 Tauranga City	RESOURCE MANAGEMENT ACT 1991
	SECTION 88 LAND USE RESOURCE CONSENT
	TITLE: Planner's Report on Resource Consent Number RC27789
REPORT DATE: 10 August 2020	

1.0 Application Details & Summary

Summary of Application Details:	
Reporting Officer:	s 7(2)(a) - Privacy Consultant Planner
Application Number:	RC27789
Applicant:	Tauranga City Council – Property Services
Site Address:	1, 9 and 11 Adams Avenue, Mount Maunganui
Legal Description:	Section 19 Block VI Tauranga Survey District (5.15 hectares – Record of Title SA61D/711)
Interests Registered on the Record of Title:	Subject to the Reserves Act 1977
Zone(s):	Map L1 <ul style="list-style-type: none"> ▪ Passive Open Space; and ▪ Conservation.
Overlays / Other Planning Controls:	Map L1: <ul style="list-style-type: none"> ▪ Designation C152 – Wastewater Pump Station; ▪ Flood Hazard Plan Area; and ▪ Scheduled Site: Mauao Recreation Reserve (Appendix 13E). Map R1: <ul style="list-style-type: none"> ▪ Coastal Hazard Erosion Protection Area; ▪ Significant Ecological Area – Category 2 - Site 32: Mauao; ▪ Significant Maori Area – Site M1: Mauao Maunganui ▪ Significant Archaeological Area – Site A6: Mauao

	<ul style="list-style-type: none"> ▪ Outstanding Natural Features and Landscapes – Site 7: Mauao (adjacent) <p>Other</p> <ul style="list-style-type: none"> ▪ Airport Approach Slope – RL 49 to 154 metre contour; ▪ Viewshaft Protection Area – Map 2 – 16 and 18 metre contours; ▪ Statutory Acknowledgement OTS-060-007 – Ngati Pukenga – Te Tumu to Waihi Estuary Coastal Area; and ▪ Statutory Acknowledgement OTS-075-015 – Waitaha – Coastal Marine Area from Maketu to Mauao.
Road Category:	<ul style="list-style-type: none"> ▪ Adams Avenue – Collector Road
Summary of Application:	The placement of 23 pre-fabricated mobile accommodation units on existing camp sites; an extension to the Ocean Amenity Block; together with associated ancillary earthworks for the establishment of building foundations and service connections.

2.0 The Proposal and Background

2.1 Description of Proposal

The proposal comprises two separate components that are ancillary to the existing camping ground activity being operated from the Site.

The first of these is the proposed alterations and additions to the Ocean Amenity Block in accordance with the Architectural Drawings prepared by Cullen Keiser Architecture and titled 'Proposed Alteration at 1 Adams Avenue, Mount Maunganui, Tauranga', referenced as job number 19995 and included as an attachment to the application within Appendix III. This includes a proposed 150m² addition to the northern end of the existing 380m² building footprint and gross floor area, resulting in an overall footprint/gross floor area of 460m².

The second component is the placement of 23 'mobile accommodation units' on Site Numbers Site Numbers 12, 15, 56A, 58 (amalgamated with 59), 60, 61, 62, 63, 64, 70, 71, 72, 73, 87, 88, 89, 90, 91, 96, 97, 98, 99 and 100. It is noted that the area of the Camping Ground currently occupied by Site Numbers 56A, 58, 59, 60, 61, 62, 63 and 64 will be reduced from eight sites down to seven sites with the amalgamation of Site Numbers 58 and 59.

The mobile accommodation units will be pre-fabricated off-site on a trailer sub-frame, are registered for use on the road, have wheels and can be towed by a vehicle through the fitment of a drawbar plate. They are to be placed on the Site where they will sit on their wheels. No permanent foundations are proposed for these units, however a skirting put in place around the base.

One of three unit types is to be used in accordance with the Leisurebuilt plans included as an attachment to the application within Appendix III. These units have building footprints of 19.6m², 25.2m² and 27.9m² and each has a covered porch area of either 4.2m² or 4.65m².

Of the 23 units, the five to be located on Site Numbers 58, 59, 60, 61 and 62 (oceanside block) will have their own bathroom comprising of a shower, toilet, vanity and hot water cylinder. These units will be provided with connections to Council's reticulated water supply and wastewater disposal infrastructure within the Holiday Park. Stormwater is to discharge to the ground as per the existing situation with caravans parked on site.



Figure 1: Aerial Image of Site and Surrounds
(Source: Mapi 2020 Aerial Photographs)

Ancillary earthworks are also proposed for the construction of foundations for the Ocean Amenity Block extension and for the provision of service connections to the Ocean Amenity Block. Earthworks comprising no greater than 25m³ in volume are also proposed for the installation of

service connections for the mobile accommodation units and the units on Site Numbers 58, 59, 60, 61 and 62 (oceanside block) comprising potholing, directional drilling and minor trench work.

Figure 1 on the previous page shows the location of the proposed works within the Site, with the accommodation units identified by a blue dot and the Ocean Amenity Block with an orange dot. It should be noted that the two southernmost identified sites (Numbers 54 and 75) are no longer proposed to accommodate mobile accommodation units and will remain available for tent/caravan camping.

2.2 Background

The subject campground has been formally recognised as having existing use rights under section 10 of the RMA by way of certificate issued on 20 April 2010 (RC15028). In this regard the activity has operated from the site since at least 1927 and potentially as early as 1889.

The campground has been recognised and provided for in various management plans and statutory documents, including the Mount Management Plan that was adopted as part of the Mount Maunganui Borough District Scheme Fourth Review in April 1980 and in the City Plan.

The existing use rights certificate issued in 2010 recognised that the campground activity occupied the entire site and comprised approximately 138 camp sites, three service buildings (providing kitchen and ablution facilities), a Holiday Park office, a Manager's residence and a Ranger's office and an internal road network.

That certificate also recognised proposed roading upgrades; planting; the construction of a purpose-built building to house the Ranger's office, Park Office and Manager's residence and the subsequent demolition of buildings that previously housed those activities; and the establishment of eight mobile accommodation units on the Site.

3.0 Receiving Environment

3.1 Site Description

The Site that is subject to this application comprises a land area of 5.15 hectares of recreation reserve land located at the base and lower eastern slopes of Mauao and is shown in Figure 1 of this Report.

Three distinctly different and separate land use activities occupy the Site, each with their own 'allocated space'. These land uses are the Mount Maunganui Beachside Holiday Park ('the Camping Ground'), the Mount Hotpools and the Mount Maunganui Surf Lifesaving building. All three activities are recognised and provided for by the operative Tauranga City Plan ('the City Plan') within Chapter 13 as the Mauao Recreation Reserve Scheduled Site (refer Figure 2).

The Camping Ground currently has 127 camp sites and seven mobile accommodation units. The mobile accommodation units are located on Site Numbers 107, 108, 109, 109A, 110, 111 and

112. As per the 23 proposed additional units, these units are not fixed to the land and are constructed on a trailer sub-frame, are registered for use on the road and remain on sit on wheels. Whilst on-site the draw bar is removed and a skirting put in place around the base.

Buildings on the Camping Ground include the Ocean Amenity Block (380m²); Pilot Amenity Block (100m²); Harbour Amenity Block (280m²); a building containing the Camping Ground Manager’s residence, main office and Ranger’s office (225m²); two implement sheds (115m² and 35m²); the Mauao fire pump house (20m²); and a public toilet block (30m²). All of these existing buildings is shown in Appendix 13E (refer Figure 2).

As identified in section 1.0 of this Report and is evident from Figure 3, the Site is subject to numerous planning layers. Much of the activities that are subject to this application are located outside of these areas and are simply subject to rule 13A.9.12 - *Mauao Recreation Reserve Scheduled Site - Permitted Activity Rules*. The exceptions to this are the proposed mobile accommodation units to be located on Site Numbers 58 to 61, which are located within the Coastal Hazard Erosion Protection Area (‘CHEPA’) and Site Numbers 87 to 91, which are partially located within Significant Maori Area – Site M1: *Mauao Maunganui* and Significant Archaeological Area – Site A6: *Mauao*.

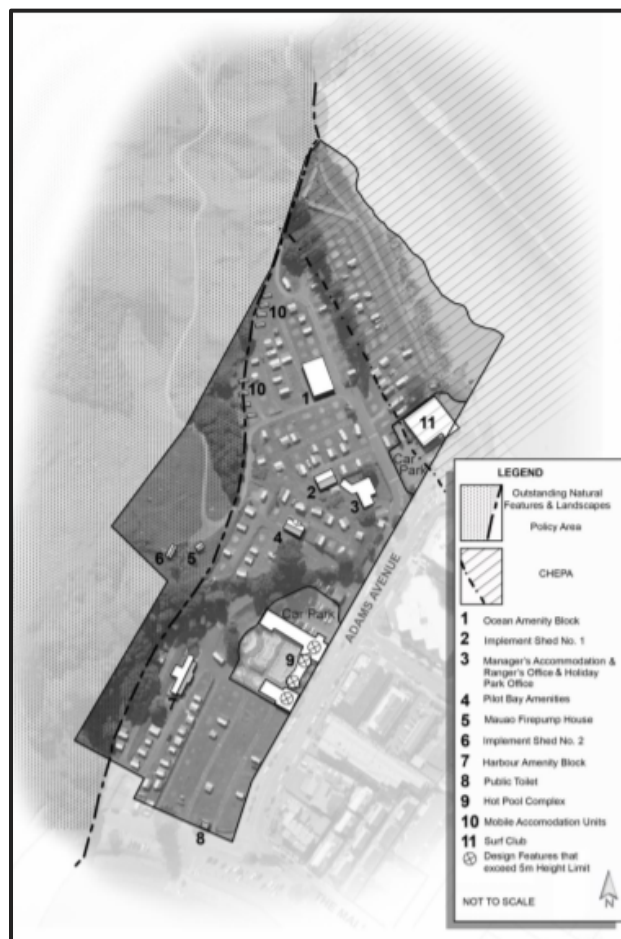


Figure 2: Extract of Appendix 13E Mauao Recreation Reserve Scheduled Site – Outline Development Plan (Source: Tauranga City Plan)

The following is the City Plan summary of the values of the various features recognised by the City Plan.

Significant Ecological Area – Category 2 - Site 32: Mauao

This Special Ecological Area contains numerous small areas of terrestrial vegetation (forest, tree land and scrub), generally on the lower southern and eastern slopes of Mauao. This area is contiguous with and complimentary to the Special Ecological Area - Mauao 1 (Special Ecological Area # 7). It contains examples of pohutukawa forest on the toeslopes of Mauao, adjacent to the shore. Two regionally uncommon plant species are present. This area is of significant wildlife value. Northern little blue penguin breed here. It is an area of regional conservation value.



Figure 3: Aerial Image of Site and Surrounds with City Plan Planning Maps Overlaid
(Source: Mapi 2020 Aerial Photographs)

Significant Maori Area – Site M1: Mauao Maunganui

This SMA is associated with the Ngaiterangi Iwi and the Ngati Ranginui, Ngāti Pukenga, and Waitaha hapu.

Mauri: *The mauri and mana of the place or resource holds special significance to Maori;*

Wāahi Tapu: *The place or resource is a wāahi tapu of special, cultural, historic and or spiritual importance to the hapu; Korero Tuturu / Historical: The area has special historical and cultural significance to the hapu;*

Rawa Tuturu / Customary Resources: *The area provides or once provided important customary resources for the hapu;*

Hiahiatanga Tuturu: *The area is a venue or repository for cultural and spiritual values of the hapu or it may provide the ability to identify the boundaries of ancestral tribal lands;*

Whakaaronui o te Wa / Contemporary Esteem: *The physical prominence and reserve status of much of the area is such that it continues to provide a visible reference point to the iwi and hapu that enables an understanding of its cultural, architectural, amenity or educational significance.*

Significant Archaeological Area – Site A6: Mauao

The following identified archaeological sites are contained within this SAA:

- U14/149 (summit pa);
- U14/173 (western pa / Kinonui's pa); U14/250 (stone steps),
- U14/251 (trail);
- U14/361 (stone jetty);
- U14/362 (jetty and water tanks); and
- U14/3118 (Maunganui pa)

3.3 Permitted Baseline

The Consent Authority has a discretionary power to disregard the effects of activities that are permitted by a rule in a national environmental standard or District Plan at several stages in the consideration of an application for resource consent. These stages are public notification in making an assessment for the purposes of section 95A(8)(b) in deciding whether the activity will have adverse effects on the environment that are more than minor (s95D(a)(b)); for limited notification under sections 95B(4) and (9) in deciding whether a person is an 'affected person' (s95E(2)(a)); and under section 104(1)(a) when considering the actual and potential effects of the proposed activity on the environment (s104(2)).

Notwithstanding the Site's Passive Open Space zoning, the City Plan provides for a number of permitted activities within the Mauao Recreation Reserve Scheduled Site under rule 13A.9.11. This includes 'camping grounds' which is defined in Chapter 3 of the City Plan as:

Any area of land used for the purposes of placing or erecting temporary living-places for occupation by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other,

whether or not such families or parties enjoy the use in common of entrances, water-supplies, cookhouses, sanitary fixtures, or other premises and equipment, and includes the following:

The erection, construction, operation, maintenance and enhancement of the following activities:

- (a) Tent and powered sites for campers and caravans;
- (b) Kitset awnings and mobile annexes;
- (c) Kitchen, Lounge and Dining buildings;
- (d) Laundry buildings;
- (e) Ablution blocks and changing rooms;
- (f) Managers accommodation;
- (g) Holiday units;
- (h) Carparking and internal vehicle and accessways;
- (i) Associated campground and holiday park furniture including playground and play equipment, seating, picnic tables, barbeques and shade-sails;
- (j) Administration buildings.

Of relevance to this application is that this definition encompasses both the proposed alteration to the Ocean Amenity Block (under item 'c') and the proposed accommodation units (under item 'g').

Notably rule 13A.9 requires that all activities within a scheduled site be undertaken in accordance with the applicable Outline Development Plan. This is relevant to this application insofar as Appendix 13E identifies the number and location of the various buildings that are permitted within the Site. In this regard, the Outline Development Plan provides for eight mobile accommodation units to be located in the vicinity of Site Numbers 87 to 91 and 107 to 110. It is noted that Site Numbers 107 to 110 are already occupied by mobile accommodation units / cabins. These are identified by the number 10 in Figure 4 (the Ocean Amenity Block is the building identified as number 1).

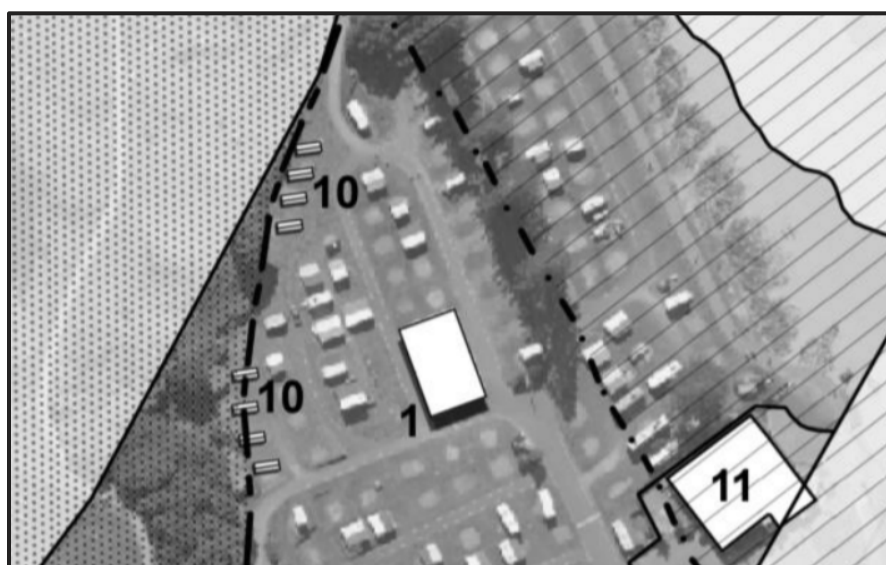


Figure 4: Extract of City Plan Appendix 13E: Mauao Recreation Reserve Scheduled Site – Outline Development Plan Showing Location and Number of Buildings

In addition to the limitations on the number and location of buildings under rule 13A.9, the permitted activity rules under 13A.9.12, which override the general provisions within Chapter 13, provide for the Ocean Amenity Building to be constructed with a footprint of 380m² and to a maximum height of 5.0 metres. Mobile accommodation units have a maximum permitted footprint of 24m² and a maximum height of 5.0 metres.

The rules include no limitation on the maximum number of caravans that can be parked on the Site. Under these provisions the Camping Ground operator also has the ability to place caravans on the Site on a permanent basis and make these available to members of the public for accommodation as a permitted activity. This forms part of the existing operations of the Camping Ground so is not a fanciful proposition.

For the Ocean Amenity Block, there is no applicable or relevant baseline to apply to the proposed building given that the existing building is already at the 380m² cap on building footprint. The effects of this additional built form will be considered.

Additionally, for the proposed mobile accommodation units, it is appropriate to disregard the effects of the subject sites being permanently occupied by caravans on the basis that this is both permitted by the applicable City Plan rules and is not fanciful given that it forms part of the activities already undertaken by the Camping Ground operator. The visual and amenity effects of the difference between a caravan and the proposed accommodation units will be considered.

The rules include no limitation on the maximum number of individual camp sites. Any demand on Council's infrastructure (including trip generation and vehicle movement effects) can be disregarded as part of the existing lawfully established receiving environment. Each camping site will continue to be provided with its own allocated car parking space and the proposal does not increase maximum occupancy capacity.

When the permitted baseline is applied the effects of the following activities are left to be considered:

- The proposed addition to the Ocean Amenity Block; and
- Built form of the proposed accommodation units relative to permanent occupancy by caravans on Site Numbers 12, 15, 56A, 58, 59, 60, 61, 62, 63, 64, 70, 71, 72, 73, 87, 88, 89, 90, 91, 96, 97, 98, 99 and 100.

4.0 Resource Consent Requirements

Section 9 of the Resource Management Act 1991 ('the RMA') specifies restrictions on the use of land. For the purpose of this application the following matters have been considered as they relate to sections 9(1) and 9(3) of the RMA.

4.1 Tauranga City Plan

4.1.1 Section 13A – Open Space Zone

Having reviewed the relevant rules within section 13A of the City Plan it is noted that Rule 13A.7.1 and Table 13A.1 prescribe a permitted activity status to 'permitted activities within Scheduled Sites.

As already discussed in section 3.3 of this Report, the activities proposed within the Application fall within the definition of 'camping grounds', which is listed as a permitted activity under rule 13A.9.11 within the Mauao Recreation Reserve Scheduled Site. Notwithstanding this, the following resource consents are required under section 13A of the City Plan:

- Under section 9(3)(a) as a discretionary activity in accordance with Rule 13A.12(c) for the departure from Rule 13A.9 and Appendix 13E: Mauao Recreation Reserve Scheduled Site – Outline Development Plan for the establishment of accommodation units in greater numbers and outside of the locations prescribed by the Outline Development Plan;
- Under section 9(3)(a) as a restricted discretionary activity in accordance with Rule 13A.11(b) for the alterations and additions to Ocean Amenity Block exceeding the 380m² maximum building footprint prescribed by Rule 13A.9.12.3(b)(i); and
- Under section 9(3)(a) as a restricted discretionary activity in accordance with Rule 13A.11(b) for the proposed accommodation units exceeding the 24m² maximum building footprint prescribed by Rule 13A.9.12.3(b)(v).

4.1.2 Section 8B CHEPA & Coastal Hazard Protection Plan Area

The proposal includes the establishment of mobile accommodation units on Site Numbers 58 to 61 within the 50 to 100 year erosion lines of the Coastal Hazard Erosion Protection Area together with ancillary earthworks for the installation of services for these units.

Having reviewed the City Plan definitions, it has been concluded that the mobile accommodation units are neither a 'building' nor a 'structure' and therefore do not require resource consent under the CHEPA provisions.

In this regard, the mobile accommodation units are not considered to be a 'building' as defined by section 8 of the Building Act 2004. Under section 8(1)(b)(iii) of the Building Act 2004, these units are considered to be a 'vehicle' under section 2(1) of the Land Transport Act 1998, are moveable and are not occupied by people on a permanent or long term basis.

The Applicant has confirmed that the proposed earthworks within the CHEPA will not exceed 25m³ in accordance with the requirements of rule 4C.2.5(b) and excavated material will be re-spread within the CHEPA.

No resource consents are required under Section 8B.

4.1.3 City Plan Matters of Control / Discretion and Conditions

Rule 13A.11.2.1 - Building Scale

In considering activities that do not comply with Rule 13A.8.2 – Building Scale or Scheduled Site activities that do not comply with a building scale rule, the Council restricts the exercise of its discretion to:

- (a) The extent to which the size or proportion of the open space area and its ability to absorb new buildings or structures and activities, is compromised;*
- (b) Building design and appearance, including site design and building layout;*
- (c) The extent to which the building or structure visually dominates its site or surrounding sites;*
- (d) The nature, location and extent of any proposed earthworks;*
- (e) The use of materials on the exterior of any building or structure, including the use of colour;*
- (f) The extent to which the bulk and scale of the building or structure is compatible with the surrounding landscape character;*
- (g) The extent of any landscape planting to mitigate against the effects of increased building scale.*

4.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('the NES-CS') provides a range of regulations to manage the potential effects on human health associated with sites that either are being used, have been used or are more likely than not to have been used for activities or industries listed on the Hazardous Activities and Industries List ('HAIL').

Having reviewed the most up-to-date information held by Tauranga City Council and the Bay of Plenty Regional Council, as provided for under regulation 6(2) of the NES-CS, it is concluded that the Site is not a piece of land covered under regulation 5(7) of the NES-CS.

4.3 Summary of Consent Requirements & Activity Status

In summary, the application is for the following resource consents:

- Under section 9(3)(a) as a discretionary activity in accordance with Rule 13A.12(c) for the departure from Rule 13A.9 and Appendix 13E: Mauao Recreation Reserve Scheduled Site – Outline Development Plan for the establishment of accommodation units in greater numbers and outside of the locations prescribed by the Outline Development Plan;
- Under section 9(3)(a) as a restricted discretionary activity in accordance with Rule 13A.11(b) for the alterations and additions to Ocean Amenity Block exceeding the 380m² maximum building footprint prescribed by Rule 13A.9.12.3(b)(i); and
- Under section 9(3)(a) as a restricted discretionary activity in accordance with Rule 13A.11(b) for the proposed accommodation units exceeding the 24m² maximum building footprint prescribed by Rule 13A.9.12.3(b)(v).

As all activities are inextricably linked, the proposal is assessed as **Discretionary Activity** in accordance with the bundling principle.

5.0 Public Notification – s95A

Section 95A(1) of the RMA requires a step by step process to determine whether public notification of an application is required or precluded in certain circumstances. The following sets out my analysis of step-by-step process required by s95A.

5.1 Step 1 – Mandatory Public Notification in Certain Circumstances

Public notification of an application for resource consent is mandatory under s95A(2) if it meets any of the following criteria contained within s95A(3):

Has the applicant requested public notification?	<i>No</i>
Is public notification required under s95C due to the following? <ul style="list-style-type: none"> • A request for further information has been made and that information had not been provided before the deadline or has refused the request (s95C(2)); or • Notice has been sent to the Applicant under s92(2)(b) of the commissioning of a report but the Applicant has either not responded before the deadline or has refused to agree to the commissioning (s95C(3)) 	<i>No</i>
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1977?	<i>No</i>

Public notification **is not mandatory** under Step 1 and s95A(2) on the basis that the application does not meet any of the criteria contained within s95A(3).

5.2 Step 2 - Public Notification Precluded in Certain Circumstances

If public notification of an application for resource consent is not required under Step 1, it may be precluded under s95A(4) if it meets any of the following criteria contained within s95A(5).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard that precludes public notification?	<i>No</i>
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"> ▪ A controlled activity; ▪ A 'residential activity' with a restricted discretionary or discretionary activity status; 	<i>No</i>

<ul style="list-style-type: none"> ▪ A subdivision of land with a restricted discretionary or discretionary activity status; ▪ A 'boundary activity' with a restricted discretionary, discretionary or non-complying activity status; ▪ An activity prescribed by regulation made under s360H(1)(a)(i) precluding public notification. 	
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Public notification **is not precluded** under Step 2 and s95A(4) on the basis that the application does not meet any of the criteria contained within s95A(5).

5.3 Step 3 - Public Notification is Required in Certain Circumstances

If public notification is not precluded under Step 2, public notification may be required under s95A(7) if it meets any of the following criteria under s95A(8):

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Following an assessment carried out under s95D within section 5.3.1 of this Report, has it been decided that the activity will have or is likely to have adverse effects on the environment that are more than minor?	No

5.3.1 Assessment of Adverse Effects on the Environment and Persons

The following assessment has been prepared for the purposes of both sections 95D and 95E of the RMA.

It is noted here that the proposal has been the subject of consultation with representatives of the Mauao Iwi Trust. No concerns regarding the effects on cultural values were raised through that process, with the Trust supportive of the proposal.

As described in section 3.3 of this Report, once the permitted baseline is applied, the relevant effects to consider for the purposes of sections 95D and 95E are the landscape and visual effects associated with the extension to the Ocean Amenity Block; the ancillary earthworks; and the built form of the proposed accommodation units relative to permanent occupancy by caravans.

The Application was supported by an Assessment of Landscape and Visual Effects prepared by s 7(2)(a) - Privacy [redacted] titled 'Tauranga City Council: Mount Maunganui Beachside Holiday Park: Addition of Portable Accommodation Units and an Extension to the Ocean Amenity Building' and dated 17 July 2020 ('the LVA Report'). The LVA Report has been prepared having regard to the relevant provisions of the Bay of Plenty Regional Policy Statement, the Regional Coastal Environment Plan and the City Plan.

It is noted that the LVA Report was prepared in relation to the establishment of 12 additional mobile accommodation units on the Camping Ground, whereas the proposal is for 23 units. The applicability of the LVA Report to all of the proposed accommodation units was the subject of a further information request on 30 July 2020.

s 7(2)(a) - Privacy provided a response email on 6 August 2020 that provided some additional assessment and confirmed that his original assessment and conclusions in the LVA Report were applicable. s 7(2)(a) - Privacy did raise potential concerns about the proposed units on Site Numbers 54 and 57. The Applicant has subsequently removed those units from the proposal and those sites will remain vacant for the use as either tent or caravan camping.

Section 5.0 (on pages 23 to 39) of the LVA Report provides a comprehensive assessment of the proposal's potential landscape and visual effects, including the use of photographic simulations.

In relation to landscape effects the LVA Report (section 5.2.1) notes that the size and scale of the buildings proposed is 'minimal' in the greater Mount Maunganui peninsula meaning that they will not significantly alter the landscape character of the area noting that much of the built form proposed will be either partially or entirely screened from view.

Section 5.3 (pages 26 to 40) of the LVA Report provides an assessment of the proposal's visual effects, identifying the visual catchment as comprising of the following:

- Casual walkers using the boardwalk and tracks on Mauao;
- Pedestrians, cyclists and motorists passing the site on Adams Avenue; and
- Local residents located on the eastern side of Adams Avenue.

The LVA Report includes a range of photographic simulations from representative aspects of this visual catchment and include comparisons of the proposed mobile accommodation units to caravans as well as the proposed Ocean Amenity Block extension.

The LVA Report notes that the proposed earthworks to extend the Ocean Amenity Block will have the greatest visual effect but concludes that, once the building works are complete and the surrounding area reinstated, the overall visual effects of the proposal will be low.

I concur with and adopt section 5.0 of the LVA Report for the purposes of this Report and conclude that the adverse landscape and visual effects of the proposal will be less than minor.

Public notification **is not required** under Step 3 and s95A(7) on the basis that the application does not meet the criteria contained within s95A(8).

5.4 Step 4 – Public Notification in Special Circumstances

If public notification is not required under Steps 2 or 3 it must be determined whether special circumstances exist that warrant public notification of an application.

Do special circumstances exist that warrant public notification?	No
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Consideration has been given to the existence of any special circumstances that might warrant public notification. 'Special circumstances' have been considered by the Courts and it is widely held that to be considered 'special', the set of circumstances would need to be unusual and exceptional but may be less than extraordinary or unique.

As I understand it, the main consideration that should determine whether special circumstances exist with respect to giving notification, is whether public notification (as opposed to limited notification) might elicit additional information which would inform the decision.

In this case, the effects of the proposal are well understood, and it is considered that there are no special circumstances that would warrant public notification.]

6.0 Limited Notification – s95B

If public notification of the application is not required under s95A, s95A(9)(b) of the RMA requires that the consent authority determine whether limited notification of the application is required pursuant to s95B.

Under s95B, the Council must undertake a step by step process to determine whether limited notification of an application is required or precluded in certain circumstances. The following sets out my analysis of step-by-step process required by s95B.

6.1 Step 1: Mandatory Limited Notification to Certain Affected Groups and Affected Persons

Limited notification of an application of a resource consent to certain groups and persons is mandatory under s95B(4) if it meets any of the following criteria contained within s95B(2) and (3):

Are there any affected protected customary rights groups (refer to s95F)?	No
Are there any affected customary marine title groups with regard to a consent application for an 'accommodated' activity as defined in the Marine and Coastal Area (Takutai Moana) Act 2011 (refer to s95G)?	No
Is the proposed activity on or adjacent to, or could it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	Yes
If the land affects or could affect land that is subject to a statutory acknowledgement, is the person(s) to whom the statutory acknowledgment is made an affected person under section 95E?	No – see assessment below

There are no customary rights groups or customary marine title groups relevant to the application.

As identified in section 1.0 of this Report, the site is adjacent to the following Statutory Acknowledgements that relate to the adjacent coastline and are listed within Acts contained within Schedule 11:

- OTS-060-007 – Ngati Pukenga – Te Tumu to Waihi Estuary Coastal Area (City Plan Appendix 2C.3); and
- OTS-075-015 – Waitaha – Coastal Marine Area from Maketu to Mauao (City Plan Appendix 2A.3).

Having considered these Statutory Acknowledgements, the nature of the proposed activity and its separation from these areas it is concluded that there are no affected persons on the basis that the proposed activity will have no affect on these areas or their acknowledged values and associations.

Limited notification **is not required** under Step 1 and s95B(4) on the basis that the application does not meet the criteria contained within s95B(2) or (3).

6.2 Step 2: Limited Notification Precluded in Certain Circumstances

If none of the persons or groups in sections 95B(2) to (4) are affected, then s95B(5) precludes the limited notification of an application if it meets either of the following criteria contained within s95B(6)

Are all activities subject to a rule or national environmental standard that precludes limited notification?	<i>No</i>
Is the application for either or both of the following, but no other, activities: (i) a controlled activity that requires consent under a district plan (other than a subdivision of land); and (ii) a prescribed activity (section 360H(1)(a)(ii)).	<i>No</i>

Limited notification **is not precluded** under Step 2 and s95B(5) on the basis that the application does not meet the criteria contained within s95B(6).

6.3 Step 3: Certain Other Affected Persons Must be Notified

If an application does not meet the criteria in section 95B(6), then Council is required to consider the provisions in s95B(7) and (8) to determine whether other persons are affected (in terms of s95E) and therefore must be notified in accordance with section 95B(9) of the RMA.

Section 95E(1) of the RMA states that a person is an 'affected person' if the consent authority decides that the adverse effects of the activity on a person are minor or more than minor (but are not less than minor).

An assessment of the Activity's adverse effects on the environment and on persons has already been carried out in section 5.3.1 of this Report where it was concluded that these are less than minor. That assessment is adopted and relied upon here.

Limited notification is **not required** under Step 3 and s95B(9) on the basis that the application does not meet the criteria within s95B(8). Having carried out an assessment of the application in accordance with s95E, it is concluded that the application will result in adverse effects that are less than minor and there are therefore no affected persons.

6.4 Step 4: Further Notification in Special Circumstances

If limited notification is not required under Steps 1, 2 or 3 it must be determined whether special circumstances exist that warrant public notification of an application.

Do special circumstances exist that warrant public notification?	No
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7.0 Summary and Recommendation on Notification of Resource Consent

Having assessed the application in accordance with the steps contained within s95A and s95B, for the reasons provided within sections 6.0 and 7.0 of this Report, it is recommended that this application be considered **without notification**.

7.1 Public Notification

Public notification is not required on the basis that:

- Under Step 1, public notification is not mandatory on the basis that the application does not meet any of the criteria contained within s95A(3);
- Under Step 2, public notification is not precluded on the basis that the application does not meet any of the criteria contained within s95A(5);
- Under Step 3, public notification is not required on the basis that:
 - In accordance with s95A(8)(a) the application is not subject to a rule within a National Environmental Standard and/or District Plan that requires public notification; and
 - In accordance with s95A(8)(b), having carried out an assessment of the application in accordance with s95D, it has been concluded that the application will not result in adverse effects on the environment that are more than minor.
- Under Step 4, it has been determined that there are no special circumstances that exist that warrant the public notification of the application in accordance with s95A(9).

7.2 Limited Notification

Limited notification is not required on the basis that:

- Under Step 1, limited notification is not required under s95B(4) on the basis that the application does not result in any affected customary rights groups or customary marine title

groups (s95B(2)); or affected persons in relation to statutory acknowledgements (s95B(3)) meet any of the criteria contained within s95B(3);

- Under Step 2, limited notification is not precluded on the basis that the application does not meet either of the criteria contained within s95B(6);
- Under Step 3, limited notification is not required on the basis that the activity's effects are less than minor and therefore there are no affected persons;
- Under Step 4, it has been determined that there are no special circumstances that exist that warrant the limited notification of the application in accordance with s95B(10).

This recommendation is made by:

s 7(2)(a) - Privacy

Consultant Planner

Date: 10 August 2020

8.0 Decision on Notification of Resource Consent Under Delegated Authority

Having reviewed this report, I concur with the Reporting Officer's recommendation to process this Application for resource consent without notification for the reasons set out within section 7.0.

This decision is made under delegated authority by:

s 7(2)(a) - Privacy

Date 11 August 2020

Development Planner



RESOURCE MANAGEMENT ACT 1991

Section 42A Report on Land Use Resource Consent RC27789

9.0 Section 104(1)(a) - Actual & Potential Environmental Effects

Section 3.3 of this Report sets out the permitted baseline that is applicable for the purposes of section 104(1)(a) and when applied as provided for under section 104(2), the landscape and visual effects of the following activities are left to be considered:

- The proposed addition to the Ocean Amenity Block; and
- Built form of the proposed accommodation units relative to permanent occupancy by caravans on Site Numbers 12, 15, 56A, 58, 59, 60, 61, 62, 63, 64, 70, 71, 72, 73, 87, 88, 89, 90, 91, 96, 97, 98, 99 and 100.

I have already assessed the adverse effects of the proposed land use activities on the environment and persons in section 5.3.1 of this Report for the purposes of determining whether the application should be notified. That assessment is adopted and relied upon here for the purposes of section 104(1)(a) subject to the following additional matters discussed below.

Any effects of the proposed earthworks activities can be managed through the requirement for these works to include erosion and sediment controls in accordance with Appendix 4N of the City Plan and ensuring that the land is reinstated at the conclusion of construction activities.

Conditions are to be included on the resource consent to ensure that the activity proceeds in accordance with the information provided by the Applicant and relied upon in assessing this application.

In terms of positive effects, granting resource consent for the application will enable the development of the Site to accommodate an extension to the Ocean Amenity Block and the placement of 23 additional mobile accommodation units on the Site, both of which will enhance the existing Camping Ground through the provision of additional ancillary support facilities and alternative accommodation choice.

Overall, it is concluded that the proposal will result in actual and potential environmental effects that are acceptable.

10.0 Section 104(1)(b) - Relevant Provisions of Statutory Documents

Based on the nature of the application; the characteristics of the Site and its surrounds, the New Zealand Coastal Policy Statement; the Bay of Plenty Regional Policy Statement; the Bay of Plenty Regional Coastal Environment Plan; and the Tauranga City Plan contain provisions that are relevant to consider in determining this Application.

10.1 Relevant Provisions of the Tauranga City Plan

In addition to the zone purpose statement contained within section 13A.1 of the City Plan and the assessment criteria under Rule 13A.11.2.1 - *Building Scale* which have been considered in assessing the activity's adverse effects, the City Plan contains a number of relevant objectives and policies. Due to the nature of consents sought, it is considered that these are contained within section 13A.

I note that the scheduled site objectives and policies are the lead City Plan provisions to consider in determining this application on the basis that section 13A.1 – *Purpose of the Passive Open Space Zone* identifies that:

The Recreation and Leisure Scheduled Site provisions enable the ability of existing activities to continue to operate and develop through special permitted activity rules, with development occurring in accordance with identified Outline Development Plans. Each Recreation and Leisure Scheduled Site is afforded specific Objectives and Policies which enable appropriate assessment of activities to guide development. In the event of any inconsistency between Scheduled Site Objectives and Policies and the underlying zone Objectives and Policies, the specific Scheduled Sites Objectives and Policies shall prevail.

Objective 13A.6.1 – Recreation and Leisure Scheduled Sites

The maintenance, enhancement and development of Recreation and Leisure Scheduled Sites is provided for.

Policy 13A.6.1.1 – Recreation and Leisure Scheduled Sites

By ensuring that identified Recreation and Leisure Scheduled Sites at Mount Maunganui Golf Course, Papamoa Top 10 Holiday Resort, Mayfair Holiday Park, Tauranga Bridge Marina, Tauranga Marina, Tauranga Race Course and Tauranga Golf Course, Mauao Recreation Reserve, the Papamoa Domain, Elizabeth Street and 10 Salisbury Avenue are developed in a comprehensive manner in accordance with the Scheduled Sites Outline Development Plan (where applicable) while ensuring that all developments are sited and designed so that the adverse effects on the amenity values of the surrounding environment are avoided or mitigated, including:

...

- (f) *Land scheduled as the Mauao Recreation Reserve has regard to:*
 - i. *The retention of open space as a recreation and leisure resource;*
 - ii. *The provision for commercial, non-commercial, recreation and leisure opportunities directly associated with the Mount Beachside Holiday Park and Mount Hot Pools Complex;*
 - iii. *The provision for a range of visitor accommodation opportunities including nonpowered/powering camping sites and holiday units to meet the demands of visitor and holiday trends within the Mount Beachside Holiday Park;*
 - iv. *The provision for community facilities, entertainment, private recreation, leisure or similar purposes to meet the recreation and leisure demands of the City;*
 - v. *The protection of conservation, ecological, natural character, cultural and landscape character values;*
 - vi. *Integration with the surrounding environment, including the relationship of building bulk and scale to that of adjacent conservation zoned land and Outstanding Natural Features and Landscapes Plan Area;*
 - vii. *Landscape planting to ensure the mitigation of visual effects of built development.*

Comment:

I have only included clause 'f' of Policy 13A.6.1.1 on the basis that this is the remaining clauses all deal with other scheduled sites within the Open Space Zone and are not relevant. Additionally, it is noted that this clause also relates to both the Mount Hot Pools and the Surf Club, both of which are located within the Mauao Recreation Reserve.

The policy seeks to ensure that the recreation values, including the buildings, facilities and activities that support those values, are provided for whilst ensuring that open space is retained as a recreation resource. The policy also seeks to ensure that the effects of development on amenity, conservation, ecological, natural character, cultural and landscape character values within and adjacent to the site are avoided or mitigated.

The proposed extension to the Ocean Amenity Block has been identified by the Applicant as being necessary to better service guests of the Camping Ground and its function as a camp ground and, although its scale exceeds the permitted floor area and results in the loss of two camp sites, will result in environmental outcomes that are anticipated by the City Plan.

As already discussed within this Report, the City Plan anticipates the presence of caravans and motorhomes on the camp sites and does not restrict the Camping Ground operator from retaining caravans on site on a permanent basis and this forms part of the existing operations. The LVA Report concludes that the proposed mobile accommodation units will have visual effects that are the similar to those of caravans. Additionally, the Applicant has identified that the mobile accommodation units are being proposed in response to demand for alternative accommodation choice within the Camping Ground. The proposed mobile accommodation units are to occupy existing camp sites, some of which are already permanently occupied by caravans, and will result in the removal of one camp site.

As previously discussed in section 5.3.1 of this Report and in the LVA Report, through design and location this addition, the effects on amenity, conservation, ecological, natural character, cultural and landscape character values within and adjacent to the site are either avoided or mitigated.

Overall, it is concluded that the proposal will result in environmental outcomes that are consistent with those sought by Objective 13A.6.1, Policy 13A.6.1.1 and the City Plan.

10.2 Bay of Plenty Regional Coastal Environment Plan

The Camping Ground is located within the Coastal Environment as defined by the Regional Coastal Environment Plan and is shown on Maps 11a - Landscape, 11b – Ecological, and 11c – Use. Map 11a identifies ONFL 10 adjoining the site, whilst Map 11b identifies Indigenous Biological Diversity Area A28 – Mauao 1 as also adjoining the site. These features correspond to the City Plan planning layers identified in section 1.0 of this Report.

Natural Heritage

Objective 2

Protect the attributes and values of:

- (a) Outstanding natural features and landscapes of the coastal environment; and*
 - (b) Areas of high, very high and outstanding natural character in the coastal environment;*
- from inappropriate subdivision, use, and development, and restore or rehabilitate the natural character of the coastal environment where appropriate.*

Objective 3

Safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by:

- (a) Protecting Indigenous Biological Diversity Areas A,*
- (b) Maintaining Indigenous Biological Diversity Areas B;*
- (c) Promoting the maintenance of indigenous biodiversity in general; and*
- (d) Enhancing or restoring indigenous biodiversity where appropriate*

Policy NH 5

Adverse effects must be avoided on the values and attributes of the following areas:

- (a) Outstanding Natural Character areas (as identified in Appendix I to the RPS);*
- (b) Outstanding Natural Features and Landscapes (as identified in Schedule 3);*
- (c) Any Indigenous Biological Diversity Area A (as identified in Schedule 2, Table 1); and*

Adverse effects must be avoided on taxa that meet the criteria listed in Policy 11(a)(i) or (ii) of the NZCPS

Policy NH 8

Significant adverse effects must be avoided, and other adverse effects avoided, remedied or mitigated, on the values and attributes of:

- (a) Any Indigenous Biological Diversity Area B (as identified in Schedule 2, Table 2); and*
- (b) Natural features and natural landscapes (including seascapes) in the coastal environment that are not listed as outstanding in Schedule 3.*

Comment:

Collectively, these provisions seek manage the effects of activities within the coastal environment on the landscape and ecological values that are critical to the integrity, form, functioning and resilience of the coastal environment. The provisions seek to identify and avoid significant effects on those areas of significant value (such as ONFL 10 and Indigenous Biological Diversity Area A28 – Mauao 1) and to manage the effects on other landscape and ecological values generally.

Having considered the proposed activity and its potential to affect these values, it is concluded that granting the resource consents sought will result in environmental outcomes that are consistent with the direction provided by these provisions. The activities are proposed outside of areas of recognised landscape and ecological value. Additionally, the proposed activities are not of a nature or scale whereby they will affect those values due to their proximity.

Iwi Resource Management

Objective 13

Take into account the principles of the Treaty of Waitangi and provide for partnerships with the active involvement of tangata whenua in management of the coastal environment when activities may affect their taonga, interests and values.

Policy IW 1

Proposals which may affect the relationship of Māori and their culture, traditions and taonga must recognise and provide for:

- a) Traditional Māori uses, practices and customary activities relating to natural and physical resources of the coastal environment such as mahinga kai, mahinga mātaītai, wāhi tapu, ngā toka taonga, tauranga waka, taunga ika and taiāpure in accordance with tikanga Māori;*
- b) The role and mana of tāngata whenua as kaitiaki of the region's coastal environment and the practical demonstration and exercise of kaitiakitanga;*
- c) The right of tāngata whenua to express their own preferences and exhibit mātauranga Māori in coastal management within their tribal boundaries and coastal waters; and*
- d) Areas of significant cultural value identified in Schedule 6 and other areas or sites of significant cultural value identified by Statutory Acknowledgements, iwi and hapū resource management plans or by evidence produced by tangata whenua and substantiated by pūkenga, kuia and/or kaumatua; and.*
- e) The importance of Māori cultural and heritage values through methods such as historic heritage, landscape and cultural impact assessments.*

Comment:

These provisions seek to ensure that Māori are involved in the management of the coastal environment where activities have the potential to affect their taonga, interests and values. In the case of this proposal, consultation was undertaken with representatives of the Mauao Iwi Trust who manage Mauao prior to lodgement. No concerns regarding the effects on cultural values were raised through that process, with the Trust supportive of the proposal.

Additionally, consideration has been given to Statutory Acknowledgements OTS-060-007 – Ngati Pukenga – Te Tumu to Waihi Estuary Coastal Area (City Plan Appendix 2C.3); and OTS-075-015 – Waitaha – Coastal Marine Area from Maketu to Mauao (City Plan Appendix 2A.3) due to their proximity to the site. Due to the nature of the proposed activity and its separation from these areas it is concluded that there will be no effect on these areas or their acknowledged values and associations.

Overall, it is considered reasonable to conclude that granting the resource consents sought will result in outcomes that are consistent with those sought through these provisions. Mana whenua have had a genuine opportunity to exercise their role as kaitiaki of the maunga which is a taonga of great significance.

Coastal Hazards

Objective 21

Development and activities in the coastal environment are managed to take account of the dynamic nature of coastal processes.

Policy CH 2

The design of redevelopment and the design and location of activities in the coastal environment shall avoid increasing the level of risk of social, environmental and economic harm from coastal erosion or inundation over a 100 year period.

Comment:

These provisions seek to ensure that natural hazards associated with coastal processes are appropriately managed and that planning for these hazards is based on a 100 year horizon. They are relevant due to the location of the site partially within the City Plan Coastal Hazard Erosion Protection Area, with the proposed mobile accommodation units on Site Numbers 58 to 61 located within the 50 to 100 year risk zone.

Any effects associated with the known coastal erosion risk to these mobile accommodation units is suitably mitigated by the fact that they are located on wheels and are able to be easily relocated in response to further erosion of the coastline. Granting the resource consent is therefore consistent with the outcomes sought by Objective 21 and Policy CH 2.

Overall, it is concluded that granting the resource consents sought by the Applicant will result in environmental outcomes that are consistent with those sought to be achieved by the relevant provisions of the Regional Coastal Environment Plan.

10.3 Bay of Plenty Regional Policy Statement

Having reviewed the Bay of Plenty Regional Policy Statement, it is considered that the relevant provisions are contained in the Coastal Environment; Integrated Resource Management; Iwi Resource Management; Matters of National Importance; and Natural Hazard sections as follows:

Coastal Environment - Objective 2

Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment

Policy CE 2B: Managing adverse effects on natural character within the coastal environment

Policy CE 6B: Protecting indigenous biodiversity

Policy CE 8B: Ensuring subdivision, use and development is appropriate to the natural character to the coastal environment

Coastal Environment - Objective 4

Enable subdivision, use and development of the coastal environment in appropriate locations

Policy CE 8B: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment

Integrated Resource Management - Objective 11

An integrated approach to resource management issues is adopted by resource users and decision makers

Policy IR 3B: Adopting an integrated approach

Iwi Resource Management - Objective 13

Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management

Policy IW 3B: Recognising the Treaty in the exercise of functions and powers under the Act

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

Matters of National Importance - Objective 18

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

Matters of National Importance - Objective 20

The protection of significant indigenous habitats and ecosystems, having particular regard to their maintenance, restoration and intrinsic values.

Matters of National Importance - Objective 21

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

Policy IW 2B: Recognising matters of significance to Māori

Policy IW 5B: Adverse effects on matters of significance to Māori

Policy MN 8B: Managing effects of subdivision, use and development

Natural Hazards - Objective 31

Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities

Policy NH 5B: Avoiding increasing and encouraging reducing natural hazard risk in the coastal environment

Comment:

These provisions provide high level policy direction that sets out environmental outcomes that are given effect to by the City Plan and the Regional Coastal Environment Plan. The assessment of those provisions is adopted here and, for the reasons contained within those assessments, it is also concluded that granting the resource consents sought will result in environmental outcomes that are consistent with the direction provided by the Bay of Plenty Regional Policy Statement.

10.4 New Zealand Coastal Policy Statement

The LVA Report (page 9) identifies Objectives 1, 2, 5 and 6 of the New Zealand Coastal Policy Statement ('the NZCPS') as being relevant provisions to give regard to in determining this application. I agree that these are relevant but also consider the following to be relevant:

Policy 2: The Treaty of Waitangi, tangata whenua and Māori

Policy 4: Integration'

Policy 6: Activities in the coastal environment

Policy 11: Indigenous biological diversity (biodiversity)

Policy 13: Preservation of natural character

Policy 15: Natural features and natural landscapes

Policy 17: Historic heritage identification and protection

Policy 25: Subdivision, use, and development in areas of coastal hazard risk

Comment:

Similar to the provisions Bay of Plenty Regional Policy Statement, these NZCPS provisions provide high level policy direction on the environmental outcomes within the Coastal Environment, albeit at a national level.

These provisions and the direction they provide have been given effect to by the City Plan, the Regional Coastal Environment Plan and the Bay of Plenty Regional Policy Statement. The assessment of those provisions is adopted here and, for the reasons contained within those assessments, it is also concluded that granting the resource consents sought will result in environmental outcomes that are consistent with the direction provided by the NZCPS.

11.0 Section 104(1)(c) - Other Matters

In addition to the matters of regard covered under sections 104(1)(a), (ab) and (b), section 104(1)(c) states that consideration must be given to "any other matters that the consent authority considers relevant and reasonably necessary to determine the application." The following matters are relevant, reasonably necessary and within discretion to consider.

Section 3.4 (pages 14 to 19) of the LVA Report identifies and assesses the relevant provisions of the Tauranga City Council Reserves Management Plan and the Mauao Historic Reserve Management Plan.

Having reviewed those provisions, I see no good reason why the resource consents that have been sought should not be granted.

In relation to the presence of Designation C152 for the purposes of a wastewater pump station and section 176(1)(b), I note that the proposed works will not prevent or hinder that work as there will be no interaction between the proposed works and those provided for under that designation.

12.0 Part 2

Those aspects of the Tauranga City Plan, the Regional Coastal Environment Plan and the Bay of Plenty Regional Policy Statement relevant to this application have been 'competently prepared

under the Act', in the sense referred to by the Court of Appeal¹. There is therefore no obligation to conduct an evaluation under Part 2 of the Act, and Part 2 considerations should not be used to override the plan provisions.

14.0 Summary and Recommendation on Grant of Resource Consent

The land use activity proposed by the Applicant is for the placement of 23 pre-fabricated mobile accommodation units on existing camp sites; an extension to the Ocean Amenity Block; together with associated ancillary earthworks for the establishment of building foundations and service connections. This activity requires the following resource consents that have been considered within this Report:

- Under section 9(3)(a) as a discretionary activity in accordance with Rule 13A.12(c) for the departure from Rule 13A.9 and Appendix 13E: Mauao Recreation Reserve Scheduled Site – Outline Development Plan for the establishment of accommodation units in greater numbers and outside of the locations prescribed by the Outline Development Plan;
- Under section 9(3)(a) as a restricted discretionary activity in accordance with Rule 13A.11(b) for the alterations and additions to Ocean Amenity Block exceeding the 380m² maximum building footprint prescribed by Rule 13A.9.12.3(b)(i); and
- Under section 9(3)(a) as a restricted discretionary activity in accordance with Rule 13A.11(b) for the proposed accommodation units exceeding the 24m² maximum building footprint prescribed by Rule 13A.9.12.3(b)(v).

These consents have been considered as a bundle with an overall **Discretionary** activity status.

Based on my assessment of the Application, as set out in this report, I recommend that the application be **granted** for the following reasons:

- In accordance with s104(1)(a) it has been concluded that, subject to compliance with the conditions imposed on this consent, the activity will not result in unacceptable effects on the environment.
- Having considered the relevant provisions of the New Zealand Coastal Policy Statement; the Bay of Plenty Regional Policy Statement; the Bay of Plenty Regional Coastal Environment Plan; and the Tauranga City Plan as directed by s104(1)(b), it has been determined that granting of the resource consent sought is consistent with the direction provided by those provisions.
- Granting the resource consents sought will enable the establishment of improved facilities and alternative accommodation options within the Mount Maunganui Beachside Holiday

¹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316, paras 74 and 75.

Park to support its identified purpose within the Tauranga City Plan as a camp ground activity.

- It has been concluded that the Bay of Plenty Regional Coastal Environment Plan and the Tauranga City Plan have been competently prepared and address Part 2 matters as they are relevant to this application. On this basis and that it has been concluded that granting the resource consent sought is consistent with those provisions, so too is it consistent with Part 2.

This recommendation is made by:

s 7(2)(a) - Privacy

Consultant Planner

Date: 10 August 2020

15.0 Decision on Resource Consent Under Delegated Authority

Having reviewed this report, I concur with the Reporting Officer's recommendation to grant the resource consent sought for the reasons set out within section 14.0.

This decision is made under delegated authority by:

s 7(2)(a) - Privacy

Development Planner

Date 11 August 2020