protecting Significant Maori Areas

By ensuring the recognised values of Significant Maori Areas are protected from the adverse effects of subdivision, use and development by having regard to those criteria in Policy 7.1.1.1.2 - Protection of Historic Heritage.

7.3.1.1.3 Policy - Recognising the Modification of Significant Maori Areas

By recognising the extent to which a Significant Maori Area has been historically modified when assessing the adverse effects of subdivision, use and development.

7.3.1.1.4 Policy – Consultation

By encouraging meaningful consultation with tangata whenua so the potential adverse effects of the subdivision, use and development on the values and associations of a Significant Maori Area can be considered.

7.3.1.2 Objective – Other Areas of Importance to Maori

The relationships of tangata whenua with other sites of spiritual, cultural or historical significance are recognised and provided for.

7.3.1.2.1 Policy – Subdivision, Use and Development

By ensuring the subdivision, use and development process has regard to other areas of spiritual, cultural or historical importance to tangata whenua, particularly where that site includes:

a) An area recognised by an iwi or hapu management plan lodged with Council;

b) An archaeological site as defined by the Historic Places Act 1991.

Comment: The application site is not within the identified Significant Maori Area (M1). However, the applicant has engaged in consultation with tangata whenua in order to recognise and provide for the spiritual, cultural and historic importance of the application site to Maori. It is considered the proposal is therefore consistent with the above objectives and policies.

7.4.1 Objectives and Policies for Archaeological Sites

7.4.1.1 Objective – Significant Archaeological Sites

The factors, values and associations that define the City's significant archaeological sites are identified and protected.

7.4.1.1.1 Policy – Identifying Significant Archaeological Sites

By identifying the City's significant archaeological sites, having regard to the relevant criteria in Policy 7.1.1.1.1 – Identification of Historic Heritage.

7.4.1.1.2 Policy – Protecting Significant Archaeological Sites

By protecting the particular factors, values and associations of significant archaeological sites from the adverse effects of subdivision, use and development by having regard to:

- a) Those criteria in Policy 7.1.1.1.2 – Protection of Historic Heritage;*
- b) Any recommendations resulting from consultation with the New Zealand Historic Places Trust.*

7.4.1.2 Objective – Other Archaeological Sites

The opportunity to manage other archaeological sites through subdivision, use and development is recognised.

7.4.1.2.1 Policy – Other Archaeological Sites

By managing subdivision, use and development to minimise the risk of damage to archaeological sites where they exist, or are likely to exist.

Comment: An archaeological assessment has been included with the application and has lodged an application with the New Zealand Historic Places Trust. The applicant proposes a number of measures to ensure any archaeological evidence or features are identified and managed in accordance with the NZHPT provisions. It is considered the proposal is consistent with the above objectives and policies.

8.0 OTHER MATTERS – SECTION 104(1)(C)

8.1 Submissions

The majority of the matters raised within the submissions have been addressed within the section 7.2 of this report. Those not considered are addressed below.

8.1.1 Ratepayer Funding

Several submissions opposing the application cited concern the proposal would add a further burden to ratepayers. This is not a relevant planning matter, but given the number of submissions raising the concern, the applicant has included an overview within the s92 response attached at Appendix 6 in order to clarify the funding structure.

In summary the applicant (TCAL) highlights that they manage five aquatic and leisure centres that operate as a network, with overall funding provided through rates from the Council. Some of those facilities, including the hot pools, earn surpluses thereby reducing the overall rate funding needed.

The applicant clarifies that hot pools have never operated at a deficit and therefore have never required rates funding. The business case is to continue increasing the surplus generated by the hot pools to reduce the overall rates funding required for the network of aquatic and leisure centres. I do however reiterate that this is not a matter of relevance in determining this application.

8.2 Non-Statutory Documents

The Smartgrowth Strategy provides a broad strategy to delivering sustainable growth within the district through partnerships with the regional council and Western Bay of Plenty District Council. Tauranga Tomorrow was developed through community consultation and identifies eight community outcomes, which will make Tauranga a great place to live, work and play. It uses indicators to provide a guide on achieving the broad outcomes within the strategy.

8.2.1 SmartGrowth Strategy 2007

This strategy aims to manage long-term growth pressure in the Western Bay of Plenty and protect the quality of life and community values, which make the area a desirable place to live, work and play. It seeks enhanced lifestyles for communities, provision for social needs, and thriving sustainable economies. Section 7.2.9 of the Strategy sets out the “SmartSpace” principles, identifying open space and land required for leisure facilities is considered as core infrastructure requirements that contribute to building and maintaining sustainable communities and environments. The principle highlights that communities should have a diversity of open space and leisure opportunities including built facilities.

While the application site is not specifically referenced in the strategy, the setting within the context of the harbour and coastal area is referenced. It is my opinion the proposal can be considered generally consistent with the visions for growth management identified in the SmartGrowth strategy.

8.2.2 Tauranga Tomorrow 2004

In accordance with the Local Government Act 2002, the Council has led a process identifying community outcomes for the future of Tauranga. The vision of this document is to make Tauranga a great place to live, work and play now and in the future. There were eight community outcomes identified through the process, with the following considered the most relevant to this proposal;

- ***Easy to move around*** – efficient use of the roading network, people getting to where they want to safely including walking and cycling.
- ***Built to fit our hills, harbour and coast*** – development that offers people a wide choice of housing types and ways of getting around. It is very easy to walk to local shops, schools and amenities, and pedestrian activity makes our neighbourhoods feel safe.
- ***A clean, green, valued environment*** – ensuring that our landscape reflects our sense of place, mauri and identity and that our natural and created environment is protected, maintained and enhanced as Tauranga continues to develop and grow.

The above identified visions are very broad and as such the proposal can be considered generally consistent by representing the redevelopment of an existing facility providing the community an alternative recreational and amenity resource while avoiding significant adverse affects and being sensitively located within the existing environment. As such, it is considered the proposal is broadly consistent with the outcomes sought by this document.

8.3 Financial Contributions

Plan Change 51 was made operative as of 18th October 2010 and accordingly the proposal would be required to make financial contributions. As a non-residential development the proposal would not be subject to the reserve and community infrastructure requirements. However, the proposal would be required to offset the demand on service infrastructure. A condition therefore would be appropriate in the event the application is approved.

9.0 PART II OF THE RMA – PURPOSE & PRINCIPLES

9.1 Part 2 of the RMA – Section 5 – Purpose

Section 5 of Part 2 identifies the purpose of the RMA as promoting the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered the application would enable people and the community to provide for their social, cultural and economic well-being while avoiding and mitigating adverse affects on the identified features and qualities of the surrounding environment. In my opinion the proposal satisfies the requirements of s5(2) (a), (b) and (c) and therefore the purpose of the RMA.

9.2 Part 2 of the RMA – Section 6 – Matters of National Importance

Section 6 of the RMA sets out a number of matters of national importance, including the preservation and protection of outstanding natural features, the natural character of the coastal environment, and historic heritage. The matters identified within s6(a), (b), (d), (e) and (f) are considered relevant to this proposal.

The application site is situated within a surrounding context of identified outstanding natural features, coastal environment and historic heritage, including Mauao, Tauranga Harbour and the identified archaeological history of the site and surrounds. It is my opinion that the proposal would protect and preserve the identified matters of national importance in accordance with the purpose of the RMA.

9.3 Part 2 of the RMA – Section 7 – Other Matters

Section 7 identifies a number of “other matters” to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The matters under s7(a), (aa), (b), (c) and (f) are of most relevance to this application. The proposal seeks to diversify the recreational opportunities to the community within the existing modified reserve while maintaining the existing amenity values and quality of the surrounding environment.

9.4 Part 2 of the RMA – Section 8 – Treaty of Waitangi

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. The proposal is not considered to impact upon these principles.

10.0 RECOMMENDATION

10.1 Section 104D

As a Non-Complying Activity the proposal must pass the ‘gateway’ test at s104D before the application can be determined pursuant to 104 and 104B. Pursuant to s104D(1)(a), it is my opinion that the adverse affects of the proposal on the environment will be minor as assessed within section 7.3 of this report. The proposal therefore passes the threshold ‘test’ for non-complying activities.

I also consider that the proposal is not contrary to the relevant objectives and policies of the operative District Plan and the proposed City Plan, noting that this limb of the test is not necessary, having satisfied the first limb under s104D(1)(a).

It is my opinion that the proposal therefore passes the gateway test of s104D and can therefore proceed to be determined pursuant to s104 and s104B of the RMA.

10.2 Sections 104 and 104B

Pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991 it is my opinion that:

- a) The adverse effects of the activity on the environment are not more than minor; and

- b) The activity is consistent with the relevant provisions of the New Zealand Coastal Policy Statement, the Regional Policy Statement, the Proposed Regional Policy Statement, the Operative Tauranga District Plan and the Proposed Tauranga City Plan.

Therefore I recommend that the application should be **GRANTED** subject to conditions⁸.

AUTHOR

.....
s 7(2)(f)(ii) [Redacted]
Senior Environmental Planner

.....
Date

⁸ A draft set of conditions are attached as Appendix 11.

DECISION ON RESOURCE CONSENT APPLICATION

Pursuant to Section 113 of the Resource Management Act 1991, every decision on an application for resource consent shall be in writing and state the following:

- (a) the reasons for the decision; and*
 - (aa) the relevant statutory provisions that were considered by the consent authority; and*
 - (ab) any relevant provisions of the following that were considered by the consent authority:*
 - (i) a national policy statement:*
 - (ii) a New Zealand coastal policy statement:*
 - (iii) a regional policy statement:*
 - (iv) a proposed regional policy statement:*
 - (v) a plan:*
 - (vi) a proposed plan; and*
 - (ac) the principal issues that were in contention; and*
 - (ad) a summary of the evidence heard; and*
 - (ae) the main findings of fact; and*
- (b) in a case where a resource consent is granted for a shorter duration than specified in the application, the reasons for deciding on the shorter duration.*

ATTACHMENTS TO THIS REPORT:

- Appendix 1: Application Report by Harrison Grierson Consultants Limited
- Appendix 2: District Plan Map E02, City Plan Maps L1 & R1 and Aerial Photograph of Site
- Appendix 3: Place of Assembly Definition
- Appendix 4: Submissions
- Appendix 5: Section 92 Request
- Appendix 6: Section 92 Response
- Appendix 7: McCormick Rankin Cagney Review of the Traffic Design Group Limited Transportation Assessment Report
- Appendix 8: Applicants Response to Council Specialists
- Appendix 9: Responses from the Council's Specialists
- Appendix 10: New Zealand Coastal Policy Statement 2010 Relevant Objectives and Policies
- Appendix 11: Recommended Conditions

Sign off Slip

Committee Report Approval			
Name of Committee:	Hearings Panel	Report #: DC	Date of Meeting:
Sign Off		Signature	Date
* Report Writer	s 7(2)(f)(ii)		
* Peer Review			
* Checked by Divisional Manager			
* Checked by GM			
* Checked by Finance (if significant GM to sign off)			
* Checked by GM: City Directions Policy & Strategy, Evaluation & Monitoring, Tangata Whenua / TCC Joint Committee, WBOPDC / TCC Joint Committee only)			
Democracy			
Chief Executive			
Meeting Presentation Requirements		Name of presenter(s)	Time required
* Who will be presenting at meeting? (Internal & External)			
* Have you notified interested parties of agenda item and date? (Internal & External)		Y / N	
* What equipment will you require e.g. data projector, white board etc Include equipment that is also available in the Chambers			
Amendments (<i>Democracy to complete</i>)		Amended by:	
What changes have been made after the GM sign off?			
GM and report writer aware of content changes?			

APPENDIX 1

Application Report by Harrison Grierson Consultants Limited

(separate attachment)

APPENDIX 2

Operative District Plan Map 'E02'

Proposed City Plan Map 'L1' & 'R1'

Aerial Photograph of Site

APPENDIX 3

Operative District Plan Definition “Place of Assembly”

Proposed City Plan Definition “Place of Assembly”

Operative Tauranga District Plan

Chapter 10: Definition

“places of assembly”

Means land or *buildings* or surface of water that involve the congregation of people for such purposes as deliberation, entertainment, cultural, recreation, leisure or similar purposes and include churches, halls, funeral chapels, clubrooms, taverns, societal lodges, restaurants, art galleries, libraries, theatres, sportsfields, and tourist facilities.

Proposed Tauranga City Plan

Chapter 3

“places of assembly”

Land, *buildings, structures* or uses on the surface of water that involve the congregation of people for such purposes as deliberation, entertainment, private recreation, leisure or similar purposes and include churches, funeral chapels, taverns, societal lodges, restaurants, art galleries, theatres, and tourist facilities.

APPENDIX 4

Submissions

APPENDIX 5

Section 92 Request

APPENDIX 6

Section 92 Response

APPENDIX 7

McCormick Rankin Cagney Review of the Traffic Design Group Limited Transportation Assessment Report

APPENDIX 8

Applicants Response to Council Specialists

APPENDIX 9

Responses from the Council's Specialists

APPENDIX 10

New Zealand Coastal Policy Statement 2010 Relevant Objectives and Policies

APPENDIX 11

Recommended Conditions

General

1. The proposal shall proceed in accordance with the application submitted including;
 - The application submitted by Harrison Grierson Consultants Ltd, referenced R001v3-TG130008-01, dated November 2010.
 - Plan Entitled "Adams Avenue Landscape, Additional/Amended Development Sketch (scale 1:200@A1)", by Ross Maguire Architects Ltd, dated 03.02.01
 - Plan Entitled "Site Plan Part", Drawing 101, Revision 2, by Ross Maguire Architects Ltd, dated 31.01.11
 - Plan Entitled "Floor Plan General", Drawing 201, Revision 2, by Ross Maguire Architects Ltd, dated 31.01.11
 - Plan Entitled "Floor Plan General", Drawing 202, Revision 2, by Ross Maguire Architects Ltd, dated 31.01.11
 - Plan Entitled "Floor Plan General", Drawing 203, Revision 2, by Ross Maguire Architects Ltd, dated 31.01.11
 - Plan Entitled "Adams Avenue Elevation Concept, Additional Development", by Ross Maguire Architects Ltd, dated 03.02.01
 - Plan Entitled "Adams Avenue Elevation Concept, Additional Development (scale 1:100@A1)", by Ross Maguire Architects Ltd, dated 03.02.01
 - Plan Entitled "Adams Avenue Elevation Concept, Additional Development (scale 1:200@A1)", by Ross Maguire Architects Ltd, dated 03.02.01
 - Plan entitled "Site Plan Overall", Drawing 100, Rev. B, by Ross Maguire Architects Ltd, dated <revision date>
 - The further information contained in the letter by Harrison Grierson Consultants Ltd, referenced 1520-130008-01, dated 24th January 2011.
 - The further information contained in the letter by Harrison Grierson Consultants Ltd, referenced 1520-130008-01, dated 3rd February 2011, and including the attached revised drawings; Elevation Plan entitled "Adams Avenue Elevation Concept, Additional Development, dated 03.02.11 by Ross Maguire Architects Limited; Landscape Plan entitled "Adams Avenue Landscape, Additional/Amended Development Sketch, dated 03.02.11 by Ross Maguire Architects Limited, and; Drawing entitled "Entrance Panel Concept Sketch", dated 03.02.11 by Ross Maguire Architects Limited.

Engineering

2. Prior to any works commencing onsite the consent holder shall submit to Council plans of the servicing of the proposed development for approval. These plans shall, as a minimum, include the following:
 - Location of existing services and connections.
 - Depth of existing connection/s.
 - Route of proposed pipework with invert level and details of access points or rodding eyes.
 3. For new connections to Council infrastructure (sanitary sewer and stormwater) pipework shall be inspected and approved by Council prior to backfilling.
-

4. Access, parking and manoeuvring areas shall be formed and sealed in accordance with the District Plan and the Council's Code of Practice for Development prior to the commencement of the activity.
5. Any works (including road markings, signage and occupancy) on Council's road assets shall be approved by the Traffic Service division of the Tauranga City Council prior to any works occurring on site.
6. The Applicant shall submit to Council a Traffic Management Plan that details how construction traffic will be managed to limit impact on traffic on the road and control the trafficking of material onto the roadway.
7. As recommended in the geotechnical report prepared by Tonkin & Taylor Ltd., reference 851305.001 and dated August 2010 an annual assessment of the rockfall hazard is to be undertaken on the slopes above the hotpool complex. The assessment is to be carried out by suitably qualified and experienced professionals who are to provide a report on their findings to Council. The timing of any preventative measures that arise from this inspection are to be undertaken in accordance with the recommendations from the annual report.

Parking

8. The proposal is required to provide fifteen (15) off-site car parking spaces for staff at all times (this excludes marked parking spaces within the road). Confirmation of this provision is required to be provided to the Council prior to the activity commencing.
9. A minimum of 37 on-site carparks shall be constructed and marked out on site prior to the activity commencing and shall be retained thereafter.
10. Four (4) of the car parking spaces required by condition 9 must be designed for the use of disabled persons, marked out and retained onsite prior to the activity commencing.

Noise

11. All activities shall be conducted to ensure noise from the site shall not exceed the following noise limits, at any point within the boundary of any Residential Zone:

0700 to 2200	60 dBA Leq
2200 to 0700	50 dBA Leq
	65 dBA Lmax

12. In relation to this consented development, immediately prior to the issue of a building consent the consent holder shall pay to the Council local infrastructure contributions in accordance with the relevant rules (and formulas) of Plan Change 51 to the District Plan.

Advice Notes:

1. Where any building or drainage works are required to satisfy conditions of this consent, all consents required under the Building Act 2004 must be obtained prior to the works being carried out.
-

2. In accordance with the Council's Schedule of Fees and Charges, if not accompanying this decision, an invoice may be sent at a later date if the actual cost of processing the application the subject of this decision exceeds the application fees deposit paid on lodgement of the application.

3. All costs associated with the conditions of this consent shall be met by the consent holder.

4. Construction noise from starting up and operation of construction equipment and all other construction activities on the site of the subdivision are required to meet the limits recommended in Table 1 in NZS6803:1999, and shall be measured and assessed in accordance with, NZS6803P:1984 – “The measurement and assessment of noise from construction, maintenance and demolition work”. Adjustments provided in Clause 6.1 of NZS6803P:1984 shall apply for the full duration of the project, and references in the tables to NZS6802 shall read as references to Clause 4.2.2 of NZS6802:1991.

5. Dust management and silt runoff is to be controlled in accordance with the District Plan and Section 2 of the Code of Practice for Development. The Consent Holder is advised that they are required by Environment Bay of Plenty's Land Management Plan to take the appropriate measures to prevent or minimise sediment generation and yield (sediment discharge).

6. All archaeological sites whether recorded or unrecorded under Part 1 of the Historic Places Act 1993 cannot be destroyed, damaged or modified without the consent of the Historic Places Trust of New Zealand. In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact the Historic Places Trust for advice.

7. Development contributions under LGA 2002 –

Development contribution may be required: Pursuant to section 198 of the Local Government Act 2002, Council may require, when a building consent is granted or an authorisation for a service connection is granted, that a development contribution provided for and in accordance with Council's Development Contributions Policy then in force, be made (paid) by the applicant to Council.

For the avoidance of doubt this advice note is not a requirement for a development contribution pursuant to section 198(1)(a) of the Local Government Act 2002.
