

Planning Assessment

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

Application for Land Use Consent:

**Comprehensive consent for 20 daytime and 7 night events
per year at Williamson Park, Whangamata**



Image 1: View from Williamson Park to Whangamata Beach

Location:
Williamson Park – 418 Ocean Road, Whangamata

Date:
April 2018

Applicant:
Thames- Coromandel District Council

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Applicant:

Thames-Coromandel District Council

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

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Table of Contents

Section	Page
1. The Applicant and Property Details	5
2. Background	6
2.1 The 'Shape Shifter' Event – January 2017	6
2.2 Three Music Events – 2017-2018	6
2.3 The Comprehensive Events Consent for a 15-year period – Public Consultation	7
3. Site Description	7
4. The Proposal	9
4.1 Event Numbers and Hours	9
4.2 Attendance	9
4.3 Structure	9
4.4 Event Footprint and Security Fencing	10
4.5 Traffic Management	11
4.6 Alcohol and Food Sales	12
4.7 Flood Lighting	12
4.8 Communication with Residents	13
4.9 Management Plan and Hireage Contracts	13
5. Consent Requirements	14
5.1 The Proposed District Plan	14
5.2 The Operative District Plan (30 th April 2010)	15
6. Matters to be Considered under the RMA	17
7. Assessment of Effects on the Environment	18
7.1 Visual Amenity Values	18
7.2 Traffic Effects	18
7.3 Noise Effects	20
7.4 Social Effects	22
7.5 Public Access	23
7.6 Lighting and Glare	23
7.7 Positive Effects	24
7.8 Summary of Effects on the Environment	25
8. District Plan Provisions	25
9. National Environmental Standards	25
10. Other Regulations	25
10.1 Reserves Management Act 1977 and Whangamata Reserve Management Plan	25
11. National Policy Statement and New Zealand Coastal Policy Statement	29
11.1 New Zealand Coastal Policy Statement	29
11.2 Hauraki Golf Marine Park Act 2000	29
12. Regional Policy Statement	30
13. Section 104B RMA	30
14. Part 2 of the RMA – Purpose and Principals	30
14.1 Section 5 – Purpose	30

14.2	Section 6 – Matters of National Importance	31	
14.3	Section 7 – Other Matters	31	
14.4	Section 8 – Treaty of Waitangi	31	
15.	Notification Requirements		31
15.1	Public Notification	31	
15.2	Limited Notification	32	
16.	Conclusion		32

Appendices

A.	Previous Resource Consent – RMA2016/272
B.	Previous Resource Consent - RMA/2017/159
C.	Noise Monitoring Reports
D.	Certificate of Title
E.	Residents Letter
F.	Acoustic Report – Hegley Acoustics
G.	District Plan Objectives and Policies Assessment

Figures

1	Aerial View of Williamson Park
2	Indicative Site Plan (Larger Event)
3	Indicative Site Plan (Smaller Event)
4	Area of Temporary Road Closure and Approximate Event Area
5	Floodlighting at the Intersection of Lowe and Ocean Road, January 2017
6	Noise Contour Plan

Tables

1	Relevant Proposed District Plan Provision
2	District Wide Provisions (Operative District Plan)
3	Recreation Zone Provisions (Operative District Plan)
4	Whangamata Reserve Management Plan – Objectives and Policies
5	Williamson Park Reserve Management Plan

1.0 The Applicant and Property Details

Consenting Authority:	Thames-Coromandel District Council
Applicant:	Thames-Coromandel District Council 515 Mackay St Private Bag Thames
Address for Service:	KTB Planning Consultants Ltd. PO Box 641 Cambridge Attn: C Walker
Name and Address for Fees:	Kirstin Richmond Thames-Coromandel District Council 515 Mackay St Private Bag Thames
Site Address:	Williamson Park – 418 Ocean Road, Whangamata
Legal Description:	Section 10 Block XVI Tairua Survey District
Owners:	Thames Coromandel District Council
Site Area:	3.7691ha
District Plan Zoning:	Recreation Active Zone (Outside all Policy Areas) – Operative District Plan Recreation Passive Zone (Coastal Environment) – Proposed District Plan (Appeals Version).
Brief description of proposal:	Comprehensive consent for 20 daytime, and 7 night events per year, for 15 years, at Williamson Park, Whangamata

2. Background

Thames-Coromandel District Council (TCDC) has been working on retaining existing events and encouraging new events within the Coromandel Peninsula over a number of years. This approach has been formalised through the adoption of the Economic Development Strategy, which includes a direction to support tourism and events.

Historically, the types of events held at Williamson Park in Whangamata over the last 20 years are the likes of Beach Hop and the annual Summer Festival. It is estimated that the Summer Festival entertains between 10,000 and 20,000 people over the period from December 27th to January 1st each year.

Under the new planning rules relating to Festivals and Events in the TCDC Proposed District Plan, any event where over 500 people gather for a festival or an event will require a Resource Consent.

With regard to Williamson Park, this new rule will apply to existing events such as the Summer Festival (both daytime and night events), the Beach Hop events, the Brits at the Beach events, music concerts and occasional markets that occur from time to time.

In addition to events which have operated as permitted activities over the last two decades, the following, recent events have been held subject to resource consent.

2.1 The ‘Shapeshifter’ Event - January 2017

In 2016 a land use consent was granted to hold two events on the 28th January 2017 and the 4th February 2017 (RMA/2016/272). This consent is attached in Appendix A.

The consent holder only implemented one of the dates on the 28th January 2017, where the iconic New Zealand electronic dance music group ‘Shapeshifter’ played. This was a ‘pre-sales’ ticketed event and was sold out with 4200 tickets sold. The event included the sale of liquor.

The event was successful and was managed in a way that avoided any significant adverse effects on the community or the local environment. It is noted that there were no official complaints received by Council. This event was used as a trial by Council to determine the appropriateness of Williamson Park for events of this nature.

2.2 Three Music Events – 2017-2018

In August 2017 land use consent (RMA/2017/159) was granted to hold three events on the 31st of December 2017 and the 4th and 6th of January 2018. The consent is attached in Appendix B.

The consent holder implemented the consent and all three events were held, these were a New Year’s Eve concert on the 31st December 2017 which had a number of different bands, Solo Mio (headline act) on the 5th January 2018 and Shapeshifter (headline act) on the 6th

January 2018. It is noted that the Solo Mio Concert was held on an alternative day (than was originally stated in the consent) due to the adverse weather conditions.

Across the three events, only one formal complaint was received by Council. This complaint related to the noise, specifically the bass from the shapeshifter concert held on the 6th January 2018.

Noise monitoring was also carried out by Acoustic Consultant, Neville Hegley during this concert. The results of this monitoring is included in Appendix C. The monitoring report indicates that there were a small number of breaches of the noise conditions, these correspond to the time of the complaint. Also attached in Appendix C is the noise monitoring report from the New Year's Eve concert which demonstrates that there were no breaches of noise conditions during this event.

2.3 The Comprehensive Events Consent for a 15-year period – Public Consultation

In 2017, the Applicant began work on the initial stages of the current consent application which at the time included provision for 20 daytime events and 10 night events for a period of 15 years. This included consultation with both the Whangamata Community Board and the public regarding the proposal.

The Whangamata Community Board supported the proposal subject to carrying out a community consultation exercise prior to lodgement of the application.

Public consultation was undertaken with the community in June/July 2017. A total of 206 submissions were received from a variety of ratepayers, residents, absentee ratepayers (holiday home owners), community groups and other interested parties. 131 of those submissions were in support of the proposal. 68 were in opposition. This demonstrates a high level of support for well managed events on Williamson Park.

The submissions in opposition covered a number of matters including concerns about the number of events, the noise levels associated during event, the increase in traffic and general anti-social behaviour.

In deference to these submissions received in opposition, the Applicant has decided to reduce the scale of the proposal, thus significantly reducing the frequency of adverse effects, such as noise and traffic disturbance.

3 Site Description

Williamson Park is located at 418 Ocean Road, Whangamata. It is 3.7691 hectares and has been owned by TCDC for the purposes of 'recreation reserve' since 1929. The Certificate of Title for the site is attached as Appendix D.

The reserve is rectangular in shape and is located immediately adjacent to the dunes of Whangamata Beach. The site has a slightly undulating topography and contains some

individual specimen trees and clusters of trees and vegetation, including but not limited to pohutukawa and Norfolk pine trees.

The northern end of the site is developed with Blackies Café, public toilets, a covered community stage and the Whangamata Surf Club. A large formed carpark is located nearer the middle of the site and accessed from Ocean Road, vehicular access to the Café and Surf Club is also provided from the public car parking area. There is additional parking located on the road reserve of Lowe Street. With the exception of the entranceway, the road boundaries of the reserve are lined with wooden bollards, which restrict vehicular access. Where the reserve interfaces with the dunes, there are dedicated beach access points separated by roped areas to protect the dune ecosystem from pedestrians.

At the southern end of the site, there is a low-lying stormwater pond which services the surrounding area. There is a closed gateway located near the southern end of the site, which provides access to the stormwater pond as required.

The remainder of the site is retained in lawn and is primarily utilised for passive recreational activities.

The surrounding properties are predominantly residential in nature, with some apartment style, visitor accommodation located on the opposite side of Lowe Street. The image below shows an aerial view of the subject site.



Figure 1: Aerial View of Williamson Park

4 The Proposal

Following the success of the various events held over the past two summers, the Applicant is now making an application for a comprehensive consent to cover 20 daytime events and 7 night events per year. It is anticipated that these events will comprise a mixture of community and private events, some of which will be free and some of which will be ticketed and paid events.

Consent is sought for a term of 15 years.

The details of this proposal are included as follows:

4.1 Event Number and Hours

Day Events – up to a total of 20 events per year

Hours: 7am – 7pm

Night Events – up to a total 7 events per year

New Year's Eve: 4pm – 12.30am

All other Night Events: 4pm – 11.15pm (music finishing at 11pm)

4.2 Attendance

It is proposed that up to 6,000 people may attend each event, with the exception of one event, which will provide for up to 10,000 attendees.

4.3 Structures

One off events

When required a temporary stage and other structures, such as the tents, marquees, rubbish bins and portable toilets will be constructed or placed on site no more than 24 hours prior to the commencement of an event and will remain in place until the event has been completed, when they will be dismantled and removed from site within 48 hours.

Series of Events

In some instances there may be a series of events proposed, at these times it is not practical or economically viable to dismantle and reconstruct temporary structures in between each event. Rather, during this period of time it is anticipated that structures will stay on site and be protected by way of security fencing to avoid the possibility of vandalism. Security staff will also be present during this time.

It is anticipated that these 'series of events' will cover a period of no more than 2 weeks and that security fencing will be restricted to the areas immediately surrounding the relevant structures.

4.4 Event Footprint and Security Fencing

The exact layout of each event will vary depending on specific requirements. However, two indicative layouts, one for a larger event and one for a smaller event, are provided in Figures 2 and 3 on the following pages.



Figure 2 – Indicative Site Plan (larger event)



Figure 3: Indicative Site Plan (smaller event)

When required (particularly for ticketed/paid events), security fencing will be erected no sooner than 24 hours before an event. Consequently, the fenced area will not be available to the public from approximately 12 mid-day on the day of any night time event. The fencing will then be taken down and securely stored on site after the event. The wider event area will be open to the public by 11am the following day.

For the avoidance of doubt, some security fencing may remain around structures during a 'series of events' as described in the previous section of this report.

4.5 Traffic Management

Prior to the commencement of each event the promoter will be required to submit to Council for approval a comprehensive Traffic Management Plan. This will set out all matters relating to the management of traffic on and around the reserve before during and after each event. The traffic management plan will address, but not be limited to, the matters outlined in the following sections.

4.5.1 Vehicle access to Williamson Park (from Ocean Road)

During events, access to Williamson Park (from Ocean Road) will be restricted to event management vehicles, emergency service vehicles, surf lifesaving vehicles, Blackies Café staff, service vehicle only. There may also be some limited disabled access and parking provided for events where appropriate. Security and traffic management staff will be present to manage vehicle access on these days.

4.5.2 Event vehicle parking

No public vehicle parking on Williamson Park is proposed as part of these events, however some limited disabled parking may be provided on site, subject to traffic management arrangements for each event. All attendees will be encouraged to walk to or be dropped off at the event. This will avoid a potential conflict between pedestrians and vehicles during the start and close of the events. This approach was successful during the Shapeshifter event on 28th February 2017 and the three music events held over the 2017-2018 holiday period.

4.5.3 Ocean Road and Lowe Street – Temporary Road Closure

At times, particularly during larger events, it will be prudent to temporarily close part of Lowe Street and Ocean Road to vehicular traffic (as per figure 4, over the page). It is anticipated that road closures would be of a short duration, such as at the start or finish of a larger event and would be subject to a comprehensive road closure and traffic management plan. Such a plan would be subject to Council approval prior to an event and would need to include provisions to allow for access for residents, less mobile attendees, event management vehicles, emergency vehicles, surf lifesaving vehicles, Blackies Café staff and service vehicles.

Where there is to be temporary road closure, security and traffic management staff will be required to manage vehicle access.



Figure 4 – Area of Temporary Road Closure (red) and Approximate Event Area (green)

4.6 Alcohol and Food Sales

When required, the event organiser will be responsible for obtaining a Liquor Licence(s) and Health Food Licence(s). The granting of such licences is subject to the requirements and discretions set out in the Sale of Supply of Alcohol Act 2012 and the Health (Registration of Premises) Regulations 1966.

4.7 Flood Lighting

At times temporary flood lighting will be installed within Williamson Park to provide additional security. This is in addition to the street lighting and permanent lighting in the area. A photograph of flood lighting at Williamson Park during the Shapeshifter event in January 2017 is included in Figure 5.



Figure 5 –Floodlighting at the Intersection of Lowe and Ocean Road, January 2017.

4.8 Communication with Residents

The dates, hours and nature of events will vary from year to year. Therefore, in order to ensure the local community is kept informed of upcoming events a letter drop to all properties within the 70db L_{Aeq} noise contour (see figure 6 of this report) is proposed no later than 7 days prior to an event.

The letter would include, at a minimum the date(s) and time(s) of events, including postponement dates to provide for inclement weather. It will also include a point of contact for queries and/or complaints and advise whether the event is subject to a liquor license. An example letter (which was circulated prior to the three events over December 2017 - January 2018), is included in Appendix E.

In addition, event dates and times will be advertised in the Council's weekly newsletter which is emailed to subscribers and posted on the website for public viewing. Details will also be posted to the Council's Facebook page and included in the annual magazine issued in August each year. The Destination Coromandel website will also include details of upcoming events.

In summary, a number of mechanisms will be employed to ensure that information is readily available to residents and the general public about upcoming events.

4.9 Management Plans and Hireage Contracts

TCDC want to hold the resource consent for all events to be held on Williamson Park to ensure management of the site is consistent and ensure they are able to respond to any matters of concern in a timely and meaningful manner.

It is anticipated that the resource consent will be underpinned by a community board policy, the policy will cover matters such as (but not limited to) the following:

- The numbers of free, community-based events and paid events;
- The nature and target audience of events;
- When the sale of alcohol is and isn't appropriate;
- The timing of events in relation to peak periods for Whangamata.;

Potential promoters will be required to apply for hireage of the park with successful applications subject to a hireage contract. Such a contract is an internal matter and not a necessary requirement for the consideration of this resource consent application.

However, it is valuable to acknowledge that this will include the requirement for a site management plan addressing matters such as (but not limited to):

- Signage;
- Security;
- Health and Safety;
- Rubbish;
- Noise and

- Noise Monitoring (where required).

In addition, Council's hireage contract for an event on Williamson Park will likely include provisions such as compliance with all conditions of land use consent, hireage fees, bonds, public liability insurance documents, communication with residents, traffic management plans, repair of damage requirements etc. These are all components of typical event hireage contracts.

5 Consent Requirements

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

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

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

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

A resource consent as described under Section 87(a) of the Resource Management Act 1991 is required for the reasons set out below.

5.1 The Proposed District Plan

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

The relevant provisions are outlined as follows:

Section 53 – Recreation Passive Zone
Rule 7 – Festival, event (subject to appeal)
<ol style="list-style-type: none"> 1. <i>A festival, event and any noise from it is a permitted activity provided:</i> <ol style="list-style-type: none"> (a) <i>Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10pm is no louder than 40 dB LAeq (15 min) and 70 dB LAF max; and</i> (b) <i>It occurs between the hours of 7am-10pm Sunday – Thursday and 7am to 12</i>

<p><i>midnight Friday and Saturday: and</i></p> <p>(c) <i>The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and</i></p> <p>(d) <i>No buildings are erected (under this rule) that remain after the festival, event finished; and</i></p> <p>(e) <i>It lasts no longer than 12 consecutive hours; and</i></p> <p>(f) <i>There are no more than 500 people of the site.</i></p> <p>2. <i>A festival, event that is not permitted under Rule 7.1 is a restricted discretionary activity</i></p> <p>3. <i>The Council restricts its discretion to matters 1-3, 6-7, 12 and 13 in Table 6 at the end of Section 53.</i></p>
<p>Compliance</p>
<p>(a) The music events are unlikely to comply with these standards.</p> <p>(b) Compliance with this condition will vary from year to year. Events over the New Year period are generally date focused (i.e. New Years Eve) rather than restricted to a Friday or Saturday night.</p> <p>(c) <i>No helicopters are proposed</i></p> <p>(d) <i>No infrastructure associated with the events will remain after they have finished</i></p> <p>(e) <i>The events will not exceed 12 consecutive hours</i></p> <p>(f) Each event will have a maximum of 6000 attendees, with the exception of one, which will attract 10,000, therefore the events will not meet this standard.</p>

Table 1: Relevant Proposed District Plan Provision

Some events will exceed both noise requirements and maximum numbers of attendees. As such the proposal attracts a Restricted Discretionary Activity status under the PDP.

Appeal

This rule has an outstanding appeal (A62) and therefore cannot yet be treated as operative. However, the appeal has been submitted by the New Zealand Transport Agency and relates to events which would have an effect on their transport network. As such it is not considered to be particularly relevant to this proposal at Williamson Park.

Nonetheless, an assessment of the relevant provisions of the Operative District Plan provisions are included below.

5.2 The Operative District Plan (30th April 2010)

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

The ODP requirements are as follows:

52 Visitor Accommodation, Community Health and Recreation
522.3 – Restricted Discretionary Activities
<p>Rule 522.3.1</p> <p>Community health and recreation activities which do not meet or which exceed the relevant permitted or controlled activity standards listed in Table 3 or 4.</p>
523 – Permitted Activity Standards
<p>Rule 523.4</p> <p>Festivals and events (other than temporary military training activities) which comply with the following:</p> <p>(a) The duration of the festival or event shall not be longer than five consecutive days during the period commencing 1 July in any one year and ending on 30 June in the year following;</p> <p>(b) The prior written consent of the property owner being obtained;</p> <p>(c) No permanent structures being erected;</p> <p>(d) All vehicle parking associated with the activity shall be contained on the site;</p> <p>(e) All the noise standards of the zone are met;</p> <p>(f) No significant earthworks being required (i.e. no mechanical excavation required).</p>
Compliance
<p>(a) Each event will occur on one day only</p> <p>(b) TCDC are the landowner</p> <p>(c) All structures are temporary and can be removed after the events</p> <p>(d) No parking is provided onsite</p> <p>(e) Up to 10pm - 55 dBA_{L10}, after 10pm - 45 dBA_{L10} - It is likely that, during the use of an amplified sound system, the proposed events will not meet these standards.</p> <p>(f) No earthworks are required.</p>

Table 2: District Wide Provisions (Operative District Plan)

Some events, particularly those which include amplified music will be unable to meet criterion (d) and are unlikely to meet criterion (e). Therefore, in accordance with Rule 522.3.1 consent is required as a **Restricted Discretionary** activity.

6.4 – Recreation Zones
6.4.6.2 – Activity Status Recreation (Passive Zone)
<p>Rule 6.4.6.2.4 – Discretionary Activities</p> <p>- Permitted and controlled activities that do not meet the relevant specific standards in Section 6.4.6.4</p>
6.4.6.4 – Specific Standards
<p>Rule 6.4.6.4 (a) – Festivals and Events</p> <p>i) The duration of the festival or event shall not be longer than five consecutive days during the period commencing 1 July in any one year and ending on 30 June in the year following.</p> <p>ii) For noisy events, where the noise standards of Rule 491 cannot be complied with, the noise shall not exceed the following noise levels at the notional boundary of a house, provided that the total duration of noisy events on the site (excluding preparation time) shall not exceed 6 hours in any one day and no more than 5 days in any calendar year:</p>

<ul style="list-style-type: none"> • 75dBA L10 • 85dBA Lmax when measured over any 15 minute period between 2200hr 0700hr
Compliance
<ul style="list-style-type: none"> i) No event is anticipated to exceed five consecutive days ii) It is likely that those events which use amplified music will exceed these noise standards

Table 3: Recreation Zone Provisions (Operative District Plan)

Some events, particularly those which include amplified music will be unable to meet the criterion in (ii). Therefore, in accordance with Rule 6.4.6.24 consent is required as a **Discretionary** activity.

Overall, the application attracts a **Discretionary Activity** status under the provisions of the Operative District Plan.

5.3 Summary

Overall, the activity status of the application is **Discretionary** under the ODP, and **Restricted Discretionary** under the PDP. As such the most stringent activity status is applied and the application is assessed as a **Discretionary Activity**.

6 Matters to be Considered Under the RMA

6.1 Section 104 RMA

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

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

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

These matters are addressed in the following sections.

7 Assessment of effects on the environment

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

Existing Use Rights

In considering the effects on the environment some reference is made to consents held on the site over the past 20 odd years. However, it is noted that the Applicant has not relied on existing use rights for continued events. The reasons for this are as follows:

- The establishment of existing use rights can be difficult, time consuming and costly;
- There is some lack of historical information in regard to past events, such as number of attendees;
- The application as presented will provide for more flexible, efficient and comprehensive management of the reserve than would be available if the on-going use was restricted through existing use rights.

The effects have been assessed to include the following:

- Visual Amenity Values
- Traffic Effects
- Noise Effects
- Security
- Public Access
- Lighting and Glare

7.1 Visual Amenity Values

Williamson Park is a local reserve, which spans over approximately 3.7 hectares. The reserve fronts the dune and beach area and contains areas of open space and areas of vegetation along with a car park area, pond and several structures, including the small community stage, the Surf Club and Blackies Café.

The visible changes to the park will be restricted to the 24 hour period leading up to each event, when infrastructure such as the fencing, staging, alcohol and food tents will begin to be installed. In the case of one off events, this infrastructure will be removed within 24 hours of the completion of the event. When there is a series of events, the infrastructure may be retained on the site and be fenced off in a manner that allows for ongoing access to the remainder of the reserve.

No vegetation will be removed or damaged to allow for the proposed events. Further, all hireage contracts will include a clause relating to the removal of rubbish and repair of any damage to community facilities. This will ensure that the site is left tidy and returned to 'normal' as soon as possible at the completion of events.

Accordingly, any adverse visual amenity effects will be temporary in nature and, at all times, ample open space will remain to ensure visual amenity of Williamson park is maintained.

Further, as is previously noted the site has been utilised for events such as summer festival and Beach hop for the last 20 years. Therefore, temporary structures are an established and accepted part of the amenity of the site, particularly over the busy summer months.

Given the short timeframe that these structures will be on site and the historical use of the site, it is considered that any potential adverse visual effects will be insignificant and temporary.

7.2 Traffic Effects

Based on previous events, it is anticipated that the majority of attendees will be residing/staying in Whangamata and will walk to events. In any case, the Applicant intends to include the requirement for a traffic management plan as part of the hireage contract for Williamson Park. Each traffic management plan will be prepared by the hirer and will require the approval of Council's Traffic Engineers. It is anticipated that this requirement will form a condition of consent. This will ensure all adverse traffic safety effects are mitigated and that traffic management is as efficient as possible.

It is likely that, at times, events will result in an increase in traffic in Whangamata and temporary disturbances/road closures on surrounding streets. For example, the school cross country, which has been held at the site in the past, utilises surrounding streets and requires traffic management and temporary delays to ensure the safety of the participating children. Likewise, larger events, such as concerts, may result in the need to close Ocean Road to avoid conflicts between those arriving and departing on foot and vehicular traffic. At all times road closures will be subject to the approval of the Council and will be accompanied by comprehensive traffic management plans and procedures.

During the peak summer season, when traffic is already busy in Whangamata and events are catering primarily to those already in town, any increase is likely to be only minor in nature and restricted to the period directly before or after events.

However, if larger events are promoted in the 'shoulder' or 'off' season, it is likely that additional people, and therefore traffic, will be drawn to Whangamata. This increase in traffic is likely to be more noticeable during traditionally quieter periods, potentially resulting in a temporary inconvenience for permanent residents.

In regard to traffic safety, fluctuations in traffic numbers in Whangamata are common place and the local roading system is able to accommodate increases in traffic without significant safety or environmental effects.

Overall, given the mitigation provided by the provision of traffic management plans for each event and the temporary nature of traffic effects, it is considered that adverse traffic effects will be minor and acceptable in nature.

7.3 Noise Effects

Some events will incorporate amplified music and that will generate an increase in the noise experienced by the surrounding properties, for a short period. This will be restricted to 20 day time and seven nights a year, which is similar to what has previously occurred on the site over the past 20 years as a result of the summer festival and events such as Beach Hop.

The applicant has engaged Nevil Hegley from Hegley Acoustic Consultants to prepare an acoustic assessment of the proposal. The report entitled 'Williamson Park Whangamata Assessment of Noise Effects' and dated February 2018 is attached as Appendix F. This report has assessed the effects of a comprehensive events consent being operated over 15 years.

Mr Hegley undertook acoustic modelling based on events which have the potential to generate the highest noise levels – such as an amplified music concert. The aerial image below demonstrates the predicted noise contours and the levels likely to be experienced in the surrounding area. For ease of reference a copy of the noise contour plan is included in Figure 6.



Figure 6: Noise Contour Plan (Source: Hegley Consultants Limited)

It is estimated that during the short duration of the events, noise at the closest residential boundary will be up to approximately 85dB. This includes approximately 3-4 properties on Lowe Street. Approximately 9 other properties north of Lowe Street will experience noise measuring up to approximately 80dB. The remainder of the adjoining and surrounding properties will experience between 70-75dB. The proposed events will not meet the noise standards set out in relevant District Plan standards. However, Mr Hegley notes that *'The levels proposed for the concerts may be compared to levels currently experienced at other venues throughout the country where a compromise has been reached by providing a reasonable level of acoustic amenity for the residential community and providing the public with additional entertainment opportunities that would not otherwise be available'*.

Allowing higher noise levels at entertainment venues for a limited period is accepted in many places throughout the country and is necessary if entertainment is to be provided for the community. These levels are accepted by the community with the knowledge that the events are of limited duration and number each year. It is also important to recognise the importance of these events to the community and that allowing for a higher noise level on a few occasions is reasonable.

When considering the existing environment, the noise associated with the proposed events will be entirely consistent with noise that currently occurs in Williamson Park during the existing Summer Festival events which, in previous years have run from the 27th – 31st December.

To provide a degree of certainty for the neighbours in terms of the potential noise effects, Mr Hegley has recommended the following conditions:

- i) *Subject to the conditions below, electronically amplified noise at the notional boundary of the adjacent sites shall not exceed 40dB LAeq(15 mins) and 70db LAmax if it occurs between the hours of 10pm to 7am the following day,*
- ii) *For up to four occasions per year and up until 11pm, amplified music during an event shall not exceed a level of 95dB LAeq when measured at 35m from the stage;*
- iii) *On New Year's Even and up to 12.30am the following day, amplified noise during an event shall not exceed a level of 95dB LAeq when measured at 35m from the stage;*
- iv) *Noise from sound checks shall not exceed 30 minutes on the day of the event and a level of 85dB LAeq when measured at 35m from the stage;*
- v) *No event shall exceed 12 consecutive hours;*
- vi) *The noise shall be measured in accordance with the requirements of NZS6801:2008 Acoustics - Measurement of Environmental Sound; and*
- vii) *For an event where the noise level will be up to 95dB LAeq when measured at 35m from the stage the community within the 70dB LAeq noise contour as shown on the 'Predicted Noise Contours Plan [Figure 3 of the acoustic report] shall be advised of the event via a letter box drop a minimum of seven days before the event. As a minimum, this letter shall include the date and time of the event.*

The events are mostly likely to be held during the holiday period or over the weekends and for short periods of time in the evenings. As such, while there is certainly an adverse effect on the surrounding neighbours, that adverse noise effect is not considered 'unreasonable' and is appropriate when considered in light of the history and context of Williamson Park as an 'event' venue.

The consent holder also proposes to have a noise monitoring programme in place, whereby at least once a year noise monitoring will be undertaken. This monitoring will be a requirement in the hireage contract and will be undertaken by an independent qualified person at the cost of the promoter. Noise monitoring will be required during an event or events where noise is expected to be in higher ranges (such as concerts or events utilising amplified noise). Such monitoring will serve a dual purpose, in that it will encourage

promoters to comply with the relevant noise requirements, whilst providing Applicant with objective noise measurements. In addition, the information will assist the Applicant to identify when hireage contracts may require alterations or cancellations. It is expected that the provision of regular noise monitoring reports would be a requirement (condition) of consent.

Mr Hegley concludes that *'When considering the above, a reasonable balance is proposed between the requirements of the suggested entertainment with amplified music and the acoustic protection of the residents.'*

I concur with this assessment and conclude that the adverse noise effects are temporary and acceptable in the context of the receiving environment.

7.4 Social Effects

As with all events, the combination of large crowds and alcohol (whether sold on site or consumed by attendees prior) there is potential for adverse social effects, including drink driving, antisocial behaviour and vandalism. As such, the Applicant intends to implement (alongside event promoters) a number of measures to manage effects. These are outlined as follows:

7.4.1 Service of Alcohol

Where an event promoter wishes to sell alcohol, they will be responsible for obtaining a Liquor Licence. The Liquor Licencing process is set out in the Sale and Supply of Alcohol Act 2012 and all applications require the approval of the New Zealand Police. This matter is separate from the resource consent process and should not affect a decision under the RMA.

However, for completeness, it is worth noting that in order to be granted a liquor licence the applicant would need to demonstrate that they can meet a number of host responsibility requirements and effectively manage an event.

7.4.2 Security

The presence of professional security personnel greatly reduces the likelihood of anti-social behaviour, while also ensures attendees entering the event are not inebriated. The requirement for a Security Management Plan for all events is proposed and anticipated as a condition of consent.

Security was successfully implemented during the recent concerts.

7.4.3 Medical Personal

In order to ensure event attendees have access to appropriate medical facilities, the venue hire contract will include the provision of medical services (e.g. first aid station and or presence of ambulance staff), to a level that is appropriate for the scale and nature of each event.

7.4.4 Rubbish Management

The Applicant will ensure that the promotor supplies additional rubbish bins for rubbish collection and that rubbish is cleared from the park and surrounding streets in a timely manner. This will be part of the venue hire contract with Council.

7.4.5 Communication with Emergency Services

The Applicant proposes regular communication with Police and St Johns so as to ensure they are advised of upcoming events and are able to staff accordingly where required. Such contact will also allow for any concerns to be heard and additional security or first aid measures to be introduced as necessary.

Overall, it is concluded that the event can be safely and efficiently managed on the site through the provision of private security and regular communication with emergency services.

7.5 Public Access

On the day before, and during the events, a secured fenced area will be installed. This will be taken down between the events and the day after the last event where a series of events is held.

It is considered that when the fences are in place there will still be ample area available within the park to allow for public access and passive recreational activities and carparking and access areas will be unaffected. Full public access will be provided between events.

The temporary reduction in public access will have a less than minor effect on the general public and is therefore acceptable.

7.6 Lighting and Glare

Night time events are likely to result in the installation of additional lighting. Most commonly, this will be associated with stage lighting. Due to the positioning of the stage away from the boundaries of the park and facing seaward, the glare is directed into the park and is not likely to result in any significant light spillage over the adjoining residential properties.

At times, additional lighting may be required for health and safety and security reasons. This type of lighting would likely be situated at the perimeter of the park to illuminate entrances and pedestrian paths, reducing the likelihood of accidents and anti-social behaviour when large numbers of people are leaving the park. This lighting will, as far as possible, be directed toward Williamson Park or directly downward, in order to avoid glare and light spill into neighbouring properties. Nonetheless, it is considered that any adverse effects associated with the additional lighting will be temporary and out-weighed by the positive safety and security outcomes.

7.7 Positive Effects

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

7.7.1 Economic Benefits

The events will provide an economic benefit for the local community, specifically

- Events held in the 'shoulder' or 'off' season have the potential to extend the traditional tourist season and increase revenue for Whangamata;
- The proposed events will contribute to the overall vibrancy of Whangamata;
- During the busy summer periods, the provision of events will ensure Whangamata continues to be a holiday destination of choice;
- The proposal will provide for events that attracts people to Whangamata and promote Whangamata as a destination town; and
- Any financial gain through hireage fee's will be able to be reinvested back into Williamson Park, or other reserves in Whangamata to benefit of the wider community.

7.7.2 Comprehensive Management

Having the Thames-Coromandel District Council as the primary consent holder is of benefit for the following reasons:

- It will help to ensure the comprehensive management and success of events, both public and private;
- It will ensure that public assets are protected and where necessary, repaired or replaced by the promotor with no cost to ratepayers;
- It will allow the Applicant, in consultation with the community board, to ensure the park is utilised for a cross section of events, both commercial and community;
- It will allow the Applicant to adjust the terms of hireage contract as appropriate to manage the potential adverse effects of events.

7.7.3 Community Use

Williamson Park has traditionally been utilised by a number of non-profit entities for community events (such as: school cross countries, talent quests, free concerts, carols etc). Under the Proposed District Plan some of these activities would require resource consents, placing a large financial and time burden on these non-profit entities, many of whom do not have ready access to the resources necessary to engage in a resource consent application process.

Accordingly, this application will provide for a number of community and non-profit events per year, without the burden of resource consent applications.

7.8 Summary of Effects on the Environment

As previously mentioned, Williamson Park has been utilised for a wide range of events over the last 20 years. The provision of a resource consent to the Applicant, with associated conditions will ensure these events can continue to be held, attracting tourism and the associated economic and social benefits to the community. A consent of this nature will also ensure these events are carefully and effectively managed to ensure adverse effects avoided, remedied or mitigated to an acceptable level.

8 District Plan Provisions

An assessment of the relevant objectives and policies of both the Operative and Proposed Thames-Coromandel District Plan's has been undertaken. This is attached as Appendix H.

It is acknowledged that some temporary adverse noise effects will arise as a result of the proposal, however, it is considered that, overall, the proposal is consistent with the relevant objectives and policies. Further, the use of the park for temporary events has been occurring for some 20 years and therefore contributes to the existing character of the area.

9 National Environmental Standards

There are no National Environmental Standards that trigger a requirement for resource consent, or require consideration in relation to this application.

10 Other Regulations

10.1 Reserves Management Act 1977 and Whangamata Reserve Management Plan

The Reserves Management Plan (RMP) for Whangamata was prepared in accordance with Section 41 the Reserves Management Act 1977 and was adopted by Council on the 21 May 2014. It provides direction on both the day to day management of reserves as well as guidance on long term management and development.

As such the RMP been reviewed when preparing this application. The RMP provides both objectives and policies relating to the ongoing management and development of reserves and 'Classified Reserve Management Plans' (CRMP) for a number of individual reserves, including Williamson Park. An assessment of both the objectives and policies and the individual CRMP are included in the following sections:

10.1.1 General Objective and Policies

The following assessment addresses the relevant objectives and policies of the RMP.

Section 4: Recreation and Leisure
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Section 4A – General Use

Use of Reserves	
<i>Objective:</i>	<i>To allow and encourage public use of reserves that is compatible with the purpose of the reserve.</i>
<i>Policy</i>	<i>People will be encouraged to use reserves for a range of activities that are compatible with the reserve purpose and do not impact the environment or other users.</i>
<p>Comment: The primary role of the reserve is to provide a setting for people to enjoy themselves on a casual and unstructured basis. The proposed events will not unduly restrict people from continuing to use the park for this purpose. Any small restriction in access will be temporary (during the actual event) and confined to a defined area of the park. As such the proposal is considered to be consistent with the above objective and policy.</p>	
Access	
<i>Objective:</i>	<i>Open access, where possible, will be provided to all Council reserves</i>
<i>Policy:</i>	<ol style="list-style-type: none"> <i>1. The provision of access to Council reserves will be provided unhindered, except:</i> <i>d. Where part or all of a reserve may be closed to public access for maintenance or any event, notification of this will be made prior to the event.</i>
<p>Comment: The public will be notified via a number of channels prior to the events being held and is therefore consistent with the above objective and policy.</p>	
Prohibited Activities	
<i>Objective:</i>	<i>To prevent activities from occurring that would have an adverse impact on the natural environment and amenity values of a reserve or would significantly detract from the enjoyment of other reserve users.</i>
<i>Policies:</i>	<p><i>Except for approved operational purposes, or unless specific written approval for an event has been obtained from Council, the following activities are prohibited on reserves:</i></p> <ol style="list-style-type: none"> <i>1. Motorised vehicles off road, or on sand dunes;</i> <i>2. Horse riding in Scenic or Historic Reserves</i> <i>3. Firearms, slingshots or projectile firing devices; or</i> <i>4. Aircraft landings except for emergency purposes.</i>
<p>Comment: None of the activities specified in this are proposed as part of this application. However, site management plans will be required to ensure that, at all times during events, the amenity values of the reserve are maintained and restricted access is minimised. As such the proposal is considered to be consistent with the above objective and policies.</p>	
Permits for Activities or Use of Reserve Land	
<i>Objective:</i>	<ul style="list-style-type: none"> <i>• To allow for the use of a reserve for special activities where that use is compatible with the designated purpose of the reserve area.</i> <i>• To undertake a case-by-case assessment of activities that is not covered by this plan</i>

<i>Policies:</i>	<p><i>1. Permits that require approval include but are not limited to:</i></p> <ol style="list-style-type: none"> <i>1. One-off commercial activities, except those for which leases or licenses are sought;</i> <i>2. Any public or private events;</i> <i>3. Activities or events involving amplified sound or.....</i>
<p>Comment:</p> <p>The purpose of this application is to provide for effective and consistent management of these types of events so as to maximise the community good while minimising the associated adverse effects. Consequently, the application is consistent with the above objective and policies.</p>	
<p>Charges for Leases/License or Permits on Reserve Land</p>	
<i>Objective:</i>	<i>To recover costs to the Council and community, for processing of applications and managing the reserve.</i>
<i>Policies:</i>	<p><i>Where leases, licenses or permits are approved, Council may charge the applicant a fee which:</i></p> <ol style="list-style-type: none"> <i>1. Reflects current market value; and</i> <i>2. Covers administration costs</i> <p><i>2. A bond may be required for all permitted use of reserves. The following factors will be considered in assessing the amount of a bond:</i></p> <ol style="list-style-type: none"> <i>1. The size of the activity; and</i> <i>2. The possibility of damage to the reserve....</i>
<p>Comment:</p> <p>All events will be subject to both contracts, outlining the cost and responsibility of the promotor, and bonds to protect the infrastructure. This will ensure the cost of the events and the repair of any damage sits with the promoters. The hireage fees will also be reinvested into either Williamson Park or other local reserves for the ongoing development and maintenance of the area. The proposal is therefore consistent with the above objective and policies.</p>	
<p>Liquor Licences</p>	
<i>Objective:</i>	<i>To allow the granting of liquor licences for premises on reserves where the values of the reserves are not diminished and where the effects on reserve neighbours can be avoided.</i>
<i>Policy:</i>	<i>All liquor licences on reserve land will be in accordance with the Sale and Supply of Alcohol Act 2012.</i>
<p>Comment:</p> <p>If the event holder wishes to supply alcohol they will need to apply for a liquor licence under the Sale and Supply of Alcohol Act 2012. This is consistent with the above objective and policy.</p>	

Table 4: Whangamata Reserve Management Plan – Objectives and Policies

Overall, the proposal is consistent with the objectives and policies outlined in the RMP.

10.1.2 Williamson Park – Classified Reserve Management Plan

This plan identifies Williamson Park as a Category A: Community Open Space, Recreation Reserve. It further identifies the assets associated with the park and the key issues associated with the park. These issues focus on matters relating to trees on site which require replacement or pruning and the stormwater pond. A large majority of the works identified in this section have since been carried out, in any case, these matters are not directly relevant to the current proposal.

What is particularly relevant is the Policies relating to the use of Williamson Park for events, these are outlined as follows:

Policies
<ol style="list-style-type: none"> 1. Allow for Council approved events 2. All public events are to abide by Council's Acoustic Management Plan (refer appendix 1). Propose six consecutive days over Christmas/New Year holiday. All applications outside the specific period will be subject to approval by Council
<p>Comment:</p> <p>It is apparent from these objectives and policies that the ongoing use of Williamson Park for events, such as those proposed has been anticipated. An assessment of the proposal against the Acoustic Management Plan has been provided below.</p>
Appendix 1: Acoustic Management Plan Williamson Park Reserve
<ol style="list-style-type: none"> 1. The duration of Festival events involving amplified sound activity be limited to six consecutive days over the Christmas to New Year holiday period. All applications outside the specific period will be subject to approval by Council. 2. That amplified sound activity (including testing) not commence before 11:00am and except as provided for in condition (3), the sound pressure level at the control desk be monitored continuously by an approved sound meter such that the noise level at any residential boundary does not exceed 50dB(A) L10. 3. That notwithstanding the foregoing condition 2), for a maximum of six hours in any one day for sound of greater than 50dB(A) L10 as measured at any residential boundary. 4. Amplified sound activity (including testing) after 11:00am be measured continuously by an approved sound level meter and limited to a level so that the noise level at any residential boundary does not exceed 70dB(A) L10. 5. The sound control desk be operated so that the overall sound level does not exceed 85dB(A) L10 and that the bass content of the music in the range 20Hz to 125Hz is limited to 10dB(A) below the L10 level, all to be measured by approved instrumentation at the sound control desk. 6. The six hours in any one day, with the exception of the 31 December, be limited to a maximum of three hours continuous with a minimum of a one-hour gap between continuous portions of amplified sound. 7. That all amplified sound activity and stage event lighting be completely shut down at 1:30am on New Years Day (1 January) and 12:00am on all other days and that all clean up activity be completed within 30 minutes of shut down time. 8. That a noise control monitor with control facility be installed to ensure compliance with the foregoing noise levels. 9. That an acoustic barrier be constructed behind and around the speakers.
<p>Comment:</p> <p>As outlined in the Acoustic Assessment the noise at the majority of neighbouring</p>

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

Table 5 – Williamson Park Reserve Management Plan

10.1.3 Summary

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

II National Policy Statements and New Zealand Coastal Policy Statement

11.1 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) seeks to:

‘safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land’

The dune area adjacent to Williamson Park contains a number of dedicated access points between the park and the beach, with dunes in between being roped off to discourage pedestrian traffic across the dunes. All events will be focused at north west of the park, some distance from this area and are therefore highly unlikely to impact on the ecology or form of the dunes.

During, and at the close of, night time event pedestrians will tend to head towards residential areas and the town centre via Ocean and Lowe Road, away from the dune area. However, security will direct people away from the dunes if necessary.

Accordingly, the proposal is not contrary to the purpose of the NZCPS.

11.2 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) is to be treated as a Coastal Policy Statement within the Thames-Coromandel District.

Section 7 of the HGMPA is particularly relevant to this proposal in that it recognises the interrelationships of land and coastal environments and their combined life-supporting capacity. Further, section 8 outlines the management objectives associated with the Hauraki Gulf, including the protection and where possible enhancement of the life-supporting capacity of the environment.

In this instance the proposed events are not considered likely to adversely impact on the life-supporting capacity of the coastal environment. No vegetation will be removed and existing dune protection is in place. No additional protection measures are proposed or

considered necessary. As such, the proposal will not conflict with the matters outlined in Section 7 of the HGMPA.

Overall, the application does conflict with any of the matters outlined in the HGMPA.

12 Regional Policy Statement

The Waikato Regional Policy Statement, Te Kaunihera & Rohe o Waikato (WRPS) was made operative on the 20th of May 2016. The WRPS identifies significant resource management issues for the region and outlines objectives, policies and methods for addressing these issues.

Of particular relevance to this proposal is objective 3.7 which pertains to the protection of the natural character of the coastal environment. This objective seeks to ensure that the natural character of the coastal environment is preserved while conflicts between uses are avoided.

In this instance, the park is existing and any additional structures will be both temporary in nature, and set well back from the dune and beach area. Conflict between users has been avoided as much as is practical and, at all times, there will be public access to a large portion of the park. As such, no adverse effects on the natural character of the area are anticipated and the proposal is considered to be consistent with the policy direction outlined.

13 Section 104B RMA

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

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

14 Part 2 of the RMA - Purpose and Principles

14.1 Section 5 Purpose

The purpose of the RMA is as follows:

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

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

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.'*

Overall, it is considered that the proposal is entirely consistent with the purpose and principles of the RMA which is to promote sustainable management of natural and physical resources. All potential adverse effects will be acceptable and temporary in nature. The events provide for the social and economic wellbeing of the Whangamata Community as a whole (including visitors).

14.2 Section 6 – Matters of National Importance

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

14.3 Section 7 – Other Matters

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

- ‘(b) the efficient use and development of natural and physical resource’*
- ‘(c) the maintenance and enhancement of amenity values’*

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

14.4 Section 8 – Treaty of Waitangi

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

15 Notification Requirements

15.1 Public Notification

Section 95A outlines the requirements for public notification, these requirements are outlined as follows.

Mandatory Public Notification - Section 95A(2) & (3)

Council must publicly notify the resource consent where:

- a) it has been requested by the applicant; or
- b) a further information request has not been complied with or the applicant refuses to provide the information pursuant to Section 95C; or
- c) the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, the Applicant is aware of the communities' interest in the application and the ongoing use of Williamson Park. As such they consider public notification appropriate in this instance and request this be carried out under section 95A(3)(a).

Given this decision, no further consideration of the public notification requirements under section 95A are required.

15.2 Limited Notification

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

In this instance public notification is requested and, as such, no limited notification is required.

16 Conclusion

The application seeks to provide for a comprehensive consent to hold 20 day time and 7 night time events per year at Williamson Park, Whangamata. Events such as summer festival and Beach hop have consistently been held at the site over the past 20 years, however, due to a change in the District Plan rules, all events attracting over 500 people require a resource consent.

The comprehensive management of these events by the Applicant is considered preferable to an ad-hoc resource consent approach on an 'event by event' basis, which is likely to be more costly and time consuming while producing outcomes that are less consistent and potentially less tolerable by the community.

Overall, while there are some adverse noise and traffic effects associated with the operation of events at Williamson Park, these are temporary in nature and largely consistent with the previous use of the park, they are therefore considered to be acceptable. There are also a number of positive effects associated with the proposal, including social, administrative and economic benefits.

Public notification has been requested by Applicant in order to ensure all residents, along with the general public are able to have input into the use of the park and the management of adverse effects associated with temporary events.

In conclusion, it is my opinion that the proposal will be undertaken in accordance with the purpose and principles of the Resource Management Act 1991 and the Council may grant consent pursuant to section 104 of the Act.